

CALIFORNIA INSTITUTE OF TECHNOLOGY
STAFF PERSONNEL MEMORANDA

Subject: Paid Time Off for Benefit Based Employees	Memo No. 15-2 Pages: 10 Date: January 1, 2019
Approved by: Julia M. McCallin, Associate Vice President for Human Resources	

(This supersedes Memo No. 15-2, dated May 20, 2015)

1.0 GENERAL INFORMATION

The Institute provides various types of paid time off such as vacation, sick leave, holidays, bereavement, and jury duty. The Institute Personnel Memoranda, Other Leaves of Absence, Military Leaves and Employee Medical and Family Care Leaves provide information about other types of leaves, some of which are paid.

2.0 ELIGIBILITY

Paid time off applies only to regular benefit based employees and benefit based temporary employees who work a regular schedule of twenty (20) hours or more per week for greater than four (4) months.

Note: Non-benefit based temporary employees on a schedule of twenty (20) hours or more per week, will, after completion of four (4) months of continuous employment, be given retroactive accruals to the date of hire.

3.0 VACATION

3.1 The Institute provides vacation so that eligible employees can take time for rest and relaxation. The Institute encourages employees to take vacation annually.

3.2 Vacation Accruals

Eligible staff employees on the bi-weekly payroll at Campus and at JPL.

Staff employees will begin accruing vacation upon the first day of employment.

Accrual maximum: 320 hours.

Employees accrue at rates determined by length of service and scheduled hours per week. The following rates are based on a scheduled forty (40) hour workweek. An eligible employee scheduled to work twenty (20) hours or more but less than forty (40) hours a week, will accrue vacation at a proportionate rate.

- From the first month through the end of the fourth year of employment, 1.25 day (10 hours) per month.
- Upon completion of the fourth year through the end of the ninth year, 1.5 day (12 hours) per month.
- Upon completion of the ninth year and thereafter, 1.75 day (14 hours) per month.

Employees do not receive additional accrual for working in excess of forty 40 hours per week.

Employees on the Bi-Weekly Payroll at Campus in designated job classifications

Campus employees in the following job classifications, who are on the bi-weekly payroll, accrue vacation time at the rate of 1.75 days (14 hours) per month, regardless of years of service, up to a maximum of 320 hours:

- Management, B and above,
- Individual Contributor, Senior and above,
- Legal Services, Assistant and above in the Office of General Counsel, and
- Licensing Services, Assistant and above in the Office of Technology Transfer and Corporate Partnerships

An eligible employee scheduled to work twenty (20) hours or more, but less than forty (40) hours a week, will accrue vacation at a proportionate rate.

Employees on the Monthly Payroll at Campus and on the Fixed Vacation Plan at JPL

Campus staff employees on the monthly payroll and JPL employees on the Fixed Vacation Plan are entitled to take 21 days of vacation per calendar year.

Each January 1 of the calendar year, these employees are credited with vacation not to exceed 21 days. An employee may not have more than 21 days of vacation at any time. Vacation crediting for employees on either the monthly payroll or on the Fixed Vacation Plan who work less than a full time schedule will be prorated.

3.3 General

Vacation requests are subject to manager approval. Efforts will be made to accommodate employee requests to take vacation.

Employees are responsible for accurately recording vacation time taken.

Managers are required to consider organizational needs in evaluating vacation requests, such as whether the vacation requested is during peak work periods or when management determines there is insufficient coverage within the department.

Bi-weekly employees cannot take vacation in advance of accrual. An employee cannot take leave without pay when vacation accruals are available.

Vacation will not accrue during any unpaid portion of a leave of absence from the Institute.

Paid holidays falling within a vacation period will not be charged against vacation accrual.

Vacation accruals may be used to supplement paid Family Leave benefits, state disability benefits or workers' compensation benefits and when sick leave has been exhausted.

Vacation and sick leave may be integrated with state disability insurance benefits, paid Family Leave benefits, short term disability or workers' compensation benefits to a combined amount of no more than the employee's weekly gross pay and to the extent allowed by law.

A lump sum payment of accrued vacation may not be made except at the time of termination, at the onset of a Personal Leave of Absence, or at the onset of a leave covered by the Institute's long term disability insurance plan.

An employee retains his/her vacation balance when transferring within the Institute, including between Campus and JPL.

Vacation accruals may only be used on a regularly scheduled workday.

Overtime eligible employees at Campus and hourly/overtime eligible employees at JPL may use preapproved vacation in partial or full day increments not to exceed the employee's regularly scheduled workday. Exempt employees at Campus and weekly employees at JPL do not record vacation in partial day increments unless on an approved FMLA/CFRA leave or otherwise allowed by law.

