
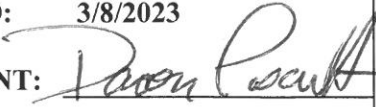



Scotts Valley Fire Protection District	
POLICY: 1104	SUBJECT: Family Medical Leave Act/ California Family Rights Act
DATE APPROVED: 3/8/2023	
BOARD PRESIDENT: 	FIRE CHIEF: 

PURPOSE AND SCOPE

The Scotts Valley Fire Protection District (“SVFPD”) provides family and medical care leave for eligible employees as required by federal and state law. Employees who misuse or abuse family and medical care leave may be disciplined, up to and including termination. Employees who fraudulently obtain or use California Family Rights Act (“CFRA”) leave are not protected by the CFRA’s job restoration or maintenance of health benefits provisions.

This policy is supplemented by the Federal Family and Medical Leave Act (“FMLA”), and the CFRA. Unless otherwise stated in this policy, “Leave” means leave pursuant to the FMLA and CFRA. Unless otherwise provided by law, the SVFPD will run each employee’s FMLA and CFRA leaves concurrently.

Nothing in this policy supersedes any provision of any collective bargaining agreement, civil service or other local rule, or any law that provides greater family or medical leave rights.

DEFINITIONS


Definitions related to this policy include:

12-Month Period – a rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken.

CFRA - California Family Rights Act.

Child:

- Under the FMLA, “child” means a child under the age of 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 step-child. A child is “incapable of self care” if he/she requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living or instrumental activities of daily living, such as caring for grooming and hygiene, bathing, dressing and eating, cooking, cleaning shopping, taking public transportation, paying bills, maintaining a residence, or using telephones and directories.
- Under the CFRA, “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, step-child, legal ward, a child of a domestic partner, or a person to whom the employee stands in loco parentis.

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Covered Active Duty - (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.

Covered Service Member - (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.

Designated Person - 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. Employees are limited to one designated person per 12-month period for CFRA leave.

Domestic Partner – 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.

Family Member – for FMLA leave, family member means an employee’s child, parent, and spouse. “Family member” for CFRA leave, family member means an employee’s child, parent, parent-in-law, spouse, domestic partner, grandchild, grandparent, sibling, or designated person.


FMLA - The Federal Family and Medical Leave Act.

Grandchild – a child of the employee’s child.

Grandparent – a parent of the employee’s parent.

Health Care Provider – any of the following:

1. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery in the State of California;
2. An individual duly licensed as a physician, surgeon, or osteopathic physician or surgeon in another state or jurisdiction, including another country, which directly treats or supervises treatment of a serious health condition;
3. A podiatrist, dentist, clinical psychologist, optometrist, or chiropractor (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist) authorized to practice in California and performing within the scope of their practice as defined under California State law;

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4. A nurse practitioner or nurse-midwife or a clinical social worker who is authorized to practice under California State law and who are performing within the scope of their practice as defined under California State law;
5. A Christian Science practitioner listed with the First Church of Christ, Scientist in Boston, Massachusetts; and
6. Any health care provider from whom an employer or group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

Next of Kin of a Covered Service Member – the nearest blood relative other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as their nearest blood relative for purposes of military caregiver leave under the FMLA.

Outpatient Status – with respect to a covered service member, the status of a member of the Armed Forces assigned to either: (1) a military medical treatment facility as an outpatient; or (2) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.


Parent – 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.

Parent-in-law – the parent of a spouse or domestic partner of the employee.

Qualified Health Care Professional - A physician, surgeon, doctor of osteopathy, podiatrist, dentist, psychologist, optometrist, nurse practitioner, nurse midwife, clinical social worker, or physician assistant duly licensed and authorized to practice medicine, chiropractors for some purposes, or any health care provider from whom the Scotts Valley Fire Protection District (SVFPD) benefits plan will accept certification of the existence of a serious health condition to substantiate a claim for benefits.


