



DAN HAVERTY  
Interim Fire Chief

# Sacramento Metropolitan Fire District

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## POLICY COMMITTEE – REGULAR MEETING Thursday, June 8, 2023 – 5:30 PM

Sacramento Metropolitan Fire District  
10545 Armstrong Avenue, Boardroom, 2<sup>nd</sup> Floor  
Mather, California  
&

Remotely Via Zoom  
Phone: 1 (669) 444-9171  
Webinar ID: 827 3461 0232 #  
Passcode: 838771796 #

<https://us06web.zoom.us/j/82734610232?pwd=SFILQ1Znd25RSmlhdXZVQVh4d1VWZz09>

### COMMITTEE MEMBERS

Director John Costa  
Director Grant Goid  
Director Cinthia Saylor  
Director Jennifer Sheetz - Alternate

### CALL TO ORDER

### PUBLIC OPPORTUNITY TO DISCUSS MATTERS OF PUBLIC INTEREST WITHIN COMMITTEE'S SCOPE INCLUDING ITEMS ON OR NOT ON AGENDA

### CONSENT AGENDA

*The Consent Agenda is acted upon with one motion unless a committee member requests separate discussion and/or action.*

#### 1. Action Summary Minutes

**Recommendation:** Approve the Action Summary Minutes for meeting of March 9, 2023.

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### ACTION ITEMS

#### 1. Revision of Board Policy (*Melisa Maddux, HR Manager*)

**Recommendation:** Approve the revision to the Family and Medical Leave Policy and refer to the full Board for approval.

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NEXT MEETING DATE: TBD

### ADJOURNMENT

Posted on June 5, 2023

Marni Rittburg, Clerk of the Board

\* No written report



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## ACTION SUMMARY MINUTES – REGULAR MEETING

### POLICY COMMITTEE THURSDAY, MARCH 9, 2023 SACRAMENTO METROPOLITAN FIRE DISTRICT & Remotely Via Zoom

#### CALL TO ORDER

The meeting was called to order at 5:36 pm by Director Costa. Committee members present: Costa and Saylor. Committee members absent: Goold. Staff present: Chief Haverty and Board Clerk Penilla.

**PUBLIC COMMENT:** None

#### CONSENT AGENDA

**Action:** Moved by Saylor seconded by Costa, and carried unanimously by members present to adopt the Consent Calendar as follows:

1. **Action Summary Minutes**

**Recommendation:** Approve the Action Summary Minutes for meeting of February 9, 2023.

**Action:** Approved the Action Summary Minutes.

#### PRESENTATION ITEMS

1. **Reinstatement Policy** (*Melisa Maddux, HR Manager*)

**Recommendation:** Review the new policy for informational purposes, no further action required.

**Action:** No action taken.

2. **Policy Development and Implementation Process** (*Melisa Maddux, HR Manager*)

**Recommendation:** Review the updated policy for informational purposes, no further action required.

**Action:** No action taken.

#### ADJOURNMENT

The meeting adjourned at 5:46 pm.

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Director Costa, Chair

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Sherri Martucci, Interim Clerk of the Board



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# Sacramento Metropolitan Fire District

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10545 Armstrong Ave., Suite 200 · Mather, CA 95655 · Phone (916) 859-4300 Fax (916) 859-3702

**DATE:** June 8, 2023  
**TO:** Policy Committee Members  
**SUBJECT:** Revision of Board Policy  
Policy 01.003.08 - Family and Medical Leave

## TOPIC

Review the proposed changes to the current 01.003.08 Board Policy regarding Family and Medical Leave.

## DISCUSSION

Attached is the Family and Medical Leave Policy that was approved by the Board on March 25, 2021. This policy was reviewed by the Human Resources Division, and language has been added to reflect the expansion of family and medical leave under California Family Rights Act (CFRA). The original policy with the tracked changes are attached for your review.

## RECOMMENDATION

Recommend the Policy Committee approve the revision to the Family and Medical Leave policy and refer to the full Board for approval.

