

ATTACHMENT B

Santa Barbara County Leave of Absence Policy 2025 – Update Support Doc

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Absence Policy 2025 - Update Support
Document

Current Policy:

- Last updated in 2017
- Outdated state and federal leave laws, County policy, and MOU/Resolution information
- Information is confusing. Large sections focused on leave processes and not leave law/policy

2025 Policy Enhancements:

- Compliance Updates
- Clarity and Consistency
- Employee Needs and Expectations

This updated leave of absence policy complies with new state and federal laws, County policy, and MOU/Resolution updates. Updates reflect legal changes through December 31, 2024.

Provides clarity and consistency to better support for different medical and family leave situations.

Reflects changing employee needs to remain competitive in the job market by offering flexible leave options that allow for a better work/life balance.

TIME OFF AND LEAVES OF ABSENCE

The County of Santa Barbara (the "County") recognizes that employees benefit from time away from work for a variety of reasons—all of which contribute towards a positive work-life balance for our employees. Therefore, the County provides time off—both paid and unpaid—to eligible employees for the following situations:

- Holidays
- Floating Holidays
- Accrued Holiday Leave
- Vacation
- Paid Sick Leave
- Leave Pursuant to Civil Service Rule 14
- Family and Medical Leave (FMLA/CFRA)
- Leave as a Reasonable Accommodation (ADA/FEHA)
- Work Related Injuries and Illnesses Leave
- Pregnancy and Pregnancy-Related Disabilities Leave and Accommodation
- Family Military Leave
- School or Day Care Activities Leave
- School Discipline Leave
- Bereavement Leave
- Leave for Reproductive Loss
- Bone Marrow Donor Leave
- Organ Donor Leave
- Military Leave (USERRA/California/WOT)
- Emergency Responder Leave
- Civil Air Patrol Leave
- Witness and Jury Duty Leave
- Victims of Qualifying Acts of Violence Leave and Accommodations
- Crime Victim Leave for Victim's Rights Proceedings for Special Offenses
- Voting Leave
- Election Officer Leave

Federal Law	<ul style="list-style-type: none"> • Family and Medical Leave (FMLA) • Family Military Leave • Military Leave (USERRA) • Leave as a Reasonable Accommodation (ADA)
State Law	<ul style="list-style-type: none"> • Family and Medical Leave (CFRA) • Pregnancy Disability Leave (PDL) • Family Military Leave • Leave as a Reasonable Accommodation (FEHA) • Work Related Injuries and Illnesses Leave • Paid Sick Leave • School or Day Care Activities Leave • School Discipline Leave • Bereavement Leave • Leave for Reproductive Loss • Bone Marrow Donor Leave • Organ Donor Leave • California Military Leave • Emergency Responder Leave • Civil Air Patrol Leave • Witness and Jury Duty Leave • Victims of Qualifying Acts of Violence and Accommodations • Crime Victim Leave for Victim's Rights Proceedings for Special Offenses • Voting Leave • Election Officer Leave
Civil Service Commission	<ul style="list-style-type: none"> • Leave Pursuant to Civil Service Rule 14
MOU/Resolution	<ul style="list-style-type: none"> • Holidays • Floating Holidays • Accrued Holiday Leave • Vacation

To the extent details provided in this policy regarding time off and leaves of absence conflict with the applicable memorandum of understanding (“MOU”), or resolution for unrepresented employees, the MOU or resolution shall control.

Leaves of absence (longer duration) are tracked and managed through the WorkForce system. Requests for time off (shorter duration) are tracked and managed through WorkDay.

Employee access to internal County systems (e.g., employee email) will be suspended and employee badges for County facilities will be deactivated during continuous leaves of absence.

➤ 2017 Policy: Page #1

I. STATEMENT OF POLICY

To the extent not already provided for under current leave policies and provisions, Santa Barbara County will provide family and medical care leave for eligible employees as required by state and federal law. The following provisions set forth certain of the rights and obligations with respect to such leave. Rights and obligations which are not specifically set forth below are set forth in the Department of Labor regulations implementing the Federal Family and Medical Leave Act of 1993 (“FMLA”), and the regulations of the California Family Rights Act (“CFRA”) and any amendments or updates thereto. Unless otherwise provided by this article, “leave” under this article shall mean leave pursuant to the FMLA and CFRA.

The coordination of family leave with the other types of County leave is described under Section XI. Coordination of FMLA/CFRA Leave with Other County Policies. In cases of employee illness, a period of “family leave” is coded as a “medical” leave for payroll purposes under the County leave of absence policies and sick leave may be used. For leaves for other than an employee’s own illness, see Section VI. Employee Benefits While on Leave” for information on how each type of leave should be designated on County time cards.

➤ 2025 Policy Enhancement: Page #6

- List of available Time Off and Leaves of Absence offered and available
- Directive on MOUs/Resolutions
- Deactivation/Suspension of County systems and access badges

HOLIDAYS

The County offers paid time off for the observance of specific holidays each calendar year. Holidays observed depend on the employee's specific bargaining unit and the terms of the applicable MOU, or resolution for unrepresented employees.

The Board of Supervisors has also authorized the closure of County offices to the maximum extent possible between the Christmas Day (December 25) and New Year's Day (January 1) holidays to allow employees uninterrupted time with their families. This period is referred to as the Family Friendly Winter Holiday Closure. Time off during this closure is unpaid, with the option to use accruals other than sick time. Employees should use caution if they chose to take unpaid time, vacation and sick is not accrued during unpaid time; service credit and final average salary for purposes of retirement may be negatively impacted; and merit date for purposes of salary advances may be delayed. More information, including FAQs, is available on County HR's page on the intranet.

Holidays observed governed by current MOUs/Resolutions

- 2017 Policy: No mention of Holidays
- **2025 Policy Enhancement: Page #7**
 - Holiday section added
 - Family Friendly Winter Holiday Closure guidance provided

FLOATING HOLIDAYS

Employees are provided paid floating holidays each calendar year pursuant to the terms of their MOU or the applicable resolution. Floating holidays may be used to celebrate a religious holiday or special occasion that is not formally designated as a County holiday. Floating holidays must be used in accordance with the provisions of each MOU or applicable resolution.

- Floating holiday hours are granted in Pay Period 01 and will be available for use during Pay Period 01. However, floating holiday balances will not appear on your timesheet until Pay Period 02.
- Floating holidays expire in Pay Period 26.

Floating Holidays provided governed by current MOUs/Resolutions

- 2017 Policy: No mention of Floating Holidays
- 2025 Policy Enhancement: Page #7
 - Floating Holiday section added
 - Deadlines to use Floating Holidays outlined

ACCRUED HOLIDAY LEAVE

Employees who work on a holiday will accrue holiday time, which can be used at a later date. Up to 24 hours of accrued holiday can be carried over to Pay Period 03 of the next calendar year.

In Pay Period 01, employees' accrued holiday balance from Pay Period 26 will still be available, up to 24 hours. Employees will be able to code this time using accrued holiday through Pay Period 03. In Pay Period 03, accrued holiday balance from the prior calendar year will expire.

Coding accrued holiday will take hours in the following order: Rollover Holiday, Float Holiday, Holiday Accrued, and then Grandfathered Holiday.

Accrued Holiday Leave provided governed by current MOUs/Resolutions

- 2017 Policy: No mention of Accrued Holiday Leave
- 2025 Policy Enhancement: Page #8
 - Accrued Holiday Leave section added
 - Deadlines to use Accrued Holidays outlined

VACATION

For each hour in regular pay status, each County employee shall accrue vacation as provided in the applicable MOU or resolution.

Employees should request to schedule vacation days as far in advance as possible. Vacations will be scheduled so as to provide adequate coverage of jobs and staff requirements. The County will make the final determination in this regard.

Vacation accruals governed by current MOUs/Resolutions

- 2017 Policy: No mention of Vacation
- 2025 Policy Enhancement: Page #8
 - Vacation section added

PAID SICK LEAVE

The County provides paid sick leave to eligible employees in compliance with California's Healthy Workplaces Healthy Families Act ("HWHFA").

Annual Accrual of Leave

Each regular full-time or regular part-time employee shall accrue paid sick leave at the rate set forth in the applicable MOU or resolution. Extra Help employees receive 40 hours paid sick leave up-front upon hire and again in pay period 01 of every calendar year.

Reasons Leave May be Used For

- Employees may use paid sick leave for themselves and their family members :
 - For diagnosis, care or treatment of an existing medical condition; or
 - For preventive care;
 - For an employee who is a victim of a qualifying act of violence to obtain or attempt to obtain any relief to help ensure the health, safety, or welfare of the employee or the employee's child, such as a temporary restraining order, restraining order, or other injunctive relief;
 - For an employee who is a victim or whose family member is a victim of a qualifying act of violence to:
 - obtain or attempt to obtain any relief for the family member, including a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the victim's family member;
 - seek, obtain, or assist a family member to seek or obtain: (1) medical attention for or to recover from injuries caused by a qualifying act of violence; (2) services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of a qualifying act of violence; (3) psychological counseling or mental health services related to an experience of a qualifying act of violence; or (4) civil or criminal legal services in relation to the qualifying act of violence;

Paid Sick Leave governed by the State of California Department of Industrial Relations: California's Healthy Workplaces/Healthy Families Act and AB 2499/LC 12945.8

➤ 2017 Policy: Page #9

A. Employee's Right to Use Accrued Paid Leaves Concurrently With Family Leave

As for sick leave, an employee is entitled to use sick leave concurrently with leave under this policy if:

1. The leave is for the employee's own serious health condition; or
2. The leave is needed to care for a parent, spouse or child with a serious health condition, and would be permitted as sick leave under the Santa Barbara County's sick leave policy. Up to 6 days (48 hours) may be used for this purpose (pro-rated for part-time employees).

Sick leave may not be used during the bonding period with an employee's newborn, adopted or foster child.

➤ 2025 Policy Enhancement: Page #8

- Expanded Paid Sick Leave section
- Annual Accrual Leave section added
- Reasons Leave May be Used For section updated to include victims of qualifying acts of violence

- participate in safety planning or take other actions to increase safety from future qualifying acts of violence;
- relocate or engage in the process of securing a new residence due to the qualifying act of violence, including securing temporary or permanent housing or enrolling children in a new school or childcare;
- provide care to a family member who is recovering from injuries caused by a qualifying act of violence;
- prepare for, participate in, or attend any civil, administrative, or criminal legal proceeding related to the qualifying act of violence; or
- seek, obtain, or provide childcare or care to a care-dependent adult if the childcare or care is necessary to ensure the safety of the child or dependent adult due to the qualifying act of violence.
- For attending judicial proceedings related to certain serious crimes, when the employee is either:
 - a victim of that crime; or
 - An immediate family member, a registered domestic partner, or a child of a registered domestic partner of a victim of that crime.
- At the victim's request, for serious offenses to appear in court to be heard at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, postconviction release decision, or any proceeding in which the victim's rights are at issue. Victim is defined to mean: (1) any person who suffers direct or threatened physical, psychological, or financial harm due to the commission or attempted commission of a crime or delinquent act; or (2) the person's spouse, registered domestic partner, parent, child, sibling, or guardian; and
- For bereavement leave, as provided in this policy.

Continued – Paid Sick Leave governed by the State of California Department of Industrial Relations: California’s Healthy Workplaces/Healthy Families Act and AB 2499/LC 12945.8

➤ **2025 Policy Enhancement: Page #9**

- Continued - Reasons Leave May be Used For section updated to include victims of qualifying violent crimes.

For purposes of this paid sick leave policy, “eligible family members” include a:

- Child. The biological, adopted or foster child, stepchild, legal ward or a child to whom the employee stands in loco parentis;
- Parent. The biological, adoptive or foster parent, stepparent, or legal guardian of an employee or a person who stood in loco parentis (as defined in the “Family and Medical Leave” section below) when the employee was a minor child;
- Parent-in-law through a spouse or registered domestic partner;
- Spouse;
- Registered domestic partner (as defined by state or local law), as well as the child or parent of a registered domestic partner;
- Grandparent;
- Grandchild;
- Sibling; or
- Designated person.

A “designated person” may be identified by the employee at the time the employee requests paid sick leave. Employees are limited to one (1) designated person per twelve-month period. Certain MOUs may include additional qualifying family members or “designated persons” in the definition of “eligible family members.”

The definition of “child” applies irrespective of a child’s age or dependency status.

Employees may also use paid sick leave for other reasons that may be provided in the applicable MOU or resolution, including, for example, to make voluntary and non-remunerated blood donations.

Continued – Paid Sick Leave governed by the State of California Department of Industrial Relations: California’s Healthy Workplaces/Healthy Families Act and AB 2499/LC 12945.8

➤ 2025 Policy Enhancement: Page #10

- Expanded Paid Sick Leave section continued
 - Expanded definition of “eligible family member”
 - Added “Designated Person”
 - MOU/Resolution other reasons for use of paid sick leave added

Requesting Leave

When the need for paid sick leave use is foreseeable, employees must provide reasonable advance oral or written notice to their supervisor for any absence from work. If the need for paid sick leave is unforeseeable, employees must provide notice to their supervisor of the need to use the time as soon as practicable. In all circumstances, employees must specify that the requested time off is for sick-related reasons (as opposed to, for example, vacation time), so that the absence may be designated accordingly. Failure to obtain approval as soon as possible after determining the need to take such time may result in discipline.

Medical Documentation

The County will not deny paid sick leave based solely on a lack of certification from a health care provider. An employee is entitled to take paid sick leave immediately upon the covered employee's oral or written request. Paid sick leave is not conditioned on medical certification.

However, it may be reasonable in certain circumstances for the Department to ask for documentation before paying the sick leave when the employer has information indicating that the employee is not requesting sick leave for a valid purpose. The applicable MOU or resolution also address documentation of sick leave.

Carryover of Leave

Unused sick leave shall be cumulative from year to year, with no accrual limit. In certain circumstance, employees may receive up to one year of service credit for unused accrued paid sick leave at the time of retirement. Contact the Santa Barbara County Employees' Retirement System (SBCERS) for more information.

Separation from Employment

Compensation for accrued and unused paid sick time is not provided upon separation from employment for any reason; however, unused paid sick leave credit may be converted to retirement service credit per applicable MOU or resolution. If an employee is rehired by the County within twelve (12) months of separation from employment, previously accrued but unused paid sick leave will immediately be reinstated. Rehired employees will be allowed immediate use of this time and to accrue additional paid sick days upon rehire, consistent with the use and accrual limitations of the applicable MOU or resolution.

Continued – Paid Sick Leave governed by the State of California Department of Industrial Relations: California's Healthy Workplaces/Healthy Families Act and AB 2499/LC 12945.8**➤ 2025 Policy Enhancement: Page #10**

- Expanded Paid Sick Leave section continued
 - Requesting Leave section added
 - Medical Documentation section added
 - Carryover section added
 - Separation from Employment section added

Confidentiality

The County will keep confidential the health information of the employee or employee's eligible family member or designated person, as well as information related to domestic violence perpetrated against or sexual assault of the employee or employee's eligible family member. Such information will not be disclosed except to the affected employee or as required by law.

Effect on Other Rights and Policies

The County may provide other forms of leave for employees to care for medical conditions or for issues related to domestic violence under certain federal, state and local laws. In certain situations, leave under this policy may run at the same time as leave available under another federal, state or local law, provided eligibility requirements for that law are met. The County is committed to complying with all applicable laws. Employees should contact their Human Resources representative for information about other federal, state and local domestic violence, medical or family leave rights.

No Discrimination or Retaliation

The County prohibits discrimination and/or retaliation against employees who request, or use paid sick leave for authorized circumstances or for making a complaint or informing a person about a suspected violation of this policy. Likewise, the County prohibits discrimination and/or retaliation for cooperating in investigating claimed violations of any paid sick leave law (including the HWHFA), cooperating or participating in any investigation, administrative hearing or judicial action regarding an alleged violation, opposing any policy or practice that is prohibited by any paid sick leave law, or informing any person of their potential rights under the law.

TIMECARD CODING: Employees may use accrued sick leave for paid sick leave purposes as outlined in this policy. For purposes of sick leave to care for a family member or designated person, employees should code sick leave for up to the hours designated by the applicable MOU or resolution for this type of leave (e.g., 48 hours).

