County of Monterey
Board Policy Manual

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I. Purpose

The purpose of the policy is to provide County employees and departments/agencies with information about the federal and state laws, and local regulations, rules, and agreements that govern family care and medical leaves of absences for eligible employees. The information in this policy describes eligibility requirements for family care and medical leave, the amount of leave under the federal and State laws and the process for applying for leave and the benefits that will be available during approved times of family care and medical leave.

The laws addressed by this policy include the Family and Medical Leave Act (FMLA), which is the federal law, and the California Family Rights Act (CFRA) and Pregnancy Disability Leave (PDL) statutes, which are State entitlements and obligations, and those laws as they may be amended from time to time. Should this policy conflict with amended laws, rules or agreements, those laws, rules, or agreements shall supersede.

II. Definitions

a) "12-month period" means a rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken, consistent with federal law.

b) "Single 12-month period" means a 12-month period that begins on the first day the eligible employee takes FMLA leave to take care of a covered service member and ends 12 months after that date.

c) "Child" means a child under the age of 18 years of age, or a dependent child 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's dependent child is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, foster, or stepchild.

A child is "incapable of self-care" if he/she requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living or instrumental activities of daily living — such as, caring for grooming and hygiene, bathing, dressing and

eating, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, etc.

d) “Parent” means the biological, adoptive, step, or foster parent of an employee, or an individual who stands or stood in loco parentis (in place of a parent) to an employee when the employee was a child. This term does not include parents-in-law.

e) “Spouse” means a husband or wife as defined or recognized under federal or State law for purposes of marriage.

f) “Domestic Partner,” is a Registered Domestic Partner as defined by Family Code §§ 297 and 299.2, shall have the same meaning as “Spouse” for purposes of CFRA Leave.

g) “Serious health condition” means an illness, injury, impairment, or physical or mental condition that involves:

1. Inpatient Care (i.e., an overnight stay or, under CFRA, an expectation of an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., inability to work, or perform other regular daily activities due to the serious health condition, treatment involved, or recovery), or any subsequent treatment in connection with such inpatient care; or

2. Continuing treatment by a health care provider: A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

    i. A period of incapacity (i.e., inability to work, or perform other regular daily activities) due to a serious health condition of more than three full consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
        1. Treatment two or more times, by a health care provider, by a nurse, or by a provider of health care services (e.g., a physical therapist) under orders of, or on referral by a health care provider; or
        2. Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.

    ii. Any period of incapacity due to pregnancy or for prenatal care. (This entitles the employee to FMLA/PDL leave, not CFRA leave).

    iii. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
        1. Requires periodic visits (defined as at least twice a year) for treatment by a health care provider or by a nurse or physician’s assistant under direct supervision of a health care provider;

2. Continues over an extended period of time (including recurring episodes of a single underlying condition); and
3. May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). Absences for such incapacity qualify for leave even if the absence lasts only one day.
4. A period of incapacity that is permanent or long term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.
5. Any period of absence to receive multiple treatments (including any period of recovery) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

3. Conditions for which voluntary or cosmetic treatments are administered (such as most treatments for acne or plastic surgery) that are not medically necessary are not serious health conditions unless inpatient hospital care is required or unless complications develop.

h) "Health Care Provider" means a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices or any other person capable of providing health care services under the FMLA.

i) "Covered active duty" means: (1) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country, or (2) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of member of the Armed Forces to a foreign country under a call or order to active duty in support of a contingency operation.

j) "Covered service member" means (1) 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; or (2) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (and discharged under conditions other than dishonorable), including a member of the National Guard or Reserves, at any time during the period of five years preceding the first date on which the employee takes FMLA leave to care for the veteran undergoing such medical treatment, recuperation, or therapy.

