



# Paradise Recreation & Park District

Agenda Prepared: 4/11/2024  
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## NOTICE OF BOARD OF DIRECTORS COMMITTEE MEETING

**Committee:** Personnel Committee (*Goodlin/Bellefeuille*)  
**Date:** Tuesday, April 16, 2024  
**Time:** 3:00 p.m.  
**Location:** Terry Ashe Recreation Center, Room A

Notice:

The public may listen to this meeting via computer or telephone. The public may submit comments prior to the meeting via email to [bodclerk@paradisepprd.com](mailto:bodclerk@paradisepprd.com) before 1:00 p.m. on the day of the meeting and they will be read into the record.

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**AGENDA:**

1. Discuss Personnel Rules 19 & 20

**CLOSED SESSION:**

1. The Committee will meet in Closed Session pursuant to California Government Code Section 54957.6, Employee Salary and Wage Negotiations.
2. The Committee will meet in Closed Session pursuant to California Government Code Section 54957, District Manager Evaluation and Employment Agreement.

[https://paradisepprd.sharepoint.com/sites/BODMeeting/Shared Documents/\\_Committee.Personnel/2024/PC.24.0319/\\_PC\\_24.0319\\_Agenda.docx](https://paradisepprd.sharepoint.com/sites/BODMeeting/Shared Documents/_Committee.Personnel/2024/PC.24.0319/_PC_24.0319_Agenda.docx)

# Staff Report

**April 16, 2024**

DATE: 4/11/2024  
TO: Personnel Committee  
FROM: Sarah Hoffman, Administrative Assistant III  
SUBJECT: Personnel Rules 19 and 20

## Report in Brief

On March 15, 2022 staff brought Personnel Rule 20 (Sick Leave) brought to the Personnel Committee on March 15, 2022, and then back on April 18, 2023. Both the committee and staff gave input and revisions were made. Staff is not bringing back Personnel Rule 20 for further refinement to then get adopted by the Board. Staff now also is seeking to refine Personnel Rule 19

**Recommendation:** Provide direction to staff

## Attachments:

- A. Personnel Rule 19- Original
- B. Personnel Rule 19- Revision
- C. Personnel Rule 20- Original
- D. Personnel Rule 20- Revision

[https://paradisepprd.sharepoint.com/sites/BODMeeting/Shared Documents/\\_Committee.Personnel/2024/PC.24.0423/BOD.Personnel.Rules.19.20.24.0411.docx](https://paradisepprd.sharepoint.com/sites/BODMeeting/Shared Documents/_Committee.Personnel/2024/PC.24.0423/BOD.Personnel.Rules.19.20.24.0411.docx)  
4/11/2024

## Rule 19 – Unpaid Leave

### **19.01 General Leave**

A general leave of absence may be granted by the Board of Directors to employees only on authorized terms and conditions and for a period not to exceed one year. Employee must submit a written request for General Leave to the PRPD Board of Directors a minimum of sixty (60) days prior to requested leave date. Employee must have been employed by the District in a full time position for a minimum of two (2) years prior to the request. PRPD Board of Directors are not obligated to grant a general leave but will review each request and make a determination based on District needs. If the leave is granted, the employee may not request another leave for three years from the ending date of that leave. Such leave shall be without compensation or accrual of benefits or seniority. Accrued vacation paid time off (PTO) must be used prior to the effective date of the general leave. Sick PTO shall not be used for general leave. During any periods of general leave time, employees electing to continue participating in health benefits shall be required to self-pay the necessary premiums in accordance with the terms of the plan. Employee will need to abide by all rules established by the District's Deferred Compensation Plan and CalPERS Retirement Plan and be required to self-pay the necessary premiums during this leave. Reinstatement is not guaranteed but a statement concerning the District's position on reinstatement will accompany any approved general leave.

### **19.02 Family and Medical Leave Policy**

The District provides Family and Medical Leave in accordance with state (California Family Rights Act or CFRA) and federal (Family and Medical Leave Act or FMLA) leave laws.

Reasons for Family and Medical Leave: Employees may take Family and Medical Leave for any of the following reasons: (1) the birth of the employee's child and to care for such child;

(2) the placement of a child with the employee for adoption or foster care and to care for the newly-placed child; (3) to care for a spouse, registered domestic partner, child, child of a registered domestic partner, or parent (“covered relation”) with a serious health condition; or (4) because of the employee’s own serious health condition that renders him/her unable to perform an essential function of his/her position. Leave because of reasons “1” or “2” must be completed within the 12-month period beginning on the date of birth, adoption, or placement. In addition, spouses employed by the District who request leave because of reasons “1” or “2” only may take a combined total of 12 weeks leave during any 12-month period.

*Additional Military Related Leave under the Federal FMLA:* Employees may request up to 26 weeks of unpaid leave in a single 12 month period, considered “Military Caregiver Leave.” The 12 month period begins on the first day of leave. Leave to care for an injured or ill service member, when combined with other Family and Medical qualifying leave, may not exceed 26 workweeks in a single 12-month period.

This leave entitlement provides an eligible employee time to care for a family member who is a wounded U.S. military personnel (including spouse, son, daughter, parent, or nearest blood relative) who suffered an injury or illness while on active-duty, provided that such injury or illness renders the family member medically unfit to perform duties of the member’s office, grade, rank or rating. An employee is entitled to 26 workweeks of leave for each injured or ill service member. An eligible employee may take more than one period of 26 workweeks of leave if the leave is to care for different service members.

An employee requesting a Military Caregiver Leave will be required to complete a Certification for Serious Injury or Illness Military form. The completed form must include certification from a U.S. Department of Defense health care provider. This military leave

entitlement extends to FMLA job-protected leave beyond the normal 12 weeks of FMLA leave.

