

# Sick Leave

## I. **Eligibility**

Employees eligible for CHSU Sick Leave are full-time Administration, Faculty and Staff. Full-Time for purposes of CHSU Sick Leave benefits are those employees regularly scheduled to work 40 hours or more per week. Employees in positions other than full-time administration, faculty and staff, including but not limited to Adjunct Faculty, per diem and part-time employees, are not eligible for CHSU Sick Leave, but will receive California Paid Sick Leave, as described below.

## II. **Accrual**

Employees eligible for CHSU Sick Leave accrue fifteen (15) days (i.e., 120 hours) of paid sick time per twelve (12) months of work (i.e., accrual is at a rate of five (5) hours per pay period). The maximum amount of sick days that a full-time employee may accrue is thirty (30) days. Thereafter, the employee will stop accruing sick time until the sick leave balance falls below the maximum amount.

## III. **Use**

Eligible employees may use CHSU Sick Leave during the same pay period in which it accrues. Sick leave is paid at the employee's regular rate of pay. Sick leave benefits may be used for an employee's own injury or illness, for medical, mental health or dental appointments, to care for an Immediate Family Member, for specified purposes under state and federal law (including seeking care, psychological counseling, or a to help ensure the safety of yourself or your child if you or your child is a victim of domestic violence, sexual assault or stalking), or for any other purpose allowed under this Policy (e.g., Bereavement, discussed below).

## IV. **Family Medical Leave Act**

The Company provides leave according to the federal Family and Medical Leave Act of 1993 ("FMLA"), which provides for unpaid, job-protected leave to covered employees in certain circumstances. Such leave shall run concurrently with all other paid and unpaid leave to the extent permitted by law.

### a. **Eligibility**

To qualify for FMLA leave, you must: (1) have worked for the Company for at least 12 months, although it need not be consecutive; (2) worked at least 1,250 hours in the last 12 months; and (3) be employed at a worksite that has 50 or more employees within 75 miles.

### b. **Use**

If eligible, you may take up to 12 workweeks of family or medical leave within the relevant 12-month period defined below. While you are on FMLA leave, the Company will maintain your group health insurance coverage at the same level and under the same circumstances as when you were actively working, as explained more fully under the section titled, "Medical and Other Benefits." On returning from approved FMLA leave, you have the right to be restored to the same job or an equivalent position, subject to the terms, limitations, and exceptions provided by law. If you are eligible and need leave to care for a military service member additional leave of up to 26 weeks may be available; contact Human Resources for more information.

### c. **Leave Entitlement**

You may take up to 12 weeks of unpaid FMLA leave in a 12-month period, which is a "rolling" method that is measured backward from the date you use any FMLA leave for any of the following reasons:

- the birth of a son or daughter and in order to care for that son or daughter (leave to be completed within one year of the child's birth);
- the placement of a son or daughter with you for adoption or foster care and in order to care for the newly placed son or daughter (leave to be completed within one year of the child's placement);
- to care for a spouse, son, daughter, or parent with a serious health condition;
- to care for your own serious health condition, which renders you unable to perform any of the essential functions of your position; or
- a qualifying exigency of a spouse, son, daughter, or parent who is a military member on covered active duty or called to covered active duty status (or has been notified of an impending call or order to covered active duty).

You may take up to 26 weeks of unpaid FMLA leave in a single 12-month period, beginning on the first day that you take FMLA leave to care for a spouse, son, daughter, or next of kin who is a covered service member and who has a serious injury or illness related to active duty service, as defined by the FMLA's regulations (known as military caregiver leave).

d. **Both Spouses Employed by Company**

Spouses who are both employed by the Company and eligible for FMLA leave may be limited to a:

- Combined total of 12 weeks of leave during the 12-month period if leave is requested:
  - for the birth of a son or daughter and in order to care for that son or daughter;
  - for the placement of a son or daughter with the employee for adoption or foster care and in order to care for the newly placed son or daughter; or
  - to care for an employee's parent with a serious health condition
- Combined total of 26 weeks in a single 12-month period if the leave is either for:
  - military caregiver leave; or
  - a combination of military caregiver leave and leave for other FMLA-qualifying reasons.

e. **Notice of Leave**

If your need for FMLA leave is foreseeable, you must give at least 30 days' prior written notice. If this is not possible, you must at least give notice as soon as practicable (within one to two business days of learning of your need for leave). Failure to provide this notice may be grounds for delaying FMLA-protected leave, depending on the particular facts and circumstances. Additionally, if you are planning a medical treatment or a series of treatments or you are taking military caregiver leave, you must consult with Human Resources first regarding the dates of this treatment to work out a schedule that best suits the needs of the employee or the covered military member, if applicable, and the Company.