Submitted By:

Melissa Maddux  
Human Resources Manager

Approved By:

Ty Bailey  
Deputy Chief, Administration

# Sacramento Metropolitan Fire District

## BOARD POLICY

POLICY TITLE: Family and Medical Leave      OVERSIGHT: Administration  
POLICY NUMBER: 01.003.098 EFFECTIVE DATE: 02/02/00      REVIEW DATE: 03/25/2021  
[06/08/23](#)

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### *Background*

The Sacramento Metropolitan Fire District (District) is required by law to comply with the Family Medical Leave Act (FMLA) of 1993 and its additional treatment under the California Family Rights Act (CFRA), the National Defense Authorization Act of 2008 (NDAA), and the Pregnancy Disability Leave Act (PDL). The FMLA/CFRA/PDL leaves are unpaid, and provide employment protection to qualified employees who take leave for qualified family or medical conditions.

### *Purpose*

To comply with the FMLA/CFRA/PDL, and to provide policy and procedure for employees to request such leave.

### *Scope*

This policy applies to all District employees.

### *Definitions*

1. **Family and Medical Leave Act of 1993 (FMLA):** United States federal law requiring covered employers to provide employees job-protected and unpaid leave for qualified medical and family reasons. Qualified medical and family reasons include: personal or family illness, family military leave, pregnancy, adoption, or the foster care placement of a child.
2. **California Family Rights Act (CFRA):** State law that was enacted from the Family and Medical Leave Act of 1993. The same qualifications and requirements apply except that Domestic Partnerships [and Designated Persons](#) are recognized under CFRA, and not under FMLA. In order to claim CFRA for a domestic partner, a couple must have had previously filed a Declaration of Domestic Partnership with the California Secretary of State. [A Designated Person is defined as any individual related by blood or whose association with the employee is equivalent of a family relationship.](#) Reasons for leave are serious personal health issues, the care of a seriously ill child, sibling, parent, grandparent, grandchild, spouse, ~~or~~ domestic partner, [or designated person](#).
3. **Pregnancy Disability Leave (PDL):** Under California's Pregnancy Disability Leave Law, employers are required to allow eligible employees up to four months leave if considered disabled by pregnancy, childbirth or conditions related to pregnancy.

4. **National Defense Authorization Act of 2008 (NDAA):** On January 28, 2008, President Bush signed into law new FMLA leave entitlements for military families amending the FMLA to provide two types of military family leave for "FMLA-eligible employees", (1) Qualifying Exigency Leave, and (2) Military Caregiver Leave.
5. **Eligible Employee:** An employee who has 12 or more months of continuous service and who has accumulated at least 1,250 hours of service in the previous 12 consecutive month period qualifies for FMLA/CFRA. Employees are eligible for PDL upon hire.
6. **Employment Protection:** Upon returning from leave, placing an employee in the same position or a position that has the same or similar duties and pay and that can be performed at the same or similar geographic location as the position held prior to the leave.
7. **Qualified Family or Medical Condition under FMLA:** (A) The birth of a child of the employee, the placement of a child with the employee in connection with the adoption or foster care of the child by the employee, or the serious health condition of a child of the employee; (B) Care given by the employee to a parent or spouse who has a serious health condition; (C) Tending to the employee's own serious health condition which makes the employee unable to perform the functions of his/her position; (D) Leave for Qualifying Exigency arising out of the fact that the employee's spouse, child, or parent is a covered military member on active duty; or (E) Covered service member Leave is provided to care for a service member with a serious injury or illness.
8. **Qualified Family or Medical Condition under CFRA:** (A) The birth of a child of the employee, the placement of a child with the employee in connection with the adoption or foster care of the child by the employee, or the serious health condition of a child of the employee, or the child of an employee's domestic partner; [or designated person](#) (B) Care given by the employee to a parent, grandparent, grandchild, sibling, spouse, ~~or~~ domestic partner, [or designated person](#) who has a serious health condition; (C) Tending to the employee's own serious health condition which makes the employee unable to perform the functions of his/her position; (D) Leave for Qualifying Exigency arising out of the fact that the employee's spouse, domestic partner, child, or parent is a covered military member on active duty; or (E) Covered service member Leave is provided to care for a service member with a serious injury or illness.
9. **Serious Injury or Illness:** An illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.
10. **Authorized Health Care Provider:** A physician, surgeon, nurse practitioner, nurse midwife, or other person capable of providing health care services. This definition includes: podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (related to spinal manipulation). These professionals must be performing "within the scope of their practice as defined under state law."

