

## ARTICLE 14: EMPLOYEE LEAVE

### A. Holidays

Unit employees are eligible for twelve (12) paid holidays per year. Specific dates of holidays are published prior to the beginning of each calendar year.

#### 1. Limitation on Holiday Pay

Holiday pay for full-time employees is limited to a maximum of eight (8) hours per holiday regardless of the work schedule to which the employee is assigned. Holiday time for less than full-time employees is calculated based on Table 14.1. Eligible employees receive holiday pay if on pay status the last scheduled work day before the holiday and the first scheduled work day after the holiday.

*Table 14.1 Holiday Pay for Part-Time Employees*

Hours on Pay Status <sup>1</sup> (month)					Percentage <sup>2</sup> of time on pay status	Hours of holiday pay
144	152	160	168	176		
0-71	0-75	0-79	0-83	0-87		0
72-81	76-85	80-89	84-94	88-98	50-56	4
82-99	86-104	90-109	95-115	99-120	57-68	5
100-117	105-123	110-129	116-136	121-142	69-80	6
118-135	124-142	130-149	137-157	143-164	81-93	7
136-144	143-152	150-160	158-168	165-176	94-100	8

### B. Vacation

#### 1. Policy

Unit employees earn vacation credit each month based on the percentage of time or the number of hours on pay status that month at a rate determined by the length of qualifying service.

#### 2. Rate of Earning Vacation Credit and Maximum Credit Allowable

Unit employees accrue vacation credit at the accrual rates set forth in Table 14.2.

*Table 14.2 Vacation Credit Accrual*

Years of Qualifying Service	Vacation credit actual rate (hrs per month)	Maximum allowable credit (hrs)
Less than 10	10	240
10 but less than 15	12	288
15 but less than 20	14	336
20 or more	16	384

<sup>1</sup> Paid hours, excluding holiday hours.

<sup>2</sup> An employee employed on a percentage-of-time basis earns in accordance with the appointment, provided the employee is not off pay status during the month.

### **3. Accrual of Vacation Credit**

Unit employees accrue vacation credit on a monthly basis based on established criteria. Vacation credit for each month is accrued and reported at the end of the month, except that terminating employees eligible to accrue vacation credit accrue proportionate credit through the last day on pay status.

Any career employee eligible to accrue vacation may be granted an advance of vacation leave of up to forty (40) hours to cover unusual circumstances with the approval of the Associate Director for Facilities and Infrastructure or the Security Director. Such vacation leave advance is granted only when the employee does not have sick leave or vacation credits to cover the absence.

#### **a. During Leave with Pay**

Vacation credit accrues at the normal rate during a leave with pay.

### **4. Use of Vacation**

Vacation with pay is provided to give employees periods of relaxation from their work duties and responsibilities. Vacations are scheduled at the convenience of Lawrence Livermore National Security, LLC and with consideration of the wishes of employees.

Absence for illness, disability or personal reasons (e.g., special or religious holidays) may be charged to vacation. However, any career employee may be advanced vacation leave of up to forty (40) hours to cover unusual circumstances (see Section B.3). To use vacation leave for illness or disability, an employee may be required to submit medical certification from a health care provider of their own illness or disability or that of a family member, when vacation leave is used for family and medical leave purposes.

Upon request, employees shall be granted vacation before their accrued credit reached the maximum credit allowable (see Section B.2).

Employees cannot be paid vacation for the same period they are working and are on pay status at Lawrence Livermore National Security, LLC or any other position paid by Lawrence Livermore National Security, LLC funds.

### **5. Limitations on Vacation Pay**

Vacation pay is limited to a maximum of eight (8) hours per day and forty (40) hours per week, except that unit employees on alternate work schedules may charge vacation in accordance with their scheduled hours of work.

### **6. Transfer of Vacation**

Employees transferring from a parent organization or an affiliate company under Contract 44 will transfer vacation as allowed per the policy of sending organization, up to a maximum of eighty (80) hours.

### **7. Termination Vacation Pay**

Employees who terminate from Lawrence Livermore National Security, LLC are paid for vacation credit accrued through the last day on pay status.

Employees separating from LLNS employment may not use vacation leave after their last day of work for any type of separation other than retirement. Retiring employees may schedule vacation leave between their last day of work and the effective day of retirement.

### **8. Retention or Cash Out of Accrued Vacation for Extended Military Leave**

Employee options for addressing any accrued vacation when commencing extended military leave are described in Section E. - Military Leave.

## **C. Sick Leave**

### **1. Policy**

Sick leave is provided to continue the pay of unit employees who would otherwise be on pay status but who are unable to work because of illness or disability. Sick leave is also provided for medical appointments and, on a limited basis, in the event of death or illness of a family member. Employees may be required to submit satisfactory proof of illness or disability.

