



## Western Riverside Council of Governments Administration & Finance Committee

### AGENDA

Wednesday, March 11, 2026  
12:00 PM

Western Riverside Council of Governments  
1955 Chicago Avenue  
Riverside, CA 92507

**Members of the public are welcome to participate remotely from any location. Committee member participation is limited to locations that are listed on the published agenda.**

**[Public Zoom Link](#)**

Meeting ID: 885 9108 4157  
Passcode: 376173  
Dial in: 669 900 9128 U.S.

In compliance with the Americans with Disabilities Act and Government Code Section 54954.2, if special assistance is needed to participate in the Administration & Finance Committee meeting, please contact WRCOG at (951) 405-6706. Notification of at least 48 hours prior to meeting time will assist staff in assuring that reasonable arrangements can be made to provide accessibility at the meeting. In compliance with Government Code Section 54957.5, agenda materials distributed within 72 hours prior to the meeting which are public records relating to an open session agenda item will be available for inspection by members of the public prior to the meeting at 3390 University Avenue, Suite 200, Riverside, CA, 92501.

In addition to commenting at the Committee meeting, members of the public may also submit written comments before or during the meeting, prior to the close of public comment to [jleonard@wrcog.us](mailto:jleonard@wrcog.us). To ensure distribution to Committee members prior to the meeting, please submit comments no later than two hours before the meeting is scheduled to begin. Public comments will also be accepted in person and via Zoom during the meeting.

Any member of the public requiring a reasonable accommodation to participate in this meeting in light

of this announcement shall contact Lucy Felix at least 72 hours prior to the meeting at (951) 405-6706 or [lfelix@wrcog.us](mailto:lfelix@wrcog.us). Later requests will be accommodated to the extent feasible.

The Committee may take any action on any item listed on the agenda, regardless of the Requested Action.

**1. CALL TO ORDER (Brenda Dennstedt, Chair)**

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**4. PUBLIC COMMENTS**

At this time members of the public can address the Committee regarding any items within the subject matter jurisdiction of the Committee that are not separately listed on this agenda. Members of the public will have an opportunity to speak on agenda items at the time the item is called for discussion. No action may be taken on items not listed on the agenda unless authorized by law. Whenever possible, lengthy testimony should be presented to the Committee in writing and only pertinent points presented orally.

**5. CONSENT CALENDAR**

All items listed under the Consent Calendar are considered to be routine and may be enacted by one motion. Prior to the motion to consider any action by the Committee, any public comments on any of the Consent Items will be heard. There will be no separate action unless members of the Committee request specific items be removed from the Consent Calendar.

**A. Action Minutes from the February 11, 2026, Administration & Finance Committee Meeting**

**Requested Action(s):** 1. Approve the Action Minutes from the February 11, 2026, Administration & Finance Committee meeting.

**6. REPORTS / DISCUSSION**

Members of the public will have an opportunity to speak on agenda items at the time the item is called for discussion.

**A. 2026 General Assembly Community Service Awards Nominations**

**Requested Action(s):** 1. Recommend nominations for the 2026 Awards for Outstanding Community Service to the Executive Committee for final approval.

**B. Review of Updated Personnel Policies Related to WRCOG Employee Leave Benefits**

**Requested Action(s):** 1. Recommend that the Executive Committee approve the following updated personnel policies:

- A. X.1 Employee Leave Benefits: Paid Time Off Policy
- B. X.2 Employee Leave Benefits: Holidays
- C. X.3 Employee Leave Benefits: Family Medical Leave and Pregnancy Disability
- D. X.5 Employee Leave Benefits: Military Leave
- E. X.6 Employee Leave Benefits: Catastrophic Voluntary Time Bank Program

**7. REPORT FROM THE COMMITTEE CHAIR**

Brenda Dennstedt, Western Water

**8. REPORT FROM THE DEPUTY EXECUTIVE DIRECTOR**

Chris Gray

**9. ITEMS FOR FUTURE AGENDAS**

Members are invited to suggest additional items to be brought forward for discussion at future Committee meetings.

**10. GENERAL ANNOUNCEMENTS**

Members are invited to announce items / activities which may be of general interest to the Committee.

**11. NEXT MEETING**

The next Administration & Finance Committee meeting is scheduled for Wednesday, April 8, 2026, at 12:00 p.m., in WRCOG's new office at 1955 Chicago Avenue, Riverside.

**12. ADJOURNMENT**

# Administration & Finance Committee

## Action Minutes

### 1. CALL TO ORDER

The meeting of the WRCOG Administration & Finance Committee was called to order by Chair Brenda Dennstedt at 12:02 p.m., on February 11, 2026, in WRCOG's office.

### 2. PLEDGE OF ALLEGIANCE

Casey Dailey, WRCOG Director of Energy & Environmental Programs, led the Committee members and guests in the Pledge of Allegiance.

### 3. ROLL CALL

- City of Beaumont - Mike Lara
- City of Corona - Jacque Casillas
- City of Lake Elsinore - Brian Tisdale
- City of Menifee - Bob Karwin
- City of Riverside - Chuck Conder
- County of Riverside, Dist. 2 - Karen Spiegel
- County of Riverside, Dist. 3 - Chuck Washington
- Western Water - Brenda Dennstedt (Chair)

Absent:

- City of Eastvale
- City of Jurupa Valley
- City of Norco

### 4. PUBLIC COMMENTS

There were no public comments.

### 5. CONSENT CALENDAR

<b>RESULT:</b>	<b>APPROVED AS RECOMMENDED</b>
<b>MOVER:</b>	Lake Elsinore
<b>SECONDER:</b>	Corona
<b>AYES:</b>	Beaumont, Corona, Lake Elsinore, Menifee, Riverside, Dist. 2, Dist. 3, Western Water

### A. Action Minutes from the December 10, 2025, Administration & Finance Committee Meeting

**Action:**

1. Approved the Action Minutes from the December 10, 2025, Administration & Finance Committee meeting.

**6. REPORTS / DISCUSSION**

**A. 35th Annual General Assembly & Leadership Address Community Service Award Nominations**

**Actions:**

1. Amended Community Service Award guidelines to have a maximum of two recipients in each award category.
2. Directed the Deputy Executive Director to open the nomination period, effective February 13, 2026.

<b>RESULT:</b>	<b>APPROVED AS RECOMMENDED</b>
<b>MOVER:</b>	Dist. 2
<b>SECONDER:</b>	Riverside
<b>AYES:</b>	Beaumont, Corona, Lake Elsinore, Menifee, Riverside, Dist. 2, Dist. 3, Western Water

**B. Fiscal Year 2025/2026 Budget Amendment**

**Action:**

1. Recommend that the Executive Committee approve the Fiscal Year 2025/2026 Budget Amendment.

<b>RESULT:</b>	<b>APPROVED AS RECOMMENDED</b>
<b>MOVER:</b>	Lake Elsinore
<b>SECONDER:</b>	Dist. 3
<b>AYES:</b>	Beaumont, Corona, Lake Elsinore, Menifee, Riverside, Dist. 2, Dist. 3, Western Water

**7. REPORT FROM THE COMMITTEE CHAIR**

Chair Dennstedt had nothing to report.

**8. REPORT FROM THE DEPUTY EXECUTIVE DIRECTOR**

Deputy Executive Director Chris Gray reported that he will be out of the office the week of February 23, 2026, and Casey Dailey and Janis Leonard are available to assist.

**9. ITEMS FOR FUTURE AGENDAS**

There were no items for future agendas.

**10. GENERAL ANNOUNCEMENTS**

There were no general announcements.

## **11. CLOSED SESSION**

There were no reportable actions.

## **12. NEXT MEETING**

The next Administration & Finance Committee meeting is scheduled for Wednesday, March 11, 2026, at 12:00 p.m., in **WRCOG's new office at 1955 Chicago Avenue, Riverside.**

## **13. ADJOURNMENT**

The meeting was adjourned at 12:57 p.m.



# Western Riverside Council of Governments Administration & Finance Committee

## Staff Report

**Subject:** 2026 General Assembly Community Service Awards Nominations  
**Contact:** Bonnie Woodrome, Manager, Communications and External Affairs,  
[bwoodrome@wrcog.us](mailto:bwoodrome@wrcog.us), (951) 405-6752  
**Date:** March 11, 2026

### **Recommended Action(s):**

1. Recommend nominations for the 2026 Awards for Outstanding Community Service to the Executive Committee for final approval.

### **Summary:**

The WRCOG Community Service Awards recognize individuals and groups in western Riverside County who significantly contribute beyond their roles to support the community, with nominations provided by WRCOG member agencies and selected through a process involving the Administration & Finance Committee and the Executive Committee. This process culminates in honoring the awardees at the annual General Assembly & Leadership Address.

### **Purpose / WRCOG 2022-2027 Strategic Plan Goal:**

The purpose of this item is to present nominations for the Community Service Awards for consideration for the 2026 General Assembly & Leadership Address. This item aligns with WRCOG's 2022-2027 Strategic Plan Goal #4 (Communicate proactively about the role and activities of the Council of Governments).

### **Discussion:**

### **Background**

WRCOG's Community Service Awards highlight community members that have gone above and beyond their respective roles and responsibilities to support western Riverside County. The role of the Administration & Finance Committee is to serve as the nominating body for the Community Service Awards.

WRCOG member agency representatives provide nominations, which are then considered by the Administration & Finance Committee, which then makes a recommendation to the Executive Committee. The Executive Committee then makes the final selection, and the awardees are then honored at WRCOG's Annual General Assembly & Leadership Address.

## **Present Situation**

This year, staff notified member agencies on February 13, 2026, that the nomination period was open.

At its March 11, 2026, meeting, staff will present the list of nominees for review and discussion to this Committee.

The process for award nomination and selection includes the following:

1. Staff notifies member agencies' elected officials and staff that the nomination period is open.
2. Applications are submitted to WRCOG.
3. WRCOG compiles all nominations. Staff presents all submitted nominations to the Administration & Finance Committee for review and discussion.
4. The Administration & Finance Committee provides a recommendation of award recipients to the Executive Committee.
5. The Executive Committee approves award recipients.
6. Award recipients are honored at the General Assembly & Leadership Address.

The list below outlines the approved Community Service Award selection guidelines for this year's nomination process:

1. Recipient exhibits exemplary volunteerism;
2. Recipient is not a current public elected official;
3. Recipient is not currently employed by a WRCOG member agency; and
4. There are two award categories: individual and group.

The nomination period closes at 5:00 p.m. on Friday, March 6, 2026. All applications received by the deadline will be provided prior to the meeting and will be presented during the presentation.

## **Prior Action(s):**

**February 12, 2024:** The Administration & Finance Committee approved the Community Service Award selection guidelines.

## **Financial Summary:**

Activities related to the WRCOG General Assembly & Leadership Address are included in the WRCOG Supporting Foundation's Fiscal Year 2025/2026 budget.

## **Attachment(s):**

None.



# Western Riverside Council of Governments Administration & Finance Committee

## Staff Report

**Subject:** Review of Updated Personnel Policies Related to WRCOG Employee Leave Benefits

**Contact:** Christopher Gray, WRCOG Deputy Executive Director, (951) 405-6710, [cgray@wrcog.us](mailto:cgray@wrcog.us)

**Date:** March 11, 2026

### **Recommended Action(s):**

1. Recommend that the Executive Committee approve the following updated personnel policies:
  - A. X.1 Employee Leave Benefits: Paid Time Off Policy
  - B. X.2 Employee Leave Benefits: Holidays
  - C. X.3 Employee Leave Benefits: Family Medical Leave and Pregnancy Disability
  - D. X.5 Employee Leave Benefits: Military Leave
  - E. X.6 Employee Leave Benefits: Catastrophic Voluntary Time Bank Program

### **Summary:**

Staff have prepared five revised policies for Administration & Finance Committee review and recommendation to the Executive Committee for approval. These policies reflect updates since the last Executive Committee adoption in August 2021, including changes to employee leave benefits, holiday provisions, voluntary time bank procedures, family and medical leave, and military leave. The proposed revisions are intended to align with current legal requirements and best practices, and to address operational needs identified since the prior policy adoption.

### **Purpose / WRCOG 2022-2027 Strategic Plan Goal:**

This item aligns with WRCOG's 2022-2027 Strategic Plan Goal #7 (Provide a safe, inclusive environment that values employees) by ensuring that WRCOG's personnel policies governing employee leave, holidays, voluntary time bank, family and medical leave, and military leave are current, legally compliant, and responsive to the evolving needs of the workforce.

### **Discussion:**

### **Background**

The last set of leave-related personnel policies approved by the Executive Committee in August 2021 reflected a comprehensive review to ensure alignment with then-current legal requirements and best

practices. Updates at that time included legal compliance adjustments in areas such as the Family and Medical Leave Act and the California Family Rights Act, as well as the addition of Juneteenth as a paid holiday. Most changes were characterized as non-substantive, focusing on clarifying employment practices and leave procedures rather than introducing major structural revisions. The 2021 policies served as the operational framework for employee leave, holidays, voluntary time bank, family and medical leave, and military leave.