k) <u>“Outpatient status”</u> means, with respect to a covered service member who is a current member of the Armed Forces, the status of a member of the Armed Forces assigned to either: (1) a military medical treatment facility as an outpatient; or (2) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

l) <u>“Next of kin of a covered service member”</u> means the nearest blood relative other than the covered service member’s spouse, parent, son, or daughter, in the following order of priority: Blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated, in writing, another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. In such case, such designated individual will be the service member’s only next of kin for purposes of this policy.

m) <u>“Serious injury or illness”</u> means (1) in the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; or (2) in the case of a covered service member who is a veteran means a qualifying injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran and qualifies under the FMLA.

n) <u>“Qualifying exigency leave”</u> means a leave involving a covered military member for:

1. Short-notice deployment (up to 7 calendar days from date of notice)
2. Military events and related activities
3. Childcare and school activities
4. Financial and legal arrangements
5. Counseling
6. Rest and recuperation
7. Post-deployment activities
8. Additional activities that arise out of active duty as agreed to by the County and employee

To be a covered military member, such individual must be a member of the Armed Forces (including the National Guard and Reserves) called to “active duty” (as defined in § 825.126(b)(2) of the Code of Federal Regulations) in a foreign country.

o) "Pregnancy Disability Leave" or "PDL" means leave in accordance with the California Pregnancy Disability Act (California Code Section 12945), entitling an eligible employee to unpaid leave and job and benefits protection on account of a disability due to pregnancy, pregnancy-related medical reasons, or for childbirth. PDL allows up to 4 months of leave for pregnancy-related disabilities for each pregnancy, pro-rated according to the eligible employee's established work schedule. If medically necessary, an eligible employee may take PDL on an intermittent or reduced work schedule.

III. Policy

It is the intent of the County to comply with applicable federal and state laws and local regulations, rules and agreements that govern family care and medical leaves of absence for eligible employees, as they may be amended from time to time. Should this policy conflict with amended laws, rules or agreements, those laws, rules, or agreements shall supersede.

a) Eligibility Criteria

An employee is eligible for FMLA or CFRA leave if the employee:

1. Has been employed by the County at least 12 months in the previous 7 years; and
2. Has worked for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.
3. Has a qualifying serious health condition or family circumstance which is covered by FMLA/CFRA.

Employees disabled due to pregnancy, childbirth or related medical conditions are immediately eligible for PDL leave.

b) Reasons for Leave

Under this policy, Family Care and Medical Leave is permitted for the following reasons:

1. The birth of a child or to care for a newborn of an employee;
2. The placement of a child with an employee in connection with the adoption or foster care of a child;
3. Leave to care for a child, parent, spouse, or registered domestic partner who has a serious health condition;
4. Effective January 1, 2021, leave to care for an adult child, grandparent, grandchild, or sibling who has a serious health condition (only applies under CFRA);
5. Leave because of a serious health condition that makes the employee unable to perform the functions of his/her position (leave taken for disability on account of pregnancy, childbirth, or related medical conditions may only be taken under FMLA or PDL, not CFRA);
6. Leave for a "qualifying exigency" may be taken arising out of the fact that an employee's spouse, son, daughter, or parent is on covered military active duty or called to active duty status (under FMLA only effective January 1, 2021 leave can be taken under CFRA); or to care for a spouse, son, daughter, parent, registered domestic partner, or "next of kin" who is a covered service member of the United States Armed Forces who has a serious injury or illness incurred in the line of duty while on active military duty or

that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces ("military caregiver leave") (under FMLA only, effective January 1, 2021 leave can be taken under CFRA).

c) Amount of Leave

1. FMLA and CFRA Leave

Under the FMLA and CFRA, eligible employees are entitled to up to 12 work weeks of leave during a 12-month period. Effective January 1, 2021, the commencement of the 12-month period is measured forward from the date an employee's first FMLA/CFRA leave begins ("rolling" 12-month period).

- Full-time employees, who work an 80-hour schedule per biweekly pay period, are entitled to up to 480 hours of FMLA/CFRA leave in a 12-month period.
- Part-time employees will have their FMLA/CFRA period prorated to the employee's regular workweek. For example: If an employee regularly works 64 hours per pay period (4/5ths time), they are entitled to up to 384 hours of FMLA/CFRA leave. If an employee works 40 hours per pay period (half time), that employee is entitled to up to 240 hours of FMLA/CFRA leave.

