

<i>LEAVES</i>	PROCEDURE	
	Document Number:	AS-HR-PR-3311
	Version Number:	03

1.0 Purpose:

To provide guidelines for processing various types of leaves, not including sick and vacation leave, although sick and vacation accruals may be used, as applicable, to make up full salary during various of these leaves.

2.0 Scope:

This procedure applies to all VTA employees who are not covered by a collective bargaining agreement and where the Collective Bargaining Agreement or Summary of Benefits for Non-Represented Employees does not specifically define terms of the leave that are addressed by this procedure.

3.0 Responsibilities:

- 3.1 It is the responsibility of each division's management to administer and monitor the various types of leaves requested by employees. Questions regarding the interpretation or application of this policy should be referred to the Human Resources department.
- 3.2 Employees are responsible for notifying their supervisor when they will be absent from work. They are also responsible for correctly completing their time records and providing any required documentation.
- 3.3 Each department's timekeeper is responsible for coding the correct information in VTA's designated timekeeping system.

4.0 Procedure:

4.1 TYPES OF LEAVES:

- 4.1.1 **COURT APPEARANCES:** Employees shall be granted time off work with pay to respond to a subpoena by VTA to testify in court and while providing a deposition at the request of VTA.
- 4.1.2 **DOMESTIC VIOLENCE/ SEXUAL ASSAULT** (Labor Code Sections 230 (c), 230.1): Employees shall be granted unpaid time off work: a) to obtain or attempt to obtain relief from domestic violence or sexual assault for the employee or his/her child, (b) to seek medical attention for injuries caused by domestic violence or sexual assault, c) to obtain services from a domestic violence shelter, program or rape crisis center, d) to obtain psychological counseling, or e) to participate in safety planning or obtain assistance to help ensure the health, safety, or welfare of the employee or his/her child. Employees may use vacation, personal leave, or compensatory time in order to be paid for this time away from work. Proof of attendance shall be required.
- 4.1.3 **DRUG AND/OR ALCOHOL REHABILITATION:** Leaves for drug/alcohol rehabilitation are addressed in the Drug and Alcohol Policy.

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- 4.1.4 **EDUCATIONAL:** Employees may be granted an unpaid leave of absence of up to one year to gain education and training that will benefit VTA. Educational leaves require the approval of the Division Chief and the Chief Administrative Officer. Proof of successful completion of coursework shall be required.
- 4.1.5 **EMERGENCY DUTY AS A VOLUNTEER FIREFIGHTER, RESERVE POLICE OFFICER, OR EMERGENCY RESCUE PERSONNEL (Labor Code §230.3):** Employees shall be granted unpaid time off work when they are required to perform emergency duty as a volunteer firefighter, a reserve police officer, or an emergency rescue person. Employees may use vacation, personal leave, or compensatory time in order to be paid for this time away from work.
- 4.1.6 **FAMILY AND MEDICAL LEAVE ACT AND PREGNANCY DISABILITY LEAVE (FMLA/CFRA/PDL):** FMLA/CFRA/PDL leaves are addressed in the Family and Medical Leave Act Procedure.
- 4.1.7 **FAMILY CARE SICK LEAVE (Labor Code §233):** Each year employees may use up to the amount of sick leave the employee would accrue in 6 months to attend to a child, parent or spouse/registered domestic partner who is ill. All conditions placed on sick leave usage also apply to sick leave used to care for a sick child, parent, or spouse/registered domestic partner.
- 4.1.8 **FAMILY TEMPORARY DISABILITY LEAVE (FTDI- Unemployment Code §§984, 2116, 2601, 2613, 2708, 3254 et al):** Employees may be granted up to six weeks of unpaid leave to care for a seriously ill child, spouse, parent, registered domestic partner, or to bond with a new baby. Employees are eligible for benefits through the State Disability Program. There is a one-week waiting period for benefits. An employee is not eligible for FTDI if another family member is able and available to provide the care. Employees may use sick leave (subject to the limits on the use of Family Care Sick Leave) or vacation leave during the waiting period and may integrate sick and vacation pay with FTDI. Employees who are entitled to leave under the FMLA or CFRA must take FTDI leave concurrent with leave taken under FMLA and CFRA. Proof of eligibility (including confirmation of family relationship, the inability of someone else to provide care, and the need to provide care/bonding) shall be required.
- 4.1.9 **JUDICIAL PROCEEDINGS (Labor Code §230.2):** An employee who is a victim, or whose immediate family member or domestic partner is the victim, of a serious or violent felony (serious felony as described in Penal Code §1192.7 or violent felony as described in Penal Code §667.5) shall be permitted necessary unpaid time off work to attend judicial proceedings. Employees may use sick, vacation or other leave balances to cover the time off. Employees shall provide reasonable advance notice and proof of attendance. There is no limit on the amount of time that can be

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used per year. Documents relating to such leave requests shall be considered confidential documents.

