

FINANCE OFFICER'S REPORT

June 29, 2007

TO: Board of Directors

FROM: Suha Kilic, Finance Officer

SUBJECT: **Administrative Code Amendments**

ISSUE

The District Administrative Code needs to be amended to implement recent laws and recommended practices as well as to clarify administration of certain existing policies.

RECOMMENDATION

It is recommended the Board consider adopting and incorporating the attached revised personnel policies into the District Administrative Code.

BACKGROUND & DISCUSSION

The District Administrative Code was originally adopted in 1992. It was revised and/or expanded on a few occasions since its adoption. A recent review of the Code revealed that certain sections need to be added to be in compliance with recent State laws, and some sections need to be clarified or updated. All proposed changes and newly added code sections are attached. The deletions (strikethrough) and additions (underlined) are printed in red color. The newly added sections are printed in blue color. Below is a summary of the changes which are recommended to be read together with the attachment:

2080.10: Sentence removed to avoid conflict with other sections where the benefit accruals for employees are specified.

2090.20: Vacation accruals for part time employees are clarified.

2090.21 & 2090.22: Currently employees accrue 10 days of vacation during the first five years and 15 days of vacation between five to ten years of employment. If approved, the employees will accrue 10 days of vacation during the first two years of employment and will start accruing 15 days of vacation between two to ten years of employment. There are no changes proposed in the number of days accrued by the employees who have been with the District over 10 years. The purpose of the proposed change is to attract and keep quality employees in today's competitive labor market where work/life balance is valued as a great incentive.

2090.30: Modified to clarify the status of probationary period employees.

2090.501: Section has been removed since it is no longer needed.

2090.70: Section has been removed since it is a duplication of 2090.40.

2100.21: Section has been modified to comply with the State Law which became effective on January 1, 2000. The law requires that employees be allowed to use up to half of their annual accrued sick leave to care for certain family members, including a domestic partner and child of a domestic partner.

2100.30: Sick leave accruals for part time employees are clarified.

2100.40: Sentence deleted because of a new section which is recommended to be added for maternity related absences based on a recent law.

2050.41: The domestic partner and domestic partner's parent or child have been added to the definition of "Close relatives" for whom employees are allowed to take a 3-day compassionate leave with pay.

2040.80: General Manager has been added to the management employees who are eligible for five days per year compensatory time off. Current policy requires the Board to determine eligibility of the General Manager (but not other management employees) for this benefit.

2110: The new "Family Medical Leave (FML)" policy has been added based on a law enacted in 1993. The law requires employers to provide up to 12 weeks of unpaid FML leave during any 12 month period to meet family responsibilities, such as caring for a new baby or an adopted child, or for looking after a sick child, spouse, domestic partner or parent.

2120: The new "Pregnancy Disability Leave" policy has been added which requires employers to provide up to four months of unpaid disability leave for a female employee who is disabled due to pregnancy, childbirth, or a related medical condition.

Enclosure

POLICY TITLE: Employee Benefits
POLICY NUMBER: 2080

2080.10 Eligibility. Except as authorized in Section 2030.40, only regular employees are entitled to vacation, sick leave, other leaves of absence with pay and other benefits authorized by the District. ~~Regular part-time employees shall accrue benefits in proportion to the percentage of full-time equivalent work.~~ Probationary employees shall accrue vacation and sick leave credits, but shall not be entitled to use them until successful completion of the probationary period. Temporary employees eligible under Section 2030.40 shall also accrue sick leave credits, but shall not be entitled to use them until they have been continuously employed by the District for at least six months.

POLICY TITLE: Vacations
POLICY NUMBER: 2090

2090.10 This policy shall apply to regular and probationary employees in all classifications.

2090.20 Credits. ~~Employees who work 40 hours per week (2080 hours/year) shall accrue paid vacations shall be accrued~~ according to the following schedule on an annual basis. ~~Employees working less than 40 hours per week will accrue vacation days in proportion.~~

2090.21 For employees with ~~two~~ **five (25)** years or less of consecutive service, ten (10) working days shall constitute the annual vacation.

2090.22 For employees with more than ~~two~~ **five (25)** years of consecutive service, fifteen (15) working days shall constitute the annual vacation.

2090.23 For employees with more than ten (10) years of consecutive service, twenty (20) working days shall constitute the annual vacation.

2090.24 Saturday, Sunday and holidays shall not be included in vacation compensation.

2090.30 Compensation in lieu of vacation. ~~A~~ **regular** employee being separated from service shall be entitled to compensation in lieu of vacation. ~~Probationary employees shall not be entitled to compensation in lieu of vacation.~~

2090.40 Scheduling. Vacations shall be scheduled by the General Manager with due regard for the wishes of the employees and the needs of the District.

