

Article 2      Leave

Sec. 2.1      Death in the Family. In the event of the death of a member of the immediate family, the District provides four (4) days Administrative leave to all regular employees. Immediate family is defined as follows: grandparents, parents, spouse, domestic partners registered with the State of California (Domestic Partner), brothers, sisters, children, or grandchildren, of employee or employee's spouse or Domestic Partner, and others as approved by the General Manager.

Additionally, an employee may request to use up to three (3) days of his/her accrued sick leave should the employee be emotionally unable to return to work after the administrative leave has been exhausted.

Time off beyond the above maximum seven (7) days for purposes of death in the family can be requested via vacation or compensatory time accrued.

Sec. 2.2      Holidays. The office of the District shall normally be closed on observed holidays. The following holidays will be so observed.

January	1	New Year's Day
January	(third Monday)	Martin Luther King Day
February	(third Monday)	President's Day
May	(last Monday)	Memorial Day
July	4	Independence Day
September	(first Monday)	Labor Day
November	11	Veteran's Day
November	(fourth Thursday & following Friday)	Thanksgiving
December	25	Christmas Day
Christmas Floating Holiday		
Floating Holiday		

If any of the above holidays fall on a Sunday, the following Monday will be observed. If the holiday falls on Saturday, the preceding Friday will be observed.

The Christmas Floating Holiday shall be observed the day before or after the observation of Christmas Day as a holiday by the District. To provide a four day holiday, when feasible, in combination with Christmas Day and the weekend, the Christmas Floating Holiday shall be observed on the following days:

- Monday when Christmas Day falls on a Tuesday; and
- Tuesday when Christmas Day falls on Sunday, Monday or Wednesday; and
- Thursday when Christmas Day falls on a Friday or Saturday; and
- Friday when Christmas Day falls on a Thursday.

Per Ordinance No. 2008-05 Adopted 6/16/08 [Sec. 2.1]

Per Ordinance No. 2013-05 Adopted 8/19/13 [Sec. 2.2]

Article 2      Leave (Cont'd.)

Sec. 2.2      Holidays (Cont'd)

All District employees shall be granted eight (8) hours of paid leave, as a floating holiday, to be taken on an individual basis within the effective fiscal year period it is granted.

To be eligible for a paid holiday, employee must be at work or on paid leave on the normal workday before the holiday. If a holiday occurs on a nine (9) hour day for 9/80 full-time regular employees, one (1) hour of leave will be used and the employee will receive eight (8) hours of holiday pay.

Refer to Section 8.2, Overtime, for payment of hours worked on an observed holiday.

Sec. 2.3      Jury Duty. As soon as the employee receives a jury summons, the immediate supervisor must be notified. The employee will be granted full wages while serving, less any salary received by him/her from the court.

Sec. 2.4      Leave of Absence. Leave without pay may be granted an employee by the General Manager.

Sec. 2.5      Pregnancy Disability Leave. Under the California Fair Employment and Housing Act (FEHA), if an employee is disabled by pregnancy, childbirth, or related medical conditions, the employee is eligible to take a pregnancy disability leave (PDL) of up to four (4) months. If an employee is affected by pregnancy or related medical condition, the employee is also eligible for a reasonable accommodation and/or a transfer to a less strenuous or hazardous position or to less strenuous or hazardous duties, if this reasonable accommodation and/or transfer is medically advisable.

A PDL does not need to be taken in one continuous period, but can be taken on an as-needed basis. Time off needed for prenatal or postnatal care, severe morning sickness, doctor-ordered bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, childbirth, recovery from childbirth, post-partum depression, and loss are all covered by a PDL.

The four (4) months of PDL provided for under California law is separate from the twelve (12) weeks of family leave provided for under state law. Consequently, an employee who is eligible to take a PDL remains eligible to take up to twelve (12) weeks of family leave pursuant to Section 2.12 upon the birth of her child.

PDL leave is unpaid, however, employees are required to use accrued sick leave while on a PDL. Employees may elect, at their option, to use their accrued vacation and other compensatory time for which they are eligible.

Per Ordinance No. 2001-11 Adopted 7/2/01 [Sec. 2.3]  
Per Ordinance No. 2013-05 Adopted 8/19/13 [Sec. 2.2]  
Per Ordinance No. 2014-05 Adopted 8/4/14 [Sec. 2.5]

Article 2      Leave (Cont'd.)