Since 2021, several challenges have emerged. In some cases, the language related to employee has changed significantly with additional State and Federal legislation and regulations. In other cases, the challenges have been operational. Under the current system, the majority of WRCOG employees accrue both vacation and sick leave. While vacation has unlimited use, sick leave does not. Additional leave benefits that have been provided include emergency sick leave for new employees. These additional leave types have complicated Agency administration due to the need to track multiple leave types. Another operational issue is related to caps on leave accruals. Leave caps have been applied inconsistently, creating additional financial liability for the Agency.

To address this issue, staff have commenced on a comprehensive personnel policy update. Staff are being assisted by BB&K and MRG, a consulting firm with experience in agency management and human resources. An initial set of policies were drafted by MRG, then reviewed by staff, and then reviewed by BB&K. Once these policies were finalized, they were distributed to a Policy Ad Hoc Committee who's members consist of:

- Mike Lara (Beaumont)
- Brian Tisdale (Lake Elsinore)
- Mark Terry (Canyon Lake)
- Christian Dinco (Eastvale)
- Bob Karwin (Menifee)

The policies submitted for consideration today have been reviewed and approved by the Ad Hoc Committee during its January 14, 2026, and February 14, 2026, meetings.

As part of discussions with the Ad Hoc Committee, staff shared current leave accrual rates, caps, and cash-out policies. This analysis determined that the proposed leave policies for WRCOG were consistent with member agencies.

## **Present Situation**

### **Policy X.1 Employee Leave Benefits: Paid Time Off**

The proposed Paid Time Off (PTO) Policy introduces a consolidated leave structure that replaces the previous system of separate accruals for vacation, sick leave, and personal days, as established in the 2021 manual. Under the new Policy, employees will accrue PTO at a unified rate, with a revised maximum accrual cap designed to promote regular use of leave and minimize large carryover balances. The Policy includes a one-time employer-designated cash-out of accrued leave balances exceeding the new cap, along with an option for employees to voluntarily cash out up to 80 additional hours, which was not available under the prior policy. Procedures for requesting and approving PTO have been clarified to ensure consistency and transparency across all departments. The revised Policy also addresses the treatment of PTO during protected leaves, aligning with federal and state requirements, and specifies the

process for donating PTO hours to the Catastrophic Voluntary Time Bank Program. Compared to the 2021 manual, these changes reflect a shift toward greater flexibility for employees while supporting operational planning and compliance with current legal standards. The updated approach is intended to streamline leave administration and better accommodate both employee needs and Agency requirements.

This Policy update also clarifies the requirements related to any leave cash-outs. Leave cash-outs are limited to two times per year up to 80 hours for each instance and 160 hours total for any year. The Policy also clarifies instances in which an employee may cash out additional leave when there is an unforeseen financial emergency, consistent with IRS regulations. The updated Policy provides a specific definition on what constitutes a financial emergency and cites the specific code section where additional information is provided.

#### Policy X.2 Employee Leave Benefits: Holidays

The revised Holidays Policy expands on the 2021 provisions by further clarifying eligibility for paid holidays, including the process for banking holidays when operational needs require employees to work on a designated holiday. The updated policy introduces an automatic cash-out of unused holiday bank hours after 30 days, a feature not present in the previous manual, to ensure timely reconciliation of leave balances. Additionally, the Policy maintains the recognition of Juneteenth as a paid holiday, which was first introduced in the 2021 update, and provides more detailed guidance on holiday observance for part-time and temporary staff.

#### Policy X.3 Employee Leave Benefits: Family Medical Leave & Pregnancy Disability Leave

The Family Medical Leave Policy has been revised to incorporate recent changes in federal and state law, including updates to the Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA). The Policy now provides expanded definitions of qualifying family members and clarifies the process for requesting intermittent leave. Compared to the 2021 manual, the revised Policy includes more detailed notice requirements, updated forms, and enhanced protections for employees returning from leave, ensuring full compliance with statutory mandates.

#### Policy X.5 Employee Leave Benefits: Military Service Leave

The Military Service Leave Policy has been updated to reflect current requirements under the Uniformed Services Employment and Reemployment Rights Act (USERRA) and related state statutes. The revised Policy clarifies the rights and responsibilities of employees called to active duty or training, including procedures for requesting leave, benefit continuation, and reemployment upon return. In comparison to the 2021 manual, the new Policy provides more comprehensive guidance on documentation, timelines, and coordination with other leave entitlements, supporting both employee rights and Agency compliance.

#### Policy X.6 Employee Leave Benefits: Catastrophic Voluntary Time Bank Program Policy

The Catastrophic Voluntary Time Bank Program has been updated to enhance the process for donating and receiving PTO hours. The new Policy clarifies eligibility criteria for both donors and recipients, establishes a minimum and maximum donation amount, and outlines the approval process for catastrophic leave requests. In contrast to the 2021 manual, the revised Policy provides more explicit procedures for documenting medical necessity and for the administration of donated hours, thereby

improving transparency and accountability in program operations.

**Prior Action(s):**

**August 21, 2021:** The Executive Committee approved the 2021 WRCOG Personnel Policies and Procedures Manual.

**Financial Summary:**

The fiscal impact of the the transition to a PTO structure is primarily related to additional one-time costs. As outlined in the PTO Policy, all existing vacation and sick leave balances will be converted to PTO. In some cases, this conversion will place employees above the new PTO accrual cap. Because the Policy does not allow employees to remain above the cap, any hours exceeding the limit will be paid out at the time of conversion.

Based on current leave balances, the estimated one-time cash-out across all affected employees is approximately \$350,000. This cost would require a transfer from WRCOG's General Fund balance. However, this payment represents the early settlement of a liability the Agency already carries for accrued leave. Addressing the obligation now will reduce WRCOG's long-term leave liability and associated financial exposure in future years.

The combined fiscal impact of all of the proposed changes to WRCOG's leave policies is expected to be nominal on an annual basis since overall leave accrual rates are not changing.

**Attachment(s):**

[Attachment 1 - Paid Time Off Policy.pdf](#)

[Attachment 2 - Holidays.pdf](#)

[Attachment 3 - FMLA and Pregnancy Disability.pdf](#)

[Attachment 4 - Military Leave.pdf](#)

[Attachment 5 - Catastrophic Voluntary Time Bank Program.pdf](#)

# Attachment

X.01 – EMPLOYEE LEAVE  
BENEFITS: PAID TIME OFF POLICY



# Western Riverside Council of Governments

## X.01 – EMPLOYEE LEAVE BENEFITS: PAID TIME OFF POLICY

### 1. PURPOSE

This policy provides the guidelines of WRCOG’s Paid Time Off Policy (PTO). The PTO provided here is for all regular full-time and part-time WRCOG employees.

### 2. POLICY

#### A. Paid-Time Off (PTO):

Effective **June 8, 2026**, Non-Director employees will be eligible to earn Paid Time Off (PTO). PTO will replace vacation and sick leave hours, such that employees will no longer accrue vacation or sick leave hours. It will also replace Holiday Bank leaves.

PTO may be used for a variety of purposes, including approved personal time and vacation. It can also be used as paid sick leave in accordance with the California Paid Sick Leave law. (If there is ever a conflict between this policy and any applicable law, the law will prevail.) Purposes allowed under the California Paid Sick Leave law include, for example, leave for: the diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee’s family member; to attend legal proceedings, or to obtain medical treatment, counseling or other victims’ services for domestic violence, sexual assault, or stalking, and for an employee who is a victim of domestic violence, sexual assault or stalking.

WRCOG employees are entitled to PTO based on length of credited service with WRCOG. Such PTO allowance is to be available for use on the first day following the pay period in which it is earned provided an employee has completed 90 days of continuous service from the employee’s anniversary date as follows:

For Directors:

Months of Service	Bi-Weekly Accrual	Annual Accrual Rate	Maximum Accrual Balance Allowed Per Year
0 to 36 Months	10.10 Hours	262.60 Hours	525.20 Hours
36 to <108 Months	12.50 Hours	325 Hours	650 Hours
108 or More Months	14.00 hours	364 Hours	728 Hours

For Non-Director Full-Time Employees

<b>Months of Service</b>	<b>Bi-Weekly Accrual</b>	<b>Annual Accrual Rate</b>	<b>Maximum Accrual Balance Allowed</b>
0 to 36 Months	7.08 Hours	184.08 Hours	368.16 Hours
36 to <108 Months	8.62 Hours	224.12 Hours	448.24 Hours
108 to <180 Months	10.20 Hours	265.20 Hours	530.40 Hours
180 Months or More	11.70 Hours	304.20 Hours	608.40 Hours

- Part-time employees of WRCOG who have completed 90 days of continuous service will receive PTO leave accumulation on a pro-rata basis, but at a minimum will receive 24 hours of PTO by the 120<sup>th</sup> calendar day of employment, and 40 hours by the 200<sup>th</sup> calendar day of employment. Part-time employees of WRCOG who accept full-time employment with WRCOG without a break in service will receive service credit on a pro-rata basis.
- Temporary and seasonal employees of WRCOG are not eligible for PTO leave benefits but will receive sick leave hours of 40 hours/5 days annually consistent with California Paid Sick Leave requirements.
- Accrued PTO may not exceed two times an employee’s current annual maximum accrual as provided in the accrual tables above. Once an employee has reached the maximum accrual balance, PTO accruals will cease until the PTO balance is below the allowed maximum accrual.
- An employee is not permitted to borrow on future accrual of PTO benefits.
- Earned PTO leave may be taken in multiples of one-half hour with the approval of the employee’s immediate supervisor and at such time as will not impair the work schedule and efficiency of the work unit. Should employee PTO requests conflict with staffing requirements, supervisors are to arrange a mutually acceptable usage schedule based on length of employee service. If the need for PTO leave is unforeseeable, such as in the case of unanticipated illness or a medical emergency, the employee need only give notice as soon as practical.
- Accrued unused PTO will be paid upon termination of employment at the rate of pay then in effect.
- Employees will receive notice of their accrued PTO leave time on each pay statement. Additionally, employees shall receive an annual statement on or about January 15<sup>th</sup> of each year.

**B. Cash-Out PTO Leave Policy**

Although WRCOG encourages employees to take time off from work in order to have a more balanced lifestyle, WRCOG offers a PTO leave cash-out option for eligible employees. This program is intended to provide employees with more flexibility in utilizing your PTO leave benefits, without triggering a taxable event for those employees who may elect to cash out accrued PTO leave but choose not to.

- An election period will be held each year in December, during which time employees will have the opportunity to make an irrevocable election to cash-out PTO hours that are scheduled to accrue during the months of January through June of the next calendar year (First Accrual Period).
- A second election period will be held each year in June, during which time employees will have the opportunity to make an irrevocable election to cash-out PTO hours that are scheduled to accrue during the months of July through December of the same calendar year (Second Accrual Period).
- Employees may not elect to cash-out PTO hours that have already accrued at the time of any election.
- Employees must submit a new election for every period in which employees wish to cash-out PTO hours accruing in a subsequent period. Due to IRS regulations, elections will not carry over from one period to the next. The election form will be made available in December and June.
- Employees may elect to cash out PTO hours accrued in the First Accrual Period in excess of 20 PTO hours but in no event may elect to cash out more than 80 PTO hours. Employees may elect to cash out PTO hours accrued in the Second Accrual Period in excess of 20 PTO hours but in no event may elect to cash out more than 80 PTO hours.
- A minimum of 40 hours MUST remain in the PTO Leave Bank immediately after the election for the First Accrual Period and a minimum of 80 hours MUST remain in the PTO Leave Bank immediately after the election for the Second Accrual Period. The PTO Leave Hours employees will accrue in the accrual period subsequent to the election that employees elect to cash-out will not be available for use. If an employee's accrual rate changes (such as due to a leave or change in scheduled hours) so that there are insufficient hours accrued in the plan year to cover your election, employees will receive only the balance of elected PTO cash-out available at the time of the cash-out that is in excess of the foregoing minimums. If there are no hours available, no cash-out will occur.
- If an employee fails to take 20 hours of actual PTO leave during the First Accrual Period, no cash-out will occur with respect to the election for the First Accrual Period, if any. Instead, the employee will carry over the PTO leave which is subject to the cash-out election, but such time will not be available for cash-out. If an employee fails to take a combined total of 40 hours of actual PTO leave during the combined First

and Second Accrual Periods, no cash out will occur with respect to the election for the Second Accrual Period. Instead, the employee will carry over the PTO leave which is subject to the cash-out, but such time will not be available for cash-out.

