

Arizona State University

California Employee Policy Supplement

All ASU employees are subject to the policies of the Arizona Board of Regents (<https://www.azregents.edu/about/policy-manual>) and Arizona State University (<https://policy.asu.edu/>), including the Academic Affairs Manual (“ACD”) and Staff Personnel Policies (“SPP”).

This Policy Supplement addresses topics specific to California law and applies to employees regularly working in the State of California.

Nothing in this document creates a contract of employment, nor does it create any contractual rights or obligations between ASU and its employees. Additionally, this document does not alter the nature of any at-will employment.

1. Prohibition Against Discrimination, Harassment, and Retaliation

The following supplements [Academic Affairs Manual \(“ACD”\) 401](#), Prohibition Against Discrimination, Harassment, and Retaliation:

ACD 401 prohibits discrimination based on any characteristic protected by applicable local, state, or federal anti-discrimination law. In California, this includes discrimination and harassment based on religious creed (including religious dress and grooming practices), pregnancy (including childbirth or related medical conditions and breastfeeding), national origin (which includes national origin groups and aspects of national origin, such as height, weight, accent, or language proficiency), immigration/citizenship status, ancestry, protected hair style or texture, medical condition, military status, registered domestic partner status, reproductive health decision-making, marital status, gender, gender expression, political affiliation, and domestic violence victim status.

California employees will be provided and must complete sexual harassment prevention training and education every two years. Newly hired supervisors and employees promoted into supervisory positions will receive training within six months of assuming supervisory responsibilities.

2. Personnel Records

The following supplements [ACD 811](#), Access to and Release of Official Personnel Records Information, and Staff Personnel Manual (“SPP”) [SPP 1101](#), Personnel Records:

Employee Review/Access: Current and former employees may obtain copies of their personnel files, including training records, and payroll records. Requests must be made to the Office of the Provost (for faculty and academic professionals) or to the Office of Human Resources (for staff). ASU will respond to an employee’s request to obtain a copy their personnel file within 30 days and will respond to an employee’s request to obtain a copy of their payroll records within 21 days. If copies are requested, ASU may charge the current or former employee for the actual cost of copying.

3. Recruitment/ Appointment

The following modifies [ACD 505-06](#), Recruitment/Appointment, and [SPP 201-01](#), Staff Recruitment/Appointment:

Job postings must identify a salary or hourly pay scale for the position. Additionally, applicants and former employers shall not be asked to provide an applicant’s compensation history at any time during the hiring process. An applicant may voluntarily disclose their compensation history, but it may not be used in setting pay.

The Office of Human Resources must be consulted before any offer of employment is extended to a person under the age of 18 to work in California, as there are restrictions on the hours that may be worked and the duties that may be performed.

4. Processing Terminations of Employment

The following supplements [SPP 1007](#), Processing Terminations of Employment, and also applies to non-exempt academic employees:

Payment of Wages: An employee who provides at least 72 hours' notice of their intent to terminate employment or who is involuntarily terminated will be paid all wages on their last day of work. An employee who resigns and does not provide at least 72 hours' notice will be paid all wages within 72 hours of providing notice. If requested by the employee, such wages will be paid by mail and sent to the address provided or the address on file.

5. Job References

The following supplements [ACD 814](#), Job References, and [SPP 1104](#), Job References:

In providing information to external employers, the information provided must be limited only to the information requested.

Supervisors are immune from civil liability in connection with providing information to a prospective employer unless the supervisor knows the information is false or entertains serious doubts about its truth.

6. Overtime

6.1 Overtime Rules

The following supplements [SPP 404-04](#), Overtime – General Policy, and is also applicable to non-exempt academic employees:

Non-exempt employees will be compensated for overtime as follows:

- All hours worked in excess of eight hours in one workday or 40 hours in one workweek will be treated as overtime. A workday begins at 12:00 am and ends at 11:59 pm the same day. Workweeks begin each Monday at 12:00 am and end the following Sunday at 11:59 pm.
- Compensation for hours in excess of 40 for the workweek, or in excess of eight and not more than 12 for the workday, and for the first eight hours on the seventh consecutive day of work in one workweek, shall be paid at a rate of one and one-half times the employee's regular rate of pay.
- Compensation for hours in excess of 12 in one workday and in excess of eight on the seventh consecutive workday in a workweek shall be paid at double the regular rate of pay.

If a nonexempt employee works multiple nonexempt jobs, the number of hours worked in each job are added together when determining eligibility for overtime. Nonexempt employees cannot waive their right to overtime.

Employees are not permitted to work overtime unless authorized in advance by their supervisor, although all overtime must be reported and employees will be paid for all hours

worked, even if pre-approval is not obtained. Employees who work overtime without their supervisor's approval may be subject to discipline.

ASU pays all overtime wages required by law, and supervisors are prohibited from instructing or encouraging employees to work off-the-clock. If a supervisor instructs or suggests that an employee perform any work off-the-clock, the employee should immediately report that information to the Office of Human Resources. Any employee who believes they have worked overtime hours for which they were not paid should immediately inform the Office of Human Resources. ASU will take prompt action to correct the matter where appropriate.

Non-exempt employees who work more than six hours during any day of the workweek are entitled to one day of rest (a day off from work) during the seven-day workweek. ASU respects the right to take a day of rest, and it does not encourage or induce employees to forgo the day off. However, employees may voluntarily agree to work a shift on the seventh day. Exceptions may arise in special circumstances, including in cases of emergency or for work performed in the protection of life or property from loss or destruction. Additionally, when the nature of the employment reasonably requires that the employee work seven or more consecutive days, the employee may accumulate days of rest such that in each calendar month the employee receives days of rest equivalent to one day's rest in seven.

6.2 Compensatory Time

Compensatory time is not available unless approved by the Office of Human Resources.

7. Meal, Rest, and Heat Recovery Breaks

The following applies to all California non-exempt employees:

7.1 Meal Periods

7.1.1 General Rules

Employees who work five or more hours a day are required to take a 30-minute, uninterrupted, continuous, duty-free meal period, unless the employee executes a valid meal period waiver, subject to the requirements below. An employee who works over 10 hours in a day is required to take a second 30-minute duty-free meal period unless the employee elects to waive the second meal period as provided for below.

When an employee works for a work period of more than 5 hours, a meal period must start no later than the end of the employee's fifth hour of work. A second meal period, if applicable, should begin before the end of the tenth hour of work. For example, for employees whose shift begins at 7:00 a.m., their first meal break must start no later than noon. If the employee works more than 10 hours in the day and is thus entitled to a second meal break, the second meal break must start no later than 5:30 p.m. (assuming the employee took a 30-minute first meal break).

Employees should schedule their meal periods at times approved by their supervisors, and exercise personal initiative to take meal breaks on time, even when not specifically directed to do so by a supervisor.