Sec. 2.5      Pregnancy Disability Leave (Cont'd.)

Employees may continue to receive medical, dental, life insurance, accidental death and dismemberment and long-term disability insurance at the same level and the same sharing costs as regular employees. Before the leave begins, the designated Human Resources representative shall provide the employee with the amount and due dates of any premiums that become due during the employees' leave.

PDL is not a break in service for seniority purposes; however, the period of the leave does not count as accrued service for retirement plan purposes and the District will not make retirement plan contributions during the period of unpaid leave. The employee will also not accrue vacation or sick leave or participate in any other District program based on salary earned or time worked during a family leave.

Employees returning from family leave generally have a right to reinstatement to the same or equivalent position held immediately before leave; however, employees returning from leave have no greater right to reinstatement than if employed continuously during the leave.

Sec. 2.6      Military Leave. Military leave shall be administered in accordance with state and federal law. The employee is required to submit a written request to their supervisor for time off as soon as the employee is informed of the date of his/her military service so that work schedules can be arranged.

Sec. 2.7      Sick Leave. All full-time, regular employees will be granted sick leave with pay under the following conditions:

- (a) Except as provided herein, sick leave is to be used by employees in the event of personal illness or medical/dental appointments only.
- (b) Regular employees working, or on paid leave a minimum of forty (40) hours per week, will accrue sick leave at the rate of 3.70 hours per payroll period and may accumulate an indefinite amount of sick leave, to be used in the event of a serious illness or hospitalization.
- (c) Accumulated sick leave may be used to supplement administrative leave after overtime (Sec. 2.11), not to exceed the balance of the workday.

Per Ordinance No. 2014-05 Adopted 8/4/14 [Sec. 2.5]  
Per Ordinance No. 2008-05 Adopted 6/16/08 [Sec. 2.6]  
Per Ordinance No. 224 Adopted 7/1/91 [Sec. 2.7(c)]  
Per Ordinance No. 264 Adopted 12/20/93 [Sec. 2.7(b)]

Article 2      Leave (Cont'd.)

Sec. 2.7      Sick Leave (Cont'd)

- (d) If an employee cannot attend work due to illness or injury, he/she should report this situation by phone to the employee's supervisor at the beginning of the normal workday. The employee should also indicate at this time when he/she expects to return to work. Should the return date need to be revised, the supervisor should be advised as soon as possible.

If an employee is absent from work more than five (5) working days due to illness, a doctor's verification must be submitted to the employee's immediate supervisor upon returning to work. If surgery, serious or extended illness should occur, the employee will be required to present a doctor's release to his/her immediate supervisor upon returning to work. Extended illness shall mean any medical problem that causes an employee to be away from work for thirty (30) continuous days.

- (e) Holidays, vacation time, sick leave and cuff time are included in figuring the "continuous service" of an employee. Holidays falling within a sick leave period are not charged to sick leave.
- (f) At time of termination, employees will be paid for any sick leave accrued but not yet used.
- (g) Upon medical verification that employee would not have been able to work had he/she not been on vacation leave, sick leave will be substituted for vacation leave.
- (h) Up to sixty (60) hours per fiscal year of accumulated sick leave can be used by an employee to attend illness or medical requirements of the employee's child, parent, spouse or domestic partner.
- (i) Annually, on or about December 1 of each year, the employee with a minimum of 300 hours of accumulated sick leave may irrevocably elect how much, if any, of the sick leave to be earned in the following calendar year will be compensated for in cash at the end of that year. The amount elected by the employee to be paid in cash at year end will be compensated by the District to the extent the accumulated balance at year end does not drop below the minimum of 300 hours. Any sick leave compensated by the District will be at the current salary rate on the date of payment. Sick leave to be earned in the following year, which the employee does not elect to have compensated for in cash at the end of that year, may be taken as sick leave during that year or will be added to the employee's accumulated balance of sick leave. No part of the employee's accumulated balance will be compensated for in cash by the District until termination in accordance with Administrative Code Section 2.7(f).