- Employees' elected cash-out for the First Accrual Period will be paid within one week after the first payday in June of the year in which the PTO leave has accrued. Elected cash-out for the Second Accrual Period will be paid within one week after the first payday in December of the year in which the PTO leave has accrued.
- All employee payments for PTO cashouts will be in the form of a separate payment.
- The number of hours elected by part-time employees to cash-out is not pro-rated. However, the actual amount of time a part-time employee can cash-out is limited by the expected annual accrual. A minimum of 40 hours MUST remain in the PTO leave bank immediately after the election for the First Accrual Period and a minimum of 80 hours MUST remain in the PTO leave bank immediately after election for the Second Accrual Period in order to be eligible for this benefit.
- In the event an employee experiences a financial emergency caused by an extraordinary and unforeseeable event beyond the employee's control that will result in severe financial hardship if a cash payment is not made, as determined in accordance with Code Section 409A(a)(2)(B)(ii) and the underlying Treasury Regulations, they may submit a request for a cash out of their PTO which has been accrued as of the date the request is submitted. The Executive Director (or their designee) shall review the request and based on all facts and circumstances, shall determine whether or not an Unforeseeable Emergency exists. The decision of the Executive Director (or their designee) is final. The amount of PTO that can be cashed out is limited to the amount the Executive Director (or their designee) determines, in their sole discretion, is necessary to resolve the Unforeseeable Emergency.

#### C. Transition to PTO

On June 8, 2026, WRCOG will convert all vacation accrued hours, as well as Fringe Benefit accrued hours and Holiday Bank accrued hours, to PTO for non-director employees. All leave except for sick leave balances will be converted at a rate of 100%.

All sick leave hours will be capped at 1,000 hours. Any sick leave hours over the maximum cap will be forfeited. Additionally, 50% of sick leave hours will be converted to PTO; while the remaining 50% balance will be placed in a historical sick leave balance for future use or for use as service credit upon retirement. Any sick leave hours that remain in the historical sick leave balance will have no cash value except as used to cover absences due to illness or injury.

At least 30-days prior to the transition, employees will be provided with a statement of all leave balances for review.

During the transition, and for the sole purpose of avoiding excess PTO leave balances for employees whose accrued PTO leave balance exceeds the maximum accrual cap, there will be a **one-time, employer-designated cash-out** of all hours above the cap, plus up to an additional 80 hours at the employee's discretion, to allow for leave accrual in the following year.

**3. APPLICABILITY**

This policy applies to all regular and part-time employees, to the extent indicated.

**4. DISSEMINATION OF POLICY**

All employees shall receive a copy of this policy when they are hired. The policy may be updated from time to time and redistributed with a form for the employee to sign and return acknowledging that the employee has received, read, and understands this policy.

**5. ACTION**

This policy is effective June 08, 2026.

DRAFT

# Attachment

## X.02 – EMPLOYEE LEAVE BENEFITS: HOLIDAYS



# Western Riverside Council of Governments

## X.02 – EMPLOYEE LEAVE BENEFITS: HOLIDAYS

### 1. PURPOSE

The purpose of this Policy is to establish and provide paid time off for recognized WRCOG holidays.

### 2. POLICY

All full-time and part-time employees of WRCOG are eligible for paid holidays.

Full-time employees will receive holiday pay at their normal base rate. Part-time employees accrue holiday pay on a pro-rata basis.

The following are approved paid holidays for WRCOG.

<b>Holiday</b>	<b>Date Observed</b>
New Year's Day	January 1
Martin Luther King Jr. Day	Third Monday in January
Presidents Day	Third Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas Eve	December 24
Christmas Day	December 25
New Year's Eve	December 31

Paid holidays occurring on a Saturday will normally be observed on the preceding Friday; paid holidays occurring on a Sunday will be observed on the following Monday.

When December 24 and 31 fall on a Friday, the holiday hours will be counted and recorded as holiday bank hours. Similarly, if a holiday falls on an employee's Friday off, the holiday will also be counted and recorded in the holiday bank. Holiday bank hours shall be used within 30 calendar days of the holiday, otherwise the holiday bank hours will be automatically cashed out to the employee on the pay period following the 30-day grace period.

Holidays that occur during an eligible employee's approved PTO day will not be counted as PTO days taken.

Holidays that fall on an employees' regular work day (Monday -Thursday) are recorded and reported based on the employees' assigned work schedule (8, 9, or 10 hour day). However, any holiday that falls on an employee's regular day-off, will be recorded as an 8-hour day.

To be eligible for holiday pay, employees must work the business day before and after the holiday, unless the employee is absent from work due to use of accrued but unused PTO time or California paid sick leave.

**3. APPLICABILITY**

This Policy applies to all regular and part-time employees.

**4. DISSEMINATION OF POLICY**

All employees shall receive a copy of this Policy when they are hired. The Policy may be updated from time to time and redistributed with a form for the employee to sign and return acknowledging that the employee has received, read, and understands this policy.

**5. ACTION**

This policy is effective \_\_\_\_\_.

DRAFT

# Attachment

XX.03 - EMPLOYEE LEAVE  
BENEFITS: FAMILY MEDICAL  
LEAVE & PREGNANCY DISABILITY  
LEAVE



# Western Riverside Council of Governments

## XX.03 - EMPLOYEE LEAVE BENEFITS: FAMILY MEDICAL LEAVE & PREGNANCY DISABILITY LEAVE

### 1. PURPOSE

The purpose of this Policy is to provide employees with information about and establish guidelines for the taking of family care and medical leave, in accordance with the federal Family and Medical Leave Act (FMLA), the California Family Rights Act (CFRA), the California Pregnancy Disability Leave Law (PDL), and other California State mandated leaves.

### 2. POLICY

The Western Riverside Council of Governments (WRCOG) will provide family and medical care leave for eligible employees as required by state and federal Law. The leaves provided for in this Policy are granted under a variety of state and federal laws. Employees should be aware that leave under one section of the Policy may also qualify for leave under another section. In addition, leave may qualify under one law for a particular purpose, but not another law. For example, an employee is entitled to take CFRA leave to care for a registered domestic partner, but FMLA leave does not include registered domestic partners. In such cases, WRCOG will advise affected employees in writing which of their statutorily protected leaves is being used and how much of that leave remains.

### **FAMILY CARE AND MEDICAL LEAVE (FMLA/CFRA LEAVE)**

#### A. Eligibility

To be eligible for FMLA/CFRA leave, an employee must have been employed by WRCOG for at least 12 months prior to the date on which the FMLA/CFRA leave is to commence and have worked at least 1,250 hours over the 12-month period preceding the FMLA/CFRA leave. For employees performing covered military service under the federal Uniformed Service Employment and Reemployment Rights Act (USERRA), periods of absence due to such service shall be counted for purposes of determining whether the employee meets these eligibility requirements.

#### B. Qualifying Reasons for FMLA/CFRA Leave

Employees meeting the eligibility requirements under this Policy may take FMLA/CFRA leave for any of the following qualifying reasons:

- 1) To care for or bond with a newborn child.
- 2) To care for or bond with a child placed with the Employee and/or the Employee's registered domestic partner for adoption or foster care.

- 3) Providing care for an immediate family member (Employee's spouse, parent, parent-in-law, registered domestic partner, child or registered domestic partner's child of any age, sibling, grandparent, grandchild or designated person) with a serious health condition.

For CFRA leave purposes, a "designated person" means "any individual related by blood or whose association with the employee is the equivalent of a family relationship." Employees are limited to one designated person CFRA leave per 12-month period.

- 4) The employee's own serious health condition.

The FMLA and CFRA also provides for military exigency leave and military caregiver leave, and those types of leaves are addressed under Military Leave Exigency/Caregiver Leave under the FMLA of this Policy. The Pregnancy Disability Leave (PDL) also provides for leave for employees with a serious health condition on account of the employee's pregnancy, childbirth, or related medical conditions, and that leave is addressed under Pregnancy Disability Leave.

#### C. Amount of Leave Entitlement

Provided that all applicable conditions are met, an employee may take a maximum of 12 work weeks of FMLA/CFRA leave in a rolling 12-month period measured backwards from the date the employee uses any FMLA/CFRA leave.

- 1) Employees taking FMLA/CFRA leave for the birth, adoption, or foster care of their child must initiate and complete any FMLA/CFRA leave within one year of the birth of the child or placement of the child with the employee for adoption or foster care.
- 2) Parents who are both employed by WRCOG may take a maximum combined total of 12 workweeks of FMLA leave and may each take a maximum of 12 workweeks of CFRA leave in a 12-month period for the birth, adoption, or foster care of their child. Both parents and registered domestic partners (CFRA only in some circumstances) may be on leave simultaneously, provided the employees provide a certificate, from a health care provider, stating the need for both employees' participation in the care of the child.
- 3) An employee's FMLA/CFRA leave does not need to be consecutive but can be cumulative within a 12-month period.
- 4) Industrial injury leaves and all non-industrial injury leaves are FMLA/CFRA leaves if they qualify as serious health conditions.

#### D. Concurrent Use of Accrued Paid Leaves

- 1) Leave taken under this Policy is unpaid. Employees must their accrued leave balances concurrently with FMLA/CFRA leave, as provided below. The employee shall use their accrual balances in the following order:
  - a. Paid Time Off (PTO)
  - b. Management Leave

c. Unpaid leave

The paid leave shall run concurrently with the FMLA/CFRA leave and shall not extend the employee's entitlement to FMLA/CFRA leave.

- 2) PTO Leave: Employees are required to coordinate all accumulated PTO leave concurrently when FMLA/CFRA leave is taken for the employee's own serious health condition, or for the period of incapacity as certified by a medical provider when FMLA/CFRA leave is taken the period of incapacity under Military Caregiver Leave of this Policy.
- 3) Other paid leaves: Employees may coordinate all other accrued paid leaves of absence, including but not limited to, compensatory time off, management leave, and holiday leave, when taking FMLA/CFRA leave for any reason, to the extent allowed by law.
- 4) Coordination with Wage Replacement Plans: If an employee who is on FMLA/CFRA leave is also receiving a wage replacement payment from Short Term Disability, Long Term Disability, and/or Workers' Compensation, the employee and WRCOG may mutually agree to coordinate the employee's accrued paid leaves with the amount received from the wage replacement plan, up to an amount equal to the employee's regular salary. The employee must request that their time be coordinated with the wage replacement plan.
  - a. Meet with the employee who requested an accommodation within two weeks of the request and inform the employee they are entitled to have a representative attend the meeting.
  - b. Request information about the condition and what limitations the employee has.
  - c. Ask the employee what they specifically want and request that the employee provide a written response.

E. Intermittent or Reduced Schedule Leave

Intermittent FMLA/CFRA leave is leave taken on an as-needed basis in increments of minutes, hours, or days. A reduced schedule FMLA/CFRA leave involves a reduction in the number of hours per day or per week that an employee regularly works, with the employee substituting FMLA/CFRA time for hours not worked. The minimum FMLA/CFRA leave increment that can be taken by an employee is 15 minutes.

- 1) Conditions for Taking Intermittent or Reduced Schedule Leave.
  - a. FMLA/CFRA leave taken for the employee's own serious health condition, or the serious health condition of the Covered Family Member, or for military caregiver leave under Military Leave Exigency/Caregiver Leaver under the FMLA of this Policy, may be taken intermittently or on a reduced leave schedule when medically necessary (as distinguished from voluntary treatments and procedures).
  - b. Military exigency leave under Military Leave Exigency/Caregiver Leaver under the FMLA of this Policy may be taken on an intermittent or reduced schedule basis without limitation.

- c. Leave taken following the birth, adoption, or placement or foster care of a child may be taken on an intermittent or reduced schedule basis, subject to the conditions set forth below.

## 2) Calculation of Intermittent or Reduced Schedule Leave

The maximum equivalent number of hours to which an employee is entitled during the 12-week period will be based on the employee's regularly scheduled workweek. For example, an employee who is regularly scheduled to work 40 hours per workweek will be entitled to a maximum of 480 hours of FMLA/CFRA leave, whereas, an employee who is regularly scheduled to work 32 hours per workweek will be entitled to a maximum of 384 hours of FMLA/CFRA leave. In calculating this amount for employees with a varying schedule, WRCOG will use an average of the employee's workweeks within the 12-month period immediately preceding the intermittent or reduced schedule leave.

## 3) Impact on Salary

Where permitted by applicable state and federal wage and hour laws, WRCOG may make deductions from an employee's salary for all hours of leave taken as intermittent leave, unless the employee is entitled or required to coordinate paid leave. Such deductions do not affect the employee's classification as exempt or nonexempt for purposes of the Fair Labor Standards Act.

## 4) Inclusion of Scheduled Overtime

If an employee normally would be required to work overtime hours, but is unable to do so because of an FMLA/CFRA-qualifying reason that limits the employee's ability to work overtime, the hours that the employee would have been required to work may be counted against the employee's FMLA/CFRA entitlement, as the employee would be considered to be using intermittent or reduced schedule leave. For example, if an employee is normally required to work 50 hours in a particular workweek, but because of an FMLA/CFRA-qualifying reason, the employee works only 40 hours that week, the employee would use 10 hours of FMLA/CFRA-protected leave out of the 50-hour workweek.

## 5) Temporary Transfer

- a. Required by WRCOG: WRCOG may require that the employee temporarily transfer to an available alternative position for which the employee is qualified and which provides equivalent pay and benefits and that better accommodates recurring leave periods than the employee's regular position.
- b. Requested by Employee: An employee on intermittent or reduced schedule FMLA/CFRA leave for foreseeable and planned medical treatments may request a transfer to an open and available position for which the employee is qualified, if the duties of that position would better accommodate the employee's intermittent or reduced schedule FMLA/CFRA leave. Transfers will

not be considered under this section when the intermittent or reduced schedule FMLA/CFRA leave is unscheduled, such as in the case of chronic conditions.