11. **Baby Bonding:** Leave for an employee, either male or female, to bond with his/her own child or with his/her adopted or foster child. All leave for baby bonding must conclude within one year of the birth of the child, or one year from the date a child under the age of 18 was placed with the employee for adoption or foster care.
12. **Employee's Parent under FMLA:** A biological, foster or adoptive parent; a stepparent; a legal guardian; or an individual who stands or stood in "loco parentis" to an employee when the employee was a child.
13. **Employee's Parent under CFRA:** A biological, foster or adoptive parent; or an individual who stands or stood in "loco parentis" to an employee when the employee was a child. This definition includes parent-in-law.
14. **Employee's Child under FMLA:** A biological, adoptive, foster, or step child, or a legal ward of the employee. A child of a person standing in "loco parentis" who is under the age of 18, or 18 and older and incapable of self-care because of a mental or physical disability.
15. **Employee's Child under CFRA:** A biological, adoptive, foster, or step child, or a legal ward of the employee, or a child of a person standing in loco parentis who is either of the following: under the age of 18, or an adult dependent child. This definition includes a child of registered domestic partners.
16. **Employee's Spouse:** A legal marriage, to include husband and wife, and same-sex spouses.
17. **Registered Domestic Partners:** Two adults over the age of 18 (same sex couples or opposite sex couples) who have registered their relationship with the California Secretary of State.
- ~~17.~~18. **Designated Person under CFRA:** Any individual related by blood or whose association with the employee is the equivalent of a family relationship. A Designated Person must be identified at the time the employee requests the leave and an employee may only designate one person per 12-month period.
- ~~18.~~19. **Single 12-month Period:** Begins the first day the eligible employee takes leave and ends 12 months after that date, regardless of the method used by the employer to determine the employee's 12 workweeks of leave entitlement for other FMLA-qualifying reasons.
- ~~19.~~20. **Qualifying Exigency Leave:** The need for leave arising because the spouse, domestic partner, child, or parent of an employee is on active duty, or has been notified of an impending call to active duty status.
- ~~20.~~21. **Military Caregiver Leave:** Such leave may be taken by an eligible employee to care for a covered service member with a serious injury or illness. This type of

FMLA leave is based on a recommendation of the President's Commission on Care for America's Returning Wounded Warriors.

**21.22. Covered Military Member:** The employee's parent, spouse, domestic partner, son, daughter (includes biological, adopted, foster, stepchild or legal guardianship of child), who is on active duty or call to active duty status.

