

CITY OF AVALON

Leaves Policy

Date: 2/2/2016

Policy No: P2

As with any City policy, the CITY OF AVALON reserves the right to change, alter, amend, and interpret this policy with or without prior notification.

The purpose of this policy is to provide compliance information that will unite City departments in how they comply with FMLA, CFRA, and FEHA and provide a solitary foundation of policy and procedure from which to administer these leaves throughout the City. The Policy provides general leave provisions, eligibility and qualifying requirements, notification and communication requirements during the leave, and guidelines to administer designated leave(s).

The City is committed to promoting the lawful and non-discriminatory administration of all applicable family, medical and other leave laws and regulations. With that goal in mind, the City is committed to protecting employees that meet a qualifying reason to request a leave under each statute.

The City has established family and medical leave practices that conform to the requirements of state and federal laws, including Family and Medical Leave Act (FMLA), California Family Rights Act (CFRA), California's Pregnancy Disability Leave law (PDL), and other regulations. Notices regarding these laws and other helpful resources are made available by contacting your Human Resources Department and may also be found on the City of Avalon's Intranet, Human Resources home page. Employees should consult with their Human Resources Department Representative if they have questions regarding their eligibility for leave under these regulations.

Note: The City is dedicated to assuring fair and equitable application of this Policy. Therefore, supervisors are required to administer all aspects of the Policy in an unbiased and impartial manner. Any supervisor who knowingly disregards the requirements of this Policy, or who is found to deliberately misuse the Policy with respect to his/her subordinates shall be subject to disciplinary action, up to and including termination. In addition, the City may impose, for cause, on any City employee, disciplinary action up to and including termination, in accordance with the Personnel Rules and Regulations or any MOU, for leave abuse or any violation of this Policy.

APPLICATION OF STATE LAWS

The function of this policy is to provide employees with a general description of their rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

A. *FAMILY AND MEDICAL LEAVE & CALIFORNIA FAMILY RIGHTS ACT*

This policy applies to all eligible City employees, full or part-time, in regular or temporary status. In accordance with the Family and Medical Leave Act of 1993 (FMLA) and the California Family Rights Act of 1992 (CFRA), the City of Avalon will provide eligible employees up to twelve (12) weeks leave in a twelve (12) month period of unpaid family and medical leave for any of the following qualifying reasons (notably, some of the below mentioned reasons only qualify under FMLA or CFRA, not both):

- 1) The birth of a child or care for the newborn child;
- 2) Placement (with the employee) of a child for adoption or foster care;
- 3) Care for an immediate family member of employee (i.e. spouse, registered domestic

- partner, child or parent) with a serious health condition;
- 4) A serious health condition that makes the employee unable to perform the functions of the employee's job; and
- 5) A qualified exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty (FMLA only).

To qualify to take Family and/or Medical Leave under this policy, the employee must meet all of the following conditions:

- 1) Any employee (including temporary, part-time, seasonal, etc.) that has worked for the City for 12 months or 52 weeks is eligible for time off under this policy. The 12 months or 52 weeks need not have been consecutive. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.
- 2) The qualified employee must have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave. The 1,250 hours do not include time spent on paid or unpaid leave. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.
- 3) The qualified employee must work in a worksite where 50 or more employees are employed by the City within 75 miles of that office or worksite. The distance is to be calculated by using available transportation by the most direct route.

Military Family Leave Entitlements:

Military Caregiver Leave - A covered employer must grant an eligible employee who is a spouse, son, daughter, parent, or next of kin of a covered servicemember with a serious injury or illness up to a total of 26 workweeks of unpaid leave during a "single 12-month period" to care for the servicemember. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. A serious injury or illness is one that was incurred by a servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank, or rating.

The "single 12-month period" for leave to care for a covered servicemember with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12 month period established by the employer for other types of FMLA leave. An eligible employee is limited to a combined total of 26 workweeks of leave for any FMLA qualifying reason during the "single 12-month period" (Only 12 of the 26 weeks total may be used for a FMLA qualifying reason other than to care for a covered servicemember).

Employee Rights and Benefits for FMLA/CFRA:

Any City employee that is given time off due to a FMLA/CFRA qualifying reason is subject to the following rights and protection:

- 1) Retention of employment status (i.e. position, seniority, benefits) with the City of Avalon during the period of approved time off;
- 2) Reinstatement to the same or equivalent position after the twelve (12) week period of time off is concluded;
- 3) Group health plan coverage during the twelve (12) week period, if currently enrolled;
- 4) Entitlement to continuation of group health benefit plan benefits under the Consolidated Omnibus Reconciliation Act (COBRA) of 1986; and
- 5) Protection against unlawful discharge or discrimination.

Qualifying Reasons for FMLA/CFRA Time Off Work:

An eligible employee may be given time off work under the FMLA and CFRA provisions for any of the following:

- 1) An employee may be given time off work for the birth of a child or to care for the newborn child or for placement (with the employee) of a child for adoption or foster care. FMLA/CFRA time off work must be taken within twelve (12) months of the date of the birth or placement.
- 2) An employee may be given time off work in order to care for an immediate family member (i.e. spouse, child or parent) of the employee if the immediate family member has a serious health condition. ((Note: Child means biological, adopted, or foster child, a step child, a legal ward, or a child of a person standing in loco parentis (in place of parent) who is either under age 18, or age 18 or older and “incapable of self-care because of a mental or physical disability)).
- 3) An employee may be given time off work because of a serious health condition that makes the employee unable to perform the functions of his/her position. ((Note: “Serious health condition” (of employee’s immediate family member) is an illness, injury, impairment, or a physical or mental condition that involves inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider; absences from work or school and treated by a health care provider; an period of incapacity due to pregnancy or for prenatal care; chronic conditions requiring treatment; permanent/long-term conditions requiring supervision; and multiple treatments (for non-chronic conditions)).

Examples of Exclusions: Voluntary or cosmetic treatments, routine physical, eye, or dental examinations, the common cold, the flu, ear aches, minor ulcers, upset stomach and headaches (unless complications arise or a condition becomes chronic and affects an essential life function) are not considered serious health conditions.

