

**POLICY TITLE:** LEAVE OF ABSENCE: MEDICAL  
**POLICY NUMBER:** 3410

**COMMITTEE APPROVAL DATE:** 12/09/2022  
**BOARD APPROVAL DATE:** 01/25/2023

**WRITTEN/REVISED BY:** HUMAN RESOURCES  
**SUPERSEDES:** 11/28/2018

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**POLICY:**

**3410** It is the policy of the Beach Cities Health District (“District”) to provide eligible employees with paid or unpaid leaves of absence. The District intends at all times to comply with federal and state laws regarding leaves of absence.

**SCOPE:**

**3410.1** Medical leaves of absence are available to all eligible employees. A paid medical leave may be available to full-time and eligible part-time employees. Part-time employees must have a designated, regular work schedule of 30 or more hours per week. The paid leave would be prorated based upon the employee’s assigned work schedule.

**RESPONSIBILITY:**

**3410.2** It is the responsibility of management to understand, communicate, and enforce this policy uniformly among District employees. It is the employee’s responsibility to understand this policy, provide as much advance notice as possible, and produce all necessary documentation as required. Employees must ask their supervisors if they are unclear as to its application.

**CONTENTS:**

**3410.3 DEFINITIONS**

In implementing this policy, the following definitions will apply.

**3410.3.1** “12-Month Period” means a rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken.

**3410.3.2** “Child” means a child under 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee’s child is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, foster or stepchild, a legal ward, a son or daughter of a domestic partner, or a son or daughter who stands in loco parentis (in place of a parent) to that child.

**3410.3.3** “Parent” means the biological, foster or adoptive 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.

**3410.3.4** “Spouse” means a husband or wife as defined or recognized under California State law for purposes of marriage.

**3410.3.5** “Domestic Partner” means the employee’s domestic partner as defined in Section 297 of the Family Code.

**3410.3.6** “Family Member” means child, parent, spouse or domestic partner as defined in this policy.

**3410.3.7** “Designated Person” means individual related by blood or individual whose association with employee is equivalent of a family relationship. (CFRA only).

**3410.3.8** “Serious Health Condition” means an illness, injury, impairment, or physical or mental condition that involved:

**3410.3.8.1** Inpatient Care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., inability to work, or perform other regular daily activities due to the serious health condition, treatment involved, or recovery there from); or

**3410.3.8.2** Continuing treatment by a Health Care Provider: A serious health condition involving continuing treatment by a Health Care Provider as defined under federal or state law.

**3410.3.9** “Health Care Provider” is defined pursuant to the Family Medical Leave Act (FMLA) and California Family Rights Act (CFRA).

#### **3410.4 REASONS FOR LEAVE**

Leave is only permitted for the following reasons:

**3410.4.1** The birth of a child or to care for a newborn of an employee or the employee’s Spouse or Domestic Partner

**3410.4.2** The placement of child with an employee in connection with the adoption or foster care of a child by the employee or the employee’s Spouse or Domestic Partner

**3410.4.3** Leave to care for a child of the employee, Spouse or Domestic Partner, who has a Serious Health Condition

**3410.4.4** Leave because of a Serious Health Condition that makes the employee unable to perform the functions of his or her position

**3410.4.5** Leave to care for a Parent, Spouse, or Domestic Partner who has a Serious Health Condition.

#### **3410.5 TYPES OF LEAVE**

##### **3410.5.1 ALCOHOL AND DRUG REHABILITATION LEAVE:**

**3410.5.1.1** The District will make reasonable accommodations by providing unpaid time off to any employee who voluntarily enters and participates in a drug or alcohol rehabilitation program, provided that a reasonable accommodation does not impose an undue hardship on the District. “Reasonable accommodation” is interpreted to mean time off work. Leave under this policy is unpaid, however, an employee may be able to use accrued paid leave for the time off.

**3410.5.1.2** Confidentiality of records and information will be maintained in accordance with all local, state and federal laws.