Vacation payment is made at the employee's rate of pay in effect at the time of vacation usage or termination.

Payment includes applicable shift premiums and allowances authorized at the time of vacation or employee termination. Payment is based on the regularly scheduled number of hours per week from twenty (20) to forty (40), unless otherwise provided for in other Caltech policies.

Vacation is not considered as time worked in computing overtime.

3.4 Vacation Payment at Terminations, including at retirement

At the time of termination of employment, including at retirement, an employee will be paid all accrued but unused vacation at his/her base rate of pay, and at Campus, any shift premiums and allowances.

Note: Employees on the Monthly Payroll at Campus and on the Fixed Vacation Plan at JPL will be paid any unused vacation balance.

In compliance with IRS regulations, vacation paid at termination is treated as a supplemental wage payment and taxed in accordance with state and federal tax withholding tables.

4.0 SICK LEAVE

4.1 The Institute provides sick leave for eligible employees to use during absence from work due to their own illness or injury or exposure to contagious diseases, or for family members as described below.

4.2 Sick Leave Accrual

Staff on the Bi-Weekly Payroll

Eligible employees will begin accruing sick leave upon their first day of employment.

Sick leave will accrue at eight (8) hours per month for employees on a forty (40) hour a week work schedule and a proportionate rate for employees on a work schedule of less than forty (40) hours per week.

Accrual maximum: 960 hours.

Staff on the Monthly Payroll at Campus

Campus staff employees on a forty (40) hour a week work schedule and who are paid on the monthly payroll may take up to six (6) months of paid sick leave in a rolling twelve (12) month period.

Sick leave will not accrue during the unpaid portion of a leave of absence from the Institute.

An employee cannot take sick leave in advance of accrual nor leave without pay when sick leave accruals are available.

4.3 The use of sick leave is authorized in the following situations:

When an employee requires time off from work for: diagnosis, care, or treatment of an employee's existing health condition; preventive care; when an employee has been exposed to a contagious diseases which may endanger the health of others; Organ Donor Leave or Bone Marrow Donation; or when an employee is a victim of domestic violence, sexual assault, or stalking.

NOTE: A written statement from a health care provider may be requested by the Institute to verify the employee's need to miss work or to confirm a release to return to work. In cases where the employee is off work for a period of ten (10) or more work days, a statement from a health care provider will be required and the formal leave process will begin. Additional information is in the Employee Medical and Family Care Leaves Personnel Memorandum.

To adhere to state and/or federal regulations, all medical documentation should be forwarded to Human Resources and not retained in department personnel files.

Sick leave should be charged when a Campus overtime eligible employee or an hourly/overtime eligible employee at JPL takes a full or partial day absence for a medical or dental appointment.

NOTE: Exempt employees at Campus and weekly employees at JPL do not record partial day absences except while on leave under the Family and Medical Leave Act (FMLA) or the California Family Rights Act (CFRA).

Sick leave may also be used for diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee's spouse, domestic partner, sibling, child, parent, grandparent, or grandchild requiring the employee's assistance.

When an employee on the bi-weekly payroll qualifies for a family care leave under the Family Medical Leave Act/California Family Rights Act (FMLA/CFRA), the employee may use accrued sick leave. The definition of family member under FMLA/CFRA is limited to dependent children, employee's spouse, domestic partner or parent.

NOTE: Sick leave and vacation may be integrated with state disability insurance benefits, paid family leave benefits, short term disability or workers' compensation benefits to a combined amount of no more than the employee's weekly gross pay and to the extent allowed by law.

For judicial proceedings when the employee or his/her family member is a victim of, or witness to, a crime.

- 4.4 An employee retains his/her sick leave balance when transferring within the Institute, including between Campus and JPL.
- 4.5 An employee's sick leave balance is not payable when an employee changes status from benefit-based to non-benefit based, or upon termination except as provided in section 4.9.

4.6 Reporting Sick Time

An employee is responsible for reporting his/her sick leave absence to his/her manager or designee before the start of his/her scheduled work shift or as soon as possible. When reporting the absence the employee must distinguish whether absence is for himself or herself, or that of a family member.

Employees are responsible for accurately recording sick time taken.

4.7 Payment Basis

Payment for sick leave will be the base rate of pay. Pay will include any shift premium or allowances in effect at the time the leave is taken.

Combined work time and paid sick leave cannot exceed the employee's regular daily schedule of hours, unless otherwise provided for in the Institute's policies.