“Need to care for” an immediate family member (i.e. child, spouse, parent) encompasses both physical and psychological care and includes situations where, for example, because of a serious health condition, the family member is unable to care for his or her own basic medical, hygiene, nutritional or safety needs. This term also includes provisions of psychological comfort and reassurance, which would be beneficial to the immediate family member with a serious health condition who is receiving inpatient or home care. The term, “need to care for” further includes situations where the employee may be needed to fill in for others, who are caring for the family member or to make arrangements for changes in care, such as transfer to a nursing home.

- 4) Qualifying Exigency Leave – A covered employer must grant an eligible employee up to a total of 12 workweeks of unpaid leave during the normal 12-month period established by the employer for FMLA leave for qualifying exigencies arising out of the fact that the employee’s spouse, son, daughter, or parent is on active duty, or has been notified of an impending call to active duty, in support of a contingency operation. Under the terms of the statute, qualifying exigency leave is available to a family member of a military member in the National Guard or Reserves; it does not extend to family members of military members in the Regular Armed Forces.

Qualifying exigencies include:

- Issue arising from a covered military members’ short notice deployment (i.e. deployment on seven or less days of notice) for a period of seven days from the date of notification;
- Military events and related activities, such as official ceremonies, programs, or events

sponsored by the military or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member;

- Certain childcare and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at school or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member;
- Making or updating financial and legal arrangements to address a covered military member's absence;
- Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member;
- Taking up to five days of leave to spend time with a covered military member who is on short-term temporary, rest and recuperation leave during deployment;
- Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military member's active duty status, and addressing issues arising from the death of a covered military member;
- Any other event that the employee and employer agree is a qualifying exigency.

Spouses employed by the same employer are limited to a combined total of 26 work-weeks in a "single 12-month period" if the leave is to care for a covered servicemember with a serious injury or illness, and for the birth and care of a newborn child, for placement of a child for adoption or foster care, or to care for a parent who has a serious health condition.

Designation of FMLA/CFRA: (Inter-relationship of FMLA/CFRA with Workers' Compensation, Short and Long Term Disability, and Catastrophic Leave Time Bank)

To the maximum extent permitted by law, any time off work in excess of 40 hours granted to City employees under programs such as short- and long-term disability, Workers' Compensation, personal leave of absence or absence without pay, Catastrophic Leave Time Banks, or any other time off work for FMLA/CFRA "qualifying reasons" must be designated FMLA/CFRA (by Human Resources) to run concurrently with the FMLA/CFRA provisions. This time shall be credited against the twelve (12) week limit contained in the FMLA/CFRA leave policy.

Exception: Pregnancy related disability **cannot** be designated as CFRA leave. If an employee is disabled, she is entitled to pregnancy disability leave up to a maximum of four months. The first twelve (12) weeks of pregnancy disability leave can run concurrently with FMLA. Once an employee is no longer disabled, she is entitled to twelve (12) weeks of leave under CFRA to "bond" with the newborn. Please reference page 10 of this policy for further information concerning FMLA/CFRA entitlement and pregnancy related disability.

The total maximum City contribution for the employee health insurance premium under FMLA and CFRA is twelve (12) weeks. FMLA/CFRA starts the first day of an employee's time off of work due to a FMLA/CFRA qualifying reason.

City Department Heads are responsible to notify the Human Resources Department of a FMLA/CFRA event so any and all time off work can be designated as FMLA/CFRA if the time off work is due to a qualifying reason. The Human Resources Department will inform employees of their rights and responsibilities under FMLA/CFRA, even if the employee gets no advantage from the FMLA/CFRA designation. Within five (5) business days after the employee has submitted the

appropriate certification form, the Human Resources Department will complete and provide the employee with a written response to the employee's request for leave.

Paid and Unpaid Time Off Work for FMLA/CFRA:

An employee on approved FMLA/CFRA time off work is required to use all of his/her accrued paid leave balances, with the exception of compensatory time off, for a FMLA/CFRA qualifying reason (except when FMLA/CFRA time off is running concurrently with Workers' Compensation leave).

Use of Paid Leave:

Vacation – An employee, who is given time off work due to a CFRA qualifying reason, is required to use his/her accrued vacation or other accumulated paid leave (other than sick leave, unless the leave is required for the employee's own serious health condition). Under FMLA employees may use vacation leave accruals to receive compensation during an otherwise unpaid portion of her pregnancy disability leave. The City may not require an employee to use vacation leave or other accrued time off during pregnancy disability leave.

Sick Leave – Under FMLA the use of accrued sick leave is required during any unpaid portion of Pregnancy Disability Leave (PDL). An employee may combine a portion of her accrued sick leave with Paid Family Leave (PFL covers up to 55% of the employee's wages), up to 100% of her of wages. In such cases an employee may combine up to 45% of sick leave time with 55% of PDL to receive 100% of wages while on leave, and the City shall notify the EDD that only 45% of wages are being paid to the employee. Employees paid in excess of 45% of their wages will have their PFL benefits reduced, so as not to exceed 100%.

If a CFRA leave is for an employee's own serious health condition the employee is required to use sick leave. Under Kin Care law, employees also may use up to one-half of their annual accrual of sick leave for a qualified family member (including parent-in-law, grandparent, grandchild, and sibling) for the following reasons:

- The diagnosis, care, or treatment of an existing health condition of, or preventative care for, an employee;
- The diagnosis, care, or treatment of an existing health condition of, or preventative care for, an employee's family member;
- An employee who is a victim of domestic violence, sexual assault, or stalking.

Notably, employees are entitled to broader protections under the sick leave law than kin care law. So if an employee wishes to utilize their sick leave, the employee should refer to the City's sick leave policy.

Compensatory Time – Substitution of compensatory time for FMLA/CFRA leave **is not** required (use of compensatory time is severely restricted under the Fair Labor Standards Act). An employee, who wishes to supplement FMLA/CFRA leave with his/her accrued compensatory time, must submit the request in writing to the Human Resources Department and receive written approval to supplement FMLA/CFRA leave with accrued compensatory time off.

