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November 15, 2007

To: UCSC Academic and Staff Employees  
Fr: Willeen McQuitta, Director of Staff Human Resources  
Pamela Peterson, Assistant Vice Chancellor, Academic Human Resources

Re: Passage of Assembly Bill 392: Unpaid leave - Military Spouses

For your information, Assembly Bill 392 was recently chaptered as an urgency statute so its 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](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 military deployment during a period of military conflict. 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 the 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 the spouse's leave from deployment; and
- The employee submits written documentation 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.

Although the legislation refers only to "spouses", this term is defined under California Family Code Section 297.5 as including registered domestic partners. Requests for this leave benefit on behalf of both registered and unregistered domestic partners should be approved.

Questions concerning academic employees should be directed to your divisional academic personnel coordinators. For questions regarding staff employees, please contact your appropriate SHR Service Team.