

General Time Off Policy

POLICY STATEMENT

This policy outlines employees' rights and responsibilities during time off for matters that are regulated by law, for example: Civic duties, Court responsibilities, Military Duty, and other similar situations.

REASON FOR THE POLICY

The policy is meant to outline resources and necessary steps for general time off.

POLICY

Employees may occasionally need time off from work to address important matters that are regulated by law. The University will comply with its legal obligations by providing employees time off, where necessary, for the reasons described in this policy. Time off that is provided under this policy will ordinarily be unpaid except where the law requires that it be compensated, or when the employee has applicable sick leave or vacation benefits available.

JURY DUTY

Employees who are regularly scheduled to work at least twenty hours weekly are eligible for paid leave for jury duty after they have completed 90 days of continuous employment.

The employee will be paid the regular daily rate for each working day missed due to jury duty for a maximum of ten days pay per calendar year. Any time served beyond the ten-day period will be without pay, unless fully accrued vacation or available personal time is used upon request by the employee. Faculty may consult with the Office of Faculty Affairs for more information on pay options. Employees may keep the proceeds from jury duty, along with their wages from the University.

Employees who are not eligible for paid jury duty leave are entitled to unpaid leave while on jury duty service, provided the employee gives his/her supervisor reasonable notice of the jury duty.

Employees must report to work on those days or parts of days when excused from jury duty, or when jury duty does not conflict with the work schedule. It is the responsibility of the employee to return to work at the end of the approved leave. Failure to do so will be considered job abandonment and will result in disciplinary action, up to and including termination of employment.

All benefits in force will continue while the employee is on jury duty leave. The employee is required to continue payment of any contributions for insurance coverage and retirement accounts during the leave to keep them in effect if the leave is unpaid or extends to an unpaid status.

Proof of jury duty attendance must be presented to the Office of Human Resources for placement in the employee's file. Employees may be required to provide documentation from the court showing time served.

WITNESS DUTY

Employees who are required by law to appear in judicial or administrative proceedings will be provided time off for that purpose. An employee summoned to appear as a witness in any judicial or administrative proceeding should provide a copy of the subpoena or court order to his/her supervisor upon receipt.

In accordance with the State of California wage and hour laws, deductions will not be made from the salary of an exempt employee for absences caused by attendance as a witness. Non-exempt employees will not be compensated for time off to serve as a witness. Faculty may consult with the Office of Faculty Affairs for more information on pay options. Required attendance at administrative or legal proceedings involving the University, including service as a witness or paid expert witness on behalf of the University, is considered time worked.

Employees are required to report back to work as soon as possible after they are released from witness duty. If an employee does not return to work in a timely manner the University may record the missed hours as an unexcused absence.

TIME OFF FOR VOTING

Employees who do not have sufficient time outside of working hours to vote at statewide elections may take off enough working time which, when added to the voting time available outside of working hours, will enable the employee to vote.

Up to two (2) hours of the time taken off for voting shall be without loss of pay. The time off for voting must be taken at the beginning or end of the regular working shift, whichever allows the most free time for voting and the least time off from the regular working shift, unless otherwise mutually agreed upon by the employee and her/his supervisor.

If the employee knows in advance that time off will be necessary to vote on election day, the employee must give her/his supervisor at least two working days' notice that time off for voting is desired.

MILITARY DUTY

An employee who enters the Armed Forces of the United States will be placed on an extended leave without pay for up to five (5) years in accordance with applicable federal laws. Employees must provide the following notice to the University prior to returning to work:

- a) if the employee's military leave of absence was 30 days or less, the employee must provide notice of his/her intent to return to work the following day after his/her military leave of absence has ended;
- b) if the employee's leave of absence was longer than 30 days but not longer than 180 days, the employee must provide notice of his/her intent to return to work within 14 days after the expiration of the leave; and
- c) if the employee's leave of absence was longer than 180 days, the employee must provide notice of his/her intent to return to work within 90 days of the conclusion of the leave.

