



City of Riverside, California
Human Resources Policy and Procedure Manual

City of Arts & Innovation

Approved:

Human Resources Director

City Manager

Number: II-8 Effective Date: 11/12

SUBJECT: MISCELLANEOUS LEAVES

PURPOSE:

To establish uniform guidelines to ensure consistent procedures for a variety of leave types relating to victims of violent crimes, domestic violence, voting, school visits, religious purposes, organ and bone marrow donation and emergency volunteers in accordance with state and federal laws.

POLICY:

The City of Riverside, in accordance with state and federal laws, will allow employees time off from work (paid/unpaid as defined below), with reasonable advance notice. Employees must submit a Request for Leave Form with the any applicable necessary documentation to their immediate supervisor. If employees have no leave accruals, the leave may be designated as Leave of Absence Without Pay (General) under Policy V-6 of the Human Resources Policy and Procedures Manual. Employees must record their time accordingly on their timesheets and supervisors must validate that such time is reported correctly on payroll records. Employees shall not be disciplined for taking time off under the following defined leaves:

1. Domestic Violence Victim Leave

Leave may be requested by employees who are victims of domestic violence, sexual assault, stalking, crimes that cause physical injury or mental injury, and crimes involving threat of physical injury and ~~who~~ need time off from work 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.

Leave may be requested by employees ~~who are victims of domestic violence~~ who need time off from work to seek a temporary restraining order or other injunctive relief to help ensure the health, safety, or welfare of the employee or the employee's child.

The employee must give reasonable advance notice of ~~his or her~~ their intention to take time off for the above purposes, unless advance notice is not feasible, in which case the City may thereafter require written proof of the need for leave.

~~Unless prohibited by a collective bargaining agreement,~~ Employees may utilize their accrued sick, vacation, administrative or compensatory leave time, or if they don't have time available, they may take time off without pay.

2. Judicial Proceedings for Victims of Crime

Employees who are victims of certain serious and violent felonies or are 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 may be absent from work to attend judicial proceedings related to the crime.

Employees must give reasonable advance notice of ~~his or her~~their intention to take time off for any judicial proceedings, unless advance notice is not feasible, in which case the City may thereafter require written proof of the need for leave.

~~Unless prohibited by a collective bargaining agreement, e~~Employees may utilize their accrued sick, vacation, administrative or compensatory leave time, or if they don't have time available, they may take unpaid time off without pay.

3. School ~~Visit Activities~~ Leave

Leave may be requested by employees who are parents, grandparents having custody, or guardians of children in school, kindergarten, ~~grades 4 through~~ -12, or attending a licensed child day care facility to visit their child's school or licensed day care facility for field trips, teacher conferences, award ceremonies, enrolling children in school and school plays. ~~Such E~~Employees may take up to 40 hours of leave per year, but may not take more than eight (8) hours in any calendar month. ~~Unless otherwise provided by a collective bargaining agreement, the E~~Employees must use any accrued vacation or compensatory time for this purpose. If no vacation or compensatory time is available, time off without pay may be used. The City may require an employee to provide documentation from the school or licensed day care facility as proof of the visit.

Leave may be requested by employees who are parents or guardians of a child to deal with behavioral or discipline problems, suspended from public school to attend a portion of a school day in the child's classroom, if the school has asked the employee to do so, natural disaster or unexpected unavailability of the school or childcare provider. Employees may utilize their accrued vacation, administrative or compensatory leave time, or if they don't have any time available, they may take unpaid time off without pay.

4. Religious ~~Accommodation~~ Leave

Leave may be requested by employees who require time off from work due to the existence of a conflict between the employee's religious practices and the City's job requirements. Such leave is considered an accommodation of an employee's religious beliefs. Such accommodation may not create an undue hardship on the City. In accordance with law, any accommodation for religious beliefs that requires the City to bear more than a de minimis cost is considered a hardship. Temporary flexible work schedules, if not an undue burden on the City, may be considered. Employees may utilize their accrued vacation, administrative or compensatory leave time, or if they don't have any time available, they may take time off without pay.

5. Volunteer ~~Firefighter-Emergency Duty~~ Leave

Leave may be requested by employees to perform emergency duty as a volunteer firefighter, reserve peace officer, or emergency rescue ~~person~~personnel up to a total of 14 days per calendar year, to engage in fire, law enforcement or emergency rescue training. This provision does not apply to the Police Department, the Fire Department, or any other department of the City that is considered a public safety agency or provider of emergency medical services, if the City or respective department determines that the employee's absence would hinder the availability of public safety or emergency medical services. Employees may utilize their accrued vacation, administrative or compensatory leave time, or if they don't have any time available, they may take time off without pay.

6. Serving as an Election Officer

Leave may be requested by employees who take time off work to serve as an Election Officer for local, special or statewide elections. Employees may utilize their accrued vacation, administrative or compensatory leave time, or if they don't have any time available, they may take time off without pay.

7. Voting Leave

Employees who require time off from work when they do not have sufficient time outside of working hours to vote in a statewide election as a result of their regular working hours, may take up to two (2) hours, of working time, with pay, in order to vote without a loss of pay. Employees must provide two (2) working days' notice to their supervisor. This time will be paid as regular time. This time off must be taken at either the beginning or end of the employee's regular work shift, whichever ~~will~~allows the most time for the employee to vote and a lesser amount of time-off from the regular shift. minimize time-off. If the time taken exceeds two (2) hours, the employee must use accrued vacation, administrative or compensatory leave time, or if they don't have any time available, they may take time off without pay. Employees are encouraged to explore the options of absentee voting and electronic voting, where available.

8. Organ and Bone Marrow Donation Leave

Employees may take up to thirty (30) days of paid leave for organ donation leave and up to five (5) days of paid leave for bone marrow donation in any one-year ~~given period.~~ The leave ~~need shall~~ not be continuous but may be taken in increments of time to allow for separate medical procedures. If employees have any accrued leave balances at the time of the leave, such as vacation, sick leave, administrative leave or ~~other paid time off~~compensatory time, employees are required to use such leave ~~for up to two (2) weeks for organ donation and up to five (5) days for bone marrow donation.~~

~~In addition to~~Employees must submit a Request for Leave Form, ~~an employee must also and submit~~ proof of the medical necessity for the organ and/or bone marrow donation. During this leave, employees' health care benefits are maintained with no interruption and employees' service hours, with regards to seniority and merit increases, are not affected. Upon completing the leave, employees return to their same or equivalent position.

This leave is not considered a qualifying condition under the Family Medical Leave Act (FMLA) or the California Family Rights Act (CFRA) and does not affect employees' eligibility for such leaves.

Genetic Information Nondiscrimination Act of 2008 (GINA)

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The Genetic Information Nondiscrimination Act (GINA) of 2008 prohibits employers and other entities covered by Title II of GINA from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by law. To comply with this law, the City of Riverside requires that you not provide any genetic information when responding to any request for medical information. "Genetic information" as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.