

San Gabriel Valley Mosquito & Vector Control District
1145 North Azusa Canyon Road, West Covina, CA 91790
March 9, 2018

**The Personnel/Policy Committee
will meet after the Board adjourns**

Agenda

- 1. Call to Order and Silent Roll Call**
(District Manager Jared Dever)
- 2. Select Committee Chair**
(District Manager Jared Dever)
- 3. Review Committee Duties***
- 4. Opportunity for Public Comment on Non-Agenda Items**
*(Individual Public Comments may be limited to a 3-minute or less time limit)
During Public Comments, the public may address the Board on any issue within
the District's jurisdiction which is not on the agenda. The public may comment
on any item on the Agenda at the time that item is before the Board for
consideration. There will be no dialog between the Board and the Commenter.
Any clarifying questions from the Board must go through the Board President.*
- 5. Consider Amending Personnel and Salary Resolution 92-11,
Article XI, Leave Provisions, and incorporate Section 9,
Catastrophic Leave Program***
(Committee Chairperson)
- 6. Adjournment**

Personnel/Policy Committee

**Emmett Badar
Rick Barakat
Jamie Bissner
John Capoccia
Julie Costanzo**

**Margaret Finlay
Tim Sandoval
Mike Spence
Cynthia Sternquist**

CERTIFICATE OF POSTING

“This agenda shall be made available upon request in alternative formats to persons with a disability as required by the American with Disabilities Act of 1990 (42 U.S.C. §12132) and the Ralph M. Brown Act (California Government Code §54954.2). Persons requesting a disability related modification or accommodation in order to participate in the meeting

should contact the San Gabriel Valley Mosquito and Vector Control District at (626-814-9466) during regular business hours, at least twenty-four hours prior to the time of the meeting.”

“Materials related to an item on the Agenda submitted after distribution of the agenda packet are available for public inspection in the San Gabriel Valley Mosquito & Vector Control District Office located at 1145 North Azusa Canyon Road, West Covina, CA 91790 during normal business hours.”



Esther Elliott
Clerk of the Board, San Gabriel Valley MVCD
Board of Trustees



Board of Trustees Officers and Committees
Officers for January 1, 2018 - December 31, 2019
Committees effective February 2018

President
Corey Calaycay

Vice President
Becky Shevlin

Past President
Harold "Jamie" Bissner

Secretary
Henry M. Morgan

Treasurer
Margaret Finlay

District Manager
Jared Dever

Esther Elliott
Board Clerk

Policy/Personnel Committee
(9 members)

1. Tim Sandoval
2. Jaime Bissner
3. John Capoccia
4. Mike Spence
5. Emmett Badar
6. Margaret Finlay
7. Cynthia Sternquist
8. Rick Barakat
9. Julie Costanzo

Finance Committee
(9 members)

1. Tim Sandoval
2. Henry Morgan
3. Roger Chandler
4. John Capoccia
5. Mike Spence
6. Joseph Leon
7. Rick Barakat
8. Becky Shevlin
9. Margaret Finlay

Legislative Committee
(9 members)

1. Becky Shevlin
2. Sandra Armenta
3. Margaret Finlay
4. Cynthia Sternquist
5. Mary Su
6. Cruz Baca
7. Corey Calaycay
8. Mike Spence
9. Rachel Janbek

Public Information Committee
(9 members)

1. Robert Neher
2. Dan Holloway
3. Joseph Rocha
4. Stephen Sham
5. Charles M
6. Jerry Valasco
7. Juli Costanzo
8. Abraham Cruz
9. Manuel Garcia

Abatement Hearing Committee
(5 rotating membership 1 alternate)

1. Henry Morgan
 2. Jamie Bissner
 3. Corey Calaycay
 4. Rachel Janbek
 5. Marina Khubesrian
- Alternate - Charles Myers

Executive Committee
(5 members)

1. Corey Calaycay
2. Jaime Bissner
3. Margaret Finlay
4. Henry Morgan
5. Becky Shevlin

PERSONNEL/POLICY COMMITTEE

I. COMPOSITION

The Personnel/Policy Committee shall be comprised of nine (9) members of the Board of Trustees. The members of the Committee and the Chair shall be appointed by the President elected in January of each year. The President's appointments shall be included on the February agenda for Board ratification.

