

Leaves of Absence Policy

Leaves Of Absence

At its discretion, Chico State Enterprises may grant an employee a temporary leave of absence without loss of employment status. Unless specifically provided otherwise, all general leaves of absence are available only on an unpaid basis. There are specific rules for defined leaves explained below. Subject to any applicable provisions of law, requests for leaves of absence will be at Chico State Enterprises' discretion. To apply for a leave of absence, the employee must submit a request in writing to the supervisor, giving the reason(s) for the leave. When the need for a leave is foreseeable, employees are expected to provide reasonable advance notification in writing as a condition of eligibility for a leave. The employee must make a reasonable effort to schedule the leave to avoid disruption to Chico State Enterprises operations.

A Personnel Action Form must be filled out to indicate the nature of the leave request as well as the period of leave. The PAF should be signed by the employee, supervisor and Project Director and submitted to Chico State Enterprises Human Resources Director for pre-approval. The Human Resources Director will make the final decision on all leave requests.

Normally, leave requests will not be considered unless the employee has completed one year of service with Chico State Enterprises. However, employees are eligible for a leave of absence before completing one year of service where required by state or federal law. For example, leaves of absence may be granted to any employee for work-related injuries, disabilities related to childbirth, jury or witness duty, or military duty.

Factors that may be considered in determining eligibility for a general leave of absence include: the employee's level of job responsibility, length of service and performance; the reason for the request; the expected impact of the leave on the employer; and Chico State Enterprises' ability to obtain a satisfactory replacement during the employee's absence.

Chico State Enterprises will consider an employee's request for a leave of absence for reasons that include (but are not limited to):

1. Family and Medical Leave
2. Pregnancy Leave

3. Parental Leave
4. Domestic Violence Leave
5. Alcohol and Drug Rehabilitation Leave
6. Disability Leaves
7. Others including Bereavement, Personal Leave, Voting Rights, Jury Duty, Military

Personal leaves of absence for other than the above reasons may be considered for reasonable periods of time not to exceed thirty days.

A leave of absence is not designed for employees who are terminating employment or not intending to return to work. Leaves will only be granted for the period of need as certified by the appropriate documentation or authority. Leaves covered by specific laws will be granted as provided by law, however, in no instance will a leave extend beyond the termination date specified for the position or the end of the grant, contract or project, whichever is sooner. Any leave of absence that qualifies as leave under the state or federal family and medical leave laws (discussed below), will be counted as family/medical leave and charged against that entitlement (currently 12 workweeks of family/medical leave in a 12-month period).

As previously noted, employees are not eligible for employer benefits contributions while on a general unpaid leave of absence and must make arrangements for self-payment of any benefits costs (e.g., medical insurance) they wish to continue while on leave. Medical, vision and dental coverages will normally continue until the end of the month in which the leave begins and resume again at the beginning of the month following the date of their return. Contact the Chico State Enterprises Human Resources Director for additional information. Similarly, vacation and sick leave credits do not accrue while on unpaid leave status. Except as provided by law, time on leave does not count toward an employee's service credit for the purposes of benefits increases, merit salary increases, vacation accruals, or fulfillment of the Introductory Employment Period.

If an employee accepts other employment or, without prior approval or valid excuse, fails to return to work promptly upon the expiration of the leave, it will be assumed that the employee has voluntarily terminated his/her employment.

When an employee returns from an approved leave of absence, Chico State Enterprises will attempt to offer a position similar to that held at the time of leaving, if available. However, reinstatement cannot be guaranteed. There will be times when the Chico State Enterprises will be unable to maintain a position whose funding has ended or,

because of business needs, will be unable to hold a position open or provide an appropriate alternative position for which the employee is qualified. Employees do not have reinstatement privileges on any project except the one on which they were working prior to the leave.

The following sections provide additional information pertaining to specific types of leaves of absence:

Family and Medical Leave Act (FMLA) & California Family Rights Act (CFRA)

Chico State Enterprises will grant family and medical leave in accordance with the requirements of applicable state and federal law in effect at the time the leave is granted. No greater or lesser leave benefits will be granted than those set forth in the relevant state or federal laws. In certain situations, the federal law requires that provisions of state law apply. In any case, Chico State Enterprises employees will be eligible for the most generous benefits available under either law.

Please contact your supervisor or the Human Resources Director as soon as you become aware of the need for a family and medical leave. The following is a summary of the relevant provisions of these laws.

- a. **Eligibility** - To be eligible for family and medical leave benefits, you must:
 - (1) have worked for Chico State Enterprises for a total of at least 12 months;
 - (2) have worked at least 1,250 hours during the 12 months preceding the leave;
 - (3) been employed at a worksite where 50 or more employees are employed within 75 miles.
- b. **Leave Available** – An eligible employee may receive up to a total of 12 workweeks of unpaid leave during a 12-month period. A 12-month period is measured backward from the date of the leave request.
- c. **Leave Uses** - Family and medical leave may be used for one or more of the following reasons: (1) for the birth or placement of a child for adoption or foster care; (2) to care for an immediate family member (spouse, child, or parent with a serious health condition); or (3) to take medical leave when the Employee is unable to work because of a serious health condition. Under some circumstances family and medical leave can be taken intermittently – which means taking leave in blocks of time, or by reducing the employee’s normal weekly or daily work schedule. If you are pregnant, you may have the right to take a pregnancy disability leave in addition to a family and medical leave. Please review the Pregnancy Disability Leave policy below and notify your supervisor or the Human Resources Director if you need leave due to your pregnancy.

