



TITLE:
Leave of Absence Guidelines
ADOPTED BY BOARD OF HARBOR COMMISSIONERS:
February 11, 2019
EFFECTIVE DATE:
This Administrative Policy is effective upon approval and adoption by the Board of Harbor Commissioners.
SUPERSESSSION:
Administrative Policy No. 12300.4A.
PURPOSE:
The purpose of this Administrative Policy is to clearly delineate the District's leave of absence policy and procedure by establishing specific guidelines for requesting, utilizing and administering all leaves. Both California and Federal law require employers to allow an employee time off from work based on certain compelling circumstances. This Administrative Policy addresses the aforementioned legal requirements in addition to other leaves of absence provided by the District that are not mandated by law. Should there be any conflict between California/federal law and this policy, California/federal law prevails. Should there be any conflict between an applicable collective bargaining agreement and this policy, where both comply with California/federal law, the terms of the collective bargaining agreement prevail. This Administrative Policy is applicable to all Oxnard Harbor District employees meeting minimum eligibility requirements.
POLICY:
<u>PERSONAL LEAVE</u> A Personal Leave of Absence is a leave without pay where an employee is physically able to work but is requesting time off from work for personal reasons other than vacation or floating holiday. Employees who are entitled to "Leave Without Pay" pursuant to an applicable collective bargaining agreement are not entitled to a Personal Leave of Absence under this policy. This policy only applies to those employees who are not entitled to "Leave Without Pay" pursuant to an applicable collective bargaining agreement.

Employees who have more than twelve (12) months of service, and who have worked at least 1,250 hours during the previous twelve (12) month period before the date the leave is to begin are eligible to request Personal Leaves of Absence of up to sixty (60) calendar days. The following procedures shall apply when requests for Personal Leaves of Absence are made:

- A. An employee shall submit to his or her supervisor a written request for a Personal Leave of Absence at least thirty (30) days in advance unless the leave is necessitated by an unforeseen emergency. The employee shall use the District's leave request form.
- B. The nature of the leave request and the District's operational needs shall be considered in determining the approval of Personal Leaves of Absence.
- C. An employee cannot take a Personal Leave of Absence without prior written authorization from his or her supervisor and the Chief Finance & Administrative Officer unless the leave is necessitated by an unforeseen bonafide emergency. However, related documentation must be provided after the emergency has subsided.
- D. If an employee is unable to complete a written request for the leave due to a bonafide emergency or other unforeseen circumstances, the employee's supervisor will make every reasonable effort to assist the employee in completing the necessary form and advising the employee regarding the conditions of the leave.
- E. A Personal Leave of Absence shall be taken in eight-hour (8) increments or ten-hour (10) increments depending on the employees existing work schedule at the time the leave is requested.
- F. Documentation substantiating the request for the Personal Leave of Absence may be required.
- G. A Personal Leave of Absence shall not be approved if the request is made for the purpose of working for another employer.
- H. A Personal Leave of Absence shall not be used concurrently with leaves associated with FMLA, CFRA, or PDL leaves.
- I. A Personal Leave of Absence shall be granted for a period not to exceed sixty (60) calendar days from the date in which it goes into effect.
- J. A Personal Leave of Absence shall not be extended beyond a predetermined date without prior approval from the CEO & Port Director.

FEDERAL FAMILY MEDICAL LEAVE ACT (FMLA) AND CALIFORNIA FAMILY RIGHTS ACT (CFRA)

A. FMLA AND CFRA LEAVES OF ABSENCE

1. ELIGIBILITY FOR FMLA AND CFRA LEAVES OF ABSENCE AND AMOUNT OF LEAVE

To be eligible for family care and medical family leave, an employee must (1) have worked for the District for at least twelve months prior to the date on which the leave is to commence; (2) have worked at least 1,250 hours in the twelve (12) months preceding the leave; and (3) work at a location with 50 employees or more within a 75-mile radius of the District's next closest facility. Please note for parental leave, the third requirement may be reduced to 20 employees pursuant to the California Parental Leave Act. Please contact the CAO for more information.

Provided all the conditions of this policy are met, an employee may take a maximum of 12 weeks of family care and medical leave in a rolling 12-month period measured backwards from the date the employee's leave commences.