Military FMLA Leave - An employee who is using military FMLA leave for a qualifying exigency must use all paid vacation and personal leave prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave must also use all paid vacation, personal leave or sick leave (as long as the reason for the absence is covered by the City's sick leave policy) prior to being eligible for unpaid leave.

Note: A holiday(s) occurring during a period of FMLA/CFRA time off work does not entitle an employee to an additional day(s) of FMLA/CFRA time off work.

Employee Responsibility to Comply With FMLA/CFRA Requirements:

A City employee is responsible to comply with the following requirements when taking time off due to a FMLA/CFRA qualifying reason:

- 1) Submission of an advanced notice for FMLA/CFRA time off;
- 2) Provision of a certificate by a health care provider when FMLA/CFRA time off work is taken due to the employee's own or the employee's immediate family members' serious health condition;
- 3) Provision of a periodic status report of the employee's condition qualifying for the FMLA/CFRA time off work and notice of the employee's intention of return to work at the conclusion of the approved leave; and
- 4) Provision of a health care provider's release verifying the employee's ability to return to work from medical leave (if the leave taken is due to the employee's own serious health condition).

Note: Any time off work for the FMLA/CFRA "qualifying reason" must be designated FMLA/CFRA by the Human Resources Department, even if it is not of benefit to the employee. This similarly applies even if the employee's leave is substituted with another paid leave, like vacation, sick leave or compensatory time off.

Advance Notice of Request for Time Off Work for FMLA/CFRA Qualifying Reasons:

Employees are required to provide 30 days' notice for foreseeable FMLA/CFRA time off work to their immediate supervisor. The notice must describe (1) the reason for the FMLA/CFRA time off; (2) the anticipated duration of the FMLA/CFRA time off; and (3) the anticipated commencement of the FMLA/CFRA time off. Employees seeking to use military caregiver leave must provide 30 days advanced notice of the need to take FMLA leave for planned medical treatment for a serious injury or illness of a covered servicemember as well. When an employee seeks leave due to a FMLA qualifying reason for which the employer has previously provided the employee FMLA protected leave, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave.

If the 30 days' notice is not practicable, due to a lack of knowledge of when the time off will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as possible. An employee must provide notice of the need for foreseeable leave due to a qualifying exigency as soon as practicable.

If an employee fails to give 30 days' notice in a foreseeable situation without a reasonable excuse for the delay, the FMLA/CFRA time off work may be denied until the employee provides acceptable notice as required.

Designation of Retroactive FMLA/CFRA:

In the event, the employee has not advised his/her department a particular leave/time off was for a FMLA/CFRA qualifying reason, the department has two (2) working days after the employee's return to work, to assign the designation of retroactive FMLA/CFRA for the time off work and to notify the employee of the designation.

In the event, the employee actually requests retroactive FMLA/CFRA, the Department Head will notify the Human Resources Department, after acquiring knowledge that the employee's time off was for a FMLA/CFRA qualifying reason, will designate the time off work as FMLA/CFRA during the first two (2) work days following the employee's date of return to work. The employee must be notified of the FMLA/CFRA designation.

Requirement of Medical Certification by Health Care Provider:

An employee is required to submit a completed medical certification from a FMLA/CFRA recognized health care provider within 15 days whenever FMLA/CFRA time off work is needed due to the serious health condition of the employee or the employee's immediate family member.

An employee must submit a recertification of an immediate family member's serious health condition if the estimate of time noted by the health care provider is needed for the employee to provide care for an immediate family member (with a serious health condition) expires.

The City may directly contact the employee's health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official. The City will not use the employee's direct supervisor for this contact. Before the City makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the City will obtain the employee's permission for clarification of individually identifiable health information.

If a Department Head has a reason to doubt the validity of the certification for an employee's care of an immediate family member or the employee's own serious health condition, the City may directly contact the employee's health care provider as described above for verification or clarification purposes. The Human Resources Department may request to obtain the opinion of a second health care provider. Second opinions will be at the City's expense. When a second opinion differs from a first opinion, the Human Resources Department may require, at the City's expense, the opinion of a third health care provider approved jointly by the employer and employee. The opinion of the third health care provider shall be considered final and binding.

Certification of Qualifying Exigency for Military Family Leave:

The City will require an appropriate certification of the qualifying exigency for military family leave be provided. The leave for a qualifying exigency request will be supported by a copy of the covered military member's active duty orders and the certification shall provide the appropriate facts related to the particular qualifying exigency for which leave is sought, including contact information if the leave involves meeting with a third party. Leaves to care for a covered servicemember with a serious injury or illness shall be supported by a certification completed by an authorized health care provider or by a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered servicemember's family. Additionally, the City may contact the individual or entity named in a certification of leave for a qualifying exigency for purpose of verifying the existence and nature of the meeting. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave.

Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave:

The City will require certification for the serious injury or illness of the covered servicemember. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Servicemember.

The City reserves the right to clarify and verify medical certification information provided by a health care provider to clarify and authenticate the medical certification.

Re-certification of Serious Health Condition by Health Care Provider:

Under FMLA/CFRA if the reason for the time off work is due to the serious health condition of an employee, or an immediate family member and if the certificate furnished by a health care provider specifies a minimum period of serious health condition for more than 30 days, re-certification is not required until the minimum duration has passed. Re-certification by a health care provider may be required for one of the following reasons (1) there is a reasonable doubt that the serious

health condition may no longer exist; (2) the employee requests an extension; or (3) the duration or nature of the illness changes significantly.

Employee Obligation to Provide Periodic Status Reports During FMLA/CFRA Time Off Work:

Any employee who is on approved FMLA/CFRA time off work is required to report his/her status every 30 days unless the employee's FMLA/CFRA time off work is running concurrently with short- or long-term disability leave, or Workers' Compensation leave. Status reports should specify the employee's intention to return to work or the employee's election to resign due to a change in circumstances. The City may discontinue the City's contribution to the employee's health insurance premiums as soon as the employee notifies his/her Department Head of the intention to not return to work, and in some circumstances may be able to seek reimbursement for previously City paid premiums incurred during the leave. Employees may then be eligible for continuation of group health care coverage under COBRA.

