

## Article 18

### LEAVES OF ABSENCE

#### A. Sabbatical Leaves

1. A leave of absence for a period not to exceed eighteen (18) University calendar weeks with full pay in accordance with current scheduling practice, or a leave of absence for a period not to exceed thirty-six (36) University calendar weeks with half pay, in accordance with current scheduling practice, for restoration of health, study, travel, or other appropriate purposes, may be requested by a FACULTY MEMBER and may, at the discretion of the President, be granted to any FACULTY MEMBER of any University who has submitted a request for consideration for a sabbatical leave and who has completed seven (7) or more years of satisfactory service as a FACULTY MEMBER of one (1) or more of the UNIVERSITIES, as specified below. Library FACULTY MEMBERS who were granted ACADEMIC FACULTY rank shall accrue credits towards sabbatical leave only from the date the ACADEMIC FACULTY rank was granted. Sabbatical leaves granted after March 20, 1997, will be based primarily upon merit. Unused sabbatical leave credit may be considered in the selection process.

2. At least five (5) consecutive years of such service shall have been rendered to the University from which the leave is sought. A FACULTY MEMBER who has been granted an approved leave without pay shall not be deemed to have had his/her consecutive service interrupted; provided, however, that time spent on such leave shall not count as service toward a sabbatical leave nor towards the accumulation of sick leave.

3. If the University operates on a system of units other than semesters, the FACULTY MEMBER may, at his/her option, be granted a sabbatical leave corresponding to one (1) or more of these units so long as the restriction set forth in subsection 1. above, concerning total weeks of sabbatical leave which can be granted in each such leave, is met.

4. One (1) sabbatical leave may be requested, considered and granted in accordance with the procedures set forth in this Article for each additional seven (7) years of service. Leaves shall be accumulated so that no one shall lose entitlement to consideration for a sabbatical leave because of failure to use leave due to scheduling practices at a particular University, but no one shall be entitled to be considered for or use more than thirty-six (36) weeks of the accumulated leave as part of any one (1) sabbatical leave.

5. No FACULTY MEMBER who resigns, or who is retrenched, terminated, or for any other reason leaves employment with the STATE SYSTEM/UNIVERSITIES shall be entitled to request or be considered for the grant of a sabbatical leave. No sabbatical leave shall be granted unless the FACULTY MEMBER shall agree in writing to return to his/her employment with the University for a period of not less than one (1) year immediately following the expiration of such leave of absence. Where a FACULTY MEMBER has requested, been considered for, been granted and scheduled for a

sabbatical leave in accordance with provisions of Section F.1. of Article 29, RETRENCHMENT, and that FACULTY MEMBER thereafter receives a notice of retrenchment in accordance with the terms of that same Article, the FACULTY MEMBER will be entitled to be returned to his/her former position but only for that period of time which precedes the effective date of the retrenchment. Nothing in this Agreement shall prevent the STATE SYSTEM/UNIVERSITIES from providing FACULTY MEMBERS who are on approved sabbatical leaves with notice of retrenchment in accordance with Article 29, RETRENCHMENT.

6. No sabbatical leave of absence shall be considered a termination or breach of the contract of employment and the FACULTY MEMBER on sabbatical leave shall be returned to the same position he/she occupied prior thereto.

7. If a FACULTY MEMBER is granted a sabbatical leave during two (2) summer periods the FACULTY MEMBER shall receive five (5) bi-weekly checks for each of the two (2) summer periods. However, a FACULTY MEMBER granted such a sabbatical leave shall not be eligible for a summer school contract.

8. Every FACULTY MEMBER while on sabbatical leave of absence shall be considered to be in regular full-time daily attendance in the position from which the leave is being taken during the period of said leave, for the purpose of determining the FACULTY MEMBER'S length of service and the right to receive increments as provided by law or contract.

9. Every FACULTY MEMBER on sabbatical leave shall retain the right to make contributions as a member of the State Employees' Retirement System, the Public School Employees' Retirement System, or an Alternative Retirement Plan (see Article 20.C.) and continue his/her membership therein.

10. Nothing in this Section shall be construed to prevent any FACULTY MEMBER on sabbatical leave from receiving a grant for further study from any institution of learning other than the University, which employs him/her.

11. Each University may grant sabbatical leaves of absence in any one (1) year to up to ~~seven percent (7%)~~ three percent (3%) of its FACULTY. [Note: The parties intend to abolish the parties arbitral history in the Myron L. Joseph decision dated June 3, 1990, AAA Case No. 12 390 1682 89 Q]

12. a. A committee chosen by and from the FACULTY at each University shall receive applications for sabbatical leaves at a time and in a manner which it shall determine and announce. No FACULTY MEMBER shall serve on a departmental or University-wide committee when he/she or a member of his/her immediate family or a person residing in his/her household is an applicant for sabbatical leave. No department chairperson shall make a recommendation regarding sabbatical leave if he/she or a member of his/her immediate family or a person residing in his/her household is an applicant for sabbatical leave. Immediate family shall be defined as spouse, child, step-child, parent, step-parent, parent-in-

law, brother, sister, brother-in-law or sister-in-law. A department chairperson shall not be permitted to participate in the review of any applicants, when he/she or a member of his/her immediate family or a person residing in his/her household is an applicant for sabbatical leave. The department shall select another FACULTY MEMBER in the department acceptable to the department and management to substitute for the department chairperson.

