



*putting people first*

# Guide to Other Leaves of Absence and Accommodations

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# Table of Contents

|   |    |
|---|----|
| Introduction.....   | 3  |
| Voting Leave .....  | 3  |
| Victims of Crime Leave and Reasonable Accommodation ..... | 4  |
| Volunteer Emergency Personnel Leave .....                 | 6  |
| Civil Air Patrol Leave .....                              | 6  |
| Child-Related Activities Leave .....                      | 7  |
| Leave and/or Accommodation for Religious Purposes .....   | 8  |
| Lactation Breaks and Accommodations .....                 | 9  |
| Reproductive Loss Leave.....                              | 10 |

# Introduction

It is the intent of the County of Riverside to comply with all applicable State and Federal leave laws. This leave guide has been developed to facilitate that compliance by providing information and guidance to Riverside County employees and managers with regards to a variety of leaves and/or accommodations. These types of leaves and/or accommodations include those relating to victims of violent crimes, domestic violence, voting, school visits, religion, emergency volunteers, Civil Air Patrol, bone marrow donation and lactation. Departments should consult with the Human Resources Department if they have any questions regarding any of the leave laws mentioned in this guide.



## Voting Leave

If an employee does not have sufficient time outside of working hours to vote in an official state-sanctioned election, California Elections Code Section 14000 gives the voter the right to take up to 2 hours off work without loss of pay, which in combination with time available outside of working hours will enable the voter to vote. This time off should be taken at either the beginning or end of the shift as employees do not have a right to take time off in the middle of the day for this purpose.

Employees must provide their supervisors with at least 2 working days advance notice if they require time off for this purpose. Additionally, the County is required to post notification of any upcoming statewide election at least 10 days prior to the election.

# Victims of Crime Leave and Reasonable Accommodation

Pursuant to Section 12945.8 of California Assembly Bill 2499, which has been incorporated into the California Fair Employment and Housing Act (FEHA), an employee who is the victim of a “qualifying act of violence” or who has a family member who is a victim of such, may take time off work or receive reasonable accommodation for the following purposes either for themselves or to assist their family member: to testify in court as a witness and/or victim, or obtaining or attempting to obtain prescribed relief; to obtain legal services; to comply with a court order or subpoena; to seek medical attention; to obtain services from a domestic violence shelter, program, rape crisis center or victim services organization; to obtain psychological counseling; or to participate in safety planning or relocation.

Time off work for this purpose is limited to up to 12 weeks for the employee, and up to 10 days if the employee needs to take leave to assist a family member, and can run concurrently with leave taken pursuant to the Family and Medical Leave Act (FMLA) and/or California Family Rights Act (CFRA) if the employee is eligible for those leaves.

A “family member” is defined as those terms are defined according to the California Family Rights Act (CFRA) and are outlined in the County’s Family and Medical Leave Guide.

A “qualifying act of violence” is defined as:

- Stalking, domestic violence or sexual assault.
- An act, conduct or pattern of conduct that includes:
  - An individual causing bodily injury to another.
  - An individual exhibiting, drawing, brandishing, or using a firearm or other dangerous weapon against another; or
- An individual using or making a reasonably perceived or actual threat to use force against another individual to cause physical injury or death.

The employee is required to give the County reasonable advance notice when time off is needed for this purpose unless advance notice is not feasible. The County cannot take any action against the employee if the employee, within a reasonable time after the absence, provides supporting documentation, in the form of any of the following:

- A police report indicating that the employee or family member of the employee was a victim.
- A court order protecting or separating the employee or a family member from the perpetrator of the qualifying act of violence or other evidence of a necessary court appearance.
- Documentation from a licensed medical professional, domestic violence counselor, sexual assault counselor, victim advocate, or counselor
- Any other form of documentation that reasonably verifies that the qualifying act of violence occurred, including, but not limited to, a written statement signed by the employee, or an individual acting on behalf of the employee, certifying that the absence is for this purpose.

An employee may utilize his/her appropriate paid leave accruals under the applicable MOU or Management Resolution (e.g., sick leave, vacation, annual leave, compensatory time, etc.) when taking leave for this purpose. If the employee does not have paid leave accruals available, he/she may take time off without pay.

