
From: Pelle, Sarah@CDFA <Sarah.Pelle@cdfa.ca.gov>
Sent: Wednesday, August 23, 2023 4:52 PM
Cc: Francesconi, Mike@CDFA
Subject: D2023-04 Leave Balances Usage Circular
Attachments: STD. 634 - Absence and Additional Time Worked Report.pdf; Human Resources Manual - CalHR -2102 - Annual Leave.pdf; 9_4_3_Vacation-Annual_Leave_Accumulations.pdf; Leave Balance Tracking.xlsx; D2023-04 Leave Usage Balances.pdf

Good Afternoon,

Please find the attached Circular Letter D2023-04 attached, Leave Balances Usage and attachments.

Please ensure this circular information is shared with the fair board at the next regularly scheduled board meeting listed as an item of correspondence.

For future reference, you may view and download the F&E Circular Letters at <https://www.cdfa.ca.gov/FairsAndExpositions/> which are located under the "Correspondence" tab.

Thank you,

Sarah Pelle
Resource, Training & Def Maintenance Supervisor
916-900-5368





August 21, 2023

D2023-04

TO: All District Agricultural Associations CEOs and Boards of Directors

SUBJECT: Vacation/Annual Leave Reduction Plans for the CEO and State Employees

The purpose of this letter is to alert you of the cap on the number of leave hours which should be on the books for state employees and to inform you of F&E's leave balance reporting requirements to ensure compliance with the updated CDFA Policy 9.4.3 and existing CALHR policy 2124- Employee Leave Management.

Per the California Code of Regulations and CDFA Policy, the prescribed maximum number of vacation/annual leave hours that CEOs and state employees should have on the books, per year, is 640 ([CDFA Vacation / Annual Leave Accumulation Policy 9.4.3; CA Code of Regulations, Title 2, Section 599.752](#)).

The purpose of a maximum leave balance is to ensure the fiscal solvency of the DAA because if an employee (including the CEO) retires, the vacation or annual leave will be paid out in full as a lump sum. For additional information on separation and leave balances, reference [CALHR Employee Leave Management – 2124](#).

If your individual DAA cannot financially afford the 640 hours of vacation/annual per employee, a policy outlining the maximum liability should be developed and adopted by the board.

It is important to highlight that if the CEO or employee transfers to another state agency or DAA, their leave balances are transferred to the new state employer. Due to this, a good practice when hiring staff coming from other state agencies (including DAAs) is to request to see their leave balances to evaluate the extent of the liability the DAA would be acquiring through the hire prior to appointment.

Leave Balance for CEOs

CEOs may accumulate the unused portion of the vacation/annual leave, provided that on January 1 of each calendar year, there are not more than 640 hours of vacation/annual leave.



[Is the annual report to F&E a new requirement? If it is existing reword to say so]
As CEOs approach a leave balance of 640 vacation/annual leave hours, the Board and CEO must develop a leave reduction plan to reduce the excess balances, ([California Code of Regulations, title 2, section 599.742.1](#)). In order to facilitate F&E's ability to exercise its fiscal oversight over this liability we ask that each DAA share with us a copy of the leave balances for the CEO by July 31st of each year.

Leave Balances for Employees (Rank and File)

For employees that are approaching a vacation/annual leave balance of 640 hours, or are currently above this threshold, the CEO should work with the employee to create a leave reduction plan ([California Code of Regulations, title 2, section 599.737](#)). Please submit the leave balance tracking sheet for the CEO, to the F&E Branch annually by January 31st. If a state employee is nearing the cap, please make note of this during the board meeting when reviewing the Finance Committee report or the CEO report.

Leave Accruals

Each month, the DAAs timekeeper should be tracking the various types of leave accrued and used by all employees. Attached is an Excel spreadsheet (Leave Balance Tracking Template) that you can use as a tool to track the leave balances for each employee.