II. MEETINGS

Meetings of the Personnel/Policy Committee shall be scheduled on an as needed basis and shall be called by the Committee Chair. All Committee meetings shall be conducted pursuant to Government Code Sections 54950 through 54963 (Ralph M. Brown Act).

III. DUTIES

Duties of the Personnel/Policy Committee shall include the following:

- A. Instruct staff to prepare specific personnel policies as requested by the Board of Trustees.
- B. Review all personnel related policies prepared by staff and make recommendations regarding their adoption to the Board of Trustees.
- C. Prepare policies relating solely to the Board of Trustees for Board action.
- D. Review all policies of the District and make recommendations regarding their adoption to the Board of Trustees. Policies directly related to Finance may be referred to the Finance Committee.
- E. In April of each year, review staff's recommendations regarding salaries and benefits for the ensuing fiscal year's budget.
- F. Every third year beginning in 1995, review the salary survey completed by staff pursuant to Article XIV, Salary Adjustments, of Resolution No. 94-02, Fiscal Policies.
- G. Make recommendations to the Board of Trustees regarding salaries and benefits included in the ensuing fiscal year's budget.
- H. Make recommendations regarding the District Manager's salary and benefits to be submitted to the Finance Committee.
- I. In May of every third year beginning in 1995, make recommendations to the Board of Trustees regarding salary adjustments.

- J. In April of each year, conduct a performance evaluation of the District Manager in closed session, pursuant to Government Code Section 54957. This performance evaluation may include written comments from the Board members that have been submitted to the Committee. The Personnel/Policy Committee shall inform the Board of Trustees of the results of the evaluation.
- K. As needed, hear and render determinations regarding disciplinary appeals. The decision of the Personnel/Policy Committee shall be final.
- L. As needed, hear and render a final decision regarding employee grievances. The decision of the Personnel/Policy Committee shall be final.
- M. As needed, conduct searches and interviews for the District Manager's position and make recommendations to the Board of Trustees on whom to offer the position.
- N. Investigate misconduct of the District Manager and recommend disciplinary action to be imposed on the District Manager to the Board of Trustees.
- O. With the exception of decisions regarding disciplinary appeals and employee grievances, all actions taken by the Personnel/Policy Committee must be approved by the Board of Trustees during a public meeting before becoming effective.

**San Gabriel Valley Mosquito and Vector Control District
District Manager's Report**

Date: March 9, 2018 **Item 1**

Meeting of: San Gabriel Valley Mosquito & Vector Control District
Board of Trustees Personnel/Policy Committee

Subject Consider Amending Personnel and Salary Resolution 92-11, Article XI, Leave Provisions, and incorporate Section 9, Catastrophic Leave Program

Reference: Attached

Background

The District Manager shall establish and administer a Catastrophic Leave Program for the District. The program shall provide for the donation of vacation and compensatory time to District employees whose personal illness or injury is expected to exceed their accrued leave balances by at least fourteen (14) calendar days.

Each donation shall be a minimum of two (2) hours and a maximum of eight (8) hours. Donations exceeding the minimum requirement shall be made in whole hour increments.

This provision shall not apply to employees who are receiving workers' compensation pay pursuant to Article XIX, up to 80 hours per pay period.

To be eligible to receive catastrophic leave, an employee must be suffering from a debilitating illness or injury which is expected to incapacitate the employee or an immediate family member, including and limited to parents, children, spouse or registered domestic partner, for an extended period of time and which creates a financial hardship.

Manager's Recommendation

Approve amending Personnel and Salary Resolution 92-11, Article XI, Leave Provisions, and incorporate Section 9, Catastrophic Leave Program.

