

CHAPTER 21
SICK LEAVE AND BEREAVEMENT LEAVE
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CHAPTER 21

SICK LEAVE AND BEREAVEMENT LEAVE

1. SICK LEAVE—GENERAL INFORMATION.

a. Information in this chapter provides policy and procedures regarding sick leave and bereavement leave primarily for excluded employees. However, there may be items or departmental policy/processes that apply to excluded and/or represented employees. **If the provisions are not contained in the employee's bargaining unit (BU) agreement, refer to the procedures in this chapter.**

b. Definition. Sick leave is defined by the BU agreements and the California Code of Regulations (CCR) as a necessary absence because of the injury or illness of the employee or a qualifying family member.

c. Purpose. Sick leave is intended to provide paid time off for an employee to recover from an injury or illness and, under specified circumstances, to care for injured or ill family members.

d. Eligibility. Following the completion of one month of continuous service, an employee who is appointed permanent, limited term, or as a temporary authorization appointment is eligible to accrue sick leave credits, unless participating in the Annual Leave Program. (Refer to Chapter 22, Vacation, Annual Leave, and Holiday-In-Lieu of this manual.) The number of hours an employee shall accrue depends upon the employee's time-base and BU agreement.

2. EARNING AND ACCUMULATING SICK LEAVE CREDITS.

a. Qualifying Pay Period.

(1) An employee who has 11 or more working days of service in a monthly pay period shall be considered as having a complete pay period of qualifying service for purposes of determining sick leave credits.

(2) Absences. In determining a qualifying pay period, time during which an employee is absent because of holidays or use of paid leave credits shall be considered as time worked by the employee.

b. Disqualifying Pay Period. Absence from state service due to a temporary or permanent separation, as defined in Chapter 9, Separations, of this manual, for more than 11 working days in a pay period or 11 consecutive working days which fall in two consecutive qualifying pay periods shall disqualify one pay period of

service. The employee would not accrue sick leave credits for the disqualified pay period.

(1) Holidays. Holidays are considered working days for pay purposes and are not counted when determining the continuous working day absences. If a holiday occurs during an absence, it does not break the continuity of the absence even though payment is made for the holiday.

(2) Notice to Employee. The Human Resources Section (HRS) will send a Notice of Personnel Action (NOPA) to the employee's command to notify the employee when an absence has disqualified one pay period. A copy of the NOPA shall be given to the employee and the original shall be filed in the employee's field folder.

c. Accrual. The following information only applies to employees in the Vacation/Sick Leave Program:

(1) Full-Time Employee. On the first day of the pay period following completion of each qualifying pay period of service, a full-time employee shall be allowed one day (eight hours) of sick leave credit.

(2) Part-Time Employee. On the first day of the pay period following completion of each qualifying pay period of service, a part-time employee shall be allowed, on a pro rata basis, the fractional part of one day (eight hours) of sick leave credit. (Refer to Chapter 22, Annex F, of this manual.)

(3) Intermittent Employee. On the first day of the pay period following completion of each period of 160 hours of pay, an intermittent employee shall be allowed one day (eight hours) of sick leave credit. The hours worked in excess of 160 hours in a pay period shall not be counted or accumulated.

(4) Sick Leave Credit Earned During Certain Absences. An employee continues to accrue sick leave credits if the employee is absent for any of the following reasons:

(a) Absent on temporary disability compensation.

(b) Absent on short-term military leave with at least one year of state service immediately prior to the active duty or a combination of continuous state service and military service equaling one year.

(c) Absent on long-term military leave when ordered to active duty on or after September 11, 2001, for the War on Terrorism (Section 19775.18 of the Government Code [GC]).