**3410.5.1.3** Entrance into a treatment program does not relieve an employee of the obligation to satisfy the District's standards regarding employee performance, and participation will not prevent the District from administering discipline for violation of its policies or relieve the employee of their responsibility to perform their job in a safe and efficient manner.

**3410.5.2 FAMILY CARE AND MEDICAL LEAVE (FMLA/CFRA):**

The District will provide family and medical care leave for eligible employees, see “Reasons for Leave” Section, **3410.4.1 – 3410.4.5** as required by state and federal law, including leaves under the federal Family Medical Leave Act (FMLA), the Military Caregiver Leave (also known as Covered Service member Leave), the State of California Family Rights Act (CFRA) and Paid Family Care Leave (PFCL). An individual who is entitled to leave under the FMLA and the CFRA must take Temporary Disability Insurance leave concurrent with leave taken under the FMLA and the CFRA.

**3410.5.2.1 EMPLOYEES ELIGIBLE FOR LEAVE**

**3410.5.2.1.1** An employee is eligible for leave if the employee:

**3410.5.2.1.1.1** Has been employed for at least 12 months; and

**3410.5.2.1.1.2** Has been employed for at least 1,250 hours during the 12-Month Period immediately preceding the commencement of the leave.

**3410.5.2.1.2** The District counts FMLA/CFRA using a “looking back” method. This means that if an employee requests FMLA/CFRA, the District looks back over the preceding 12-Month Period to determine if the employee had taken FMLA/CFRA leave during that time period. If the employee did take FMLA/CFRA time, then that would be deducted from the amount of leave for which the employee is now eligible. If the employee has not taken an FMLA/CFRA leave, then the employee would be eligible for all twelve (12) weeks of FMLA/CFRA.

**3410.5.2.2 AMOUNT OF LEAVE**

Eligible employees are entitled to a total of 12 work weeks of leave during any 12-Month Period.

**3410.5.2.2.1 Minimum Duration of Leave**

If leave is requested for the birth, adoption or foster care placement of a child of the employee or employee's Spouse or Domestic Partner, leave must be concluded within one year of the birth or placement of the child.

Eligible employees may take leave in a single block of time, intermittently (in separate blocks of time) or by reducing the normal work schedule. In addition, the basic minimum duration of such leave is two weeks. However, an employee is entitled to leave for one of these purposes (e.g., bonding with a newborn) for at least one day, but less than two weeks duration on any two occasions. Employees who require intermittent or reduced-schedule leave must try to schedule their leave so that it will not unduly disrupt District's operations.

If leave is requested to care for a Child, Parent, Spouse, Domestic Partner or the employee themselves with a Serious Health Condition, there is no minimum amount of leave that must be taken. However, the notice and medical certification provisions of this policy must be complied with.

#### **3410.5.2.2.2 Spouses Both Employed by the District**

In any case in which a Domestic Partner, husband and wife are both employed by the District and both are entitled to leave, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during any 12-Month Period if leave is taken for the birth or placement for adoption or foster care of the employees' child (i.e., bonding leave). This limitation does not apply to any other type of leave under this policy.

### **3410.5.2.3 EMPLOYEE BENEFITS WHILE ON LEAVE**

**3410.5.2.3.1** Leave under this policy is unpaid. However, an employee may be able to use accrued paid leave. While on leave, employees will continue to be covered by the District's group health insurance to the same extent that coverage is provided while the employee is on the job. The employee may be entitled to other non-District provided benefits under any other Federal and/or State programs such as Employment Development Department (EDD) benefits. The District is not responsible for administering any such benefits.

**3410.5.2.3.2** Employees may make the appropriate contributions for continued coverage under the preceding non-health benefit plans by payroll deductions or direct payments made to these plans. Depending on the particular plan, the District will inform the employee whether the premiums should be paid to the carrier or to the District. The coverage on a particular plan may be dropped if the employee is more than 30 days late in making a premium payment. However, the employee will receive a notice at least 15 days before coverage is to cease, advising them that they will be dropped if the premium payment is not paid by a certain date. Employee contribution rates are subject to any change in rates that occurs while the employee is on leave.

