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District Initial Proposal 3/19/2025
AALA/Teamsters Counter 4/11/2025
District Counter 5/2/2025
AALA/Teamsters Counter 5/16/2025 (Tentative Agreement)
District Amended Counter 11/14/2025 (Update 5.0, 7.0 and 16.0)

AALA/Teamsters - Unit M

ARTICLE XI

LEAVES AND ABSENCES

1.0 – 4.3 – Parties Proposed No Changes

5.0 Personal Necessity Absence: Subject to the limits set forth below, an employee shall be granted a paid personal necessity absence when the situations described below require the personal attention of the employee during assigned hours of service.

5.0 a-o – Parties Proposed No Changes

Use of illness leave as provided above shall not extend the maximum period of leave to which an employee is entitled under 16.0 below, Family Care and Medical Leave (FMLA)/California Family Rights Act (CFRA).

7.0 Pregnancy and Related Disability Leave/Absence: Employees shall be granted paid and unpaid leaves/absences under this Section as follows:

a. Paid Disability Absence: An employee shall be permitted to utilize illness absence Section 4.0 above for that period of time during which the employee is physically or mentally disabled and unable to perform regular duties due to pregnancy, miscarriage, childbirth and recovery therefrom, or if the employee’s job would cause undue risk to the employee or the completion of a successful pregnancy. Employees may take up to 18 workweeks of protected leave under the Pregnancy Disability Leave (PDL) and if eligible, may also be entitled to take 12 workweeks of protected time under FMLA and/or CFRA.

b. Optional Unpaid Portion: A pregnant employee in active status shall, upon request, be granted an unpaid pregnancy leave pursuant to Section 12.0 below and still qualify for paid absence during the period of disability. This is the only exception to the general provision that paid leaves may be taken only from active status.

c. Physician Certification: A pregnant employee shall be permitted to continue on active duty until such date as the employee and the employee’s physician determine that absence is necessary due to pregnancy disability, ~~provided that the employee can and does continue to perform the full duties and responsibilities of the assigned position.~~ The District will engage in the interactive process to ensure the pregnant employee can stay in active duty as long as possible with or without a reasonable accommodation. The District may require the employee ~~must also supply~~ to provide to the District the

physician's certification as to the beginning and ending dates of actual pregnancy-related disability for which paid illness absence is claimed, and the physician's release to return to active duty.

8.0 – 15.0 – Parties Propose No Changes

16.0 Family Care and Medical Leave/California Family Rights Act (FMLA/CFRA)
Absence: An A paid or unpaid Family Care and Medical Leave (FMLA and/or California Family Rights Act (CFRA) leave/A-absence shall be granted, to the extent of and subject to the restrictions as set forth below, to an employee who has been employed for at least 12 months and who has served for worked at least 130 equivalent workdays during the 12 months immediately preceding the effective date of the first day of leave. For purposes of this section, furlough days, miscellaneous natural disaster (MSND) and days worked during off-basis time shall count as workdays. ~~The Family Care and Medical Leave/absence may be granted for reason of the birth of a child of the employee, the placement of a child with an employee in connection with the adoption or foster care of the child by the employee, the serious health condition of a child of an employee, the employee's own serious health condition, or the care of a parent or spouse who has a serious health condition.~~

16.1 Reasons for Leave: An eligible employee's FMLA and/or CFRA leave/absence entitlement is limited to a total of 12 workweeks during any 12-month period measured forward for one or more of the following reasons:

a. Birth of an employee's child. Leave must be completed prior to the child's 1st birthday.

b. Placement of a child with the employee for adoption or foster care, including time to prepare for the placement, as well as bonding time after the birth or placement of the child. Bonding must be completed within one (1) year of the child being placed with the employee.

c. To care for the employee's own serious health condition, including incapacity due to pregnancy*, childbirth*, or related medical conditions, that makes the employee unable to perform one or more essential functions of the employee's job. (*CFRA applies after employee has exhausted PDL leave. See PDL benefit in Section 10.0 above)

d. To care for the employee's child, parent, parent-in-law**, spouse, domestic partner**, grandparent**, grandchild**, sibling**, or designated person who has a serious health condition, including incapacity due to pregnancy, child birth, or related medical conditions. (** CFRA only)

e. Any qualifying exigency related to the covered active duty or call to covered active duty of the employee's spouse, child, or parent in the United States Armed Forces.

f. An eligible employee's FMLA Servicemember leave entitlement is limited to a total of 26 workweeks during any 12-month period measured forward for the following reason:

i. To care for the employee's child, parent, spouse, or next of kin who is undergoing medical treatment, recuperation, or therapy, or is otherwise on the temporary disability retired list for a serious injury or illness while on active military duty in the Armed Forces.