Employees are completely relieved of their job responsibilities during their meal periods and may not perform any work off-the-clock or during a break. For this reason, unless there is a valid written agreement for an on-duty meal period, employees must record the beginning and ending time of the meal period every day. Employees may not alter, falsify, or manipulate any aspect of their timekeeping records to inaccurately reflect or hide meal periods or time spent working during meal periods.

Employees will be provided a reasonable opportunity to take a meal period. During this time, ASU has no control over the employee's activities, and employees are expected to refrain from performing any work. Employees are free to leave the worksite during the meal period. Employees should not spend less than 30 minutes of duty-free time on their meal break. If an employee is required to do any work during a meal break, the employee must immediately report the situation to their supervisor and the Office of Human Resources. Any non-exempt employee who performs work during a meal break must record the meal break as hours worked.

Non-exempt employees may not work through their meal period to leave early or arrive at work late. Non-exempt employees may not make up any time away from work by working through their meal period.

7.1.2 Waiver of Meal Periods

If a supervisor agrees, an employee may waive their meal periods under the following circumstances:

- Employees who will complete their workday in six hours may waive their meal period.
- Employees who work over 10 hours in a day may waive their second meal period *only if* they take their first meal period and they do not work more than 12 hours that day.
- Any time an employee elects to waive a meal period, the employee must submit a written request and receive prior written authorization from their supervisor.
- Employees may not waive meal periods to shorten their workday or to accumulate meal periods for any other purpose.

No supervisor is authorized to instruct an employee to forego a meal or rest period. Employees should immediately report a supervisor's instruction to skip a meal period to the Office of Human Resources.

7.1.3 On-Duty Meal Period

In limited situations, certain designated employees may be required to work an on-duty meal period due to the nature of their duties. Unless an employee's supervisor directs the employee to take an on-duty meal period due to the nature of the employee's job duties and the employee agrees to an on-duty meal period in writing, an employee will not be permitted to take an on-duty meal period. If an on-duty meal period is appropriate and approved, it will be paid and treated as hours worked.

7.2 Rest Periods

ASU provides all California non-exempt employees with the opportunity to take a paid 15-minute, uninterrupted, duty-free rest period for every 4 hours worked (or a major fraction thereof),

which should be taken so far as practicable in the middle of each work period (which would mean two 15-minute duty-free rest periods for every 8 hours worked). ASU generally does not authorize a rest period for employees whose total daily work time is less than 3½ hours. Employees are expected to schedule their rest periods at their own discretion under these guidelines unless instructed otherwise by a supervisor. Employees should exercise personal initiative to take breaks on time, even when not specifically directed to do so by a supervisor. Rest periods may not be combined with meal periods.

Rest periods are counted as hours worked, and thus, employees are not required to record their rest periods. Rest periods may not be waived to shorten an employee's workday or be accumulated for any other purpose.

The following chart shows the number of rest breaks employees are entitled to depending on the number of hours worked in a given workday:

Hours Worked	Number of Rest Breaks
0 – 3.5	0
More than 3.5 – 6.0	1
More than 6.0 – 10.0	2
More than 10.0 – 14.0	3
More than 14.0 – 18.0	4

“Duty-free” means that the employee is relieved of all work-related responsibilities, including, for example, any obligation to perform tasks, monitor work-related activities, carry cell phones, personal digital assistants, or other communication devices, receive, review, or respond to any communications, and any other tasks.

Employees are permitted to leave their workstations during this time. Employees must promptly return to work at the end of the 15-minute period.

7.3 Missed or Interrupted Breaks

If an employee has been deprived of the opportunity to take a duty-free meal or rest break, the employee shall immediately report this fact to the Office of Human Resources. ASU will take steps to remedy the problem.

It is against ASU policy to impede or discourage employees from taking breaks. Employees who believe they have been discouraged or prevented from taking meal or rest breaks should report this fact to the Office of Human Resources. Please note that no supervisor is authorized to instruct an employee how to spend the employee's personal time during a meal or rest period. Employees are encouraged to make such reports and will be protected from retaliation for doing so.

7.4 Heat Recovery Breaks

To prevent heat-related illness, any employee believed to be suffering from a heat-related illness or who indicates that they need a cool-down period to protect them from overheating will be provided at least a five-minute break. A recovery break under this policy is in addition to

regularly scheduled meal and rest breaks and should be taken as needed only to prevent heat-related illness.

8. Vacation Leave

The following supplements [ACD 704-01](#), Vacation Leave, and [SPP 702-01](#), Vacation Leave Benefits:

Accrual and Accumulation: Unused vacation leave may be accumulated and carried forward from one calendar year to the next. The maximum amount of vacation leave that may be accrued is 176 hours. Once the cap is reached, an employee will no longer accrue vacation leave. Employees who have vacation hours exceeding 176 prior to August 3, 2026, will not accrue vacation leave until their balance falls below the cap.

Payment for Accrued Vacation Leave: Upon termination of an employee's employment for any reason, the employee will be paid for all accrued and unused vacation leave at their final rate of pay in their final paycheck. Employees who change to a non-benefits-eligible status or to a position that does not accrue vacation must use or be paid for accrued vacation prior to the effective date of transfer into their new position.

9. Paid Sick Leave

The following supplements [ACD 702-02](#), Health-Related Leave, and [SPP 701-01](#), Health Leave Benefits.

9.1 Eligibility

All employees (including student, part-time, and temporary) are eligible for paid sick leave beginning on the first day of employment under the accrual rates and caps set forth in this policy.

9.2 Permitted Use

Sick leave may be used for the following reasons:

- the employee's own illness, injury, medical condition, need for medical care, diagnosis, or treatment;
- to care for or aid an eligible family member when they are ill, injured, or receiving medical care, treatment, or diagnosis;
- for reasons related to domestic violence, stalking, sexual assault, or other qualifying acts of violence (as defined by law) for which the employee or their family member is a victim, as set forth below;
- *Employees working in the City of Emeryville only*: to aid or care for a guide, signal, or service dog of the employee or the employee's family member.

For purposes of this policy, "family member" means a child, parent, spouse, registered domestic partner, grandparent, grandchild, sibling of the employee, or a designated person. "Child" means a biological child, a foster child, an adopted child, a stepchild, a child of a registered domestic partner, a legal ward, or a child of a person standing in loco parentis. "Parent" means a biological, foster, or adoptive parent, a stepparent, or a legal guardian of the employee or

the employee's spouse or registered domestic partner. "Spouse" means a legal spouse, as defined by California law. "Designated person" means a person identified by the employee at the time the employee requests paid sick leave. Only one individual may be a "designated person" per 12-month period.

