

TENTATIVE AGREEMENT

COUNTY PROPOSAL #7

ARTICLE 8: LEAVES OF ABSENCE

8.12 Sick Leave Usage

Earned sick leave credits may, with the approval of the Department Head, be used by the employee as outlined below:

8.12.1 Sick Leave Use – Non-FMLA/CFRA/PDL Leave

Accrued sick leave for incidents other than FMLA/CFRA/PDL qualifying events may be used as follows:

- a) Employee Illness: during the employee's own incapacity due to illness or injury;
- b) Employee Treatment or Examination: during the time needed by the employee to undergo medical or dental treatment or examination;
- c) For Care of a Family Member: For diagnosis, care or treatment of a health condition of, or preventative care for the employee family member. For leave under this Section 8.12.1, "family member" is defined as a:
 1. child (defined as biological, adopted, or foster child, stepchild, legal ward, child of a domestic partner, or a child to whom the employee stands in place of a parent, regardless of age or dependency status);
 2. parent (defined as a biological, foster, or adoptive parent, step parent, parent-in-law, a legal guardian, or other person who stood in place of a parent to the employee or the employee's spouse or domestic partner when the employee was a child. A biological or legal relationship is not necessary for a person to have stood in place of a parent to the employee as a child.)
 3. employee's spouse or registered domestic partner, as defined in Article 2 of the MOU;
 - ~~4.~~ grandparent, grandchild, or sibling of the employee or the employee's spouse or registered domestic partner, as defined in Article 2 of the MOU.
 - ~~4.5.~~ designated person (defined as any individual related by blood or whose association with the employee is the equivalent of a family

relationship). The designated person may be identified by the employee at the time the employee requests the leave. Employees are limited to one designated person per 12 month period.

Sick leave use for family members listed in this Section (8.12(c)) shall not exceed forty-eight (48) hours per occurrence unless extended by joint action of the employee's Department Head and the Director of Human Resources by reason of exceptional hardships. "Occurrence" means per illness or related incidents. The 48 hours do not have to be consecutive.

California "Kin Care" (Labor Code 233) provides that an employee may use an amount of paid sick leave each calendar year that is equal to the amount of time that would normally accrue in six month period, and may be used in the same manner as other sick leave as in described in this Section 8.12.1., ~~to attend to the illness of a child, parent, spouse, or domestic partner (as described above), except it does not apply to the grandparent, grandchild, or sibling of the employee's spouse or domestic partner.~~ Kin Care provisions run concurrent with other protected leaves and do not extend the maximum period of leave to which the employee is entitled to under FMLA or CFRA.

- d) Domestic Violence, Sexual Assault, or Stalking: When an employee is a victim of domestic violence, sexual assault or stalking, to work to obtain or attempt to obtain any relief, including but not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of themselves or their child(ren); to seek medical attention for injuries caused by domestic violence, sexual assault or stalking; obtain services from a domestic violence shelter, program or rape crisis center as a result of domestic violence, sexual assault or stalking; obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking; participate in safety planning or take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation. Documentation may be required for approval of use of sick leave under this provision, pursuant to Section 8.13 Documentation Requirements.

8.12.2 Sick Leave Use – FMLA/CFRA/PDL Qualifying Leave

In accordance with the Family and Medical Leave Act (FMLA), the California Family Rights Act (CFRA), and pregnancy disability leave (PDL) under the Fair Employment Housing Act (FEHA), earned sick leave credits may, with the approval of the Department Head, be used by an employee as follows:

- a) Employee Illness: during the employee's own incapacity due to illness or injury;

- b) Employee Treatment or Examination: during the time needed by the employee to undergo medical or dental treatment or examination;
- c) Disabled by Pregnancy: When a woman employee is disabled by pregnancy, which means that in the opinion of her health care provider, she is unable because of pregnancy to work at all or is unable to perform any one or more of the essential functions of her job or to perform these functions without undue risk to herself, the successful completion of her pregnancy, or to other persons; or, if, in the opinion of her health care provider, she is suffering from any of the conditions listed in California Code of Regulations, Title 2, Section 7291.2(f).

d) Care of Family Member: For diagnosis, care or treatment of a health condition of, or preventative care for the employee family member. For leave under this section 8.12.2, "family member" is defined as a:

1. child (defined as biological, adopted, or foster child, stepchild, legal ward, child of a domestic partner, or a child to whom the employee stands in place of a parent, regardless of age or dependency status);
2. parent (defined as a biological, foster, or adoptive parent, stepparent, parent-in-law, a legal guardian, or other person who stood in place of a parent to the employee or the employee's spouse or domestic partner when the employee was a child. A biological or legal relationship is not necessary for a person to have stood in place of a parent to the employee as a child.)
3. employee's spouse or domestic partner, as defined in Article 2 of the MOU;
4. grandparent, grandchild, or sibling of the employee;
5. designated person (defined as any individual related by blood or whose association with the employee is the equivalent of a family relationship). The designated person may be identified by the employee at the time the employee requests the leave. Employees are limited to one designated person per 12-month period.

