**POLICY TITLE: California Family Rights Act Leave**

**POLICY NUMBER: 3427**

3427.1 The purpose of this policy is to clarify how [District] will implement the California Family Rights Act (CRFA). The provisions of the [title of contract or MOU with union and/or employee association] shall prevail, notwithstanding the contents of this policy, unless said provisions are in conflict with the CFRA.

3427.2 Eligibility. All full-time and part-time [District] employees are eligible if:

1. They have been employed by [District] for at least twelve (12) months; and
2. They have been employed for at least 1,250 hours of services during the 12-month period immediately preceding the commencement of the leave.

3427.3 Leave Description. CFRA leave may be taken for the following reasons:

1. The birth of a child of the employee or the placement of a child with an employee in connection with adoption or foster care; or
2. The care for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner who has a serious health condition. A serious health condition is defined as an illness, injury, impairment, or physical or medical condition that warrants the participation of a family member to provide care during a period of the treatment or supervision of the parent, spouse or child and involves either inpatient care in a hospital, hospice or residential health care facility or continuing treatment or continuing supervision by a health care provider; or
3. The employee’s own serious health condition. A serious health condition is defined as an illness, injury, impairment or physical or mental condition that prevents the employee from performing the functions of his/her position which involves either inpatient care in a hospital, hospice or residential health care facility or continuing treatment or continuing supervision by a health care provider.
4. Employees are entitled to time off for certain absences relating to any “qualifying exigency,” as set form in Section 3303.2 of the Unemployment Insurance Code, because the employee is the spouse, registered domestic partner, son, daughter, or parent has been notified of an impending call or order to active duty.
5. CFRA leave is unpaid, unless the employee substitutes accrued paid time off, or [the District] and the employee agree to permit the use of sick time in connection with the birth, adoption, or foster care of a child, or to care for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner with a serious health condition.

3427.4 Duration of Leave

1. CFRA leave shall not be granted for more than twelve (12) weeks in a 12-month period, beginning from the date when the leave first commenced.
2. For CFRA leave taken for reason of the birth, adoption or foster placement of a child, the leave shall

conclude within one year of the birth or placement of the child with the employee.

1. [The District] may require the employee to use any accrued vacation during this period.

3427.5 Application and Certification

1. Application for CFRA leave, or an extension of said leave, shall be made in writing [the District/Manager] Whenever possible, the employee shall give thirty (30) days written notice of any request for CFRA leave. If the employee first learned of the event for which CFRA leave is requested less than thirty (30) days before the requested start of the leave, the employee shall provide reasonable advanced notice, and as much advance notice as is possible. The request for CFRA leave shall state the reason for the CFRA leave, the date the CFRA leave will begin, and the probable date of return. The employee need not, however, disclose the nature of the medical condition
2. Upon application for CFRA leave to care for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner with a serious health condition, the employee must provide a certification from the health care provider of the individual requiring care. The medical certification must indicate that the serious health condition warrants the participation of a family member to provide care for the individual requiring the care, and an estimate of the amount of time that the health care provider believes the employee needs to care for the individual requiring the care.

3427.6 As used in this section, the term “child” includes biological, adopted, foster, stepchild, legal ward, a child of a domestic partner, or a child of a person standing in loco parentis (responsible as a parent) who is either under eighteen (18) years of age or an adult dependent child. An adult dependent child is an individual who is eighteen (18) years of age or older and who is incapable of self-care because of a mental or physical disability. The term “parent” includes a biological, foster, adoptive, stepparent, legal guardian, or other person standing in loco parentis (responsible as a parent) to a child, but does not include parent-in-law or grandparent.

3427.7 All employees returning from an approved CFRA leave shall be provided the same or comparable position with the same or similar duties and pay which can be performed at the same or similar geographic location as the position held prior to the leave, provided the CFRA leave has not exceeded the twelve (12) week limit.