~~16.1~~ 16.2 Definitions: For purposes of ~~this leave~~ FMLA and/or CFRA, the following definitions shall apply:

(1) "Child" means a a. Child: A biological, adopted or foster child; a step child; a legal ward; child of a domestic partner (CFRA only); grandchild (CFRA only); the child of a cohabitant who is the equivalent of a spouse; or a child of a person standing "in loco parentis," such child being either under 18 years of age or an adult dependent who is incapable of self care due to a mental or physical disability. A biological or legal relationship is not necessary for a person to have stood "in loco parentis" to the employee as a child.

(2) "Spouse" means a b. Spouse: A husband or wife, including same-sex or common-law marriage entered into in a State that recognizes such marriages, or cohabitant who is the equivalent of a spouse.

(3) "Parent" means a c. Parent: A biological, foster, or adoptive parent; parent-in-law (CFRA only), grandparent (CFRA only) or a person who stood "in loco parentis" to the employee when the employee was a child; a step parent; or a legal guardian; and does not include a parent-in-law.

d. Family member: "child", "spouse", or "parent" as defined above.

e. Sibling (CFRA only): A person related to another person by blood, adoption, or affinity through a common legal or biological parent.

f. Designated Person (CFRA only): Any individual related by blood or whose association with the employee is the equivalent of a family relationship. Employees are limited to one (1) designated person per 12-month period. The designated person may be identified by the employee at the time the employee requests a leave for family care, medical, bereavement, and/or Kin Care.

g. Next of Kin (FMLA Servicemember Leave Only): Nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter.

(4) "Serious health condition" means an h. Serious health condition: An illness, injury, (including, but not limited to, on-the-job injuries and pregnancy), impairment, or physical or mental condition that involves either inpatient care in hospital, hospice or residential health care facility, or a regimen of continuing treatment or supervision by a health care provider.

i. Incapacity: An inability to work, attend school, or perform other regular activities due to a serious health condition, treatment thereof, or recovery therefrom.

i. Inpatient care: An overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity as defined in this Section or any subsequent treatment in connection with inpatient care.

k. Intermittent leave: Leave taken in separate periods of time due to a serious health condition, rather than one continuous period of time.

l. Continuing treatment: In person treatment by a "health care provider" that involves one or more of the following:

(1) a period of incapacity of more than three consecutive calendar days (as well as any subsequent treatment or period of incapacity relating to the same condition) that also involves either two or more treatments by a "health care provider", or treatment by a "health care provider" on at least one occasion that results in a regimen of continuing treatment under the supervision of a "health care provider";

(2) any period of incapacity due to pregnancy (including morning sickness);

(3) any period of incapacity or treatment for an incapacity due to a chronic health condition that requires periodic visits for treatment, which continues over an extended period of time, and may cause episodic (i.e., a period of incapacity for less than three days) rather than a continuing incapacity (such as asthma, diabetes, and migraine headaches);

(4) a period of incapacity that is long-term due to a condition for which treatment may not be effective; and

(5) any period of absence to receive multiple treatments, including treatment of a condition that would likely result in a period of incapacity for a period of more than three days if not treated.

(5) "Health care provider" means an m. Health care provider: An individual holding either a physician's and surgeon's certificate or an osteopathic physician's and surgeon's certificate issued pursuant to Article 4, Chapter 5 of Division 2 of the California Business and Professions Code, who directly treats or supervises the treatment of the serious health condition, or any other individual duly licensed to practice medicine in another state or jurisdiction or by any other person determined by the Secretary of Labor to be capable of providing health care services. The definition includes podiatrists, dentists, clinical psychologists, optometrists, chiropractors (limited in scope), nurse practitioners, nurse midwives, and certain Christian Science Practitioners listed with the First Church of Christ Scientist in Boston, Massachusetts.

16.2 Length of Leave: The leave, together with any renewal thereof, shall not exceed the number of days equivalent to a total of 12 normally scheduled work weeks in a twelve (12) month period measured forward from the beginning date of the employee's first Family Care and Medical Leave, effective July 1, 2007. An employee will be entitled to 12 weeks of leave during the 12-month period beginning on the first date Family Care and Medical Leave is taken; the next 12-month period would begin the first time Family Care and Medical Leave is taken after completion of any previous 12-month period. For the period of time up to, and including June

30, 2007, the leave together with any renewal thereof shall not exceed the number of days equivalent to a total of twelve (12) normally scheduled workweeks in a fiscal year. An employee will retain the full benefit of 12 weeks of leave under whichever calculation method (either fiscal year, or 12 month period measured forward) affords the greatest benefit to the employee during a 60-day transition period. This transition period shall be from July 1, 2007 through August 31, 2007. Leave may be taken intermittently in one or more periods.

~~16.2~~ **16.3 Length of Leave:**

a. An eligible employee's FMLA and/or CFRA leave/absence entitlement is limited to a total of 12 workweeks during any 12-month period measured forward from the beginning date of absence for any of the reasons specified in Section 24.1 above.

b. FMLA and CFRA leave/absence run concurrently when the qualifying reason(s) for both FMLA and CFRA is the same with the exception of pregnancy, childbirth or related medical conditions under PDL in Section 10.0 above. In such cases, CFRA may only be taken after the employee has exhausted the leave permitted under PDL.

c. FMLA Servicemember leave entitlement is limited to a total of 26 workweeks during any 12 month period measured forward.

16.4 Intermittent Leave:

a. An employee who takes leave for the birth, adoption or placement for foster care of a child will be allowed to take leave of at least one hour (can be less than one hour, if necessary) within one year of the birth, adoption or placement for foster care of the child.

b. An employee who takes leave for health care provider-certified recurring medical treatment or suspension to care for a seriously ill family member or because of the employee's own serious health condition, will be allowed to take leave of at least one hour (can be less than one hour, if necessary).

~~Any leave an employee takes for the reasons specified above will be counted against the employee's annual leave entitlements under the federal Family and Medical Leave Act of 1993 and the California Family Rights Act of 1991 as amended. This leave runs concurrently with any other leave the District offers for which the employee is qualified, except that Family Care and Medical Leave/Absence granted for the birth or adoption of a child or placement of a child for foster care must be concluded within 12 months of that birth or adoption or placement for foster care.~~

~~Leave caused by pregnancy, childbirth or related medical conditions is separate and apart from the provisions of Family Care and Medical Leave/Absence herein. Employees are entitled to pregnancy and related disability leave and, in addition, up to the full 12 work weeks of Family Care and Medical Leave/Absence.~~

16.5 Approval: ~~Family Care and Medical Leave/Absence~~ FMLA and/or CFRA leave/absence of 20 consecutive workdays or less can be granted by the immediate administrator. Leaves of more than 20 consecutive workdays can be granted by the District after submission of a formal leave application.

~~16.3~~ 16.6 Notification: If the need for the ~~Family Care and Medical Leave/Absence~~ FMLA and/or CFRA leave/absence is foreseeable more than 30 calendar days prior to the employee's need for leave, the employee shall give at least 30 days notice. If less than 30 days, the employee must provide the immediate supervisor with as much advance notice as possible but, at least with two days of learning of the need for the leave, or as soon as practicable, whichever is earlier. These advance notice requirements shall not be applicable in the event of unforeseeable circumstances or emergencies. Whenever possible, if the need for leave is foreseeable due to a planned medical treatment or supervision, the employee must make a reasonable good faith effort, subject to the approval of the employee's or family members' health care provider, to schedule the treatment or supervision to avoid disruption to the operation of the District's educational program. In giving notice, the employee must include the qualifying event for which the leave is needed (examples: birth of a child, serious health condition of parent of employee, etc.).

~~16.4~~ 16.7 Medical Certification: For leaves/absences to care for a child, spouse or parent who has a serious health condition, the employee must submit to the immediate administrator or, if applying for a formal leave must attach to the leave application, certification from the health care provider which includes:

- (1) the date, if known, on which the serious health condition commenced,
- (2) the probable duration of the condition,
- (3) an estimate of the time that the health care provider believes the employee needs to care for the individual, and
- (4) a statement that the serious health condition warrants the participation of the employee to provide care.

16.8 Medical Certification – Employee: If the leave is for the serious health condition of the employee, the employee must submit to the immediate administrator and/or, if applying for a formal leave must attach to the leave application, certification as specified in (1) and (2), above, plus a statement that, due to the serious health condition, the employee is unable to perform one or more of the essential functions of the employee's position.

a. In the case of leave due to the serious health condition of the employee, the District reserves the right to require, at its own expense, that the employee obtain the opinion of a second or even third health care provider designated by the District but not employed on a regular basis by the District. The second health care provider, if required, shall be selected by the District. A third health care provider can be requested by the employee or the District if the second opinion differs from the first opinion.

b. The method that shall be used to choose the third health care provider is as follows: The District and the employee or exclusive representative of the employee, as appropriate, shall each choose a health care provider. The two health care providers will choose the third health care provider whose opinion shall be final and binding.

c. If additional leave beyond that provided in the certification is required, the employee must submit recertification by the health care provider and be eligible for additional requested leave.

~~16.5~~ **16.9** Restrictions: In the event that parents who are both District employees each wishes to take ~~Family Care and Medical Leave/Absence~~ **FMLA and/or CFRA leave/absence** for the birth of their child, or placement for adoption, or foster care placement of a child during the same time period, the combined total amount of leave that will be granted such employees will be 12 work week during a fiscal year. These employees will still be eligible to take the remainder of their individual 12 weeks allotment for Family Care Leave for a purpose other than the birth, placement for adoption, or foster care placement of a child.

~~16.6~~ **16.10** Compensation and Benefits: The ~~Family Care and Medical Leave/Absence~~ **FMLA and/or CFRA leave/absence** shall be an unpaid leave and for all purposes treated comparably to other unpaid leaves, except that the District will continue to provide the health and welfare benefits as provided in Board Rules 1680-1686, during the ~~Family Care and Medical Leave/Absence~~ **FMLA and/or CFRA leave/absence** to an employee who is otherwise eligible for such benefits.

However, an employee who does not return from such leave or who works less than 30 days after returning from the leave will be required to reimburse the District for the cost of the benefits package unless the reason the employee does not return to work is due to (1) the continuation, recurrence, or onset of a serious health condition that would entitle the employee to ~~Family Care and Medical Leave/Absence~~ **FMLA and/or CFRA leave/absence** (either affecting the employee or an immediate family member) or (2) retirement, or (3) other circumstances beyond the control of the employee. The District, however, will not provide such health benefits for an employee for any leave period beyond twelve weeks unless these benefits are provided by other Sections such as paid illness leave. For example if an employee combines pregnancy leave with a ~~Family Care and Medical Leave/Absence~~ **FMLA and/or CFRA leave/absence**, the employee will only be entitled to continued health benefits for the first twelve weeks of leave unless the employee continues on paid illness leave.

An employee who asks for leave for what would be a qualifying event for ~~Family Care and Medical Leave/Absence~~ **FMLA and/or CFRA leave/absence** and who has accrued vacation leave may elect, or the immediate administrator may require, the employee to utilize the vacation leave for this purpose, in lieu of unpaid status. An employee who takes leave for the employee's own serious health condition which prevents the employee from performing one or more of the essential functions of the employee's position and who has accumulated illness days may elect, or the District may require the employee to utilize paid illness days for the leave.

~~16.7~~ **16.11** Seniority: The period of the ~~Family Care and Medical Leave/Absence~~ **FMLA and/or CFRA leave/absence** shall not be considered a break in service, and the employee's seniority date shall not be affected by the time spent on leave.

~~16.8~~ **16.12** Return Rights: An employee returning from a ~~Family Care and Medical Leave/Absence~~ **FMLA and/or CFRA leave/absence** shall be returned to the same or comparable position from which on leave and the same location from which the leave was taken, except that the employee may be transferred if such a transfer would have been made had the employee been on duty.