- 4.1.10 JURY DUTY (Labor Code §230(a)): Employees shall be allowed to take leave from their VTA duties without loss of wages, accrued leave, or benefits for the purpose of responding to a summons to serve on a jury once per calendar year. The employee must supply a copy of the Summons and verification of time served. No employee shall be paid more than his/her regular shift pay or regular workweek pay as a result of jury duty service. Paid leave is available only when the employee has been summoned to serve. Employees shall reimburse VTA for all compensation, other than the mileage allowance, received due to the employee's performance of such jury duty. Employees shall notify their supervisor as soon as they receive a jury duty summons and when their jury service is completed. Proof of attendance shall be required when the employee returns to work. Employees who respond to a jury duty summons shall return to work as soon as possible after completion of their service.

Employees who are on telephone standby shall report to work if permitted by the court. VTA shall make every effort to ensure the employee receives any necessary phone calls from the court.

At times, there may be situations in which it is necessary for VTA to request a delay in an employee's jury duty. If the supervisor feels that a delay request is necessary, he/she shall consult with his/her Chief Officer immediately. If appropriate, the Chief Officer shall make a formal request to the Jury Commissioner to delay the employee's jury duty.

Nothing shall prevent any VTA employee from serving on a jury more than once per calendar year, provided, however, that such additional periods of absence from regular VTA duties as a result thereof shall be charged, at the option of such employee, to either accrued vacation time, scheduled time off (STO), or leave without pay.

- 4.1.11 LITERACY (Labor Code §1041 et seq.): Employees shall be granted unpaid time off to attend an adult literacy education program, if literacy classes are not available during non-work hours, and if this does not impose an undue hardship on VTA. All reasonable efforts shall be made to safeguard this confidential information. Literacy leaves require the approval of the Chief Administrative Officer. Confirmation that classes are not available during non-work hours and proof of attendance shall be required.

- 4.1.12 MEDICAL LEAVE OF ABSENCE: At VTA's discretion, employees may be granted a Medical Leave of Absence to recover from non-work related illness or injuries that are not covered under FMLA/CFRA. Employees may use sick leave,

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vacation, personal leave, or compensatory time in order to be paid for this time away from work. Confirmation of the need for the leave must be provided.

4.1.13 **MILITARY LEAVES:** Military Leaves are addressed in the Military Leave Procedure.

4.1.14 **ORGAN DONATION:** (Labor Code §§1508-1513) Up to 30 days paid leave shall be granted to employees making organ donations, and up to 5 days for bone marrow donations. Such leave shall not be considered a break in service nor diminish leave under the Family and Medical Leave Act or the California Family Rights Act. Employees shall be required to take up to five days of earned but unused sick or vacation leave for bone marrow donation and up to two weeks of earned but unused sick or vacation leave for organ donation. Employees shall provide written verification that they are a donor and that there is a medical necessity for the donation to their supervisor as soon as practicable.

4.1.15 **PERSONAL:** At VTA's discretion, employees may be granted a Personal Leave of Absence to handle pressing personal obligations. A Personal Leave of Absence, including any extensions thereof, shall not exceed one calendar year. To be eligible, the employee must have maintained a satisfactory record of employment with VTA for a minimum of one year. Approval and extensions of personal leaves shall not be unreasonably denied, provided that adequate advance notice is given, and the leave does not cause undue hardship for the department.

4.1.16 **SCHOOL APPEARANCES** (Labor Code §230.7): Employees shall be granted unpaid time off to appear at school, when required to do so by the school pursuant to Education Code §48900.1. The employee shall give reasonable notice of the time off. Employees may use vacation, personal leave, or compensatory time in order to be paid for this time away from work. Verification of mandatory appearance at the school shall be required.

4.1.17 **SCHOOL VISITS** (Labor Code §230.8): Employees (parents, guardians, or grandparents having custody) shall be allowed up to forty unpaid hours of time off work per school year, not to exceed eight hours in any calendar month, to visit their child's school (licensed day care facility or K-12) or participate in school activities. Employees shall notify their supervisor as soon as they know when the visit will occur. Employees may use vacation, personal leave, or compensatory time in order to be paid for this time away from work. The employee shall provide reasonable prior notification to his/her supervisor of the need for leave and shall provide his/her supervisor with verification of participation in school activities at the time the employee returns to work.

If both parents are employed at the same work site, this procedure applies only to the first parent who gives notice of a planned absence. The other parent may take a

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planned absence only if approved by the employee's supervisor. Such approval shall be dependent on workload considerations.