9.3 Accrual and Use

Staff employees will accrue sick leave at the following rates:

Percentage of Time Employed	Accrual per	Maximum Accrual
100% FTE (40 hours/week)	3.69 hours per pay period	12 days per year
50% FTE (20 hours/week)	1.84 hours per pay period	6 days per year
Less than 50% FTE	40 hours frontloaded	40 hours per year

Academic employees will accrue sick leave at the following rates:

Percentage of Time Employed	Accrual per	Maximum Accrual
100% FTE (40 hours/week)	3.69 hours per pay period	9 days per year (AY) 12 days (FY)
50% FTE (20 hours/week)	1.84 hours per pay period	4.5 days per year (AY) 6 days per year (FY)
Less than 50% FTE	40 hours frontloaded	40 hours per year

Employees begin to accrue sick leave on their first day of employment. Employees may use time under this policy in quarter hour increments. An employee may begin to access sick leave immediately upon accrual.

Accrual for non-exempt employees will be calculated based on actual hours worked. Accrual for exempt employees will be calculated based on a 40-hour workweek or the employee's normal workweek if the employee normally works less than 40 hours. Sick leave does not accrue during any unpaid leave of absence.

9.4 Notification

Employees must provide reasonable advance notification of the need to use sick leave, if foreseeable. If the need to use sick leave is not foreseeable, the employee must provide notice as soon as practicable. In all circumstances, employees are responsible for specifying that the requested time off is for sick leave reasons, so that the absence may be designated accordingly.

Employees are not required to find coverage for their work when taking sick leave.

9.5 Unused Sick Leave Benefits

See [ACD 702-02](#), Health Leave Benefits and [SPP 701-01](#), Health Leave Benefits, for information regarding unused health leave benefits, including upon termination and in the event an employee is rehired.

9.6 No Retaliation or Discrimination

The university prohibits retaliation and discrimination against employees for using accrued sick leave. If an employee believes they have been retaliated or discriminated against on account of their use of sick leave, they must immediately report this concern to the Office of Human Resources.

9.7 Paid Sick Leave and Workers' Compensation Benefits

Paid sick leave is a benefit that also covers absences for work-related illness or injury. Employees who have a work-related illness or injury are covered by workers' compensation insurance. However, workers' compensation benefits usually do not cover absences for medical treatment. When an employee reports a work-related illness or injury, they will be sent for medical treatment, if treatment is necessary. They will be paid their regular wages for the time they spend seeking initial medical treatment. Any further medical treatment will be under the direction of the health care provider, and any absences from work for follow-up treatment or appointments will not be paid as time worked.

9.8 State and Locally Mandated Insurance Benefits

9.8.1 State Disability Insurance Benefits (Wage Replacement)

State law requires the university to deduct a certain amount from an employee's wages to provide State Disability Insurance ("SDI") benefits. SDI benefits are payable when an employee cannot work because of illness or injury unrelated to their employment. SDI is a wage supplement provided concurrently while an employee takes an eligible leave of absence under university policy and applicable law. SDI provides wage replacement to eligible employees for lost wages up to 52 weeks. Employees must notify the university if they intend to file for SDI benefits. For information concerning SDI benefits, contact the California Employment Development Department ("EDD"), which administers the SDI program.

9.8.2 Paid Family Leave Benefits (Wage Replacement)

In addition, the university is required to withhold a certain percentage of an employee's wages pursuant to the Family Temporary Disability Insurance Act ("FTDI") to fund the Paid Family Leave Program ("PFL"), which is administered by the EDD. PFL allows eligible employees to receive compensation for lost wages, for up to eight weeks in a twelve-month period, if the employee takes time off work to provide care for a seriously ill child, spouse, parent, domestic partner, grandparent, grandchild, sibling, parent-in-law, or designated person or to bond with a child within one year of the birth or placement of the child in connection with foster care or adoption. PFL benefits are also available to eligible employees who need time off work to

participate in a qualifying event because of the military deployment of their spouse, registered domestic partner, parent, or child to a foreign country.

PFL is not a statutory job-protected leave of absence; it does not provide employees with any entitlement to leave beyond that to which they are entitled pursuant to university policy. Rather, it is a wage replacement/benefit administered by the EDD. Employees must notify the university if they intend to file for PFL benefits.

All claims for PFL benefits must be submitted directly to the EDD. The university does not process such claims. The EDD ultimately determines whether an employee receives PFL benefits.

9.9 Workers' Compensation Insurance

The university pays the entire amount of the Workers' Compensation insurance premium, which provides benefits to employees who experience work-related injury or illness that arises out of the course and scope of their employment. Benefit entitlements are governed by law, but it is essential that the employee report all work-related accidents, injuries, and illnesses immediately.

To ensure that an employee receives any workers' compensation benefits to which they may be entitled, they will need to:

- Immediately report any work-related injury to their supervisor;
- Seek medical treatment and follow-up care if required;
- Complete a written Employee's Claim for Workers' Compensation Benefits (DWC Form 1) and return it to the Office of Human Resources; and
- Provide the university with a certification from their health care provider regarding the need for workers' compensation disability leave, as well as their eventual ability to return to work from the leave.

Upon submission of a medical certification that an employee can return to work after a workers' compensation leave, the employee under most circumstances will be reinstated to their same position held at the time the leave began, or to an equivalent position, if available. An employee returning from a workers' compensation leave has no greater right to reinstatement than if the employee had been continuously employed rather than on leave. For example, if an employee's position has been eliminated or filled in order to avoid undermining the university's ability to operate safely and efficiently during the leave, and no equivalent or comparable positions are available, then the employee would not be entitled to reinstatement.

The university maintains a strict policy against discharging, threatening to discharge, or in any manner discriminating against any employee because they have filed or made known their intention to file a claim for workers' compensation benefits or an application for adjudication to the workers' compensation board. If an employee feels they are being discriminated against in violation of this policy, they should contact the Office of Human Resources.

Employees should be aware that university policy prohibits, and California law makes it a crime to, knowingly file a false or fraudulent claim for workers' compensation benefits.

10. Leaves of Absence

10.1 Civic Duties

ASU encourages each of its employees to accept their civic responsibilities.

Jury Duty: See [SPP 704-03](#), Jury Duty and Material Witness Service Leave Benefits, and [ACD 706](#), Jury Duty and Material Witness Service Leave.

Voting: If an employee would like to vote in a public election but does not have sufficient time to vote during non-work hours, they may arrange to take up to two hours off from work with pay to vote. To receive time off for voting, the employee must obtain advance approval from their supervisor and must take the time off to vote either at the beginning or end of their work shift. The university reserves the right to request a copy of a voter's receipt following any time off to vote.