Employees who are unable to work due to pregnancy disability will be granted the greater of 12 weeks leave or the amount of leave to which the employee may be entitled under California state law for a pregnancy-related disability or in connection with childbirth (please see below). Family care leaves for the birth, adoption, or foster care placement of a child must be concluded within one year of the birth, adoption, or placement.

An employee may take FMLA or CFRA leave intermittently (in blocks of time, or by reducing their normal weekly work schedule) if the leave is for the employee's own serious health condition, or for the serious health condition of the employee's child, parent or spouse and the leave scheduled is medically necessary as determined by the healthcare provider of the person with the serious health condition. Where the intermittent or reduced schedule leave is for planned medical treatment, the employee must make an attempt to schedule the treatment so as not to disrupt unduly the District's operations. The smallest increment of time that can be used for such leave is one (1) hour, provided that the leave entitlement is not reduced by more than the amount of leave actually taken. Where the leave is to be taken in connection with the birth, adoption, or foster placement of a child, the minimum duration for each period of leave is two weeks, except that the employee may request leave of less than two weeks duration on any two occasions.

2. PERMISSIBLE USES

FMLA and CFRA leaves are unpaid leaves of absence taken for an employee's own serious health condition, the serious health condition of the employee's child, spouse, registered domestic partner, or parent, the birth or adoption of an employee's child, or the placement of a foster child with the employee in accordance with State and Federal laws in effect at the time the leave is granted.

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either (1) the individual being admitted to a medical care facility with the expectation that the or she will remain at least overnight, or (2) continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

CFRA and FMLA leaves generally run concurrently. However, the right to Pregnancy Disability Leave (“PDL”) in California under the FEHA is a separate and distinct entitlement from CFRA because CFRA does not include pregnancy or related medical conditions within the definition of a “serious health condition.” Accordingly, if a woman is on PDL/FMLA leave before the baby is born, CFRA bonding leave may, but need not, commence once the child is born. When the child is born, the woman has a choice of either continuing on pregnancy disability leave until the disability period ends and then beginning CFRA bonding leave, or commencing CFRA bonding leave immediately. CFRA bonding leave need not be taken right after the baby is born. However, it must be concluded within one year of the child’s birth. Please see section III below for more information regarding PDL leave.

3.SUBSTITUTION OF PAID LEAVE

Employees re required to substitute accrued vacation time and other paid personal leave (except sick leave) for all family care, medical leaves, and military leaves. Employees are required to substitute sick leave only for the employee’s own medical leaves. Employees may elect to substitute sick leave to attend the illness of a child, parent, spouse or domestic partner of the employee, or for other types of family care leave.

4.NOTICE AND CERTIFICATION REQUIREMENTS

The following procedures shall apply when requests for family/medical leave are made:

1)The employee shall notify his/her supervisor by filling out the District’s leave request form. For foreseeable leave, the employee must provide 30 calendar days’ advance notice. For unforeseeable leave, the employee must notify the District as soon as is practicable. If an employee fails to provide the requisite 30-day advance notice for foreseeable events without any reasonable excuse, the District reserves the right to delay the taking of the leave until at least 30 days after the date the employee provides notice of the need for leave.

2)The employee’s supervisor shall immediately inform the Chief Finance & Administrative Officer in order to establish the consistent administration of the requested leave.

3)The employee must consult with his/her supervisor regarding the scheduling of any planned medical treatment so as to best accommodate the employee’s request as well as minimize disruption to the operations of the District. Any such scheduling is subject to the approval of the

healthcare provider of the employee or of the employee's child, parent or spouse.

4) If the leave is needed for the employee's own serious health condition, the employee must provide a certification from the health care provider. For foreseeable leaves, employees must provide the required medical certification before the leave begins. When this is not possible, employees must provide the required certification within 15 calendar days after the District's request for certification, unless it is not practicable under the circumstances to do so, despite the employee's good faith efforts. The certification must include the following information:

- a. date of commencement of the serious health condition,
- b. probable duration of the health condition,
- c. a statement that the employee is unable to work at all or is unable to perform the essential functions of his/her position because of the employee's serious health condition, and
- d. in the case of intermittent leave or reduced schedule leave where medically necessary, the probable duration of such a schedule.

