



# Leave Administration Policy

**Scope: CITYWIDE**

## **Policy Contact**

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## **Supersedes**

- API# 40 – Family and Medical Leave Policy, April 2004
- Personnel Policy Instruction II – Parental Leave, June 24, 1995
- Personnel Policy Instruction II-91-2 – Catastrophic Leave, June 29, 1991

## **POLICY STATEMENT**

The City will provide non-industrial leave for eligible employees as required by state and federal law and consistent with Rules and Regulations of the Civil Service Board and labor agreements. The City of Sacramento may provide City employees with non-industrial leaves of absences as set forth in this policy.

## **POLICY**

### **I. Leave reasons**

- A. City employees may be granted non-industrial leaves of absence for the following reasons:
  - (1) Medical leave may be granted when an employee needs to be absent for the employee's own medical condition.
  - (2) Family care leave may be granted when an employee needs to be absent to care for an ill or injured qualified Family Member, qualifying exigencies, or military caregiver leave.
  - (3) Parental leave may be granted when an employee needs to be absent for the birth of the employee's Child or the placement of a Child with the employee in conjunction with adoption or foster care.
  - (4) Pregnancy disability leave may be granted when an employee is disabled by pregnancy, childbirth or related medical conditions.
  - (5) Military leave may be granted when an employee is absent due to the employee's own military service in the Armed Forces.
  - (6) Personal leave may be granted when an employee needs to be absent for any other reason not covered by Section I.A.(1-5).
- B. Absence from duty, with or without pay, for non-industrial reasons is deemed to be a leave of absence and reported to the Department of Human Resources when:
  - (1) An employee is absent for three or more consecutive days or absent on a reduced schedule for more than three days due to medical, family care, pregnancy disability or parental leave reasons and requests a leave of absence.
  - (2) An employee is absent or expected to be absent for more than ten working days, continuous or reduced schedule for medical, family care, parental, pregnancy disability or military leave reasons.
  - (3) An employee is absent intermittently for medical, family care, pregnancy disability or parental leave reasons.

- (4) An employee is absent for more than 20 consecutive working days for personal leave.

## 2. Leave laws

### A. Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA)

- (1) The federal Family and Medical Leave Act (FMLA) and the state California Family Rights Act (CFRA) provide eligible employees the right to an unpaid leave of absence. Employees requesting FMLA/CFRA leave must state the reason for the leave. The City may designate any qualified leave as FMLA and/or CFRA, even if the employee does not request it. FMLA/CFRA leave is permitted for the following qualifying events:

- a. The birth of the employee's Child or to care for a newborn of the employee;
- b. The placement of a Child with the employee in connection with adoption or foster care;
- c. To care for a Child, Parent or a Spouse (registered domestic partners covered under CFRA) who has a Serious Health Condition, when Medically Necessary;
- d. When the employee is unable to perform the functions of his/her position because of a Serious Health Condition that makes the employee unable to work;
- e. A Qualifying Exigency arising out of the fact that the employee's Family Member who is a member of the Armed Forces is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation as defined by the Department of Labor. This reason is in accordance with FMLA not CFRA; or
- f. Military caregiver leave is to care for a Family Member or next of kin who is a current member of the Armed Forces, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status or is otherwise on the temporary list, for a serious injury or illness that was incurred by the service member in the line of duty on active duty.

- (2) FMLA/CFRA eligibility requirements

- a. Employees are eligible for FMLA/CFRA leave if the employee:
  - I. has been employed by the City for at least 12 months;

2. has worked for the City for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave (includes regular and overtime hours; excludes any absences, paid or unpaid, e.g., vacation, sick leave, holiday, jury duty or other absences); and
3. Has a qualifying event

(3) Exception of "Key Employees"

- a. Key Employee's may be ineligible if denial is necessary to prevent substantial and grievous economic injury to the operations of the City, and the employee is notified of the City's intent to deny on that basis at the time the City determines that such injury would occur.