Per Ordinance No. 96-5 Adopted 7/1/96 [Sec. 2.7(f)(i)]

Per Ordinance No. 99-4 Adopted 6/21/99 [Sec. 2.7(i)]

Per Ordinance No. 2003-11 Adopted 7/7/03 [Sec. 2.7(h)]

Article 2

Leave (Cont'd.)

Sec. 2.8

Vacation Leave. At the discretion of the Department Head or Supervisor as to setting the period of time to be taken for any vacation leave, all full-time, regular employees are granted vacation leave with pay under the following conditions:

- (a) Regular employees working, or on paid leave a minimum of forty (40) hours per week, will accrue vacation leave hours as follows:

<u>Years of Continuous Employment</u>	<u>Accrual Rate Per Biweekly Pay Period</u>
Upon Employment	3.08 hours
After 5 years	4.62 hours
After 10 years	4.93 hours
After 11 years	5.24 hours
After 12 years	5.54 hours
After 13 years	5.85 hours
After 14 years	6.16 hours
After 15 years	6.47 hours
After 16 years	6.77 hours
After 17 years	7.08 hours
After 18 years	7.39 hours
After 19 years	7.70 hours

An employee may accumulate up to 360 hours (45 working days) of vacation. Where conditions beyond the employee's control make it impossible for him/her to take vacation leave when 45 days have been accumulated, the General Manager may extend the accrual of vacation hours.

- (b) Pay for vacation leave shall be at the hourly rate currently paid the employee at the time the vacation is taken.
- (c) All requests for vacation leave must be approved by an employee's immediate supervisor at least two (2) weeks in advance of use. In the event of an emergency, the advance notice may be shortened at the discretion of the supervisor.
- (d) Holidays, vacation time and sick leave are included in figuring the "continuous service" of an employee. Holidays falling within the proposed vacation period are not charged to vacation time.

Per Ordinance No. 264 Adopted 12/20/93 [Sec. 2.8(a)]

Article 2      Leave (Cont'd.)

Sec. 2.8      Vacation Leave (Cont'd)

- (e) In case of conflicting requests that have been submitted simultaneously within a department, the Department Head will make a decision based on the needs of the department.
- (f) At the time of termination, employees will be paid for any vacation leave accrued but not yet used.
- (g) Should a pay period occur during an employee's vacation, the employee may submit a written request to receive his/her paycheck up to one week in advance of the next normal pay date. Said request should be submitted to the Finance Director at the time the vacation request is approved by the employee's supervisor.
- (h) Annually, on or about December 1 of each year, the employee with a minimum of eighty (80) hours of accumulated vacation leave, and at least five (5) years of employment with the District, may irrevocably elect how much, if any, of the vacation leave to be earned in the following calendar year will be compensated for in cash at the end of that year. The amount elected by the employee to be paid in cash at year end will be compensated by the District to the extent the accumulated balance at year end does not drop below the minimum of eighty (80) hours. Any vacation leave compensated by the District will be at the current salary rate on the date of payment. Vacation leave to be earned in the following year, which the employee does not elect to have compensated for in cash at the end of that year, may be taken as vacation leave during that year or will be added to the employee's accumulated balance of vacation leave. No part of the employee's accumulated balance will be compensated for in cash by the District until termination in accordance with Administrative Code Section 2.8(f).

Per Ordinance No. 205 Adopted 7/2/90 [Sec. 2.8(f)]

Per Ordinance No. 99-4 Adopted 6/21/99 [Sec. 2.8(h)]

Per Ordinance No. 2008-05 Adopted 6/16/08 [Sec. 2.8(g)]

Article 2      Leave (Cont'd.)

Sec. 2.9      Proration of Accrued Benefits. Subject to the vacation and sick leave accrual limitations, as set forth in this Code, vacation and sick leave accruing to an employee will be prorated in the event the employee is not working (i.e. regular part-time employee working less than full time, a hire date or termination date not beginning or ending on a pay period date, or leave without pay during a pay period), or is not on paid leave for the entire 80 hours of the pay period.

The proration will be based on the number of hours actually paid during the pay period in question. For example, the employee paid for 50 hours of work or sick leave in a pay period will earn 50/80 of accrued vacation and sick leave benefits for that pay period.