5) If the leave is needed for a child, spouse, domestic partner or parent with a serious health condition, the employee must provide a certification from the health care provider. For foreseeable leaves, employees must provide the required medical certification before the leave begins. When this is not possible, employees must provide the required certification within 15 calendar days after the District's request for certification, unless it is not practicable under the circumstances to do so, despite the employee's good faith efforts. The certification must include the following information:

- a. date of commencement of the serious health condition,
- b. probable duration of the health condition,
- c. the health care provider's estimate of the amount of time needed for family care,
- d. confirmation that the serious health condition warrants the participation of the employee to provide family care, and
- e. in the case of intermittent or reduced schedule leave where medically necessary, the probable duration of such a schedule

6) Failure to timely provide the required certification may result in the denial of foreseeable leave until such certification is provided. In the case of unforeseeable leaves, failure to timely provide the required certification may result in a denial of the employee's continued leave. Where the employee's need for leave due to the employee's own serious health condition, or the serious health condition of the employee's covered family member, lasts beyond a single leave year, the District may require the employee to provide a new medical certification in each subsequent leave year. Any request for an extension of the leave also must be supported by an updated medical certification.

7) In cases where both parents are employed by the District and the leave requested is for the birth, adoption or placement of a child in the foster care of the employee, the District will not grant more than a total of twelve (12) workweeks total of family/medical leave to both parents combined.

5. CONTINUATION OF BENEFITS DURING FAMILY/MEDICAL LEAVE

For any employee who is on FMLA/CFRA leave, the District will continue to pay its share of health insurance premiums, dental insurance premiums, vision care insurance premiums and life insurance premiums for the employee for a period of twelve (12) weeks, to the same extent and under the same terms and conditions as would apply had the employee not taken leave. Thus, the employee must continue to pay his or her share of the health plan premiums during the leave. If paid leave is substituted for the unpaid leave, such payments will be deducted from the employee's pay through regular payroll deductions. Otherwise, the employee must make arrangements with the District for the payment of such premiums. An employee who is on a leave of absence will be provided with timely information during periods of open enrollment and whenever there are any changes in the health insurance plan in which he or she is enrolled.

The continued participation in health benefits begins on the date the leave first begins. The employee will accrue sick leave, vacation leave, holiday pay or holiday credits during the period he/she is absent from work due to FMLA/CFRA leave for a period of twelve (12) weeks. FMLA/CFRA leave will not be treated as a break in service and will not result in a loss of seniority. Nor will it result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Additionally, employees are generally eligible to purchase PERS service credit for time spent on approved unpaid leaves of absence associated with FMLA, CFRA, or Pregnancy Disability leave (referenced below) subject to specified applicable limitations and exceptions.

6. RETURN FROM FMLA AND CFRA LEAVES

Under most circumstances, upon timely return from an FMLA or CFRA leave, the employee will be reinstated to his or her original position or to a comparable position. Employment in a comparable position means employment in a position that is virtually identical to the employee's original position in terms of pay, status, benefits, and working conditions, including privileges, and any other additional job-related benefits. However, an employee has no greater right to reinstatement than if the employee had been continuously employed rather than on leave.

An employee who has taken leave for his or her own serious health condition will be required to provide a physician's certification that he/she has been released to return to Work and is able to do so. Employees providing return to work certification must be able to perform the essential functions of their positions with or without reasonable accommodations, and the District will engage in the interactive process with the employee according to applicable California and federal law.

7. EMPLOYEE RESPONSIBILITIES

Employees may lose their rights under FMLA or CFRA if they fail to:

- 1)inform the District of their desire or intent to take a FMLA or CFRA leave
- 2)certify or re-certify the need for the leave under certain circumstances, or
- 3)return to work when the leave has expired.

8.DENIAL OF REINSTATEMENT

The District may deny reinstatement to an employee if his/her position ceased to exist, such as in a lay-off. The District may also deny reinstatement if the employee taking the leave is an exempt employee who is among the highest paid 10% of all District employees and the denial of reinstatement is necessary to prevent substantial and grievous economic injury to the District, provided the District has given the employee written notice of the same at the time the employee gives notice of the need for FMLA leave that he or she qualifies as a key employee. At the same time, the District must also fully inform the employee of the potential consequences with respect to reinstatement and maintenance of health benefits if the employer should determine that substantial and grievous economic injury to the employer's operations will result if the employee is reinstated from FMLA leave. If such notice cannot be given immediately because of the need to determine whether the employee is a key employee, it shall be given as soon as practicable after being notified of a need for leave.