#### The Interactive Process and Reasonable Accommodation for Victims

Similar to FEHA's disability provisions, the County is required to engage in a timely, good faith Interactive Process and provide reasonable accommodation for an employee who is a victim or whose family member is a victim of a qualifying act of violence. Reasonable accommodation may include the implementation of safety measures such as a transfer, reassignment, modified schedule, changed work telephone, permission to carry telephone at work, changed workstation, installed lock, assistance in documenting a qualifying act of violence, or any other adjustment to a job structure, workplace facility or work requirement, or referral to a victim assistance organization.

An employee may not be disciplined or retaliated against for taking time off work or receiving reasonable accommodation under this section.

#### Notice Requirement

Notice of the employee's rights under this section must be provided to employees annually, upon hire and upon request. The required notice is located on the Human Resources Department Website, Leave Forms and Information Page.

## **Volunteer Emergency Personnel Leave**

Pursuant to California Labor Code 230.3, an employee has the right to take unpaid leave to perform emergency duty as a firefighter, reserve peace officer, or other emergency rescue person as defined by law. This Labor Code provision does not apply to certain personnel of the Sheriff's Department or other County departments providing emergency medical services, when the Sheriff or Director of such department determines that the employee's absence would hinder the availability of County public safety or emergency medical services.

County employees who are "health care providers" must notify the County at the time they become designated as "emergency rescue personnel" and must also inform the County when notified that they will be deployed as a result of that designation.

Employees may request to use vacation time or other leave accruals as applicable under the particular MOU or Management Resolution for this purpose. An employee may not be disciplined, threatened with discharge, or otherwise discriminated against for taking paid or unpaid time off work for this purpose.

## **Civil Air Patrol Leave**

Pursuant to California Labor Code 1500–1507, an employee who is a volunteer member of the California Wing of the Civilian Auxiliary of the United States Air Force, commonly known as the Civil Air Patrol, has the right to take up to 10 days of unpaid leave per calendar year in order to respond to an emergency operational mission of this agency.

Employees are required to give the County as much notice as possible of the intended dates of leave taken for this purpose.

Employees may request to use vacation time or other appropriate leave time under the applicable MOU or Management Resolution for this purpose. Employees may not be disciplined for taking paid or unpaid time off work for this purpose.

*Note: The County is not required to grant Civil Air Patrol Leave to an employee who is required to respond to either the same or other simultaneous emergency operational mission as a first responder or disaster service worker for the County.*

## **Child-Related Activities Leave**

### **School Conferences Involving Suspensions**

In accordance with California Labor Code 230.7, an employee who is the parent or guardian of a child suspended from public school has the right to take unpaid leave to appear in the school for a conference to discuss the suspension, if the school has asked the employee to do so. Employees may request to use vacation time or other appropriate leave time under the applicable MOU or Management Resolution for this purpose.

### **School Activities**

California Labor Code 230.8 applies to an employee who is the parent, guardian, stepparent, foster parent, grandparent, or a person standing in loco parentis to a child in kindergarten, grades 1–12, or attending a licensed child care provider. Labor Code 230.8 allows employees to take time off work to find, enroll, or reenroll his or her child in a school or with a licensed child care provider, to participate in the activities of the school or the licensed child care provider of his or her child, or to address a school or child care provider emergency. Employees may take up to 40 hours of leave per year, but may not take more than 8 hours in any calendar month under this particular Labor Code provision.

If both parents of the child are employed by the County at the same worksite, this leave entitlement applies to the parent who first gives notice to the County of the need for leave. Approval of both parents to take leave simultaneously for this purpose is at the discretion of the County.

If requested by the County, the employee must provide documentation from the school or licensed child care provider as proof that he or she participated in school or licensed child care provider activities on a specific date and at a particular time.

An employee who takes time off for this purpose must utilize any and all appropriate paid leave accruals (e.g., vacation, annual leave, compensatory time, etc.), to the extent allowed by the applicable MOUs or Management Resolution.

An employee must give reasonable advance notice to his/her supervisor prior to taking time off work for the purposes outlined above. Provided that the employee has given reasonable advance notice, the employee may not be disciplined for taking time off work for either of these purposes.

