

Scotts Valley Fire Protection District	Policy: 1104
Subject: Family Medical Leave	Adopted: October 13, 2004

Policy 1104: Family Medical Leave

Employees who have more than 12 months of service, who have worked at least 1,250 hours during the previous 12-month period before the date the leave is to begin are eligible under federal (FMLA) and state (CFRA) family leave laws to take up to a maximum of 12 work weeks (672 hours for shift personnel and 480 hours for day personnel) of **unpaid** family/medical leave within a 12-month period.

Family/medical leave may run parallel with an employee's sick leave or vacation based on an employee's inability to do work due to a qualifying condition or event. A written notice will be provided to the employee when time is being counted as family/medical leave. The basis for determining the leave will be a qualifying event as defined in this policy and by law.

Family/medical leave time is permitted for the birth of the employee's child, or placement of a child with the employee for adoption or foster care, to care for the employee's spouse, child or parent who has a serious health condition, or for a serious health condition that makes the employee unable to perform his/her job.

The District will comply with the Family Medical Leave Act (FMLA), the California Family Rights Act (CFRA) and Pregnancy Disability Leave (PDL) requirements. For purposes of determining the appropriate leave status and rights under the various laws in cases involving pregnancy, pregnancy disability, and child birth, the employee should contact the personnel officer to determine the appropriate leave type based on specific conditions.

- **Definition of Serious Health Condition** - A "serious health condition" is an injury, illness, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.

The following procedures shall apply when requests for family leave are made:

Please contact the fire chief through the chain of command as soon as you become aware of the need for family/medical leave.

1. If the event necessitating the leave is based on the expected birth, placement for adoption or foster care, or planned medical treatment for a serious health

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condition of the employee or a family member, the employee must provide notice of at least 30 days' advance notice before leave is to begin. The employee must consult with the chief regarding the scheduling of any planned medical treatment or supervision so as to minimize disruption to the operations of the district. Any such scheduling is subject to the approval of the health care provider of the employee or the health care provider of the employee's child, parent or spouse.

2. If a 30-day notice is not practicable, notice must be given as soon as practicable.
3. The district will require that the employee provide certification as explained below within 15 days of the employee's request for FMLA/CFRA leave, unless it is not practicable for the employee to do so. The district may require recertification from the health care provider if additional leave is required. The chief also has the ability to require a certification from the district's health care provider.
4. If the leave is needed to care for a sick child, spouse or parent, the employee must provide a certification from the health care provider which states:
 - date of commencement of the serious health condition;
 - probable duration of the condition;
 - estimated amount of time the health care provider will provide care;
 - confirmation that the serious health condition warrants the participation of the employee.
5. In cases where both parents are employed by the district and the leave requested is for the birth, adoption or foster care of a child, the district will not grant more than a total of twelve (12) work weeks of family/medical leave.
6. If the leave is needed for the employee's own serious health condition, the employee must provide a certification from the health care provider which states:
 - date of commencement of the serious health condition;
 - probable duration of the condition;
 - a statement that the employee is unable to work at all or is unable to perform any one or more of the essential functions of his/her position because of the employee's serious health condition.

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7. An employee taking family/medical leave will be allowed to continue participating in any health benefit plans in which he/she was enrolled before the first day of the leave (for up to a maximum of 12 work weeks) at the level and under the conditions of coverage as if the employee had continued in employment for the duration of such leave. The district will continue to make the same premium contribution as if the employee had continued working. The continued participation in health benefits begins on the date leave first begins under FMLA (i.e., for pregnancy disability leaves) or under FMLA/CFRA (i.e., for all other family care and medical leaves).
8. If the employee does not return to work following the conclusion of FMLA leave, the employee will be considered to have voluntarily resigned.
9. Employees on family/medical leave who are not eligible for continued paid coverage may continue their group health insurance coverage through the district in conjunction with federal COBRA guidelines by making monthly payments to the district for the amount of the applicable premium.
10. Under most circumstances, upon return from family/medical leave, an employee will be reinstated to his/her original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement than if the employee on family/medical leave would have been laid off had he/she not gone on leave, or if the employee's job has been eliminated during the leave and there is no equivalent or comparable job available, then the employee would not be entitled to reinstatement. In addition, an employee's use of family/medical leave will not result in the loss of any employment benefit that the employee earned or was entitled to before using family/medical leave.
11. Employees on FMLA/CFRA leave will not continue to accrue vacation and sick leave during **unpaid** FMLA/CFRA leave. Accruals will continue during sick leave, workers' compensation leave, and vacation.
12. Leave granted under any of the reasons provided by state and federal law will be counted as family/medical leave and will be considered as part of the 12-workweek entitlement in a 12-month period. The 12-month period is measured forward from the

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date any employee's first FMLA leave begins. Successive 12-month periods commence on the date of an employee's first use of such leave after the preceding 12-month period has ended. There is no carryover of unused leave from one 12-month period to the next 12-month period.

13. Employees may take FMLA/CFRA leave intermittently (in blocks of time, or by reducing their normal weekly or daily work schedule) if the leave is for the serious health condition of the employee's child, parent, or spouse or of the employee and the reduced leave schedule is medically necessary as determined by the health care provider of the person with the serious health condition. The smallest increment of time that can be used for such leave is one (1) hour.