



• **Board of Directors**  
***Legal and Claims Committee***

12/13/2022 Board Meeting

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**7-8**

**Subject**

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Approve amendments to the Metropolitan Water District Administrative Code to conform to current law, practices, and regulations; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA

**Executive Summary**

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The proposed amendments to the Administrative Code will update the Code so that the Code conforms to current law, practices, and regulations.

**Details**

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This letter proposes amendments to Metropolitan's Administrative Code to conform the Code to current law, practices, and regulations. The proposed amendments are set forth in **Attachment 1**, with overstrikes reflecting deletions and underlining reflecting additions. **Attachment 2** sets forth the sections as they will appear in the Administrative Code if the changes are approved.

The Administrative Code is proposed to be amended as follows:

1. Correct Administrative Code sections 4509 and 4704 for consistent use and meaning of the word "ensure."
2. Delete Administrative Code section 5200(k) listing established funds to remove an obsolete reference to an Employee Deferred Compensation fund and renumber subsequent subsections.
3. Amend Administrative Code sections 6227, 6228, 6229, 6231, 6243, 6246, and 6530 on sick leave, disability leave, special leave, family and medical leave, bereavement leave, and military leave to conform to current law and practice. Changes to conform to current law are:
  - a. Sick leave is expanded to include care for "immediate family" and for survivors of domestic violence to seek medical, shelter, and other support services, and to include temporary employees.
  - b. Special leave is expanded to include care for "immediate family" and for survivors of domestic violence to seek medical, shelter, and other support services.
  - c. Family and medical leave is expanded in the definition of "parent," to include care for "immediate family," and for employees married to each other with new children, and is updated as to military family leave for qualifying exigencies and service member injury care.
  - d. Sick leave, special leave and family and medical leave are expanded to include care for a "designated person," defined as any individual related by blood or whose association with the employee is the equivalent of a family relationship.
  - e. Military leave is updated to include State Guard service members and to clarify leave requirements and leave credit eligibility.
  - f. Bereavement leave is expanded to allow two additional days (unpaid, for a total of five days) and updated as to requests for documentation and to require leave to be taken within three months of the death.

- g. Administrative Code sections 6227(d)(1), (d)(2), and (d)(3) are deleted to remove obsolete references to sick leave benefits accumulated as of November 30, 1979.
- 4. Amend Administrative Code section 6533 on Metropolitan matching contributions to update references to the 401(k) Plan.

## Policy

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Metropolitan Water District Administrative Code Section 2451(g): Duties and Functions [Legal and Claims Committee]

Metropolitan Water District Code Section 11104: Delegation of Responsibilities

## California Environmental Quality Act (CEQA)

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### CEQA determination for Option #1:

The proposed action is not subject to CEQA because it involves continuing administrative activities, such as general policy and procedure making (Section 15378(b)(2) of the State CEQA Guidelines). In addition, the proposed action is not subject to CEQA because it involves organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment (Section 15378(b)(5) of the state CEQA Guidelines).

### CEQA determination for Option #2:

None required

## Board Options

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### Option #1

Approve amendments to the Administrative Code set forth in **Attachment 2** to reflect all changes recommended by this letter

**Fiscal Impact:** None

**Business Analysis:** To conform the Administrative Code to current law, practices, and regulations

### Option #2

Do not approve amendments to the Administrative Code set forth in **Attachment 2** to reflect the changes recommended in this letter

**Fiscal Impact:** None

**Business Analysis:** The Administrative Code will not be amended to conform to current law, practices, and regulations.

## Staff Recommendation

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Option #1

  
\_\_\_\_\_  
Marcia L. Scully  
General Counsel

12/6/2022  
\_\_\_\_\_  
Date

**Attachment 1 – The Administrative Code of The Metropolitan Water District of Southern California (with changes marked)**

**Attachment 2 – The Administrative Code of The Metropolitan Water District of Southern California (clean version)**

## **Division IV**

### **WATER SERVICE POLICIES**

#### **§ 4509. Water Restricted to Use Within the District.**

In order to ~~insure~~ensure that water served by the District is not used for the direct or indirect benefit of areas outside the District, the amount of water served by the District's facilities that shall be made available to any member public agency shall be limited to an amount equal to that required for uses within the area of the District lying within, or served by or through, such member public agency. No area lying outside the boundaries of the District shall be served with water from the District's facilities, except as service to such area may, when found to be such by the Board, be a reasonably unavoidable incident to the service of such water within the District, and under such circumstances the amount of water served by the District that shall be made available to any member public agency shall be limited to an amount equal to that required for uses within the area of the District lying within, or served by or through, such member public agency. Any question of fact involved in the application of this Section 4509 shall be finally determined by the Board, after giving the member public agency concerned adequate opportunity to present pertinent factual evidence and the views of such member public agency.

#### **§ 4704. Compliance with Environmental Obligations for Service Connections.**

Member public agencies are responsible for ensuring that the obligations of lead agencies as described in the California Environmental Quality Act and its implementing guidelines are fulfilled. The District shall fulfill all other obligations that may arise from its involvement in construction of the service connections and shall provide such information as it has available which is necessary to ~~insure~~ensure compliance with the Act and its implementing guidelines.

## **Division V**

### **FINANCIAL MATTERS**

#### **Chapter 2**

### **FINANCIAL POLICIES**

#### **§ 5200. Funds Established.**

To provide for accountability of public moneys in accordance with applicable federal and state law and regulations and Board policies, the following funds active or prospectively active have been established in the Treasury of the District:

...

~~(k) Employee Deferred Compensation Fund (Fund No. 6003, established 1976). Compensation deferred by employees under Section 457 of the Internal Revenue Code of 1986, as amended, is deposited in this fund and is withdrawn in accordance with Articles 2 and 3 of Chapter 7 of Division VI of this Administrative Code.~~

(~~kl~~) Iron Mountain Landfill Postclosure Maintenance and Corrective Action Trust Fund (Fund No. 6005, established 1990). Used as a trust fund to maintain moneys sufficient to cover the costs of postclosure maintenance and/or corrective action of the District's solid waste landfill facility at Iron Mountain, in accordance with regulations of the California Department of Resources Recycling and Recovery, and subject to the conditions contained in Section 5201(m).

(~~lm~~) Water Standby Charge Fund (Fund No. 1005, established 1992). Used to separately hold revenues attributable to water standby charges; amounts deposited in this fund are used exclusively for the purpose for which the water standby charge was authorized.

(~~mn~~) Water Transfer Fund (Fund No. 1007, established 1995). Used for moneys set aside for the purchase of water through transfers or similar arrangements, and for the costs of filling the Eastside Reservoir Project.

(~~no~~) Self-Insured Retention fund (Fund No. 1008, established 1999). Used to separately hold amounts set aside for emergency repairs and claims against the District as provided in Section 5201(o).

(~~op~~) Lake Mathews Multi Species Reserve Trust fund (Fund 6101, established 1997.) Used as set forth in agreement between Metropolitan and the Riverside County Habitat Conservation Agency for the Multi Species Reserve.

(~~pq~~) There shall be established in the Treasury of the District such funds and accounts as are required pursuant to bond covenants, tax and non-arbitrage certificates, bond counsel letters of instruction and related documents, to provide for accountability of District funds and compliance with applicable federal and state law and regulations. Such funds and accounts shall be established for each issue of bonds, notes or other obligations of the district as required in the respective bond or note resolution and closing documents.

(~~qr~~) Water Stewardship Fund (Fund No. 1009 established 2005). Used to collect revenue from the Water Stewardship Rate and to pay costs associated with water recycling, seawater desalination, conservation, brackish water desalination, or other demand management programs. These funds can also be used to fund administrative costs associated with these programs. Funds may be used as directed by the Board, for other lawful purposes, in accordance with Section 5201(p) and Section 5202(d).

