SWEETWATER SPRINGS WATER DISTRICT

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

FROM: Steve Mack, General Manager

Meeting Date: May 5, 2011

Subject: REVISION OF SECTION 2000 OF DISTRICT POLICIES AND PROCEDURES LEAVE POLICIES

RECOMMENDED ACTION: Receive a report on the review and revision of Section 2000 of the District's Policies and Procedures focusing on Sections 2040 through Sections 2050.

FISCAL IMPACT: None.

DISCUSSION:
For the past several months District staff have been working on revising Section 2000 of the District's Policies and Procedures with the intent of developing an ordinance that will incorporate those changes. You were given a draft proposed Section 2000 to review at the March Board meeting, but the section dealing with leave policies (§§ 2040-2050) needed additional staff and legal review. Before revising the leave sections, staff needs some Board policy direction on the following:

1. How do you want to define "domestic partner" in our leave policies?
2. Do you want to voluntarily bind the District to the Family Medical Leave Act?
3. Do you want to include a personal, unpaid, non-medical leave in the policies?

Domestic partners. Currently, our policies do not define who is a domestic partner, but there are many references to the term. The State definition of domestic partner is limited to same sex partnerships unless "one or both persons are over the age of 62." Also, there must be a Declaration of Domestic Partnership filed with the Secretary of State. This is the definition followed by CalPERS for both health and retirement benefits. Does the Board want to use this definition, or expand it for purposes of District leave policies to include opposite sex partners? Since we understand opposite sex partners cannot not file a Declaration of Domestic Partnership with the State, if you want to include opposite sex partners do you want to establish any standards? Either way, staff recommends that "domestic partner" be defined in our policies.

Family Medical Leave Act (FMLA). Currently, our policies make reference to the FMLA (Section 2050.30). FMLA is federal law providing for continuation of health coverage and job protection for employees who take up to 12 work weeks of leave in a 12-month period to care for themselves or other specified family members. Meyers Nave indicates the District is not bound to follow FMLA because of our small size (less than 50 employees). Staff

recommends deleting references to FMLA – we are not legally bound to follow it and the spirit of FMLA is covered by other provisions in our policies.

Personal, unpaid non-medical leaves of absence. Currently, the Policies and Procedures refer to personal unpaid leaves tangentially, but don't actually provide for them. However, the union MOU does have a section for personal leaves. Staff recommends including a personal leave policy similar to the one in the MOU, which would allow employees to request a leave of absence without pay for a period not to exceed thirty (30) days, during which time the employee shall contribute 50% of their medical insurance premiums.

There are other, smaller inconsistencies in the leave policies which still need to be reviewed by legal counsel. With general direction from the Board on the issues above we will incorporate those recommendations into a revised draft.