



## San Gabriel Valley Mosquito & Vector Control District

1145 North Azusa Canyon Road, West Covina, CA 91790

Phone: 626-814-9466 | Website: [www.sgvmosquito.org](http://www.sgvmosquito.org)

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### PERSONNEL AND POLICY COMMITTEE MEETING AGENDA May 10, 2024 – FOLLOWING ADJOURNMENT OF BOARD MEETING

#### 1. **Call to Order**

1.1 Determination of a Quorum – Noted Absences

1.2 ORDER OF BUSINESS - Review and prioritization of agenda Items including, if necessary, identification of any emergency items arising after posting of the agenda and requiring action prior to next regular meeting

#### 2. **Opportunity for Public Comment on Non-Agenda Items**

(Individual Public Comments may be limited to a 3-minute or less time limit) During Public Comments, the public may address the Committee on any issue within the District's jurisdiction that is not on the agenda. The public may comment on any item on the agenda at the time that item is before the Committee for consideration. There will be no dialog between the Committee and the Commenter. Any clarifying questions from the Committee must go through the Committee Chair.

#### 3. **Select Chair of the Personnel and Policy Committee**

(Approve/Deny)

#### 4. **Consider Revisions to Policy No. 12 - Leave Provisions (EXHIBIT 4A) P.3**

(Personnel & Policy Committee Chair) (Recommendation for Board Consideration)

○ **Call for Public Comment**

○ **Committee Action Required:** If the Committee concurs, following the public discussion by members for this item, the appropriate action is to recommend approval to **Policy No. 12 – Leave Provisions** to the Board for consideration.

○ **Alternative Committee Action:** If after discussion by members for this item, the Committee may choose not to recommend approval of revisions to **Policy No. 12 – Leave Provisions** to the Board for consideration.

#### 5. **Adjournment**



## San Gabriel Valley Mosquito & Vector Control District Personnel and Policy Committee Meeting | May 10, 2024

### **Personnel and Policy Committee**

Henry Aviles, Alhambra  
Margaret Finlay, Duarte  
Becky Shevlin, Monrovia  
Robert Joe, South Pasadena  
Cynthia Sternquist, Temple City

### **CERTIFICATE OF POSTING**

I hereby certify under penalty of perjury under the laws of the State of California that a copy of the foregoing agenda was posted at 1145 North Azusa Canyon Road, West Covina, CA 91790 and the District's website ([www.sgvmosquito.org](http://www.sgvmosquito.org)) not less than 72 hours prior to the meeting per Government Code 54954.2.

Materials related to an item on the Agenda submitted after distribution of the agenda packet are available for public viewing and inspection at the San Gabriel Valley Mosquito & Vector Control District Office located at 1145 North Azusa Canyon Road, West Covina, CA 91790 during regular business hours.

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Jerry Mireles, Clerk of the Board  
San Gabriel Valley MVCD

### **NOTICE TO THE PUBLIC**

This agenda shall be made available upon request in alternative formats to persons with a disability as required by the American with Disabilities Act of 1990 (42 U.S.C. §12132) and the Ralph M. Brown Act (California Government Code §54954.2).

If you need special assistance or accommodations to participate in this meeting, please contact the Clerk of the Board at 626-814-9466 ext.1006. Notification 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35. 102-35. 104 ADA Title II)



## San Gabriel Valley Mosquito & Vector Control District District Manager's Report

Date: May 10, 2024

Meeting of: SGVMVCD Board of Trustees: Personnel and Policy Committee

Subject: **Consider Revisions to Policy No. 12 – Leave Provisions**

Exhibit(s): Exhibit 4A

### Background

The enactment of two employment-related California laws on January 1, 2024 require revisions to the District's **Policy No. 12 – Leave Provisions** to maintain compliance under legal requirements. As a member of Liebert Cassidy Whitmore's (LCW) Consortium, which provides employment relations training, consultation, and informational services, LCW assisted the District with the necessary updates and has provided the attached revisions for Committee review.

Senate Bill (SB) 616, expands the minimum paid sick leave entitlements under California's Paid Sick Leave law. Under SB 616, employees who work 30 days or more within a 12-month period are now entitled to five (5) days or forty hours, whichever is greater, of paid sick leave versus the previously mandated three (3) days or twenty-four hours. In accordance with the District's 4/10 Work Schedule, employees would receive fifty hours of paid sick leave (the equivalent of five days) by frontload method at the beginning of each 12-month period. Any unused and applied paid sick leave would not be required to carry over year to year. The revision to this policy would only be applicable to part-time and extra help employees as full-time regular employees accrue paid sick leave above the minimum requirements of current law. Proposed changes to the section in the policy (Section 1.A.5) are red-lined in Exhibit 4A.