(5) Absence Without Pay Between Two Pay Periods. An employee, who has worked 11 or more working days in a pay period and is absent at the end of the pay period on dock or on a leave of absence which extends into the following pay period, shall not be credited with sick leave credits until the employee has returned to work. The credits may not be applied retroactively to cover the absence on the first of the pay period. (Refer to paragraph 2.b.)

d. Accumulation. There is no limit on the amount of sick leave credit an employee can accumulate.

e. Sick Leave Credits Nontransferable. An employee cannot transfer sick leave credits to another employee.

3. STANDARDS FOR SICK LEAVE USAGE.

a. Authority. The standards for the valid use of sick leave credits are defined by Title 2, Sections 599.745 through 599.751 CCR, Sections 19859 through 19868.3 GC, and BU agreements.

b. Usage. An excluded employee may charge sick leave credits in increments of 15 minutes. **Sick leave credits cannot be used before the date they are earned.**

c. Use of Other Credits in Lieu of Sick Leave. At the discretion of the supervisor, an employee may be allowed to use other paid leave credits in lieu of sick leave credits, unless prohibited by the employee's BU agreement.

d. Use of Sick Leave While on Vacation. An employee may use sick leave while on scheduled vacation if:

(1) The employee becomes injured or ill and is unable to continue vacation activities. The portion of the vacation during which the employee is incapacitated may be charged to sick leave.

(2) The employee has a dental, eye, or other physical or medical examination or treatment by a licensed practitioner, as specified in paragraph 4.d.

4. ACCEPTABLE REASONS FOR SICK LEAVE. An employee may be approved to use sick leave credits for the following reasons:

a. Personal Injury or Illness. An employee has an injury or illness that prevents them from working.

b. Exposure to Contagious Disease. An employee has been exposed to a contagious disease that is determined by a physician to require absence from

work. Sick leave is approved provided a physician or the local health department certifies the employee was instructed to remain away from work to prevent the spread of the disease.

c. Chronic Conditions. An employee has a chronic condition that, at times, may prevent them from working. (Refer to Chapter 45, Family and Medical Leave Act/California Family Rights Act, of this manual.)

d. Medical Appointments.

(1) Types of Appointments. An employee has a dental, eye, or other physical or medical examination or treatment by a licensed practitioner. A licensed practitioner may include a licensed chiropractor, podiatrist, nurse practitioner, or other healthcare specialist licensed by the state.

(2) Physical Examination for Military Reservist. Time off by an employee to have a physical examination required because of their military reserve status may be charged to sick leave or other credits.

e. Surgical Care. An employee had surgery. The employee's physician will determine the recuperative time. (Refer to Chapter 45 of this manual.)

f. Pregnancy or Miscarriage. An employee is unable to work due to having symptoms associated with a pregnancy or miscarriage. An employee's supervisor may require a physician's or licensed practitioner's certification to approve repeated or prolonged absences. (Refer to Chapter 8, Leave of Absence, and Chapter 45 of this manual.)

g. Childbirth. Sick leave requests for the recuperation from childbirth shall be treated the same as other sick leave requests. (Refer to Chapter 8 and Chapter 45 of this manual.)

h. Family Care. An employee may use sick leave for family care, as reasonably required and approved by the supervisor, to care for a qualifying family member or a member of the immediate household who is injured or ill. This approval should be given on a case-by-case basis, depending on the individual circumstances of the request.

(1) Definition of Family Member. An excluded employee's "family member" is defined as the employee's child, parent, spouse, grandparent, grandchildren, sibling, domestic partner, or any person residing in the employee's immediate household.

(2) Limitations on Use of Sick Leave for Family Care.

(a) Excluded Employee. There is no limitation on the use of sick leave by excluded employees for family care.

(b) Represented Employee.

1 Maximum Usage. The amount of sick leave an employee may take for family care is specified in the BU agreements.

2 Section 233 of the Labor Code. Section 233 of the Labor Code (LC) requires that employers shall permit an employee to use, in any calendar year, an amount not less than the sick leave that would be accrued during six months at the employee's current rate of entitlement (e.g., 48 hours for full-time) to attend to the illness of a child, parent, spouse, or domestic partner of the employee.

a These provisions take precedence over the provisions of any BU agreements where Section 233 LC is the greater benefit.

b Commands will ensure the employee's relationship with the sick individual is within the parameters of the LC and BU agreements.