Continued – Paid Sick Leave governed by the State of California Department of Industrial Relations: California's Healthy Workplaces/Healthy Families Act and AB 2499/LC 12945.8

➤ **2025 Policy Enhanced: Page #11**

- Expanded Paid Sick Leave section continued
 - Confidentiality section added
 - Effect on Other Rights and Policies section added
 - No Discrimination or Retaliation section added
 - TIMECARD CODING section added

LEAVE PURSUANT TO CIVIL SERVICE RULE FOURTEEN

In addition to the leaves outlined in this policy, the County may provide leaves of absence pursuant to the Santa Barbara County Civil Service Rules, Rule Fourteen, including for medical and non-medical reasons. To the extent there is any conflict between Rule Fourteen and this policy, the Civil Service Rule shall control.

Eligible employees may use up to four (4) months of unpaid leave under Civil Service Rule 1410 in a 12-month period, which is measured backward from the date an employee takes leave under Civil Service Rule 1410. If eligible, this leave runs concurrently with the FMLA/CFRA period so long as the department notifies the employee that their family leave entitlement will be used.

Generally, employees must exhaust all accrued paid time off before utilizing a leave of absence without pay pursuant to Civil Service Rule 1402, except during the Family Friendly Winter Holiday Closure (discussed above), and as approved by a Department Head under Civil Service Rule 1402, and in other specific appropriate circumstance.

Civil Service Rule Fourteen governed by COSB Civil Service Commission

➤ 2017 Policy: Page #13

- No Civil Service Rule Fourteen section. Civil Service Rule 1410 and Civil Service Rule 1411 embedded into the following FMLA/CFRA section:

XI. COORDINATION OF FMLA/CFRA LEAVE WITH OTHER COUNTY POLICIES & STATUTES:

Both the FMLA and the CFRA provide for unpaid leave of absence entitlements to employees who meet the requirements described above. In addition, the County has additional leave policies that must be coordinated with these leave entitlements.

Where an employee meets the requirements for a non-work related medical leave (Civil Service Rule 1410) and the definition of serious illness above, County departments have the right to approve up to four months medical leave of absence. This leave runs concurrently with the FMLA/CFRA period so long as the department notifies the employee that their family leave entitlement will be used. Any leave beyond this four month period must be approved by the department with the concurrence of the County Executive Office. This leave period should be coded as an Illness/Accident (non-work related leave) for payroll purposes.

Where an employee meets the requirements for a work-related medical leave (Civil Service Rule 1411) and the definition of serious illness above, County departments should place the employee on a medical leave (Illness/Accident work related) and notify the employee that this leave will run concurrently with their family leave entitlement.

➤ 2025 Policy Enhancement: Page #12

- Leave Pursuant to Civil Service Rule Fourteen section added
- Civil Service Rule 1410: Added 12-month “rolling” period to mirror FMLA/CFRA
- Civil Service Rule 1402: Added employees must use all accrued leave before taking unpaid leave under this rule, except during the Family Friendly Holiday Closure as governed by County Board of Supervisors.

FAMILY AND MEDICAL LEAVE (FMLA/CFRA)

The County will grant family and medical leave in accordance with the requirements of applicable federal and state law in effect at the time the leave is granted.

Although the federal and state laws under the federal Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA) have different names, many benefits are the same and some are different. In any case, employees will be eligible for the most generous benefits available under applicable law.

Family and Medical Leave Act (FMLA)

The federal Family and Medical Leave Act (FMLA) requires employers to provide unpaid, job-protected leave, job restoration and continuation of group health insurance benefits of up to 12 weeks in the event an employee or an employee's covered family member has a qualifying health condition or specific family need. The FMLA regulations also include two (2) military family leave provisions known as "Military Caregiver Leave" and "Qualifying Exigency Leave." These provisions are for leave to care for a family member who is a current servicemember (including covered veterans) with a serious injury or illness and leave to address any qualifying exigency due to a family member's (military member) covered active duty or call to covered active-duty status with the Armed Forces.

California Family Rights Act (CFRA)

California legislature established the California Family Rights Act (CFRA), which contains family care and medical leave provisions for California employees. Similar to the FMLA, the act was established to ensure secure leave rights, and provides eligible employees with unpaid, job-protected leave, job restoration and continuation of group health insurance benefits of up to 12 weeks in the event an employee or covered family member has a qualifying medical condition or specific family need. The CFRA also includes "Qualifying Exigency Leave." This provision addresses any qualifying exigency due to a family member's (military member's) covered active duty or call to covered active-duty status with the Armed Forces.

Family Medical Leave Act (FMLA) governed by the U.S. Department of Labor and California Family Rights Act (CFRA) governed by the State of California Civil Rights Department

➤ 2017 Policy: Page #1

- COSB Family Care and Medical Leave policy is primarily focused on FMLA/CFRA. FMLA and CFRA leave regulations outdated.

I. STATEMENT OF POLICY

To the extent not already provided for under current leave policies and provisions, Santa Barbara County will provide family and medical care leave for eligible employees as required by state and federal law. The following provisions set forth certain of the rights and obligations with respect to such leave. Rights and obligations which are not specifically set forth below are set forth in the Department of Labor regulations implementing the Federal Family and Medical Leave Act of 1993 ("FMLA"), and the regulations of the California Family Rights Act ("CFRA") and any amendments or updates thereto. Unless otherwise provided by this article, "leave" under this article shall mean leave pursuant to the FMLA and CFRA.

The coordination of family leave with the other types of County leave is described under Section XI. Coordination of FMLA/CFRA Leave with Other County Policies. In cases of employee illness, a period of "family leave" is coded as a "medical" leave for payroll purposes under the County leave of absence policies and sick leave may be used. For leaves for other than an employee's own illness, see Section VI. Employee Benefits While on Leave" for information on how each type of leave should be designated on County time cards.

➤ 2025 Policy Enhancement: Page #12

- Family and Medical (FMLA/CFRA) Leave section expanded

Employee Eligibility

To be eligible for FMLA and/or CFRA leave, employees must:

- (1) have been employed by the County for a total of at least 12 months (not necessarily consecutive, but generally during employment prior to a break in service of less than seven (7) years);
- (2) have worked at least 1,250 hours during the previous 12 months immediately prior to the start of the leave; and
- (3) (FMLA only) have worked at a location where at least 50 employees are employed by the County within 75 miles of the employee's worksite, as of the date the leave is requested.

Eligibility requirements may differ for employees who have been on a protected military leave of absence. If employees are unsure whether they qualify for FMLA and/or CFRA leave, they should contact their Human Resources representative.

Note: The hours of service are counted for the 12-month period immediately preceding the leave and must be actual hours worked by the employee. Hours the employee is on leave (paid or unpaid) do not count toward hours of service.

Time spent working for the County as a temporary employee counts toward the FMLA/CFRA 12-month and 1,250 hours eligibility requirements, regardless of whether the employment arrangement involves a professional staffing firm or leasing agency or if the temporary employee is directly employed and is on the County's payroll.

Continued – Family Medical Leave Act (FMLA) governed by the U.S. Department of Labor and California Family Rights Act (CFRA) governed by the State of California Civil Rights Department

➤ 2017 Policy: Page #5

IV. EMPLOYEES ELIGIBLE FOR LEAVE:

An employee is eligible for family leave if the employee:

1. Has been employed for at least 12 months; and
2. Has worked for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave. Please note: Time spent on paid leave (such as vacation or sick time) or unpaid leave (such as an authorized leave without pay) is not counted towards hours worked.

➤ 2025 Policy Enhancement: Page #13

- Family and Medical (FMLA/CFRA) Leave section continued
 - FMLA/CFRA Employee eligibility expanded
 - Added Military Leave and Temporary Worker eligibility guidance towards the FMLA and CFRA 12-month and 1,250 hours worked
 - Added clarification of worked hours that count towards the 1,250 hours eligibility

Reasons for Leave

FMLA/CFRA leave may be used for one of the following reasons:

- The birth, adoption or foster care of an employee's child within 12 months following birth or placement of the child (i.e., bonding leave);
- To care for an immediate family member (FMLA Leave: spouse, child, parent and for CFRA Leave: registered domestic partner, child of a registered domestic partner, grandparent, grandchild, sibling or designated person) with a serious health condition (i.e., family care leave);
- An employee's inability to work because of their own serious health condition (i.e., employee medical leave);
- A "qualifying exigency," as defined under the FMLA, arising from a spouse's, child's or parent's "covered active duty" as a member of the military reserves, National Guard or Armed Forces or as defined under the CFRA, related to the covered active duty or call to covered active duty of an employee's spouse, domestic partner, child, or parent in the Armed Forces of the United States (i.e., qualifying exigency leave); or
- To care for a spouse, child, parent or next of kin (nearest blood relative) who is a "Covered Service member" (i.e., military caregiver leave).

Federal and state laws allow FMLA/CFRA leave for various reasons. Because employees' legal rights and obligations may vary depending upon the reason for the FMLA/CFRA leave, it is important to identify the purpose or reason for the leave. FMLA leave and CFRA leave run concurrently **except** for the following reasons:

- To care for a child without regard to age or dependency status, registered domestic partner, a child of a registered domestic partner, grandparent, grandchild, parent-in-law, sibling or designated person (CFRA only);
- Incapacity due to pregnancy or prenatal care as a serious health condition (FMLA only);
- Qualifying exigency leave as defined under the FMLA (FMLA only);
- Qualifying exigency leave as defined under the CFRA (CFRA only); and
- Military caregiver leave (FMLA only).

Continued – Family Medical Leave Act (FMLA) governed by the U.S. Department of Labor and California Family Rights Act (CFRA) governed by the State of California Civil Rights Department

➤ 2017 Policy: Page #4

III. REASONS FOR LEAVE

Family leave is only permitted for the following reasons:

1. The birth of a child or to care for a newborn child of an employee;
2. The placement of a child with an employee in connection with the adoption or foster care of a child;
3. Leave to care for a child, parent, spouse or domestic partner who has a serious health condition; 4. Leave because of a serious health condition that makes the employee unable to perform the functions of his/her position, including both work-related and non-work-related illness or injury (Please note: employees in "safety classifications" cannot be placed on family leave while receiving disability pay in lieu of workers' compensation temporary disability payments under provisions of California Labor Code Section 4850); or
5. Leave for a "qualifying exigency" may be taken arising out of the fact that an employee's spouse, son, daughter, or parent is on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation (under the FMLA only, not the CFRA); or 6. Leave to care for a spouse, son, daughter, parent, or "next of kin" servicemember of the United States Armed Forces who has a serious injury or illness incurred in the line of duty while on active military duty (this leave can run up to 26 weeks of unpaid leave during a single 12-month period) (under the FMLA only, not the CFRA).

➤ 2025 Policy Enhancement: Page #14

- Family and Medical (FMLA/CFRA) Leave section continued
 - Expanded Reasons for Leave section
 - Outlined leave reasons under FMLA and/or CFRA
 - Provide clarity on when FMLA and CFRA run concurrently and when they do not
 - Extracted work-related leave, it is now under its own separate section

DEFINITIONS

“Child” for purposes of Bonding Leave and Family Care Leave, means a biological, adopted or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis, and for FMLA only, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability, at the time that FMLA Leave is to commence. **“Child”** for purposes of Qualifying Exigency Leave and Military Caregiver Leave, means a biological, adopted or foster child; stepchild; legal ward; or a child for whom the person stood in loco parentis, and who is of any age.

“Covered Active Duty” means (1) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and (2) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty (or notification of an impending call or order to active duty) in support of a contingency operation as defined by applicable law.

Continued – Family Medical Leave Act (FMLA) governed by the U.S. Department of Labor and California Family Rights Act (CFRA) governed by the State of California Civil Rights Department

➤ 2017 Policy: Page #1

“Child” means a child under the age of 18 years of age, or 18 years of age or older who is incapable of self care because of a mental or physical disability. An employee’s child is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, foster or step-child. A child is **“incapable of self care”** if he/she requires active assistance or supervision to provide daily self care in three or more activities of daily living or instrumental activities of daily living – such as, caring for grooming and hygiene, bathing, dressing, eating, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, etc.

“Active Duty or Call to Active Duty Status” means a military assignment in response to a call or order to active duty (or notification of an impending call or order to active duty) in support of a contingency operation for members of the Reserve components, the National Guard, and certain retired members of the Regular Armed Forces and retired Reserve while serving on active duty status during a war or national emergency declared by the President or Congress.

“Contingency Operation” means a military operation that is (1) designated by the Secretary of Defense as an operation in which members of the United States Armed Forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or (2) that results in the call to order to, or retention on, active duty members of the United States Armed Forces by law or any other provision of law during a war or national emergency declared by the President or Congress.

➤ 2025 Policy Enhancement: Page #14

- Family and Medical (FMLA/CFRA) Leave section continued
 - Updated definitions
 - **“Child”** – Expanded definition to include CFRA covered **“Children”** and **“Child”** under baby bonding, military family care and qualifying exigency.
 - **“Covered Active Duty”** – Combined **“Active Duty or Call to Active Duty Status”** and **“Contingency Operation”** definitions.

“Covered Servicemember” means (1) a member of the Armed Forces, including a member of a reserve component of the Armed Forces, 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 incurred or aggravated in the line of duty while on active duty that may render the individual medically unfit to perform his or her military duties; or (2) a person who, during the five years prior to the treatment necessitating the leave, served in the active military, Naval or Air Service, and who was discharged or released under conditions other than dishonorable (a “veteran” as defined by the Department of Veteran Affairs), and who has a qualifying injury or illness incurred or aggravated in the line of duty while on active duty that manifested itself before or after the member became a veteran. For purposes of determining the five-year period for covered veteran status, the period between October 28, 2009, and March 8, 2013, is excluded.

“Designated Person” for CFRA leave only means any individual related by blood or whose association with the employee is the equivalent of a family relationship.

Continued – Family Medical Leave Act (FMLA) governed by the U.S. Department of Labor and California Family Rights Act (CFRA) governed by the State of California Civil Rights Department

➤ 2017 Policy: Page #4

“Covered Servicemember” means 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 incurred in the line of duty on active duty.

“Outpatient Status” means, with respect to a covered servicemember, the status of a member of the Armed Forces assigned to either:

- (1) a military medical treatment facility as an outpatient; or
- (2) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

➤ 2025 Policy Enhancement: Page #15

- Family and Medical (FMLA/CFRA) Leave section continued
- “Covered Servicemember” – Combined “Covered Servicemember” and “Outpatient Status” definitions
- Added “Designated Person” – New definition under CFRA

“In Loco Parentis” means a relationship in which a person puts himself or herself in the situation of a parent by assuming and discharging the obligations of a parent to a child.

“Key employee” means a salaried FMLA Leave eligible employee who is among the highest paid 10 percent of all the employees employed by the employer within 75 miles of the employee’s worksite at the time of the FMLA leave request.

“Parent” for purposes of this policy, means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the person. This term includes a parent-in-law for CFRA leave only. For Qualifying Exigency Leave taken to provide care to a parent of a deployed military member, the parent must be incapable of self-care as defined by the FMLA.

“Qualifying exigency” for FMLA is defined by the Department of Labor and for CFRA is defined by the California Unemployment Insurance Code and generally includes events related to short-notice deployment, military ceremonies, support and assistance programs, changes in childcare, school activities, financial and legal arrangements, counseling and post-deployment activities. Qualifying Exigency Leave may also be used to spend up to 15 days with military members who are on short-term, temporary, rest and recuperation leave during their period of deployment.

Continued – Family Medical Leave Act (FMLA) governed by the U.S. Department of Labor and California Family Rights Act (CFRA) governed by the State of California Civil Rights Department

- 2017 Policy: Page #2
 - No “In Loco Parentis” definition
 - No “Key Employee” definition
 - No “Qualifying Exigency” definition

“Parent” means the biological, adoptive, step or foster parent of an employee, or an individual who stands or stood in loco parentis (in place of a parent) to an employee when the employee was a child. This term does not include parents in-law.

- 2025 Policy Enhancement: Page #15
 - Family and Medical (FMLA/CFRA) Leave section continued
 - “In Loco Parentis” definition added
 - “Key Employee” definition added
 - “Parent” – Expanded definition to include parent in law as covered by CFRA
 - “Qualifying Exigency” definition added

“Serious health condition” means an illness, injury, impairment or physical or mental condition that involves either:

- Inpatient care (including, but not limited to, substance abuse treatment) in a hospital, hospice or residential medical care facility, including any period of incapacity (that is, inability to work, attend school or perform other regular daily activities) or any subsequent treatment in connection with this inpatient care; or
- Continuing treatment (including, but not limited to, substance abuse treatment) by a health care provider that includes one or more of the following:
 - A period of incapacity (that is, inability to work, attend school or perform other regular daily activities due to a serious health condition, its treatment or the recovery that it requires) of more than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves treatment two or more times via an in-person visit to a health care provider, or at least one visit to a health care provider that results in a regimen of continuing treatment under the supervision of the health care provider.
 - Any period of incapacity due to pregnancy or prenatal care (under the FMLA, but not the CFRA).
 - Any period of incapacity or treatment for incapacity due to a chronic serious health condition that requires periodic visits to a health care provider, continues over an extended period of time and may cause episodic incapacity.
 - A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective, such as Alzheimer’s, a severe stroke and the terminal stages of a disease.
 - Any period of absence to receive multiple treatments (including any period of recovery) by a health care provider either for (a) restorative surgery after an accident or other injury; or (b) 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.

