

## ARTICLE 19

### SICK LEAVE

- 19.1 Following completion of one (1) qualifying pay period, a full-time employee shall accrue eight (8) hours of credit for sick leave with pay. Thereafter, for each additional qualifying pay period, eight (8) hours of credit for sick leave with pay shall be accrued.
- 19.2 Employees who are appointed less than full time shall accrue credit for sick leave with pay on a pro-rata basis.
- 19.3 Sick leave may be accumulated without limits, and no additional sick leave with pay beyond that accumulated shall be granted, except as provided for in provision 19.24.
- 19.4 An employee shall be responsible for promptly reporting an absence to the appropriate administrator.
- 19.5 An employee shall be responsible for promptly completing and submitting the campus' absence form to the appropriate administrator or their designee by a reasonable date designated by the appropriate administrator.
- 19.6 An employee may be required to provide a physician's statement or other appropriate verification when absent five (5) or more consecutive days due to illness/injury.
- 19.7 When the appropriate administrator has reasonable cause to believe there has been an abuse of sick leave, an employee may be notified that they are required to provide a physician's statement or other appropriate verification for any future absences.
- 19.8 Under no circumstances may an employee be granted sick leave for days during which the employee is laid off, or on a leave of absence without pay, or during periods when the campus or department is closed and the employee is not required to work.
- 19.9 An employee on vacation who becomes ill or injured and submits a physician's statement or other appropriate verification may request their vacation leave for such days be converted and charged to their accumulated sick leave. Such requests shall not be granted during any period after notice of pending separation.

### Absences Chargeable to Sick Leave

- 19.10 The use of sick leave may be authorized by the President only when an employee is absent because of:
- a. illness or injury;
  - b. exposure to contagious disease;
  - c. dental, eye, or other physical or medical examinations or treatments by licensed practitioners;
  - d. illness or injury in the immediate family;
  - e. death of a person in the immediate family; and/or
  - f. childbirth or disability related to pregnancy.
- 19.11 "Immediate family" as used in this Article shall mean:
- The employee's spouse or registered domestic partner;
  - The employee, spouse or registered domestic partner's: parent, step-parent, grandparent, great-grandparent, sibling, child or grandchild (including foster, adopted and step), parent's siblings;
  - The employee's child-in-law;
  - A person living in the immediate household of the employee, except domestic employees, roomers, boarders, and/or roommates.
- 19.12 Sick leave for family care is primarily for emergency situations. Up to five (5) days of accrued sick leave credit may be used for family care during any one (1) calendar year. The appropriate administrator may authorize the use of additional sick leave for family care.
- 19.13 The President may authorize up to forty (40) hours of accrued sick leave for bereavement pursuant to provision 19.10.E. When one (1) or more deaths occur in a calendar year, up to forty (40) hours of accrued sick leave credit may be authorized for each death.

- 19.14 Any disability caused by, or contributed to by, pregnancy is a justification for the use of sick leave and should be handled in the same way as illness or injury. A female employee in work status is entitled to use sick leave for childbirth and any period immediately preceding or immediately following the birth of the child provided the employee presents a physician's verification that she is medically unable to work.
- 19.15 A female employee on a maternity leave pursuant to Article 22, Leaves of Absence Without Pay, of this Agreement shall be entitled upon return to work status to use earned sick leave for the period of time she was disabled immediately prior to and immediately following childbirth. Earned sick leave shall only be charged for workdays in such a period of time. A physician's verification that the employee was medically unable to work is required for the use of this sick leave.
- 19.16 Upon request by an employee, the President may authorize the use of unpaid sick leave or the use of vacation for an employee who has exhausted their accumulated sick leave.
- 19.17 An employee may be required to undergo a medical examination as directed by the President if the President questions the employee's ability to perform their required duties. When such an examination is by a physician selected by the Employer, the CSU shall bear the cost of such medical examination. Time required to travel to and from the physician's office and time spent at the physician's office shall be considered time worked.
- 19.18 In the event an employee disagrees with the medical findings of the CSU-selected physician, the employee shall have the right to examination by a physician of their choice. The employee shall be required to bear the cost of such examination. The President shall consider the medical report from the employee's physician.
- 19.19 When an employee has restricted ability to carry out their duties due to illness as indicated by medical evidence, or when an appropriate administrator observes an employee unable to perform their duties, the President may direct an employee to take sick leave.

#### Supplement to Industrial Disability Leave

- 19.20 Upon written notification to the CSU by an eligible employee, they may elect to supplement Industrial Disability Leave (IDL) payments with charges to their accrued sick leave. Such an election shall be made no later than fifteen (15) days after the report of the injury for which IDL is being paid.

- 19.21 Such supplement shall continue until the employee has exhausted their accrued sick leave or until the employee provides to the CSU written notification they wish to discontinue the supplement. Such a notice shall be provided fifteen (15) days prior to the effective date of such a discontinuation.
- 19.22 Such a supplement to IDL payments shall not result in the employee receiving a payment in excess of their regular salary or wage.
- 19.23 All payments received by an employee while on IDL shall be subject to mandatory and authorized voluntary deductions.