(4) FMLA/CFRA leave entitlement

- a. Eligible employees are entitled to a total of 12 workweeks or 480 hours of leave (672 hours for suppression employees) in a 12-month rolling backwards period.
- b. Eligible employees on leave under military caregiver leave are entitled to a total of 26 workweeks or 1,040 hours of FMLA leave (1,456 hours for suppression employees) in a single 12-month period.
- c. Minimum Duration of FMLA/CFRA Leave

1. Placement of Child

- (A) Generally, the minimum duration for FMLA/CFRA leave is two weeks for the birth, adoption, or foster care placement of an employee's Child. All leave must be completed within one year of the birth or placement of the Child.
- (B) The employee may request an alternate minimum duration of leave, which the department director may approve only if it meets the needs of the department.

2. Family care or employee's own health

If leave is requested to care for a Family Member, or for the employee's own Serious Health Condition, there is no minimum amount of leave that must be taken. Leave may be taken on a continuous basis, intermittently, or on a reduced work schedule, as is Medically Necessary. However, the notice and medical certification provisions of this policy shall apply.

- d. Job protection
    - 1. FMLA and CFRA provide for reinstatement to the same department and classification if the employee returns to work at the end of the 12-workweeks (or shorter) leave.
    - 2. The employee has no greater rights to reinstatement, benefits or other conditions of employment than if the employee had been working continuously during the FMLA/CFRA period.
  - e. Benefits protected under FMLA/CFRA
    - 1. While on FMLA/CFRA leave, employees will continue to be covered by the City's group health, dental, and vision insurance to the same extent that coverage is provided while the employee is on the job.
    - 2. Employees must pay for other benefits (e.g., life insurance or short-term disability insurance).
    - 3. Employees who normally pay a portion of the premiums for medical, dental and/or vision insurance will continue to be responsible for those payments during the FMLA/CFRA leave.
    - 4. Employee contribution rates are subject to any change in rates that occurs while the employee is on leave.
    - 5. If an employee fails to return to work after his/her leave entitlement has been exhausted, the City will have the right to recover its share of health plan premiums for the entire leave period from the employee, unless the employee does not return because of the continuation, recurrence, or onset of a Serious Health Condition of the employee or his/her Family Member that would entitle the employee to leave, or because of circumstances beyond the employee's control. The City may recover premiums through deductions from any sums due the employee as permissible by law.
- (5) The City requires an employee to exhaust FMLA/CFRA leave concurrently with other leaves.
- (6) If an employee takes a leave of absence for any reason that is FMLA/CFRA qualifying, including a serious injury on the job, the City may designate that leave as FMLA/CFRA leave. Exception: Peace officers and firefighters who are on leave pursuant to Labor Code § 4850 will not be charged with CFRA leave.

B. Pregnancy Disability Leave Law (PDL)

- (1) The California Pregnancy Disability Leave Law (PDL) allows employees an unpaid leave of absence if an employee is disabled by pregnancy, childbirth or related medical conditions.
- (2) Employees who are eligible for both PDL and CFRA leave within a twelve (12) month period in accordance with this policy will have a right to both a pregnancy disability and parental leave of absence, not to exceed seven (7) months (four calendar months plus twelve weeks) with the right to return to the same department and classification. PDL and CFRA will not run concurrently.

(3) PDL leave entitlement

a. Eligible employees are entitled to up to four (4) months (or 17 1/3 weeks) per pregnancy.

b. PDL may be taken on a continuous basis, intermittently, or on a reduced work schedule, as is Medically Necessary.

c. Job protection

PDL provides for reinstatement to the same department and classification if the employee returns to work at the end of the four (4) month (or shorter) leave.

d. Benefits

1. While on PDL, employees will continue to be covered by the City's group health, dental, and vision insurance to the same extent that coverage is provided while the employee is on the job.

2. Employees must pay for other benefits (e.g., life insurance or short-term disability insurance).

3. Employees who normally pay a portion of the premiums for medical, dental, and/or vision insurance will continue to be responsible for those payments during the PDL leave.