Sick leave credit is earned at the rate of eight (8) hours per month for full-time work.

Sick leave accrues each month based on the percentage of time or number of hours on pay status, excluding overtime pay, that month.

Employees must be on pay status at least one-half of the working hours of the month to accrue sick leave credit for that month.

### **2. Accrual of Sick Leave Credit**

Sick leave credit accrues during a leave with pay. Sick leave with pay may not be taken prior to actual accrual.

#### **a. Limitations on Accrual**

Sick leave credit for each month is accrued at the end of the month, except that terminating employees eligible to accrue sick leave credit accrue proportionate credit through the last day on pay status, provided they are on pay status at least one-half of the working hours of the month.

Sick leave credit does not accrue for time on pay status in excess of forty (40) hours in any workweek (See Section C.2).

Paid overtime hours are not counted as hours on pay status for purposes of sick leave accrual. Paid holidays are counted.

#### **b. Maximum Accrual**

There is no maximum on the amount of sick leave that may be accrued, nor on the amount that can be used in any year for an employee's own illness.

### **3. Charging Sick Leave**

#### **a. Full-Time Employees**

Full-time employees may charge a maximum of eight (8) hours per day and forty (40) hours per week, including an extended workweek, except that Employees on alternate work schedules may charge sick leave in accordance with their scheduled hours of work.

#### **b. Part-Time Employees**

Part-time employees may not charge sick leave for more than eight (8) hours per day or in excess of their scheduled hours of work, except that Employees on alternate work schedules may charge sick leave in accordance with their scheduled hours of work.

#### **c. Exhaustion of Credits**

When sick leave credits are exhausted, sick leave time will be charged to accrued vacation credits unless the employee specifically requests, and the department head/division leader approves, charging time to leave without pay.

#### **4. Sick Leave for Medical Appointments**

The amount of sick leave that may be used for medical, dental or optical appointments is limited to appointment time and reasonable travel time.

#### **5. Sick Leave During Vacation**

Employees may use sick leave while on vacation when specifically approved by the department head/division leader. A physician's statement or other administratively acceptable evidence is required.

#### **6. Sick Leave During Official Travel**

When an employee is on official travel status and unable to perform duties due to illness or injury, per diem or actual expenses for substance and lodging may be paid for a maximum of seven (7) days. A physician's statement or other administratively acceptable evidence is required.

#### **7. Sick Leave During Pregnancy**

Employees may use sick leave for pregnancy-related illness for disabilities, as in the case of other illnesses.

#### **8. Family Sick Leave**

##### **a. Family Member Defined**

For the purpose of this Article, family member are defined as spouse, registered domestic partner, parents, children, children of registered domestic partners, brothers, sisters, grandparents, and grandchildren, including step relatives and in-laws in these relationships, regardless of place of residence, and other persons living in the employee's household for whom there is a personal obligation.

##### **b. Family Illness**

Employees can use not more than thirty (30) days of accrued sick leave in any fiscal year for the required attendance or care of an ill family member as defined in Section C.8.a. The Laboratory Director may authorize exceptions beyond the 30-day limit, including exhaustion of all sick leave, in the event of catastrophic illness in the employees family or household.

Employees must be allowed to use up to six (6) days of accrued sick leave per calendar year to attend to the illness of a child, parent, spouse, or domestic partner.

#### **9. Bereavement**

Employees can use not more than five (5) days of accrued sick leave for each absence resulting from the death of a family member as defined in Section C.8.a.

In addition, an employee can use not more than a total of five (5) days of sick leave in any calendar year in the event the employee has a personal obligation with regard to a funeral attendance or bereavement because of the death of any persons other than family members.

#### **10. Attendance to Mother at Time of Childbirth**

A father or adoptive parent may use up to eight (8) hours of accrued sick leave for his/her attendance at the birth of the child. This is in addition to the amounts specified in Section C.8.b Family Illness and Section C.11 Sick Leave for Birth or Adoption.

### **11. Sick Leave for Birth or Adoption**

A parent or adoptive parent may use up to eighty (80) hours of accrued sick leave at the time of birth or adoption for care of the child. This is in addition to the amounts specified in Section C.8.b Family Illness.

### **12. Use of Sick Leave on Separation, Layoff, and Leave without Pay**

Employees may not use or receive pay for sick leave beyond a predetermined date of separation (including layoff and retirement) or during a leave without pay.

Employees are eligible to receive 0.004 of a year of credited service in LLNS Defined Pension Plan (TCP1) for each day of unused sick leave accrued up to the date of separation, provided they retire under TCP1 within 120 days of the separation date.

