

***EXPANDING YOUR KNOWLEDGE
FACULTY LEAVES AND ACCOMMODATIONS
CHAIR LEADERSHIP ACADEMY
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**Office of Faculty Affairs & Human Resources
*Presented by:***

Michelle Kilmnick, Director of Faculty Affairs

***Laurie Gold-Brubaker, Associate Director Benefits
Administration***

TOPICS

- Leave of Absence and Accommodation Knowledge
- The Role of Human Resources
- The Role of Faculty Affairs
- The Role of the Department

Working Together to Support our Faculty = Employee Success



HOW ARE LEAVES TRIGGERED?

➤ Contact Benefits Administration when:

- Faculty takes 5 or more days for self or ill family member.
- Faculty is requesting to take a Parental Leave due to birth, adoption, or foster care placement.
- Faculty is using frequent intermittent time off due to their own illness or illness of a family member
- Faculty is requesting to take a temporary partial leave of absence (reduced time base).



CSU FAMILY MEDICAL LEAVE (FML)

- Covers the following family members
- Job-protected leave using own leave credits
 - Birth of a child and to care for the newborn child within one year of birth
 - The placement of a child for adoption or foster care and to care for the newly placed child within one year of placement
 - To care for employee's spouse, registered domestic partner, a child or parent who has a serious health condition
 - The employee's own serious health condition



CALIFORNIA FAMILY RIGHTS ACT (CFRA) EXPANSION

- Effective January 1, 2021
- FMLA and CFRA run concurrently except for Pregnancy Disability Leave (PDL) and when taking time off to care for the following additional family members.
 - Adult child, grandparent, grandchild and sibling.
 - Under these circumstances a faculty member could take up to 12 weeks off to care for themselves and take an additional 12 week to care for a grandparent.
 - Must use own leave credits. Upon exhaustion leave is unpaid.



LEAVE WITHOUT PAY (LWOP)

- Benefit related impacts to consider:
 - Potential to lose (health/dental/vision) benefit coverage
 - Must maintain .5/7.5 units for Full Time faculty and .4/6 units for Part Time Faculty.
 - Sick and Vacation leave accruals
 - Stop or are prorated based on time base
 - CalPERS service credit
 - Stop or prorated based on time base



HUMAN RESOURCES ROLE

- Benefit Administration will consult with each employee, ideally prior to their leave, to determine appropriate leave type as well as provide applicable forms.
- HR & Payroll will handle appropriate use and calculations of leave credits. Payroll will enter all leave credits into PS for the duration of the leave.
- Benefits Administration receives all medical certification and return-to-work notification directly from employee. Department will be notified when the employee is cleared to return-to-work.
- Leave of Absence related to Worker's Compensation, Benefits Administration will handle all leave activity.

DEPARTMENT ROLE

- Direct Faculty to <https://www.csun.edu/benefits/leave-absence-programs> to start the leave of absence (LOA) process
- Ensure the **Leave of Absence Request Form** has been completed by the employee.
 - Include last day worked, first day on LOA, expected return-to-work (RTW) date.
 - After department signatures are obtained, scan and email to Benefits Administration. Originals are not necessary.
- Communicate with Benefits to ensure knowledge of extensions or return to work. Restrictions = Interactive Process.

AUTHORITY

Federal Laws

- Family Medical Leave Act (FMLA)
- Uniformed Services Employment & Reemployment Rights Act (USERRA)

State Laws

- California Family Right Act (CFRA)
- Pregnancy Disability Leave Act (PDLA)

CSU

- Family Medical Leave Policy
- Collective Bargaining Agreement (CBA)

RESOURCES

- Benefits Administration webpage:
 - ❑ <http://www.csun.edu/benefits/leave-absence-programs>
 - ❑ Visit this site with each new leave

- Benefits Leave of Absence Specialist - Karyn Coté
 - ❑ Karyn.cote@csun.edu or (818) 677-3351
 - ❑ Counsel employees regarding leave requirements and options.
 - ❑ Provides employee with leave of absence forms.
 - ❑ Provides guidance to departments with leave forms, procedures, and general questions.