MILITARY CAREGIVER LEAVE

"Military caregiver leave" may be requested to care for a covered servicemember if the employee is the covered servicemember's spouse, child, parent, or next of kin. For purposes of this leave, a covered servicemember is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness, or (2) a covered veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness.

Employees taking Military caregiver leave are subject to the same eligibility, notice, certification, continuation of benefits (for twenty-six (26) weeks, not twelve (12) weeks), and return/reinstatement requirements/policies listed above for FMLA/CFRA leaves.

Provided all the conditions of this policy are met, an employee may take a maximum of 26 weeks of military caregiver leave in a single 12-month period, inclusive of the time the employee takes for FMLA/CFRA leave during that period. This 12-month period will be measured forward from the first day leave is taken.

There are limited exceptions to this. Please see the Chief Finance & Administrative Officer for more information.

The District also provides Military exigency leave pursuant to the FMLA. Please also see the Chief Finance & Administrative Officer for information.

PREGNANCY DISABILITY LEAVE

If employees are disabled by pregnancy, childbirth or related medical conditions, they may be eligible to take a pregnancy disability leave (PDL) of absence. If affected by pregnancy or a related medical condition, employees also are eligible to transfer to a less strenuous or hazardous position or to less strenuous or hazardous duties, if such a transfer is medically advisable and can be reasonably accommodated. Employees disabled by qualifying conditions may also be entitled to other reasonable accommodations where doing so is medically necessary. In addition, if it is medically advisable for employees to take intermittent leave or work a reduced schedule, the District may require them to transfer temporarily to an alternative position with equivalent pay and benefits that can better accommodate recurring periods of leave.

The PDL is for any period(s) of actual disability caused by pregnancy, childbirth or related medical condition up to four (4) months per pregnancy. For purposes of this policy, "four months" means time off for the number of days the employee would normally work within the four calendar months (one-third of a year, or 17 1/3 weeks), following the commencement date of taking a pregnancy disability leave. Employees working a part-time schedule will have their PDL calculated on a pro-rata basis.

The PDL does not need to be taken in one continuous period of time, but can be taken on an intermittent basis pursuant to the law.

Time off needed for prenatal or postnatal care, severe morning sickness, gestational diabetes, pregnancy-induced hypertension, preeclampsia, doctor-ordered bed rest, postpartum depression, loss or end of pregnancy, and recovery from childbirth or loss or end of pregnancy are all covered by PDL.

To receive reasonable accommodation, obtain a transfer or take a PDL, employees must provide sufficient notice so the District can make appropriate plans. Thirty days' advance notice is required if the need for the reasonable accommodation, transfer or PDL is foreseeable, otherwise as soon as practicable if the need is an emergency or unforeseeable.

Employees are required to obtain a certification from their health care provider of the medical advisability of an accommodation or for a transfer. The certification is sufficient if it contains: (1) a description of the requested reasonable accommodation or transfer; (2) a statement describing the medical advisability of the reasonable accommodation or transfer because of pregnancy; and (3) the date on which the need for reasonable accommodation or transfer became or will become medically advisable and the estimated duration of the reasonable accommodation or transfer.

A medical certification indicating disability necessitating a leave is sufficient if it contains: (1) a statement that the employee needs to take pregnancy disability leave because she is disabled by pregnancy, childbirth or a related medical condition; (2) the date on which the employee became disabled because of pregnancy; and (3) the estimated duration of the leave.

Upon request, Human Resources shall provide a medical certification form that the employee can take to her doctor.

As a condition of returning from pregnancy disability leave or transfer, the District requires the employee to obtain a release from a health care provider stating that she is able to resume the original job duties **with or without reasonable accommodation.**

Note: Requiring a release to return to work is permitted only if the employer has a uniformly applied practice or policy of requiring such releases from other similarly situated employees returning to work after a non-pregnancy related disability leave or transfer.