10.2 Leave for Victims of Qualifying Crimes or Qualifying Acts of Violence

10.2.1 Reasons for Leave

An employee who has been, or who has a family member (as defined below) who has been, a victim of a qualifying crime (as defined below) may take unpaid time off to attend judicial proceedings related to that crime, including, but not limited to, any delinquency proceeding, postarrest release decision, plea, sentencing, postconviction release decision, or any proceeding where a right of that employee or their family member is at issue.

An employee who has been a victim of qualifying act of violence (as defined below) may take unpaid leave pursuant to this policy to obtain relief. Relief includes, but is not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the victim or their child.

In addition, an employee who is a victim of a qualifying act of violence or who has a family member who is a victim of a qualifying act of violence may also take leave to:

1. Obtain or attempt to obtain any relief (e.g., a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the victim) for the family member.
2. Seek, obtain, or assist a family member in seeking or obtaining medical attention for or to recover from injuries caused by the qualifying act of violence.
3. Seek, obtain, or assist a family member to seek or obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of a qualifying act of violence.
4. Seek, obtain, or assist a family member to seek or obtain psychological counseling or mental health services related to an experience of a qualifying act of violence.

5. Participate in safety planning and take other actions to increase safety from future acts of violence, including, but not limited to, securing temporary or permanent housing or enrolling children in a new school or childcare.
6. Relocate or engage in the process of securing a new residence due to the qualifying act of violence, including, but not limited to, securing temporary or permanent housing or enrolling children in a new school or childcare.
7. Provide care to a family member who is recovering from injuries caused by a qualifying act of violence.
8. Seek, obtain, or assist a family member to seek or obtain civil or criminal legal services in relation to the qualifying act of violence.
9. Prepare for, participate in, or attend any civil, administrative, or criminal legal proceeding related to the qualifying act of violence.
10. Seek, obtain, or provide childcare or care to a care-dependent adult if the childcare or care is necessary to ensure the safety of the child or dependent adult as a result of the qualifying act of violence.

10.2.2 Duration of Leave

ASU may limit the total leave taken under this policy for victims of qualifying acts of violence to 12 weeks. However: (a) *if the employee is not a victim*, and the employee's family member is a victim of a non-fatal crime, leave taken for the purpose of relocating or securing a new residence or enrolling a child in a new school or child care is limited to 5 days; and (b) *if the employee is not a victim* and the employee's family member is a victim of a non-fatal crime, the total leave under this policy is limited to 10 days.

10.2.3 Requesting Leave and Documentation

An employee must provide the Office of Human Resources with reasonable advance notice of the employee's intention to take time off. If advance notice is not feasible, the employee must provide the following certification within a reasonable time after returning to work:

1. a police report showing that the employee or their family member was a victim;
2. a court order protecting or separating the employee or their family member from the perpetrator of the qualifying act of violence, or other evidence from the court or prosecuting attorney that the employee appeared in court; or
3. documentation from a licensed medical professional, domestic violence counselor, a sexual assault counselor, a victim advocate, a licensed health care provider, or counselor, showing that the employee's absence was due to the employee or their family member undergoing treatment for injuries from the qualifying act of violence.

4. Additionally, ASU will accept any other form of documentation that reasonably verifies that the qualifying crime or act of violence occurred, including but not limited to a written statement signed by the employee, or an individual acting on the employee's behalf, certifying that the absence is for a purpose authorized under Government Code 12945.8.

10.2.4 Definitions

“Victim of a qualifying crime” means:

- a person against whom a violent felony, serious felony, or felony theft or embezzlement has been committed; or
- a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a serious felony or one of the other crimes or delinquent acts specified in Government Code § 12945.8(j)(8)(c)(ii)

“Victim of a qualifying act of violence” is defined as a person against whom any of the following acts have been committed, regardless of whether anyone is arrested for, prosecuted for, or convicted of committing any crime:

- domestic violence, sexual assault, or stalking; or
- an act, conduct, or pattern of conduct in which (a) an individual causes bodily injury or death to another; or (b) an individual exhibits, draws, brandishes, or uses a firearm, or other dangerous weapon, with respect to another; or (c) an individual uses, or makes a reasonably perceived or actual threat to use, force against another individual to cause physical injury or death.

“Family member” includes:

- parent (biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or an employee's spouse or domestic partner, or a person who stood in loco parentis when the employee or the employee's spouse or domestic partner was a minor child);
- child (biological, adoptive, or foster child, stepchild, or legal ward of an employee or an employee's spouse or domestic partner, a child to whom the employee stands in loco parentis or a person to whom the employee stood in loco parentis when the person was a minor);
- grandparent;
- grandchild;
- spouse;

- domestic partner;
- sibling (biological, foster, or adoptive sibling, stepsibling, half-sibling, or person related by affinity through a common legal or biological parent); or
- designated person. (A “designated person” is a person identified by the employee at the time the employee requests leave. The use of a designated person is limited to one designated person per 12-month period.)

10.2.5 Use of Paid Time Off

Although the leave is generally unpaid, employees can use available paid sick or vacation leave for the purposes described above. Crime victim leave that would also qualify under the federal Family and Medical Leave Act (FMLA) or the California Family Rights Act (CFRA) must run concurrently if the employee is eligible for that type of leave. Employees may not take unpaid crime victim leave that exceeds the time allowed under, or is in addition to leave permitted by, the 12 weeks provided by the FMLA.

10.2.6 Reasonable Accommodations

ASU will provide a reasonable accommodation to protect the safety of an employee at work for any known qualifying act of violence to the extent required by law, provided the requested accommodation does not create an undue hardship for the university and/or does not pose a direct threat to the health or safety of others in the workplace and/or to the individual. The university is not required to provide a reasonable accommodation to an employee who has not disclosed the employee’s status, or the employee’s family member’s status, as a victim. If the employee requires an accommodation for their safety while at work, they must notify the Office of Human Resources, which will engage in the interactive process to determine an effective, reasonable accommodation. The university may request a certification from the employee regarding their status as a victim and the accommodation.

10.3 Family School Partnership Leave

Parents of school age children (grades K-12) or of children who attend a licensed day care provider, are eligible for up to 40 hours of leave each year, not to exceed eight hours in any calendar month of the year, to participate in school-related activities of their children. “Parents” include a parent, guardian, stepparent, foster parent, or grandparent of, or a person who stands *in loco parentis* to, a child.

To be eligible for leave under this policy, the following criteria must be met:

- The time off must be to find, enroll, or reenroll the child in a school or with a licensed childcare provider, or to participate in activities of the school or licensed childcare provider.
- The time off may also be for the purposes of addressing a childcare provider or school emergency. An emergency means that an employee’s child cannot remain in a school or with a childcare provider due to one of the following: (a) the school

or child care provider has requested that the child be picked up, or has an attendance policy, excluding planned holidays, that prohibits the child from attending or requires the child to be picked up from the school or child care provider; (b) behavioral or discipline problems; (c) closure or unexpected unavailability of the school or child care provider, excluding planned holidays; or (d) a natural disaster, including but not limited to fire, earthquake, or flood.

