

Since 1918



PALMDALE WATER DISTRICT

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ALESHIRE & WYNDER LLP
Attorneys

January 5, 2017

***Agenda for a Meeting
of the Personnel Committee of the Palmdale Water District
Committee Members: Kathy Mac Laren-Chair, Vincent Dino
to be held at the District's office at 2029 East Avenue Q, Palmdale***

Monday, January 9, 2017

9:00 a.m.

NOTE: To comply with the Americans with Disabilities Act, to participate in any Board meeting please contact Dawn Deans at 661-947-4111 x1003 at least 48 hours prior to a Board meeting to inform us of your needs and to determine if accommodation is feasible.

Agenda item materials, as well as materials related to agenda items submitted after distribution of the agenda packets, are available for public review at the District's office located at 2029 East Avenue Q, Palmdale (Government Code Section 54957.5). Please call Dawn Deans at 661-947-4111 x1003 for public review of materials.

PUBLIC COMMENT GUIDELINES: The prescribed time limit per speaker is three-minutes. Please refrain from public displays or outbursts such as unsolicited applause, comments, or cheering. Any disruptive activities that substantially interfere with the ability of the District to carry out its meeting will not be permitted and offenders will be requested to leave the meeting. (PWD Rules and Regulations, Appendix DD, Sec. IV.A.)

Each item on the agenda shall be deemed to include any appropriate motion, resolution, or ordinance to take action on any item.

- 1) Roll call.
- 2) Adoption of agenda.
- 3) Public comments for non-agenda items.
- 4) Action Items: (The public shall have an opportunity to comment on any action item as each item is considered by the Committee prior to action being taken.)



Providing high quality water to our current and future customers at a reasonable cost.



- 4.1) Consideration and possible action on approval of minutes of meeting held November 7, 2016.
- 4.2) Ratification to increase safety boot allowance under the District's Safety Footwear Policy from \$125.00 to \$175.00. (Human Resources Director Emery)
- 4.3) Consideration and possible action on updating Section IV.K Unpaid Time Off Policy of the District's Employee Handbook. (Human Resources Director Emery)
- 4.4) Consideration and possible action on job description and recruitment of Public Affairs and Sustainability Director position and revise title to Public Affairs Director.
- 5) Project Updates:
 - 5.1) Other.
- 6) Information items.
 - 6.1) Engineering Intern status. (Human Resources Director Emery)
- 7) Board members' requests for future agenda items.
- 8) Adjournment.



DENNIS D. LaMOREAUX,
General Manager

DDL/dd

**PALMDALE WATER DISTRICT
BOARD MEMORANDUM**

DATE: January 5, 2017 **January 9, 2017**
TO: PERSONNEL COMMITTEE **Personnel Committee Meeting**
FROM: Jennifer Emery, Human Resources Director
VIA: Mr. Dennis D. LaMoreaux, General Manager
RE: ***AGENDA ITEM NO. 4.2 - RATIFICATION TO INCREASE SAFETY BOOT ALLOWANCE UNDER THE DISTRICT'S SAFETY FOOTWEAR POLICY FROM \$125.00 - \$175.00.***

Recommendation:

Staff recommends that the Board ratify an increase in our safety boot allowance under the District's Safety Footwear Policy from \$125.00 to \$175.00.

Alternative Options:

The alternative is to maintain status quo.

Background:

The District allows staff requiring safety boots an allowance in order to obtain those boots. In the last six months, staff members have been paying out of pocket to obtain proper safety due to increased pricing. A recent survey of Southern California water districts was done by JPIA's safety department, and the new allowance would be within the survey range which was \$150 - \$300.

Strategic Plan Initiative:

This work is part of Strategic Plan Initiative No. 2: Organizational Excellence

Budget:

This would be a part of already budgeted Safety Supplies. No increase to budget.

Supporting Documents:

N/A

**PALMDALE WATER DISTRICT
BOARD MEMORANDUM**

DATE: January 5, 2017 **January 9, 2017**
TO: PERSONNEL COMMITTEE **Personnel Committee Meeting**
FROM: Jennifer Emery, Human Resources Director
VIA: Mr. Dennis D. LaMoreaux, General Manager
RE: *AGENDA ITEM NO. 4.3 - CONSIDERATION AND POSSIBLE ACTION
ON UPDATING SECTION IV.K UNPAID TIME OFF POLICY OF THE
DISTRICT'S EMPLOYEE HANDBOOK.*

Recommendation:

Staff recommends that the Board approve the update to the Employee Handbook regarding leaves of absence.

Alternative Options:

The alternative is to maintain status quo.

Background:

The District asked our attorneys to provide a leave policy for our handbook that would reflect a balance of providing security for our employees while maintaining our focus on our rate payers. Federally and State mandated leave policies have been incorporated into the policy.