(3) Valid Reasons for Family Care.

(a) Injury or Illness of Family Member. Providing home care for family members who are injured or ill is a valid reason for sick leave for family care. A supervisor may ask or require an employee to disclose the general nature of the injury or illness to substantiate the request for sick leave.

(b) Hospitalization of Family Member. An employee may use sick leave for a family member who goes to the hospital for surgery or a serious injury or illness, if the employee's presence is needed.

(c) Medical Appointments of Family Member. An employee may use sick leave to take family members to a licensed practitioner's office for treatments, examinations, or laboratory tests, if the family member is injured or ill and requires the care and attendance of the employee, or if the employee's presence is required.

(d) Family Care While on Vacation. If an employee is on vacation and a family member becomes injured or ill, the employee may use sick leave in lieu of vacation/annual leave. Use of sick leave for family care while on vacation shall be approved for the same reasons sick leave would be approved had the employee been at work.

(e) Extended Bereavement Leave. Refer to paragraph 13.

(f) Repair of Prostheses and Assistive Devices for Handicapped and/or Disabled Employees. An employee may use a reasonable amount of sick leave for the purpose of repairing their wheelchair, braces, glasses, hearing aids, prostheses, false teeth, and/or any other assistive devices.

i. Victims of Domestic Violence Leave, Sexual Assault, and Stalking.

Sections 230 and 230.1 LC allow an employee who is a victim of domestic violence, sexual assault, or stalking to take time off using available leave credits, including sick leave, for the following:

(1) An employer shall not discharge or in any manner discriminate against an employee who is a victim of domestic violence, sexual assault, or stalking for taking time off from work to obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of a domestic violence victim or the victim's child.

(2) To seek medical attention for injuries caused by domestic violence, sexual assault, or stalking.

(3) To obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking.

(4) To obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking.

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

(6) As a condition of taking time off, the employee shall give the employer reasonable advance notice of the employee's intention to take time off, unless the advance notice is not feasible. Certification shall be sufficient in the form of any of the following:

(a) A police report indicating the employee was a victim of domestic violence, sexual assault, or stalking.

(b) A court order protecting or separating the employee from the perpetrator of an act of domestic violence, sexual assault, or stalking, or other evidence from the court or prosecuting attorney that the employee has appeared in court.

(c) Documentation from a licensed medical professional, domestic violence counselor, as defined in Section 1037.1 of the Evidence Code (EVID), a sexual assault counselor, as defined in Section 1035.2 EVID, licensed health care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence, sexual assault, or stalking.

(6) An employee may use vacation, personal leave, or compensating time off (CTO) that is otherwise available to the employee under the applicable terms of employment, unless otherwise provided by a collective bargaining agreement, for time taken off for a purpose specified in paragraph 4.i.(1). The entitlement of any employee under this section shall not be diminished by any collective bargaining agreement term or condition.

(7) Employers shall inform each employee of their rights established under Section 230 and 230.1 LC in writing. The information shall be provided to new employees upon hire and to other employees upon request. The Labor Commissioner's Office Victims of Domestic Violence, Sexual Assault and Stalking Notice can be found at: https://www.dir.ca.gov/dlse/Victims_of_Domestic_Violence_Leave_Notice.pdf.

(8) This section does not create a right for an employee to take unpaid leave that exceeds the unpaid leave time allowed under or in addition to the unpaid leave time permitted by the Federal Family and Medical Leave Act.