**3410.5.2.3.3** If the employee fails to return to work after their leave entitlement has been exhausted or expires, the District shall have the right to recover its share of health plan premiums for the entire leave period, unless the employee does not return because of the continuation, recurrence, or onset of a Serious Health Condition of the employee or their family member which would entitle the employee to leave, or because of circumstances beyond the employee's control. The District shall have the right to recover premiums (or other sums due the District) from an employee, against their wages, paid time off, vacation, or holiday pay.

#### **3410.5.2.4 SUBSTITUTION OF PAID ACCRUED LEAVES**

**3410.5.2.4.1** While on leave under this policy, as set forth herein, an employee may elect to concurrently use paid accrued leaves. Similarly, the District may require an employee to concurrently use paid accrued leaves after requesting FMLA, CFRA leave and Paid Family Leave, and may also require an employee to use family and medical care leave concurrently with a non-FMLA/CFRA leave which is FMLA/CFRA-qualifying.

**3410.5.2.4.1.1** Where an employee has earned or accrued paid vacation and/or administrative leave, that paid leave must be substituted for all or part of any (otherwise) unpaid leave under this policy.

**3410.5.2.4.1.2** An employee is entitled to and may use Sick leave concurrently with leave under this policy if:

**3410.5.2.4.1.2.1** The leave is for the employee's own serious health condition; or

**3410.5.2.4.1.2.2** The leave is needed to care for a parent, domestic partner, spouse or child with a serious health condition, and would be permitted as Sick leave under the District Policy 3050: Holidays, Vacation and Sick Leave.

**3410.5.2.4.2** An employee may use compensatory time (if available) concurrently with leave under this policy.

**3410.5.2.4.3** As a condition of an employee's initial receipt of family temporary disability insurance benefits during any 12-Month Period in which an employee is eligible for these benefits, the District may require an employee to take up to two weeks of earned but unused Vacation leave prior to the employee's initial receipt to these benefits. If the District requires the employee to take Vacation leave, that portion of the leave that

does not exceed one week shall be applied to any applicable waiting period for receipt of family temporary disability insurance benefits.

### **3410.5.2.5 MEDICAL CERTIFICATION**

**3410.5.2.5.1** Employees who request leave for their own Serious Health Condition or to care for a Child, Parent, Domestic Partner, or a Spouse who has a Serious Health Condition must provide written certification from the Health Care Provider of the individual requiring care if requested by the District.

#### **3410.5.2.5.1.1 Time To Provide A Certification**

When an employee's leave is foreseeable and at least 30 days' notice has been provided, if a medical certification is requested, the employee must provide it before the leave begins. When this is not possible, the employee must provide the requested certification to the District within the time frame requested by the District (which must allow at least 15 calendar days after the employer's request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

#### **3410.5.2.5.1.2 Consequences for Failure To Provide an Adequate or Timely Certification**

District will advise the employee in writing what additional information is necessary to make the certification complete and sufficient. The employee will have seven (7) calendar days, unless not practicable under the circumstances despite the employee's diligent good faith efforts, to cure any deficiency. If the deficiency is not cured, the District may deny the taking of FMLA/CFRA leave.

#### **3410.5.2.5.1.3 Recertification**

If the District has reason to doubt the validity of a certification, 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. An employee may request a copy of the Health Care Provider's opinions when there is a recertification.

#### **3410.5.2.5.1.4 Intermittent Leave or Reduced Schedule Leave**

If an employee requests leave intermittently (a few days or hours at a time) or on a reduced leave schedule, for the employee or to care for an immediate family member with a Serious Health Condition, the employee must provide medical certification that such leave is medically necessary. "Medically necessary" means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule.

