

POLICY TITLE: Family and Medical Leave
POLICY NUMBER: 3425

3425.1 The purpose of this policy is to clarify how Apple Valley Foothill County Water District will implement the Family and Medical Leave Act of 1993 (FMLA). Notwithstanding the contents of this policy, unless said provisions are in conflict with the FMLA.

3425.2 Eligibility. To be eligible for leave under the FMLA, an employee must have: (1) been employed by Apple Valley Foothill County Water District for at least 12 months within a 5 year period,, which need not be consecutive; (2) worked for Apple Valley Foothill County Water District at least 1,250 hours during the 12 months immediately preceding the commencement of leave; and, (3) be employed at a worksite where the District employs at least fifty (50) employees within seventy-five (75) miles of the worksite.

3425.3 Leave Benefit.

- a) Eligible employees will be provided with up to 12 weeks of unpaid leave each year to care for a newborn, adopted, or foster child or for a child, parent, or spouse with a serious health condition. In addition, employees who are unable to perform the functions of their position because of a serious health condition will also be entitled to 12 weeks of unpaid leave. "Serious health condition" is defined as an illness, injury, impairment, or physical or mental condition that entails
 - 1) Inpatient care in a hospital, hospice, or residential medical care facility; or,
 - 2) Continuing treatment by a health care provider.
- b) To be eligible for leave under the FMLA, the employee will first be required to use applicable accrued paid leaves permitted by the District, including vacation leave and sick leave for the first part of the 12-week statutory leave. Paid leave may not be added to the end of the 12 weeks of unpaid leave without approval by vote by the majority of the Board of Directors. If a husband and wife are both employed by Apple Valley Foothill County Water District, the total number of workweeks of leave to which both may be entitled shall be limited to 12 weeks if leave is taken for the birth, adoption, or foster placement of a child or for the purpose of caring for a seriously ill parent.
- c) Employees on leave who were previously covered by Apple Valley Foothill County Water District's health benefit shall continue to be covered at the level and under the conditions that coverage would have been provided if the employee were continuing to work.
- d) At the end of the leave the employee will be reinstated to his/her previous position or to an equivalent job with equivalent pay, benefits, and working conditions. However, the employee will not accrue seniority or employment benefits during the leave period. Apple Valley Foothill County Water District may also require the employee to obtain medical certification that they are able to resume work.

3425.4 Employee Obligations

- a) If the event necessitating the leave is foreseeable, the employee must provide his or her General Manager with at least 30 days' prior written notice. However, if 30 days advance notice for foreseeable

leave is not practicable, the employee must provide the General Manager with as much notice as practicable.

- b) Employees seeking leave on account of a serious health condition must provide the General Manager with medical certification regarding their condition. The General Manager may require employees to obtain, at Apple Valley Foothill County Water District's expense, a second opinion. If the second opinion differs from the first, the General Manager may require a third opinion from a mutually agreed on health care provider.
- c) For most leaves, employees will not be permitted to take their leave intermittently or on a reduced-leave schedule without the General Manager's approval. However, intermittent leave or a reduced-leave schedule may, if medically necessary, be taken by the employee because of a serious health condition. An employee who seeks intermittent leave or leave on reduced-leave schedule because of planned medical treatment may be required to transfer temporarily to a different position, with equivalent working conditions, that accommodates recurring periods of leave better than the employee's regular job.