

MEMORANDUM

DATE: October 16, 2001

TO: PERSONNEL MANAGEMENT LIAISONS REFERENCE CODE: 2001-043

THIS MEMORANDUM SHOULD BE DISTRIBUTED TO:

Employee Relations Officers  
Personnel Officers

FROM: Department of Personnel Administration  
Policy Development Division

SUBJECT: Work and Family Leave Programs - Excluded Employees and Bargaining  
Units 10, 12, 16, and 18

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The Department of Personnel Administration (DPA) has adopted regulations that provide for the establishment of new work and family leave benefits for excluded employees. These new benefits are the first of several planned by DPA intended to provide support to State employees and their families by helping them balance the demands of family-related issues with their workplace. It has been demonstrated that when employers establish a goal of providing employees with an environment supportive of families, the result is greater cost efficiency, increased worker commitment and productivity, and improved family life.

We encourage employees to participate in work and family programs. While use of these benefits may be granted at the discretion of the employer, in consideration of operational needs, we strongly encourage all State agencies to support these programs, and where feasible, make these programs available to their employees.

Family Crisis Leave

The State recognizes that on occasion it may be necessary for employees to take time off to attend to family crisis situations, including, but not limited to, divorce counseling, family or parenting conflict management, family-care urgent matters, and/or emergencies. Subject to departmental operation needs and

reasonable notice to the employee's supervisor, excluded employees shall be permitted to use accumulated leave credits to attend to family crisis situations. Where appropriate, sick leave credits may be used consistent with sick leave policies.

A family member is defined as the parent, spouse, domestic partner who has been certified with the Secretary of State's Office in accordance with AB 26 (Chapter 588, Statutes of 1999), son, daughter, or any child the employee stands in loco parentis to, grandchild, grandparent, brother, sister, or any person residing in the immediate household.

Requests for leave shall be in accordance with departmental policies. Departments must ensure that confidentiality shall be maintained for employees requesting accommodation under this program.

In addition to providing leave, departments shall consider requests from employees to adjust their work hours or schedules, or consider other flexible arrangements to enable the employee to attend to family crisis situations.

Refer to attached DPA Rule 599.910 for other provisions of this benefit.

#### Family Activity Leave

The State recognizes that on occasion it may be necessary for employees to take time off to attend family or school-related activities in which the employee's child is participating, including, but not limited to, plays, graduations, field trips, organized sports events, recitals, Scouts, 4-H, Junior Achievement, and Grange.

Subject to operational needs and reasonable notice to their supervisors, excluded employees shall be permitted to use no fewer than 20 hours per calendar year of accumulated leave credits to attend family or school-related activities. Sick leave credits may not be used. Use of such leave shall not diminish the 40-hour leave entitlement provided under the Family School Partnership Act.

Requests for leave shall be in accordance with departmental policies. The employee may be required to provide substantiation to support his/her request.

Further, departments shall consider requests from employees to adjust their work hours or schedules, or consider other flexible arrangements to enable the employee to participate in such activities.

Refer to attached DPA Rule 599.912 for other provisions of this benefit.

#### Transfer of Leave Credits for Family Members

Oftentimes, within a family, one member becomes the primary caretaker: the one who stays home to care for ill family members. Under such circumstances, the "caretaker" may exhaust his/her leave credits. This benefit provides that excluded employees will be permitted to transfer eligible leave credits between family members.

Eligible leave credits may also be transferred to a family member who is on leave for a serious health condition, or for parental or adoption leaves. Under this program, employees do not have to suffer a financial hardship to be eligible to receive donated leave credits.

This benefit provides that leave credits may be transferred between family members to care for a child; parent; spouse; domestic partner who has been certified with the Secretary of State's Office in accordance with AB 26 (Chapter 588, Statutes of 1999); brother; sister; or other person residing in the immediate household, who has a serious health condition; for a medical leave for the employee's own serious health condition as defined by the Family and Medical Leave Act or the California Family Rights Act; or for parental leave to care for a newborn or adopted child.

Leave credits that may be transferred include vacation, annual leave, CTO, personal leave, and/or holiday credits. Sick leave may not be transferred. Donated leave credits will be transferred in one-hour increments and used only when needed. Unused donated leave credits will be returned to the donor.

The receiving family member must have exhausted all leave credits. The donating family member must maintain a minimum balance of 80 hours of paid leave time.

Transfer of leave credits may be interdepartmental in accordance with the policies of the receiving department. The department shall approve transfer of leave credits only after having ascertained that the leave is for an authorized reason.

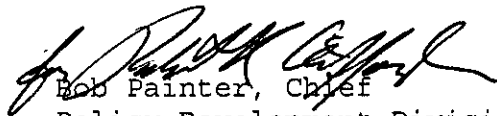
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Use of donated credits may not normally exceed three (3) months. However, if approved by the department, the total leave credits received may be up to six (6) months.

Refer to attached DPA Rule 599.913 for other provisions of this benefit.

