



ADAM A. HOUSE
Fire Chief

Sacramento Metropolitan Fire District

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POLICY COMMITTEE – REGULAR MEETING AGENDA Thursday, November 14, 2024 – 5:30 PM

Sacramento Metropolitan Fire District
10545 Armstrong Avenue, Boardroom, 2nd Floor
Mather, California

&

Remotely Via Zoom
Webinar ID: 827 3461 0232 #
Passcode: metro2101

Phone: 1 (669) 444-9171 or 1 (669) 900 6833

☎ Passcode: 838771796 #

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

COMMITTEE MEMBERS

Director John Costa

Director Cinthia Saylor

Director D’Elman Clark

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.

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| | <u>Page No.</u> |
| 1. Action Summary Minutes | 3 |
| Recommendation: Approve the Action Summary Minutes for the meeting of October 10, 2024. | |

PRESENTATION ITEMS

- | | |
|---|---|
| 1. Administration Policy 02.023.02 – District Vehicle Use Policy | 4 |
| <i>Chief Human Resources Officer Melisa Maddux)</i> | |
| Recommendation: Review the District Vehicle Use Policy for notification purposes only. | |

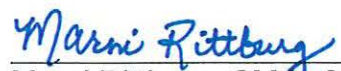
ACTION ITEMS

- | | |
|--|----|
| 1. Board Policy 01.003.08 – Family and Medical Leave Policy | 10 |
| <i>Chief Human Resources Officer Melisa Maddux)</i> | |
| Recommendation: Approve the revised Family and Medical Leave Policy and refer to the full Board for approval. | |

NEXT MEETING DATE: December 12, 2024

ADJOURNMENT

Posted on November 7, 2024



Marni Rittburg, CMC, CPMC
Clerk of the Board



Sacramento Metropolitan Fire District

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ADAM A. HOUSE
Fire Chief

ACTION SUMMARY MINUTES – REGULAR MEETING

POLICY COMMITTEE THURSDAY, OCTOBER 10, 2024 AT 5:30 PM SACRAMENTO METROPOLITAN FIRE DISTRICT & Remotely Via Zoom

CALL TO ORDER

The meeting was called to order at 5:30 pm by Director Costa. Committee members present: Clark, Costa, and Saylor. Committee members absent: None. Staff present: Chief House and Board Clerk Rittburg.

PUBLIC COMMENTS: None

CONSENT AGENDA

Action: Moved by Saylor seconded by Clark, 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 August 8, 2024.

Action: Approved the Action Summary Minutes.

PRESENTATION ITEMS

1. **Administration Policy 02.023.02 – District Vehicle Use Policy**

(Chief Human Resources Officer Melisa Maddux)

Recommendation: Review the revised District Vehicle Use Policy for notification purposes only.

Action: Pulled from the agenda for further review. No action taken.

2. **Board Policy 01.001.03 – Non-Discrimination Policy**

(Chief Human Resources Officer Melisa Maddux)

Recommendation: Review and approve the revisions to the Non-Discrimination Policy and refer to the full Board for approval.

Action: Moved the policy forward to the full Board for approval.

ADJOURNMENT

The meeting adjourned at 5:39 pm.

Director Costa, Chair

Marni Rittburg, CMC, CPMC
Clerk of the Board



Sacramento Metropolitan Fire District

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ADAM A. HOUSE
Fire Chief

DATE: November 14, 2024
TO: Policy Committee Members
SUBJECT: Administration Policy
Policy 02.023.02– District Vehicle Use Policy

TOPIC

Review existing Administration Policy 02.023.02 District Vehicle Use Policy.

DISCUSSION

The District Vehicle Use Policy was created on February 8, 1984, and last revised on March 2, 2009.

The District Vehicle Use Policy has been revised to further clarify the set parameters on take home vehicles. In addition, policy language has been edited to reflect changes made since the inception and last revision date of the policy. The edited District Vehicle Use Policy is attached for your review.

RECOMMENDATION

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

Submitted By:

Approved By:


Melisa Maddux
Chief Human Resources Officer


Michael Johnson
Interim Deputy Chief of Administration

Sacramento Metropolitan Fire District

ADMINISTRATION POLICY

POLICY TITLE: District Vehicle Use OVERSIGHT: Administration
POLICY NUMBER: 02.023.02 EFFECTIVE DATE: 02/07/84 REVIEW DATE: 11/14/2024

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Background

This policy is intended to ensure the safety and well-being of the Sacramento Metropolitan Fire District (District) employees; to facilitate the efficient and effective use of District resources; to minimize the District's exposure to liability; to monitor the use of District-owned vehicles; and regulations relating to District vehicle usage.

