
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 serious health condition of the employee's child, as defined by statute, spouse, registered domestic partner, parent, parent-in-law, grandparent, grandchild, sibling, or designated person, who is someone else related by blood or in family-like relationship with the employee. [Employees are limited to one designated person per 12-month period for family care and medical leave.]

7045.3.3. Serious health condition means an illness, injury (including, but not limited to, on-the-job injuries), impairment, or physical or mental condition of the employee or a family member of the employee that involves either inpatient care or continuing treatment, including but not limited to treatment for substance abuse.

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. Failing to provide notice is grounds for, and may result in, deferral of the requested leave until the employee complies with this notice policy.

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 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 to 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.

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

7045.6.5 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 notice of the employee's changed circumstances and new return to work date as soon as practicable. If employee does not give the District unequivocal notice of their intent not to return to work, they will be considered absent without leave and dismissal in accordance with District policies.

7045.6.6 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. Employees are encouraged to contact the California Employment Development Department (EDD) to apply for benefits. The EDD determines eligibility and the payment amount.

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 Administrative 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.

7045.7.1.3 If the employee receives State Disability Insurance (SDI) payments during the CFRA leave in addition to use of available sick leave and SDI payments, plus compensation from allowed sick leave, exceeds the employee's regular compensation, the employee shall be responsible for curing the overpayment with EDD. The District shall not adjust sick leave accrual balances, accept remittance of overpayment by personal check or reduce an employee's wages to cure any overpayment. Employees are advised to consult with EDD and review their overpayment procedures prior to electing to integrate SDI with sick leave.

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 sick leave, vacation, or CTO 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 Holiday: An employee on CFRA Leave is not eligible to receive holiday pay, unless the employee has used solely their District provided paid leave in the day immediately preceding and following a holiday.

7045.11 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 and subject to CalPERS rules and regulations. The District makes no representation or guarantees regarding eligibility and entitlement to purchase CalPERS service time credit.

7045.12 Longevity: CFRA leave shall not constitute a break in service or cause the employee to lose seniority.

7045.13 Return to Work: Employees have the right to reinstatement in the same or comparable position at the end of the leave, subject to any defense allowed under the law. 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.

Employees on leave for their own serious health condition will be required to obtain a release to return to work from their health care provider that the employee is able to resume work with or without accommodations. Otherwise, employee will not be permitted to resume work until it is provided. Failure to provide release to work notice shall constitute as absent without leave and subject to dismissal in accordance with District policies.

7045.14 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.