

McCLOUD COMMUNITY SERVICES DISTRICT
Policy and Procedure Manual

POLICY TITLE: Leaves of Absence
POLICY NUMBER: 2160
ADOPTED: November 12, 2002
REVIEWED: 11/09/20, 01/13/21
AMENDED: August 13, 2018

2160.10 Unpaid Leaves Unless Otherwise Provided

It is the District's policy to grant leaves of absence to regular full-time employees on a nondiscriminatory basis. Leaves of absence will be considered in cases of medical disability or pregnancy/paternity, and in cases of personal emergency, military duty, jury duty, witness duty, bereavement, or other special circumstances. Unless specifically provided in these policies, all leaves of absence are available only on an unpaid basis.

2160.20 Maximum Period of Leave

For the purposes of this policy twelve weeks means sixty (60) working days, four (4) months means eighty-eight (88) working days, and twelve (12) months means two hundred and sixty (260) working days., including holidays. Under ordinary circumstances the maximum period of unpaid leave which may be granted to an employee shall not exceed four (4) months. If special circumstances require, the General Manager may grant an employee a leave of absence not to exceed a period of twelve (12) months. A leave of absence for the General Manager must be approved by the Board of Directors.

2160.30 Leaves of Absence During Probationary Period

If an employee is absent due to a leave of absence granted during the probationary period, his or her probationary period will be extended by the exact number of days that he or she is absent for such purpose.

2160.40 Standards of Consideration in Granting Leaves of Absence

Subject to any applicable legal restrictions, requests for leaves of absence will be considered on the basis of an employee's length of service, performance, responsibility level, the reason for the request, and the District's ability to obtain a satisfactory replacement for the employee during the time the employee will be away from work. If an employee accepts other employment or fails to return to work on the next regularly scheduled workday following the expiration of his or her leave, the employee will be deemed to have voluntarily terminated his or her employment.

2160.50 Medical Leave of Absence

2160.51 Employees who are temporarily unable to perform their usual and customary work due to a personal illness or injury, including but not limited to work related injuries will normally be granted a medical leave of absence. Medical leaves, if granted, will normally be granted on the basis of a physician's written statement that an employee is no longer able to work due to the medical disability. An employee may be required to participate in the District's Early Return to Work Program before a medical leave of absence will be granted.

2160.52 An employee who plans to take a medical leave must provide the General Manager reasonable notice of the date the leave will commence, the estimated duration of the leave, and the date on which it is expected that the employee will be able to return to work. When an unplanned medical situation or emergency occurs that does not allow the employee to provide advance notification of the need for medical leave, the employee must notify the District of the situation within three (3) working days of an absence.

2160.53 Normally, the maximum length of leave that will be granted for any medical disability is four (4) months. Employees returning to work after any medical disability leave must have a written release from a physician verifying that they are able to return to work and safely perform their duties.

2160.54 During such a medical leave of absence, an employee may use any accrued sick leave benefits, vacation benefits and/or leave without pay. The District will continue to pay the employee's health insurance premium for up to a maximum of four (4) months. In the case of a leave of absence due to a work related injury or illness, the District will pay the employee's health insurance premiums in the same amount as if the employee was normally working during the period of leave for a maximum of twelve (12) months. Any coverage beyond this maximum is the responsibility of the employee. The cost of dependent coverage normally borne by the employee will remain the sole responsibility of the employee.

2160.55 Employees who return to work at the end of a medical leave of absence will be returned to work at their former position, if available, or will be offered the

first available opening in a comparable position for which they are qualified. An employee who fails to report for work for the same or a comparable position at the end of an approved leave will be deemed to have voluntarily resigned.

2160.60 Maternity/Paternity Leave

2160.61 Regular full-time employees who are having or adopting a baby are entitled to four (4) months of leave for this purpose without jeopardy to their present position. This leave can be a combination of vacation, sick leave, and/or leave without pay.

2160.62 Any leave taken during pregnancy is considered maternity leave, unless designated differently by the General Manager.

2160.63 The District will continue to pay the employee's health insurance premiums during the period of Maternity/Paternity Leave for a maximum of four (4) months. However, the cost of dependent coverage normally borne by the employee will remain the sole responsibility of the employee. The employee must make arrangements to pay the cost of such coverage before the leave begins.

2160.70 Family Care and Medical Leave

2160.71 The District will conform to the California Family Rights Act of 1993 and its revisions, and the Federal Family Medical Leave Act of 1993 and its revisions. The District's objective is to promote stability and economic security in the families of its employees by providing family care and medical leave for employees as follows:

2160.72 Regular employees who have completed more than twelve (12) months of continuous full time service or at least 1,250 hours of part time service during the previous twelve months may request a Family Care and Medical Leave 'leave of absence'. This leave can be a combination of vacation, sick leave and/or leave without pay.

