



UNIVERSITY OF
SAN FRANCISCO

**Time Off
Leaves
Workers Compensation
Accommodations**

The purpose of this document is to give Supervisors information about Time Offs, Leaves, Workers Comp and Accommodations. This training will provide a better understanding of applicable laws, employees' rights, and the employer's responsibilities.

**For questions, please contact leaves@usfca.edu or:
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Time Off Plans

All time off requires EE to initiate action in USFWorks (except employees on other timekeeping systems). Supervisor then needs to review and approve.

Sick Hours

- Employees may use paid sick leave when they or a family member are ill, injured, or for the purpose of receiving medical care (including preventive care), treatment, diagnosis, or other medical reason.
- Employees accrue hours each pay period for use in the following pay period.
- Sick Hours cannot go into the negative.
- Due to COVID-19, San Francisco Sick Leave Ordinance expanded the reasons for how sick hours can be used specific to the COVID-19 related public health emergency.

Vacation

- Employees accrue hours each pay period for use in the following pay period
- OPE staff accrue hours during their probationary period but cannot use them until 4 months of service.
- Vacation hours cannot go into the negative.

Jury Duty

- USF pays regular rate of pay for the first 10 regularly scheduled workdays each time that an employee reports for jury duty service.

Bereavement

- Can be taken for immediate family members: spouse, RDP, legacy LDA, children, parents, sisters, brothers, legal guardians, mother-in-law, father-in-law, grandparent, grandchildren, or any other relative living in the family household.
- Up to 3 days with pay within 9 Bay Area Counties: Sonoma, Marin, Contra Costa, Solano, Alameda, San Francisco, San Mateo, Santa Clara, and Monterey.
- Up to 5 days with pay, if employees are required to travel out of 9 Bay Area Counties to attend a funeral.

*Some employee groups per their CBA have compensatory and pay in lieu time off plans.

Leave Law Information

FMLA and CFRA – Provides Job and Benefit Protection for up to 12 weeks

Provides leave for an eligible employee's own serious health condition, including pregnancy, that makes the employee unable to perform the functions of his or her job. Also, provides leave for an eligible employee who needs to care for qualifying family members (child, spouse or parent) with a serious health condition or for bonding with a new child. (The definition of son or daughter includes individuals for whom the employee stood or is standing "in loco parentis". The definition of parent includes individuals who stood "in loco parentis" to the employee.)

- FMLA: Family Medical Leave Act – Federal
- CFRA: California Family Rights Act – State of California
- Both provide 12 weeks of job and benefit protection. In most cases, FMLA/CFRA run concurrently, except pregnancy.
- To care for seriously ill family member or for the employee's own health condition, or to bond with new child.
- FMLA Family members include: spouse, son, daughter or parent
- CFRA allows for leave for a registered domestic partner. Effective 1/1/2021 will include: grandparent, grandchild, sibling, adult child.
- Benefits are maintained while on an approved FMLA/CFRA leave.
- FMLA/CFRA provides that an employee who returns from leave at the end of FMLA/CFRA period to be reinstated to same or equivalent position.
- Can be taken intermittently.
- To be eligible employee must have 12 months of employment and work a minimum of 1250 hours.
- Employee may not be denied FMLA/CFRA leave if they are eligible and as long as reasons for leave qualifies as certified by a medical provider.

Pregnancy Leave

Pregnancy Disability Leave (PDL) in California allows employees to take up to 17 ½ weeks of leave for pregnancy disability, or childbirth-related medical conditions. PDL may be taken on an intermittent, reduced hour, or continuous basis as certified by the healthcare provider. Due to overlapping laws, including the FMLA and CFRA, a maternity leave can have up to 6 months of leave protection.

Income Protection

Short Term Disability – Provides partial income protection for own illness.

Available to employees who work and reside in California.