### **3410.5.2.6 EMPLOYEE NOTICE OF LEAVE**

Although the District recognizes that emergencies arise which may require employees to request immediate leave, employees are required to give as much notice as possible of their need for leave. If leave is foreseeable, at least 30 days' notice is required. In addition, if an employee knows that they will need leave in the future but does not know the exact date(s) (e.g., for the birth of a child or to take care of a newborn), the employee shall inform their supervisor as soon as possible that such leave will be needed. Such notice may be given pursuant to the District's usual and customary call-in procedures for reporting an absence, absent unusual circumstances. The employee must provide notice sufficient to make the District aware that the employee needs FMLA/CFRA-qualifying leave, and the anticipated timing and duration of the leave. If the District determines that an employee's notice is inadequate, the District may delay the granting of FMLA/CFRA leave.

### **3410.5.2.7 REINSTATEMENT UPON RETURN FROM LEAVE**

#### **3410.5.2.7.1 Right To Reinstatement**

**3410. 5.2.7.1.1** Upon expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. Employees have no greater rights to reinstatement, benefits and other conditions of employment than if the employee had been continuously employed during the FMLA/CFRA/Paid Family Leave period.

**3410. 5.2.7.1.2** If a definite date of reinstatement has been agreed upon at the beginning of the leave, the employee will be reinstated on the date agreed upon. If the reinstatement date differs from the original agreement of the employee and District, the employee will be reinstated within two business days, where feasible, after the employee notifies the employer of their readiness to return.

#### **3410.5.2.7.2 Employee's Obligation To Periodically Report On Their Condition**

Employees may be required to periodically report on their status and intent to return to work. This will avoid any delays to reinstatement when the employee is ready to return.

#### **3410.5.2.7.3 Fitness-for-duty Certification**

As a condition of reinstatement of an employee whose leave was due to the employee's own Serious Health Condition, which made the employee unable to perform their job, the employee must obtain and present a fitness-for-duty certification from the Health Care Provider that the employee is able to perform the essential functions of the employee's job. Where reasonable job safety concerns exist, the District may require a fitness-for-duty certification before an employee

may return to work when the employee takes intermittent or reduced leave. Failure to provide such certification will result in denial of reinstatement.

### **3410.5.2.8 MILITARY CAREGIVER LEAVE**

An eligible employee who is a spouse, domestic partner, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness may take up to a total of 26 workweeks of unpaid leave during a single 12-Month Period to care for the service member. A covered service member is 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 an outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. A serious injury or illness is one that was incurred by a covered service member in the line of duty on active duty that may render the covered service member medically unfit to perform the duties of their office, grade, rank, or rating. The single 12-Month Period for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends twelve months later, regardless of a 12-Month Period established by the employer for other types of FMLA leave. An eligible employee is limited to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during the single 12-Month Period. Only 12 of the 26 weeks total may be for FMLA-qualifying reason other than to care for a covered service member.

#### **3410.5.2.8.1 QUALIFYING EXIGENCY LEAVE**

An eligible employee may take up to a total of 12 workweeks of unpaid leave during the normal 12-month period established by the employer for FMLA leave for qualifying exigencies arising out of the fact that the employee's spouse, domestic partner, son, daughter, or parent is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation. Under the terms of the statute, qualifying exigency leave is available to a Family Member of a military member in the National Guard or Reserves and Regular Armed Forces.

##### **3410.5.2.8.1.2 Qualifying exigencies include:**

**3410.5.2.8.1.2.1** Issues arising from a covered service member's short-term deployment (i.e., deployment on seven or less days of notice) for a period of seven days from the date of notification

**3410.5.2.8.1.2.2** Attending military events and related activities such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered service member

**3410.5.2.8.1.2.3** Certain child care and related activities arising from the active duty or call to active duty status of a covered service member such as arranging for alternative child care, providing child care on a non-routine, urgent, immediate need basis, enrolling or transferring a



child in a new school or day care facility, and attending certain meetings at a school or day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of a covered service member;

Note: The employee taking FMLA qualifying exigency leave does not need to be related to the military member's child. However, (1) the military member must be the parent, spouse, son or daughter of the employee taking FMLA leave, and (2) the child must be the child of the military member (including a child to whom the military member stands in loco parentis).

