



TODD HARMS
Fire Chief

Sacramento Metropolitan Fire District

10545 Armstrong Ave., Suite 200 • Mather, California 95655 • Phone (916) 859-4305 • Fax (916) 859-3715

AGENDA

**POLICY COMMITTEE – REGULAR MEETING
THURSDAY, NOVEMBER 14, 2019 – 5:30 P.M.
SACRAMENTO METROPOLITAN FIRE DISTRICT
10545 Armstrong Avenue
Board Room – Second Floor
Mather, California**

COMMITTEE MEMBERS

Director Barnes
Director Clark
Director Goold

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

**Page No.
2**

Recommendation: Approve the Action Summary Minutes for meeting of October 10, 2019.

ACTION ITEM

1. Family and Medical Leave (Melisa Maddux, HR Manager)

3

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

PRESENTATION ITEMS

1. Administrative Policy Revisions (Melisa Maddux, HR Manager)

A. Sick Leave Policy

20

B. Leave of Absence Policy

35

C. Modified Duty Policy

46

Recommendation: Review the revised policies for informational purposes, no further action required.

NEXT MEETING DATE: TBD

ADJOURNMENT

Posted on November 8, 2019

Melissa Penilla, Clerk of the Board

* No written report



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ACTION SUMMARY MINUTES – REGULAR MEETING

POLICY COMMITTEE
THURSDAY, OCTOBER 10, 2019 – 5:30 P.M.
SACRAMENTO METROPOLITAN FIRE DISTRICT
10545 Armstrong Avenue
Board Room – Second Floor
Mather, California

CALL TO ORDER

The meeting was called to order at 5:30 p.m. by Director Goold. Committee members present: Barnes, Clark and Goold. Committee members absent: None. Staff present: Chief Harms and Clerk Penilla.

PUBLIC COMMENT: None

CONSENT AGENDA

Action: Moved by Clark, seconded by Barnes, 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 September 12, 2019
Action: Approved the Action Summary Minutes.

PRESENTATION ITEM

1. **Notice of Parking Violation Policy (Fire Marshal Lisa Barsdale)**
Recommendation: Review the revised Notice of Parking Violation Policy, no further action necessary.
Action: Director Goold recommended the policy include the bail system to publically show infraction fees. No action taken.

ADJOURNMENT

The meeting adjourned at 5:33 p.m.

Director Goold, Chair

Melissa Penilla, Clerk of the Board



Todd Harms
Fire Chief

Sacramento Metropolitan Fire District

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

DATE: November 14, 2019
TO: Policy Committee Members
SUBJECT: Revision of Board Policy
Policy 01.003.07- Family and Medical Leave

TOPIC

Review the proposed changes to the current 01.003.07 Board Policy regarding Family and Medical Leave.

DISCUSSION

Attached is the Family and Medical Leave Policy that was approved by the Board on May 12, 2017. This policy was reviewed by the Human Resources Division, and new language has been added to address updates which correspond with changes made to the 2019-2021 MOU's. The original policy and the newly revised policy 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:

Melisa Maddux
Human Resources Manager

Approved By:

Greg Casentini
Deputy Chief, Administration



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POLICY COMMITTEE MEETING AGENDA

THURSDAY, NOVEMBER 14, 2019

Action Item 1

Family and Medical Leave

Current Version

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:** (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 Servicemember Leave is provided to care for a servicemember with a serious injury or illness.
8. **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.
9. **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."
10. **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.
11. **Employee's Parent:** A biological parent or an individual who stands or stood in “loco parentis” to an employee when the employee was a child.
12. **Employee's Son or Daughter:** 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. This definition includes a child of registered domestic partners.

13. **Employee's Spouse/Domestic Partner:** The District defines the term spouse as a legal marriage partner, being either a husband or wife. Registered domestic partners are defined as same sex couples or opposite sex couples with one partner over age 62 who have registered their relationship with the California Secretary of State.
14. **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.
15. **Qualifying Exigency Leave:** The need for leave arising because the spouse, child, or parent of an employee is on active duty, or has been notified of an impending call to active duty status.
16. **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.
17. **Covered Military Member:** The employee's parent, spouse, son, daughter (includes biological, adopted, foster, stepchild or legal guardianship of child), who is on active duty or call to active duty status.
18. **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 Protected 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 their Sick and Vacation Accruals can the employee go unpaid.
 - a. If the employee is on intermittent leave 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 Protected 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 their Sick and Vacation Accruals can the employee go unpaid.

3. 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.
4. For information regarding how an employee's pay will be supplemented while on disability, please contact the Human Resources Division.
5. 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.
6. 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.
7. An eligible employee is entitled to two types of Military Family Leave: Qualifying Exigency Leave, and Military Caregiver Leave.
8. FMLA will run concurrently with CFRA, PDL, Protected Sick Leave (see *Protected 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.

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, parent, spouse, or domestic partner, 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, parent, spouse, or domestic partner; 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, parent, spouse, or domestic partner.
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 servicemember.
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. When leave is used for baby bonding and both parents work for the District, the District may limit the two employees to a combined total of 12 weeks of FMLA/CFRA. The employees determine how the time will be split.
12. 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.
13. 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.

14. 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. All current policies can be found at P:_Policies Manual



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POLICY COMMITTEE MEETING AGENDA

THURSDAY, NOVEMBER 14, 2019

Action Item 1

Family and Medical Leave

Revised Version

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

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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

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 - c. estimate of the amount of time which the authorized health care provider believes the employee needs to care for the child, parent, spouse, or domestic partner; and
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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.

13. 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. All current policies can be found in the Policy App.



