

# CAPS PROPOSAL

**Bargaining Unit:** 10

**Date:** February 23, 2021; 2:04PM

**Exclusive Representative:** CAPS

**Article:** 3

**Subject:** Leaves

## 3.1 Vacation Leave

- A. Employees shall not be entitled to vacation leave credit for the first six (6) months of service. On the first day of the monthly pay period following completion of six (6) qualifying monthly pay periods of continuous service, all full-time employees covered by this Section shall receive a one-time vacation bonus of 42 hours of vacation credit. Thereafter, for each additional qualifying monthly pay period, the employee shall be allowed credit for vacation with pay on the first day of the following monthly pay period as follows:

|                             |                    |
|-----------------------------|--------------------|
| 7 months to 3 years.....    | 7 hours per month  |
| 37 months to 10 years.....  | 10 hours per month |
| 121 months to 15 years..... | 12 hours per month |
| 181 months to 20 years..... | 13 hours per month |
| 20 years and over.....      | 14 hours per month |

1. An employee who returns to State service after an absence of six (6) months or longer caused by a permanent separation shall receive a one-time vacation bonus on the first monthly pay period following completion of six (6) qualifying pay periods of continuous service in accordance with the employee's total State service before and after the absence.
- B. Breaks in employment of eleven (11) work days or more, including unpaid leaves of absence, shall not be counted as qualifying service for vacation purposes set forth under Subsection A above. Absences from State service resulting from a temporary or permanent separation for more than eleven (11) consecutive working days which fall into two (2) consecutive qualifying pay periods shall disqualify the second pay period.
- C. Employees working less than full-time accrue vacation in accordance with the applicable CalHR rules.
- D. If an employee does not use all of the vacation that the employee has accrued in a calendar year, the employee may carry over ~~his/her~~ their accrued vacation credits to the following calendar year to a maximum of 640 hours, unless subjected to the cap increase specified in subsection E of this Section. A department head or designee may permit an employee to carry over more than 640 hours, or the hours allowed by subsection E of this Section, whichever is greater, of accrued vacation leave hours if an employee was unable to reduce ~~his/her~~ their accrued hours because the employee:
1. Was required to work as a result of fire, flood, or other extensive emergency;
  2. Was subjected to public health stay-at-home orders or other public health concerns;

3. Was an essential worker required to work during a state proclaimed emergency;
4. Was assigned work of a priority or critical nature over an extended period of time;
5. Was absent on full salary for compensable injury;
6. Was prevented by department regulations from taking vacation until December 31 because of sick leave;
7. Was on jury duty; or
8. Was prevented by the department head or designee from utilizing accrued vacation.

It is the employee's responsibility to utilize all vacation hours in excess of the ~~640~~ hours cap by the end of each calendar year unless otherwise prevented from doing so as enumerated in Items (1) through (~~68~~) above. Whenever an employee's vacation accumulation exceeds ~~640~~ the hours cap, the department head or designee has the right to order the employee to submit a vacation request which will demonstrate how and when the employee plans to use any hours which will exceed the cap by the end of the calendar year. If the employee does not use the time as planned for reasons other than those listed above, beginning on July 1, 2025, the department head or designee may then order the employee to take the excess time at the convenience of the department.

- E. The 640-hour cap shall be increased by the equivalent number of Personal Leave Program (PLP) 2020 hours BU 10 employees have been subject to until June 30, 2025. Starting July 1, 2025, the hour cap shall be reduced by 16 hours per month until the total cap is once again at 640 hours.
- F. Upon termination from State employment, the employee shall be paid for accrued vacation credits for all accrued vacation time.
- G. The time when vacations shall be taken by the employee shall be determined by the department head or designee. If an employee's vacation accumulation will exceed the vacation cap in Subsection D at any time during a calendar year, the department head or designee has the right to order the employee to take vacation during the calendar year.
- H. Vacation requests must be submitted in accordance with departmental policies on this subject. However, when two or more employees on the same shift (if applicable) in a work unit (as defined by each departmental head or designee) request the same vacation time and approval cannot be given to all employees requesting it, employees shall be granted their preferred vacation period in order of seniority (defined as total months of State service in the same manner as vacation is accumulated). When two or more employees have the same amount of State service, department seniority will be used to break the tie. Vacation schedules which have been established in a work unit, pursuant to the seniority provisions in this Section, shall not be affected by employee(s) entering the unit after the schedule has been established.
- I. Each department head or designee will make every effort to act on vacation requests in a timely manner.
- J. Vacations will be canceled only when operational needs require it.
- K. Vacation leave credits may be requested and used in 15-minute increments.