Also, eligible employees may request up to 12 work weeks of FMLA leave, called “Qualifying Exigency Leave” arising out of a spouse, parent, or child’s active duty or call to active duty in support of a contingency operation as a member of the reserve components of the Army National Guard of the United States, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard of the United States, Air Force Reserve, Coast Guard Reserve, or a retired member of the Regular Armed Forces or Reserve. An eligible employee may take FMLA leave for any of the following “qualifying exigencies:” (a) short-notice deployment (fewer than seven (7) days’ notice), (b) military events and related activities, (c) childcare and school activities, (d) financial and legal arrangements, (e) counseling, (f) rest and recuperation, (g) post-deployment activities and (h) other additional activities to address events that arise out of the covered military member’s active duty or call to active duty.

The District may require a copy of the covered service member’s active duty orders or other documentation verifying the covered service member is on active duty and has been called to active duty to support a contingency operation.

*Eligibility:* To be eligible for Family and Medical Leave, the employee must have at least 12 months of service with the District and must have worked at least 1,250 hours during the 12-month preceding the date the leave is to begin. Additionally, the employee must work at a worksite where the District employs at least 50 part- or full-time employees within 75 miles of the worksite.

*Duration:* Employees may take up to a maximum of 12 workweeks of Family and Medical Leave within a 12-month period. (Military Caregiver Leave is allowed up to 26 weeks). Family and Medical Leave is calculated based on the “rolling” 12 month period which is measured backward from the date the employee uses any Family and Medical Leave. Each time an employee

requests Family and Medical Leave the number of weeks available will be based on the balance of the 12 workweeks that have not been used during the immediately preceding 12 months.

*Intermittent Leave:* Leave may be taken intermittently (in blocks of time due to a single health condition or on a reduced-time schedule) if the leave is for the serious health condition of the employee or the employee's family member, and if such intermittent leave is medically necessary as determined by the health care provider of the person with the serious health condition and if that need can be best accommodated through an intermittent or reduced leave schedule. The minimum duration that can be used for such leaves is one hour.

While an employee is on an intermittent or reduced leave schedule, the District may temporarily transfer him/her to an available alternative position that accommodates the recurring leave and has equivalent pay and benefits. The District may reduce the salary of an exempt employee on an unpaid leave based on the amount of time actually worked if there is a medical need to accommodate a reduced leave schedule.

Any leave taken for the birth, adoption, or foster placement of a child must be taken within one year of the birth or placement of the child with the employee. Leave for this purpose may be taken in minimum increments of two weeks. However, the District will grant a request for a leave of less than two (2) weeks' duration for this reason on any two (2) occasions.

Paid and unpaid leave granted under any of the reasons provided by state and federal law will be counted as family/medical leave and will be considered as part of the 12 workweek entitlement in a 12-month period.

*Procedure:* Employees requesting leave must contact their manager as soon as they become aware of the need for Family and Medical leave. A written request for FMLA, CFRA, and Pregnancy Disability Leave (PDL) must be completed by the employee on a FMLA Request

form. The District will give the employee a written flyer on – Employee Rights and Responsibilities under the FMLA. Once the leave is determined as covered by FMLA, the employee will be notified of whether the leave of absence is approved within five business days.

If the leave is for the birth, adoption, or foster placement of a child, or for planned medical treatment for a serious condition of the employee or family member, the employee must provide at least 30 days' advance notice before the leave is to begin. If 30 days' notice is not possible, notice must be given as soon as practicable. Additionally, if the employee is planning a medical treatment, he/she must advise his/her manager first regarding the dates of such treatment.

The District will require that the employee provide certification as explained below within 15 calendar days, after the employee is notified that his/her leave may qualify as Family and Medical leave, if practicable. If 30 days' notice is provided by the employee, then the employee should provide the medical certification before the leave begins.

If the leave is needed for the employee's own serious health condition, the employee must provide a certification from the health care provider stating:

1. the date of commencement of the serious health condition;
2. the probable duration of the condition;
3. that the employee is unable to work at all or is unable to perform any one of the essential functions of his/her position because of the employee's serious health condition.

A serious health condition involves more than three (3) consecutive, full calendar days of incapacity with a first visit to the health care provider within seven days of the first day of incapacity. Medical treatment on two (2) or more occasions must be within 30 days of the first day of incapacity unless extenuating circumstances exist. Additional treatment needed is

determined by the health care provider. The full definition of a “serious health condition” is noted at the end of this policy.

If an employee fails to provide medical certification in a timely manner, the District may delay the start of the FMLA leave. If the medical certification is incomplete or insufficient, the District will specify in writing the information that is lacking and give the employee seven (7) calendar days to provide the additional information.

The District will require an Employee Medical Certification form by the employee’s health care provider that the employee is fit to return to his/her job.

If the leave is needed to care for the serious health condition of a family member, the employee must provide certification from the health care provider stating:

1. the date of commencement of the serious health condition;
2. the probable duration of the condition;
3. an estimate of the amount of time that the health care provider believes the employee needs to take in order to care for the child, parent, or spouse; and
4. confirmation that the serious health condition warrants the participation of the employee.

*Medical Opinion:* If the Family and Medical Leave request is for the employee’s own serious health condition, the District may require, at its expense, a second opinion from a health care provider designated by the District. The health care provider designated by the District will not be one who is employed on a regular basis by the District. If the second opinion differs from the first opinion, the District may require, at its expense, that the employee obtain a third opinion by a health care provider approved jointly by the District and the employee. The third opinion shall be considered final and binding on the District and the employee.



Recertification may be required if the employee requests an extension beyond the original certification. Recertification can also be requested every six (6) months at the discretion of management.

California based employees who are disabled due to pregnancy will be eligible for up to 88 work days while considered disabled due to pregnancy, which are additional benefits under the Pregnancy Disability Leave Law. In California, time off from work because of the employee's disability due to pregnancy, childbirth, or related medical condition is also counted as times used for FMLA leave, where applicable. (See the Pregnancy Disability Leave policy for more information.)