## **Division VI**

### **PERSONNEL MATTERS**

#### **Chapter 2**

## PERSONNEL REGULATIONS

### § 6227. Sick Leave.

(a) Employees shall accumulate sick leave ~~with full pay at the rate of .0459780 hours for each hour of service at the following rates:~~

(1) Regular and Recurrent employees shall accumulate sick leave with full pay at the rate of .045978 hours for each hour of service.

(2) Temporary employees, excluding Annuitants, shall accumulate sick leave with full pay at the rate of .033333 hours for each hour of service effective July 1, 2015.

(b) Such leave may be taken for absences from duty made necessary by:

(1) Incapacity due to illness.

(2) Incapacity due to injury incurred in the line of duty with the District to the extent provided in Section 6244 of this Code, or to injury not incurred in the line of such duty.

(3) A female employee's incapacity due to pregnancy, childbirth, miscarriage, or abortion.

(4) Medical, dental or ocular examination or treatment of an employee, without incapacity, for which appointment cannot be made outside working hours, but limited to four hours for each appointment.

(5) To attend to the illness or injury in the employee's immediate family, other than the employee's own illness, to the extent permitted by Section 6229 of this Code. For the purposes of this section, "immediate family" means spouse, state-registered domestic partner, child, parent, sibling, grandparent, or grandchild, or designated person. A "designated person" for purposes of this section means a person identified by the employee at the time the employee requests special leave with pay and may include any individual related by blood or whose association with the employee is the equivalent of a family relationship. An employee is limited to one (1) designated person per 12-month period for paid sick days.

(6) To seek medical attention for injuries, obtain services from a shelter, program, or crisis center, psychological counseling or to participate in safety planning, including temporary or permanent relocation when an employee is a victim or survivor of domestic violence, sexual assault or stalking to the extent and limitation provided in Section 6229 of this Code.

(c) Physician Certification.

(1) A physician's certification or other proof of incapacity or treatment may be required if an employee's supervisor believes that a medical verification is justified in order for the employee to fulfill his or her job requirements or if the employee has a leave abuse problem. Notice of this requirement shall be given in advance in all cases of prior leave abuse. A physician's certification shall be required for all sick leave absences exceeding ten (10) working days.

(2) A physician's certification authorizing an employee's return to work from serious illness or injury shall be reviewed ~~by~~ the District's medical support in Workplace Health & Safety prior to the employee's return to work. An illness or injury may require additional medical examinations/testing in order to determine whether the employee can safely perform his or her duties, or to determine appropriate work restrictions. Such examination/testing will be done at District expense and on District time if the District requires that it be conducted by District-selected medical personnel.

(3) In the event sick leave is requested while an employee is on vacation, a ~~physician's~~ certification by an attending physician is required for the granting of sick leave.

(d) Accumulation of Sick Leave for Regular and Recurrent Employees.

(1) Accumulation of sick leave as of the ~~\_end of the twenty-fourth\_~~ pay period of ~~each any~~ annual payroll cycle which includes November 15, shall ~~be limited to the total of sick leave accumulated as of November 30, 1979, or not be~~ in excess of 1,000 hours of sick leave, ~~whichever is greater.~~

~~(2) Sick leave taken shall be charged first against sick leave accumulated on or after December 1, 1979, if any, and thereafter against sick leave accumulated as of November 30, 1979, if any. (3) If an employee takes sick leave which is charged against sick leave accumulated as of November 30, 1979, any subsequently accumulated sick leave shall be credited first towards restoring the total of sick leave accumulated as of November 30, 1979, and any additional accumulated sick leave shall be treated as sick leave accumulated on or after December 1, 1979.~~

~~(4) If, during the pay period of any annual payroll cycle -at the end of the twenty-fourth- which includes November 15, an employee's -pay period of any annual payroll cycle-~~ the total of accumulated sick leave exceeds the limitation on accumulation stated in Section 6227(d)(1), the excess accumulated sick leave shall, as soon as practicable after the end of that payroll period, be paid to the employee entitled thereto at the employee's hourly pay rate at the end of said payroll period for 52.2 percent of the excess accumulated hours of such sick leave.

(3) An employee who separates from employment with the District, and has an accumulation of 10,440 hours of service with the District without interruption, will be paid at the employee's hourly pay rate for 52.2 percent of all accumulated sick leave. If the employee is rehired within twelve (12) months from their separation date, then any unused sick leave will be reinstated.

(4) If an employee retires in accordance with the Public Employees' Retirement Law, as stated in Government Code Section 20965, the employee may elect one of two options:

(1) to be paid at the employee's hourly pay rate for 52.2 percent of the excess accumulated hours of sick leave at the time of separation with the remaining 47.8 percent converted to additional service credit; or (2) to have 100 percent of such accumulated hours converted to additional service credit. If the employee makes no election, the employee will be defaulted to option (1).

(5) Except as provided in Section 6248 and Section 6227, there shall be no cancellation of earned but unused sick leave.

(e) Employees on military leave, either reserve, National Guard, State Guard or extended military service do not lose their accumulated sick leave credit.

(f) Accumulation of Sick Leave for Temporary employees, excluding Annuitants.

(1) A Temporary employee's accumulation of sick leave shall be limited to a total not to exceed sixty (60) hours.

(2) Upon separation from employment with the District, a Temporary employee will not be compensated for unused paid sick time.

(3) A Temporary employee who separates from employment with the District, and is rehired by the District within twelve (12) months from the date of separation, shall have his or her previously accrued and unused paid sick days reinstated.

(fg) The unauthorized use of sick leave may result in disciplinary action.

**§ 6228. Disability Leave.**

(a) Subject to the maximum accumulation stated below, employees shall accumulate disability leave with partial pay equal to the number of hours hereinafter indicated.

	Working Hours Credited Not to Exceed the Maximums Hereinafter Stated	
	At 75 Percent of Hourly Pay Rate	At 50 Percent of Hourly Pay Rate
At each of 1,040 hours; 2,080 hours; 4,160 hours and 6,240 hours of total service,	48	48
At 8,320 hours of total service,	88	88
At 10,400 hours at each subsequent 2,080 hours		

of total service,

40

40

The total number of hours of accumulated disability leave shall not exceed 800 hours at 75 percent of full pay and 800 hours at 50 percent of full pay. Total service shall include all eligible time spent in the employ of the District, excluding time spent on disability leave, leave without pay, and service under categories of employment not eligible for disability leave.

(b) Disability leave may be taken only after exhaustion of all accumulated sick leave and subject to the following conditions:

(1) Disability leave may be taken only in the event of the employee's disability due to illness, injury, pregnancy, childbirth, miscarriage, or abortion.

(2) Except as provided for in Section 6244, an employee shall not be entitled to disability leave until forty (40) hours shall have elapsed following the exhaustion of accumulated sick leave.

(3) Medical or other certification in form acceptable to the employee's Department Head shall be furnished within five (5) working days of the commencement of a period of claimed disability leave and shall be renewed at intervals not exceeding thirty (30) calendar days after the date of the initial or any subsequent certification until termination of the disability leave, or as otherwise determined by the Department Head.

(4) Disability leave shall be taken by first exhausting disability leave payable at the rate of 75 percent of full pay and thereafter exhausting disability leave payable at the rate of 50 percent of full pay; and cannot be taken for intermittent time off.

(5) No added disability leave shall be credited during any period when an employee is on disability leave.

(6) Disability leave shall terminate on the date of retirement or on the date employment is terminated, whichever comes first.

(7) Except as provided for in Section 6244, an employee who is on disability leave shall not be entitled to take annual leave until the exhaustion of disability leave or the termination of disability, whichever comes first.