Each state employee is entitled to the following:

- Vacation and Sick
- Annual Leave (in lieu of Vacation and Sick)
- Informal Time Off (ITO) - At the Governor's discretion each year
- Personal Holiday – 1 day (8-hours) each July 1
- Personal Development Days (PDD) – 2 days (16-hours) at the start of each fiscal year (July 1st) and must be utilized by the end of the fiscal year (June 30th). *Note: this leave is not compensable upon separation, and it does not roll over to the next fiscal year.*

For information on the accrual rate of vacation or annual leave for CEOs, please reference the CALHR [Vacation vs. Annual Leave Comparison Chart](#) for excluded employees. If you need assistance determining the appropriate rate of accrual, please contact your CDFA HR.

For information on the accrual rate of vacation or annual leave for employees, please refer to CalHR [Vacation v. Annual Leave Comparison Chart](#). If you need assistance determining the proper rate, please contact CDFA HR.

Below are sample balance reduction strategies.

- Significant effort is required to reduce leave balances, so plan.
- Coordinate leave plans with a group of employees working on the same or related assignments to avoid unforeseen gaps in coverage.
- Large blocks of time off will have a significant impact on reducing excess leave balances.
- Small blocks of time off will help to keep balances from growing.
- Recognize the more years of state service, the more hours accrued monthly, and develop the reduction plan accordingly.

CalHR also has some helpful tools for [Leave Reduction Plans](#).

If the employee does not follow the agreed-upon leave plan, the CEO/management can force the time off. If the CEO does not follow the agreed-upon leave plan, the board will need to work with F&E for guidance.

If you have any questions, please feel free to contact F&E at 916-999-3000.

Sincerely,

A handwritten signature in blue ink that reads "Mike Francesconi".

Mike Francesconi
Branch Chief

Enclosed

1. Leave Balance Tracking Template
2. CALHR 2102
3. STD 634- Timesheet template
4. 9.4.3 Policy – Vacation/Annual Leave Accumulations

STATE OF CALIFORNIA - DEPARTMENT OF HUMAN RESOURCES

ABSENCE AND ADDITIONAL TIME WORKED REPORT

STD. 634 (Rev. 10/2019)

		TIME BASE		WWG		CB/ID			
		PAY PERIOD							
1. MONTH		YEAR		SEMIMONTHLY STATUS ONLY		ALTERNATE WORKWEEK SCHEDULE			
				<div><div>First Half</div><div>Second Half</div></div>		<div><div>4/10/40</div><div>9/8/80</div></div>			

2. NAME (First) (Middle) (Last)

3. EMPLOYEE ID

4. POSITION NUMBER

5. ABSENCE WITH PAY

(SL) ☐ SICK LEAVE SELF

(SL) ☐ SICK LEAVE FAMILY ILLNESS

(FH) ☐ FURLOUGH HOURS

(LV) ☐ PLP 2012

(LP) ☐ PLP 2010

(LD) ☐ PERSONAL LEAVE 2003

(PL) ☐ PERSONAL LEAVE

(AL) ☐ ANNUAL LEAVE

(VA) ☐ VACATION

(BL) ☐ BEREAVEMENT LEAVE

(CT) ☐ USING OVERTIME CREDITS (CTO)

(HC) ☐ USING HOLIDAY CREDITS

(EX) ☐ USING EXCESS HOURS CREDIT

(PH) ☐ USING PERSONAL HOLIDAY

(EL) ☐ PAID EDUCATIONAL LEAVE

(PT) ☐ PROFESSIONAL DEVELOPMENT DAY

(HI) ☐ HOLIDAY INFORMAL TIME OFF

(PV) ☐ VOLUNTARY PERSONAL LEAVE

(PA) ☐ PARR

(C) ☐ CATASTROPHIC LEAVE DONATIONS RECEIVED AND USED

(ML) ☐ SHORT-TERM MILITARY LEAVE (Calendar Days)

(NDI) ☐ NONINDUSTRIAL INJURY

INDUSTRIAL ILLNESS OR INJURY

(TD) ☐ TEMPORARY DISABILITY

(IDL) ☐ INDUSTRIAL DISABILITY LEAVE

(IDL/S) ☐ INDUSTRIAL DISABILITY LEAVE WITH SUPPLEMENTATION

OTHER

(JD) ☐ JURY DUTY

ATTENDANCE FEE TO BE REMITTED (Make copy for Accounting)

NO ATTENDANCE FEES RECEIVED

COURT

CITY

(SW) ☐ WITNESS (Make copy for Accounting)