The employee must personally notify their supervisor and the Office of Human Resources as soon as the employee learns of the need for the absence. Employees will be denied time off if they do not provide their supervisors with adequate notice. Employees should schedule individually scheduled activities, such as parent/teacher conferences, during non-work hours. If more than one parent of a child is employed by the university at the same worksite, the leave entitlement will be granted to the parent who first gives notice to the university.

The university may require documentation from the school or licensed childcare provider as proof that the employee engaged in the child-related activities on a specific date and at a particular time. An employee taking time off under this policy must use existing accrued vacation for the purposes of the absence. If no accrued vacation is available, the employee may use time off without pay.

10.4 School Appearances Involving Suspension

If an employee who is the parent or guardian of a child facing suspension from school is summoned to the school to discuss the matter, the employee should alert their supervisor as soon as possible before leaving work. The employee may use accrued vacation for the time off. Otherwise, the time off is unpaid.

10.5 Adult Literacy Leave

ASU will reasonably accommodate any eligible employee who seeks to enroll in an adult literacy education program, provided that the accommodation does not impose an undue hardship. The university does not provide paid time off for participation in an adult literacy education. However, an employee may utilize accrued vacation. If the employee does not have accrued vacation available, they will be permitted to take the time off without pay.

10.6 Emergency Duty/Training Leave

Employees are eligible to take unpaid time off to perform emergency duty/training as a volunteer firefighter, reserve peace officer, or emergency rescue personnel. The employee must notify their supervisor and the Office of Human Resources as soon as the employee learns of the need for the planned absence. The university may require verification of the emergency duty/training. Emergency training leave cannot exceed an aggregate of 14 days per calendar year.

Although the leave is unpaid, employees may choose to use their accrued vacation if they wish to receive compensation.

10.7 Leave for Organ and Bone Marrow Donors

See [SPP 710](#), Bone Marrow or Organ Donor Leave, and [ACD 711](#), Bone Marrow or Organ Donor Leave.

This type of leave will not run concurrently with leave under the California Family Rights Act.

10.8 Civil Air Patrol Leave

ASU will provide unpaid leave to employees who are volunteer members of the California Wing of the Civil Air Patrol and who have been duly directed and authorized to respond to an emergency operation mission of the California Wing of the Civil Air Patrol. Employees must be employed for at least 90 days immediately preceding the commencement of the leave to be eligible.

Employees are required to give the university as much notice as possible of the intended dates upon which the leave would begin and end. The university will restore the employee to the position they held when the leave began or to a position with equivalent seniority status, employee benefits, pay, and other terms and conditions of employment, unless the employee is not restored because of conditions unrelated to the exercise of the leave rights by the employee. The time off is unpaid. However, an employee may utilize accrued vacation.

10.9 Family and Medical Leave

The Family and Medical Leave Act (“FMLA”) and the California Family Rights Act (“CFRA”) provide eligible employees the opportunity to take unpaid, job-protected leave for certain specified reasons. The maximum amount of leave an employee may be entitled to is either 12 or 26 weeks within a 12-month period depending on the reasons for the leave. Unless otherwise prohibited by law and noted herein, FMLA and CFRA leave run concurrently with one another.

10.9.1 Employee Eligibility

To be eligible for family and medical leave, an employee must:

- have worked for ASU for at least 12 months (not necessarily consecutive); and
- have worked for ASU for at least 1,250 hours over the 12 months preceding the date the leave would commence; and
- (FMLA Only) work at a worksite with at least 50 employees within a 75-mile radius.

10.9.2 Conditions Triggering Leave

Family and medical leave may be taken for the following reasons:

- birth of a newborn child (i.e., bonding) or the placement of a child with the employee for foster care or adoption, so long as the leave is taken within 12 months of birth or placement;

- to care for the employee’s spouse, child, or parent with a “serious health condition”;
- (CFRA only) to care for the employee’s registered domestic partner, parent-in-law, sibling, grandparent, grandchild, or designated person with a “serious health condition”;
- because of the employee’s own serious health condition (including serious health condition resulting from an on-the-job illness or injury) that makes the employee unable to perform the employee’s job. For FMLA only, a serious health condition also includes a disability caused by pregnancy, childbirth, or related medical conditions, which runs concurrently with the university’s pregnancy disability leave policy;
- (FMLA only) to care for a Covered Servicemember with a serious injury or illness related to certain types of military service (see Military-Related FMLA Leave for more details); or
- to handle certain qualifying exigencies arising out of the fact that the employee’s spouse, son, daughter, registered domestic partner (CFRA only), or parent is on duty under a call or order to active duty in the uniformed Services (up to 12 weeks) (see Military-Related FMLA Leave for more details).

The maximum amount of leave that may be taken in a 12-month period under the CFRA or FMLA is 12 weeks, with one exception. For FMLA leave to care for a Covered Servicemember, the maximum combined leave entitlement is 26 weeks.

10.9.3 Definitions

The following definitions have been provided as a guide to understanding the applicability and scope of family and medical leave provided under this policy. Ultimately, the definitions provided under FMLA and/or CFRA shall govern.

A “serious health condition” is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement includes an incapacity of more than three full calendar days and two visits to a health care provider or one visit to a health care provider and a continuing regimen of care; an incapacity caused by pregnancy or prenatal visits, a chronic condition, or permanent or long-term conditions; or absences due to multiple treatments. Other situations may meet the definition of continuing treatment.

“Designated person” means any individual related by blood or whose association with the employee is the equivalent of a family relationship. The designated person may be identified by

the employee at the time the employee requests the leave. Employees are limited to one designated person per 12-month period for family care and medical leave.

A “Covered Servicemember” is a member or veteran of the Armed Forces, including the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. The term “serious injury or illness” means an injury or illness incurred by the member in the line of duty while on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating, or one that existed before the beginning of active duty and was aggravated by service in the line of duty while on active duty. With regard to veterans, the injury or illness may manifest itself before or after the individual assumed veteran status.

“Qualifying exigencies” include activities such as short-notice deployment, military events, arranging alternative childcare, making financial and legal arrangements related to the deployment, rest and recuperation, counseling, and post-deployment debriefings.

10.9.4 Identifying the 12-Month Period

ASU measures the 12-month period using the “rolling” 12-month method, measured backward from the date of any FMLA/CFRA leave with one exception. For FMLA leave to care for a covered servicemember, the university calculates the 12-month period beginning on the first day the eligible employee takes FMLA leave to care for a Covered Servicemember and ends 12 months after that date. FMLA/CFRA leave for the birth or placement of a child for adoption or foster care must be concluded within 12 months of the birth or placement.

