

FAMILY CARE & MEDICAL LEAVE POLICY

It is the policy of California College of the Arts to provide family care and medical leave to eligible employees in accordance with the requirements of the California Medical Family Rights Act of 1993 (CFRA) and the federal Family and Medical Leave Act of 1993 (FMLA) in effect at the time leave is granted.

Eligible employees who request leave pursuant to CCA policy or a collective bargaining agreement that qualifies as family care and medical leave are entitled to 12 work-weeks of unpaid leave within a 12-month period.

1. **Eligible Employees.** To be eligible for family care and medical leave benefits, an
2. **Reasons for Taking Leave.** Eligible employees may request family and medical employee must: (a) have worked for a total of at least twelve months; and (b) have worked at least 1,250 hours during the previous 12 months. leave for one or more of the following reasons:
 - (a) the birth of the employee's child or the placement of a child with the employee through adoption or foster care, or to care for such child during the first year of life;
 - (b) care of the employee's parent, spouse, or child who has a serious health condition; or
 - (c) the employee's own serious health condition that causes the employee to be unable to perform his or her job duties.
3. **Definitions.** For purposes of this policy, the following definitions apply:
 - (a) *Child* means the employee's biological, adopted, or foster son or daughter; the employee's stepson or stepdaughter; a legal ward of the employee; or a child for whom the employee stands *in loco parentis*.
 - (b) *Parent* means the biological, foster, or adoptive parent of the employee; a step-parent; or a legal guardian or other person who stood *in loco parentis* to the employee when the employee was a child. Parent does not include parents-in-law.

- (c) Serious health condition means an illness, injury, impairment, or physical or mental health condition that involves: (i) any period of incapacity or treatment in connection with or consequent to in-patient care in a hospital, hospice, or residential medical-care facility; or (ii) any period of incapacity requiring absence from work, school, or other regular daily activities of more than three calendar days that also involves continuing treatment by a health care provider; or (iii) continuing treatment by a health-care provider for a chronic or long-term health condition that is incurable, or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days.

- 4. **Length/Calculation of Family Care and Medical Leave Periods.** Eligible employees are entitled to 12 weeks of unpaid family care and medical leave during the 12-month period commencing on the date the employee's first family care and medical leave begins.

The employee's next 12-month period begins on the date leave is taken after completion of any previous 12-month period.

5. **Leave Conditions**

- (a) Procedure. An employee requesting family care and medical leave must complete an application for leave from Human Resources.
- (b) Advance Notice. Thirty (30) days advance notice is required if the need for family care and medical leave is foreseeable (e.g., the birth of a child or a planned medical treatment). If the need for leave is not foreseeable, notice must be provided as soon as reasonably possible after learning of the need for leave.
- (c) Failure to Provide Notice. If an employee fails to provide 30 days notice of the need for family care and medical leave, the college may deny leave until 30 days after date the employee provides notice.
- (d) Medical Certification. The college requires written certification from a health care provider of the employee's own serious health condition or the serious health condition of the employee's family member, whichever is the basis for the leave.
- (e) Intermittent Leave. Under some circumstances, employees may take family care and medical leave intermittently by taking blocks of time or reducing the normal weekly or daily work schedule. Leave taken intermittently will be deducted from the employee's entitlement to leave in one-hour increments.
- (f) Use of Sick Leave Hours or Vacation Hours for Salary Continuation

Sick Leave Hours. Employees may elect (and are not required) to continue salary using some or all of their already accrued, unused sick-leave hours for

their own serious health condition; and may elect (and are not required) to do so for the birth, placement or care of a child during the first year of the child's life, or for the serious health condition of a parent, spouse, or child, up to the amount of 48 hours or one-half of their annual sick leave accrual, whichever is greater.

Vacation Hours. Employees may elect (and are not required) to substitute some or all of their accrued, unused vacation time for salary continuation during a leave under this policy.

- (g) **Baby Bonding when Both Parents Are Employees.** When family care and medical leave is taken for baby bonding, and both parents are employees of the college, the parents' combined total leave is limited to 12 weeks in any 12-month period.
- (h) **Pregnancy.** Pregnant employees may have the right to take a pregnancy disability leave in addition to family-care leave. Contact Human Resources for more information on pregnancy leave.
- (i) **College Designated FMLA Leave.** The college may designate leave as FMLA leave if the leave meets the requirements set forth in paragraphs 1 through 3 above, even when an employee does not specifically request FMLA or family care and medical leave.

6. Benefits During Family Care & Medical Leave

- (a) **Health Benefits.** Coverage under any group health plan (e.g., medical, dental, vision) will be maintained during any family care and medical leave in accordance with the plan document governing the provision of benefits. The employee is responsible for paying his or her portion of any premiums normally deducted from the employee's paycheck, and must pay such amounts at the time they are normally deducted. Failure to pay the employee portion of any plan premium within 30 days of the due date will result in cancellation of the employee's enrollment in that plan.
- (b) **Nonaccrual of Vacation/Sick Hours during Leave.** Employees do not earn vacation pay or sick leave while on family care and medical leave, except to the extent salary is continued under 5(f) above. Employees on an intermittent or reduced schedule leave earn vacation or other leave at the same rate as part-time employees working similar schedules.
- (c) **Retirement Plans.** Retirement contributions to a defined contribution plan or service credits to a defined benefit plan do not accrue during any family care and medical leave, except to the extent salary is continued under 5(f) above.

7. Return to Work Following Family Care & Medical Leave. Returning to work may be contingent upon a written certification from a health care provider who the employee is fully able to perform all essential duties of the position as described in the job description, in accordance with the Americans with Disabilities Act. An employee who is granted family care and medical leave is guaranteed the same or comparable position upon return to work.
8. Failure to return from Leave. The failure of an employee to return to work upon the expiration of family care and medical leave shall be treated as the employee's voluntary resignation from employment at the college. Employees who do not return to work from family care and medical leave are liable for payment of any health plan premiums paid by the college during the leave. Employees covered by collective bargaining agreements are in addition subject to the terms and conditions set forth in those agreements as they relate to failure to return from leave.
9. Additional Information. Contact Human Resources for more information about family care and medical leave and other leaves.