~~When a child, spouse or domestic partner of an employee, who is a member of the employee's household or a person for whom the employee is entitled to a Federal Income Tax dependent exemption, or the employee's or spouse's parent is incapacitated by illness or injury and it is necessary for the employee to care for such child, spouse, domestic partner or parent.~~

~~Child is defined as biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in place of a parent, who is either under 18 years of age or an adult dependent child. An adult~~

~~dependent child is an individual who is 18 years of age or older and who is incapable of self-care because of a mental or physical disability within the meaning of Government Code Section 12926(j) and (l).~~

~~Parent for purposes of this Section is defined as biological, foster, or adoptive parent, stepparent, a legal guardian, or other person who stood in the place of a parent (in loco parentis) to the employee when the employee was a child. A biological or legal relationship is not necessary for a person to have stood in the place of a parent (in loco parentis) to the employee as a child.)~~

For FMLA/CFRA qualifying events to care for a covered family member incapacitated by injury or illness, employees are allowed to use up to 480 hours of accrued sick leave per eligible event, and not to exceed the number of hours authorized by medical certification. CFRA bonding leave does not qualify for use of sick leave.

Information on FMLA/CFRA/PDL eligibility, documentation, and benefit and pay status is provided under Section 8.21 – Family Care and Medical Leave under FMLA/CFRA.

8.21 Leaves of Absence Without Pay Usage Reference Table

Employees are required to use accrued paid leaves (sick time, vacation time, compensatory time off) before a leave of absence without pay as shown in the following table:

<u>MOU Section</u>	<u>Sick</u>	<u>Vacation</u>	<u>CTO</u>	<u>Comment</u>
During the employee’s own incapacity due to illness or injury.	Required. You may keep 40 hrs.	Optional	Optional	
During the time needed by the employee to undergo medical or dental treatment or examination.	Required. You may keep 40 hrs.	Optional	Optional	
When a woman employee is disabled by pregnancy.	Required. You may keep 40 hrs.	Optional	Optional	
When the employee’s qualifying family member as defined in the applicable law or policy is incapacitated by illness/injury and the employee must care for him/her, or for care, exam or treatment of a family member*.	Required. You may keep 40 hrs.	Required after sick leave except as noted in comment.	Required after sick leave except as noted in comment.	You may keep 40 hours in any combination of Vacation & CTO
Non-sick FMLA/CFRA** qualifying event (e.g., child bonding leave)	Not Applicable	Optional	Optional	
Education Leave	Not Applicable	Required	Required	Must use all

<u>MOU Section</u>	<u>Sick</u>	<u>Vacation</u>	<u>CTO</u>	<u>Comment</u>
				Vacation & CTO
Approved, undisclosed reason or extended vacation	Not Applicable	Required	Required	Must use all Vacation & CTO
Family School Partnership Act	Not Applicable	Optional	Optional	May use leave without pay before using paid leave.

* In the event an employee is eligible to receive Paid Family Leave to care for the serious health condition of a family member or to bond with a new child, they will not be required to use sick, vacation or CTO time, while receiving that benefit.

** Family & Medical Leave Act (FMLA)/California Family Rights Act (CFRA)

8.22.9 Medical Certification

8.22.9.1 An employee’s request for family care and medical leave to care for a ~~child, a spouse, or a parent~~qualifying family member who has a serious health condition shall be supported by a certification issued by the health care provider of the individual requiring care. If additional leave is required after the expiration of the time originally estimated by the health care provider, the employee shall provide the County with recertification by the health care provider.

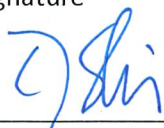
8.22.9.2 An employee’s request for family care and medical leave because of employee’s own serious health condition shall be supported by a certification issued by the employee’s health care provider.

8.22.9.3 As a condition of an employee’s return from leave taken because of the employee’s own serious health condition, the employee is required to obtain certification from the employee’s care provider that the employee is able to resume work.

8.22.9.4 Employees are required to use the medical certification forms available from the County Human Resources Department to meet the certification and recertification requirements of this Section.



 County Signature



 ESC Signature

Date: 4/20/2023