

## Family Care and Medical Leave

### A. Reasons for Leave

Personal Medical Leave is available when an eligible employee is temporarily unable to work because of his or her own serious health condition. Family Medical Leave is available when an eligible employee is needed elsewhere to care for the employee's own spouse, child or parent with a serious health condition. A serious health condition is an illness, injury, impairment or physical or mental condition which involves either in-patient care in a hospital, hospice or residential care facility or continuing treatment or supervision by a health care provider. New Child Care Leave is available to eligible employees because of and to care for a newborn child, or a child placed with the employee for adoption or foster care within the 12 months following the birth or placement.

#### 1. Eligibility and Requirements

To be eligible for a personal or family medical leave of absence, or for a new child care leave, an employee must:

- a. Have been employed for at least 12 months (52 weeks) by the Yolo County Office of Education (YCOE); and
- b. Have worked at least 1250 hours in the previous 12 months (As a general rule, full-time teachers, and full-time salaried management employees who have worked for the YCOE for at least 12 months will be deemed to have worked at least 1250 hours during the previous 12 months. As a general rule, part-time employees who have worked for the YCOE for at least 12 months will **NOT** be deemed to have worked at least 1250 hours during the previous 12 months.); and
- c. Work at a YCOE worksite where 50 or more employees are employed within a 75-mile area; and
- d. Provide reasonable (30 days) advance notice of the need for a leave if the need is foreseeable or notify the YCOE as soon as practicable in unforeseeable circumstances.

#### 2. Personal Medical Leave

To be eligible for a personal medical leave of absence, an employee also must:

- a. Have a serious health condition (an illness, injury, impairment or physical or mental condition which involves in-patient care in a hospital, hospice or residential care facility or continuing treatment or supervision by a health care provider); and
- b. Provide medical certification from the employee's health care provider of the date on which the serious health condition commenced, the probable duration of the condition and the inability of the employee to perform the functions of his or her position; and
- c. Cooperate in obtaining any additional medical opinions required by the YCOE.

3. Family Medical Leave

To be eligible for a family medical leave of absence, an employee also must:

- a. Provide a medical certification from the health care provider for the employee's spouse, child or parent who requires care as to the date on which the serious health condition commenced, the probable duration of the condition, an estimate of the amount of time the health care provider believes the employee needs to care for the family member and a statement that the serious health condition warrants the participation of a family member to provide care during a period of the treatment and supervision of the individual requiring care; and
- b. Cooperate in obtaining any additional medical opinions required by the YCOE.

4. New Child Care Leave

To be eligible for a new child care leave, an employee also must:

- a. Be the parent of a newborn son or daughter or of an adopted or foster child placed with the employee for adoption or foster care; and
- b. Request a leave which can be scheduled within 12 months after the arrival of the child.

**B. Leave Duration**

The maximum amount of combined personal medical leave, family medical leave and new child care leave available to an eligible employee in any 12-month period is 12 work weeks. Leave time taken for pregnancy disability leave will **NOT** be included in the calculation of family and medical care leave time.

The use of an intermittent or reduced leave schedule by an otherwise overtime-exempt salaried employee will not affect the employee's exempt status pursuant to the Fair Labor Standards Act.

1. Personal Medical Leave

Absence from work due to a work-related illness or injury which constitutes a serious health condition will be counted as personal medical leave time for purposes of calculating leave time taken by an eligible employee. Nonetheless, the total length of such absences is controlled by the employee's rate of recovery and the business needs of the YCOE and is not subject to the family and medical leave duration limitations.

Personal Medical Leave may be taken on an intermittent basis or on a reduced leave schedule when medically necessary. An employee who requires such a leave schedule for planned medical treatment may be asked to temporarily transfer to an equivalent position which can better accommodate recurring periods of absence. The employee should schedule intermittent or reduced leave time so as to avoid disruption of YCOE operations, subject to the approval of the treating or supervising health care provider. Only actual leave time taken on an intermittent or reduced schedule basis will be counted against leave time entitlement.

2. Family Medical Leave

Family Medical Leave may be taken on an intermittent basis or on a reduced leave schedule when medically necessary. An employee who requires such a leave schedule for planned medical treatment of a parent, child or spouse may be asked to temporarily transfer to an equivalent position which can better accommodate recurring periods of absence. The employee should schedule intermittent or reduced leave time so as to avoid disruption of YCOE operations, subject to the approval of the treating or supervising health care provider. Only actual leave time taken on an intermittent or reduced schedule basis will be counted against leave time entitlement.