Sacramento Metropolitan Fire District

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Todd Harms
Fire Chief

DATE: November 14, 2019
TO: Policy Committee Members
SUBJECT: Administration Policy 02.015.02 Sick Leave Policy

TOPIC

Policy Committee notification of edits made to Administrative Policy 02.015.02 Sick Leave Policy.


DISCUSSION

The Administration Policy 02.015.02 Sick Leave has been edited to reflect updates which correspond with changes made to the 2019-2021 MOU's. The policy has been edited to allow employees to keep an identified amount of hours in their Sick Leave "A" Bank prior to going on unpaid leave.

RECOMMENDATION

Administration Policy review is for informational purposes only as previously directed by the Policy Committee.

Submitted By:



Melisa Maddux
Human Resources Manager

Approved By:



Greg Casentini
Deputy Chief of Administration



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POLICY COMMITTEE MEETING AGENDA

THURSDAY, NOVEMBER 14, 2019

Presentation Item 1A

Sick Leave Policy

Current Version

Sacramento Metropolitan Fire District

ADMINISTRATIVE POLICY

POLICY TITLE: Sick Leave

OVERSIGHT: Administration

POLICY NUMBER: 02.015.01

EFFECTIVE DATE: 08/10/17

REVIEW DATE:

Background

Sick leave is a benefit provided to District employees to aid them in offsetting the financial burden of illness. Protected Sick Leave, described by this policy, is also a right under the California Labor Code. This sick leave policy is designed to provide position and salary continuation in the event of a personal or family illness, and to promote sick leave conservation for extended protection of a long term illness. Employees are expected to be in attendance according to their work schedules, and sick leave is only to be used in cases of illness or injury of the employee, a qualified family member, or any other qualifying protected leave.

Purpose

To provide policy and procedure concerning the use of sick leave to employees, and comply with California Labor Code Sections 233 and Senate Bill No. 579.

Scope

This policy applies to all District employees who accrue sick leave.

Definitions

1. **Accrued Sick Leave:** Earned sick leave entitlement at time of the sick leave absence.
2. **Eligible Employee:** Any employee who accrues sick leave and who has sick leave available to use on the day(s) of the absence.
3. **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.
4. **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 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. Reasons for leave are serious personal health issues, including pregnancy or the care of a seriously ill child, spouse, domestic partner or parent.

5. **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.
6. **Qualifying Family Members:**
 - a. Spouse or registered domestic partner.
 - b. A "parent," defined as a biological, foster or adoptive, stepparent or legal guardian of the employee or the employee's spouse or registered domestic partner. A parent may also be someone who accepted the duties and responsibilities of raising you when you were a minor child, even if he or she is not your legal parent.
 - c. A "child," defined as a biological, foster or adoptive, stepchild, or a legal ward, regardless of the age or dependency status of the child, or someone for whom you have accepted the duties and responsibilities of raising, even if he or she is not your legal child.
 - d. Grandparent.
 - e. Grandchild.
 - f. Sibling.
 - g. Or any other person domiciled as a member of the employee's household.
7. **Qualifying Health Condition:** The term "illness" should be read broadly to encompass minor illnesses such as a cold or flu and of course serious health conditions. This is different than FMLA and/or CFRA qualifying conditions, which are limited to serious health conditions.
8. **Spouse/Registered Domestic Partner of Employee:** The District defines the term spouse as a legal marriage partner, being either a husband or wife. Registered domestic partners are defined as same sex couples or opposite sex couples with one partner over age 62, and who have registered their relationship with the California Secretary of State.
9. **Protected Sick Leave:** Employees can use up to half (1/2) of the sick leave they accrue per calendar year to take time off for the purposes described in Policy section 4 below.
10. **Excessive Sick Leave Use:** Sick leave taken after an employee exhausts all of their Protected Sick Leave entitlement, plus the additional sick leave amounts allowed by this policy.

Policy

1. Excessive and fraudulent use of sick leave has a negative impact on the fiscal stability of the District. The District will make every effort to ensure proper use of sick leave and prevent excessive unauthorized absences.

2. The District will not deny an employee the right to use his/her Protected Sick Leave for the purposes described below. The District will not terminate, threaten to terminate, demote, suspend or in any manner discriminate against an employee for using Protected Sick Leave.
3. Employees shall not engage in other outside employment or recreational activities while on sick leave.
4. **Protected Sick Leave Usage**
Provided a sick leave balance is available, employees may use Protected Sick Leave for the following reasons:
 - a. Employee's personal injury, illness, diagnosis, care, treatment of an existing health condition, preventative care, or exposure to contagious disease that could be communicated to other employees.
 - b. To care for a qualifying family member for injury, illness, diagnosis, care, treatment of an existing health condition or preventative care.
 - c. The employee is a victim of domestic violence, sexual assault, or stalking.
5. **Protected Sick Leave Entitlement**
No more than half (½) of an Eligible Employee's annually accrued sick leave hours can be counted as Protected Sick Leave. For example, as of the effective date of this policy, Protected Sick Leave is calculated as follows:
 - a. Day/Suppression employees with more than three (3) years of service:
 - i. For shift personnel this would mean no more than 132 hours of sick leave can be counted as Protected Sick Leave per calendar year. (Calculation: shift personnel accrue 22 hours of sick leave per month (264 hours of sick leave per calendar year) and thus could take no more than 132 hours for Protected Sick Leave in a calendar year.
 - ii. For day personnel this would mean no more than 94.5 hours of sick leave can be counted as Protected Sick Leave per calendar year. (Calculation: day personnel accrue 15.75 hours of sick leave per month (189 hours of sick leave per calendar year) and thus could take no more than 94.5 hours for Protected Sick Leave in a calendar year.)
 - b. Day/Suppression employees with less than three (3) years of service:
 - i. For shift personnel this would mean no more than 66 hours of sick leave can be counted as Protected Sick Leave per calendar year. (Calculation: shift personnel accrue 11 hours of sick leave per month (132 hours of sick leave per year) and thus could take no more than 66 hours for Protected Sick Leave in a calendar year.)
 - ii. For day personnel this would mean no more than 47.28 hours of sick leave can be counted as Protected Sick Leave per calendar year. (Calculation: day personnel accrue 7.88 hours of sick leave per month (94.56 hours of sick leave per year) and thus could take no more than 47.28 hours for Protected Sick Leave in a calendar year.)