CIVIL CASE

CRIMINAL CASE

IN THE INTEREST OF/ON BEHALF OF THE STATE:

SUBPOENAED

FEES TO BE REMITTED

NO FEES RECEIVED

YES

NO

EXPERT

6. ABSENCE WITHOUT PAY

(DK) ☐ INFORMAL LEAVE GRANTED (11 Working days or less)

(DK) ☐ INFORMAL LEAVE GRANTED (15 Working days or less) (CSUS)

(DK) ☐ ABSENCE WITHOUT LEAVE (AWOL) (19996.2 or 19572)

TEMPORARY LEAVE (30 Calendar days or less)

(FM) ☐ FMLA

ABSENCE WHILE SERVING A PROBATIONARY PERIOD

CFRA

FMLA MILITARY CAREGIVER LEAVE

PDL

PAY PERIOD IS

QUALIFYING

NON QUALIFYING

7. DATES OF ABSENCES AND EXTRA TIME WORKED

Enter symbol and number of hours in date blocks. See reverse for legends and symbols not noted above. If the absence is for a compensable injury waiting period, add X to other symbol.)

			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31		TOTAL
7A. HRLY INT/PY HRS TO BE PAID																																			
7B. SICK																																			
7C. BEREAVEMENT																																			
7D. VACATION																																			
7E. A/L																																			
7F. CT, HC, EX, FM, PH, EL, ML, JD, SW, MN, PL, LV, LP, FH, PV, HI, PT, PA																																			
7G. DK																																			
7H. STRAIGHT TIME, P, HC, CT, EX																																			
7I. PREMIUM TIME CT, P																																			

8. REASON FOR ABSENCE OR EXTRA HOURS WORKED

9. CERTIFICATE BY EMPLOYEE

To the best of my knowledge and belief, the facts stated are accurate and in full compliance with legal requirements.

EMPLOYEE SIGNATURE

DATE

10. RECOMMENDATION AND SUBSTANTIATION OF SUPERVISOR

APPROVAL RECOMMENDED

APPROVAL NOT RECOMMENDED

To the best of my knowledge and belief, the facts stated are accurate and in full compliance with legal requirements.

SIGNATURE OF SUPERVISOR

DATE

11. PERIOD ON DISABILITY COMPENSATION

FROM

TO

12. DISABILITY COMPENSATION SUPPLEMENT

HOURS

SICK LEAVE

VACATION

CTO

HOLIDAY CREDIT

13. OFFICIAL DEPARTMENTAL ACTION

APPROVED

DISAPPROVED

REVIEWED BY

ABSENCE AND ADDITIONAL TIME WORKED REPORT

STD. 634 (Rev. 10/2019)

INSTRUCTIONS*WWG E and SE employees must contact their personnel offices for instructions***GENERAL INFORMATION**

1. All absences or additional hours worked by full-time or part-time employees should be reported on one form STD. 634 for each pay period. Report all time worked for permanent intermittent and part-time employees.
2. Prepare the number of copies required by your department. Employees who want a copy for their own records, including supervisor's signature, may prepare an extra copy.

