

## **Section 11. Leave (Paid/Unpaid)**

### **11.0 General Information**

In accordance with State and Federal regulations, MCWD will continue to pay MCWD's normal contribution of the employee only health benefits for the first twelve (12) weeks of a disability-related leave of absence under the Family Medical Leave Act (FMLA), California Family Rights Act (CFRA) and Pregnancy Disability Act (PDA). The normal MCWD-paid premiums for benefits for all other leaves of absence will continue only through the end of the month in which the leave begins. Subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible, and except where otherwise mandated by State or Federal law. In these cases, if an employee wishes to continue health benefits, he/she must elect to continue them under COBRA.

When the employee returns from leave, MCWD will again provide benefits according to the applicable plans.

It is the *employee's responsibility* to ensure that MCWD receives all necessary documentation regarding the leave and any subsequent requests for extension. Employees absent without leave and those who fail to return to work promptly at the end of a leave are considered to have voluntarily resigned his/her positions.

Benefit accruals, such as sick, vacation, management and holiday benefits, will be suspended during unpaid leaves, and will resume upon the employee's return to active employment. Employee performance and wage and salary review dates will also be adjusted by the total amount of time taken for leaves of absence exceeding thirty (30) consecutive calendar days.

MCWD will attempt to accommodate employees returning to work from injuries, illnesses or other disabilities with short-term "modified duty" assignments when practical. Please refer to Section 17 for accommodation process. Such accommodations may be made depending upon the extent and nature of the work restrictions imposed by the health care provider, the anticipated duration of the restrictions, the availability of modified duty assignments, and other relevant considerations.

Instances may exist where two (2) or more leave of absence policies provide overlapping protection for eligible employees. It is the intention of MCWD's policies to limit employees to the time available under the single most favorable leave of absence policy and to prevent employees from exceeding the limitations of that policy. *This means that all leaves of absence run concurrently as provided by law.*

The leave shall be unpaid except that an employee may elect to be paid by using any accrued sick leave, compensatory, vacation, or management leave benefits. The

substitution of paid leave does not extend the total duration of FMLA/CFRA to which an employee is entitled beyond twelve (12) weeks in a twelve (12)-month period.

Accordingly, any leave of absence that is taken by an employee under any policy that could have been taken under any other policy of MCWD (if the employee had requested to do so) shall be credited against the maximum limit on leaves established in each of the policies that provided the employee a basis to request a leave of absence.

All leave requests should be submitted and approved in advance. See the Management Services Administrator for appropriate forms and specific information. When leaves are foreseeable, the employee must provide at least thirty (30) days advance notice. If the leave is not foreseeable, the employee must provide notice as soon as practicable.

## **11.1 Family Care Leaves (FMLA/CFRA)**

MCWD provides family leave time to eligible employees as required under the federal Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA). To be eligible, employees must:

- Have more than twelve (12) months of service
- Have worked at least one thousand two hundred-fifty (1,250) hours during the previous twelve (12)-month period before the date the leave is to begin
- Exceptions to these eligibility standards include, at the employer's choice, the five (5) most highly compensated employees in the covered organization

An eligible employee is entitled to up to a total of twelve (12) workweeks of unpaid leave during any twelve (12)-month period for the following reasons:

- Birth of the employee's child, or placement of a child with the employee for adoption or foster care (FMLA/CFRA);
- To care for the employee's spouse, child or parent who has a serious health condition (FMLA/CFRA);
- To care for the employee's registered domestic partner (CFRA only);
- For a serious health condition that makes the employee unable to perform his/her job (FMLA/CFRA);
- For any "qualifying exigency" (defined by federal regulation) because the employee is the spouse, son, daughter, or parent of an individual on active military duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation (FMLA only); or
- An employee who is the spouse, son, daughter, parent or next of kin of a covered military service member who is undergoing medical treatment, recuperation therapy, or is on the temporary disability list for a serious

illness or injury, shall be entitled to a total of twenty-six (26) workweeks of leave during a twelve (12)-month period.

## **11.2 Calculating the 12-month period**

The twelve (12)-month period is measured forward from the date the leave begins. Successive twelve (12)-month periods commence on the date of an employee's first use of such leave after the preceding twelve (12)-month period has ended.

Under most circumstances, leave under federal and state law will run at the same time and the eligible employee will be entitled to a total of twelve (12)-weeks of family and medical leave in the designated twelve (12)-month period.