Sec. 2.10      Leave for Medical Disability. Subject to the provisions set forth below, in the event of a leave because of a medical disability, the employee's job will be held for the employee as required by applicable federal or state law, or at the discretion of the General Manager, whichever is greater, in accordance with the following formula:

<u>Term of Employment</u>	<u>Term of Hold</u>
A. Employees with less than two (2) years of employment	To extent of accrued leave
B. Employees with two (2) to six (6) years of employment	Up to six (6) months*
C. Employee with more than six (6) years of employment	One (1) month for each full year of employment to a maximum of up to twelve (12) months*

\*After all accumulated leave has been used.

Any paid or unpaid leave granted pursuant to this section shall run concurrently with any leave granted pursuant to applicable federal or state law.

To hold a job open, the employee must present a declaration of total medical disability signed by a medical doctor covering the entire period of the hold.

Medical, dental and life insurance benefits as provided to regular employees shall continue while an employee is on leave for medical disability or has been approved for disability retirement, as authorized herein, subject to limitations that may be imposed by the specific provider of the benefit.

Employees determined to be disabled resulting from a bona-fide District workers' compensation injury/illness, will have the term of hold doubled for the employees identified above, or as required by workers' compensation law.

Per Ordinance No. 264 Adopted 12/20/93 [Sec. 2.9]  
Per Ordinance No. 2014-05 Adopted 8/4/14 [Sec. 2.10]

Article 2      Leave (Cont'd.)

Sec. 2.10      Leave for Medical Disability (Cont'd.)

Nothing in this policy is intended to diminish the District's commitment to employ and reasonably accommodate qualified disabled employees. The District will provide an unpaid leave of absence to eligible employees as a reasonable accommodation to qualified disabled employees, unless such leave constitutes undue hardship for the District. Employees desiring reasonable accommodations should contact Human Resources.

Sec. 2.11      Administrative Leave After Overtime. Employees required to work three (3) or more hours overtime between 10:00 p.m. and 7:00 a.m., shall be granted time off with pay at the rate of one (1) hour for each overtime hour worked, to a maximum of nine (9) hours. Such time off will be limited to the workday beginning within 6-1/2 hours of the termination of the overtime hours worked.

Sec. 2.12      Family and Medical Leave

(a) General. In accordance with state and federal laws, the District shall provide unpaid Family Medical Leave ("FML") to any "eligible" employee who requests leave for any of the following reasons:

1. The birth or adoption of a child by the employee or placement of a child in foster care with the employee (all family leave taken for one of these purposes must be concluded within one year of the event); or
2. To care for the employee's child, parent, grandparent, grandchild, sibling, parent-in-law, spouse or domestic partner who has a serious health condition; or
3. For an employee's own serious health condition which makes the employee unable to perform any of the essential functions of the employee's position; or
4. Because of a "qualifying exigency" arising due to the employee's spouse, child, or parent, who is a member of the Armed Forces (including the National Guard and Reserves), and who is on covered active duty or has been notified of an impending call or order to covered active duty; or
5. To care for the employee's spouse, son, daughter, parent, or "next of kin" of a current member of a Covered Servicemember with a "serious injury or illness" ("Military Caregiver Leave").

is the District's responsibility to determine based on information provided by the employee whether leave qualifies as family leave.

Per Ordinance No. 2014-05 Adopted 8/4/14 [Sec. 2.10]

Per Ordinance No. 2008-05 Adopted 6/16/08 [Sec. 2.11]

Per Ordinance No. 2014-05 Adopted 8/4/14 [Sec. 2.12(a)]

Article 2      Leave (Cont'd.)

Sec. 2.12      Family and Medical Leave (Cont'd)

(b) Definitions.