Release to Return to Work:

An employee who takes time off under FMLA/CFRA due to his/her own serious health condition is required, prior to his/her return from the FMLA/CFRA leave, to provide medical certification verifying he/she is able to return from medical leave and perform his/her job duties.

Employee Reinstatement Rights:

The City will restore an employee to the same position (classification) or an equivalent position, after the twelve (12) week leave concludes. An equivalent position is virtually identical to the employee's former position in terms of pay, benefits and working conditions. Exceptions to the reinstatement right includes: "elimination of position," "key employee" exemption, and lack of "release to return to work."

Right of Delay or Refusal for Reinstatement Under FMLA/CFRA:

Under the provisions of FMLA/CFRA, any City employee may be refused reinstatement to his/her position for any of the following reasons:

Lack of Medical Release to Return-to-Work – The City may delay an employee's return-to-work until the employee (who is off work due to employee's own serious health condition) submits a required release from a health care provider to return-to-work. The release itself need only be a simple statement from the health care provider of the employee's ability to return-to-work.

Layoff of Position During FMLA/CFRA Time Off Work – The City may layoff an employee from his/her position while an employee is on an approved FMLA/CFRA time off work as a non-discriminatory reduction in force when layoffs are necessary and are practiced department-wide. A Department Head must be able to justify the necessity for the layoff; the justification must demonstrate the layoff action would be taken even if the employee had not been using time off under FMLA/CFRA provisions.

Key Employee – A "key employee" is a salaried FMLA/CFRA eligible City employee who is among the highest paid ten (10) percent of all City employees. The City may refuse to reinstate a key employee if the denial of reinstatement can prevent "substantial and grievous economic injury" to City operations. A "key employee" must be given a written notice of potential denial of reinstatement when the employee begins time off work under the FMLA/CFRA provisions.

If the City makes a good faith determination that substantial and grievous economic injury to City operations will result if a key employee, who has begun his/her FMLA/CFRA leave, is reinstated, the City must notify the "key employee" in writing of the intent to deny restoration. In such cases, a key employee's entitlement to group health plan benefits will continue until the twelve (12) week leave period ends, or until the date the employee advises his/her Department Head that he/she does not desire restoration to employment at the end of the FMLA/CFRA period. The Human Resources Department will make the final decision as to whether to delay or refuse reinstatement, in accordance with this exemption, prior to the notification of any employee.

Employment Status During Unpaid FMLA/CFRA:

An employee who is on approved unpaid FMLA/CFRA time off work will retain his/her employment status with the City during the period of FMLA/CFRA leave. An unpaid FMLA/CFRA leave period will not be credited as service hours for seniority (i.e. employees are not entitled to accrue any additional benefits or seniority during unpaid FMLA/CFRA leave, but will not lose any benefits or seniority accrued prior to the leave).

Merit step increases (salary increases) which are based on length of service and performance will be delayed for any employee on an unpaid FMLA/CFRA leave.

Salary increases resulting from the negotiations process will not be affected by FMLA/CFRA leave.

FMLA/CFRA Entitlement and Pregnancy Disability Leave (PDL):

An employee who is on pregnancy related disability leave is entitled to an additional twelve (12) weeks of time off under the California Family Rights Act (CFRA) of 1992. In all cases, the maximum time per year the City is required to pay the City's portion of health insurance premiums for an employee off work due to an FMLA/CFRA reason is twelve (12) weeks.

In all cases, EXCEPT time off work due to pregnancy related disability, FMLA runs concurrently with CFRA.

In California, an employee who is disabled due to pregnancy is entitled to a maximum of four months off work while disabled. During the time an employee is disabled due to pregnancy, she is entitled to FMLA, but not CFRA. Once an employee is no longer disabled due to pregnancy, she then is entitled to CFRA; this results in additional protected time under CFRA for "bonding" with her newborn.

This exception may result in FMLA and CFRA running concurrently for some portion of an employee's time off work for pregnancy, if the employee is disabled for less than twelve (12) weeks, for example:

An eligible employee is disabled due to pregnancy for six (6) weeks; during this six (6) weeks she is covered by FMLA. When this employee is no longer disabled, she is then covered under CFRA. For the next six weeks, FMLA and CFRA run concurrently. At the end of a total twelve (12) weeks off work, the City will cease paying the City's portion of the health insurance premium; however, this employee may request an additional six (6) weeks off work under CFRA to bond with her baby, and the City must grant her this time. If this employee wishes to continue her health insurance coverage, she must pay the entire insurance premium during this last six (6) weeks. The total time off work in this case is eighteen (18) weeks.

If an eligible employee is disabled (PDL) due to pregnancy the maximum time off is four months, at the end of the four months the employee could request, and must be granted, an additional twelve (12) weeks of CFRA time for bonding with her baby. This would result in a maximum time off of approximately seven months. Again, after twelve (12) weeks of time off work covered under FMLA and/or CFRA, the City would cease payments of the City's portion of the health insurance premium, and the employee would be required to pay the entire health insurance premium if coverage is to be continued.

FMLA/CFRA "bonding" time must be taken within one (1) year of the birth or placement of the adopted/foster child. Both male and female employees are entitled to FMLA/CFRA time off work to bond with a newborn or newly placed adopted/foster child as long as FMLA/CFRA time has not been exhausted.

Pregnancy Disability Leave provides income replacement through State Disability Insurance (SDI) when an employee is disabled due to pregnancy. Wage replacement may be provided to qualifying employees for up to four (4) weeks pre-birth and six (6) weeks recovery of partial pay (55% of an employee's weekly wage up to the maximum benefit). To receive SDI disabled employees must apply for SDI directly through the Economic Development Department (EDD). Upon application, SDI does require a seven-day, non-payable waiting period.

