

16.0 UNPAID TIME OFF

16.1 General Unpaid Leaves

Except as otherwise specified in this Manual, EOC does not provide for paid leaves of absence. Except as required by law, EOC shall not be obligated to grant any unpaid leave of absence, nor be obligated to continue the employment relationship or return an employee to prior job status or pay rate after a leave of absence is taken. Legally required exceptions include leaves for military service, volunteer firefighter/emergency services, jury duty, disability due to pregnancy and even limited time off for parents to attend certain types of school functions. If you think you need a leave of absence for any reason, be sure to get information from the Human Resources Department as far in advance as possible, so that you can find out what would apply to your needs.

Unless otherwise restricted by law, employees may be required to use accrued vacation and/or sick leave to cover all or part of their leave of absence. For employees on Family and Medical (“F&M”) Leave, EOC will continue to pay its portion of the premiums for health insurance in accordance with legal requirements. For employees on a non-F&M medical leave (including non-F&M pregnancy) or other leaves of absence, EOC will continue to pay its portion of the premiums for health insurance through the end of the calendar month of the employee’s leave of absence began. Other than stated herein, or unless specifically required by law, EOC will not continue to pay its share of premiums for benefits during a leave of absence. All benefits and seniority may be affected by a leave of absence; however, leaves due to pregnancy disability, work-related injury/illness, Family & Medical Leave, and certain other legally-protected leaves, will not be considered a break in service. More information is available from the Human Resources Department.

Unless otherwise required by law, EOC will not consider requests for a leave of absence from employees who are in their Introductory Period during any point of the leave. Requests for a leave of absence must be submitted in writing with as much advance notice as possible, preferably at least thirty (30) days in advance. Leave requests submitted less than ten (10) days in advance will be considered only if the leave is necessitated by sudden or emergency situations. Failure to provide sufficient notice may result in the delay or denial of approval of a leave request. All requests for a leave of absence must state the reason for and expected dates of the leave. If the leave is for a medical reason, the request must be supported by a doctor’s certification of the need for the leave and the doctor’s best estimate of the total duration of the leave. The leave of absence must be used for the purposes stated.

Leaves of absence will be approved only for increments of up to three months; however, renewals or extensions may be considered, so long as they are requested not less than four (4) business days **before** the expiration of the currently approved leave. Unless otherwise required by law, no leave of absence will be approved in excess of twelve (12) months. The use of paid time-off benefits during a leave of absence will not extend the total amount of time off available for leaves.

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Regardless of the type of leave, if an employee accepts other employment, or for any reason fails to return to work on the next regularly scheduled work day following the last day of approved leave, the employee will be considered to have voluntarily resigned.

16.2 Pregnancy Disability Leave

Pregnancy, childbirth or related medical conditions will be treated like any other temporary disability, and an employee on leave will be eligible for temporary disability benefits in the same amount and to the same degree as any other employee on leave. The Pregnancy Disability Leave (PDL) is for any period(s) of actual disability caused by your pregnancy, childbirth or related medical conditions up to four months (or 88 work days for a full time employee) per pregnancy.

Employees who need to take pregnancy disability must provide at least verbal notice sufficient to notify their program Director that the employee needs to take a pregnancy disability leave and/or transfer. The verbal notice should include the anticipated timing and duration of the leave or transfer. If 30 days' advance notice is not possible, notice must be given as soon as practicable.

If requested by the employee and recommended by the employee's physician, the employee's work assignment may be changed as required to protect the health and safety of the employee and her child. Requests for transfers of job duties will be reasonably accommodated if the job and security rights of others are not breached. Temporary transfers due to health considerations will be granted where possible. However, the employee will receive the pay that accompanies the job, as is the case with any other temporary transfer due to temporary health reasons.

Reasonable accommodations will be made for an employee for conditions relating to pregnancy, childbirth and related medical conditions, if the employee so requests, with the advice of her health care provider. Return from leave will be allowed only when the employee's physician sends a release.

An employee will be required to use accrued sick time (if otherwise eligible to take the time) during a pregnancy disability leave. The employee may request to coordinate sick leave with State Disability Insurance. After exhausting available sick time, an employee will be allowed to use accrued vacation or personal time (if otherwise eligible to take the time) during a pregnancy disability leave.