1. "Serious health condition" means an illness, injury, impairment or physical or mental condition which warrants the participation of a family member to provide care and involves either (a) inpatient care in a hospital, hospice or residential health care facility; or (b) continuing treatment or continuing supervision by a qualified health care provider.
2. "Child" refers to a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person charged with a parent's rights, duties and responsibilities as to that child. The child must either be under 18 years of age or an adult dependent child.
3. "Parent" refers to a biological, foster or adoptive parent, a stepparent or a legal guardian.
4. "Next of kin" refers to a current servicemember is the nearest blood relative, other than the current servicemember's spouse, parent, son, or daughter, in the following order of priority: (1) a blood relative who has been designated in writing by the servicemember as the next of kin for Family Medical Leave purposes; (2) a blood relative who has been granted legal custody of the servicemember; (3) brothers and sisters; (4) grandparents; (5) aunts and uncles; and (6) first cousins.
5. "Health care provider" means a duly licensed physician, surgeon, osteopathic physician or osteopathic surgeon. For Military Caregiver Leave, an authorized health care provider may be a DOD, VA, TRICARE network, non-network TRICARE, or non-military-affiliated health care provider.
6. A "need to care for" a family member encompasses both physical and psychological care. It includes situations where, for example, because of a serious health condition, the family member is unable to care for his or her own basic medical, hygienic, or nutritional needs or safety, or is unable to transport himself or herself to the doctor, etc. The term also includes providing psychological comfort and reassurance which would be beneficial to a child, spouse, Domestic Partner, or parent with a serious health condition who is receiving inpatient or home care. The term also includes situations where the employee may be needed to fill in for others who are caring for the family member, or to make arrangements for changes in care, such as transfer to a nursing home.

Article 2      Leave (Cont'd.)

Sec. 2.12      Family and Medical Leave (Cont'd.)

(b) Definitions (Cont'd.)

7. "Qualifying exigency" include: (1) short-notice deployment (i.e., deployment within seven or less days of notice); (2) military events and related activities; (3) certain childcare and school activities; (4) finance and legal arrangements; (5) care of the military member's parent who is incapable of self-care; (6) counseling; (7) rest and recuperation; (8) post-deployment activities; and (9) additional activities agreed to by the employer and the employee.
8. "Covered Active Duty" for members of the Regular Armed Forces, is duty during deployment of the member with the Armed Forces to a foreign country. "Covered Active Duty" for members of the Reserve components of the Armed Forces (members of the National Guard and Reserves) is duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation.
9. A "Covered Servicemember" is either: (a) a current member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness, or (b) a veteran of the Armed Forces (including the National Guard or Reserves) discharged within the five-year period before the family member first takes military caregiver leave to care for the veteran and who is undergoing medical treatment, recuperation, or therapy for a qualifying serious injury or illness. A veteran who was dishonorably discharged does not meet the definition of a Covered Servicemember.
10. For a current servicemember, a "serious injury or illness" is one that may render the servicemember medically unfit to perform his or her military duties. For a veteran, a "serious injury or illness" is one that renders the veteran medically unfit to perform his or her military duties, or an injury or illness that qualifies the veteran for certain benefits from the Department of Veterans Affairs or substantially impairs the veteran's ability to work. For veterans, it includes injuries or illnesses that were incurred or aggravated during military service but that did not manifest until after the veteran left active duty.

Article 2      Leave (Cont'd.)

Sec. 2.12      Family and Medical Leave (Cont'd.)

(c) Eligibility. An employee is eligible for FML if, at the time leave commences, all of the following are satisfied:

1. The employee has worked for the District for at least 12 months (not necessarily consecutive months); and
2. The employee has worked at least 1,250 hours during the 12 months immediately preceding the leave period; and
3. Employees who are “exempt” under the Fair Labor Standards Act (FLSA) are presumed to have worked for the required number of hours provided they have been employed by the District for at least 12 months; and
4. If a husband and wife, or an employee and his/her Domestic Partner are both employed by the District, family leave taken may be limited to a total of 12 weeks leave for the birth, adoption or placement of a child, or to care for the employee’s parent(s).

(d) Notification Requirement - Employee.

The employee must notify the employee’s immediate supervisor, in writing, of the requested leave at least 30 calendar days before the leave is to begin if the leave is foreseeable. If the leave is not foreseeable, the employee must give as much notice as practicable (usually within two (2) business days). The employee’s notice must provide an estimate of the amount of time the employee will be on leave, and an estimated return to work date.

Employees must consult with their supervisors regarding any planned medical treatment and make a reasonable effort to schedule leave not to unduly interfere with the District’s operations, subject to the employees’ health care providers’ approval. Failure to comply with these notice requirements may result in deferral of the requested leave until compliance.