2090.50 Accumulation. Regular leave cannot be accumulated in excess of thirty (30) days. ~~effective January 1, 1993.~~

~~2090.501 Accumulated Vacation in Excess of Limit In order to reduce current accumulated vacation balances to thirty (30) days or less, any employee whose accumulated vacation balance is in excess of the limit must elect prior to January 1, 1993 to take paid vacation time off, receive compensation in lieu of vacation, or take a combination of paid vacation time off and compensation in lieu of vacation.~~

2090.60 If a holiday falls on a workday during an employee's vacation period, that day shall be considered as a paid holiday and not vacation time.

~~2090.70 Vacations may be scheduled anytime during the year upon approval of the General Manager.~~

2090.780 Probationary employees shall accrue but not take vacation time during the probationary period. ~~If a probationary employee becomes a regular employee of the District, he/she may take vacation gradually until after twelve (12) months service, at which time he/she shall be entitled to take accumulated vacation all at once.~~

2090.890 Vacations are provided by the District to employees as a period of exemption from work with pay for the purpose of rest, relaxation and recreation. This respite is a benefit and is intended as an aid in maintaining long-term and consistent productivity and contentment of the employee. As such, pay in lieu of vacation time away from work is discouraged and shall not be permitted for more than five (5) days in a calendar year.

POLICY TITLE: Sick Leave
POLICY NUMBER: 2100

2100.10 Sick leave shall be allowed regular, probationary and eligible temporary employees. Sick leave is not a privilege which an employee may use at his/her discretion, but shall be allowed only in case of necessity and actual sickness or disability of the employee, or because of illness in his/her immediate family.

2100.20 Sick leave is defined as absence from work due to illness, non-industrial injury, or quarantine due to exposure to a contagious disease. Dentist, doctor and eye care appointments, and prescribed sickness prevention measures shall be subject to sick leave provided prior notice is given to the employee's supervisor.

~~2100.21 In addition, sick leave may be used, up to a maximum of three (3) days per year to attend to an immediate family member's needs during periods of illness or medical appointments. Kin Care. Employees may use up to seven and one-half (7½) days of accrued sick leave per year to attend to a parent, spouse, child (including step child and foster child), domestic partner, or domestic partner's child who is ill.~~

2100.30 Credits, accumulation, compensation. Sick leave with full pay shall be credited to every regular, probationary and eligible temporary employee ~~who works 40 hours per week~~ at the rate of one and one-quarter (1¼) days for each month of completed

service. ~~Employees working less than 40 hours per week will accrue sick leave in proportion. Effective January 1, 1993, S~~sick leave shall not be accumulated in excess of one-hundred fifty (150) days. At the time of termination of service, an employee shall be paid ~~a~~fifty percent (50%) of accumulated sick leave.

2100.31 Unused sick leave time may, upon the employee's request, be "bought back" by the District at a rate of one-half day (1/2) day for each whole day accrued. Said buy back shall be limited only to time over and above thirty (30) days accrued sick leave. No more than fifteen (15) days of accrued sick leave over and above thirty (30) days shall be bought back at said one-half (1/2) rate in a calendar year. Termination for cause shall result in loss of all accrued sick leave.

2100.40 Charges. Sick leave shall be charged against an employee's credit only for regular working days and shall not be charged for time absent on holidays or other authorized days off. ~~Maternity related absences may be charged against accrued sick leave by female employees.~~ When sickness or injury is job-incurred, the regulations of the California Workers' Compensation Law shall apply. Sick leave shall not be allowed an employee for sickness or injury incurred while employed elsewhere.

2100.50 Notification and Certification. In order to be granted sick leave for any period of time, the employee shall notify his/her supervisor of their inability to report to work and the reason thereof. This must be done prior to the normal time for reporting to work, or as soon after as practical.

2100.51 If absence from duty by reason of illness occurs, satisfactory evidence may be required by the General Manager.

2050.40 Bereavement Leave. All regular full-time employees may be granted compassionate leave with pay for the time necessary but not to exceed three (3) work days upon the occasion of the death or critical illness of a close relative. When additional time is desired, employees may be allowed to take accumulated vacation leave or earned compensatory time.

2050.41 "Close relatives" are defined as: ~~grandparent, parent, sister, brother, spouse, child, grandchild, parent-in-law, domestic partner, domestic partner's parent or child, mother, father, sister, brother, wife, husband, child, grandparent, mother in law, or father in law of the employee,~~ or any other person who is a legal dependent of the employee.

2040.80 Management Personnel. Employees in ~~management these~~ positions, (as determined by the Board), shall be granted five (5) days per year of compensatory time off. Such days may be added to vacations. ~~Granting of such time off as applicable to the General Manager will be determined by the Board of Directors.~~

POLICY TITLE: Family Medical Leave
POLICY NUMBER: 2110

2110.10 This policy describes the District's implementation of the federal Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA).

2110.20 Eligibility. To be eligible for an unpaid family/medical leave, an employee must a) have been employed by the District for at least 12 months, and b) have worked at least 1,250 hours during the preceding 12-month period.