INSTRUCTIONS FOR FILLING OUT FORM STD. 634 BY ITEM NUMBER *(see reverse side)*

1. Enter pay period, month, and year, and complete other boxes as required by your department.
- 2-4. Complete name, employee identification (if applicable), and position number.
5. **Absences With Pay** - Check appropriate box, indicating type(s) of absence(s).
6. **Absences Without Pay (Dock)** - Complete all boxes, indicating type of unpaid absence and if the current pay period is qualified or nonqualified. Last box can be checked if employee is serving a probationary period to determine if employee will complete required number of working days.
Qualifying Pay Period - Eleven (11) or more paid days in a monthly pay period.
Nonqualifying Pay Period - Less than eleven (11) paid days in a monthly pay period.
Note: *If the employee is absent without pay for more than eleven (11) consecutive working days, which fall between two (2) consecutive otherwise qualifying pay periods, one (1) pay period shall be disqualifying.*
7. Dates of Absences and Extra Hours Worked
 - 7a. Enter time to be paid for each day, including paid absence hours for intermittent or part-time employees.
Note: *Enter all hours to be paid in the total column.*
 - 7b. **Sick and Sick Family** - Provisions on the usage of sick and family sick leave are outlined by the memorandum of understanding between your exclusive representatives and the State of California.
 Indicate sick leave hours with a symbol "SL" on date of absence.
 - 7c. **Bereavement Leave** - Provisions for bereavement leave are outlined by the memorandum of understanding between your exclusive representative and the State of California.
 - 7d. **Vacation** - may be used in less than one (1) hour increments as outlined by the memorandum of understanding between your exclusive representative and the State of California and is shown on the appropriate date with the symbol "VA".
 - 7e. **Annual Leave** - The "AL" symbol shall be used to indicate when annual leave credits have been used.
 - 7f. Post proper symbol and number of hours for type of absence being reported.
 - MN - Mentoring Leave - eligible employees may receive up to 40 hours mentoring leave per calendar year once they have used an equal amount of their leave or personal time for this activity.
 - FM - Family and Medical Leave Act - under certain conditions, entitles employees up to 12 weeks of unpaid leave per year.
 - Military Leave** - Attach a copy of any applicable military order. Every calendar day must be recorded, including any Saturday, Sunday, or holiday.
 - Jury Duty or Witness** - An employee may be absent with pay for time actually served to perform jury duty, for time as a subpoenaed witness (other than a party to the suit), and for time as an expert witness testifying on behalf of the State. It is up to the employee to demand of the party requesting their appearance a subpoena and all allowable attendance and travel fees. The following absences are not compensable and the employee must charge leave or absence without pay: 1) subpoenaed witnesses who are a party to the suit, 2) subpoenaed witnesses not testifying on behalf of the State who elect to retain the attendance fees, 3) expert witnesses not testifying on behalf of the State, and 4) jurors who elect to retain the attendance fees. Subpoenaed witness fees for a civil trial are governed by Government Code (GC) Sections 68093-68097.10, fees for a criminal trial are governed by Penal Code Section 1329-29.1, and expert fees are governed by GC Section 68092.5. See SAM Sections 8594-94.3.
 - 7g. Post proper symbol and number of hours for type of absence reporting.
 Approved absence without pay -Approved dock
 Absence without pay -AWOL
An Unapproved Absence Without Pay -- Can be any amount of time. If the absence exceeds five (5) consecutive working days, this constitutes an automatic resignation from State service pursuant to Government Code 19996.2 (without fault) or an adverse action can be taken under Government Code 19572 (with fault).
 - 7h. Enter symbols and hours to be compensated at *straight* time as indicated below:
 CT - Overtime worked for CTO
 P - Overtime hours worked for pay
 HC - Hours worked on a holiday
 EX - Excess hours worked due to irregular work shift
 - 7i. Enter symbols and hours to be compensated at *premium* time as indicated below (Personnel Office will convert to time and one-half (1-1/2)):
 CT - Overtime worked for CTO
 P - Overtime hours worked for pay
Note: *Total column may be used for Items 7b through 7i.*
8. **Reason for Absence or Extra Hours Worked** - Examples include: Relationship information for sick leave absences (do not include a description of illness, condition, or diagnosis) or bereavement leave.
Note: *This item also can be used for reporting reasons for overtime hours worked or for unpaid absences.*
9. **Employee's Responsibility and Signature** - Employees have the responsibility to give their supervisor advance notification when they anticipate a future absence. When an unanticipated emergency causes the absence, the employees are responsible for notifying their supervisor as soon as possible and keeping their supervisor informed as to the possible date of return. Employees are also responsible for promptly reviewing and signing their absence report at the end of the pay period and submitting to their supervisor.
10. **Recommendation of Supervisor's Responsibility** - Each supervisor is responsible for seeing that employees comply with the regulations governing absence from work. Supervisor is then responsible for promptly reviewing and signing the employee's absence report and forwarding it to the Personnel Office.
 Before recommending approval for sick leave by an INTERMITTENT EMPLOYEE, supervisor shall certify that the employee was scheduled to work during the hours reported for sick leave.
Note: *Methods of verification can include telephone or physician statement.*
- 11-13. Completed by Personnel Office only.

