

**CALIFORNIA INSTITUTE OF TECHNOLOGY
STAFF PERSONNEL MEMORANDA**

Subject: <p style="text-align: center;">Other Leaves of Absence</p>	Memo No. 27 Pages: 6 Date: February 1, 2024
Approved by: Julia M. McCallin, Associate Vice President for Human Resources and Chief Human Resources Officer	

(This supersedes Memo No. 27, dated March 1, 2020)

1.0 Policy

The Institute provides employees with time off from work to address important matters that are regulated by law.

2.0 General

- 2.1** Leaves provided under this policy are unpaid except where the law requires that time off be compensated by the Institute. The Institute may require employees to use sick leave and/or vacation accruals depending on leave type.
- 2.2** Leaves under this policy, such as for organ donation, victims of crime and domestic violence, may also be covered under Family Medical Leave Act/California Family Rights Act (FMLA/CFRA) if the employee has a serious health condition. When more than one leave type applies, the leaves will run concurrently unless prohibited by law.
- 2.3** Leaves of five (5) workdays or longer or leaves for intermittent periodic absences that qualify as medical or family care leave (see PM 26) require a Leave of Absence Request Form and coordination with Human Resources.
- 2.4** This Personnel Memoranda applies to California employees. For employees working on assignment outside of California, other federal, state or local laws may apply (contact Human Resources for more information).

3.0 Leave Types, Eligibility and Specific Leave Information

3.1 Bereavement

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

Employees may take up to five (5) workdays off. Bereavement must be taken in full workday increments and does not have to be consecutive days.

For purposes of bereavement leave, the term "family" includes the employee's spouse or registered domestic partner, children, grandchildren, parents, grandparents, siblings, and their spouses or registered domestic partner's children, parents, grandparents, siblings.

3.2 Jury Duty and Witness Duty

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

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.

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 their 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.

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.

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

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.

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 is not considered as time worked when computing overtime pay for non-exempt employees at Campus and hourly/overtime eligible employees at JPL.

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.

3.3 Leave to Attend School Meeting for Suspended Child

Reason for Leave: To attend a school discipline conference upon the request of the school principal/administrator when an employee is the parent or guardian of a pupil for whom such a conference has been requested relating to the child's suspension.

Notification and Documentation: The employee is responsible for giving reasonable advance notice to their supervisor and may be required to provide documentation that reflects participation in the activities of the school or licensed day care facility on the specific date and time.

Pay During Leave: The employee shall utilize accrued vacation for this type of leave or leave without pay if the employee has no vacation. Exempt employees at Campus and weekly employees at JPL will only record vacation or leave without pay for full day absences.

3.4 School Visits

Reason for Leave: Time off for an employee who is a parent, guardian, stepparent, foster parent or grandparent having custody of one or more children in kindergarten through 12th grade, or attending a licensed childcare facility, to participate in activities of the school or licensed child day care facility of any of their children.

Duration of Leave: Maximum forty (40) hours per calendar year not to exceed eight (8) hours in any calendar month. If both parents are Institute employees, they may take this leave at the same time. Supervisors are responsible for tracking the forty (40) hours per calendar year usage.

Notification and Documentation: The employee is responsible for giving reasonable advance notice to their supervisor and may be required to provide documentation that they participated in the activities of the school or licensed day care facility on the specific date and time.

Pay During Leave: The employee shall utilize accrued vacation for this type of leave or leave without pay if the employee has no vacation. Exempt employees at Campus and weekly employees at JPL will only record vacation or leave without pay for full day absences.

3.5 Time Off to Vote

Reason: To vote in a statewide election.

Duration: The Institute allows for sufficient time off for an employee to vote in a statewide election if the employee does not have sufficient time outside of work to do so. Such time off must be at the beginning or end of the employee's regular shift unless otherwise mutually agreed upon by the employee and their supervisor. Such time off should be at a time that requires the least time off from the regular working shift.

Notification: Two (2) days advance notice is required where an employee knows or has reason to know that time off will be necessary to be able to vote on election day.

Pay: The Institute will pay up to two (2) hours at the employee's regular hourly rate. Exempt employees at Campus and weekly employees at JPL will only record vacation or leave without pay for full day absences.

3.6 Election Officer Leave

Reason for Leave: Time off to serve as an election officer on election day for statewide elections and local and special elections.

Duration of Leave: Limited to the election day. Service on days other than election day may be approved by Human Resources.

Pay: The employee shall utilize accrued vacation for this type of leave or leave without pay if the employee has no accrued vacation. Exempt employees at Campus and weekly employees at JPL will only record vacation or leave without pay for full day absences.

3.7 Volunteer Firefighter and Volunteer Firefighter Training, Reserve Peace Officer, or Emergency Rescue Personnel Leave

Reason for Leave: To perform emergency duty as a volunteer firefighter, a reserve peace officer, or emergency rescue personnel, or to engage in fire or law enforcement training.

Notification: The employee may be required to provide documentation.