Senate Bill (SB) 848, requires employers to provide Reproductive Loss Leave to eligible employees under specified circumstances. Reproductive Loss Leave may be taken for up to five (5) days per Reproductive Loss event and is unpaid, but employees may elect to use accrued paid leaves, such as sick leave, personal leave, or vacation in order to provide for their compensation while on Reproductive Loss Leave. Proposed additions to this section in the policy (Section E) are red-lined in Exhibit 4A.

### District Manager's Recommendation

The District Manager recommends approval of the revisions to **Policy No. 12 – Leave Provisions** as proposed.

### Committee Action Options

- Committee Action: If the Committee concurs, following the public discussion by members for this item, the appropriate action is to recommend approval of revisions to **Policy No. 12 – Leave Provisions** to the Board for consideration.
- Alternative Committee Action: If after discussion by members for this item, the Committee may choose not to recommend approval of revisions to **Policy No. 12 – Leave Provisions** to the Board for consideration.

Submitted by:

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Jason Farned  
District Manager

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**SAN GABRIEL VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT**

**Policy Number:** 12  
**Subject:** Leave Provisions  
**Category:** Personnel Rules and Regulations  
**Adopted:** 10/13/2023  
**Revision(s):** ~~10/13/2023~~ 6/14/2024




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**POLICY NO. 12 – LEAVE PROVISIONS**


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**Section 1. Sick Leave****A. Accumulation of Sick Leave**

1. For the purpose of this Section, each bi-weekly pay period for which a full-time employee receives their full bi-weekly salary shall be considered the equivalent of eighty (80) scheduled paid hours.
2. During the first three (3) years of employment, regular and limited-term full-time and part-time employees shall earn 2.77 hours of sick leave with pay each bi-weekly pay period.
3. After an employee has been paid for three (3) years of employment exclusive of overtime hours, regular and limited-term full-time employees shall earn 3.7 hours of sick leave with pay each bi-weekly pay period.
4. Sick leave earned shall be added to the employee's sick leave account upon the completion of the pay period. Nonetheless, sick leave is accrued on a pro rate basis for each hour worked.
5. All part-time and extra help employees who work 30 or more days within a year from the commencement of employment with the District shall receive ~~three-five (53)~~ twenty-four (24) days or ~~three-five (53)~~ twenty-four (240) hours of paid sick leave, whichever is greater, at the beginning of each 12-month period under the front load method. Any unused and applied paid sick leave will not carry over year to year.

**B. Permitted Uses of Sick Leave**

1. Sick Leave may only be applied to:
  - a. An absence necessitated by employee's personal illness, injury, or disability due to pregnancy or childbirth.
  - b. Medical and dental office appointments when absence during working hours for this purpose is authorized by the District.
  - c. The diagnosis, care, or treatment of an existing health condition, or for preventive care for an employee or the employee's family member ("family member" includes the

employee's child, parent, parent-in-laws, spouse, registered domestic partner, grandparent, grandchild, sibling, or designated person.)

- d. If the employee is victim of domestic violence, sexual assault, or stalking.
- e. Illness while on paid vacation shall be charged to sick leave rather than vacation only under the following conditions:
  - i. The illness or injury precludes the effective use of vacation and prevents the employee from performing their normal duties.
  - ii. The employee shall notify their supervisor within four (4) calendar days of the beginning of the illness or prior to the end of their vacation leave, whichever is sooner, to request that their illness on vacation be charged to sick leave.
  - iii. The District shall not be obligated to extend the vacation beyond the original scheduled ending date.
  - iv. Upon return to work, the employee may be required to furnish the District with a certificate signed by a licensed physician or registered nurse stating the nature of the medical condition and the period of disablement.

#### C. Prohibited Use of Sick Leave

- 1. Sick Leave shall not be applied to absences other than those listed above.

#### D. General Provisions

- 1. In any use of sick leave, an employee's account shall be charged to the nearest quarter hour.
- 2. An employee may be required to furnish a certificate issued by a licensed physician or registered nurse or other satisfactory evidence of illness, injury, medical condition, or medical or dental office calls when the District has notified the employee in advance of such a requirement or when the employee has been under the care of a physician.
- 3. An employee shall be required to furnish a certificate issued by a licensed physician or registered nurse if three (3) or more consecutive days (or 24 hours) of sick leave pay are charged. An employee absent due to personal illness, injury, or disability for two (2) weeks or more shall be required to furnish a release to "return-to-work" from the health care provider stating the employee is able to resume work with or without restrictions.
- 4. Any conditions or restrictions placed on an employee's use of sick leave apply also to sick leave used because of a serious illness of an immediate family member and for care of an ill child, parent, registered domestic partner or spouse.
- 5. Upon official retirement from District service, the employee shall be compensated for accumulated sick leave not to exceed 240 hours at fifty percent (50%) of the employee's current rate of pay. In order to receive payment for accumulated sick leave upon retirement, the employee must be at least 50 years of age and have worked for the District with no break in service for a minimum of five (5) years.