(c) An employee who has taken less than all the accumulated disability leave and then returns to work, may, after using any accumulated sick leave and subject to the conditions of Section 6228(b), take the remaining disability leave together with any disability leave credited since returning to work for a recurrence of the same disability or for any other disability.

(d) An employee who has taken any part or all of accumulated leave shall, upon returning to work, accumulate disability leave as if the employee's total service, as that term is defined in Section 6228(a), commenced on the date of return to work. In no event shall accumulated disability leave earned either at the rate of 75 percent of the hourly rate or at the rate of 50



percent of the hourly rate exceed the amount of accumulated disability leave in either category determined with regard to an employee's total service from the date of first employment with the District. Nevertheless, in the event that any employee with 4,160 or more hours of total service returns having exhausted all 75 percent and 50 percent disability leave allotment, said employee shall be credited with 48 hours disability leave payable at the rate of 75 percent of the hourly rate and 48 hours disability leave payable at the rate of 50 percent of the hourly rate on the day of returning to work provided such crediting of disability leave occurs only once in any 1,040 hours.

(e) An employee who has been employed by the District and is re-employed shall not be entitled to disability leave prior to completion of 1,040 hours of total service after such reemployment, unless rehired within twelve (12) months from last separation date. The employee shall then be credited with accumulated disability leave corresponding to the employee's total service, and shall thereafter accumulate disability leave corresponding to the employee's total service. In no event shall such employee have accumulated disability leave exceeding that which would have accumulated as determined under Section 6228(d).

(f) An employee who is on annual leave or leave without pay and who is authorized to take sick leave and who thereafter exhausts accumulated sick leave shall be entitled to disability leave in the same manner as if the employee had been on working status at the time sick leave commenced.

(g) An employee who has taken disability leave in excess of thirty (30) calendar days will be required to provide a physician's statement attesting to the employee's fitness, based upon the employee's normal duties stated in the job description, before returning to work, and may be subject to medical examination. Such examination will be done at District expense and on District time if the District requests that it be conducted by District-selected medical personnel.

(h) For the purpose of this Section 6228, a District Holiday falling within any period of disability leave shall be deemed to be a working day.

(i) Annual and sick leave shall not accrue during periods of disability leave, and will not accrue Metropolitan service credit.

## **§ 6229. Special Leave.**

(a) Special leave with pay may be taken and charged against an employee's sick leave credits, subject to the limitations provided in this section. , to attend to an illness in the employee's immediate family other than the employee's own illness. Such leave shall be permitted for the medical procedure of an employee's immediate family, in the case of an operation the birth of the employee's child or the diagnosis, care or treatment of an existing health condition of, or preventative care for, an employee's immediate family member. The total use of such special leave with regard to a medical procedure, birth, or health condition shall not exceed forty-eight (48) hours in a calendar year as defined in California Labor Code Section 233. , or during an illness of a member of the immediate family, but the total such special leave with regard to a single operation, birth, or illness shall not exceed 48 hours in a calendar year.

(b) For purposes of this section, "immediate family" means a spouse, state-registered domestic partner, child, stepchild, parent, stepparent, parent-in law, brother or sister, grandparent, grandchild, designated person or any other person meeting the definition of "family member" pursuant to Labor Code Section 245.5(c).

(c) Special leave with pay may also be taken and charged against an employee's sick leave credits, subject to limitations provided in this section, by an employee who is the victim or survivor of domestic violence, sexual assault, or stalking. An employee who is the victim or survivor of domestic violence, sexual assault, or stalking shall be permitted to take special leave to seek medical attention, obtain services from a shelter, program, or crisis center, psychological counseling or to participate in safety planning, including temporary or permanent relocation as defined by Labor Code Sections 230(c) and 230.1(a). The total such special leave in accordance with this paragraph shall not exceed forty-eight (48) hours in a calendar year.

~~— (b) Satisfactory justification for the granting of special leave shall be as required by the Department Head.~~

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## **§ 6231. Family and Medical Leave.**

(a) The District will provide Family and Medical Leave for an employee as required by state and federal law.

(b) For purposes of this section, "employee" shall mean an employee who has at least one (1) year of service with the District and at least 1,250 hours active service during the one year period immediately preceding the commencement of the request for a Family and Medical Leave.

(c) For purposes of this section, per the U.S. Department of Labor definition at 29 USC Sec. 2611(7) and 29 CFR Sec. 825.122(c), "parent" shall mean a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter. This term does not include any "parents-in law."

(d) For purposes of this section, "designated person" shall mean a person identified by the employee at the time the employee requests Leave with pay and may include any individual related by blood or whose association with the employee is the equivalent of a family relationship. An employee is limited to one (1) designated person per 12-month period for Family and Medical Leave purposes. (Government Code Sec. 12945.2(b)(2).)

(ee) The following provisions set forth certain of the rights and obligations with respect to Family and Medical Leave. Rights and obligations which are not specifically set forth or defined below are contained in the U.S. Department of Labor regulations implementing the federal Family and Medical Leave Act of 1993 ("FMLA") and the California Fair Employment and Housing Commission regulations implementing the California Family Rights Act ("CFRA")(Government Code Sec. 12945.2).

(~~df~~) Unless otherwise provided by this section, “Family and Medical Leave” and “Leave” shall mean leave pursuant to the FMLA and or CFRA.

(~~eg~~) An employee is entitled to a total of twelve (12) weeks of Leave during any 12-month period to care for a newborn child, due to the placement of an adopted or foster child, to care for a son or daughter, ~~(as defined by the Department of Labor)~~, parent (as defined by the U.S. Department of Labor in 29 USC Sec. 2611(7); 29 CFR Sec. 825.122(c).), spouse, ~~state-registered~~, ~~or~~ domestic partner, grandparent, grandchild, sibling or designated person who has a serious health condition, or because of the employee’s own serious health condition that prevents the employee from performing any one or more of the essential functions of the employee’s position. The 12-month period for calculating Leave entitlement will be the 12-month period measured backward from the date an employee uses any Leave.

(~~fh~~) An employee’s entitlement to Leave for the birth or placement of a child for adoption or foster care expires twelve (12) months after the birth or placement. Parents who are both employed by the District are each entitled up to twelve (12) weeks of Leave for the birth or adoption of a child or the placement of a foster care child.

(~~gi~~) Married employees or state-registered domestic partners, who are both employees of the District, and who have an active-duty service member in their family, shall be entitled to qualifying exigency Leave, to manage active duty-related family affairs, and to injured service member care Leave, consistent with FMLA. Refer to military family Leave at subsection (r)(1) and (r)(2) of this Section 6231 regarding qualifying exigency Leave and injured service member care Leave.

(~~hj~~) An employee shall provide at least thirty (30) calendar days written advance notice for foreseeable events. For events which are not foreseeable, the employee shall notify the District as soon as the employee learns of the need for the Leave. To be eligible for a Leave, the employee must follow the District’s usual and customary call-in procedures for reporting an absence as detailed in section 6241.

(~~ik~~) An employee who takes a Leave for his or her own serious health condition is required to submit a Return to Work/Doctor’s Release prior to returning to work.

(~~jl~~) When the Leave is due to the health condition of the employee, the employee shall utilize Leave in the following order:

(1) All sick leave;

(2) Forty (40) hours of annual leave. If annual leave is exhausted, the employee must choose to use other paid or unpaid leave to complete the forty (40) hours. For regular part-time and Recurrent employees, hours will be adjusted to their standard weekly hours;

(3) The employee has the option of using additional paid leave at full pay. If the employee chooses to use additional paid leave at full pay, it must be used in the following order:

- (i) The balance of the employee's annual leave;
- (ii) Other paid leave;

(4) If the employee elects to not use additional paid leave at full pay, then the employee shall utilize leave in the following order:

- (i) 75% disability;
- (ii) 50% disability;
- (iii) Annual leave;
- (iv) Other paid leave at the employee's option;
- (v) Unpaid leave;

(5) The exhaustion of the paid leave shall run concurrently with the Leave.