Continued – Family Medical Leave Act (FMLA) governed by the U.S. Department of Labor and California Family Rights Act (CFRA) governed by the State of California Civil Rights Department

➤ 2017 Policy: Page #2

“Serious Health Condition” - means an illness, injury, impairment, or physical or mental condition that involves:

1. Inpatient Care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., inability to work, or perform other regular daily activities due to the serious health condition, treatment involved, or recovery there from); or

2. Continuing Treatment by a health care provider: A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

a) A period of incapacity (i.e. inability to work, or perform other regular daily activities) due to serious health condition of more than three full consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

i) Treatment two or more times within 30 days of the first day of incapacity, unless extenuating circumstances exist by a health care provider, by a nurse, or by a provider of health care services (e.g., a physical therapist) under orders of, or on referral by a health care provider. The first in-person treatment visit must take place within seven days of the first day of incapacity; or

ii) Treatment by a health care provider on at least one occasion which must take place within seven days of the first day of incapacity and results in a regimen of continuing treatment under the supervision of the health care provider. This includes for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. If the medication is over the counter, and can be initiated without a visit to a health care provider, it does not constitute a regimen of continuing treatment.

“Serious Health Condition” Definition Continued...

b) Any period of incapacity due to pregnancy or for prenatal care. (This entitles the employee to FMLA leave, but not CFRA leave. Under California law an employee disabled by pregnancy is entitled to Pregnancy Disability Leave).

c) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

- i) Requires periodic visits (defined as at least twice a year) for treatment by a health care provider or by a nurse;
 - ii) Continues over an extended period of time (including recurring episodes of a single underlying condition); and
 - iii) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). Absences for such incapacity qualify for leave even if the absence lasts only one day.
- d) 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.
- e) Any period of absence to receive multiple treatments (including any period of recovery therefrom) 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.

“Health Care Provider” means:

1. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State of California;
2. Individuals duly licensed as a physician, surgeon, or osteopathic physician or surgeon in another state or jurisdiction, including another country, who directly treat or supervise treatment of a serious health condition;
3. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in California and performing within the scope of their practice as defined under California State law;
4. Nurse practitioners and nurse-midwives, clinical social workers, and physician assistants who are authorized to practice under California State law and who are performing within the scope of their practice as defined under California State law;
5. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; and
6. Any health care provider from whom an employer or group health plan’s benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

➤ 2025 Policy Enhancement: Page #16

- Family and Medical (FMLA/CFRA) Leave section continued
 - Combined “Serious Health Condition” and “ Health Care Provider definitions

“Serious injury or illness” in the case of a current member of the Armed Forces, National Guard or Reserves is an injury or illness incurred by a covered servicemember in the line of duty on active duty (or that preexisted the member’s active duty and was aggravated by service in the line of duty on active duty) in the Armed Forces that may render him or her medically unfit to perform the duties of his or her office, grade, rank or rating. In the case of a covered veteran, “serious injury or illness” means an injury or illness that was incurred in the line of duty on active duty (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty) and that manifested itself before or after the member became a veteran.

“Spouse” means a husband or wife. Husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law in the state in which the marriage was entered into or, in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one state. This definition includes an individual in a same-sex or common law marriage that either (1) was entered into in a state that recognizes such marriages; or (2) if entered into outside of any state, is valid in the place where entered into and could have been entered into in at least one state. For purposes of CFRA leave, a spouse includes a registered domestic partner.

Continued – Family Medical Leave Act (FMLA) governed by the U.S. Department of Labor and California Family Rights Act (CFRA) governed by the State of California Civil Rights Department

➤ 2017 Policy: Page #4

“Serious Injury or Illness” means an injury or illness incurred by a covered servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of the member’s office, grade, rank, or rating.

“Spouse” means a husband or wife as defined or recognized under California State law for purposes of marriage.

“Domestic Partner” as defined by Family Code §§ 297 and 299.2, shall have the same meaning as “Spouse” for purposes of CFRA Leave.

➤ 2025 Policy Enhancement: Page #16

- Family and Medical (FMLA/CFRA) Leave section continued
 - “Serious Injury or Illness” – Expanded definition to include aggravated preexisting injury/illness and veterans.
 - Combined “Spouse’ and “Domestic Partner” – Expanded definition to include CFRA updates.
 - Removed “12-Month Period”
 - Removed “Single 12-month period”
 - Removed “Next of Kin of a Covered Servicemember”

Length of Leave

If the reason for leave is common to both FMLA and CFRA and, therefore, running concurrently, the maximum amount of FMLA and CFRA Leave will be 12 workweeks (480 hours) in the County designated 12-month period. If the reason for leave is not common to both FMLA and CFRA and, therefore, not running concurrently, then an eligible employee may be entitled to additional leave under applicable law.

The applicable “12-month period” utilized by the County is a rolling 12-month period measured backward from the date an employee takes FMLA/CFRA leave.

The maximum amount of FMLA leave for an employee wishing to take Military Caregiver Leave will be a combined leave total of 26 workweeks in a single 12-month period. A “single 12-month period” begins on the date of the employee’s first use of such leave and ends 12 months after that date.

If both spouses work for the County and are eligible for leave under this policy, under the FMLA, the spouses will be limited to a total of 26 workweeks off between the two when the leave is for Military Caregiver Leave only or is for a combination of Military Caregiver Leave, Bonding Leave and/or Family Care Leave.

When FMLA/CFRA leave is for the birth or placement of a child and both parents work for the County, they will each be allowed up to 12 weeks of FMLA/CFRA leave within 12 months of the child’s birth or placement.

To the extent required by law, leave beyond an employee’s FMLA/CFRA leave entitlement will be granted when the leave is necessitated by an employee’s work-related injury or illness, a pregnancy-related disability or a “disability” as defined under the Americans with Disabilities Act (ADA) and/or the Fair Employment and Housing Act (FEHA).

When the reason for FMLA/CFRA leave was the employee’s serious health condition, which also constitutes a “disability” under the ADA/FEHA and the employee cannot return to work at the conclusion of the FMLA/CFRA leave, and any leave provided for by the Civil Service Rules, the County will engage in an interactive process to determine whether an extension of leave would constitute a reasonable accommodation under the ADA/FEHA.

Continued – Family Medical Leave Act (FMLA) governed by the U.S. Department of Labor and California Family Rights Act (CFRA) governed by the State of California Civil Rights Department

➤ 2017 Policy: Page #5

V. AMOUNT OF LEAVE

Eligible employees are entitled to a total of 12 workweeks (or 26 weeks to care for a covered service member) of leave during any 12-month period. Where FMLA leave qualifies as both military caregiver leave and care for a family member with a serious health condition, the leave will be designated as military caregiver leave first. For part-time employees, a workweek is defined as the employee’s regular schedule during that week. For example, if an employee only works 4 days during a regular workweek, those 4 days would constitute that employee’s regular workweek.

A. Minimum Duration of Leave

If leave is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two weeks. However, an employee is entitled to leave for one of these purposes (e.g., bonding with a newborn) for at least one day, but less than two weeks duration on any two occasions. If leave is requested to care for a child, parent, spouse or the employee him/herself with a serious health condition, there is no minimum amount of leave that must be taken. However, the notice and medical certification provisions of this policy must be complied with.

B. Spouses Both Employed By Santa Barbara County

In any case in which a husband and wife both employed by Santa Barbara County are entitled to FMLA or CFRA protected leave, the aggregate number of workweeks of leave to which both may be entitled is 12 each, for an aggregate of 24 workweeks total during any 12-month period if leave is taken for the birth or placement for adoption or foster care of the employees’ child (i.e., bonding leave). Any eligibility for FMLA and CFRA protected leave will run concurrently, but no more than 12 weeks aggregate will be charged against protected leave available under either statute. In any case in which a husband and wife both employed by Santa Barbara County are entitled to FMLA or CFRA protected leave, the aggregate number of workweeks of leave to which both may be entitled is 26 workweeks during any 12-month period if leave is taken to care for a covered servicemember. Except as noted above, this limitation does not apply to any other type of leave under this policy.

➤ 2025 Policy Enhancement: Page #17

- Family and Medical (FMLA/CFRA) Leave section continued
 - Length of Leave section expanded to clarify leave entitlements based on type of leave:
 - Leave entitlement when FMLA/CFRA run concurrently
 - Leave entitlement for qualifying exigency
 - Leave entitlement for military caregiver leave
 - Leave entitlement for bonding
 - CFRA updated entitlement for parents working for the same employer
 - Added definition of “12-month period” to include the County’s observation of a “rolling” 12-month period
 - Added Americans with Disabilities Act (ADA) and Fair Employment and Housing Act (FEHA) interactive process/reasonable accommodation guideline

Intermittent or Reduced Schedule Leave

Under some circumstances, employees may take unpaid FMLA/CFRA leave intermittently, which means taking leave in blocks of time or reducing the employee's normal weekly or daily work schedule. An employee may take leave intermittently or on a reduced schedule whenever it is medically necessary to care for the employee's family member with a serious health condition or because the employee has a serious health condition, even if the person does not receive continuing treatment by a health care provider during the period of intermittent leave. The medical necessity of the leave must be determined by the health care provider of the person with the serious health condition.

The County retains its right to request recertification of an employee's medical condition or their family member's in accordance with applicable law (as outlined below).

Leave due to military exigencies may also be taken on an intermittent basis.

Leave taken intermittently may be taken in increments of no less than one hour. Employees who take leave intermittently or on a reduced work schedule basis for planned medical treatment must make a reasonable effort to schedule the leave so as not to unduly disrupt the County's operations. Employees should contact their Human Resources representative prior to scheduling medical treatment. If FMLA/CFRA leave is taken intermittently or on a reduced schedule basis due to planned medical treatment, the County may require employees to transfer temporarily to an available alternative position with an equivalent pay rate and benefits, including a part-time position, to better accommodate recurring periods of leave.

If an employee using intermittent leave or working a reduced schedule finds it physically impossible to start or stop work mid-way through a shift in order to take FMLA/CFRA leave and is therefore forced to be absent for the entire shift, the entire period will be counted against the employee's FMLA/CFRA entitlement. However, if there are other aspects of work that the employee is able to perform that are not physically impossible, then the employee may be permitted to return to work, thereby reducing the amount of time to be charged to the employee's FMLA/CFRA entitlement.

Continued – Family Medical Leave Act (FMLA) governed by the U.S. Department of Labor and California Family Rights Act (CFRA) governed by the State of California Civil Rights Department

➤ 2017 Policy: Page #6

C. Intermittent Leave or Reduced Leave Schedule

Family leave may be taken intermittently or on a reduced leave schedule. "Intermittent Leave" is leave taken in separate blocks of time due to a single qualifying reason, rather than for one continuous period of time, and may include leave periods from one hour or more to several weeks. "Reduced leave schedule" means a leave schedule that reduces the employee's usual number of hours per workweek or workday, usually from full to part-time. The maximum amount of intermittent leave is prorated according to the number of hours in a work week. For a 40 hour per work week schedule, 12 weeks' leave equals 480 hours of leave (40 x 12). Leave hours taken during an employee's regular work schedule would be counted against this total. For a 30 hour per work week schedule, 12 weeks of leave equals 360 hours of leave (30 X 12).

Intermittent leave or leave on a reduced schedule taken for bonding with a child, whether after birth, adoption, or foster care placement of a child with the employee, shall be concluded within one year of the birth or placement of the child. The usual minimum duration of the leave shall be two weeks. However, an employee may take a leave of less than two weeks' duration on any two occasions during the year.

However, where leave is taken to care for a sick family member or for the employee's own serious health condition, intermittent leave or leave on a reduced schedule may be taken when "medically necessary" and documented by a "Physician's Medical Statement (see FMLA forms). Employees must have a medical need for such leave and it must be that such medical need can be best accommodated through an intermittent leave or reduced leave schedule. Employees needing such leave must attempt to schedule their leave so as not to disrupt their department's operations. In this case, employees on a reduced or intermittent leave schedule may be assigned to an alternative position with equivalent pay and benefits that better accommodates the employee's needs.

FMLA/CFRA leave for Bonding purposes does not have to be taken in one continuous period of time, but the minimum duration is two weeks. Consistent with applicable law, the County shall grant a request for FMLA/CFRA leave lasting less than two weeks' twice during the 12-week period. Additional requests for Bonding Leave lasting less than two weeks may be directed to an employee's Human Resources representative for more information and will be considered on a case-by-case basis depending on the needs of the County. If the request is granted, the County may require the employee to transfer temporarily to an available alternative position. Bonding Leave must be concluded within one year of the birth or placement of the child.

If employees have been approved for intermittent leave and they request leave time that is unforeseeable, they must specifically reference either the qualifying reason for leave or the need for FMLA/CFRA leave at the time they call off.

Continued – Family Medical Leave Act (FMLA) governed by the U.S. Department of Labor and California Family Rights Act (CFRA) governed by the State of California Civil Rights Department

- **2025 Policy Enhancement: Page #18**
 - Family and Medical (FMLA/CFRA) Leave section continued
 - Intermittent or Reduced Schedule Leave section expanded
 - Bonding update: the County shall grant a request for FMLA/CFRA leave lasting less than two weeks' twice during the 12-week period.

Employee and Employer Responsibilities and Requirements

Employer Responsibilities

- Within five days of learning of an employee's need for leave that may be FMLA/CFRA-qualifying, the Department will provide the employee with the Notice of Eligibility and Rights & Responsibilities form.
- The County will determine whether a medical certification is necessary and inform the employee if a medical certification is required. Employees will be granted 15 days to submit a completed medical certification.
- The Department will review the received medical certification form to ensure that it is complete and sufficient. If information is missing or needs clarification, the Department will return the form to the employee with details regarding the information that is needed. Employees will be granted at least seven days to return the revised certification form.
- Within five business days after the employee submits a complete and sufficient certification, the Department will provide the employee with a Designation Notice.
- The Department will ensure that all medical information and documentation remains confidential and if leave is protected by FMLA/CFRA medical diagnosis is not requested.

Continued – Family Medical Leave Act (FMLA) governed by the U.S. Department of Labor and California Family Rights Act (CFRA) governed by the State of California Civil Rights Department

➤ 2017 Policy: Page #14

XII. REQUIRED FORMS

1. "Employee Request For Family/Medical Leave" form" prepared by Santa Barbara County to be eligible for leave. Note: Employees will receive a Notice of Eligibility and Rights & Responsibilities (FMLA/CFRA) response to their request which will set forth certain conditions of the leave.

➤ 2025 Policy Enhancement: Page #19

- Family and Medical (FMLA/CFRA) Leave section continued
 - Employer Responsibilities section added

Employee Responsibilities

- The County recognizes that emergencies arise which may require employees to request immediate leave, employees are required to give as much verbal or written notice as possible of their need for continuous or intermittent leave.
- If leave is foreseeable, at least 30 days' notice is required.
- In addition, if an employee knows that they will need leave in the future but does not know the exact day(s) (e.g., for the birth of a child or to take care of a newborn), the employee shall inform their supervisor as soon as possible that such leave will be needed.
- For foreseeable leave due to a qualifying exigency, an employee must provide verbal or written notice of the need for leave as soon as practicable, regardless of how far in advance such leave is foreseeable.
- Employees shall submit sufficient certification establishing the need for medical leave (e.g., a medical certification related to their own condition or need to care for a family member) or military caregiver leave (e.g., a certification for serious injury or illness of a current servicemember or an invitational travel order (ITO) or invitational travel authorization) or qualifying exigency (e.g., a copy of the covered servicemember's active duty orders when the employee requests leave and/or documentation (such as Rest and Recuperation leave orders) issued by the military setting forth the dates of the servicemember's leave)
- Provide periodic recertification, as permitted by law.
- Provide periodic status updates during the leave, as requested and permitted by law.