### **13. Reinstatement of Sick Leave Credit**

Sick leave credit accumulated during previous employment with LLNS is reinstated upon hire at LLNS as follows:

- All accrued sick leave credit is reinstated when the break in service is less than fifteen (15) calendar days.
- Accrued sick leave, not in excess of eighty (80) hours, is reinstated when the break in service is fifteen (15) calendar days or more, but less than six (6) months.
- No sick leave credit is reinstated when the break in service is six (6) months or more.

### **14. Return to Work Following Sick Leave**

Employees are required to report to the Health Services Department for a return-to-work clearance for:

- Work-related injury or illness involving one (1) or more lost work days.
- Non-work related injury or illness of five (5) or more consecutive work days (or an equivalent time period for those individuals on an alternative work schedule), or
- Non-work related injury or illness requiring hospitalization or surgery.

### **15. Use of Sick Leave for Work-Incurred Injury or Illness**

#### **a. Eligibility**

Employees who accrue sick leave and/or vacation credits and who are unable to work as the result of a work-incurred injury or illness compensable under the State of California Workers' Compensation Act are eligible to:

1. Use accrued sick leave and/or vacation credits to supplement the disability payments received under the Act.
2. Receive extended sick leave payments when sick leave is exhausted, as described in Section C.15.c.

#### **b. Use of Accrued Sick Leave and Vacation**

Employees who accrue sick leave and vacation credit are permitted to use accrued sick leave and vacation credit to supplement temporary disability payments received under the Worker's Compensation Act. Sick leave and vacation payments shall be the difference between the amount payable to the employee under the Workers' Compensation Act and the employee's regular salary (base pay or base pay plus shift differential). The additional payment made to an employee to provide the employee with full salary prior to receipt of disability payments shall be deemed an advanced temporary disability payment within the Workers' Compensation Act:

- a. An Employee who receives advanced temporary disability payments shall reimburse Lawrence Livermore National Security, LLC for such payments. The reimbursement is used to restore proportionate sick leave and vacation credit as appropriate.
- b. During the employee's absence from work, time is charged to accrued sick leave and vacation credits.

**c. Extended Sick Leave**

Employees who are receiving temporary disability payments for a work-incurred injury or illness who do not have sufficient sick leave to cover the three-calendar-day waiting period before the commencement of temporary disability payments are eligible for extended sick leave payments to cover any part of the waiting period not covered by sick leave.

**d. Effect on Collective Bargaining Agreement**

Employees who are receiving temporary disability payments for a work-incurred injury or illness supplemented by accrued sick leave or vacation are considered to be on regular pay status for purposes of this contract except completion of the probationary period. Sick leave and vacation may be used as accrued.

Employees who are receiving temporary disability payments and extended sick leave payments are also considered to be on regular pay status for purposes of this contract, except completion of the probationary period. However, sick leave and vacation accrued during such periods are credited to the employee only upon returning to work. If the employee terminates without returning to work, the accrued vacation is paid.

In no event can an employee use vacation, sick leave, or extended sick leave to supplement Workers' Compensation payments beyond a predetermined date of termination or leave without pay. Any vacation credit remaining on the date of termination is paid on a lump-sum basis.

**D. Required Leaves**

There are certain instances where the Laboratory must allow an employee to take time off from work. Requests for time off cannot be denied in the following instances:

- Military service
- Organ or Bone Marrow Donation
- Jury or witness duty
- Voting
- Pregnancy disability
- Family leave
- Workers' compensation

- Emergency duty as a volunteer firefighter, reserve peace officer, emergency rescue personnel, or Civil Air Patrol member
- Volunteer firefighter training
- Victims of domestic violence
- Meeting about a child's suspension from school
- Participation in school activities with a child

Details about whether these leaves are paid or unpaid, as well as use of vacation and/or sick leave during these absences is included within this Article.

## **E. Military Leave**

### **1. Eligibility**

An employee shall be granted military leave for service in the uniformed services consistent with the requirements of federal and state law.

### **2. Definitions:**

This Article adopts the definitions contained at 38 U.S.C. Section 4303. For ease of reference, the following definitions are reprinted from the federal definitions.

- a. "Uniformed services" means the Army, Navy, Marine Corps, Air Force, or Coast Guard, the respective Reserve Components (RC) of those services, the Army or Air National Guard, the Commissioned Corps of the Public Health Service, and any other category of person designated by the President in time of war or national emergency.
- b. "Service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, absence from work for an examination to determine a person's fitness for any of the above types of duty, funeral honors duty performed by National Guard or RC members, and duty performed by intermittent employees of the National Disaster Medical System (NDMS), which is part of the Department of Homeland Security, when activated for a public health emergency, and approved training to prepare for such service.

### **3. Advance Notice of Leave**

The employee shall provide as much advance oral or written notice of the leave as possible, except when to do so is precluded by military necessity, impossibility or unreasonableness.