6. If an employee dies due to a work-related injury while in the employ of the District, their survivors shall receive payment for all accumulated sick leave not to exceed 240 hours at one hundred percent (100%) of the employee's current rate of pay.
7. Upon separation from District service for reasons other than retirement or death, no employee shall be paid for any accumulated sick leave.
8. The rate of pay for sick leave will be based on the employee's hourly wage and paid at the employee's regular rate of pay. Paid sick time is not considered hours worked for purposes of overtime compensation.
9. The District will provide paid sick days upon the oral or written request of an employee.
10. Employees who are denied use of their paid sick leave for one of the reasons listed above should contact their supervisor for an individualized review. Employees will not be subject to retaliation or discrimination for requesting or using paid sick leave.

## **Section 2. Cash Out Program**

- A. On an annual basis and pursuant to the requirements stated below, eligible employees may elect to receive payment of accrued sick leave at the end of the following year. Eligible employees may elect to cash out up to a maximum of forty (40) sick leave hours at fifty percent (50%) of current rate of pay, by submitting an irrevocable leave cash out election form to the Human Resource Analyst or designee no later than December 10. Employees must maintain one hundred twenty (120) hours of sick leave to be eligible for the sick leave cash out program. The leave hours identified in the irrevocable leave cash out election form to be cashed out shall be deducted from sick leave hours accrued in the following calendar year and shall be paid out in the first pay period of December of the following calendar year at fifty percent (50%) rate of the employee's base hourly rate of pay at the time of cash out. The remaining unused sick leave shall remain in the sick leave bank. At the time of cash out in December of the following year, if the employee has less sick leave hours in the sick leave bank than the amount identified in the irrevocable leave cash out form, then the amount of sick leave remaining in the sick leave bank shall be cashed out.
- B. The irrevocable leave cash out election form is available in the Human Resources Department. Once the employee submits the leave cash out election form, the form is final and irrevocable, and the employee may not make any changes to it. Employees who do not submit irrevocable leave cash out election forms by December 10 will have been deemed to have elected to forgo participation in the annual sick leave cash out program. Late irrevocable leave cash out election forms will not be accepted.
- C. In addition to annual sick leave cash out, an employee shall be entitled to make one written request per calendar year to the District Manager for a cash-out of accrued sick leave for one of the following reasons: Declaration of local emergency, catastrophic medical emergency, or military leave. Such request must be submitted on the emergency leave cash out form and must be reviewed by the District Manager to determine eligibility. Authorization of emergency cash out request shall be at the discretion of the District Manager.

### Section 3. Bereavement Leave

- A. Upon request, regular, limited term, or probationary employees shall receive necessary time off with pay, not to exceed five (5) days in anyone (1) instance, to arrange for or attend a funeral of a member of their immediate family. For purposes of this Section, immediate family shall mean father, father-in-law, mother, mother-in-law, stepparent, brother, sister, spouse, registered domestic partner, child, stepchild, grandparent, grandchild, daughter-in-law, son-in-law, or legal guardian. Bereavement leave need not be taken in consecutive days, but the bereavement leave must be completed within three months of the date of death of the family member.

### Section 4. Authorized Leave Without Pay

#### A. District Leave

1. A regular, limited-term, seasonal, or probationary employee may request a District Leave without pay for a period not to exceed fifteen (15) calendar days. The granting of such leave shall be at the discretion of the District Manager except in cases where Official Leave has been authorized pursuant to *Section 4.B*, and *Section 9.A*, below. The District Manager may require that all accumulated compensatory time be used prior to granting of District Leave. The use of earned vacation prior to the obtaining of District Leave shall be at the option of the employee. If the short-term leave request is in relation to a disability accommodation, then the leave will be determined through the interactive process on a case-by-case basis without the aforementioned restrictions.

