

SAN MATEO COUNTY RESOURCE CONSERVATION DISTRICT

helping people protect, conserve and restore natural resources since 1939

Meeting of the Board of Directors

February 21, 2008

Location: RCD Office

7:00 pm- 9:30 pm

1. Call to Order
2. Introduction of Guests and Staff
3. Public Comment- The Board will hear comments on items that are not on the agenda where the Board has jurisdiction. Comments are limited to three minutes per person. The Board cannot take action on an item unless it is an emergency as defined under Government code Sec. 54954.2.
4. Consent Agenda <ul style="list-style-type: none">4.1. December 7, 2007 Draft Special Meeting Minutes (Pillar Point Harbor Tour) [§]4.2. January 17, 2008 Draft Regular Meeting Minutes4.3. February 9, 2008 Draft Special Meeting Minutes4.4. January 23, 2008 Draft Minutes of the Agricultural Production Subcommittee4.5. January, 2008 Draft Financial Statements [§]
5. Executive Director Report and Discussion <ul style="list-style-type: none">5.1. Plan for Maternity Leave5.2. Biannual Audit5.3. FY 08-09 Budget Planning5.4. Current Agreements of the RCD5.5. Allocation of Fiscal Manager Hours5.6. Update on Grant Applications5.7. Pilarcitos Creek IWMP Public Workshop5.8. Identification and Remediation of Fecal Pollution in Pillar Point Harbor5.9. Apanolio Fish Passage Project5.10. Agricultural Water Quality Project5.11. Bear Gulch Upslope Erosion Control Project5.12. PMAC Presentation About Watershed Regulations and Watershed Planning
6. Action Items- The Board will hear public comments on each action item before a decision is made. Comments are limited to one minute per person. <ul style="list-style-type: none">6.1. <u>Change to Personnel Policy.</u> Recommend change to personnel policy to provide benefits while staff is on disability and Family Leave.6.2. <u>Appoint Acting Executive Director.</u>6.3. <u>Determine Upcoming Board Meeting Dates and Times.</u>
7. Adjourn

SAN MATEO COUNTY RESOURCE CONSERVATION DISTRICT
625 Miramontes Street, Suite 103
Half Moon Bay, CA 94019

Minutes
February 21, 2008
Regular Meeting of the Board of Directors

1. **CALL TO ORDER:** Mr. Allen called the meeting to order at 7:17p.m. A quorum was declared present.

2. **INTRODUCTION OF GUESTS and STAFF:**

Directors: Rich Allen, Jim Reynolds, Roxy Stone
Staff: RCD: Kellyx Nelson, Renee Moldovan, Carolann Towe; NRCS: Jim Howard
Guests: Tim Frahm, Ron Sturgeon

3. **PUBLIC COMMENT:**

- Jim Reynolds attended CCRC meeting hosted by Santa Cruz in Alma, he will give packet to Kellyx.
- There will be an April 24th meeting at Santa Margarita Ranch.
- Kellyx advised that the RCD will host the fall CCRC

4. **CONSENT AGENDA:**

- 4.1 **Draft Special Meeting Minutes for December 7, 2007**
- 4.2 **Draft Regular Meeting Minutes for January 17, 2008**
- 4.3 **Draft Ag Pro Subcom minutes for January 23, 2008**
- 4.4 **Draft Financial Statements January 2008**
- 4.5 **Draft Special Meeting Minutes for February 9, 2008**

ACTION: Jim Reynolds MOVED to adopt the consent agenda. The motion was SECONDED by Roxy Stones and CARRIED unanimously.

5. **EXECUTIVE DIRECTOR REPORT AND DISCUSSION:**

5.1 Plan for Maternity Leave

- Kellyx will not be at work for 12-14 weeks after delivery
- She will be available for up to 5 hours per week one(1) month after delivery.
- Renee, Carolann, and Ellen will be on staff while Kellyx is on leave

5.2 Biannual Audit

- CG Uhlenberg auditors dumped us a week ago. Renee is figuring it out with them.
- Roxy asked what the ramifications would be.
- Renee is uncomfortable with the situation but contacting them to try and negotiate. It will require that we go out to bid for another auditor which could result in higher costs to the RCD since there are not many firms interested in firms of our size and nature.
- Renee will find out what agencies require RCD's to get audit.