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Scope

This policy applies to all District employees.

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Deleted: Employees whose employment is regulated by individual agreement or collective bargaining agreements are subject only to those portions of this policy that are not specifically regulated by law or agreement.[]

Purpose

The purpose of this policy is to establish standard requirements and procedures District employees who are assigned a District-owned or leased vehicle in the course of providing District services and conducting District business.

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711.01 Vehicle Incident Reporting[]

Definition

1. District Vehicle: automobiles, trucks, vans, or other self-propelled equipment owned, rented, or leased by the District and licensed for travel on a public way.

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Policy

1. District issued vehicles shall be used for official District business only, or in connection with community or civic activities that may be in the best interest of the District.

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2. It is the policy of the District that certain positions require employee access to District vehicles, either during their work shift or on a 24-hour on-call basis. District vehicles are not personal vehicles and are not for personal use. District vehicles are assigned solely for purposes consistent with providing services pursuant to the District's mission.

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3. If any provision of this policy violates any governing law or regulation, or if any law or regulation applicable to this policy becomes effective after the effective date of this policy, then this policy shall be deemed changed to be in compliance with such governing law or regulation.

4. It shall be the responsibility of the Fire Chief to authorize, as well as rescind, permission to use District vehicles.

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5. Transportation of non-district employees is permitted if such persons are directly involved with a specific authorized activity. Transportation of family members is permitted if the vehicle is being used as authorized within these regulations.
6. Employees operating a District vehicle while on work related travel, must maintain a valid motor vehicle license issued by the State of California or the state of their current residence.
7. Employees who are assigned a District vehicle may take their vehicle home if they live less than fifty (50) driving miles from the District's Administrative Headquarters. Employees who are assigned a District vehicle who live greater than fifty (50) driving miles from the District's Administrative Headquarters shall make arrangements to store and secure their assigned District vehicle overnight at their assigned worksite location.

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Procedures

1. Prior to the assignment of a District vehicle, employees must provide evidence of the possession of a valid and unrestricted California State driver's license appropriate to the type of vehicle to be operated by that employee.
2. The assignment of a District vehicle for 24-hour use will be made by the Fire Chief, and will only be considered for employees who require a vehicle for the ordinary and necessary discharge of their job functions, as identified in an approved District job description.
3. Positions which require a District Vehicle include the Fire Chief, Deputy Chief, Assistant Chief, Day Battalion Chief, Day Captain, Fire Marshal, Deputy Fire Marshal, Supervising Inspectors, Supervising Fire Investigators, Fire Investigators, Chief Pilot, Facilities Manager, Public Information Officer, 522 Vice President, and Academy Staff. Any other positions that may require a District Vehicle as determined by the Fire Chief must meet the following criteria:
 - a. Performance of regularly assigned duties and assignments;
 - b. Attendance at meetings of organizations promoting activities having a direct effect or connection with the assignment of an individual member;
 - c. Attendance at conferences, seminars, or training courses as approved or authorized;
 - d. Other uses as assigned;
 - e. Officially designated on-call status; and
 - f. Requirement for frequent emergency availability during non-working hours.
4. Employees who are in an "on call" status are recognized as having a need for immediate access to District issued vehicles at any time and, therefore, are authorized to drive these vehicles to and from home in the normal course of their assignments. Employees assigned District vehicles for commuting purposes are

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District Vehicle Use Policy

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expected to park such vehicles in safe locations and to lock the vehicle when not in use. Operators should never leave vehicles unattended with the ignition keys in the lock or anywhere in the vehicle.

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5. Due to the unique situation requiring certain employees to be "on call" over an extended period of time, use of District-owned vehicles by these individuals for purposes other than those specified in this policy shall be permitted as authorized by the Fire Chief.

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6. District vehicles may only be used for legitimate District business, however individuals assigned a District vehicle with commuting privileges may make "incidental personal uses" such as stopping at a grocery store or going to the bank, on their way home, but only if the stop does not add mileage to the trip.

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7. A non-District employee or family member may accompany an employee during the active performance of their official duties, ie: code-3 response, only when authorized by a chief officer and after signing the appropriate form-Agreement Assuming Risk of Injury or Damage Waiver and Release of Claims.