For leaves longer than 180 days, upon completion of military service, the employee will be reinstated with full seniority to his or her former position or to a comparable position if application for reemployment is made within 90 calendar days of release from the service or hospitalization following such service.

An employee with a disability incurred in or aggravated during military service may participate in the interactive process with the University to determine if a reasonable accommodation is possible in order for the employee to be reinstated to his/her former position or a comparable position. If performance of the former position or a comparable position is not possible due to the disability, even with reasonable accommodation, the employee will, whenever possible, be reinstated to another position at that position's rate of pay and with full seniority.

An employee who is a member of the National Guard or of a reserve component of the Armed Forces will, upon furnishing a copy of the official orders or instructions, be granted a military training leave for purposes of military training, drills, encampment, naval cruises, special exercises or like activity. Training leaves will not, except in an emergency or in the event of extenuating circumstances, exceed seventeen (17) calendar days a year, plus reasonable travel time. Employees may keep their training pay and will also be paid their regular wages from the University.

Vacation days and sick benefits continue to accrue for employees on approved military leave as long as employees are receiving pay through University benefits (i.e., accrued vacation for Staff and Administrators). However, employees on military leave who were eligible to accrue sick and vacation immediately prior to the leave, will accrue these benefits for the first 30 days of the military leave whether or not they receive pay for University benefits while on leave.

An employee on approved military service leave will be allowed to continue participating in voluntary health, welfare and retirement benefit plans in which he/she was enrolled before the first day of the leave, and at the level and under the conditions of coverage as if the employee had continued in active employment for the duration of such leave. If the employee is receiving University pay, the employee's premium for such coverage will be deducted from the employee's paycheck. If the employee is not receiving University pay, the employee may make arrangements with Human Resources to make such payments. If the employee does not make payments, all voluntary University health, welfare and pension benefits will cease unless otherwise prohibited by law.

The employee must continue to pay her/his portion of benefit payments in a timely manner. Participation in the University-paid benefits (i.e., life insurance, long term disability insurance and the Defined Contribution Retirement Plan) will continue during the entire period of the military leave. The continued participation in such benefits begins on the date leave first begins.

In the event of a leave of absence, the employee should give notice to their supervisor or department head as far in advance as possible. All leave of absence requests must be presented in writing on the appropriate form to the Office of Human Resources for final approval.

MILITARY SPOUSAL LEAVE

Employees who are spouses or registered domestic partners of military personnel who are home on leave during a period of military deployment are entitled to up to 10 days of job-protected, unpaid leave.

To be eligible for the leave, an employee must be the spouse or registered domestic partner of a member of the armed forces of the United States, National Guard or Reserves who has been deployed during a period of military conflict, and must work at least an average of 20 hours per week.

To request leave under this policy, an employee should:

1. Provide notice to the Wellness and Leaves Administrator in the Human Resources Department within two business days of receiving official notice that the employee's spouse or registered domestic partner will be on leave from deployment.
2. Submit appropriate written documentation to the Wellness and Leaves Administrator in the Human Resources Department certifying that the employee's spouse or registered domestic partner will be on leave from deployment during the time the leave is requested.

Employees requesting leave under this provision may choose to use accrued vacation time concurrently with some or all of the leave under this policy. To receive paid leave, eligible employees must comply with the University's normal procedures for the applicable paid-leave policy (e.g., call-in procedures, advance notice). Faculty may consult with the Office of Faculty Affairs for more information on pay options.

TIME OFF TO PARTICIPATE IN ACTIVITIES OF CHILD'S SCHOOL

Under certain circumstances, eligible employees may be entitled to take time off to participate in activities of their child's school or a licensed day care facility. In order to be eligible for time off under this policy, an employee must be the parent, legal guardian, stepparent, foster parent, or grandparent of a child who is in kindergarten or a grade between one and 12, inclusive, or attending a licensed child day care facility. In addition, the employee must provide reasonable notice of the planned absence to their supervisor and Human Resources Department before

taking the time off. The employee may not take more than 40 hours off for this purpose in any single year or more than eight hours off in any calendar month of the year.