5.3 FY 08/09 Budget Planning

- Budget will be delayed approximately two(2) months due to Kellyx's maternity leave

5.4 Current Agreements of the RCD

- Kellyx passed out a current matrix of contracts for the RCD
- This will be a centralized system to track all agreements.
- Kellyx explained the abbreviated letters
- Agreements to be up on server eventually

5.5 Allocation of Fiscal Manager Hours

- Renee is consistently working more hours than paid.
- This is not legal because she is not an exempt employee and she cannot do the work
- To decrease workload, first is to have her not come to board meetings because her area is fiscal management, not programmatic. This may change once fiscally complex projects have been wrapped up. However, for time being she will not attend board meetings.

5.6 Update on Grant Applications

- Funding has been awarded for the Watershed Discovery Workshop. These are water quality workshops for underserved communities of East Palo Alto, and Redwood City. Term is for 1 year. Amount funded is approximately \$10,000.
- The RCD was declined funding for the slate implementation plan from Fisheries Restoration from Fish and Game
- Livestock and Land Program grant with Santa Cruz for best practices for livestock/equestrian land uses. We have been invited back for round 2, perhaps partial funding, maybe full, maybe none, we don't know yet.
- Partner with Santa Cruz for Fire Plan – we signed onto, may get dollars to do Community Wildfire Protection Plan. RCD's would work with stakeholders to get projects. Grant submitted to California Fire Safe Council.
- RCD also submitted grant application to Sanctuary for adult education program to provide opportunities for volunteers to improve water quality. May have an issue with submission being on time due to funder tech problems.

5.7 Pilarcitos Creek IWMP

- This Sunday is 2nd of three workshops
- Great article in HMB review
- Due to Kevin Lansing concern of workshop being held at Harbor House, Kellyx has asked him for help in finding location for summer workshop.
- This spring will incorporate input on document
- Plan to list prioritized projects to preserve watershed.
- Spring to revise document, completed document to be done this summer.

5.8 ID and Remediation of Fecal Pollution in Pillar Point Harbor

- Scope of work has been nailed down.
- Carolann just finished first run on Feb. 8, she has a couple of kinks to iron out
- Ellen completing lit review
- Challenging, are the timelines, funders, vs, researchers, vs, natural conditions. Kellyx is going to ask for amendment.

5.9 Apanolio Fish Passage

- Swanson Hydrology and Geomorphology met with Peter Haas and Matt Lasher.
- Haas has agreed to redo designs at own cost
- Lasher has preliminarily agreed to do work at cost. He has concerns surveyor made error, looking into it
- Prelim estimates of cost are \$60,000, Kellyx is concerned where to get the money.
- Two key issues – get emergency permits and get funds designs completed while Kellyx on maternity leave
- Kellyx copying Rich on all communications
- Rich concerned about liability
- Less than \$30,000 left in CalTrans fund
- Costs are equipment, rock, labor.
- There are still hours left with the California Conservation Corps
- Emergency permits cost money, as well as other hidden costs.
- RCD must act quickly because of risks and b/c of emergency permits. Urgent
- Must finalize responsibilities of parties - Swanson, Kellyx, Rich
- Must finalize costs
- Carmen is a good contact
- Gil is a very cooperative landowner, fully included on these issues.
- Kellyx will be available on Tuesdays during maternity leave, but call if emergency.

5.10 Agricultural Water Quality Project

- Project are moving forward, but very few applicants for EQIP, so Kellyx may have to revisit and fund at a higher rate

- This grant has done what Kellyx hoped it would do
- Learning how to coordinate
- How to contract with Farm Bureau
- Getting a lot of implementation on the ground, in part b/c cumbersome monitoring requirements
- This will help with future projects
- NRCS cost-share not sufficient, reporting requirements haven't been a big issue for cooperators
- 5 projects completed
- Cover crop insulation too

5.11 **Bear Gulch Upslope Erosion Project**

- Rec'd requests for records from Robert Zatkan, we think on Stephan Nichols's behalf
- Project signed off by NRCS, county planning, etc. Everyone considering it a success including Fish & Game.
- We will be doing touch-ups after rains as anticipated
- Road maintenance work to be done before March 24th, stream maintenance to be done in fall
- Permits in place, funding, landowners in the loop
- Roxy – What should we expect from Zatkan, what should we do?
- Kellyx – I don't know, sent all info he requested, now waiting. Everyone else is happy with project.