8. Division Managers are responsible for vehicle condition if not assigned to a specific individual.

9. Fuel, oil and water levels are to be maintained at acceptable levels between services and vehicles are to be cleaned and maintained at acceptable levels at all times.

Deleted: Fuel shall be logged as per fuel tracking policy (115.01)

10. Non-emergency mechanical problems are to be reported via e-mail to the "Fleet" mailbox. Contact Fleet directly for emergency repairs.

11. Vehicles shall not be reassigned, on a permanent basis, without authorization of the Fleet Manager.

12. Alteration or addition of any vehicle system (warning devices, alarm systems, keyless entry, etc.) is not permitted without authorization of the Fleet Manager.

13. Operators should exercise sound judgment at all times when using assigned District vehicles and should avoid the appearance of misuse.

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14. Misuse of an assigned District vehicle is a violation of the District's Rules and Regulations policy.

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15. District vehicles will not be used to transport any individual who is not directly or indirectly related to District business. Passengers shall be limited to District employees and individuals who are directly associated with District work activity (committee members, consultants, contractors, etc.). Family members shall not ordinarily be transported in District vehicles.

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16. District Vehicles shall contain only those items for which the vehicle is assigned and the District shall not be liable for the loss or damage of any personal property transported in a District vehicle.

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District Vehicle Use Policy

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17. Employees are expected to keep District vehicles clean, and to report any malfunction, damage, needed repairs or other vehicle problems to their supervisor immediately.

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18. Unless expressly exempted by law, employees are to ensure that they and all passenger(s) in a District vehicle wear seat belts at all times.

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19. Employees may not operate District vehicles under the influence of alcohol, illegal drugs, or any controlled substances and are prohibited from possessing open alcoholic containers, illegal drugs, or controlled substances in a District vehicle.

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20. Employees operating a District vehicle while on work related travel, shall drive defensively and obey all applicable traffic and parking regulations, ordinances, and laws.

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21. Employees who incur parking or other fines/citations while operating or using an assigned District vehicle or using a personal vehicle on work related travel, will generally be personally responsible for payment of such fines/citations, unless payment of such fine/citation is approved by the Fire Chief or Designee.

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22. Employees who are issued citations for any offense while operating or using a District vehicle must notify their supervisor immediately when practicable, but in no case later than 24 hours after the issuance of an issued citation.

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23. An employee who is assigned a District vehicle and who is arrested for or charged with a motor vehicle offense for which punishment includes suspension or revocation of the motor vehicle license, whether in their personal vehicle or in a District vehicle, must notify their supervisor immediately when practicable, but in no case later than 24 hours after such arrest or charge has occurred. License suspension or conviction of an offense may be grounds for loss of District vehicle privileges.

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24. No employee may use a District vehicle for out of state use without advance approval of the Fire Chief or designee.

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25. When utilizing a District vehicle, employees are required to obtain fuel from designated District fueling facilities, unless fueling is required in the course of out of District travel.

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26. Smoking is not permitted in a District vehicle.

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27. For the safety of the employee and all those on the road, it is strongly recommended that employees refrain from using a hand-held cellular/mobile telephone while the District vehicle being used for work related travel is moving, unless the employee must place an emergency call to 911 or to another local emergency number, and at all times must be utilized with a hands-free set, in compliance with California law.

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28. Violations of this policy should be reported through the chain of command to the employee's respective Deputy Chief for further action.

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District Vehicle Use Policy

02.023.02

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29. Failure to comply with any and all applicable provisions of this policy may result in disciplinary action up to and including removal of District vehicle privileges, suspension, and/or termination.

Reference

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1. Senate Bill 1613 - Effective July 1, 2008, California state law (SB-1613) prohibits drivers from using a wireless telephone while operating a motor vehicle unless the driver uses a hands-free device.

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Sacramento Metropolitan Fire District

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

Adam A. House
Fire Chief

DATE: November 14, 2024
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 Policy Committee on June 8, 2023. Included in the revisions from 2023 was an expansion to the list of covered persons an employee can take protected leave for under the California Family Rights Act (CFRA) to include a "designated person".

During this time, the District was also undergoing a review of its Sick Leave policy, 02.015.03. There were extensive changes to the laws regarding sick leave that needed to be addressed within the Districts Sick Leave policy. The Policy Committee reviewed the updated Sick Leave policy with these updates on May 9, 2024. Because sick leave is also addressed within the FMLA policy, these updates needed to be incorporated into the FMLA policy as well. The original FMLA policy with the tracked changes is attached for your review and mirrors the updated information outlined within the Sick Leave policy reviewed by the Committee in May of this year.