b. The committee shall review applications and forward the full list of applicants, with such recommendations, in priority order, to the President or his/her designee at least eight (8) months before the leave is to commence.

c. Should the President or his/her designee reject in whole or in part the recommendations of the committee, the committee shall be notified in writing and shall be given an opportunity to discuss the matter with the President or his/her designee, but the President shall make and announce his/her decision with respect to the granting of sabbatical leaves not later than six (6) months prior to the beginning of the time when the leave will commence.

d. As authorized by law, the President of each University shall have the right to consider requests for and make the determination concerning the granting of sabbatical leaves as he/she in his/her sole discretion deems appropriate and to make such regulations as he/she may deem necessary to make sure that a FACULTY MEMBER on sabbatical leave utilizes such leave properly for the purpose for which it was granted, including requiring reports from the FACULTY MEMBER in such manner as the President may deem necessary.

~~e. (1) An individual FACULTY MEMBER shall have the right to grieve, in accordance with the procedures of Article 5, GRIEVANCE PROCEDURE AND ARBITRATION, sabbatical leave decisions but only as to himself/herself and then only with respect to failure to observe the specific procedures set forth above.~~

~~(2) APSCUF shall have the right to grieve in accordance with the procedures of said Article 5, with regard to a substantial change in the pattern of granting sabbatical leaves at a specific University.~~

~~13. The provisions of this Section (Section A.) are not subject to the procedures of Article 5, GRIEVANCE PROCEDURE AND ARBITRATION.~~

B. Military Leaves

FACULTY MEMBERS shall be eligible for military leave in accordance with applicable law.

C. Civil Leave

1. A FACULTY MEMBER, who has not volunteered for jury duty, but who is

called for jury duty, or who is not a party in a civil or criminal court proceeding but who is subpoenaed to attend court as a witness shall be granted a leave with pay while attending court and for the period of time that the FACULTY MEMBER'S attendance is required at court. Evidence of such required court attendance in the form of a subpoena or other written notification shall be presented to the FACULTY MEMBER'S Dean or other appropriate management representative as far in advance as is practicable. The University shall have the right to request the appropriate authorities to relieve such FACULTY MEMBER of jury duty or the court appearance in any manner permitted by law and the FACULTY MEMBER is expected to report for regular University duty when his/her attendance at court is not required either for the aforementioned jury duty or as a subpoenaed witness. The term court as used in this subsection is intended to mean only the following courts: Minor Judiciary Court, Courts of Common Pleas, Commonwealth Court and the United States District Court.

2. FACULTY MEMBERS who are subpoenaed as witnesses in the following administrative hearings shall be granted leave with pay while attending such hearings: Unemployment Compensation Board of Review Referee, Workers' Compensation Judge, Workers' Compensation Appeal Board, State Civil Service Commission, Pennsylvania Human Relations Commission, and Pennsylvania Labor Relations Board.

Evidence of such duty in the form of a subpoena or other written notification shall be presented to the President or his/her designee of the University as far in advance as practicable.

D. Professional Leaves/Educational Leaves

1. FACULTY MEMBERS may with the prior written approval of the President or his/her designee be granted professional or educational leaves without pay. The period of such leave shall be up to two years. The purpose of professional or educational leave shall be to enhance the educational capacity of the FACULTY MEMBER to better serve the educational mission of the UNIVERSITY. participate in out service training, consistent with the provisions of the STATE SYSTEM Personnel Rules, Chapter 33, Section 33.12(b)(9), as contained in Management Directive 505.7 and as amended during the term of this Agreement.

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2. Allowances for travel expenses in accordance with Article 32, TRAVEL EXPENSES, may be granted to FACULTY MEMBERS on such leave, subject to the availability of funds and to STATE SYSTEM/University regulations.

E. Leaves for APSCUF Service

FACULTY MEMBERS who are elected or appointed full-time officials or representatives of APSCUF shall, at the written request of the FACULTY MEMBER, submitted not less than sixty (60) days prior to the start of a term, be granted leaves without pay for the maximum term of office, not to exceed three (3) years. Such leaves may be renewed or extended by the written mutual consent of APSCUF and the UNIVERSITIES. In no event shall more than three (3) FACULTY MEMBERS from the UNIVERSITIES be on such leave at any one time.

F. Miscellaneous Leaves Without Pay

FACULTY MEMBERS shall be granted leaves without pay at the sole discretion of the President or his/her designee for any reason, for a period not to exceed two (2) years, which may be extended at the discretion of the President or his/her designee for an additional two-year period.