Compensation is not paid: Family and Medical Leave is unpaid although the employee may be eligible for short- or long-term disability payments and/or workers' compensation benefits under those insurance plans. Those plans are described elsewhere in this Personnel Rules Manual. Eligible employees may use accrued paid time, including administrative time, personal days, vacation and sick time, for unpaid Family and Medical Leave. During periods that employees are not receiving any wage-replacement benefits through programs such as workers' compensation or disability insurance, the District may require the employee to use accrued paid time, including administrative time, personal days, vacation and sick time.

The substitution of paid leave for unpaid leave does not extend the maximum 12-week leave period. Further, in no case may the substitution of paid leave for unpaid leave result in the employee receiving more than 100% of his/her salary. If the employee is not eligible to substitute paid leave, he/she may still be eligible for unpaid Family and Medical Leave.

Employees on leave will not continue to accrue vacation or sick leave.

Reporting While on Leave: Employees who take leave because of their own serious

condition or to care for a covered family relation, must contact the District as directed regarding the status of the condition and their intention to return to work. In addition, employees must give reasonable notice if the dates of leave change or are extended or initially were unknown.

*Medical and Other Benefits:* For the first 12 weeks of an approved Family and Medical Leave, the District will maintain the employee's health benefits as if he/she continued to be actively employed. If the employee takes a leave for disability caused by pregnancy, childbirth, or a related medical condition and follows that leave with "bonding" leave (covered by CFRA) to care for the newborn child, the leave may exceed 12 weeks, but the District will only pay for medical benefits for the first 12 weeks the employee is on leave. If paid leave is substituted for unpaid Family and Medical Leave, the District will deduct the employee's portion of the health plan premium as a regular payroll deduction. If the leave is unpaid, the employee must pay his/her portion of the premium as directed by the District. The employee's health care coverage will cease if the employee's premium payment is more than 30 days late. If the employee's payment is more than 30 days late, the District will send the employee a letter to this effect. If the District does not receive the employee's co-payment within 15 days of that letter, the coverage may cease. If the employee elects not to return to work for at least 30 calendar days at the end of the leave period, he/she may be required to reimburse the District for the cost of the health care benefit premiums paid by the District for maintaining coverage during the unpaid leave, unless the employee cannot return to work because of a serious health condition or other circumstances beyond his/her control.

*Reinstatement:* Upon return from a Family and Medical Leave with an acceptable fitness for duty evaluation, an employee will be reinstated to his/her original position or to an equivalent position with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement than if the employee had been continuously

employed rather than on leave. For example, if an employee on Family and Medical Leave would have been laid off had he/she not gone on leave, or if the employee's position has been eliminated during the leave, then the employee would not be entitled to reinstatement. An employee's use of family and Medical Leave will not result in the loss of any employment benefits that the employee earned or was entitled to before the leave.

Employees (or their designee if they are not able) are expected to provide regular reports of their status and intent to return to work while on FMLA leave. Employees are expected to return to work on the date agreed to on the Family/Medical Leave Request form.

Reinstatement may be denied to certain salaried "key" employees. Such employees will be notified of this possibility at the time the leave is requested.

An employee on FMLA leave may not accept employment with any other employer without the District's written permission. If an employee takes another job while on FMLA leave or any other authorized leave of absence, it may be considered a voluntary resignation of employment.

If an employee fails to report to work promptly at the end of the leave, the District will assume that the employee has resigned.

*Extended Leave for Serious Health Condition:* Leave taken because of the employee's own serious health condition may be extended upon: (1) written request to the District; (2) proof that the serious health condition has continued; and (3) approval by the District. If the employee does not return to work on the originally scheduled return date or requests in advance an extension of the agreed upon leave with appropriate documentation, the employee may be deemed to have voluntarily resigned employment with the District. If the employee requests an extension of the leave beyond the 12-week entitlement, he/she may be required to submit additional documentation

explaining or justifying the need for additional leave. Reinstatement is not guaranteed on an extended leave and will depend on District needs. Additionally, the employee will not be eligible for continued health care benefits during the leave. The employee may, however, be eligible to continue health care coverage through COBRA.

**Further definition of a “serious health condition”** means an illness, injury, impairment, or physical or mental condition that involves one of the following:

1. Hospital Care

Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.

2. Absence Plus Treatment

a. A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves.

- 1) Treatment (two or more times by a health care provider, by a nurse, or physician’s assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider), or
- 2) Treatment by a health care provider on at least one occasion which results in the regimen of continuing treatment under the supervision of the health care provider.

3. Pregnancy

Only under FMLA, any period of incapacity due to pregnancy, or for prenatal care.

#### 4. Chronic Conditions Requiring Treatment

A chronic condition which:

- a. 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;
- b. Continues over an extended period of time (including recurring episodes of a single underlying condition); and
- c. May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

#### 5. Permanent / Long Term Conditions Requiring Supervision.

A period of incapacity which 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. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

#### 6. Multiple Treatments (Non-Chronic Conditions)

Any period of absence to receive multiple treatments (including any period of recovery there from) by a health care provider or by a provider of health care services under orders of, or on referral 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 such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

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

The District provides unpaid pregnancy disability leave (PDL) to any employee who is temporarily unable to work due to a disability related to pregnancy, childbirth or related medical conditions.

Employees who are affected by pregnancy or a related medical condition are also 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. Where transfers are made based on the employee's health needs, the employee will receive the pay that accompanies the alternative position.

*Procedures for Requesting Leave:* Employees should make requests for PDL to a manager at least 30 days in advance of foreseeable events and as soon as possible for unforeseeable events.

A health care provider's statement must be submitted verifying the need for PDL and stating:

1. The date on which the employee became disabled due to pregnancy, childbirth, or related medical condition, or the date on which the need for a transfer became medically advisable;
2. The probable duration of the period or periods of disability or the need for transfer; and
3. A statement that, due to the disability, the employee is unable to perform one or more of the essential functions of her position without undue risk to herself, the successful completion of her pregnancy, or to other persons, or that the transfer is medically advisable.

Recertification may be required if the employee requests an extension beyond the original certification.

