

# FACULTY LEAVE OF ABSENCE GUIDE



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## **TYPES OF FAMILY AND MEDICAL LEAVES**

### **Leave for your own non-work-related serious illness or injury**

Faculty members who meet the eligibility requirements of the Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA) [see [Policy 614](#) in the Staff Policy Manual] may receive up to 12 unpaid work weeks of leave during a 12-month period for their own non-work-related serious illness or injury. FMLA/CFRA offers job protection for an unpaid leave of absence from work. Leave can be taken intermittently. Faculty may be eligible for partial wage replacement through short term disability (STD) insurance as well as a University supplement for wage replacement during their medical leave (below). *Eligibility:* To be eligible for family and medical leave benefits, a faculty member must have worked for a total of at least twelve (12) months and have worked at least 1,250 hours in the previous 12 months prior to the start of the leave.

### **Care for the serious injury or health condition of a family member**

Faculty members who meet the eligibility requirements of the Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA) [see [Policy 614](#) in the Staff Policy Manual] may receive up to 12 unpaid work weeks of leave during a 12-month period to take time off to care for a spouse, parent, or child who has a serious injury or health condition. Leave can be taken intermittently. Faculty members may be eligible for partial wage replacement through paid family leave (PFL) insurance as well as a University supplement for wage replacement during their medical leave (below). *Eligibility:* To be eligible for family and medical leave benefits, a faculty member must have worked for a total of at least twelve (12) months and have worked at least 1,250 hours in the previous 12 months prior to the start of the leave.

### **Parental bonding leave**

Faculty members who meet the eligibility requirements of the Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA) [see [Policy 614](#) in the Staff Policy Manual] may receive up to 12 unpaid work weeks of leave during a 12-month period to take time off to bond with a newborn child within the first year of life, or to bond with a child within the first year following adoption or foster care placement. Leave can be taken intermittently. For baby bonding under CFRA, intermittent leave can be taken in two-week increments (it can be taken in less than two-week increments on two occasions within the first year). Faculty members may be eligible for partial wage replacement through paid family leave (PFL) insurance as well as a University supplement for wage replacement during their medical leave (below). *Eligibility:* To be eligible for family and medical leave benefits, a faculty member must have worked for a total of at least twelve (12) months and have worked at least 1,250 hours in the previous 12 months prior to the start of the leave.

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## **Maternity leave**

Faculty members expecting a baby may qualify for pregnancy-related disability benefits due to pregnancy, childbirth, or related medical conditions, as well as baby bonding leave. Faculty members are eligible for up to 4 months of unpaid pregnancy disability leave [see [Policy 622](#) in the Staff Policy Manual], which runs concurrent with FMLA, if eligible for FMLA. Leave can be taken intermittently. *Eligibility:* All faculty members are eligible to receive a pregnancy disability leave due to their pregnancy, childbirth, or related medical conditions. Faculty members may be eligible for partial wage replacement through short-term disability insurance (STD) and paid family leave insurance (PFL) as well as a University supplement for wage replacement during their medical leave (below).

## **INCOME REPLACEMENT DURING FAMILY AND MEDICAL LEAVES**

### **Short-term Disability Insurance (STD)**

Santa Clara University faculty members are covered by a mandatory short-term disability insurance plan for their leave of absence resulting from a non-work related serious illness or injury. Coverage under the University's short-term disability insurance is in lieu of California state disability insurance and has been approved by the California Employment Development Department. (Note that faculty members cannot collect disability insurance benefits from the California state disability plan unless they have waived out of the University's short-term disability insurance coverage.) The disability period is the first continuous period of absence beginning with the first day faculty members are eligible for benefits. There is 7-day waiting period before receiving short-term disability benefits. The maximum time an individual can collect STD benefits is one year (52 weeks). STD benefits are 60% of an individual's weekly pre-disability income up to a weekly maximum (currently the weekly maximum is \$1,300)<sup>i</sup>. Note that individuals may continue to receive STD benefits even if their employment with the University ends.

### **Paid Family Leave (PFL)**

Santa Clara University provides Paid Family Leave (PFL) to faculty members. PFL provides 60% of base monthly earnings up to a maximum weekly benefit of \$1300 for up to 8 weeks (as of July, 1 2020) for faculty members who are on an approved leave of absence to care for a spouse, registered domestic partner, child or parent with a serious health condition, or to bond with a newborn child within the first year of life, or to bond with a child within the first year following adoption or

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foster care placement. Please note that the exact amount of benefits may change annually. Please see [Staff Policy Manual #603 Short Term Disability](#) for additional information.

## **Long-term Disability Insurance (LTD)**

Benefits-eligible (academic-year appointments or greater) Santa Clara University faculty members are also covered by a long-term disability insurance plan for their leave of absence resulting from a non-work-related serious illness or injury that continues beyond one year. An individual may be eligible to receive LTD benefits for up to one year or until they reach the social security retirement age as long as they meet the definition of long-term disability. If an individual has received STD benefits for one year and LTD benefits for an additional year, they may be eligible to receive additional LTD benefits if they are unable to perform the material duties of *any* occupation. LTD benefits are 66 2/3% of an individual's monthly pre-disability income up to a maximum monthly benefit of \$10,000. The duration of LTD benefits is determined from a variety of factors. Note that individuals may continue to receive LTD benefits even if their employment with the University ends. Please note that the exact amount of benefits may change annually. Please see [Staff Policy Manual #604, Long Term Disability](#) for additional information.

## **University Faculty Family and Medical Leave Supplement**

For eligible faculty members on an approved family and medical leave who are receiving short-term disability insurance benefits, the University may supplement their STD or PFL benefits up to the amount equal to their pre-disability earnings for the duration of the approved leave. In no event will a faculty member be entitled to receive more than 100% of their pre-leave earnings. Faculty members who reach the leave limit described in section 3.7.3.1 of the Faculty Handbook may not receive the salary supplement.

## **PAYROLL DEDUCTIONS and PREMIUMS DURING a FAMILY AND MEDICAL LEAVE**

### **Healthcare premiums**

Employee healthcare benefits, including any medical, dental, or vision plans already enrolled in, will continue during a faculty member's approved leave of absence. Premium deductions will continue to be withheld during the leave period. If, at any time during the leave, the faculty member's paycheck is insufficient to cover the regular premium deduction, these premiums will be deducted from the faculty member's paycheck once they return from leave and paid status (receiving pay from the University).

### **Retirement Contributions**

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University 401(a) contributions will continue during a leave only as long as the faculty member is in paid status. Elected faculty member 403(b) contributions will continue during a leave period if the faculty member has enough gross pay to cover the deduction amount, otherwise the contribution will be suspended.

## **General Deductions**

During a leave it may be necessary to temporarily stop after tax general deductions, such as KOC payments. If this is necessary, faculty members will be notified by the Department of Human Resources. It is the faculty member's responsibility to ensure that any necessary alternative payment arrangements are made during their leave period.

## **FAMILY and MEDICAL LEAVE REQUEST PROCESS**

### **Requesting a Family or Medical Leave**

To request a medical leave, or a leave to care for a family member under the FMLA/CFRA, faculty members must file a claim with [Matrix](#), the University's leave administrator at least 30 days prior to the start of the leave, or as soon as practical. Matrix can be contacted 24 hours a day, 7 days a week via their website, [matrixabsence.com](http://matrixabsence.com), by phone (877) 202-0055 or via the Matrix eServices Mobile App (Matrix eServices Mobile on your smartphone or tablet's app store). Faculty members must notify their department chair and the dean's office of their request for a medical leave as well.

### **Request to Extend a Medical Leave**

To request an extension of an existing medical leave, faculty members must contact their Matrix representative and submit updated information and certification from their healthcare provider.

### **Returning from Medical Leave**

Faculty members are responsible for keeping Matrix and their chair and dean informed of their return to work date and make sure to provide Matrix with work release documentation from their healthcare provider prior to their return to work date. Faculty members may not return to work prior to providing this work release to Matrix.

### **Modified Duties for Partial Leaves**

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In accordance with Section 3.6.3.4 of the [Faculty Handbook](#), when a faculty member is granted a partial leave of any kind, he or she is expected to work during the portion of the term not covered by the leave. If a modification of the faculty member's duties is required due to the nature and timing of the leave, then the faculty member shall work with the chair and the dean to draft a memorandum of understanding that outlines the modified duties. This memorandum of understanding shall be signed by the faculty member, chair, dean, and Provost.

## **LIMIT ON LEAVES**

In accordance with section 3.7.3.1 of the [Faculty Handbook](#), the total time spent on leave ordinarily should not exceed six quarters or four semesters in seven years for any member of the faculty. In this calculation, partial leaves will be prorated. Sabbatical leaves, junior faculty development leaves and phased retirements do not count toward this leave limit calculation. Exceptions to these limitations may be approved by the Provost in consultation with the department chair and dean in certain special circumstances, such as when the following types of leave are involved: pregnancy disability, family and medical, workers compensation, or government service.

## **OPTIONS IF LEAVE IS EXHAUSTED OR NOT AVAILABLE**

### **ADA Disability Accommodation Request**

If a faculty member's leave under the FMLA/CFRA is exhausted and the faculty member is unable to return to work, they may request additional leave as an accommodation under the Americans with Disabilities Act (ADA) from the University. Faculty members can request ADA forms from the Sr. Leave Specialist in the Department of Human Resources for them and their healthcare provider to complete. The University will engage in an interactive process with the faculty member and the supervisor to evaluate whether an accommodation of additional leave is reasonable based on the unique circumstances of each request, including the amount of additional leave requested and the operational and business needs of the specific school or department. Please see [the Procedures for Accommodating Faculty Who Have ADA Qualifying Disabilities](#) for more information.

### **Personal Leave of Absence**

Faculty members may request a personal leave of absence if they have exhausted their leave under FMLA/CFRA or do not qualify for leave under FMLA/CFRA. Personal leaves of absence are at the discretion of the Provost, as outlined above.

### **Reduced Time Appointments**

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As stated in Section 3.6.3.2 of the [Faculty Handbook](#), at the discretion of the Provost, any member of the faculty may be granted a reduced time appointment of no less than 50% for up to four years in cases where all leave options have been exhausted and the leave limit has been reached. Exceptions to these limitations may be approved by the Provost in consultation with the department chair and dean.

## **WORK-RELATED ILLNESS OR INJURY (INDUSTRIAL LEAVE)**

Faculty members who have an injury or illness that arises out of and in the course of their employment ([an industrial disability](#)) may be entitled to leave and benefits under the California Worker's Compensation Act. Any worker's compensation leave will run concurrently with FMLA leave. Faculty members may receive workers' compensation benefits, which they can elect to supplement by electing to utilize accrued sick leave and vacation they may have. In no event shall the faculty member receive a greater total payment than the faculty member's regular pay.

### **Process for Work Related Illness or Injury**

Faculty members must report all on-the-job accidents and injuries to their supervisor the same day, as soon as possible. Supervisors and faculty members are required to complete the SCU [Employee Incident report form](#), the Workers Comp [DWC-1 Form](#) and the [Concentra Authorization form](#). The completed forms should be sent to Employee Health and Safety and the Sr. Leave Specialist in the Department of Human Resources. Injured faculty members can then contact Concentra at 408-228-8400, located at 1887 Monterey Hwy, Suite 200, San Jose, CA 95112. A Travelers Concierge nurse is stationed at this location to coordinate your care.

In case of an urgent or life-threatening injury, faculty members should follow emergency procedures and contact Campus Safety at 4444 to connect with 911, or go to O'Connor Hospital. The University's workers compensation insurance carrier, Traveler's Insurance, will work with faculty members on processing their workers' compensation claim.

## **PERSONAL LEAVE OF ABSENCE**

Any member of the faculty may request a personal leave of absence per section 3.7.3 of the [Faculty Handbook](#) for up to one year for emergencies or other personal reasons that do not qualify for FMLA/CFRA. Personal leaves are granted at the discretion of the Provost. Except for life insurance and medical insurance, which the University shall maintain in force, the faculty

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member shall receive no salary or other benefits during the period of leave, nor shall the faculty member accrue eligibility towards sabbatical, faculty tuition remission, or phased retirement.

To request a personal leave, the faculty member sends an email request to the department chair and dean. The department chair and dean send their recommendations to the Provost for review. The Provost sends a letter of approval or denial to the faculty member.

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<sup>i</sup>The weekly maximum amount for short term disability benefits is subject to change annually. \$1,300 is the weekly maximum amount.

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