2. Examples in Which FMLA will not run Concurrent with CFRA

- Leave granted under the FMLA runs concurrently with CFRA and PDL. However, in the event an employee takes her entire four months of PDL leave, such employee may still be entitled to a CFRA leave of up to 12 weeks if she meets the eligibility requirements for CFRA leave. Leave shall not extend beyond an established separation date.

- Effective January 1, 2021, an employee may take up to 12 weeks of leave under CFRA to care for an adult child, grandchild, grandparent, or sibling with a serious health condition. This leave is not applicable under FMLA.

3. Military FMLA Leave

If an employee is eligible for military caregiver leave, such employee will be entitled to a total of 26 workweeks (1040 hours) of leave during any 12-month period. Where FMLA leave qualifies as both military care giver leave and care for a family member with a serious health condition, the leave will be designated as military care giver leave.

4. Intermittent Leave and Reduced Work Schedules

FMLA and/or CFRA leave taken for reason of the birth, adoption, or foster care placement of a child with the employee does not have to be taken in one continuous period of time. However, leave(s) taken must be concluded within one year of the birth or placement of the child with the employee.

FMLA/CFRA/PDL leave usually will be taken for a period of consecutive days, weeks or months. The basic minimum duration of such leave is two weeks. However, the employee may request for leave for at least one day but less than two weeks' duration on up to two occasions.

Where FMLA and/or CFRA leave is taken for a serious health condition of the employee's child, parent, or spouse (adult child, grandchild, grandparent, sibling only under CFRA) or the employee, the leave may be taken intermittently or on a reduced work schedule when medically necessary, as determined by the health care provider of the person with the serious health condition. However, for absences where the employee is incapacitated or unable to perform the essential functions of the position, or to care for a family member because of a chronic serious health condition, leave may be taken intermittently or on a reduced work schedule, even if such individual does not receive treatment by a health care provider. Employees who need intermittent or reduced-schedule leave for planned medical treatment must make a reasonable effort to schedule the treatment not to unduly disrupt County operations.

5. Spouses or Parents Both Employed by the County of Monterey

In any case in which both spouses or parents are employed by the County of Monterey, each of the spouses or parents will be entitled to 12 workweeks of FMLA during any 12-month period for the following reasons:

- the birth of a son or daughter and bonding with the newborn child; and
- the placement of a son or daughter with the employee for adoption or foster care and bonding with the newly placed child.

In addition, in any case in which both spouses or parents are employed by the County of Monterey, such spouses or parents will be limited to a combined total of 26 workweeks of leave in a single 12-month period to care for a covered service member with a serious injury or illness if each employee is a parent, spouse, son or daughter, or next of kin of the service member. When spouses or parents take military caregiver leave as well as other FMLA leave in the same leave year, each spouse or parent is subject to the combined limitations for the reasons for leave listed above.

Except as noted above, this limitation does not apply to any other type of leave under this policy.

d) Employee Benefits While on Leave

Leave under this policy is unpaid by the County. While on leave, employees are entitled to coverage under any group health plan of the County of Monterey in which they are enrolled at the same level and under the same conditions as coverage would have been provided to such employee had he or she not taken leave under this policy. In addition, and separate from this

benefit entitlement, employees are entitled to such benefit coverage during the duration of any PDL leave.

Employees will be responsible for their share (if any) of the premium costs of health benefits and for all out-of-pocket insurance costs, costs for optional benefits, life insurance, and union dues during leave. Employees may make the appropriate contributions for continued premium payments for health benefit plans, optional benefits, and life insurance by payroll deductions or direct payments made to these plans. Depending on the particular plan, the County of Monterey will inform the employee whether the premiums should be paid to the carrier or to the County. Employee coverage on a particular plan may be dropped if the employee is more than 30 days late in making a premium payment. However, the employee will receive a notice at least 15 days before coverage is to cease, advising the employee that he or she will be dropped if the premium payment is not paid by a certain date. Employee contribution rates are subject to any change in rates that occurs while the employee is on leave. Payments through payroll deduction established for purchase of service credit or other personal purposes are the responsibility of the employee.