≡ Human Resources Manual

2102 - Annual Leave

Category

Leave

Audience List

- Administrative Chiefs
- Employee Relations Officers
- Labor Relations Officers
- Personnel Officers
- Personnel Transactions Supervisors

Synopsis

This policy

- Provides eligibility, accrual, enrollment and accumulation information about the Annual Leave Program (ALP).
- Identifies which position determines the annual leave accrual rate for an employee who has more than one intermittent position.
- Explains what happens when an excluded or represented employee has accumulated their annual leave balance over maximum.
- Provides information on qualifying pay periods and breaks in service.

Introduction

The Annual Leave Program allows for the replacement of traditional vacation and sick leave credits with a more discretionary use of annual leave credits. The number of annual leave hours accrued each qualifying pay period is based on the employees' time base, months of state service, and whether represented or excluded.

Statement

Participation in ALP or the Vacation/Sick Leave Program is a voluntary and personal choice of each employee. An employee should carefully evaluate the leave programs to determine which better addresses individual needs.

Annual leave can be used to meet an employee's need for paid time off for any management-approved absence that is covered by sick leave or vacation. The advantages of annual leave are: (1) more discretionary leave each year (in lieu of sick leave), (2) annual leave has cash value upon retirement or separation from state service, (3) greater disability benefits in the event of a serious non-work-related injury or illness covered under Non-Industrial Disability Insurance by providing the option of replacing up to 100% of income by supplementation.

Eligibility

Employees eligible to participate in the ALP include the following:

- Managers, supervisors, confidential, and other “excluded” employees
- All rank-and-file employees

- Nonelected members of certain boards and commissions whose salaries are fixed by law (California Code of Regulations, title 2, section 599.751.1)

Statutory exempt employees are not eligible to participate. Unless otherwise specified in the applicable Memorandum of Understanding, seasonal employees are not eligible to participate.

Part-time employees, permanent-intermittent employees, and employees whose appointments are either limited term or temporary are eligible to participate in the ALP if their current appointments and CBIDs are in one of the eligible categories.

To qualify a full-time month, an employee must work 11 or more working days in a monthly pay period. In order for a part-time month to be a qualifying pay period, an employee must work at least that fraction of 88 hours (11 days) that corresponds to the employee's time base. Annual leave credits are to be given on a pro rata basis to fractional time base employees on the first day of every monthly qualifying pay period. An intermittent employee must have 160 hours of paid employment to receive a qualifying monthly pay period.

Enrollment

Upon hire, most employees may elect to enroll in either the ALP or Vacation/Sick Leave Program. Departments are responsible for providing information to employees regarding their

option to participate in the ALP and when and how to change their election. It is recommended that employees who have elected to participate in either program receive confirmation of their election. The election form and copies of any other information provided to the employees regarding the program should be kept in the employee's personnel file.

After the initial election, employees in Bargaining Units 1, 3, 4, 11, 14, 15, 17, 20, and 21 are subject to an open enrollment period. Open enrollment occurs each April 1 through April 30, and enrollment changes are effective the first day of the June pay period. During the open enrollment period, employees may elect to opt in or out of the ALP.

Excluded and employees represented by Bargaining Units 2, 5, 6, 7, 8, 9, 10, 12, 13, 16, 18, and 19, maintain a continuous enrollment eligibility period. Employees must remain in the ALP or Vacation/Sick Leave Program for at least 24 months from the last date of election.

Upon enrolling into the ALP, an employee's vacation balance will be converted to an annual leave bank. The employee will begin accruing annual leave credits after each qualifying pay period.

Sick leave credits will no longer be accrued once enrolled in the ALP. Sick leave balances in existence at the time of enrollment will be maintained for use by the employee for approved sick leave purposes. Any sick leave on the books at the time of retirement will be converted to service credit at current retirement formulas (2,000 hours of sick leave converts to one year of CalPERS service credit).

Accrual

A full-time employee who has 11 or more working days of service in a monthly pay period shall earn annual leave credits as set forth below. Part-time employees shall receive credits on a pro rata basis and intermittent shall receive credits based on full-time rates once they have reached 160 hours of compensated work.

