



TOWN OF CHINO VALLEY – EMPLOYEE HANDBOOK	
Policy No.: 735	Policy: Family and Medical Leave
Origination Date: 9/2002	Revision Date(s): 7/2023

The Town complies with the Family and Medical Leave Act (FMLA) and will grant up to 12 weeks of leave during a 12-month period to eligible employees for qualifying reasons (or up to 26 weeks of military caregiver leave). The purpose of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

I. Eligibility:

This policy applies to all employees who have been employed by the Town for at least twelve (12) months (which need not be consecutive) and have worked at least one thousand two hundred fifty (1,250) hours during the twelve-month period immediately preceding the commencement of leave.

II. Qualifying Reasons for Leave:

Eligible employees shall be granted up to twelve (12) weeks of leave within a twelve-month period for the following qualifying reasons:

1. For the birth and care of a newborn child of the employee or for the placement of a child with the employee for adoption or foster care;
2. To care for the employee’s spouse, child or parent who has a serious health condition; and
3. For a serious health condition which prevents the employee from being able to perform the essential functions of his or her job.
4. For any qualifying exigency arising out of the fact that a spouse, child, or parent is a military member on covered active duty or on call to covered active duty status.

In addition, eligible employees may take up to 26 weeks of leave within a twelve-month period to care for a covered service member with a serious injury or illness.

III. Intermittent Leave or a Reduced Work Schedule

Employees may take FMLA leave in one consecutive block of time, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member) in a 12-month period.

IV. NOTICE REQUIREMENTS:

- A. When the need for leave is foreseeable, the employee must provide the Town at least thirty (30) days' advance notice. If the leave is not foreseeable (*i.e.*, is unexpected), the employee should notify the Town as soon as practicable. This generally requires that the employee provide notice on the same day the need for the leave is discovered or on the following business day. The notice must specify the reason for the leave as well as the anticipated timing and duration of the leave.
- B. Within five business days after the employee has given the required notice, the Town will provide the employee with a Notice of Eligibility and Rights. The Town may also request a medical certification or other supporting documentation, as deemed necessary. The employee shall have 15 days to return any requested documentation to the Town. The employee's failure to provide the requested information in a timely manner may result in the delay or denial of FMLA leave.
- C. Within five business days after the employee has submitted the required certification or other documentation, the Town will provide the employee with a written response to the employee's request for FMLA leave using the FMLA Designation Notice. This notice shall set forth the terms and conditions of any approved FMLA leave.
- D. When the employee's leave is for planned medical treatment, the employee must make reasonable efforts to schedule the treatment so as not to unduly disrupt Town operations.

V. Benefits During FMLA Leave:

- A. An employee on FMLA leave will continue to be covered under the employee's group health insurance plan at the same level and under the same conditions as if the employee was continuously at work.
- B. The employee shall continue to pay the employee's share of health insurance premiums, either through payroll deduction or by direct payment to the Town. If an employee fails to make such payments, the Town may terminate the employee's health insurance coverage.
- C. If the employee fails to return from FMLA leave for reasons other than (1) the continuation or recurrence of the employee's or family member's condition that led to the employee's FMLA leave or (2) circumstances beyond the employee's control, the Town may seek reimbursement of any premiums paid by the Town during FMLA leave.
- D. An employee is not entitled to leave accrual during periods of unpaid leave, but will not lose anything accrued prior to the unpaid leave.

VI. Use of Paid Leave

Employees are required to use any accrued paid leave concurrently with FMLA leave. The reason the FMLA leave is being taken (family or medical) will determine what type of paid leave will be used.

VII. Return to Work

An employee who takes leave under this policy may be asked to provide a fitness for duty clearance from a health care provider. This requirement will be included in the Town's FMLA Designation Notice.

Employees on leave must contact their supervisor at least two (2) weeks prior to end of leave to inform the Town of availability to return to work. An employee's unauthorized failure to return from such a leave may be considered a voluntary resignation of employment.

VIII. Definitions:

- A. Child. A biological, adopted, or foster child, stepchild or legal ward of the person having day-to-day care for the child. It may also include a son or daughter who is eighteen (18) or more years of age if he or she is incapable of self-care due to a physical or mental disability.
- B. Parent. A biological parent or individual that is responsible for the day-to-day care of a child. Parent-in-laws are not included in this term.
- C. Spouse. A husband or wife as defined under state law; unmarried domestic partners do not qualify for family leave to care for their partners.
- D. Serious Health Condition. An illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. This can include conditions with short-term, chronic, long-term or permanent periods of incapacity.
- E. Qualifying Exigency includes a short-notice deployment, military events and activities, child-care and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and/or additional activities that arise out of active duty.