4. Employee contribution rates are subject to any change in rates that occurs while the employee is on leave.

C. Uniformed Services Employment and Reemployment Rights Act (USERRA) and California Military and Veterans Code

All employees who perform duties, voluntary or involuntary, in the uniformed services shall have reinstatement rights and shall be granted time off to perform such duties in accordance with USERRA, 38 USC 4301 through 4335 and California Military and Veterans Code. Uniformed services shall include Army, Navy, Marine Corps, Air Force, Coast Guard, and Public Health Service commissioned corps, as

well as the reserve components of each of these services, Army National Guard and Air National Guard.

### **3. Reporting requirements**

#### **A. Notice**

- (1) Although the City recognizes that emergencies arise that may require employees to request immediate leave, employees are required to give as much notice as possible of their need for leave.
- (2) The employee shall make a leave request following the Leave Administration Procedure.
- (3) If leave is foreseeable, at least 30 days' notice is required.
- (4) If the need for leave is for a planned medical treatment, the employee shall make a reasonable effort to schedule the treatment as not to unduly disrupt the operations of the City.
- (5) If an employee knows that he/she will need leave in the future, but does not know the exact date(s) (e.g., for the birth of a Child or to care for a newborn), the employee shall inform his/her supervisor as soon as possible that such leave will be needed.
- (6) When necessary, notice may be given verbally, if followed promptly by a written request.
- (7) If the City determines that an employee's notice of need for leave is inadequate or the employee knew about the requested leave in advance of the request, the City may delay the granting of the leave until it can, in its discretion, adequately cover the position with a substitute.

#### **B. Medical certification**

- (1) Employees who request a medical, family care or pregnancy disability leave must provide written certification from the Health Care Provider of the individual requiring care. The certification shall include:
  - a. The date on which the medical condition commenced,
  - b. The probable duration of the condition, and the duration the leave is Medically Necessary,
  - c. The frequency that the leave is Medically Necessary,

- d. If medical or pregnancy disability leave is requested the certification must include a statement that the employee is unable to work due to a Serious Health Condition.
  - e. If family care leave is requested the certification shall include a statement of the need for the participation of the employee to provide care, the relationship between the patient and the employee, and must indicate that the family member has a Serious Health Condition.
- (2) Employees who request parental leave must provide a copy of the Child's birth certificate, hospital certificate, or adoption or foster care documentation.
- (3) Time to provide a certification
- a. When an employee's leave is foreseeable, at least 30 days' advance notice is required, and the employee must provide a medical certificate before the leave begins.
  - b. When 30 days' advance notice is not possible, the employee must provide certification to the City within 15 calendar days of the City's request. If they employee does not provide the required documentation within 15 calendar days, the City will provide a second notice allowing the employee an addition 15 days to provide the required documentation.
  - c. Employees may be required to recertify periodically for their leave, but not more than once every 30 days.
  - d. Consequences for failure to provide an adequate or timely certification
  - e. If an employee provides an incomplete certification, the employee will be given a reasonable opportunity to remedy such deficiency. If an employee fails to provide certification within 15 days of the date of the City request, the City may delay the taking of leave until the required certification is provided.
- (4) Verification of employee's own Serious Health Condition
- If the City has objective evidence to doubt the validity of a certificate for the employee's own medical condition, the City may require in accordance with all applicable laws, a medical opinion of a second Health Care Provider chosen and paid for by the City. If the second opinion is different from the first, the City may require the opinion of a third provider jointly approved by the City and the employee, but paid for by the City. The opinion of the third provider will be binding. An employee may obtain a copy of the health care providers' opinions.
- (5) Intermittent leave or leave on a reduced work schedule



If an employee requests leave intermittently (a few days or hours at a time) or a reduced work schedule for medical, family care or pregnancy disability leave, the employee must provide certification that such leave is Medically Necessary.

C. **Military orders**

Employees on military leave shall provide as soon as reasonably possible a copy of the military orders covering the leave of absence period.

**4. Amount of leave**

A. City employees may be granted leave for a maximum of:

- (1) Medical leave – 6 months
- (2) Family care leave – 4 months
- (3) Parental leave – 6 months
- (4) Pregnancy disability leave – 4 months (17 1/3 weeks)

a. Pregnancy disability leave and parental leave combined shall not exceed 7 months.