### **4. Verification of Orders**

LLNS may verify the employee's military orders in advance of the leave with pay, but shall not require a copy of official military orders for a leave without pay of less than thirty (30) days.

### **5. Types of Military Leave**

There are two types of military leave:

1. **Inactive Duty for Training (IDT) military leave:** When an employee is ordered to weekly or monthly reserve meetings, weekend reserve drills, annual training, physical examinations, or other ordered inactive duty for training.
2. **Active Duty (AD) military leave:** When an employee enters into service or is a member of the uniformed services and is ordered into service in the uniformed services, AD military leave shall be granted in accordance with, but not exceeding, leave

entitlements set forth in the Uniformed Services Employment and Re-employment Rights Act (USERRA).

## **6. Pay for Military Leave**

### **a. Military Leave with Pay**

#### **1. Inactive Duty for Training (IDT) military leave**

An employee granted leave for inactive duty for training, or physical examination leave, is entitled to receive the employee's full regular pay up to 174 hours of LLNS paid time per fiscal year.

Eligible part-time employees receive pay in proportion to the average percentage of full time worked during the three (3) calendar months immediately preceding the leave.

#### **2. Military pay supplement during Active Duty (SD) military leave.**

LLNS will provide a supplement to military pay as described below to those personnel who are members of the uniformed services and are ordered into service with the uniformed services.

The military pay supplement provides eligible employees on Active Duty military leave with supplemental payments equal to the difference between the employees' LLNS pay<sup>3</sup>, and the sum of their military base pay and basic housing and/or quarters allowance, for up to eighteen month per Active Duty service period. LLNS will continue the employer contribution to pension, health, and welfare benefits (collectively, "benefits") for the shorter of up to eighteen (18) months or the length of the employee's uniformed service period. The eighteen (18) month limitation above shall be restarted provided the employee returns to LLNS employment for at least 180 calendar days.

Some employees are not eligible for the supplemental pay benefit because their military pay exceeds their LLNS wages. For individuals who do not receive supplemental pay, LLNS will provide the employer-paid portion of the health plan premium and other benefits when the employee continues to make the employee contribution, if any.

Employees who are on Active Duty military leave are not eligible for the 174 hours of LLNS paid time (IDT military leave) during the Active Duty period.

### **b. Military Leave without Pay**

An employee who works at least half-time and is a spouse or registered domestic partner of a member of the U.S. Armed Forces, National Guard, or Reserves (Qualified Member) who has been deployed during a period of military conflict is eligible to take up to ten (10) days of leave without pay during the time that the Qualified Member is on leave from such deployment.

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<sup>3</sup> Military base pay shall be defined as base pay plus any allowances of any kind, whether listed on the Supplemental Military Pay form or not. Basic allowance for subsistence, uniform or clothing allowance, and certain travel allowances are excluded from military base pay.

An employee who is not eligible for Military Leave With Pay may elect to have absences for military leave charged to the employee's accrued vacation or may elect to take the time as leave without pay.

## **7. Reinstatement Following Military Leave**

Following release from military service, an employee shall have such right to return, as is required by State and Federal law in effect at the time the employee applies for reinstatement. The Uniformed Services Employment and Reemployment Act (USERRA) requires reinstatement time limits based on the duration of an employee's uniformed service.

## **8. Benefits**

An employee granted military leave shall receive benefits as provided below:

### **a. An employee on military leave with pay shall receive:**

All benefits related to LLNS employment granted when an employee is on regular pay status. When an employee is on Active Duty military leave the employee may elect to receive a lump-sum payment for some or all of the employee's accrued vacation at any point during the leave or upon return to work the employee will have one (1) year to use the excess accrued vacation amount. LLNS shall conform to the provisions of the Uniformed Services Employment and Reemployment Act (USERRA) which requires pension and benefit continuity and reinstatement during and following periods of uniformed service.

### **b. An employee on military leave without pay shall receive:**

Health plan coverage at the employee's request and expense for a limited period of time as described in the applicable summary plan description.

## **F. Leave with Pay**

### **1. Court Leave**

Employees who work half-time or more, are granted time off for court leave as follows.

#### **a. Jury Duty**

Full-time career or flexible-term employees on any shift or work schedule are granted leave with pay for actual time on jury duty, including grand jury duty, not to exceed the number of hours in an employee's normal workday and the normal workweek, and not to exceed twelve (12) months. Thereafter, leave without pay would apply. The leave with pay shall be at the straight-time rate (excluding shift differential).

Part-time career employees are granted leave with pay for actual time spent on jury duty, including grand jury duty that occurs during an employee's scheduled working hours, but not to exceed twelve (12) months. Thereafter, leave without pay would apply.