Duration of Leave: Leave for volunteer firefighters, reserve peace officers, and emergency rescue personnel is unlimited. Leave for volunteer firefighter or law enforcement training is not to exceed an aggregate of fourteen (14) days per calendar year. Supervisors are responsible for tracking the volunteer firefighter or law enforcement training leave usage.

Pay During Leave: The employee shall utilize accrued vacation for this type of leave or leave without pay if the employee has no accrued vacation. Exempt employees at Campus and weekly employees at JPL will only record vacation or leave without pay for full day absences.

3.8 Leave for Crime Victims, Persons Related to Crime Victims, and Witnesses to Crimes

Reason for Leave: Employees may be absent from work in order to attend judicial proceedings related to a crime if they are a victim of a serious crime or the immediate family member of a victim. For purposes of this leave, "immediate family member" means a spouse, registered domestic partner, parent, child, sibling, or guardian. As specified in California law, a victim of a serious crime is defined as a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or

attempted commission of a crime or delinquent act.

An employee may be absent from work if they are a witness to a crime and must adhere to the requirements of a subpoena or other court order to appear.

Duration of Leave: Not specified.

Notification and Documentation: The employee is responsible for providing Human Resources 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 Human Resources with documentation evidencing the judicial proceeding. This documentation must be provided within a reasonable time after the absence.

Pay During Leave: Employees must use either sick leave and/or vacation accruals to cover the period of absence. If the employee has no available accruals, leave without pay shall be utilized.

3.9 Victims of Domestic Violence or Sexual Assault

Reason for Leave: A victim of domestic violence or sexual assault may take time off to seek relief in court to help ensure his or her health, safety, or welfare or the health, safety, or welfare of their child.

“Victim” of domestic violence includes any of the following:

- A victim of stalking, domestic violence, or sexual assault.
- A victim of a crime that caused physical injury or that caused mental injury and a threat of physical injury.
- A person whose immediate family member is deceased as the direct result of a crime.

An “immediate family member” is defined as a spouse, registered domestic partner, child, parent, sibling or any other individual whose close association with the employee is the equivalent of a family relationship.

In addition, time off for this leave may include time to:

- 3.9.1 Undergo treatment for physical or mental injuries or abuse,
- 3.9.2 Seek medical attention for injuries,
- 3.9.3 Obtain services from a domestic violence shelter, program, or rape crisis center,
- 3.9.4 Obtain psychological counseling,
- 3.9.5 Participate in safety planning, or
- 3.9.6 Take other actions to increase safety from future domestic or sexual assault, including temporary or permanent relocation.

Duration of Leave: Not more than twelve (12) weeks in a rolling twelve (12)-month period. This leave may run concurrent with Family Medical Leave Act/California Family Rights Act (FMLA/CFRA). The employee may request a reasonable accommodation, if necessary.

Notification and Documentation: The employee is responsible for giving reasonable advance notice to Human Resources and may be required to provide documentation of the reason for the absence. Such documentation may be in the form of a police report, a court order protecting or separating the employee from the perpetrator, other evidence from the court that the employee appeared in court, or documentation from a medical professional. If

an unscheduled or emergency court appearance is required, the employee must provide evidence from the court or prosecuting attorney that they have appeared in court within a reasonable time after the court appearance.

Pay During Leave: The employee may use vacation accruals or leave without pay if no vacation accruals are available. If there is a medically related absence, sick leave may be used. Exempt employees at Campus and weekly employees at JPL may incur a reduction of wages for partial day absences if time off is counted under FMLA/CFRA.

3.10 Organ Donor Leave/Bone Marrow Donation

Eligible employees are entitled to a paid leave of absence up to thirty (30) days for the purpose of organ donation and up to five (5) days for bone marrow donation. The leave may be taken in increments during any one-year period. The one-year period starts on the first day of leave. Periods of authorized Organ Donor Leave do not run concurrently with either FMLA or CFRA leave and are not counted against an employee's annual FMLA/CFRA entitlement.

Eligibility: The employee must complete at least ninety (90) days of service with the Institute before requesting Organ Donor Leave.

Documentation: The employee must provide written medical verification that they are an organ or bone marrow donor and that there is a medical necessity for the donation. This certification must be provided to Human Resources within fifteen (15) days of the Organ Donor Leave request.

Pay During Leave: During the period of Organ Donor Leave, employees with available sick leave and/or vacation will be required to use up to ten (10) days of sick leave (or vacation if sick leave is exhausted) for organ donation and up to five (5) days of sick leave (or vacation if sick leave is exhausted) for bone marrow donation. Employees with no sick leave or vacation accruals and/or employees who have used the required accrued time will be on a paid leave of absence for the remainder of the leave for a maximum of thirty (30) days for organ donation and five (5) days for bone marrow donation.

Exempt employees at Campus and weekly employees at JPL will only record vacation or leave without pay for full day absences.

4.0 Exceptions

Any exception to this policy requires the approval of the Associate Vice President for Human Resources for campus staff, or of the Director for Human Resources at JPL for JPL staff, or their designee(s).

Related Policies

[PM 15-2 Paid Time Off for Benefit Based Employees](#)

[PM 26 Employee Medical and Family Care Leaves](#)