Activities that qualify for leave under this provision include the following:

(A) To find, enroll, or reenroll his or her child in a school or with a licensed childcare provider, or to participate in activities of the school or licensed childcare provider of his or her child.

(B) To address a childcare provider or school emergency. The emergency leave provision is not subject to the eight hours per month limitation.

“Childcare provider or school emergency” means that an employee’s child cannot remain in a school or with a childcare provider due to one of the following:

(a) The school or child care provider has requested that the child be picked up, or has an attendance policy, excluding planned holidays, that prohibits the child from attending or requires the child to be picked up from the school or childcare provider.

(b) Behavioral or discipline problems.

(c) Closure or unexpected unavailability of the school or childcare provider, excluding planned holidays.

(d) A natural disaster, including, but not limited to, fire, earthquake, or flood.

Employees who take time off under this policy must utilize any existing vacation accruals for the absence. If the employee does not have any vacation accruals available at the time the time off is taken, or does not have enough vacation accruals to cover the time taken off, the time off will be taken without pay if the employee is nonexempt or if the employee is exempt and takes a full day off. The salary of an exempt employee will not be affected if the employee misses a portion of a day of work under this policy. Faculty may consult with the Office of Faculty Affairs for more information on pay options.

Any employee who takes time off under this policy must provide documentation from the child's school or licensed child day care facility to substantiate the fact that the employee participated in a school activity or day care facility activity. The documentation must verify that the employee participated in the activity on a specific date and at a particular time.

LITERACY ASSISTANCE

The University wishes to assist employees who require time off to attend an adult literacy education program. Any employee who needs time off to attend such a program should inform Human Resources. The University will attempt to make reasonable accommodations for the employee by providing locations of local literacy education programs, arranging for a literacy education provider to visit the campus, or unpaid time off, unless it would cause an undue hardship to do so. It will also attempt to safeguard the privacy of the fact that an employee is enrolled in an adult literacy education program.

DOMESTIC VIOLENCE AND SEXUAL ASSAULT

If an employee is the victim of domestic violence or sexual assault, time off may be necessary to seek judicial relief to help ensure the health, safety, or welfare of the employee or a child. This may include efforts to obtain a temporary restraining order, a restraining order, or other injunctive relief from a court.

Employees who take time off under this policy must utilize any existing sick accruals and may utilize vacation accruals for the absence. Faculty may consult with the Office of Faculty Affairs for more information on pay options.

If an employee needs time off from work for one of these purposes, reasonable notice must be provided to the Human Resources, in writing. If an unscheduled or emergency court appearance is required for the health, safety or welfare of the domestic violence or sexual assault victim or a child, the employee must provide evidence from the court or prosecuting attorney that he or she has appeared in court within a reasonable time after the court appearance.

Employees who are victims of domestic violence, sexual assault, or stalking and are concerned about their safety at work, are entitled to reasonable accommodations. The University will engage in an interactive process with employees who request such accommodations to determine what assistance may be provided. Such accommodations may include, but are not limited to, transfers, reassignments, modified schedules, changed work locations and phone numbers, door locks, and assistance in documenting domestic violence, sexual assault, or stalking that occurs in the workplace.

CRIME VICTIMS LEAVE

A. Leave to Attend Judicial Proceedings

Employees may be absent from work in order to attend judicial proceedings related to a crime if they are either a victim of a serious crime or the crime victim's immediate family member, registered domestic partner, or the child of a registered domestic partner. For purposes of this policy, the term "immediate family member" means a spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, or stepfather.

As specified in California law, a victim of a serious crime is defined as a person who is a victim of a violent felony, a serious felony, or a felony prohibiting theft or embezzlement. An employee need not complete any minimum period of service to qualify for time off under this policy.