Per Ordinance No. 2003-11 Adopted 7/7/03 [Sec. 2.12]  
Per Ordinance no. 2008-05 Adopted 6/16/08 [Sec. 2.12(c)]

Article 2      Leave (Cont'd.)

Sec. 2.12      Family and Medical Leave (Cont'd.)

(e) Certification Requirement - Employee.

1. When an employee requests FML because of his/her own, child's, spouse's, domestic partner's, or parent's serious health condition, the District requires the employee to provide medical certification from the health care provider, supporting need for leave. The certification form is available in the Human Resources Department. As more particularly detailed on the certification form, the certification shall contain the following:
  - a. The date on which the condition began;
  - 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. If for the employee's own health condition, a statement that due to the serious health condition the employee is unable to work or to perform at least one of the essential functions of his or her position; and
  - e. If for care of a family member, a statement that the health condition warrants participation of a family member to provide care.

The District reserves the right to request a second or third medical opinion, upon reasonable cause, regarding whether the employee's own health condition qualifies as a "serious health condition", at the District's cost.

If additional leave is required beyond the initial period and within the applicable twelve (12) week limitation, the employee must resubmit, before the end of the initial estimate, all applicable certifications and notices required by Sections 2.12(d) and (e).

2. When an employee requests leave due to a qualifying exigency arising when the employee's spouse, child, or parent, who is a member of the Armed Forces (including the National Guard and Reserves), and who is on covered active duty or has been notified of an impending call or order to covered active duty, the District requires that the employee submit certification supporting the need for leave. The certification form is U.S. Department of Labor form WH-384, and is available in the Human Resources Department or directly from the U.S. Department of Labor's website at [www.dol.gov](http://www.dol.gov) in the Forms section.

Article 2      Leave (Cont'd.)

Sec. 2.12      Family and Medical Leave (Cont'd.)

(e) Certification Requirement – Employee (Cont'd).

As more particularly detailed on form WH-384, the certification shall contain the following:

- a. A copy of the military member's active duty orders;
  - b. A statement or description of the appropriate facts regarding the qualifying exigency;
  - c. The approximate date on which the leave began (or will begin); and
  - d. The contact information for any third party you are meeting.
3. When an employee requests Military Caregiver Leave, the District requires that the employee submit certification supporting the need for leave. The certification forms are U.S. Department of Labor form WH-385 (Certification for Serious Injury or Illness of Current Servicemember) and form WH-385-V (Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave), and are available in the Human Resources Department or directly from the U.S. Department of Labor's website at [www.dol.gov](http://www.dol.gov) in the Forms section.

As more particularly detailed on forms WH-385 and WH-385-V, the certification shall contain the following:

- a. Contact information for the authorized health care provider completing the certification, the type of medical practice or specialty, and affiliation with the military, if any;
- b. Whether the injury or illness was incurred or aggravated by service in the line of duty on active duty, when it began or was aggravated, and its likely duration;
- c. A statement of appropriate facts regarding the servicemember's health condition sufficient to support the need for FMLA leave;
- d. Information to show that the servicemember needs care and estimates for the period and dates of treatment or recovery needed;

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Sec. 2.12      Family and Medical Leave (Cont'd.)

(e) Certification Requirement – Employee (Cont'd).

- e. If care is needed intermittently or on a reduced schedule, the schedule of treatments or appointments, or an estimate of the frequency and duration of periodic care;
- f. Your name, the name of the covered servicemember, and your relationship to the servicemember; and
- g. Information on the servicemember's branch, rank, and unit assignment or the veteran's date and type of separation.

Employees may take up to a maximum of 12 workweeks of Family Medical Leave within a 12-month period. The District uses a rolling twelve-month period to determine an employee's eligibility for leave. The 12-month period is measured backward from the date an employee uses any family leave.

For Military Caregiver Leave, employees may take up to 26 workweeks of leave during a "single 12-month period." The single 12-month period begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12-month period established by the employer for other FMLA leave reasons.

An eligible employee is limited to a combined total of 26 workweeks of leave for any Family Medical Leave-qualifying reasons during the single 12-month period. Up to 12 of the 26 weeks may be for Family Medical Leave-qualifying reason other than Military Caregiver Leave.

(f) Duration.