10.9.5 Using Leave

Eligible employees may take FMLA/CFRA leave in a single block of time, intermittently (in separate blocks of time), or by reducing the normal work schedule when medically necessary for the serious health condition of the employee or immediate family member, or in the case of a Covered Servicemember, their injury or illness. Eligible employees may also take intermittent or reduced-scheduled leave for military qualifying exigencies. Intermittent leave is generally not permitted for birth of a child, to care for a newly-born child, or for placement of a child for adoption or foster care, and must be taken in at least two week increments, except that for purposes of CFRA, it can be taken in smaller increments of time on two occasions. Employees who require intermittent or reduced-schedule leave must try to schedule their leave so that it will not unduly disrupt the university’s operations. In the case in which the university employs both parents who are eligible for leave under this policy, each parent may take CFRA leave not to exceed 12 work weeks for the birth, adoption, or foster care of the child within a 12-month period.

10.9.6 Use of Accrued Paid Leave

An employee taking leave for their own serious health condition is required to use accrued paid time off unless the employee is receiving benefit payments pursuant to a disability insurance plan, such as California’s State Disability Insurance program, the Paid Family Leave program, or workers’ compensation plan, in which case, the employee and the university may mutually agree to supplement such benefit payments with vacation and/or sick leave. An employee taking leave to care for a seriously ill family member or to bond with a new child is required to use any available

paid time off except sick leave. If mutually agreed upon between the employee and the university, sick leave may be used for the care of a qualifying family member or in connection with a birth, adoption, or foster care of a child.

10.9.7 Maintenance of Health Benefits

If an employee and/or their family participate in the university's group health plan, the university will maintain coverage during the employee's FMLA/CFRA leave on the same terms as if the employee had continued to work. If applicable, the employee must make arrangements to pay their share of health plan premiums while on leave. In some instances, the university may recover premiums it paid to maintain health coverage or other benefits for the employee and/or their family. Use of FMLA/CFRA leave will not result in the loss of any employment benefit that accrued prior to the start of the leave.

10.9.8 Notice and Medical Certification

When seeking FMLA/CFRA leave, the employee must provide:

- Thirty (30) days advance notice of the need to take FMLA/CFRA leave, if the need for leave is foreseeable, or notice as soon as practicable in the case of unforeseeable leave and in compliance with the university's normal call-in procedures, absent unusual circumstances;
- Medical certification supporting the need for leave due to the employee's or family member's serious health condition within 15 calendar days of the university's request to provide the certification (additional time may be permitted in some circumstances). The certification should include the date on which the serious medical condition commenced and the probable duration of the condition. In the case of the employee's own serious medical condition, the certification should also include a statement that due to the serious medical condition the employee is unable to work at all or to perform any one or more of the essential functions of their position without undue risk. In the case of a covered family member's serious health condition, the certification should also include a statement that the serious health condition warrants the participation of the employee to provide care for the covered employee in addition to the probable duration for which the health care provider believes the employee needs to provide such care for the covered family member. Second or third medical opinions and periodic re-certifications may also be required;
- Periodic reports as deemed appropriate during the leave regarding their status and intent to return to work; and
- Medical certification of fitness for duty before returning to work, if the leave was due to the employee's serious health condition. The university will require this certification to address whether the employee can perform the essential functions of their position.

Failure to comply with the foregoing requirements may result in delay or denial of leave, or disciplinary action pursuant to the university's attendance policies.

10.9.9 Employer Responsibilities

To the extent required by law, the university will inform employees whether they are eligible under the FMLA/CFRA. Should an employee be eligible for FMLA/CFRA leave, the university will provide notice that specifies any additional information required as well as the employee's rights and responsibilities. If employees are not eligible, the university will provide a reason for the ineligibility. The university will also inform employees if leave will be designated as FMLA/CFRA-protected and note the amount of leave counted against the employee's leave entitlement.

10.9.10 Job Restoration

Upon returning from FMLA/CFRA leave, eligible employees will typically be restored to their original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions.

10.9.11 Failure to Return After FMLA/CFRA Leave

Any employee who fails to return to work as scheduled after FMLA/CFRA leave or exceeds the 12-week FMLA/CFRA entitlement (or in the case of military caregiver leave, the 26-week FMLA entitlement), will be subject to the university's standard leave of absence and attendance policies. This may result in termination if the employee has no other university-provided leave available that applies to the continued absence. Likewise, following the conclusion of FMLA/CFRA leave, the university's obligation to maintain group health plan benefits ends (subject to any applicable COBRA rights).

10.9.12 Other Employment

ASU prohibits employees from holding other employment during a leave of absence. This policy remains in force during all leaves of absence including FMLA/CFRA leave and may result in disciplinary action.

10.9.13 Employer Compliance with FMLA/CFRA and Employee's Enforcement Rights

FMLA/CFRA makes it unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided under FMLA/CFRA, or discharge or discriminate against any person for opposing any practice made unlawful by FMLA/CFRA or for involvement in any proceeding under or relating to FMLA/CFRA.

While the university encourages employees to bring any concerns or complaints about compliance with FMLA/CFRA to the attention of the Office of Human Resources, FMLA/CFRA regulations require employers to advise employees that they may file a complaint with the U.S. Department of Labor or bring a private lawsuit against an employer.

10.10 Military Related FMLA and/or CFRA Leave

FMLA leave may also be available to eligible employees in connection with certain service-related medical and non-medical needs of family members. There are two forms of such

leave. The first is Military Caregiver Leave, and the second is Qualifying Exigency Leave. Each of these leaves is detailed below.

10.10.1 Military Caregiver Leave

Military Caregiver Leave is designed to allow eligible employees to care for certain family members who have sustained serious injuries or illnesses in the line of duty while on active duty. The family member must be a “covered servicemember,” which means: 1) a current member or veteran of the Armed-Forces, National Guard, or Reserves, 2) who is undergoing medical treatment, recuperation, or therapy or, in the case of a veteran, who was a current member of the Armed Forces, National Guard, or Reserves within five years prior to the treatment for which an eligible employee requests leave, is otherwise in outpatient status or is otherwise on the temporary disability retired list, 3) for a serious injury or illness that may render a current member medically unfit to perform the duties of the member’s office, grade, rank, or rating. Military Caregiver Leave is not available to care for servicemembers on the permanent disability retired list.

To be “eligible” for Military Caregiver Leave, the employee must be a spouse, son, daughter, parent, or next of kin of the covered servicemember. “Next of kin” means the nearest blood relative of the servicemember, other than the servicemember’s spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions; brothers and sisters; grandparents; aunts and uncles; and first cousins; unless the servicemember has specifically designated in writing another blood relative as their nearest blood relative for purposes of Military Caregiver Leave. The employee must also meet all other eligibility standards as set forth within the FMLA Leave policy.