Any changes in this information contained in the health care provider's statement should be promptly reported to a manager.

*Length of Leave:* Full-time employees are normally granted unpaid leave for the period of the disability, up to a maximum of four months (88 working days). Part-time employees are granted unpaid leave on a pro-rata basis.

PDL does not need to be taken in one continuous period of time but can be taken on an as-needed basis. In other words, leave may be taken intermittently or on a reduced work schedule when determined medically advisable by the employee's health care provider. The smallest increment of time that can be used for such leave is one hour. The District may transfer the employee to an alternative position or alter the existing job to accommodate intermittent leave or a reduced work schedule. The employee will receive the same pay and benefits in the alternative position.

*Compensation During Leave:* PDL is unpaid by the District. However, an employee may use accrued sick, vacation/administrative leave during PDL. During periods the employee is not receiving any wage replacement benefits through programs such as state disability insurance, the District may require the employee to use accrued sick leave. Substituted paid leave time will be counted toward the four-month entitlement.

*Leave Concurrent with Family and Medical Leave:* If the employee is eligible for leave under the federal Family and Medical Leave Act, the PDL will also be designated as time off under the FMLA. Please see the Family and Medical Leave policy for time off and benefits coverage during these leave periods.

*Benefits During Unpaid Leave:* Employees on PDL will accrue further vacation or sick leave and will not be paid for holidays during any portion of the leave that is unpaid. The District

will continue to pay its portion of medical premium payments until the end of the first month of PDL unless the employee is also covered by the FMLA. After medical coverage ceases, the employee may self-pay full medical premiums under the provisions of COBRA.

*Return to Work:* So that an employee's return to work can be properly scheduled, an employee on PDL is requested to provide her supervisor with at least two weeks' advance notice of the date she intends to return to work.

When PDL ends, an employee will be reinstated to her original position or to a comparable position with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement than if the employee had been continuously employed rather than on leave. For example, if an employee on PDL would have been laid off had she not gone on leave, or if the employee's position has been eliminated during the leave and there is no comparable position available, then the employee would not be entitled to reinstatement. An employee's use of PDL will not result in the loss of any employment benefit that the employee earned or was entitled to before the leave.

Employees returning from PDL must submit a health care provider's verification of their fitness to return to work.

If the PDL expires and the employee fails to return to work or request an extension of the leave without contacting her manager, the District will assume that she does not plan to return and that she has ended her employment.

#### **19.04 Activities Leave**

If an employee who is the parent or guardian of a child facing suspension from school is summoned to the school to discuss the matter, the employee should alert his or her manager as soon as possible before leaving work.



Employees are encouraged to participate in the school activities of their child(ren). The absence is subject to all of the following conditions:

- Parents, guardians, or grandparents having custody of one or more children in kindergarten or grades one to twelve may take time off for a school activity;
- The time off for school activity participation cannot exceed eight hours on any calendar month, or a total of 40 hours each school year;
- Employees planning to take time off for school visitations must provide as much advance notice as possible to their manager;
- If both parents are employed by the District, the first employee to request such leave will receive the time off. The other parent will receive the time off only if the leave is approved by his or her manager;
- Employees must use accrued vacation time in order to receive compensation for this time off;
- Employees who do not have vacation time available may take the time off without pay; and
- Employees must provide their manager with documentation from the school verifying that the employee participated in a school activity on the day of the absence for that purpose.

#### **19.05 Military**

The District does not have a paid military leave policy; however it is the District's policy to approve requests for time off without pay to meet military obligations, reserve or otherwise. Employees who wish to serve in the military and take military leave are asked to coordinate leave with the needs of the District whenever possible with as much advance notice as possible. Please contact the District Manager for information about rights before and after such leave. You are

entitled to reinstatement upon completion of military service provided you return or apply for reinstatement within the time allowed by law.

#### **19.06 California Family Military Leave**

Employees who work an average of 20 or more hours per week may be eligible for an unpaid leave of absence for up to 10 days to spend with their spouse or registered domestic partner who is a “qualified member” of the U.S. armed Forces, National Guard or Reserves. A “qualified member” is a member of the U.S. Armed Forces who has been deployed during a period of military conflict to an area designated as a combat theater or combat zone by the President of the United States, or a member of the National Guard or Reserves who has been deployed during a period of military conflict.

The employee must provide the District with a written request for the leave within two business days of receiving official notice that the qualified member will be on leave from deployment. The employee must also provide documentation certifying that the qualified member will be on leave from deployment during the time that the employee requests the leave. Available vacation may be used during this leave.

Please see Section 19.02 for further information on the District’s Family Military Leave Policy.

#### **19.07 Volunteer Fire Fighters Leave**

No employee shall receive discipline for taking time off to perform emergency duty as a volunteer fire fighter. Employees participating as a volunteer fire fighter should alert their supervisor so that he or she may be aware of the fact that the employee may have to take time off for emergency duty. In the event that the employee needs to take time off for emergency duty, the supervisor should be contacted before doing so, when possible.

### **19.08 Rehabilitation Leave**

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 leave for this purpose. You should notify your supervisor 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.

### **19.09 Domestic Violence Leave**

Employees who are victims of domestic violence are eligible for unpaid leave. Employees may request leave if involved in a judicial action, such as obtaining restraining orders, or appearing in court to obtain relief to ensure the health, safety, or welfare for themselves or their child.

Employees should provide notice and certification of the need to take leave under this policy. Certification may be sufficiently provided by any of the following:

- A police report indicating that the employee was a victim of domestic violence;
- A court order protecting or separating the employee from the perpetrator of an act of domestic violence, or other evidence from the court or prosecuting attorney that the employee appeared in court; or
- Documentation from a medical professional, domestic violence 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.

The District will, to the extent allowed by law, maintain the confidentiality of employees requesting leave under this provision.

The length of unpaid leave employees may take is limited to 12 weeks as provided for in the federal Family and Medical Leave Act of 1993.

