

**MOUNT CROSS LUTHERAN CHURCH**

# **EMPLOYEE HANDBOOK**

(As amended October 18, 2022)

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## WELCOME

Welcome! As an employee of Mount Cross Lutheran Church (the “Church”), you are an important member of a team effort. We hope that you will find your position with the Church rewarding, challenging and productive. We trust this handbook will help you understand more about your role as an employee of this church.

This handbook summarizes the policies and practices in effect at the time of publication. This handbook supersedes all previously issued handbooks and any policy or benefit statements or memoranda that are inconsistent with the policies described here. Your supervisor or manager will be happy to answer any questions you may have. The Church retains the right in its sole discretion to revise, interpret, revoke or choose not to apply a guideline of this Handbook in any individual case as management may deem to be in the best interests of the Church.

Statement of Faith. Mount Cross Lutheran Church is a Christian church. We exist as a Christian congregation because we have been called together by God's Spirit and given the task of sharing with others the lifesaving Good News of the Savior, Jesus Christ. Mount Cross is also an ELCA Lutheran church, which means we are part of the tradition of worship and teaching that goes back to Martin Luther. We have the word *cross* in our name to help us remember how we are called to live. We live in confidence that Jesus has restored our connection with God. We live in service to others.

Mission Statement. Rooted in God’s grace, we joyfully witness and serve.

Core Values. Mount Cross is a community that values: Intimacy with God, Inspiring Worship, Intentional Faith Development, Compassionate Outreach, Caring Community.

### Identity Statements.

Jesus is Lord  
Everyone is Welcome  
Love Changes People  
Everyone has Something to Offer  
The World Needs What We Have

## EMPLOYMENT

At-Will Employment. While we hope that your employment with the Church will prove mutually satisfactory, please understand that continued employment cannot be guaranteed for any staff member. Employment is at-will. This means that you are free to leave your employment at any time, with or without cause or notice, and the church retains the same right to terminate your employment at any time, with or without cause. Unless your employment agreement provides otherwise, this policy of employment is the sole and entire agreement between you and the church as to the duration of employment and the circumstances under which employment may be terminated.

Equal Employment Opportunity. Mount Cross Lutheran Church is an Equal Employment Opportunity employer and does not discriminate in hiring or in any term and conditions of employment on the basis of race, color, creed, religion, national origin, gender, sexual orientation, disability, age, marital status, covered veteran status, status with regard to public assistance, or any other characteristic protected by law. However, as a religious ministry, we reserve the right to hire employees with the same religious affiliation for those positions relating to church or school duties.

Policy Against Harassment. The Church is committed to providing a work environment that is free from harassment based on race, color, creed, religion, national origin, gender, sexual orientation, disability, age, marital status, covered veteran status, status with respect to public assistance or any other characteristic protected under federal, state, or local law. Such conduct is prohibited in any form at the workplace, at work-related functions, or outside of work if it affects the workplace. This policy applies to all employees, members, guests, vendors, and persons doing business with the Church.

Sexual misconduct in the Church is a violation of trust, an inappropriate use of power, and may involve a breach of professional ethics or the law. Sexual misconduct constitutes one form of misuse of the pastoral office and is a violation of ordination vows for ordained ministers. Every complaint of sexual misconduct will be taken seriously. When any member of the Church, whether ordained or lay, functions in pastoral role, a pastoral relationship exists. In any situation where a person in a pastoral role engages in sexualized behavior with a person who is in some form of pastoral relationship, the presumptive understanding is that the person in the pastoral role has committed a serious moral misuse of office.

A pastoral relationship is defined as a relationship between a cleric, employee, or volunteer and any person to whom such cleric, employee, or volunteer provides counseling, pastoral care, spiritual direction, or spiritual guidance; or from whom such cleric, employee, or volunteer has received confession or confidential or privileged information. The consent or behavior of the other individual does not provide excuse. In addition to reporting complaints as described below, a complaint of sexual misconduct involving a Rostered Minister can be reported directly to the Southwest California Synod of the Evangelical Lutheran Church in America.

Unwelcome Sexual harassment, one type of prohibited harassment, has been defined as:

- sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
- Submission to such conduct is made a term or condition, either explicitly or implicitly, of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as a factor in decisions affecting that individual's employment; or

- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creates an intimidating, hostile or offensive working environment.

Examples of conduct prohibited by this policy include but are not limited to:

- Unwelcome sexual flirtation, advances or propositions;
- Verbal comments related to an individual's age, race, gender, color, religion, national origin, disability, or sexual orientation;
- Explicit or degrading verbal comments about another individual or his/her appearance;
- The display of sexually suggestive pictures or objects in any workplace location including transmission or display via computer;
- Any sexually offensive or abusive physical contact;
- The taking of or the refusal to take any personnel action based on an employee's submission to or refusal of sexual overtures;
- Displaying cartoons or telling jokes which relate to an individual's age, race, gender, color, religion, national origin, disability or sexual orientation.

If you believe that you are being subjected to harassment, you should:

- If you feel able to do so, tell the harasser that his or her actions are not welcome and that they must stop;
- Immediately report the incident to the Senior Pastor or a Personnel Committee member.

While the Senior Pastor or Personnel Committee member will do their best to ensure no further incidents occur, any additional incidents should also be reported immediately to one of the above resources for further action. Any actions of perceived retaliation should also be reported.

Training to Recognize and Combat Sexual Harassment. As required by California Government Code section 12950.1, by January 1, 2021, all supervisory employees shall be provided at least two (2) hours, and nonsupervisory employees shall be provided at least one (1) hour, of classroom or other effective interactive training and education regarding sexual harassment. Thereafter, each employee of the Church shall receive the above training once every two (2) years.

New nonsupervisory employees shall be provided training within six (6) months of hire. New supervisory employees shall be provided training within six (6) months of the assumption of a supervisory position. Seasonal, temporary, or other employees that are hired to work for less than six (6) months, shall be provided the required training within 30 calendar days after the hire date or within 100 hours worked, whichever occurs first.

Employees who interact with children as a regular part of their duties shall also be provided the "Safeguarding God's Children" training, or equivalent, within the first 100 days of their employment and every two years thereafter.

