

January 12, 2015

Provost and Executive Vice Chancellor Ralph J. Hexter
Director Stephen Green, Human Resources
Executive Associate Vice Chancellor Cindy Kiel, Office of Research
Professor André Knoesen, Chair of the Davis Division of the Academic Senate
Director Sarah Mangum, Budget and Institutional Analysis
Professor Kyaw Tha Paw U, Chair of the Graduate Council

RE: Draft Graduate Studies Policy - Leave Accommodation for Graduate Students

Dear Colleagues,

Enclosed you will find a draft policy regarding leave accommodations for graduate students supported by academic and research appointments, as well as by those supported through fellowship funds. This policy was developed to meet three goals:

1. Provide a consistent and equitable leave accommodation for graduate students with familial responsibilities or medical circumstances as their employment and sources of financial support vary from quarter-to-quarter.
2. Establish a campus leave policy that meets external funding requirements and allows students supported by fellowships to take appropriate leaves without interruption in their financial support.
3. Incorporate new California statute requirements (Bonilla/AB2350) regarding family leave accommodation for graduate students into campus policy.
4. Incorporate the most recent collective bargaining agreement provisions for Academic Student Employee leave into campus policy.

The attached policy is informed by Graduate Council discussion of this topic over the past two years. In addition, I understand that the Academic Senate is considering a policy regarding academic “stop the clock” provisions, and I will certainly include a reference to such policy or information as it becomes official.

I invite your comments on the draft policy and ask that you submit those no later than Monday, February 2 to aiwonhof@ucdavis.edu in order for us to meet our systemwide obligation to have a policy in place this quarter. It is my hope that this formalized policy will greatly assist our students in completing their studies as familial responsibilities and medical circumstances arise.

Sincerely,



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Encl.

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Draft Graduate Studies Policy: Leave Accommodations for Graduate Students

Process

- Expanded leave accommodations for Academic Student Employees (TA, Reader, Tutor, AI) have been in place since the most recent bargaining agreement of June 21, 2014.
- UC Deans agreed to institute a policy and process for each campus by winter quarter 2015 that extends leave accommodations to all funded graduate students.
- Academic Senate/Graduate Council/Graduate Studies have been discussing principles to guide an accommodation policy since 2012-13.
- Draft Graduate Studies policy (GS2015-01) was provided to the Provost, Human Resources, Office of Research, Academic Senate, and BIA for review last month.

Goals

1. Provide a consistent and equitable leave accommodation for graduate students with familial responsibilities or medical circumstances as their employment and sources of financial support vary from quarter-to-quarter.
2. Establish a campus leave policy that meets external funding requirements and allows students supported by fellowships to take appropriate leaves without interruption in their financial support.
3. Incorporate new California statute requirements (Bonilla/AB2350) regarding family leave accommodation for graduate students into campus policy.
4. Incorporate the most recent collective bargaining agreement provisions for Academic Student Employee leave into campus policy.

Policy Highlights

- Graduate students with academic or research appointments (ASE/GSR) and those supported by internal and external fellowships are eligible to request leaves.
- Leaves can span consecutive quarters and appointments/awards (including ASE/GSR/Fellowships), but cannot extend beyond the end of any appointment/award.
- Department chairs may grant longer periods of unpaid leave at their discretion.
- **Maximum** amount of paid leave is 6 weeks and 2 days; total of both paid and unpaid leave may be up to 4 months.
- Paid leaves funded by the salary source(s) active at the time of approved leave. Any benefit, such as remission of tuition and fees, shall continue to be paid whether the approved leave is paid or unpaid. **In the event that the salary source is prohibited from paying due to funding rules, a Leave Accommodation Fund managed by Graduate Studies will fund the student during the period of approved leave.**

Types of Leaves

- **Short-term Medical and Family-Related Leave**

2 days (50% quarterly appointment) or 3 days (50% semester appointment) of paid* leave for personal illness and/or disability; the birth, adoption, or care of a child or family member; or family emergencies.

- **Long-term Medical and Family-Related Leave
(Serious Health Condition, Childcare-Not Childbearing)**

A maximum of 4 weeks paid* leave for a serious health condition; need to care for a family member who has a serious health condition; or need to care for and bond with the student's newborn child or a child placed with the student for adoption or foster care (within 12 months of birth or placement).

- **Additional Unpaid Leave for Serious Illness or Baby Bonding**

In addition to the Long-term Medical and Family-Related Leave, a student is eligible for 2 additional weeks of unpaid leave for their own serious health condition or in order to bond with a baby, not to exceed 6 weeks total leave. For baby bonding, the leave must be taken within 12 months of birth/placement.