Accrual Chart for Represented Employees in Bargaining Units 1, 2, 3, 4, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21

- 1 month to 3 years of service: 11 hours/month annual leave accrual
- 37 months to 10 years of service: 14 hours/month annual leave accrual
- 121 months to 15 years of service: 16 hours/month annual leave accrual
- 181 months to 20 years of service: 17 hours/month annual leave accrual
- 241 months of service and over: 18 hours/month annual leave accrual

Note: Notwithstanding the above, in the July pay period Bargaining Unit 07 employees shall have their annual leave rates reduced for each employee by no more than two hours.

Accrual Chart for Represented Employees in Bargaining Unit 5, 6, and 8.

- 1 month to 3 years of service: 12 hours/month annual leave accrual
- 37 months to 10 years of service: 15 hours/month annual leave accrual
- 121 months to 15 years of service: 17 hours/month annual leave accrual
- 181 months to 20 years of service: 18 hours/month annual leave accrual
- 241 months of service and over: 19 hours/month annual leave accrual

Note: Notwithstanding the above, no later than the August 2019 pay period and during the July 2020 pay period, each California Correctional Peace Officers Association (CCPOA) Member shall accrue one hour less of annual leave and shall have one hour credited toward the Union's Release Time Bank.

Notwithstanding the above, on the first day of the August pay period Bargaining Unit 08 employees shall accrue two hours less of annual leave and shall have two hours credited toward the Union's Release Time Bank. On the first day of the February pay period Bargaining Unit 08 employees shall accrue one hour less of annual leave and shall have one hour credited toward the Union's Release Time Bank.

Accrual Chart for Managerial, Supervisory, Confidential, All Other Excluded Employees, and Board and Commission Members

- 1 month to 10 years of service: 15 hours/month annual leave accrual
- 121 months to 15 years of service: 17 hours/month annual leave accrual
- 181 months to 20 years of service: 18 hours/month annual leave accrual
- 241 months to 25 years of service: 19 hours/month annual leave accrual
- 301 months of service and over: 20 hours/month annual leave accrual

“Excluded” (managerial, supervisory, etc.) employees who elected to participate in the ALP and thereafter transfer into a represented position will accrue annual leave credits on the basis of adding four hours to the existing vacation accrual schedule for represented employees.

Multiple Positions

When an employee is working in multiple intermittent positions that are: (1) designated in different bargaining units, (2) in different departments, and (3) each bargaining unit has negotiated a different rate for accruing annual leave credits, the primary position determines the annual leave accrual rate.

Usage

Annual leave can be used to meet an employee's need for paid time off for any management-approved absence that is covered by sick leave or vacation.

Effective January 1, 2016, Senate Bill 579 amended California Labor Code section 233 to allow for the use of sick leave for the reasons specified in Labor Code section 246.5. Most notable with this amendment, sick leave may be used for additional purposes related to domestic violence, sexual assault, or stalking as defined under the law. Additionally, sick leave may be used for certain family members that were not previously covered by the law. An employee's family members include:

- children (biological, adoptive, foster, step, legal ward, or to whom the employee stands in the place of a parent);
- parents (biological, adoptive, foster, step, legal guardian of the employee or the employee's spouse or registered domestic partner, or a person who stood in the place of a parent when the employee was a minor child);
- spouse or registered domestic partner;
- grandparents;
- grandchildren; and

- siblings

Employees represented by Bargaining Unit 1, 3, 4, 7, 11, 14, 15, 17, 20, and 21 may use annual leave in 15 minute increments.

Employees represented by Bargaining Unit 2, 5, 6, 8, 9, 10, 12, 13, 16, 18, 19 may use annual leave in 30 minute increments.

Employees who are excluded from bargaining may use annual leave in 30 minute increments.

Accumulation Limit/Rollover

Per California Code of Regulations, title 2, section 599.752 excluded employees may accumulate the unused portion of annual leave, provided that on January 1 of each calendar year; the excluded employee shall not have more than 80 vacation days (640 hours). In addition, excluded employees receiving annual leave are subject to California Code of Regulations, title 2, section 599.742.1, which provides that if an employee will be at the cap in the coming January, the supervisor must notify and meet with the employee in July so they may plan to use their leave before reaching the cap. Employees should also be notified on July 1 that if the employee fails to take off the required number of hours by January 1, except

for the reasons listed below in this section, the appointing power shall require the employee to take the time.