5.12 **PMAC Presentation about Watershed Regulations and Watershed Planning**

- Kellyx periodically attends their meetings, advised them about two issues coming their way.
- Section 303d of CWA, pollution must be remedied
- TMDL – Total Maximum Daily Loads
- Pescadero/Butano Creek listed as impaired for sediment, waterboard has hired someone to develop TMDL's. It is a big deal and takes years to complete.
- Some protections in coastal zone extended to unincorporated areas of county means additional regulations for some people in south part of county.
- Some PMAC due to come to Sunday's workshop, Kellyx told them to ask for info. RCD can't play role in introducing regs on private lands
- PMAC is appreciative of RCD

6. **ACTION ITEMS**

- 6.1 **Change to Personnel Policy: Recommend change to personnel policy to provide benefits while staff is on disability and Family Leave.**

Drive for this policy change was that the policy did not allow for medical benefits to continue while on maternity leave. Roxy and Renee drafted a document. Roxy stated that prior policy was inadequate, unclear, new draft is thorough after researching thoroughly. Policy written compliant with California law, though hasn't been reviewed by counsel. It is a reasonable policy, and provides basics for employment. Not as generous as Monterey, however don't want to expose district.

Impacts – Kellyx's maternity leave, given budget projections, is affordable for RCD. Cost is reduced because RCD is not paying Kellyx salary during this time, however, Kellyx not bringing in revenue during maternity leave either.

Personnel committee consensus, it was necessary for employee retention.

ACTION: Jim Reynolds MOVED to adopt the change to personnel policy. The motion was SECONDED by Roxy Stones and CARRIED unanimously.

6.2 Appoint Acting Executive Director

There will be four weeks of non-accessibility, should be acting ED to make decision if necessary. Sign documents if necessary. Kellyx recommends Roxy does it b/c of her business experience, also it should not be Rich due to possible conflict of interest. This is only for something unforeseen during those 4 weeks. Renee know how to do things

Ron Sturgeon has problem with title, Acting ED b/c ED is an employee. Rich acted before Kellyx came.

ACTION: Roxy Stone agrees to be acting Executive Director as indicated.

6.3 Determine Upcoming Board Meeting Dates and Times: Recommendation is that RCD schedule meetings in April and June, and cancel meetings in March and May.

ACTION: Roxy Stone MOVED to adopt the recommendation to schedule RCD meetings in April and June and cancel March and May meetings. The motion was SECONDED by Jim Reynolds and CARRIED unanimously.

6.4 Reminder for June Meeting

- Revisit whether to start meetings at 6:30 P.M.

6.4 Carolann presented gift from board and staff members to Kellyx

7. **ADJOURNMENT**

ACTION: The Regular Meeting of the Board of Directors was adjourned at 9:01 p.m.

1:50 PM
02/13/08
Accrual Basis

San Mateo County Resource Conservation District Profit & Loss

July 2007 through January 2008
Jul 07 Jan 08

Ordinary Income/Expense

Income

4000 · Fines and Mitigation Funds	285,598.13
4010 · Grants/Contracts	
4012 · State Awarded	439,360.17
4014 · Fed Awarded	<u>123,999.06</u>
Total 4010 · Grants/Contracts	563,359.23
4030 · Interest Income	3,128.05
4050 · Fees for Services	2,375.20
4300 · Property Tax Revenue	26,755.61
4900 · Misc. Income	264.00
5001 · Uncategorized Income	<u>1,500.00</u>
Total Income	882,980.22

