ORIGINAL

SWEETWATER SPRINGS WATER DISTRICT

TO: Board of Directors **AGENDA NO. V-F**

FROM: Chuck Howell, General Manager

Meeting Date: **January 3, 2008** **Subject: Adoption of Ordinance 34, Amending District Policy Leaves of Absence**

RECOMMENDED ACTION:
Adoption Ordinance 34.

FISCAL IMPACT:
(None.)

DISCUSSION:
Ordinance 34 was introduced at the December Board meeting, with certain revisions suggested by the Board. Accordingly, attached for adoption is Ordnance 34, revised to reorganize Section 2050.23 to break out paid time off and benefits while on disability leave as follows:

- ✓ Fully paid disability leave
- ✓ Partially paid, or part-time, disability leave
- ✓ Unpaid disability leave

The remainder of the policy revisions are unchanged from what was presented last meeting.

BOARD ACTION: Date: _____ Approved: ____ Denied: _____

UNANIMOUS ___ McLEAN ___ WIKLE ___ SCHAAP ___ KEACH ___ SMITH ___

ORIGINAL

ORDINANCE NO. 34

An Ordinance of the Sweetwater Springs Water District Amending Section 2050, "Leaves of Absence," to the Sweetwater Springs Policies & Procedures

WHEREAS, Section 2050 describes procedures for and benefits impacted when an employee is on medical or family leave of absence; and

WHEREAS, the Board overhauled Section 2050 in August, 2006; and

WHEREAS, the Board is desirous of further clarifying the terms of a medical disability leave; and

NOW THEREFORE BE IT ORDAINED by the Board of Directors of the Sweetwater Springs Water District, County of Sonoma, State of California as follows:

Section 1. Portions of Section 2050 of the Sweetwater Springs Water District Policies & Procedures, is hereby amended as follows:

Policy Title: Leaves of Absence
Policy Number: 2050

2050.10 Introduction: Any regular full-time employee who, as a result of a medical disability, becomes unable to perform the duties of his or her position, and any employee who becomes disabled on account of pregnancy, may be eligible for placement on ~~an unpaid~~ medical leave of absence. Such medical leave of absence will be considered paid leave until exhaustion of the employee's earned paid time off, ~~following exhaustion of the employee's paid time off~~ (which includes accumulated sick leave, vacation, any unused floating holidays, administrative leave, or compensatory time), except that the employee shall have the option of leaving up to five (5) earned vacation days unexhausted for use following their return to work. All other paid time off shall be exhausted at the beginning of the leave, with the remainder of the medical leave considered unpaid leave.

2050.20 Disability Leave:

2050.21 **Duration of Disability Leave**: The leave extends for the duration of the disability, up to a maximum of 180 calendar days, measured from the onset of the disability. Additional extensions of leave time beyond 180 calendar days may be granted upon written request of the employee at the sole discretion of the General Manager, or, if the General Manager is unavailable or is requesting the leave, the Board of Directors.

2050.22 **Verification of Disability**: The District reserves the right to request at any time that an employee confirm the existence of his or her disability with a written verification from a licensed physician.

2050.23 **Sick Leave Accrual, Vacation Accrual, Holiday Pay, and Continuation of Paid Benefits:**

2050.23.1 Fully paid disability leave: During any period of fully paid absence relative to disability leave, the employee shall accrue paid time off and paid benefits.

2050.23.2 Partially paid, or part-time, disability leave: During any period of part-time absence relative to disability leave, the employee shall accrue pro-rated paid time off and pro-rated retirement benefits. For the first ninety (90) calendar days of the any part-time absence due to disability leave, medical, dental, and other District paid insurance benefits will continue to be paid by the District in accordance with the District's normal share for the employee. After the first ninety (90) days of partially paid or part-time disability leave, medical, dental, and other District-paid insurance benefits will continue for a maximum of an additional ninety (90) calendar days of disability leave so long as the employee pays the lesser of fifty percent (50%) or their pro-rated share of the District's normal share for the employee for such insurance, in addition to the full employee's normal share of such insurance.

