



Guide to Other Leave Laws

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Introduction

It is the intent of the County of Riverside to comply with all applicable State and Federal leave laws. This leave guide has been developed to facilitate that compliance by providing information and guidance to Riverside County employees and managers with regards to a variety of leaves. These types of leave include those relating to victims of violent crimes, domestic violence, voting, school visits, religion, emergency volunteers, and Civil Air Patrol. Departments should consult with the Human Resources Department if they have any questions regarding any of the leave laws mentioned in this guide.



Voting Leave

If an employee does not have sufficient time outside of working hours to vote in an official state-sanctioned election, California Elections Code Section 14000 gives the voter the right to take up to 2 hours off work without loss of pay, which in combination with time available outside of working hours will enable the voter to vote. This time off should be taken at either the beginning or end of the shift as employees do not have a right to take time off in the middle of the day for this purpose.

Employees must provide their supervisors with at least 2 working days advance notice if they require time off for this purpose. Additionally, the County is required to post notification of any upcoming statewide election at least 10 days prior to the election.

Domestic Violence Victim Leave

Pursuant to California Labor Code 230.1, an employee who is the victim of domestic violence, sexual assault or stalking may take time off work for the following purposes: to seek medical attention; to obtain services from a domestic violence shelter, program, or rape crisis center; to obtain psychological counseling; or to participate in safety planning or relocation. The employee also has the right to take time off if involved in a judicial action, such as obtaining restraining orders, or if appearing in court to obtain relief to ensure his/her health, safety, or welfare, or that of his/her child.

The employee is required to give the County reasonable advance notice when time off is needed for this purpose. If advance notice is not feasible, the County is prohibited from taking action against the employee for an unscheduled absence, provided that the employee submits written proof of the need for leave. Additionally, Labor Code 230.1 requires the County to maintain the confidentiality of any employee requesting to take leave for this purpose.

An employee may utilize his/her appropriate paid leave accruals under the applicable MOU or Management Resolution (e.g., sick leave, vacation, annual leave, compensatory time, etc.) when taking leave for this purpose. If the employee does not have paid leave accruals available, he/she may take time off without pay. An employee may not be disciplined for taking time off work for this purpose.

Note: Effective July 1, 2015, the Healthy Workplaces, Healthy Families Act (California Labor Code 245) allows eligible employees (i.e., temporary, part-time, per-diem, and seasonal employees of the County of Riverside that are not currently covered by a collective bargaining agreement) to utilize Paid Sick Leave for this purpose, in accordance with the limits established by that law.¹

¹ For a more complete explanation of the Healthy Workplaces, Healthy Families Act (CA Labor Code 245), please refer to the **County Family Medical Leave Guide**, located on the Human Resources Department website, Leave Forms page at: <http://www.rc-hr.com/ForEmployees/Leaves.aspx>. You may also refer to **County Policy C-36, Healthy Families, Healthy Workplaces Policy**, which is available in the Board Policy Manual on the County Intranet at <http://www.rivcocob.org/board-policies/>.

Judicial Proceedings for Victims of Crime Leave

In accordance with California Labor Code 230(a), an employee must be given time off work if he/she is the victim of certain serious and violent felonies or is an immediate family member of a victim, a registered domestic partner of a victim, or the child of a registered domestic partner of a victim, in order to attend judicial proceedings related to the crime.

The employee is required to give the County reasonable advance notice when time off is needed for this purpose. If advance notice is not feasible, the County is prohibited from taking action against the employee for an unscheduled absence, provided that the employee submits written proof of the need for leave. Additionally, Labor Code 230(a) requires the County to maintain the confidentiality of any employee requesting to take leave for this purpose.

An employee may utilize his/her appropriate paid leave accruals (e.g., vacation, annual leave, compensatory time, etc.) when taking leave for this purpose. If he/she does not have paid leave accruals available, he/she may take time off without pay. An employee may not be disciplined for taking time off work for this purpose.

Volunteer Emergency Personnel Leave

Pursuant to California Labor Code 230.3, an employee has the right to take unpaid leave to perform emergency duty as a firefighter, reserve peace officer, or other emergency rescue person as defined by law. This Labor Code provision does not apply to certain personnel of the Sheriff's Department or other County departments providing emergency medical services, when the Sheriff or Director of such department determines that the employee's absence would hinder the availability of County public safety or emergency medical services.

County employees who are "health care providers" must notify the County at the time they become designated as "emergency rescue personnel" and must also inform the County when notified that they will be deployed as a result of that designation.

Employees may request to use vacation time or other leave accruals as applicable under the particular MOU or Management Resolution for this purpose. An employee may not be

disciplined, threatened with discharge, or otherwise discriminated against for taking paid or unpaid time off work for this purpose.