- (5) Personal leave – 3 months

B. Employees may be granted leave beyond the listed amounts in Section 4.A. as authorized by the Director of Human Resources.

**5. Benefits coverage while on leave**

A. An approved leave of absence is a qualifying life event, therefore employees may enroll or withdraw from benefits coverage within 30 days from the time the leave commences or concludes.

B. While on an FMLA, CFRA, PDL or paid leave, employees will continue to receive the City benefit contributions to the same extent that coverage is provided while the employee is on the job.

C. Employees who normally pay a portion of the premiums for medical, dental and/or vision insurance will continue to be responsible for those payments during the accrued leave.

D. Employees may choose to continue or cease contributions to other benefits (such as short-term disability, life insurances, etc.).

- E. Employee contribution rates are subject to any change in rates that occurs while the employee is on leave.
- F. While on an unpaid leave not covered by FMLA, CFRA or PDL the employee is not entitled to the City's benefit contributions.
- G. The City will continue to pay the full health and/or dental insurance on the employee's behalf up to the duration of leave as authorized in Section 4.a, unless the employee provides written request to terminate such benefits to the Department of Human Resources, Human Resources Division. Upon return from the leave of absence or separation from City service, the employee is responsible for reimbursing the City for all applicable employee benefit cost.
- H. The City may terminate the health, dental and/or vision insurance on all leaves in excess of time permitted in Section 4.a.

## **6. Pay while on a leave of absence**

- A. The City requires an Employee to use Paid Leaves while on a leave of absence including FMLA, CFRA, and PDL leaves. Employees must exhaust their Paid Leaves with the following exceptions:
  - B. Employees may retain a maximum of 40 hours total accumulation of all types.
  - C. Employees may use, but are not required to use sick leave when leave is taken for family care or parental leave.
  - D. Employees may not use sick leave for military or personal leaves.
  - E. Employees who receive disability insurance pay have the option of supplementing the disability insurance pay up to 100% of base wages by utilizing Paid Leaves.
    - (1) For employees who have disability insurance, the City shall automatically supplement disability insurance pay with Paid Leave to provide up to 100% of base wages.
    - (2) An employee may elect to stop supplementing disability insurance pay with Paid Leave during the period the employee is receiving disability benefits, by informing their department. If the employee does not want to supplement disability insurance pay with Paid Leave, the employee will not receive a paycheck from the City during such time. The employee will be responsible to reimburse the City for any applicable benefit costs.
    - (3) An employee who does not file a disability insurance claim shall inform their department. At such time, the employee will be required to utilize their Paid Leave as outlined in Section 7. If an employee subsequently decides to file a disability claim, they shall inform their department. At such time, the employee

has the option of supplementing the disability insurance pay up to 100% of base wages using Paid Leaves. It is solely within the City's discretion to permit employee reimbursement to the City for any overpayment that may have occurred in the delay of filing a claim.

- (4) Paid Leave accruals may not be spread out by taking time without pay during several pay periods to avoid interruption of benefits.

#### F. Parental pay

- (1) Eligible employees may be entitled to parental pay for:

- a. The birth of a Child who resides with the employee and for whom the employee has physical and legal custody, or
- b. The adoption of a Child under the age of four (4) who resides with the employee and for whom the employee has physical and legal custody.
- c. The eligibility requirements and number of hours entitled for eligible employees shall be outlined in the applicable labor agreement or the Unrepresented Resolution.

- (2) The employee must initiate use of parental pay within four (4) months of the birth or adoption of the Child.
- (3) Parental pay must be exhausted within one (1) year following the birth or adoption of the Child. All parental pay remaining after one year shall be forfeited.
- (4) An eligible employee is entitled to parental pay only once for each birth or adoption regardless of the number of children involved (e.g., twins).
- (5) Parental pay must be used continuously. Upon the request of the employee, the department may grant parental pay on an intermittent or reduced schedule.
- (6) Parental pay may not begin until the date of the birth or adoption of the Child.
- (7) Eligible employees must request parental pay at least 30 days prior to the first day their parental pay entitlement is to be utilized. Failure to make the request 30 days in advance may result in a delay of receiving the entitlement.