Where the need for leave is not foreseeable, you are expected to notify the Company within one to two business days of learning of your need for leave, except in extraordinary circumstances. The Company has Family and Medical Leave Act request forms available from Human Resources.

Please submit a written request, using this form, when requesting leave.

f. **Certification of Need for Leave**

If you are requesting leave because of your own or a covered relative's serious health condition, you and the relevant health care provider must supply appropriate medical certification. You may obtain Medical Certification forms from the Human Resources. When you request leave, the Company will notify you of the requirement for medical certification and when it is due (at least 15 days after you request leave). If you provide at least 30 days' notice of medical leave, you should also provide the medical certification before leave begins. Failure to provide requested medical certification in a timely manner may result in denial of FMLA-covered leave until it is provided. The Company, at its expense, may require an examination by a second health care provider designated by the Company. If the second health care provider's opinion conflicts with the original medical certification, the Company, at its expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion. The Company may require subsequent medical recertification. Failure to provide requested certification within 15 days, when practicable, may result in delay of further leave until it is provided.

The Company also reserves the right to require certification from a covered military member's health care provider if you are requesting military caregiver leave and certification in connection with military exigency leave.

g. **Reporting While on Leave**

If you take leave because of your own serious health condition or to care for a covered relative, you must contact the Company on periodically regarding the status of the condition and your intention to return to work. The Company may also reach out to you for such information periodically while you are on leave. In addition, you must give notice as soon as practicable (within two business days if feasible) if the dates of leave change or are extended or initially were unknown

h. **Medical and Other Benefits**

During approved FMLA leave, the Company will maintain your health benefits as if you continued to be actively employed. If paid leave is used concurrently, the Company will deduct your portion of the health plan premium (if any) as a regular payroll deduction. If your leave is unpaid, you must pay your portion of the premium (if any) as directed by Human Resources. Your health care coverage will cease if your premium payment is more than 30 days late. If your payment is more than 15 days late, we will send you a letter to this effect. If we do not receive your premium payment within 15 days after the date of this letter, your coverage may cease. If you elect not to return to work for at least 30 calendar days at the end of the leave period, you will be required to reimburse the Company for the cost of the health benefit premiums paid by the Company for maintaining coverage during your unpaid leave, unless you cannot return to work because of a serious health condition or other circumstances beyond your control.

i. **Exemption for Key Employees**

The Company reserves all rights under law not to return a key employee to their former or equivalent position.

j. **Intermittent and Reduced Leave Schedule**

If medically necessary, FMLA leave occasioned by a serious health condition may be taken intermittently (in separate blocks of time due to a serious health condition) or on a reduced leave schedule (reducing the usual number of hours you work per workweek or workday). FMLA leave may also be taken intermittently or on a reduced leave schedule for a qualifying exigency relating to covered military service. While you are on an intermittent or reduced leave schedule, the Company may temporarily transfer you to an available alternative position that better accommodates your leave schedule and has equivalent pay and benefits.

k. **Returning from Leave**

If you take leave because of your own serious health condition (except if you are taking intermittent leave), you are required, as are all employees returning from other types of medical leave, to provide medical certification that you are fit to resume work. Otherwise, you will not be permitted to resume work until it is provided.

l. **State or Local Family and Medical Leave Laws and Other Company Policies**

Where state or local family and medical leave laws offer more protections or benefits to employees, the protections or benefits that are more favorable to the employee, as provided by these laws, will apply.

V. **California Family Rights Act**

Eligible employees will be provided with leave under the California Family Medical Rights Act ("CFRA") in accordance with the requirements of applicable state law. An "eligible employee" for purposes of CFRA leave is an employee that: (1) has worked with the Company continuously for at least twelve (12) months; (2) has actually provided at least 1,250 hours of service in the 12-month period preceding the leave.

CFRA leave will be granted for any of the following reasons:

- Birth of a child, or to care or bond with a newly born child, including incapacity due to pregnancy or prenatal medical care.
- Placement of a child with the employee and/or the employee's registered domestic partner for adoption or foster care or to care or bond with the child.
- To care for a CFRA Qualified Family Member defined below, with a serious health condition.
- Because of the employee's serious health condition that makes the employee unable to perform his or her job.
- A qualifying exigency related to the covered active duty or call to covered active duty of an employee's spouse, domestic partner, child or parent in the Armed Forces of the United States, as defined by law.