- Employees represented by Bargaining Unit 5 may accrue up to 1,032 hours of annual leave for no less than the duration of the COVID-19 Pandemic Recession Side Letter agreement.
- Employees represented by Bargaining Unit 6 may accrue annual leave without limit.
- As a result of the Personnel Leave Program 2020 (PLP 2020), employees represented by Bargaining Units 2, 9, and 10 shall have the 640-hour cap increased by the equivalent number of PLP 2020 hours employees have been subject to until June 30, 2025.
- As a result of PLP 2020, employees represented by Bargaining Unit 19 shall have the 640 hour cap increased by the equivalent number of PLP 2020 hours employees have been subject to.
- All other employees represented by Bargaining Units may accrue up to 640 hours.

Exceptions to these limits will only be allowed in extremely unusual situations and must be approved, in advance, by the director of the Department of Human Resources. Refer to the applicable Bargaining Unit Contract for exception specifics.

State employees are generally subject to a requirement that their leave balances not grow beyond 640 hours. For some bargaining units, the maximum may be higher.

The implementation of PLP 2020, which requires most employees to take two days off per month, as well as the use of paid sick leave and Emergency Family Medical Leave provided by state and federal legislation, has made it difficult for some departments and employees to comply with leave-reduction plans and meet critical work demands during this ongoing state of emergency.

For these reasons, effective October 20, 2020, departments shall suspend policies that require leave balances be reduced below the cap and shall not require employees to implement leave-reduction plans until PLP 2020 ends or July 1, 2022, whichever is sooner.

Break in Service

An employee who returns to state service after an absence caused by a temporary or permanent separation of less than six months, or an absence of six months or longer caused by a temporary separation other than temporary Military Leave shall commence to receive annual leave credit on the first day of the monthly pay period following completion of one qualifying monthly pay period of service after return.

An employee who has accrued annual leave, upon separation from state service without fault on his/her part, is entitled to lump sum payment for the unused annual leave. This lump sum shall be computed by projecting the accumulated time on a calendar basis so that the lump sum will equal the amount which the employee would have been paid had he/she taken the time off but not separated from the state service.

An employee who has accrued annual leave, upon separation from state service through fault on his/her part, is entitled to lump sum payment for the unused annual leave. This lump sum shall be based on actual accumulated time without projection as provided above.

Application

Not Applicable.

Authorities

- [Bargaining Contracts - MOUs](#)
- [California Code of Regulations, title 2, section 599.742.1](#)
- [California Code of Regulations, title 2, section 599.752](#)
- [California Code of Regulations, title 2, section 599.752.1](#)
- [California Code of Regulations, title 2, section 599.752.2](#)
- [California Code of Regulations, title 2, section 599.752.3](#)
- [California Code of Regulations, title 2, section 599.753](#)
- [Government Code sections 19858.3 to 19859](#)
- [California Code of Regulations, title 2, section 599.745](#)

- [California Code of Regulations, title 2, section 599.745.1](#)
- [Labor Code section 233](#)
- [Labor Code section 245.5](#)
- [Labor Code section 246.5](#)