Employees may take up to a maximum of 12 workweeks of Family Medical Leave within a 12-month period. The District uses a rolling twelve-month period to determine an employee's eligibility for leave. The 12-month period is measured backward from the date an employee uses any family leave.

For Military Caregiver Leave, employees may take up to 26 workweeks of leave during a "single 12-month period." The single 12-month period begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12-month period established by the employer for other FMLA leave reasons.

Per Ordinance No. 2008-05 Adopted 6/16/08 [Sec. 2.12(e)]  
Per Ordinance No. 2014-05 Adopted 8/4/14 [Sec. 2.12(e)&(f)]

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(f) Duration (Cont'd)

An eligible employee is limited to a combined total of 26 workweeks of leave for any Family Medical Leave-qualifying reasons during the single 12-month period. Up to 12 of the 26 weeks may be for Family Medical Leave-qualifying reason other than Military Caregiver Leave.

Leave may be taken intermittently (in blocks of time or on a reduced-time schedule) if the leave is for the serious health condition of the employee or the employee's family member and if such intermittent leave is medically necessary as determined by the health care provider of the person with the serious health condition. The District will account for the leave in the shortest period of time the payroll system uses to calculate absences. Intermittent leave is "medically necessary" if the employee's or family member's condition is intermittent, or if the employee is only needed to care for the family member on an intermittent basis.

An employee is obligated to comply with the notification and certification requirements of Section 2.12(d) and (e) when taken intermittent leave.

(g) Pay and Benefits Continuation.

1. Family Medical Leave is unpaid, however, employees are required to use accrued sick, vacation and compensatory leave while on an approved family medical leave, but shall have the right to retain up to 40 hours of accrued vacation and/or sick leave.
2. Employees may continue to receive medical, dental, life insurance, accidental death and dismemberment and long-term disability insurance at the same level and the same sharing costs as regular employees. Before the leave begins, the designated Human Resources representative shall provide the employee with the amount and due dates of any premiums that become due during the employees' leave.
3. Family Medical Leave is not a break in service for seniority purposes; however, the period of the leave does not count as accrued service for retirement plan purposes and the District will not make retirement plan contributions during the period of unpaid leave. The employee will also not accrue vacation or sick leave or participate in any other District program based on salary earned or time worked during a family leave.

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(g) Pay and Benefits Continuation (Cont'd.)

4. Employees returning from Family Medical Leave generally have a right to reinstatement to the same or equivalent position held immediately before leave; however, employees returning from leave have no greater right to reinstatement than if employed continuously during the leave.

(h) Failure to Return/False Representations.

If an employee fails to return to work immediately after the approved leave expires or if a leave is obtained based on false representations regarding the need for a Family Medical Leave, the employee will be considered to have voluntarily quit. Moreover, if an employee fails to return to work after an approved leave expires, the District may seek reimbursement for any/all benefits paid during the leave.

Sec. 2.13      Lactation Accommodation Policy

The District complies with all state and federal laws governing break times for lactation or expressing milk, including but not limited to California Labor Code Section 1030 et seq. The District will provide a reasonable amount of break time to accommodate an employee who wishes to express breast milk for her infant child. To the extent possible, such break time shall run concurrently with the meal and rest periods authorized by Administrative Code Section 5.9. If special arrangements are made to provide an employee extra time beyond or in addition to her normal rest period, the employee may use accumulated Vacation (Sec. 2.80), Comp Time (Sec. 8.2) or Sick Leave (Sec. 2.7) for the additional time required. If no compensable leave time is available for use, the time shall be unpaid (Sec. 2.4). Employees are encouraged to notify their supervisor or other appropriate personnel in advance of their intent to make use of the lactation accommodations offered for employees. As needed, the supervisor shall work with the employee to address arrangements and scheduling in order to ensure that the employees' essential job duties are covered during the break time. The District has designated a room for employees to express milk in private. It is located in Building "J" (Multi-use and Break Room Facility) of the Corporate Facility Complex.

Per Ordinance No. 2003-11 Adopted 7/7/03 [Sec. 2.12]

Per Ordinance No. 2014-05 Adopted 8/4/14 [Sec. 2.12(g)&(h)]

Per Ordinance No. 2012-08 Adopted 10/1/12 [Sec. 2.13]