

**ANR COMMUNICATIONS PROTOCOL:
Assembly Bill 392 - Unpaid Leave for Military Spouses**

On Tuesday, October 9th, Governor Arnold Schwarzenegger signed Assembly Bill 392.

The bill was chaptered as an urgency Statute and the bill's provisions take effect immediately. The bill may be viewed at:

http://leginfo.ca.gov/pub/07-08/bill/asm/ab_0351-0400/ab_392_bill_20071009_chaptered.html

The legislation requires all employers with 25 or more employees to provide up to 10 days of unpaid leave to an eligible employee when the employee's spouse is on leave from a military deployment.

The bill is applicable to the University. Under the new law, an employee is eligible for up to 10 days of unpaid leave when:

- The employee works an average of 20 hours a week;
- The employee is a spouse of a member of the National Guard, United States Armed Forces, or Reserves, who is deployed during a period of military conflict and is on leave from a deployment to a combat theater or combat zone;
- The employee gives notice of the intent to take the unpaid leave within two business days of being notified of a spouse's leave from deployment;
- And The employee submits written documentation to his or her employer certifying that his or her spouse will be on leave from deployment.

A "period of military conflict" is defined under the law as either a declaration of war from the United States Congress or the calling up of reserve military units for active duty. The legislation prohibits any employer from retaliating against an eligible qualified employee for requesting or taking the unpaid leave. While the legislation refers only to "spouses" the term is defined under CA Family Code Section 297.5 as including registered domestic partners. It is advisable that the University approve requests for this leave on behalf of both registered and unregistered domestic partners. This is currently the practice for requests for UC employees for family and medical leave. PPSM 43 –Leaves of Absence is currently undergoing review by the HR Policy and Program Design Unit. A new section including unpaid leaves mandated under California law (e.g. time off to visit a child's school and attend school functions, volunteer firefighter leave) will include this new military leave entitlement. Academic Advancement plans to propose that a new section be added to APM - 759 (Leaves of Absence/Other Leaves Without Pay) to include unpaid leaves mandated under California law, which will include this new military leave entitlement.

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