Paid sick leave cannot exceed an employee's regularly scheduled hours for any one (1) week or work day. For example, if an employee's regular schedule is thirty-two (32) hours per week, sick leave usage will not exceed thirty-two (32) hours or if an employee's regular schedule is six (6) hours per day, sick leave usage will not exceed six (6) hours.

Sick leave taken during a regular workweek is considered as time worked in computing weekly overtime pay.

Sick leave payment is made at the employee's rate of pay in effect at the time of sick leave usage.

Payment includes applicable shift premiums and allowances authorized at the time of sick leave usage. Payment is based on the regularly scheduled number of hours per week from twenty (20) to forty (40), unless otherwise provided for in other Institute policies.

Paid holidays falling within a sick leave period will not be charged against sick leave accrual.

4.8 Termination and Retirement Credit for Unused Sick Leave

Unused sick leave will not be paid to the employee at the time of termination.

The sick leave balance for a former Institute employee, who completed probation and is re-employed within twelve (12) months of his/her voluntary termination date will be restored to the balance at the time of termination. For employees who are laid off and re-employed, restoration of his/her sick leave is covered by the Termination policy.

The sick leave balance for a former Institute employee who is laid off and re-employed within 24 months will be restored to the balance at the time of termination.

4.9 Retirement Credit for Unused Sick Leave

When an employee on the biweekly payroll is at least age fifty-five (55) and has at least ten (10) years of consecutive benefit-based service immediately prior to retirement or at the time of death, the employee (or beneficiary) can elect from the following options:

Option 1: To receive a sick leave credit paid in cash as part of the retirement process. Retirement credit is based on a percentage of unused sick leave hours. Contact Human Resources for specific information about the credit calculation.

Option 2: If eligible, to direct all or a portion of his/her Retirement Sick Leave Credit payment to a Tax Deferred Account (TDA) up to the maximum allowed by law. Individuals who take a retirement credit (as indicated above) and who are re-employed will start their sick leave balance at zero.

Option 3: If eligible, choose a combination of option 1 and option 2.

Campus staff employees on the monthly payroll do not receive a sick leave retirement credit.

For additional information regarding sick leave credit, contact Human Resources.

5.0 HOLIDAYS

5.1 The Institute provides a total of 12 holidays annually. The nine listed below are consistent from year to year.

- New Year's Day
- Martin Luther King Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day

In addition to the holidays above, the Institute designates two other holidays on the annual holiday schedule ("floating holidays") and a personal holiday.

5.2 Eligibility

Benefit based employees are eligible for holiday pay.

Employees who are on an unpaid leave of absence are not eligible to receive holiday pay during his or her leave of absence.

5.3 Personal Holiday

The annual personal holiday is intended for use by employees for personal reasons such as religious observances, birthdays, and so forth. This holiday:

Must be scheduled in advance by the employee and authorized by the employee's manager, and must be taken in a full day increment.

Is limited to one day per calendar year, and is paid based on the percentage of the employee's full time equivalent¹ schedule as of January 1 of that year.

When an employee is on a leave of absence, the personal holiday will be paid after the employee's available sick leave and vacation have been exhausted.

At the end of the calendar year, an unused personal holiday will be transferred into the employee's vacation account to the extent permitted by the Institute's Vacation policy.

5.4 Holiday Observance

When a holiday falls on Sunday, it will typically be observed on the following Monday. When a holiday falls on Saturday, it will typically be observed on the preceding Friday, but in either case, only one day will be considered a holiday.

When a holiday falls within the time granted for vacation or other leave with pay, the day will still be considered a holiday and will not be charged against the employee's vacation or other paid leave time.

¹ Full time equivalent means scheduled weekly hours divided by five business days.

5.5 Payment for Non-Exempt Employees at Campus and Hourly/Overtime Eligible Employees at JPL

Payment for holidays will be made for the day's regularly scheduled number of hours at straight time. Paid holidays will be considered as days worked in computing overtime.

If an observed Institute holiday occurs on an employee's scheduled day off, the holiday should be observed on a scheduled work day as approved by the employee's manager and Human Resources at Campus and the employee's manager at JPL. If taking an alternative day off is not possible with the same pay period at Campus or within the same workweek at JPL, the employee will be paid straight-time hours based on the employee's full time equivalent¹ schedule.

Time worked on a holiday must be reported using the employee's standard timekeeping method-

Pay includes shift premium and allowances.

5.6 Payment for Exempt Employees at Campus and Weekly Employees at JPL

On an observed Institute holiday, eligible employees will receive a day off with regular holiday pay.