Employees who work the swing and owl shifts shall not be required to work their regular shifts if the start of said shift falls on the same day that the employee actually serves on the jury, is required to appear in court for jury selection, or is required to testify as a witness in a criminal case, other than as a defendant.

#### **b. Administrative or Legal Proceedings**

Time spent by employees to attend an administrative or legal proceeding on behalf of the Laboratory is counted as time worked and paid as follows:

- Full-time unit employees on any shift or work schedule served with a subpoena which compels their presence as a witness (other than as a paid expert witness) are granted leave with pay for actual time spent at administrative or legal proceedings and in related travel.
- Part-time unit employees are granted leave with pay for actual time spent at the proceedings and in related travel that occurs during an employee's scheduled working hours.

Leave with pay is not granted when an employee is the plaintiff or defendant in a proceeding, is called or subpoenaed as a paid expert witness not on behalf of the Laboratory or is called or subpoenaed because of duties for another employer. The time off is charged to vacation or leave without pay.

## **2. Voting**

All employees are granted up to two (2) hours time off with pay for voting in any statewide primary or general election, if they are scheduled to work eight hours on that day and if they do not have time to vote outside their working hours.

## **3. Blood Donation**

All employees are granted up to one (1) hour time off with pay for the purpose of donating blood during the Laboratory's periodic blood drives.

All employees are also granted a maximum of two (2) hours time off with pay to donate blood off-site. The time off should be at the beginning or end of the employee's regular working hours.

## **4. Organ and Bone Marrow Donations**

Any employee shall be permitted to take up to thirty (30) business days leave to donate an organ or up to five (5) business days leave to donate bone marrow, per rolling 12-month period. An employee who wishes to be paid while on leave to donate bone marrow to another person shall use accrued sick and/or vacation leave.

An employee who wishes to be paid while on leave to donate an organ for transplant shall use up to ten (10) business days of accrued sick and/or vacation leave. After the initial ten (10) business days, during the remaining organ donation leave time (not to exceed thirty (30) days) LLNS will provide a supplement to the state disability payments (SDI). An employee may be required to submit medical documentation supporting the request for leave and/or return to work.

Additional leave may be available to an employee donating bone marrow or an organ under Family and Medical Leave if the employee's condition qualifies as a serious health condition.

## **5. Public Emergency**

The Laboratory Director or Deputy Laboratory Director may declare that a public emergency exists that effectively prevents employees' attendance at work or the continuance of work at Lawrence Livermore National Security, LLC in a normal and orderly manner. A public emergency may include a natural disaster, such as fire, flood, earthquake or major storm; a man-made disorder, such as a demonstration, riot or act of sabotage; or a hazard exists that creates an unsafe or unsecure condition. If a public emergency is declared under this Article, unit employees will receive a reasonable amount of time off with pay with the approval of the Associate Director for Facilities and Infrastructure or the Security Director. Hours spent on public emergency leave are not considered time worked for the purpose of computing overtime pay.

## **6. Community Service**

Unit employees may take flexible scheduling, vacation leave, or leave without pay to participate in volunteer activities during the workday with the approval of the Associate Director for Facilities and Infrastructure or the Security Director. Volunteer time normally may not be charged as time worked unless it is for an institutionally-sponsored community activity that is part of a Laboratory initiative and within the Contract 44 scope of work.

## **7. Investigative Leave with Pay**

Unit employees under disciplinary action or under investigation will receive pay for involuntary investigatory leave not to exceed forty (40) hours with the approval of the Associate Director for Facilities and Infrastructure or the Security Director.

## **8. Security Leave**

Unit employees, who lose access authorization, may request leave with pay if a position that does not require access authorization is not available, and no position is available to which the employee might reasonably be transferred.

## **9. Limitation**

If an employee is required to work, is on another type of leave with or without pay, or is not scheduled to work during the time other employees are granted administrative leave with pay, such employee is not eligible for additional pay.

## **G. Leave without Pay**

### **1. Eligibility**

Employees may be granted leave without pay as personal leave, pregnancy disability leave, or family and medical leave, or leave while receiving temporary disability payments under the Workers' Compensation Act as provided in this Section. "Unpaid leave" includes leaves during which an employee receives disability payments.

Employees are required to report to the Health Services Department for a return-to-work clearance for:

- Work-related injury or illness involving one (1) or more lost workdays, or
- Non-work-related injury or illness of five (5) or more consecutive workdays, or
- Non-work-related injury or illness requiring hospitalization or surgery.

An employee who has been absent because of his or her own illness for over five (5) days may be required to provide certification from a health care provider of his or her fitness to return to work.

## 2. Approvals for Leave Without Pay

The types of requests for leave without pay and authorities for each form of approval are given in Table 14.3.