PDL is unpaid. At the employee's option, she can use any accrued vacation time or other accrued paid time off as part of the PDL before taking the remainder of leave on an unpaid basis. We require, however, that the employee use any available sick time during the PDL. The substitution of any paid leave will not extend the duration of the PDL. Employees who participate in the District's group health insurance plan will continue to participate in the plan while on PDL under the same terms and conditions as if they were working. Benefit continuation under PDL is distinct from benefit continuation for employees who also take birth bonding leave under the California Family Rights Act. Employees should make arrangements with Human Resources for payment of their share of the insurance premiums.

We encourage employees to contact the California Employment Development Department regarding eligibility for State Disability Insurance and Paid Family Leave for the unpaid portion of the leave.

Upon return from a covered PDL, the employee, in most instances, will be reinstated to the same position.

Any request for leave after the disability has ended will be treated as a request for family care leave under the California Family Rights Act (CFRA) and the federal Family and Medical Leave Act (FMLA), if the employee is eligible for that type of leave. PDL runs concurrently with FMLA (but not CFRA). Employees should refer to the FMLA policy. Employees who are not eligible for leave under the CFRA or FMLA will have a request for additional leave treated as a request for disability accommodation.

TIME OFF FOR MILITARY LEAVE AND MILITARY SPOUSES

The District will grant employees a military leave of absence or a military spouse leave to the extent required by applicable federal and state law.

REHABILITATION LEAVE

The Oxnard Harbor District, Port of Hueneme is committed to providing assistance to our employees to overcome substance abuse problems. The District will reasonably accommodate any employee who wishes to voluntarily enter and participate in an alcohol or drug rehabilitation program. This accommodation may include time off without pay or an adjusted work schedule, provided the accommodation does not impose an undue hardship on the District. You may also use accumulated sick days, if applicable, for this purpose.

You should notify your direct Supervisor or department manager if you need such accommodation. The District will take reasonable steps to safeguard your privacy with respect to the fact that you are enrolled in an alcohol or drug rehabilitation program.

LITERACY ASSISTANCE

We are committed to providing assistance to employees who require time off to participate in an adult education program for literacy assistance. If you need time off to attend such a program, you should inform your immediate Supervisor or the Chief Administrative Officer. The District will attempt to make reasonable accommodations for you by providing unpaid time off

or an adjusted work schedule, provided the accommodation does not impose an undue hardship on the District. The District will attempt to safeguard the privacy of your enrollment in an adult education program.

TIME OFF FOR SCHOOL RELATED ACTIVITIES

Pursuant to applicable law, employees that work at a location with 25 or more employees are provided unpaid time off up to 40 hours in one (1) calendar year if they are parents (including individuals acting in the capacity of a parent under the law), guardians, stepparents, foster parents or grandparents with custody of a child attending, or of age to attend, a licensed child care provider or kindergarten through Grade 12. The unpaid leave must be used for the following child-related activities:

- A. to find, enroll or reenroll the child in a school or with a licensed child care provider, or to participate in activities of the school or licensed child care provider of the child.
- B. to address a child care provider or school emergency, meaning that the child cannot remain in school or with a child care provider due to one of the following:
 - 1. the school or child care provider has requested that the child be picked up or has an attendance policy, excluding planned holidays, that prohibits the child from attending or requires the child to be picked up from the school or child care provider;
 - 2. behavioral or discipline problems;
 - 3. closure or unexpected unavailability of the school or child care provider, excluding planned holidays; or
 - 4. a natural disaster, including, but not limited to, fire, earthquake or flood.

The amount of time off for reason #1 cannot exceed eight (8) hours in any calendar month of the year. Prior to taking leave for reason #1 above, an employee must provide reasonable notice of the planned absence to their supervisor. The employee must give notice to their supervisor when taking leave for reason #2 above.

If more than one parent of a child is employed at the same worksite, leave for the reasons above apply, at any one time, only to the parent who first gives notice, such that another parent may take a planned absence simultaneously as to that same child for the reasons above, but only if he or she obtains approval from their supervisor for the requested time off.