#### 6) Leave Taken for Baby Bonding

The basic minimum duration of a leave taken for the birth, adoption, or foster care of a child shall be two weeks. However, WRCOG will also grant two requests for shorter leave periods in the applicable one-year period.

#### 7) Part-Time Work

With the approval of the Executive Director, an employee may work part-time during their FMLA/CFRA Leave.

### F. Employee Notice

Employees requesting leave under the FMLA/CFRA must notify their supervisor in accordance with the rules set forth below. Employees will provide the supervisor with sufficient information to make WRCOG aware that the employee needs FMLA/CFRA leave, and the anticipated timing and duration of that leave. Supervisors must forward any such requests to Human Resources for review and approval. Employees may also provide notice of requested FMLA/CFRA leave to Human Resources directly.

### G. Foreseeable Events

An employee must provide WRCOG with at least 30 days' advance notice before the date the leave is to begin, or must provide notice as soon as is practicable, normally the same business day or next business day if the employee is off work when the employee learns of the need for leave. If the employee provides less than 30 days advance notice, WRCOG may require explanation of why 30 days advance notice was not practicable.

- 1) In any case in which the need for FMLA/CFRA leave is foreseeable based on one of the qualifying reasons as defined in this Policy, the employee shall make a reasonable effort to schedule any planned medical treatment or supervision so as not to unduly disrupt the operations of WRCOG. However, any such scheduling shall be subject to the approval of the health care provider of the employee or the Covered Family Member.
- 2) The need for leave is considered "foreseeable" when it is taken for any of the following reasons:
  - a. Planned medical treatment for a serious health condition of the employee.
  - b. Planned medical treatment for a serious health condition of a family member.
  - c. An expected birth, or placement for adoption or foster care.

If an employee fails to provide the requisite 30-day advance notice for foreseeable events without any reasonable excuse for the delay, WRCOG reserves the right to

delay the taking of the leave by up to 30 days after the date the employee provides notice of the need for FMLA/CFRA leave for a legitimate business reason.

#### H. Unforeseeable Events

If an employee requires FMLA/CFRA leave for an unforeseeable event, the employee is required to provide notice to WRCOG as soon as is practicable.

#### I. Notice of Intermittent/Reduced Schedule Leave

The notice requirements for foreseeable intermittent or reduced schedule leaves shall be the same as for other foreseeable leaves, and the notice requirements for unforeseeable intermittent or reduced schedule leave shall be the same as for other unforeseeable leaves.

#### J. Contents of Notice

All requests for FMLA/CFRA leave should include the anticipated date(s) and duration of the leave and be sufficient to make WRCOG aware that the employee needs leave under the FMLA/CFRA. The employee must state the reason the leave is needed, by referencing the list of qualifying reasons defined in this Policy. When the employee provides notice, it may not contain sufficient information for WRCOG to determine whether the employee's leave could be for an FMLA/CFRA-qualifying purpose. In such cases, WRCOG may follow up with the employee for additional information, and the employee is required to respond to the same. However, the employee shall not be required to provide WRCOG with a diagnosis.

##### 1) Changes to Dates of Leave

- a. The employee must advise WRCOG as soon as practicable when the employee learns that the dates of the FMLA/CFRA leave may change.

##### 2) Requests for Extension

- a. Any requests for extensions of an FMLA/CFRA leave must be received at least five business days before the date on which the employee was originally scheduled to return to work, where practicable, and must include the revised anticipated date(s) and duration of the FMLA/CFRA leave. If the employee has exhausted the employee's leave entitlement, WRCOG will evaluate on a case-by-case basis whether additional leave may be available as a reasonable accommodation for the employee's own serious health condition; however, any such additional leave shall not be subject to the provisions of this section. Under no circumstances shall the employee be allowed to be off longer than six months beyond the FMLA/CFRA requirement.

#### K. WRCOG Response to a Request for FMLA/CFRA Leave or Request for Extension - Eligibility Notice

Within five business days of an employee's request to take FMLA/CFRA leave, WRCOG shall provide the employee with a written Eligibility Notice. The Eligibility Notice is not a designation of the employee being on FMLA/CFRA Leave. The Eligibility Notice shall include the following information:

- a. Whether the employee is eligible to take FMLA/CFRA leave. If the employee is ineligible for FMLA/CFRA leave, the notice will include the reason(s) why the employee is ineligible.
- b. Whether the employee has exhausted their 12-week FMLA/CFRA entitlement.
- c. Whether additional information, such as a medical certification, is required from the employee in order to process the employee's request for FMLA/CFRA leave or request for extension.
- d. The employee's rights and responsibilities under the FMLA/CFRA, which will include a statement of whether the employee is required to provide a medical certification or recertification. A statement requiring a medical certification will also advise the employee of the anticipated consequences of the employee's failure to provide adequate notice.
- e. If the employee has requested an extension of leave for the employee's own serious health condition but has exhausted the leave entitlement under this Policy, WRCOG will advise whether additional leave will be granted as a reasonable accommodation; however, any such additional leave shall not be subject to the provisions of this Policy.

L. Medical Certification and Recertification

Any request for FMLA/CFRA leave for an employee's own serious health care condition or for FMLA/CFRA leave to care for a family member with a serious health condition must be supported by medical certification from the treating health care provider. Employees are encouraged to use WRCOG's medical certification form to ensure that all pertinent information is obtained. Any request for an extension of FMLA/CFRA leave also must be supported by a medical certification from the treating health care provider. Again, employees are encouraged to use WRCOG's medical certification to ensure that all pertinent information is obtained.

1) Timing of Request for Medical Certification.

WRCOG will request medical certification:

- a. Within five business days after an employee requests foreseeable leave;
- b. Within five business days after an employee provides notice of an unforeseeable leave, or within five business days after an unforeseeable leave commences, whichever is later;
- c. At a later date if WRCOG has a reason to question the appropriateness or duration of an employee's leave (FMLA only).

2) Timing for Employee's Return of the Medical Certification.

All medical certifications and recertifications must be returned to WRCOG within 15 days from WRCOG 's, regardless of whether the leave is foreseeable or unforeseeable. Exceptions to this may be granted when it is not practicable to provide the certification or recertification within 15 days, despite the employee's diligent, good faith efforts to do so.

3) Certification for Serious Health Condition of Covered Family Member.

The employee must have the patient's treating health care physician complete a medical certification form when requesting family leave to care for a Covered Family Member (as defined in Footnote 1, above) with a serious health condition. Employees are encouraged to use WRCOG's medical certification form to ensure that all pertinent information is obtained.

a. Medical Recertification.

1. If the employee requests additional leave beyond the time period which the health care provider originally estimated that the employee needed to take care of Covered Family Member, WRCOG may request a recertification from the employee.

4) Certification for the Employee's Own Serious Health Condition.

a. First Opinion.

1. The employee must have the employee's health care physician complete a medical certification form when requesting FMLA/CFRA leave for the employee's own serious health condition. Employees are encouraged to use WRCOG's medical certification form to ensure that all pertinent information is obtained.

b. Second and Third Opinions.

1. If WRCOG has reason to doubt the validity of the certification provided by the employee, WRCOG may require the employee to obtain a second opinion from a doctor of WRCOG's choosing at WRCOG's expense. If the employee's health care provider and the doctor providing the second opinion do not agree, WRCOG may require a third opinion, also at WRCOG's expense, performed by a mutually agreeable doctor who will make a final determination that shall be binding on both WRCOG and the employee.

c. Medical Recertification.

1. WRCOG may request recertification of a medical condition upon the expiration of the time period which the health care provider originally estimated, if additional FMLA/CFRA leave is requested.

## 5) Certification for an Employee's Return to Work

### a. Returning from a Continuous Leave

As a condition of restoration to the employee's former position, an employee taking continuous leave under the FMLA/CFRA is required to provide WRCOG with certification from the employee's health care provider stating that the employee is able to resume essential work functions. An employee who fails to provide the certification may have reinstatement delayed. No certification is required for employees returning from pregnancy-related leave.

### b. Returning from an Intermittent or Reduced Schedule Leave

In addition to the eligibility requirements described herein, if the employee is on intermittent or reduced schedule leave, WRCOG may require a fitness for duty certification at fixed intervals not exceeding every 30 days if there are reasonable safety concerns. "Reasonable safety concerns" means a reasonable belief of significant risk of harm to the employee or others.

### c. Contents of Certification

WRCOG will provide the employee with a form and a copy of the employee's job description for the employee health care provider to review in completing the fitness for duty certification, and employees are encouraged to use WRCOG's form to ensure that all pertinent information is obtained. The employee must provide a complete and sufficient fitness for duty certification. If the employee's health care provider releases the employee back to work with restrictions, WRCOG will engage in the interactive process to determine what reasonable accommodation, if any, will permit the employee to return to work in accordance with the ADA and the FEHA.

## 6) Employee's Failure to Provide a Medical Certification or Recertification.

- a. If the employee fails to provide a complete and sufficient medical certification when requested within seven (7) days, the request for FMLA/CFRA leave may be denied or delayed until a sufficient certification is provided. Employees will be advised of these consequences in connection with any request by WRCOG for medical certification or recertification.

## M. WRCOG's Designation of Leave

Absent extenuating circumstances, within five business days after WRCOG has acquired enough information to determine whether the employee's request qualifies for FMLA/CFRA leave, WRCOG will provide the employee with a written Designation Notice.

### 1) Designating Leave as FMLA/CFRA-Qualifying

- a. If the leave is designated as being FMLA/CFRA-qualifying, the Designation Notice will contain, but is not limited to, the following information:
  - i. A statement that the leave is being designated as FMLA and/or CFRA leave;
  - ii. The amount of leave being counted as FMLA and/or CFRA leave, if known;
  - iii. Whether accrued paid leave will be used during the leave, and that any paid leave used will count as FMLA and/or CFRA leave;
  - iv. Whether a medical certification or recertification will be required to release the employee to return to work; and
  - v. Whether a job description or description of essential duties is attached to the Designation Notice for the health care provider to use in completing the medical certification or recertification to release the employee to return to work.

## 2) Unable to Designate

- a. If WRCOG is unable to determine whether the leave requested is FMLA/CFRA-qualifying because more information is needed, the employee will be informed that:
  1. The medical certification is incomplete or insufficient, and WRCOG will provide a list of deficiencies and explain the employee's opportunity to cure said deficiencies; or
  2. A second or third medical opinion is required.

## 3) Not Designating Leave as FMLA/CFRA-Qualifying

If WRCOG has determined that the employee's leave does not qualify as FMLA/CFRA leave, or that employee has exhausted the 12-week FMLA/CFRA entitlement, WRCOG will notify the employee in writing that the leave is not being designated as FMLA/CFRA leave, and the reason for the denial.

## N. Employment Benefits and Protection

### 1) Previously Accrued Benefits and Seniority Status:

- a. Leave under the FMLA/CFRA will not result in the loss of any employment benefits accrued before the date the leave commenced.
- b. Leave under the CFRA will not constitute a break in service or otherwise cause the employee to lose longevity or seniority, even if other paid or unpaid leave constitutes a break in service for purposes of establishing longevity or seniority, or for layoff, recall, promotion, job assignment, or seniority-related benefits.

### 2) Maintenance of Health Insurance of the Employee:

Employees will continue to receive the same medical benefits while on FMLA/CFRA leave for up to 12 work weeks, or longer depending on the basis for the qualifying leave, in a 12-month period. WRCOG shall be responsible for the

continued payment of WRCOG's share of the cost of the employee's health benefits during the leave period. Benefits for absences beyond the allotted period will be handled in the same manner as benefits for employees on any other type of unpaid leave of absence. An employee who notifies WRCOG that the employee does not intend to return to work from the FMLA/CFRA leave is not entitled to medical benefits provided by WRCOG as if the employee were on a FMLA/CFRA leave and instead is entitled to the benefits provided to employees who are on an unpaid leave of absence for any other reason.

3) Maintenance of Benefits Requiring Employee Contributions:

- a. During any period of unpaid leave, unless otherwise prohibited by applicable law, an employee may elect to discontinue health insurance coverage for the employee, a spouse, registered domestic partner, and/or any dependent(s) as well as any other benefits offered or sponsored by WRCOG to which the employee is required to make monthly contributions. Employees must notify WRCOG in writing of such an election.
- b. An employee will continue to be responsible for making the payment of monthly contributions for which WRCOG has not received advanced notice of election to discontinue. If any premium amounts are increased or decreased for other employees similarly situated, the employee will be required to pay the new premium rates.
- c. All monthly contributions are due and payable to WRCOG at the same time as they would be if made through payroll deduction.
- d. If any monthly contributions are not received within 30 days of their due date, WRCOG will discontinue said benefit(s).
- e. Upon the employee's return to work, WRCOG is entitled to seek reimbursement from the employee for the employee's share of any monthly contributions made on the employee's behalf.
- f. Employees included in a pension or retirement plan may continue to make contributions in accordance with the terms of the plan during the period of leave. However, WRCOG shall not be required to make plan payments for employees during the leave period which is unpaid, and the unpaid leave period shall not be counted for purposes of time accrued under the plan.
- g. If WRCOG provides a new health plan or benefits or changes health plans or benefits while an employee is on CFRA leave, WRCOG will give written notice to the employee to advise that the employee is subject to the new or changed plan/benefits in the same manner, and to the same extent, as if the employee were not on leave.