Duration of the leave will be determined by the advice of the employee's physician, but disabled employees may take up to four months. Part-time employees are entitled to leave on a pro rata basis. The four months of leave includes any period of time for actual disability caused by the employee's pregnancy, childbirth or related medical condition. This includes leave for severe morning sickness and for prenatal care. Leave does not need to be taken in one continuous period of time and may be taken intermittently, as needed.

Under most circumstances, upon submission of a medical certification that an employee is able to return to work from a pregnancy disability leave, an employee will be reinstated to her same position held at the time the leave began or to an equivalent

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position, if available. An employee returning from a pregnancy disability leave has no greater right to reinstatement than if the employee had been continuously employed rather than on leave. For example, if the employee on pregnancy disability leave would have been laid off had she not gone on leave, or if the employee's position has been eliminated or filled in order to avoid undermining the EOC's ability to operate safely and efficiently during the leave, and there are no equivalent or comparable positions available, then the employee would not be entitled to reinstatement.

If you take pregnancy disability leave and are eligible under the federal or state family and medical leave laws, the EOC will maintain group health insurance coverage for up to a maximum of 12 work weeks (if such insurance was provided before the leave was taken) on the same terms as if you had continued to work. Leave taken under the pregnancy disability policy runs concurrently with family and medical leave under federal law, but not family and medical leave under California Law. If you are ineligible under the federal and state family and medical leave laws, while on pregnancy disability you will receive continued paid coverage on the same basis as other medical leave which the EOC may provide and which you are eligible to take. In some instances, the EOC may recover premiums it paid to maintain health coverage for you if you fail to return to work following pregnancy disability leave.

If you are on pregnancy disability leave and are not eligible for continued paid coverage, or if paid coverage ceases after 12 workweeks, you may continue your group health insurance coverage through the EOC in conjunction with federal COBRA guidelines by making monthly payments to the EOC for the amount of the relevant premium. Contact Human Resources for further information.

16.3 Family & Medical Leave

Employees who have more than 12 months of service, who have worked at least 1,250 hours during the previous 12-month period before the date the leave is to begin, and who are employed at a worksite where the EOC maintains on the payroll (as of the date of the leave request) at least 50 part- or full-time employees within 75 miles (measured in road miles) of the worksite where the employee requesting the leave is employed, are eligible under federal (FMLA) and state (CFRA) family leave laws to take up to a maximum of 12 workweeks of unpaid family/medical leave within a 12-month period. Because of differences and overlaps between the FMLA and the CFRA, how these leaves are handled can get complicated. Employees should be sure to discuss their needs with Human Resources as soon as they suspect they may need time off for anything described in this Policy.

Family/medical leave time is permitted for the birth of the employee's child, or placement of a child with the employee for adoption or foster care, to care for the employee's spouse, child or parent who has a serious health condition, or for a serious health condition that makes the employee unable to perform his/her job (including health conditions due to work-related illness or injury). California's CFRA also provides for leave to care for the employee's registered domestic partner. Since the federal FMLA does not include this benefit, any time off to care for a registered domestic partner will be counted as using leave only under the CFRA, but not under the FMLA.

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Time off from work because of the employee's disability due to pregnancy, childbirth or related medical condition is not counted as time used for CFRA leave, but is counted as time used for FMLA leave. Pregnant employees may have the right to take a pregnancy disability leave in addition to family or medical leave. Any leave taken for the birth, adoption or foster care placement of a child does not have to be taken in one continuous period. CFRA leave taken for the reason of birth or placement of a child will be granted in minimum amounts of two weeks. However, the EOC will grant a request for a CFRA leave (for birth/placement of a child) of less than two weeks' duration on any two occasions. Any leave taken must be concluded within one year of the birth or placement of the child with the employee.

If the event necessitating the leave is based on the expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or an immediate family member, the employee must provide at least 30 days' advance notice before leave is to begin. The employee must consult with the employer regarding the scheduling of any planned medical treatment or supervision so as to minimize disruption to the operations of the employer. Any such scheduling is subject to the approval of the health care provider of the employee or the health care provider of the employee's immediate family member. If 30 days' notice is not practicable, notice must be given as soon as practicable.

In cases where both parents are employed by the EOC and the leave requested is for the birth, adoption or foster care of a child, the EOC will not grant more than 12 workweeks total of family/medical leave for both parents combined.