California Paid Family Leave (PFL) provides income replacement through State Disability Insurance (SDI) under FMLA/CFRA when an employee takes leave to bond with a newborn baby, newly adopted or foster child, or to care for a parent, child, spouse or registered domestic partner with a serious health condition. PFL can be taken in hourly or daily increments as needed. This law provides for up to six (6) weeks of partial pay (55% of an employee's weekly wage up to the maximum benefit). PFL should be taken concurrently with FMLA and/or CFRA to guarantee job protection. Employees must apply for PFL directly through the EDD. Upon application, PFL does require a seven-day, non-payable waiting period. During this time the City does requires employees to use vacation leave while waiting to receiving PFL benefits. Note: Bonding mothers who are transitioning from SDI benefits to Paid Family Leave do not have to serve a separate waiting period. Employees have the option to supplement their pay during PFL with their accrued vacation, sick leave or compensatory time, up to the maximum of 100% of their wages.

Limitation for Spouses Who Are Both Employed by the City:

If both a husband and wife work for the City, the City limits the aggregate amount of leave available to both spouses to twelve (12) weeks during any twelve (12) month period if the time off is for the birth or placement of a child or to care for a parent with a serious health condition. Leave because of a serious health condition of an employee or an employee's child or spouse is not subject to spousal limitation. For example, if each spouse took six (6) weeks of FMLA/CFRA time off work for the birth of a healthy newborn child, each spouse would remain eligible for an additional six (6) weeks due to his/her own serious health condition or to care for a child with a serious health condition. Any period of pregnancy related disability (before or after the birth of a child) would be considered FMLA time off work for a serious health condition and would not be subject to the combined limitation.

This limitation applies even when the spouses are employed by two different City departments or work at two (2) different worksites.

Intermittent or Reduced FMLA/CFRA Leaves:

The FMLA/CFRA time off work does not have to be in one twelve (12) week increment. An employee may take time off work intermittently (a few weeks/days/hours at a time) under certain conditions. Intermittent FMLA/CFRA may be taken for the birth of a child (and to care for such a child) and for placement of a child for adoption or foster care if the employee and the employing department agree to such a schedule. Leave for a serious health condition (either an employee's or an immediate family member's) may be taken intermittently or on a reduced leave schedule when "medically necessary."

"Medically necessary" means there must be a medical need for the time off work which can be best accomplished through an intermittent or reduced leave schedule. An employee requesting intermittent time off work is required to submit a medical certification stating the reason why the intermittent time off work is necessary and the schedule for treatment, if applicable.

Once medical certification is received, intermittent time off work may be taken for absences when the employee is unable to perform the essential functions of the position or the immediate family member is incapacitated because of a chronic or serious health condition even if the employee or immediate family member does not receive treatment by a health care provider.

If leave is sought on an intermittent or reduced work schedule basis, medical certification from the health care provider must state:

- That intermittent or reduced work schedule leave is medically necessary;
- The probable duration of such a schedule;
- The duration and frequency of episodes of incapacity, if the condition is a chronic condition or pregnancy;
- The probably number and intervals of treatments, if treatments are required for the condition.

A Department Head may temporarily transfer an employee to an alternative position with equivalent pay and benefits, with the approval of Human Resources, which better accommodates the

employee's need for intermittent time off work and he/she is qualified to perform the job functions. An employee need not to consent to such a transfer; the Department Head, with the approval of Human Resources, has the right to involuntarily transfer the employee. Such temporary transfers will last only as long as the current medical certification allows. The City is not required or allowed to create a position solely for the purposes of accommodating the employee's new or modified schedule.

Employees who returns to work under CFRA on an intermittent schedule shall not accrue any paid time off during any unpaid period of leave and the City is not required to pay employees during CFRA leave. Upon return, employees may use vacation time or other accumulated paid leave, other than sick time. Sick time may only be used if the CFRA leave is for the employee's or an immediate family member's serious health condition, or otherwise qualifies under the City's sick leave provisions. The City will provide group health benefits to employees while on CFRA leave and upon their return during this time. Returning employees, working a reduced schedule, may begin accruing vacation, sick and holiday time on a pro-rated basis.

An employee is required to reasonably accommodate City/Department needs when scheduling medical treatments. The employee's (or applicable family member's) health care provider must approve the scheduling of such events and it should be provided in writing.

Determination of the Amount of Intermittent FMLA and CFRA Time Off:

Employees are not required to take leave continuously or as a whole for any qualifying reason under any leave type. If an employee takes intermittent leave or works a reduced schedule, the time off will be counted toward the designated leave(s) allowance(s). Therefore, when an employee takes FMLA/CFRA time off work on an intermittent or reduced schedule, only the amount of leave actually taken shall be counted toward the twelve (12) week FMLA/CFRA time limited to which an employee is entitled. For example, if a full-time employee who normally works eight (8) hours per day wants to work four (4) hours per day on a reduced schedule, he/she would use one half (1/2) week of FMLA/CFRA each week.

For an employee with a part-time schedule, or variable hours, the amount of intermittent leave to which an employee is entitled is determined on a pro rata or proportional basis by comparing the new schedule with the employee's normal schedule. For example, if an employee normally works 30 hours per week, works only 20 hours per week under a reduced leave schedule, the employee's ten (10) hours of leave would constitute one-third (1/3) of a week of FMLA/CFRA for each week the employee works the reduced leave schedule. Using this example, the City would be mandated to provide this employee the 36 weeks using the reduced leave schedule, if medically necessary.

If the employee's schedule varies from week to week, a weekly average of the hours worked over the twelve (12) weeks prior to the beginning of the leave period would be used for calculating the employee's normal workweek.

Insurance Coverage:

The City will continue to make the City's contribution for the group health plan premiums in order to maintain employee's health plan coverage (that is already in effect) during the twelve (12) weeks of FMLA/CFRA approved time off work. The employee is responsible to pay his/her share of group health insurance premiums on a monthly basis. Group health insurance includes medical, dental and vision insurance, if currently applicable. The employee's share of group health insurance premiums is the difference between the employee's group health coverage plan premium and the City's contribution. Employees are not entitled to receive any cash back on the flex benefits or cash out option during any unpaid leave.