- c. For Single Role Paramedic personnel with 0-60 months of service this would mean no more than 36 hours of sick leave can be counted as Protected Sick Leave per calendar year (72 hours accrued annually). For Single Role Paramedic personnel with 60 + months of service this would mean no more than 72 hours of sick leave can be counted as Protected Sick Leave per calendar year (144 hours accrued annually).

6. Protected Sick Leave Tracking

- a. An employee's sick leave usage will be tracked by the District. Protected Sick Leave will be assigned to all sick leave used until the employee has exhausted their Protected Sick Leave entitlement.
- b. The employee will be notified by Human Resources in writing once their Protected Sick Leave has been exhausted.
- c. Protected Sick Leave will run concurrently with FMLA, CFRA, and PDL.

7. Excessive Sick Leave

- a. Excessive Sick Leave usage would be defined as an employee exhausting all of their allotted Protected Sick Leave entitlement, plus the following additional amounts of sick leave absences:
 - i. 48 hours for 24 hour shift employees
 - ii. 24 hours for 12 hours shift (SRP) employees
 - iii. 16 hours for day and day assigned shift employees
- b. Employees will be notified when all Protected Sick Leave and the additional sick leave entitlements identified above have been exhausted and any further sick leave usage outside of any applicable State or Federal protection could subject them to disciplinary action up to and including termination. (*Please see the Discipline Policy for details*).

8. Sick Leave Bonus Hours

Sick leave that is documented by a physician, nurse practitioner, or mental health professional, or any sick leave hours classified as FMLA, CFRA, PDL or Workers' Compensation will not be counted in the annual bonus hour calculation. All other sick leave usage, including Protected Sick Leave, which is not documented by a physician, nurse practitioner, or mental health professional, will be used in the calculation per the applicable MOU or Resolution. Documentation must be received by the Human Resources Division within 30 business days excluding recognized District holidays, of the sick leave usage to be considered documented sick leave.

9. Workers' Compensation

- a. Employees who are unable to work due to an on the job injury or illness must use accrued paid leaves pending the acceptance of a Workers' Compensation claim. Employees must exhaust paid leave accruals in the following order: 1. sick leave, 2. vacation leave, 3. CTO. Employees are

responsible for entering time off in Telestaff as sick leave, vacation leave, or CTO.

- b. The employee is responsible for completing and submitting all required workers' compensation paperwork to the Human Resources Division.
- c. It is required that the individual employee fill out all the appropriate documentation to ensure a timely conversion of used paid leave accruals to workers' compensation time off.

10. Notification

- a. If an employee is going to be absent from his/her assigned shift, the following procedures shall be used to notify the District:
- b. 24 Hour Shift Employees:
 - i. Shall contact Workforce Telestaff. This contact **MUST** be made prior to 0600 hours. The Telestaff Program number is (866) 499-0922 or www.metrofire-wfts.kronos.net.
 - ii. If the information cannot be entered prior to 0600, the employee is required to contact the staffing Battalion Chief, by telephone. If the staffing Battalion Chief is not available, the employee will contact the next person in the chain of command where the missed work assignment will occur.
 - iii. Employees shall report all long-term leave (more than three shifts or 72 hours) during regular business hours (0800-1700) to their immediate supervisor as soon as the condition is known. Sick leave notifications will not be made between the hours of (2200-0600).
- c. 12 Hour Shift Employees
 - i. Shall contact EMS 24. This contact **MUST** be made at least 2 hours prior to the start of the shift. EMS 24 can be reached at: (916) 616-2415 or (916) 859-4136.
 - ii. The employee shall report all long-term leave (more than three shifts or 36 hours) to EMS 24 as soon as the condition is known.
- d. Day and Day Shift Employees
 - i. All day employees are required to contact their Division Manager no later than 15 minutes past their scheduled work hours, on the same day of the absence. The employee should first attempt to speak with his/her immediate supervisor. If the immediate supervisor is unavailable, follow the contact list below.
Contact Order: 1) Immediate supervisor's designee
 2) Deputy Chief
 - ii. If unable to speak to anyone on the contact list, a message can be left on voicemail. However a voicemail message must be

followed by contacting a person on the contact list ensuring the message is received.

- iii. Employees must enter sick leave usage into Telestaff at their earliest opportunity and have it approved by their supervisor.
- e. Supervisors are required to report any long-term leave (leave that exceeds three consecutive regular shifts) to Human Resources staff.

11. Medical Certification Requirements for Return to Work Status

- a. An employee may be required to provide a statement from a physician or nurse practitioner that he/she is fit to return to duty following an extended absence, the duration of which is defined by the MOU applicable to the employee. Please refer to the applicable MOU or Resolution for further details.
- b. The return to work note will be obtained on the employee's own time and expense.

12. Fraudulent Use and Abuse of Sick Leave

- a. Employees will be subject to disciplinary action up to and including termination for fraudulent use of sick leave, including but not limited to the following: fraudulently obtaining sick leave; falsifying sick leave requests; providing false documentation of records; misrepresenting the grounds for a sick leave request; including but not limited to: vacation, travel, recreation purposes, or to pursue or maintain other employment, will be deemed a fraudulent use of sick leave.