3. New Child Care Leave

When both spouses are employed by the YCOE, new child care leave may not exceed a combined total of 12 work weeks for both spouses.

Leave taken for reason of the birth, adoption, or foster care placement of a child of the employee does not have to be taken in one continuous period of time. Any leave(s) taken shall be concluded within one year of the birth or placement of the child with the employee in connection with the adoption or foster care of the child by the employee. The basic minimum duration of the leave shall be two weeks. However, requests for a leave of less than two weeks duration shall be granted on any two occasions.

**C. Benefits**

Personal medical leaves, family medical leaves, and new child care leaves are unpaid.

The YCOE will continue to make premium payments for group medical insurance for a maximum of 12 work weeks in any 12-month period to maintain coverage at the level and under the conditions coverage would have been provided had the employee remained on active status.

Any employee premium contributions required by the YCOE for coverage during active employment must be made by the employee to maintain coverage during the leave. The YCOE will provide directions for direct payment when payroll deductions cannot be made. Failure to make required employee contributions on time may result in loss of coverage.

An employee will be allowed to continue participation in other insurance benefits (i.e., life insurance and disability insurance) to the same extent and under the same conditions as the YCOE provides for unpaid leaves other than family and medical leaves.

1. Personal Medical Leave

Accrued paid vacation or sick leave and other available paid time off benefits previously earned will be automatically paid while an employee is on personal medical leave, but no such payment will extend the available leave time and no new paid time off benefits will accrue during the time an employee is absent on leave.

2. Family Medical Leave

Accrued paid vacation and other paid time off benefits previously earned will be automatically paid while an employee is on family medical leave, except that sick leave will be paid only at the request of an employee and where allowed under the applicable collective bargaining agreement or policy. No such payments will extend available leave time and no new paid time off benefits will accrue during the time an employee is absent on leave.

3. New Child Care Leave

Accrued paid vacation and other paid time off benefits previously earned will be paid while an employee is on new child care medical leave, except that sick leave will be paid only at the request of an employee and where allowed under the applicable collective bargaining agreement or policy. No such payments will extend available leave time and no new paid time off benefits will accrue during the time an employee is absent on leave.

**D. Return to Work**

To the extent and under the terms required by applicable state and federal laws and regulations, eligible employees granted a personal medical leave, family medical leave, or new child care leave are guaranteed employment in the same or an equivalent position (with equivalent employment benefits, pay, and other terms and conditions of employment) upon the expiration of the leave within the time granted. An employee's failure to return to work at the conclusion of any leave may result in termination of employment unless the employee is eligible for and has been granted a different leave.

Key employees (eligible salaried employees who are among the highest paid 10 percent of employees employed by the YCOE within 75 miles of the employee's work site at the time of the leave request) may be subject to leave reinstatement limitations in certain circumstances. Key employees will be notified, at the time of their leave request, if they are a key employee and will be notified of the potential consequences of limitations on reinstatement.

An employee returning to work from a personal medical leave must obtain certification from the employee's health care provider that the employee is able to resume work, except as otherwise required by applicable provisions of a collective bargaining agreement.

**E. Premium Cost Repayment**

Employees who choose not to return to work from a personal medical leave, family medical leave or new child care leave will be required to repay insurance premium amounts paid by the YCOE during the leave unless the failure to return to work is caused by circumstances beyond the control of the employee, such as the continuation, recurrence or onset of a serious medical condition involving the employee or the employee's spouse, parent or child.

**F. Relationship to Paid Leave**

Certain types of paid leave may run concurrently with personal medical leaves, family medical leaves and new child care leaves. The YCOE will designate leave, whether paid or unpaid, as a qualified family medical leave, personal medical leave or new child care leave based on the information provided by the employee. If an employee used paid leave under circumstances which do not qualify for a personal medical leave, family medical leave, or new child care leave, the leave does not count against the 12-week entitlement. If the YCOE requires paid leave to be substituted for unpaid leave, this decision will be made by the YCOE at the time the employee requests or gives notice of the leave, or new child care leave, this decision will be made by the YCOE at the time the employee requests or gives notice of the leave, or when the YCOE determines the leave qualifies as a personal medical leave, family medical leave, or new child care leave, provided that the designation is made before the end of the leave.

**Legal References:**

Government Code, 12940, 12945, 12945.2  
California Code of Regulations, Title 2, Division 4, 7297.0-7297.9  
Code of Federal Regulations, Title 29, Part 825, Sections 825.100, et seq.  
United States Code, Title 29, Sections 2601, et seq.

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