Health insurance premium payments must be made directly to the City's Human Resources Department each month for the full premium amount of the employee's share.

If an employee is in a paid status during the FMLA/CFRA time off, the employee's share of payments for group health plan coverage will be paid through payroll deductions.

Employees who are on unpaid FMLA/CFRA time off work and/or employees who are simultaneously using leave under other provisions, such as Workers' Compensation, short- and long-term disability, are responsible to pay the employee's share of group health insurance premiums. The employee must contact Human Resources to set up proper payment.

If an employee chooses not to retain health coverage during an unpaid FMLA/CFRA leave, upon the employee's return to work, the employee's health coverage will be reinstated on the same terms as existed prior to the employee's taking the leave, subject to any change in the plan that occurs during the FMLA/CFRA leave.

Termination of Health Care Coverage:

If an employee's group health care coverage premium payment during the FMLA/CFRA leave is more than 30 days late, the employee's group health plan coverage will be terminated. However, other FMLA/CFRA rights will continue, including job restoration and restoration to equivalent benefits upon return-to-work. Employees will receive a written notice titled "Group Health Care Coverage Cancellation Notice," informing the employee of the late payment due and impending health coverage termination approximately fifteen (15) days prior to the group health care plan's termination.

Recovery of Health Insurance Premiums by the City:

The City will recover premiums paid for an employee's group health care coverage if the employee's FMLA/CFRA time off work has expired AND if the employee is no longer on an approved leave of absence AND if the employee's failure to return-to-work is for a reason other than the employee's or the employee's immediate family member's serious health condition or circumstances beyond the employee's control.

Employees are required to read and sign the "Authorization for Recovery of Group Health Coverage Premium" form at the time FMLA/CFRA time off work is initiated/designated.

Employee Entitlement to Continuation of Health Benefits under COBRA:

An employee who does not return to employment with the City at the end of the FMLA/CFRA time off work, will have the right to COBRA continuation coverage beginning on the last day of FMLA/CFRA time off work, if the following conditions are met:

An employee (or spouse or dependent child of the employee) is covered under a City group health plan on the day before FMLA/CFRA time off work begins; and

An employee (or spouse or dependent child of the employee) would, in the absence of COBRA coverage, lose coverage under the group health care plan.

The last day of FMLA/CFRA time off work is the end of the FMLA/CFRA period OR the date the employee informs his/her Department Head that he/she (i.e. the employee) will not be returning to work, whichever occurs first.

Any lapse in group health plan coverage during FMLA/CFRA time off work shall not affect the employee's right to COBRA continuation.

Effect of Unpaid FMLA/CFRA Time Off Work on Exempt Status Under FLSA:

Providing unpaid time off work required by the FMLA/CFRA will not result in the loss of the Fair Labor Standards Act (FLSA) exemption, for those employees who are exempt from overtime payments. Therefore, the City may make deductions from an exempt employee's salary (as a general rule, exempt employees are executive, administrative, and professional employees) for any hours taken as intermittent or reduced leave under the FMLA/CFRA without jeopardizing an employee's exempt status.

Americans with Disabilities Act (ADA) and FMLA/CFRA:

Under the ADA, a qualified individual with a disability is defined as a person with a disability who, with or without reasonable accommodation, can perform the essential functions of the job being

held or sought. A person is disabled if he/she is substantially limited in a major life activity. Department Heads and supervisors should first contact their HR Representative if they have received information or a request from the employee to have an accommodation made either before an employee returns from an approved leave or immediately upon his/her return from an approved leave. Under no circumstances should a Department Head or supervisor review an employee's medical information. Only the HR Representative will view the medical information when it is received from the health care provider, conduct the interactive process with the employee when necessary, and determine an employee's eligibility under ADA.

Government Code specifies various restrictions on an employer's ability to require medical or psychological testing or to ask disability-related questions. For existing employees, employers may require medical or psychological inquiries or examinations if job-related and consistent with business necessity. Disability-related questions can be required where there is an objective basis for believing that an employee may not be able to competently, or safely perform his/her job duties due to a disability.

Any City employee with a serious health condition, who is eligible for time off work under the FMLA/CFRA, and who is a qualified individual with a disability under the Americans with Disabilities Act (ADA), is entitled to his/her rights under both Acts (ADA and FMLA/CFRA). For example, a FMLA/CFRA eligible employee who is working part-time due to reasonable accommodation under the ADA may take FMLA/CFRA time off work for any of the qualifying reasons under FMLA/CFRA.

Workers' Compensation and the FMLA:

When an employee is injured on the job and the injury also results in a serious health condition that makes an employee unable to perform any one of the essential functions of the employee's position within the meaning of FMLA/CFRA, the employee may qualify for both Workers' Compensation and FMLA/CFRA (running together concurrently) if the reason for the absence is considered a qualifying reason under the designated leave statute(s).

Catastrophic Time Bank and FMLA/CFRA:

A City employee, who initiates the creation of catastrophic time bank for an applicable FMLA/CFRA qualifying reason and who receives donations of time from such a time bank, will have the resulting paid time off designated as FMLA/CFRA leave. Under these circumstances, time donated to the employee via the time bank program will be credited against an employee's twelve (12) week FMLA/CFRA time limitation, when available under policy.

Employee Protection Against Unlawful Employment Practices:

Any City employee who has used FMLA/CFRA leave, shall be protected against unlawful employment practices. It is unlawful to interfere with, restrain or deny any employee the ability to exercise or attempt to exercise any leave right granted under the provisions of the FMLA or CFRA, or for seeking to use PDL. It is similarly unlawful to discharge, discriminate or retaliate against an employee for exercising or attempting to exercise any leave right granted under the provisions of the FMLA or CFRA, or for seeking to use PDL.

It is also unlawful to discharge or discriminate against any employee because of giving information or testimony in connection with an inquiry or proceeding relating to a right provided by the law, opposing any lawful practice by the law, opposing any unlawful practice or filing a charge or instituting a proceeding under law.