References

1. State of California Department of Industrial Relations (DIR) – Section and 233 of California Labor Code
2. Senate Bill No. 579
3. All current policies can be found at P:_Policies Manual



Sacramento Metropolitan Fire District

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POLICY COMMITTEE MEETING AGENDA

THURSDAY, NOVEMBER 14, 2019

Presentation Item 1A

Sick Leave Policy

Revised Version

Sacramento Metropolitan Fire District

ADMINISTRATION POLICY

POLICY TITLE: Sick Leave

OVERSIGHT: Administration

POLICY NUMBER: 02.015.02

EFFECTIVE DATE: 08/10/17

REVIEW DATE: 11/14/19

Background

Sick leave is a benefit provided to District employees to aid them in offsetting the financial burden of illness. Protected Sick Leave, described by this policy, is also a right under the California Labor Code. This sick leave policy is designed to provide position and salary continuation in the event of a personal or family illness, and to promote sick leave conservation for extended protection of a long term illness. Employees are expected to be in attendance according to their work schedules, and sick leave is only to be used in cases of illness or injury of the employee, a qualified family member, or any other qualifying protected leave.

Purpose

To provide policy and procedure concerning the use of sick leave to employees, and comply with California Labor Code Sections 233 and Senate Bill No. 579.

Scope

This policy applies to all District employees who accrue sick leave.

Definitions

1. **Accrued Sick Leave:** Earned sick leave entitlement at time of the sick leave absence.
2. **Eligible Employee:** Any employee who accrues sick leave and who has sick leave available to use on the day(s) of the absence.
3. **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.
4. **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 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. Reasons for leave are serious personal health issues, including pregnancy or the care of a seriously ill child, spouse, domestic partner or parent.

5. **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.
6. **Qualifying Family Members:**
 - a. Spouse or registered domestic partner
 - b. A "parent," defined as a biological, foster or adoptive, stepparent or legal guardian of the employee or the employee's spouse or registered domestic partner. A parent may also be someone who accepted the duties and responsibilities of raising you when you were a minor child, even if he or she is not your legal parent
 - c. A "child," defined as a biological, foster or adoptive, stepchild, or a legal ward, regardless of the age or dependency status of the child, or someone for whom you have accepted the duties and responsibilities of raising, even if he or she is not your legal child
 - d. Grandparent
 - e. Grandchild
 - f. Sibling
 - g. Or any other person domiciled as a member of the employee's household.
7. **Qualifying Health Condition:** The term "illness" should be read broadly to encompass minor illnesses such as a cold or flu and of course serious health conditions. This is different than FMLA and/or CFRA qualifying conditions, which are limited to serious health conditions.
8. **Spouse/Registered Domestic Partner of Employee:** The District defines the term spouse as a legal marriage partner, being either a husband or wife. Registered domestic partners are defined as same sex couples or opposite sex couples with one partner over age 62, and who have registered their relationship with the California Secretary of State.
9. **Protected Sick Leave:** Employees can use up to half (1/2) of the sick leave they accrue per calendar year to take time off for the purposes described in Policy section 4 below.
10. **Excessive Sick Leave Use:** Sick leave taken after an employee exhausts all of their Protected Sick Leave entitlement, plus the additional sick leave amounts allowed by this policy.

Policy

1. Excessive and fraudulent use of sick leave has a negative impact on the fiscal stability of the District. The District will make every effort to ensure proper use of sick leave and prevent excessive unauthorized absences.

2. The District will not deny an employee the right to use his/her Protected Sick Leave for the purposes described below. The District will not terminate, threaten to terminate, demote, suspend or in any manner discriminate against an employee for using Protected Sick Leave.

3. Employees shall not engage in other outside employment or recreational activities while on sick leave.

4. **Protected Sick Leave Usage**

Provided a sick leave balance is available, employees may use Protected Sick Leave for the following reasons:

- a. Employee's personal injury, illness, diagnosis, care, treatment of an existing health condition, preventative care, or exposure to contagious disease that could be communicated to other employees.
- b. To care for a qualifying family member for injury, illness, diagnosis, care, treatment of an existing health condition or preventative care.
- c. The employee is a victim of domestic violence, sexual assault, or stalking.

5. **Protected Sick Leave Entitlement**

No more than half (½) of an Eligible Employee's annually accrued sick leave hours can be counted as Protected Sick Leave. For example, Protected Sick Leave is calculated as follows:

- a. Day/Suppression employees:
 - i. For shift personnel this would mean no more than 144 hours of sick leave can be counted as Protected Sick Leave per calendar year. (Calculation: shift personnel accrue 24 hours of sick leave per month (288 hours of sick leave per calendar year) and thus could take no more than 144 hours for Protected Sick Leave in a calendar year.
 - ii. For day personnel this would mean no more than 103.32 hours of sick leave can be counted as Protected Sick Leave per calendar year. (Calculation: day personnel accrue 17.22 hours of sick leave per month (206.64 hours of sick leave per calendar year) and thus could take no more than 103.32 hours for Protected Sick Leave in a calendar year.)
- b. For Single Role Paramedic personnel with 0-60 months of service this would mean no more than 36 hours of sick leave can be counted as Protected Sick Leave per calendar year (72 hours accrued annually). For Single Role Paramedic personnel with 60 + months of service this would mean no more than 72 hours of sick leave can be counted as Protected Sick Leave per calendar year (144 hours accrued annually).

6. **Protected Sick Leave Tracking**

- a. An employee's sick leave usage will be tracked by the District. Protected Sick Leave will be assigned to all sick leave used until the employee has exhausted their Protected Sick Leave entitlement.