For a qualifying exigency or leave to care for a covered military service member, the twelve (12)-month period begins on the first day of the leave, regardless of how the twelve (12)-month period is calculated for other leaves.

Employees are not required to provide private health information and/or diagnoses, but must provide satisfactory documentation as to the need for the leave.

## **11.3 Pregnancy/Childbirth (Pregnancy Disability Leave - PDL)**

Leave because of the employee's disability for pregnancy, childbirth or related medical condition is not counted as time used under California law (CFRA). Time off because of pregnancy disability, childbirth or related medical condition does count as family and medical leave under federal law (FMLA). Employees who take time off for pregnancy disability and who are eligible for family and medical leave will also be placed on family and medical leave that runs at the same time as the PDL. Once the pregnant employee is no longer disabled, she may apply for leave under the CFRA, for purposes of baby bonding.

Duration of the leave will be determined by the advice of the employee's health care provider, but employees disabled by pregnancy may take up to seventeen and a third (17 1/3 weeks)~~four (4) months~~. The 17 1/3 weeks~~four (4) months~~ of leave includes any period of time for actual disability caused by the employee's pregnancy, childbirth, or related medical condition. This includes leave for severe morning sickness,~~and~~ prenatal care, postnatal care, post partum depression, and disability due to the loss or end of pregnancy. If you have any questions or concerns as to whether a condition falls under the PDL, please contact the Management Services Administrator..

Any leave taken for the birth, adoption, or foster care placement of a child does not have to be taken in one (1) continuous period of time. CFRA leave taken for the birth or placement of a child will be granted in minimum amounts of two (2) weeks. However, MCWD will grant a request for a CFRA leave (for birth/placement of a child) of less than two (2) weeks' duration on any two (2) occasions. Any leave taken must be concluded within one (1) year of the birth or placement of the child with the employee.

Upon the request of an employee and documented recommendation of the employee's health care provider, an employee's work assignment may be changed if necessary to protect the health and safety of the employee and her child. Requests for transfers of job duties will be reasonably accommodated, if possible, if the job and security rights of others are not breached. Temporary transfers, due to health considerations will be granted when possible. However, the transferred employee will receive the pay that accompanies the job, as is the case with any other temporary transfer due to temporary health reasons.

MCWD will notify an employee in writing when a medical certification is required for the reasonable accommodation or transfer. The notification should contain:

- A description of the requested reasonable accommodation or transfer.
- A statement that describes the medical advisability of the reasonable accommodation or transfer because of pregnancy.
- The date on which the need for reasonable accommodation or transfer became/will become medically advisable and the estimated duration of the reasonable accommodation or transfer.

Employees will be allowed to use accrued sick, vacation, compensatory or management leave during a PDL.

Employees may return from a PDL only when the employee's health care provider endorses a release that must be submitted to the Management Services Administrator.

#### **11.4 Requesting a Leave**

The following applies when an employee makes a request for FMLA/CFRA or PDL:

Employees should contact the Management Services Administrator as soon as he/she becomes aware of the need for leave. If the leave is based on the expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or a family member, the employee must provide at least thirty (30) days notice before the leave is to begin. The employee should consult with his/her immediate supervisor regarding scheduling of any planned medical treatment or supervision. Any such scheduling is subject to the health care provider of the employee or the health care provider of the employee's child, parent, or spouse. If the employee cannot provide thirty (30) days' notice, MCWD should be informed as soon as practical.

Employees are expected to provide certification of the need for leave from the health care provider within fifteen (15) days of any request for FMLA/CFRA/PDL. If certification is not received, the leave may be delayed or denied according to the state and federal rules of FMLA/CFRA/PDL. Certification should contain the following information:

- Date of commencement of the serious health condition;

- Probable duration of the condition;
- Inability of the employee to work at all or perform any one (1) or more of the essential functions of his/her position because of the serious health condition;
- Estimated amount of time for care by the health care provider;
- Confirmation that the serious health condition of a family member warrants the participation of the employee.

Before an employee is allowed to return to duty, a release from the health care provider is required. Failure to provide this information will result in denial of reinstatement for the employee until the certificate is obtained.

**Leave Related to Military Service** – A leave taken due to a “qualifying exigency” related to military service must be supported by a certification of its necessity. A leave taken due to the need to care for a service member shall be supported by a certification from the service member’s health care provider.

