

ARTICLE 28

LEAVES OF ABSENCE

PART A. EDUCATION LEAVE

At the discretion of the Employer, employees may be given up to ten months leave of absence without pay in order to attend an accredited college or university. Upon return from the leave of absence, the employee may be reassigned to a position utilizing his/her educational qualifications, or to a position in the same classification, not necessarily the same position at the same location he/she previously held.

PART B. MEDICAL, PARENTAL AND FAMILY CARE LEAVES

Section 1. Employee Medical Leave.

In the event an employee is off on paid leave due to a non-duty medical or injury disability, which is not totally disabling, and he/she exhausts all of his/her sick leave and then exhausts all of his/her annual leave, such employee shall then be placed on a medical leave of absence without pay not to exceed one year from the date of exhaustion of his/her annual leave. Upon request, such leave may be renewed by the Employer for a period of time up to one year.

Upon return from any leave caused by a non-duty medical or injury disability of not more than three months (from the commencement of the absence), the employee shall be assured a same position at the same location. Time off in excess of three months means that the employee shall be eligible for a position in the same classification or the first vacancy available.

Periodic medical confirmation of the medical or injury disability including extension request, is required. A medical certification of good health is required before he/she will be allowed to return to full-duty status.

Disabilities resulting from pregnancy and childbirth, and complications arising therefrom, shall be treated the same as any other medical/physical disability.

Section 2. Parental Leave.

- a. Upon written request an employee shall, because of the birth or adoption of a child, be granted parental leave for up to six months.
- b. In accordance with the Family Medical Leave Act, upon written request, an employee shall be granted up to 12 workweeks of parental leave because of

- foster care placement of a child.
- c. Parental leave must conclude within 12 months of the birth or placement of a child.
 - d. Accrued sick leave credits shall not be used to cover a period of parental leave.
 - e. In these instances where both spouses are covered by this provision, such parental leaves may be taken either concurrently or consecutively.
 - f. The Employer may grant an extension of such leave(s) upon written request of the employee(s) for up to an additional six months. The decision to grant or deny such extension(s) shall be based upon the operational needs of the Employer.
 - g. For an employee who returns from an approved leave early, the provisions of (h and i) below will apply.
 - h. An employee returning from an approved parental leave of absence of six months or less will be restored to a position in the employee's same classification and previous work location. However, if the position of an employee who has been granted such leave is abolished during the absence, that employee shall be returned to the classified service in accordance with Article 12.
 - i. An employee returning from an approved parental leave of absence of more than six months will be restored to a position in the employee's same classification but not necessarily at the previous work location. Assignment upon return from a parental leave of more than six months shall be based upon the operational needs of the Employer. This provision shall not be viewed as being inconsistent, in whole or part, with Article 13 or Appendix E.
 - j. The status of an employee who fails to report to work at the expiration of the parental leave shall be as outlined in Article 11, Section 2-e (1).

Section 3. Family Care Leave.

- a. In accordance with the Family Medical Leave Act and Section 4 below, an employee shall be granted up to 12 workweeks of family care leave to care for a spouse, son, daughter or parent with a serious health condition.
- b. The 12 work weeks of family care leave entitlement may be reduced by an amount equivalent to other qualifying leave designated as FMLA leave in the same 12 month period.

- c. Family care leave must normally be requested 30 days in advance when the need is foreseeable.
- d. Certification by the family member's health care provider may be required by the Employer.

Section 4. Implementation of the Family Medical Leave Act of 1993 (FMLA).

The right to leave under the provisions of the Family Medical Leave Act of 1993 (FMLA) is acknowledged by the parties. The implementation of those rights shall in no way impair or reduce the rights of employees as set forth in this contract. In accordance with the provisions of the FMLA, the Employer shall maintain the employee's current health plan benefits during any periods of unpaid leave that qualify under the provisions of that Act. Employees may elect to use accumulated leave credits during periods of leave that qualify under the Family Medical Leave Act. The Employer may count paid and unpaid leaves toward the 12 work week entitlement established by the FMLA, subject to the following understandings:

- a. The nature or purpose of the leave qualifies under the FMLA;
- b. The employee must have worked for the Employer for at least 12 months and at least 1250 hours in the preceding 12 months;
- c. The Employer will notify the employee if a requested leave is to be designated and counted as FMLA leave;
- d. The provisions of Article 32, Part B, Section 1 shall apply if an employee requests medical leave and has submitted a claim for LTD insurance.
- e. The FMLA provides that FMLA qualifying leave(s) shall be limited to 12 workweeks per 12-month period. This 12-month period shall be measured forward from the first date the employee's FMLA qualifying leave begins.

PART C. MILITARY LEAVE

- a. As used throughout this Section, Armed Forces shall mean the U.S. Army, Air Force, Navy, Marine Corps, Army National Guard, Air National Guard, Coast Guard and any reserve component thereof.
- b. No employee shall be discriminated against on the basis of his/her membership in the Armed Forces, or persuaded to resign therefrom. No employee shall be discriminated against, nor granted preferential treatment with regard to scheduling and work hours, whether the military duty is weekend, annual training or active duty training. It is

expressly understood that such employee must work with the Employer and his/her fellow employees in working out scheduling assignments, and hours in a manner least disruptive to them and the regular operations.

- c. A permanent employee who is or becomes a member of the Armed Forces and who requests leave from employment for the purpose of attending active-duty training, whether such training is mandatory or elective on the part of the employee, shall be granted a leave of absence. All applications for military leave or time off for military purposes should be made as far in advance as possible and should be made in writing on Form PD-1 in order to schedule or adjust the schedule for the absence.
- d. Upon return from training or active service, an employee providing evidence of dates of service shall be reinstated with the same seniority, status, pay rate, vacation time accrual rate or fringe benefits as the employee would have had if he/she had not been absent for military duty.
- e. For leaves of 30 days or less, the employee shall be reinstated in his/her position and must report for work on his/her next regularly scheduled shift following release from military duty.
- f. Job Assignment Upon Return To Work
 - 1. For leaves of 31 to 90 days, the employee shall be reemployed in either the job previously held or the job he/she would have held if he/she had remained continuously employed, if qualified.
 - 2. For leaves in excess of 91 days of service the employee may be placed in a position equivalent to the position he/she had, or equivalent to the position he/she could have obtained. Nothing shall preclude the employer from returning the employee to his/her previous position.
- g. Requests For Return To Work
 - 1. For leaves of 31 to 180 days, in order to qualify for reemployment the employee must apply within 14 days of discharge from military service.
 - 2. For leaves of 181 or more days of service, in order to qualify for reemployment the employee must apply within 90 days of discharge from military service.

- h. Except for paid time as provided for in Section J below, military leave shall not serve toward completion of the initial probationary period, but will bridge that time.
- i. A veteran is disqualified from reemployment if his/her discharge from military service is dishonorable. A veteran may be disqualified from reemployment provisions if he/she receives a discharge that is less than honorable.
- j. **Pay Status.** A leave of absence for temporary active duty or training shall be with pay equivalent to the difference between the permanent employee's military pay and regular State salary for each day of active duty or training when he/she is missing scheduled State employment, if the military pay is less for the same period of time. Such pay differential, however, shall not exceed 20 days in any fiscal year. All other military leave time shall be unpaid. Health benefits are continued for the first 30 days of continuous military leave, and may be continued after 30 days by making payments through COBRA procedures. If re-employed, military leave time shall be counted for retirement and benefit accrual purposes in accordance with the Collective Bargaining Agreement or applicable statute.