- b. The employee will be notified by Human Resources in writing once their Protected Sick Leave has been exhausted.
- c. Protected Sick Leave will run concurrently with FMLA, CFRA, and PDL.

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- a. Excessive Sick Leave usage would be defined as an employee exhausting all of their allotted Protected Sick Leave entitlement, plus the following additional amounts of sick leave absences:
 - i. 48 hours for 24 hour shift employees
 - ii. 24 hours for 12 hours shift (SRP) employees
 - iii. 16 hours for day and day assigned shift employees
- b. Employees will be notified when all Protected Sick Leave and the additional sick leave entitlements identified above have been exhausted and any further sick leave usage outside of any applicable State or Federal protection could subject them to disciplinary action up to and including termination. (*Please see the Discipline Policy for details*).

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- a. Employees who are unable to work due to an on the job injury or illness must use accrued paid leaves pending the acceptance of a Workers' Compensation claim. Employees must exhaust paid leave accruals in the following order: 1. sick leave, 2. vacation leave, 3. CTO. Employees are responsible for entering time off in Telestaff as sick leave, vacation leave, or CTO.
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- c. It is required that the individual employee fill out all the appropriate documentation to ensure a timely conversion of used paid leave accruals to workers' compensation time off.

9. Notification

- a. If an employee is going to be absent from his/her assigned shift, the following procedures shall be used to notify the District:
- b. 24 Hour Shift Employees:
 - i. Shall contact Workforce Telestaff. This contact **MUST** be made prior to 0600 hours. The Telestaff Program number is (866) 499-0922 or www.metrofire-wfts.kronos.net.
 - ii. If the information cannot be entered prior to 0600, the employee is required to contact the staffing Battalion Chief, by telephone. If the staffing Battalion Chief is not available, the employee will contact the next person in the chain of command where the missed work assignment will occur.
 - iii. Employees shall report all long-term leave (more than three shifts or 72 hours) during regular business hours (0800-1700) to their immediate

supervisor as soon as the condition is known. Sick leave notifications will not be made between the hours of (2200-0600).

- c. 12 Hour Shift Employees
 - i. Shall contact EMS 24. This contact MUST be made at least 2 hours prior to the start of the shift. EMS 24 can be reached at: (916) 616-2415 or (916) 859-4136.
 - ii. The employee shall report all long-term leave (more than three shifts or 36 hours) to EMS 24 as soon as the condition is known.
- d. Day and Day Shift Employees
 - i. All day employees are required to contact their Division Manager no later than 15 minutes past their scheduled work hours, on the same day of the absence. The employee should first attempt to speak with his/her immediate supervisor. If the immediate supervisor is unavailable, follow the contact list below.
 - Contact Order: 1) Immediate supervisor's designee
 - 2) Deputy Chief
 - ii. If unable to speak to anyone on the contact list, a message can be left on voicemail. However a voicemail message must be followed by contacting a person on the contact list ensuring the message is received.
 - iii. Employees must enter sick leave usage into Telestaff at their earliest opportunity and have it approved by their supervisor.
- e. Supervisors are required to report any long-term leave (leave that exceeds three consecutive regular shifts) to Human Resources staff.

10. **Medical Certification Requirements for Return to Work Status**

- a. An employee may be required to provide a statement from a physician or nurse practitioner that he/she is fit to return to duty following an extended absence, the duration of which is defined by the MOU applicable to the employee. Please refer to the applicable MOU or Resolution for further details.
- b. The return to work note will be obtained on the employee's own time and expense.

11. **Fraudulent Use and Abuse of Sick Leave**

- a. Employees will be subject to disciplinary action up to and including termination for fraudulent use of sick leave, including but not limited to the following: fraudulently obtaining sick leave; falsifying sick leave requests; providing false documentation of records; misrepresenting the grounds for a sick leave request; including but not limited to: vacation, travel, recreation purposes, or to pursue or maintain other employment, will be deemed a fraudulent use of sick leave.

References

1. State of California Department of Industrial Relations (DIR) – Section and 233 of California Labor Code
2. Senate Bill No. 579
3. All current policies can be found in the Policy App.



Sacramento Metropolitan Fire District

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Todd Harms
Fire Chief

DATE: November 14, 2019
TO: Policy Committee Members
SUBJECT: Administration Policy 02.013.03 Leave of Absence Policy

TOPIC

Policy Committee notification of edits made to Administrative Policy 02.013.03 Leave of Absence Policy.

DISCUSSION

The Administration Policy 02.013.03 Leave of Absence has been edited to allow employees to keep an identified amount of hours in their Sick Leave "A" Bank prior to going on unpaid leave.

RECOMMENDATION

Administration Policy review is for informational purposes only as previously directed by the Policy Committee.

Submitted By:

Melisa Maddux
Human Resources Manager

Approved By:

Greg Casentini
Deputy Chief of Administration



Sacramento Metropolitan Fire District

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POLICY COMMITTEE MEETING AGENDA

THURSDAY, NOVEMBER 14, 2019

Presentation Item 1B

Leave of Absence Policy

Current Version

Sacramento Metropolitan Fire District

ADMINISTRATION POLICY

POLICY TITLE: Leaves of Absence

OVERSIGHT: Administration

POLICY NUMBER: 02.013.02

EFFECTIVE DATE: 02/02/00

REVIEW DATE:

06/09/16

Background

The Sacramento Metropolitan Fire District (District) recognizes that an employee may have a need to be excused from work in order to attend to a critical personal situation beyond their control in which the employee and/or their immediate family member do not qualify for and aren't protected under any Federal or State leave laws or regulations.