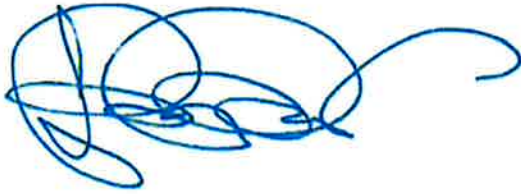
Alternative(s)

Do not approve amending Personnel and Salary Resolution 92-11, Article XI, Leave Provisions, and incorporate Section 9, Catastrophic Leave Program

Fiscal Impact

None

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Jared Dever", with a long, sweeping flourish extending to the right.

**Jared Dever
District Manager**

ARTICLE XI

LEAVE PROVISIONS

SECTION 9. Catastrophic Leave Program

- A. The District Manager shall establish and administer a catastrophic leave program for the District. The program shall provide for the donation of vacation and compensatory time to District employees whose personal illness or injury is expected to exceed their accrued leave balances by at least fourteen (14) calendar days. Each donation shall be a minimum of two (2) hours and a maximum of eight (8) hours. Donations exceeding the minimum requirement shall be made in whole hour increments. This provision shall not apply to employees who are receiving workers' compensation pay pursuant to Article XIX, up to 80 hours per pay period.

To be eligible to receive catastrophic leave, an employee must be suffering from a debilitating illness or injury which is expected to incapacitate the employee or an immediate family member, including and limited to parents, children, spouse or registered domestic partner, for an extended period of time and which creates a financial hardship.

ARTICLE XI

LEAVE PROVISIONS

SECTION 1. Sick Leave

A. Accumulation of Sick Leave

1. For the purpose of this Section, each bi-weekly pay period for which a full-time employee receives his or her full bi-weekly salary shall be considered the equivalent of eighty (80) scheduled paid hours.
2. During the first three (3) years of employment, regular, probationary, and limited-term full-time and part-time employees shall earn 0.03462 hours of sick leave with pay for each paid hour in a regularly scheduled workweek or period to a maximum of eighty (80) hours in a pay period
3. After an employee has been paid for six thousand two hundred forty (6,240) scheduled hours exclusive of overtime hours, regular, probationary, and limited-term full-time and part-time employees shall earn 0.0462 hours of sick leave with pay for each paid hour in a regularly scheduled workweek or period to a maximum of eighty (80) hours in a pay period.
4. Sick leave earned shall be added to the employee's sick leave account upon the completion of the pay period. No credit shall be applied during the progress of the pay period or for a portion of the pay period during which the employee terminated District service.
5. Extra help employees shall not earn sick leave.

B. Permitted Uses of Sick Leave

Sick Leave may only be applied to:

1. An absence necessitated by employee's personal illness, injury, or disability due to pregnancy or childbirth.
2. Medical and dental office appointments when absence during working hours for this purpose is authorized by the District.
3. During each calendar year, employees may use up to one-half of their yearly sick leave accrual for the purpose of attending to a child, parent, or spouse who is ill. Leave for this purpose may not be taken until sick leave has been accrued. Furthermore, any hours that would otherwise be available and are not used, do not carry over from year to year. For example, if an employee earns 96 hours of sick leave per year, 48 hours may be used during the calendar year to attend to an ill child,

parent, or spouse. If an employee only uses 40 hours during the calendar year, the employee will not be able to carry over the remaining 8 hours into the following calendar year, and then have 56 hours of leave (48 new hours plus 8 carried over) in the subsequent year. For the purposes of this Section child means a biological, foster, or adopted child, a stepchild, a legal ward, or a child of a person standing in loco parentis, a parent means a biological, foster, or adoptive parent, a stepparent, or a legal guardian, and a spouse means a legal spouse according to the laws of California.