**Reinstatement** – Under most circumstances, upon return from family/medical leave, an employee will be reinstated to his/her original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement than if he/she had been continuously employed rather than on leave.

Employees on PDL are guaranteed reinstatement to the same or similar job with the same or similar duties, pay, and location. Employees on PDL will be credited with all service prior to the commencement of the disability, but not for the period of the disability.

**Time Accrual** – Employees on FMLA/CFRA will not continue to accrue paid time off during unpaid leave. If an employee is using accrued sick, vacation, compensatory or management leave, he/she will continue to accrue paid time off.

**Intermittent Leave** – Employees may take FMLA/CFRA leave intermittently if the leave is for the serious health condition of the employee’s child, parent, spouse, or of the employee and the reduced leave schedule is medically necessary as determined by the health care provider of the person with the serious health condition.

## **11.5 Voluntary Furlough Without Pay Plan**

The following shall apply to the “Voluntary Furlough Without Pay Plan:

- A. No form of salary compensation may be taken (i.e. vacation, sick, compensatory time, or management leave). Paid holidays which occur during the furlough period will continue to be paid as usual.
- B. All existing benefits that have been paid by MCWD shall continue to be paid by MCWD and all deductions previously paid by the employee shall

continue to be taken out of the employee's check when a check has been issued with sufficient funds. In other cases, it shall be the employee's responsibility to make arrangement to pay his/her portion of benefits or other payroll deductions. These include, but are not limited to, health, union dues, court ordered payments, voluntary supplemental life insurance premiums and voluntary supplemental health insurance such as AFLAC.

- C. No loss of seniority or break in service will be suffered by the employee.
- D. All benefits shall accrue as if the employee were working (i.e., sick, vacation, or management leave).
- E. An employee may take up to forty (40) hours of voluntary furlough without pay leave at any one time in a fiscal year. A written request must be approved, in advance, by the employee's immediate supervisor. Shorter increments of time (no less than four (4) hours) may be requested. The immediate supervisor may accept or reject a request for furlough after consideration of the employee's position and department workload.
- F. Employees with accrued vacation, compensatory and/or management leave in excess of MCWD maximum may not participate in this plan until he/she is in compliance with the maximum hours allowed.
- G. Taking unpaid furlough should not result in the need for any other employee to work overtime.

For further clarification, please contact the Management Services Administrator.

## **11.6 Personal Leave of Absence/Leave Without Pay**

The MCWD General Manager or designee may grant a regular, full-time employee a leave of absence without pay for a definite period of time, generally, no more than ninety (90) days. Requests for personal leaves may be considered on a case-by-case basis supported by factors related, but not limited to, staffing levels in the department among similar jobs, existing or projected workload demands, the requesting employee's work record, and the basis of the request. Personal leaves are generally considered for reasons such as a verifiable family or personal emergency not provided for by legally mandated leaves of absence, to complete a short-term educational requirement not associated with a condition of the employee's present job, or to attend to a medical condition not otherwise eligible or qualified under legally mandated leaves of absence.

The personal leave of absence shall be without pay unless the employee specifically requests and is granted the use of available vacation, compensatory time off or management leave. Available sick, vacation, and management leave balances shall be calculated as of the preceding pay period. Sick, vacation, and management leave accruals will stop immediately upon entering personal leave without pay status. If personal leave without pay status exceeds one (1) full daily shift for the employee, the employee may maintain health insurance benefits during the remainder of the personal leave of absence by paying his/her portion of the normal premium contribution to MCWD for such coverage prior to commencement of the leave. For leaves of longer

than one (1) month, premiums must be paid no later than the fifteenth (15<sup>th</sup>) of the month prior to the month being covered. If premiums have not been received by the deadline, coverage will be terminated for all unpaid months and continuation or reinstatement of coverage must be made in accordance with COBRA guidelines. If an employee wishes to continue coverage, the employee must pay all employer-paid and employee-paid premiums for the duration of the personal leave of absence.

Any employee desiring a personal leave of absence must submit a written request and attach any supporting documentation as to the nature of the leave. The request should be submitted to the employee's department head before being forwarded to the Management Services Administrator. The Management Services Administrator will review the request and submit it to the General Manager or designee for approval.