- Payroll – Henny Chandra
 - ❑ Henny.Chandra@csun.edu or (818) 677-7546
 - ❑ For duration of leave, enters all pay.
 - ❑ Questions on leave balances, accruals, calculation, and adjustments.
 - ❑ Explains any pay differences.



REASONABLE ACCOMMODATION & THE INTERACTIVE PROCESS

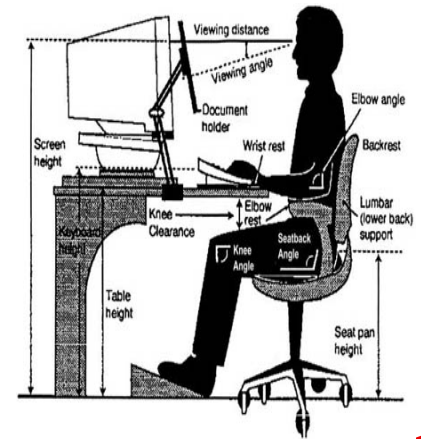
How to Recognize an Accommodation Request

- As a supervisor, anytime a Faculty member indicates that s/he is having difficulty due to a medical condition, stop and consider whether they are making a request for an accommodation.
 - Initially the request may not be in writing.
 - Request need not contain any “magic words”
 - Employee may provide you with a medical certification with restrictions.
- Any of these trigger the Interactive Process contact Human Resources

WHAT IS REASONABLE ACCOMMODATION?

- Any measure that would allow the Faculty member to perform the essential functions of the job.
- May include modified schedule/time off from work

- Ergonomic Evaluation



WHAT IS THE INTERACTIVE PROCESS

- The Interactive Process simply means that the employer and the employee engage in an ongoing dialogue to determine a reasonable accommodation(s) that would enable the employee to perform the essential functions of the job.
- Both employer and employee have a continuing duty to participate keeping communications open and neither has the right to obstruct the process.



WHY DO WE NEED TO ACCOMMODATE?

- **CSUN- It's who we are**

- Federal**

- Civil Rights Act of 1964.
- Americans with Disability Act of 1990 - Amendments Act (ADAAA, 2008).



- **State**

- California Fair Employment and Housing Act (FEHA).

- **CSU**

- Executive Order 1111- CSU Policy on Disability Support and Accommodation.
- Executive Order 1096- CSU Anti-Discrimination, Anti-Harassment Policy



EMPLOYEE ASSISTANCE PROGRAM (EAP) LIFEMATTERS

- Confidential consultation by phone and virtual to include three counseling sessions per problem.
- Counselors are licensed professional trained in employee assistance consultation.
- An array of resources to assist faculty/staff and their household members.
- To access the benefit
 - 24/7 Care Center at 1-800-367-7474
 - Comprehensive website at <http://www.csun.edu/benefits/lifematters-eap>
(password matadors)

EMPLOYEE ASSISTANCE PROGRAM (EAP)

A LEADERSHIP TOOL

- Services consist of assessment, referral and short-term counseling.
- Supports emotional well-being such as mental health, addictions, stress and grief/loss.
- Supports health such as nutrition, physical fitness and self-assessment tools.
- Legal and Financial consultation
- Convenience services

FACULTY AFFAIRS' ROLE- LEAVE PROCESS

*SABBATICAL LEAVES

*DIFFERENCE IN PAY LEAVES

* PARENTAL PAY

*LEAVE WITHOUT PAY – PERSONAL AND PROFESSIONAL

Types of Faculty Leaves

Leaves with Pay

- Sabbaticals,
- Difference in Pay Leaves
- Parental Leaves
- Sick Leave-> greater than 5 days contact Karyn Cote in HR

Leaves without Pay

- Can be Personal or Professional Leave without Pay

LEAVES WITH PAY SABBATICAL LEAVES

SABBATICAL LEAVES

- Sabbatical Process and memo is announced and posted on Faculty Affairs website. Applications are due by end of September per Section 600 of the *Administrative Manual* in the Academic Year Calendar of Personnel Procedures.
- Only the one-semester sabbaticals are part of the minimum 12% centrally funded sabbaticals.
- There are several sabbatical options to choose from; one-semester or two semester at half pay, or identifying two semesters to request sabbatical leave at half salary.
- PERS service credit is pro-rated on two semester at half pay Sabbaticals.