**3410.5.2.8.1.2.4** Making or updating financial and legal arrangements to address a covered service member's absence

**3410.5.2.8.1.2.5** Attending counseling provided by someone other than a health care provider for oneself, the covered service member, or the child of the covered service member, and the need for which arises from the active duty or call to active duty status of a covered service member

**3410.5.2.8.1.2.6** Taking up to fifteen days of leave to spend time with a covered service member who was on short-term temporary, rest and recuperation leave during deployment

**3410.5.2.8.1.2.7** Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered service member's active-duty status, and addressing issues arising from the death of a covered service member

**3410.5.2.8.1.2.8** Certain activities arising from the military member's covered active duty related to care of the military member's parent who is incapable of self-care, such as arranging for alternative care, providing care on a non-routine, urgent, immediate need basis, admitting or transferring a parent to a new care facility, and attending certain meetings with staff at a care facility, such as meetings with hospice or social service providers.

Note: The employee taking FMLA qualifying exigency leave does not need to be related to the military member's parent. However, (1) the military member must be the parent, spouse, son or daughter of the employee taking FMLA leave, and (2) the parent must be the parent of the military member (including an individual who stood in loco parentis to the military member when the member was a child).

**3410.5.2.8.1.2.9** Any other event that the employee and employer agree is a qualifying exigency.

### **3410.5.2.8.2 LEAVE TO CARE FOR A COVERED SERVICEMEMBER WITH A SERIOUS ILLNESS OR INJURY INCURRED IN THE LINE OF DUTY ON ACTIVE DUTY**

**3410.5.2.8.2.1** Eligible employees who are Family Members of covered service members may take up to 26 workweeks of leave in a single 12-Month Period to care for a covered service member with a serious illness or injury incurred in the line of duty on active duty. The leave may be taken intermittently whenever medically necessary to care for a covered service member with a serious injury or illness. Leave may also be taken intermittently for a qualifying exigency arising out of the active-duty status or call to active duty of a covered service member. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule the treatments so as not to unduly disrupt the District's operation.

**3410.5.2.8.2.2** Spouses employed by the District are both limited to a combined total of 26 workweeks in a single 12-Month Period if the leave is to care for a covered service member with a serious injury or illness, and for the birth and care of a newborn child, for placement of a Child for adoption or foster care, or to care for a Parent who has a Serious Health Condition.

### **3410.5.2.8.3 EMPLOYEE NOTICE**

**3410.5.2.8.3.1** Employees seeking to use Military Caregiver Leave must provide 30 days advance notice of a need to take FMLA leave for planned medical treatment for a serious injury or illness of a covered service member. If leave is foreseeable but 30 days advance notice is not practicable, the employee must provide notice as soon as practicable – generally, either the same or next business day. An employee must provide notice of the need for foreseeable leave due to a qualifying exigency as soon as practicable. When the need for military family leave is not foreseeable, the employee must provide notice to the District as soon as practicable under the facts and circumstances of the particular case. Generally, it should be practicable to provide notice for unforeseeable leave within the time prescribed by the District's usual and customary notice requirements.

**3410.5.2.8.3.2** The employee must provide sufficient information to make the District aware of the need for FMLA leave for these reasons and the anticipated timing and duration of the leave. Such information may include, as applicable:

**3410.5.2.8.3.2.1** That the requested leave is for a particular qualifying exigency related to the active duty or call to active duty status of a covered service member and the anticipated duration of the leave;

**3410.5.2.8.3.2.2** That the leave is for a qualifying Family Member who is a covered service member with a serious injury or illness and the anticipated duration of the leave.

#### **3410.5.2.8.4 EMPLOYER NOTICE**

**3410.5.2.8.4.1** When the employee requests FMLA leave under this policy, the District will provide notice to the employee of their eligibility to take leave, including a reason for non-eligibility if the employee is determined not to be eligible. Such eligibility notice may be oral or written and should generally be given within five business days of the employee's request for leave. Subsequent eligibility notice in the same 12-month leave period may be required when an employee's eligibility status changes. The District will inform employees of their rights and responsibilities under this leave, including giving specific written information on what is required of the employee.

