



EMPLOYEE MANUAL	
Title: FAMILY/MEDICAL LEAVE OF ABSENCE (FMLA/CFRA); PREGNANCY DISABILITY LEAVE; FAMILY ILLNESS LEAVE	
Policy No.: 22.0	Section Nos.: 22.0 – 22.6
Approval Date: June 2020	Effective Date: June 2020
Approved By: Board of Directors	

22.0 FAMILY/MEDICAL LEAVE OF ABSENCE (FMLA/CFRA); PREGNANCY DISABILITY LEAVE; FAMILY ILLNESS LEAVE

22.1 Family/Medical Leave of Absence (FMLA/CFRA)

This covers leaves of absence for (1) an employee’s own serious health condition; (2) the care of newborn or newly adopted children within one year after birth or placement; or (3) the care of an employee’s spouse, domestic partner, parent, foster or adoptive parent, child, stepchild, stepparent, child of domestic partner, or legal guardian with a serious health condition. This leave category applies to all full-time and part-time employees who have more than 12 months of service, have worked at least 1,250 hours during the 12-month period immediately prior to the date the leave is to begin, and of the date of a leave request, the Agency employs at least 50 full- and/or part-time employees at the employee’s worksite or within 75 road miles of the worksite.

A serious health condition is generally defined as an illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility or continuing treatment or supervision at home by a health care provider.

Requests for family/medical leaves of absence should be accompanied by the Physician Certification Form available from the Human Resources Office.

Terms of Family/Medical Leave: Unpaid family/medical leaves of absence will be granted for a maximum total of 12 workweeks in a 12-month period. Leave taken intermittently will be aggregated and counted toward the 12 workweek total maximum. The 12-month period is measured forward from the first date the employee uses such leave. There is no carryover of unused leave from one period to the next.

Pay/Benefits During Family/Medical Leaves: Family/medical leaves of absence are unpaid. The employee is required to use all available accrued sick, compensatory time off and vacation hours before using unpaid leave. All time off, paid or unpaid is counted toward the 12-week period. Group insurance benefits will be continued for up to twelve weeks while a covered employee is on such leave of absence. During such period, the Agency will continue to contribute its portion of the premiums; the employee’s portion of the premium contributions, if any, must continue to be paid by the employee. If an employee does not pay his/her portion of the premium while on such leave, coverage under the benefit plan will cease. The employee shall continue to accrue vacation and sick leave during any period of unpaid leave only until the end of the month in which the unpaid leave began.

Return From Family/Medical Leave of Absence: Unless otherwise required by law, an employee’s original position or a comparable position will be made available upon



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return from a family/medical leave unless no such position is available due to business necessity as defined under the family leave laws. If the employees original position or a similar position is offered at the conclusion of such leave and the employee does not accept the position, the employee will be considered to have voluntarily resigned employment effective the day such refusal is made.

No employee may return to work from an approved family/medical leave of absence due to his/her own serious medical condition without a physician's release. Where the health care provider's written statement provides for an indefinite period of disability, periodic written updates at least every 30 days concerning the employee's status, expected date of return, and continued intent to return to work at the end of the leave are required. If the employee fails to return to work at the end of the leave, the employee will be considered to have voluntarily resigned his/her employment, effective on the date the approved leave has ended.

22.2 Pregnancy Disability Leave

All full and part-time female employees who are temporarily disabled due to pregnancy, childbirth or related medical conditions shall be eligible for leave totaling up to four months (123 calendar days maximum; pro-rated for part-time employees) in accordance with federal and state law. An employee who returns to work within the four-month pregnancy disability leave shall be reinstated in the same or in a substantially similar job unless no such position is available due to business necessity as defined by the pregnancy disability leave law. The employee is required to provide the immediate supervisor with a written notice that states the beginning and estimated duration of the leave, at least five working days prior to beginning of the leave. In addition, the employee is required to notify the immediate supervisor, at least five working days prior to return to work of the actual date of return to work. The first twelve weeks of a pregnancy disability leave may also qualify as family leave. In all other respects, an employee on pregnancy disability leave is subject to the same provisions and requirements of the Agency's disability leave policy. The Agency will comply with any lactation accommodation laws and regulations.

22.3 CFRA Baby Bonding Leave

The right to take CFRA leave is separate and distinct from the right to take a pregnancy disability leave (PDL). In other words, leave taken by an employee disabled by pregnancy, childbirth or related medical conditions is not family leave under the CFRA, even though it may be FMLA leave.

The maximum combined leave entitlement for pregnancy disability, FMLA and CFRA leave for the birth of a child is four (4) months and 12 workweeks. This assumes that the employee has exhausted all four (4) months of pregnancy disability leave, exhausted all entitlement of up to 12 weeks of FMLA leave during the period of pregnancy disability leave,



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and the employee requested and was eligible for a 12-week CFRA leave following the birth of a child for baby bonding purposes.

22.4 No Retaliation

The Agency’s policy and state and federal laws forbid any form of discrimination, harassment, or retaliation against employees because they have exercised their rights under law, protested any violation of law, or participated in any proceeding under law. The U.S. Department of Labor and the California Department of Fair Employment and Housing are authorized to investigate and resolve complaints of any violation of the PDL, FMLA, CFRA, and other laws. Employees also have the right to bring a civil action for violations of the PDL, FMLA, CFRA, and other laws.

22.5 Serious Family Illness Leave

Following completion of 30 days of employment, at the discretion of the General Manager, full-time employees are eligible to take up to three days with pay in any one calendar year for serious family illness to attend the birth of an employee’s child, operation on an immediate family member, to attend to the serious illness or injury of an immediate family member, or where death of an immediate family member has occurred or appears imminent. Immediate family shall include those mentioned in this Section. This form of leave does not extend the leave period provided under the family leave laws and becomes ineffective when the employee is eligible for FMLA/CFRA.

22.6 Organ Donation Leave

The Agency will provide eligible employees up to 30 business days of Paid Leave and an additional 30 business days of Unpaid Leave in a 12-month period for employees who need leave for organ donation.