If an employee fails to return to work after his/her leave entitlement has been exhausted or expires, the County of Monterey shall have the right to recover any uncollected employee share of costs. This includes health plan premiums, optional benefits, or life insurance for the entire leave period, unless the employee does not return because of a continuation, recurrence, or onset of a serious health condition of the employee or his/her family member that would entitle the employee to extend the current leave. The County shall have the right to recover any uncollected premiums or share of costs paid on behalf of the employee while on leave through deduction from any sums due the employee (e.g. unpaid wages, vacation pay, etc.).

e) Substitution of Paid Accrued Leaves

While on leave under this policy, the County requires an employee to concurrently use paid sick leave and accrued leaves (including vacation, annual leave, floating holiday, eco holiday leave, professional leave, Paid Time Off ("PTO"), supervisory leave, administrative leave, and compensatory time, etc.) for otherwise unpaid FMLA, CFRA and/or PDL leaves with the following exceptions:

1. When an employee is on CFRA leave for reasons other than the employee's own serious health concern, the employee may choose whether to use sick leave.

2. When an employee is on PDL leave solely, the County requires the use of accrued sick leave. The employee may choose to use any other accrued leave after sick leave (if any) has been exhausted or go unpaid.

3. When an employee is on FMLA/CFRA leave for the employee's own serious health condition if the employee provides proof of disability pay through a short-term or long-

term disability plan or receiving a partial wage replacement benefit (including State Disability Insurance ("SDI") benefits from the State of California), the employee may use sick leave first and then elect to use other accrued leaves to augment these benefits to the level of their regular salary (process known as "integration"). The County cannot require such employee to exhaust accrued leaves before accessing disability/wage replacement benefits.

4. When an employee is on CFRA leave to care for the serious health condition of a family member or to bond with a new child during such time that they are receiving Paid Family Leave ("PFL") wage replacement benefits from the State of California, the employee may choose whether to use sick or other accrued leaves.

5. Employees receiving SDI, PFL or Workers' Compensation benefits are required to integrate their sick leave and/or accrued leaves with the SDI, PFL, or Workers' Compensation, unless FMLA and/or CFRA applies, in which case the employee may elect not to integrate.

If an employee takes a leave of absence for any reason which is FMLA/CFRA qualifying, the County of Monterey may designate that non-FMLA/CFRA leave as running concurrently with the employee's 12-week FMLA/CFRA leave entitlement (e.g. FMLA/CFRA would run concurrent with Workers' Compensation). This does not apply to peace officers who are on leave pursuant to Labor Code § 4850.

If an employee requests to utilize accrued vacation leave or other accrued paid time off, other than accrued sick leave, without reference to a FMLA/CFRA-qualifying purpose, the County of Monterey may not ask the employee if the leave is or may be for a FMLA/CFRA-qualifying purpose. However, if the County of Monterey denies the employee's request and the employee provides information that the requested time off is for an FMLA/CFRA-qualifying purpose, the County of Monterey may inquire further into the reason for the absence. If the reason is FMLA/CFRA-qualifying, the County of Monterey may require the employee to exhaust accrued leave as described above.

f) <u>Medical Certification</u>

Employees who request leave for their own serious health condition, or to care for a child, parent, spouse, or registered domestic partner who has a serious health condition, must provide written certification from the health care provider of the individual requiring care if requested by the County of Monterey or as specified below.

If the leave is requested because of the employee's own serious health condition, the written certification must include a statement that the employee is unable to work at all or is unable to perform the essential functions of his/her position. It must also include a date it is anticipated the employee will be able to return to work.