#### B. Official Leave of Absence

1. Upon request, a regular, limited-term, seasonal, or probationary employee may be granted an Official Leave of Absence without pay for instances where the employee is not entitled to any legally protected leave. The granting of such leave shall be at the discretion of the District Manager and, if granted, shall not exceed four (4) months except as provided in 2., below. Such leave may be authorized only after an employee's completion of a District Leave and after all compensatory and vacation accruals have been applied toward payment of the absence.
2. An Official Leave of Absence may be extended for an additional two (2) months at the discretion of the District Manager. If the District Manager denies the extension of such leave, provision of 4, below shall not apply.
3. An employee shall give notice two (2) weeks prior to the date they want to return to work. If an employee does not give the two (2) week notice prior to the date they want to return to work, the District shall not be required to return the employee to work until the employee gives such notice; however, the District may waive the notice or reduce the notice period at its discretion.
4. An Official Leave shall not be credited toward continuous service.



5. If the Official Leave request is in relation to a disability accommodation, then the leave will be determined through the interactive process on a case-by-case basis without the aforementioned restrictions.

### C. Family and Medical Leave

1. The California Family Rights Act (CFRA) provides eligible employees the opportunity to take unpaid, job-protected leave for certain specified reasons. The maximum amount of leave employees may use under this policy is twelve (12) weeks within a twelve (12) month period. For more information regarding leave under this policy, employees should contact human resources.
  - a. To be eligible for leave under CFRA, an employee must:
    - i. Have been employed by the District for at least 12 months; and
    - ii. Have worked for the District at least 1,250 hours during the twelve (12) month period immediately preceding the commencement of leave.
  - b. CFRA leave may be taken by eligible employees for the following reasons:
    - i. To care for or bond with a newborn child.
    - ii. To care for or bond with a child placed with the employee and/or the employee's registered domestic partner for adoption or foster care. To care for a spouse, parent, registered domestic partner, child, sibling, grandparent, grandchild, parent-in-law, or any Designated Person with a serious health condition.
    - iii. Because of the employee's serious health condition that makes the employee unable to perform any one or more essential functions of their job (except for pregnancy, which is covered under Pregnancy Disability Leave and does not run concurrently with CFRA).
    - iv. Leave for a variety of "qualifying exigencies" arising out of the fact that an employee's spouse, child, parent, or domestic partner is on active duty or call to active-duty status in the National Guard or Reserves in support of a contingency operation.
    - v. Leave to care for a spouse, child, parent, or "next of kin" who is a covered service member of the U.S. Armed Forces who has a serious injury or illness: incurred in the line of duty while on active military duty; or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces. This leave can run up to 26 weeks of unpaid leave during a single twelve (12) month period.
  - c. Definitions
    - i. Serious Health Condition means an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility or continuing treatment by a health care provider, and either prevents the

employee from performing the functions of his or her job or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing-treatment requirement includes an incapacity of more than three full calendar days and two visits to a health care provider, or one visit to a health care provider and a continuing regimen of care; an incapacity caused by a chronic condition or permanent or long-term conditions; or absences due to multiple treatments. Other situations may also meet the definition of “continuing treatment.”

- ii. Domestic Partner means another adult with whom the employee has chosen to share their life in an intimate and committed relationship of mutual caring and with whom the employee has filed a Declaration of Domestic Partnership with the Secretary of State, and who meets the criteria specified in California Family Code section 297. A legal union formed in another state that is substantially equivalent to the California domestic partnership is also sufficient.
- iii. Family Member for CFRA leave means an employee’s child, parent, parent-in-law, spouse, domestic partner, grandchild, grandparent, and sibling.
- iv. Grandchild means a child of the employee’s child.
- v. Grandparent means a parent of the employee’s parent.
- vi. Child means a child, including a child who is 18 years of age or older who is capable of self-care. An employee’s child means a biological, adopted, foster, stepchild, legal ward, a child of a domestic partner, or a person to whom the employee stands in loco parentis.
- vii. Parent means the biological parent of an employee or an individual who stands or stood in loco parentis (in place of a parent) to an employee when the employee was a child. This term does not include parents-in-law.
- viii. Sibling means a person related to the employee by blood, adoption, or affinity through a common legal or biological parent.
- ix. Parent-in-law means the parent of a spouse or domestic partner of the employee.
- x. Designated Person means any individual related by blood or whose association with the employee is the equivalent of a family relationship. The designated person may be identified by the employee at the time the employee requests the leave. An employer may limit an employee to one designated person per twelve (12) month period for family care and medical leave.
- xi. Covered Active Duty means: (1) in the case of a member of a regular component of the Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country; or (2) in the case of a member of the reserve component of the Armed Forces, duty during the deployment of members of the Armed Forces to a foreign country under a call or order to active duty under certain specified provisions.