4. In addition to the leave provided in Section b. 3. above, an absence because of a serious illness of an immediate family member may be taken, up to a maximum of three (3) working days for each serious illness occurrence. "Serious illness" includes inpatient care, continuing treatment by a health care provider, childbirth, a period of incapacity of more than three consecutive days which requires subsequent treatment or subsequent periods of incapacity relating to the same condition, incapacity due to a chronic serious health condition such as asthma, diabetes, or epilepsy, incapacity due to a permanent or long-term conditions which may or may not be treatable, or absences to receive multiple treatments such as chemotherapy or radiation. For purposes of this Section, immediate family shall mean father, father-in-law, mother, mother-in-law, step-parent, brother, sister, spouse, child, grandchild, grandparent, or legal guardian.
5. Illness while on paid vacation shall be charged to sick leave rather than vacation only under the following conditions:
 - a. The illness or injury precludes the effective use of vacation and prevents the employee from performing his or her normal duties.
 - b. The employee shall notify his or her supervisor within four (4) calendar days of the beginning of the illness or prior to the end of his or her vacation leave, whichever is sooner, to request that his or her illness on vacation be charged to sick leave.
 - c. The District shall not be obligated to extend the vacation beyond the original scheduled ending date.
 - d. Upon return to work, the employee shall furnish the District with a certificate signed by a licensed physician or registered nurse stating the nature of the medical condition and the period of disablement.
6. Absence from duty because of personal business shall not exceed sixteen (16) working hours during the fiscal year.

C. Prohibited Uses of Sick Leave

Sick Leave shall not be applied to absences other than those listed above.

D. General Provisions

1. In any use of sick leave, an employee's account shall be charged to the nearest quarter hour.
2. An employee may be required to furnish a certificate issued by a licensed physician or registered nurse or other satisfactory evidence of illness, injury, medical condition, or medical or dental office calls when the District has notified the employee in advance of such a requirement or when the employee has been under the care of a physician.
3. An employee shall be required to furnish a certificate issued by a licensed physician or registered nurse in the event that three (3) or more consecutive days (or 24 hours) of sick leave pay are charged. An employee absent due to personal illness, injury, or disability for two weeks or more shall be required to furnish a release to "return-to-work" from the health care provider stating the employee is able to resume work.
4. Any conditions or restrictions placed on an employee's use of sick leave apply also to sick leave used because of a serious illness of an immediate family member and for care of an ill child, parent, or spouse.
5. Employees may accumulate up to 240 hours of sick leave. Employees who accumulate hours in excess of 240 hours during the fiscal year shall be compensated for each hour at 50% of their current pay rate and the hours shall be removed from the books at the end of the fiscal year. Employee's sick leave balance at the end of any given fiscal year may not exceed 240 hours.
6. In order to receive compensation for unused sick leave, the employee shall maintain a sick leave balance of 240 hours.
7. Upon official retirement from District service, the employee shall be compensated for accumulated sick leave not to exceed 336 hours at fifty percent (50%) of the employee's current rate of pay. In order to receive payment for accumulated sick leave upon retirement, the employee must be at least 50 years of age and have worked for the District with no break in service for a minimum of five (5) year.
8. If an employee dies due to a work related injury while in the employ of the District, his or her survivors shall receive payment for all accumulated sick leave not to exceed 336 hours at one hundred percent (100%) of the employee's current rate of pay.
9. Upon separation from District service for reasons other than retirement or death, no employee shall be paid for any accumulated sick leave.

SECTION 2. Bereavement Leave

Upon request, regular, limited-term, or probationary employees shall receive necessary time off with pay, not to exceed three (3) days in any one (1) instance, to arrange for or attend a funeral of a member of their immediate family. For purposes of this Section, immediate family shall mean father, father-in-law, mother, mother-in-law, step-parent, brother, sister, spouse, child, grandparent, grandchild, daughter-in-law, son-in-law, or legal guardian.

SECTION 3. Leave of Absence With Pay

- A. The District Manager may authorize the absence of an employee with pay from his or her regular work area for reasons other than physical or mental illness for a period of time not to exceed eighty (80) regularly scheduled working hours per year if the Manager finds that such absence:
1. Contributes to the employee's effectiveness in his or her assigned duties and responsibilities; or
 2. Contributes to the functions and goals of the District.
- B. An employee may be absent with pay from his or her regular work area in excess of eighty (80) regularly scheduled working hours upon approval of the District Manager. The written request for an absence with pay from the regular work areas in excess of eighty (80) regularly scheduled hours shall state specifically the reason for the request and the beginning and ending dates of the absence. For purposes of this Section, regular work area shall mean the geographic area to which the employee is typically and appropriately assigned to work during the usual course of employment.