## **EMPLOYMENT CLASSIFICATIONS, BENEFITS AND DUTIES**

For purposes of determining the applicability of various policies, practices and benefits, employees are assigned classification based on their job and normal work schedule.

Rostered Ministers. Rostered Ministers carry out the work and mission of this church, sharing God's love with the world through the good news of Jesus Christ and by administering the Word and Sacraments. At Mount Cross Lutheran Church Rostered Ministers are called by a vote of the congregation to serve as Senior Pastor or Assistant Pastor. Their employment is governed by a separate contract and not all provisions of this Employee Handbook apply to their employment.

Rostered Ministers also include Ministers of Word and Service ("Deacons"), who serve in congregations and other ministries of the ELCA, including family ministries, youth, administration, volunteer ministry, social services, music or parish nursing. Deacons connect the church with the needs of the world and work to equip others to lead a living, active and caring Christian life.

Regular Full-Time Employees. Regular full-time employees are scheduled to work at least 40 hours per week.

Regular Part-Time Employees. Regular, part-time employees who work on a regular, ongoing schedule of less than 40 hours per week. Part-time employees are not eligible for benefits.

Exempt Employees. Employees classified as "exempt" are full-time salaried employees who do not receive overtime pay for hours worked in excess of 8 in a day or 40 in a week. Only "exempt" employees are eligible for paid medical benefits.

Health Insurance Reimbursement. All "Exempt Employees," as defined above, are eligible to receive a monthly amount to be determined annually by the Church Council to reimburse the employee(s) for the cost of health insurance. In order to receive this benefit the employee must submit to the Treasurer proof that a health insurance policy covering the employee has been purchased and is in effect during the period of reimbursement.

Temporary Employees. Temporary employees may be scheduled to work full-time or part-time with the understanding that their employment will typically be terminated upon completion of a specific task. A period of temporary employment generally does not exceed six months. Temporary employees are not eligible for benefits.

Job Duties. Employees will be provided with a copy of the written job description for their individual position. During an initial 90-day probationary period, employees will learn the duties and responsibilities of their job. The church maintains certain expectations and standards applicable to each position which will be reviewed with each new employee by a supervisor.

It is expected that staff members will perform additional duties and assume additional responsibilities as needed by their supervisor for the efficient operation of the church.

In order to adjust to changes, it may become necessary to modify your job description, add to or remove certain duties and responsibilities, or reassign employees to an alternative position.

Background Check and Fingerprinting. All new hires are subjected to a background check and fingerprinting as a condition of employment.

## **TIMEKEEPING AND PAYROLL**

Work Week. The workweek is Monday through Sunday. Each employee's work schedule is to be coordinated with their supervisor.

Timecards. All exempt and non-exempt employees are required to fill out a bi-weekly timecard. Exempt employees need only report days worked, sick leave and vacation taken. Exempt employees, other than Rostered Ministers, must indicate whether he/she has taken at least a 30-minute meal period. All non-exempt employees must record their actual hours worked and meal periods on their bi-weekly timecard. It is not necessary to record rest periods. Any leave time utilized during the pay period must be indicated on the timecard with proper designation of the category of leave and number of hours for each day of leave taken.

It is your responsibility to sign your timecard to certify the accuracy of all time recorded. Any errors in your timecard should be reported to your supervisor. Timecards are to be turned in on your last workday of each pay period (two weeks).

Hourly employees are not allowed to work "off the clock." Working off the clock violates Church policy. Any work performed before or after a regularly scheduled work period must be approved in advance by your supervisor.

Pay Periods. The Church pay period is every two weeks. Employee paychecks may be picked up at the office on the Wednesday following the pay period. If a payday falls on a holiday, payday will be on the prior workday.

Payroll Deductions. The Church is required to make certain deductions from employee paychecks each pay period. These include but are not limited to federal and state income taxes and withholding for Social Security and Medicare. Paychecks include a statement of all earning and deductions. Pledged contributions to Mount Cross Lutheran Church may also be paid by payroll deduction.

Overtime Compensation. All overtime work by non-exempt employees must be authorized, in advance, by your supervisor. Supervisors are required to have the approval of the Senior Pastor prior to communicating the work need to the employee.

Performance Evaluations. Mount Cross strives to provide each employee a periodic performance reviews conducted by his or her supervisor. Your first performance evaluation will normally take place after the employee completes the introductory period. Subsequent performance evaluations will be conducted (as needed). The frequency of performance evaluations may vary depending upon length of service, job position, past performance, changes in job duties, or recurring performance problems. Your performance evaluations may review factors such as the quality and quantity of the work you perform, your knowledge of the job, your initiative, your work attitude, and your attitude toward others. The performance evaluations are intended to make you aware of your progress, areas for improvement, and objectives or goals for future work performance. Favorable performance evaluations do not guarantee increases in salary or promotions. Salary increases and promotions are solely within the discretion of Mount Cross Lutheran Church Council and depend upon many factors in addition to performance. After the review, you will be required to sign the evaluation report simply to acknowledge that it has been presented to you, that you have discussed it with your supervisor, and that you are aware of its contents.

Personnel Records. You have a right to inspect or receive a copy of the personnel records that Mount Cross Lutheran Church maintains relating to your performance or to any grievance concerning you. Certain documents may be excluded or redacted from your personnel file by law, and there are legal limitations on the number of requests that can be made. Any request to inspect or copy personnel records must be made in writing to the Senior Pastor.

You may designate a representative to conduct the inspection of the records or receive a copy of the records. However, any designated representative must be authorized by you in writing to inspect or receive a copy of the records. Mount Cross Lutheran Church may take reasonable steps to verify the identity of any representative you have designated in writing to inspect or receive a copy of your personnel records.

If you request a copy of the contents of your file, you will be charged the actual cost of copying. Disclosure of personnel information to outside sources, other than your designated representative, will be limited. However, Mount Cross Lutheran Church will cooperate with request from authorized law enforcement or local, state, or federal agencies conducting official investigations and as otherwise legally required.