Civil Air Patrol Leave

Pursuant to California Labor Code 1500-1507, an employee who is a volunteer member of the California Wing of the Civilian Auxiliary of the United States Air Force, commonly known as the Civil Air Patrol, has the right to take up to 10 days of unpaid leave per calendar year in order to respond to an emergency operational mission of this agency.

Employees are required to give the County as much notice as possible of the intended dates of leave taken for this purpose.

Employees may request to use vacation time or other appropriate leave time under the applicable MOU or Management Resolution for this purpose. Employees may not be disciplined for taking paid or unpaid time off work for this purpose.

Note: The County is not required to grant Civil Air Patrol Leave to an employee who is required to respond to either the same or other simultaneous emergency operational mission as a first responder or disaster service worker for the County.

Child-Related Activities Leave

School Conferences Involving Suspensions

In accordance with California Labor Code 230.7, an employee who is the parent or guardian of a child suspended from public school has the right to take unpaid leave to appear in the school for a conference to discuss the suspension, if the school has asked the employee to do so. Employees may request to use vacation time or other appropriate leave time under the applicable MOU or Management Resolution for this purpose.

School Activities

California Labor Code 230.8 applies to an employee who is the parent, guardian, stepparent, foster parent, grandparent, or a person standing in loco parentis to a child in kindergarten, grades 1–12, or attending a licensed child care provider. Labor Code 230.8 allows employees to take time off work to find, enroll, or reenroll his or her child in a school or with a licensed child care provider, to participate in the activities of the school or the licensed child care provider of his or her child, or to address a school or child care provider emergency. Employees may take up to 40 hours of leave per year, but may not take more than 8 hours in any calendar month under this particular Labor Code provision.

If both parents of the child are employed by the County at the same worksite, this leave entitlement applies to the parent who first gives notice to the County of the need for leave. Approval of both parents to take leave simultaneously for this purpose is at the discretion of the County.

If requested by the County, the employee must provide documentation from the school or licensed child care provider as proof that he or she participated in school or licensed child care provider activities on a specific date and at a particular time.

An employee who takes time off for this purpose must utilize any and all appropriate paid leave accruals (e.g., vacation, annual leave, compensatory time, etc.), to the extent allowed by the applicable MOUs or Management Resolution.

An employee must give reasonable advance notice to his/her supervisor prior to taking time off work for the purposes outlined above. Provided that the employee has given reasonable advance notice, the employee may not be disciplined for taking time off work for either of these purposes.

Leave for Religious Purposes

Under Title VII of the Civil Rights Act of 1964 and the California Fair Employment and Housing Act (FEHA), employers are required to reasonably accommodate employees when a conflict exists between the employee's sincerely held religious beliefs and practices and the requirements of their County job, unless doing so would cause an undue hardship. Under FEHA, religious beliefs and practices include traditionally recognized religions as well as

beliefs, observations, or practices which an individual sincerely holds and which occupy in his or her life a place of important parallel to that of recognized religions. This also includes moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views. FEHA's definition of religious beliefs and practices was recently expanded to include religious dress practices and religious grooming practices (see California Government Code Section 12926).

A leave of absence for this purpose is generally considered a form of reasonable accommodation, as long as it does not create an undue hardship for the County. Although under Title VII, any accommodation for religious beliefs and practices that requires the County to bear more than a "de minimis" cost could be considered a hardship, the California Fair Employment and Housing Act (FEHA) requires a more stringent showing of undue hardship than the Federal Title VII standard. Thus the County must comply with this latter, more restrictive definition of undue hardship.

An employee may utilize his/her paid leave accruals (e.g., vacation, annual leave, compensatory time, etc.) when taking leave for this purpose. If he/she does not have paid leave accruals available, the employee may take time off without pay. An employee may not be disciplined for taking time off work for this purpose, provided that the request is considered to be reasonable.

Organ and Bone Marrow Donor Leave

Pursuant to California Labor Codes 1508 - 1513, employees donating an organ to another person may be provided with up to 30 work days in a 12 month paid period, and employees donating bone marrow to another person may be provided with up to 5 work days in a 12 month paid period.

- Organ and Bone Marrow Donor Leave taken under this statute may be taken in one or more periods, but shall not exceed the amount of leave prescribed.
- Employees must provide written verification to the County that they are an organ or bone marrow donor and that there is a medical necessity for donation of the organ or bone marrow.

- The County may require, as a condition of an employee's initial receipt of bone marrow of organ donation leave, that an employee take up to five days of earned but unused sick leave, vacation or paid time off for bone marrow donation and up to two weeks of earned but unused sick leave, vacation, or paid time off for organ donation.