(9) Any verbal or written statement, police or court record, or other documentation provided to an employer identifying an employee as a victim of domestic violence, sexual assault, or stalking shall be maintained as confidential by the employer and shall not be disclosed by the employer except as required by federal or state law or as necessary to protect the employee's safety in the workplace. The employee shall be given notice before any authorized disclosure.

j. Victims of Other Crime. Sections 230.2 and 230.5 LC define what is considered "other crime" and allow an employee who is a victim of other crime to take time off using available leave credits for the following:

(1) An employer, and any agent of an employer, shall allow an employee who is a victim of other crime, 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 to be absent from work in order to attend judicial proceedings related to that crime.

(2) Before an employee may be absent from work, the employee shall give the employer a copy of the notice of each scheduled proceeding that is provided to the victim by the agency responsible for providing notice unless advance notice is not feasible. When advance notice is not feasible or an

unscheduled absence occurs, the employer shall not take any action against the employee if the employee, within a reasonable time after the absence, provides the employer with documentation evidencing the judicial proceeding from any of the following entities:

- (a) The court or government agency setting the hearing.
- (b) The district attorney or prosecuting attorney's office.
- (c) The victim/witness office that is advocating on behalf of the victim.

(3) An employee who is absent from work may elect to use the employee's accrued paid vacation time, personal leave time, sick leave time, CTO that is otherwise available to the employee, or unpaid leave time, unless otherwise provided by a collective bargaining agreement, for an absence. The entitlement of any employee under this section shall not be diminished by any collective bargaining agreement term or condition.

(4) An employer shall keep confidential any records regarding the employee's absence from work.

(5) An employer shall not discharge or in any manner discriminate or retaliate against an employee who is a victim of an offense for taking time off from work, upon the victim's request, to appear in court to be heard at any proceeding, including any delinquency proceeding involving a post arrest release decision, plea, sentencing, postconviction release decision, or any proceeding in which a right of the victim is at issue.

k. Volunteer Firefighter, Reserve Peace Officer, or Emergency Rescue Personnel. An employee who works as a volunteer firefighter, a reserve peace

officer, or as emergency rescue personnel, as defined in Section 230.3 LC, shall be permitted to take temporary leaves of absence, not to exceed an aggregate of 14 days per calendar year, for the purpose of engaging in fire, law enforcement, or emergency rescue training.

(6) It is the policy of the Department to ensure employees are free from discrimination and harassment for exercising their rights under Section 230.4 LC.

5. UNACCEPTABLE REASONS FOR SICK LEAVE.

a. Medical examinations for a life insurance policy, a teacher's credential, a marriage license, or to qualify for a job outside state service are not valid reasons for sick leave.

b. Sick leave for family care is not authorized for the care of well children, for household duties, or simply to provide companionship.

6. PHYSICAL EXAMINATIONS NOT CHARGED TO SICK LEAVE. An employee may take time off with pay for physical examinations for the reasons listed below. The absence shall not be charged to sick leave or other leave credits.

a. As a part of a state civil service examination.

b. Required to evaluate an employee's capacity to perform the duties of the position.

c. Required for entry into a recognized military service.

d. Ordered by the State Compensation Insurance Fund. (Refer to Chapter 20, Injury/Medical Procedures and Benefits, of this manual.)

7. INDUSTRIAL INJURY/ILLNESS—USE OF LEAVE CREDITS.

a. Uniformed Employee. No leave credits or dock are charged on the day of injury or illness. Sick leave, other available leave credits, or dock may be used prior to Section 4800.5 LC time approval. Sick leave or other available leave credits may be used to supplement temporary disability (TD) payments.

b. Nonuniformed Employee. No leave credits or dock are charged on the day of the injury or illness. Sick leave, other available leave credits, or dock may be used prior to industrial disability leave (IDL) or TD approval. Sick leave or other available leave credits may be used to supplement IDL or TD.

c. Medical Appointments. Employees will be required to utilize their own leave credits for absences related to medical appointments or examinations for industrial injuries or illnesses, if the appointment or examination is after the employee returns to work or is deemed able to return to work, whether full duty or in a temporary limited duty capacity. Such time is not eligible for workers' compensation benefits under Section 4800.5 LC.