SECTION 4. Authorized Leave Without Pay

A. District Leave

A regular, limited-term, or probationary employee may request a District Leave without pay for a period of time not to exceed fifteen (15) calendar days. The granting of such leave shall be at the discretion of the District Manager except in cases where Official Leave has been authorized pursuant to Section 4.B, and Section 9.A., below. The District Manager may require that all accumulated compensatory time be used prior to granting of District Leave. The use of earned vacation prior to the obtaining of District Leave shall be at the option of the employee.

B. Official Leave

1. Upon request, a regular, limited-term, or probationary employee may be granted an

Official Leave of Absence without pay. Such leave, if granted, shall not exceed four months except as provided in 2., below. Such leave may be authorized only after an employee's completion of a District Leave and after all compensatory and vacation accruals have been applied toward payment of the absence.

2. An Official Leave of Absence may be extended for an additional 2 months at the discretion of the District Manager. If the District Manager denies the extension of such leave, the provisions of 4. and 5., below shall not apply.
3. An employee shall give notice two (2) weeks prior to the date he or she wants to return to work. If an employee does not give the two (2) weeks notice prior to the date he or she wants to return to work, the District shall not be required to return the employee to work until the employee gives such notice; however, the District may waive the notice or reduce the notice period at its discretion.
4. If the District Manager modifies or does not approve a request for Official Leave, the employee may, with fifteen (15) calendar days of said action, file a request with the District Manager for review by the Board. Upon such request, the District Manager shall forward a copy of the request for Official Leave to the Board for final determination. The appealing employee shall notify the District Manager whether he or she will submit his or her position in a written statement or wishes to appear before the Board. The District may present its position in the same manner as the employee presents his or her position. The Board, at its discretion, may designate one (1) or more members to hear such appeals for final determination.
5. An Official Leave shall not be credited toward continuous service.

C. Family Medical Leave

1. Under the California Family Rights Act (CFRA) and the federal Family and Medical Leave Act (FMLA) employees may have a right to take unpaid family care and medical leave of up to 12 work weeks in any 12 month period. To be eligible for leave under CFRA and FMLA, an employee must:
 - a. Have been employee by the District for at least 12 months, which need not be consecutive; **and**
 - b. Have worked for the District at least 1,250 hours during the 12 months immediately preceding the commencement of leave; **and**
 - c. Be employed at a worksite where the District employs at least fifty (50) employees within seventy-five (75) miles of the worksite.

FMLA leave and CFRA leave may be taken by eligible employees for the following reasons:

- a. Baby Bonding - This includes the birth of a child to an employee, or placement

of a child with the employee in connection with the adoption or foster care of the child by the employee.

- b. Family Care - This includes care of a child, parent, or spouse who has a serious health condition. A serious health condition includes inpatient care, continuing treatment by a health care provider, a period of incapacity of more than three consecutive days which requires subsequent treatment or subsequent periods of incapacity relating to the same condition, pregnancy (for FMLA leave only), incapacity due to a chronic serious health condition such as asthma, diabetes, or epilepsy, incapacity due to a permanent or long-term condition which may or may not be treatable, or absences to receive multiple treatments such as chemotherapy or radiation.

Child - A biological, adopted, or foster son or daughter, stepson or stepdaughter, legal ward, or a child of an employee who stands in loco parentis to that child. A child must be under 18 years of age or an adult dependent child.

Parent - A biological, foster, or adoptive parent, stepparent, legal guardian, or other person who stood in loco parentis to the employee when the employee was a child.

Spouse - A partner in marriage. It does not include unmarried persons living together, but does include persons who are legally married who do not live together.

- c. Medical Leave - This means an employee's own serious health condition that makes the employee either unable to work at all, or unable to perform one or more essential functions of his/her job. Under CFRA, an employee's pregnancy is not considered a serious health condition.

- 2. When medically necessary, CFRA leave and FMLA leave may be taken by eligible employees in intermittent periods, provided that the total leave taken does not exceed 12 work weeks in any 12 month period. The 12 month period will be a rolling 12 month period measured backward from the date any leave commences. Leave taken for the birth, adoption, or foster care placement of a child of the employee must be concluded within one year of the birth or placement.

If disabled by pregnancy, CFRA leave may not be taken; however, pregnancy disability leave under the California Fair Employment and Housing Act (CFEHA) may provide the female employee with the right to take leave. Pregnancy disability leave is defined in subdivision D. of this Section.

- 3. If possible, the employee is required to give 30 days advance notice of the need to take family medical leave. If 30 days notice is not possible due to a change in circumstances or a medical emergency, the employee must give notice as soon as practicable. An employee shall be required to furnish medical certification for family

medical leave, except for baby bonding time. The certification shall include 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, and a statement that the serious health condition warrants the participation of the employee to provide care.

For medical leave for the employee's own serious health condition, the certification shall include 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 essential functions of his/her position. If the District doubts the validity of the medical certification for the employee's own serious health condition, the District may, at their own expense, require the employee to obtain the opinion of a second health care provider, designated or approved by the District. As a condition of an employee's return from medical leave for the employee's own serious health condition which required leave of two weeks or more, the employee must obtain a release to "return-to-work" from the health care provider stating the employee is able to resume work.

4. An eligible employee who is granted FMLA leave or CFRA leave will be guaranteed reinstatement upon the termination of the leave to his/her original position or to a position with same or comparable duties and pay and at the same or comparable geographic location, except as provided in 7., below. The employee shall retain the same seniority as he/she had at the time of starting leave and shall be reinstated to any benefits previously provided without any new qualification period.
5. FMLA leave shall run concurrently with pregnancy disability leave. While on FMLA leave, health and dental/vision insurance premiums of covered employees shall be paid by the District for a maximum of 12 weeks. If CFRA leave is taken after the 12 weeks of FMLA leave, the District shall not pay the cost of health and/or dental/vision insurance premiums. The employee may continue to be covered by health and dental/vision insurance by paying the District the full premium by the first of the coverage month. Taking family leave is not a qualifying event for COBRA purposes. However, an employee who does not return from family leave, or who returns on a reduced schedule (if granted by the District) may be entitled to COBRA.

If an employee either fails to return from family leave when his/her leave entitlement has expired, or returns from leave but fails to work 30 days after returning, the employee shall pay the District the full premium cost for insurance coverage during the 12 weeks of leave that was paid for by the District. The District cannot collect the cost of the premium if the employee does not return to work due to circumstances beyond the control of the employee or because of the continuation, recurrence, or onset of a serious health condition.

6. While on family medical leave, the employee shall be required to use all accrued vacation leave and compensatory time. The use of vacation leave and compensatory time does not extend the length of the family leave. If the employee is on family leave

due to their own serious health condition, the employee shall use all accrued sick leave. If the family medical leave is for a reason other than the employee's own serious health condition, the employee may use sick leave subject to mutual consent of the District and the employee. The use of sick leave time does not extend the length of the family leave.

Employees on unpaid family medical leave shall not earn sick leave or vacation leave. Employees shall earn sick leave and vacation leave for each paid hour of vacation leave, compensatory time, and sick leave used. The use of sick leave, vacation leave, and compensatory time shall be used for credit for seniority. Family medical leave used during a probationary period shall extend the length of the probationary period by the length of the leave.

If a holiday falls during family medical leave, the day is counted as family medical leave. Employees receive pay for holidays if the employee is paid for all or a portion of both the regularly scheduled working assignment immediately prior to a holiday and the regularly scheduled working assignment immediately after that holiday.

7. The District may refuse to reinstate the employee if:

The employee requesting the leave is a salaried employee; **and**

The employee requesting the leave is among the highest paid 10 percent of the employees who are employed within 75 miles of the worksite; **and**

The refusal to reinstate the employee is necessary because the reinstatement will cause substantial and grievous economic injury to the operations of the District; **and**

The District notifies the employee of the intent to refuse reinstatement at the time the District determines that the refusal is necessary due to that economic injury. If leave has already commenced, the employee shall be given a reasonable opportunity to return to work following the notice. **or**

The employee would have been laid off during the course of taking family medical leave and the employment is terminated.

D. Pregnancy Disability Leave

1. California law protects women who are pregnant from employment discrimination, and allows them to take time off work for their pregnancy, childbirth, and related medical conditions. Women employed with the District are entitled to pregnancy disability leave (PDL) of up to four months from the date of hire for disability due to pregnancy, childbirth, and related medical conditions. Four months of leave is allowed for each pregnancy.
2. Leave may be taken intermittently or on a reduced work schedule when medically advisable, as determined by the health care provider of the employee. The leave may be taken at any time she is disabled during or after the pregnancy, and does not need to be taken all at once. A woman also is considered "disabled by pregnancy" if she is suffering from severe "morning sickness" or needs to be off for prenatal care. PDL

may not be used for baby bonding.

3. If possible, the employee is required to give 30 days advance notice of the need to take PDL. If 30 days notice is not possible due to a change in circumstances or a medical emergency, the employee must give notice as soon as practicable. An employee shall be required to furnish medical certification PDL. The certification shall include the date on which the woman became disabled due to pregnancy, the probable duration of the period or periods of disability, and an explanatory statement that, due to the disability, the employee is unable to work at all or is unable to perform any one or more of the essential functions of her position without undue risk to herself, the successful completion of her pregnancy, or to other persons.
4. An eligible employee who is granted PDL will be guaranteed reinstatement upon the termination of the leave to her original position or to a position with same or comparable duties and pay and at the same or comparable geographic location, except as provided in 7., below. The employee shall retain the same seniority as she had at the time of starting leave and shall be reinstated to any benefits previously provided without any new qualification period.
5. FMLA leave shall run concurrently with PDL. While on FMLA leave, health and dental/vision insurance premiums of covered employees shall be paid by the District for a maximum of 12 weeks. If PDL is longer than 12 weeks, the District shall not pay the cost of health and/or dental/vision insurance premiums. Taking PDL may be a qualifying event for COBRA purposes. However, the employee may continue to be covered by health and dental/vision insurance by paying the District the full premium by the first of the coverage month.
6. Any employee on PDL shall use all accrued sick leave. At the option of the employee, vacation leave or compensatory time may be used once all accrued sick leave has been used. The use of sick leave, vacation leave, or compensatory time does not extend the length of the PDL.

Employees on unpaid PDL shall not earn sick leave or vacation leave. Employees shall earn sick leave and vacation leave for each paid hour of vacation leave, compensatory time, and sick leave used. The use of sick leave, vacation leave, and compensatory time shall be used for credit for seniority. PDL used during a probationary period shall extend the length of the probationary period by the length of the leave.

If a holiday falls during PDL, the day is counted as PDL. Employees receive pay for holidays if the employee is paid for all or a portion of both the regularly scheduled working assignment immediately prior to a holiday and the regularly scheduled working assignment immediately after that holiday.

7. The District may refuse to reinstate the employee if:

The employee would not otherwise have been employed in her same position at the

time reinstatement is requested for legitimate business reasons unrelated to the employee taking a pregnancy disability leave, such as a layoff; **or**

Preserving the job duties for the employee would substantially undermine the employer's ability to operate the business safely and efficiently.

E. General Provisions

1. Except as described in subsections C., and D., above, a request for a leave of absence shall be made in writing and shall state specifically the reason for the request, the date when it is desired to begin the leave of absence, and the probable date of return.
2. A request for leave of absence without pay shall normally be initiated by the employee, but may be initiated by the employee's section only where the employee is unable to initiate such action.
3. Employees on leave of absence without pay shall not earn sick or vacation leave, or credit towards seniority, nor shall the leave of absence count as time towards completing a probationary period.