4) Failure to Return from Leave:

WRCOG may recover the entire premium it paid for maintaining health insurance benefits for an employee during any period of unpaid leave if the employee fails to return to work promptly upon the expiration of a leave for a reason other than the continuation, recurrence or onset of a serious health condition that entitles the employee to leave or other circumstances beyond the employee's control.

## O. Reinstatement

- 1) Restoration to Position: When an employee returns from a leave under the FMLA/CFRA, the employee will be restored to the position held when the leave began, or to a comparable position, with equivalent (i.e. virtually identical) employment benefits, pay, and other conditions of employment.
  - a. The duties of the position must be capable of being performed in the same or similar geographic location and involve the same or substantially similar duties as the position held when leave began, with responsibilities that entail substantially equivalent skill, effort, responsibility, and salary.
- 2) Denial of Restoration Rights: There are two circumstances where WRCOG may refuse to reinstate an employee to the employee's pre-leave position:
  - a. Position No Longer Exists: WRCOG may refuse to reinstate an employee to the employee's pre-leave position at the conclusion of a leave under either the FMLA or CFRA when the employee's position and any comparable position have ceased to exist because of legitimate business reasons unrelated to the employee's FMLA/CFRA leave. In this case, WRCOG shall reasonably accommodate the employee through alternative means that will not cause undue hardship to the WRCOG's operation. WRCOG may offer the employee any other position that is available and suitable. WRCOG is not required to create new employment that would not otherwise be created, discharge or transfer another employee, or promote another employee who is not qualified to perform the job.
  - b. Key Employee: WRCOG may refuse to reinstate an employee to the employee's pre-leave position at the conclusion of a leave under the FMLA, and not CFRA, when the employee is considered a key employee. A key employee is a salaried eligible employee who is among the highest paid ten percent of WRCOG's employees. In addition, the following steps have to take place:
    1. WRCOG notifies the employee at the time the employee gives notice of the need for leave, or when leave commences, if earlier, that the Key Employee is a Key Employee, and also notifies the employee of the potential consequences with respect to reinstatement and maintenance of health benefits if WRCOG should determine that reinstatement will result in substantial and grievous economic injury to its operations; and
    2. As soon as WRCOG makes a good faith determination that substantial and grievous economic injury will result if WRCOG reinstates that Key Employee at the end of the requested FMLA leave period, WRCOG notifies the employee that it intends to deny reinstatement at the end of the requested leave period. The notice from WRCOG will include an explanation for the basis for WRCOG's determination and provide the Key Employee with a reasonable time in which to return to work, taking into account the circumstances, such as the requested duration of the leave and the urgency of the need for the employee to return.

3. The Key Employee has already begun the FMLA leave at the time of receiving the notice, and the Key Employee does not return to work within the specified timeframe after receiving such notice from WRCOG.
  - a) The Key Employee will remain entitled to the maintenance of health benefits as described in Maintenance of Health Insurance of the Employee for the duration of the originally-requested leave, but WRCOG may seek to recover its contributions to premiums if the employee fails to return from leave.
  - b) The Key Employee's rights will then continue under the FMLA unless and until the employee either gives notice that the employee will not seek to return to work, or the employee requests to return to work at the conclusion of the leave and receives notice that WRCOG has denied that request.
  - c) If the Key Employee requests to return to work upon completion of the originally-requested leave, WRCOG again determines that substantial and grievous economic injury will result if WRCOG reinstates the employee, based on the facts at hand, and WRCOG provides written notice of the denial.

P. Opportunity to Fulfill Missed Licensure-Related Requirements

If an employee is unable to attend a necessary course, renew a license, or is otherwise adversely affected in terms of fulfilling minimum requirements or qualifications for the position as a result of the FMLA/CFRA leave, the employee will be given a reasonable opportunity to fulfill those requirements or qualifications upon returning to work from FMLA/CFRA leave.

Q. Accommodation Upon Returning from Leave

Nothing in this section prevents WRCOG from accommodating an employee's request for any change in shifts, schedule, position, or geographic location. Similarly, nothing in this section prohibits WRCOG from offering a promotion to a better position, or from providing a reasonable accommodation pursuant to its obligations under the Americans with Disabilities Act and the Fair

**PREGNANCY DISABILITY LEAVE OR TRANSFER**

A. Eligibility and Duration

1) Eligibility:

- a. Any employee who is disabled on account of pregnancy, childbirth, or related medical conditions may take a pregnancy-related disability leave, regardless of the number of hours worked or the employee's length of employment with WRCOG. However, unless an employee has met the eligibility requirements of this Policy, the employee shall not be subject to

the additional terms and conditions that apply to an employee who is eligible for FMLA leave.

- b. An employee's pregnancy-related disability is not considered a serious health condition under the CFRA and is not counted against an employee's CFRA leave eligibility.

## 2) Amount of Leave Entitlement:

An eligible employee may take a pregnancy-related disability leave for the period of disability, up to four months (an equivalent of 17 1/3 weeks). The pregnancy disability leave shall run concurrently with any family care or medical leave to which the employee may be entitled under the FMLA. An employee is entitled to take off the number of days or hours that the employee would normally work during 17 1/3 weeks of employment. For example, an employee, who regularly works 40 hours per week is entitled to take 693 hours of leave, and an employee who regularly works 20 hours per week, would be entitled to 346.5 hours of leave.

## 3) Temporary Transfer:

Any employee affected by conditions related to pregnancy, childbirth, or related medical conditions is entitled to transfer temporarily to a less strenuous or hazardous position or to less strenuous or hazardous duties upon the certification of the employee's health care provider that the transfer is medically advisable, if the transfer can be reasonably accommodated.

## 4) Reasonable Accommodation:

WRCOG will provide reasonable accommodation to an employee who is affected by pregnancy, childbirth or related medical conditions as required by law.

## B. Use of Accrued Leave

An employee taking pregnancy-related disability leave must coordinate any available PTO leave with the pregnancy-related disability leave. An employee taking pregnancy-related disability leave shall use any other accumulated paid leaves, including, but not limited to, PTO or Management Leave, with the pregnancy-related disability leave. The paid leave shall run concurrently with the pregnancy-related disability leave, and shall not extend the employee's entitlement to pregnancy-related disability leave beyond the amount specified in this Policy.

### 1) Coordination with Wage Replacement Plans:

- a. This provision only applies when the employee's pregnancy-related disability leave is also designated as a serious health condition under the FMLA.

- b. Pursuant to the provisions of the FMLA, if an employee is receiving a wage replacement payment from Short-Term Disability or Long-Term Disability, the employee and WRCOG may mutually agree to coordinate the employee's accrued paid leaves with the amount received from the wage replacement plan, up to an amount equal to the employee's regular salary. The employee must request to have their time coordinated with a wage replacement plan.
- c. If the employee is still receiving SDI benefits when the twelve workweeks of leave under the FMLA expire, WRCOG will require that the employee begin coordinating any additional accrued leave with the wage replacement benefits. The employee shall coordinate all other accrued paid leaves with the wage replacement benefits.

### C. Notice

An employee should notify the supervisor of the employee's need for pregnancy-related disability leave or transfer as soon as the employee is aware of the need for such leave.

- 1) **Foreseeable Events:** Where the need for pregnancy-related disability leave or transfer is foreseeable, the employee must provide at least 30 days' advance notice to WRCOG of the need for pregnancy-related disability leave or transfer. If the leave or transfer is required in connection with any planned, non-emergency medical treatment or supervision, the employee shall consult with WRCOG and make a reasonable effort to schedule any such planned medical treatment or supervision to minimize disruption to WRCOG's operations, subject to the approval of the health care provider of the employee.
- 2) **Unforeseeable Events:** For non-emergency events that are not foreseeable 30 days in advance, or when 30 days' advance notice is not practicable, the employee must notify WRCOG as soon as practicable under the circumstances, ordinarily within two business days after the employee learns of the need for leave.
- 3) **Notice of Intermittent Leave:** In the event that an employee requires intermittent pregnancy-related disability leave, the employee shall notify WRCOG of the anticipated dates for the absences as much in advance as possible.
- 4) **Failure to Provide Notice:** If the employee fails to provide the requisite 30-day advance notice for foreseeable events without any reasonable excuse for the delay, WRCOG reserves the right to delay the employee's right to take leave for up to 30 days after the date the employee provides notice of the need for pregnancy-related disability leave or transfer; provided, however, that the delay would not endanger the employee's health, pregnancy, or health of the employee's co-workers.

### D. Contents of Notice or Request for Extension

- 1) All requests for pregnancy-related disability leave or transfer should include the anticipated timing and duration of the leave or transfer and be sufficient to make WRCOG aware that the employee requires a pregnancy-related disability leave

or transfer. Any requests for extensions of a pregnancy-related disability leave or transfer must be received at least five business days before the date on which the employee was originally scheduled to return to work, where practicable, and must include the revised anticipated date(s) and duration of the pregnancy-related disability leave or transfer.

- 2) If the employee has exhausted the leave entitlement, WRCOG will evaluate on a case-by-case basis whether additional leave may be available as a reasonable accommodation; however, under no circumstances shall the employee be allowed to be off longer than six months beyond the FMLA/CFRA/PDL requirement.

#### E. Intermittent or Reduced Schedule Leave

Pregnancy-related disability leave can be taken on an intermittent or on a reduced schedule basis when medically advisable, as determined by the employee's health care provider. The minimum pregnancy-related disability leave increment that can be taken by an employee is fifteen minutes. If pregnancy-related disability is taken on an intermittent or reduced schedule basis and it is foreseeable based on planned medical treatment because of pregnancy, WRCOG retains the discretion to temporarily transfer the employee to an alternative position, for which the employee is qualified, with equivalent pay and benefits, which better accommodates the employee's leave schedule, but need not have equivalent duties.

#### F. WRCOG Response to a Request for Pregnancy-Related Disability Leave or Transfer or Request for Extension

Within five business days of an employee's request for pregnancy-related disability leave or transfer, WRCOG shall provide the employee with a written Eligibility Notice. The Eligibility Notice shall also inform the employee of the additional rights under the California PDL. If the employee has exhausted the leave entitlement, WRCOG will advise whether additional leave will be granted as a reasonable accommodation; however, any such additional leave shall not be subject to the provisions of CFRA.

#### G. Medical Certification

##### 1) Timing of Certification:

- a. Any request for pregnancy-related disability leave or transfer must be supported by a medical certification from a health care provider.
  1. For foreseeable pregnancy-related disability leaves or transfers, employees will provide the required medical certification before the leave/transfer begins. When this is not possible, employees must provide the required certification within 15 days, unless it is not practicable under the circumstances to do so. Failure to provide the required medical certification may result in the denial or delay of

foreseeable pregnancy-related disability leaves or transfers until such certification is provided.

2. In the case of unforeseeable leaves, failure to provide the required medical certification within 15 days of being requested to do so may result in a denial of the employee's continued leave until certification is eventually provided. Any request for an extension of the leave/transfer must also be supported by an updated certification.

2) Contents of the Certification for Pregnancy-Related Leave:

- a. Employees are encouraged to use WRCOG's medical certification when requesting pregnancy-related disability leave to ensure that all pertinent information is obtained. The following information must be included: (1) date the employee became or will become disabled due to pregnancy; (2) the probable duration of the period or periods of disability; and (3) an explanatory statement that, due to the disability, the employee is unable to work at all or is unable to perform any one or more of the essential functions of the employee's position without undue risk to self, to the successful completion of the pregnancy, or to other persons.

3) Contents of the Certification for Pregnancy-Related Transfers:

- a. Employees are encouraged to use WRCOG's medical certification when requesting pregnancy-related disability transfer to ensure that all pertinent information is obtained. The medical certification for pregnancy-related transfer shall include: (1) a description of the requested transfer or reasonable accommodation; (2) the date the need for the transfer or reasonable accommodation became medically advisable; (3) the probable duration of the need for the transfer or reasonable accommodation; and (4) an explanatory statement that, due to the disability, the transfer or reasonable accommodation is medically advisable.

4) No Second/Third Opinions Allowed:

- a. There will not be a second or third opinion regarding pregnancy-related disability leave or transfer.

5) Return to Work Certification:

- a. As a condition of restoration to the employee's former position, an employee taking leave under the FMLA/PDL is required to provide WRCOG with certification from the employee's health care provider stating that the employee is able to resume and perform the original job's duties.

H. WRCOG's Designation of Leave

- 1) Once an employee requests pregnancy-related disability leave or transfer, Human Resources shall notify the employee in writing whether the requested

leave or transfer is approved and qualifies as pregnancy-related disability leave or transfer. This designation shall comply with the provisions of this Policy and shall also inform the employee of any additional rights and obligations under the California Pregnancy Disability Leave Law.