- **Long-term Medical and Family-Related Leave (Pregnancy/Childbearing)**

For pregnancy, childbirth, or related medical conditions for the period prior to, during, and after childbirth, a student may receive a maximum of 6 weeks paid* leave.

- **Additional Unpaid Leave for Pregnancy Disability**

Running concurrently with the Long-term Medical and Family-Related Leave for pregnancy and childbearing, a student is eligible for a maximum of 4 months of unpaid leave per pregnancy and/or reasonable accommodation for pregnancy disability, childbirth, and related medical conditions.

- **Bereavement Leave**

A student is eligible for 3 scheduled work days of paid* leave due to the death of a family member (per occurrence).

- **Jury Duty Leave**

Student employees receive paid* leave for the duration of their jury summons, not to continue beyond the end date of the appointment(s).

- **Military Leave**

Student employees who are called to active military service will be provided with unpaid leave from their current positions to fulfill their military obligations to the extent required by applicable law.

*Leave is paid for salaried employees and fellowship awardees, and unpaid for hourly employees.

General Leave Accommodation Principles

This policy is designed to support communication and cooperation between students, faculty and department personnel and the good-faith efforts of all to accommodate outside demands so that students can successfully complete their program of study. Because graduate student support and employment is often variable by quarter, and because most graduate student employees do not meet the eligibility requirements for the Family and Medical Leave Act (FMLA), it is the intention of this policy to provide a consistent and equitable leave accommodation.

While the [Planned Educational Leave Program](#) (PELP) remains available to any student, this policy is offered as an alternative for students who are able to benefit from continuous enrollment and wish to continue to receive financial support during short periods where leave is appropriate.

Accommodation Policy

A. Eligibility

Doctoral and master's students, including students in self-supporting and professional degree programs, who hold an academic employment appointment in the Academic Student Employee series (ASE: TA, Reader, Tutor, AI) or as a Graduate Student Researcher (GSR) are eligible for accommodation under this policy, as are students supported by fellowships, grants and other external or internal forms of financial support.

1. Students shall not have their financial support reduced or eliminated while on an approved paid leave.
2. Students must be regularly enrolled throughout the leave period to meet employment and fellowship eligibility requirements and also to be considered for accommodations under this policy; the only exception to this requirement is during summer quarter when registering for units is not required. Filing Fee students are not eligible for the leaves noted in this policy, but *In Absentia* students are eligible.
3. A student who ends their appointment/award(s) is no longer covered under this policy.
4. Appropriate documentation must accompany all leave and return requests.
5. The accommodations provided in this policy are per situation or incident.
6. Any leave provided under this policy does not extend beyond the end date of appointment/award(s). However, should a student have multiple term appointments/awards (ASE and/or GSR and/or Fellowships) that are consecutive, the leave may span both appointment/award terms and the end date is considered the end date of the second appointment/award. Spring/Fall appointments/awards are not considered consecutive.
7. Those who have accrued vacation leave may substitute accrued vacation for unpaid leave. Vacation leave usage runs concurrently with these benefits and is not in addition to the total amount of leave provided by this policy.
8. For student employees, unpaid leave may be granted for periods beyond the terms of leaves in this policy, at the sole discretion of the department chair.
9. Any student benefitting from a leave accommodation from any other source within the University shall have those leave accommodations run concurrently with any leave provided by this policy.
10. Labor agreement leave articles take precedence over local campus policies as changes occur.

11. Definition of a family member: one's mother, father, sister, brother, parent-in-law, spouse, domestic partner, parent of domestic partner, grandparent, grandchild, child, step or foster child (including children of domestic partner).
12. Definition of a serious health condition: an illness, injury, impairment or physical/mental condition that involves inpatient care and/or continuing treatment by a health care provider for a condition that causes more than 3 full consecutive calendar days of incapacity.

B. Accommodation

1. Short-term Medical and Family-Related Leave

A student is eligible for 2 days (50% quarterly appointment) or 3 days (50% semester appointment) of leave not to continue beyond the end date of the appointment(s) for:

- personal illness and/or disability;
- the birth, adoption, or care of a child or family; or
- family emergencies.

This leave is prorated for appointments less than 50%. This leave is paid for salaried employees and unpaid for hourly employees. Additional leave may be granted (paid or unpaid) at the sole discretion of the hiring unit.