Continued – Family Medical Leave Act (FMLA) governed by the U.S. Department of Labor and California Family Rights Act (CFRA) governed by the State of California Civil Rights Department

➤ 2017 Policy: Page #11

IX. EMPLOYEE NOTICE OF LEAVE

Although Santa Barbara County recognizes that emergencies arise which may require employees to request immediate leave, employees are required to give as much notice as possible of their need for leave. The County will notify the employee of their eligibility to take FMLA/CFRA leave within the time period required by the applicable law. Except for qualifying exigency leave, where the employee's need for FMLA or CFRA leave is foreseeable, reasonable advance notice is required. Reasonable advance notice is defined as follows:

1. If the need for a leave becomes known more than 30 days before the leave is to begin, the employee must provide at least 30 days written advance notice to the County.
2. If the need for an FMLA or CFRA leave becomes known less than 30 days prior to the date the leave is to begin, the employee must provide written notice where possible to the County within five days of learning of the need for a leave.

In addition, if an employee knows that he/she will need leave in the future, but does not know the exact date(s) (e.g. for the birth of a child or to take care of a newborn), the employee shall inform his/her supervisor as soon as possible that such leave will be needed. Such notice may be orally given. If the employee's department determines that an employee's notice is inadequate or the employee knew about the requested leave in advance of the request, the department may delay the granting of the leave until it can, in its discretion; adequately cover the position with a substitute employee.

For foreseeable leave due to a qualifying exigency, an employee must provide notice of the need for leave as soon as practicable, regardless of how far in advance such leave is foreseeable.

Employee Responsibilities – Continued

In addition to other notice provisions, employees requesting leave for FMLA/CFRA qualifying reasons must respond to any questions designed to determine whether an absence is potentially qualifying for leave under this policy. Similarly, an employee or the employee's spokesperson may be required to provide additional information needed to determine whether a requested leave qualifies for FMLA/CFRA protections. Failure to respond to permissible inquiries regarding the leave request may result in denial of FMLA/CFRA leave protections.

If the County has a good faith, objective reason to doubt the validity of a certification for the employee's serious health condition, the County may require a medical opinion of a second health care provider chosen and paid for by the County. If the second opinion is different from the first, the County may require the opinion of a third provider jointly approved by the County and the employee but paid for by the County. The opinion of the third provider will be binding. The County must provide the employee with a copy of the second and third medical opinions, where applicable, without cost, upon the request of the employee.

FMLA/CFRA leave may be retroactively designated when the County has received enough information that an employee's leave is due to a qualifying FMLA/CFRA, reason/medical condition, provided that the designation does not cause harm to the employee, or in any case where the County and the employee agree that the leave should be retroactively designated.

When leave is for planned medical treatment, employees must try to schedule treatment so as not to unduly disrupt the County's operation. Employees should contact their supervisor prior to scheduling planned medical treatment.

If an employee does not produce the medical certification as requested, the FMLA/CFRA leave maybe denied and the leave will not be protected.

Continued – Family Medical Leave Act (FMLA) governed by the U.S. Department of Labor and California Family Rights Act (CFRA) governed by the State of California Civil Rights Department

VIII. MEDICAL CERTIFICATION

Employees who request leave for their own serious health condition or to care for a child, parent or a spouse who has a serious health condition must provide written certification from the health care provider of the individual requiring care if requested by Santa Barbara County. See Employee or Family Member Medical Certification forms.

If the leave is requested because of the employee's own serious health condition, the certification must include a statement that the employee is unable to work at all or is unable to perform the essential functions of his/her position. Employees who request leave to care for a covered service member who is a child, parent or "next of kin" of the employee must provide written certification from a health care provider regarding the injured service member's serious injury or illness.

The first time an employee requests leave because of a qualifying exigency, an employer may require the employee to provide a copy of the covered military member's active duty orders or other documentation issued by the military which indicates that the covered military member is on active duty or call to active duty status in support of a contingency operation, and the dates of the covered military member's active duty service. A copy of new active duty orders or similar documentation shall be provided to the employer if the need for leave because of a qualifying exigency arises out of a different active duty or call to active duty status of the same or a different covered military member.

A. Time To Provide A Certification

When an employee's leave is foreseeable and at least 30 days notice has been provided, if a medical certification is requested, the employee must provide it before the leave begins. When this is not possible, the employee must provide the requested certification to their supervisor within the time frame requested by their department (which must allow at least 15 calendar days after the employer's request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

B. Consequences For Failure To Provide An Adequate Or Timely Certification

If an employee provides an incomplete medical certification, the employee will be given a reasonable opportunity to provide the missing information. However, if an employee fails to provide a medical certification within the time frame established by this policy, the employee's department may delay the taking of FMLA/CFRA leave until the required certification is provided.

C. Second and Third Medical Opinions

Consistent with applicable law, and only in the case of an employee's serious health condition, the County reserves the right, at the County's own expense, to require the employee to submit to an examination by a second health care provider selected by the County, but not employed on a regular basis by the County. *Second opinions cannot be requested for the serious health condition of an employee's family member.* If a third medical opinion is required a third health care provider shall be jointly selected and approved by the County and the employee, and this provider's opinion shall be binding.

If the employee's absence/leave has already begun during this medical review process, the employee may be considered to have provisionally taken FMLA and/or CFRA, pending the result of the examinations by the second, and if necessary, third health care provider.

D. Intermittent Leave Or Leave On A Reduced Leave Schedule

If an employee requests leave intermittently (a few days or hours at a time) or on a reduced leave schedule to care for an immediate family member with a serious health condition, the employee must provide medical certification that such leave is medically necessary. "Medically necessary" means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule.

➤ 2025 Policy Enhancement: Page #19

- Family and Medical (FMLA/CFRA) Leave section continued
 - Employee Responsibilities Section Added
 - Added guidance about retroactively designating FMLA/CFRA leave

Recertification After Grant of Leave

In addition to the requirements listed above, if an employee's FMLA/CFRA leave is certified, the County may later require medical recertification in connection with an absence that the employee reports as qualifying for FMLA/CFRA leave.

For example, the County may request recertification if (1) the employee requests an extension of leave; (2) the circumstances of the employee's condition as described by the previous certification change significantly (e.g., employee absences deviate from the duration or frequency set forth in the previous certification; employee's condition becomes more severe than indicated in the original certification; employee encounters complications); or (3) the County receives information that casts doubt upon the employee's stated reason for the absence. In addition, the County may request recertification in connection with an absence after six months have passed since the employee's original certification, regardless of the estimated duration of the serious health condition necessitating the need for leave. Any recertification requested by the County will be at the employee's expense.

In addition to the requirement listed above, a recertification under the CFRA may only be requested at the expiration of the time period in the original certification for time off for the employee's own serious health condition.

If an employee does not produce the recertification as requested, the leave may be denied and the time off will be unauthorized and unprotected.

Continued – Family Medical Leave Act (FMLA) governed by the U.S. Department of Labor and California Family Rights Act (CFRA) governed by the State of California Civil Rights Department

- 2018 Policy: No Recertification information
- **2025 Policy Enhancement: Page #20**
 - Family and Medical (FMLA/CFRA) Leave section continued
 - Recertification After Grant of Leave Section Added

Failure to Provide Notice or Certification and to Return from Leave

Absent unusual circumstances, failure to comply with FMLA/CFRA notice and certification requirements may result in a delay or denial of the leave.

If an employee fails to return to work at the leave's expiration and has not obtained approval for an extension of the leave, the County may presume that the employee does not plan to return to work and has voluntarily terminated their employment, as provided in Civil Service Rule 1413(c).

Continued – Family Medical Leave Act (FMLA) governed by the U.S. Department of Labor and California Family Rights Act (CFRA) governed by the State of California Civil Rights Department

➤ 2017 Policy: Page #12

X. REINSTATEMENT UPON RETURN FROM LEAVE

Section A not necessary for the purpose of this section

B. Employee's Obligation to Periodically Report On His/Her Condition

Employees *may* be required to periodically report on their intent to return to work. This obligation to periodically report does not refer to the Recertification Requirement as determined by applicable law and relates to the department's ability to adequately staff the vacancy and for the department to avoid any delays in reinstatement when the employee is ready to return.

➤ **2025 Policy Enhancement: Page #21**

- Family and Medical (FMLA/CFRA) Leave section continued
 - Added Failure to Provide Notice or Certification and to Return to Work section

Compensation During Leave

FMLA/CFRA leave is unpaid. Employees may be required to use sick leave and may choose to use other accruals, to the extent permitted by law, the County's policy, MOUs and Resolutions. However, use of sick, vacation or paid leave benefits will not extend the available leave of absence time.

Employees may be eligible to receive benefits through state-sponsored programs or the County's sponsored wage-replacement benefit programs as permitted by this policy or MOUs and Resolutions. California State Disability Insurance (SDI) provides short-term Disability Insurance and Paid Family Leave Benefits (PFL) wage replacement benefits to eligible employees who need time off work. These programs are managed by the Employment Development Department (EDD) and not the County. To be eligible for SDI or PFL benefits employees must pay into State Disability Insurance. Additional information on SDI/PFL may be found on the Employment Development Department website.

Per MOU or Resolution, eligible County employees may choose to integrate their SDI/PFL benefits with their paid leave (sick, vacation, holiday). If eligible employees elect to have wage-replacement benefits and accrued paid leave integrated, the integration will be arranged such that employees will receive no greater compensation than their regular compensation during this period.

Employees who are not eligible for SDI/PFL benefits nor integration will not have the option to integrate their wages; employees must use their available paid leave to the extent permitted by law, the County's policy, MOUs and Resolutions. Employees may not use partial leave balances to extend the number of pay periods they might otherwise remain in a paid status.

In some circumstances, an employee who has exhausted leave accruals and other state-sponsored wage replacement may be eligible for leave donations through the County's Catastrophic Leave Donation Program, the procedure for which is available through the Auditor Controller's intranet. Donations may be available while on FMLA/CFRA or during other leaves.

Continued – Family Medical Leave Act (FMLA) governed by the U.S. Department of Labor and California Family Rights Act (CFRA) governed by the State of California Civil Rights Department

➤ 2017 Policy: Page #7

VI. EMPLOYEE BENEFITS WHILE ON LEAVE

A. Salary

Leave provided under this policy is unpaid, however, an employee may elect to use accrued paid leave balances as described in Section VII, below.

VII. SUBSTITUTION OF ACCRUED PAID LEAVES

While on leave under this Policy, as set forth herein, an employee may elect to concurrently use paid accrued leaves such as sick, vacation, or accrued overtime as authorized in County policies. Similarly, Santa Barbara County *will* require an employee to use family care and medical leave concurrently with a non-FMLA/CFRA leave which would qualify as an FMLA/CFRA leave. In other words, even if an employee is not placed on an FMLA or CFRA leave, if the reason for that leave would otherwise qualify it as an FMLA or CFRA leave, the County may designate that leave as an FMLA or CFRA leave and reduce that leave entitlement as leave is used. This includes medical leaves which qualify for workers' compensation or state disability (SDI) and meet the definition of a serious illness.

A. Employee's Right to Use Accrued Paid Leaves Concurrently With Family

Leave Where an employee has earned or accrued paid vacation or compensatory time or has rights to request administrative leave, that paid leave, if approved by their department, rights to request administrative leave, that paid leave, if approved by their department, may be substituted for all or part of any (otherwise) unpaid leave under this policy. As for sick leave, an employee is entitled to use sick leave concurrently with leave under this policy if:

1. The leave is for the employee's own serious health condition; or
2. The leave is needed to care for a parent, spouse or child with a serious health condition, and would be permitted as sick leave under the Santa Barbara County's condition, and would be permitted as sick leave under the Santa Barbara County's sick leave policy. Up to 6 days (48 hours) may be used for this purpose (pro-rated sick leave policy. Up to 6 days (48 hours) may be used for this purpose (pro-rated for part-time employees).

B. Santa Barbara County's Right to Require an Employee to Use Paid Leave When Using FMLA or CFRA Leave

1. Employees are required to use accrued compensatory time earned in lieu of overtime earned pursuant to the Fair Labor Standards Act; and
2. Employees will only be required to use sick leave concurrently with FMLA/CFRA leave if the leave is for the employee's own serious health condition.

C. Santa Barbara County's Right to Require an Employee to Exhaust FMLA/CFRA Leave Concurrently With Other Leaves

If an employee takes a leave of absence for any reason which is FMLA/CFRA qualifying including leave for a work related injury or illness, Santa Barbara County may designate that non-FMLA/CFRA leave as running concurrently with the employee's 12-week FMLA/CFRA leave entitlement. The only exception is for peace officers and firefighters who are on leave pursuant to Labor Code §4850, in which case, the County may begin running the employee's FMLA/CFRA entitlement after the Labor Code §4850 period has ended.

D. Santa Barbara County and Employee's Rights If an Employee Requests Accrued Leave without Mentioning Either the FMLA or CFRA

If an employee requests to utilize accrued vacation, sick leave or other accrued paid time off without reference to a FMLA/CFRA qualifying purpose, Santa Barbara County may not ask the employee if the leave is for a FMLA/CFRA qualifying purpose. However, if Santa Barbara County denies the employee's request and the employee provides information that the requested time off is for a FMLA/CFRA qualifying purpose, Santa Barbara County may inquire further into the reason for the absence. If the reason is FMLA/CFRA qualifying, Santa Barbara County may require the employee to exhaust accrued leave as described above.

➤ **2025 Policy Enhancement: Page #21**

- Family and Medical (FMLA/CFRA) Leave section continued
 - Compensation During Leave section expanded
 - Added "use of sick, vacation or paid leave benefits will not extend the available leave of absence time"
 - Added information on EDD:SDI/PFL
 - Added information on integration of SDI/PFL with County wages
 - Added information about the County's Catastrophic Leave Donation program

Benefits During Leave

While on FMLA/CFRA leave, the County will maintain an employee's health insurance benefits on the same terms as they were provided prior to the leave time.

Employees on a leave of absence resulting from a medical condition including injury, illness, pregnancy or childbirth shall receive the County contribution toward health plan coverage for up to eighteen (18) months. Premium amounts exceeding the County contribution and for dependents shall be the responsibility of the employee during the leave period. If an employee has paid leave accruals in excess of eighteen (18) months at the start of the leave, the County will continue to make its contribution toward health coverage while paid leave is being used and until such time as the paid leave is exhausted.

This means that if employees want their benefits coverage to continue during their leave, they must also continue to make the same premium payments that they are now required to make for themselves or their dependents. If any employee is receiving pay (e.g., through the use of vacation and/or sick time) while on leave, the employee's premium payments will be paid through a payroll deduction. If an employee enters an unpaid status during leave, the employee must arrange with Human Resources, Employee Benefits & Wellness Division to make premium payments each pay period, under either a "pay-as-you-go" or "pay-on-return/catch-up" plan, depending on the circumstances. Failure to submit the employee's premium payment for two (2) consecutive pay periods, may result in the County cancelling coverage for the employee and any covered dependents.

In some instances, the County has the right to recover premiums it paid on an employee's behalf to maintain health coverage if the employee fails to return to work following FMLA/CFRA leave.

An employee's length of service will remain intact, but benefits such as vacation and sick leave will not accrue while on an unpaid FMLA/CFRA leave.

Continued – Family Medical Leave Act (FMLA) governed by the U.S. Department of Labor and California Family Rights Act (CFRA) governed by the State of California Civil Rights Department

➤ 2017 Policy: Page #7

B. Employee Benefits

While on leave, an employee will continue to be covered by Santa Barbara County's group health insurance to the same extent that coverage is provided while the employee is on the job. An employee will also continue to be covered under Santa Barbara County's non health benefit plans which are paid for by the County such as basic life and long term disability insurance under the terms of the respective policies. Other voluntary non-health plans, such as personal accident and optional life insurance plans, can also be continued in the same manner as health coverage.

If there is premium cost to the employee under the preceding health and nonhealthy benefit plans while the employee is regularly at work, the employee must make the appropriate and timely premium payments for continued coverage by payroll deductions or direct payments for these plans to the Human Resources, Employee Benefits Division while on leave.

It is the employee's responsibility to notify their department of the need for family leave and to contact the Human Resources, Employee Benefits Division to make arrangements for payment of his/her premiums. For each benefit plan an employee is enrolled in, the Employee Benefits Division will inform the employee of the amount they owe to Santa Barbara County and the due dates to continue coverage. An employee's coverage on a particular plan may be dropped if he/she is more than 30 days late in making a premium payment. However, an employee will receive a notice at least 15 days before coverage is to cease, advising the employee that he/she will be dropped if the employee is more than 30 days late in making a premium payment. The cancellation date will be retroactive to the last covered period for which the employee has paid. Employee contribution rates are subject to any change in premiums that occurs while the employee is on leave.