## **MEAL AND REST PERIODS**

Meal Period. All employees are entitled to an uninterrupted, unpaid meal period of at least thirty (30) minutes if they are scheduled to work more than five (5) hours in a workday. Non-exempt employees must clock out for the meal period. Reasonable opportunity will be permitted to take this meal period and employee will be relieved of all duty. Employees will be free to come and go during the meal break and are expected to return to work promptly at the end of the meal period. Meal periods will be provided no later than the end of the fifth hour of work. Meal periods are to be arranged with your supervisor.

If an employee's total work period for the day is more than five (5) hours but no more than six (6) hours, as an option the employee may waive the meal period. This cannot be done without the mutual consent of the employee's supervisor. This waiver must be agreed to in advance and be in writing.

Rest Breaks. Each non-exempt employee is entitled to one (1) 10-minute rest break for every four (4) hours worked (or major fraction thereof, defined as any amount of time over two (2) hours). A rest break need not be authorized for employees whose total daily work time is less than three and one-half (3.5) hours.

Employees will be relieved of duty during rest break periods and are expected to return to work promptly at the end of any rest break. Employees are free to come and go as they please during the break period. Rest breaks are to be arranged with your supervisor.

## **ABSENCES AND TARDINESS**

It is important for the staff members to work their assigned schedules as consistently as possible. If you are unable to report to work on time for any reason, you must notify your supervisor prior to your scheduled work time. It is your responsibility to keep the Church informed on a daily basis during a short-term absence and to provide medical verification when asked to do so. Excessive absenteeism or tardiness may lead to disciplinary action, up to and including termination of employment.

## LEAVES OF ABSENCE

Bereavement Leave. Full-time employees who have completed at least six months of continuous service will be eligible for up to two days away, with pay, in the event of the death of the employee's current spouse, registered domestic partner, child, parent, legal guardian, brother, sister, grandparent, or grandchild; or mother-, father-, sister-, brother-, son-, or daughter-in-law. The days of leave are subject to the approval of the Senior Pastor. The Senior Pastor may also approve additional unpaid time off.

Domestic Violence, Sexual Assault or Stalking Leave and Accommodation. Employees who are victims of domestic violence, sexual assault and stalking are eligible for unpaid leave upon giving reasonable notice. Although the leave is unpaid, employees can use their paid sick time or accrued vacation.

- To seek medical attention for injuries caused by domestic violence, sexual assault or stalking;
- To obtain services from a domestic violence shelter, program or rape crisis center as a result of domestic violence, sexual assault or stalking;
- To obtain psychological counseling related to experiencing domestic violence, sexual assault or stalking;
- To participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault or stalking including temporary or permanent relocation.

Employees who are victims of domestic violence, sexual assault or stalking and need a reasonable accommodation for their safety at work should contact the Senior Pastor and discuss the need for an accommodation. If you are requesting such a reasonable accommodation, you will need to submit a written statement signed by you, or by an individual acting on your behalf, certifying that the accommodation is for the purpose of your safety at work. Depending on the nature of the request other requirements may apply.

Jury Duty and Witness Leave. Mount Cross Lutheran Church encourages employees to serve on jury duty when called. However, current finances do not allow it to compensate employees for jury duty. If you are subpoenaed for jury duty or to be a witness in a court or administrative proceeding, you should notify the Senior Pastor of any need for time off as soon as any notice, summons or subpoena is received.

Military Leave. Employees who wish to serve in the military and take military leave should contact the Senior Pastor for information about their rights before and after such leave. You are entitled to reinstatement upon completion of military service, provided you return or apply for reinstatement within the time allowed by law.

Organ and Bone Marrow Donor Leave. Employees who have passed their probationary period and who are donors for organ or bone marrow may take paid time off as follows:

- Employees may take up to 30 business days of leave in any one-year period for the purpose of donating an organ to another person. The one-year period is calculated from the date the employee begins his/her leave.
- Employees may take up to 5 business days of leave in any one-year period for the purpose of donating bone marrow to another person. The one-year period is calculated from the date the employee's leave begins.

- Employees who wish to take a leave of absence to donate bone marrow or an organ will be required to provide written verification of the need for leave, including confirmation that the employee is an organ or bone marrow donor and that there is a medical necessity for the donation of the organ or bone marrow.

The Church requires that employees taking leave for bone marrow donation use five days of accrued but unused sick leave and/or vacation. Once a Donor has exhausted the required paid sick and/or vacation leave, the employee will be paid for the remaining leave of absence, if additional leave is needed, up to the maximum allowed by law.

Pregnancy Disability Leave (PDL) (5 or More Employees). If you are pregnant, have a related medical condition, or are recovering from childbirth, please review this policy. Any employee planning to take pregnancy disability leave should advise the Senior Pastor as early as possible. The individual should make an appointment with the Senior Pastor to discuss the following conditions:

- Duration of pregnancy disability leave will be determined by the advice of the employee's physician, but employees disabled by pregnancy may take up to four months of leave per pregnancy (the working days you normally would work in one-third of a year or 17 1/3 weeks). Part-time employees are entitled to leave on a pro rata basis. The four months of leave includes any period of time for actual disability caused by the employee's pregnancy, childbirth, or related medical condition. This includes leave for severe morning sickness and for prenatal care, doctor-ordered bed rest, as well as other reasons. Your healthcare provider determines how much time you need for your disability.
- The Church will also reasonably accommodate medical needs related to pregnancy, childbirth, or related conditions or temporarily transfer you to a less strenuous or hazardous position (where one is available) or duties if medically needed because of your pregnancy.
- Employees who need to take pregnancy disability must inform the Church when a leave is expected to begin and how long it will likely last. If the need for a leave, reasonable accommodation, or transfer is foreseeable (such as the expected birth of a child or a planned medical treatment for yourself), employees must provide at least 30 days advance notice before the pregnancy disability leave or transfer is to begin. Employees must consult with the personnel manager regarding the scheduling of any planned medical treatment or supervision in order to minimize disruption to the operations of the Church. Any such scheduling is subject to the approval of the employee's health care provider;
- For emergencies or events that are unforeseeable, we need you to notify the Church, at least verbally, as soon as practical after you learn of the need for the leave.
- Failure to comply with these notice requirements may result in delay of leave, reasonable accommodation, or transfer;
- Pregnancy leave usually begins when ordered by the employee's physician. The employee must provide the Church with a written certification from a health care provider for need of PDL, reasonable accommodation or transfer. The certification must be returned no later than 15 calendar days after it is requested by the Church. Failure to do so may, in some circumstances, delay PDL leave, reasonable accommodation or transfer. Please see the personnel department for a medical certification form to give to your health provider.
- Leave returns will be allowed only when the employee's physician sends a release;
- An employee will be required to use accrued sick time (if otherwise eligible to take the time) during a pregnancy disability leave. An employee will be allowed to use accrued vacation (if otherwise eligible to take the time) during a pregnancy disability leave; and

- Leave 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 one (1) hour.