Serious Health Condition - an illness, injury impairment, or physical or mental condition that involves:

1. Inpatient Care in a hospital, hospice, or residential medical care facility, including any period of incapacity (g., inability to work or perform other regular daily activities due to the serious health condition, treatment involved, or recovery therefrom). A person is considered "inpatient" when a health care facility admits them to the facility with the expectation that they will remain at least overnight, even if it later develops that such person can be discharged or transferred to another facility, and does not actually remain overnight; or

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2. Continuing treatment by a health care provider: A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:
 - a. A period of incapacity (*e.*, inability to work, or perform other regular daily activities) due to serious health condition of more than three consecutive calendar days; and
 - b. Any subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - i. Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision by a health care provider, or by a provider of health care services (*e.g.*, a physical therapist) under orders of, or on referral by a health care provider; or
 - ii. Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider. This includes, for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. If the medication is over the counter, and can be initiated without a visit to a health care provider, it does not constitute a regimen of continuing treatment.
3. Any period of incapacity due to pregnancy or for prenatal care. Note that pregnancy is a "serious health condition" only under the FMLA. Under California law, an employee disabled by pregnancy is entitled to pregnancy leave. (*See Leave Because of Pregnancy, Childbirth, or Related Medical Condition.*)
4. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
 - a. Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
 - b. Continues over an extended period of time (including recurring episodes of a single underlying condition); and
 - c. May cause episodic rather than a continuing period of incapacity (*e.g.*, asthma, diabetes, epilepsy, etc.). Absences for such incapacity qualify for leave even if the absence lasts only one day.
5. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by health care provider.
6. Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

Serious Injury or Illness - (1) in the case of a member of the Armed forces, including a member of the National Guard or reserves, means an injury or illness that a covered service member incurred in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by the service in the line of duty on active duty in the Armed Forces) and that may render the service member medically unfit to perform the duties of the member's office, grade, rank, or rating; or (2) in the case of a veteran who was a member of the

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Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (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) and that manifested itself before or after the member became a veteran.

Sibling – a person related to the employee by blood, adoption, or affinity through a common legal or biological parent.

Single 12 Month Period – a 12-month period which begins on the first day the eligible employee takes FMLA leave to take care of a covered service member and ends 12 months after that date.

Spouse – one or two persons to a marriage, regardless of the sex of the persons, and for purposes of CFRA leave, includes a registered domestic partner as defined above.


POLICY

It is the policy of the SVFPD to manage unpaid leave for eligible employees for qualified medical and family reasons in compliance with federal and state law and any applicable collective bargaining agreement.

REASONS FOR LEAVE

Leave is only permitted for the following reasons:

1. The birth of a child or to care for a newborn of an employee;
2. The placement of a child with an employee in connection with the adoption or foster care of a child;
3. Leave to care for a child, parent, or spouse who has a serious health condition;
4. Under the CFRA only, leave is permitted to care for a domestic partner, grandparent, grandchild, parent-in-law, sibling, or designated person who has a serious health condition. Leave for this purpose does not apply to FMLA leave and will not run concurrently with leave under the FMLA.
5. Leave because of a serious health condition that makes the employee unable to perform any one or more essential functions of their position;
6. Leave for a variety of "qualifying exigencies" arising out of the fact that an employee's spouse, son, daughter, or parent is on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation;
7. Under the CFRA only, leave for a variety of "qualifying exigencies" arising out of the fact that an employee's domestic partner is on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation. Leave for this purpose

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does not apply to FMLA leave and will not run concurrently with leave under the FMLA;
or

8. Leave to care for a spouse, son, daughter, 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 12-month period.

ELIGIBLE EMPLOYEES

Employees are eligible for FMLA/CFRA after working for the SVFPD for at least 12 months and working 1,250 hours over the 12 months immediately preceding the commencement of the leave.

For FMLA leave eligibility, the SVFPD must directly employ at least 50 full or part-time employees within a 75-mile radius for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year. The workweeks do not have to be consecutive. The phrase “current or preceding calendar year” refers to the calendar year in which the employee requests the leave or the calendar year preceding this request.

TYPE AND DURATION OF LEAVE


Generally, eligible employees are entitled under FMLA/CFRA to 12 workweeks (672 hours for shift personnel and 480 hours for day personnel) of unpaid leave during any 12-month period. Up to 26 weeks of unpaid leave during any 12-month period may be available to care for certain covered military service members. If FMLA leave qualifies as both military caregiver leave and care for a family member with a serious health condition, the leave will be designated as military caregiver leave first.

The 12-month period is measured backward from the date leave is taken and continuously with each additional leave day taken.

MINIMUM DURATION OF LEAVE

1. If leave is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. 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 less than two weeks duration on any two occasions.
2. If leave is requested to care for a child, parent, parent-in-law, spouse, domestic partner, grandparent, grandchild, sibling, designated person, or the employee themselves with serious health condition, there is no minimum amount of leave that must be taken. However, compliance with the notice and medical certification provisions in this policy is required.