An employee taking family/medical leave will be allowed to continue participating in any health and welfare benefit plans in which he/she was enrolled before the first day of the leave (for up to a maximum of 12 workweeks) at the level and under the conditions of coverage as if the employee had continued in employment for the duration of such leave. The EOC will continue to make the same premium contribution as if the employee had continued working. The continued participation in health benefits begins on the date leave first begins under either the FMLA or the CFRA. In some instances, the EOC may recover premiums paid to maintain health coverage for an employee who fails to return to work following family/medical leave.

Employees on family/medical leave who are not eligible for continued paid coverage may continue their group health insurance coverage through the EOC in conjunction with federal COBRA guidelines by making monthly payments to the EOC for the amount of the applicable premium. Employees should contact Human Resources for further information.

Family/medical leaves are unpaid. Employees are required to use available sick leave, which may be coordinated with SDI or PFLI, if requested by the employee. Employees may then elect to use other leave (i.e. vacation, administrative leave) if available.

Under most circumstances, upon return from family/medical leave, an employee will be reinstated to his/her original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no

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greater right to reinstatement than if the employee had been continuously employed rather than on leave. For example, if an employee on family/medical leave would have been laid off had he/she not gone on leave, or if the employee's job has been eliminated during the leave and there is no equivalent or comparable job available, then the employee would not be entitled to reinstatement. In addition, an employee's use of family/medical leave will not result in the loss of any employment benefit that the employee earned or was entitled to before using family/medical leave.

Employees on FMLA/CFRA leave will not accrue vacation or sick leave during unpaid FMLA/CFRA leave.

Leave granted under any of the reasons provided by state and federal law will be counted as family/medical leave and will be considered as part of the 12-workweek entitlement in a 12-month period. The 12-month period is measured forward from the date any employee's first FMLA or CFRA leave begins. Successive 12-month periods commence on the date of an employee's first use of such leave after the preceding 12-month period has ended. There is no carryover of unused leave from one 12-month period to the next 12-month period.

Employees may take FMLA/CFRA leave intermittently (in blocks of time, or by reducing their normal weekly or daily work schedule) if the leave is for the serious health condition of the employee or the employee's immediate family member, and the reduced leave schedule is medically necessary as determined by the health care provider of the person with the serious health condition.

16.4 Victim of Domestic Violence or Serious Crime

An employee who is a victim of domestic violence or sexual assault may take the necessary time off in order to appear in court to obtain or attempt to obtain any relief to help ensure the health, safety, or welfare of the victimized employee and/or the employee's child. Time off is also permitted for victims of domestic violence or sexual assault to seek medical attention for resulting injuries, to seek shelter or other crisis services, or to obtain psychological counseling.

Where an employee or the employee's immediate family member or the employee's sibling, step-sibling or step-parent is a victim of a "serious crime" (i.e., a violent felony, serious felony or felony theft/embezzlement), the employee will be permitted time off to attend to judicial proceedings related to such crime.

Employees requiring such leave must give EOC as much advance notice of their need for time off as soon as possible. Documentation supporting the leave may be required. Employees may elect to apply available paid vacation or sick time to such absences.

16.5 Parental Leave For Child's School

Employees who have custody of one or more children in a licensed daycare facility, in kindergarten or grades 1 through 12 may take up to forty hours off without pay each school year to participate in the activities of the facility or school attended by each child.

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No more than eight hours of the 40 hours may be used in any month without Program Director approval.

If both parents of a child are employed by EOC at the same work site, a leave for that child will be granted as described above only to the parent who first gives notice. The Agency may, at its sole discretion, also grant leave to the other parent of that child.

To be eligible for this leave, employees must provide reasonable advance notice of the planned absence to their supervisor. Employees must provide documentation from the daycare facility or school verifying their participation in the activity.

If you receive a written notice from your child's school requiring you to attend a conference regarding your child's possible suspension or other disciplinary action, you will be permitted to go. This is treated separately from the school "activities" leave described above. You must provide your supervisor or the manager-on-duty with a copy of the notice before you leave for the discipline conference. You will also need to provide your supervisor with a certificate from the school verifying your attendance at the conference.

Employees may elect to use paid vacation time to cover any absence described in this section. Employees may also request to use vacation time for additional time off for this purpose.

16.6 Voting

EOC encourages its employees to vote. EOC expects voters to go to the polls during non-work time, without interfering with work schedules. However, if your schedule and polling location make it impossible for you to vote outside of your normal working hours, you will be allowed to arrive late or leave early enough to go vote, without loss of pay, up to a maximum of two (2) hours. If you need such arrangements, notify your immediate supervisor at least two work days before the election.