If intermittent leave or leave on a reduced work schedule is medically advisable the employee may, in some instances, be required to transfer temporarily to an available alternative position that meets the employee's 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 the employee's leave requirements than her regular job. Transfer to an alternative position can include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work schedule.

Upon submission of a medical certification that an employee is able to return to work from a pregnancy disability leave, an employee will be reinstated to her same position held at the time the leave began or, in certain instances, to a comparable position, if available. There are limited exceptions to this policy. An employee returning from a pregnancy disability leave has no greater right to reinstatement than if the employee had been continuously employed.

Employees on pregnancy disability leave will be allowed to continue to participate in group health insurance coverage for up to a maximum of four months of disability leave (if such insurance was provided before the leave was taken) at the level and under the conditions that coverage would have been provided if the employee had continued in employment continuously for the duration of the leave. In some instances, an employer can recover from an employee premium paid to maintain health coverage if the employee fails to return following pregnancy disability leave. PDL may impact other benefits or a seniority date. Please contact the Senior Pastor for more information.

Lactation Accommodation. All female employees are entitled to accommodation to express breast milk for an infant child. The policy and procedures are provided for by law. Please contact the Senior Pastor if you require this accommodation.

School and Child Care Activities Leave. Employees are encouraged to participate in the school or childcare activities of their child(ren). This unpaid leave is subject to all of the following conditions:

- Time off under this policy can only be used by parents, guardians, grandparents, stepparents, foster parents or a person who stands *in loco parentis* to one or more children of the age to attend kindergarten through grade 12, or a licensed childcare provider;
- The amount of time off for school or childcare activities described below cannot exceed a total of 40 hours each year;
- Covered employees can use the time off to find, enroll or reenroll a child in a school or with a licensed childcare provider or to participate in activities of the child's school or licensed childcare provider. The time off for these purposes cannot exceed eight hours in any calendar month. Employees planning to take time off for these purposes must provide reasonable advance notice to the Senior Pastor;
- Covered employees can also use time off to address a "childcare provider or school emergency" if the employee gives notice to the employer. A childcare provider or school emergency means that the employee's child cannot remain in a school or with a childcare provider due to one of the following:
  1. The school or childcare 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 childcare provider;

2. Behavioral or discipline problems;
  3. Closure or unexpected unavailability of the school or childcare provider, excluding planned holidays; or
  4. A natural disaster, including, but not limited to, fire, earthquake or flood.
- Employees must provide the Senior Pastor with documentation from the school or licensed childcare provider verifying that they were engaged in these child related activities on the day and time of the absence;

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 his or her supervisor or the Senior Pastor as soon as possible before leaving work. In agreement with California Labor Code Section 230.7, no discriminatory action will be taken against an employee who takes time off for this purpose. This leave is unpaid.

Sick Leave. All employees who work in California for 30 days or more within a year, from the beginning of employment, are eligible for paid sick leave ("Eligible Employees.") Employees working less than 30 days in California are not entitled to paid sick leave.

- **Accrual.** Non-rostered employees earn sick leave at the rate of one hour of paid sick time for every 30 hours worked. You will need to meet the 90-day employment requirement before taking any leave. Exempt employees are presumed to work 40 hours per workweek for purposes of sick time accrual. If their normal workweek is less than 40 hours, accrual will be based on their normal workweek. Employees may accrue a maximum of 48 hours paid sick time. After an employee has reached this maximum amount, no additional paid sick time will be earned until some or all the employee's accrued paid sick time is used.
- **Use.** Employees may use paid sick days beginning on the 90th day of employment. The minimum amount of sick leave used on any day is 1 hour. Paid sick leave use is limited to 48 hours per calendar year while the Eligible Employee is employed by the Church. Unused sick leave may carry over to the following year of employment but accrued sick leave may not exceed 48 hours. Paid sick leave may be used by Eligible Employees for themselves or a family member for the diagnosis, care or treatment of an existing health condition or preventive care, or specified purposes for an employee who is a victim of domestic violence, sexual assault, or stalking.
- **Procedure.** Eligible Employees may request paid sick leave by making written or verbal request to their immediate supervisor. All employees must enter on their timecard any hours used for sick leave, paid or not.
- **Unused Sick Leave Upon Termination of Employment.** Any unused sick leave remaining at the time of an employee's termination of employment, voluntary or involuntary, shall not be eligible for "cash out."

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 you report a work-related illness or injury, you will be sent for medical treatment, if treatment is necessary. You will be paid your regular wages for the time you spend seeking initial medical treatment. Any further medical treatment will be under the direction of the health care provider. Any absences from work for follow-up treatment, physical therapy or other prescribed appointments will not be paid as time worked. If you have accrued and unused paid sick leave, the additional absences from work will be paid with the use of paid sick leave. If you do not have accrued, paid sick leave, or if you have used all of your sick leave, you may choose to substitute any available vacation for further absences from work, related to your illness or injury.

Time Off for Voting. If an employee does not have sufficient time outside of working hours to vote in an official state-sanctioned election, the employee may take off enough working time to vote. Such time off shall be taken at the beginning or the end of the regular working shift, whichever allows for more free time, and the time taken off shall be combined with the voting time available outside of working hours to a maximum of two hours combined. Under these circumstances, an employee will be allowed a maximum of two hours of time off during an election day without loss of pay. When possible, an employee requesting time off to vote shall give his or her supervisor at least two days' notice.

Holidays. The Church observes the following holidays by closing the Church office:

- New Year's Day
- President's Day
- Easter Monday (the day after Easter)
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- The day after Thanksgiving
- Christmas Day

In addition, each full-time employee shall be eligible for two (2) floating holidays to be arranged in prior consultation with the Senior Pastor.