PARENTS BOTH EMPLOYED BY THE SVFPD

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If both parents of a child, adoptee, or foster child are employed by the SVFPD, the combined number of workweeks of leave is limited to 12 workweeks during any 12-month period. *CFRA does not permit the combination of leave time, so both spouses can utilize 12 workweeks of leave in any 12-month period.*

If both parents of a covered service member are employed by the SVFPD 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 workweeks during the 12-month period. This limitation does not apply to any other type of leave under this policy.

INTERMITTENT LEAVE OR LEAVE ON A REDUCED SCHEDULE

An employee may take leave for the employee's own serious health condition, for the serious health condition of an immediate member, intermittently (a few days or hours at a time) or on a reduced schedule if medically necessary, and if that medical need can best be accommodated by an intermittent schedule as defined in federal law. The employee must provide medical certification that such leave is medically necessary. Leave due to a military exigency may be taken on an intermittent or reduced-leave schedule.


"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. The SVFPD may require an employee who certifies the need for a reduced schedule or intermittent leave to temporarily transfer to an alternate position of equivalent pay and benefits that better accommodates the leave schedule.

Intermittent leave for the birth, adoption, or foster care placement of a child is only available if granted at the discretion of the Fire Chief, unless the employee has a serious health condition in connection with the birth or if the newborn child has a serious health condition. Intermittent leave for any employee shall be tracked and calculated. *While CFRA intermittent leave does not require the Fire Chief's approval, there may be additional requirements for use of time.*

EMPLOYEE BENEFITS WHILE ON LEAVE

Group Health Insurance during Unpaid Leave: While on unpaid leave, employees will continue to be covered by any group health insurance for up to 12 weeks each leave year to the same extent that coverage is provided while the employee is on the job. If the employee is disabled by pregnancy, coverage will continue up to four months each leave year. If an employee disabled by pregnancy also uses leave under the CFRA for baby-bonding, the SVFPD will maintain her coverage while she is disabled by pregnancy (up to four months or 17 1/3 weeks) and during her CFRA leave (up to 12 weeks).

Benefit Plans Not Provided through the SVFPD's Group Health Plan during Unpaid Leave Do Not Continue: The SVFPD does not pay for benefit plans that are not part of the group health plan for any employee on unpaid leave. As a result, employees will not continue to be covered under the SVFPD's benefit plans that are not provided through the SVFPD's group health plans while the employee is on unpaid leave.

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Payment of Premiums: Employees are responsible for any health plan employee contributions while on leave. Employees may make the appropriate contributions for continued coverage under the health benefits plans by payroll deductions (if the employee is using their paid leave) or direct payments (if the employee is not using their paid leave). The SVFPD will inform the employee whether the direct payments for premiums should be paid to the carrier or to the SVFPD, and the deadlines for paying premiums in order to prevent coverage from being dropped. Employee contribution rates are subject to any change in rates that occurs while the employee is on leave.

Recovery of Premium if Employee Fails to Return from Leave: If an employee fails to return to work after their leave entitlement has been exhausted or expires, the SVFPD may 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 that would entitle the employee to leave, or because of circumstances beyond the employee's control.

Employees may not accrue time off while on unpaid leave.

SUBSTITUTION OF PAID ACCRUED LEAVES

Subject to applicable collective bargaining agreements and civil service rules, employees may elect and the SVFPD will require an employee to concurrently use all applicable paid leave during family and medical leave, as described below.


EMPLOYEE'S RIGHT TO USE OF PAID ACCRUED LEAVE CONCURRENTLY WITH FAMILY LEAVE

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, or sibling.

SVFPD'S RIGHT TO REQUIRE AN EMPLOYEE TO USE PAID LEAVE WHEN USING FMLA/CFRA LEAVE

Employees must use and exhaust their accrued leaves concurrently with family and medical care leave to the same extent that employees have the right to use their accrued leaves concurrently with family and medical care leave with two (2) exceptions as described below:

1. 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
2. An employee must agree to use accrued sick leave to care for a child, parent, spouse or domestic partner, grandparent, grandchild, or sibling.