I. Employment and Benefits Protection

The provisions set forth in this Policy regarding employment and benefits protection in connection with FMLA/CFRA leave also apply to all pregnancy-related disability leaves, except that where WRCOG's policy permits employees on paid leave and/or unpaid leave to accrue seniority, employees on paid and/or unpaid pregnancy-related disability leaves shall also accrue seniority.

J. Reinstatement

- 1) Upon the completion of the employee's pregnancy-related disability leave or transfer period, and upon submission of the return-to-work notice, the employee shall be returned to the same position previously held, or to a comparable position as permitted by law. However, for pregnancy-related disabilities, there is no reinstatement exception for Key Employees.

**MILITARY LEAVE EXIGENCY/CAREGIVER LEAVE UNDER THE FMLA**

A. Military Exigency Leave

- 1) WRCOG permits employees who have a covered military family member in the Armed Forces (including the National Guard or Reserves) to take up to twelve workweeks of FMLA/CFRA leave due to a qualifying exigency resulting from the covered military family member's active military duty (or call to active duty status) in support of a contingency operation. ***Leave granted under this Section shall be considered part of the FMLA/CFRA leave.***

a) Definitions:

1. Armed Forces: The Army, Navy, Air Force, Marine Corps, or Coast Guard, including the National Guard and Reserves.
2. Covered Active Duty or Call to Active Duty Status: One of the following:
  - a) For 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; or
  - b) For 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 federal call or order to active duty in support of a contingency operation under a provision of law referred to in Section 101(a)(13)(B) of Title 10, United States Code.

3. Covered Military Family Member: An employee may take leave under FMLA/CFRA for the employee's spouse, son, daughter, or parent who is a member of the Armed Forces and is on Covered Active Duty or Call to Active Duty Status. An employee may take leave under CFRA for the employee's domestic partner who is a member of the Armed Forces and is on Covered Active Duty or Call to Active Duty status.
    - a) For purposes of this definition only, "son" or "daughter" means the employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, within the meaning of Section IV.D. of this Policy, regardless of age.
  4. Covered Military Family Member's Child: The biological, adopted, or foster child, stepchild, legal ward, or child for whom the Military Family Member stands in loco parentis, who is either under the age of 18 or who is aged 18 or older but incapable of self-care because of a physical or mental disability at the time leave is to commence.
  5. Covered Military Family Member's Parent: The biological, adoptive, step, or foster father or mother, or an individual who stood in loco parentis, to a Covered Military Family Member who was under 18 years of age.
- b) Qualifying Reasons for Military Exigency Leave: Military exigency leave can be taken for the following non-medical, non-routine activities only:
1. Short-Notice Deployment Activities: If a Covered Military Family Member receives seven or less calendar days' notice prior to the date of deployment, an employee may take FMLA/CFRA leave to address any issue arising from an impending call or order to active duty in support of a contingency operation. The employee may take FMLA/CFRA leave for up to seven days beginning on the date the Covered Military Family Member receives the notice of impending call or order to active duty.
  2. Military Events and Related Activities: An employee may take FMLA/CFRA leave to attend any official ceremony, program, or event sponsored by the military that is related to the active duty or call to active duty status of the Covered Military Family Member. An employee may also take FMLA/CFRA leave to attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or American Red Cross that are related to the active duty or call to active duty status of a Covered Military Family Member.
  3. Childcare and School Activities: An employee may take FMLA/CFRA leave for the following reasons, if the reason is necessitated by the Covered Military Family Member's active duty or call to active duty status, or circumstances arising from it:

- a) To make alternative childcare arrangements of a Covered Military Family Member's Child;
  - b) To provide childcare for a Covered Military Family Member's Child on an urgent, immediate need basis, but not on a regular, routine, or everyday basis;
  - c) To enroll in or transfer a Covered Military Family Member's Child in a new school or day care facility; and/or
  - d) To attend meetings with staff at a school or day care facility, such as regarding disciplinary measures, parent-teacher conferences, or meetings with school counselors, for a Covered Military Family Member's Child.
4. Financial and Legal Arrangements: An employee may take FMLA/CFRA leave in order to make or update financial or legal arrangements to address the Covered Military Family Member's absence while on active duty or call to active duty status; and/or to act as the Covered Military Family Member's representative before a federal, state, or local agency for purposes of obtaining, arranging, or appealing military service benefits while the Covered Military Family Member is on active duty or call to active duty status (up to a period of 90 days following the termination of the Covered Military Family Member's active duty status).
5. Counseling Activities: An employee may take FMLA/CFRA leave to attend counseling, provided that:
- a) The need for counseling arises from the Covered Military Family Member's active duty or call to active duty;
  - b) Such counseling is provided by someone other than a health care provider; and
  - c) The counseling is for the employee, the Covered Military Family Member, and/or the Covered Military Family Member's Child. (Note that if medical counseling is needed due to a serious health condition, the employee may be able to take FMLA/CFRA.
6. Rest and Recuperation Activities: If a military member is granted short-term, temporary, rest and recuperation leave during the period of deployment, an employee may take FMLA/CFRA leave to spend time with the military member. An employee may take FMLA/CFRA leave for this purpose for up to fifteen business days for each instance of rest and recuperation, beginning on the date the Covered Military Family Member commences each instance of rest and recuperation leave.
7. Post-Deployment Activities: An employee may take FMLA/CFRA leave to attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of 90 days following termination of the Covered Military Family Member's active duty status. An employee may also take FMLA/CFRA leave to

address issues that arise from the death of a Covered Military Family Member while on active duty status, such as meeting and recovering the body of, making funeral arrangements for, or attending funeral services for the Covered Military Family Member.

8. Parental Care: An employee may take FMLA/CFRA leave for care of a Covered Military Family Member's Parent who is incapable of self-care.

a) "Incapable of self-care" means that the individual requires active assistance to provide daily self-care in three or more of the following activities: caring appropriately for one's grooming and hygiene; bathing; dressing; eating; cooking; cleaning; shopping; taking public transportation; paying bills; maintaining a residence; using telephones and directories; using a post office; or other activities or instrumental activities of daily living.

b) An employee may take parental care leave for the following purposes when the need arises from the covered active duty or call to active duty of the Covered Military Family Member:

1. To arrange for alternative care of the Covered Military Family Member's Parent from the existing care arrangement;
2. To provide care for the Covered Military Family Member's Parent on an urgent, immediate need basis (as opposed to a routine, regular, or everyday basis);
3. To admit to or transfer to a care facility the Covered Military Family Member's Parent; or
4. To attend meetings with staff at a care facility, such as meetings with hospice or social service workers, that are not regular or routine.

c) Additional Activities: An employee may take FMLA/CFRA leave for another form of exigency, provided that:

1. The reason for the leave arises out of the Covered Military Family Member's active duty or call to active duty;
2. WRCOG and the employee mutually agree that such leave shall be considered taken for a qualifying exigency; and
3. WRCOG y and employee mutually agree on the timing and duration of the leave.

c) Employee Notice of Need for Military Exigency Leave:

1. Timing of Notice: Employees are required to give notice of the need for military exigency leave as soon as practicable under the circumstances.
2. Content of Notice: Employees are required to provide WRCOG with sufficient information, depending on the situation, to notify WRCOG as to the anticipated timing and duration of the leave, that a Covered

Military Family Member is on active duty or call to active duty status, and that one of the qualifying exigencies is present.

3. Updates from Employee: The employee is required to advise WRCOG as soon as is practicable when the dates of leave or other circumstances change.
  - d) WRCOG Response to Notice of Need for Military Exigency Leave: WRCOG will request any additional, necessary information needed to process the employee's request and will also follow the procedures set forth under this Policy in responding to an employee's notice that employee has a need for military exigency leave.
  - e) Certification of Need for Military Exigency Leave: WRCOG will request certification of the employee's need for military exigency leave and will provide the employee with a form to complete or request for an explanation for the leave needed. Employees requesting military exigency leave for the first time for a particular active duty or call to active duty are also required to provide WRCOG with a copy of the military member's active duty orders.
    1. Required Information for Certification:
      - a) A signed statement or description by the employee of the facts supporting the request for leave for one or more of the reasons set forth in this Policy and any available supporting written documentation, including, but not limited to, meeting announcements, appointment confirmations, or a copy of a bill for services.
      - b) The approximate date on which the reason for the leave commenced, or will commence.
      - c) The applicable timeframe.
        - i. If for a single, continuous period of time, the beginning and end dates for the employee's absence from work;
        - ii. If on an intermittent or reduced schedule basis, the estimated frequency and duration of the employee's absences.
      - d) For leave involving a meeting with a third party, appropriate contact information for the individual or entity, such as name, title, organization, address, telephone number, fax number, and email address, as well as a brief description of the purpose of the meeting.
      - e) For leave involving rest and recuperation activities, a copy of the Covered Military Family Member's Rest and Recuperation orders, or other documentation issued by the military indicating that the Covered Military Family Member has been granted Rest and Recuperation leave and identifying the dates of that Rest and Recuperation leave.

2. Timing of WRCOG's Notice of Required Certification: WRCOG will request the certification in accordance with the timeframes set forth in this Policy.

3. **Insufficient or Incomplete Certification:** Employees are required to provide a complete and sufficient certification. If an employee provides an incomplete or insufficient certification, WRCOG will give the employee written notice of the deficiencies and seven calendar days to cure the deficiencies, unless seven days is not practicable, despite the employee's diligent, good faith efforts. The employee's leave may be denied if the employee fails to provide timely a required certification.
4. **Verification of Certification:** WRCOG may verify the employee's certification by contacting the appropriate Department of Defense unit to verify the military member is on active duty or call to active duty status. If the exigency involves meeting with a third party, WRCOG may contact the entity or individual with whom the employee is meeting to verify the meeting or appointment schedule and the nature of the meeting. WRCOG will not request additional information. No permission from the employee is required for such verification.

#### **B. Military Caregiver Leave**

- 1) In addition to military exigency leave, as described above, the FMLA provides for military caregiver leave. As explained at length below, military caregiver leave is available when an employee whose covered military spouse, registered domestic partner, child, or other covered relative has incurred a serious injury while on active duty. ***Leave granted under this Section shall be considered part of the FMLA leave granted consistent with this Policy.***

Specifically, WRCOG will permit an employee who is the spouse, registered domestic partner, son, daughter, parent, or next of kin of a Covered Service member in the Regular Armed Forces, National Guard, or Reserves who has incurred a serious injury or illness in the line of duty, while on active duty, to take up to 26 workweeks in a single 12-month period, per Covered Servicemember, and per injury/illness of the servicemember.

Note that there are many differences between military exigency leave and military caregiver leave. The two types of FMLA military leave use different definitions, are utilized for different purposes, and grant different amounts of leave.

##### **a. Definitions:**

1. **Armed Forces:** The Army, Navy, Air Force, Marine Corps, or Coast Guard, including the National Guard and Reserves
2. **Authorized Health Care Provider:** For purposes of completing the required certification, an authorized healthcare provider includes any one of the following:

- a) United States Department of Defense ("DOD") health care provider;

- b) A United States Department of Veterans Affairs ("VA") health care provider;
- c) A DOD TRICARE network authorized private health care provider;
- d) A DOD non-network TRICARE authorized private health care provider; or
- e) Any health care provider permitted to provide medical certification.

3. Covered Servicemember:

- a) A current member 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; or
- b) A veteran who is undergoing medical treatment, recuperation, or therapy, for a Serious Injury or Illness and who was a member of the Armed Forces, at any time during the period of five years preceding the date on which the employee commences FMLA leave to care for the veteran. If the veteran was discharged or released under conditions other than dishonorable, the period from October 28, 2009 through February 8, 2013 shall not be counted in determining whether the veteran's last day of service falls within the five-year period.

4. Next of Kin: The nearest blood relative of a Covered Servicemember (other than spouse, registered domestic partner, parent, son, or daughter), in the following priority order:

- a) A blood relative designated in writing by the servicemember as the nearest blood relative for purposes of military caregiver leave under the FMLA, who, if so designated, shall be the only next of kin for purposes of this Policy;
- b) Blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions;
- c) Brothers or sisters;
- d) Grandparents;
- e) Aunts or uncles; and
- f) First cousins.

If no blood relative has been designated all blood relatives at the next applicable level of priority shall be considered "next of kin" who may take FMLA leave to provide care for the Covered Servicemember, either simultaneously or not.

5. Outpatient Status: The status of a Covered Servicemember who is assigned to a military medical treatment facility as an outpatient, or a unit established for the purpose of providing command and control of members of the military receiving medical care as outpatients.