#### **19.10 Victim of Crime Leave**

An employee who is a victim or who is the family member of a victim of a violent felony or serious felony may take time off from work under the following circumstances:

- The crime must be a violent or serious felony, as defined by law; and
- The employee must be the victim of a crime or must be an immediate family member of a victim, a registered domestic partner of a victim, or the child of a registered domestic partner of a victim.

An immediate family member is defined as: a spouse, registered domestic partner, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father or stepfather.

The absence from work must be in order to attend judicial proceedings related to a crime listed above.

Before an employee is absent for such a reason, he/she must provide documentation of the scheduled proceeding. Such notice is typically given to the victim of the crime by a court or government agency setting the hearing, a district attorney or prosecuting attorney's office or a victim/witness office.

If advance notice is not possible, the employee must provide appropriate documentation within a reasonable time after the absence.

Any absence from work to attend judicial proceedings will be unpaid, unless the employee chooses to take paid time off, such as vacation or sick leave.

#### **19.11 Meal Period**

Non-exempt employees will be scheduled an unpaid meal period for at least 30 minutes but not more than 60 minutes. The non-exempt employee shall not work more than five (5) hours without a meal period. Non-exempt employees must record the lunch period taken on their time sheet. Employees are relieved from all duty during their meal period and may leave the District's premises. Employees are to adhere to District policies and to use discretion in their activities during their meal period.

## **Rule 19 – Unpaid Leave –**

### **Note: Simplified Version**

#### **19.01 General Leave**

- Employees may request a general leave of absence for up to one year by submitting a written request to the PRPD Board of Directors at least 60 days before the requested leave date.
- To be eligible, employees must have been in a full-time position with the District for at least two years. The Board will review each request based on District needs.
- If granted, the leave is without compensation or benefits accrual, and accrued vacation PTO must be used before the leave starts.
- Health benefits participants during general leave must self-pay premiums. Reinstatement is not guaranteed.

#### **19.02 Family and Medical Leave Policy**

Family and Medical Leave follows California Family Rights Act (CFRA) and Federal Family and Medical Leave Act (FMLA) laws.

- Eligible reasons include birth, adoption, or serious health conditions of the employee, spouse, registered domestic partner, child, or parent.
- Military-related leave can extend up to 26 weeks.
- Eligibility requires 12 months of service, 1,250 worked hours in the preceding 12 months, and employment at a worksite with at least 50 employees within 75 miles.
- Intermittent leave is allowed for health conditions and may result in temporary position transfers.
- Employees must request leave, provide medical certifications, and give notice as soon as possible.
- Health benefits are maintained during the first 12 weeks. Compensation is unpaid, but eligible employees can use accrued paid time.
- Reporting requirements and reinstatement conditions apply. Extended leave may be granted for a serious health condition, subject to approval. Serious conditions include hospital care, treatment, pregnancy, chronic conditions requiring treatment, Permanent / Long Term Conditions Requiring Supervision, and Multiple Treatments (Non-Chronic Conditions). The employee will need to provide documentation for these serious events.

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

PDL provides unpaid leave for pregnancy-related disabilities, transfer to less strenuous roles, and intermittent leave.

- Employees must request PDL 30 days in advance or as soon as possible for unforeseeable events.

- Full-time employees can take up to four months of PDL. Part-time employees receive pro-rata leave.
- PDL is unpaid, but employees can use accrued sick or vacation time. Benefits and reporting align with FMLA.
- The return to work requires a health care provider's verification.

#### **19.04 Activities Leave**

Parents or guardians facing a child's school suspension should notify their manager before leaving work. Employees can participate in their child's school activities under certain conditions:

- Maximum eight hours per calendar month or 40 hours per school year.
- Provide advance notice to the employee's supervisor.
- If both parents work for the District, the first request is approved, and the other parent needs manager approval.
- Compensation is through accrued vacation time or unpaid leave.
- Documentation from the school is required.

#### **19.05 Military**

- Unpaid leave is approved for military obligations, reserve duty, etc.
- Coordination with District needs is advised, and reinstatement is guaranteed upon completion of military service.

#### **19.06 California Family Military Leave**

- Eligible employees (20+ hours/week) can take up to 10 days of unpaid leave to be with a qualified member of the U.S. Armed Forces.
- Written request and documentation required, and available vacation may be used.

#### **19.07 Volunteer Fire Fighters Leave**

- No discipline for taking time off as a volunteer firefighter.
- Employees should inform supervisors before and, if possible, during emergency duty.

#### **19.08 Rehabilitation Leave**

- The District accommodates voluntary entry into alcohol or drug rehabilitation programs.
- Leave may be unpaid or on an adjusted schedule, using accumulated sick leave if available.

#### **19.09 Domestic Violence Leave**

- Victims of domestic violence are eligible for unpaid leave.
- Notice and certification are required, and confidentiality is maintained.

- Leave is limited to 12 weeks as per FMLA.

#### **19.10 Victim of Crime Leave**

- Victims or family members of victims of violent felonies may take time off for judicial proceedings.
- Advance notice or documentation of the scheduled proceeding is required.
- Absence is unpaid unless paid time off is chosen.

#### **19.11 Meal Period**

- Non-exempt employees receive an unpaid meal period of 30 to 60 minutes.
- No more than five hours can pass without a meal period.
- Employees should record lunch periods on their timesheets and adhere to District policies during this time.

