

MATERNITY/PATERNITY/ADOPTION LEAVES FOR CSEA EMPLOYEES (BARGAINING UNITS 2, 5, 7, AND 9)

Maternity/Paternity/Adoption Leave

Male and female employees in California State Employees Association bargaining units 2,5,7, and 9 are entitled to thirty days of paid "Maternity/Paternity/Adoption Leave" (Mat/Pat Leave) which shall commence within sixty (60) days of the arrival of a new child. Once this leave begins, the days must run consecutively. Mat/Pat Leave may not be taken in hourly increments. These thirty workdays are not deducted from sick leave or vacation balances. In addition, a male employee may use up to five days of his own sick leave to care for his disabled wife. The appropriate administrator may authorize an additional five days, however, a request for use of sick leave for this purpose beyond ten days must be accompanied by a physician's statement.

Female CSEA employees who are disabled as a result of pregnancy childbirth and/or recovery from childbirth and are therefore unable to work, may use up to ten days of accrued sick leave without medical verification. Thereafter, medical certification must be provided.

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 medically-authorized **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. In order for the employee to remain in pay status during this leave, she must use her own sick leave or Mat/Pat Leave as described above. Vacation may also be used with her supervisor's approval.

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. Employees on Education Code Leave may remain in paid status beyond the disability period by using their vacation, Mat/Pat Leave, CTO, and/or Personal Holiday. Both the Government and Education Code Leaves run concurrently with other leave programs.

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.

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 a maximum of \$250 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
- ◆ permanent or probationary staff employee, or
- ◆ full-time or part time temporary staff employee appointed for at least twelve months, or
- ◆ 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 after a vaginal delivery and eight weeks after 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 and/or CTO may be used before receiving NDI benefits. If an employee wishes to use either and has been authorized by her supervisor to do so, that employee must exhaust all of her vacation and/or CTO 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

Under the Family and Medical Leave Act of 1993 and the California Family Rights Act, employees with qualifying conditions who have worked for the CSU or State system for at least one year are entitled to twelve weeks of unpaid, job protected leave in a twelve-month period. 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. However, for women, the twelve-week Family/Medical Leave (FML) entitlement commences after the Government Code disability entitlement ends. Female employees who wish to continue leave beyond the disability period, may request the use of vacation, CTO, and/or unpaid Family/Medical Leave. An employee shall provide written request for FML as soon as the event necessitating the leave becomes known to the employee. CSEA employees are required by the collective bargaining agreement to use all personal holidays and vacation before the unpaid portion of FCML can commence. FCML runs concurrently with paid vacation, personal holiday, CTO and Mat/Pat Leave.

If the employee's leave credits are exhausted before the twelve-week FML period is over, the CSU shall maintain health, dental, and vision coverage under the same conditions as if the employee continued to work unless the employee requests their cancellation. Furthermore, the employee must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment upon return from leave. An accounts receivable account will be established for any employee insurance contributions due.

Family 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 FML 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 circumstances beyond the employee's control.