Employees may be required to provide documentation of their participation in these activities. Parents, guardians or grandparents with custody of schoolchildren who have been suspended also are allowed to take unpaid time off to appear at the school pursuant to the school's request. Employees may use accrued paid time off for purposes of the leave taken under this policy.

TIME OFF FOR VICTIMS OF DOMESTIC VIOLENCE OR SEXUAL ASSAULT

The District allows victims of domestic violence, sexual assault or stalking to take unpaid time off for certain purposes listed below. An employee may use paid vacation time, paid sick leave or other compensatory time off that is otherwise available to the employee under the applicable terms of employment during this otherwise unpaid leave. The District shall maintain the confidentiality of an employee who requests time off as a result of domestic violence, sexual assault or stalking to the extent allowed by law. The District will not discharge, or in any manner

discriminate or retaliate against an employee who is victim of domestic violence, sexual assault or stalking.

An employee who is a victim of domestic violence, sexual assault or stalking may take time off from work to help ensure his/her health, safety, or welfare, or that of his/her child by:

- A. Seeking medical attention for injuries caused by domestic violence, sexual assault or stalking.
- B. Obtaining services from a domestic violence shelter or program, or rape crisis center as a result of domestic violence, sexual assault or stalking.
- C. Obtaining a temporary restraining order or other temporary injunctive relief.
- D. Obtaining a restraining order or other court assistance.
- E. Attending other court proceedings
- F. Obtaining counseling related to an experience of domestic violence, sexual assault or stalking.
- G. Participating in safety planning and taking other actions to increase safety from future domestic violence, sexual assault or stalking, including temporary or permanent relocation.

Notice and Documentation Requirements

An employee who is a victim of domestic violence must provide the District reasonable advance notice of intention to take time off for any of the above purposes, unless reasonable notice is not feasible. When an unscheduled absence occurs, the District will not take any adverse action against an employee if the employee, within fifteen (15) days of the absence, provides the District with certification of the need for the leave. This includes the following forms of documentation:

- A. A police report indicating that the employee was a victim of domestic violence, sexual assault or stalking,
- A court order protecting or separating the employee from the perpetrator of an act of domestic violence, sexual assault or stalking, or other evidence from the court or prosecuting attorney that the employee has appeared in court,
- Documentation from a medical professional, victims advocate, health care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence, sexual assault or stalking, or evidence of safety planning

Interaction with Family Medical Leave Act

Permitting time off for the recovery from domestic abuse, sexual assault or stalking does not allow an employee to take unpaid leave that exceeds the unpaid leave time allowed under the federal FMLA for a maximum of twelve workweeks. Time off for dealing with or recovering from domestic violence, sexual assault or stalking is not meant to be time off in addition to what is already permitted under FMLA law.

BONE MARROW DONATION LEAVE

An employee who has been employed for at least 90 days may request a leave of absence for up to five business days in any one-year period to undergo a medical procedure to donate bone marrow. Employees must provide a certification from their physician regarding the purpose and length of each leave requested. An employee must use any accrued vacation time, sick leave or paid time off for this leave, but the use of vacation accrual, sick leave or paid time off does not extend the term of this leave. If accrued vacation, sick leave or paid time off is not available, the time off for such procedure shall be paid, but the paid time off shall not exceed five days. Employees will receive health benefits for the duration of their Bone Marrow Donation Leave and upon returning from such leave will have a right to return to the same or equivalent positions they held before such leave.

ORGAN DONATION LEAVE

An employee who has been employed for at least 90 days may request a leave of absence for up to 30 business days in any one-year period to undergo a medical procedure to donate an organ. Employees must provide a certification from their physician regarding the purpose and length of each leave requested. An employee must use up to two weeks of accrued vacation, sick leave or paid time off for this leave, but the use of vacation accrual, sick leave or paid time off does not extend the term of the leave. If accrued vacation, sick leave or paid time off is not available, the time off for such procedure shall be paid however the paid time off shall not exceed 30 days. Employees will receive health benefits for the duration of their organ donation leave and upon returning from such leave will have a right to return to the same or equivalent positions they held before such leave.