Expense

5010 · Benefits	
5011 · Health & Dental	11,190.68
5013 · Workers' Comp	<u>1,466.40</u>
Total 5010 · Benefits	12,657.08
5020 · Computer Service	800.00
5030 · Consultant	743,419.38
5070 · Salary and Wages	
5050 · Payroll Service Fees	300.65
5060 · Payroll Tax Expense	8,906.18
5070 · Salary and Wages - Other	<u>110,227.69</u>
Total 5070 · Salary and Wages	119,434.52
6005 · Communications	
6007 · Internet	189.84
6009 · Telephone	440.77
6005 · Communications - Other	<u>48.22</u>
Total 6005 · Communications	678.83
6022 · Discretionary	
5005 · Bank Fees	365.99
6035 · Interest - Line of Credit	63.01
6022 · Discretionary - Other	<u>325.62</u>
Total 6022 · Discretionary	754.62
6030 · Insurance	
6032 · Liability	1,289.89
6030 · Insurance - Other	<u>250.00</u>
Total 6030 · Insurance	1,539.89
6045 · Legal Services	588.75

1:46 PM
02/13/08
Accrual Basis

San Mateo County Resource Conservation District
Balance Sheet

As of January 31, 2008
Jan 31, 08

ASSETS

Current Assets

Checking/Savings

1000 · Checking RCD8123985	14,241.40
1004 · Checking FC8121907	-9.00
1008 · Checking CT8129517 (CalTrans)	<u>165,545.50</u>
Total Checking/Savings	179,777.90

Accounts Receivable

1110 · Contracts Receivable	<u>256,321.92</u>
Total Accounts Receivable	<u>256,321.92</u>

Total Current Assets 436,099.82

Other Assets

1620 · Prepaid Expenses (Liability Insurance)	921.35
1600 · Long-Term Receivables	665,695.65
1610 · Security Deposits	<u>1,300.00</u>
Total Other Assets	<u>667,917.00</u>

TOTAL ASSETS 1,104,016.82

LIABILITIES & EQUITY

Liabilities

Current Liabilities

Accounts Payable

2000 · Accounts Payable	<u>374,124.52</u>
Total Accounts Payable	374,124.52

Other Current Liabilities

2100 · Payroll Taxes Payable	4,416.32
2105 · Employee Benefits Payable	-488.99
2200 · Deferred Revenue	<u>746,503.73</u>
Total Other Current Liabilities	<u>750,431.06</u>

Total Current Liabilities 1,124,555.58

Total Liabilities 1,124,555.58

Equity

3900 · Retained Earnings	67,056.65
Net Income	<u>-87,595.41</u>
Total Equity	<u>-20,538.76</u>

TOTAL LIABILITIES & EQUITY 1,104,016.82

1:50 PM
02/13/08
Accrual Basis

San Mateo County Resource Conservation District

Profit & Loss

July 2007 through January 2008

	<u>JUL 07</u>	<u>JAN 08</u>
6055 · Membership, Dues & Subscription		986.00
6065 · Permitting		2,195.58
6070 · Postage and Delivery		26.46
6080 · Professional Development		300.00
6085 · Program Expense		81,593.85
6095 · Public Relations		371.52
6100 · Rent		4,900.00
6110 · Supplies		70.78
6180 · Travel		
6181 · Accommodations		258.37
Total 6180 · Travel		<u>258.37</u>
Total Expense		<u>970,575.63</u>
Net Ordinary Income		<u>-87,595.41</u>
Net Income		<u><u>-87,595.41</u></u>

3:50 PM
 01/10/08
 Accrual Basis

San Mateo County Resource Conservation District
Profit & Loss
 July 1, 2007 through January 10, 2008