However, an employee will not be required to utilize their own leave credits on any state-ordered medical examination or appointment when the appointment for such examination is during an employee's regularly scheduled work hours, as referenced in Chapter 20 of this manual. This would be a Qualified Medical Evaluation or an Agreed Medical Evaluation under a workers' compensation claim.

8. NONINDUSTRIAL DISABILITY INSURANCE OR STATE DISABILITY INSURANCE—USE OF SICK LEAVE.

a. Use of Sick Leave While Working and on Nonindustrial Disability or State Disability Insurance.

(1) When an employee is released to work partial days due to a continuing disability, the employee may be eligible to use sick leave, if necessary, only for the amount of time the employee is released to work.

(2) When the employee's absence is not related to a disability, the employee **may** use accrued sick leave or other appropriate leave credits.

(3) When the employee's absence is related to a disability, the employee **may not** use accrued sick leave or other leave credits.

b. Expiration of Sick Leave Credits Prior to Nonindustrial Disability or State Disability Insurance Decision. When a Nonindustrial Disability or State Disability Insurance decision is pending and the employee is not using other leave credits, HRS will automatically place an employee on temporary informal leave upon the expiration of sick leave credits. No action is required by the employee or the commander.

9. SICK LEAVE CREDIT FOLLOWING RETURN TO STATE SERVICE.

a. An employee who returns to state service within six months after a permanent separation shall be credited with the sick leave balance held at the time of separation.

b. An employee who returns to state service after a permanent or temporary separation, as defined in Chapter 9 of this manual, accrues sick leave in the same manner as described in paragraph 2.c.

10. ANNUAL NOTICE TO EMPLOYEES OF LEAVE INFORMATION.

a. During the last quarter of each year, HRS will distribute to each employee, through their command, an "Employee Statement of Leave Information," provided by the State Controller's Office (SCO).

b. The SCO statement contains information as of October 1 regarding sick leave credit balances.

11. WOUNDED WARRIORS TRANSITIONAL LEAVE ACT—SICK LEAVE.

a. Authority. Under authority of Section 19859(b)(1) GC, in addition to any other entitlement for sick leave with pay, an employee hired on or after, or employed on or after January 1, 2016, who is a military veteran with a military service-connected disability rated at 30 percent or more by the United States Department of Veterans Affairs (USDVA), shall be entitled to additional credit for sick leave with pay of up to 96 hours for the purpose of undergoing medical treatment for their military service-connected disability.

b. Requirements. Eligible employees are required to submit a verification letter to their personnel specialist in order to receive the sick leave credit. A verification letter may be requested from any USDVA office, by calling (800) 827-1000, or accessing a Veterans Affairs e-Benefits account.

c. Credit. The 96 hours of sick leave will be credited and available for use by the qualifying employee upon receipt of confirmation of submission of their disability application to the USDVA. The credit for sick leave will be credited to a qualifying employee on the effective date of the employees' disability rating decision from the USDVA, or on the first day the employee begins, or returns to, employment after active duty, whichever is later. The employee, upon receipt of their disability rating from the USDVA, shall report that information to their supervisor. If the employee's disability rating makes the employee ineligible for the additional 96 hours of credit, their supervisor shall change the leave used prior to the ineligible disability rating to an alternative leave balance. This sick leave will remain available to use for service-related disability appointments and treatments for 12 months from the employee's disability rating decision date, minus the time used before the disability rating decision, for the 12-month period beginning with the confirmation of submission of the employee's disability application. Employees may be required to provide satisfactory proof that sick leave was used for the treatment of a military service-connected disability. Any unused credit does not carry over after the 12-month period. Any sick leave credited shall be ineligible for conversion to service credit.

d. Wounded Warriors Transitional Leave Act—Sick Leave Credits Nontransferable. An employee cannot transfer Wounded Warriors Transitional Sick Leave Act—Sick Leave (WWSL) credits to another employee.