A "serious health condition" is an illness, injury, impairment or physical or mental condition that involves either an overnight stay in a medical care facility or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school or other daily activities.

A "CFRA Qualified Family Member" includes child, parent, grandparent, grandchild, sibling, spouse or domestic partner. Child includes a biological, adopted or foster child, a stepchild, a legal ward or child of a person standing in loco parentis. Parent means a biological, adopted, step or foster parent, or any other individual who stood in loco parentis to the employee when the employee was a child. A Qualified Family Member does not include parents of an employee's spouse or parents of an employee's registered domestic partner.

Eligible employees may receive up to a maximum of twelve (12) workweeks of unpaid leave for all eligible reasons combined during a twelve-month period. The twelve-month period begins on the date of an employee's first day of leave. This leave may be taken intermittently, or by reducing the employee's normal weekly or daily work schedule. CFRA leave is unpaid.

If the leave is used for bonding with a child (i.e., baby-bonding), all leave must be used within twelve (12) months of the birth or placement and intermittent leave must be taken in increments no less than two weeks.

The Company will grant baby-bonding leave of less than two weeks' duration on any two occasions. Depending on the purpose of the employee's leave request, the Company may require employees to use accrued paid leave such as sick leave, extended sick leave or vacation concurrently with some or all the CFRA leave. To use paid leave concurrently with CFRA, eligible employees must comply with the Company's normal procedures for the applicable paid leave policy. Whenever permitted by law, CFRA will run concurrently any other leave provided by the Company

VI. **California Pregnancy Disability Leave ("PDL")**

In compliance with California State law under the California Fair Employment and Housing Act ("FEHA"), if an employee is disabled by pregnancy, childbirth or related medical conditions, the employee is eligible to take a Pregnancy Disability Leave (PDL), as described below. CHSU provides reasonable accommodations, to the extent required by law,

for conditions related to pregnancy, childbirth or related medical conditions. All employees who experience disabilities relating to pregnancy, childbirth or related medical conditions (i.e., physical or mental conditions intrinsic to pregnancy or childbirth) may request leave or a reasonable accommodation under this policy. For example, a transfer to a less strenuous or hazardous position or duties may be available pursuant to an employee's request, if such a transfer is medically advisable. Employees requesting a leave absence or any other reasonable accommodation under this policy should promptly notify the Office of Human Resources.

a. **Eligibility**

All employees who experience disabilities relating to pregnancy, childbirth or related medical conditions (i.e., physical or mental conditions intrinsic to pregnancy or childbirth) may request leave or a reasonable accommodation under this policy.

b. **Use**

CHSU provides eligible employees with up to four months of job-protected unpaid leave. For purposes of PDL, four months means the number of days the employee would normally work within four calendar months (equal to 17 and 1/3 calendar weeks), if the leave is taken continuously, following the date the pregnancy leave commences.

c. **Use of Accrued Paid Leave Concurrently with PDL**

Accrued paid sick leave or extended sick leave must be used concurrently with leave taken under this policy. Employees may choose to use accrued paid vacation concurrently with some or all of the leave under this policy. To receive any paid leave, employees must comply with the company's normal policies and procedures for the applicable paid leave. Additionally, employees may be eligible for California state disability insurance during pregnancy leave and should consult the appropriate California state agency to determine eligibility for disability insurance.

VII. **Extended Sick Leave**

CHSU recognizes the burden that extended time off from work due to their illness or the illness of a family member can take on employees. In order to assist employees during those difficult times, CHSU provides a generous Extended Sick Leave program for eligible employees that runs concurrently with unpaid leave under FMLA/CFRA and/or PDL, as described below.

a. **Eligibility**

Full-time Administration, Staff, and Faculty are eligible for Extended Sick Leave if they qualify for FMLA/CFRA due to their need to care for a Qualified Family Member (as defined above under section IV) with a serious health condition or because of the employee's own serious health condition (all other eligibility requirements for FMLA/CFRA must also be met, as described above). Employees are also eligible for Extended Sick Leave if they qualify for PDL, as described above. Employees are not eligible for Extended Sick Leave for purposes of Child/Baby Bonding. Full-time for purposes of Extended Sick Leave is defined as being regularly scheduled to work 40 hours or more per week. Part-time, temporary, per diem and Adjunct Faculty are not eligible for Extended Sick Leave.

b. **Use**

Eligible full-time employees receive up to thirty (30) days of extended sick leave if they become eligible for FMLA/CFRA and/or PDL. However, CHSU Sick Leave must be exhausted prior to utilizing Extended Sick Leave.