Bargaining Units 10, 12, 16, and 18

Similar provisions have been negotiated in Bargaining Units 10, 12, 16, and 18. For information regarding the application of these provisions, or for these benefits being included in future collective bargaining agreements, please contact the DPA Labor Relations Division at (916) 324-0476 and speak with the Labor Relations Officer assigned to the bargaining unit.

  
Bob Painter, Chief  
Policy Development Division

Attachments

## **Article 25.5. Work and Family Benefits - Excluded Employees**

### **599.911. Family Crisis Leave**

The State recognizes that on occasion it may be necessary for employees to take time off to attend to family crisis situations, including, but not limited to, divorce counseling, family or parenting conflict management, family-care urgent matters and/or emergencies. Subject to departmental operational needs, excluded employees as defined in Section 599.615(b) of these regulations, shall be permitted to use eligible leave credits to attend to family crisis situations.

(a) Eligible leave credits include annual leave, vacation, compensating time off (CTO), personal leave, holiday credits, and/or sick leave. If the employee has exhausted available leave credits, he/she may request unpaid leave.

(b) Family is defined as the parent, spouse, or domestic partner that has been certified with the Secretary of State's Office in accordance with AB 26 (Chapter 588, Statutes of 1999 et seq.), son, daughter, or any child the employee stands *in loco parentis* to, grandchild, grandparent, brother, sister, or any person residing in the household.

(c) Requests for family crisis leave shall be in accordance with departmental policies and, except in emergencies, shall be made with reasonable notice to the employee's immediate supervisor.

(d) The employee may be required to provide substantiation to support his/her request for family crisis leave. The appointing power shall maintain the confidentiality of any employee requesting accommodation under this section.

(e) The appointing power shall consider requests from employees to adjust work hours or schedules or consider other flexible arrangements to participate in such activities in accordance with departmental policies and consistent with operational needs.

**599.912. Family Activity Leave**

The State recognizes that on occasion it may be necessary for employees to take time off to attend family or school-related activities in which the employee's child is participating, including, but not limited to, plays, graduations, field trips, organized sports events, recitals, Scouts, 4-H, Junior Achievement, and Grange.

(a) Subject to departmental operational needs, and reasonable notice to the employee's supervisor, excluded employees as defined in Section 599.615(b) of these regulations, shall be permitted to use no less than twenty (20) hours per calendar year of accumulated eligible leave credits to attend family or school-related activities in which the employee's child is participating. Use of such leave shall not diminish the 40-hour leave entitlement provided under the Family School Partnership Act.

(b) Eligible leave credits include annual leave, vacation, compensating time off (CTO), personal leave, and/or holiday credits. They do not include sick leave. If the employee has exhausted available leave credits, he/she may request unpaid leave.

(c) Employee's child is defined as the employee's son, daughter, or any child the employee stands *in loco parentis* (to the child).

(d) Requests for family activity leave shall be in accordance with departmental policies. The employee may be required to provide substantiation to support the request to attend such activities.

(e) The appointing power shall consider requests from employees to adjust work hours or schedules or consider other flexible arrangements to participate in such activities, in accordance with departmental policies and consistent with operational needs.

**599.913. Transfer Of Leave Credits**

At the discretion of the appointing power, excluded employees as defined in Section 599.615(b) of these regulations, shall be permitted to transfer eligible leave credits between family members to care for a family member or another person residing in the immediate household.

(a) Eligible leave credits include annual leave, vacation, compensating time off (CTO), personal leave, and/or holiday credits. They do not include sick leave.

(b) Eligible leave credits may be transferred by a child, parent, spouse, domestic partner that has been certified with the Secretary of State's Office in accordance with AB 26 (Chapter 588, Statutes of 1999 et seq.), brother, sister, or other person residing in the immediate household.

(c) Eligible leave credits may be transferred between family members to care for the family member's child, parent, spouse, or domestic partner that has been certified with the Secretary of State's Office in accordance with AB 26 (Chapter 588, Statutes of 1999 et seq.), brother, sister, or other person residing in the immediate household who has a serious health condition, for the employee's own serious health condition as defined by the Family Medical Leave Act (FMLA), or for parental leave to care for a newborn or adopted child.

(d) To be eligible to receive leave credits, the receiving employee must have exhausted all of his/her leave credits.

(e) The donating employee must maintain a minimum balance of 80 hours of paid leave time.

(f) Transfer of eligible leave credits may be interdepartmental in accordance with the policies of the receiving department.

(g) Donations must be in one-hour increments and will be reflected as an hour-for-hour addition to the vacation or annual leave balance of the receiving employee.

(h) Use of donated credits shall normally not exceed a maximum of three (3) months. However, if approved by the receiving department, the total leave credits received may be up to six (6) months.

(i) Donations shall be made on a form to be supplied by the employee's department, signed by the donating employee, and verified by the donating department. When donations are used, they will be processed based on date and time received (first in, first used). Unused donations shall be returned to the appropriate donor.

