Contents

Types of Leaves & Eligibility
Leave of Absence Process
Pay During Leave
Deductions & Premiums During Leave

The information presented in this document is a summary only and subject to change. Under all circumstances, policy form and wording take precedence over information contained in this summary.

Please refer to the Faculty Handbook, Staff Policy Manual or Summary Plan Description for details.
## Types of Leaves & Eligibility

<table>
<thead>
<tr>
<th>Type</th>
<th>Details</th>
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<tbody>
<tr>
<td><strong>Medical Disability (Short term)</strong></td>
<td>Santa Clara University employees are covered by a mandatory short-term disability plan. This is in lieu of California State Disability Insurance and is approved by the Employment Development Department (EDD). A disability is any non-job related illness or injury, either physical or mental that prevents you from doing your regular work. A disability benefit period is the continuous period of unemployment and disability, beginning with the first day you are eligible for benefits. The employee must produce medical documentation in cases of disability, as well as a release to return to work at the end of the disability period.</td>
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<tr>
<td><strong>Medical Disability (Long term)</strong></td>
<td>Long term disability (within the first 24 months) is defined as the employee’s inability to perform the material duties of his or her own occupation with reasonable continuity, or the inability, because of decreased hours or reassignment, to earn more than 80% of pre-disability earnings. After the first 24 months, long term disability continues if the employee continues to be unable to perform with or without reasonable accommodation, the primary functions of any gainful occupation which is consistent with the skill, experience, and education of the employee or if the employee is unable to earn more than 80% of pre-disability earnings while working in the prior position or in any other position.</td>
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<tr>
<td><strong>Pregnancy Disability</strong></td>
<td>Employees who are disabled due to pregnancy-related conditions are entitled to a leave of absence under the California Fair Employment and Housing Act (FEHA). All regular and temporary employees are eligible to receive a pregnancy disability leave due to their pregnancy, childbirth, or related medical conditions. Leave taken under the pregnancy disability policy is in addition to the 12 weeks allowed under the Family Medical Leave Act (FMLA). Employees requesting to take a pregnancy disability leave must submit a written request to the Human Resources Department at least 30 days prior to the start of the disability or at the earliest reasonable time. In addition, employees must provide an initial medical certification of disability indicating the expected duration of the disability. The certification must be updated to reflect changes in the employee's condition. Disability approval is also required by the Short Term Disability insurer.</td>
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<tr>
<td><strong>Personal Leave</strong></td>
<td>Tenured and tenure-track faculty may be granted leaves of absence for up to one year’s duration for emergencies or other personal reasons. A leave of absence may be extended beyond one year only for extraordinary reasons. Leaves of absence must have the recommendation of the Department Chair and Dean and the approval of the Provost.</td>
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<tr>
<td><strong>Industrial Disability</strong></td>
<td>Employees who are unable to work due to an injury that arises out of and in the course of their employment may be entitled to benefits and leave under the California Worker’s Compensation Act. Any regular or temporary employee who is receiving temporary disability payments under the Worker's Compensation Act shall be entitled to an industrial leave of absence. Santa Clara University will grant a worker's compensation disability leave to all employees with occupational illnesses or injuries in accordance with state law. As allowed, any leave taken under the worker's compensation disability policy runs concurrently with family and medical leave under both federal and state law.</td>
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</tbody>
</table>
Types of Leaves & Eligibility – continued

**Family and Medical Leave (FMLA)**

Under the Family and Medical Leave Act of 1993 (FMLA) and the California Family Rights Act (10/01/93) an employee will be granted a family or medical leave in accordance with the requirements of applicable state and federal law in effect at the time the leave is granted. To be eligible for family and medical leave benefits, an employee must:

- have worked for a total of at least twelve (12) months, and
- have worked at least 1,250 hours over the previous 12 months.

Eligible employees may receive up to a total of 12 work weeks of leave during a rolling 12-month period for one or more of the following reasons:

- the birth of a child, and to care for a new born child, during the first year of life; placement of a child for adoption or foster care, and to care for an adopted child or child in foster care, during the first year;
- care of a spouse or person who stands in substantially the same relationship, parent, son or daughter with a serious health condition; and/or anyone with whom the employee has an in loco parentis relationship; (note: if both parents, biological or adoptive are Santa Clara University employees working in the same department, leave will be granted to only one parent at a time.);
- an employee’s own serious health condition that renders the employee unable to perform the functions of the employee’s job.

"Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either:

- any period of incapacity or treatment in connection with or consequent to inpatient care (i.e., an overnight stay) in a hospital, hospice or residential medical care facility;
- any period of incapacity requiring absence from work, school, or other regular daily activities of more than three calendar days that also involves continuing treatment by (or under the supervision of) a health care provider; or
- continuing treatment by (or under the supervision of ) a health-care provider; for a chronic or long term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days.

Under some circumstances, employees may take family and medical leave intermittently, which means taking leave in blocks of time, or by reducing their normal weekly or daily work schedule.
# Leave of Absence Process

**Meet with Human Resources**
Prior to making a formal request, the faculty member should contact the Human Resources Department to discuss the type of leave needed, the duration of the leave, and to review the necessary forms. Human Resources will determine which types leave are available, based on the criteria set by state and federal leave regulations as well as Santa Clara University policy.

**Written Request**
A request for leave should be made in writing (email is sufficient) and addressed to Human Resources. The request should include the estimated beginning and end dates of the leave. Diagnostic or other medical information need not be included in the leave request.

When practicalable, the request for leave should be made 30 days prior to the start of the leave.

**Medical Certification Form**
The Medical Certification form is required for any leave of absence taken for a faculty member’s serious health condition, or to care for a family member with a serious health condition. This form will be required for full and partial leave requests.