2110.30 Permissible Uses. Family/medical leave may be requested for the following reasons:

- a) For the employee's own serious health condition;
- b) For the care of employee's spouse, domestic partner, child, or parent with a serious health condition; and
- c) For the birth and care of a newborn child, or the placement and initial care of an adopted or foster care child.

“Serious Health Condition” is defined as an illness, injury, impairment, or physical or mental condition which entails inpatient care in a hospital, hospice, or residential care facility; or, continuing treatment by a health care provider.

2110.30 Duration. Eligible employees will be provided up to 12 weeks of family/medical leave within a 12-month leave period. Any combination of family/medical leave may not exceed this maximum limit. The 12-month period is measured backwards from the date an employee's requested family/medical leave will begin.

2110.40 Compensation. Family/medical leave is unpaid; however, accrued paid leaves including sick leave, compensatory time and vacation shall be used for the first part of the 12-week leave, prior to leave without pay. Paid leave may not be added to the end of 12 weeks of unpaid leave without the General Manager's approval. During the Family/Medical Leave, all benefits including health insurance, pension and vesting eligibility accruals will continue with the exception of vacation and sick leave accruals.

2110.50 Leave Request Procedure. Employees must provide the District with at least 30 days advance notice before the leave is to begin. If the need for leave is not foreseeable and 30 days notice is not possible, notice must be given as soon as possible. Leave requests should be made in writing and must set forth the reasons for the requested leave, the duration of the leave, and the anticipated start date of the leave. All employees requesting a leave extension should also do so in writing, if possible, two weeks prior to the end of their scheduled leave. Requests for family or medical leaves must be approved in advance by the employee's supervisor and the General Manager.

2110.60 Medical Certification. Employees who request a family and medical leave must submit written medical certification from a healthcare provider to support the leave request. Employees requesting an extension for such a leave also must provide

medical certification of the need for continued leave. Employees returning from a family and medical leave for their own serious health condition must provide medical certification of their fitness to return to work. Medical Certification forms are available at the District Administrative Office.

2110.70 Return to Work. Employees returning to work from a family/medical leave will be returned to the same or equivalent position held prior to the leave. If the employee does not return to work as soon as he or she is able, the District will consider the employee to have voluntarily resigned. Employees who are unable to return to work after taking a 12-week leave, may be terminated. Such individuals will be eligible for rehire and are encouraged to apply for available positions.

POLICY TITLE: Pregnancy Disability Leave

POLICY NUMBER: 2120

2120.10 Pregnancy disability leave permits female employees to take time off as needed for prenatal care, severe morning sickness, doctor-ordered bed rest, childbirth and recovery from childbirth. Pregnancy disability leave is a separate and distinct leave from family/medical leave, and is in addition to any family/medical leave to which the employee may be entitled.

2120.20 Duration. A female employee who is disabled or unable to work because of pregnancy, childbirth or a related medical condition, may take an unpaid pregnancy disability leave for the period of actual disability, up to four (4) months. Pregnancy disability leave need not be taken all at once, but may be taken intermittently or on a reduced work schedule, depending on the nature of the employee's pregnancy disability and the recommendations of her healthcare provider. All such leave taken will be counted toward the four month entitlement.

2120.20 Compensation. Pregnancy disability leave is unpaid, however, accrued paid leaves including sick leave, compensatory time and vacation shall be used prior to leave without pay. Paid leave may not be added to the end of four (4) months of unpaid leave without the General Manager's approval. During the Pregnancy Disability Leave, all benefits including health insurance, pension and vesting eligibility accruals will continue with the exception of vacation and sick leave accruals.

2120.30 Leave Procedure. An employee who requires a pregnancy disability leave must notify her employee's supervisor in writing of the need for such a leave as soon as she knows that she is or will become temporarily disabled and unable to work due to pregnancy. This written notice must specify the reason for the leave, the date the leave will begin, and the expected duration of the pregnancy disability. The notice must be accompanied by a physician's statement that verifies the existence of the pregnancy-related disability, the anticipated duration of the disability, and the dates the leave is expected to begin and end. During the leave, the employee may be required to provide additional periodic statements from her physician that give updated information regarding her condition.

2120.40 Leave Extensions. Requests for extension of a pregnancy disability leave will be considered if they are received in writing before the expiration of the approved leave, are supported by proof of continued disability in the form of a physician's statement, and seek extensions that do not cause the total period of absence to exceed four months.

2120.50 Return to Work. Employees returning to work from a pregnancy disability leave are entitled to reinstatement to the same or comparable position held prior to the leave, consistent with applicable law.

2120.60 Pregnancy-Related Transfers. An employee who is affected by pregnancy or a related medical condition may be transferred to a less strenuous or hazardous position, or to less strenuous or hazardous duties, based on availability of such position. The employee must provide the District with a certification from her healthcare provider stating that the transfer is medically advisable and the period during which the transfer is needed.