Payment of an employee's benefit cash allowance is prorated based on the amount of accrued paid leave balances used (ex. vacation & sick leave) and any hours worked each pay period. If an employee is in a paid leave status, accrued leave may be used to pay employee benefit premiums due as provided in County policies. In order to avoid loss of benefits, arrangements for direct payments to the Employee Benefits Division should be made as soon as the leave period is known.

If an employee fails to return to work after his/her leave entitlement has been exhausted or expires, Santa Barbara County shall have the right to recover its share of health plan premiums for the entire leave period, unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or his/her family member which would entitle the employee to leave, or because of circumstances beyond the employee's control. The County may recover its share of health plan premiums by initiating legal action or based upon the express written authorization of the employee.

➤ **2025 Policy Enhancement: Page #22**

- Family and Medical (FMLA/CFRA) Leave section continued
 - Benefits During Leave section expanded
 - Added 18-month County contribution policy
 - Added "Pay-as-you-go" or "Catch-up" options

Retirement Contributions while on Leave

Retirement contributions are paid on a pro-rated basis by the County during FMLA/CFRA leave only when paid leave hours are used or any hours worked. No contributions are made on unpaid hours during the period of FMLA/CFRA leave. Santa Barbara County Employees' Retirement System (SBCERS) should be consulted for specific information.

Purchase of Service Credit

For information regarding possible purchase of service credit for unpaid time off related to an employee's own medical condition, parental leave, or the serious illness of a family member, employees should contact SBCERS.

Paid Leave Accruals and Holidays while on Leave

Sick, vacation and paid leave hours will not accrue during any unpaid portion of the leave of absence.

Employees will not receive pay for official holidays that are observed during their leave of absence except during those periods when they are substituting vacation or sick leave for unpaid leave.

Continued – Family Medical Leave Act (FMLA) governed by the U.S. Department of Labor and California Family Rights Act (CFRA) governed by the State of California Civil Rights Department

➤ 2017 Policy: Page #8

C. Retirement

Retirement contributions are paid on a pro-rated basis by Santa Barbara County during family leave only on vacation, holiday, sick, other paid leave hours used and any hours worked. No contributions are made on unpaid hours during the period of leave. Santa Barbara County Employees' Retirement System (SBCERS) should be consulted for specific information. Leave accruals, such as vacation and sick leave, do not continue during unpaid leave. Employees on family leave who may also be entitled to workers' compensation benefits must apply for and receive approval for these benefits from General Services, Risk Management Division.

➤ 2025 Policy Enhancement: Page #22

- Family and Medical (FMLA/CFRA) Leave section continued
 - Retirement Contributions While on Leave section added
 - Purchase of Service Credit section added
 - Expanded Paid Leave Accruals and Holidays while on Leave section added

Job Reinstatement

If the employee and the County have agreed upon a definite date of return from the leave of absence or transfer, the employee will be reinstated on that date if they notify the County that they are able to return on that date. If the length of the leave of absence or transfer has not been established, or if it differs from the original agreement, the employee will be returned to work within two business days, where feasible, after notifying the County of their readiness to return.

Under most circumstances, employees will be reinstated to the same position they held at the time of the leave or to an equivalent position with equivalent pay, benefits and other terms and conditions of employment. If an employee becomes unqualified during FMLA/CFRA leave as a result of not attending a necessary course, or renewing a license, the employee will be given a reasonable opportunity to fulfill those conditions upon returning to work. Further, the County may grant an employee's request to work a different shift, in a different or better position, or in a different location, that is better suited to the employee's personal needs upon returning from FMLA/CFRA leave.

The County will also consider a reasonable accommodation under the ADA/FEHA if the employee is returning from FMLA/CFRA leave for his or her own serious health condition. However, employees have no greater right to reinstatement than if they had been continuously employed rather than taken leave. For example, if an employee would have been laid off or their position would have been eliminated even if they had not gone on leave, then the employee will not be entitled to reinstatement. However, if an employee has been replaced or the employee's position was restructured to accommodate the employee absence, the employee is entitled to reinstatement.

Continued – Family Medical Leave Act (FMLA) governed by the U.S. Department of Labor and California Family Rights Act (CFRA) governed by the State of California Civil Rights Department

➤ 2017 Policy: Page #12

X. REINSTATEMENT UPON RETURN FROM LEAVE

A. Right to Reinstatement

Upon expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. Employees have no greater rights to reinstatement, benefits and other conditions of employment than if the employee had been continuously employed during the FMLA/CFRA period.

If a definite date of reinstatement has been agreed upon at the beginning of the leave, the employee will be reinstated on the date agreed upon. If the reinstatement date differs from the original agreement of the employee and their department, the employee will be reinstated within two business days, where feasible, after the employee notifies the employer of his/her readiness to return.

Section B not necessary for Job Reinstatement Purposes

C. Fitness for Duty Certification

As a condition of reinstatement of an employee whose leave was due to the employee's own serious health condition, which made the employee unable to perform his/her job, the employee may be required by their department to obtain and present a fitness-for duty certification from the health care provider that the employee is able to resume work. Failure to provide such certification will result in denial of reinstatement.

Section D not necessary for Job Reinstatement Purposes

Prior to being allowed to return to work, an employee wishing to return from a Serious Health Condition Leave may be required to submit an acceptable release from a health care provider that certifies the employee is able to resume work. If employees do not provide such a release prior to or upon reporting for work, they will be sent home until a release is provided. This time before the release is provided will be unpaid.

For an employee on intermittent or reduced schedule FMLA/CFRA Leave, such a release may be required up to once every 30 days if reasonable safety concerns exist regarding the employee's ability to perform their duties, based on the serious health condition for which the employee took the intermittent or reduced schedule leave.

For FMLA purposes only, key employees may be subject to reinstatement limitations in some circumstances. If employees are considered a "key employee," those employees will be notified of the possible limitations on reinstatement at the time the employee requests a leave of absence, or when leave begins, if earlier.

Continued – Family Medical Leave Act (FMLA) governed by the U.S. Department of Labor and California Family Rights Act (CFRA) governed by the State of California Civil Rights Department

E. Reinstatement of "Key" Employees

A "key employee" is a salaried FMLA/CFRA eligible County employee who is among the highest paid ten (10) percent of all County employees. The County may refuse to reinstate a key employee if the denial of reinstatement can prevent "substantial and grievous economic injury" to County operations. A "key employee" must be given a written notice of potential denial of reinstatement when the employee begins time off work under the FMLA/CFRA provisions.

If the County makes a good faith determination that substantial and grievous economic injury to County operations will result if a key employee who has begun his/her FMLA/CFRA leave is reinstated, the County must notify the "key employee" in writing of the intent to deny restoration. In such a case, a key employee's entitlement to group health plan benefits will continue until the twelve (12) week leave period ends, or until the date the employee advises his/her Department that he or she does not desire restoration to employment, at the end of the FMLA/CFRA period.

➤ 2025 Policy Enhancement: Page #23

- Family and Medical (FMLA/CFRA) Leave section continued
- Job Reinstatement section expanded

Confidentiality

Documents relating to medical certifications, recertifications or medical histories of employees or employees' family members will be maintained separately and treated as confidential medical records, except that in some legally recognized circumstances, the records (or information in them) may be disclosed to supervisors and managers, first aid and safety personnel or government officials.

Continued – Family Medical Leave Act (FMLA) governed by the U.S. Department of Labor and California Family Rights Act (CFRA) governed by the State of California Civil Rights Department

- 2017 Policy: No information on Confidentiality
- 2025 Policy Enhancement: Page #24
 - Family and Medical (FMLA/CFRA) Leave section continued
 - Confidentiality section added

Work-Related Injury and FMLA/CFRA Eligibility

Except as provided below, when an employee is placed off work because of an on-the-job injury (i.e., workers' compensation injury) and eligible for FMLA/CFRA, the two leaves run concurrently.

However, when certain safety employees are injured on the job, Labor Code section 4850 provides those employees a leave of absence for up to one year "without loss of salary" instead of the scheduled workers' compensation benefits applicable to most other employees. During that year, FMLA/CFRA leave will not be run concurrently, even though the employee may otherwise qualify. If an employee remains on leave after the expiration of the one-year period provided by Section 4850, FMLA/CFRA leave may begin to run, if the employee is qualified.

TIMECARD CODING: During the first year of time off taken under 4850, leave is paid. After the expiration of the one-year period provided by Section 4850, should the employee remain on leave, the time off will be unpaid. The employee may be eligible for Temporary Total Disability (TTD) or Temporary Partial Disability (TPD) benefits. Employees may use available leave accruals to supplement their wages while on unpaid leave to the extent permitted by law, the County's policy, MOUs, and Resolutions. EDD may provide wage replacement benefits to eligible employees.

Continued – Family Medical Leave Act (FMLA) governed by the U.S. Department of Labor and California Family Rights Act (CFRA) governed by the State of California Civil Rights Department

➤ 2017 Policy: Page #13

XI. COORDINATION OF FMLA/CFRA LEAVE WITH OTHER COUNTY POLICIES & STATUTES

Where an employee meets the requirements for a work-related medical leave (Civil Service Rule 1411) and the definition of serious illness above, County departments should place the employee on a *medical* leave (Illness/Accident work related) and notify the employee that this leave will run concurrently with their family leave entitlement.

If Risk Management has not accepted this illness/injury as work related, departments shall place the employee on a *non-work related medical leave* until this decision is made. If the employee's illness/injury is subsequently accepted as a workers' compensation illness/injury, the leave reason can then be changed to a *work-related medical leave*. Please note: Employees in "safety classifications" cannot be placed on family leave while receiving disability pay in lieu of workers' compensation temporary disability payments under provision of California Labor Code Section 4850.

➤ 2025 Policy Enhancement: Page #24

- Family and Medical (FMLA/CFRA) Leave section continued
 - Work-Related Injury and FMLA/CFRA Eligibility section added
 - Timecard Coding section added

Fraudulent Use of FMLA/CFRA Leave Prohibited

An employee who fraudulently obtains FMLA/CFRA leave from the County is not protected by the FMLA's or the CFRA's job restoration or maintenance of health benefits provisions. In addition, the County will take all available appropriate disciplinary action against an employee due to such fraud.

Nondiscrimination

The County takes its FMLA/CFRA leave obligations very seriously and will not interfere with, restrain or deny the exercise of any rights provided by the FMLA or the CFRA. The County will not terminate or discriminate against any individual for opposing any practice or because of involvement in any proceeding related to the FMLA or CFRA. If an employee believes that their FMLA or CFRA rights have been violated in any way, they should immediately report the matter to their Human Resources representative or to County Human Resources.

Additional Documentation

The County's "Employee Rights and Responsibilities" notice provides additional details regarding employees' rights and responsibilities under the FMLA. Employees may obtain a copy of the "Employee Rights and Responsibilities" notice and copy of the US Department of Labor poster "Your Rights Under the Family and Medical Leave Act" from County Human Resources or the County Intranet.

Employees should contact their Human Resources representative as to any FMLA or CFRA questions they may have.

TIMECARD CODING: All time off taken under FMLA/CFRA leave is unpaid. Employees may use available leave accruals to supplement their wages while on unpaid leave to the extent permitted by law, the County's policy, MOUs, and Resolutions. EDD may provide wage replacement benefits to eligible employees.

Continued – Family Medical Leave Act (FMLA) governed by the U.S. Department of Labor and California Family Rights Act (CFRA) governed by the State of California Civil Rights Department

➤ 2017 Policy: Page #14

- No information about Fraudulent Use of FMLA/CFRA
- No Information about nondiscrimination
- Additional Information:

XII. REQUIRED FORMS

Employees must fill out the following applicable forms in connection with leave under this policy:

1. "Employee Request For Family/Medical Leave" form" prepared by Santa Barbara County to be eligible for leave. **Note: Employees will receive a Notice of Eligibility and Rights & Responsibilities (FMLA/CFRA) response to their request which will set forth certain conditions of the leave.**
2. "Medical Certification – Employee's Serious Health Condition" form to be used for the employee's own serious health condition, or "Medical Certification – Employee's Family Member" form to be used for the serious health condition of a child, parent, spouse or domestic partner;
3. "Permission to Contact Personal Health Care Provider" form
4. "Fitness For Duty To Return From Leave Certification" form if required by employee's department.

- Timecard Coding:

I. STATEMENT OF POLICY

In cases of employee illness, a period of "family leave" is coded as a "medical" leave for payroll purposes under the County leave of absence policies and sick leave may be used.

➤ 2025 Policy Enhancement: Page #24

- Family and Medical (FMLA/CFRA) Leave section continued
 - Fraudulent Use of FMLA/CFRA Prohibited section added
 - Nondiscrimination section added
 - Additional Information section expanded
 - Timecard Coding section expanded

PREGNANCY AND PREGNANCY-DISABILITY LEAVE AND ACCOMMODATION (PDL)

Pregnancy Disability Leave (PDL)

Any employee who is disabled by pregnancy, childbirth or a related medical condition (including medical conditions relating to lactation) is eligible for up to four months of unpaid pregnancy disability leave under California's Pregnancy Disability Leave (PDL) law. Other than having a qualifying pregnancy-related disability, there are no tenure, hours, other eligibility requirements, and full- and part-time employees are treated the same. If an employee is also eligible for leave under the FMLA, the FMLA leave and the pregnancy disability leave will run concurrently.

For purposes of this policy, employees are "disabled by pregnancy" when, in the opinion of their health care provider, they cannot work at all or are unable to perform any one or more of the essential functions of their job or to perform them without undue risk to themselves, the successful completion of their pregnancy or other persons as determined by a health care provider. The term "disabled" also applies to certain pregnancy-related conditions, such as severe morning sickness or the need to take time off for prenatal or postnatal care, bed rest, post-partum depression and the loss or end of pregnancy (among other pregnancy-related conditions that are considered to be disabling).

Reasonable Accommodation for Pregnancy-Related Disabilities

Any employee who is affected by pregnancy, childbirth or a related condition may also be eligible a reasonable accommodation, which does not create an undue hardship for the County, as provided by California's PDL law and the federal Pregnant Workers Fairness Act (PWFA). Documentation supporting the need for an accommodation may be required in reasonable circumstances (e.g., when the limitation and need for reasonable accommodation is not obvious, when sufficient information has not already been provided through a prior certification, where the employee has not already attested to being pregnancy and requested a predictable assessment, or where the request is not related to lactation accommodations).

Examples of reasonable accommodations include: (1) modifying work schedules; (2) modifying work duties; (3) providing time off; (4) providing furniture (such as stools) and modifying equipment and devices; and (5) providing additional break time.

Pregnancy Disability Leave (PDL) governed by the State of California Civil Rights Department, Pregnancy as a Serious Medical Condition (FMLA) governed by the U.S. Department of Labor

➤ 2017 Policy: Page #14

III. REASONS FOR LEAVE

Family leave is only permitted for the following reasons:

1. The birth of a child or to care for a newborn child of an employee;

XI. COORDINATION OF FMLA/CFRA LEAVE WITH OTHER COUNTY POLICIES & STATUTES

Pregnancy Disability / Maternity Leave - Employees on leave for pregnancy and birth of a child are covered by the State Pregnancy Disability statute (Gov. Code Section 12945). This statute allows employers to authorize up to four months medical leave of absence if medically necessary. Employees are expected to provide a physician's certificate to determine the length of this medical disability period. The initial pregnancy disability leave period should be coded as a *maternity leave* and is treated the same as other medical leaves for benefit purposes. After this period, if the employee requests additional time off for bonding with the newborn child, this time off is authorized by the CFRA and can be up to 12 weeks in addition to the pregnancy disability period. This second leave period (for bonding) should be coded as *family leave*. Sick leave cannot be used during this second *family leave* period. In addition, *family leave* should also be coded for fathers who take time off to bond with their newborn child(ren) or for either parent to bond with newly adopted or foster children.

➤ 2025 Policy Enhancement: Page #25

- Pregnancy and Pregnancy-Disability Leave and Accommodation section expanded
 - Pregnancy Disability Leave (PDL) section added
 - Reasonable Accommodation for Pregnancy-Related Disabilities section added

Notice and Medical Certification

Requests for pregnancy disability leave must be submitted in writing with reasonable advance notice of the medical need for the leave. All leaves must be confirmed in writing, have an agreed-upon specific date of return, and be submitted.

The request for California PDL must be supported by a written certification from the attending physician stating that: (1) the employee is disabled from working by pregnancy, childbirth or a related medical condition; (2) the date on which the employee became disabled by pregnancy, childbirth or a related medical condition; and (3) the estimated duration or end date of the leave.