All non-exempt employees impacted by the office closure will receive their regular rate of pay for the number of hours that would have normally been worked. Holidays that fall on a non-workday will not be paid time off.

Vacation Leave. Mount Cross grants ten (10) days paid vacation to full-time employees working 1-5 years. After 5 years of employment, full-time employees will earn one additional day of paid vacation for each year of service up to a maximum of 15 days' vacation. Mount Cross grants to any part-time employee who regularly works more than 30 hours per workweek five (5) paid vacation days at their regular rate of pay for the number of hours that would normally have been worked. Vacation accrual begins upon employment in a position eligible for vacation benefits and is earned pro-rata from their start date. For example, an employee starting on July 1, would be eligible for one half the normal vacation time earned for their credited experience. Overtime hours are not included in the basis for calculating vacation accrual. Vacation must be scheduled at a time appropriate to the planning of the organization and approved in advance by the Senior Pastor.

- Vacation may not be taken during your first six months of continuous employment. Vacation leave may not be taken until it is earned.
- The Church urges employees to take their vacation annually. Once an employee accrues 150% of the annual allotted vacation, accrual of vacation stops. For instance, an employee entitled to ten (10) days of vacation who accrues fifteen (15) days of vacation will cease accruing additional vacation until his or her vacation balance falls below the fifteen (15) day cap in years 1-5.

Upon termination of employment, employees will be paid for accrued vacation time and current unused vacation time prorated based upon the employee's termination date.

Unpaid Personal Leave. The Church appreciates that during an employee's working life there may be occasions which necessitate requesting a leave of absence. A leave of absence without pay may be

granted upon recommendation of the Senior Pastor and approval of the Church Council. Requests for personal leave should be limited to unusual circumstances requiring an absence of longer than two weeks. Approved personal absences of shorter duration are not normally treated as leaves, but rather as excused absences without pay.

Request for Use of Leave. With the exception of paid holidays, all other forms of leave require the submission of a written request and the supervisor's approval in advance of the leave.

NOTE: Because of the small number of employees at the Church, it does not offer Family Medical Leave Act (FMLA) leave. But, effective January 1, 2021, benefits under the California Family Rights Act (CFRA) are available to Mount Cross employees. A description of these benefits is attached to this Handbook as ATTACHMENT 1. Also, as a non-profit religious organization it has opted out of providing unemployment insurance benefits through the Employment Development Department of the State of California (EDD). *See Attachment 1 (February 2021.)*

## **STANDARDS OF EMPLOYEE CONDUCT AND PERFORMANCE**

Access to Church Property. It is important that the church have access at all time to Church property, as well as other records, documents and files. As a result, the Church reserves the right to access employee offices, workstations, filing cabinets, desks, computers, computer files, voice mail, email, and any other church property at its discretion, with or without advance notice or consent.

Operation of Church Vehicle. Employees authorized to drive church owned or leased vehicles in conducting church business must possess a current, valid driver's license and an acceptable driving record. Any change in license status or driving record must be reported to your supervisor immediately. Employees must obtain and keep current any specific, state-required permits or licenses necessary to operate specific vehicle classifications owned or leased by the church before being allowed to drive the specific vehicle.

Smoking Policy. The Church maintains a smoke free environment in all buildings and facilities for employees, members, vendors and visitors. Smoking is not allowed on church property, in church vehicles or in restrooms. Employees are not permitted to smoke at other locations while performing duties of their position. This policy shall be interpreted to conform, at a minimum, to the requirements of the California Smoke-Free Workplace Law.

Drug and Alcohol Policy. The Church prohibits the use of alcohol, illegal drugs, intoxicants and controlled substances to the extent that they affect or have potential to affect the workplace. The church prohibits the following:

- Operating a vehicle owned or leased by the Church while under the influence of alcohol or an illegal drug, intoxicant, or controlled substance;
- Distribution, sale, manufacture or purchase – or attempted distribution, sale, manufacture or purchase – of an illegal drug, intoxicant, or controlled substance during work hours or while on the premises owned or operated by the Church.

Any employee suspected of possessing alcohol, an illegal drug, intoxicant or a controlled substance is subject to inspection and search, with or without notice. Employees who violate the Church's drug and alcohol abuse policy will be removed from the workplace immediately. The Church may also bring the matter to the attention of appropriate law enforcement authorities. Any violation of the Church's drug

and alcohol abuse policy may result in disciplinary action, up to and including termination.

Use of Technology and Equipment. All business equipment, electronic and communications systems (including voice mail) and all communications and stored information transmitted, received or contained in the Church's information systems are the property of the Church and are to be used for job-related purposes. Any personal use should be minimal and not on Church time. Use of Church computers by family or friends of Church staff members or by other third parties is prohibited without prior approval of the Senior Pastor. To ensure the proper use of communications systems and business equipment the Church may monitor the use of these systems and equipment. Any abuse of technology systems may result in disciplinary action, up to and including termination.

Email Policy. ***Note that, with the exception of Rostered Leaders, email is not confidential and employees have no right to any expectation of privacy.*** The Church may review, audit, intercept, access and disclose all messages created, received or sent by email on Church communication systems.

Email may not be used for personal business or to solicit or proselytize for commercial purposes, outside organizations, or other non-job-related solicitations or causes. Email may not be used to create any offensive, disruptive or harassing messages. Email may not be used to send or receive copyrighted materials, trade secrets, proprietary information or similar materials without prior authorization of the Senior Pastor.

Employees shall not use a code, access a file, or retrieve any stored information unless authorized to do so. Employees should not attempt to gain access to another employee's messages without the latter's permission. All pass codes must be provided to the Senior Pastor. No pass code may be used that is unknown to the Church.

Internet Policy. Church employees are expected to use the Internet responsibly and productively. Internet access is limited to job-related activities only and personal use is not permitted.

