

LEAVES OF ABSENCE

1065

(No. 15a July 1990)

Region chiefs and Deputy Directors have been delegated the authority to approve or deny requests for permissive leaves of absence without pay. They may delegate the responsibility associated with mandatory leaves of absence to subordinate managers.

Positions vacated by a leave of absence of less than six months will usually be filled on a limited term basis; positions vacant for over six months may be filled by a permanent appointment.

MANDATORY LEAVES OF ABSENCE

1065.1

(No. 15a July 1990)

An employee is entitled to a mandatory leave of absence without pay under limited circumstances. A mandatory leave shall not exceed one year and is limited to the following:

- To perform military service. Military service is defined as service in a recognized military force or education for which an employee is eligible because of military service.
- For pregnancy, childbirth, or recovery.

EMPLOYEE'S RESPONSIBILITIES

1065.1.1

(No. 15a July 1990)

The employee must submit a written request to his/her supervisor within a reasonable time before the effective date of the leave of absence. The request must contain the following information:

- A specific effective date and termination date. Any change to the length of the leave must be approved by the region chief/Deputy Director.
- A specific reason for the leave of absence (military service, pregnancy, childbirth, care for newborn, etc.).
- Pertinent documentation which will support the leave of absence request (e.g., military orders, doctor's orders, etc.).

SUPERVISOR'S RESPONSIBILITIES

1065.1.2

(No. 15a July 1990)

The supervisor should verify the information, forward it through the chain of command to the manager with delegated authority, and notify the employee in writing when formal approval has been granted.

PERMISSIVE LEAVES OF ABSENCE

1065.2

(No. 15a July 1990)

An employee is not entitled to a permissive leave of absence as a matter of right. Permissive leaves of absence are for less than one year and may include the following:

- To attend school or college or to enter training to improve the quality of the employee's work performance.
- Temporary incapacity due to illness or injury.
- Loan to another governmental agency for performance of a specific assignment.
- To seek or accept other employment during layoff or otherwise lessen the impact of an impending layoff.
- For some other reason equally satisfactory as determined by the appropriate region chief/Deputy Director; such as, extended travel, acceptance of an assignment with a private nonprofit organization, campaigning in an election for himself/herself, a lengthy illness of a family member, jury duty, union activity, adoption of a child, or a period of retraining through a rehabilitation program.

Requests for permissive leaves of absence will be evaluated on an individual basis. The following factors will be considered:

- The adequacy of the work force available to cover for the absent employee.
- Employee's work record and performance.
- Employee's attendance record.
- Nature and reason for the requested leave.

EMPLOYEE'S RESPONSIBILITIES

1065.2.1

(No. 15a July 1990)

The employee must submit a written request to his/her supervisor at least 30 days before the effective date of the leave. The request shall contain the following information:

- Effective dates for the leave. Any change in the length of the leave must be approved by the region chief/Deputy Director.
- A reason for the requested leave of absence.
- Pertinent documentation which supports the request for a leave of absence.

SUPERVISOR'S RESPONSIBILITIES

1065.2.2

(No. 15a July 1990)

The supervisor should verify the request and provide a recommendation to the region chief/Deputy Director or designee. The region chief/Deputy Director or designee will convey his/her decision in writing to the employee, the employee's supervisor, and the unit personnel clerk.

UNION LEAVE OF ABSENCE

1065.3

(No. 15a July 1990)

An exclusive representative may request a paid or unpaid leave of absence in accordance with the appropriate collective bargaining agreement. To request a union leave, the exclusive representative must submit a written request to the labor relations officer for approval one month prior to the effective date of leave. The labor relations officer will consult with the appropriate region chief and unit chief in considering the request. It is the responsibility of the employee to notify his/her supervisor of a pending union leave at the earliest possible opportunity. If a collective bargaining agreement does not contain a provision for a union leave, a leave cannot be approved. NOTE: A request to use a Release Time Bank (RTB) is not union leave ([see Section 1064](#) for RTB instructions).