Purpose

To provide a policy and procedures for employees to request a Personal Leave of Absence from the Fire Chief.

Scope

This policy applies to all District employees.

Definitions

1. **Personal Leave of Absence:** Leave of absence in which the employees leave may be considered critical but would not be protected under any Federal or State laws or regulations.
2. **Immediate Family Member:** includes spouse, domestic partner, parent, step parent, grandparent, child, step child, grandchild, sister, brother, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, or any individual related by blood or affinity whose close association with the employee is the equivalent of the family relationship.
3. **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.
4. **Qualified Family Member:**
 - a. **Spouse or Registered Domestic Partner of Employee:** includes a spouse as a legal marriage partner, being either a husband or wife. Registered domestic partners are defined as same sex couples or opposite sex couples with one partner over age 62 who have registered their relationship with the California Secretary of State.
 - b. **Child of Employee:** includes: biological, adopted, foster child, stepchild, legal ward, child of a domestic partner, or a child in loco parentis of the employee.
 - c. **Parent of Employee:** includes: biological, foster or adoptive parent, a stepparent or a legal guardian.

5. COBRA

The Consolidated Omnibus Budget Reconciliation Act (COBRA) gives workers and their families who lose their health benefits the right to choose to continue group health benefits provided by their group health plan at their own expense, for limited periods of time under certain circumstances such as voluntary or involuntary job loss, reduction in the hours worked, transition between jobs, death, divorce, and other life events.

Policy

1. Full time employees are not entitled to leaves of absence as a matter of right however the leave request may be considered by the Fire Chief. The granting of any leave of absence shall be based on the presumption that the employee intends to return to work upon the expiration of the leave.
2. Full time employees may request a Leave of Absence for the following personal reasons :
 - a. Serious injury or illness
 - b. Adoption, Dependant and/or Elder Care
 - c. To attend to critical personal matters affecting oneself or that of an immediate family member
 - d. Settling an estate of a deceased immediate family member (*see Bereavement Leave section in your MOU for details*)

Application for such leaves must be submitted to and authorized in writing by the Fire Chief. The Fire Chief reserves the right to designate which employees may take a leave of absence and to make exceptions. Leaves of Absence shall not cause excessive inconvenience to or interference with the orderly conduct of the District's business, as determined by the Fire Chief.

3. If authorized, the leave shall not exceed 180 consecutive calendar days. An inexcusable failure to report for duty after expiration of the Leave of Absence period shall be deemed to be abandonment of employment and the employee may be terminated.
4. 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 Protected 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 their Sick and Vacation Accruals can the employee go unpaid.

5. For information regarding how an employees pay will be supplemented while on disability, please contact the Human Resources Division.
6. A full time employee granted a Leave of Absence will retain all benefits earned prior to his or her leave, but will not receive benefits or granted additional benefits during the time of approved leave. Insurance premiums will be the responsibility of the employee on leave if the employee elects their COBRA rights.
7. If an employee is "medically" required to be absent from work for longer than the period of time granted by the Fire Chief, the District will go through an interactive process with the employee and attempt to provide reasonable accommodation. That reasonable accommodation may 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 employees 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.

Procedures

The following procedures apply when requesting a Leave of Absence. 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, parent, spouse, or domestic partner, 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, parent, spouse, or domestic partner; 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 beyond what was originally specified on the Certificate of Healthcare Provider.
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. For additional information about a leave of absence, contact the Human Resources Division.

References

1. All current policies can be found at P:_Policies Manual
2. Memorandum of Understanding (MOU) for 522, ASP, Unrepresented
3. United States Department of Labor
4. CalChamber



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POLICY COMMITTEE MEETING AGENDA

THURSDAY, NOVEMBER 14, 2019

Presentation Item 1B

Leave of Absence Policy

Revised Version

5. **COBRA:** The Consolidated Omnibus Budget Reconciliation Act (COBRA) gives workers and their families who lose their health benefits the right to choose to continue group health benefits provided by their group health plan at their own expense, for limited periods of time under certain circumstances such as voluntary or involuntary job loss, reduction in the hours worked, transition between jobs, death, divorce, and other life events.

Policy

1. Full time employees are not entitled to leaves of absence as a matter of right however the leave request may be considered by the Fire Chief. The granting of any leave of absence shall be based on the presumption that the employee intends to return to work upon the expiration of the leave.
2. Full time employees may request a Leave of Absence for the following personal reasons :
 - a. Serious injury or illness
 - b. Adoption, Dependent and/or Elder Care
 - c. To attend to critical personal matters affecting oneself or that of an immediate family member
 - d. Settling an estate of a deceased immediate family member (*see Bereavement Leave section in your MOU for details*)

Application for such leaves must be submitted to and authorized in writing by the Fire Chief. The Fire Chief reserves the right to designate which employees may take a leave of absence and to make exceptions. Leaves of Absence shall not cause excessive inconvenience to or interference with the orderly conduct of the District's business, as determined by the Fire Chief.

3. If authorized, the leave shall not exceed 180 consecutive calendar days. An inexcusable failure to report for duty after expiration of the Leave of Absence period shall be deemed to be abandonment of employment and the employee may be terminated.
4. 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 a 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
5. For information regarding how an employees pay will be supplemented while on disability, please contact the Human Resources Division.
6. A full time employee granted a Leave of Absence will retain all benefits earned prior to his or her leave, but will not receive benefits or granted additional benefits during the time of approved leave. Insurance premiums will be the responsibility of the employee on leave if the employee elects their COBRA rights.
7. If an employee is "medically" required to be absent from work for longer than the period of time granted by the Fire Chief, the District will go through an interactive process with the employee and attempt to provide reasonable accommodation. That reasonable accommodation may 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 employees 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.

