

March 2014

8.6 Other Absences from Work

Saint Mary's College of California

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Recommended Citation

Saint Mary's College of California (2014) "8.6 Other Absences from Work," *Staff Handbook*: Vol. 2014 , Article 74.
Available at: <http://digitalcommons.stmarys-ca.edu/staff-handbook/vol2014/iss1/74>

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8.6 Other Absences from Work

8.6.1 Bereavement

In the event of a death in an employee's immediate family, an employee may be granted a leave of absence with pay not to exceed five (5) working days, or proration thereof, in a calendar year. Immediate family includes mother, father, spouse, son, daughter, brother, sister, in-laws, grandparent(s), grandchildren, domestic partner as defined by applicable law. If additional time is required, an employee may use accumulated vacation days.

In the case of the death of an employee while employed by Saint Mary's College each case will be taken in its entirety and decisions will be made based on:

- Service
- Family obligations
- Circumstances
- Tuition continuation

8.6.2 Kin Care

California law requires employers who provide sick leave to allow employees to use up to half of their annual sick leave accrual to attend to an ill child, parent, spouse or registered domestic partner. Employers may not count sick leave taken under this policy to care for ill family members as a basis for adverse employment action such as discipline, demotion, discharge or suspension. College policy prohibits retaliation against employees who use sick leave for this purpose.

8.6.3 Religious Observances

From time to time Saint Mary's hosts religious and other celebratory services on campus during regular work periods which may coincide with recognized church holidays and other official College celebrations. Employees who choose to participate in or attend such programs or services will continue to receive pay during such participation and/or attendance. Any employee not attending or participating in such campus activities are expected to be working their normal work hours. Members of religious faiths will be granted a reasonable amount of time off with pay for participation in religious services on recognized religious holidays of their faith, after consultation with the Assistant Vice President of Human Resources or designee.

8.6.4 Time Off to Vote

Because the College has a continuing interest in encouraging responsible citizenship, employees are encouraged to vote in primary, general and presidential elections. To make the voting process more available, employees who do not have sufficient time outside their working hours within which to vote will be allowed to take up to two hours off, with pay, for this purpose. Such time off may be taken only at the beginning or end of the employee's regular working shift. To receive time off for voting, the employee must notify his/her supervisor at least two working days in advance, and must present a valid voter's registration card. When the employee returns from voting, he/she must present a voter's receipt to the supervisor. An employee should substitute this time in order to be paid by using vacation if it interferes with normal work time.

8.6.5 Jury Duty

The College recognizes jury duty as a civic obligation and will excuse all summoned employees from work for jury duty in accordance with the following procedures:

1. Within five (5) business days of notification by the court, the employee must give his/her supervisor a copy of the jury summons.
2. To be paid for serving jury duty, the employee must attach a receipt of jury service (available from the court) to their Attendance or Exception Report.
3. Employees performing jury duty per this policy shall receive regular pay for a period not to exceed 30 work days per calendar year. If the jury duty exceeds 30 working days, the employee may use available accrued vacation or may take unpaid leave as allowed by law.
4. When serving on jury duty or responding to a subpoena, when excused by the judge for a recess of any full or half days, employees are expected to be at work.
5. Exempt employees will earn their normal salary for any full week during which they have spent any time serving on jury duty or during which they were subpoenaed to appear in a judicial proceeding.
6. The employee may retain any jury fees.

The College recognizes jury duty as a civic obligation and will excuse all summoned employees from work for jury duty with pay for a period not exceeding four full work weeks in a calendar year. If the jury duty exceed four full work weeks, the employee may take unpaid leave unless the employee has worked for any part of the work week, in which case the leave will be paid leave. The employer may retain any jury fees.

8.6.6 Subpoenas to Appear

The College will excuse employees subpoenaed to appear in a judicial proceeding in accordance with the following procedures:

1. Employees must promptly provide their supervisor with a copy of the subpoena, which must also be attached to the employee's semi-monthly attendance report or monthly attendance report.

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2. Employees who are subpoenaed to appear in judicial proceedings directly related to their work duties shall be excused without loss of pay. If the appearance is not work-related, the employee must use accrued vacation, or if insufficient vacation has accrued, will be on unpaid leave as allowed by law. Exempt employees who have worked for any part of the workweek in which they are subpoenaed to appear in a judicial proceeding will earn their normal salary for the full week.
3. The employee may retain any witness fees.

8.6.7 Domestic Violence and Sexual Assault Victims

The College allows victims of domestic violence to take time off for certain purposes which may include obtaining a restraining order; court assistance, seeking medical attention; obtaining services from a domestic shelter, program, or rape crisis center; obtaining psychological counseling; or safety planning. The College will not discriminate or retaliate against an employee because of the employee's being a victim of domestic violence or sexual assault and will reinstate the employee under reasonable guidelines required by law. Any leave for this purpose will be considered strictly confidential.

An employee must give reasonable advance notice of the intention to take time off for any of the above purposes, unless notice is not feasible. This leave is unpaid unless sick leave is warranted or the employee chooses to take accrued vacation.

8.6.8 Crime Victims

An employee is allowed to be absent from work in order to attend judicial proceedings related to a crime if:

- The employee is a victim of crime;
- An immediate family member is a victim of crime;
- The employee is a registered domestic partner of a victim; or
- The victim is the child of the employee's registered domestic partner.

The College will not discriminate or retaliate against any employee because he or she has had need for this leave.

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An employee must give reasonable advance notice of the intention to take leave for this purpose, unless notice is not feasible. Documentation may be required from the court or government agency, the district attorney or prosecuting attorney’s office or an advocate on behalf of the victim. This leave is unpaid unless sick leave is warranted or the employee chooses to take accrued vacation.

8.6.9 School Activities

Employees are entitled to take up to 40 hours off per calendar year to attend activities of a K-12 school or licensed day care facility. This time is unpaid but employees may substitute accrued vacation in order to continue pay. A supervisor may require the employee to show proof of attendance.

8.6.10 Volunteer Civil Service

Unpaid leave of up to 14 days per calendar year is provided for “Emergency rescue personnel”, defined as any person who is an officer, employee, or member of a fire department or fire protection or firefighting agency of the federal government, the State of California, a city, county, district or other public or municipal corporation or political subdivision of California, or a sheriff’s department, police department or a private fire department, whether that person is a volunteer or partly paid or fully paid, while he or she is actually engaged in providing emergency services or training to provide these services.

8.6.11 Uniformed Services Employment and Re-Employment Rights Act (USERRA)

Anyone who has been absent from work up to five (5) years with certain exceptions, due to “service in the uniformed services” is protected by USERRA to include Army, Navy, Air Force, Marine Corps, Coast Guard and the Reserves for each of those branches, Army National Guard, Air National Guard, commissioned corps of the Public Health Service, and any other category of persons designated by the President in time of war or emergency.

Employees who have provided advance written or verbal notice (unless prevented by military necessity) of the need for military leave will be reinstated and entitled to all the rights and benefits they would have had if they had remained continuously employed with no break in

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service. There are certain exemptions to re-employment that the law provides and the College acknowledges.

If the unformed service is for 30 or fewer days the College will continue its contribution to the benefit programs; the employee will be responsible for the payment of any applicable dependent charges. For leaves beyond 30 days an employee and their dependents may qualify for an additional 24 or 36 months of coverage under applicable State and Federal COBRA continuation laws.