SABBATICALS/ DIFFERENCE-IN-PAY LEAVES

- Eligibility for Sabbatical is after six years of full-time service (Lecturers included)
- Eligibility for 1st DIP leave is after six years of full-time service, the 2nd DIP leave requires 3 years of full-time service since last DIP or sabbatical.
- Deferral changes due to COVID

DIFFERENCE-IN-PAY LEAVES

- DIP leaves do not count as part of the minimum 42 centrally funded sabbaticals.
- Salary on DIP leave is current earned base salary – current minimum at instructor rank (as of July 1, 2019 = \$4,229)

PERS service credit is pro-rated on two semester at half pay Sabbaticals and DIP leaves

Example:

*Professor earns \$7,500 monthly on DIP
\$7,500 - \$4,229 = \$3,271 monthly salary*



Parental Leaves

- Article 23 of the Faculty Collective Bargaining Agreement. Faculty have a lot of flexibility on Parental Leaves. Options include;
 - 30 days of Parental Leave, OR,
 - Leave Sharing with Spouse or Partner who is also Faculty Unit Employee, OR,
 - Reduction in Workload (40% Reduction or 6 WTUs if Full time) for one semester.
 - Combination of paid parental leave, sick leave, and unpaid leave.
- *All options need to be approved by appropriate Administrator and Parental Leave application completed, signed and authorized.

Personal Leave

Professional Leave

Can be with or without Pay (LWOP).

Can be with or without Pay unless applying for a sabbatical leave.

Without pay can be granted for one semester or one academic year to a maximum of up to two (2) years.

Leave for research or professional development that benefit campus.

LWOP need to complete Faculty Affairs form on FA website.

Can earn maximum of one year of service credit towards tenure and sabbatical.

Paid leaves are handled with HR department and require documentation.

Accrue service credit towards sabbatical, DIP, SSI and seniority.

LWOP do not accrue service credit towards sabbatical, DIP, or SSI credit. RTP clock is still going.

Upon completion of leave, will need to submit a summary of the report of activities completed while on leave.

Bits and Pieces to Remember:

- Faculty can start with one leave and move to another type of leave.
- Leaves can appear different and flexible based on the individual faculty needs but must adhere to the CBA and applicable laws.
- For example, a faculty member may begin with a Parental Leave and then move to another pay type and then move to a Leave without Pay.
- Faculty are not permitted to be working during a Leave or doing additional pay.
- Committee Work while on leave.

Bits & Pieces to Remember:

- You can keep in touch while the Faculty member is on a Leave of Absence.
- Human Resources is keeping in touch with Faculty and will notify you when they are released to return to work and if work restrictions are in place.
- Check in with Faculty to see how the accommodation(s) is working.
 - Accommodations are evolving.
- Do share work restrictions/accommodation with incoming Chair.

The Bottom Line

Personal/Professional Leaves

Do:

- Be supportive of your faculty member
- Listen
- Be flexible, leaves are temporary
- Keep your Dean informed

Don't:

- Make any promises
- Dismiss their needs
- Assume what their plan is
- Forget their rights, consult with FA and HR



<http://www.asklatisha.com/wp-content/uploads/Emotional-Roller-Coaster-Ride.jpg>

Resources in Faculty Affairs

▪ Leave without Pay information:

- https://www.csun.edu/sites/default/files/lwop_appl_REV111320-final.pdf
Application form
- Provides guidance on process and leave forms, procedures and questions.
- Chanel.Johnson@csun.edu or (818) 677-4953

▪ Parental Leave information:

- Provides guidance on process and leave forms, procedures and questions.
- Chanel.johnson@csun.edu or (818) 677-4953

▪ Sabbatical Leaves and difference in pay leaves:

- Provides eligibility lists to the departments and tracks reports.
- Provides guidance on process and communications to the campus.
- Assists in salary impacts
- Albert.alcazar@csun.edu or (818) 677- 4758



QUESTIONS/ COMMENTS?

THANK YOU!