Employees who request leave to care for a covered service member who is a child, spouse, or registered domestic partner, parent, or “next of kin” of the employee must provide written certification from a health care provider regarding the injured service member’s serious injury or illness.

The first time an employee requests leave because of a qualifying exigency, an employer may require the employee to provide a copy of the covered military member’s active duty orders or other documentation issued by the military which indicates that the covered military member is on covered active duty or called to active duty status in a foreign country, and the dates of the covered military member’s active duty service. A copy of new active duty orders or similar documentation shall be provided to the employer if the need for leave because of a qualifying exigency arises out of a different active duty or call to active duty status of the same or a different covered military member.

1. <u>Time to Provide a Certification</u>
When an employee's leave is foreseeable, the employee must provide the County of Monterey with at least 30 days’ advance notice of the leave. If 30 days’ notice is not practicable, notice should be given to the County of Monterey as soon as practicable. The employee must provide the required medical certification before the leave begins. When this is not possible, the employee must provide the requested certification to the County of Monterey within the time frame requested by the County of Monterey (which will be at least 15 calendar days after the County of Monterey’s request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good-faith efforts. Requests for leave extensions should be submitted at least five days prior to the estimated return-to-work date on the previous medical certification.

2. <u>Consequences for Failure to Provide an Adequate or Timely Certification</u>
If an employee provides an incomplete medical certification, the employee will be given a reasonable opportunity to cure any such deficiency. However, if an employee fails to provide a medical certification within the time frame established by this policy, the County of Monterey utilization of FMLA/CFRA leave may be delayed until the required certification is provided.

3. <u>Second and Third Medical Opinions</u>
If the County of Monterey has a good-faith objective reason to doubt the validity of a certification for the employee’s own health condition, the County of Monterey may require a medical opinion of a second health care provider chosen and paid for by the County of Monterey. If the second opinion is different from the first, the County of Monterey may require the opinion of a third provider jointly approved by the County of Monterey and the employee but paid for by the County of Monterey. The opinion of the third provider will be binding. An employee may request a copy of the health care provider’s opinions when there is a second or third medical opinion sought.

4. Intermittent Leave or Leave on a Reduced Work Schedule

If an employee requests leave intermittently (a few days or hours at a time) or on a reduced work schedule to care for an immediate family member with a serious health condition, the employee must provide medical certification that such leave is medically necessary. “Medically necessary” means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced work schedule. Ongoing intermittent leave requests require updated medical certification at least annually and may be required on a more frequent basis.

g) Employee Notice of Leave

Although the County of Monterey recognizes that emergencies arise which may require employees to request immediate leave, employees are required to give as much notice as possible of their need for leave. Except for qualifying exigency leave, if leave is foreseeable, at least 30 days’ notice is required. In addition, if an employee knows that he/she will need leave in the future, but does not know the exact date(s) (e.g. for the birth of a child or to take care of a newborn), the employee shall inform his/her supervisor as soon as possible that such leave will be needed. Such notice shall be given in writing. If the County of Monterey determines that an employee’s notice is inadequate or untimely, the County of Monterey may delay the granting of the leave until it can, in its discretion, adequately cover the position with a substitute. If the leave is for an elective procedure, the County may delay granting the leave until low workload season or until they can adequately cover the position.

The initial notice by the employee does not need to specifically include terms such as FMLA, CFRA, and/or PDL. However, the employee must provide sufficient information so that his or her manager/supervisor is aware that a serious health condition or other qualifying event exists.

For foreseeable leave due to a qualifying exigency, an employee must provide notice of the need for leave as soon as practicable, regardless of how far in advance such leave is foreseeable.

If the employee needs additional leave time following the exhaustion of available leave time under FMLA/CFRA/PDL, the employee may request an Official Leave of Absence for a period not to exceed six months (including leave time already used) or until all leave accruals are exhausted. Application for additional leave must be made at least five workdays prior to expiration of the current leave, unless circumstances make such advance request impossible. If the employee is unable to meet this deadline, the employee must contact the Departmental Benefits Coordinator or Human Resources Department to request an extension.