- Job-related activities include research and educational tasks that may be found via the Internet that would help in an employee's role;
- All Internet data that is composed, transmitted and/or received by the Church's computer systems is considered to belong to the Church and is recognized as part of its official data. It is therefore subject to disclosure for legal reasons or to other appropriate third parties;
- The equipment, services and technology used to access the Internet are the property of the Church and it reserves the right to monitor Internet traffic and monitor and access data that is composed, sent or received through its online connections;
- All sites and downloads may be monitored and/or blocked by the Church if they are deemed to be harmful and/or not productive to business;
- The installation of software such as instant messaging technology is strictly prohibited.

Other Misconduct. Employees are expected to know the rules set out in the Employee Handbook to avoid and minimize discipline. Although the following list does not include all types of misconduct for which discipline may be imposed, the following are examples of unacceptable conduct that can result in discipline, including termination:

- Any act of dishonesty, including theft or misappropriation of money, supplies or property or time;
- Any act which questions one's integrity, such as falsification of records and documents, misrepresenting the Church or engaging in any conduct which may adversely affect the Church or its reputation;
- Any act which may create a dangerous situation, such as possessing a firearm or other weapon while on Church property, threatening bodily harm or provoking such misconduct, disregard or destruction of property and safety standards, and conviction of a felony;
- Gross misconduct, harassment, or use of abusive or provocative language while on Church premises or while engaged in business away from Church premises;
- The use, sale or possession of intoxicating beverages, narcotics, or illegal drugs while at work, or reporting to work while under the influence of same, or otherwise in a condition unfit for work;
- Insubordination or discourteous conduct toward visitors, volunteers or employees of the Church;
- Failure to adhere to work rules and regulations or serious violations of policy;
- Failure to adhere to time-keeping rules, including excessive absenteeism or tardiness;
- Making or accepting excessive personal telephone calls during working hours, except in case of emergency;
- Working overtime without authorization; or,
- Committing a fraudulent act or a breach of trust under any circumstances.

Dress Code. Employees should wear clothing that is comfortable and practical for work, but not distracting or offensive to others. Clothing that reveals your back, your chest, your stomach is not appropriate. Clothing should look pressed and not wrinkled. Torn, dirty, or frayed clothing is unacceptable. Further, any clothing that has words, terms, or pictures that may be offensive to other employees or Church members is unacceptable. Lastly, remember that some employees are allergic to the chemicals in aftershaves, cologne, perfumes and makeup, so wear these substances with restraint; and, if you are aware of a coworker with an allergy to these items, and you work in close proximity with them, consider refraining from wearing them on workdays.

## DISCIPLINE

Any violation of the rules or other misconduct will be considered on the severity of the situation. Disciplinary action may follow these steps, but any discipline, including termination, can result from a single act of misconduct at the sole discretion of the Church.

Verbal Warning. A verbal warning involves a discussion between the supervisor and the employee. The verbal warning will be documented in the employee's file after review with the employee and signed by both the employee and the supervisor.

Written Warning. If the employee fails to correct the conduct or it is sufficiently severe, a written warning outlining the need for corrective action may be issued. The written warning will be discussed with the employee and signed by both.

Dismissal. The Church may initiate termination of any employee’s employment without following the progressive corrective action if the Church believes it is warranted. In such a case, the employee may pursue mediation and/or hearing before the Congregational Council as provided in the Church’s Constitution and Bylaws.

## DISPUTE RESOLUTION

Disputes between employees and the Church may be brought before the elected Mediation Board of the Church. The Mediation Board and Church Council will respond in a prompt and reasonable manner.

Mount Cross Constitution & Bylaws – Section IV

“4.02 A Mediation Board shall be established to aid in employee conflicts and/or problems. This Board is to be called into session only on an ‘as needed’ basis.

The Board shall hear each side of a conflict separately and together in an effort to suggest remedy or solutions acceptable to both parties.

The findings of the Board shall be confidential and all facts learned there from are to be kept as a sacred trust.

If the Board efforts break down or fail, either or both aggrieved persons may appeal to the Congregational Council which, sitting as an impartial tribunal, shall render a decision which is final upon all parties.

No person shall be dismissed from employment without having an opportunity to appear and be heard by the Congregational Council.”

## Acknowledgement and Receipt of Employee Handbook

I hereby acknowledge receipt of the Mount Cross Lutheran Church Employee Handbook (2021 Updated). I understand and agree that it is my responsibility to read and familiarize myself with the policies and procedures contained in this Employee Handbook.

I further understand and agree that the Employee Handbook is not an employment agreement and that nothing in the Employee Handbook creates or is intended to create a promise or representation of continued employment and that employment by Mount Cross Lutheran Church is employment at-will. Employment may be terminated at the will of either the Church or me.

I understand and agree that other than the Congregational Council, neither the Senior Pastor or any other person has the authority to enter into any agreement, express or implied, for any specific period of time, or to make any agreement for employment other than at-will.

Dated: \_\_\_\_\_ Signature \_\_\_\_\_

Printed Full Name \_\_\_\_\_

ATTACHMENT 1 (February 2021)  
TO THE MOUNT CROSS LUTHERAN CHURCH EMPLOYEE HANDBOOK

**California Family Rights Act (CFRA) Leave**

MOUNT CROSS will grant family and medical leave in accordance with state law in effect at the time the leave is granted. To be eligible for family and medical leave benefits, you must: (1) have worked for us for a total of at least 12 months and (2) have worked at least 1,250 hours over the previous 12 months.

If eligible, you may receive up to a total of 12 workweeks of unpaid leave during a 12-month period. A 12-month period begins on the date of your first use of family and medical leave. Successive 12-month periods commence on your first use of such leave after the preceding 12-month period has ended. Leave may be used for one or more of the following reasons:

- The birth or placement of a child for adoption or foster care.
- To care for an immediate family member, defined as a spouse, registered domestic partner, child, child of a registered domestic partner, grandchild, sibling, parent, or grandparent with a serious health condition.
- You are unable to work because of your own serious health condition.
- For any qualifying exigency because the employee is the spouse, son, daughter, or parent of an individual on active military duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.

Under some circumstances, you may take family and medical leave intermittently – which means taking leave in smaller blocks of time - or by reducing your normal weekly or daily work schedule.

If you are pregnant, you may have the right to take a pregnancy disability leave in addition to a family and medical leave.

A leave taken due to a “qualifying exigency” related to military service must be supported by a certification of its necessity.