If an observed Institute holiday occurs on an employee's scheduled day off or if the employee is otherwise required by the Institute to work on the holiday, at management's discretion, the employee will be scheduled to take the holiday on an alternative work day within the same pay period or the employee will be paid for the holiday the equivalent of one day's pay.

Note: Payment for the holiday will not count in calculating Extended Work Week pay.

6.0 BEREAVEMENT

6.1 It is the policy of the Institute to provide eligible employees paid time off in order to attend to family matters when there is a death of a family member as defined in 6.2.

6.2 Eligibility

Benefit-based employees are eligible to take paid leave in the event of a death in the employee's family.

Eligible employees may take up to three (3) days off with pay.

If special circumstances warrant, such as extended travel, employees may request up to two additional days off for a maximum five (5) days off with pay.

For purposes of bereavement leave, the term "family" includes the employee's spouse or domestic partner, children, stepchildren, grandchildren, great grandchildren, parents, stepparents, grandparents, great grandparents, siblings, and their spouses or domestic partner's children, parents, grandparents, siblings, and any other person living in the employee's household.

6.3 Payment

Payment for leave with pay will be prorated for eligible part time employees based on their regularly scheduled hours of work.

Pay includes shift premium and allowances.

Paid bereavement leave is considered time worked when computing overtime for non-exempt employees at Campus and hourly/overtime eligible employees at JPL.

6.4 Reporting Bereavement Leave

An employee should request bereavement leave from his/her manager and/or notify his/her manager as soon as possible if unable to report for work due to a death of a family member as defined in 6.2.

7.0 **JURY AND WITNESS DUTY**

7.1 It is the policy of the Institute to provide leave to benefit based employees called for jury or witness duty.

7.2 General

Jury Duty

The Institute will pay up to a maximum of ten (10) calendar days leave with pay in any calendar year to eligible employees called to jury duty . Any time in excess of the applicable maximum will be charged to vacation accrual or leave without pay at the option of the employee. The employee is responsible for informing the court about any hardships created by being assigned to cases that may extend beyond the allotted ten (10) days of jury duty pay.

Witness Duty

Eligible employees subpoenaed as witnesses may be authorized to take leave without pay or use vacation for such length of time as may be required by the court.

Expert Witness

Employees who serve as an expert witness may be authorized to take leave without pay or use vacation for such length of time as may be required by the court.

7.3 Work Attendance

An employee should continue to report for work on those days or parts of days when excused from jury duty or witness duty and when a half day or more remains of her or his scheduled workday.

Upon timely notice of receipt of a notice of jury duty or subpoena for witness duty, the manager, based on operational needs, may consider a temporary schedule change for employees working a schedule such as swing or graveyard.

7.4 Reporting Receipt of Summons for Jury/Witness Duty

Employees who receive a summons for jury or witness duty should advise their manager promptly. If appropriate, the manager will discuss postponement or schedule changes with the employee.

7.5 Requesting Jury Duty Postponement or Excuses

If the employee's jury service will occur at a time when the employee's absence will be a hardship to the Institute, the manager and the employee should discuss when such service would be more appropriate. It is the employee's responsibility to contact the court to request a postponement. Instructions for obtaining postponements are commonly included on each jury service summons.

The Institute is unable to effect the postponement of, or excuse from, jury duty. The final determination of whether an employee is excused rests with the court.

7.6 Returning to Work from Paid Jury/Witness Duty Leave

An employee will provide the manager with a statement from the Court Clerk indicating actual time served on jury duty or as a witness.

7.7 Payment

Payment for jury duty will be computed on the basis of time actually spent on jury duty for non-exempt employees at Campus and hourly/overtime eligible employees at JPL. Exempt employees at Campus or weekly employees at JPL will be paid in accordance with the employee's assigned schedule.

Jury pay will include shift premium and allowances.

Jury duty will be considered time worked for the purposes of computing overtime.

Exempt employees at Campus or weekly employees at JPL who work partial days in conjunction with jury duty, shall record time as a full day worked.

Employees may retain any payment(s) they receive from the court.

8.0 EXCEPTIONS

Any exception to this Personnel Memorandum requires the approval of the Associate Vice President for Human Resources or designee for Campus employees, or of the Director for Human Resources at JPL or designee for JPL employees.

9.0 RELATED PERSONNEL MEMORANDA AND POLICIES

- [Employee Medical and Family Care Leaves](#)
- [Other Leaves of Absence](#)
- [Employee Timekeeping](#)
- [Termination](#)
- [Hours of Work](#)
- [Non Exempt Alternative Work Schedule \(AWS\) – Campus](#)
- [Alternative Work Schedule \(AWS\) - JPL](#)
- [Benefits Handbook \(Summary Plan Description\)](#)