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## Welcome to the California Leads Conference

- The presentation will begin shortly.
- All participants will be muted upon entry.
- Live presentations will not be recorded.
- Please use the chat feature to direct questions to “All panelists.” When submitting questions, please do not include any personal information.
- Connecting to audio – “Call using computer” for audio to come through your computer speakers or use “Call in/ Call me” feature.



# CALHR

California Leads

2021 Conference



# Interactive Discussion of Overlapping Leave and Personnel Issues



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# Introduction

Interactive discussion of how to analyze complicated overlapping human resources and equal employment opportunity issues.

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## Background Information

- The employee is an Associate Governmental Program Analyst (AGPA) and has been with the department for 32 years.
- His job primarily involves entering financial data into a database and reconciling expense reports.
- He sits in a cubicle and rarely has contact with members of the public. He has been teleworking full-time since March 2020.
- If he talks to a member of the public, it is via telephone only.

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## Part 1

- As of August 2020, the employee appeared unkempt during virtual meetings and was always wearing the same dirty, wrinkled, shirt. It appeared he was always muted and talking to someone else during the meeting, although no one could tell what he was saying. He said he was the only one home.
- The employee made 7 data entry errors the previous month, one of which resulted in the records being off by \$312,658.
- The previous month, he also failed to enter the data into a report by the deadline, which caused the report to be late.

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## Part 1 (Continued)

- The employee's wife passed away last year and he recently remarried a woman in her 20's.
- The employee taped his entire home desk and walls around his desk with pages of the procedure manual for his position. This is visible from the virtual meetings.
- The employee was absent for 3 non-consecutive days in September 2020 and failed to call in to his supervisor.

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## Part 2

- The employee has taped all of the items on his home desk down to the desk with masking tape.
- The curtains on the windows in his house are all closed during virtual meetings.
- The employee came into the office wearing a kilt several times and appeared even more unkempt than on the virtual meetings.
- During virtual meetings, the employee made several nonsensical statements that made people uncomfortable.
  - “Oranges go in the cupboard not on the boat;”
  - “Darkness knows not what shallow waters can’t spell out;” and
  - “Tick, Tick, Tick, then Tock, Tock Tock.”



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## Part 3

- In October 2020, the employee was absent for 3 days and does not contact the department.
- On the fourth day (October 18), the employee provided a note from a healthcare provider to HR that stated:  
“Patient is suffering from a flare up and cannot work from October 15 to December 31, 2020. Once the employee returns to work, he will need a quiet supportive environment to work and will need to be off-work one day per week to attend treatment for at least 6-9 months.”

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## Part 4

- The employee was approved to take FMLA/CFRA leave from October 15 – December 31, 2020 (11 weeks).
- The employee also applied and was approved for State Disability Insurance (SDI) for October 15 – December 31.
- On December 1, the employee contacted HR to notify them that his wife had a baby on November 25, and to request information about his right to take leave.
- HR was previously unaware the employee's wife was pregnant.

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## Part 4 (Continued)

- The employee returned from bonding leave on February 13, 2021, and requested to start his 1-day-off per week for treatment. He proposed either of the following:
  - 1. He work a 4/10 schedule (6am to 4:30pm) with Fridays off.
  - 2. He work a 4/10 schedule (7:30am to 6:00pm) with Fridays off but he work from home permanently on Monday and Wednesday so he can get to his evening therapy group.
- Employee has worked 1,373 hours in the last 12-months
- The supervisor is unhappy the employee is not returning to his normal schedule and wants to deny the request.

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# Thank you!

CalHR Legal Division is excited to inform you we are currently developing our virtual House Counsel Training programs.

Available courses will be posted on CalLearns.

Stay tuned!