2. Long-term Medical and Family-Related Leave (Serious Health Condition, Childcare-Not Childbearing)

A maximum of 4 weeks leave, not to continue beyond the end date of the appointment(s) is available to students who:

- have a serious health condition;
- need to care for a family member who has a serious health condition; or
- need to care for and bond with the student's newborn child or a child placed with the student for adoption or foster care (within 12 months of birth or placement).

This leave is paid for salaried employees and unpaid for hourly employees. Any accrued vacation leave may be used in lieu of unpaid leave, at the employee's discretion. Leave must be taken continuously and may not be taken intermittently.

Additional Unpaid Leave for Serious Illness or Baby Bonding

In addition to the Long-term Medical and Family-Related Leave, a student is eligible for 2 additional weeks of unpaid leave for their own serious health condition or in order to bond with a baby, not to exceed 6 weeks total leave. Any accrued vacation leave may be used in lieu of unpaid leave, at the employee's discretion. Leave must be taken continuously and may not be taken intermittently; for baby bonding leave, the leave must be taken within 12 months of birth/placement. This leave is not to continue beyond the end date of the appointment(s).

3. Long-term Medical and Family-Related Leave (Pregnancy/Childbearing)

For pregnancy, childbirth, or related medical conditions for the period prior to, during, and after childbirth, a student may receive a maximum of 6 weeks leave, not to continue beyond the end date of the appointment(s). This leave is paid for salaried employees and unpaid for hourly employees. Any accrued vacation leave may be used in lieu of unpaid leave at the employee's discretion. Leave must be taken continuously and may not be taken intermittently. This leave runs concurrently with any Pregnancy Disability Leave and may be combined with any Short-term Medical and Family-Related Leave to provide 6 weeks and 2 days of paid leave for childbearing, if a student is eligible.

Additional Unpaid Pregnancy Disability Leave

Running concurrently with the Long-term Medical and Family-Related Leave for pregnancy and childbearing, a student is eligible for a maximum of 4 months of unpaid leave per

pregnancy and/or reasonable accommodation for pregnancy disability, childbirth, and related medical conditions. This leave is not to continue beyond the end date of the appointment(s), and not to exceed four months in a 12-month period. A student who accrues vacation leave, may at their option, use accrued vacation leave in lieu of unpaid leave. Vacation leave used runs concurrently with these benefits; vacation leave is not in addition to the amount of leave provided by this policy.

Although it is unpaid leave, the student will continue to receive health insurance coverage for the duration of the Pregnancy Disability Leave under the same conditions that coverage would otherwise have been provided by the University if the employee had been in employment continuously for the duration of the leave (e.g. only if the appointment provided SHIP remission as a benefit of employment). If health insurance is not a benefit of employment, the University is under no obligation to maintain and pay for health insurance coverage.

4. Bereavement Leave

A student is eligible for 3 scheduled work days of leave due to the death of a family member (per occurrence). This leave is paid for salaried employees and unpaid for hourly employees. This leave is not to continue beyond the end date of the appointment(s).

5. Jury Duty Leave

Student employees receive leave for the duration of their jury summons, not to continue beyond the end date of the appointment(s). This leave is paid for salaried employees and unpaid for hourly employees.

6. Military Leave

Student employees who are called to active military service will be provided unpaid leave from their current positions to fulfill their military obligations to the extent required by applicable law.

C. Procedure for Requesting Leave for Students Employed as an ASE or GSR

Whenever possible, requests for leave should be submitted to the hiring unit(s) at least 30 days in advance of their start date, and shall be made in writing with information about the nature of the leave and probable duration. The student employee will be required to provide appropriate documentation. While it is the University's responsibility to make arrangements for coverage, the student employee will assist as is reasonably possible.

In order to ensure proper coverage for leaves other than long-term leaves, student employees are expected to contact the supervisor to request leave as soon as the need for the leave becomes known but not less than one (1) working day in advance of the commencement of the leave unless the leave is for an unanticipated personal or family illness or bereavement.

The hiring unit should complete the Leave Accommodation Request Form and the student employee must submit all required documentation, including the Return Certification. Copies of all leave requests and documentation must be sent to Graduate Studies for record-keeping purposes. The hiring unit is responsible for entering the leave into the payroll system using the appropriate leave code (Paid/Unpaid/Vac).

When a student holds multiple appointments in more than one unit and/or over multiple terms, only one leave request should be completed and filed with the home department (primary appointment). The home department will take the lead role in coordinating the leave administration with the alternate departments.