**Sedgwick, CMS**
Sedgwick, CMS is the third party administrator for Santa Clara University’s short-term disability and paid family leave benefits. A claim should be initiated with Sedgwick by the faculty member by calling 800-269-1579, or online at [www.sedgwickcms.com/calabasas](http://www.sedgwickcms.com/calabasas). In the case of a disability claim, the faculty member’s health care provider will also need to contact Sedgwick (over the phone or online) to submit additional information.

*NOTE: If you are a member of Kaiser, an additional claim form is necessary. The form can be obtained from Human Resources.

**FMLA & CFRA Application**
The duration of any approved leave of absence will be applied, as allowed, to the maximum benefit to which the faculty member is entitled under the Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA).

**During the Leave**
If the health care provider extends the duration of the leave beyond the originally approved end date, the faculty member should contact Human Resources as soon as is practicable. The faculty member must submit a written request to extend the leave, along with the health care provider’s certification of the need for the extension. Diagnostic or other medical information need not be included. The health care provider’s certification need only include an anticipated return to work date.
Leave of Absence Process – continued

**Newborn, Adopted Child or Foster Child**

If you are on a pregnancy disability leave, or on a family leave for the birth of a child, and to care for a newborn child, during the first year of life, or for the placement of a child for adoption, and to care for an adopted child during the first year, please contact Human Resources within two weeks from the birth or placement to discuss healthcare coverage for the child. If you would like to add the baby to any Santa Clara University healthcare plan(s), you must do so via e-campus within 31 days from the birth of the baby. You may also elect to start or increase a medical expense reimbursement account within 31 days of the birth of the baby. If you wish to start a dependent care reimbursement account you must submit enrollment forms within 31 days from the day you return to work.

Foster children are not eligible for University healthcare coverage, as they are typically covered by Medi-Cal.

**Returning from Leave**

A current medical release must be provided by the health care provider. The release must state the date the faculty member is able to return to work, as well as the capacity in which he/she is able to return. If the release contains job restrictions, the University will determine if temporary, modified, or alternative work is available in compliance with the restrictions. If temporary, modified, or alternative work is not available, your leave of absence may be continued. Also, if deemed necessary, the University may require a job-related fitness for duty exam.
Pay During Leave

Short Term Disability
Short term disability benefits will commence on the 8th day of disability (including the weekend). If you meet the waiting period, you are required to apply for the appropriate type of leave of absence. The amount of benefit will be based on the Short Term Disability Plan Document in effect at the time of disability. Currently the short term disability benefit provides for 60% of pre-disability gross earnings up to a maximum weekly benefit of $1,103 for 52 weeks.

Santa Clara University supplements faculty earnings for the duration of the disability period so that the pre-disability gross pay remains the same.

Paid Family Leave
Santa Clara University provides Paid Family Leave (PFL) administered by Sedgwick, CMS. All employees are required to make contributions in an amount equal or less than the contribution rate established by the California Employment Development Department for the California State PFL Plan each year. This plan provides wage replacement to those on an approved leave of absence to care for a spouse, domestic partner, child or parent with a serious health condition, or to bond with a newborn child within the first year of life or a child within the first year following adoption or foster care placement.

The plan pays 60% of base monthly earnings up to a maximum weekly benefit of $1,103 for up to 6 weeks. There is also a 2 week waiting period before benefits will be paid.

Santa Clara University supplements faculty earnings for the duration of the Paid Family leave period so that the pre-disability gross pay remains the same.

** Please note that should you choose to add a newborn child, or adopted child, to University healthcare plans, you must enroll the child within 31 days of the date of the birth or placement.

Long Term Disability
Employees will receive 66 2/3% of prior monthly earning to a maximum of $10,000 per month. Pre-disability earnings are determined by the last full day of active work prior to disability. Benefits will be reduced by any dollar amount received as worker’s compensation, social security, disability benefits from another insurance company, retirement plan, settlement agreements, and any wages earned. The benefits will be reduced so that the combined income does not exceed 100% of pre-disability earnings. Monthly benefits for Total Disability caused by or contributed to by mental or nervous disorders will not be payable beyond an aggregate lifetime maximum duration of twenty-four (24) months unless the insured is in a hospital or institution at the end of the twenty-four (24) month period. The monthly benefit will be payable while so confined, but not beyond the Maximum Duration of Benefits.
Deductions & Premiums During Leave

**Healthcare premiums**
If at any time during a leave of absence, the University is unable to withhold necessary premiums from your paycheck, these premiums will be automatically withheld from paychecks upon your return to paid status. Consequently the amount of the premiums will double upon return to paid status, until the premiums not paid during the leave of absence are withheld.

**Retirement Contributions**
Your elected 403(b) contributions will continue providing you have enough gross pay from SCU to cover the deduction amount. If there is not enough gross pay to cover the deduction amount, your contribution for that pay period, and any subsequent pay periods, will be suspended.

**Flexible Spending Accounts (Medical Expense or Dependent Care)**
If contributions cannot be withheld from your paycheck, you may:
1) Prepay the contributions pre-tax
2) Continue the contributions on an after-tax basis (pre-tax contributions may continue when you return to paid status) or
3) Prorate the unpaid contributions over the remaining pay periods upon your return to paid status. This can only occur if you return to paid status during the same plan year in which your unpaid leave began. Contributions will be re-activated automatically upon your return to paid status. However, it is your responsibility to contact Human Resources to ensure all elected contributions are made.

Failure to make all elected contributions during a plan year will result in termination of your account as of the date contributions ceased.

**General Deductions**
During a leave of absence it may be necessary to temporarily stop after tax general deductions, such as KOC payments. If this is necessary, you will be notified in writing of such action. It is your responsibility to ensure that alternative arrangements are made to make these payments during the leave period.