~~(km)~~ When the Leave is taken for the birth of a child of the employee, for the placement of a child with the employee for adoption or foster care, or to care for the employee's spouse, state-registered domestic partner, son or daughter, ~~(as defined by the Department of Labor) or~~ parent ~~(as defined by the U.S. Department of Labor in 29 USC Sec. 2611(7); 29 CFR Sec. 825.122(c).)~~, grandparent, grandchild, sibling or designated person who has a serious health condition or a military family Leave, the employee shall utilize Leave in the following order:

(1) Special leave;

(2) Optionally, to use a maximum of 240 hours of available sick leave;

(3) Optionally, to use annual, personal, compensatory time, or recurrent leave;

~~2) Annual leave.~~

~~(3) After exhausting special and annual leave, the employee has the option of using any additional paid leave for which the employee is qualified.~~ (4) Unpaid leave.

The exhaustion of the paid leave shall run concurrently with the Leave. For purposes of this section, leave taken to care for a "designated person" does not apply to military family Leave.

~~(ln)~~ If an employee takes sick leave or partial pay disability leave without requesting Family and Medical Leave, within five (5) days of the employee's return to work and advisement of the District concerning the purpose of the sick leave, the District shall make a determination as to whether the sick leave shall be considered Family and Medical Leave.

~~(mo)~~ The District shall maintain coverage under any group health plan for the duration of the Leave at the level and under conditions that would have been provided had the employee been working. However, the District shall only maintain such group health plan coverage for such employee for up to twelve (12) weeks within a 12-month period commencing with the start of the Leave.

(np) An employee has the right to reinstatement to the same or a comparable position unless the employee is exempted from such right under the provisions of the FMLA or CFRA.

(eq) Any leave taken by an employee under the California Fair Employment and Housing Act's provisions applicable to pregnancy-related disabilities cannot be counted against the 12-week limitation on Family and Medical Leaves authorized under ~~the~~ CFRA.

(pr) Military Family Leave:

The two types of military family Leave available are:

(1) Qualifying Exigency Leave. An employee is entitled to a total of twelve (12) weeks of Leave during any 12-month period to help manage the family affairs of a member who is their spouse, state-registered domestic partner, son, daughter or parent (as defined by the U.S. Department of Labor in 29 USC Sec. 2611(7); 29 CFR Sec. 825.122(c).) who is on active duty or is being called to active duty status. due to a reservist or retired military member who is their spouse, son, daughter or parent being on active duty or being called to active duty in support of a contingency operation.

(2) Injured Service Member Care Leave. An employee is entitled to a total of twenty-six (26) weeks of Leave during any 12-month period to care for a covered service member with a serious injury or illness incurred in the line of duty or within five (5) years of the date the service member or veteran undergoes medical treatment, recuperation, treatment, or therapy including aggravation of existing or pre-existing injuries incurred while in the line of duty. Employees entitled to this Leave are the spouse, state-registered domestic partner, parent (as defined by the U.S. Department of Labor in 29 USC Sec. 2611(7); 29 CFR Sec. 825.122(c).), child or next of kin of the injured or ill service member.

Married employees and state-registered domestic partners who are both employees of the District may be subject to a combined twelve (12) weeks or twenty-six (26) weeks of Leave based on specified family and medical reasons pursuant to FMLA.

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#### **§ 6243. Bereavement Leave.**

Upon the death of a member of an employee's immediate family, the employee shall be allowed such bereavement leave with pay as is actually necessary to take care of funeral arrangements or to attend the funeral, but not to exceed three (3) working days, or, one work week as determined by the employee's assigned work schedule, if the death occurs 250 miles or more from the employee's place of residence. If the death does not occur 250 miles or more from the employee's place of residence, then the employee shall be allowed additional bereavement leave without pay not to exceed two (2) working days, except that an employee may use vacation, personal leave, accrued and available sick leave, or compensatory time off that is otherwise available to the employee. with regard to any such death within the State of

~~California and not to exceed forty (40) working hours if the death occurs outside the State of California.~~ For the purposes of this section, "immediate family" means spouse, state-registered domestic partner, or the employee's or spouse's/domestic partner's child, parent, brother, sister, stepparent, stepchild, grandparent, grandchild, aunt or uncle. An employee, if requested by Metropolitan, within thirty (30) days of the first day of the leave, shall provide documentation of the death of the family member. As used in this section, "documentation" includes, but is not limited to, a death certificate, a published obituary, or written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or governmental agency. The bereavement leave shall be completed within three (3) months of the date of death of the family member.

...

#### **§ 6246. Military Leave.**

(a) Every employee who is a member of the National Guard or Naval Militia, or a member of the reserve corps or force in the Federal military, naval or marine service, or in the State Guard, shall be entitled to military leave in accordance with the applicable provisions of the Military and Veterans Code of the State of California. Metropolitan will also comply with Title 38, Chapter 43 of the United States Code (Uniformed Services Employment and Reemployment Rights Act) ("USERRA"). The present law provides, in general, that a person having one (1) year or more of service with the District is entitled to military leave with pay for a period not exceeding thirty (30) calendar days per fiscal year. Members of the State Guard are entitled to military leave without pay not to exceed fifteen (15) calendar days per fiscal year. The military service time of a new employee who comes to the District directly from military service may be applied to the one-year employment requirement necessary to the granting of military leave.

(b) Veterans are entitled, in general, to reemployment if they serve not more than five (5) years in the military, although exceptions allowed by federal law may apply per USERRA. The period a service member has to make a request for reemployment or report back to work after military service is based on time spent on military duty.

(1) For service of less than thirty-one (31) days, the service member must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an eight-hour rest period.

(2) For service of more than thirty (30) days but less than 181 days, the service member must submit certification of military service for reemployment within fourteen (14) days of release from service.

(3) For service of more than 180 days, certification of military service for reemployment must be submitted within ninety (90) days of completion of a service member's military service.

Metropolitan may request that an employee who is absent for a period of service of thirty-one (31) days or more provide documentation showing that their request for reemployment



is timely, the employee has not exceeded the five-year service limitation, and the employee's separation from military service was other than disqualifying under federal law. Military documents may include Military Discharge Documents, DD-214, or Certification of Military Service record.

A reemployed employee may not be discharged without cause: (1) For one (1) year after the date of reemployment if the employee's period of military service was for 181 days or more; (2) For 180 days after the date of reemployment if the employee's period of military service was for thirty-one (31) to 180 days.

Cause for discharge may be based on conduct or the application of legitimate nondiscriminatory reasons. Employees who serve for thirty (30) or fewer days are not protected from discharge without cause. However, they are protected from discrimination because of military service or obligation.

~~(b) Veterans are entitled to reemployment if they serve 180 days, but not more than four five (5) years in the military (or longer if involuntarily retained). The veteran must satisfactorily complete the period of active duty and have a certificate to that effect to be reinstated; and return to work and apply within ninety (90) days after completion of military service. If the military service was initial active duty for training for a period of not less than thirty one (31) days three months, the veteran must request reinstatement within fourteen (14) days after the completion of service. For service or training less than thirty one (31) days, employee must return to work within one (1) calendar day. apply for reemployment within 31 days.~~

(c) Employees on military leave do not lose their accumulated sick leave credits. The District will restore the veteran to employment as though no interruption of District service has occurred. The District will apply all general pay adjustments enacted by the Board to the old base salary as though the veteran had not been absent. The veteran need not be returned to the former position but will be given a position of status and pay equivalent to the former position. Although the veteran earns no leave while absent on military leave, neither does the veteran lose any leave balances while absent on military leave. Military service time is added to the length of District service for purpose of computing the rate at which a returning veteran will earn annual leave.