- xii. Covered Service Member means: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or (2) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.
- d. The Twelve (12) Month Measurement Period
    - i. The District uses the “rolling” twelve (12) month period measured backward from the date an employee uses any CFRA leave and continuous with each additional leave day taken.
  - e. Intermittent or Reduced-Schedule Leave
    - i. Eligible employees may take CFRA leave in a single block of time, intermittently (in separate blocks of time), or by reducing the normal work schedule when medically necessary for the serious health condition of the employee or immediate family member. Intermittent leave to bond with a new child must be taken in two-week increments, with a shorter duration allowed on two occasions.
    - ii. Employees who require intermittent or reduced-schedule leave must try to schedule their leave so that it will not unduly disrupt District’s operations. Intermittent leave is permitted in intervals of at least one hour or at the same intervals as provided in District’s [sick leave, vacation, or paid-time-off] policy, whichever increments are smaller.
  - f. Substitution of Paid Accrued Leaves
    - i. Although family and medical care leave is unpaid, an employee may elect and the District will require an employee to concurrently use all paid accrued leaves during family and medical care leave as described below.
    - ii. Employee’s Right to Use Paid Accrued Leave Concurrently with CFRA Leave.
      - (a) An employee may use any earned or accrued paid leave except sick leave for all or part of any unpaid family and medical care leave. An employee is entitled to use sick leave concurrently with family and medical care leave for the employee’s own serious health condition or that of the employee’s parent, parent-in-law, spouse, domestic partner, child, grandparent, grandchild, sibling, or designated person.
    - iii. District’s Right to Require an Employee to Use Paid Leave When Using CFRA Leave.

- (a) Employees must use and exhaust their accrued leaves concurrently with CFRA leave to the same extent that employees have the right to use their accrued leaves concurrently with family and medical care leave with two exceptions:
  - (i) Employees are not required to use paid leave during leave pursuant to a disability plan that pays a portion of the employee's salary while on leave unless the employee agrees to use paid leave to cover the unpaid portion of the disability leave benefit; and
  - (ii) An employee must agree to use leave from the employee's accrued leave to care for a child, parent, spouse or domestic partner, grandparent, grandchild, sibling, or designated person.
- g. Maintenance of Health Benefits
  - i. If employees and/or their families participate in the District's group health plan, the District will maintain coverage during CFRA leave on the same terms as if employees had continued to work. If applicable, employees must make arrangements to pay their share of health plan premiums while on unpaid leave. In some instances, District may recover premiums it paid to maintain health coverage or other benefits for employees and/or their families. Use of CFRA leave will not result in the loss of any employment benefit that accrued prior to the start of leave under this policy. Employees should consult the applicable plan document for information regarding eligibility, coverage, and benefits.
- h. Procedures
  - i. When seeking leave under this policy, employees must provide the following to Human Resources:
    - (a) Thirty (30) days' notice of the need to take CFRA leave if the need for leave is foreseeable or notice as soon as practicable in the case of unforeseeable leave and in compliance with District's normal call-in procedures, absent unusual circumstances.
    - (b) Medical certification supporting the need for leave due to a serious health condition affecting the requesting employee or an immediate family member within fifteen (15) calendar days of District's request for the certification (additional time may be permitted in some circumstances). Failure to do so may result in delay of the commencement of leave or denial of a leave request.
    - (c) If the District has a good faith, objective reason to doubt the validity of a certification for the employee's serious health condition, the District may require a medical opinion of a second health care provider chosen and paid for by the District. If the second opinion is different from the first, the District may require the opinion of a third provider jointly approved by the District and the employee, but paid for by the District. The opinion of the third

provider will be binding. The District must provide the employee with a copy of the second and third medical opinions, where applicable, without cost, upon the request of the employee.

(d) Periodic reports as deemed appropriate during the leave regarding the employee's status and intent to return to work.

(e) A return-to-work release before returning to work if the leave was due to the employee's serious health condition, which made the employee unable to perform their job.

i. Employer Responsibilities

i. To the extent required by law, District will inform employees whether they are eligible for leave under CFRA. Should employees be eligible for CFRA leave, District will provide them with a notice that specifies any additional information required, as well as their rights and responsibilities. District will also inform employees if leave will be designated as CFRA-protected and, to the extent possible, note the amount of leave counted against employees' leave entitlement. If employees are not eligible for CFRA leave, District will provide a reason for ineligibility.

j. Reinstatement

i. Upon returning from CFRA leave, employees will typically be restored to their original position or to an equivalent position with equivalent pay, benefits and other employment terms and conditions, in accordance with applicable law. Under the CFRA, the District may not deny reinstatement to a "key" employee (i.e., an employee who is among the highest paid 10 percent of all employed by the District within 75 miles of the worksite) during or upon the expiration of CFRA leave.