SECTION 5. Military Leave of Absence

A request for Military Leave of Absence shall be made in writing and shall state specifically the reason for the request, the date when it is desired to begin the Leave of Absence, and the probably date of return. Military Leave is governed by provisions of the Military and Veterans Code of the State of California, Section 395 to 395.5. An employee receiving pay for a portion of such Leave shall not be deemed to be occupying a position during such paid leave period. When a regular position is vacant due to a Military Leave of Absence, the position may be filled for the length of that leave.

SECTION 6. Jury Duty Leave

A regular, limited-term, or probationary employee who is called for jury duty or for examination for jury duty shall be compensated at the employee's regular rate of pay for those hours of absence that occur during the employee's regularly scheduled working hours not to exceed two (2) workweeks. The employee's fees for jury duty, exclusive of mileage, shall be deposited into the General Fund of the District. Fees for jury duty performed during hours other than regularly scheduled working hours may be retained by the employee.

SECTION 7. Workers' Compensation Leave

- A. When an injury is determined to be job related in accordance with Article XIX, an employee shall be placed on Worker's Compensation Leave. If such determination cannot readily be made, and all sick leave has been applied to the absence, the employee shall be placed on

Official Leave until a final determination is made.

B. Workers' Compensation Leave shall continue until the employee:

1. Is determined to be physically able to return to work by a medical doctor and such medical determination, if disputed, is confirmed by Workers' Compensation Appeals Board; or
2. Is determined to be physically able to return to work with medical restrictions which the District can accept by a medical doctor, and such determination, if disputed, is confirmed by Workers' Compensation Appeals Board; or
3. Accepts employment outside the District; or
4. Accepts employment in another District position; or
5. Has been found to be permanent and stationary and cannot be rehabilitated as provided by law; or
6. Is retired pursuant to Government Code provisions.

C. If practicable, an employee on Workers' Compensation Leave shall give notice two (2) weeks prior to the date he or she wants to return to work. If an employee does not give two (2) weeks notice prior to the date he or she wants to return to work, the District shall not be required to return the employee to work until such notice is given; however, the District may waive the notice or reduce the notice period at its discretion.

SECTION 8. Absence Without Authorization

- A. Absence without authorization for three (3) consecutive days shall be considered an automatic resignation from District employment as of the last date on which the employee worked or the last date the employee was to return to work from an authorized absence.
- B. If an employee does not have prior authorization to be absent from work, such employee may request specific authorization from the District Manager prior to the expiration of the time limit specified in A., above.
- C. Written notice of automatic resignation by the District Manager shall be made by sending such notice to the last known address of the employee to be notified, registered with return receipt requested and the depositing of it in the United States mail with postage fully prepaid. Notice is complete upon mailing.
- D. A regular, limited-term, or probationary employee may, within ten (10) calendar days from the date of receipt of a written notice of automatic resignation, file a written request for reinstatement. If the employee does not receive a written notice of automatic resignation, a written request for reinstatement by be made within thirty (30) calendar days from the effective date of such resignation. At the sole discretion of the District Manager, such time

limits may be extended.

- E. Reinstatement may be granted if the employee makes written explanation satisfactory to the District Manager as to the cause of the unauthorized absence, the reasons for failing to obtain an Authorized Leave, and the submission of any pertinent documentation to substantiate such reasons, and the District Manager finds that the employee is ready, able, and willing to resume the full duties of his/her position. Automatic resignations shall be rescinded in cases where an employee can prove that it was physically impossible to contact his/her Section, provided the employee did so at the first possible opportunity.
- F. An employee so reinstated shall not be paid for the period of his/her unauthorized absence of separation and shall be treated as if on Official Leave for purposes of continuity of employment and other appropriate benefits, unless the use of sick leave, vacation, or compensatory time is appropriate.
- G. Notwithstanding any other provision of this Section, the District Manager may rescind an automatic resignation.