(d) If the employee returns to work within six (6) months of their active duty discharge date, and the release was not due to a dishonorable discharge, the employee may submit to CalPERS the Military Leave Service Credit application and documentation for review. CalPERS will determine if the military leave of absence service time will be added to the employee's CalPERS service credit, and if it will be at no cost to the employee, or if the employee will have an option to purchase the additional service credit.

~~(ee)~~ Military Spousal Leave. Every employee who has worked at least an average of twenty (20) hours a week in the last six (6) months and is married to a service member is entitled to ten (10) days leave when his or her spouse returns from active duty. Employees must notify the District of their intention to take this leave within two (2) business days of receiving official notice that the spouse will be on leave from military deployment, and inform their manager if they intend to use annual, personal or no-pay leave.

## Chapter 5

### MANAGEMENT AND CONFIDENTIAL EMPLOYEES – GENERAL

#### Article 2

#### BENEFITS

##### § 6530. Bereavement Leave.

Upon the death of a member of an employee's immediate family, a classification listed in Section 6500 shall be allowed such bereavement leave with pay as is actually necessary to take care of funeral arrangements or to attend the funeral, but not to exceed three (3) working days, or, one workweek as determined by the employee's assigned work schedule, if the death occurs 250 miles or more from the employee's place of residence. If the death does not occur 250 miles or more from the employee's place of residence, then the employee shall be allowed additional bereavement leave without pay not to exceed two (2) working days, except that an employee may use vacation, personal leave, accrued and available sick leave, or compensatory time off that is otherwise available to the employee. ~~-with regard to any such death within the State of California and not to exceed forty (40) hours with regard to any such death outside the State of California~~ For the purposes of this section, "immediate family" means spouse, state-registered domestic partner, or the employee's or spouse's/domestic partner's child, parent, brother, sister, stepparent, stepchild, grandparent, grandchild, aunt or uncle. An employee, if requested by Metropolitan, within thirty (30) days of the first day of the leave, shall provide documentation of the death of the family member. As used in this section, "documentation" includes, but is not limited to, a death certificate, a published obituary, or written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or governmental agency. The bereavement leave shall be completed within three (3) months of the date of death of the family member.

...

##### § 6533. Deferred Compensation.

The District shall provide a matching contribution, on behalf of each employee in a classification listed in Section 6500 who is a participant in the 401(k) Plan ~~-savings plan~~ provided for in Division VI, Chapter 78, Article 61 of this Code, in the amount of one (1) dollar for each dollar contributed by the employee in accordance with a compensation-reduction election made by the participant pursuant to the 401(k) Plan Section 3.2 ~~Section 6765(a)~~. Commencing July 1, 2004, or as soon thereafter as practical, the maximum District matching contribution shall not exceed four and one-half percent (4.5%) of the employee's total cash compensation and salary reductions permitted under Sections 401(k), 414(b) and 457 of the Internal Revenue Code during that time period. This section shall only be operative to the extent that the District can make matching contributions and maintain compliance with the Internal Revenue Code.



**Division IV****WATER SERVICE POLICIES****§ 4509. Water Restricted to Use Within the District.**

In order to ensure that water served by the District is not used for the direct or indirect benefit of areas outside the District, the amount of water served by the District's facilities that shall be made available to any member public agency shall be limited to an amount equal to that required for uses within the area of the District lying within, or served by or through, such member public agency. No area lying outside the boundaries of the District shall be served with water from the District's facilities, except as service to such area may, when found to be such by the Board, be a reasonably unavoidable incident to the service of such water within the District, and under such circumstances the amount of water served by the District that shall be made available to any member public agency shall be limited to an amount equal to that required for uses within the area of the District lying within, or served by or through, such member public agency. Any question of fact involved in the application of this Section 4509 shall be finally determined by the Board, after giving the member public agency concerned adequate opportunity to present pertinent factual evidence and the views of such member public agency.

**§ 4704. Compliance with Environmental Obligations for Service Connections.**

Member public agencies are responsible for ensuring that the obligations of lead agencies as described in the California Environmental Quality Act and its implementing guidelines are fulfilled. The District shall fulfill all other obligations that may arise from its involvement in construction of the service connections and shall provide such information as it has available which is necessary to ensure compliance with the Act and its implementing guidelines.

**Division V****FINANCIAL MATTERS****Chapter 2****FINANCIAL POLICIES****§ 5200. Funds Established.**

To provide for accountability of public moneys in accordance with applicable federal and state law and regulations and Board policies, the following funds active or prospectively active have been established in the Treasury of the District:

...

(k) Iron Mountain Landfill Postclosure Maintenance and Corrective Action Trust Fund (Fund No. 6005, established 1990). Used as a trust fund to maintain moneys sufficient to cover the costs of postclosure maintenance and/or corrective action of the District's solid waste landfill facility at Iron Mountain, in accordance with regulations of the California Department of Resources Recycling and Recovery, and subject to the conditions contained in Section 5201(m).

(l) Water Standby Charge Fund (Fund No. 1005, established 1992). Used to separately hold revenues attributable to water standby charges; amounts deposited in this fund are used exclusively for the purpose for which the water standby charge was authorized.

(m) Water Transfer Fund (Fund No. 1007, established 1995). Used for moneys set aside for the purchase of water through transfers or similar arrangements, and for the costs of filling the Eastside Reservoir Project.

(n) Self-Insured Retention fund (Fund No. 1008, established 1999). Used to separately hold amounts set aside for emergency repairs and claims against the District as provided in Section 5201(o).

(o) Lake Mathews Multi Species Reserve Trust fund (Fund 6101, established 1997.) Used as set forth in agreement between Metropolitan and the Riverside County Habitat Conservation Agency for the Multi Species Reserve.

(p) There shall be established in the Treasury of the District such funds and accounts as are required pursuant to bond covenants, tax and non-arbitrage certificates, bond counsel letters of instruction and related documents, to provide for accountability of District funds and compliance with applicable federal and state law and regulations. Such funds and accounts shall be established for each issue of bonds, notes or other obligations of the district as required in the respective bond or note resolution and closing documents.

(q) Water Stewardship Fund (Fund No. 1009 established 2005). Used to collect revenue from the Water Stewardship Rate and to pay costs associated with water recycling, seawater desalination, conservation, brackish water desalination, or other demand management programs. These funds can also be used to fund administrative costs associated with these programs. Funds may be used as directed by the Board, for other lawful purposes, in accordance with Section 5201(p) and Section 5202(d).

## **Division VI**

### **PERSONNEL MATTERS**

#### **Chapter 2**

### **PERSONNEL REGULATIONS**

**§ 6227. Sick Leave.**

(a) Employees shall accumulate sick leave at the following rates:

(1) Regular and Recurrent employees shall accumulate sick leave with full pay at the rate of .045978 hours for each hour of service.

(2) Temporary employees, excluding Annuitants, shall accumulate sick leave with full pay at the rate of .033333 hours for each hour of service effective July 1, 2015.

(b) Such leave may be taken for absences from duty made necessary by:

(1) Incapacity due to illness.

(2) Incapacity due to injury incurred in the line of duty with the District to the extent provided in Section 6244 of this Code, or to injury not incurred in the line of such duty.

(3) A female employee's incapacity due to pregnancy, childbirth, miscarriage, or abortion.