Additionally, at the beginning of 2024, SB-848 was a bill introduced in California to provide employees with additional protected leave after a reproductive loss event. This Reproductive Loss Leave (RLL) can be utilized in addition to FMLA/CFRA and Pregnancy Disability Leave (PDL). The attached policy addresses the specific circumstances of requesting and utilizing Reproductive Loss Leave.

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

Melisa Maddux
Chief Human Resources Officer

Approved By:

Michael Johnson

Michael Johnson (Nov 4, 2024 15:47 PST)

Michael Johnson
Interim Deputy Chief, Administration

Sacramento Metropolitan Fire District

BOARD POLICY

POLICY TITLE: Family and Medical Leave OVERSIGHT: Administration
POLICY NUMBER: 01.003.09 EFFECTIVE DATE: 02/02/00 REVIEW DATE:
06/08/236/25/24

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), and SB-848 Leave for Reproductive -Loss (RLL). The FMLA/CFRA/PDL/RLL 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/RLL, and to provide policy and procedure for employees to request such leave.

Scope

This policy applies to all District employees.

Definitions

- 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.
- 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, domestic partner, or designated person the care of a child, spouse, or parents with a serious health condition, or the birth, adoption, or foster care placement of a child~~. ~~Additionally, leave to care for a grandparent, grandchild, sibling, parent-in-law, registered domestic partner, or "designated person" with a serious health condition is only available under the CFRA.~~ A Designated Person is defined as any individual related by blood or whose association with the employee is equivalent of a family relationship.

3. **Pregnancy Disability Leave (PDL):** Under California's Pregnancy Disability Leave Law, employers are required to allow eligible employees up to four (4) months of unpaid 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)~~ (1) Qualifying Exigency Leave, and (2) Military Caregiver Leave.
5. ~~SB-848 Employment Leave for Reproductive Loss Leave: Effective January 1, 2024 the Fair Employment and Housing Act (FEHA), enforced by the Civil Rights Department (CRD), protects the rights of California employees to take up to five (5) days of leave from work after a reproductive loss event.~~
- 5.6. ~~Eligible Employee:~~ An employee who has twelve (12) or more months of continuous service and who has accumulated at least 1,250 hours of service in the previous twelve (12) consecutive month period qualifies for FMLA/CFRA. Employees are eligible for PDL upon hire. An employee is eligible to take Reproductive Loss Leave when they have worked for the employer for at least thirty (30) days.
- 6.7. ~~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.
- 7.8. ~~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.
- 8.9. ~~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, parent-in-law, grandparent, grandchild, sibling, ~~spouse~~, 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.

- 9.10. 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.
- 10.11. 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."
- 11.12. 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.
- 12.13. 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.
- 13.14. 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.
- 14.15. 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.
- 15.16. 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.
- 16.17. Employee's Spouse:** A legal marriage, to include husband and wife, and same-sex spouses.
- 17.18. 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.
- 18.19. 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 twelve 12_-month period.

19-20. Single 12-month Period: Begins the first day the eligible employee takes leave and ends twelve (12) months after that date, regardless of the method used by the employer to determine the employee's twelve (12) workweeks of leave entitlement for other FMLA-qualifying reasons.

20-21. 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~~active-duty status.

21-22. 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.

22-23. 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~~active-duty status.

24. 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.

23-25. Reproductive Loss Event: The day or, for a multiple-day event, the final day of a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction.

Policy

1. Under FMLA/CFRA, a An eligible employee may receive up to twelve (12) weeks of unpaid leave during a twelve (~~12-month~~) -month period for a qualified family member's or personal 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. Employees must use and exhaust their~~ Accrued Sick Leave concurrently with FMLA, CFRA, and PDL and RLL to the same extent that employees have the right to use their Accrued Sick Leave

concurrently with FMLA, CFRA, and PDL and RLL with two (2) exceptions as described below:

a. Employees are not required to use Accrued Sick Leave during leave pursuant to a disability plan that pays a portion of the employees' salary while on leave unless the employee agrees to use Accrued Sick Leave to cover the unpaid portion of the disability leave benefit; and

b. An employee must agree to use Accrued Sick Leave to care for a child, parent, spouse or domestic partner, grandparent, grandchild, sibling, or designated person.

i. In this instance, if the employee chooses not to utilize Accrued Sick Leave, they will be required to utilize Vacation/PTO and CTO Accruals or combination of each until those accruals are exhausted.