2160.73 Family Care and Medical Leave can be taken in one or more periods and may be taken for intermittent periods, but such leave may not exceed a total of twelve (12) weeks during any twelve month period.

2160.74 The District will continue to pay the employee's health insurance premiums for the duration of the Family Care and Medical Leave, not to exceed twelve weeks during a twelve month period. The cost of dependent health coverage, if normally borne by the employee, will remain the sole responsibility of the employee.

2160.75 Family Care and Medical Leave means any of the following:

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2160.751 Leave to care for an immediate family member (spouse, child or parent) of the employee if such immediate family member has a serious health condition;

2160.752 Leave because of an employee's own serious health condition that makes the employee unable to perform the functions of the position of that employee;

2160.753 Leave for reason of the birth of a child of the employee, or the placement of a child with an employee in connection with adoption or foster care of the child.

2160.76 A 'serious health condition' is an illness, injury, impairment or physical or mental condition that involves (a) an overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care; or (b) continuing treatment by a health care provider consisting of treatment two or more times for a condition which causes a period of incapacity of more than three consecutive calendar days.

2160.77 An employee requesting Family Care and Medical Leave because of his or her own serious health condition must provide medical certification from the appropriate healthcare provider to the District that such serious health condition precludes the employee from performing either his or her regular job duties or any transitional work duties offered the employee through the District's Early Return to Work Program. An employee requesting Family Care and Medical Leave because of a relative's serious health condition must provide medical certification from the appropriate health care provider to the District that the employee's care rendered for the relative's serious health condition is medically necessary. Failure to provide the required certification in a timely manner may result in denial of the leave request until such certification is provided.

2160.771 If the District has reason to doubt the medical certification supporting the leave because of the employee's own serious health condition, the District may request a second opinion of a healthcare provider of its choice, paid for by the District.

2160.772 Medical re-certification may be required if leave is sought after expiration of the time for leave initially estimated by the healthcare

provider. Failure to submit such required re-certification can result in termination of the leave.

2160.78 An employee should request Family Care and Medical Leave by completing a Request for Leave form and submitting it to the District. Employees should provide not less than 30 days' notice, or such shorter notice as is practicable, for foreseeable childbirth, child placement, or any planned medical treatment for the employee or his/her spouse, child, or parent.

2160.781 If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment for the employee or a family member or to care for a child, the employee may be transferred temporarily to an available alternative position for which he

or she is qualified that has equivalent pay and benefits that better accommodates recurring periods of leave than the employee's regular position.

2160.79 The District will respond to a Family Care and Medical Leave request within two days of acquiring knowledge from the employee that the leave is being taken for a Family Care and Medical Leave qualifying reason. If the leave request is granted, the District will notify the employee in writing that the leave will be counted against the employee's Family Care and Medical Leave entitlement. This notice will explain the employee's obligations and the consequences of failing to meet those expectations.

2160.80 Family Care and Medical Leave - Continued

2160.81 Employees are not entitled to accrual of additional vacation and sick leave benefits during the period of an approved Family Care and Medical Leave.

2160.90 Bereavement Leave

2160.91 In the event of a death in the immediate family of a regular full-time employee who has completed his or her probationary period, a leave with pay will be granted for a period up to three (3) consecutive scheduled work days for the purpose of making arrangements for or to attend the funeral. Immediate family is defined as spouse, children, sister, brother, mother, father, legal guardian, legal dependent, current mother or father-in-law, grandparents, grandchildren, or persons currently in a relationship with the employee substantially similar to a spousal relationship.

2160.92 Special arrangements for longer periods of paid leave may be approved by the General Manager for long distance travel or other unusual circumstances.

2160.100 Jury and Witness Duty

2160.111 Jury and Witness Leave: Any employee who is called for jury duty or subpoenaed to appear as a witness, other than as an expert witness or party to the action, shall receive paid leave for such purpose on the terms that follow:

2160.111.1 The employee shall receive paid leave provided that any witness fees or jury fees are assigned to the MCSD.

2160.111.2 If called as a witness in litigation in which the MCSD is a party, or to testify in an official capacity as an MCSD employee, the employee shall receive paid leave and an allowance for any necessary travel, provided that any witness fees are assigned to the MCSD.