To receive time off, the employee must give the Wellness and Leaves Administrator in the Human Resources Department a copy of the notice of each scheduled proceeding, unless advance notice is not feasible. If advance notice is not feasible or an unscheduled absence occurs, the employee must provide the Wellness and Leaves Administrator in the Human Resources Department with documentation evidencing the judicial proceeding from the court or government agency setting the hearing, the district attorney or prosecuting attorney's office, or

the office that is advocating on behalf of the victim.. This documentation must be provided within a reasonable time after the absence.

Employees who are absent from work to attend judicial proceedings related to a serious crime may elect to use their accrued vacation benefits, sick leave, or other accrued personal leaves otherwise available to the employee. Time off for nonexempt employees will otherwise be unpaid. The salary of an exempt employee will not be affected if the employee misses a portion of a day of work under this policy. Faculty may consult with the Office of Faculty Affairs for more information on pay options.

B. Victim's Rights Leave

Employees who are crime victims may take time off from work to appear in court proceedings relating to the crime. For purposes of this leave, the University will provide time off to a "victim," which is defined as "any person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or a delinquent act." A victim includes the employee or his/her spouse, parent, child, sibling, or guardian.

The employee must be a victim, as defined above, of one of the following covered offenses:

- Vehicular manslaughter while intoxicated
- Felony child abuse likely to produce great bodily harm or a death
- Assault resulting in the death of a child under eight years of age
- Felony domestic violence
- Felony physical abuse of an elder or dependent adult
- Felony stalking
- Solicitation for murder
- A serious felony, such as kidnapping, rape or assault
- Hit-and-run causing death or injury
- Felony driving under the influence causing injury
- Specified sexual assault

The leave applies to any "proceeding," including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding in which a right of the victim is at issue.

An employee must provide the University reasonable advance notice of the employee's intention to take time off for this purpose. If such notice is not feasible, the employee must provide a certification to the University within a reasonable time after the absence. The certification shall be in one of the following forms:

- A police report indicating that the employee was a victim of an offense specified above;
- A court order protecting or separating the employee from the perpetrator of a covered offense or other evidence from the court or prosecuting attorney that the employee has appeared in court; or

- Documentation from a medical professional, domestic violence advocate or advocate for victims of sexual assault, health care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from a covered offense.

Employees may use vacation, sick leave, or other accrued personal leaves otherwise available to the employee during this victim's leave. Faculty may consult with the Office of Faculty Affairs for more information on pay options.

ORGAN AND BONE MARROW DONATION

An employee may request a leave of absence of up to 30 business days of paid leave and an additional 30 business days of unpaid leave in a one-year period to donate an organ to another person. An employee is also entitled to up to five business days of paid leave to donate bone marrow in a one-year period. The one-year period is measured from the date the employee's leave begins and shall consist of 12 consecutive months. The employee must support the request for a leave with written verification that the organ or bone marrow donation is required by medical necessity.

Employees must use up to five days of earned but unused sick leave, vacation, or paid time off for bone marrow donation and up to two weeks of earned but unused sick leave, vacation, or paid time off for organ donation. Faculty may consult with the Office of Faculty Affairs for more information on pay options. The leave provided under this provision is in addition to family medical leave available under the California Family Rights Act or Family Medical Leave Act.

Leave for Volunteer Firefighters, Reserve Peace Officer, or Emergency Rescue Personnel

An employee who performs duty as a volunteer firefighter, a reserve peace officer, or as emergency rescue personnel shall be permitted to take temporary leaves of absence, not to exceed an aggregate of 14 days per calendar year, for the purpose of engaging in fire, law enforcement, or emergency rescue training.

An employee seeking reinstatement and reimbursement pursuant to this section may file a complaint with the Division of Labor Standards Enforcement.

OFFICE RESPONSIBLE FOR THE POLICY

Human Resources

Contact: Tim Frenchcampbell, frenchca@chapman.edu, 714-997-6979

WEBSITE ADDRESS FOR THIS POLICY

https://www.chapman.edu/faculty-staff/human-resources/_files/policies/general-time-off-policy.pdf

WHO APPROVED THIS POLICY

Senior Staff

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(signed)

President

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RELATED MATERIALS:

N/A