*Table 14.3 Forms of leave without pay and approval authority*

<u>Leave</u>	<u>Authority<sup>4</sup></u>
Leave without pay for up to five (5) working days and all family and medical leaves	Department Head/Division Leader
All unpaid leaves (except family and medical leave) over five (5) days and up to twelve (12) months	Associate Director, Strategic Human Resources Management, with the recommendation of the Division Leader or Department Head
Requests for all leave to start or expand a small business engaged in the commercialization of technology owned by Lawrence Livermore National Security, LLC	Industrial Partnerships Office
Leaves without pay for more than twelve (12) months in special circumstances, up to a maximum of three (3) years	Director

## 3. Personal Leave Without Pay

Any unit employee may be granted personal leaves of absence for their convenience. The leaves may be granted for reasons such as extended illness, need to care for family members, or education. Leaves also may be granted for temporary outside employment when it is in the interest of public service or when it would be of benefit to the employer upon the employee's return.

All of the following information is to be considered prior to granting a personal leave:

- a. Approximate dates of the beginning and ending of the leave.
- b. Reason for the proposed leave and its relation to misfortune, unusual circumstances, or benefit to Lawrence Livermore National Security, LLC.
- c. Assurance that the employee understands that his/her return to the same or similar position in the department/division is subject to any changes in employment status that would have affected him/her if on pay status.
- d. Assurance that prior to going on leave the employee will take care of all unsettled matters such as accountability for Lawrence Livermore National Security, LLC property, classified documents, and outstanding travel vouchers, and will provide the information needed to meet the requirements of the medical and security programs.

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<sup>4</sup> The approval granting authority for the purposes of leave without pay may change at the Employer's discretion.

- e. Assurance that the employee is aware of the effect of a leave without pay on benefits, including group insurance and retirement.

#### **4. School Suspension**

An employee who is a parent or guardian of a child who has been suspended from school may take unpaid time off to attend to a portion of the school day to appear at the school in connection with that suspension. The employee must provide reasonable notice and may use accrued vacation for this purpose.

#### **5. School Activities**

An employee who is a parent, guardian, or grandparent with custody of a child in grades Kindergarten through 12, or a child attending a licensed day care facility, may take up to forty (40) hours off per calendar year (but no more than eight (8) hours in any one (1) calendar month) for the purpose of participating in activities of the school or licensed day care facility. The employee must use accrued vacation for this purpose. If the employee has no accrued leave, the employee may request unpaid leave.

#### **6. Victims of Domestic Violence or Sexual Assault**

An employee who is a victim of domestic violence or sexual assault may take unpaid time off from work to help ensure their health, safety, or welfare – or that of their child – by obtaining a temporary restraining order, a restraining order, or other court assistance. Employees may elect to substitute accrued vacation or sick leave.

An employee also may take unpaid time off to:

- Seek medical attention for injuries caused by domestic violence and/or sexual assault.
- Obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence and/or sexual assault.
- Obtain psychological counseling related to an experience of domestic violence and/or sexual assault.
- Participate in safety planning and take other actions to increase safety from future domestic violence, including temporary or permanent relocation.

#### **7. Victims of Serious or Violent Felonies**

An employee who is a victim of a crime, or who is a family member of a victim, may take unpaid time off to appear as a witness in court in compliance with a subpoena or other order to attend judicial proceedings related to the crime. Employees may elect to substitute accrued vacation or sick leave.

Reinstatement: An employee who has been granted a personal leave without pay shall be reinstated to the same or similar position provided the employee returns to work immediately following termination of the leave. If the position held has been abolished during a leave and a similar position is not available, the employee shall be afforded the same considerations that would have been afforded had that employee been on pay status when the position was abolished. The date of reinstatement is determined when the leave is granted.

#### **8. Pregnancy Disability Leave**

An employee who is disabled from working because of pregnancy, child birth or related medical conditions shall be granted, upon request, a leave of absence of up to four (4)

months for the period of disability. Pregnancy disability leave may consist of leave without pay and/or paid leave such as accrued sick leave or vacation.

If an employee on approved pregnancy disability leave also is eligible for family and medical leave under Section G.9 below, up to twelve (12) workweeks of pregnancy disability leave shall run concurrently with family and medical leave. Upon termination of pregnancy disability leave that runs concurrently with federal family and medical leave, an eligible employee may be eligible for up to twelve (12) workweeks of family and medical leave for any covered reason, such as baby bonding, except pregnancy or related medical conditions. An employee is entitled to up to a maximum of seven (7) months combined pregnancy disability leave and family and medical leave during the leave year.