When an employee requests FMLA/CFRA leave, or when the County of Monterey acquires knowledge that an employee’s leave may be for an FMLA/CFRA qualifying reason, the County of Monterey shall notify the employee of his/her eligibility to take such leave within five business days, absent extenuating circumstances.

h) Return from FMLA/CFRA Leave

1. Right to Reinstatement

Upon expiration of leave, an employee is entitled to be reinstated to the classification of employment held when the leave commenced, or to an equivalent classification with equivalent employment benefits, pay, and other terms and conditions of employment, as may be consistent with applicable law at the time of return to work.

If a definite date of return has been agreed upon at the beginning of the FMLA/ CFRA leave, the employee will be reinstated on the date agreed upon. If the return date differs from the original agreement of the employee and the County of Monterey, the employee will be reinstated within two business days, where feasible, after the employee notifies the employer of his/her readiness to return.

Employees have no greater rights to reinstatement, benefits, and other conditions of employment than if the employee had been continuously employed during the FMLA/CFRA period. For example, if a shift has been eliminated, or overtime has been decreased, an employee would not be entitled to return to work that shift or the original overtime hours. If an employee is laid off during the period of leave, the County of Monterey's responsibility to continue leave, maintain group health plan benefits, and reinstate the employee ceases at the time the employee is laid off, provided no continuing obligations under a collective bargaining agreement or otherwise exist.

2. Employee's Obligation to Periodically Report on Their Condition

Employees may be required to periodically report on their status and intent to return to work. This will avoid any delays to reinstatement when the employee is ready to return. If an absence is greater than thirty days, the employee may be required to report on their status monthly.

3. Return to Work Certification

As a condition of reinstatement of an employee whose leave was due to the employee's own serious health condition, which made the employee unable to perform his/her job, the employee must obtain and present a Return to Work certification from the health care provider that the employee is able to resume work. For Return to Work Certification with an intermittent or reduced-work schedule, an end date or further certification will not be required. In such case, the County of Monterey shall not request such certification more than once every 30 days. Failure to provide a Return to Work Certification will result in denial of reinstatement.

4. Reinstatement of "Key Employees"

The County of Monterey may deny reinstatement to a "key" employee (i.e., a salaried employee who is among the highest paid ten percent of all employed by the County of Monterey within 75 miles of the employee's work site) if such denial is necessary to

prevent substantial and grievous economic injury to the operations of the County of Monterey, and the employee is notified of the County's intent to deny reinstatement on such basis at the time the employer determines that such injury would occur.

i) Return from PDL

Upon expiration of PDL, an employee is entitled to be reinstated to the same position of employment held when the leave commenced. If the same position is no longer available for legitimate business reasons unrelated to the PDL, as in the case of a layoff or unit closure, generally the employee will be entitled to be returned to a comparable position with comparable employment benefits, pay, and other terms and conditions of employment, in accordance with PDL regulations.

j) Outside Employment While on Leave

While on an approved Leave of Absence (of any type), employees are prohibited from working secondary jobs, if the duties performed are the same or substantially similar to the ones performed under employment by the County of Monterey, regardless if a Declaration of Outside Employment has previously been approved.

IV. Required Forms

Employees must return the appropriate required documents in connection with leave under this policy:

1. Leave of Absence Request Form (if employee is unable to prepare the form then the County of Monterey will prepare it on their behalf). NOTE: Employees will receive from the County of Monterey a Notice of Eligibility and Notice of Designation that sets any conditions of the leave.

2. Medical certification—either for the employee's own serious health condition or for the serious health condition of a child, parent, spouse, or domestic partner.

3. Benefit Election Form authorizing payroll deductions for benefit plan coverage continuation.

4. Return to Work Certification.

V. Review Date

a. This Policy will be reviewed for continuance by March 21, 2026.

VI. Board Action

a. Legister File No. RES 21-076, March 16, 2021.