- d. **Notice & Certification** – If you need family and medical leave, you may be required to provide:
- 30-day advance notice when the need for the leave is foreseeable;
 - Medical certification from a health care provider (both prior to the leave and prior to reinstatement).
 - Periodic re-certification;
 - Periodic reports during the leave.
- di. **Compensation During Family and Medical Leave** – Chico State Enterprises will require you to use accrued paid leave (such as vacation or sick leave) to cover some or all of the family and medical leave for your own serious health condition and in accordance with its policies for sick and vacation leave stated elsewhere in this book. The use of paid time off will not extend the length of family and medical leave, and will be subject to the laws governing the use of such paid time
- dii. **Benefits During Leave** – Chico State Enterprises will maintain, for up to a maximum of 12 workweeks of family and medical leave, any group health insurance coverage that you were provided before the leave on the same terms as if you had continued to work. In some instances, Chico State Enterprises may recover premiums it paid to maintain health coverage if you do not return to work following family or medical leave. If you have exhausted your family and medical leave rights, but remain off work for an agreed-to period of time, you will be responsible for payment of the full costs maintaining your benefits.
- diii. **Job Reinstatement** – Under most circumstances, upon return from family and medical leave, you will be reinstated to your previous position, or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. However, upon return from a family and medical leave, you have no greater right to reinstatement than if you had been continuously reemployed rather than on leave. For example, if you would have been laid off had you not gone on family and medical leave, or if your position has been eliminated during the leave, then you will not be entitled to reinstatement. If you are returning from family and medical leave taken for your own serious health condition, but you are unable to perform the essential functions of your job because of a physical or mental disability, Chico State Enterprises will attempt to accommodate you. Your use of family and medical leave will not result in the loss of any employment benefit that you earned or were entitled to before using family and medical leave.
- div. **Unlawful Acts** – It is unlawful for Chico State Enterprises to interfere with, restrain, or deny the exercise of any right provided by state or federal family and medical leave law. It is also unlawful for Chico State Enterprises

to refuse to hire or to discharge or discriminate against any individual for being involved in any proceedings related to family and medical leave.

Pregnancy Disability Leave

- a. **Employee Eligibility** – Chico State Enterprises will grant an unpaid pregnancy disability leave if you are disabled because of your pregnancy, childbirth, or related medical condition.
- b. **Leave Available** – If you are disabled due to pregnancy, childbirth, or a related medical condition, you may take up to a maximum of four months leave. When possible and if supported by your physician, Chico State Enterprises will provide alternative work if it can be reasonably accommodated. Leave taken under the pregnancy disability policy runs concurrently with family and medical leave under federal law, but not with family and medical leave under California law.
- c. **Notice & Certification Requirements** – You must provide Chico State Enterprises with reasonable advance notice of your need for a pregnancy disability leave if possible. In addition, you must provide Chico State Enterprises with a health care provider’s statement certifying the last day you can work and the expected duration of your leave.
- d. **Compensation During Leave** – Pregnancy disability leaves are generally without pay. However, you will be required to use any accrued sick leave during the otherwise unpaid portion of the pregnancy disability leave. In addition, you may elect to use any vacation time. All payments will be integrated with any state disability or other wage reimbursement benefits that you may receive with the intent that you receive no greater combined payment than your regular compensation would be.
- e. **Benefits During Leave** – Chico State Enterprises will maintain, for up to a maximum of 4 months of authorized leave, any group health insurance coverage that you were provided before the leave on the same terms as if you had continued to work. In some instances, Chico State Enterprises may recover premiums it paid to maintain health coverage if you do not return to work following pregnancy disability leave. If you are not eligible for family and medical leave, you will receive coverage on the same basis as employees taking other leaves, which may include self-payment of benefits if in a non-compensated status.
- f. **Reinstatement** – Upon the submission of a medical certification from a health care provider that you are able to return to work, you will, in most circumstances, be offered the same position held at the time of the leave or an equivalent position. However, you will not be entitled to any greater right to reinstatement than if you had been employed continuously rather than on leave. For example, if you would have been laid off if you had not gone on

leave, then you will not be entitled to reinstatement. Similarly, if your position has been filled in order to avoid undermining the Foundation's ability to operate safely and efficiently while you were on leave, and there is no equivalent position available, then reinstatement will be denied. If upon return from a pregnancy disability leave you are unable to perform the essential functions of the job because of a physical or mental disability, Chico State Enterprises will attempt to accommodate you.

Alcohol and Drug Rehabilitation Leave

Chico State Enterprises wishes to assist employees who recognize that they have a problem with alcohol or drugs that may interfere with their ability to perform their jobs in a satisfactory manner. Employees who decide to enroll voluntarily in a rehabilitation program may be given unpaid time off to participate in the program unless it would result in an undue hardship to the employer. Chico State Enterprises will attempt to keep the employee's enrollment in the program as confidential as possible under the circumstances.