The employee may be eligible for additional personal leave (see Section G.3) in addition to pregnancy disability leave and family and medical leave. Accrued sick leave (see Section C) and vacation leave (see Section B) may be used at the employee's option.

a. Reduced Work Schedule

When medically necessary, an employee may take pregnancy disability leave on a reduced work schedule or on an intermittent basis. Lawrence Livermore National Security, LLC may require an employee who is on a reduced work schedule or intermittent leave to transfer temporarily to an alternative position with equivalent pay and benefits if the alternative position better accommodates the required work schedule than the employee's position.

b. Advance Notice and Certification

Whenever possible, an employee shall provide at least thirty (30) days advance notice. If thirty (30) days notice is not practicable because of a medical emergency, for example, notice shall be given as soon as practicable. Medical certification from a health care provider of the disability may be required.

c. Temporary Accommodation

As an alternative to, or in addition to pregnancy disability leave, Lawrence Livermore National Security, LLC shall temporarily modify a pregnant employee's own position or transfer a pregnant employee to a different position upon request and with the advice of the employee's own health care provider, if the temporary modification or transfer can be reasonably accommodated. A temporary modification or transfer shall not be counted toward an employee's entitlement of up to four (4) months pregnancy disability leave.

d. Reinstatement

An employee who has been granted a pregnancy disability leave shall be reinstated to the same position provided the employee returns to work immediately following termination of pregnancy disability leave, and the leave has not exceeded four (4) months. If the employee would have been laid off or terminated had the employee remained on pay status during the leave period, the employee shall be afforded the same considerations that would have been afforded had the employee been on pay status when the position was abolished. The date of reinstatement is determined when the leave is granted.

## 9. Family and Medical Leave

- a. Family and medical leave is provided to eligible employees for any of the following reasons:
- Their own serious health conditions;
  - The serious health condition of the employee's child, child of a registered domestic partner, spouse, registered domestic partner, or parent;<sup>5</sup>
  - To bond with the employee's newborn, adopted, or foster care child in accordance with state and federal law in effect at the time the leave is granted; or
  - Any qualifying exigency arising out of the fact that the spouse, domestic partner, son, daughter, or parent of the employee is on active duty status or called to active duty status in support of a contingency operation.

Leave granted for bonding purposes shall be concluded within twelve (12) months following the child's birth or placement for adoption of foster care.

b. Eligibility

An employee shall be granted up to twelve (12) workweeks of family and medical leave during the twelve-month period commencing every January 1st, provided that:

1. The employee has at least twelve (12) cumulative months of Lawrence Livermore National Security, LLC service (all prior Laboratory services shall be used to calculate the twelve (12) months service requirement); and
  2. The employee worked at least 1,250 actual hours during the twelve (12) months immediately preceding the commencement date of the leave.
- c. An employee who meets the eligibility requirements noted above who is the spouse, domestic partner, son, daughter, parent, or next of kin (nearest blood relative) of a covered service member who is recovering from a serious injury or illness sustained in the line of duty may be granted up to 26 weeks of unpaid leave during a single 12-month period to care for the service member. The employee is limited to a combined total of 26 weeks of all types of FMLA leave in a single 12-month period.
- d. Use of Paid Leave: Family and Medical Leave is unpaid leave except under the following circumstances:
1. Accrued vacation earned under Section B may be used at the employee's option.
  2. Accrued sick leave earned under Section C may be used during a family and medical leave granted for an employee's own serious health condition or pregnancy disability. To the extent permitted by Section C.3, Family Sick Leave, sick leave may be used during a family and medical leave.
  3. Extended sick leave may be used during a family and medical leave granted to an employee who is receiving temporary disability payments under the Workers' Compensation Act, subject to Section D.

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<sup>5</sup> "Child" means a biological, adopted, step, or foster child of the employee or a legal ward of the employee. "Child" also means a child to whom the employee stands in loco parentis, meaning that the employee has day-to-day responsibilities to care for or financially supports the child. The child must be under 18 or incapable of self-care due to a mental or physical disability. "Parent" means a biological, adopted, step, or foster parent. "Parent" also means a person who stood in loco parentis to the employee when the employee was a child, meaning that the person had day-to-day responsibilities to care for or financially supported the employee when the employee was a child. "Parent" does not mean parent-in-law.

The Department Head shall designate all paid and unpaid leaves as family and medical leave if the leave meets the requirements set forth above.

e. Reduced Work Schedules

When medically necessary, an employee may be granted family and medical leave on a reduced work schedule or on an intermittent basis. Lawrence Livermore National Security, LLC may require an employee who is on a reduced work schedule or intermittent leave to temporarily transfer to an alternative position with equivalent pay and benefits if the alternative position better accommodates the required work schedule than the employee's own position.

f. Advance Notice and Certification

Whenever possible, an employee shall provide at least thirty (30) days advance notice. If thirty (30) days is not practicable because of a medical emergency, for example, notice shall be given as soon as practicable. Failure to comply with these notice requirements may result in postponement of family and medical leave.