#### Catastrophic Leave Donation Program

- 19.24 Any CSU employee who accrues vacation or sick leave credits may voluntarily donate either of those credits to any other CSU employee on the same campus if the recipient employee has exhausted all accrued leave credits, i.e., sick leave, vacation, and CTO due to a catastrophic illness or injury, or whose principal place of residence has been impacted by a natural disaster/state of emergency. Catastrophic illness or injury is an illness or injury that has totally incapacitated the employee from work.

The following provisions shall apply:

(1) Catastrophic Illness or Injury

- a. An employee, their representative or the employee's family member must request the employee's participation and provide appropriate verification of illness or injury as determined by the campus President. The President shall then determine the employee's eligibility to receive donations based upon the definition provided above.
- b. An incapacitated employee may elect to defer a request to participate during a period of Industrial Disability Leave eligibility.
- c. Employees may donate a maximum of forty (40) hours of leave credits per fiscal year in increments of one hour or more. Donations are irrevocable.
- d. Donated leave credits may be used to supplement only Industrial Disability Leave, Non-Industrial Disability Leave or Temporary Disability payments from the Third Party Administrator upon the application for the appropriate disability benefit by an eligible employee. The total amount of leave credits donated and

used may not exceed an amount sufficient to ensure the continuance of the employee's regular monthly rate of compensation.

- e. The total donated leave credits shall normally not exceed an amount necessary to continue the employee for three (3) calendar months calculated from the first day of catastrophic leave within a twelve (12) month period. The President may approve an additional three-month period in exceptional cases. The leave should not be deemed donated until actually transferred by the campus record keeper to the record of the employee receiving leave credits.
- f. For employees whose appointments have not been renewed, donated time may not be used beyond the employee's appointment expiration date in effect at the beginning of the disability.
- g. Only vacation and sick leave credits may be donated.
- h. Donated leave credits may not be used to receive service credit following a service or disability retirement.
- i. Any CSU union may solicit leave donations from bargaining unit employees for direct transfer to employees eligible to receive such leave credits.
- j. Catastrophic illness or injury may also include an incapacitated member of the employee's immediate family if this results in the employee being required to take time off for an extended period of time in order to care for the family member and the employee has exhausted both all of their accrued vacation credits and all of their accrued sick leave credits which may be used for family care in accordance with the appropriate collective bargaining agreement. Only donated vacation credits may be used for such family care catastrophic leave. Immediate family member shall be defined in accordance with the definition contained in the sick leave provisions of the collective bargaining agreement covering the recipient employee.
- k. The provisions of this program shall be subject to the grievance procedure contained in the collective bargaining agreement covering the grieving employee.
- l. Pledged leave credits will be formally transferred to the recipient employee only at the end of a pay period, and then in chronological order of the dates actually pledged. This will insure that any unused leave credits are never actually transferred until they can in fact be used by the recipient employee. In the event

that an employee is unable to use all pledged credits in a pay period, the most recently donated leave credits which cannot be utilized will then never formally be transferred, thereby guaranteeing that they are in no way lost by an employee who wants to donate them in order to help a co-worker who needs the credits.

(2) Natural Disaster and State of Emergency:

- a. Catastrophic leave for a natural disaster shall be leave for an employee who faces financial hardship because the employee has exhausted all of all of their accrued vacation credits; accrued sick leave credits; personal holiday credits; and C.T.O. credits; and is unable to work due to the effect of a natural disaster on the employee's principal residence.
- b. The employee resides in one of the counties where a state of emergency exists as declared by the governor.
- c. An employee or their representative must request the employee's participation and provide appropriate verification as determined by the campus President. The President shall then determine the employee's eligibility to receive donations based upon the definitions provided above.
- d. Employees may donate a maximum of forty (40) hours of leave credits per fiscal year in increments of one hour or more. Donations are irrevocable.
- e. The total amount of leave credits donated and used may not exceed an amount sufficient to ensure the continuance of the employee's regular monthly rate of compensation.
- f. The total donated leave credits shall normally not exceed an amount necessary to continue the employee for three (3) calendar months calculated from the first day of catastrophic leave. The President may approve an additional three-month period in exceptional cases. The leave should not be deemed donated until actually transferred by the campus record keeper to the record of the employee receiving leave credits.
- g. For employees whose appointments have not been renewed, donated time may not be used beyond the employee's appointment expiration date in effect at the beginning of the natural disaster/state of emergency.
- h. Only vacation and sick leave credits may be donated.
- i. Donated leave credits may not be used to receive service credit following a service or disability retirement.
- j. Any CSU union may solicit leave donations from bargaining unit employees for direct transfer to employees eligible to receive such leave credits.

- k. Pledged leave credits will be formally transferred to the recipient employee only at the end of a pay period, and then in chronological order of the dates actually pledged. This will ensure that any unused leave credits are never actually transferred until they can in fact be used by the recipient employee. In the event that an employee is unable to use all pledged credits in a pay period, the most recently donated leave credits which cannot be utilized will then never formally be transferred, thereby guaranteeing that they are in no way lost by an employee who wants to donate them in order to help a co- worker who needs the credits.