- Requires medical certification.
- Pays appx 60% of wages up to \$1,300 per week (2020 weekly cap).
- Other appx 40% supplemented with accrued sick hours. Employee can choose to supplement with vacation hours or other available paid time offs if sick hours are exhausted.
- Pays for up to 52 weeks provided there's continued medical certification.
- 7 calendar day waiting period before benefits begin to pay.
- For COVID-19 claims waiting period has been eliminated (March 2020)

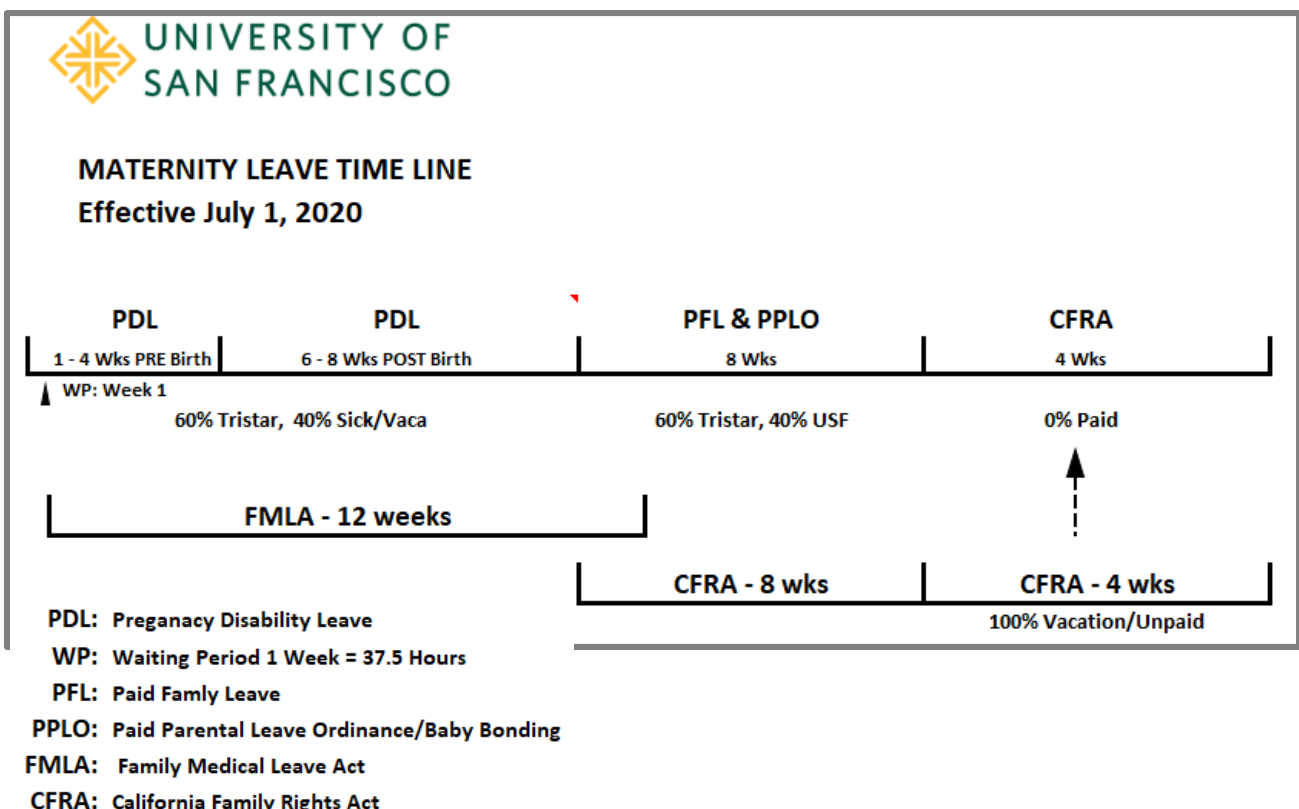
Paid Family Leave - Provides partial income protection to care for an ill family member or for bonding with a new child. Available to employees who work and reside in California.