Spouses who work for us may each take 12 workweeks of leave for purposes of bonding with a new child.

Should a leave or an extension be requested and granted providing for leave longer than 12 workweeks in any 12-month period, such leave or extension will generally not contain a guarantee of reinstatement to the same or an equivalent position. We will grant leaves and extensions in accordance with state and federal law in effect at the time the leave is granted. You will be advised at the time the leave or extension is granted what conditions apply to that leave or extension.

**California Government Code Section 12945.2 provides:**

(a) It shall be an unlawful employment practice for any employer, as defined in paragraph (3) of subdivision (b), to refuse to grant a request by any employee with more than 12 months of service with the employer, and who has at least 1,250 hours of service with the employer during the previous 12-month period or who meets the requirements of subdivision (r), to take up to a total of 12 workweeks in any 12-month period for family care and medical leave. Family care and medical leave requested pursuant to this subdivision shall not be deemed to have been granted unless the employer provides the employee, upon granting the leave request, a guarantee of employment in the same or a comparable position upon the termination of the leave. The council shall adopt a regulation specifying the elements of a reasonable request.

(b) For purposes of this section:

(1) "Child" means a biological, adopted, or foster child, a stepchild, a legal ward, a child of a domestic partner, or a person to whom the employee stands in loco parentis.

(2) "Domestic partner" has the same meaning as defined in Section 297 of the Family Code.

(3) "Employer" means either of the following:

(A) Any person who directly employs five or more persons to perform services for a wage or salary.

(B) The state, and any political or civil subdivision of the state and cities.

(4) "Family care and medical leave" means any of the following:

(A) Leave for reason of the birth of a child of the employee or the placement of a child with an employee in connection with the adoption or foster care of the child by the employee.

(B) Leave to care for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner who has a serious health condition.

(C) Leave because of an employee's own serious health condition that makes the employee unable to perform the functions of the position of that employee, except for leave taken for disability on account of pregnancy, childbirth, or related medical conditions.

(D) Leave because of a qualifying exigency related to the covered active duty or call to covered active duty of an employee's spouse, domestic partner, child, or parent in the Armed Forces of the United States, as specified in Section 3302.2 of the Unemployment Insurance Code.

(5) "Employment in the same or a comparable position" means employment in a position that has the same or similar duties and pay that can be performed at the same or similar geographic location as the position held prior to the leave.

(6) "FMLA" means the federal Family and Medical Leave Act of 1993 (P.L. 103-3).

(7) "Grandchild" means a child of the employee's child.

(8) "Grandparent" means a parent of the employee's parent.

(9) "Health care provider" means any of the following:

(A) An individual holding either a physician's and surgeon's certificate issued pursuant to Article 4 (commencing with Section 2080) of Chapter 5 of Division 2 of the Business and Professions Code, an osteopathic physician's and surgeon's certificate issued pursuant to Article 4.5 (commencing with Section 2099.5) of Chapter 5 of Division 2 of the Business and Professions Code, or an individual duly licensed as a physician, surgeon, or osteopathic physician or surgeon in another state or jurisdiction, who directly treats or supervises the treatment of the serious health condition.

(B) Any other person determined by the United States Secretary of Labor to be capable of providing health care services under the FMLA.

(10) "Parent" means a biological, foster, or adoptive parent, a stepparent, a legal guardian, or other person who stood in loco parentis to the employee when the employee was a child.

(11) "Parent-in-law" means the parent of a spouse or domestic partner.

(12) "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either of the following:

(A) Inpatient care in a hospital, hospice, or residential health care facility.

(B) Continuing treatment or continuing supervision by a health care provider.

(13) "Sibling" means a person related to another person by blood, adoption, or affinity through a common legal or biological parent.

(c) An employer shall not be required to pay an employee for any leave taken pursuant to subdivision (a), except as required by subdivision (d).

(d) An employee taking a leave permitted by subdivision (a) may elect, or an employer may require the employee, to substitute, for leave allowed under subdivision (a), any of the employee's accrued vacation leave or other accrued time off during this period or any other paid or unpaid time off negotiated with the employer. If an employee takes a leave because of the employee's own serious health condition, the employee may also elect, or the employer may also require the employee, to substitute accrued sick leave during the period of the leave. However, an employee shall not use sick leave during a period of leave in connection with the birth, adoption, or foster care of a child, or to care for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner with a serious health condition, unless mutually agreed to by the employer and the employee.

(e) (1) During any period that an eligible employee takes leave pursuant to subdivision (a) or takes leave that qualifies as leave taken under the FMLA, the employer shall maintain and pay for coverage under a "group health plan," as defined in Section 5000(b)(1) of the Internal Revenue Code, for the duration of the leave, not to exceed 12 workweeks in a 12-month period, commencing on the date leave taken under the FMLA commences, at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of the leave. Nothing in the preceding sentence shall preclude an employer from maintaining and paying for coverage under a "group health plan" beyond 12 workweeks. An employer may recover the premium that the employer paid as required by this subdivision for maintaining coverage for the employee under the group health plan if both of the following conditions occur:

(A) The employee fails to return from leave after the period of leave to which the employee is entitled has expired.

(B) The employee's failure to return from leave is for a reason other than the continuation, recurrence, or onset of a serious health condition that entitles the employee to leave under subdivision (a) or other circumstances beyond the control of the employee.

(2) Any employee taking leave pursuant to subdivision (a) shall continue to be entitled to participate in employee health plans for any period during which coverage is not provided by the employer under paragraph (1), employee benefit plans, including life insurance or short-term or long-term disability or accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as apply to an unpaid leave taken for any purpose other than those described in subdivision (a). In the absence of these conditions an employee shall continue to be entitled to participate in these plans and, in the case of health and welfare employee benefit plans, including life insurance or short-term or long-term disability or accident insurance, or other similar plans, the employer may, at the employer's discretion, require the employee to pay premiums, at the group rate, during the period of leave not covered by any accrued vacation leave, or other accrued time off, or any other paid or unpaid time off negotiated with the employer, as a condition of continued coverage during the leave period. However, the nonpayment of premiums by an employee shall not constitute a break in service, for purposes of longevity, seniority under any collective bargaining agreement, or any employee benefit plan.