(4) Medical, dental or ocular examination or treatment of an employee, without incapacity, for which appointment cannot be made outside working hours, but limited to four hours for each appointment.

(5) To attend to the illness or injury in the employee's immediate family, other than the employee's own illness, to the extent permitted by Section 6229 of this Code. For the purposes of this section, "immediate family" means spouse, state-registered domestic partner, child, parent, sibling, grandparent, or grandchild, or designated person. A "designated person" for purposes of this section means a person identified by the employee at the time the employee requests special leave with pay and may include any individual related by blood or whose association with the employee is the equivalent of a family relationship. An employee is limited to one (1) designated person per 12-month period for paid sick days.

(6) To seek medical attention for injuries, obtain services from a shelter, program, or crisis center, psychological counseling or to participate in safety planning, including temporary or permanent relocation when an employee is a victim or survivor of domestic violence, sexual assault or stalking to the extent and limitation provided in Section 6229 of this Code.

(c) Physician Certification.

(1) A physician's certification or other proof of incapacity or treatment may be required if an employee's supervisor believes that a medical verification is justified in order for the employee to fulfill his or her job requirements or if the employee has a leave abuse problem. Notice of this requirement shall be given in advance in all cases of prior leave abuse. A

physician's certification shall be required for all sick leave absences exceeding ten (10) working days.

(2) A physician's certification authorizing an employee's return to work from serious illness or injury shall be reviewed by the District's medical support in Workplace Health & Safety prior to the employee's return to work. An illness or injury may require additional medical examinations/testing in order to determine whether the employee can safely perform his or her duties, or to determine appropriate work restrictions. Such examination/testing will be done at District expense and on District time if the District requires that it be conducted by District-selected medical personnel.

(3) In the event sick leave is requested while an employee is on vacation, a certification by an attending physician is required for the granting of sick leave.

(d) Accumulation of Sick Leave for Regular and Recurrent Employees.

(1) Accumulation of sick leave as of the pay period of any annual payroll cycle which includes November 15, shall not be in excess of 1,000 hours of sick leave.

(2) If, during the pay period of any annual payroll cycle which includes November 15, an employee's total of accumulated sick leave exceeds the limitation on accumulation stated in Section 6227(d)(1), the excess accumulated sick leave shall, as soon as practicable after the end of that payroll period, be paid to the employee entitled thereto at the employee's hourly pay rate at the end of said payroll period for 52.2 percent of the excess accumulated hours of such sick leave.

(3) An employee who separates from employment with the District, and has an accumulation of 10,440 hours of service with the District without interruption, will be paid at the employee's hourly pay rate for 52.2 percent of all accumulated sick leave. If the employee is rehired within twelve (12) months from their separation date, then any unused sick leave will be reinstated.

(4) If an employee retires in accordance with the Public Employees' Retirement Law, as stated in Government Code Section 20965, the employee may elect one of two options: (1) to be paid at the employee's hourly pay rate for 52.2 percent of the excess accumulated hours of sick leave at the time of separation with the remaining 47.8 percent converted to additional service credit; or (2) to have 100 percent of such accumulated hours converted to additional service credit. If the employee makes no election, the employee will be defaulted to option (1).

(5) Except as provided in Section 6248 and Section 6227, there shall be no cancellation of earned but unused sick leave.

(e) Employees on military leave, either reserve, National Guard, State Guard or extended military service do not lose their accumulated sick leave credit.

(f) Accumulation of Sick Leave for Temporary employees, excluding Annuitants.

(1) A Temporary employee's accumulation of sick leave shall be limited to a total not to exceed sixty (60) hours.

(2) Upon separation from employment with the District, a Temporary employee will not be compensated for unused paid sick time.

(3) A Temporary employee who separates from employment with the District, and is rehired by the District within twelve (12) months from the date of separation, shall have his or her previously accrued and unused paid sick days reinstated.

(g) The unauthorized use of sick leave may result in disciplinary action.

#### **§ 6228. Disability Leave.**

(a) Subject to the maximum accumulation stated below, employees shall accumulate disability leave with partial pay equal to the number of hours hereinafter indicated.

	Working Hours Credited Not to Exceed the Maximums Hereinafter Stated	
	At 75 Percent of Hourly Pay Rate	At 50 Percent of Hourly Pay Rate
At each of 1,040 hours; 2,080 hours; 4,160 hours and 6,240 hours of total service,	48	48
At 8,320 hours of total service,	88	88
At 10,400 hours at each subsequent 2,080 hours of total service,	40	40

The total number of hours of accumulated disability leave shall not exceed 800 hours at 75 percent of full pay and 800 hours at 50 percent of full pay. Total service shall include all eligible time spent in the employ of the District, excluding time spent on disability leave, leave without pay, and service under categories of employment not eligible for disability leave.

(b) Disability leave may be taken only after exhaustion of all accumulated sick leave and subject to the following conditions:

(1) Disability leave may be taken only in the event of the employee's disability due to illness, injury, pregnancy, childbirth, miscarriage, or abortion.

(2) Except as provided for in Section 6244, an employee shall not be entitled to disability leave until forty (40) hours shall have elapsed following the exhaustion of accumulated sick leave.

(3) Medical or other certification in form acceptable to the employee's Department Head shall be furnished within five (5) working days of the commencement of a period of claimed disability leave and shall be renewed at intervals not exceeding thirty (30) calendar days after the date of the initial or any subsequent certification until termination of the disability leave, or as otherwise determined by the Department Head.

(4) Disability leave shall be taken by first exhausting disability leave payable at the rate of 75 percent of full pay and thereafter exhausting disability leave payable at the rate of 50 percent of full pay; and cannot be taken for intermittent time off.

(5) No added disability leave shall be credited during any period when an employee is on disability leave.

(6) Disability leave shall terminate on the date of retirement or on the date employment is terminated, whichever comes first.

(7) Except as provided for in Section 6244, an employee who is on disability leave shall not be entitled to take annual leave until the exhaustion of disability leave or the termination of disability, whichever comes first.

(c) An employee who has taken less than all the accumulated disability leave and then returns to work, may, after using any accumulated sick leave and subject to the conditions of Section 6228(b), take the remaining disability leave together with any disability leave credited since returning to work for a recurrence of the same disability or for any other disability.

(d) An employee who has taken any part or all of accumulated leave shall, upon returning to work, accumulate disability leave as if the employee's total service, as that term is defined in Section 6228(a), commenced on the date of return to work. In no event shall accumulated disability leave earned either at the rate of 75 percent of the hourly rate or at the rate of 50 percent of the hourly rate exceed the amount of accumulated disability leave in either category determined with regard to an employee's total service from the date of first employment with the District. Nevertheless, in the event that any employee with 4,160 or more hours of total service returns having exhausted all 75 percent and 50 percent disability leave allotment, said employee shall be credited with 48 hours disability leave payable at the rate of 75 percent of the hourly rate and 48 hours disability leave payable at the rate of 50 percent of the hourly rate on the day of returning to work provided such crediting of disability leave occurs only once in any 1,040 hours.

(e) An employee who has been employed by the District and is re-employed shall not be entitled to disability leave prior to completion of 1,040 hours of total service after such reemployment, unless rehired within twelve (12) months from last separation date. The

employee shall then be credited with accumulated disability leave corresponding to the employee's total service, and shall thereafter accumulate disability leave corresponding to the employee's total service. In no event shall such employee have accumulated disability leave exceeding that which would have accumulated as determined under Section 6228(d).

(f) An employee who is on annual leave or leave without pay and who is authorized to take sick leave and who thereafter exhausts accumulated sick leave shall be entitled to disability leave in the same manner as if the employee had been on working status at the time sick leave commenced.