#### G. Pregnancy disability pay

- (1) Eligible employees may be entitled to pregnancy disability pay if the employee is disabled by pregnancy, childbirth or related medical conditions.

- (2) Eligible employees and the amount of hours eligible for shall be outlined in the applicable labor Agreement or the Unrepresented Resolution.
- (3) Pregnancy disability pay may be used continuously, intermittently or on a reduced schedule as Medically Necessary.
- (4) Unused pregnancy disability pay shall have no cash value and shall be forfeited following the end of the disability period.
- (5) Eligible employees must request pregnancy disability pay at least 30 days prior to the first day their pregnancy disability pay entitlement is to be utilized. Failure to make the request 30 days in advance may result in a delay of receiving the entitlement.

#### H. Catastrophic pay

- (1) Catastrophic pay allows eligible employees who are incapacitated and unable to work due to a prolonged non-industrial catastrophic illness or injury to extend Paid Leave.
- (2) Eligibility for catastrophic pay
  - a. To be eligible to use donations an employee must:
    1. Be a benefit-qualified employee
    2. Be incapacitated and unable to work due to a prolonged non-industrial illness or injury which is estimated to last at least 30 calendar days;
    3. Have exhausted all available accrued leave balances, including sick leave; and
    4. Be on an approved leave of absence.
- (3) Applicability
  - a. An employee may donate to or receive from an unrepresented employee, or represented employee whose labor agreement provides for such donation or receipt.
  - b. Leave that is eligible for pay off may be donated; sick leave and CTO may not be donated.
  - c. All donations shall be made and accepted utilizing the HR/Payroll system (eCAPS).
  - d. Donations must be made in a minimum of 8-hour increments.

- (4) Donations shall be on an hour-for-hour basis, regardless of the pay rate of the donor and recipient. Hours transferred between Fire Suppression employees on the 56-hour schedule and the non-Fire Suppression employees shall be adjusted by a factor of 1.4 to 1.
- (5) Hours donated shall be kept in a pledge status until used. As needed, pledged hours shall be debited from the donor's balance and credited to the recipient's balance. Once credited the donation is irrevocable.
- (6) Exempt Management employees may only receive donations from exempt management employees. A non-management employee may not receive donations from a subordinate employee where a direct supervisor/subordinate relationship exists.
- (7) All donated hours must be used on a continuous basis.
- (8) All donated hours will be paid at the rate of pay and normal work schedule of the recipient.

## **7. Returning from a leave of absence**

### **A. Right to reinstatement**

- (1) If an employee is granted a leave of absence, at the end of the approved leave the employee will be reinstated to the same department and classification.
- (2) If the employee is unable to return at the end of an approved leave, but still desires to return-to-work, the employee must obtain approval for an extended leave of absence with a new return to work date in order to be eligible for reinstatement to the same department and classification.
- (3) If the employee is able to return to work but the reinstatement date differs from the approved return to work date, the employee may be reinstated within a reasonable amount of time after the notification and verification of availability to return to work.

### **B. Return to work certification**

- (1) As a condition of returning to work, an employee who was on medical or pregnancy disability leave must obtain and present certification from a Health Care Provider that the employee is able to resume work. The certification must be no more than 10 days old and state that the employee is able to resume work with or without reasonable accommodation.
- (2) If the City has objective evidence to doubt the validity of a certificate for the employee's return to work, the City may require a medical opinion of a second

Health Care Provider chosen and paid for by the City. If the second opinion is different from the first, the City may require the opinion of a third provider jointly approved by the City and the employee, but paid for by the City. The opinion of the third provider will be binding. An employee may obtain a copy of the health care providers' opinions.

## Procedure

When a non-industrial leave of absence is necessary or requested, the following procedure shall apply.