Failure to provide the County with reasonable advance notice or sufficient medical certification may result in the delay of leave.

Length of Leave

The County will provide employees with pregnancy disability leave under PDL for a period not to exceed four months, as determined by the employee's medical provider. The four months is defined as the number of days (and hours) the employee would normally work within four calendar months (88 days or 17.33 workweeks). This leave may be taken intermittently or on a continuous basis, as certified by the employee's health care provider.

The County may require an employee to temporarily transfer to an available alternative position to meet the medical need of the employee to take intermittent leave or work on a reduced schedule as certified by the employee's health care provider. The employee must be qualified for the alternative position, which will have an equivalent rate of pay and benefits, but not necessarily equivalent job duties.

Any temporary transfer or other reasonable accommodation provided to an employee affected by pregnancy will not reduce the amount of pregnancy disability leave time the employee has available unless the temporary transfer or other reasonable accommodation involves a reduced work schedule or intermittent absences from work.

The length of the transfer or other accommodation will depend upon the period of time for which it is medically advisable.

Continued – Pregnancy Disability Leave (PDL) governed by the State of California Civil Rights Department, Pregnancy as a Serious Medical Condition (FMLA) governed by the U.S. Department of Labor

➤ 2025 Policy Enhancement: Page #26

- Pregnancy and Pregnancy-Disability Leave and Accommodation continued
 - Notice of Medical Certification section added
 - Length of Leave section added

Compensation During Leave

Pregnancy disability leaves and accommodations that require employees to work a reduced work schedule or to take time off from work intermittently are unpaid. Employees may be required to use sick leave and may choose to use accrued vacation, to the extent permitted by law and the County's policy .

Employees may be eligible to receive benefits through state-sponsored programs or the County's sponsored wage-replacement benefit programs. California State Disability Insurance (SDI) provides short-term Disability Insurance wage replacement benefits to eligible employees who need time off work due to pregnancy disability. To be eligible for SDI benefits employees must pay into State Disability Insurance. Additional information on SDI may be found on the Employment Development Department website.

Per MOU or Resolution, County employees may choose to integrate their SDI/PFL benefits with their paid leave (sick, vacation, holiday). If eligible employees elect to have wage-replacement benefits and accrued paid leave integrated, the integration will be arranged such that employees will receive no greater compensation than their regular compensation during this period.

Employees who are not eligible for SDI/PFL benefits nor integration will not have the option to integrate their wages; employees must use their available paid leave to the extent permitted by law, the County's policy, MOUs and Resolutions. Employees may not use partial leave balances to extend the number of pay periods they might otherwise remain in a paid status.

In some circumstances, an employee who has exhausted leave accruals and other state-sponsored wage replacement may be eligible for leave donations through the County's Catastrophic Leave Donation Program, the procedure for which is available through the Auditor Controller's intranet. Donations may be available while on pregnancy disability leave or during other leaves.

Continued – Pregnancy Disability Leave (PDL) governed by the State of California Civil Rights Department, Pregnancy as a Serious Medical Condition (FMLA) governed by the U.S. Department of Labor

➤ 2025 Policy Enhancement: Page #27

- Pregnancy and Pregnancy-Disability Leave and Accommodation continued
 - Compensation During Leave section added

Benefits During Leave

The County will maintain an employee's health insurance benefits during an employee's pregnancy disability leave for a period of up to four months (as defined above) on the same terms as they were provided prior to the leave time.

Employees on a leave of absence resulting from a medical condition including related to pregnancy or childbirth shall receive the County contribution toward health plan coverage for up to eighteen (18) months. Premium amounts exceeding the County contribution and for dependents shall be the responsibility of the employee during the leave period. If an employee has paid leave accruals in excess of eighteen (18) months at the start of the leave, the County will continue to make its contribution toward health coverage while paid leave is being used and until such time as the paid leave is exhausted.

This means that if employees want their benefits coverage to continue during their leave, they must also continue to make the same premium payments that they are now required to make for themselves or their dependents. If any employee is receiving pay (e.g., through the use of vacation and/or sick time) while on leave, the employee's premium payments will be paid through a payroll deduction.

If an employee enters an unpaid status during leave, the employee must arrange with Human Resources, Employee Benefits & Wellness Division to make premium payments each pay period, under either a "pay-as-you-go" or "pay-on-return/catch-up" plan, depending on the circumstances. Failure to submit the employee's premium payment for two (2) consecutive pay periods, may result in the County cancelling coverage for the employee and any covered dependents.

Employees have 30 days from their child's birth, placement or adoption date to enroll into County benefit plans.

Continued – Pregnancy Disability Leave (PDL) governed by the State of California Civil Rights Department, Pregnancy as a Serious Medical Condition (FMLA) governed by the U.S. Department of Labor

➤ 2025 Policy Enhancement: Page #28

- Pregnancy and Pregnancy-Disability Leave and Accommodation continued
 - Benefits During Leave section added

Retirement Contributions while on Leave

Retirement contributions are paid on a pro-rated basis by Santa Barbara County during pregnancy disability leave only when using vacation, holiday, sick, other paid leave hours and any hours worked. No contributions are made on unpaid hours during the period of leave. Santa Barbara County Employees' Retirement System (SBCERS) should be consulted for specific information.

Purchase of Service Credit

For information regarding possible purchase of service credit for unpaid time off related to an employee's own medical condition, parental leave, or the serious illness of a family member, employees should contact SBCERS.

Paid Leave Accruals and Holidays while on Leave

Sick, vacation and paid leave hours will not accrue during any unpaid portion of the leave of absence, and employees will not receive pay for official holidays that are observed during their leave of absence except during those periods when they are substituting vacation or sick leave for unpaid leave.

Job Reinstatement

Employees will be returned to the same position upon the conclusion of their leave of absence or transfer unless the position ceases to exist. In cases where the employee's position no longer exists, the County will provide a comparable position on the scheduled return date or within 60 calendar days of that return date. However, employees will not be entitled to any greater right to reinstatement than if they had not taken the leave.

To the extent required by law, some extensions beyond an employee's pregnancy disability leave entitlement may be granted when the leave is necessitated by an employee's injury, illness or "disability" as defined under the Americans with Disabilities Act and/or applicable state or local law.

Continued – Pregnancy Disability Leave (PDL) governed by the State of California Civil Rights Department, Pregnancy as a Serious Medical Condition (FMLA) governed by the U.S. Department of Labor**➤ 2025 Policy Enhancement: Page #28**

- Pregnancy and Pregnancy-Disability Leave and Accommodation continued
 - Retirement Contributions While on Leave section added
 - Purchase of Service Credit section added
 - Paid Leave Accruals and Holidays While on Leave
 - Job Reinstatement section added

Failure to Provide Notice or Certification and to Return from Leave

Absent unusual circumstances, failure to comply with medical notice and certification requirements may result in a delay or denial of the leave.

If an employee fails to return to work at the leave's expiration and has not obtained approval for an extension of the leave, the County may presume that the employee does not plan to return to work and has voluntarily terminated their employment, as provided in Civil Service Rule 1413(c) and 1408.

Non-Discrimination

The County will not discriminate or retaliate against employees because they request or make use of leave, a transfer or other accommodations in accordance with this policy. This policy does not limit a pregnant employee's rights under any other policy or laws protecting gender, pregnancy and childbirth, or health conditions related to pregnancy or childbirth.

Employees who have questions about this policy or who wish to request leave, transfer or other reasonable accommodation under this policy should contact their Human Resources representative.

TIMECARD CODING: All time off taken under PDL is unpaid. Employees may use available leave accruals to supplement their wages while on unpaid leave to the extent permitted by law, the County's policy, MOUs, and Resolutions. EDD may provide wage replacement benefits to eligible employees.

Continued – Pregnancy Disability Leave (PDL) governed by the State of California Civil Rights Department, Pregnancy as a Serious Medical Condition (FMLA) governed by the U.S. Department of Labor

➤ **2025 Policy Enhancement: Page #29**

- Pregnancy and Pregnancy-Disability Leave and Accommodation continued
 - Failure to Provide Notice or Certification and to Return from Leave
 - Non-Discrimination section added
 - Timecard Coding section added

LEAVE AS A REASONABLE ACCOMMODATION (FEHA/ADA)

Additionally, FMLA/CFRA coverage for an employee's own serious health condition that also constitutes a disability under the California's Fair Employment and Housing Act (FEHA) or the Americans with Disabilities Act (ADA) is separate and distinct from FEHA/ADA protections.

If the employee cannot return to work at the expiration of the FMLA/CFRA leave, the County will engage the employee in the interactive process to determine whether an extension of the leave would be a reasonable accommodation under the FEHA/ADA.

TIMECARD CODING: All time off taken under a reasonable accommodation leave is unpaid. Employees may use available leave accruals to supplement their wages while on unpaid leave to the extent permitted by law, the County's policy, MOUs, and Resolutions. EDD may provide wage replacement benefits to eligible employees.

Americans with Disabilities Act (ADA) – Title I enforcement and guidance by The U.S. Equal Employment Opportunity Commission (EEOC) and the Fair Employment and Housing (FEHA) governed by the State of California Civil Rights Department

- 2017 Policy: No mention of the interactive process/reasonable accommodations/ADA/FEHA
- **2025 Policy Enhancement: Page #30**
 - Leave As a Reasonable Accommodation section added
 - Timecard Coding section added

FAMILY MILITARY LEAVE

Employees may take up to 10 days of unpaid leave if they work an average of 20 or more hours per week and their spouse (including a same-sex spouse) or registered domestic partner is on leave from deployment as a member of: (1) the Armed Forces of the United States deployed to an area of military conflict designated as a combat theater or combat zone by the President of the United States; or (2) the National Guard or Reserves deployed during a period of military conflict. For purposes of this policy "military conflict" includes "a period of war declared by the United States Congress" or a period of deployment for which a member of the Reserves is ordered to active duty either by the Governor or the President of the United States.

Employees must provide the County with notice of their intention to take leave within two business days of receiving official notice that their spouse or registered domestic partner will be on leave from deployment. The County may also request that employees submit written documentation certifying that their spouse or registered domestic partner will be on military leave from deployment during the time of the requested leave.

TIMECARD CODING: Eligible employees may use all available accrued paid leave, such as vacation and paid time off, during a period of unpaid family military leave. Leave taken under this policy will not affect an employee's right to any other benefits.

Military Spouse Leave (Family Military Leave) governed by California Military & Veteran Code 395.10

- 2017 Policy: No mention of Family Military Leave
- 2025 Policy Enhancement: Page #30
 - Family Military Leave section added
 - Timecard Coding section added

SCHOOL OR CHILD CARE ACTIVITIES LEAVE

An employee who is a parent to one or more children who are of the age to attend a licensed child care provider, kindergarten or grades one through 12 may take up to 40 hours of unpaid leave per school year to participate in any of the following:

- Finding, enrolling or reenrolling the child in a school or with a licensed child care provider;
- Participating in school or child care-related activities; or
- Addressing a child care provider or school emergency.

“Parent” includes parent, guardian, stepparent, foster parent, grandparent, and persons who stand *in loco parentis* (in place of a parent) to a child.

Time off for reasons other than a child care provider or school emergency is limited to eight (8) hours per calendar month.

Child care provider or school emergencies occur when the child cannot remain in school or with a child care provider due to one of the following:

- 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 that the child be picked up from school or child care;
- Behavioral or discipline problems;
- Closure or unexpected unavailability of the school or child care provider (excluding planned holidays);
- A natural disaster (e.g., fire, earthquake or flood).

School or Child Care Activities Leave governed by California Labor Code section 230.8, which is also known as the Family School Partnership Act.

- 2017 Policy: No mention of School or Child Care Activities
- 2025 Policy Enhancement: Page #30
 - School or Child Care Activities Leave section added

Employees wishing to take time off for a planned absence (e.g., to participate in scheduled school or child care provider activities or enroll a child in school or with a child care provider), must provide reasonable advance notice to their supervisor. Employees needing time off to address a child care provider or school emergency must provide notice to their supervisor as soon as practicable.

The County may require employees to provide documentation from the school or child care provider verifying that the employee participated in the school or childcare activity, including the date and time of the activity.

If both parents of a child work for the County only one parent - the first to provide notice - may take the time off, unless the County approves both parents taking time off simultaneously.

The leave provided by the County is akin to that described in California Labor Code section 230.8, which is also known as the Family School Partnership Act.

TIMECARD CODING: Employees may substitute any existing vacation time or other accrued paid leave (not sick leave) for any part of this leave. Employees who do not have vacation time available will be allowed time off without pay.

Continued – School or Child Care Activities Leave governed by California Labor Code section 230.8, which is also known as the Family School Partnership Act.

- **2025 Policy Enhancement: Page #31**
 - School or Child Care Activities Leave continued
 - Timecard Coding section added

SCHOOL DISCIPLINE LEAVE

Employees who are the parent or custodial guardian of a child in kindergarten or grades one through 12 may take unpaid time off when required, in accordance with California law, to attend a portion of a school day in the classroom of their child or ward because that child has been suspended.

To be eligible for leave, the employee must provide advance notice that their appearance at the school has been requested. The County may require employees to provide documentation, including a copy of the school's notice or some other certification stating that the employee's presence at the school is mandatory.

School visits for other purposes may be covered under the County's School or Child Care Activities Leave policy above.

The County will not discharge, threaten, demote, suspend or in any other manner discriminate against an employee because they take time off to appear at the school of their child or ward in accordance with this policy.

The leave provided by the County is akin to that described in California Labor Code section 230.8.

TIMECARD CODING: Employees may substitute any existing vacation time or other accrued paid leave (not sick leave) for any part of this leave. Employees who do not have vacation time available will be allowed time off without pay.

School Discipline Leave governed by California Labor Code section 230.8, which is also known as the Family School Partnership Act.

- 2017 Policy: No mention of School Discipline Leave
- 2025 Policy Enhancement: Page #32
 - School Discipline Leave section added
 - Timecard Coding section added

BEREAVEMENT LEAVE

Employees may take up to forty (40) hours of unpaid time off to attend the funeral and make any necessary arrangements due to the death of any and each member of their immediate family.

“Immediate family members” include the employee’s spouse, registered domestic partner, children, siblings, parents, step-parents, parents-in-law, grandparents, and grandchildren. Certain MOUs may include additional qualifying family members or “designated persons” in the definition of “immediate family members.”

Employees must notify their supervisor as soon as possible if they need to take bereavement leave. Employees may be requested to provide documentation of the death of the family member.

The days of bereavement leave need not be consecutive and shall be completed within three (3) months of the date of death of the family member.

The leave provided by the County is consistent with California Government Code section 12945.7.

TIMECARD CODING: Employees may take up to forty (40) hours of their accrued sick leave, or if they do not have sick leave available, may use other leave accruals. If an employee has no accruals available up to five (5) days of bereavement leave on an unpaid basis.

Bereavement leave governed by California Government Code section 12945.7.

- 2017 Policy: No mention of Bereavement Leave
- 2025 Policy Enhancement: Page #32
 - Bereavement Leave section added
 - Timecard Coding section added

LEAVE FOR REPRODUCTIVE LOSS

The County provides employees who have been employed at least 30 calendar days with unpaid reproductive loss leave, in the event of a “reproductive loss event.”

“Reproductive loss event” means the day or, for a multiple-day event, the final day of a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction, as those terms are defined below:

- “Failed adoption” means the dissolution or breach of an adoption agreement with the birth mother or legal guardian, or an adoption that is not finalized because it is contested by another party. This event applies to a person who would have been a parent of the adoptee if the adoption had been completed.
- “Failed surrogacy” means the dissolution or breach of a surrogacy agreement, or a failed embryo transfer to the surrogate. This event applies to a person who would have been a parent of a child born as a result of the surrogacy.
- “Miscarriage” means a miscarriage by a person, by the person’s current spouse or domestic partner, or by another individual if the person would have been a parent of a child born as a result of the pregnancy.
- “Stillbirth” means a stillbirth resulting from a person’s pregnancy, the pregnancy of a person’s current spouse or domestic partner, or another individual, if the person would have been a parent of a child born as a result of the pregnancy that ended in stillbirth.
- “Unsuccessful assisted reproduction” means an unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure. This event applies to a person, the person’s current spouse or domestic partner, or another individual, if the person would have been a parent of a child born as a result of the pregnancy.