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SVFPD'S RIGHT TO REQUIRE AN EMPLOYEE TO EXHAUST FMLA/CFRA LEAVE CONCURRENTLY WITH OTHER LEAVES

Except as otherwise provided under State law, if an employee takes a leave of absence for any reason that is FMLA/CFRA-qualifying, the SVFPD will designate that non FMLA/CFRA leave as running concurrently with the employee's 12-week FMLA/CFRA leave entitlement. The only exception is for firefighters who are on paid industrial injury leave.

SVFPD'S AND EMPLOYEE'S RIGHTS IF AN EMPLOYEE REQUESTS ACCRUED LEAVE WITHOUT MENTIONING FMLA OR CFRA


If an employee requests to utilize accrued vacation leave or other accrued paid time off without reference to a FMLA/CFRA qualifying purpose, the SVFPD may not ask the employee if the leave is for a FMLA/CFRA qualifying purpose. However, if the SVFPD denies the employee's request and the employee provides information that the requested time off is for a FMLA/CFRA qualifying purpose, the SVFPD may require the employee to exhaust accrued leave as described above.

PROCEDURES

MEDICAL CERTIFICATION/RECERTIFICATION

Employees who request leave must provide a medical certification and/or recertification to support the need for the leave as described below:

1. **Employee's Own Serious Health Condition:** Employees who request leave for their own serious health condition must provide written certification from the health care provider that contains all of the following: the date, if known, on which the serious health condition commenced; the probable duration of the condition; and a statement that, due to the serious health condition, the employee is unable to work at all or is unable to perform any one or more of the essential functions of their position. Upon expiration of the time period the health care provider originally estimated that the employee needed for their own serious health condition, the employee must obtain recertification if additional leave is requested.
2. **Family Member Serious Health Condition:** Employees who request leave to care for a child, parent, parent-in-law, domestic partner, spouse, grandparent, grandchild, or sibling who has serious health condition must provide written certification from the health care provider of the family member requiring care that contains all of the following: the date, if known, on which the serious health condition commenced; the probable duration of the condition; an estimate of the amount of time which the health care provider believes the employee needs to care for the child, parent, domestic partner, spouse, grandparent, grandchild, or sibling and a statement that the serious health condition warrants the participation of the employee to provide care during a period of treatment or supervision of the child, parent, domestic partner, spouse, grandparent, grandchild, or sibling. The term "warrants the participation of the employee" includes, but is not limited to, providing psychological comfort, and arranging third party care for the covered family member, as well as directly providing, or participating in, the medical care. Upon expiration of the time period the health care provider originally estimated that the employee needed to care for a

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covered family member, the employer must obtain recertification if additional leave is requested.

3. **Service Member Serious Injury or Illness:** Employees who request FMLA leave to care for a covered service member who is a child, spouse, parent or “next of kin” of the employee, must provide written certification from a health care provider regarding the injured service member’s serious injury or illness. The SVFPD will verify the certification as permitted by the FMLA regulations.
4. **Qualifying Exigency:** The first time an employee requests leave because of a qualifying exigency, an employee may require the employee to provide a copy of the military member’s active duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or call to active duty status in a foreign country, and the dates of the military member’s active duty service. A copy of the new active duty orders or similar documentation shall be provided to the SVFPD if the need for leave because of a qualifying exigency arises out of a different active duty or call to active duty status of the same or a different military member. The SVFPD will verify the certification as permitted by the FMLA and CFRA regulations.

TIME TO PROVIDE A MEDICAL CERTIFICATION


When an employee has provided at least 30 days’ notice for a foreseeable leave, the employee must provide a medical certification before the leave begins. When this is not possible, the employee must provide the medical certification to the SVFPD within the time frame requested by the SVFPD (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.

CONSEQUENCES FOR FAILURE TO PROVIDE AN ADEQUATE OR TIMELY CERTIFICATION

If an employee provides an incomplete medical certification, the employee will be given a reasonable opportunity to cure any such deficiency. However, if an employee fails to provide a medical certification within the time frame established in this policy, the SVFPD may delay the taking of FMLA/CFRA leave until required certification is provided, or deny FMLA/CFRA protections following the expiration of the time period to provide an adequate certification.