k. Failure to Return After CFRA Leave

i. If an employee fails to return to work as scheduled after CFRA leave or if an employee exceeds the 12-week CFRA entitlement, the employee will be subject to District's other applicable leave of absence, accommodation, and attendance policies. This may result in termination if the employee has no other District-provided leave available that applies to the continued absence, to the extent permitted by applicable law. Likewise, following the conclusion of the CFRA leave, District's obligation to maintain the employee's group health plan benefits ends (subject to any applicable COBRA rights).

l. Parents Both Employed by the District

i. If both married parents of a child, adoptee, or foster child are employed by the District and are entitled to bonding leave:

- (a) The aggregate number of workweeks of FMLA leave to which both may be entitled may be limited to twelve (12) workweeks during any twelve (12) month period; and
  - (b) Each married parent is entitled to take twelve (12) workweeks of CFRA leave during any twelve (12) month period.
- ii. If both married parents of a covered service member are employed by the District and are entitled to leave to care for a covered service member, the aggregate number of workweeks of leave to which both may be entitled is limited to 26 work weeks during the twelve (12) month period. This limitation does not apply to any other type of leave under this policy.

#### D. Pregnancy Disability Leave

1. California law protects women who are pregnant from employment discrimination and allows them to take time off work for their pregnancy, childbirth, and related medical conditions. Women employed with the District are entitled to unpaid pregnancy disability leave (PDL) for up to the number of hours she would normally work within four calendar months (one-third of a year or 17 1/3 weeks) from the date of hire for disability due to pregnancy, childbirth, and related medical conditions. For a full-time employee who works 40 hours per week, “four months” means 693 hours of leave entitlement, based on 40 hour per week times 17 1/3 weeks. An employee who works less than 40 hours per week will receive a pro rata or proportional amount of leave.
2. Leave may be taken intermittently or on a reduced work schedule when medically advisable, as determined by the health care provider of the employee. The leave may be taken at any time she is disabled during or after the pregnancy and does not need to be taken all at once. A woman also is considered “disabled by pregnancy” if she is suffering from severe “morning sickness” or needs to be off for prenatal care. PDL may not be used for baby bonding.
3. If possible, the employee is required to give 30 days’ advance notice of the need to take PDL. If 30 days’ notice is not possible due to a change in circumstances or a medical emergency, the employee must give notice as soon as practicable. An employee shall be required to furnish medical certification PDL. The request for pregnancy disability leave must be supported by a written certification from the attending physician stating that: (1) the employee is disabled from working by pregnancy, childbirth, or a related medical condition; (2) the date on which the employee became disabled by pregnancy, childbirth, or a related medical condition; and (3) the estimated duration or end date of the leave.
4. An eligible employee who is granted PDL will be guaranteed reinstatement upon expiration of the pregnancy disability leave to her original position or to a position with same or comparable duties and pay and at the same or comparable geographic location, except as provided in *Section 4.D.9*, below. If upon return from leave an employee is unable to perform the essential functions of her job because of a physical or mental disability, the District will initiate an interactive process with the employee in order to identify a potential reasonable accommodation in accordance with these Policies. The employee shall retain

the same seniority as they had at the time of starting leave and shall be reinstated to any benefits previously provided without any new qualification period.

5. FMLA leave shall run concurrently with PDL. While on FMLA leave, health and dental/vision insurance premiums of covered employees shall be paid by the District while the employee is on PDL. Taking PDL may be a qualifying event for COBRA purposes. However, the employee may continue to be covered by health and dental/vision insurance by paying the District the full premium by the first of the coverage month.
6. Any employee on PDL shall use all accrued sick leave first. At the option of the employee, vacation leave or compensatory time may be used once all accrued sick leave has been used. The use of sick leave, vacation leave, or compensatory time does not extend the length of the PDL.
7. Employees on unpaid PDL shall not earn sick leave or vacation leave. Employees shall earn sick leave and vacation leave for each paid hour of vacation leave, compensatory time, and sick leave used. The use of sick leave, vacation leave, and compensatory time shall be used for credit for seniority. PDL used during a probationary period shall extend the length of the probationary period by the length of the leave.
8. If a holiday falls during PDL, the day is counted as PDL. Employees receive pay for holidays if the employee is paid for all or a portion of both the regularly scheduled working assignment immediately prior to a holiday and the regularly scheduled working assignment immediately after that holiday.
9. The District may refuse to reinstate the employee if:
  - a. The employee would not otherwise have been employed in her same position at the time reinstatement is requested for legitimate business reasons unrelated to the employee taking a pregnancy disability leave, such as a layoff; or
  - b. Preserving the job duties for the employee would substantially undermine the employer's ability to operate the business safely and efficiently.