~~Employees are required to use Accrued Sick Leave concurrently with PDL. The employee may choose to also utilize Vacation/PTO and CTO Accruals concurrently with PDL.~~

2.3. For FMLA and CFRA, once the employee's Accrued Sick Leave benefits have been exhausted (if applicable) and the employee is still on a leave of absence, the employee will then be required to use their Vacation/PTO, CTO 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. For PDL, once Accrued Sick Leave is exhausted, the employee may choose to use any Vacation/PTO, and CTO Accruals, or to go on 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 using their Vacation/PTO, and CTO 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 twelve (12) weeks of FMLA/CFRA within a twelve (12-month) 12-month period. However, if an employee is medically required to be absent from work for longer than the twelve (12-week) 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 twelve (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 twelve (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 twelve (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 (4) months of leave. PDL is followed by a maximum of twelve (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 twenty-six (-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. Under SB-848, Employment Leave for Reproductive Loss, an eligible employee is entitled to a minimum of five (5) days of leave for a reproductive loss event.
 - a. Employees are eligible to take leave when they have worked for the District for at least thirty (-30) days.
 - b. Employees can take leave following their own reproductive loss event or that of another person – such as a spouse or domestic partner – if the employee would have been the parent of the child born or adopted.
 - c. Employees can, but do not have to, take their leave days consecutively.
 - d. The leave must be completed within three (3) months of the reproductive loss event.
 - e. If an employee experiences more than one (1) reproductive loss event in a year, they are entitled to no more than twenty (20) days of reproductive

loss leave in that one (1)- year period. The period of time is defined as follows:

- i. Shift Personnel: Five (5) dayshifts of RLL per reproductive loss event up to a maximum of twenty (20) shifts per one (1) year period.
- ii. Day Personnel: Five (5) business days of RLL per reproductive loss event up to a maximum of twenty (20) business days per one (1) year period.

f. A reproductive loss event is defined as any of the following:

- i. Miscarriage
- ii. Stillbirth
- iii. Failed adoption – for example, if a birth mother or legal guardian breaches or dissolves an adoption agreement, or if an adoption is not finalized for another reason.
- iv. Failed surrogacy – for example, if a surrogate breaches or dissolves a surrogacy agreement, or if an embryo transfer fails.
- v. Unsuccessful assisted reproduction – for example, a failed intrauterine insemination or embryo transfer.

g. Reproductive loss leave is separate from, and in addition to FMLA/CFRA/PDL. If an employee is on another type of leave during the reproductive loss event, they can take reproductive loss leave within three (3) months of finishing the other form of leave.

h. Employees may use any available Accrued Sick Leave, Vacation/PTO, Sick Leave and CTO to cover their reproductive loss leave, however the employee can also choose to go unpaid during this timeframe.

9.10. 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: grandparent, grandchild, sibling, parent-in-law, registered domestic partner, or designated person, sibling, grandchild, or grandparent.

~~40. An employee can elect to keep the following Sick Leave Accruals in their Sick Leave A Bank prior to exhausting their Vacation/PTO, CTO Accruals or a combination of each:~~

~~a. Shift Personnel: 48 hours of Sick Leave~~

~~b. Day Personnel: 34.28 hours of Sick Leave~~

Procedures

The following procedures apply when requesting FMLA/CFRA/PDL/RLL. 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 thirty (30) calendar days before the need for leave, the request must be submitted in writing at least thirty (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, 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, 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, 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.~~ 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.
- ~~8.9.~~ 8.9. If the leave is needed for Reproductive Loss, the employee is not required to submit medical documentation in support of their leave request.
- ~~9.10.~~ 9.10. An employee taking approved leave that is covered under FMLA/CFRA/PDL/~~RLL~~ 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.
- ~~10.11.~~ 10.11. 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.
- ~~11.12.~~ 11.12. Upon return from FMLA/CFRA/PDL/~~RLL~~, 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/~~RLL~~ will not result in the loss of any employment benefit that the employee earned or was entitled to before using leave.
- ~~12.13.~~ 12.13. 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/RLL, 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. Senate Bill 848
- ~~10.~~11. Assembly Bill No. 1041
10. All current policies can be found in the Policy App.