Failure by the employee to return to work on the designated date shall mean MCWD may fill the position. If an employee's position is filled while he/she is off on an approved personal leave of absence, the employee may, at the conclusion of his/her scheduled leave, apply for any open MCWD position for which he/she is qualified. However, if no such position is available, the employee's employment will be terminated. In the event the employee is terminated, MCWD will provide the employee with COBRA eligibility information within thirty (30) calendar days following employment separation, provided the employee is otherwise qualified for continuation of the healthcare insurance under MCWD's group plans.

If a position is available, an employee is expected to return to work at the scheduled conclusion of his/her personal leave of absence. If the employee fails to do so, the employee will be treated as having voluntarily resigned his/her employment with MCWD.

## **11.7 Sick Leave**

Regular full-time employees who work at least thirty two (32) hours per week are eligible for paid sick leave benefits which accrue at the rate of one (1) day per calendar month for each *full* month of employment from his/her date of hire. Since MCWD provides for CalPERS sick leave credit, and that employees are encouraged to conserve sick leave should it be needed for an unexpected personal illness or disability, there is no limit on the maximum number of hours an employee can accumulate.

Employees who are absent from work due to illness or injury must notify his/her immediate supervisor as stated in Section 9.0 of this Handbook.

**Sick Leave Use –** Sick leave is to be used for absences due to medical or doctor appointments, personal illness or injury, specific legally protected absences such as time off for crime victims, or to attend to an illness of a child, parent, spouse, or a registered domestic partner of the employee. All sick leave payments will be based on an employee's regular pay rate in effect at the time such payments are made. These payments will be coordinated with applicable disability insurance payments or Workers'

Compensation Insurance benefit payments, so that all such payments will not exceed the employee's normal weekly gross earnings.

Full or partial days off due to illness or injury in excess of accrued sick leave by non-exempt employees will be taken without pay. Exempt employees who have used all of his/her accrued sick leave benefits continue to receive his/her salary for an occasional illness that is less than a full day under this sick leave policy. The salary of exempt employees who have exhausted his/her sick leave will be deducted for absences of a full day or more due to illness or disability.

**Sick Leave Certification** – Employees who are absent for three (3) or more consecutive workdays due to illness or injury, will be required to submit a health care provider's certification to substantiate the use of sick leave. In addition, before an employee may return to work, MCWD may require a health care provider's written certification that the employee is capable of resuming his/her job responsibilities. Employees are not expected to disclose any diagnosis or private health information, but any material misrepresentations regarding the use of sick leave (e.g., using sick leave for an unqualified absence) may result in corrective action, up to and including termination.

**Pay-Out** – Employees who use two (2) days or less of his/her annual sick leave entitlement will be given the opportunity at the end of the calendar year to convert two (2) days of the remaining sick leave into vacation, or let the sick leave accumulate. Sick leave used for doctor/dentist appointments, of four (4) hours or less, during work hours will not be subject to this provision. Appointments of over four (4) hours require a doctor's note.

**Retirement Payoff** – After ten (10) years of continuous service, or at age sixty (60) years or above, upon termination or retirement, an employee shall be paid for sixty percent (60%) of his/her accumulated sick leave up to a maximum of two hundred forty (240) hours. All payments will be made at the current rate of pay. [Employees hired after January 1, 2013 are not eligible for this benefit.](#)

## **11.8 School Activity Leave**

Any employee who is the parent or guardian of a child in kindergarten through grade twelve (12) may request up to forty (40) hours of leave per school year for the purpose of participating in school activities. This time will be unpaid unless the employee elects to use vacation, compensatory or management time off for this purpose. The employee will be limited to no more than eight (8) or nine (9) hours off depending upon the regularly scheduled work shift for this purpose in any one (1) calendar month. Upon request, MCWD reserves the right to require documentation from the school as proof that the employee has participated in the school activity. This request should be made with as much advance notice as possible.

## **11.9 Bereavement Leave**

Employees shall be entitled to up to three (3) days of paid leave for the death of a family member. A family member includes the employee's spouse or State-registered domestic partner and the following persons related to the employee or spouse or State-registered partner: mother, father, brother, sister, child, step-parent, step-child, grandparents, grandchild, or legal guardian. Such leave shall be separate from sick, vacation, compensatory, and management leave and is to be used within two (2) weeks upon the death of the family member or at the discretion of the General Manager or designee. Up to five (5) days may be granted for exceptional circumstances approved by the General Manager or designee.