Supervisors are responsible for tracking the number of hours employees take for school visits. If the forty hours of leave has been exhausted, the employee may request to take additional unpaid time off to visit the child's school. Such approval shall be dependent on workload considerations.

4.1.18 VOTING TIME (Elections Code §14000 et seq.): Employees shall be allowed sufficient time off work to enable the employee to vote, if the employee does not have sufficient time outside of working hours to vote at a statewide election. The time off for voting shall be at whatever time allows the most time for voting and the least time off from the regular working shift. Up to two hours of the time taken off for voting shall be without loss of pay.

The employee shall notify the supervisor at least two working days in advance of the election that time off for voting will be needed, if the employee knows or has reason to believe that time off will be necessary to be able to vote on election day. If the employee becomes aware of the need for time off later than that, the employee shall provide notice as soon as possible. Proof of voting shall be required.

4.1.19 WITNESS IN A JUDICIAL PROCEEDING (Labor Code §230(b)) Employees shall be permitted unpaid time off work to appear in court to comply with a subpoena or other court order as a witness in any judicial proceeding. Employees may use vacation, personal leave, or compensatory time in order to be paid for this time away from work. Proof of attendance shall be required.

4.1.20 WORKERS' COMPENSATION: Workers' Compensation Leaves are addressed in the Worker's Compensation Procedure.

4.2 APPLICATION FOR LEAVE:

Requests for leaves (and extensions thereof) described in this procedure, shall be submitted in writing to the employee's Supervisor at least ten working days prior to the commencement date, except when the law requires less notice or conditions make such a requirement impossible.

4.3 BENEFITS WHILE ON LEAVE:

Employees are required to pay for their benefits while on an unpaid leave of absence, except as otherwise provided by law or the applicable Collective Bargaining Agreement or Summary of Benefits for Non-Represented Employees. Continuance of benefits shall be administered by the Human Resources Department.

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4.4 CONDITIONS OF LEAVE:

- 4.4.1 No guarantee of job availability can be made for employees returning from a leave of absence unless otherwise provided by law or the applicable Collective Bargaining Agreement or Summary of Benefits for Non-Represented Employees.
- 4.4.2 When possible, employees shall be returned in the following priority of position re-assignment upon return from a leave:
- 1st prior position, if available,
 - 2nd a vacant position in the same classification, if available,
 - 3rd an equivalent position for which the employee is qualified, if available,
 - 4th a position, in a lower-level classification, in which the employee formerly held status, if available.
- 4.4.3 Employees on a leave must notify their supervisor at least two weeks prior to the end of the leave of their availability to return to work, except when conditions make such a requirement impossible.
- 4.4.4 A leave shall be revoked upon evidence that the cause for granting the leave was misrepresented, or has ceased to exist.
- 4.4.5 An employee who fails to return from a leave, or fails to present convincing reasons for not returning from leave within three days of the scheduled end of the leave, shall be presumed to have resigned from his/her position.
- 4.4.6 Maternity leaves of more than thirteen pay periods, unpaid leaves of more than two pay periods, and suspensions shall not be counted as time worked, for purposes of determining eligibility of the employee for further salary increases. All time spent on industrial injury leave shall be counted. Except as otherwise provided by law or the applicable Collective Bargaining Agreement or Summary of Benefits for Non-Represented Employees, any other unpaid leaves shall not be counted as time spent in a salary step in computing eligibility of the employee for further salary increases.
- 4.4.7 Except as otherwise provided by law, or the applicable Collective Bargaining Agreement or Summary of Benefits for Non-Represented Employees, the period of such leave shall not be credited toward the completion of the employee's probationary period.

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5.0 Definitions:

- 5.1 Registered Domestic Partner- A person who is registered with the California Secretary of State as an employee's domestic partner.
- 5.2 Management Discretion- Factors that Managers shall consider in approving/denying a discretionary leave include, but are not limited to, the requirements of any applicable collective bargaining agreement, staffing, scheduling, impact on workload, and the prior performance and attendance history of the employee.

6.0 Records:

The departmental timekeeper shall maintain time records. In addition, records shall be electronically stored in VTA's timekeeping system.

7.0 Appendices:

Not Applicable.


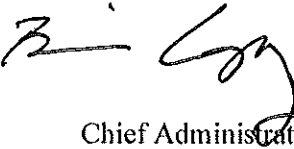

8.0 Training Requirements:

Not Applicable.

9.0 Summary of Changes:

- 9.1 This procedure was revised to include information regarding leaves for organ and bone marrow donation.

10.0 Approval Information:

<i>Prepared by</i>	<i>Reviewed by</i>	<i>Approved by</i>
 Shellie Albright Human Resources Manager	 Bill Lopez Chief Administrative Officer	 Michael T. Burns General Manager

6/14/11