For purposes of pension and retirement plans, an employer shall not be required to make plan payments for an employee during the leave period, and the leave period shall not be required to be counted for purposes of time accrued under the plan. However, an employee covered by a pension plan may continue to make contributions in accordance with the terms of the plan during the period of the leave.

(f) During a family care and medical leave period, the employee shall retain employee status with the employer, and the leave shall not constitute a break in service, for purposes of longevity, seniority under any collective bargaining agreement, or any employee benefit plan. An employee returning from leave shall return with no less seniority than the employee had when the leave commenced, for purposes of layoff, recall, promotion, job assignment, and seniority-related benefits such as vacation.

(g) If the employee's need for a leave pursuant to this section is foreseeable, the employee shall provide the employer with reasonable advance notice of the need for the leave.

(h) If the employee's need for leave pursuant to this section is foreseeable due to a planned medical treatment or supervision, the employee shall make a reasonable effort to schedule the treatment or supervision to avoid disruption to the operations of the employer, subject to the approval of the health care provider of the individual requiring the treatment or supervision.

(i) (1) An employer may require that an employee's request for leave to care for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner who has a serious health condition be supported by a certification issued by the health care provider of the individual requiring care. That certification shall be sufficient if it includes all of the following:

(A) The date on which the serious health condition commenced.

(B) The probable duration of the condition.

(C) An estimate of the amount of time that the health care provider believes the employee needs to care for the individual requiring the care.

(D) A statement that the serious health condition warrants the participation of a family member to provide care during a period of the treatment or supervision of the individual requiring care.

(2) Upon expiration of the time estimated by the health care provider in subparagraph (C) of paragraph (1), the employer may require the employee to obtain recertification, in accordance with the procedure provided in paragraph (1), if additional leave is required.

(j) (1) An employer may require that an employee's request for leave because of the employee's own serious health condition be supported by a certification issued by the employee's health care provider. That certification shall be sufficient if it includes all of the following:

(A) The date on which the serious health condition commenced.

(B) The probable duration of the condition.

(C) A statement that, due to the serious health condition, the employee is unable to perform the function of the employee's position.

(2) The employer may require that the employee obtain subsequent recertification regarding the employee's serious health condition on a reasonable basis, in accordance with the procedure provided in paragraph (1), if additional leave is required.

(3) (A) In any case in which the employer has reason to doubt the validity of the certification provided pursuant to this section, the employer may require, at the employer's expense, that the employee obtain the opinion of a second health care provider, designated or approved by the employer, concerning any information certified under paragraph (1).

(B) The health care provider designated or approved under subparagraph (A) shall not be employed on a regular basis by the employer.

(C) In any case in which the second opinion described in subparagraph (A) differs from the opinion in the original certification, the employer may require, at the employer's expense, that the employee obtain the opinion of a third health care provider, designated or approved jointly by the employer and the employee, concerning the information certified under paragraph (1).

(D) The opinion of the third health care provider concerning the information certified under paragraph (1) shall be considered to be final and shall be binding on the employer and the employee.

(4) As a condition of an employee's return from leave taken because of the employee's own serious health condition, the employer may have a uniformly applied practice or policy that requires the employee to obtain certification from the employee's health care provider that the employee is able to resume work. Nothing in this paragraph shall supersede a valid collective bargaining agreement that governs the return to work of that employee.

(k) It shall be an unlawful employment practice for an employer to refuse to hire, or to discharge, fine, suspend, expel, or discriminate against, any individual because of any of the following:

(1) An individual's exercise of the right to family care and medical leave provided by subdivision (a).

(2) An individual's giving information or testimony as to the individual's own family care and medical leave, or another person's family care and medical leave, in any inquiry or proceeding related to rights guaranteed under this section.

(l) This section shall not be construed to require any changes in existing collective bargaining agreements during the life of the contract, or until January 1, 1993, whichever occurs first.

(m) The amendments made to this section by Chapter 827 of the Statutes of 1993 shall not be construed to require any changes in existing collective bargaining agreements during the life of the contract, or until February 5, 1994, whichever occurs first.

(n) This section shall be construed as separate and distinct from Section 12945.

(o) Leave provided for pursuant to this section may be taken in one or more periods. The 12-month period during which 12 workweeks of leave may be taken under this section shall run concurrently with the 12-month period under the FMLA, and shall commence the date leave taken under the FMLA commences.

(p) Leave taken by an employee pursuant to this section shall run concurrently with leave taken pursuant to the FMLA, except for any leave taken under the FMLA for disability on account of pregnancy, childbirth, or related medical conditions. The aggregate amount of leave taken under this section or the FMLA, or both, except for leave taken for disability on account of pregnancy, childbirth, or related medical conditions, shall not exceed 12 workweeks in a 12-month period. An employee is entitled to take, in addition to the leave provided for under this section and the FMLA, the leave provided for in Section 12945, if the employee is otherwise qualified for that leave.

(q) It shall be an unlawful employment practice for an employer to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided under this section.

(r) (1) An employee employed by an air carrier as a flight deck or cabin crew member meets the eligibility requirements specified in subdivision (a) if all of the following requirements are met:

(A) The employee has 12 months or more of service with the employer.

(B) The employee has worked or been paid for 60 percent of the applicable monthly guarantee, or the equivalent annualized over the preceding 12-month period.

(C) The employee has worked or been paid for a minimum of 504 hours during the preceding 12-month period.

(2) As used in this subdivision, the term "applicable monthly guarantee" means both of the following:

(A) For employees described in this subdivision other than employees on reserve status, the minimum number of hours for which an employer has agreed to schedule such employees for any given month.

(B) For employees described in this subdivision who are on reserve status, the number of hours for which an employer has agreed to pay such employees on reserve status for any given month, as established in the collective bargaining agreement or, if none exists, in the employer's policies.

(3) The department may provide, by regulation, a method for calculating the leave described in subdivision (a) with respect to employees described in this subdivision.

(s) This section shall become operative on January 1, 2021.

*(Repealed (in Sec. 1) and added by Stats. 2020, Ch. 86, Sec. 2. (SB 1383) Effective January 1, 2021. Section operative January 1, 2021, by its own provisions.*