(g) An employee who has taken disability leave in excess of thirty (30) calendar days will be required to provide a physician's statement attesting to the employee's fitness, based upon the employee's normal duties stated in the job description, before returning to work, and may be subject to medical examination. Such examination will be done at District expense and on District time if the District requests that it be conducted by District-selected medical personnel.

(h) For the purpose of this Section 6228, a District Holiday falling within any period of disability leave shall be deemed to be a working day.

(i) Annual and sick leave shall not accrue during periods of disability leave, and will not accrue Metropolitan service credit.

#### **§ 6229. Special Leave.**

(a) Special leave with pay may be taken and charged against an employee's sick leave credits, subject to the limitations provided in this section. Such leave shall be permitted for the medical procedure of an employee's immediate family, the birth of the employee's child or the diagnosis, care or treatment of an existing health condition of, or preventative care for, an employee's immediate family member. The total use of such special leave with regard to a medical procedure, birth, or health condition shall not exceed forty-eight (48) hours in a calendar year as defined in California Labor Code Section 233.

(b) For purposes of this section, "immediate family" means a spouse, state-registered domestic partner, child, stepchild, parent, stepparent, parent-in law, brother or sister, grandparent, grandchild, designated person or any other person meeting the definition of "family member" pursuant to Labor Code Section 245.5(c).

(c) Special leave with pay may also be taken and charged against an employee's sick leave credits, subject to limitations provided in this section, by an employee who is the victim or survivor of domestic violence, sexual assault, or stalking. An employee who is the victim or survivor of domestic violence, sexual assault, or stalking shall be permitted to take special leave to seek medical attention, obtain services from a shelter, program, or crisis center, psychological counseling or to participate in safety planning, including temporary or permanent relocation as defined by Labor Code Sections 230(c) and 230.1(a). The total such special leave in accordance with this paragraph shall not exceed forty-eight (48) hours in a calendar year.

...

**§ 6231. Family and Medical Leave.**

(a) The District will provide Family and Medical Leave for an employee as required by state and federal law.

(b) For purposes of this section, “employee” shall mean an employee who has at least one (1) year of service with the District and at least 1,250 hours active service during the one year period immediately preceding the commencement of the request for a Family and Medical Leave.

(c) For purposes of this section, per the U.S. Department of Labor definition at 29 USC Sec. 2611(7) and 29 CFR Sec. 825.122(c), “parent” shall mean a biological, adoptive, step or foster father or mother, or any other individual who stood in *loco parentis* to the employee when the employee was a son or daughter. This term does not include any “parents-in law.”

(d) For purposes of this section, “designated person” shall mean a person identified by the employee at the time the employee requests Leave with pay and may include any individual related by blood or whose association with the employee is the equivalent of a family relationship. An employee is limited to one (1) designated person per 12-month period for Family and Medical Leave purposes. (Government Code Sec. 12945.2(b)(2).)

(e) The following provisions set forth certain of the rights and obligations with respect to Family and Medical Leave. Rights and obligations which are not specifically set forth or defined below are contained in the U.S. Department of Labor regulations implementing the federal Family and Medical Leave Act of 1993 (“FMLA”) and the California Fair Employment and Housing Commission regulations implementing the California Family Rights Act (“CFRA”)(Government Code Sec. 12945.2).

(f) Unless otherwise provided by this section, “Family and Medical Leave” and “Leave” shall mean leave pursuant to the FMLA and/or CFRA.

(g) An employee is entitled to a total of twelve (12) weeks of Leave during any 12-month period to care for a newborn child, due to the placement of an adopted or foster child, to care for a son or daughter, parent (as defined by the U.S. Department of Labor in 29 USC Sec. 2611(7); 29 CFR Sec. 825.122(c).), spouse, state-registered domestic partner, grandparent, grandchild, sibling or designated person who has a serious health condition, or because of the employee’s own serious health condition that prevents the employee from performing any one or more of the essential functions of the employee’s position. The 12-month period for calculating Leave entitlement will be the 12-month period measured backward from the date an employee uses any Leave.

(h) An employee’s entitlement to Leave for the birth or placement of a child for adoption or foster care expires twelve (12) months after the birth or placement. Parents who are both



employed by the District are each entitled up to twelve (12) weeks of Leave for the birth or adoption of a child or the placement of a foster care child.

(i) Married employees or state-registered domestic partners, who are both employees of the District, and who have an active-duty service member in their family, shall be entitled to qualifying exigency Leave, to manage active duty-related family affairs, and to injured service member care Leave, consistent with FMLA. Refer to military family Leave at subsection (r)(1) and (r)(2) of this Section 6231 regarding qualifying exigency Leave and injured service member care Leave.

(j) An employee shall provide at least thirty (30) calendar days written advance notice for foreseeable events. For events which are not foreseeable, the employee shall notify the District as soon as the employee learns of the need for the Leave. To be eligible for a Leave, the employee must follow the District's usual and customary call-in procedures for reporting an absence as detailed in section 6241.

(k) An employee who takes a Leave for his or her own serious health condition is required to submit a Return to Work/Doctor's Release prior to returning to work.

(l) When the Leave is due to the health condition of the employee, the employee shall utilize Leave in the following order:

(1) All sick leave;

(2) Forty (40) hours of annual leave. If annual leave is exhausted, the employee must choose to use other paid or unpaid leave to complete the forty (40) hours. For regular part-time and Recurrent employees, hours will be adjusted to their standard weekly hours;

(3) The employee has the option of using additional paid leave at full pay. If the employee chooses to use additional paid leave at full pay, it must be used in the following order:

- (i) The balance of the employee's annual leave;
- (ii) Other paid leave;

(4) If the employee elects to not use additional paid leave at full pay, then the employee shall utilize leave in the following order:

- (i) 75% disability;
- (ii) 50% disability;
- (iii) Annual leave;
- (iv) Other paid leave at the employee's option;
- (v) Unpaid leave;

(5) The exhaustion of the paid leave shall run concurrently with the Leave.

(m) When the Leave is taken for the birth of a child of the employee, for the placement of a child with the employee for adoption or foster care, or to care for the employee's spouse, state-registered domestic partner, son or daughter, parent (as defined by the U.S. Department of Labor

in 29 USC Sec. 2611(7); 29 CFR Sec. 825.122(c).), grandparent, grandchild, sibling or designated person who has a serious health condition or a military family Leave, the employee shall utilize Leave in the following order:

- (1) Special leave;
- (2) Optionally, to use a maximum of 240 hours of available sick leave;
- (3) Optionally, to use annual, personal, compensatory time, or recurrent leave;
- (4) Unpaid leave.

The exhaustion of the paid leave shall run concurrently with the Leave. For purposes of this section, leave taken to care for a “designated person” does not apply to military family Leave.

(n) If an employee takes sick leave or partial pay disability leave without requesting Family and Medical Leave, within five (5) days of the employee’s return to work and advisement of the District concerning the purpose of the sick leave, the District shall make a determination as to whether the sick leave shall be considered Family and Medical Leave.

(o) The District shall maintain coverage under any group health plan for the duration of the Leave at the level and under conditions that would have been provided had the employee been working. However, the District shall only maintain such group health plan coverage for such employee for up to twelve (12) weeks within a 12-month period commencing with the start of the Leave.

(p) An employee has the right to reinstatement to the same or a comparable position unless the employee is exempted from such right under the provisions of the FMLA or CFRA.

(q) Any leave taken by an employee under the California Fair Employment and Housing Act’s provisions applicable to pregnancy-related disabilities cannot be counted against the 12-week limitation on Family and Medical Leaves authorized under CFRA.