VIII. **Bone Marrow and Organ Donation**

Employees donating bone marrow or an organ who have exhausted all available sick leave will be permitted to take a leave of absence with pay in any twelve (12) month period as follows: (a) for up to thirty (30) days for the purpose of organ donation; and/or (b) for up to five (5) days for bone marrow donation. Employees are required to take up to five (5) days of accrued but unused sick leave or vacation for bone marrow donation. Employees are required to take up to two (2) weeks of accrued but unused sick leave or vacation for organ donation. Employees who donate an organ and need additional time off may take an additional unpaid leave of up to thirty (30) days in a 12-month period. Other requirements under California state law may apply to use of leave under this section. Employees shall consult the Office of Human Resources for additional information

IX. **Domestic Violence, Sexual Assault or Stalking Leave**

CHSU will provide unpaid leave for victims of domestic violence, sexual assault or stalking in accordance with state law. Employees may use accrued, unused sick time or vacation time during the leave. Leave under this section may be used for the following purposes:

1. To seek medical attention for injuries caused by domestic violence, sexual assault, or stalking.
2. To obtain services from a domestic violence shelter, program, or rape crisis center.
3. To obtain psychological counseling relating to an experience of domestic violence, sexual assault, or stalking

4. To participate in safety planning and to take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation

**X. Crime Victims Leave - Judicial Proceedings**

The Company provides employees who are the victim of a violent felony or serious felony (or the family member of a victim of a violent felony or serious felony) with unpaid leave in order to attend judicial proceedings related to the crime. A family member under this policy includes a spouse, domestic partner, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, or stepfather. When the need for leave is foreseeable, you must provide documentation of the scheduled proceeding. Such notice is typically given to the victim of the crime by a court or government agency setting the hearing, a district attorney or prosecuting attorney's office, or a victim/witness office. If advance notice is not possible, you must provide appropriate documentation within a reasonable time after the absence. Any absence from work to attend judicial proceedings will be unpaid, unless you choose to take paid time off, such as accrued vacation or personal holiday. The Company will not retaliate against an employee who requests or takes leave under this policy

**XI. Other Leave for Victims of Crime or Abuse**

The Company provides employees who are victims of crime or abuse with unpaid leave to:

- Seek medical attention for injuries caused by the crime or abuse.
- Obtain services from a domestic violence shelter or program, rape crisis center, or victim services organization or agency as a result of the crime or abuse.
- Obtain psychological counseling or mental health services related to the experience of crime or abuse.
- Participate in safety planning and take other actions to increase safety from future crime or abuse, including temporary or permanent relocation.

Victim includes: (a) a victim of stalking, domestic violence, or sexual assault; (b) a victim of a crime that caused physical injury or that caused mental injury and a threat of physical injury; (c) a person whose immediate family member is deceased as the direct result of a crime. Crime means a crime or public offense anywhere that would constitute a misdemeanor or a felony if the crime had been committed in California by a competent adult, regardless of whether any person is arrested or prosecuted for, or convicted of, committing the crime.

Immediate family member under this policy means:

- Your spouse or domestic partner.
- Your child, which includes, regardless of age, a biological, adopted, or foster child; stepchild or legal ward; the child of your domestic partner; a child to whom you stand in loco parentis; or a person to whom you stood in loco parentis when the person was a minor.
- You, or your spouse's or domestic partner's, biological, adoptive, or foster parent, stepparent, or legal guardian, or a person who stood in loco parentis of you or your spouse or domestic partner when you/they were a minor child.
- Your biological, foster, or adoptive sibling, step-sibling, or half-sibling.
- Any other individual whose close association with you is the equivalent of a family relationship described above.

You must provide reasonable advance notice of your intention to take leave for the above reasons unless advance notice is not feasible. If an unscheduled absence occurs, you must provide the following documentation within a reasonable amount of time after your absence:

- A police report indicating that you were a victim;
- A court order protecting or separating you from the perpetrator of the crime or abuse, or other evidence from the court or prosecuting attorney stating that you have appeared in court;
- Documentation from a licensed medical professional, domestic violence counselor, sexual assault counselor, licensed health care provider, or counselor stating that you were undergoing treatment for physical or mental injuries or abuse resulting from the crime or abuse; or
- Any other form of documentation that reasonably verifies that the crime or abuse occurred, including but not limited to a written statement signed by you, or an individual acting on your behalf, certifying that the absence is for an authorized purpose.

You may use available vacation, personal leave, accrued paid sick leave, or compensatory time off for your leave unless you are covered by a collective-bargaining agreement that states otherwise. Leave under this policy will run concurrently with other types of leave where permitted under applicable law. The Company will maintain the confidentiality of anyone requesting time off under this policy, except as required by federal or state law or as necessary to protect your safety in the workplace. The Company will not retaliate against an employee who is a victim of crime or abuse, or who requests or takes leave in accordance with this policy.

**XII. Jury and Witness Leave**

Employees are permitted to take a leave of absence for jury duty or to appear as a witness in a court of law, as is required by state law. CHSU will pay for up to forty (40) hours of jury duty leave, subject to documentation requirements imposed by the Office of Human Resources. Employees may use accrued, unused vacation time for additional jury duty days or witness leave. Employees serving jury duty must report to work on days when they are scheduled to work but are not required to serve as a juror. Employees serving jury duty for only part of a work day must also report back to work for the remainder of their regularly scheduled time. Other requirements under California state law may apply to use of leave under this section. Employees shall consult the Office of Human Resources for additional information.

**XIII. Time Off to Vote**

CHSU will provide employees with time off to vote in accordance with state law. When possible, the employee should make every effort to vote prior to or after their scheduled working hours. Employees unable to do so should communicate their need for time off to vote to the Office of Human Resources and their immediate supervisor, in advance whenever possible. No employee will be penalized or retaliated against for requesting time off to vote.

**XIV. Time Off for Child or Grandchild's School or Child Care Provider**

In accordance with California state law, the Company will permit employees to take up to eight (8) hours each month off to: (1) find, enroll or re-enroll his or her child or grandchild in a school or with a licensed childcare provider; or (2) to participate in activities of the school or licensed child care provider of the employee's child or grandchild. In all cases, the maximum amount of such time off is forty (40) hours per year. Employees are also allowed to take time off to attend appearances related a child's suspension from school. Leave taken under this section will be unpaid, but employees with accrued but unused vacation may choose to use such vacation time for leave under this section.

**XV. Military, National Guard, Military Care Giver and Volunteer Emergency Services Leave**

CHSU will provide military leave, National Guard leave, military care giver and volunteer emergency services leave, as required by federal and California state law.

**XVI. Bereavement Leave**

CHSU employees may take up to five (5) days of Bereavement Leave for the death of an Immediate Family Member, or up to ten (10) days if travel outside of California is required. Bereavement Leave is deducted from the employee's CHSU Sick Leave balance or vacation balance, whichever is elected by the employee. If an employee does not have accrued but unused CHSU Sick Leave or vacation, the Bereavement Leave may be taken as an unpaid leave.

**XVII. Sabbatical Leave**

If an opportunity arises for a member of the Faculty to work or undertake a special project outside of CHSU for a period of twenty-four (24) months or less, the employee may request an unpaid sabbatical. Such a sabbatical may be approved at CHSU's sole discretion. Faculty members interested in a sabbatical leave should consult the Office of Human Resources.

**XVIII. CHSU Donated Leave Program**

CHSU recognizes that there are instances when an employee who has not accrued or has exhausted all of their vacation, sick leave and extended sick leave, has an unusual or extraordinary need for additional time off due to a medical emergency.

Accordingly, CHSU permits employees to voluntarily donate accrued, unused CHSU Sick Leave or vacation to a designated colleague, as described below.

Employees are eligible to request donated sick leave if they meet the following criteria: (1) the employee or an employee's family member has suffered a medical emergency which requires a prolonged absence from work; (2) employee has exhausted all CHSU Sick Leave or California PSL; (2) employee has exhausted or is not eligible for vacation; (3) employee has exhausted or is not eligible for all Extended Sick Leave; (4) the employee's absence from work will result in loss of income to the employee; and (5) employee has completed and submitted all required donation request forms to the Office of Human Resources. The Office of Human Resources will make a determination regarding eligibility for donated leave and contact the donor to notify the appropriate parties of the decision. If approved, the Office of Human Resources will solicit donations from other CHSU employees. To donate CHSU Sick Leave, an employee must leave a minimum sick leave balance of five (5) CHSU sick days. An employee may donate all of their accrued, unused vacation. Employees who donate time will have their accrued sick leave and/or vacation balances permanently reduced by the amount donated. Employees who donate vacation will have no right to be paid out for the donated vacation upon termination as long as it is actually used by the employee seeking donated leave; in this case, it is as if the donor used the time themselves. California PSL and Extended Sick Leave may not be donated under this policy.

All requests and donation offer are subject to approval by the Office of Human Resources. CHSU's donated leave

program is intended to comply with all IRS requirements for such programs. To the extent the law or regulations require modification to this program to comply with IRS requirements, those modifications will be incorporated into the program.