**3410.5.2.8.4.2** When the District has enough information to determine that the leave is being taken for an FMLA-qualifying reason, the District will notify the employee that the leave is designated and will be counted as FMLA leave. The District will designate leave that qualifies as both leave to care for a covered service member with a serious injury or illness and leave to care for a qualifying Family Member with a Serious Health Condition as leave to care for a covered service member in the first instance. This designation notice will be in writing and generally will be given within five business days of the determination. The District would notify the employee of the number of hours, days, or weeks that will be counted against the employee's FMLA entitlement.

#### **3410.5.2.8.5 CERTIFICATION REQUIREMENTS**

**3410.5.2.8.5.1** The District will require the employee who requests military family leave to produce a certification and may require the employee certification to include:

**3410.5.2.8.5.1.1** The leave for qualifying exigency be supported by a copy of the covered service member's active-duty orders and certification providing the appropriate facts related to the particular qualifying exigency for which leave is sought, including contact information if the leave involves meeting with a third party

**3410.5.2.8.5.1.2** The leave to care for a covered service member with a serious injury or illness be supported by certification completed by an authorized Health Care provider or by a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of a covered service member's family.

#### **3410.5.2.9 PREGNANCY DISABILITY LEAVE (PDL):**

**3410.5.2.9.1** An employee may take pregnancy disability leave if they are disabled due to pregnancy, childbirth, or a related medical condition, including but not limited to prenatal care and severe morning sickness.

**3410.5.2.9.2** The length of leave will be up to four months (17 and 1/3 weeks) or the equivalent number of days the employee would normally work within the four-month period per pregnancy. Intermittent leave or a reduced work schedule may be taken.

**3410.5.2.9.3** To better accommodate this type of leave the District reserves the right to temporarily transfer the employee to an available alternative position with equivalent pay and benefits. The District will also consider a temporary transfer if medically advisable. The District is not required to create a position, discharge another employee, transfer another employee with more seniority, promote or transfer an employee if they are not qualified for the position.

**3410.5.2.9.4** Pregnancy Disability Leave will run concurrent with other applicable leaves such as Family Medical Leave. The 12-month look back period will apply to all leaves granted concurrently. Pregnancy Disability Leave may be unpaid, provided that an employee exhaust accrued benefits such as accrued Sick leave or Vacation leave.

#### **3410.5.2.10 PAID PARENTAL LEAVE (PPL):**

The purpose of paid parental leave is to enable the employee to care for and bond with a newborn or a newly adopted or newly placed child and provide a benefit to the employee that goes above and beyond the state-mandated benefit of Paid Family Leave.

**3410.5.2.10.1** The District will provide up to twelve weeks of paid parental leave to employees (in coordination with Paid Family Leave paid by the state) as per policy.

**3410.5.2.10.2** An employee is eligible for parental leave if the employee:

**3410.5.2.10.2.1** Has been employed for at least 12 months; and

**3410.5.2.10.2.2** Has been employed for at least 1,250 hours during the 12-Month Period immediately preceding the commencement of the leave.

**3410.5.2.10.3** In addition, employees must meet one of the following criteria:

**3410.5.2.10.3.1** Have given birth to a child.

**3410.5.2.10.3.2** Be the other parent, spouse or domestic partner of an individual who has given birth to a child.

**3410.5.2.10.3.3** Have adopted a child or been placed with a foster child (in either case, the child must be age 17 or younger). The adoption of a child by a new spouse is excluded from this policy.

**3410.5.2.10.3.4** Be parents involved in a surrogacy arrangement (includes surrogate mother and the parents involved).

**3410.5.2.10.4** This policy will run concurrently with Family and Medical Leave Act (FMLA) leave, as applicable; thus, any leave taken under this policy that falls under

the definition of circumstances qualifying for leave due to the birth or placement of a child due to adoption or foster care, the leave will be counted toward the 12 weeks of available FMLA leave per a 12-month period. All other requirements and provisions under the FMLA will apply. In no case will the total amount of leave—whether paid or unpaid—granted to the employee under the FMLA exceed 12 weeks during the 12-month FMLA period.