An eligible employee may take up to 26 workweeks of Military Caregiver Leave to care for a covered servicemember in a “single 12-month period.” The “single 12-month period” begins on the first day leave is taken to care for a covered servicemember and ends 12 months thereafter, regardless of the method used to determine leave availability for other FMLA-qualifying reasons. If an employee does not exhaust their 26 workweeks of Military Caregiver Leave during this “single 12-month period,” the remainder is forfeited.

Military Caregiver Leave applies on a per-injury basis for each servicemember. Consequently, an eligible employee may take separate periods of caregiver leave for each covered servicemember, and/or for each and every serious injury or illness of the same covered servicemember. A total of no more than 26 workweeks of Military Caregiver Leave, however, may be taken within any “single 12-month period.”

Within the “single 12-month period” described above, an eligible employee may take a combined total of 26 weeks of FMLA leave including up to 12 weeks of leave for any other FMLA-qualifying reason (i.e., birth or adoption of a child, serious health condition of the employee or close family member, or a qualifying exigency). For example, during the “single 12-month period,” an eligible employee may take up to 16 weeks of FMLA leave to care for a covered servicemember when combined with up to 10 weeks of FMLA leave to care for a newborn child.

An employee seeking Military Caregiver Leave may be required to provide appropriate certification from the employee and/or covered servicemember completed by an authorized health care provider within 15 calendar days. Military Caregiver Leave is subject to the other provisions

relating to FMLA, including requirements regarding employee eligibility, appropriate notice of the need for leave, use of accrued paid leave, etc.

10.10.2 FMLA/CFRA Qualifying Exigency Leave

Eligible employees may take unpaid Qualifying Exigency Leave to tend to certain exigencies arising out of the duty under a call or order to active duty of a “covered military member” (i.e., the employee’s spouse, son, daughter, or parent). Up to 12 weeks of Qualifying Exigency Leave is available in any 12-month period, as measured by the same method that governs measurement of other forms of FMLA/CFRA (with the exception of Military Caregiver Leave). Although Qualifying Exigency Leave may be combined with leave for other FMLA-qualifying reasons, under no circumstances may the combined total exceed 12 weeks in any 12-month period (with the exception of Military Caregiver Leave). The employee must meet all other eligibility standards as set forth within this policy.

Persons who can be ordered to active duty include active and retired members of the Regular Armed Forces, certain members of the retired Reserve, and various other Reserve members including the Ready Reserve, the Selected Reserve, the Individual Ready Reserve, the National Guard, state military, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard, Air Force Reserve, and Coast Guard Reserve. A call to active duty refers to a federal call to active duty. State calls to active duty are not covered unless under order of the President of the United States.

Qualifying Exigency Leave is available under the following circumstances:

- To address any issue that arises out of short notice (within seven days or less) of an impending call or order to active duty.
- To attend any official military ceremony, program, or event related to active duty or a call to active-duty status or to attend certain family support or assistance programs and informational briefings.
- To arrange for alternative childcare; to provide childcare on an urgent, immediate need basis; to enroll in or transfer to a new school or daycare facility; or to attend meetings with staff at a school or daycare facility.
- To make or update various financial or legal arrangements; or to act as the covered military member’s representative before a federal, state, or local agency in connection with service benefits.
- To attend counseling for the employee, the covered military member, or for a child or dependent, when necessary, as a result of duty under a call or order to active duty.
- To spend time with a covered military member who is on short-term, temporary rest and recuperation leave during the period of deployment. Eligible employees may take up to five days of leave for each instance of rest and recuperation.

- To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of up to 90 days following termination of the covered military member's active-duty status. This also encompasses leave to address issues that arise from the death of a covered military member while on active-duty status.
- Other events that arise from the close family member's duty under a call or order to active duty, provided that the university and the employee agree that such leave shall qualify as an exigency and agree to both the timing and duration of such leave.

An employee seeking Qualifying Exigency Leave may be required to submit appropriate documentation in the form of a copy of the covered military member's active duty orders or other military documentation indicating the appropriate military status and the dates of active duty status, along with a statement setting forth the nature and details of the specific exigency, the amount of leave needed and the employee's relationship to the military member, within 15 days.

10.11 Pregnancy Disability Leave of Absence

If an employee is planning to take Pregnancy Disability Leave ("PDL"), they should advise the university as early as possible. The employee should make an appointment with the Office of Human Resources to discuss the following conditions:

- Duration of PDL will be determined by the advice of the employee's physician, but they may take up to four months (17 1/3 weeks) of leave per pregnancy. Part-time employees are entitled to leave on a pro rata basis. The four months (17 1/3 weeks) of leave includes any period for actual disability caused by pregnancy, childbirth, or related medical condition. This includes leave for severe morning sickness and for prenatal care.
- The university will also reasonably accommodate medical needs related to pregnancy, childbirth, or related conditions or temporarily transfer an employee to a less strenuous or hazardous position (where one is available) or duties if medically needed because of the pregnancy.

For calculation purposes, PDL will run concurrently with leave taken under the FMLA. It will not run concurrently with leave taken under the CFRA.

10.11.1 Notice of Start and Duration of PDL

The employee must inform the university when their leave is expected to begin and how long it will likely last. If the need for a leave, reasonable accommodation, or transfer is foreseeable, the employee must provide reasonable advance notice at least 30 days before the PDL or transfer is to begin. The employee must consult with their supervisor or Human Resources regarding the scheduling of any planned medical treatment or accommodation to minimize disruption to the operations of the university. Any such scheduling is subject to the approval of their health care provider. If 30 days' advance notice is not possible, notice must be given as soon as practical. Failure to give reasonable advance notice may result in delay of leave, reasonable accommodation, or transfer.

An employee who expects to utilize PDL will be asked to submit a certification from a healthcare provider, which must be returned within 15 calendar days of the university's request. Failure to do so may, in some circumstances, delay PDL, reasonable accommodation, or transfer. The certification indicating the need for disability leave should contain: a statement that the employee needs to take pregnancy disability leave because they are disabled by pregnancy, childbirth or related medical condition; the date on which the employee became disabled due to pregnancy, childbirth, or related medical condition; and the probable duration of the period or periods of disability.

If an employee needs a reasonable accommodation or transfer, a medical certification is sufficient if it contains all of the following: a description of the requested reasonable accommodation or transfer; a statement that describes the medical advisability of the reasonable accommodation or transfer because of pregnancy; and the date on which the need for reasonable accommodation or transfer became/will become medically advisable and the estimated duration of the reasonable accommodation or transfer.

10.11.2 Continuous or Intermitted Use Permitted

PDL does not need to be taken in one continuous period of time and may be taken intermittently, as needed. Leave may be taken in increments of thirty (30) minutes.