	<u>Jul 1, '07 - Jan 10, 08</u>
Ordinary Income/Expense	
Income	
4000 · Fines and Mitigation Funds	285,478.13
4010 · Grants/Contracts	
4012 · State Awarded	489,857.07
4014 · Fed Awarded	124,000.00
	<hr/>
Total 4010 · Grants/Contracts	613,857.07
4030 · Interest Income	2,801.51
4060 · Fees for Services	2,375.20
4300 · Property Tax Revenue	26,755.61
4900 · Misc. Income	264.00
5001 · Uncategorized Income	1,500.00
	<hr/>
Total Income	933,031.52
Expense	
5010 · Benefits	
5011 · Health & Dental	8,356.88
5013 · Workers' Comp	1,466.40
	<hr/>
Total 5010 · Benefits	9,823.28
5020 · Computer Service	800.00
5030 · Consultant	743,419.38
5070 · Salary and Wages	
5050 · Payroll Service Fees	238.17
5060 · Payroll Tax Expense	5,351.07
5070 · Salary and Wages - Other	110,227.69
	<hr/>
Total 5070 · Salary and Wages	115,816.93
6005 · Communications	
6007 · Internet	189.84
6009 · Telephone	391.43
6005 · Communications - Other	48.22
	<hr/>
Total 6005 · Communications	629.49
6022 · Discretionary	
5005 · Bank Fees	308.63
6035 · Interest - Line of Credit	63.01
6022 · Discretionary - Other	248.39
	<hr/>
Total 6022 · Discretionary	620.03
6030 · Insurance	
6032 · Liability	1,105.62
6030 · Insurance - Other	250.00
	<hr/>
Total 6030 · Insurance	1,355.62
6045 · Legal Services	588.75
6055 · Membership, Dues & Subscription	986.00
6065 · Permitting	2,195.58
6070 · Postage and Delivery	13.44
6080 · Professional Development	300.00
6085 · Program Expense	81,091.90
6095 · Public Relations	371.52
6100 · Rent	4,900.00
6110 · Supplies	70.78
	<hr/>
Total Expense	962,982.70
Net Ordinary Income	-29,951.18
Net Income	-29,951.18

San Mateo County Resource Conservation District
 Current Agreements and Contracts
 January 23, 2008

Type	RCD role	ID	Description	Term Beginning	Term Expiration	Other Parties
Fitzgerald Marine Reserve Critical Coastal Area Pilot Project						
M	Signatory	n/a	Establishing steering committee	<i>pending</i>	5 yrs from date of execution by all parties	California Coastal Commission Midcoast Community Council MWSD MBNMS Moss Beach Ranch RWQCB San Mateo County
C	Contractee	716	Funding	April 1, 2007	March 1, 2010	SFEI
Identification of Fecal Contamination in Pillar Point Harbor						
C	Contractee	07-574-550-0	Funding	October 26, 2006	March 1, 2010	SWRCB
C	Contractor	2007-7	hydrological investigations	October 1, 2007	June 30, 2010	Balance Hydrologics, Inc.
C	Contractor	<i>pending</i>	microbial source tracking	October 1, 2007	June 30, 2010	UC Davis
Apanolio Canyon Fish Passage						
C	Contractor	2008-1	assessment	January 16, 2008	February 16, 2008	Swanson Hydrology and Geomorphology
C	Contractee		Funding (SEP)			City of San Mateo Wastewater Division, RWQCB
C	Contractee		Funding (SEP)			SFPUC Wastewater Division, RWQCB
Frenchmans Creek Fish Passage						
C	Contractee	P0330405	funding			DFG
C	Contractee		Funding (SEP)			SFPUC Wastewater Division, RWQCB
C	Contractee	A06-BD3	Adaptive funding	June 1, 2007	February 28, 2008	
C	Contractor	<i>Pending</i>	Vegetation maintenance	<i>pending</i>		GoNative
L	n/a	n/a	maintenance agreement		20 years from execution	BFI
L	n/a	n/a	maintenance agreement		20 years from	Nerhan

Pilarcitos Integrated Watershed Management Plan				execution
M	Signatory	n/a	Establishing Pilarcitos Restoration Workgroup	5 yrs from execution by all parties
	Signatory	n/a	Funding	2 yrs from execution
C	Contractor	2007-1	Develop IWMP	March 1, 2007 August 1, 2008
San Gregorio Watershed Plan				
C	Contractee	06-170-552-0	funding	October 1, 2007 September 1, 2008
Agricultural Water Quality Improvement				
C	Contractee	04-305-552-0	Funding	June 30, 2005 March 1, 2009
C	Contractor	2007-6	cover crops	October 1, 2007 February 1, 2009
L	n/a	n/a	Participation agreements	n/a
Bear Gulch Upslope Erosion Control Project				
C	Contractee	P0430404	Funding	DFG
C	Contractor	2007-5	Construction oversight and materials	September 16, 2007 March 30, 2008
C	Contractee	A06-BD2	Adaptive Management funding	September 1, 2007 February 28, 2009
L	n/a	n/a	Statement of Intent	n/a
L	n/a	n/a	access and participation agreement	BGRA Steve and Andrea Nichols

DRAFT
Pregnancy Disability Leave and Leave of Absence Policies

Pregnancy Leave

All employees are eligible to take an unpaid leave of absence for their own disability caused by pregnancy, childbirth or related medical conditions.

Duration of Leave

Pregnancy-related disability leave may be taken for the duration of the disability up to 4 months for each pregnancy. At the end of the employee's period of pregnancy disability (not to exceed 4 months), employees who are also eligible for family care and medical leave, as described herein, may take a leave up to 12-weeks for reasons of the birth of her child. The maximum possible combined leave for both family care and medical leave and pregnancy disability leave for the reason of the birth of the child is 4 months and 12 weeks. This assumes the employee is disabled by childbirth or related medical conditions for 4 months and then requests and is eligible, for a 12-week family leave for the reason of the birth of her child. Pregnancy-related disability leave is counted towards an employee's FMLA entitlement.

Transfer and Accommodation

An employee is also entitled to a temporary transfer to another position or other reasonable accommodation based on the pregnancy-related disability so long as (1) the employee requests the transfer or reasonable accommodation and the request is based on the medical certification of a health care provider that a transfer or reasonable accommodation is medically advisable, and (2) the request can be reasonably accommodated by the District. Employees who are transferred to accommodate a pregnancy-related disability possess the same reinstatement and other rights described below with respect to pregnancy-related disability leaves.

The District may also require an employee to transfer temporarily to an available alternative position with the same pay and benefits in order to accommodate an employee's need for intermittent leave or a reduced work schedule.

Benefits During Leave

Employees on a pregnancy-related disability leave do not accrue seniority or benefits including holiday pay, while on unpaid leave. Employees will not accrue vacation and personal time off while on leave. Vacation and personal time off will begin accruing when the employee returns to work. An employee who takes a pregnancy-related disability leave of absence will not lose any seniority earned prior to the commencement of her leave.

The District will not pay insurance premiums beyond a total of six months combined leave for both family care and medical leave and pregnancy disability leave for the reason of the birth of a

child. Which maximum possible combined leave for both family care and medical leave and pregnancy disability leave for the reason of the birth of the child is 4 months and 12 weeks.

Coordination of Benefits

Pregnancy-related disability leaves are unpaid. An employee who is granted a pregnancy-related disability leave may elect to use any accrued but unused paid time off benefits (i.e. vacation or personal time off) during the period of the leave. Any portion of a leave that occurs after all paid time off benefits have been exhausted is without pay. Any unpaid or paid portions of this policy shall be added together and will not extend the 4 month total leave period limitation allowed under this pregnancy-related disability leave policy.

Medical Certification

An employee requesting pregnancy-related disability leave must provide medical certification that she is disabled by pregnancy. Medical certification is required under the same conditions as is required for family care and medical leaves of absence, as described herein. An employee taking a pregnancy-related disability leave must present a fitness for duty certification before returning to work.

Notice

Employees should contact their supervisor as soon as they learn that they will need a pregnancy-related disability leave, even when they do not know the precise dates that such leave will begin.

Employees must provide at least 30 days' notice when the need for pregnancy-related disability leave is foreseeable. If the need for leave is not foreseeable, notice must be given to the District within two business days of learning of the need for the leave.

Employees must indicate the estimated timing and duration of the leave and make a reasonable effort to schedule any planned medical treatment so as to minimize the disruption of the District's activities.

If an employee requests an extension of leave beyond the time estimated by the health care provider, the employee must submit a recertification prior to the expiration date if the employee desires additional leave. Extensions will not be granted that cause the total period of the pregnancy-related disability leave to exceed the 4-month limitation.

Outside Employment

An employee may not be employed with any employer, other than the District, during the leave of absence. Outside employment during the leave will result in immediate termination.

Reinstatement

When an employee is able to return to work, he or she should give the District at least two (2) weeks notice. This is important so that the employee's return to work is properly scheduled.

Under most circumstances, the District will reinstate employees to their or equivalent position if they return from leave with 4 months. Exception, however, may occur as permitted by law. Employees should understand they have no greater right to reinstatement, or to other benefits of employment than if they had continued to work during their leave.

For example, an employee will not be reinstated to the same position where (1) she would not otherwise have been employed in the same position due to legitimate business reasons unrelated to her taking leave (such as layoff or job elimination), or (2) the means of preserving the job would substantially undermine the District's ability to operate its business safely and efficiently. In such cases, the employee will be placed in a comparable position for which the employee is qualified unless (1) no comparable position is available within 10 working days of the employee's return to work, or (2) filling the comparable position with the employee would substantially undermine the District's ability to operate its business safely and efficiently. Employees who fail to return to work at the conclusion of their approved leave or within the maximum period allowed for the leave will be considered to have voluntarily terminated from the District.

Personal Leave

After an employee has completed at least six months of employment, an unpaid personal leave of absence for a specified period of time that is no longer than 30 days may be granted at the District's discretion. Requests for a personal leave of absence must be presented in writing to the District at least 30 days in advance, wherever possible. The request will be considered on the basis of staffing requirements, the reasons for the leave, as well as the employee's performance and attendance record. In no case will a leave of absence be granted for a period that extends beyond the expiration date specified on the employee's appointment form, or the end of a grant or contract year, whichever comes first.

Employees on a personal leave of absence do not accrue seniority or benefits including holiday pay. Vacation and personal time off will begin accruing when the employee returns to work. An employee who takes a personal leave of absence will not lose any seniority earned prior to the commencement of the leave.

The District will not pay insurance premiums while an employee is on a personal leave of absence. Should an employee desire to maintain insurance coverage while on a personal leave of absence, they will have the option of continuing their insurance coverage by paying the monthly insurance premiums.

Before an employee returns to work, they should notify the District when he/she is ready to return to work at least two weeks before the expiration of the leave. The employee will be

notified by the District if an opening exists. The District cannot guarantee re-employment to employees returning from a personal leave of absence.

The following will be deemed a voluntary resignation while an employee is on a personal leave of absence.

1. Failure to advise the District of their availability to work.
2. Application for unemployment benefits
3. Obtaining another position
4. Engaging in another business
5. Failure to return to work when notified; or
6. Their continued absence from work beyond the time approved by the District.

Leave of Absence Purpose

It is recognized that employees occasionally need to take time off from work to care for important family, medical and personal needs. This policy is designed to meet those needs in a manner that is beneficial to employees, their families and the District. It also represents the intent of the District to comply with the requirements and purposes of the Family and Medical Leave Act of 1993 (FMLA). Neither the District policy nor the Act preempts state or local laws providing greater family leave rights.

Reasons for Leave

The District provides leaves of absence without pay to eligible full-time and regular part-time employees where absence from work is necessary due to:

- **New Child Leave:** The birth of a child or the placement in the employee's home of a child for adoption or foster care.
- **Family Medical Leave:** The employee's need to care for his/her spouse, domestic partner, child, or parent who has a serious health condition, or
- **Employee Medical Leave:** A serious health condition that prevents the employee from performing essential functions of his or her job. Employee Medical Leave may be due to occupational or non-occupational injury or illness, and also includes disabilities due to pregnancy, childbirth or related medical conditions.

Leaves of absence under the circumstances listed above are together referred to as Family and Medical Care Leaves, or FMLA Leaves. In addition to these leaves, the District also provides for other leaves of absence, including extended employee medical leave beyond the FMLA, as well as military and personal leaves. Because the eligibility requirements and other conditions relating to such leaves are different than those governed by the FMLA, such leaves of absence are addressed separately.

All leaves of absence must be applied for through the District and must have the approval of the Executive Director, and/or Board of Directors.

Upon receiving an application for leave, or upon becoming aware of an employee's need for a Family and Medical Care Leave, the District should provide a full copy of the Family and Medical Care Leave policy to the employee to ensure that he/she is aware of all obligations and rights related to such leaves. This notice is an FMLA requirement, and the period of Family or Employee Medical Leave does not begin until the required notice is given to the employee requesting the leave.