**3410.5.2.10.5** Each week of paid parental leave is coordinated with FMLA/CFRA benefits. Amount of pay not covered by FMLA/CFRA benefits will be compensated at 100 percent of the employee's regular, straight-time rate of pay. Paid parental leave will be paid on a biweekly basis on regularly scheduled pay dates.

**3410.5.2.10.6** The District will cover the duration of an employee's leave that is not coordinated with paid benefits through the State (for e.g., under CFRA leave, Paid Family Leave (PFL) benefits by the State cover the 12 weeks of leave available only partially) through the Paid Parental Leave fully. Employees who are on CFRA only leave will not be required to draw from their vacation time for the time not covered by PFL benefits to be paid at 100% of their regular rate of pay.

**3410.5.2.10.7** In the event that an employee does not receive the letter of computation from Employee Development Department (EDD) for coordination of their leave when PPL starts, the District will estimate the amount that EDD would typically pay for FMLA/CFRA benefits and pay that through an employee's accrued Sick/Vacation time. This will be in effect until the employee receives and provides the letter of computation detailing the amount paid by FMLA/CFRA benefits to Human Resources. Once the letter is received, the employee must buy back the accrued time on the nearest pay period used to compensate the employee up to 100 percent of their regular, straight-time rate of pay. The accrued time will then be credited back to the respective accrual bank used (Vacation or Sick).

**3410.5.2.10.8** Approved paid parental leave may be taken within one year immediately following the birth, adoption or placement of a child with the employee.

**3410.5.2.10.9** Employees must take paid parental leave in one continuous period of leave and must use all paid parental leave within one year following the birth, adoption or placement of a child with the employee.

**3410.5.2.10.10** In any case in which a Domestic Partner, husband and wife are both employed by the District and both are entitled to leave, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during any 12-Month Period if leave is taken for the birth or placement for adoption or foster care of the employees' child (i.e., bonding leave).

**3410.5.2.10.11** Upon termination of the individual's employment at the company, they will not be paid for any unused paid parental leave for which they were eligible. Before or on commencement of leave, the District will provide a guarantee of employment in the same or comparable position upon termination of leave.

## **3410.6 WORKERS' COMPENSATION:**

An employee may be eligible for a leave of absence if they sustain a work-related illness or injury. If the work-related injury or illness qualifies as a Serious Health Condition under FMLA/CFRA, these leaves may run concurrently with the Workers' Compensation Leave. An employee may be required to use any accrued Sick or Vacation time to supplement temporary disability benefits prior to going into an unpaid status.

### **3410.7 PAY AND BENEFITS DURING A LEAVE OF ABSENCE:**

**3410.7.1** Employees will be expected to exhaust their Vacation or Sick Leave (if applicable) prior to going into an unpaid status to the extent permitted by law.

**3410.7.2** Employees who are covered under the District's Cafeteria Plan for group health benefits and who are approved for a medical leave of absence will continue to receive the same level of benefit coverage they were eligible to receive prior to their leave in accordance with applicable State and Federal Statutes. If the District approves a request made by an employee for a continuation of a leave that extends beyond the leave period provided by applicable Federal and/or State law the employee will be eligible to continue their benefits via the Consolidated Omnibus Budget Reconciliation Act (COBRA).

**3410.7.3** Employees eligible for Vacation, Sick Leave, and Holiday benefits and who are approved for a medical leave of absence will continue to accrue Vacation and Sick Leave and receive Holiday pay for the period of time required by Federal and/or State law. If the District approves a request made by an employee for a continuation of a leave that extends beyond the leave period provided by applicable Federal and/or State law the District will cease to continue their Vacation, Sick, and Holiday benefits for the duration of the leave.

**3410.7.4** Exceptions to this policy will be made only if applicable Federal and/or State mandates require a longer period of benefit continuation--at the same level of employer contribution.

### **EXCEPTIONS:**

**3410.8** The Chief Executive Officer is the only person authorized to make exceptions to this policy.