Procedures

The following procedures apply when requesting a Leave of Absence. 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, parent, spouse, or domestic partner, 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, parent, spouse, or domestic partner; 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 beyond what was originally specified on the Certificate of Healthcare Provider.
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. For additional information about a leave of absence, contact the Human Resources Division.

References

1. All current policies can be found in the Policy App.
2. Memorandum of Understanding (MOU) for 522, ASP, Unrepresented
3. United States Department of Labor
4. CalChamber



Sacramento Metropolitan Fire District

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Todd Harms
Fire Chief

DATE: November 14, 2019

TO: Policy Committee Members

SUBJECT: Administration Policy 02.018.02 Modified Duty Work Schedule for Non-Job Related Injury – 24 Hour Suppression Personnel Policy

TOPIC

Policy Committee notification of edits made to Administration Policy 02.018.02 Modified Duty Work Schedule for Non-Job Related Injury – 24 Hour Suppression Personnel Policy.

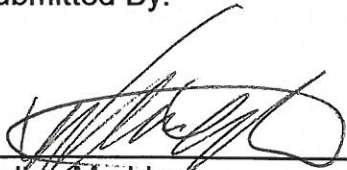
DISCUSSION

The Administration Policy 02.018.02 Modified Duty Work Schedule for Non-Job Related Injury – 24 Hour Suppression Personnel has been edited to be consistent with the District's Light Duty Policy.

RECOMMENDATION

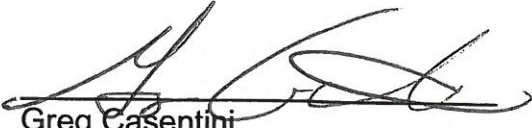
Administration Policy review is for informational purposes only as previously directed by the Policy Committee.

Submitted By:



Melisa Maddux
Human Resources Manager

Approved By:



Greg Casentini
Deputy Chief of Administration



Sacramento Metropolitan Fire District

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POLICY COMMITTEE MEETING AGENDA

THURSDAY, NOVEMBER 14, 2019

Presentation Item 1C

Modified Duty Policy

Current Version

Sacramento Metropolitan Fire District

ADMINISTRATIVE POLICY

POLICY TITLE: Modified Work Schedule for Non-Job OVERSIGHT: Administration
Related Injury – 24 Hour Suppression Personnel

POLICY NUMBER: 142.01 EFFECTIVE DATE: 01/01/03 REVIEW DATE:

Purpose

Identify the procedure for twenty-four (24) hour Suppression personnel to participate in a Modified Work Schedule after suffering a NON job-related injury.

Policy

At the sole discretion of the Fire Chief, or in his/her absence the Fire Chief's designee, twenty-four (24) hour Suppression personnel who suffer NON job-related injuries may be approved to participate in a Modified Work Schedule, understanding that this classification is not eligible to receive the Day Incentive; thus preserving their personal sick leave balances. The District has the right to terminate a Modified Work Schedule for any reason, at its sole discretion, without the right of appeal.

Procedure

A formal written request shall be submitted to the Fire Chief with an attached Medical Status Report. The Medical Status Report will include the reason for request (injury), restrictions, and time frame the employee is expected to be on a Modified Work Schedule.

If the Fire Chief denies the request for a Modified Work Schedule, the Fire Chief or his representative will notify the employee.

If the Fire Chief approves the request for a Modified Work Schedule, the Fire Chief will sign the written request, provide for notification to the employee and Administrative Division staff. The Fire Chief will forward the signed request and medical information to the Administrative Division staff.

The Administrative Division staff will locate a Modified Work Schedule work site with duties within the medical restrictions. Upon notification from the Fire Chief, a Modified Work Schedule Form will be generated by the Administrative Division staff, on which the employee and the work site supervisor will establish specific duties and schedule hours. This form will be returned to the Administrative Division staff within one (1) day.

A Modified Work Schedule will be forty (40) hours per week; however, alternate schedules may be granted at the sole discretion of the work site supervisor. A Modified Work Schedule will **not** include the opportunity to earn overtime without the express permission of the work site supervisor and per District Policy 132.01.

The work site supervisor is responsible to collect and sign timecards from the employee and submit them on a weekly basis to the Administrative Division staff who will then forward them to Payroll.

Modified Work Schedule for Non-Job Related Injury – 24 Hour Suppression Personnel

142.01

01/01/03

It is the employee's responsibility to notify the Administrative and Staffing Divisions' staff by phone or in person, within eight (8) hours of knowledge of any changes to their medical restrictions or work status. A fax shall follow immediately if notification is given by phone. The District may request a doctor's report on medical restrictions or work status at any time.

Employee's leave balances (sick leave, CTO, PTO, etc.) will be converted to Day Rates. Any absences from a Modified Work Schedule will be charged against sick leave balance or other leave balance (s) as directed by the employee in the amount equivalent to period of absence.

Upon employee's medical release back to twenty-four (24) Suppression Duty, all time will be converted from Day Rates back to the twenty-four (24) Suppression Rates.

24-hour Suppression personnel shall report for his/her Modified Work Schedule in a Class B uniform. On the basis of the physical limitations/injury, the injured employee may request an alternate uniform from the immediate supervisor that is within the parameter of the Districts' approved uniform for Day personnel. Exceptions will be made only if the injury will not accommodate a Class B uniform i.e., casts, splints or pregnancy.