### I. Employee

#### A. Notice

- (1) The employee will notify their supervisor (or designee) of the need for a leave of absence,
- (2) The employee will complete the Non-Industrial Leave of Absence Request Form. In the event the employee is unable to complete the Non-Industrial Leave of Absence Request Form, the supervisor will complete it on the employee's behalf.

#### B. Certificate

- (1) The employee must submit a medical certificate or military orders.
- (2) The City's Medical Certificate is available for employees to provide their health care provider to obtain the appropriate medical information for their leave of absence.
- (3) The employee may submit the medical certificate to his or her direct supervisor. Alternatively, the employee must submit the required medical certificate to their supervisor's manager, the department PAR Contact, or the Leave Administrator.
- (4) If the required certification is not available at the time leave is requested the Leave Administrator will notify the employee in writing of the requirements to submit the certification.

### 2. Supervisor

- A. The supervisor will review and complete the supervisor's section of the Non-Industrial Leave of Absence Request Form.
- B. In the event, the employee is unable to complete the Non-Industrial Leave of Absence Request Form; the supervisor shall complete the employee's section.
- C. The supervisor will submit the Non-Industrial Leave of Absence Request Form and all provided backup documentation to the Department PAR Contact. In the event the employee did not provide any back up documentation, the supervisor will only submit the Non-Industrial Leave of Absence Request Form.

### 3. Department PAR Contact

- A. The PAR Contact will enter the leave request information in eCAPS as outlined in the Leave Administration PAR Task.
  - B. The PAR Contact will submit all back up documentation to the citywide Leave Administrator by emailing [loarequest@cityofsacramento.org](mailto:loarequest@cityofsacramento.org).
4. Leave Administrator
- A. The Leave Administrator will review all requests and determine all leave eligibility.
  - B. The Leave Administrator will send the employee and PAR Contact written notification on the status of the leave request and leave entitlements.



## PAR Task

### Entering leave request in eCAPS.

- Step 1:** Log into eCAPS
- Step 2:** Navigate to: Main Menu, Global Payroll & Absence Management, Payee Data, Maintain Absences, Request Extended Absence
- Step 3:** Enter search criteria  
Example: employee ID, first name or last name
- Step 4:** Click on 'Search'
- Step 5:** Enter the first day of leave in the 'Start Date' field
- Step 6:** Input last day of leave in the 'Expected Return Date' field
- Step 7:** Select the appropriate 'Absence Name'  
Choose from the following:  
Family Care  
Family Care Extension  
Medical  
Medical Extension  
Military  
Military Extension  
Parental  
Parental Extension  
Personal  
Personal Extension  
Pregnancy Disability  
Pregnancy Disability Extension
- Step 8:** Select the 'Absence Frequency'  
Choose from the following:  
Continuous  
Intermittent

**Step 9:** Insert comments in the 'Requestor Comments' field

Comments should be limited to the following information:

1. Department approval status:
  - a. Department approved
  - b. Department Denied
  - c. Department approval pending HR review
2. No back up documentation received
3. Parental Pay or Pregnancy Disability Pay entitlement
  - a. PAR 160 hours
  - b. PAR 80 hours
  - c. PGD 160 hours
  - d. PGD 80 hours

**Step 10:** Click on Submit

### **Entering leave extensions in eCAPS.**

**Step 1:** Log into eCAPS

**Step 2:** Navigate to: Main Menu, Global Payroll & Absence Management, Payee Data, Maintain Absences, Request Extended Absence

**Step 3:** Enter search criteria

Example: employee ID, first name or last name

**Step 4:** Click on 'Search'

**Step 5:** Click on 'View Extended Absence Request History'

**Step 6:** View the previous 'Expected Return Date'

This is the last day of the previous leave of absence, the first day of the leave extension should be the following day

**Step 7:** Click on 'Return to Extended Absence Request' field

**Step 8:** Enter the first day of leave extension in the 'Start Date' field

**Step 9:** Input the new last day of leave in the 'Expected Return Date' field

**Step 10:** Select the appropriate 'Absence Name'

Choose from the following:

- Family Care Extension
- Medical Extension
- Military Extension
- Parental Extension
- Personal Extension
- Pregnancy Disability Extension

**Step 11:** Select the 'Absence Frequency'

Choose from the following:

- Continuous
- Intermittent (annual intermittent renewals are not extensions)
- Reduced Schedule

**Step 12:** Insert comments in the "Requestor Comments" field

Comments should be limited to the following information:

1. Department approval status:
  - a. Department approved
  - b. Department Denied
  - c. Department approval pending HR review
2. No back up documentation received

**Step 13:** Click on Submit

### **12-Month Rolling Backwards Period**

The '12-Month Rolling Backwards Period' means a 12-month period measured backward from the date the leave is taken.

### **California Family Rights Act (CFRA)**

CFRA leave means that leave of absence for qualified employees as prescribed by California Government Code § 12945.2.

### **Child**

A biological, adopted, or foster child, a stepchild, a legal ward, a child of a registered domestic partner (under the California Family Rights Act) or a child of a person standing in loco parentis (in place of a parental for legal purposes) who is either: under 18 years of age; or over 18 years of age and incapable of self-care due to a mental or physical disability.

### **Family and Medical Leave Act (FMLA)**

FMLA leave means that leave of absence for qualified employees as prescribed by 29 U.S.C. Sections 2601 et seq.

### **Family Member**

Qualified family members are spouse, child, parent, or registered domestic partner (under CFRA).

### **Health Care Provider**

A Health Care Provider is;

- A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State of California;
- An individual duly licensed as a physician, surgeon, or osteopathic physician or surgeon in another state or jurisdiction, including another country, who directly treats or supervises treatment of a Serious Health Condition;
- Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (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 law;
- Nurse practitioners, nurse-midwives and licensed clinical social workers who are authorized to practice under California law and who are performing within the scope of their practice as defined under California law;
- 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.

### **Key Employees**

An employee who is among the highest paid 10 percent of all employed by the city.

### **Medically Necessary**

Medically Necessary means there must be a medical reason absence from duty is required.

### **Paid Leaves**

Paid leave includes all types of pay an employee receives as outlined in the City Charter, Civil Service Board Rules, Labor Agreements and Personnel Resolution Covering Unrepresented Officers and employees (Unrep Reso) such as sick pay, vacation pay, personal time off, additional time off, parental pay, etc.

### **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.

### **Pregnancy Disability Leave Law (PDL)**

PDL is a leave of absence for qualified disabled pregnant employees as prescribed by California Government Code Section 12945.

### **Qualifying Exigency**

May include short notice deployments, military events and related activities, childcare and related activities, financial and legal arrangements, counseling, rest and recuperation, post deployment activities, any other event that the employee and city agree is a qualifying exigency.

### **Serious Health Condition**

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

- Inpatient Care (i.e. an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (i.e. inability to work or perform other regular daily activities due to a Serious Health Condition, treatment involved, or recovery there from) or any subsequent treatment in connection with such inpatient care; or
- 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:
- Period of incapacity (i.e., inability to work, or perform other regular daily activities due to the Serious Health Condition) of more than three consecutive calendar days and any subsequent treatment or period of incapacity relating to the same condition, which also involves:
  - Treatment two or more times by a Health Care Provider; or
  - Treatment by a Health Care Provider on at least one occasion that results in a regimen of continuing treatment under the supervision of the Health Care Provider.

- Any period of incapacity due to pregnancy or for prenatal care. (This condition qualifies for FMLA leave, but not CFRA leave. Under California law, an employee disabled by pregnancy is entitled to Pregnancy Disability Leave.)
- Any period of incapacity or treatment for such incapacity due to a chronic Serious Health Condition. A chronic Serious Health Condition is one which:
  - 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;
  - Continues over an extended period of time (including recurring episodes of a single underlying condition); and
  - 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.
- 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, a Health Care Provider.
- Any period of absence to receive multiple treatments (including any period of recovery there from) 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.

### **Spouse**

A husband or wife, or registered domestic partner (under CFRA).