Bereavement Leave

When the sick leave provision for bereavement leave is exhausted employees may request additional time off in the form of an unpaid leave of absence for the death of close family members (see item number 5 under "Sick Leave"). The supervisor may request documentation of the need for the leave.

Personal Leaves

In unusual circumstances, a personal leave of absence without pay up to a maximum of thirty (30) calendar days may be granted at the discretion of Chico State Enterprises. Approved personal absences of shorter duration than two weeks are not normally treated as leaves, but rather as excused absences without pay.

Military Leaves of Absence

Chico State Enterprises will grant employees who enter the United States Armed Forces, a military leave of absence in accordance with federal and state laws governing such leaves. In order to be eligible for military leaves, employees must submit written verification (i.e., a copy of their orders) from the appropriate military authority. Eligibility for reinstatement following military duty will conform to the guidelines set forth in the Uniformed Services Employment and Re-Employment Rights Act (USERRA).

Trial Court Jury and Witness Duty

Chico State Enterprises will grant a leave of absence to employees for service as a juror or witness when they give Chico State Enterprises reasonable advance notice of their obligation to serve. Documented evidence of such service may be requested by the supervisor: for example, a time record sheet provided by the clerk of the court.

Normally, up to ten days of paid leave in any twenty-four month period is available to Benefited Employees for this purpose. At the end of the court service, that portion of a jury or witness duty payment designated as payment for jury service is reimbursed to Chico State Enterprises by submitting the payment to the Chico State Enterprises Human Resources Director. That portion designated as travel reimbursement shall be retained by the employee. On the days you take off from work to perform jury or witness duty you will be expected to return to work for the remainder of your work schedule if time permits.

Domestic Violence Leave

Domestic violence leave is available to an employee who is a victim of domestic violence and who takes time to obtain any relief to help ensure the health safety, or welfare of the employee or his/her child(ren). In addition, an employee may take time off to seek medical attention or psychological counseling; to obtain services from a domestic violence shelter, or similar program; to participate in safety planning, including relocation. This leave will run concurrently with FMLA and does not exceed the time permitted by FMLA. An employee may use vacation or other accrued paid leave time as applicable. Reasonable advanced notice is required whenever possible. In addition, Chico State Enterprises may request after the fact certification (e.g., court order, police report, or documentation from health care professional or domestic violence advocate). Chico State Enterprises will attempt to keep the employee's particular situation as confidential as possible under the circumstances.

Parental Leave

If you are a parent, guardian, or grandparent with custody of a child in kindergarten, grades 1-12, inclusive, or a licensed day care center and you wish to take time off to visit your child's school for a school activity, you may take off up to eight hours each calendar month (up to a maximum of 40 hours each calendar year), per child, provided you give reasonable notice to your supervisor of your planned absence. Employees wishing to take leave for a child's school activities may utilize their existing vacation time. Chico State Enterprises may require documentation from the school noting the date and time of the visit.

Educational Assistance Leaves

Regular employees may be given time off from work with pay for the purpose of improving on-the-job skills if such training or education is, in the opinion of the Project Director and Chico State Enterprises Human Resources Director, deemed especially beneficial to the employing unit. The classes taken, and any fees paid for job-related classes, must have the advance approval, in writing, of the Project Director and the Chico State Enterprises Human Resources Director.

Time off for other than job-related classes may be given without pay, provided it does not interfere with the accomplishment of the employee's duties. Regular Employees may be eligible for a reduced per unit fee through Regional and Continuing Education. Contact the Regional and Continuing Education Office for more information. (10/05)

Voting Time

To make the voting process at local, state, and national elections more accessible, employees who do not have sufficient time outside their working hours to vote will be allowed to take up to two hours off, with pay, for this purpose. The employee must secure the supervisor's advance approval and supply evidence of voting (i.e., a voter's receipt) to the supervisor.

Time off for Volunteer Firefighters

A registered volunteer firefighter who would like to perform emergency duty during work hours must notify his or her supervisor and the Human Resources Director. All time off to serve as a volunteer is unpaid unless the employee elects to utilize accrued vacation time.

Time Off for Adult Literacy Programs

Chico State Enterprises may make reasonable accommodations for any employee who reveals a literacy problem and requests that Chico State Enterprises assist him or her in enrolling in an adult literacy program, unless undue hardship to Chico State Enterprises would result. Chico State Enterprises may also assist employees who wish to seek literacy education training by providing employees with the location local literacy programs.

Chico State Enterprises will take reasonable steps to safeguard the privacy of any employee who identifies himself or herself as an individual with a literacy problem. Any employee who wishes to identify himself or herself as an individual with a literacy problem may contact the Human Resources Director directly. Further, individuals

who are performing satisfactorily will not be subject to termination of employment because they have disclosed literacy problems.

While Chico State Enterprises generally encourages employees to improve their literacy skills, Chico State Enterprises will not reimburse employees for the costs incurred in attending a literacy program. Nonexempt employees may use vacation pay to make up for work that is missed to attend literacy classes.