Reproductive loss leave governed by California Government Code section 12945.6

- 2017 Policy: No mention of Reproductive Loss
- **2025 Policy Enhancement: Page #33**
 - Leave for Reproductive Loss section added

Reproductive loss leave may be taken for up to five (5) days per Reproductive Loss Event.

Reproductive loss leave is not required to be taken consecutively, but such leave must be taken within three (3) months of the reproductive loss event, with the exception that, if an employee is on CFRA leave, pregnancy disability leave, or another leave protected by state or federal law at the time of or immediately following the reproductive loss event, the employee may use reproductive loss leave within three (3) months of the end date of the other protected leave.

If an employee experiences more than one reproductive loss event within a 12-month period, the County will provide reproductive loss leave up to a maximum of 20 days within a 12-month period.

Reproductive loss leave is unpaid, but employees may elect to use accrued paid leaves, such as sick leave, personal leave, or vacation in order to provide for their compensation while on reproductive loss leave.

The County will maintain the confidentiality of any employee who requests to use or uses reproductive loss leave, and the County will not disclose such information other than to internal personnel on a need to know basis, or as required by law.

The leave provided by the County is consistent with California Government Code section 12945.6.

TIMECARD CODING: Employees may use their accrued sick leave, or other accrued time such as vacation or holiday time to be paid. If an employee has no accruals available, or declines to use their accruals, up to five (5) days reproductive loss leave will be provided on an unpaid basis.

Continued - Reproductive loss leave governed by California Government Code section 12945.6

➤ 2025 Policy Enhancement: Page #34

- Leave for Reproductive Loss section continued
 - Timecard Coding section added

BONE MARROW DONOR LEAVE

Eligible employees who undergo a medically necessary procedure to donate bone marrow to another person will be provided with forty (40) hours of paid leave in any one-year period, without a loss in pay. For purposes of this policy, a "one-year period" is 12 consecutive months from the date the employee begins leave pursuant to this section. Employees may take leave in one or more periods, as long as the leave does not exceed forty (40) hours in any one-year period.

Employees who seek leave under this section must provide verification from a physician detailing the purpose and length of leave, including the medical necessity for the donation.

Employees must first exhaust forty (40) hours of sick leave, vacation or other paid time off in order to be eligible for this bone marrow donor leave. In the event of a hardship, the Human Resources Director may waive the requirement that leave be exhausted prior to being eligible for bone marrow donor leave. Use of this leave will not be counted against any available leave under the FMLA or CFRA, if applicable. Leave under this section is also not considered a break in service for purposes of salary adjustments, sick leave, vacation, holiday or seniority.

While on bone marrow donor leave, the County will maintain all group health insurance benefits as if the employee was still at work. In most circumstances, upon return from this leave, an employee will be reinstated to their original job or to an equivalent job with equivalent pay, benefits and other employment terms and conditions. However, an employee has no greater right to reinstatement than if they did not take a leave. For example, if an employee on bone marrow donor leave would have been laid off had they not taken a leave, or if the employee's job is eliminated during the leave and no equivalent or comparable job is available, then the employee would not be entitled to reinstatement.

The leave provided by the County is akin to that described in California Labor Code section 1508, et seq., which is also known as the Michelle Maykin Memorial Donation Protection Act.

TIMECARD CODING: Once an employee has exhausted forty (40) hours of personal leave as described above, employees should code Other Leave with Pay for up to forty (40) hours of bone marrow donor leave.

Bone marrow donor leave is governed by Labor Code section 1508, et seq., which is also known as the Michelle Maykin Memorial Donation Protection Act

- 2017 Policy: No mention of Bone Marrow Donor Leave
- **2025 Policy Enhancement: Page #34**
 - Bone Marrow Donor Leave section added
 - Timecard Coding section added

ORGAN DONOR LEAVE

Eligible employees who undergo a medically necessary procedure to donate an organ to another person will be provided with up to two hundred forty (240) hours of paid leave in any one-year period. For purposes of this policy, a "one-year period" is 12 consecutive months from the date the employee begins leave pursuant to this section. Employees may take leave in one or more periods, as long as the leave does not exceed two hundred forty (240) hours in any one-year period.

Employees who seek leave under this section must provide verification from a physician detailing the purpose and length of leave, including the medical necessity for the donation.

Employees must first exhaust eighty (80) hours of sick leave, vacation or other paid time off in order to be eligible for this organ donor leave. In the event of a hardship, the Human Resources Director may waive the requirement that leave be exhausted prior to being eligible for organ donor leave. Use of this leave will not be counted against any available leave under the FMLA or CFRA, if applicable. Leave under this section is also not considered a break in service for purposes of salary adjustments, sick leave, vacation, holiday or seniority.

While on organ donor leave, the County will maintain all group health insurance benefits as if the employee was still at work. In most circumstances, upon return from this leave, an employee will be reinstated to their original job or to an equivalent job with equivalent pay, benefits and other employment terms and conditions. However, an employee has no greater right to reinstatement than if they did not take a leave. For example, if an employee on organ donor leave would have been laid off had they not taken a leave, or if the employee's job is eliminated during the leave and no equivalent or comparable job is available, then the employee would not be entitled to reinstatement.

The leave provided by the County is akin to that described in California Labor Code section 1508, et seq., which is also known as the Michelle Maykin Memorial Donation Protection Act.

TIMECARD CODING: Once an employee has exhausted eighty (80) hours of personal leave as described above, employees should code Other Leave with Pay for up to two hundred and forty (240) hours of organ donor leave.

Organ donor leave is governed by Labor Code section 1508, et seq., which is also known as the Michelle Maykin Memorial Donation Protection Act

- 2017 Policy: No mention of Organ Donor Leave
- **2025 Policy Enhancement: Page #35**
 - Organ Donor Leave section added
 - Timecard Coding section added

MILITARY LEAVE

Both state and federal law provide employees with the right to take leave in order to serve in the military. At the federal level, military leave rights are governed by the Uniformed Services Employment and Reemployment Rights Act of 1994, commonly referred to as USERRA. Provisions of the Military and Veterans Code of the State of California provide additional rights.

Generally, employees who have worked for the County for at least one year will be entitled pay for the first 30 days or 176 hours of military leave each fiscal year. For the purposes of this section, in determining the one year of public agency service, all service of a public employee in the recognized military service shall be counted as public agency service.

County Military Leave Supplement (WOT)

Additionally, if an employee has been called to active duty, the County provides an additional Military Leave Supplement, but only if the call to active duty is related to the War on Terrorism, after the initial 30 calendar days or 176 hours described above. The program provides the employee with pay covering the difference between the employee's County pay and military pay for 12 months. After that 12-month period, the County pays the difference between 80% of the employee's County pay and the employee's military pay while the employee remains on active duty. While on active duty, vacation, sick and other normally-accrued paid time off accrues at the employee's regular rate.

To be eligible for pay and benefits provided under the County's Supplement to Military Pay program employees must have been ordered to active duty as a "result of the War on Terrorism." There is a two-part test to determining whether the active duty order is a result of the War on Terrorism:

1. Orders are typically authorized under United States Code, Title 10, sections 12302, 12304 and occasionally 12301(d); and
2. Active duty orders should explicitly state or identify it is in support of a current military operation known to be for the War on Terrorism (e.g., Operation Freedom's Sentinel).

Military Leave governed by the Uniformed Services Employment and Reemployment Rights Act (USERRA) and the State of California Military and Veterans Code section 395, *et seq.*

County Military Leave Supplement – War On Terrorism (WOT) governed by Santa Barbara County Board of Supervisors

- 2017 Policy: No Military Leave under USERRA/California
- **2025 Policy Enhancement: Page #36**
 - Military Leave section added
 - County Military Leave Supplement (WOT) section added

When an employee requests pay and benefits provided via the County's Supplement to Military Pay program, the employee's Department shall take the following steps:

1. Obtain copy of the employee's orders to active duty, or verification from employee's commanding officer;
2. Verify and/or obtain further information as may be needed to verify that the employee's orders are a result of the War on Terrorism (refer to two-part test above). If the information needed is not clearly provided and/or articulated in the employee's order, the Department may request further information from the employee and/or their commanding officer.
3. Provide information outlined in steps 2 and 3 to the County Leave of Absence Administrator for final review and verification of employee eligibility.

Eligibility for Leave—USERRA

The County provides military leaves of absence to employees who serve in the uniformed services as required by USERRA. The uniformed services are defined as the Army, Navy, Marine Corps, Air Force, Coast Guard, Army National Guard, Air National Guard, Commissioned Corps of the Public Health Service and any other category of persons designated by the President of the United States in time of war or national emergency. The uniformed services also include participants in the National Disaster Medical System when activated to assist in response to a public health emergency, to be present for a short period of time when there is a risk of a public health emergency or when they are participants in authorized training.

Continued – Military Leave governed by the Uniformed Services Employment and Reemployment Rights Act (USERRA) and the State of California Military and Veterans Code section 395, *et seq.*

County Military Leave Supplement – War On Terrorism (WOT) governed by Santa Barbara County Board of Supervisors

➤ **2025 Policy Enhancement: Page #37**

- Military Leave section continued
 - Eligibility for Leave – USERRA section added

Service consists of performing any of the following on a voluntary or involuntary basis: active duty, active duty for training, initial active duty, inactive duty training, full-time National Guard duty, State active duty for a period of 14 days or more, State active duty in response to a national emergency declared by the President under the National Emergencies Act or in support of a major disaster declared by the President under Section 401 of the Stafford Act, absence from work for an examination to determine fitness for such duty, and absence for performing funeral honors duty. For purposes of this policy, "State active duty" means training or other duty, other than inactive duty, performed by a member of the National Guard of a State, under the authority of the Governor of a State. It does not include duty performed under federal authority (such as Title 10 or Title 32), nor duty for which the National Guard member is entitled to pay from the Federal Government. A "State" includes the several states of the United States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands and other U.S. territories.

Total military leave time may not exceed five years during employment, except in certain, defined circumstances.

Notice of Leave—USERRA

Advance notice of leave is required, preferably in writing, unless giving notice is impossible or unreasonable or notice is prohibited by military necessity (which is defined by the United States Department of Defense). When notice is required, employees must provide their supervisor with as much advance notice as possible of any anticipated leave of absence for military service.

Compensation and Benefits During Leave—USERRA

Absences due to military service under USERRA are unpaid, although employees may elect to use any accrued vacation leave in lieu of unpaid military leave.

After 30 days of continuous military leave, employees may elect to continue their health plan coverage at their own expense for up to 24 months or during the remaining period of service, whichever is shorter.

Continued – Military Leave governed by the Uniformed Services Employment and Reemployment Rights Act (USERRA) and the State of California Military and Veterans Code section 395, *et seq.*

County Military Leave Supplement – War On Terrorism (WOT) governed by Santa Barbara County Board of Supervisors

➤ **2025 Policy Enhancement: Page #38**

- Military Leave section continued
 - Notice of Leave – USERRA section added
 - Compensation and Benefits During Leave – USERRA section added

Job Reinstatement—USERRA

In order to be eligible for reinstatement, an employee must have provided advance notice of the need for military leave (where required) and have completed their service on a basis that is not dishonorable or otherwise prohibited under USERRA. In order for the County to determine its reemployment obligations, an employee shall provide a copy of their active duty orders which necessitated the need for military leave.

Employees whose military service will be for fewer than 31 days must report back to work at the beginning of the first full, regularly scheduled workday following completion of service, after allowing for a period of safe travel home and eight hours of rest.

Employees whose military service will be for more than 30 days, but fewer than 181 days, must apply for reemployment within 14 days after completing service.

Employees whose service is greater than 180 days must apply for reemployment within 90 days after completing service.

As with other leaves of absence, failure to return to work or to reapply within applicable time limits may result in loss of reemployment rights.

In general, an employee returning from military leave will be re-employed in the position and seniority level that the employee would have attained had there been no military leave of absence. If necessary, the County will provide training to assist the employee in the transition back to the workforce.

Vacation benefits do not continue to accrue during an unpaid military leave of absence. An employee returning from military leave is entitled to any vacation benefits the employee had at the time the military leave began minus any vacation benefits the employee chose to use during the leave. Upon reinstatement, the employee will begin to accrue vacation benefits at the rate they would have attained if no military leave had been taken.

Continued – Military Leave governed by the Uniformed Services Employment and Reemployment Rights Act (USERRA) and the State of California Military and Veterans Code section 395, *et seq.*

County Military Leave Supplement – War On Terrorism (WOT) governed by Santa Barbara County Board of Supervisors

- **2025 Policy Enhancement: Page #38**
 - Military Leave section continued
 - Job Reinstatement – USERRA section added

California Military Leave

Any employee who is a member of the reserve corps of the Armed Forces of the United States or of the National Guard or the Naval Militia is entitled to a temporary military leave of absence as provided by federal law while engaged in military duty ordered for purposes of active military training, inactive duty training, encampment, naval cruises, special exercises or like activity, providing that the period of ordered duty does not exceed 180 calendar days, including time involved in going to and returning from that duty.

Upon the termination of temporary military duty, the employee has the right to be restored to the former office or position and status formerly held.

As discussed above, an employee on a temporary military leave shall receive the same vacation, sick leave, and holiday privileges and the same rights and privileges to promotion, continuance in office, employment, reappointment to office, or reemployment that the employee would have enjoyed had he or she not been absent from County service; and generally, be paid their County salary for 30 calendar days.

In certain circumstances, employees who resigned their County employment to enter military service have the right to return and reenter County service in the same position.

When the United States is engaged in war, or where the Governor proclaims a state of emergency exists in preparing for the National Defense, employees who enter the armed forces of the United States shall be entitled to a leave of absence for the duration of the war or until the Governor finds and proclaims that the emergency no longer exists, and for 90 days thereafter, or until 90 days after the termination of such service.

The County provides time off pursuant to California Military and Veterans Code section 395, *et seq.*

TIMECARD CODING: Pay for the first 30 calendar days or 176 hours within any fiscal year is coded as military leave. Pay under the County's Supplement to Military Pay Program is coded as supplemental military pay.

Continued – Military Leave governed by the Uniformed Services Employment and Reemployment Rights Act (USERRA) and the State of California Military and Veterans Code section 395, *et seq.*

County Military Leave Supplement – War On Terrorism (WOT) governed by Santa Barbara County Board of Supervisors

➤ 2025 Policy Enhancement: Page #39

- Military Leave section continued
 - California Military Leave section added
 - Timecard Coding section added

EMERGENCY RESPONDER LEAVE

The County will not terminate or discipline any employee who is a volunteer firefighter, reserve peace officer or emergency rescue personnel because the employee takes time off to perform emergency duty or engages in fire, law enforcement or emergency rescue training. In the event an employee needs to take time off for this type of emergency duty, the employee must alert their supervisor before leaving the County's premises.

A "volunteer firefighter" includes any person registered as a volunteer member of a regularly organized fire department of a city, county, city and county or district having official recognition of the government of the city, county or district in which the department is located; or a regularly organized fire department of an unincorporated town.

"Emergency rescue personnel" includes any volunteer or paid officers, employees, or members of a fire department or fire protection or firefighting agency who perform first aid and medical services, rescue procedures and transportation or other related activities necessary to insure the health or safety of a person in immediate danger. Such personnel include those who work for the: (1) federal or state government; (2) city, county, city and county, district or other public or municipal corporation or political subdivision of this state; (3) sheriff's department, police department or private fire department; or (4) disaster medical response entity sponsored or requested by the state.

Employees who are health care providers must promptly notify the County if they become designated as emergency response personnel and when they are notified that they will be deployed in their capacity as emergency response personnel.

Emergency responder leave governed by California Labor Code section 230.4.

- 2017 Policy: No mention of Emergency Responder Leave
- 2025 Policy Enhancement: Page #39
 - Emergency Responder Leave section added

For employees who are providers of emergency medical services, the County reserves the right to deny leave under this policy when the employee's absence would hinder the availability of public safety or emergency medical services.

Employees will also be allowed up to 14 days of leave per calendar year to engage in fire, law enforcement or emergency rescue training.

The leave provided by the County is akin to that described in California Labor Code section 230.4.

TIMECARD CODING: All time off taken under this section is unpaid, except that exempt employees will be paid when required under applicable law.

Continued – Emergency responder leave governed by California Labor Code section 230.4.

- 2017 Policy: No mention of Emergency Responder Leave
- 2025 Policy Enhancement: Page #40
 - Emergency Responder Leave section continued
 - Timecard Coding section added

CIVIL AIR PATROL LEAVE

The County will not terminate or discriminate against an employee who is a volunteer member of the Civil Air Patrol or prevent a member from performing service as part of the California Wing of the Civil Air Patrol during an emergency operational mission. Additionally, the County will not retaliate against an employee for requesting or taking Civil Air Patrol leave in accordance with this section.