10.11.3 Use of Accrued Paid Leave

An employee will be required to use accrued sick leave during PDL. An employee may, but is not required to, use accrued paid vacation leave during PDL. However, if an employee is receiving benefit payments through the EDD's disability insurance program, such as California's State Disability Insurance ("SDI") program, the university may coordinate wages with SDI. Wages received during a period of disability, plus disability insurance cannot exceed an individual's weekly wage. Paid vacation time is not considered wages for determining eligibility for SDI benefits.

10.11.4 Temporary Transfer

If intermittent leave or leave on a reduced work schedule is medically advisable, an employee may, in some instances, be required to transfer temporarily to an available alternative position that meets their needs. The alternative position need not consist of equivalent duties but must have the equivalent rate of pay and benefits. The employee must be qualified for the position. The position must better accommodate their leave requirements than their regular job. Transfer to an alternative position can include altering an existing job to better accommodate the need for intermittent leave or a reduced work schedule.

10.11.5 Reinstatement

If an employee is released to resume work on their anticipated date of return, the employee will be reinstated on that date. If the employee is ready to return earlier than the expiration of approved leave, they must notify the university of their readiness to return, and the university will reinstate them within two business days, where feasible, after notice of the changed circumstances. Reasonable extensions of leave will be considered for approval if the employee provides proper documentation before the original expiration date.

When an employee is ready to return to work, they must obtain a written release from their health care provider certifying that they are able to perform all the essential duties of their job, with or without reasonable accommodation. The university will reinstate an employee to the job they held before the leave or transfer began unless the employee would not otherwise have been employed in the same job at the time reinstatement is requested for legitimate business reasons unrelated to the leave.

If the university cannot reinstate an employee to their job, it will offer the employee a comparable position for which they are qualified, provided that a comparable position is available either at the time they return to work or within 60 days after their return. An employee has no greater rights under this policy to a comparable job than if they had continued working and not taken leave. The university reserves the right to select the most qualified candidate for any job vacancy.

10.11.6 Benefits

Benefit accrual, such as vacation and sick leave, will be suspended during any period that an employee is not in paid status. The university will continue an employee's group health plan benefits during PDL, so long as the employee pays the regular contribution toward their portion of the benefit premiums. Failure to make these contributions will cause the particular benefit to be discontinued. The employee must make the necessary arrangements with Human Resources and their supervisor prior to PDL commencement. In some instances, the university may recover premiums it paid to maintain health coverage for an employee who fails to return to work following PDL.

10.12 Unpaid Leaves of Absence (Medical)

An employee who needs time off for medical reasons, and who is not otherwise covered by one of the leaves described above, may be eligible for leave under ACD 405, Individuals with Disabilities.

10.13 Bereavement Leave

The following supplements ACD 702-04, Bereavement Leave and SPP 704-05, Bereavement Leave Benefits:

Benefits-eligible employees are eligible for paid bereavement leave in the amounts and for the reasons set forth in ACD 704-04 and SPP 704-05. Benefits-eligible employees who are eligible for only three days of paid bereavement leave under ACD 704-04 or SPP 704-05 will be eligible for two additional days of bereavement leave, for a total of five working days of bereavement leave.

Non-benefits-eligible employees are not eligible for paid bereavement leave, but may take a total of five working days of bereavement leave.

Employees may use any paid time off available, including vacation, sick, and personal leave, consecutively with unpaid bereavement leave.

The days of leave need not be consecutive. Bereavement leave shall be completed within three months of the date of death of the family member.

The term “spouse” in ACD 702-04 and SPP 704-05 includes a domestic partner as defined under California law. For in-laws identified in ACD 704-04 and SPP 704-05, the term shall include the parent, sibling, and child of a domestic partner, as defined under California law.

10.14 Reproductive Loss Leave

All employees who have been employed with the university for at least 30 days prior to the commencement of the leave may be eligible for up to five days of unpaid leave due to a reproductive loss event. A “reproductive loss event” means the day or, for a multiple-day event, the final day of a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction.

The leave must be taken within three months of the reproductive loss event but need not be consecutive. However, if the employee is on a leave under the California Family Rights Act (“CFRA”), California Pregnancy Disability Leave law, or any other leave entitlement under state or federal law, the reproductive loss leave must be completed within three months of the end date of the other leave.

Leave under this policy is unpaid, unless the employee wishes to use available sick or vacation leave.

If an employee experiences more than one reproductive loss event within a 12-month period, the employee may be entitled to take an additional reproductive loss leave. However, an employee may take no more than 20 days of reproductive loss leave within a 12-month period.

10.15 Military Spousal Leave

Qualified employees are eligible for up to 10 days of unpaid leave when their spouse or registered domestic partner is on leave from military deployment. A qualified employee is one who regularly works more than 20 hours per week and whose spouse or registered domestic partner is a member of the Armed Forces, National Guard, or Reserves and is on leave from deployment during a period of military conflict.

Employees who are eligible for such leave must submit a written request for leave to the Office of Human Resources within two business days of receiving official notice that their spouse or registered domestic partner will be on leave from deployment. The employee will also be required to provide written documentation certifying that their spouse or registered domestic partner will be on leave from deployment.

10.16 Discrimination and Retaliation Prohibited

ASU prohibits discrimination and retaliation against an employee for taking leave as set forth in this policy. Further, ASU will not retaliate against an employee for requesting a reasonable accommodation under this policy. If an employee believes they have been or are being

discriminated or retaliated against for taking leave or requesting or utilizing an accommodation under this policy, they should contact the Office of Human Resources immediately.

10.17 Use of Leave for Unauthorized Purposes

Employees who utilize the leaves provided under this policy for unauthorized purposes, or who provide false or misleading information or omit material information in connection with a request for leave, will be subject to discipline.

11. Reimbursement

11.1 Travel Costs

The following supplements [Financial Services Manual \(FIN\) Policy 501](#),

Employees will be reimbursed for all authorized travel costs. Travel for official university business that is not properly authorized will be reimbursed, but an employee engaging in unauthorized travel may be subject to discipline.

11.2 Remote Work

The following supplements [SPP 306](#), Flexible Work Arrangements.

The university will reimburse employees for reasonable expenses incurred in connection with working remotely.

Employees who have an available workspace but who work remotely for their own convenience, e.g., while telecommuting, are not eligible for reimbursement unless they are required to perform work outside of normal business hours.

Reimbursable expenses may include cell phone and home internet expenses used for work purposes and work-related supplies. Cell phone and internet expenses will be reimbursed pursuant to university guidelines. Reimbursement for any other expenses shall be requested through the employee's unit.

If an employee believes that they are not being reimbursed an appropriate amount, they shall immediately notify the Office of Human Resources.