- To care for Child, Grandchild, Grandparent, Parent, Parent-In-Law, Sibling, Spouse, or Registered Domestic Partner; Or to bond with new baby, adopted child or foster child.
- Requires medical certification for non-baby bonding claims. A birth certificate is required for baby bonding claims.
- Pays for 8 weeks
- Can be taken consecutively or intermittently.
- Pays appx 60% of wages up to \$1,300 per week (2020 weekly cap).
- Other appx 40% supplemented with sick hours, except for baby bonding claims.
- Only vacation hours can be used to supplement baby bonding claims.

- If applicable, SF Paid Parental Leave Ordinance requires USF to supplement, up to a max, the appx 40%.
- Baby Bonding claims must be used within 1 year of child’s birth or placement.

Maternity Leave

- Eligible to apply for STD: 1-4 weeks prior to birth AND benefits continue 6-8 weeks post birth
- STD pays appx 60% up to \$1300 per week (2020 weekly cap), other 40% supplemented with sick/vacation or other available time offs
- CFRA 12 weeks begins with first day of Paid Family Leave/Baby Bonding.
- 8 weeks: Paid Family Leave (PFL) and, if applicable, SF Paid Parental Leave (SFPPLO)
- PFL pays appx 60% of wages up to \$1,300 per week (2020 weekly cap) and, applicable, USF is required under the SFPPLO to pay appx 40% of weekly wages up to a max.
- 4 remaining CFRA weeks are paid with vacation or unpaid
- Paid Family Leave, for the purpose of baby bonding, must be taken in two-week increments; shorter increments will be allowed on two occasions.



Paternity Leave

- Parent eligible for 12 weeks of FMLA/CFRA - job and benefit protected leave
- 8 weeks are paid, up to a max, via Paid Family Leave and, if applicable, SF Paid Parental Leave Ordinance
- Leave can be taken in 2 week increments, shorter increments will be allowed on two occasions.

Long Term Disability: Income protection for employees who are determined unable to perform the material duties of Regular Occupation

- Eligible to apply to Cigna for LTD benefits when disabled for 90 days.
- Long-term disability supplements short-term disability payments.
- Once short term disability ends, long term disability will then pay full benefits.
- Cigna makes retirement contribution on behalf of employee covered under the 401a plan.

WORKERS COMPENSATION

If an employee is injured, seek medical treatment if needed and contact HR.

Franciscan Treatment Room

1199 Bush St
San Francisco, CA 94109

Kaiser On-the-Job (Kaiser members only)

601 Van Ness Ave. Suite 2008
San Francisco CA 94102

Employee required to complete two forms:

1. Workers Comp [Claim Form DWC-1](#)
 2. [Employee Injury Report](#)
- HR will file claim with Travelers
 - Travelers will approve or deny claim

- Medical costs associated with the approved claim are paid by Travelers
- If employee is unable to work due to the work-related injury/illness, Travelers will pay appx 66% of earnings up to a weekly max.
- Other appx 33% can be supplemented with sick or vacation hours.
- Employee may have job restrictions or modifications. HR will work with supervisor to determine if can be accommodated. If it is determined that restrictions cannot be accommodated, employee will remain on workers comp until able to return at 100% or restrictions can be accommodated.
- If employee is eligible, FMLA/CFRA protects benefits and job.

Other Leaves

Personal Unpaid Leave

- Granted if business conditions permit and provided there are sufficient reasons
- Approved by Supervisor and HR
- Sick, if for medical reasons, and Vacation time must be exhausted.
- Salary and Benefit implications

Military Leave

- Supplemental military pay for Reserve or National Guard active duty or training will be paid by the University for up to two (2) weeks in a twelve (12) month period.
- Employee must provide military orders.
- Employees returning from military leave will be re-employed in the position and seniority level that they would have attained had there been no military leave of absence