The County will provide eligible employees with up to 10 days per calendar year of leave, but no more than three days at a time, unless the emergency is extended by the entity in charge of the operation and the County approves the extension. To be eligible for leave, employees must have been employed by the County for at least 90 days immediately preceding the start of the leave, and must be duly directed and authorized by a political entity that has the authority to authorize an emergency operational mission of the California Wing of the Civil Air Patrol.

Employees must request leave with as much notice as possible. The County may require certification from the proper Civil Air Patrol authority to verify an employee's eligibility for leave. The County may deny leave if the employee fails to provide the required certification.

Following leave, an employee must return to work as soon as practicable and must provide evidence of the satisfactory completion of Civil Air Patrol service. If the employee complies with these requirements, the employee will be restored to their prior position without loss of status, pay or other benefits.

The leave provided by the County is akin to that described in California Labor Code sections 1500-1507.

TIMECARD CODING: Leave taken under this section is unpaid except that exempt employees will be paid when required by applicable law. Employees will not be required to exhaust accrued vacation or sick leave or any other type of accrued leave prior to taking unpaid civil air patrol leave, but may choose to use such benefits during leave to receive pay.

Civil air patrol leave governed by California Labor Code sections 1500-1507

- 2017 Policy: No mention of Civil Air Patrol Leave
- 2025 Policy Enhancement: Page #40
 - Civil Air Patrol Leave section added
 - Timecard Coding section added

WITNESS AND JURY DUTY LEAVE

The County encourages all employees to fulfill their civic responsibilities and to respond to jury service summonses or subpoenas, attend court for prospective jury service or serve as a juror or witness under court order.

An employee, including an employee who is a victim, may take time off to appear in court to comply with a subpoena or other court order as a witness in any judicial proceeding. For purposes of witness duty leave, "victim" is defined as a person against whom a crime has been committed.

Under no circumstances will employees be terminated, coerced or penalized because they request or take leave in accordance with this section.

Employees must notify their supervisor with notice of any jury summons or subpoena or court order within a reasonable time after receipt and before their appearance is required. Verification from the court clerk of having served or appeared may be required.

All fees and perquisites collected by any employee as a juror or a non-party witness (except for mileage) shall be paid into the County Treasury in accordance with the procedures prescribed by the County Auditor-Controller.

The leave provided by the County is as required by the California Fair Employment and Housing Act, at section 12945.8.

Any employee on jury or witness duty is expected to report or return to work for the remainder of the work schedule when not serving or when dismissed from jury or witness duty, if they are not otherwise on leave.

TIMECARD CODING: If an employee is appearing in court as a party-witness (meaning they are either the petitioner/plaintiff or defendant) in a matter unrelated to their county employment, including as a victim (as defined above) then they may code sick, vacation, or other accrued paid time off.

If an employee is required to appear by the Court, either for jury duty, or as a non-party witness as a private citizen during regular working hours, then they shall use the jury duty payroll code. If an employee is required to appear by the Court in the course of their work as a County employee, then they shall use the payroll code used for their regular work hours.

Witness and Jury Duty leave is governed by California Fair Employment and Housing Act, AB2499

- 2017 Policy: No mention of Witness and Jury Duty Leave
- **2025 Policy Enhancement: Page #41**
 - Witness and Jury Duty Leave section added
 - Timecard Coding section added

VICTIMS OF QUALIFYING ACTS OF VIOLENCE LEAVE

The California Fair Employment and Housing Act (Government Code section 12945.8) further provides that an employee who is a victim or has a family member who is a victim of a qualifying act of violence (as defined below) may take time off to:

- Obtain or attempt to obtain any relief for a family member from a court, including to obtain a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the victim's family member.
- Seek, obtain, or assist a family member to seek or obtain:
 - medical attention for or to recover from injuries caused by a qualifying act of violence;
 - services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of a qualifying act of violence;
 - psychological counseling or mental health services related to an experience of a qualifying act of violence; or
 - civil or criminal legal services in relation to the qualifying act of violence.
- Participate in safety planning or take other actions to increase safety from future qualifying acts of violence.
- Relocate or engage in the process of securing a new residence due to the qualifying act of violence, including securing temporary or permanent housing or enrolling children in a new school or childcare.
- Provide care to a family member who is recovering from injuries caused by a qualifying act of violence.
- Prepare for, participate in, or attend any civil, administrative, or criminal legal proceeding related to the qualifying act of violence.

Victims of qualifying acts of violence leave governed by California Fair Employment and Housing Act, AB2499

- 2017 Policy: No mention of victims of qualifying acts of violence leave
- **2025 Policy Enhancement: Page #42**
 - Victims of qualifying acts of violence leave section added

- Seek, obtain, or provide childcare or care to a care-dependent adult if the childcare or care is necessary to ensure the safety of the child or dependent adult due to the qualifying act of violence.

A “qualifying act of violence” means any of the following, regardless of whether anyone is arrested for, prosecuted for, or convicted of committing any crime:

- Domestic violence, sexual assault, or stalking.
- An act, conduct, or pattern of conduct in which a person:
 - causes bodily injury or death to another person;
 - shows or uses a firearm, or other dangerous weapon, with respect to another person; or
 - uses, or makes a reasonably perceived or actual threat to use, force against another person to cause physical injury or death.

Family member means an employee’s:

- Child, parent, grandparent, grandchild, sibling, spouse, or domestic partner, as defined in the California Family Rights Act (Cal. Gov’t Code § 12945.2).
- Designated person, meaning any individual related by blood or whose association with the employee is the equivalent of a family relationship.

Employees may identify their designated person at the time they request the leave. Employees are limited to one designated person per 12-month period for leave under this policy.

Continued – Victims of qualifying acts of violence leave governed by California Fair Employment and Housing Act, AB2499

- 2017 Policy: No mention of victims of qualifying acts of violence leave
- **2025 Policy Enhancement: Page #43**
 - Victims of qualifying acts of violence leave section added

Providing Notice

Employees should notify their Human Resources representative as soon as possible before taking time off under this policy.

On receipt of a subpoena or other court order requiring appearance in a judicial proceeding as a witness, employees must inform Human Resources as soon as possible.

Employees must provide appropriate documentation, including a copy of the subpoena or other court order, as soon as possible. The County reserves the right to require employees to provide proof of the need to attend the proceedings to the extent authorized by law.

If employees are excused from the judicial proceeding during regular working hours or released from the judicial proceeding earlier than expected, they should return to work, provided they are not otherwise on leave.

If an employee is a victim eligible to take leave to seek relief from a court to help ensure their or their child's health, safety, or welfare or to seek other outside assistance services as provided above, the employee must provide the County with reasonable advance notice of their intent to take leave. If advance notice is not possible, the employee must provide the County with one of the following certifications within a reasonable time after the employee's absence:

- A police report showing that they or their family member was a victim of a qualifying act of violence;
- A court order protecting or separating the employee or their family member from the perpetrator of the qualifying act of violence, or other evidence from the court or prosecuting attorney that the employee or their family member has appeared in court;
- Documentation from a licensed medical professional, domestic violence counselor, sexual assault counselor (as defined in Section 1035.2 of the California Evidence Code), victim advocate, licensed health care provider, or counselor that the employee or their family member was undergoing treatment or seeking or receiving services directly related to the qualifying act of violence; or
- Any other form of documentation reasonably verifying that the qualifying act of violence occurred, such as a written statement signed by the employee or a person acting on the employee's behalf, certifying the absence is for an authorized purpose.

Continued – Victims of qualifying acts of violence leave governed by California Fair Employment and Housing Act, AB2499

- 2017 Policy: No mention of victims of qualifying acts of violence leave
- 2025 Policy Enhancement: Page #43
 - Victims of qualifying acts of violence leave section added

Leave Time Limitations

When an employee or a family member are a victim of a qualifying act of violence, or a crime victim who is appearing as a witness in court, the employee is entitled to leave as follows:

- Qualifying Act of Violence Victim: 12 weeks (total).
- Relocation or Enrolling a Child in a New School or Childcare when Family Member Is a Crime Victim (Non-Fatal): 5 days.
- Family Member Is a Crime Victim (Non-Fatal): 10 days.

If the absence would also qualify under the federal Family and Medical Leave Act (FMLA) or California Family Rights Act (CFRA), leave must run concurrently.

If leave taken is due to an employee's inability to work because of a serious health condition or need to care for a family member with a serious health condition, they may also be eligible for wage replacement under the Disability Insurance program, the Paid Family Leave, or other programs administered by the Employment Development Department (EDD).

If an employee is a family member of a deceased victim, they may be eligible for leave under Government Code section 12945.8 and for bereavement leave under Government Code section 12945.7.

Employees may also be eligible for leave pursuant to Sections 230.2 and 230.5 of the Labor Code, as discussed below.

TIMECARD CODING: Employees may use accrued sick time, vacation or other accrued paid leave. Otherwise, time off is unpaid, except to the extent the employee qualifies for wage replacement through programs administered by the EDD, referred to above.

Continued – Victims of qualifying acts of violence leave governed by California Fair Employment and Housing Act, AB2499

- 2017 Policy: No mention of victims of qualifying acts of violence leave
- **2025 Policy Enhancement: Page #44**
 - Victims of qualifying acts of violence leave section added
 - Timecard Coding section added

CRIME VICTIM LEAVE FOR OTHER JUDICIAL PROCEEDINGS

Employees are also entitled to take leave to attend judicial proceedings related to certain serious crimes if they are:

- A victim of the crime.
- The crime victim's immediate family member (as defined below).
- The crime victim's registered domestic partner.
- The child of the crime victim's registered domestic partner.

The covered crimes are any of the following:

- A violent felony, as defined in Section 667.5(c) of the Penal Code.
- A serious felony, as defined in Section 1192.7(c) of the Penal Code.
- A felony theft or felony embezzlement.

Immediate family member is defined as an employee's spouse or registered domestic partner, parent, step-parent, sibling, step-sibling, child, or step-child.

Employees who wish to take this leave must provide reasonable advance notice. When notice is not feasible or an unscheduled absence occurs, an employee must provide their employer, within a reasonable time after the absence, documentation evidencing the judicial proceeding from any of the following:

- The court or government agency setting the hearing.
- The district attorney or prosecuting attorney's office.
- The victim or witness office that is advocating on the victim's behalf.

The leave provided by the County is akin to that described by California Labor Code section 230.2.

TIMECARD CODING: This leave is unpaid unless the employee elects to use accrued vacation, or other paid leave.

Crime victim leave for other judicial proceedings governed by California Labor Code section 230.2

- 2017 Policy: No mention of Crime victim leave for other judicial proceedings
- **2025 Policy Enhancement: Page #45**
 - Crime victim leave for other judicial proceedings section added
 - Timecard Coding section added

CRIME VICTIM LEAVE FOR VICTIM'S RIGHTS PROCEEDINGS FOR SPECIFIED OFFENSES

An employee who is a victim of certain covered offenses may also take time off, at the victim's request, to appear in court to be heard at any proceeding in which the victim's rights are at issue.

Victim is defined to include:

- Any person who suffers direct or threatened physical, psychological, or financial harm due to the commission or attempted commission of a crime or delinquent act.
- The person's spouse registered domestic partner, parent, child, sibling, or guardian.

Employees should consult with Human Resources regarding the offenses covered by this leave law. Employees who wish to take this leave must provide reasonable advance notice. When notice is not feasible, or an unscheduled absence occurs, employees must provide a certification within a reasonable time after their absence that can be any of the following:

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

The leave provided by the County is akin to that described by California Labor Code section 230.5.

TIMECARD CODING: Employees may use vacation or other accrued paid leave. Otherwise, time off is unpaid.

Crime victim leave for victim's rights proceedings for specified offenses governed by California Labor Code section 230.5

- 2017 Policy: No mention of Crime victim leave for victim's rights proceedings for specified offenses
- **2025 Policy Enhancement: Page #45**
 - Crime victim leave for victim's rights proceedings for specified offenses section added
 - Timecard Coding section added

REASONABLE ACCOMMODATIONS FOR VICTIMS OF QUALIFYING ACTS OF VIOLENCE

An employee who is a victim or whose family member is a victim of a qualifying act of violence may request reasonable accommodations for the employee's safety at work.

Reasonable accommodations may include the implementation of safety measures, including a transfer, reassignment, modified schedule, changed work telephone or workstation, permission to carry a telephone at work, an installed lock, assistance in documenting domestic violence, sexual assault, stalking, or another qualifying act of violence that occurs in the workplace, implementing safety procedures, another workplace adjustment, or referral to a victim assistance organization.

Employees seeking reasonable accommodation should contact their Human Resources representative. The County is not obligated to undertake an action that constitutes an undue hardship on its business operations as defined under the law, including any action that would violate an employer's duty to furnish and maintain a safe and healthful place of employment for all employees.

Employees may be required to provide a signed statement certifying their request is for a proper purpose and may be required to provide a certification and a recertification every six months thereafter showing the employee's status, or the employee's family member's status, as a victim of a qualifying act of violence. Certification shall be sufficient in the form of any of the following:

- A police report indicating that the employee or a family member of the employee was a victim;
- A court order protecting or separating the employee or a family member of the employee from the perpetrator of the qualifying act of violence, or other evidence from a court or prosecuting attorney that the employee or a family member of the employee has appeared in court;

Reasonable accommodations for victims of qualifying acts of violence governed by the California Fair Employment and Housing Act, AB2499

- 2017 Policy: No mention of Reasonable accommodations for victims of qualifying acts of violence
- 2025 Policy Enhancement: Page #46
 - Reasonable accommodations for victims of qualifying acts of violence section added

- Documentation from a licensed medical professional, domestic violence counselor, as defined in Section 1037.1 of the Evidence Code, a sexual assault counselor, as defined in Section 1035.2 of the Evidence Code, victim advocate, licensed health care provider, or counselor that the employee or a family member of the employee was undergoing treatment or seeking or receiving services directly related to the qualifying act of violence; or
- Any other form of documentation that reasonably verifies that the qualifying act of violence occurred, including, but not limited to, a written statement signed by the employee, or an individual acting on the employee's behalf, certifying that the absence is for a purpose authorized under this section.

The County maintains the confidentiality of any document provided to it identifying an employee or their family member as a victim and will not disclose this information except when legally required or as necessary to protect the employee's safety in the workplace.

Continued – Reasonable accommodations for victims of qualifying acts of violence governed by the California Fair Employment and Housing Act, AB2499

- 2017 Policy: No mention of Reasonable accommodations for victims of qualifying acts of violence
- **2025 Policy Enhancement: Page #47**
 - Reasonable accommodations for victims of qualifying acts of violence section added

TIME OFF TO VOTE

The County encourages all employees to fulfill their civic responsibilities and to vote in official public elections. Most employees' schedules provide sufficient time to vote either before or after working hours.

Any employees who do not have sufficient time outside of working hours to vote in a statewide public election, while the polls are open, may take up to two hours off from work, without loss of pay. Any additional time off will be without pay. Employees must take the time off at the beginning or end of their regular work schedule, whichever allows the most free time for voting and the least amount of time off from work, unless mutually agreed otherwise.

If the employee on the third working day prior to the day of election, knows or has reason to believe that time off will be necessary to be able to vote on election day, the employee shall give the employer at least two working days' notice that time off for voting is desired.

The County provides time off pursuant to California Elections Code section 14000.

TIMECARD CODING: If employees are unable to vote in a statewide public election outside of working hours while the polls are open, they may code up to two (2) hours of regular work time for voting.

Time off to vote governed by California Elections Code section 14000

- 2017 Policy: No mention of Time off to Vote
- 2025 Policy Enhancement: Page #47
 - Time off to Vote section added
 - Timecard Coding section added

ELECTION OFFICER/POLL WORKER LEAVE

Time off may be paid as provided by the County's Election Officer/Poll Worker program.

The County will not terminate, suspend or otherwise discriminate against employees who miss work to serve as an election officer on Election Day.

The County asks that employees provide reasonable advance notice of the need for time off to serve as an election official, so that the time off can be scheduled to minimize disruption to normal work schedules.

Proof of having served as an election official may be required.

TIMECARD CODING: Timecard should be coded as defined in the Election Officer/Poll worker program.

Election officer/Poll worker time off governed by California Elections Code 12300

- 2017 Policy: No mention of Election Officer/Poll Worker Leave
- **2025 Policy Enhancement: Page #48**
 - Election Officer/Poll Worker section added
 - Timecard Coding section added