FMLA is enforced by the Department of Labor (Wage and Hour Division) and the California Department of Fair Employment and Housing (DFEH), enforces CFRA. An employee may bring suit in the state or federal court within two (2) years of an alleged violation or within three (3) years if the violation is willful. An employee may also file a complaint with the Department of Labor and with the DFEH. Employee may file a complaint with the DFEH within one (1) year of the alleged violation.

FMLA/CFRA and Retirement Plans:

A City employee is entitled to the right of reinstatement to the same or equivalent position and equivalent benefits after the conclusion of unpaid FMLA/CFRA leave, including the retirement benefit plan under the California Public Employees Retirement System (CalPERS).

With respect to the City retirement plans, any period of unpaid FMLA/CFRA time off work must not be treated as or counted toward a break in service for purpose of vesting and eligibility to participate.

FMLA Posting Requirements:

All City departments are required to post the FMLA poster entitled, “Your Rights Under the Family and Medical Leave Act of 1993” in a conspicuous place, where notices to employees and job applicants are customarily posted.

Timekeeping and Coding:

Department Heads are responsible to ensure that leave time is properly coded and reported timely, and that leave time is tracked correctly in accordance with each statute. Communication between the employee on leave and the supervisor must be maintained throughout the leave and leave information must be reported promptly to payroll and the Human Resources Department representative. All leave information is required so that record-keeping requirements are met and to avoid possible grievances.

Recordkeeping:

The Human Resources Department is required to make, keep, and preserve records pertaining to the City’s compliance with the FMLA and CFRA regulations. These records must be maintained separate from the employee’s personnel file, the records must be maintained for at least three (3) years in accordance with regulations issued by the Department of Labor. The Department of Labor may require submission of the records for inspection.

Military Spouse Leave:

California Military and Veterans Code (Section 395.10) provides for up to 10 days of unpaid leave for spouses or registered domestic partners of military personnel who are home on leave from deployment during a period of military conflict. With supervisory approval, employees may use applicable leave banks such as vacation and compensatory time during this leave. Employees must work an average of 20 hours or more per week to qualify for this type of leave.

In order to apply for this leave, employees must provide notice of their intention to take leave within two (2) business days of receiving official notice that the military member will be home on deployment leave. The employee must submit written documentation certifying that the military member’s deployment leave will occur simultaneously with the request for leave time.

Unpaid Leaves:

Unless otherwise provided for herein, no employee on leave shall be in an unpaid status unless all accumulated and available leave balances have been exhausted, when applicable.

Jury Duty:

Regular employees who are summoned for attendance to any court for jury duty during normal working hours are considered to be on duty and there will be no loss of wages. Employees must submit proof of jury duty to supervisor/manager upon request. Employees who are called as witnesses arising out of and in the course of their City employment are deemed to be on duty and there shall be no loss of wages. Mileage fees may be retained by the employee but any jury or witness fees received must be turned in to the Finance Department, so as to ensure that the employee is not compensated at a rate higher than 100% of their standard wage.

Bereavement Leave:

Eligible employees may receive up to five (5) days of paid leave because of the death of a member of an employee’s immediate family. For the purposes of this policy, immediate family is an

employee's spouse or registered domestic partner, son, daughter, father, mother, grandfather, grandmother, brother, sister, in-laws, or any other person who was at least 50% financially dependent on the employee. With the approval of the City Manager, additional leave may be granted for bereavement.

Paid Sick Leave:

Effective July 1, 2015, full time, part time and seasonal employees may be entitled to California Paid Sick Leave pursuant to California law. To be eligible for California Paid Sick Leave, employees must work in California for 30 or more days within a year of their hire date.

Lump Sum of Leave. Employees are provided with 30 hours of California Paid Sick Leave at the beginning of each year (on January 1). An employee may use accrued paid sick days beginning on the 90th day of employment. Any unused California Paid Sick Leave will expire at the end of each year on December 31. Employees hired after July 1st will receive a pro-rated lump sum amount of California Paid Sick Leave upon hire.

Basic Leave Entitlement: California Paid Sick Leave may be taken for the below prescribed purposes:

- The diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee's family member; or
- To attend legal proceedings, or to obtain medical treatment, counseling or other victims' services for domestic violence, sexual assault, or stalking.

A "family member" for these purposes is defined as a child (a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis), a parent (a biological, adoptive or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child), a spouse or registered domestic partner, a grandparent, grandchild and sibling. Additionally, California Paid Sick Leave may be used for an employee who is a victim of domestic violence, sexual assault or stalking.

Separation of Employment: Upon separation of employment from the City (voluntary termination, involuntary termination, etc.) employees are not entitled to be compensated for unused California Paid Sick Leave. However, previously unused paid sick days must be reinstated if an employee separates from employment and then is rehired within one year.

Increments: Employees may use California Paid Sick Leave in one-hour increments.

Notice: To the extent possible, employees must provide reasonable advance notice of their need for California Paid Sick Leave under this policy. If the need for leave is not foreseeable, an employee must provide notice as soon as practicable.

Benefits Continuation: California Paid Sick Leave under this policy will not constitute a break in the employee's continuous service for the purpose of benefits and seniority.

Relationship with Other Leave Policies: If a law or regulation provides for greater accrual or use of sick days, the law, regulation or policy with the greater protection may apply. For questions regarding the interplay between your entitlement to leave under other laws or regulations and your entitlement to leave under the Act, please contact the Human Resources Department.

Job Restoration: Upon expiration of California Paid Sick Leave, an employee will generally be reinstated to his or her position with equivalent seniority, benefits, pay and other terms and conditions of employment.

Technical Assistance/Questions:

The Human Resources Department can be contacted for any FMLA/CFRA related question and for assistance on a case-by-case basis.