**22.23. Covered Service Member:** Current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty on active duty.

## Policy

1. An eligible employee may receive up to 12 weeks of unpaid leave during a 12 month period for a qualified family or medical condition.
2. If the employee is on a leave of absence due to own illness or injury or the illness or injury of their qualified family member, the employee is required to use half (1/2) of their annually accrued sick leave benefits (*see Sick Leave Policy for further details*). Once half (1/2) of the annually accrued sick leave benefits have been exhausted and the employee is still on leave of absence, the employee will then be required to use their Sick Accruals, Vacation Accruals or combination of each. Only when the employee has exhausted all of their paid leave accruals can the employee go on an unpaid leave.
  - a. An employee can elect to keep the following Sick Leave Accruals in their Sick Leave A Bank without having to exhaust Sick Leave prior to exhausting their Vacation/PTO Accruals or a combination of each.
    - i. Shift Personnel: 48 hours of Sick Leave
    - ii. Day Personnel: 34.28 hours of Sick Leave
3. If the employee is on intermittent leave of absence due to own illness or injury or the illness or injury of their qualified family member, the employee is required to use half (1/2) of their annually accrued sick leave benefits (*see Sick Leave Policy for further details*) for the hours and/or days missed due to their leave reasons. Once half (1/2) of the annually accrued sick leave benefits have been exhausted the employee will then be required to use their Sick Accruals, Vacation Accruals or combination of each for all the hours and/or days missed due to their leave reasons. Only when the employee has exhausted all of their paid leave accruals can the employee go on an unpaid leave.
  - a. An employee can elect to keep the following Sick Leave Accruals in their Sick Leave A Bank without having to exhaust Sick Leave prior to exhausting their Vacation/PTO Accruals or a combination of each.
    - i. Shift Personnel: 48 hours of Sick Leave

## ii. Day Personnel: 34.28 hours of Sick Leave

4. Employees are eligible to take up to 12 weeks of FMLA/CFRA within a 12 month period. However, if an employee is medically required to be absent from work for longer than the 12 week period granted under FMLA/CFRA rights, the District will go through an interactive process with the employee and attempt to provide reasonable accommodation. That reasonable accommodation will also include the employee remaining on leave for an extended period of time, not to exceed 12 months from the original start date of the employee's leave. If the employee is medically required to be on leave for longer than 12 months from the original start date of their leave and the employee is unable to return to work, the District will go through another interactive process with the employee to determine if reasonable accommodation can be provided. If it is determined that reasonable accommodation cannot be provided, the District will then terminate the employee once their leave has exceeded 12 months from the original start date of their leave.
5. For information regarding how an employee's pay will be supplemented while on disability, please contact the Human Resources Division.
6. An eligible employee who is disabled because of pregnancy is entitled to Pregnancy Disability Leave (PDL). PDL provides up to four months of leave. PDL is followed by a maximum of 12 weeks of CFRA. CFRA and FMLA run concurrently, however PDL and CFRA do not run concurrently.
7. An eligible employee is entitled to take up to 26 workweeks of leave during a "single 12-month period" to care for a seriously injured or ill covered service member.
8. An eligible employee is entitled to two types of Military Family Leave: Qualifying Exigency Leave, and Military Caregiver Leave.
9. FMLA will run concurrently with CFRA, PDL, Protected Sick Leave (*see Sick Leave Policy for details*), Qualifying Exigency Leave, and Military Caregiver Leave.
  - a. FMLA will also run concurrently with Workers' Compensation leave as long as the injury is one that meets the criteria for a "serious health condition", unless the employee is Safety Personnel receiving salary continuation in lieu of temporary disability payments under California Labor Code Section 4850.
  - b. FMLA will not run concurrently with CFRA if the need for leave is due to a qualified medical reason for one of the following qualified family members: that does not fall under FMLA: sibling, grandchild, or grandparent.
10. An employee can elect to keep the following Sick Leave Accruals in their Sick Leave A Bank prior to exhausting their Vacation/PTO Accruals or a combination of each:



- a. Online Suppression: 48 hours of Sick Leave
- b. Day Staff: 34.28 hours of Sick Leave

## *Procedures*

The following procedures apply when requesting FMLA/CFRA/PDL. Contact the Human Resources Division as soon as you become aware of the need for leave.