2160.110 Military Leave

2160.111 Employees who enter the armed forces of the United States will be granted leaves of absence in accordance with Federal and State laws governing such leaves. In addition, employees in the armed forces who require time off for military service may request a leave of absence. An employee who is granted a military leave of absence by the General Manager may use any accrued vacation benefits or leave without pay.

The District will continue to pay the employee's medical insurance coverage during the military leave. The cost of dependent coverage normally borne by the employee will remain the sole responsibility of the employee. The employee must make arrangements to pay the cost of such coverage before the leave begins.

2160.112 Employees who require a military leave must notify the General Manager in writing of the need of such a leave as soon as the employee learns that they require time off for military service and must receive written approval from the General Manager.

2160.113 Employees who return to work at the end of a military leave of absence will be returned to work at their former position, if available, or will be offered the first available opening in a comparable position for which they are qualified. Such employees will be credited with all service prior to the commencement of their military leave, but not for the period of their leave. An employee who fails to report for work for the same or a comparable position at the end of an approved leave will be deemed to have voluntarily resigned.

2160.120 Personal Leave

2160.121 Personal leaves of absence may be requested by a regular full-time employee and may be granted in the sole discretion of the General Manager to enable eligible employees to receive extended time away from work to handle personal obligations without incurring any break in continuity of service. A personal leave may not be taken for the purpose of changing jobs or professions.

2160.122 Employees who require a leave of absence for personal reasons must notify the General Manager in writing of the need for such a leave and must receive written approval from the General Manager. An employee who is granted a personal leave of absence may use any accrued vacation benefits and/or leave without pay. The maximum period for a personal leave is four (4) months. The District will continue to pay the employee's health insurance coverage during the period of the leave for up to a maximum of four (4) months. Any coverage beyond this maximum is the responsibility of the employee. The cost of dependent coverage normally borne by the employee will also remain the sole responsibility of the employee. The employee must make arrangements to pay the cost of coverage before the leave begins.

2160.130 Returning from Leave of Absence

2160.131 When an employee is placed on a leave of absence other than Family Care and Medical Leave and/or maternity/paternity leave of absence, an effort will be made to hold the employee's position open for the period of the approved leave. However, due to business needs, there will be times when positions cannot be held open. Accordingly, it is not possible to guarantee reinstatement following each leave of absence.

2160.132 In the event that an employee's former position cannot be held open and is unavailable when the employee is ready to return in a timely manner from an approved leave, effort will be made to place the employee in a comparable position for which the employee is qualified. If such a position is not available, the employee will be offered the next such position for which the employee is qualified that becomes available. Employees who do not accept such a position offered by the District will be considered to have voluntarily resigned, effective the date such refusal is made.

2160.133 An employee utilizing Family Care and Medical Leave or Maternity/Paternity Leave will, at the end of such leave of absence, be restored to their former position, or to a position with equivalent pay, benefits, and other terms

and conditions of employment, unless the same position and any comparable positions have ceased to exist because of legitimate business reasons unrelated to the employee's leave. Before an employee will be permitted to return from a Family Care and Medical Leave taken because of his or her own serious health condition, the employee must obtain a certification from his or her healthcare provider that he or she is able to resume work. If an employee can return to work with limitations, the District will evaluate those limitations and, if possible, will accommodate the employee as required by law. If reasonable accommodation cannot be made, the employee will be medically separated from the District.

2160.140 Benefits During Unpaid Leave

Employees on unpaid leaves of absence do not accrue vacation or sick leave benefits. The period that an employee is on unpaid leave of absence is not considered time worked for purposes of determining eligibility for or the amount of any benefit provided by the District. When an employee returns from an unpaid leave of absence, the eligibility and accrual dates for all benefits for which the employee is eligible will be adjusted to reflect the period of such leave. If a paid holiday falls during the period an employee is on unpaid leave of absence, the employee will not be eligible for holiday pay.

2160.150 Misrepresentations Regarding Leaves

Misrepresenting reasons for applying for a leave of absence may result in disciplinary actions, including possible termination.

2160.160 Discretion of the General Manager

Notwithstanding any provisions of this policy, and subject to the provisions of applicable law, all leaves of absence are granted at the sole discretion of the General Manager, with the exception of leaves granted to the General Manager, which shall be granted at the sole discretion of the Board of Directors.

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POLICY TITLE: Leave Application Form
POLICY NUMBER: 2160 Appendix 1
ADOPTED:
AMENDED:
REVIEWED:

This form is to be used when an employee is requesting to leave work during a regularly assigned shift and wishes to charge time off toward accumulated vacation and/or sick leave.

Date: _____

Employee Name: _____

Time Leave Requested From: _____ To: _____

Authorized By: _____