JURY DUTY/SUBPOENAED WITNESS

1065.4

(No. 15a July 1990)

Cross Reference: Government Code Section 19991.3

Accounting Procedures Handbook Section 3637
Collective Bargaining Agreements
DPA Rule 599.672

Under certain circumstances, employees may use paid administrative time off to serve as either a subpoenaed witness or as a member of a jury if they were otherwise scheduled to work that day. When this happens, the Department must collect the jury duty or subpoenaed witness fees.

EMPLOYEE TIME OFF

1065.4.1

(No. 15a July 1990)

Employees are allowed to take paid administrative time off for jury duty or action as a subpoenaed witness if they were otherwise scheduled to work and:

1. Any fees for service are remitted to the State;
2. The employee is not a party to the action;
3. The employee is not serving as an expert witness; and,
4. The employee received a summons to appear for jury duty or a subpoena to serve as a witness.

QUALIFYING TIME OFF

1065.4.2

(No. 15a July 1990)

Time which is considered as "jury duty" includes travel to and from court, waiting to be examined for jury selection, being examined for jury selection, and actual jury duty service. Employees selected for "jury duty" examination will receive a summons through the mail.

Time as a "subpoenaed witness" includes travel to and from court, meeting with attorneys, and presenting testimony. Employees will be responsible for conferring with the attorney requesting their appearance as a witness to determine if certified copies of appropriate documents would be suitable and eliminate the need for a court appearance. If the employee is relieved of jury duty or witness responsibility on a temporary or permanent basis during the course of a scheduled work day, he/she shall

contact his/her supervisor for an assignment for the remainder of the day or use leave credits to remain off duty. A supervisor will not unreasonably require an assignment. If the supervisor does not require an assignment for the remaining portion of the day, no leave credits need be used. The work assignment will not prevent an employee from reporting back to jury duty or service as a witness.

SUPERVISOR'S RESPONSIBILITY

1065.4.3

(No. 15a July 1990)

It is the supervisor's responsibility to determine that an employee who has served on jury duty, or as a subpoenaed witness completes Section 5 (J or SW), of the "Absence and Additional Time Worked Report" (STD 634-Revised 10/82). A copy of the summons or subpoena is to be attached to the STD 634. The name of the court and the city are also required. The employee must designate that: (1) no fees were received, (2) that fees were retained, or (3) that fees will be remitted to the state. The supervisor must inform the employee that the fee is to be remitted as quickly as possible to the unit finance clerk or the Departmental Accounting Office. If the employee retains the fee, he/she must select the type of accrued leave he/she will use to cover the absence. The employee's "Attendance and Program Time Report" (CAL FIRE 681) must also show the number of hours that the employee spent serving as a juror or as a subpoenaed witness. The dates and hours shown on the CAL FIRE 681 must agree with the dates and hours shown on the STD 634. The supervisor forwards the original of the STD 634 and the employee's CAL FIRE 681 to the personnel assistant and a copy of the STD 634 to the unit finance clerk or DAO.

DISPOSITION OF FEES RECEIVED

1065.4.4

(No. 15a July 1990)

Employee Retains Fees

Employees who voluntarily elect to retain the jury duty or subpoenaed witness fees may not have paid administrative leave. Instead, they must use accrued leave (e.g., vacation or CTO) to account for the absence. An absence request (STD 634), must be submitted showing vacation or CTO usage in lieu of "jury duty or subpoenaed witness" administrative leave.

Employee Remits Fees

To receive paid administrative leave for jury duty or acting as a subpoenaed witness in the situations described previously, the employee must remit the fees collected for their service. However, the employee may retain any payments for mileage, parking, meals or other out-of-pocket expenses.

Employee Fails to Remit Fees

If an employee receives paid administrative time off but fails to remit the required fees, the unit finance clerk or Departmental Accounting Office (DAO) will notify the employee of the requirement to pay.

If the employee still does not remit the fees, the finance clerk or DAO will contact the Personnel Assistant he/she will deduct the amount of time necessary for the absence from work from the employee's accrued leave balance. Upon completion of this action, he/she will notify the employee by returning a corrected copy of his/her Attendance and Time Report with a memo of explanation. A copy of the memo will also be sent to the finance clerk or DAO for their records.

[\(see next section\)](#)

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[\(see Forms or Forms Samples\)](#)