#### E. Leave For Reproductive Loss

1. The District provides employees who have been employed at least 30 calendar days with Reproductive Loss Leave, in the event of a "Reproductive Loss Event". "Reproductive Loss Event" means the day or, for a multiple-day event, the final day of a Failed Adoption, Failed Surrogacy, Miscarriage, Stillbirth, or an Unsuccessful Assisted Reproduction, as those terms are defined below:

- "Failed Adoption" means the dissolution or breach of an adoption agreement with the birth mother or legal guardian, or an adoption that is not finalized because it is contested by another party. This event applies to a person who would have been a parent of the adoptee if the adoption had been completed.

- “Failed Surrogacy” means the dissolution or breach of a surrogacy agreement, or a failed embryo transfer to the surrogate. This event applies to a person who would have been a parent of a child born as a result of the surrogacy.
  - “Miscarriage” means a miscarriage by a person, by the person’s current spouse or domestic partner, or by another individual if the person would have been a parent of a child born as a result of the pregnancy.
  - “Stillbirth” means a stillbirth resulting from a person’s pregnancy, the pregnancy of a person’s current spouse or domestic partner, or another individual, if the person would have been a parent of a child born as a result of the pregnancy that ended in stillbirth.
  - “Unsuccessful Assisted Reproduction” means an unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure. This event applies to a person, the person’s current spouse or domestic partner, or another individual, if the person would have been a parent of a child born as a result of the pregnancy.
2. Reproductive Loss Leave may be taken for up to five (5) days per Reproductive Loss Event. Reproductive Loss Leave is not required to be taken consecutively, but such leave must be taken within three (3) months of the Reproductive Loss Event, with the exception that, if an employee is on California Family Rights Act (“CFRA”) leave, Pregnancy Disability Leave (“PDL”), or another leave protected by state or federal law at the time of or immediately following the Reproductive Loss Event, the employee may use Reproductive Loss Leave within three (3) months of the end date of the other protected leave.
  3. If an employee experiences more than one Reproductive Loss Event within a 12-month period, the District will provide Reproductive Loss Leave up to a maximum of 20 days within a 12-month period.
  4. Reproductive Loss Leave is unpaid, but employees may elect to use accrued paid leaves, such as sick leave, personal leave, or vacation in order to provide for their compensation while on Reproductive Loss Leave.
  5. The District will maintain the confidentiality of any employee who requests to use or uses Reproductive Loss Leave, and the District will not disclose such information other than to internal personnel on a need to know basis, or as required by law.

#### E.F. General Provisions

1. Except as described in *subsections 4.C and D*, above, a request for a leave of absence shall be made in writing and shall state specifically the reason for the request, the date when it is desired to begin the leave of absence, and the probable date of return.



2. A request for leave of absence without pay shall normally be initiated by the employee, but may be initiated by the employee's section only where the employee is unable to initiate such action.
3. Employees on leave of absence without pay shall not earn sick or vacation leave, or credit towards seniority, nor shall the leave of absence count as time towards completing a probationary period.

## **Section 5. School Related Leave**

### **A. School or Licensed Day Care Activity Leave**

1. Any employee who is a parent, guardian, stepparent, foster parent, grandparent, or person who stands in loco parentis to one or more children who are in kindergarten or grades 1 through 12, or who are in a licensed child care facility, shall be allowed up to forty (40) hours each school year, not to exceed eight hours in any calendar month of the school year, to: participate in activities of their child's school or licensed child care facility; find, enroll, or reenroll a child in a school or with a licensed child care provider; or to pick up a child due to a child care provider or school emergency. The employee must provide reasonable advance notice to their supervisor of the planned absence. The leave is unpaid unless the employee uses vacation, personal leave, or compensatory time off. The employee must provide documentation from the school or licensed childcare facility as verification that the employee participated in school or childcare facility activities on a specific date and at a particular time. If both parents, guardians, or grandparents having custody work for the District at the same District work site, only the first parent requesting will be entitled to leave under this provision.

### **B. Child Suspension Leave**

1. Any employee who is the parent or guardian of a child in grades 1 through 12 may take time off to go to the child's school in response to a request from the child's school, if the employee gives advance notice to his or her supervisor. A school has the authority to request that the parent attend the child's school if the child has: committed any obscene act; habitually used profanity or vulgarity; disrupted school activities; or otherwise willfully defied the valid authority of school personnel. Such time off is separate and apart from time off for school or licensed day care activity leave.

## **Section 6. Military Leave of Absence**

- A. Military leave will be granted in accordance with federal and state law. A request for Military Leave of Absence shall be made in writing and shall state specifically the reason for the request, the date when it is desired to begin the Leave of Absence, and the probable date of return. Military Leave is governed by provisions of the Military and Veterans Code of the State of California, Section 395 to 395.5. When a regular position is vacant due to a Military Leave of Absence, the position may be filled for the length of that leave.