CIVIL AIR PATROL LEAVE

An employee who has been employed 90 days or more is permitted to request up to 10 calendar days of unpaid leave per year to respond to an emergency operational mission of the California Wing of the Civil Air Patrol. Such leave is limited to three days for each emergency operational mission, unless the government entity that authorized the mission extends it and the District approves the additional time off. Upon expiration of the leave, an employee will generally be reinstated to his or her position with equivalent seniority, benefits, pay and other terms and conditions of employment.

Employees requesting time off must notify their direct Supervisor as soon as possible after learning the intended dates upon which such leave will begin and end. Approval of any leave request is conditioned upon certification from the proper Civil Air Patrol Authority of the employee's eligibility to take such leave. Failure to provide the required certification will result in denial of leave.

Employees may, but are not required to, elect to substitute any accrued unused vacation days, paid time off, or paid personal days for otherwise unpaid Civil Air Patrol Leave.

TIME OFF FOR CRIME VICTIMS

Employees who have been victims of serious or violent felonies, as specified under California law, or felonies relating to theft or embezzlement, may take time off work to attend judicial proceedings related to the crime. Employees also may take time off if an immediate family member has been a victim of such crimes and the employee needs to attend judicial proceedings related to the crime. "Immediate family member" is defined as spouse, registered domestic partner, child, child of registered domestic partner, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, or stepfather.

Employees must give their supervisor a copy of the court notice given to the victim of each scheduled proceeding before taking time off, unless advance notice to the District of the need for time off is not feasible. When advance notice is not feasible or an unscheduled absence occurs, the employee must provide the District with documentation evidencing the judicial proceeding within a reasonable time after the absence. The documentation may be from the court or government agency setting the hearing, the district attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim.

Employees may elect to use accrued paid vacation time, paid sick leave time, or other paid time off for the absence. If the employee does not elect to use paid time off, the absence will be unpaid. However, salaried exempt employees will be paid their full salary for any workweek interrupted by the need for time off under this policy.

LEAVE FOR JURY DUTY/WITNESS DUTY

An employee who is required to report for jury duty shall be granted time off from his/her duties until released by the court. While serving on a jury, the employee shall receive compensation from the District equal to the difference between his or her regular salary and the amount he or she is entitled to receive from the court for such jury service, less mileage.

An employee who is released from jury duty service is required to report for work as soon as possible the same day if that is the time he/she would normally be assigned to work. If the employee's normal work shift begins after the time the court would normally recess, then the employee is excused from work that day and shall return to work at the employee's next normally assigned day and time following the release from jury duty.

The above policy shall also be applied when an employee is called to testify as a witness to comply with a valid subpoena or other court order, and when called by the District to testify as a witness. However, an employee shall not be compensated for witness duty on legal action (including arbitration) brought against the District by the employee or his/her union unless his/her participation is on the District's behalf.

Employees are required to provide reasonable advance notice of the need for jury/witness leave.

Should these terms conflict with the terms of an employee's applicable collective bargaining agreement, the terms of the collective bargaining agreement control.

BEREAVEMENT LEAVE

In the case of death within the immediate family of an employee, the employee will be granted four (4) days of bereavement leave with full pay within ten (10) days of the date of death. Immediate family shall consist of spouse, registered domestic partner, parents, grandparents, siblings, children, grandchildren of the employee or the employee's spouse, or any other person who maintains a spouse-like relationship with the employee. Additional time required may be charged to vacation or floating holiday leave with the approval of an employee's supervisor.

Should these terms conflict with the terms of an employee's applicable collective bargaining agreement, the terms of the collective bargaining agreement control.

CALIFORNIA NEW PARENT LEAVE

Paid Family Care Leave ("PFL") is a state-sponsored insurance program within the State Disability Insurance ("SDI") program. PFL provides employees with partial wage replacement

for up to six (6) weeks in any twelve-month (12) period while absent from work to care for a seriously ill or injured family member or bonding with a minor child within one year of the child's birth or placement in connection with foster care or adoption.

Like SDI, PFL does not create the right to a leave of absence.

PFL is administered by the California Employment Development Department ("EDD") and not the Oxnard Harbor District. District employees apply directly to the EDD for benefits. An employee who is entitled to a leave of absence to care for a family member or bond with a child under FMLA and CFRA can receive PFL benefits while on FMLA and CFRA leave.

RELATED POLICIES:

N/A

DEFINITIONS:

N/A