12. STANDARDS OF WOUNDED WARRIORS TRANSITIONAL LEAVE ACT—SICK LEAVE USAGE.

a. Usage. An excluded employee eligible for WWSL may charge sick leave credits in increments of 15 minutes. Other credits may be used in lieu of WWSL upon exhaustion of the employee's WWSL balance.

13. BEREAVEMENT LEAVE.

a. Authority. Under Section 12945.7 GC, all state employees who have been employed for at least 30 days are entitled to five days (40 hours) of bereavement leave for the death of a spouse, domestic partner, child, parent, parent-in-law, sibling, grandparent, and grandchild. Bereavement leave under Section 12945.7 GC shall be unpaid, unless there is existing paid bereavement leave pursuant to an applicable MOU. Permanent excluded employees covered under Section 19859.3 GC shall be entitled to three days (24 hours) of bereavement leave with pay for the death of a domestic partner or person related by blood, adoption, or marriage, or any person residing in the immediate household of the employee at the time of death.

b. Notice to Supervisor for All Employees. An employee requesting bereavement leave shall give notice to their supervisor as soon as possible and provide the supervisor with the following information to substantiate the request:

(1) Name of deceased and relationship to the employee. (If the deceased is not a domestic partner or related by blood, adoption, or marriage, indicate "residing in employee's immediate household.")

(2) Date and place (city and state) in which the death occurred and where services will be held.

(3) Amount of time to be charged to bereavement leave and/or other leave credits.

c. Departmental Notification of Family Death for all Employees. When a member of an employee's immediate family dies, the Commissioner's Office is notified via Communications Network (Comm-Net) message from the employee's command. All medical information regarding the employee's death shall be excluded from the Comm-Net message. All pertinent information shall be included. The Comm-Net message will be relayed to all commands unless the end of the message specifies "do not relay to all commands."

d. Bereavement Leave Charge. Bereavement leave may only be used in increments of one hour.

(1) Additional Bereavement Leave. Upon approval of the commander, an employee may charge accrued vacation/annual leave, CTO, personal leave, holiday credit, or an authorized leave without pay for any additional bereavement leave absence.

(2) Part-Time Employee. A part-time employee shall be eligible for bereavement leave on a pro rata basis based upon the employee's fractional time base.

(3) Intermittent Employee. A permanent intermittent employee may be granted bereavement leave if scheduled to work on the day(s) for which the leave is requested and only for the hours the employee is scheduled to work.

14. PROCESSING A SICK LEAVE, WOUNDED WARRIORS TRANSITIONAL LEAVE ACT—SICK LEAVE OR BEREAVEMENT LEAVE REQUEST.

a. Employee Responsibility.

(1) It is the responsibility of an employee to give their supervisor advance notification when a future absence is anticipated. When an absence is not anticipated, the employee is responsible for notifying their supervisor as soon as possible.

(2) It is the responsibility of an employee to keep their supervisor informed of their possible date of return to work.

(3) It is the responsibility of an employee to submit any evidence that may be necessary for the proper evaluation of a sick leave, WWSL, or bereavement leave request.

(4) An employee off duty on sick leave shall notify their supervisor whenever the employee will be at a location other than their normal residence. This provision does not apply to short absences for doctor's appointments or to absences on sick leave prior to retirement.

b. Supervisor Responsibility.

(1) An employee's supervisor is responsible for ensuring the employee's request for use of WWSL, sick leave, and/or bereavement leave is valid. If the supervisor determines the injury or illness is valid, the absence shall be recommended to be approved. If the supervisor has a reasonable belief the injury or illness is not valid, the supervisor is responsible to recommend against approval of the absence.

(2) Determining Approval of Absence(s).

(a) An employee's explanation to their supervisor as to the "nature of illness or reason for absence" may be adequate. However, the supervisor

may require further substantiation in order to ensure the employee's absence is approved for an appropriate reason.