Department Name: Human Resources Department
Address: Post Office Box 707, Avalon, CA 90704
Telephone: (310) 510-0220 ext. 177

APPENDICES

- A. USAGE of ACCRUED TIME***
- B. COMPARISON OF LEAVES CHART***
- C. ACKNOWLEDGEMENT OF LEAVES POLICY***

APPENDIX A

Usage of Accrued Time Authorized for a Paid Family and Medical Leave

| Qualifying Reason | Type of Paid Time | Family and Medical leave Act (Max: 12 Weeks) FMLA (Federal) | California Family Rights Act (Max: 12 Weeks) CFRA (Ca State) | Fair Employment & Housing Act Pregnancy Disability (Max: 4 Months) FEHA (CA State) | Military Family Leave (Max: 26 Weeks) FMLA (Federal) |
|---------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------------------------------------------------|---------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| Employee's Serious Illness Non-Pregnancy Related | Accrued Sick Leave | Required | Required | Qualifying Reason N/A under this statute | Required |
| | Accrued Vacation | Required | Required | Qualifying Reason N/A under this statute | Required |
| | Accrued Holidays | Required | Required | Qualifying Reason N/A under this statute | Required |
| | Accrued Comp Time | Employee's Option | Employee's Option | Qualifying Reason N/A under this statute | Employee's Option |
| Employee's Serious Illness Pregnancy related condition, including prenatal care and severe morning sickness. | Accrued Sick Leave | Required | Qualifying Reason N/A under this statute | Required | Required |
| | Accrued Vacation | Required | Qualifying Reason N/A under this statute | Employee's Option | Required |
| | Accrued Holidays | Required | Qualifying Reason N/A under this statute | Employee's Option | Required |
| | Accrued Comp Time | Employee's Option | Qualifying Reason N/A under this statute | Employee's Option | Employee's Option |
| Family's Serious Illness Spouse, domestic partner, child, or parent. | Accrued Sick Leave | Required | Employee's Option | Qualifying Reason N/A under this statute | Required |
| | Accrued Vacation | Required | Required | Qualifying Reason N/A under this statute | Required |
| | Accrued Holidays | Required | Required | Qualifying Reason N/A under this statute | Required |
| | Accrued Comp Time | Employee's Option | Employee's Option | Qualifying Reason N/A under this statute | Employee's Option |
| Birthing/Bonding w/Child, newborn, newly adopted, newly placed foster child. | Accrued Sick Leave | Required | Required | Qualifying Reason N/A under this statute | Required |
| | Accrued Vacation | Required | Required | Qualifying Reason N/A under this statute | Required |
| | Accrued Holidays | Required | Required | Qualifying Reason N/A under this statute | Required |
| | Accrued Comp Time | Employee's Option | Employee's Option | Qualifying Reason N/A under this statute | Employee's Option |

APPENDIX B

COMPARISON OF LEAVES CHART

When an employee is eligible and qualified under more than one leave type, the leaves may run concurrently with one another depending upon the provisions each has to offer the employee. When leaves run concurrently, administering the leave becomes more difficult. Below are some examples of how leaves can run concurrent.

| STATUTE | OCT | NOV | DEC | JAN | FEB | MARCH | APRIL | MAY | JUNE | JULY | AUG | SEP |
|------------------------------------|-----|-----|-----|-----|-----|-------|-------|-----|------|------|-----|-----|
| FMLA (12 WEEKS MAX) | | | | | | | | | | | | |
| CFRA (12 WEEKS MAX) | | | | | | | | | | | | |
| FEHA (4 MONTHS MAX) | | | | | | | | | | | | |

In the above example, the eligible employee is disabled by pregnancy for two months and then requests the maximum amount of leave to care for the newborn. FMLA and FEHA can run concurrently and the FMLA and CFRA can run concurrently because of their similar qualifying reasons. CFRA and FEHA cannot run concurrently because they do not cover the same qualifying reason.

= Serious Illness of Employee/Family Member

= Birth/Bonding

(A) (Previous 12-month period)

| STATUTE | OCT | NOV | DEC | JAN | FEB | MARCH | APRIL | MAY | JUNE | JULY | AUG | SEP |
|------------------------------------|-----|-----|-----|-----|-----|-------|-------|-----|------|------|-----|-----|
| FMLA (12 WEEKS MAX) | | | | | | | | | | | | |
| CFRA (12 WEEKS MAX) | | | | | | | | | | | | |
| FEHA (4 MONTHS MAX) | | | | | | | | | | | | |

(A) In this example, in the previous 12-month period, the eligible employee was disabled by pregnancy for 4 months and then requested maximum leave to care for a newborn. FMLA and FEHA run concurrently because the qualifying reason is the same. CFRA is then used to care for the newborn. FMLA also covers caring for a newborn, but in this example, the maximum allowed time under FMLA has already been used (for the employee’s illness) during the qualifying 12-month period. When a qualifying reason is the same under more than one leave type, the leave runs concurrent during the same qualifying leave period.

(B) (Current 12-month period)

| STATUTE | OCT | NOV | DEC | JAN | FEB | MARCH | APRIL | MAY | JUNE | JULY | AUG | SEP |
|------------------------------|-----|-----|-----|-----|-----|-------|-------|-----|------|------|-----|-----|
| FMLA (12 WEEKS MAX) | | | | | | | | | | | | |
| CFRA (12 WEEKS MAX) | | | | | | | | | | | | |
| FEHA (4 MONTHS MAX) | | | | | | | | | | | | |

(B) In the current 12-month period, the employee requests the maximum leave to care for an ill spouse. Looking back in the previous period, it appears that both the qualifying time with the employer, and presumably, the qualifying hours worked, meet the requirements for FMLA and CFRA. Although the CFRA column shows a break in the qualifying 12-month period (because of the previous leave), the employee may still be eligible because both FMLA and CFRA regulations state that the time with the employer and the hours worked need not to be consecutive.

APPENDIX C

**ACKNOWLEDGMENT OF CITY OF AVALON
LEAVES POLICY**

I, the undersigned employee hereby certify that I have been furnished with a copy of the City of Avalon's Leaves Policy and that I have read and understand same. I am fully aware, and agree that I may be discharged or otherwise disciplined for any violation by me of said Policy.

Name: _____

Department: _____ Job Title: _____

Signature: _____ Date: _____