D. Procedure for Requesting Leave for Students on Fellowship

Students supported by university fellowships will experience no change in their funding during an approved leave provided under this policy. To maintain fellowship eligibility, students must be registered, enrolled, maintain a minimum of 12 units, and meet the minimum 3.0 GPA criteria established by the Graduate Council. Students on PELP or Filing Fee do not meet the registered status requirement. Students who do not meet the minimum requirements are subject to withdrawal of their fellowship support. Students supported by fellowships from granting agencies external to UC Davis must adhere to the rules of the granting agency in regard to leaves. If the external agency defers to university policy regarding leave, as provided under this policy, the fellowship funding will not be interrupted. If the external agency requires suspension of payment during the leave period, the student will be eligible for substitute payment from the Leave Accommodation Fund (see below).

A student on fellowship should complete the Leave Accommodation Request Form and submit it to Graduate Studies. Graduate Studies will ensure eligibility requirements are met.

E. Leave Funding Source

The paid leave will be paid by the salary source of the appointment/award or by the salary sources of a combination of appointments/awards. If a leave is the result of more than one qualifying appointment/award, the benefit will be charged proportionately to each salary source of appointments/awards. If a benefit of employment/award, remission of any tuition, fees, and health insurance continue to be paid throughout the approved leave period by the salary source(s) of the active appointments/awards.

For students on approved leave who have appointments/awards that span two quarters of the leave period (e.g. student has a fall quarter TA appointment and winter quarter GSR appointment), the leave will be paid by the hiring unit or sponsor active during the leave period (proportionally for dual appointments/awards).

In the event that the benefit cannot be paid by the salary source because of funding rules prohibiting leave pay, the benefit will be paid by the centralized Leave Accommodation Fund managed by Graduate Studies. To request a substitution of the salary and benefits for a student on leave to the Leave Accommodation Fund, please use the Leave Accommodation Fund Request Form. Under exceptional circumstances, the salary and benefits for a replacement TA may be funded by the Leave Accommodation Fund by approval of the Dean of Graduate Studies; replacement funds will not continue beyond the original appointment end date or once a student on approved leave has returned to work.

Accrued vacation leave may not be used during approved paid leave periods, but may be used during approved unpaid leave periods.

F. Special Considerations

All academic-title employees using the accommodation benefit should be aware that the maximum number of quarters to hold academic appointments (18 quarters for ASEs and 21 for GSRs) cannot be extended beyond those limits.

International students holding visas are encouraged to work closely with Services for International Students and Scholars (SISS) to ensure compliance with U.S. immigration law.

In accordance with the CA Equity in Higher Education Act (AB2350/Chapter 637, Statutes of 2014), a graduate student shall not be required to take a leave of absence, withdraw from a graduate program, or limit his or her graduate studies solely due to pregnancy or pregnancy-related issues. Campus should reasonably accommodate pregnant graduate students so they may complete their graduate courses of study and research, which may include, but is not

necessarily limited to, allowances for the pregnant student's health and safety, such as allowing the student to maintain a safe distance from hazardous substances, allowing the student to make up tests and assignments that are missed for pregnancy-related reasons, or allowing a student to take a leave of absence. Reasonable accommodation shall include the excusing of absences that are medically necessary, as required under Title IX. A graduate student who chooses to take a leave of absence because she is pregnant or has recently given birth shall be allowed a period of 12 additional months to prepare for and take preliminary and qualifying examinations and an extension of at least 12 months toward normative time to degree while in candidacy for a graduate degree, unless a longer extension is medically necessary. A graduate student who is not the birth parent and who chooses to take a leave of absence because of the birth of his or her child shall be allowed a period of one month to prepare for and take preliminary and qualifying examinations, and an extension of at least one month toward normative time to degree while in candidacy for a graduate degree, unless a longer period or extension is medically necessary to care for his or her partner or their child. An enrolled graduate student in good academic standing who chooses to take a leave of absence because she is pregnant or has recently given birth shall return to her program in good academic standing following a leave period of up to one academic year, subject to the reasonable administrative requirements of the institution, unless there is a medical reason for a longer absence, in which case her standing in the graduate program shall be maintained during that period of absence. An enrolled graduate student in good academic standing who is not the birth parent and who chooses to take a leave of absence because of the birth of his or her child shall return to his or her program in good academic standing following a leave period of up to one month, subject to the reasonable administrative requirements of the institution. Should a graduate student have questions or a complaint regarding possible pregnancy discrimination, they should contact the UC Davis Harassment & Discrimination Assistance and Prevention Program at (530) 752-9255.

