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# Butte County Mosquito and Vector Control District

## POLICY MANUAL

**POLICY TITLE:** California Family Rights Act (CFRA) Leave  
**POLICY NUMBER:** 7045

**7045.1** The CFRA provides up to 12 workweeks of unpaid leave for certain family and medical reasons during a 12-month period for eligible employees. Leave may be taken for any one, or for a combination, of the following reasons provided below.

**7045.2** Eligibility: In order to be eligible for this leave:

**7045.2.1** Employee must have been employed by the District for at least 12 months and have worked for at least 1250 hours during the 12-month period immediately preceding the commencement of the leave.

**7045.3** CFRA leave may be taken for any of the following reasons:

**7045.3.1** For the employee's own serious health condition (excluding pregnancy/childbirth).

**7045.3.2** To care for the employee's immediate family member, spouse, registered domestic partner, child, child of registered domestic partner, parent, parent-in-law, grandparent, grandchild, or sibling with a serious health condition.

**7045.3.3** Definitions:

**7045.3.3.1** A 'serious health condition' is an illness, injury, impairment, or physical or mental condition that involves (a) either (1) inpatient care in a hospital, hospice, or residential health care facility, or any subsequent treatment in connection with such inpatient care, and either (2) any period of incapacity or (3) a continuing treatment by a health care provider, including but not limited to treatment for substance abuse.

**7045.3.3.2** 'Child' means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is either under 18 years of age or an adult dependent child.

**7045.3.4** To bond and/or care for the employee's newborn child, new child by adoption, or foster care placement with the employee.

**7045.3.5** Because of a qualifying exigency related to the covered call to order to covered active duty status of an employee's spouse, domestic partner, child, or parent of the Armed Forces of the United States, as specified in Section 3302.2 of the Unemployment Insurance Code, for deployment to a foreign country in support of a contingency operation or Regular Armed Forces for deployment to a foreign country.

**7045.4 Notice:** Employees must provide at least 30 days' advance notice before CFRA leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or a family member. If 30 days' notice is not practicable, such as because of a lack of knowledge of approximately when leave will be

required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable.

#### **7045.5 Certification:**

**7045.5.1** Employees requesting leave because of their own, or a covered family member's serious health condition, must supply medical certification supporting the need for such leave from their health care provider or, if applicable, the health care provider of their covered family. If employees provide at least 30 days' notice of medical leave, they should submit the medical certification before leave begins.

**7045.5.2** The District may require employees provide recertification of the medical conditions giving rise to the need for leave. If such recertification is required, the District will give the employee no less than 15 calendar days to provide medical recertification.

**7045.5.3** Employee requesting leave to bond or care for newborn child, new child by adoption, or foster care placement must supply certification establishing relationship and/ or placement.

**7045.5.4** For qualifying exigencies arising out of the covered active duty or call to covered active duty status of a military member, the employee must provide: 1) a copy of the military member's active duty orders or other documentation issued by the military indicating the military member is on covered active duty or call to active duty status and the dates of the military member's covered active duty service and, 2) a certification from the employee setting forth information concerning the nature of the qualifying exigency for which leave is requested. Employees shall provide a copy of new active duty orders or other documentation issued by the military for leaves arising out of qualifying exigencies arising out of a different covered active duty or call to covered active duty status of the same or a different military member.

#### **7045.6 Duration:**

**7045.6.1** Qualifying Leave may extend for the duration of up to 12 weeks during a 12-month period.

**7045.6.2** Leave can be taken for a period of consecutive days, weeks, or months.

**7045.6.3** Leave can be taken intermittently or on a reduced leave schedule when medically necessary due to a serious health condition of the employee, a serious health condition of a covered family member, or the serious injury or illness of a covered servicemember. Intermittent leave can also be taken for any qualifying exigency.

**7045.6.3.1** Employees must consult with the District Manager prior to the scheduling of treatment in order to work out a treatment schedule that best suits the needs of both the District and the employees, subject to the approval of the applicable health care provider.

**7045.6.4** Employees are also eligible for intermittent leave for bonding with a child following birth, adoption, or placement. Intermittent leave for bonding purposes must be taken in two-week increments, when it is in the District's best interest. Agreement with District Manager must be set if leave is taken in intermittent increments.