## **Leave and/or Accommodation for Religious Purposes**

Under Title VII of the Civil Rights Act of 1964 and the California Fair Employment and Housing Act (FEHA), employers are required to reasonably accommodate employees when a conflict exists between the employee's sincerely held religious beliefs and practices and the requirements of their County job, unless doing so would cause an undue hardship. Under FEHA, religious beliefs and practices include traditionally recognized religions as well as beliefs, observations, or practices which an individual sincerely holds and which occupy in his or her life a place of important parallel to that of recognized religions. This also includes moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views. FEHA's definition of religious beliefs and practices was recently expanded to include religious dress practices and religious grooming practices (see California Government Code Section 12926).

A leave of absence for this purpose is generally considered a form of reasonable accommodation, as long as it does not create an undue hardship for the County. Although under Title VII, any accommodation for religious beliefs and practices that requires the County to bear more than a "de minimis" cost could be considered a hardship, the California Fair Employment and Housing Act (FEHA) requires a more stringent showing of undue hardship than the Federal Title VII standard. Thus the County must comply with this latter, more restrictive definition of undue hardship.

An employee may utilize his/her paid leave accruals (e.g., vacation, annual leave, compensatory time, etc.) when taking leave for this purpose. If he/she does not have paid leave accruals available, the employee may take time off without pay. An employee may not be disciplined for taking time off work for this purpose, provided that the request is considered to be reasonable.

## **Lactation Breaks and Accommodations**

Pursuant to Sections 1030–1034 of the California Labor Code, upon request, the County shall provide a reasonable amount of break time to accommodate an employee desiring to express milk for the employee's infant child each time the employee has need to express milk. The break time shall, if possible, run concurrently with any break time already provided to the employee.

Additionally, the County shall provide an employee with the use of a room or other location for the employee to express milk in private. The room or location may include the place where the employee normally works, and must meet the following requirements:

1. A lactation room or location shall not be a bathroom and shall be in close proximity to the employee's work area, shielded from view, and free from intrusion while the employee is expressing milk.
2. The room or location must be safe, clean and free of hazardous materials.
3. The room or location must contain a surface to place a breast pump and personal items.
4. The room or location must contain a place to sit.
5. The room or location must have access to electricity or alternative devices, including, but not limited to, extension cords or charging stations needed to operate a battery-powered breast pump.
6. The County must provide access to a sink with running water and a refrigerator suitable for storing milk in close proximity to the employee's work area. If a refrigerator cannot be provided, the County may provide another cooling device suitable for storing milk, such as an employer-provided cooler.
7. Where a multipurpose room is being used for lactation (e.g., a conference room), the use of the room for lactation shall take precedence over the other uses, but only for the time it is in use for lactation purposes.

8. If the County shares tenancy in a building with another employer, it is permissible to provide a space that is shared among the multiple tenants if the County cannot provide a location within its own workspace.
9. The County may designate a lactation location that is temporary, due to operational, financial or space limitations. These temporary locations shall not be a bathroom and shall be in close proximity to the employee's work area, shielded from view and free from intrusion while the employee is expressing milk.

Employee requests for lactation accommodation can be made with the immediate supervisor, manager, department head or Human Resources Department. If the County cannot provide break time or a location that complies with Sections 1030–1034 of the California Labor Code, the County shall provide a written response to the employee.

The County is not required to provide break time under the Labor Code is policy if to do so would seriously disrupt its operations.

Complaints of violations can be made with the County Human Resources Department and/or a complaint can be filed with the State of California Department of Industrial Relations, Labor Commissioner's Office.

## Reproductive Loss Leave

Pursuant to Section 12945.6 of the California Government Code, the County must grant an "eligible employee" up to 5 days (days do not have to be consecutive) of leave following a "reproductive loss event", provided that the leave is taken within 3 months of the event (except as described below). To be eligible for this leave type, an employee must have been employed by the County for at least 30 days prior to the commencement of leave.

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.

An employee who takes time off for this purpose must use their applicable leave accruals (e.g., annual leave, vacation, sick, comp. time, etc.) pursuant to their MOU's and/or other County policy.

**Additional Notes:**

**This law applies to any person who would have been a parent if the reproductive event had been successful.**

**If an employee experiences multiple reproductive loss events, it should be noted that the County is not obligated to grant more than 20 days within a 12-month period, in total.**

**If, prior to or immediately following a reproductive loss event, an employee is on or chooses to go on any other leave entitlement under state or federal law, the employee shall be allowed to complete their reproductive loss leave within 3 months of the end date of the other leave.**