1. If the event necessitating leave becomes known to the employee more than 30 calendar days before the need for leave, the request must be submitted in writing at least 30 days before the leave is needed.
2. If the need for leave is not foreseeable, the employee must provide as much advance notice as possible by submitting required certification from the authorized health care provider no later than five working days after learning of the need for leave.
3. If the leave is needed for a planned medical treatment, the employee must make a reasonable effort to schedule the treatment to avoid disruption to District operations, subject to the approval of the authorized health care provider.
4. If the leave is needed to care for an ill child, sibling, parent, grandparent, grandchild, spouse, ~~or~~ domestic partner, or designated person, the employee must provide a certification completed by the authorized health care provider which can be obtained from the Human Resources Division, and must state the following:
  - a. date of commencement of the serious health condition;
  - b. probable duration of the condition;
  - c. estimate of the amount of time which the authorized health care provider believes the employee needs to care for the child, sibling, parent, grandparent, grandchild, spouse, ~~or~~ domestic partner, or designated person; and
  - d. confirmation that the serious health condition warrants the participation of a family member.
  - e. The diagnosis, treatment or similar details shall not be included.
5. If the leave is needed for the employee's own serious health condition, the employee must provide a certification completed by the authorized health care provider which can be obtained from the Human Resources Division, and must state the following:
  - a. date of commencement of the serious health condition;
  - b. probable duration of the condition; and
  - c. a statement that the employee is unable to perform the function of his/her position because of the serious health condition.
  - d. The diagnosis, treatment or similar details shall not be included.

6. The District will require recertification from the authorized health care provider if additional leave is required for the employee's own medical condition, or to care for an ill child, sibling, parent, grandparent, grandchild, spouse, ~~or~~ domestic partner, or designated person.
7. The District will require certification by the employee's authorized health care provider that the employee is fit to return to his/her job. If the employee fails to provide a fit to return to work certification from the authorized health care provider, the employee may be denied reinstatement until such time as the certificate is obtained. (Note: This policy must be applied uniformly for return from any type of medical leave.)
8. If the leave is needed for Military Family Leave (Qualifying Exigency Leave/Military Caregiver Leave) employee must provide proof of active duty/deployment documentation for the covered service member.
9. An employee taking approved leave that is covered under FMLA/CFRA/PDL will be allowed to continue participating in any health benefit plans in which he/she was enrolled prior to the first day of the leave at the District's expense minus the employee contribution.
10. Under some circumstances employees may take FMLA/CFRA/PDL intermittently, which means taking leave in blocks of time, or by reducing their normal weekly or daily work schedule as determined by the authorized health care provider.
  - a. If on Intermittent FMLA, employee must notify their chain of command as well as the Human Resources Division prior to the Intermittent FMLA absence to ensure the absence(s) will be counted as FMLA. If there is an emergency situation, the employee must notify their chain of command immediately however can contact the Human Resources Division within 24 hours of the absence in order for that absence(s) to be counted as FMLA.
11. Upon return from FMLA/CFRA/PDL, an employee will be reinstated to his/her original job, or to an equivalent job with equivalent pay, benefits and other employment terms and conditions. In addition, an employee's use of FMLA/CFRA/PDL will not result in the loss of any employment benefit that the employee earned or was entitled to before using leave.
12. Pursuant to federal and state law, reinstatement after FMLA/CFRA/PDL may be denied to employees:
  - a. when the refusal is necessary to prevent substantial and grievous economic injury to the District's operations by declaration of the Board of Directors;
  - b. when the refusal is related to misconduct which would have resulted in termination regardless of the leave taken; or
  - c. when the employee does not return at the designated time.

For additional information about eligibility for FMLA/CFRA/PDL, contact the Human Resources Division.

## *References*

1. Family Medical Leave Act
2. California Family Rights Act
3. Pregnancy Disability Leave Act
4. United States Department of Labor-Title 38 United States Code (U.S.C.) Chapter 43 (4301-4335) — USERRA Code
5. United States Department of Labor -Title 20 Code of Federal Regulations (C.F.R.) part 1002 USERRA Regulations
6. The National Defense Authorization Act for FY 2008 ("NDAA"), Public Law 110-181
7. California Labor Code Sections 4850, 12945.2 and 230
8. Senate Bill 579
9. Senate Bill 1383
- ~~9.~~10. Assembly Bill No. 1041
10. All current policies can be found in the Policy App.