Employees taking leave for more than five (5) days may be required to submit certification from a health care provider to substantiate that the leave is due to the serious health condition of the employee or the employee's immediate family member.

g. Reinstatement

An employee, who has been granted a family and medical leave, shall be reinstated to the same or equivalent position provided the employee returns to work immediately following termination of the leave. If the position held has been abolished during a leave and an equivalent position is not available, the employee shall be afforded the same considerations that would have been afforded had that employee been on pay status when the position was abolished. The date of reinstatement is determined when the leave is granted. Employees who were on family leave related to their own illness or injury are required to report to the Health Services Department for a return-to-work clearance for:

- Work-related injury or illness involving one (1) or more lost workdays,
- Non-work-related injury or illness of five (5) or more consecutive workdays, or
- Non-work-related injury or illness requiring hospitalization or surgery.

An employee who has been absent because of his or her own illness for over five (5) days may be required to provide certification from a health care provider of his or her fitness to return to work.

h. Additional Leave

An employee may also be eligible for additional personal leave under Section G.3.

**10. Leave without pay for Temporary Workers' Compensation**

Employees who are off pay status and receiving temporary disability payments under the Workers' Compensation Act may be granted, at the discretion of the department head/division leader, a leave without pay for all or part of the period during which temporary disability payments are received.

The leave without pay cannot extend beyond a predetermined date of termination, and an employee who would have been terminated if not receiving temporary disability payments may be terminated.

An employee on leave without pay receiving temporary disability payments, who then returns to work, is credited with sick and vacation leave as if the employee had been on regular pay status. If the employee terminates without returning to work, no payment is made for such vacation and/or sick leave credit.

If an employee on an approved Workers' Compensation leave is also eligible for family and medical leave, up to twelve (12) workweeks of temporary disability leave shall run concurrently with family and medical leave.

Reinstatement: The date of reinstatement is determined when the leave is granted, except as provided above. An employee who has been on work-incurred disability leave shall be reviewed for reinstatement or eligibility for vocational rehabilitation services. Employees are required to report to the Health Services Department for a return-to-work clearance for:

- Work-related injury or illness involving one (1) or more lost workdays,
- Non-work-related injury or illness of five (5) or more consecutive workdays,  
or
- Non-work-related injury or illness requiring hospitalization or surgery,

An employee who has been absent because of his or her own illness for over five (5) days may be required to provide certification from a health care provider of his or her fitness to return to work.

#### **11. Voluntary Civil Service Leave**

Employees must be granted time off without pay to perform emergency duty as a Volunteer firefighter, reserve peace officer, emergency rescue personnel with approval by the Associate Director for Facilities and Infrastructure, or the Security Director.

An employee who performs emergency duty as a firefighter must be allowed up to a total of 14 days of unpaid leave per calendar year to engage in fire or law enforcement training.

An employee who performs duty as a member of the Civil Air Patrol must be allowed up to ten (10) days of unpaid leave per calendar year to respond to an emergency operational mission of the California Wing of the Civil Air Patrol.

Employees who perform search and rescue or disaster control work as members of any other organized civil unit may be granted time off without pay for the time required to be away during scheduled working hours when approved by the Associate Director for Facilities and Infrastructure, or the Security Director.

#### **12. Exhaustion of Leave Credits**

Employees who exhaust all vacation and/or sick leave credits during a period of paid leave shall be continued as absent without pay for a period not to exceed five (5) working days pending resolution of their employment status.

#### **13. Effect on Benefits**

Employees do not accrue vacation and sick leave credits during periods of leave without pay. An employee on leave without pay receiving temporary disability payments, who then returns to work, is credited with sick leave and vacation leave as if the employee had been on regular pay status. If the employee terminated without returning to work, no payment is made for such vacation and/or sick leave credit.

An employee on approved Federal Family and Medical leave shall be entitled to continue participation in health plan coverage (medical, dental, and optical) as if on pay status for a

period of up to twelve (12) workweeks in a twelve-month period. An employee on approved Service Member Family Leave under FMLA is entitled to continue participation in health plan coverage as if on pay status for a period of up to twenty-six (26) workweeks in a twelve-month period.

If an employee fails to return to work after FMLA leave, Lawrence Livermore National Security, LLC may recover health, dental, and vision plan premiums unless the failure to return to work was due to a continuation of the serious health condition or to circumstances beyond the employee's control.

Periods before and after an approved leave without pay are considered continuous service for purposes of eligibility for benefits based on length of service, except that the regulations of the retirement system must be checked to determine the effect of the leave on retirement benefits.

#### **14. Record of Leaves without Pay**

Each approved leave without pay in excess of five (5) working days must be processed on Livermore Administrative People Information System (LAPIS).