

## MATERNITY/PATERNITY/ADOPTION LEAVES FOR CALIFORNIA FACULTY ASSOCIATION (UNIT 3) EMPLOYEES

Women affected by pregnancy or a related medical condition, may be eligible to transfer to a less strenuous or hazardous position or to less strenuous or hazardous duties, if this transfer is medically advisable and medical certification is provided.

### California Faculty Association Maternity/Paternity/Adoption Leave

As provided by Article 23.4 of the bargaining unit agreement between the CFA and the CSU, male and female employees in Bargaining Unit 3 are entitled to thirty days of paid Maternity/Paternity/Adoption Leave (M/P/A Leave) for the purpose of a parent preparing for the arrival of a new infant and the care of a new infant. A maternity/paternity leave shall not constitute a break in service. Such leave shall be in addition to available sick leave and to available vacation under Article 14 and run concurrently with other parental, pregnancy disability and or family care leaves This leave must commence within 60 days of the arrival of a new child (including placement for adoption or foster care of the child by the employee) and must be used in consecutive, whole day increments. These thirty workdays, are not deducted from sick leave or vacation balances. They do, however run concurrently with other parental, pregnancy disability and or family care leaves. A physician's verification of disability shall be required for the use of earned sick leave in excess of ten days.

In addition, according to Article 22.11 male and female tenured faculty unit employees with a parental leave without pay for up to twelve months upon the employee's written request. This leave must be for reason of birth or placement of an infant child or to care for an infant child with a serious health condition. Upon request of the employee, the President may grant an extension of maternity/paternity leave.

### Government and Education Code Maternity Leaves

Government Code Section 12945 entitles female employees to up to six weeks of time off for normal pregnancy/delivery and up to four months for extended **disability** associated with pregnancy/delivery.

This provision guarantees the employee time off and a right to return to the same or a comparable position, unless a temporary employee's appointment ends prior to the end of the disability period. This is an unpaid leave unless sick leave, Non-Industrial Disability Insurance or M/P/A Leave is used.

Education Code Section 89519 provides permanent female employees with up to twelve months of unpaid leave due to pregnancy/childbirth and is not predicated upon disability. Education Code Leave is an unpaid leave except when it runs concurrently with M/P/A leave, Non-Industrial Disability Leave, sick leave, Personal Holiday or vacation (only 12-month unit 3 employees accrue vacation).

### Non-Industrial Disability Insurance

Female employees who exhaust their University-paid sick leave before their disability period ends may be eligible for Non-Industrial Disability Insurance (NDI).

NDI, a benefit administered by the State Employment Development Department, provides up to twenty-six weeks of benefits to eligible employees. NDI benefits include one-half of full pay up to \$125 weekly and continuation of employer health care contributions.

In order to be eligible for NDI benefits, an employee must be a:

- ◆ contributing member of the Public Employees Retirement System (PERS); and
- ◆ half time or more faculty employee appointed for one year or for one academic year.

To initiate an NDI claim the employee must:

- ◆ request an NDI claim form (DE 8501) from the Disability Programs Office;
- ◆ obtain medical certification of disability
- ◆ exhaust entire sick leave accrual balance; and

- ◆ serve a seven-day waiting period (unless hospitalized) which commences on the first day of the disability period.

The physician's or practitioner's "verification of continuing disability" will determine how long an employee receives NDI. The usual disability period is six weeks for a vaginal delivery and eight weeks for a Cesarean section. The duration of disability is determined and certified in writing by the employee's physician on the NDI claim form.

Accumulated vacation (only 12-month unit 3 employees accrue vacation) may be used before receiving NDI benefits. If an employee wishes to use vacation and has been authorized by her supervisor to do so, that employee must exhaust all of her vacation before she is eligible to receive NDI benefits.

#### While receiving NDI benefits

- ◆ employer's contributions for health insurance continue;
- ◆ an employee will not receive any PERS service, sick leave, or vacation leave accruals;
- ◆ direct deposit will automatically cease;
- ◆ employee contributions toward health benefits will be deducted from the NDI benefits; and
- ◆ all voluntary deductions will continue unless the employee cancels them.

NOTE: None of these programs requires the CSU to grant leave or benefits to a temporary employee beyond the expiration date of the appointment in effect at the time the disability commenced.

**Family Care and Medical Leave** The Act and the California Family Rights Act (CFRA), employees who have worked for the CSU or in the State system for at least one academic year or twelve months preceding the leave are entitled to twelve weeks of unpaid, job-protected leave in a twelve-month period for qualifying conditions. The birth of a child or placement of a child for adoption or foster care and care for the child are qualifying conditions for male and female employees. To qualify, the leave must be taken within twelve months of one of these events. For women, the twelve-week FCML entitlement commences after the Government Code disability entitlement ends. CSU, Chico will designate leave taken beyond the disability period as Family Care and Medical Leave (FCML). While on unpaid FCML, employer contributions for health, dental and vision benefits continue. An accounts receivable is established for the employee to pay their share of medical insurance premiums. FCML runs concurrently with the use of Education Code Leave. An employee on FCML shall retain employee status and shall continue to accrue seniority points.

Family Care and Medical Leave may be taken on an intermittent or reduced work schedule only as a medical requirement.

Employees who do not return to work following unpaid FCML may be required to reimburse CSU, Chico for its share of health insurance premiums paid on the employee's behalf unless the failure to return was caused by a serious health condition or other circumstances beyond the employee's control.

If you have questions regarding any of the above, contact the CSU, Chico Disability Programs Office at 530-898-5436.