(b) Substantiation. The provisions for requesting medical substantiation are covered in Title 2 CCR, Section 599.749; Section 56.16 of the California Civil Code; the Family and Medical Leave Act (FMLA), 29 Code of Federal Regulations, Part 825; and the California Family Rights Act (CFRA), Title 2, Section 11091 CCR.

(c) Title 2, Section 599.749 CCR allows an employee's supervisor to recommend approval of sick leave or WWSL leave only after having ascertained the absence was for an authorized reason.

1 The supervisor may require the employee to submit substantiating evidence. The evidence may include, but is not limited to, a physician's certificate. If the supervisor does not consider the evidence adequate, the request for sick leave or WWSL shall be disapproved.

(d) In instances where further information or clarification is needed for supervisory approval, a supervisor may ask the employee to disclose the general nature (rather than diagnosis or specific medical reason) of the injury or illness as part of the substantiating evidence required for sick leave or WWSL approval. The supervisor may also require the employee to obtain a physician's statement disclosing the general nature of the injury or illness. The general nature of the employee's injury or illness should include whether or not the employee can do the essential functions of the job. If a supervisor does not consider the evidence adequate, an employee's request for sick leave or WWSL shall be disapproved.

(3) Family and Medical Leave Act/California Family Rights Act. When an employee has been off work due to a serious health condition for more than three consecutive calendar days, the supervisor may designate the time off as qualifying under FMLA/CFRA and request a medical substantiation. (Refer to Chapter 45 of this manual.)

c. Commander Responsibility.

(1) It is a commander's responsibility to ensure WWSL, sick leave, and/or bereavement leave absences of all employees in the command are valid, reasonable, and justified.

(2) A commander may require a doctor's certificate or other verification of an injury or illness for every sick leave absence, regardless of length, if it appears the employee is using sick leave improperly and discussions with the employee have shown no positive result.

(3) CHP 120, Off Full Duty Status Report. During an extended absence of an employee caused by injury or illness, the commander shall submit a CHP 120, Off Full Duty Status Report, through channels, to the Injury Case Management Section. (Refer to HPM 10.7, Injury and Illness Case Management Manual, Chapter 5, Documentation, to determine whether the employee is to be included during the reporting period.)

(4) Commanders shall be alert to an employee's pattern of frequent short-term sick leave usage that may indicate underlying medical problems or a lack of job interest. Appropriate medical evaluation or counseling shall be instituted when necessary.

(5) Return to Duty. If there is any question regarding the physical fitness of an employee to perform the duties of their position following an absence for injury or illness, a commander may require an employee to submit a written release from the attending physician.

d. Disapproved Sick Leave or Wounded Warriors Transitional Leave Act—Sick Leave.

(1) An employee shall be notified, in writing, if a sick leave or WWSL request is disapproved.

(2) If the reason for the employee's absence is not a proper charge to sick leave or WWSL, but there is no evidence of willful misuse, the commander may approve a request to charge the absence to other leave credits such as vacation/annual leave, CTO, personal leave, or holiday credit.

(3) The employee shall be informed of the right to appeal the decision through the grievance procedure.

(4) A disapproved sick leave or WWSL request as a result of evidence of an employee falsifying a sick leave or WWSL claim or attempting to willfully misuse sick leave or WWSL is reported as dock (absence without pay). (Refer to Chapter 25, Absence Without Pay [Dock], of this manual.)

15. EMPLOYEE RIGHT TO PRIVACY. An employee is entitled to confidential handling of information on their medical condition. Except for official reports, correspondence, and Comm-Net messages to offices with a need to know, dissemination of information on employees is prohibited under the Confidentiality of Medical Information Act, Section 56, et seq. of the California Civil Code. If an employee desires to have others in the Department informed of their condition, a CHP 369, Authorization to Release Medical Information for Public Disclosure, shall be completed. The completed CHP 369 is to be filed in the employee's field folder or injury file.

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