6. Parent of a Covered Servicemember: A Covered Servicemember's biological, adoptive, step or foster father or mother, or an individual who stood in loco parentis to a Covered Servicemember.
7. Son or Daughter of a Covered Servicemember: A Covered Servicemember's biological, adopted, or foster child, stepchild, legal ward, or child for whom the Covered Servicemember stood in loco parentis, except that this definition shall apply regardless of the child's age.
8. Serious Injury or Illness:
  - a. For a current member of the Armed Forces: An injury or illness incurred by a Covered Servicemember in the line of duty on active duty (or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty or active duty), and that may render the servicemember medically unfit to perform the duties of the servicemember's office, grade, rank, or rating.
  - b. For a veteran who is a Covered Servicemember:
    - i. An injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (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; and
    - ii. Is one of the following:
      - (a) A continuation of a Serious Injury or Illness that was incurred or aggravated when the veteran was a member of the Armed Forces and rendered the veteran unable to perform the duties of their office, grade, rank, or rating; or
      - (b) A physical or mental condition for which the veteran has received a U.S. Department of Veteran Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and the VASRD rating is based, in whole or in part, on the condition precipitating the need for the military caregiver leave; or
      - (c) A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
      - (d) An injury, including a psychological injury, on the basis of which the veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

9. Veteran: A person who served in the Armed Forces, and who was discharged or released therefrom under conditions other than dishonorable.
- b. Terms of Military Caregiver Leave:
    - a. An employee may take up to 26 weeks of leave, during a 12-month period, to care for a Covered Servicemember with a Serious Injury or Illness. The 12-month period begins on the first date of the employee's military caregiver leave. Otherwise, except as set forth in this policy, WRCOG shall grant military caregiver leave under the same terms that CFRA and other FMLA leave is granted under this policy.
    - c. Relationship to CFRA and Other FMLA Leave: Leave granted under this Section shall run concurrently with the FMLA and CFRA leave unless the employee is caring for their "next of kin" who is not covered by the CFRA. Leave granted under this Section shall be included in computing the employee's 12 weeks of leave granted under the FMLA, so that an employee may not, under any circumstances, exceed 26 total weeks of FMLA leave in a rolling 12-month period.
    - d. Required Certifications: WRCOG will provide the employee with a form to complete that certifies the service member's family relationship, military status, and Serious Injury or Illness. The employee is required to ensure that this form, or an equivalent form containing the information set forth in this section, is completely and sufficiently completed and returned within the same time periods set forth in Section IV.N. of this Policy. If the employee fails to provide a complete and sufficient form, WRCOG will inform the employee of the deficiencies, and grant the employee at least seven calendar days to cure them.
      1. Certification of Family Relationship and Military Status: WRCOG will require proof of the servicemember's family relationship to the employee and proof of the servicemember's military status for the employee's first request of military caregiver leave for a particular illness or injury for a particular servicemember.
      2. Certification of Serious Illness or Injury: WRCOG will require certification from an Authorized Health Care Provider that the servicemember is suffering from a Serious Illness or Injury. However, the employee will not be required to reveal the servicemember's diagnosis.
        - a) The Authorized Health Care Provider may base the certification upon their personal determination and/or may certify their reliance upon determination(s) made by an authorized DOD representative or an authorized VA representative. The certification must also include:
          - i. The name, address, appropriate contact information (telephone number, fax number, and/or email address) of the health care

- provider, the type of medical practice, the medical specialty, and the basis on which employee is receiving authorized health care above.
- ii. The approximate date on which the injury or illness commenced, or was aggravated, and its probable duration.
  - iii. Information sufficient to establish that the Covered Servicemember is in need of care, and addressing the following matters:
    - (a) Whether the need for care is for a single continuous period, and if so, an estimate of the beginning and ending dates, including any time needed for treatment and recovery;
    - (b) Whether there is a medical necessity for periodic care, based on a schedule of planned medical treatment, and if so an estimate of the treatment schedule;
    - (c) Whether there is a medical necessity for periodic care for reasons other than planned medical treatment, such as episodic flare-ups, and if so, an estimate of the frequency and duration of the periodic care.
- e. Alternative Certifications:
1. **Special Automatic Certification:** The DOD may issue a special invitation to a member(s) of a servicemember's family when a DOD health care provider has determined that the injury or illness is serious enough to warrant the immediate presence of a family member at the servicemember's bedside. If the DOD issues an invitational travel order ("ITO") or invitational travel authorization ("ITA") for "medical purposes" to any member(s) of the servicemember's family (even if the employee's name is not on it), the ITO or ITA constitutes automatic certification of military status and Serious Injury or Illness for the period of time specified in the ITO or ITA for the employee to take leave on either a continuous or intermittent basis, and WRCOG will not require further certification of those matters for the specified period of time. However, in this circumstance, WRCOG may still require proof of the covered family relationship between the employee and the servicemember. The ITO or ITA is in effect for the duration specified on it. If the employee wishes to request leave to care for a Covered Service Member beyond the period of time specified in an ITO or ITA, the employee must submit additional certification in accordance with this Policy.
  2. **Documentation of Enrollment in Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers:** As another alternative to the certification required, WRCOG will accept as sufficient certification documentation of the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers, whether or not the employee is the named caregiver in the enrollment documentation. However, WRCOG may still require proof of the covered family relationship between the employee and the servicemember. WRCOG may also require proof of the servicemember's date of discharge and proof that the servicemember's discharge was other than dishonorable.

- f. Authentication and Clarification: WRCOG may seek authentication and clarification of a certification issued, or of an ITO or ITA, or of documentation of enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.
- g. Second and Third Opinions: No second or third opinions of the servicemember's Serious Illness or Injury will be sought from an Authorized Health Care Provider who meets the criterion set forth in V.B.1(a)(i)-(iv); however, when a certification has been completed by an Authorized Health Provider who meets the criteria in V.B.1(a)(v), WRCOG may request a second or third opinion. No second or third opinions will be sought regarding an ITO or ITA for the period of time specified in the ITO or ITA.
- h. Recertification: No recertifications of the servicemember's Serious Illness or Injury will be sought.
- i. Administrative Delays in Issuance of Military Documents: When an employee is unable to submit required documentation within the required timeframe despite the employee's diligent, good faith efforts to obtain such documents, WRCOG will not delay or deny leave on the grounds of such administrative delay.

### **OTHER DISABILITY LEAVES**

In addition to medical and pregnancy-related disability leaves described above, an employee may take a temporary disability leave of absence if necessary to accommodate a workplace injury or a disability under the ADA or FEHA. Any disability leave under this section will run concurrently, to the extent allowable, with any medical leave to which the employee is entitled under the FMLA / CFRA / California New Parent Leave. Disability leaves under this section will be unpaid.

Employees taking disability leave must comply with the above medical leave provisions regarding substitution of paid leaves, notice, and medical certification. If a disability leave under this section extends beyond 12 weeks in a 12-month period, the employee will not be entitled to any continued employer contributions towards any employee benefit plan unless otherwise required by law. An employee, however, may elect to continue participating in such benefit plans, at the employee's own expense, to the extent permitted by such plans. The duration of a leave under this section shall be consistent with applicable law, but in no event shall the leave extend past the date on which an employee becomes capable of performing the essential functions of his or her position, with or without reasonable accommodation. For a full explanation of leave duration and reinstatement rights, employees should contact Human Resources.

### **EMPLOYEE RESPONSIBILITIES AND DUTY TO COOPERATE**

Employees are expected to fully cooperate with WRCOG in meeting the obligations and requirements set forth under this Policy, as well as those set forth in state and federal law.

Employees must provide reasonable advance notice of at least two weeks prior to the leave being taken to address staffing coverage as well as prepare for business continuity purposes.

Failure to cooperate with WRCOG or failure to meet the employee's responsibilities may result in a delay in granting the employee's leave, a denial of leave, and/or a denial of the protections and benefits afforded by the FMLA, CFRA, and/or PDL. Employees who have questions about their responsibilities under this Policy will direct their inquiries to Human Resources.

Additional definitions and other provisions governing employees' rights and obligations under the FMLA, CFRA, and PDL that are not specifically set forth below are set forth in the Department of Labor's FMLA regulations (29 C.F.R. § 825.00 et seq.) and the California Department of Fair Employment and Housing's CFRA regulations (2 C.C.R. § 11087 et seq.) and PDL regulations (2 C.C.R. § 11035 et seq.). This Policy is deemed to include such regulatory provisions, including subsequent revisions to such regulatory provisions.

### **3. APPLICABILITY**

This Policy applies to all permanent, temporary, and part-time employees, as well as volunteers, contractors, interns, and appointed officials.

### **4. DEFINITIONS**

The following parts 1-5 identify "Covered Family Members" for the purpose of identifying eligibility under FMLA and/or CFRA.

#### **A. Child**

Leave may be taken under FMLA and CFRA, concurrently, by an employee for a child who is any of the following:

- 1) A biological child, adopted child, foster child, stepchild, legal ward of the employee, or a child to whom the employee stands in loco parentis, and who, at the time leave is to commence is either:
  - a. Under 18 years of age; or
  - b. 18 years of age or older and incapable of caring for themselves because of a mental or physical disability.
- 2) CFRA's definition of child includes child as defined above, and also any of the following:
  - a. A child, as defined above, of a domestic partner; or
  - b. An adult biological child, adopted child, foster child, stepchild, legal ward of the employee, or a child to whom the employee stands in loco parentis of the employee or of the employee's domestic partner.

B. In loco parentis

- 1) For purposes of this Policy an employee stands in loco parentis by providing day-to-day care or financial support with demonstrated intent of assuming the responsibilities typically held by a parent.
- 2) Whether an employee stands in loco parentis to a child for purposes of this Policy will be determined by WRCOG on a case-by-case basis, and WRCOG may require reasonable documentation to support an employee's claim of providing either day-to-day care or financial support for the child.

C. Spouse

The definition of spouse expressly includes individuals in lawfully recognized same sex marriages, common law marriages and marriages that were validly entered into outside of the United States if they could have been entered into at least one state. In addition, the regulatory definition of spouse has moved from “state of residence” rule to “place of celebration” rule in which to look to the law of the place in which the marriage was entered into as opposed to the law of the state where the employee resides. This allows all legally married couples, whether opposite-sex or same sex or married under the common law, to have consistent federal family leave rights regardless of their residence.

D. Parent

Parent means a biological, foster or adoptive parent, a stepparent, a legal guardian, or other person who stood in loco parentis to the employee when the employee was a child. A biological or legal relationship is not necessary for a person to have stood in loco parentis to the employee as a child. “Parent” excludes parent-in-law under FMLA, but is included under CFRA.

E. Domestic Partner

A registered domestic partner as defined by Family Code § 297 through 297.5.:

- 1) Two adults who have chosen to share one another’s lives in an intimate and committed caring relationship.
- 2) Domestic partnership is established in the state of California when both persons file a Declaration of Domestic Partnership with the Secretary of State and the time of the filing all of the following requirements are met:
  - a. Neither persons are married to someone else nor is a member of another domestic partnership unless otherwise terminated, dissolved, or adjudged a nullity;
  - b. Both persons are at least 18 years of age and are not related by blood in any way that would prevent them from being married in California; and
  - c. Both persons are capable of consenting to domestic partnership.

F. Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves the employee or a Covered Family Member that makes the employee unable to work. Specifically, it involves either inpatient care or continuing treatment or supervision by health care provider as follows: following:

- a) "Inpatient care" means an overnight stay in a hospital, hospice, or residential medical care facility, or any subsequent treatment in connection with such inpatient care, or any resulting period of incapacity.
  - a. A person is considered to have an "overnight stay" for purposes of this provision if a health care facility formally admits the person to the facility with the expectation that the person will remain at least overnight and occupy a bed, even if it later develops that such person can be discharged or transferred to another facility and does not actually remain overnight.
- b) "Continuing treatment or supervision by a health care provider" means and includes any one or more of the following:
  - a. In-person treatment two or more times, within 30 days of the first day of incapacity (CFRA excludes two or more in-person treatments within 30 days to establish continuing treatment), unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (e.g. physical therapist) under orders of, or on referral by, a health care provider, with the first visit being within seven days of the first day of incapacity; or
  - b. In-person treatment by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider, with the first visit being within seven days of the first day of incapacity (CFRA does not include a seven-day requirement to establish continuing treatment).
  - c. Any period of incapacity due to pregnancy, or for prenatal care, whether or not in-person treatment is received during that time, or whether the resulting absence lasts fewer than three days (CFRA excludes pregnancy as a serious health condition, including other conditions of pregnancy related disability).
  - d. Any period of incapacity, or treatment for such incapacity, due to a chronic serious health condition, whether or not in-person treatment is received during that time, or whether the resulting absence lasts fewer than three days. A chronic serious health condition is one which:
    - 1. Requires periodic visits (defined as at least twice a year) for treatment by a health care provider, or by a nurse under direct supervision of a health care provider; and
    - 2. Continues over an extended period of time (including recurring episodes of a single underlying condition); and
    - 3. May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

- e. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.
- f. 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, for either:
  - 1. Restorative surgery after an accident or other injury.
  - 2. A condition that would likely result in a period of incapacity of more than three consecutive, full calendar days (CFRA excludes full-days provision and states incapacity of more than 3 consecutive days) in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).
    - a) "Incapacity" means that a person is unable to work, attend school, or perform regular daily activities due to a serious health condition, its treatment, or the recovery that it requires.

#### **5. DISSEMINATION OF POLICY**

All employees shall receive a copy of this policy when they are hired. The policy may be updated from time to time and redistributed with a form for the employee to sign and return acknowledging that the employee has received, read, and understands this policy.