Resources

FAQs

- [Annual Leave](#): Frequently Asked Questions

Forms

- [CalHR 875](#): Annual Leave-Sick/Vacation Leave Election Form

PML

- [PML 1988-095](#): PML 1988-095 - 11/14/1988 - Adoption of Amendments to DPA Regulation Regarding Annual Leave Program
- [PML 1988-115](#): PML 1988-115 - 1/12/1989 - Adoption of Amendments to DPA Regulation Regarding the Annual Leave Program
- [PML 1989-007](#): PML 1989-007 - 3/10/1989 - Annual Leave - Bargaining Units 5, 13 and 16
- [PML 1989-020](#): PML 1989-020 - 4/18/1989 - Annual Leave for Bargaining Units 5,13, and 16
- [PML 1991-001](#): PML 1991-001 - 2/5/1991 - Annual Leave Program
- [PML 1992-089](#): PML 1992-089 - 8/10/1992 - Annual Leave Program Revisions
- [PML 1992-107](#): PML 1992-107 - 10/26/1992 - Annual Leave Program
- [PML 1993-068](#): PML 1993-068 - 10/12/1993 - Annual Leave Program
- [PML 1994-067](#): PML 1994-067 - 12/19/1994 - Annual Leave Program -- Qualifying Pay Periods and Holidays
- [PML 1995-018](#): PML 1995-018 - 4/10/1995 - Annual Leave Special Election Open Enrollment - Bargaining Unit 10
- [PML 1995-049](#): PML 1995-049 - 11/17/1995 - Annual Leave Program Update
- [PML 1995-058](#): PML 1995-058 - 12/28/1995 - Annual Leave Program
- [PML 1996-043](#): PML 1996-043 - 8/28/1996 - Annual Leave Program
- [PML 2000-022](#): PML 2000-022 - 4/7/2000 - Annual Leave Side Letter Bargaining Unit 1
- [PML 2007-009](#): PML 2007-009 - 3/23/2007 - Annual Leave Open Enrollment Bargaining Units 1, 3, 4, 11, 14, 15, 17, 20, and 21

Related Policies

- [2105](#): Sick Leave

Authorized By

Melissa Russell

Chief, Personnel Management Division

Contact Person

Personnel Services Branch

Personnel Program Consultant , Personnel Services Branch

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Superseded Policies

Not Applicable.

History

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Policy

It is the policy of the State of California and the Department of Food and Agriculture (CDFA) to maintain employees' vacation or annual leave balances at a level no higher than the prescribed maximum number of hours. The prescribed maximum number of hours for excluded employees and employees represented by CAPS, CASE, CSLEA, SEIU and IUOE is 640.

Authority

[California Code of Regulations, Title 2](#), Sections 599.736 through 599.742.1, 599.752

[Government Code Section 19858.7](#)

Responsibility

<i>Employees</i>	Request to use vacation or annual leave in advance from supervisor.
	Use vacation or annual leave to ensure balance does not exceed the prescribed maximum.
	By January of each year, submit a plan to use vacation or annual leave if leave balances exceed or will exceed the prescribed maximum.
<i>Supervisors</i>	Monitor employee vacation or annual leave balances.
	Provide reasonable opportunity for employees to use vacation or annual leave commensurate with their annual accrual rate.
	Ensure employees adhere to leave usage plan and maintain vacation or annual leave balances at or below prescribed maximum.
<i>Division Director</i>	Evaluates and approves/denies requests for additional time beyond the 90 days the employee requested when applying for retirement. Forwards approved requests to the Deputy Secretary of Administration and Finance for consideration.

Vacation/Annual Leave Accumulations

<i>Chief Executive Officer (CEO)</i>	Evaluates and approves/denies requests for additional time beyond the 90 days the employee requested when applying for retirement. Ensures leave usage requests are processed.
<i>Deputy Secretary</i>	Reviews and approves/denies additional leave requests above the initial 90 days.
<i>HRB Transaction Manager</i>	Ensures leave usage requests are processed.

Accumulated Hours

Employees whose accumulated hours of vacation or annual leave exceed or will exceed the prescribed maximum must submit a leave usage plan consistent with operational needs.

If an employee fails to submit a plan, or fails to follow the plan, the supervisor may require the employee to use the hours that exceed the maximum at the convenience of the department.

Running Out Credits Upon Retirement

Upon applying for retirement, an employee entitled to a lump-sum payment for any unused or accumulated vacation or annual leave may request to take leave prior to the effective date of their retirement up to 90 days. An employee may request up to an additional 90 days of vacation/annual leave, not to exceed a total of six months. Requests for additional time beyond the 90 days require written justification and the approval of the requestor's Division Director and the Deputy Secretary of Administration and Finance or the District Agricultural Association's (DAA) CEO.

Once approvals are obtained, forward the approval to the Human Resources Branch's at cdfa.asd_hrb_main@cdfa.ca.gov.

The DAA will retain the original approved request and issue payment.

Distribution

Distribution of the above policy includes all employees.

If you have questions, or need further information, please email the Human Resources Branch at cdfa.asd_hrb_main@cdfa.ca.gov.

December

Overtime

2023

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