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POLICY COMMITTEE MEETING AGENDA

THURSDAY, NOVEMBER 14, 2019

Presentation Item 1C

Modified Duty Policy

Revised Version

Sacramento Metropolitan Fire District

ADMINISTRATION POLICY

POLICY TITLE: Modified Duty Work Schedule for Non-Job Related Injury – 24 Hour Suppression Personnel
OVERSIGHT: Administration

POLICY NUMBER: 02.018.02 EFFECTIVE DATE: 01/01/03 REVIEW DATE: 11/14/19

Background

The Sacramento Metropolitan Fire District (District) shall attempt to provide modified duty positions for its employees who suffer a NON job-related illness and/or injury and cannot perform the essential job functions of their regular position. A modified duty day shift position is not a permanent job. Modified duty is designed to help place an employee back into the workforce, support their recovery and return to regular duty.

Purpose

To establish parameters for employees working in a modified duty position, and identify the employee's responsibility for reporting their work status to the District.

Scope

The scope of this policy is applicable to all District personnel who have suffered a NON job-related illness and/or injury and are eligible for modified duty.

Definitions

1. **Modified Duty:** Modified Duty shall consist of any modified work which does not conflict with restrictions set forth by a treating physician.
2. **Accrued Time Off:** sick leave (SL), vacation leave (VL).
3. **Day Shift Rate:** Per the 522 Memorandum of Understanding (MOU), accrued time off for employees who are re-assigned from a twenty-four (24) hour shift to a day shift schedule will be reduced by a factor of 1.4 which is the fraction between a fifty six (56) hour week and a forty (40) hour week.

Policy

1. After experiencing a NON job-related illness and/or injury which requires medical attention and results in temporary disability, the District shall attempt to provide reasonable accommodation and utilize the employee in a modified duty day shift position at a District work site location.
2. If a modified duty day shift position is available, the employee will be assigned by the Human Resources Division to that position upon release by their treating physician.

3. If a District employee accepts a modified duty day shift position, they will maintain eligibility for salary continuation and benefits.
4. All accrued time off used while working modified duty will be converted at the Day Shift Rate.
5. An employee on modified duty will not be eligible for day incentive unless day incentive was part of their regular monthly salary at the time of the NON job-related illness and/or injury.
6. If a District employee is released to a modified duty day shift position by their treating physician, but declines modified duty, the employee will be required to exhaust their sick leave accrual, and other leave banks will be exhausted in the following order: 1. vacation accrual, 2. Catastrophic Leave pursuant to District policy, 4. Unpaid Leave status. Only when the employee exhausts their sick and vacation accruals, can the employee request an unpaid Leave of Absence.
7. District employees who are on a modified duty day shift position are expected to return to full duty as early as medically feasible.
8. A Modified duty work schedule will be forty (40) hours per week; however, alternate schedules may be granted at the sole discretion of the work site supervisor. A modified duty work schedule will **not** include the opportunity to earn overtime without the express permission of the work site supervisor, Human Resources Division and per the District's Overtime Hours Tracking Policy
9. Under no circumstance will a modified duty day shift position continue over 12 months without the express written approval of the Fire Chief or designee. If it is determined that the employee is medically required to be on modified duty for longer than 12 months from the original start date of their injury or illness and the employee is unable to return to full duty without work restrictions, the District will go through an interactive process with the employee to determine if reasonable accommodation can be provided. That reasonable accommodation may include the employee remaining on modified duty for an extended period of time with the express written approval of the Fire Chief or designee. If it is determined that reasonable accommodation cannot be provided, the District will go through an interactive process to determine what options may be available to the employee, which may include termination of the employee once their modified duty day shift assignment has exceeded 12 months from the original start date of their injury or illness.
10. Upon an employee's medical release back to twenty-four (24) suppression duty, all time will be converted from day rates back to the twenty-four (24) suppression rates.
11. The District has the right to terminate a modified duty day shift position work schedule for any reason, at its sole discretion, without the right of appeal.

Procedure

1. A formal written request for modified duty, with an attached work status report shall be submitted to the Human Resources Division. The work status report will include the restrictions, and time frame the employee is expected to be on a modified work schedule.
2. If a request for a modified duty day shift position is denied, Human Resources will notify the employee.
3. If a request for a modified duty day shift position is approved, Human Resources will notify the employee.
4. It shall be the responsibility of the Human Resources Division to monitor and coordinate the modified duty program.
5. It shall be the employee's responsibility to keep the Human Resources Division informed of their on-going work status for NON job-related injuries.
6. The employee's treating physician shall provide the employee's restrictions in sufficient detail for the Human Resources Division to determine suitable work and task assignments.
7. If the employee feels that the modified duty assignment is not within the restrictions set by their treating physician, the employee will immediately notify the Human Resources Division.
8. It is the employee's responsibility to inform their treating physician if their physical limitations have changed, and request new restrictions.
9. Twenty four (24) hour suppression personnel shall report for modified duty in a Class B uniform. On the basis of the physical limitations/injury, the injured employee may request to wear an alternate uniform. The request will be made to the employee's modified duty supervisor, and it will be within the parameters of the District's Day Staff - Business Dress & Uniform Policy. Exceptions will be made only if the injury will not accommodate a Class B uniform. (i.e., casts, splints or pregnancy)
10. An employee who becomes ill while on modified duty will notify their modified duty supervisor and follow the District's Sick Leave Policy.
11. The modified duty employee's supervisor is responsible to collect and sign timecards from the employee and submit them on a weekly basis to the Human Resources Division who will then forward them to Payroll.
12. If a modified duty day shift employee has a pre-scheduled shift trade that occurs during their modified duty assignment, it is their responsibility to reschedule the trade to a date occurring after they are returned to a regular duty with no restrictions.

13. Upon full, unrestricted release to regular duty the employee shall return to their regular assignment.

References

1. 522 Memorandum of Understanding (MOU)
2. Sick Leave Policy
3. Day Staff – Business Dress & Uniform Policy