To ensure that an employee's use of paid time off (such as sick time or vacation) for purposes covered by the FMLA is properly designated as FMLA leave and counted towards the maximum allowable leave time in an anniversary, employees should be required to identify the reasons for using all paid time off at the outset. A decision to treat the absence as a FMLA leave must be

made at or around the time the employee requests to be absent; the District cannot make this determination after the leave is completed. Employees should fill out the appropriate Leave form at the time the vacation and/ sick pay request(s) are made using the first day of paid time off as the first day of the Leave.

Taking an approved leave of absence in accordance with the requirements set forth in this Policy should not result in disciplinary action, including calculation of absence under any progressive or no-fault attendance system. Similarly, an approved leave of absence will not negatively influence employment decisions such as performance ratings, eligibility for promotion, transfer, etc.

Eligibility

Eligibility requirements depend upon the reason for the leave.

For Employee Medical Leave, an employee becomes eligible on the first day of the month after completing 120 days of continuous service. Exception: for leave due to pregnancy, childbirth and related medical conditions, an employee is eligible if disabled from performing her duties at any time.

For New Child Leave and Family Medical Leave, the employee must have been employed by the District for at least 12 months, and have worked at least 1,250 hours during the previous 12 months before the date the leave would commence.

Amount of Leave

An eligible employee generally may obtain a total of up to 12 workweeks of FMLA leave during a 12-month period. Exceptions to this general rule are set forth in sections below. The 12-month period will be defined for each employee based on the following method:

*“Rolling Backward Measurement”**

The rolling backward measurement measures backward in a rolling fashion from the date each time an employee uses FMLA leave. Under this method, each time an employee takes FMLA leave, his or her FMLA leave entitlement is the balance of the 12 weeks which has not been used during the immediately preceding 12 months.

For example, if an employee requests FMLA leave and has taken eight (8) weeks of leave in the past twelve (12) months, the employee is entitled to take an additional four (4) weeks of FMLA leave.

As another example, if an employee used two (2) weeks beginning February 10, 1994, the six (6) weeks on June 20, 1994, and then four (4) weeks on December 1, 1994, the employee would not be entitled to any additional leave until February 10, 1995. Beginning on February 10, 1995, and at any time after that date, the employee would be entitled to additional leave time. If the employee requests time beginning on February 10, 1995, the employee could take an additional

two (2) weeks leave on June 20, 1995 another six (6) weeks leave; and on December 1, 1995, another four (4) weeks leave. The chart below shows how this method works:

Rolling Method

Year 1 – Leave Taken	Year 2 – Entitlement
February 10 – weeks	February 10 – 2 weeks
June 20 – 6 weeks	June 20 – 6 weeks
December 1 – 4 weeks	December 1 – 4 weeks

However, if the employee does not request leave again until July 10, 1995, that becomes the date used to look back at the previous twelve (12) month period. In this example, the employee would be eligible for up to eight (8) weeks FMLA leave if he/she requested a leave beginning July 10, 1995 (since four (4) weeks were taken starting the previous December 1).

The District must look at the immediately preceding twelve (12) months to see how much FMLA leave an employee is entitled to on a given date.

Special Rule of Pregnancy Disability Leave

When Employee Medical Leave is due to pregnancy, childbirth or related medical conditions, an employee may obtain leave for the period of the disability, up to four (4) months of leave, and such leave will not be counted in determining the number of weeks of FMLA leave available to eligible employees for other reasons (such as New Child Leave to care for the newborn after the period of disability has ended). For example, an employee who has used four (4) months of pregnancy disability leave and who desires additional leave to care for the child can receive up to 12 weeks of additional weeks of leave for this purpose (if she has satisfied the eligibility requirements for FMLA leave (12 consecutive months of service plus at least 1,250 hours worked within the previous 12 months).

Special Rule if both Parents are Employed by the District

For New Child Leave, if both parents are employed by the District, the combined number of weeks which they can receive is 12 weeks in the 12-month period.

District Medical Leave

For Employee Medical Leave only, an eligible employee may obtain an additional 12 work weeks of leave, for a combined maximum total of 24 work weeks of FMLA Leave and District Medical Leave in the 12-month period, upon application under the District Medical Leave policy.

Special Rules for New Child Leave

Leave taken because of the birth or placement of a child must be initiated within one year of the child's birth or placement. Such leave should be taken all at once, unless it is mutually agreeable and the employee has made special prior arrangements.