G. Parental Leave

FACULTY MEMBERS shall be eligible for parental leave as provided as follows:

1. General

FACULTY MEMBERS of the STATE SYSTEM/UNIVERSITIES who become parents through childbirth, formal adoption, or placement of a child with a FACULTY MEMBER for foster care shall be granted unpaid parental leave upon request. Parental leave shall begin whenever the FACULTY MEMBER requests and may be used prior to the date of custody or placement when such is required for adoption or placement to proceed. No unpaid parental leave shall be granted beyond one (1) year from the date of birth, of assuming custody of an adopted child, or of placement of a foster child.

2. Granting Leave

a. A FACULTY MEMBER shall submit written notification to his/her Dean or immediate management supervisor and a copy to his/her department chairperson stating the anticipated duration of the parental leave, at least two (2) weeks in advance, if circumstances permit. Such leave shall be granted for a period of time not to exceed six (6) months. Upon the request of the FACULTY MEMBER and at the discretion of the President or his/her designee, parental leave may be extended or renewed for a period not to exceed six (6) months. In no case shall the total amount of parental leave exceed twelve (12) months. FACULTY MEMBERS may, at the discretion of the President or his/her designee, be granted parental leave on an intermittent or reduced time basis. In such cases, FACULTY MEMBERS who are absent for a partial day will be charged one-half (1/2) day of leave against the days of entitlement. Leave entitlement will be pro-rated for part-time FACULTY MEMBERS.

b. In no case shall a pregnant FACULTY MEMBER be required to leave prior to the childbirth unless she can no longer satisfactorily perform the duties of her position.

c. While a FACULTY MEMBER is on parental leave, the duties of the position shall either be performed by remaining FACULTY MEMBERS and the position kept vacant, or they shall be performed by a substitute employee.

3. Resumption of Duties

a. Every FACULTY MEMBER shall have the right to return to the same position held before going on parental leave, or to an equivalent position for which he/she qualifies.

b. A FACULTY MEMBER'S anniversary date shall be extended in the same manner as is done with respect to leaves without pay.

4. ~~Disability~~ Leave Due to Pregnancy

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A FACULTY MEMBER who is on parental leave is entitled to use accrued personal and sick leave for the period she is unable to work as certified by a physician. An ADMINISTRATIVE FACULTY MEMBER on a twelve (12) month contract who is on parental leave may also use all accrued annual leave. All other periods of leave related to parental leave shall be leave without pay. Unused leave shall be carried over until her return. A FACULTY MEMBER shall not earn personal or sick leave while on parental leave without pay. An ADMINISTRATIVE FACULTY MEMBER shall not earn annual leave while on parental leave without pay.

5. It is understood by both parties that the provisions of this Article are consistent with the Pennsylvania Human Relations Act, 43 P.S. Section 951 et seq., and with the Family and Medical Leave Act of 1993, 29 USC Section 2601 et seq.

H. Childrearing Leave

FACULTY MEMBERS shall be granted leaves without pay at the sole discretion of the President or his/her designee for the purpose of childrearing, for a period not to exceed two (2) years, which may be extended at the discretion of the President or his/her designee for an additional two-year period.

I. Family Care Leave

1. A FACULTY MEMBER who has been employed for one (1) year, and who is otherwise eligible for Family and Medical Leave of Absence leave, shall be granted up to twelve (12) weeks of family care leave without pay to attend to the medical needs of a spouse, domestic partner, parent, son or daughter, child of a FACULTY MEMBER'S domestic partner, or other person qualifying as a dependent who has a serious health condition as defined by the Family and Medical Leave Act of 1993.

2. The FACULTY MEMBER shall submit a written notification to his/her Dean/immediate management supervisor stating the anticipated duration of the family care leave at least thirty (30) calendar days in advance, if circumstances permit. Documentation of the need for the family care leave may be required.

3. Leave for this purpose may be taken one (1) day at a time, if necessary. Leave shall be approved for less than one (1) day at a time when medically necessary due to a serious health condition as defined in the Family and Medical Leave Act of 1993.

FACULTY MEMBERS who are absent for a partial day shall be charged one-half (1/2) day of leave against the days of entitlement. Leave will be pro-rated for part-time FACULTY MEMBERS.

4. For purposes of this Section, parent shall be defined as the biological parent of the FACULTY MEMBER or an individual who stood in loco parentis to a FACULTY MEMBER when the FACULTY MEMBER was a child.

5. For purposes of this Section, son or daughter shall be defined as a biological, adopted, or foster child, a step-child, a legal ward, or a child of a person standing in loco parentis who is:

- (a) under eighteen (18) years of age; or
- (b) eighteen (18) years of age or older and incapable of self-care due to a mental or physical disability.

6. Any eligible FACULTY MEMBER who is on family care leave may use all remaining paid leave, such as accrued annual leave, personal leave, and sick leave, where appropriate, as part of their family care leave. All other periods of leave related to family care leave shall be leave without pay.

7. It is understood by both parties that the provisions of this Section are consistent with the Family and Medical Leave Act of 1993, 29 USC Section 2601 et seq.