[https://paradisepd.sharepoint.com/sites/HumanResources/Shared Documents/Personnel.Rules/Revisions/Rule 19\\_CGPT\\_Revision\\_23.1127.docx](https://paradisepd.sharepoint.com/sites/HumanResources/Shared Documents/Personnel.Rules/Revisions/Rule 19_CGPT_Revision_23.1127.docx)

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## Rule 20 – Paid Time Off (PTO)

### **20.01-A Sick Paid Time Off (Full-Time and Part-Time Benefited)**

Sick Paid Time Off (PTO) for full-time and part-time benefited employees who are in their introduction period or regular period of employment. Sick PTO shall in all instances be granted subject to the following terms:

1. Full-Time employee shall accrue sick PTO at the rate of one (1) working day per month cumulative to maximum of 120 days after which no sick PTO will be earned. Part-time benefited employees will accrue a prorated portion as stated in their job description.
2. An appointing authority shall approve sick PTO only after ascertaining that the absence was due to illness or unfitness for work for medical reasons, and a health care provider certificate may be required, and will be required if an employee is absent due to medical reasons for more than ten (10) work days consecutive. The health care provider certification must state:
  - Date of commencement of the serious health condition;
  - Probable duration of the condition;
  - Inability of the employee to work at all or to perform any one or more of the essential functions of his or her position because of the serious health condition.
  - If probable duration of the condition is extended, employee will be required to provide a certification stating this extension.
3. If an employee uses all of his or her accrued sick PTO, additional time off for illness will be "leave without pay", unless the employee requests accrued vacation time to be used or qualifies for other leave time as stated in these Rules.
4. Accrued Sick PTO may be used for the following leave qualifying events:

- a. The birth of a child and in order to care for such child.
  - b. The placement of a child with the employee for adoption or foster care and in order to care for the newly placed child.
  - c. Diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee's family member.
  - d. For an employee who is the victim of domestic violence, sexual assault, or stalking.
5. Unused Sick PTO Payback - Upon termination in good standing, a Full-Time or Part-Time Benefitted employee who has accrued more than twenty (20) days of sick PTO will be compensated for that portion in excess of twenty (20) days sick PTO at 75% of the employee's current rate of pay, up to a maximum of three thousand two-hundred (\$3,200) dollars. A retiring employee may elect to participate in the District's 457 Plan and use accrued sick PTO pay as outlined above to invest in this plan as allowed under the rules and regulations of the District's 457 Plan.
6. Sick Leave Sell Back Policy - Each year full-time and part-time benefitted employees will have the option to cumulate or sell back their sick leave accrual from the previous year under the following guidelines. The word "accrued" is defined in the Sick Leave Sell Back Policy as remaining sick leave:
- a. To be eligible for Sick Leave Sell Back, an employee must have; (1) accrued over six (6) days of sick leave within the twelve month period of January 1st through December 31st of the current year, or; (2) has accrued over one hundred twelve (112) days of sick leave overall.
  - b. At the employee's request the District will purchase back a maximum of six (6) days

- of sick leave if the employee is eligible. A Sick Leave Sell Back Request Form must be completed and turned into the District Manager between December 1st and December 15th if the employee wishes to apply. An employee may include any anticipated accrued sick leave up to and including December 31st of the current year in Sick Leave Sell Back Request Form. If necessary, the Sick Leave Sell Back Request Form will be adjusted on December 31st to reflect the true accrued figure.
- c. The District will only purchase back the accrued sick leave above six (6) days of the current year unless an employee has accrued over one hundred twelve (112) days of sick leave, then the employee may sell back up to the maximum six (6) days of sick leave accrued over one hundred twelve (112) days.
  - d. The District will purchase back sick leave at a rate of 75% of the employee's hourly wage. The hourly wage used will be the employee's hourly wage as of December 15th of the current year.
  - e. Once a check is processed for Sick Leave Sell Back, the employee may not change the request. Sick leave hours that an employee sells back to the District are used and no longer available to the employee. Money received from Sick Leave Sell Back will be taxed as income and checks will be issued the first pay period in January.

**20.01-B Sick Paid Time Off (Part-Time)**

Sick Paid Time Off (PTO) for part-time employees who on or after July 1, 2015, work for 30 or more days within a year from the date of commencement of employment are entitled to receive paid sick days subject to the following terms:

1. A part-time employee who, on or after July 1, 2015, works for the Paradise Recreation and Park District for thirty (30) days or more days within a year is entitled to Sick PTO. For

purposes hereof, a work day is any 24 hour period, 12 a.m. to 11:59 p.m., during which a part-time employees works.

2. An eligible part-time employee shall accrue Sick PTO at the rate of one hour per every 30 hours worked, beginning July 1, 2015 or at the commencement of employment after this date.
3. A part-time employee shall be entitled to use accrued Sick PTO beginning on the 90<sup>th</sup> day of his or her employment, after which day the employee may use Sick PTO as they are accrued.
4. A part-time employee may not use over twenty-four (24) hours or three days of accrued Sick PTO in each fiscal year (July 1 through June 30).
5. Accrued Sick PTO shall carry over to the following year of employment. However, a part-time employee cannot accrue over forth-eight (48) hours of Sick PTO or six days.
6. Accrued but unused Sick PTO shall be forfeited on the termination of an employee's employment. However, if a part-time employee separates from the Paradise Recreation and Park District and is rehired by PRPD within one year from the date of separation, previously accrued and unused Sick PTO shall be reinstated. The employee shall be entitled to use those previously accrued and unused Sick PTO and to accrue additional Sick PTO upon rehiring.
7. If the need to use Sick PTO is foreseeable the employee shall provide reasonable advance notification to his or her immediate supervisor. If the need to use Sick PTO is unforeseeable the employee shall provide notice of leave as soon as practicable.
8. The part-time employee must submit a written leave form, stating the hours requested or used for Sick PTO, to his or her immediate supervisor for approval.

9. A part-time employee shall be paid for Sick PTO taken no later than the payday for the payroll period during which the approved Sick PTO was taken.
10. The part-time employee shall receive his or her current hourly wage for approved Sick PTO.
11. Once a month eligible part-time employees who qualify for Sick PTO will receive written notice that set forth the amount of Sick PTO available.
12. Sick PTO for part-time employees may be used in the following leave qualifying events:
  - a. The birth of a child and in order to care for such child.
  - b. The placement of a child with the employee for adoption or foster care and in order to care for the newly placed child.
  - c. Diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee's family member.
  - d. For an employee who is the victim of domestic violence, sexual assault, or stalking.
13. A part-time employee may only use sick leave for work hours missed because of qualifying events.