**7045.6.4.1** Leave for bonding must be completed within one year of the birth, adoption, or placement.

**7045.6.6** If an employee's anticipated return to work date changes and it becomes necessary for the employee to take more leave than originally anticipated, the employee must provide the District with 2 business days' notice of the employee's changed circumstances and new return to work date. If

employee does not give the District unequivocal notice of their intent not to return to work, they will be considered to have voluntarily resigned and the District's obligation to maintain health benefits and to restore their positions will cease.

**7045.6.7** If an employee's anticipated return to work date changes and it becomes necessary for the employee to take less leave than originally anticipated, the employee must provide the District with 1 business days' notice of the employee's changed circumstances and new return to work date.

**7045.7** Salary: CFRA Leave shall be without pay. An employee on CFRA Leave is not eligible to receive holiday pay, unless the employee has used their District provided paid leave in the day immediately preceding and following a holiday.

**7045.7.1** When the employee is receiving any wage replacement benefits, the employee may use available sick leave, vacation, or CTO to supplement the benefits received up to the employee's usual compensation.

**7045.7.1.1** Employee must provide Office Manager documentation of wage replacement to include period of payment and amount.

**7045.7.1.2** The use of sick leave, vacation, or CTO paid time off during CFRA leave time does not extend the length of any CFRA leave and the paid time off runs concurrently with any CFRA entitlement.

**7045.7.2** Employees can request to substitute or use accrued paid time off while taking an unpaid CFRA leave as follows:

**7045.7.2.1** If an employee requests CFRA leave because of their own serious health condition, the employee may use any accrued paid vacation, CTO, or sick leave during unpaid leave.

**7045.7.2.2** If an employee requests CFRA leave to care for a covered family member with a serious health condition or to bond with a new child, the employee can use any accrued paid vacation and/or CTO during the unpaid family/medical leave. Once vacation is exhausted, upon request of an employee, the employee can decide to use paid sick leave during unpaid CFRA leave to care for a covered family member with a serious health condition but not to bond with the new child.

**7045.7.2.3** If the employee requests military exigency leave, the employee may use vacation and/or CTO during the unpaid CFRA leave.

**7045.7.3** When leave is paid because the employee is receiving wage replacement benefits, the employee is not required to substitute/use vacation, sick leave, or CTO paid time off during the leave.

**7045.8** Insurance Benefits: The District shall maintain and pay for an employee's health coverage at the same level and under the same conditions as coverage would have been provided if the employee had not taken CFRA leave. Employee's contribution toward premiums must be delivered to the District Office no later than the 15th of each month.

**7045.9** Sick Leave/Vacation: Neither Sick Leave, Vacation, nor other paid time off will accrue while on unpaid CFRA. If the employee is in paid status during the CFRA leave solely because of the use of District provided vacation, CTO, or sick leave, the employee will accrue sick leave and vacation for the period in which the employee is in paid status to the extent the employee would otherwise be entitled to such accrual.

**7045.10 Retirement Benefits:** Upon return from Leave, the CalPERS member may elect to purchase service credit for the time the employee was on non-paid leave up to one year at the employees' own expense as stated in the District contract with CalPERS. Costs of the service credit will be based on the CalPERS valuation.

**7045.11 Longevity:** CFRA leave shall not constitute a break in service or cause the employee to lose seniority.

**7045.12 Return to Work:** The District shall reinstate the employee to the same position, or unless (1) the employee would not otherwise have been employed in her same position at the time reinstatement is requested for legitimate business reason unrelated to the employee taking CFRA Leave (such as lay-off) or (2) means of preserving the job or duties for the employee would substantially undermine the District's ability to operate safely and efficiently. In either of such cases the employee shall be reinstated to a comparable position, unless there is no comparable position available or, although a comparable position is available, the filling of such with the returning employee would substantially undermine the District's ability to operate safely and efficiently. The failure to return to work the next regular workday following the conclusion of CFRA Leave shall be grounds for termination of employment, unless the employee's absence is otherwise authorized under these Personnel Policies.

**7045.13** If business conditions require a reduction in force, an employee on CFRA Leave will be considered for layoff and treated as active employee for purpose of the layoff process.