San Francisco Family Friendly Workplace Ordinance

- EE can request flexible or predictable work arrangements to assist with caregiving responsibilities.
- Eligible for a child under age 18, family member with serious health condition, or parents age 65 or older.
- Example: need to change working hours to 10am-6pm, need to reduce hours from 7.5 to 6.5 per day.
- Must work in San Francisco

School Related Parental Leaves

- Up to 40 hours off each year for children's school or childcare activities.
- Reasons include: participate in activities of school or childcare, find or enroll child in school or childcare, address school or childcare emergency.
- Limited to 8 hours per month
- Must use vacation or go unpaid

There are various [other leaves](#) as required by local, state and federal laws including Voting Leave, Domestic Violence, Victim Leave, Crime Victims Leave, Organ Donor/Bone Marrow Donor Leave that an employee may be eligible for.

American Disability Act (ADA) and Requests for Accommodations

The Americans with Disabilities Act (ADA) became law in 1990. The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else.

The ADA requires employers to provide reasonable accommodation to qualified applicants and employees with a disability unless the employer can demonstrate that doing so creates an undue hardship to the employer or poses a direct threat to the safety of the employee or others in the workplace. An accommodation may include a change to the work environment or to the way in which a job is usually performed.

Requests can look like this: "I cannot walk up steps because of my knee condition." In other words, "I need something because I have a medical condition."

Refer employee to HR.

- Once the employee makes a request for an accommodation, HR, the supervisor and the employee will begin the good faith interactive process.
- The employee's job description will be reviewed.
- Employee's doctor will complete a medical questionnaire.
- It will be determined if employee can perform the essential functions of their job with a reasonable accommodation.
- Sometimes the accommodation is Leave.
- Accommodations can be short term or permanent.

Leaves Processing

TRISTAR ADMINISTERS ALL USF LEAVES (except sabbaticals and personal leave) and payments for short term disability and paid family leave claims.

- **Tristar** at 1-844-702-2352
- www.ess-absencetracker.com

Refer Employee to Tristar:

- The employee has been absent more than 3 consecutive days
- The employee has informed you of the need to be absent due to the illness for self or family member; care of a newborn child; to adopt or accept a child for foster care
- The employee is pregnant
- The employee notifies or mentions to you an ongoing medical treatment or procedures
- There is a pattern of absenteeism that may qualify for FMLA

When speaking to an employee: Do NOT ask about illness, medical condition or collect any medical information. Please refer them to Tristar or HR.

When Tristar receives intake from the employee requesting leave:

- Tristar will reach out to employee to go over the details of their leave, verify their information and leave eligibility and review expectations and responsibilities
- Tristar will mail, email, or fax the employee's Leave of Absence Packet
 - Leave Eligibility
 - Rights and Responsibilities
 - Leave Law Information
 - Forms
 - Review wage replacement options
- Tristar will collect requested forms and approve/deny leave request (forms are due 15-22 days from leave start date)

Supervisor will receive emails from Tristar:

- Employee has requested leave
- FMLA/CFRA leave approved
- Employee not eligible for FMLA/CFRA
- Employee requesting a Personal Leave
- Intermittent FMLA/CFRA leave approved
- Leave not approved
- FMLA/CFRA is exhausting in 2 weeks
- FMLA/CFRA has exhausted
- Leave is being Extended
- Supervisor to Confirm that Employee has returned to work, ACTION

While an employee is on Leave: There is to be limited contact. Prior to leave, arrangements should be made for out-of-office on email and voice mail referring callers to another staff member. An employee should not be asked to do work while out on leave.

When an employee is Scheduled to Return from Leave: Employee is required to present medical certification that they are fit for duty and cannot return to work until the employee provides certification to Tristar.

When an employee Returns from Leave: They may have job modifications or restrictions as certified by their medical provider. i.e. “Can only work 4 hours per day for 2 weeks.” HR will work with Supervisor to determine if restrictions can be accommodated. If it is determined that restrictions cannot be accommodated, employee will remain on disability until able to return at 100% or restrictions can be accommodated.

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