## **Section 7. Jury Duty Leave**

- A. A regular, limited term, or probationary employee who is called for jury duty or for examination for jury duty shall be compensated at the employee's regular hourly rate of pay for those hours of absence that occur during the employee's regularly scheduled working hours not to exceed two (2) workweeks. The employee's fees for jury duty, exclusive of mileage, shall be deposited into the General Fund of the District. Fees for jury duty performed during hours other than regularly scheduled working hours may be retained by the employee.

### **Section 8. Workers' Compensation Leave**

- A. When an injury is determined to be job related, an employee shall be placed on Worker's Compensation Leave. If such determination cannot readily be made, and all sick leave has been applied to the absence, the employee shall be placed on an Official Leave of Absence until a final determination is made.
- B. Workers Compensation Leave shall continue until the employee:
  1. Is determined to be physically able to return to work by a medical doctor and such medical determination, if disputed, is confirmed by Workers' Compensation Appeals Board; or
  2. Is determined to be physically able to return to work with medical restrictions which the District can accept by a medical doctor, and such determination, if disputed, is confirmed by Workers' Compensation Appeals Board; or
  3. Accepts employment outside the District; or
  4. Accepts employment in another District position; or
  5. Has been found to be permanent and stationary and cannot be rehabilitated as provided by law; or
  6. Is retired pursuant to Government Code provisions.
- C. If practicable, an employee on Workers' Compensation Leave shall give notice two (2) weeks prior to the date they want to return to work. If an employee does not give two (2) weeks notice prior to the date they want to return to work, the District shall not be required to return the employee to work until such notice is given; however, the District may waive the notice or reduce the notice period at its discretion.

### **Section 9. Absence Without Authorization**

- A. Absence without authorization or prior notification for three (3) consecutive days shall be considered an automatic resignation from District employment as of the last date on which the employee worked or the last date the employee was to return to work from an authorized absence.
- B. If an employee does not have prior authorization to be absent from work, such employee may request specific authorization from the District Manager prior to the expiration of the time limit specified in A., above.
- C. Written notice of automatic resignation by the District Manager shall be made by sending such notice to the last known address of the employee to be notified, registered with return

receipt requested and the depositing of it in the United States mail with postage fully prepaid. Notice is complete upon mailing.

- D. A regular, limited term, or probationary employee may, within ten (10) calendar days from the date of receipt of a written notice of automatic resignation, file a written request for reinstatement. If the employee does not receive a written notice of automatic resignation, a written request for reinstatement by be made within thirty (30) calendar days from the effective date of such resignation. At the sole discretion of the District Manager, such time limits may be extended.
- E. Reinstatement may be granted if the employee makes written explanation satisfactory to the District Manager as to the cause of the unauthorized absence, the reasons for failing to obtain an Authorized Leave, and the submission of any pertinent documentation to substantiate such reasons, and the District Manager finds that the employee is ready, able, and willing to resume the full duties of their position. Automatic resignations may be rescinded in cases where the District determines that the employee was unable due to exigent circumstances to contact their supervisor, provided the employee attempted to do so at the first possible opportunity.
- F. An employee so reinstated shall not be paid for the period of their unauthorized absence of separation and shall be treated as if on Official Leave for purposes of continuity of employment and other appropriate benefits, unless the use of sick leave, vacation, or compensatory time is appropriate.
- G. Notwithstanding any other provision of this Section, the District Manager may rescind an automatic resignation.
- H. No employee separated on account of automatic resignation has the right to a post-separation appeal.

### **Section 10. Catastrophic Leave Program**

- A. The District Manager shall establish and administer a Catastrophic Leave Program for District employees. The program shall provide for the donation of vacation and compensatory time to District employees whose personal illness or injury is expected to exceed their accrued leave balances by at least fourteen (14) calendar days.
- B. Each donation shall be a minimum of two (2) hours and a maximum of eight (8) hours. Donations exceeding the minimum requirement shall be made in whole hour increments.
- C. This provision shall not apply to employees who are receiving workers' compensation pay, up to 80 hours per pay period.
- D. To be eligible to receive catastrophic leave, an employee must be suffering from a debilitating illness or injury which is expected to incapacitate the employee or an immediate family member, including and limited to parents, children, spouse, or registered domestic partner, for an extended period and which creates a financial hardship.

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#### ***Policies Cited:***

1. *SGVMVCD: Policy No. 03 – General Personnel Provisions, Section 1*