Resources

Questions about leaves should be first directed to the hiring unit if the student is employed on campus, or to Graduate Studies if the student is on fellowship. Other campus resources include:

- Planned Educational Leave Program (PELP)
<http://gradstudies.ucdavis.edu/graduate-programs/policies>
Temporary leave from a study to allow a student to resolve personal, financial or medical problems; this is an unenrolled status
- WorkLife and Wellness Program
<http://worklife-wellness.ucdavis.edu/index.html>
Childcare options, financial assistance for childcare, and the breastfeeding support program
- Student Family Housing at Solano Park Apartments
http://housing.ucdavis.edu/apply/apply_parks.asp
- Harassment & Discrimination Assistance and Prevention Program
<http://hdapp.ucdavis.edu/>
Resources and assistance related to discrimination concerns

Graduate Student Leave Accommodations: Quick Reference Guide Graduate Studies Policy GS2015-01

Eligibility

Student must be regularly enrolled throughout entirety of approved leave period and hold an Academic Student Employee appointment (TA, Reader, AI, Tutor), Graduate Student Researcher appointment (GSR), or be receiving an internal or external fellowship.

Pregnancy Disability Leave* 4 months, unpaid	
Pregnancy/Childbearing Leave* 6 weeks**	
Long-term Medical & Family-Related Leave 4 weeks** & 2 additional weeks unpaid	
Short-term Medical & Family-Related Leave 2 days for 50% appointments (prorated)**	
Bereavement Leave 3 scheduled work days, paid for salaried	
Jury Duty Leave duration of service**	
Military Service Leave duration of service, unpaid	

*leaves run concurrently

**leave is paid for salaried employees & fellowship recipients; unpaid for hourly employees

Other considerations

- Leaves shall not continue beyond the end date of any appointment/award. However, should a student have multiple term appointments/awards (ASE and/or GSR and/or Fellowships) that are consecutive, the leave may span both appointment/award terms and the end date is considered the end date of the second appointment/award. Spring/Fall appointments/awards are not considered consecutive.
- Additional unpaid leave may be granted at the discretion of the hiring department for student employees; accrued vacation leave may be used in lieu of unpaid leave.
- Any health or remission benefits normally associated with the appointment/award will continued to be paid while the student is on any approved leave, paid or unpaid.
- The 18/21 quarter rules for employment still apply and leaves do count towards these limits.

Definitions

- Family Member: one's mother, father, sister, brother, parent-in-law, spouse, domestic partner, parent of domestic partner, grandparent, grandchild, child, step or foster child (including children of domestic partner).
- Serious Health Condition: an illness, injury, impairment or physical/mental condition that involves inpatient care and/or continuing treatment by a health care provider for a condition that causes more than 3 full consecutive calendar days of incapacity.

LEAVE ACCOMMODATION REQUEST

Student Name:

Employee ID:

Student ID:

E-Mail:

Phone:

Dept/Program:

Suprvsr/Adviser:

Staff Contact:

Staff Phone:

Staff E-Mail:

ELIGIBILITY & SUPPORT

TERM

- I am currently registered in _____ units at UC Davis (summer registration not required) Fall / Winter / Spring / Summer
- I hold an academic appointment as: Academic Student Employee (ASE - TA/AI/Reader/Tutor Fall / Winter / Spring / Summer
- Graduate Student Researcher (GSR) Fall / Winter / Spring / Summer
- UC Davis Staff
- I have a Scholarship/Fellowship awarded by _____ Fall / Winter / Spring / Summer

Please check reason for leave accommodation:

- Personal illness/disability, birth, adoption or care of family; family emergency. 2 day-qtr or 3 day-sem = Short-term Medical and Family Related Leave.
- Serious health condition, childcare-not childbearing. (*medical certification may be required*)
- 4 weeks max. paid = Long-term Medical and Family-Related Leave.
- 2 weeks unpaid = Additional Unpaid Baby Bonding/Serious Illness Leave (VAC may be used)
- Pregnancy Disability/Childbearing.
- 6 weeks max. paid = Long term Medical and Family-Related Leave (Pregnancy/Childbearing) (*medical certification may be required*)
- 4 months max. unpaid = Pregnancy Disability Leave (VAC may be used) (*medical certification may be required*)
- Bereavement - 3 scheduled work days
- Jury Duty - duration of summons
- Military Service - unpaid

Requested Start Date: Anticipated Return Date:

Student Signature & Date:

A leave accommodation may consist of leave with pay, leave without pay, vacation paid in lieu of unpaid leave.

I wish to use leave as estimated below:

Type	Days/Weeks	From	Through
Leave with pay			
Unpaid Leave			
Vacation			

Supervisor/Advisor Signature:

Name & Phone:

Chair Signature:

Name & Phone: