



# California Health Sciences University

## EMPLOYEE LEAVES OF ABSENCE

### I. POLICY STATEMENT

CHSU recognizes that administration, faculty and staff (“Employees”) will need days off from work from time to time for different reasons. To that end, CHSU provides a variety of leaves of absence for eligible employees, to help employees take time off work to attend to an employee's responsibilities outside of work. Specifically, this policy explains the types of leaves available to assist employees in managing events requiring time away from work. This policy explains the eligibility, accrual, and use of all paid and unpaid leaves available to eligible employees. It does not address vacation, as that is governed by a separate policy.

This policy provides eligible employees with leave in accordance with California State and Federal laws and CHSU policy. If applicable, state or federal law requires that CHSU offer any leave in a manner that would be more generous to employees than is currently provided in this policy, CHSU will comply with the law.

Types of leave offered by CHSU and addressed in this policy include:

- A. CHSU Paid Sick Leave
- B. California Paid Sick Leave ("PSL")
- C. Family Medical Leave Act ("FMLA") and California Family Rights Act ("CFRA")
- D. Pregnancy Disability Leave
- E. Extended Sick Leave for Full-Time Employees
- F. Bone Marrow and Organ Donation
- G. Domestic Violence, Sexual Assault or Stalking Leave
- H. Victims of Felony Crimes
- I. Jury Duty and Witness Leave
- J. Time Off to Vote
- K. Time Off for Child or Grandchild's School or Child Care Provider
- L. Military, National Guard, Military Care Giver and Volunteer Emergency Services Leave
- M. Bereavement Leave
- N. Sabbatical Leave



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### O. CHSU Donated Leave Program

## II. GUIDELINES APPLICABLE TO ALL TYPES OF LEAVE

### A. Notice Prior to Taking a Leave

Eligible employees are required to provide reasonable notice of the need for all leaves, in writing, to their supervisor as soon as practicable, and in advance if foreseeable. If an employee develops a need to leave work during the work day, the employee must notify their supervisor before leaving work. Additionally, employees are required to record their leave in the University's electronic payroll system.

Exceptions to this advance notice requirement shall be made for unexpected events or emergencies as determined by their supervisor.

### B. Documentation Regarding Taking Leaves

Employees may be required to provide documentation before taking leave or upon return from leave as may be requested by the Office of Human Resources. The Office of Human Resources will explain the type of documentation that is required to the employee based on the type of leave sought and will provide the employee with a reasonable time period to provide the requested documentation.

### C. No Pay-Out For Any Time Off Under This Policy

Employees will not receive payment (i.e., pay-out) for any type of leave provided by this policy under any circumstance, including at resignation, retirement, termination or other separation.

### D. Abuse of Leave/Discipline

Abuse of leave in any form can have serious impact on the morale and effectiveness of all CHSU employees and students. Abuse of leave is prohibited and may result in discipline, up to and including termination of employment. Abuse of leave includes, but is not limited to: (1) dishonesty regarding the need for or use of leave; (2) submission of fraudulent documentation supporting the need for leave; (3) failure to timely provide notification or documentation regarding need for or return from leave. Supervisors may review attendance records for evidence of possible abuse of leave, such as patterns of absences on Fridays/Mondays, seasonable absences, or absences when a vacation request has been denied.

### E. Accrual of Leave

For leaves which accrue over time, eligible employees will continue to accrue leave time while they are in paid-status, unless otherwise specified by state or federal law for the particular type of leave.



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### F. Immediate Family Member Defined

Immediate Family Member as used in this policy, unless otherwise stated or required by law, shall include: (1) a child (biological, adopted, foster, step or legal ward); (2) parent or parent of an employee's spouse or registered domestic partner (biological, adoptive, foster, legal guardian or step); (3) child to whom the employee stands in loco parentis or a parent who stood in loco parentis to the employee when the employee was a minor; (4) spouse or registered domestic partner; (5) grandparent; (6) grandchild; or (7) sibling (biological, adopted, foster, step).

### G. Use of Leave while On Vacation

If an employee qualifies for another type of leave while on vacation, the employee may notify the Office of Human Resources. Employees qualifying for other types of leave during their vacation may elect to use these other leaves and to reschedule their vacation for another time. However, the leaves described in this policy may not be used to supplement time taken for vacation if the employee is not otherwise eligible for the types of leaves contained in this policy.

## III. SICK LEAVE

### A. CHSU Paid Sick Leave ("CHSU Sick Leave")

#### 1. Eligibility

Employees eligible for CHSU Sick Leave are full-time Administration, Faculty and Staff. Full-Time for purposes of CHSU Sick Leave benefits are those employees regularly scheduled to work 40 hours or more per week.

Employees in positions other than full-time administration, faculty and staff, including but not limited to Adjunct Faculty, per diem and part-time employees, are not eligible for CHSU Sick Leave, but will receive California Paid Sick Leave, as described below.

#### 2. Accrual

Employees eligible for CHSU Sick Leave accrue fifteen (15) days (i.e., 120 hours) of paid sick time per twelve (12) months of work (i.e., accrual is at a rate of five (5) hours per pay period).

The maximum amount of sick days that a full-time employee may accrue is thirty (30) days. Thereafter, the employee will stop accruing sick time until the sick leave balance falls below the maximum amount.

#### 3. Use

Eligible employees may use CHSU Sick Leave during the same pay period in which it accrues. Sick leave is paid at the employee's regular rate of pay. Sick leave benefits may be used for an employee's own injury or illness, for medical or dental appointments, to care for an Immediate Family Member, for specified purposes under state and federal law, or for any other purpose allowed under this Policy (e.g., Bereavement, discussed below).



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### B. California Paid Sick Leave ("PSL") for Part-Time, Per Diem, Special Project, and Temporary Employees

#### 1. Eligibility

All CHSU employees who do not qualify for CHSU Sick Leave, as described above, are eligible for California Paid Sick Leave ("PSL") benefits under California's Healthy Workplaces, Healthy Families Act of 2014 ("HWHFA").

#### 2. Lump Sum Accrual

Eligible employees will be provided with a lump sum of twenty-four (24) hours of sick leave immediately upon hire, and will receive twenty-four (24) hours of sick leave on the anniversary of their hire date each year. The maximum accrual is twenty-four (24) hours.

#### 3. Use

New employees must wait ninety (90) days before using PSL. No more than twenty-four (24) hours of sick leave may be used in a twelve month period.

PSL may be used for the diagnosis, care, or treatment of an existing health condition of, or preventative care for, an employee or an employee's Immediate Family Member. PSL may also be used for specified purposes if an employee is a victim of domestic violence, sexual assault or stalking.

PSL shall be paid at the employee's regular rate of pay for the workweek in which the employee uses the PSL, regardless of any overtime worked.

## IV. FAMILY MEDICAL LEAVE ACT AND CALIFORNIA FAMILY RIGHTS ACT

Eligible employees will be provided with family and medical leave and leave under the Federal Family Medical Leave Act ("FMLA") and California Family Rights Act ("CFRA") in accordance with the requirements of applicable state and federal law.

### A. Eligibility

An "eligible employee" is an employee that: (1) has worked with CHSU continuously for at least twelve (12) months; (2) has actually provided at least 1,250 hours of service in the 12-month period preceding the leave; and (3) currently works at a location where there are at least fifty (50) employees within seventy-five (75) miles.

### B. Conditions Triggering Leave

FMLA and/or CFRA leave will be granted for any of the following reasons:

#### 1. The birth of a child.



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2. To care or bond with a newly born child or the placement of a child with the employee for adoption or foster care or to care or bond with the adopted or foster care child ("Child/Baby Bonding").
3. Incapacity due to pregnancy or prenatal medical care.
4. To care for a Qualified Family Member (as defined below) with a serious health condition.
5. Because of the employee's serious health condition that makes the employee unable to perform his or her job.

A "serious health condition" is an illness, injury, impairment or physical or mental condition that involves either an overnight stay in a medical care facility or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school or other daily activities.

A "Qualified Family Member" includes the employee's spouse, registered domestic partner, child or parent. Child includes a biological, adopted or foster child, a stepchild, a legal ward or child of a person standing in loco parentis, who is either under age 18 or age 18 and older and incapable of self-care because of a mental or physical disability at the time FMLA leave is to commence. Parent means a biological, adopted, step or foster parent, or any other individual who stood in loco parentis to the employee when the employee was a child. A Qualified Family Member does not include parents of an employee's spouse, parents of an employee's registered domestic partner, a grandparent, a grandchild or a sibling.

### C. Use

Eligible employees may receive up to a maximum of twelve (12) workweeks of unpaid leave for all eligible reasons combined during a twelve-month period. The twelve-month period begins on the date of an employee's first day of leave. This leave may be taken intermittently, or by reducing the employee's normal weekly or daily work schedule. FMLA/CFRA leave is unpaid.

If the leave is used for bonding with a child (i.e., baby-bonding), all leave must be used within twelve (12) months of the birth or placement and intermittent leave must be taken in increments no less than two weeks. CHSU will grant baby-bonding leave of less than two weeks' duration on any two occasions.

Both parents may take leave for the birth or placement for adoption or foster care, of a child. If both parents are employed by CHSU, the aggregate number of workweeks of leave to which both are entitled is limited to twelve work weeks during any twelve month period for the birth or placement



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for adoption or foster of the employees' child, or to care for a parent with a serious health condition. This limitation does not apply to leave taken by either spouse to care for the other who is seriously ill and unable to work, to care for a child with a serious health condition, or for his or her own serious illness.

### D. Use of Accrued Paid Leave Concurrently with FMLA/CFRA

Depending on the purpose of the employee's leave request, CHSU may require employees to use accrued paid leave such as sick leave, extended sick leave or vacation concurrently with some or all of the FMLA/CFRA leave. To use paid leave concurrently with FMLA/CFRA, eligible employees must comply with CHSU's normal procedures for the applicable paid leave policy.

## V. CALIFORNIA PREGNANCY DISABILITY LEAVE ("PDL")

In compliance with California State law under the California Fair Employment and Housing Act ("FEHA"), if an employee is disabled by pregnancy, childbirth or related medical conditions, the employee is eligible to take a Pregnancy Disability Leave (PDL), as described below. CHSU provides reasonable accommodations, to the extent required by law, for conditions related to pregnancy, childbirth or related medical conditions. In addition, a transfer to a less strenuous or hazardous position or duties may be available pursuant to an employee's request, if such a transfer is medically advisable. Employees requesting a leave absence as a reasonable accommodation should promptly notify the Office of Human Resources.

### A. Eligibility

All employees who experience disabilities relating to pregnancy, childbirth or related medical conditions (i.e., physical or mental conditions intrinsic to pregnancy or childbirth) may request leave or a reasonable accommodation under this policy.

### B. Use

CHSU provides eligible employees with up to four months of job-protected unpaid leave. For purposes of PDL, four months means the number of days the employee would normally work within four calendar months (equal to 17 and 1/3 calendar weeks), if the leave is taken continuously, following the date the pregnancy leave commences.

### C. Use of Accrued Paid Leave Concurrently with PDL

Accrued paid sick leave or extended sick leave must be used concurrently with leave taken under this policy. Employees may choose to use accrued paid vacation concurrently with some or all of the leave under this policy. To receive any paid leave, employees must comply with the company's normal policies and procedures for the applicable paid leave.



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### VI. EXTENDED SICK LEAVE

CHSU recognizes the burden that extended time off from work due to their illness or the illness of a family member can take on employees. In order to assist employees during those difficult times, CHSU provides a generous Extended Sick Leave program for eligible employees that runs concurrently with unpaid leave under FMLA/CFRA and/or PDL, as described below.

#### A. Eligibility

Full-time Administration, Staff and Faculty are eligible for Extended Sick Leave if they qualify for FMLA/CFRA due to their need to care for an Qualified Family Member (as defined above under section IV) with a serious health condition or because of the employee's own serious health condition (all other eligibility requirements for FMLA/CFRA must also be met, as described above). Employees are also eligible for Extended Sick Leave if they qualify for PDL, as described above. Employees are not eligible for Extended Sick Leave for purposes of Child/Baby Bonding.

Full-time for purposes of Extended Sick Leave is defined as being regularly scheduled to work 40 hours or more per week.

Part-time, temporary, per diem and Adjunct Faculty are not eligible for Extended Sick Leave.

#### B. Use

Eligible full-time employees receive up to thirty (30) days of extended sick leave if they become eligible for FMLA/CFRA and/or PDL. However, CHSU Sick Leave must be exhausted prior to utilizing Extended Sick Leave.

### VII. BONE MARROW AND ORGAN DONATION

Employees donating bone marrow or an organ who have exhausted all available sick leave will be permitted to take a leave of absence with pay for up to thirty (30) days for the purpose of organ donation and up to five (5) days for bone marrow donation, in any twelve (12) month period. Employees are required to take up to five days of accrued but unused sick leave or vacation for bone marrow donation. Employees are required to take up to two weeks of accrued but unused sick leave or vacation for organ donation.

Other requirements under California state law may apply to use of leave under this section. Employees shall consult the Office of Human Resources for additional information.



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### **VIII. DOMESTIC VIOLENCE, SEXUAL ASSAULT OR STALKING LEAVE**

CHSU will provide unpaid leave for victims of domestic violence, sexual assault or stalking in accordance with state law. Employees may use accrued, unused sick time or vacation time during the leave. Leave under this section may be used for the following purposes:

1. To seek medical attention for injuries caused by domestic violence, sexual assault, or stalking.
2. To obtain services from a domestic violence shelter, program, or rape crisis center.
3. To obtain psychological counseling relating to an experience of domestic violence, sexual assault, or stalking
4. To participate in safety planning and to take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation

### **IX. LEAVE FOR VICTIMS OF CRIMES**

CHSU provides unpaid leave to each eligible employee who is a victim of certain, specified felony crimes, or who is an immediate family member of a victim, a registered domestic partner of a victim or the child of a registered domestic partner of a victim of certain, specified felony crimes to attend and participate in judicial proceedings related to the crime, in accordance with California state law. Employees may use accrued, unused sick time or vacation time during the leave.

### **X. JURY DUTY AND WITNESS LEAVE**

Employees are permitted to take a leave of absence for jury duty or to appear as a witness in a court of law, as is required by state law. CHSU will pay for up to forty (40) hours of jury duty leave, subject to documentation requirements imposed by the Office of Human Resources.

Employees may use accrued, unused vacation time for additional jury duty days or witness leave. Employees serving jury duty must report to work on days when they are scheduled to work but are not required to serve as a juror. Employees serving jury duty for only part of a work day must also report back to work for the remainder of their regularly scheduled time.

Other requirements under California state law may apply to use of leave under this section. Employees shall consult the Office of Human Resources for additional information.



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### **XI. TIME OFF TO VOTE**

CHSU will provide employees with time off to vote in accordance with state law. When possible, the employee should make every effort to vote prior to or after their scheduled working hours. Employees unable to do so should communicate their need for time off to vote to the Office of Human Resources and their immediate supervisor, in advance whenever possible. No employee will be penalized or retaliated against for requesting time off to vote.

### **XII. TIME OFF FOR CHILD OR GRANDCHILD'S SCHOOL OR CHILD CARE PROVIDER**

In accordance with California state law, CHSU will permit employees to take up to 8 hours each month off to: (1) find, enroll or re-enroll his or her child or grandchild in a school or with a licensed child care provider; or (2) to participate in activities of the school or licensed child care provider of the employee's child or grandchild. Employees are also able to take time off to address a child care provider or school emergency. In all cases, the maximum amount of time off for school or child care provider activities is 40 hours per year. Employees must use their accrued, unused vacation time for leave under this section. If the employee has no accrued, unused vacation time, leave taken under this section will be unpaid.

### **XIII. MILITARY, NATIONAL GUARD, MILITARY CARE GIVER AND VOLUNTEER EMERGENCY SERVICES LEAVE**

CHSU will provide military leave, National Guard leave, military care giver and volunteer emergency services leave, as required by federal and California state law.

### **XIV. BEREAVEMENT LEAVE**

CHSU employees may take up to five (5) days of Bereavement Leave for the death of an Immediate Family Member, or up to ten (10) days if travel outside of California is required. Bereavement Leave is deducted from the employee's CHSU Sick Leave balance or vacation balance, whichever is elected by the employee. If an employee does not have accrued but unused CHSU Sick Leave or vacation, the Bereavement Leave may be taken as an unpaid leave.

### **XV. SABBATICAL LEAVE**

If an opportunity arises for a member of the Faculty to work or undertake a special project outside of CHSU for a period of twenty-four (24) months or less, the employee may request an unpaid sabbatical. Such a sabbatical may be approved at CHSU's sole discretion. Faculty members interested in a sabbatical leave should consult the Office of Human Resources.



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### **XVI. CHSU DONATED LEAVE PROGRAM**

CHSU recognizes that there are instances when an employee who has not accrued or has exhausted all of their vacation, sick leave and extended sick leave, has an unusual or extraordinary need for additional time off due to a medical emergency. Accordingly, CHSU permits employees to voluntarily donate accrued, unused CHSU Sick Leave or vacation to a designated colleague, as described below.

Employees are eligible to request donated sick leave if they meet the following criteria: (1) the employee or an employee's family member has suffered a medical emergency which requires a prolonged absence from work; (2) employee has exhausted all CHSU Sick Leave or California PSL; (2) employee has exhausted or is not eligible for vacation; (3) employee has exhausted or is not eligible for all Extended Sick Leave; (4) the employee's absence from work will result in loss of income to the employee; and (5) employee has completed and submitted all required donation request forms to the Office of Human Resources. The Office of Human Resources will make a determination regarding eligibility for donated leave and contact the donor to notify the appropriate parties of the decision. If approved, the Office of Human Resources will solicit donations from other CHSU employees.

To donate CHSU Sick Leave, an employee must leave a minimum sick leave balance of five (5) CHSU sick days. An employee may donate all of their accrued, unused vacation. Employees who donate time will have their accrued sick leave and/or vacation balances permanently reduced by the amount donated. Employees who donate vacation will have no right to be paid out for the donated vacation upon termination as long as it is actually used by the employee seeking donated leave; in this case, it is as if the donor used the time themselves. California PSL and Extended Sick Leave may not be donated under this policy.

All requests and donation offers are subject to approval by the Office of Human Resources. CHSU's donated leave program is intended to comply with all IRS requirements for such programs. To the extent the law or regulations require modification to this program to comply with IRS requirements, those modifications will be incorporated into the program.

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