Upon approval, employees may use either accumulated sick, vacation, compensatory, or management leave if more time off is necessary.

## **11.10 Jury Duty**

Jury duty shall be considered leave with pay provided the employee submits a copy of the jury summons and documentation indicating the dates and times of jury service to his/her immediate supervisor. An employee, while serving on jury duty will receive pay in the amount of the difference between the employee's regular earnings and any amount received for jury service. The employee may retain any fee paid as travel allowance.

If an employee desires to serve on the Grand Jury, he/she shall submit a leave of absence request and will serve without MCWD salary and benefits.

Within three (3) days of receiving a jury duty summons, or as soon as reasonable, employees should provide a copy of the notice that specifies the date(s) the employee will be reporting for jury duty or serving as a juror to his/her immediate supervisor. Employees are required to provide a copy of the jury duty notice to the Management Services Administrator for retention in his/her personnel file *before* reporting for jury duty service.

While on jury duty, employees shall report for work whenever his/her presence is not required at court, including during "phone in" or "on call" status, or if released by the court early enough to return to work for at least two (2) hours. Employees who cannot report to work due to jury duty will be required to show proof of jury service or appearance for each such workday absence. MCWD may submit a request for a postponement in the event that compelling business reasons make postponement of jury duty necessary.

## **11.11 Witness Duty and Subpoenas**

MCWD Business Related Court Appearance – Employees will be paid his/her normal wage or salary if required to be a witness or required by a subpoena to appear in court on or related to MCWD business. An employee who serves as an MCWD-related business witness, or on a case related to the employee's job, on a day that is a regularly scheduled day off, he/she shall be paid at the employee's regular base rate of pay or at time and one-half (1.5), if the employee otherwise qualifies for overtime compensation, for all hours the employee actually is required to be in Court.

Personal Business Court Appearance – Employees may be allowed unpaid time off if summoned to appear in court as a witness or because of a subpoena related to personal business or those matters occurring outside the course and scope of MCWD employment. Use of any available paid time off may be used for this purpose with reasonable advance notice, and proof of subpoena service, from the employee to his/her immediate supervisor or department head.

## **11.12 Domestic Violence and Sexual Assault Leave**

Employees who are victims of domestic violence or sexual assault are eligible for unpaid leave. Leave may be requested if an employee is involved in a judicial action, such as obtaining restraining orders, appearing in court to obtain relief to ensure the health, safety or welfare of the employee or the employee's child(ren).

Notice and certification of the need to take leave under this policy must be provided to the Management Services Administrator. Certification may be any of the following:

- A police report indicating that the employee was a victim of domestic violence, or documentation from legal counsel or attorney.
- A court order protecting or separating the employee from the perpetrator of an act of domestic violence, or other evidence from the court of prosecuting attorney that the employee appeared in court.
- Documentation from a medical professional, domestic violence services advocate, health care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence.

MCWD will, to the maximum extent possible and as required by law, maintain the confidentiality of an employee requesting leave under this provision. The length of unpaid leave an employee may take is twelve (12) weeks as is provided for in the Federal Family and Medical Leave Act of 1993.

## **11.13 Victims of Crime Leave**

An employee who is a victim or who is the family member of a victim of a violent felony or serious felony may take time off from work under the following circumstances:

- The crime must be a violent or serious felony, as defined by law; and,
- The employee must be the victim of a crime, or an immediate family member of a victim, a registered domestic partner of a victim, or the child of a registered domestic partner of a victim.

An immediate family member, as defined by this law, includes a spouse, child, stepchild, brother/sister, stepbrother/sister, mother, father, or stepmother/father. MCWD further extends this leave to include a grandparent, grandchild, niece, nephew, registered domestic partner, child of a domestic partner, or parent of a registered domestic partner.

The absence from work should be in order to attend to judicial proceedings related to a crime listed above. Before an employee is absent for such a reason, documentation of the scheduled proceeding must be provided to the Management Services Administrator. Such notice is typically given to the victim of a crime by a court or government agency setting the hearing, an attorney or prosecuting attorney office or a victim/witness office.

If advance notice is not possible, employees must provide appropriate documentation within a reasonable time after the absence. Any absence from work to attend judicial proceedings will be unpaid unless an employee chooses to take paid time off, such as accrued vacation, compensatory, sick, or management leave.