#### **6. ACTION**

This policy is effective and revised as of \_\_\_\_\_.

# Attachment

## XX.05 - EMPLOYEE LEAVE BENEFITS: MILITARY SERVICE LEAVE



# Western Riverside Council of Governments

## XX.05 - EMPLOYEE LEAVE BENEFITS: MILITARY SERVICE LEAVE

### 1. PURPOSE

The purpose of this Policy is to provide guidance on time away from work to satisfy military service leave obligations and ensure that employees are not adversely affected in their employment after taking leave for military service.

### 2. POLICY

WRCOG supports the military obligations of all employees and grants leaves to employees absent from work due to service in the uniformed service in accordance with applicable federal and state laws. Affected employees shall be entitled to all rights concerning military service leave that are provided for in the California Military and Veterans' Code, and established in the federal Uniformed Services Employment and Reemployment Rights Act (USERRA).

Employees must notify their immediate supervisor as soon as they know the required dates of service (unless such notice is precluded by military necessity or is otherwise impossible or unreasonable) and, if requested, furnish the supervisor with a copy of the official orders or instructions. Continuation of health, dental and vision insurance benefits is available during military leave subject to the terms and conditions of the group health, dental and vision plan and applicable law.

Upon return from an excused military leave, the employee will be reinstated to his or her former position, or another position, to the extent required by applicable law. In order to be eligible for reinstatement, the employee must (1) report to WRCOG or submit an application for employment within the period required by federal and state laws; and (2) provide a certificate of satisfactory completion of service, as well as appropriate documentation to establish that the employee is eligible for reinstatement. Employees who qualify for re-employment will return to active employment at a pay level and status equal to that which they would have attained had they not entered military service. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service. PTO benefits do not accrue during any unpaid period of military leave. Questions regarding this policy should be directed to Human Resources.

Qualified employees will be given up to 10 days of Military Spouse Leave during that time in which the employee's spouse or domestic partner is on leave from deployment in a combat zone with the active duty or reserve military or national guard during a period of military conflict as defined in USERRA 38 U.S.C. Section 4301 et seq.

Qualifying employees are employees who work an average of 20 hours per week and have a spouse or domestic partner who is serving as (1) a member of the U.S. Armed Forces and who has been deployed during a period of military conflict to an area

designated as a combat theater or combat zone by the President of the United States or (2) a member of the Armed Forces Reserve Components or the National Guard and has been deployed during a period of military conflict.

Qualifying employees who wish to request this leave must provide WRCOG with a written request for such leave within two business days of receiving official notice that the military spouse or domestic partner will be on leave from deployment. The employee must also provide written documentation to WRCOG certifying that the military member will be on military leave from deployment.

Employees have the option but are not required to use accrued PTO or other paid leave while taking a Military Service or Military Spouse Leave. WRCOG will pay employees on a Military Service Leave under USERRA or California law their full pay, minus tax withholdings and deductions, for up to 30 days during the leave. Employees using PTO are considered in an “active pay status” and will continue to accrue PTO consisted with Paid Time Off Policy

Employees placed on a Military Service Leave or Military Spouse Leave, will be reinstated to their position upon return from leave. However, WRCOG is not obligated to reinstate an employee to same position if:

- (1) WRCOG business circumstances have changed so much that re-employment is impossible or unreasonable,
- (2) Retraining or accommodating a disabled individual would pose an undue hardship for WRCOG, or
- (3) The employment prior to the leave was for a brief, non-recurrent period, and there was no reasonable expectation that the employment would continue indefinitely or for a significant period of time.

### **3. APPLICABILITY**

This Policy applies to all regular, temporary, and part-time employees.

### **4. DEFINITIONS**

Military Leave: The performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty for training, full-time National Guard duty, and a period for which the person is absent from a position of employment for the purpose of an examination to determine the fitness of a person to perform any such duty.

Temporary Military Leave: Leave of absence from public employment to engage in ordered military duty for a period which by the order is not to exceed 180 calendar days, including travel time for purposes of active military training, encampment, naval cruises, special exercises or like activity as a member of the reserve corps or force of the armed forces of the United States, National Guard, or Naval Militia.

Uniformed Services: The Armed Forces; the Army National Guard and Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty; the commissioned corps of the Public Health Service, and any other category of persons designated by the President in time of war or emergency. Intermittent employees of the National Disaster Medical System (NDMS) are also considered to be performing "service in the uniformed services" and protected by federal law when activated to provide assistance in a public health emergency, to be present when there is a risk of a public health emergency, or when participating in authorized training.

**5. PROCEDURES & RESPONSIBILITY (IF APPLICABLE)**

Employees are responsible for providing written or verbal advance notice to their manager for all military duty unless giving notice is impossible, unreasonable, or precluded by military necessity.

**6. DISSEMINATION OF POLICY**

All employees shall receive a copy of this Policy when they are hired. The Policy may be updated from time to time and redistributed with a form for the employee to sign and return acknowledging that the employee has received, read, and understands this policy.

**7. REFERENCES (LEGAL)**

- a) California Military & Veterans Code Section 389 et seq.
- b) Uniformed Services Employment and Reemployment Rights Act ("USERRA") 38 U.S.C. Section 4301 et seq.

**8. ACTION**

This policy is effective \_\_\_\_\_.

# Attachment

X.06 - EMPLOYEE LEAVE  
BENEFITS: CATASTROPHIC  
VOLUNTARY TIME BANK  
PROGRAM



# Western Riverside Council of Governments

## X.06 - EMPLOYEE LEAVE BENEFITS: CATASTROPHIC VOLUNTARY TIME BANK PROGRAM

### 1. PURPOSE

The purpose of this Policy is to establish and provide guidelines for the Catastrophic Voluntary Time Bank for use due to catastrophic illness or injury.

### 2. POLICY

#### A. Catastrophic Voluntary Time Bank Program

The Catastrophic Voluntary Time Bank Program is a voluntary program wherein employees of WRCOG can donate accrued but unused Paid Time Off (PTO) to the WRCOG Catastrophic Voluntary Time Bank to be used by an eligible employee as necessary in the event of a catastrophic illness or injury, and upon the exhaustion of the employee's own accrued leave.

The maximum amount of time that an eligible employee can carry in their Catastrophic Voluntary Time Bank (employee's own PTO time and donated PTO time combined) is 480 hours or 12-weeks.

Employees on an approved leave of absence for a catastrophic reason may use up to 240 hours of their Catastrophic Voluntary Time Bank Time Bank within a twelve (12) month period.

An employee who receives donated time based on a family catastrophic illness or injury must, while using the time, must regularly check-in weekly with his/her supervisor.

#### B. Eligible Employee

Only employees in regular positions who anticipate exhausting their leave balances are eligible to receive donations from the Catastrophic Voluntary Time Bank Program. Employees receiving disability payments or Workers' Compensation may be eligible for a pro-rated Catastrophic Voluntary Time Bank Program reimbursement such that total payments do not exceed 100% of their regular pay.

Employees may be eligible to participate due to their own catastrophic illness or injury or family-related catastrophic illness or injury.

### 3. APPLICABILITY

This Policy applies to all regular full-time employees.

## 4. DEFINITIONS

### A. Catastrophic Illness or Injury

“Catastrophic illness or injury” is defined as a debilitating medical condition or severe illness or injury which is expected to incapacitate the employee for an extended period (at least 30 calendar days) and which creates a financial hardship because the employee has exhausted all accumulated paid leave. Common illnesses or injuries which are short-term and are without complications are not catastrophic events. Determination of whether an illness or injury qualifies is within the sole discretion of the Executive Director or their designee.

### B. Family Catastrophic Illness or Injury

A “family catastrophic illness or injury” is defined as a debilitating medical condition of an immediate family member where the employee, as the primary care giver, is required to take off from work for at least 30 calendar days. An immediate family member is defined as spouse, registered domestic partner, child, step-child, foster child, parent, grandparent, sibling, or any other person living in the immediate household of the employee. Determination of whether an illness or injury qualifies is within the sole discretion of the Executive Director or their designee.

## 5. PROCEDURES & RESPONSIBILITY

A. Donation: Any employee may donate to the Catastrophic Voluntary Time bank.

B. Employees who wish to use leave from the Catastrophic Voluntary Time bank must submit a request to a Director indicating said need. The Director will contact Human Resources to determine if the employee is eligible to participate in the Catastrophic Voluntary Time Bank Program.

C. An employee must meet all the following qualifications to donate to a Catastrophic Voluntary Time bank:

- Regular full-time employees with WRCOG.
- Part-time employees are not allowed to donate.
- Regular full-time employees must have a minimum of at least 40 hours of accrued PTO Leave hours after donating leave time.
- All donations are irrevocable.

D. All donations to the Catastrophic Voluntary Time Bank Program shall remain confidential and are strictly voluntary.

E. Any unused donated hours will carry over to the following calendar year.

- F. The use of leave credits will be calculated on a dollar-for-dollar value and will be tracked on a first in, first used basis. The value of hours donated will be converted on the donor's salary rate and the total donated hours are then converted to PTO hours based on the recipient's hourly rate.
- G. Employees who desire to use Catastrophic Voluntary Leave time bank program hours will be required to complete and sign the Request for Catastrophic Voluntary Leave Form. Donor employees will be required to complete and sign a Catastrophic Voluntary Time Bank Program donation form.
- H. The Chief Financial Officer will establish and operate the approved Catastrophic Voluntary Time Bank Program.
- I. Human Resources will ensure that only necessary credits are donated to the eligible employee on a bi-weekly pay period basis.

## **6. CONFIDENTIALITY**

All donations to the Time-Bank shall remain confidential and are strictly voluntary.

In accordance with the Health Insurance Portability and Accountability Act (HIPAA) and its implementing regulations (45 C.F.R. Parts 160 and 164), no personal medical information will be disclosed to employees from whom donations of leave are being requested.

## **7. DISSEMINATION OF POLICY**

All employees shall receive a copy of this Policy when they are hired. The Policy may be updated from time to time and redistributed with a form for the employee to sign and return acknowledging that the employee has received, read, and understands this policy.

## **8. REFERENCES (LEGAL)**

Health Insurance Portability and Accountability Act (HIPAA) and its implementing regulations (45 C.F.R. Parts 160 and 164)

## **9. ACTION**

This policy is effective \_\_\_\_\_.



# Catastrophic Voluntary Time Bank Donation Form

Date:	
To:	WRCOG Chief Financial Officer
From (Employee Name):	

### Employee Agreement Section

I, \_\_\_\_\_, request to donate the following hours to the WRCOG Catastrophic Voluntary Time-Bank.

Current PTO Balance: \_\_\_\_\_

PTO Hours Donated: \_\_\_\_\_

Remaining PTO Balance: \_\_\_\_\_

*Please indicate your agreement by providing your initials in the boxes below.*

	I understand donation of hours is irreversible once the hours are credited to the WRCOG Catastrophic Voluntary Time Bank.
	I understand I may only donate PTO leave hours in the Catastrophic Voluntary Time Bank.
	I have a minimum of at least 40 hours of accrued PTO leave hours after donating leave time.
	I have read, reviewed, and understood the WRCOG Catastrophic Voluntary Time Bank Policy. I freely and without restraint elect to donate PTO leave credits to the Catastrophic Voluntary Time-Bank.

Employee Signature

Date Signed

### Administrative Services Department Use Only

Processed by:	Pay Period:
Date balance correction submitted to Payroll:	



## Request For Catastrophic Voluntary Time-Bank Hours

Date:	
To:	WRCOG Chief Financial Officer
From (Employee Name):	

### Employee Agreement Section

I, \_\_\_\_\_, request the PTO Leave Hours from the Catastrophic Voluntary Time Bank for the following reason(s):

\_\_\_\_\_

and authorize distribution of my request to the entire Agency. Furthermore, I understand that my application for a Voluntary Time-Bank does not release me from my obligation to seek and obtain an approved leave of absence in accordance with the language set forth in WRCOG's Personnel Policies and Procedures.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date Signed



## Administrative Services Department Section

In accordance with WRCOG's Catastrophic Voluntary Time-Bank Program, the Department Head/Director identified below requests the Donated PTO Hours from the WRCOG Catastrophic Voluntary Time Bank for the following employee:

Employee Name: \_\_\_\_\_ Title: \_\_\_\_\_

Estimated Length of Absence: \_\_\_\_\_

Approximate Date of Return to Work: \_\_\_\_\_

Anticipated Date Employee Will Exhaust All Leave Balances: \_\_\_\_\_

Has the employee been placed on leave pursuant to the Federal Family and Medical Leave Act (FMLA) and/or the California Family Rights Acts (CFRA)?	Yes	No
Has the employee applied for workers' compensation?	Yes	No
If so, has a workers compensation determination been rendered?	Yes	No
Has the employee applied for short-term or long-term disability?	Yes	No

### Administrative Services Determination

Request is:                                      Approved                                      Denied

Notes: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 Chief Financial Officer

\_\_\_\_\_  
 Date Signed

\_\_\_\_\_  
 Executive Director

\_\_\_\_\_  
 Date Signed