

PERSONNEL POLICY AND PROCEDURE GUIDELINE
Hastings College of the Law

SUBJECT: LEAVES OF ABSENCE (306)
Page 2 of 7

- D. Reinstatement: Reinstatement shall be to the same position provided that the employee returns to work within four (4) months and immediately following termination of pregnancy disability leave. If the employee would have been laid off or terminated had the employee remained on pay status during the leave period, reinstatement shall be to a similar job at the College. If a similar position is not available, the employee shall be afforded the same considerations afforded other employees who are laid off or terminated.
- E. Light Duty: As an alternative to pregnancy disability leave, the College shall temporarily modify a pregnant employee's position or transfer a pregnant employee to a less strenuous or hazardous position upon request and with the written advice of the employee's healthcare provider/attending medical physician, if the temporary modification or transfer can be reasonably accommodated. A temporary modification or transfer shall not be counted toward an employee's entitlement of up to four (4) months pregnancy disability leave. An employee shall be reinstated to the same or similar position in accordance with Section 306.3(D), **Reinstatement**.

306.4 FAMILY AND MEDICAL LEAVE

- A. Family and medical leave is provided for an eligible employee's serious health condition, the serious health condition of the employee's child, spouse, parent, or to bond with the employee's newborn, adopted, or foster care child in accordance with State and Federal law in effect at the time the leave is granted. Leave usage for either bereavement or for the care of family members or others (see Personnel Policy and Procedure Guideline No. 305.4, **Use of Sick Leave**). Leave granted for bonding purposes shall be concluded within twelve (12) months following the child's birth or placement for adoption or foster care.
- B. Eligibility: An employee is entitled to up to twelve (12) workweeks of family and medical leave during the twelve-month leave year, provided that:
1. The employee has at least twelve (12) cumulative months of College service (all prior College service, including service with the University of California or State of California, shall be used to calculate the twelve-month service requirements); and
 2. The employee has worked at least 1,250 actual hours during the twelve (12) months

immediately preceding the commencement date of the leave.

6/99

PERSONNEL POLICY AND PROCEDURE GUIDELINE
Hastings College of the Law

SUBJECT: LEAVES OF ABSENCE (306)
Page 3 of 7

- D. Use of Paid Leave: Family and medical leave is unpaid leave, except under the following circumstances:
1. Accrued vacation may be used at the employee's option for leave granted for the employee's own serious health condition or for pregnancy disability. Accrued vacation shall be used during a leave granted for any other covered reason.
 2. Accrued sick leave earned may be used during a family and medical leave granted for an employee's serious health condition and to the extent permitted by Personnel Policy and Procedure Guideline No. 305. Sick leave, Family Illness, during a family and medical leave granted to care for a child, spouse, or parent with a serious health condition.
- E. Advance Notice: Whenever possible, an employee shall provide at least thirty (30) days advance notice. If thirty (30) days notice is not practicable because of a medical emergency, notice shall be given as soon as practicable. Failure to comply with these notice requirements may result in postponement of family and medical leave.
- F. Reinstatement: Reinstatement shall be to the same position provided that the employee returns to work immediately following termination of the leave. If the employee would have been laid off or terminated had the employee remained on pay status during the leave period, the employee shall be afforded the same considerations afforded to other employees who are laid off or terminated.
- G. Return to Work Certification: An employee who is granted leave for the employee's own serious health condition shall be required to present written medical certification prior to returning to work.

306.5 SUPPLEMENTAL FAMILY AND MEDICAL LEAVE

If the need for a family and medical leave that is in progress continues beyond twelve (12) workweeks, a regular status employee shall be entitled to supplemental leave for up to twelve (12) workweeks or until the end of the leave year, whichever is less. The aggregate of pregnancy disability leave, family and medical leave, and supplemental family and medical leave shall not

exceed seven (7) months during the leave year. An employee who has been granted supplemental family and medical leave shall be reinstated, subject to the provisions of 306.4(F).

6/99

PERSONNEL POLICY AND PROCEDURE GUIDELINE

Hastings College of the Law

SUBJECT: LEAVES OF ABSENCE (306)
Page 4 of 7

306.6 WORK INCURRED ILLNESS AND INJURY LEAVE

An employee who is off pay status and receiving temporary disability payments under the Workers' Compensation Act may be granted, at the discretion of the department head, a leave without pay for all or part of the period during which such temporary disability payments are received, except that an employee who is also eligible for family and medical leave shall be granted leave pursuant to family and medical leave.

306.7 PERSONAL LEAVE

A career employee may be granted a leave without pay for personal reasons up to six (6) months. Reinstatement shall be to the same or, at the department's discretion, a similar position in the same department provided that the employee returns to work immediately following termination of the leave. If the employee would have been laid off or terminated had the employee remained on pay status during the leave period, the employee shall be afforded the same considerations afforded other employees who are laid off or terminated.

306.8 MILITARY LEAVE

- A. General: An employee shall be granted military leave as specified below, provided that the employee gives advance written notice of the leave except when such notice is precluded by military necessity, impossibility, or unreasonableness. In the granting of such leave, the College may require verification of an employee's military orders.
- B. Types of Military Leave: Military leave consists of:
 - 1. Reserve training leave for inactive duty, such as weekly or monthly meetings or weekend drills;
 - 2. Temporary military leave when ordered to full-time active military duty for training for a period not to exceed one hundred eighty (180) calendar days, including time spent traveling to and from such duty.