#### **11.14 Military Leave**

Employees will be granted military leave in accordance with Division II, Part I, Chapter VII of the Military and Veteran's Code of the State of California and the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), for a period of up to five (5) years to engage in ordered military duty, military training, encampment, naval cruises, special exercises or like activity, as a member of the reserve corps or force of the Army, Navy, Marine Corps, Air Force, Coast Guard, National Guard, or Air National Guard.

Military leave is generally unpaid. However, employees who have been employed with MCWD for a period of not less than one (1) year immediately prior to the day which the leave of absence begins, shall be entitled to receive his/her full salary or compensation when he/she is ordered to active military duty, training, encampment, naval cruises, special exercises or like activity, up to a maximum of thirty (30) calendar days in any one (1) fiscal year. Paid leave is *not* available for periods when an employee is required to attend inactive military training such as weekend reserve drill periods during a time when the employee would not be employed in a regular shift. If the employee desires to be paid for this unpaid temporary military leave of absence, vacation, management or compensatory time may be used. During paid portions of temporary military leave of absence, employees shall continue to receive the same vacation, sick, management leave and holiday privileges as if he/she were actively at work.

Employees shall notify MCWD, whenever possible, at least sixty (60) calendar days prior to the commencement of the temporary military leave of absence. Employees shall furnish the immediate supervisor with a copy of his/her military orders, or other written verification from the appropriate military authority, for inclusion in his/her personnel file. The immediate supervisor will forward a copy to the Management Services Administrator and Payroll.

A "Request for Leave" form shall be submitted to the General Manager or designee for any requested leave in excess of thirty (30) days. The written request form will indicate appropriate arrangements have been made regarding health insurance coverage and other pertinent issues should the leave exceed sixty (60) days.

Upon return from military leave, employees shall have the same rights and privileges of employment, re-employment, seniority and promotion had he/she not been absent. Any uncompleted probationary period must be satisfied upon completion of the temporary military leave of absence. An employee returning from military duty shall be offered re-employment in accordance with USERRA. If an employee fails to notify MCWD of

his/her intent to return to work within the time period allowed by law, the employee will be considered to have resigned.

### **11.15 Time Off to Vote**

MCWD encourages employees to fulfill his/her civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after his/her regular work schedule. If employees are unable to reach a polling place during his/her non-working hours, MCWD will grant up to two (2) hours of paid time off to vote.

Employees must request time off to vote from his/her supervisor at least two (2) working days prior to the Election Day. Advance notice is required so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule. Employees must submit documentation of his/her polling place and a voter's receipt on the first working day following the election to qualify for paid time off.

### **11.16 Volunteer Firefighter and Peace Officer**

No employee shall be disciplined for taking time off to perform emergency duty as a volunteer firefighter, peace officer or emergency rescue worker. Such employees are also allowed to take temporary leaves of absence without pay, up to a total of fourteen (14) days per calendar year, to engage in fire or law enforcement training. If an employee is an official registered volunteer firefighter, peace officer, or emergency rescue worker, he/she should inform his/her immediate supervisor that time off for emergency duty is necessary. In the event the emergency or disaster directly affects MCWD operations, the services of such employees may be required to assist with MCWD operations.

### **11.17 Terminal Leave**

Terminal leave is that period during which an employee remains on the payroll beyond his/her last working day until all of his/her accrued vacation, compensatory, and/or management has been exhausted. Terminal leaves are beneficial to the MCWD and its programs since they may provide a means to reallocate positions and other resources from low demand to high demand programs. The General Manager or designee may grant a terminal leave, upon written application by the employee, in accordance with the following provisions:

- A. Only regular, full-time employees with a performance evaluation of satisfactory or above, shall be eligible for terminal leave;
- B. The employee shall not be required to perform duties of any kind during the period of leave unless otherwise stipulated;
- C. The employee shall agree, in writing, to the conditions of the leave, waiving all claims arising out of his/her employment;

- D. The discretion to determine the employee's last working day is reserved by the General Manager or designee. The employee retains the right to make his/her last working day *prior* to the date established by the General Manager or designee;
- E. During a period of terminal leave, an employee shall continue to be eligible for group health insurance coverage as long as he/she are in a paid status;
- F. During a period of terminal leave, an employee shall not be eligible for any salary increases; however, he/she shall receive credit for any official holiday occurring during a period of terminal leave; and,
- G. Once notice of leave is submitted and approved, an employee must cease work and the terminal leave cannot be revoked.