#### **20.02 Vacation Paid Time Off**

Vacation PTO is a benefit to full-time or part-time benefited employees who are in their introduction period or regular full-time. It shall be granted on the following terms:

1. Accrual shall be computed from the date of hire:
  - a. During the first through the fifth years of compensated and continuous service, an employee shall accrue twelve (12) days of vacation PTO per year, providing that no vacation shall actually be taken until completion of the orientation period.
  - b. During the sixth through fifteenth year of compensated and continuous service, an

Employee shall accrue twenty (20) days of vacation PTO per year.

- c. Beginning with the sixteenth year of compensated and continuous service, and each year thereafter, an employee shall accrue twenty three (23) days of vacation PTO per year.
  - d. Part-time benefited employees will receive a prorated portion of vacation PTO as stated in their job description.
2. The balance of accrued unused vacation PTO for any employee shall be limited to twenty (20) days for employees with less than six years of service, and thirty-two (32) days for employees with six through fifteen years of service, and thirty-six (36) days for employees with over sixteen years of service. Accrual of vacation PTO will stop once the limit is reached and will not start again until after the unused vacation PTO accrual is below the limit.
  3. Vacation PTO shall be taken with the prior approval of the appointing authority, provided that there is no reasonable basis for denial of an employee's request. Appointing authorities shall be responsible for ensuring that employees have the opportunity to take vacation PTO each year.
  4. Upon death, retirement, or layoff, or upon resignation from the classified service, an employee or said employee's estate shall be paid one hundred percent (100%) of the value of any accrued, unused vacation PTO. Valuation shall be on the basis of the hourly equivalent of said employee's monthly salary at the effective date of termination or resignation.

A retiring employee may elect to participate in the District's 457 Plan and use accrued vacation PTO pay as outlined above to invest in this plan as allowed under the rules and

regulations of the District's 457 Plan.

**20.03 Bereavement Leave PTO**

In the event of a death in the immediate family of an employee, the employee shall, upon request, be granted up to three consecutive days funeral leave with pay to make arrangements for the funeral and attend same without charge to the accumulated sick leave credits or vacation eligibility.

If additional bereavement leave is necessary, the employee may use accrued sick leave or vacation or take an authorized leave without pay, subject to the approval of the employee's immediate supervisor and the District Manager.

For the purposes of this section, the immediate family shall be restricted to father, mother, spouse, registered domestic partner, child, brother, sister, grandparents, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, and son-in-law.

**20.04 Holidays**

The following holidays are officially recognized holidays. On such holidays, an employee shall be entitled to time off with full pay if the employee is regular full-time or in their orientation period. If the employer and employee agree, the employee may work a holiday as part of a normal work week and take the holiday at another time so long as it is within the fiscal year in which the holiday falls.

1. January 1, New Year's Day; \*
2. The third Monday of January, Martin Luther King Day; \*
3. The third Monday in February, in observance of President's Day. \*
4. The last Monday in May, in observance of Memorial Day. \*
5. July 4, Independence Day. \*

6. The first Monday in September, Labor Day. \*
7. November 11, Veterans' Day.
8. The fourth Thursday in November in observance of Thanksgiving. \*
9. The Friday following Thanksgiving. \*
10. December 25; Christmas Day. \*
11. Days between Christmas and New Years'. \*

If New Year's Day, Independence Day, Veterans Day, or Christmas Day, falls upon a Sunday, the Monday following shall be observed as the holiday; if such foregoing date falls upon a Saturday, the preceding Friday shall be observed as the holiday.

\* Part-time benefited employees are entitled to these holidays.

#### **20.05 Rest Period PTO**

All non-exempt employees who work an eight hour shift are provided two paid 10 minute Rest periods per shift; one on each approximate four-hour period before and after the meal period. Rest periods may not be combined or added to an employee's meal period. Rest periods are paid as time worked and employees must remain on the premises during the 10 minute rest period and return to work promptly.

Nursing mothers are encouraged to use this time, in a private place, to express breast milk. If this is not possible, nursing mothers are authorized to take a reasonable amount of unpaid break time in a private place to express breast milk.

Employees are to adhere to District policies and to use discretion in their activities during rest periods.

#### **20.06 Jury and Witness PTO**

An employee who is called for jury duty or subpoenaed to appear as a witness, other than as



an expert witness or party to the action, shall receive PTO for such purpose on the terms that follows:

1. Regular full-time employees will be paid the difference between regular straight-time pay and the jury pays for each day of work missed due to jury duty. In addition, exempt employees will be paid their full salary for any work week interrupted by jury service.
2. The employee shall receive PTO provided that any witness fees or jury fees are assigned to PRPD.
3. You must present your jury summons to your supervisor as soon as you receive it. You shall report to work during hours or days that your presence is not required on the jury panel. An employee who does not work when available will not receive pay for the day and discipline action may be taken.
4. In the event the volume of work or the expressed nature of your position necessitates it, a request for postponement of jury service can be made. If you and the PRPD believe that it is necessary we will assist you, if possible, in requesting a postponement. It is every employee's obligation and duty to serve jury duty. We encourage you to do so and would like to be able to schedule it when our work load best permits you to fulfill your duty.

#### Acting as a Witness

You may be required by law to appear in court as a witness. The PRPD provides regular full-time employees paid time off for this purpose provided that witness fees are assigned to the District. We ask that you give your supervisor as much advance notice, as possible, of when you will be absent.

If called as a witness in litigation in which the PRPD is a party, or to testify in an official

capacity as a PRPD employee, the employee shall receive PTO and an allowance for any necessary travel, provided that any witness fees are assigned to the PRPD.

**20.07 Voting PTO**

In the event that an employee does not have sufficient time outside of working hours to vote in a statewide election, the employee may take off enough working time to enable him or her to vote. Such time off shall be taken at the beginning or the end of the regular work shift, whichever allows for more free time, and the time taken off shall be combined with the voting time available outside of working hours. Under these circumstances an employee will be allowed a maximum of two hours on the Election Day without loss of pay. Where possible, the employee shall give his or her supervisor at least two days notice that time off to vote is needed.