(r) Military Family Leave:

The two types of military family Leave available are:

(1) Qualifying Exigency Leave. An employee is entitled to a total of twelve (12) weeks of Leave during any 12-month period to help manage the family affairs of a member who is their spouse, state-registered domestic partner, son, daughter or parent (as defined by the U.S. Department of Labor in 29 USC Sec. 2611(7); 29 CFR Sec. 825.122(c).) who is on active duty or is being called to active duty status.

(2) Injured Service Member Care Leave. An employee is entitled to a total of twenty-six (26) weeks of Leave during any 12-month period to care for a covered service member with a serious injury or illness incurred in the line of duty or within five (5) years of the

date the service member or veteran undergoes medical treatment, recuperation, treatment, or therapy including aggravation of existing or pre-existing injuries incurred while in the line of duty. Employees entitled to this Leave are the spouse, state-registered domestic partner, parent (as defined by the U.S. Department of Labor in 29 USC Sec. 2611(7); 29 CFR Sec. 825.122(c).), child or next of kin of the injured or ill service member.

Married employees and state-registered domestic partners who are both employees of the District may be subject to a combined twelve (12) weeks or twenty-six (26) weeks of Leave based on specified family and medical reasons pursuant to FMLA.

...

#### **§ 6243. Bereavement Leave.**

Upon the death of a member of an employee's immediate family, the employee shall be allowed such bereavement leave with pay as is actually necessary to take care of funeral arrangements or to attend the funeral, but not to exceed three (3) working days, or, one work week as determined by the employee's assigned work schedule, if the death occurs 250 miles or more from the employee's place of residence. If the death does not occur 250 miles or more from the employee's place of residence, then the employee shall be allowed additional bereavement leave without pay not to exceed two (2) working days, except that an employee may use vacation, personal leave, accrued and available sick leave, or compensatory time off that is otherwise available to the employee. For the purposes of this section, "immediate family" means spouse, state-registered domestic partner, or the employee's or spouse's/domestic partner's child, parent, brother, sister, stepparent, stepchild, grandparent, grandchild, aunt or uncle. An employee, if requested by Metropolitan, within thirty (30) days of the first day of the leave, shall provide documentation of the death of the family member. As used in this section, "documentation" includes, but is not limited to, a death certificate, a published obituary, or written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or governmental agency. The bereavement leave shall be completed within three (3) months of the date of death of the family member.

...

#### **§ 6246. Military Leave.**

(a) Every employee who is a member of the National Guard or Naval Militia, or a member of the reserve corps or force in the Federal military, naval or marine service, or in the State Guard, shall be entitled to military leave in accordance with the applicable provisions of the Military and Veterans Code of the State of California. Metropolitan will also comply with Title 38, Chapter 43 of the United States Code (Uniformed Services Employment and Reemployment Rights Act)("USERRA"). The present law provides, in general, that a person having one (1) year or more of service with the District is entitled to military leave with pay for a period not exceeding thirty (30) calendar days per fiscal year. Members of the State Guard are entitled to military leave without pay not to exceed fifteen (15) calendar days per fiscal year. The military

service time of a new employee who comes to the District directly from military service may be applied to the one-year employment requirement necessary to the granting of military leave.

(b) Veterans are entitled, in general, to reemployment if they serve not more than five (5) years in the military, although exceptions allowed by federal law may apply per USERRA. The period a service member has to make a request for reemployment or report back to work after military service is based on time spent on military duty.

(1) For service of less than thirty-one (31) days, the service member must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an eight-hour rest period.

(2) For service of more than thirty (30) days but less than 181 days, the service member must submit certification of military service for reemployment within fourteen (14) days of release from service.

(3) For service of more than 180 days, certification of military service for reemployment must be submitted within ninety (90) days of completion of a service member's military service.

Metropolitan may request that an employee who is absent for a period of service of thirty-one (31) days or more provide documentation showing that their request for reemployment is timely, the employee has not exceeded the five-year service limitation, and the employee's separation from military service was other than disqualifying under federal law. Military documents may include Military Discharge Documents, DD-214, or Certification of Military Service record.

A reemployed employee may not be discharged without cause: (1) For one (1) year after the date of reemployment if the employee's period of military service was for 181 days or more; (2) For 180 days after the date of reemployment if the employee's period of military service was for thirty-one (31) to 180 days.

Cause for discharge may be based on conduct or the application of legitimate nondiscriminatory reasons. Employees who serve for thirty (30) or fewer days are not protected from discharge without cause. However, they are protected from discrimination because of military service or obligation.

(c) Employees on military leave do not lose their accumulated sick leave credits. The District will restore the veteran to employment as though no interruption of District service has occurred. The District will apply all general pay adjustments enacted by the Board to the old base salary as though the veteran had not been absent. The veteran need not be returned to the former position but will be given a position of status and pay equivalent to the former position. Although the veteran earns no leave while absent on military leave, neither does the veteran lose any leave balances while absent on military leave. Military service time is added to the length of District service for purpose of computing the rate at which a returning veteran will earn annual leave.

(d) If the employee returns to work within six (6) months of their active duty discharge date, and the release was not due to a dishonorable discharge, the employee may submit to CalPERS the Military Leave Service Credit application and documentation for review. CalPERS will determine if the military leave of absence service time will be added to the employee's CalPERS service credit, and if it will be at no cost to the employee, or if the employee will have an option to purchase the additional service credit.

(e) Military Spousal Leave. Every employee who has worked at least an average of twenty (20) hours a week in the last six (6) months and is married to a service member is entitled to ten (10) days leave when his or her spouse returns from active duty. Employees must notify the District of their intention to take this leave within two (2) business days of receiving official notice that the spouse will be on leave from military deployment, and inform their manager if they intend to use annual, personal or no-pay leave.

## **Chapter 5**

### **MANAGEMENT AND CONFIDENTIAL EMPLOYEES – GENERAL**

#### **Article 2**

#### **BENEFITS**

##### **§ 6530. Bereavement Leave.**

Upon the death of a member of an employee's immediate family, a classification listed in Section 6500 shall be allowed such bereavement leave with pay as is actually necessary to take care of funeral arrangements or to attend the funeral, but not to exceed three (3) working days, or, one workweek as determined by the employee's assigned work schedule, if the death occurs 250 miles or more from the employee's place of residence. If the death does not occur 250 miles or more from the employee's place of residence, then the employee shall be allowed additional bereavement leave without pay not to exceed two (2) working days, except that an employee may use vacation, personal leave, accrued and available sick leave, or compensatory time off that is otherwise available to the employee. For the purposes of this section, "immediate family" means spouse, state-registered domestic partner, or the employee's or spouse's/domestic partner's child, parent, brother, sister, stepparent, stepchild, grandparent, grandchild, aunt or uncle. An employee, if requested by Metropolitan, within thirty (30) days of the first day of the leave, shall provide documentation of the death of the family member. As used in this section, "documentation" includes, but is not limited to, a death certificate, a published obituary, or written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or governmental agency. The bereavement leave shall be completed within three (3) months of the date of death of the family member.

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##### **§ 6533. Deferred Compensation.**

The District shall provide a matching contribution, on behalf of each employee in a classification listed in Section 6500 who is a participant in the 401(k) Plan provided for in Division VI, Chapter 8, Article 1 of this Code, in the amount of one (1) dollar for each dollar contributed by the employee in accordance with a compensation-reduction election made by the participant pursuant to the 401(k) Plan Section 3.2. Commencing July 1, 2004, or as soon thereafter as practical, the maximum District matching contribution shall not exceed four and one-half percent (4.5%) of the employee's total cash compensation and salary reductions permitted under Sections 401(k), 414(b) and 457 of the Internal Revenue Code during that time period. This section shall only be operative to the extent that the District can make matching contributions and maintain compliance with the Internal Revenue Code.