
CUCAMONGA VALLEY WATER DISTRICT EMERGENCY FAMILY AND MEDICAL LEAVE POLICY

Cucamonga Valley Water District (“District”) provides eligible employees with up to 12 weeks of Emergency Family and Medical Leave Act (EFMLA) for a qualifying need related to a public health emergency.

Purpose

To comply with the Families First Coronavirus Response Act and to assist employees affected by the COVID-19 outbreak with job-protected leave and emergency paid sick leave. This policy will be in effect from April 1, 2020, until December 31, 2020. Our existing FMLA leave policy still applies to all other reasons for leave outside of this policy.

Employee Eligibility

All current employees who have been employed with the District for at least 30 days and are actively scheduled for work are eligible for leave under this policy.

Reason for Leave

Eligible employees who are unable to work (or telework) due to a need to care for their child when a school or place of care has been closed, or when the regular child care provider is unavailable due to a public health emergency with respect to COVID-19.

“Child” means a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is:

- Under 18 years of age.
- 18 or older and incapable of self-care because of a mental or physical disability.

“Child care provider” means a provider who receives compensation for providing child care services on a regular basis, including:

- A center-based child care provider.
- A group home child care provider.
- A family child care provider (one individual who provides child care services for fewer than 24 hours per day, as the sole caregiver, and in a private residence).
- Other licensed provider of childcare services for compensation.
- A childcare provider that is 18 years of age or older who provides child care services to children who are either the grandchild, great-grandchild, sibling (if such provider lives in a separate residence), niece, or nephew of such provider, at the direction of the parent.

“School” means an elementary or secondary school

Duration of Leave

Employees will have up to 12 weeks of leave to use from April 1, 2020, through December 31, 2020, for the purposes stated above. This time is included in and not in addition to the total FMLA leave entitlement of 12 weeks in a 12-month period.

For example, if an employee has already taken six (6) weeks of FMLA leave, that employee would be eligible for another six (6) weeks of EFMLA leave under this policy.

Increments & Intermittent Use of Leave

Employees may take expanded EFMLA leave intermittently. For example, an employee may only need 4 hours per day of leave to care for his or her child or may only need to do so on Tuesdays and Thursdays. Managers and employees are expected to be flexible in scheduling wherever possible.

Pay During Leave

Leave will be unpaid for the first ten (10) days of leave; however, employees may use accrued paid vacation, sick, or any other accrued leave during this time. The employee may also elect to use the paid leave provided under the Emergency Paid Sick Leave Act. After the first ten (10) days, leave will be paid at two-thirds of an employee's regular rate of pay for the number of hours the employee would otherwise be scheduled to work. Pay will not exceed \$200 per day and \$10,000 in total. Any unused portion of this pay will not carry over to the next year.

Employees may also supplement the two-thirds pay with accrued paid vacation, sick or any other accrued leave during this time not to exceed 100% of regular pay.

Employee Status and Benefits During Leave

While an employee is on leave, the District will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. While on paid leave, the District will continue to make payroll deductions to collect the employee's share of the premium if applicable. During any unpaid portions of leave, the employee must continue to make this payment per instructions from the Human Resources Department.

Procedure for Requesting Leave

All employees requesting EFMLA leave must provide written notice of the need for leave to their supervisor or the Human Resources Manager as soon as practicable. Verbal notice will otherwise be accepted until written notice can be provided.

Notice of the need for leave must include:

- The name and age of the child or children being care for.
 - The name of the school, place of care, or child care provider that closed or became unavailable due to COVID-19 reasons.
 - A statement representing that no other suitable person is available to care for the child or children during the period of requested leave. For children over the age of 14, a
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statement indicating the special circumstances that require the employee to provide care during daylight hours.

On the basis that does not discriminate against employees on EFMLA leave, the District may require an employee on EFMLA leave to report periodically on the employee's status and intent to return to work.

Standard departmental call-in procedures apply to all absences from work.

Restoration

Upon returning to work at the end of leave, you will generally be placed in your original job or an equivalent job with equivalent pay and benefits. You will not lose any benefits that accrued before leave was taken.

Generally, eligible employees who take family and medical leave are entitled to be restored to the position they held when the leave commenced or to obtain an equivalent position with their employer. In such circumstances, if an employee takes family and medical leave, the employer does not need to return the employee to their position if:

- The position does not exist due to changes in the employer's economic or operating condition that affect employment and were caused by the coronavirus emergency;
- The employer makes "reasonable efforts" to restore the employee to an equivalent position; and
- If these efforts fail, the employer makes an additional reasonable effort to contact the employee if an equivalent position becomes available. The "contact period" is the one-year window beginning on the earlier of:
 - The date on which the employee no longer needs to take leave to care for the child; or
 - 12 weeks after the employee's paid leave commences.

Job Protection/Retaliation

No employee who appropriately utilizes emergency family medical leave under this policy will be discharged, disciplined, or discriminated against for work time missed due to this leave.

Expiration

This policy expires on December 31, 2020.

Please contact the Human Resources Department with any questions.