FIRE CHIEF’S REVIEW OF THE CONTENTS OF MEDICAL CERTIFICATION FOR EMPLOYEE’S OWN SERIOUS HEALTH CONDITION

Complete and Sufficient: The employee must provide a certification for their own serious health condition that is complete and sufficient to support the request for leave. A certification is incomplete if one or more of the applicable entries on the certification form have not been completed. A certification is insufficient if the information on the certification form is vague, ambiguous, or not responsive. If the certification is incomplete or insufficient, the Fire Chief or his/her designee will give the employee written notice of the deficiencies and seven days to cure,

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unless a longer period is necessary in light of the employee's diligent, good faith efforts to address the deficiencies.

Authentication and Clarification: After giving the employee an opportunity to cure the deficiencies in a medical certification for the employee's own serious health condition, the Fire Chief or his/her designee may contact the health care provider who provided the certification to clarify and/or authenticate the certification. "Authentication" means providing the health care provider with a copy of the certification form and requesting verification that the information on the form was completed or authorized by the health care provider who signed the form. "Clarification" means contacting the health care provider to understand the handwriting on the medical certification or to understand the meaning of the response. The Fire Chief or his/her designee may not ask for additional information beyond that required on the certification form.

SECOND AND THIRD MEDICAL OPINIONS FOR EMPLOYEE'S OWN SERIOUS HEALTH CONDITION

If the SVFPD has a good faith, objective reason to doubt the validity of a certification for the employee's serious health condition, the SVFPD may require a medical opinion of a second health care provider chosen and paid for by the SVFPD. If the second opinion is different from the first, the SVFPD may require the opinion of a third provider jointly approved by the SVFPD and the employee, but paid for by the SVFPD. The opinion of the third provider will be binding. The SVFPD must provide the employee with a copy of the second and third medical opinions, where applicable, without cost, upon the request of the employee.


EMPLOYEE NOTICE OF LEAVE

Although the SVFPD recognizes that emergencies arise which may require employees to request immediate leave, employees are required to give as much verbal or written 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 he/she will need leave in the future, but does not know the exact day(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. For foreseeable leave due to a qualifying exigency, an employee must provide verbal or written notice of the need for leave as soon as practicable, regardless of how far in advance such leave is foreseeable.

REINSTATEMENT FOLLOWING LEAVE

Reinstatement to Same or Equivalent Position: 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 benefits and pay. 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 period.

Date of Reinstatement: 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 the SVFPD, the employee will be reinstated

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within two business days, where feasible, after the employee notifies the employer of their readiness to return.

Employee's Obligation to Periodically Report on their Condition: Employees shall be required to periodically report on their status and intent to return to work (29 USC § 2614; 29 CFR 825.311). This may assist in avoiding a delay in reinstatement when the employee is ready to return to work.

Fitness for Duty Certification: If upon return from leave an employee is unable to perform the essential functions of the job because of the employee's own serious health condition, the supervisor must obtain and present a fitness-for-duty certification from their health care provider stating that the employee is able to resume work. Failure to provide such certification will result in denial of reinstatement.

After exhausting paid FMLA/CFRA leave, non-paid leave will continue until the conclusion of the protected 12- or 26-week time limit.

Reinstatement of "Key Employees": Under the FMLA only, the SVFPD may deny reinstatement to a "key" employee (e., an employee who is among the highest paid 10 percent of all employed by the SVFPD within 75 miles of the worksite) if such denial is necessary to prevent substantial and grievous economic injury to the operations of the SVFPD, and the employee is notified of the SVFPD's intent to deny reinstatement on such basis at the time the employer determines that such injury would occur. Under the CFRA, the SVFPD may not deny reinstatement to a "key" employee during or upon the expiration of CFRA leave.

REQUIRED FORMS

Employees must complete the applicable forms to receive family and medical care leave. The forms may be found at **www.scottsvalleyfire.com**.

RESPONSIBILITY

Supervisors should work with the Administration regarding questions relating to leave or reinstatement from leave under this policy. The Administration should advise the supervisor and inform members of their rights and responsibilities.

RECORDS

The SVFPD will maintain leave-related records as required by 29 CFR 825.500 for at least three years and in compliance with the SVFPD established records retention schedule.

Records and documents related to doctor certifications and other medical information created for purposes of complying with FMLA/CFRA and this policy shall be maintained as confidential medical records in separate files from employee personnel files.

NOTICE TO EMPLOYEES

The SVFPD will ensure that a notice explaining the FMLA/CFRA provisions and procedures is prominently posted in conspicuous places in the SVFPD where it can be readily seen by all employees and applicants for employment. Electronic posting is sufficient as long as the other posting requirements have been met.