

Family and Medical Leave Act and California Family Rights Act

Medical / Family care leave of absence run concurrently with the provisions of the Family Medical Leave Act/California Family Rights Act/California Pregnancy Disability Leave and the District [Leave of Absence Policy](#) with all applicable paid leave.

The Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA) allow eligible employees to use leave *without pay* for:

- Serious health condition that interferes with employee's ability to perform his job
- Birth, adoption, or foster care placement of employee's child within one year of birth/placement
- Care of employee's spouse, child, or parent with serious health condition
- Eligible employee who is a spouse, son, daughter, parent or next to kin (military caregiver leave) to care for a service member who is recovering from a serious illness or injury while on active duty
- Employee's spouse, son, daughter or parent who is a covered military member on covered active duty for any qualifying exigency.

To be *eligible* for FMLA/CFRA, employee must have *worked* for the San Mateo County Community College District (SMCCCD) for at least *12 months and at least 1,250 hours* over the *previous 12 months*, preceding the start of the leave of absence.

Both FMLA and CFRA provide eligible employees up to *12 workweeks* of leave in a "*rolling*" *12-month period*. A rolling 12-month period is defined by the 12 months following the first instance of an FMLA or CFRA leave.

FMLA provide eligible employees up to *26 workweeks* of leave in a "*rolling*" *12-month period to care for a military service member*.

The San Mateo County Community College District (SMCCCD) reserves the right to charge any absence that qualifies as FMLA/CFRA as such. A medical certification will be required for medical leave of absences.

Most leaves will fall under the following classifications:

1. ***Planned Leaves.*** When you are aware that an FMLA/CFRA leave will be required, please contact Human Resources as far in advance as possible. HR will provide you the necessary paperwork and inform you of the length of FMLA/CFRA leaves. A leave request form must be submitted within 30 days from the start of the leave of absence.
2. ***Unplanned Leaves.*** If you or a family member suddenly becomes injured or ill, please contact Human Resources as soon as possible. Human Resources will forward the appropriate paperwork in order to determine if the absence is eligible for FMLA/CFRA designation.
3. ***Intermittent Leave.*** The procedure for requesting intermittent leave is the same as for continuous leave. SMCCCD maintains its rights to require periodic medical provider updates with regard to both the medical necessity and the duration of intermittent leave.

Bereavement Leave

Leave for *up to three (3) days* or *five (5) days* if out-of-state travel is involved, is provided by the District for the death of spouse, domestic partner, domestic partner's child/parent, child, parents, grand parents/child, son/daughter-in-law and siblings. Visit (AFT sec11.4; AFSCME sec10.6; CSEA sec10.4 for a complete relative listing.

Personal Necessity

An employee may use their accrued *sick leave* for *up to seven (7) days per fiscal year* in case of *personal necessity* and defined below: (AFT sec.11.5; AFSCME sec10.7; CSEA sec10.5)

- Additional bereavement leave.
- Accident involving the employee's person or property or the person or property of the employee's immediate family.
- Appearance in court or before an administrative tribunal as a litigant.
- Religious holidays other than legal holidays on the Board-adopted calendar.
- Such other reasons as approved by the District.
- Imminent danger to employee's home occasioned by an event such as flood or fire, serious in nature, which under the circumstances the employee cannot reasonably be expected to disregard, and which requires the attention of the employee during his/her assigned hours of service. (Applies to AFT sec.11.5; CSEA sec10.5)

Two (2) of the seven (7) personal necessity days may be used at *the employee's discretion without prior approval*. (Applies AFT sec.11.5.2; CSEA sec10.5.1)

Family Illness

Employees are granted *six (6) days* of paid leave *per fiscal year* in the event of a serious illness of an eligible family member. Such time will be deducted from employee's accrued *sick leave*.

Eligible family members: spouse, domestic partner, domestic partner's child/parent, child, parent, grand parents/child, son/daughter-in-law, mother/father-in-law, and siblings. Visit AFT sec11.3; AFSCME sec10.5; CSEA sec10.3 for a complete relative listing.

Worker's Compensation

California law guarantees certain benefits to an employee who is injured or becomes ill in the course of their employment. There are obligated forms that need to be completed. Please report the incident to your supervisor immediately. If you loss time off work due to the injury/illness sustained throughout your employment with SMCCCD, the claim must be approved by our worker's comp administrator. The time is then reported in your [Employee Absence Affidavit Form](#) available in the District Portal website. Please review WC [Frequently Asked Questions](#).

Jury Duty

An employee who appears in court for jury duty shall receive *full pay for the time period required by the court*. An affidavit of appearance is required that supports your service. Meals, mileage, and/or parking allowance provided by the court are not considered jury duty service.

Witness under subpoena can be counted toward *personal necessity days* taken from the employee's *accrued sick leave*.

Time Off for Voting

If employee is not able to vote before or after the working hours, *four (4) hours of leave* will be permitted by the District. Depending on each case employee's own *accrued vacation (Applies to AFSCME/CSEA)*, *sick leave*, *compensation time (Applies to AFSCME/CSEA)* may be used through your supervisor's coordination.

Time Off for School Visits

If you are the parent, guardian, or custodial grandparent of a child in a licensed daycare facility or school (from kindergarten through 12th grade), you may take *unpaid time off* to participate in an *activity at the school*. However, school activity leave may not exceed (regardless of the number of children):

- Eight hours in any month, and
- 40 hours in any calendar year.

Upon your return, you will be required to provide proof of the school visit. You are required to provide your manager with reasonable notice of the need for the time off.

For these visits, employees may utilize *partial-day* or *full-day employee's own accrued vacation (Applies to CSEA/AFSCME)* or *personal necessity (sick leave)*, *take time without pay*, or *make up the time*.

Military Leave

To protect the employment rights of employees entering the armed forces of the United States and to ensure conformance with the applicable federal laws, the SMCCCD will *grant the first thirty (30) calendar days paid* leave of absence to *all employees (except temporary employees)*, who enter military service for active duty as a result of the following:

- Initial enlistment in the armed services of the United States
- Initial training period in the National Guard
- Activation of military service as a member of the Reserves or National Guard for an indefinite period or for a periodic training period up to ten working days

- Any service requirements under the Selective Service Act

After the thirty (30) calendar days, the leave of absence becomes unpaid. There is no waiting period to be eligible for Military Leave.

If you need to take military leave, you must advise SMCCCD of your estimated date of return. You should contact your manager at least *two weeks* prior to the expiration of your leave to discuss your return to work. Employees are entitled to *full re-employment rights* subject to the governing federal and state laws.

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