**20.08 Administrative Time Off**

All exempt employees shall receive administrative time off during the fiscal year (July 1 through June 30). Administrative time off per category is as follows:

- District Manager and Assistant District Manager            76 hours per fiscal year

Administrative time off does not accrue from year to year and must be used before the end of each fiscal year. Exempt employees shall request administrative time off in advance, in writing, to be approved by the District Manager.

Upon separation, eligible employees are paid for the earned but unused Administrative time off.

# Rule 20 – Paid Time Off (PTO) –

**Note: Simplified version**

## 20.01-A Sick Paid Time Off (Full-Time)

Full-time employees earn one working day of sick PTO per month, up to a maximum of 120 days. No additional sick PTO is earned beyond this limit. Sick PTO may only be used for qualifying events.

### a. Sick PTO Sell Back Policy

- Each year, full-time employees may choose to accumulate or sell back their sick leave. The employee must submit the Sick PTO Sell Back Request Form to the District Manager between December 1st and December 15th. The employee may estimate the anticipated amount including December 31<sup>st</sup> (this may be adjusted to actual amounts).
- Once a check is processed, the employee may not change the request, and Sick PTO hours sold back to the District are considered used and not available to the employee. Money received will be taxed as income and included in the first pay period employee paycheck in January.
- The eligibility and buyback rate are determined under one of the following guidelines:

Eligibility Sick PTO Sell Back Condition	District Buyback Policy	Rate
Annual (current calendar year) - accrued greater than (>) 6 days (48 hours)	Sick PTO above 6 days, up to 6 days (48 hours).	75% of the employee's hourly wage as of December 15th of the current year.
Cumulative (since employee start date) - total accrued greater than (>) 112 days (896 hours)	Up to 6 days (48 hours)	

### b. Unused Sick PTO Payback

Upon separation in good standing, employees are compensated based on the accumulated sick PTO according to the table below. Retiring employees can invest unused sick PTO in the District's 457 Plan or apply to the health plan with CalPERS as allowed under the current rules associated with these programs.

Cumulative Days of Sick PTO	District Buyback Policy
Less than twenty (20) days (160 hours)	None – Not eligible.
Greater than 20 days (160 hours)	The District compensates employee for time more than twenty (20) days at 75% of the employee's current pay rate. Capped at a maximum of three thousand two hundred (\$3,200) dollars.

## 20.01-B Sick Paid Time Off (Part-Time)

Part-time employees working for 30 or more days within a year will be allocated sick PTO as per the amount prescribed under California law. Currently, they can use up to 40 hours per fiscal year, and any unused sick PTO carries over to the next year. Unused sick PTO is forfeited upon termination but reinstated if rehired within one year.

## 20.01-C Approval of Sick PTO and Qualifying Events

Supervisors approve sick PTO for medical reasons with reasonable notice. Employees need to provide a health care provider certificate for absences exceeding ten consecutive workdays. Sick PTO can be used for specific qualifying events.

## 20.02 Vacation Paid Time Off (PTO)

Full-time employees accrue vacation PTO based on service years. Accrual begins from the date of hire, and no PTO is taken before completing the orientation period. Supervisors approve vacation PTO, and upon separation, employees are compensated for accrued, unused vacation PTO. Supervisors shall be responsible for ensuring that employees take vacation PTO each year. The rates for vacation PTO is as follows:

Service Years	Vacation (PTO) Accrual Rate	Maximum Cap
1-5	12 days/year (96 hours/year)	20 days (160 hours)
6-15	20 days/year (160 hours/year)	32 days (256 hours)
>16	23 days/year (184 hours/year)	36 days/year (288 hours/year)

Upon separation from the District, an employee or employee's estate shall be paid one hundred percent (100%) of the value of any accrued, unused vacation PTO. Valuation shall be based on the hourly equivalent of said employee's monthly salary at the effective date of termination or resignation. A retiring employee may use accrued vacation PTO to participate, as allowed, under the rules and regulations of the District's 457 Plan.

## 20.03 Bereavement Leave Paid Time Off (PTO)

Employees can take up to three consecutive days of bereavement leave with pay for the death of an immediate family member. The immediate family is defined as father, mother, spouse, registered domestic partner, child, brother, sister, grandparents, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, and son-in-law. Additional bereavement leave may use accrued sick leave, vacation, or authorized leave without pay, subject to approval of the employee's immediate supervisor and the District Manager.

## 20.04 Holidays

Full-time employees are entitled to time off with pay for recognized holidays. Part-time benefited employees are also entitled to these holidays. If a holiday falls on a weekend, it is observed on the nearest weekday.

- January 1, New Year's Day;
- The third Monday of January, Martin Luther King Day;
- The third Monday in February, President's Day.
- The last Monday in May, Memorial Day.
- July 4, Independence Day.
- The first Monday in September, Labor Day.
- November 11, Veterans' Day.
- The fourth Thursday in November, Thanksgiving.
- The Friday following Thanksgiving.
- December 25; Christmas Day.

- Days between Christmas and New Years’.

**20.05 Rest Period PTO**

Employees receive two paid 10-minute rest periods per eight-hour shift. Rest periods are paid, and nursing mothers are encouraged to use this time for expressing breast milk. Employees must adhere to district policies during rest periods.

**20.06 Jury and Witness PTO**

Employees called for jury duty or as witnesses receive PTO. Regular full-time employees receive the difference between regular pay and jury pay. Employees must present jury summons promptly. Requests for postponement of jury service can be made.

**20.07 Voting PTO**

Employees without sufficient time to vote outside working hours can take up to two hours on Election Day without loss of pay. Employees must provide advance notice to the supervisor.

**20.08 Administrative Time Off**

Exempt employees receive administrative time off annually. The amount varies by position and must be used before the end of the fiscal year. Unused administrative time off is compensated upon separation.

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