

# STAFF LEAVE OF ABSENCE GUIDE



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## **TYPES OF LEAVES AND ELIGIBILITY**

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

Employees who meet the eligibility requirements of the [Family Medical Leave Act \(FMLA\)](#) and [the California Family Rights Act \(CFRA\)](#) 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. Employees may be eligible for partial wage replacement through short term disability (STD) insurance (below).

### **Care for a family member's serious illness or injury & parental bonding leave**

Employees who meet the eligibility requirements of the [Family Medical Leave Act \(FMLA\)](#) and [the California Family Rights Act \(CFRA\)](#) 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 health condition or to bond with a new child. 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). Employees may be able eligible for partial wage replacement through paid family leave (PFL) insurance (below).

### **Maternity leave**

Employees expecting a baby may qualify for pregnancy-related disability benefits due to pregnancy, childbirth, or related medical conditions, as well as baby bonding leave. Employees are eligible for up to 4 months of unpaid [pregnancy disability leave](#), which runs concurrent with FMLA. Leave can be taken intermittently. Employees may be eligible for partial wage replacement through short term disability insurance and paid family leave insurance.

### **Personal Leave**

Staff may request an unpaid [personal leave of absence](#) for up to six months for emergencies or other personal reasons that do not qualify as leave under the FMLA/CFRA. Personal leaves are granted at the discretion of the employee's supervisor and Department of Human Resources approval. Income replacement is only available however, for medical or family leaves as outlined below, or through the use of an employee's accrued sick or vacation balance, if applicable and/or approved by the supervisor. Personal leave requests must be made to the employees supervisor and require completion of the University's [personal leave of absence form](#).

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## **INCOME REPLACEMENT DURING A LEAVE OF ABSENCE**

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

Santa Clara University employees 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 employees 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 employees 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 \$1,700)<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 eligible employees. PFL provides 60% of base monthly earnings up to a maximum weekly benefit of \$1,700 for up to 8 weeks for employees 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 foster care placement.

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

Benefits-eligible Santa Clara University employees 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.

### **Use of Accrued Sick and/or Vacation Balance**

Employees may elect to use any accrued sick and vacation leave accruals to supplement any STD benefits in order to keep their income at pre-leave earnings for as long as possible, though employees are not required to do so. If an employee chooses to supplement STD benefits with

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accrued sick and vacation leave balances the University will first utilize any accrued sick leave. Once the sick leave balance is exhausted to the nearest hour, then any accrued vacation will be utilized and exhausted to the nearest hour, to keep the individual at their pre-leave earnings for as long as possible during their leave. Please note that sick and vacation accruals of less than one hour will not be utilized. In no event, will employees be entitled to receive more than 100% of their pre-leave earnings.

## **MEDICAL LEAVE OF ABSENCE REQUEST PROCESS**

### **Requesting a Leave**

To request a leave, employees should 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, [www.matrixabsence.com](http://www.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).

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

To request an extension of an existing leave, employees should contact their contact their Matrix representative and submit updated information and certification from their healthcare provider.

### **Returning from Leave**

Employees are responsible for keeping Matrix and their supervisor 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. Employees may not return to work prior to providing this work release to Matrix.

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

### **ADA Disability Accommodation Request**

If an employee's leave under the FMLA/CFRA is exhausted and the employee is unable to return to work, they may request additional leave as an accommodation under the Americans with Disabilities Act (ADA) from the University. Employees 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 employee 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.

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## **Personal Leave**

Employees 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. As outlined above, personal leaves of absence are at the discretion of the supervisor and are made directly to the supervisor.

## **PAYROLL DEDUCTIONS, PREMIUMS, AND SPECIAL PAY DURING A LEAVE OF ABSENCE**

### **Healthcare premiums**

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

### **Retirement Contributions**

University 401(a) contributions will continue during a leave only as long as the employee is in paid status. Elected employee 403(b) contributions will continue during a leave period if the employee 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, employees will be notified by the Department of Human Resources. It is the employee's responsibility to ensure that any necessary alternative payment arrangements are made during their leave period.

### **Holiday Pay**

Employees need to be on a paid status (integrating with accrued sick and vacation hours) before and after the holiday in order to receive holiday pay during a leave of absence.

### **Closure Pay**

Employees do not receive pay for closure days, even if they are in paid status, during a leave of absence.

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## **Vacation Pool**

Staff who run out of vacation and sick leave due to the continuing requirement to be absent from work because of illness or family emergency may be authorized additional vacation time from a pool of vacation [donated by other staff](#). Even if hours have been donated to a specific person, the individual must submit a [Request for Additional Vacation Hours](#). Staff may donate vacation time, in eight (8) hours increments, to the pool or for specific individuals. Staff must retain a balance of at least eighty (80) hours of vacation after making a donation to the pool. Staff who wish to donate vacation or request hours from the pool can complete the [Donation of Vacation](#) to other staff form and return to the Sr. Leave Specialist in Human Resources Department.

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

Employees 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. Employees 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 employee receive a greater total payment than the employee's regular pay.

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

Employees must report all on-the-job accidents and injuries to their supervisor the same day, as soon as possible. Supervisors and employees are required to complete the [SCU Employee Incident report form](#), the [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 employees can then contact Concentra Medical Center at 408-288-3800, located at 1887 Monterey Hwy Street 200, San Jose, CA 95112. A Travelers Concierge nurse is stationed at this location to coordinate your care. Employees working at the Jesuit School of Theology should contact Concentra Medical Center at 510-845-5170, located at 2850 Seventh Street, Suite 100 Berkeley, CA 94710.

In case of an urgent or life-threatening injury, employees should follow emergency procedures and contact Campus Safety at 4444 to connect with 911, or contact O'Connor Hospital at 408-947-2500 and located at 2105 Forest Ave, San Jose, CA 95128. Employees working at the Jesuit School of Theology should connect with 911 or contact Alta Bates Summit Medical Center at 510-204-4444, located at 2450 Ashby Avenue, Berkeley, CA 94705.

The University's workers compensation insurance carrier, Traveler's Insurance, will work with employees on processing their workers' compensation claim.

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<sup>i</sup> The weekly maximum amount for short-term disability benefits is subject to change annually. Currently, the weekly maximum amount for the year is \$1,700.

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