2050.23.3 Unpaid disability leave: Neither sick leave nor vacation shall accrue during any period of unpaid absence relative to disability leave. Employees on unpaid leave also do not receive holiday pay. Medical, dental, and other District-paid insurance benefits will continue to be paid ~~in full~~ by the District in accordance with the District's normal share for the employee for the first ninety (90) calendar days of ~~the~~ any unpaid disability leave. After the first ninety (90) days of unpaid disability leave, medical, dental, and other insurance benefits will continue for a maximum of an additional ninety (90) calendar days of disability leave so long as the employee pays fifty percent (50%) of the ~~cost of~~ District's normal share for the employee for such insurance, in addition to the full employee's normal share of such insurance.

Additional extensions of benefit time beyond calendar days may be granted, upon written request by the employee, at the sole discretion of the General Manager, or, if the General Manager is unavailable or is requesting the leave, the Board of Directors.

2050.24 **Notice of Leave**: Employees whose disability leaves can be anticipated (i.e., leave for scheduled surgery or leave for pregnancy) are required to provide two weeks' advance written notice of the anticipated start of their period of disability.

2050.25 **Verification of Ability to Return:** The District reserves the right to require written verification from a licensed physician that an employee is physically fit to return to duty before permitting the employee to return to work.

2050.26 **Return to Part-Time Work**: An employee who has not fully recovered from his or her medical disability may request a return to work on a part-time basis. Such request must be accompanied by a written release from a licensed physician indicating that the employee is capable of performing work on a part-time basis. Such request will be granted at the sole discretion of the General Manager (or, if the General Manager is unavailable or is requesting the part-time work, the Board of Directors) based upon the needs of the District. If the request can be accommodated, the employee will be compensated according to his or her part-time work schedule (and will cease to be covered by the District's salary continuation policy for short-term disabilities). District paid benefits will be paid ~~at the pro-rated percentage of the hours worked by the employee~~ in accordance with Section 2050.23 above.

2050.27 **Subsequent Leave for the Same Disability**: If an employee returns to work from an approved disability leave of absence before the lapse of the maximum leave period of 180 days measured from the onset of disability and thereafter is granted one or more additional leaves for the same disability, the additional leaves may continue only until the employee has spent a combined total of 180 days absent from work due to disability. After the lapse of 180 days of absence for the same disability, the employee's employment with the District may be terminated, as provided in Paragraph 2050.28 below. Whether or not additional leave is for the "same disability" is the decision of the General Manager, or if the General Manager is unavailable or is requesting the leave, the Board of Directors.

2050.28 **Holding of Positions/Termination**: To the extent feasible, the District will return the employee to the same position or a comparable position for which the employee is qualified at the end of the employee's disability leave. If no such positions are available, the District will place the employee on layoff, during which time the employee will be given a right of first recall to an opening in his or her same position or to an opening in a comparable position for which he or she is qualified. The layoff, however, will last only until the combined period of absence due to disability and absence due to layoff totals 180 calendar days. After the lapse of this period, the employee's employment with the District may be terminated, as determined by the General Manager (or, if the General Manager is unavailable or the one on leave, the Board of Directors).

[The remaining subsections of Section 2050 are not revised by this Ordinance.]

Section 2. Severance Clause.

If any section, subsection, sentence, clause or phrase or word of this ordinance is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Sweetwater Springs Water District Board of Directors hereby declares that it would have passed and adopted this ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional, unlawful or otherwise invalid.

Section 3. Effective Date.
This ordinance shall become effective thirty (30) days after the date of its adoption by the Sweetwater Springs Water District Board of Directors.

This Ordinance was adopted this January 3, 2008, on roll call by the following vote:

Wanda Smith:
Gaylord Schaap:
Victoria Wikle:
Ken McLean :
Susan Keach:

Victoria Wikle
President of the Board

ATTEST:

Julie A. Kenny
Clerk of the Board