Strategic Plan Initiative:

This work is part of Strategic Plan Initiative No. 2: Organizational Excellence

Budget:

No increase to budget.

Supporting Documents:

- Policy

FAMILY MEDICAL LEAVE ACT/CALIFORNIA FAMILY RIGHTS ACT LEAVE

As an employee, you may be entitled to family and medical leave under the Family and Medical Leave Act (“FMLA”) and/or the California Family Rights Act (“CFRA”). This policy is intended to provide you with information concerning FMLA/CFRA entitlements and obligations you may have during such leaves. If you have any questions concerning FMLA/CFRA leave, please contact the Human Resources department for further information.

1. **Eligibility:** Under the federal FMLA and the CFRA, you are eligible to take up to twelve (12) weeks of unpaid family/medical leave within any 12-month period and be restored to the same or an equivalent position upon your return from leave (subject to the terms of the FMLA and the CFRA) provided you: (1) have worked for the District for at least twelve (12) months as of the date the FMLA/CFRA leave is to start; and (2) will have a total of at least one thousand, two hundred and fifty (1,250) hours during the twelve (12) month period immediately before the date the FMLA/CFRA leave is to start. The 12-month period is a rolling 12 months and will be measured backward from the date an employee uses any FMLA/CFRA leave.
2. **Definitions:** Under both the FMLA and the CFRA, the following definitions apply:
 - (a) “Twelve-month period” means a rolling twelve month period measured backward from the date leave is taken and continuous with each additional leave day taken.
 - (b) “Child” means a child under the age of 18, or a child over 18 who is incapable of self-care because of a mental or physical disability. An employee’s child is one for whom the employee has actual day-to-day responsibilities and includes a biological, adopted, foster or step-child, legal ward or a child of a person standing in loco parentis.
 - (c) “Son or daughter” means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age or who is 18 years of age or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence. The onset of a disability may occur at any age for purposes of the definition of an adult “son or daughter” under the FMLA.
 - (d) “Parent” means the biological or adoptive parent of an employee or an individual who stands or stood in loco parentis (in place of the 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 in the state where the individual was married, including in a common law marriage or same-sex marriage. Spouse also includes a husband or wife in a marriage that was validly entered into outside of the United States, if the marriage could have been entered into in at least one state.
 - (f) “Domestic partner” means means two adults who have established a domestic partnership in accordance with the requirements of California law. A domestic

partnership is established in California when both persons file a Declaration of Domestic Partnership with the Secretary of State, and, at the time of filing, all of the following requirements are met:

- Both persons share the same residence;
 - Neither person is married to someone else nor is a member of another domestic partnership with someone else that has not been terminated, dissolved, or nullified;
 - The two persons are not related by blood in a way that would prevent them from being married to each other in California;
 - Both persons are members of the same sex and at least 18 years of age, OR, if the persons are of opposite sexes, one or both must be over the age of 62 and
 - Both persons are capable of consenting to the domestic partnership.
- (g) “Serious health condition” means an illness, injury, impairment or physical or mental condition that involves either (1) inpatient care (i.e., 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 there from); or (2) continuing treatment by a health care provider.
- (h) “Continuing treatment” by a health care provider includes any one or more of the following: A "period of incapacity" (i.e., inability to work, or perform other regular daily activities due to serious health condition of more than three (3) consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves treatment two (2) or more times by a health care provider or 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.
- (i) “12-month rolling period” means a rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken.

3. Reasons for Leave: you may take family/medical leave under the FMLA and/or CFRA for any of the following reasons:

- (a) For the birth of your child, or to care for your newborn within one year of birth;
- (b) For the placement of a child with you in connection with the adoption or foster care placement of the child and to bond with the newly placed child within one year of placement;
- (c) For your own serious health condition that makes you unable to perform the

essential functions of your position, including incapacity due to pregnancy and for prenatal medical care;

- (d) To care for your child, parent, spouse or domestic partner who has a serious health condition, including incapacity due to pregnancy and for prenatal medical care; and
- (e) For any qualifying exigency arising out of the fact that your spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status;
- (f) In addition, eligible employees may take up to 26 workweeks of leave in a single 12-month period to care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the servicemember (referred to as military caregiver leave). An eligible employee is limited to a combined total of 26 workweeks of leave for any FMLA-qualifying reasons during the single 12-month period.

4. Amount of Leave: Eligible employees are entitled to a total of twelve (12) work weeks of unpaid, job protected leave in a twelve (12) month period, as specified below. At your or our option, certain kinds of paid and unpaid leave may be substituted for family leave.

- (a) Birth or placement of a child: If leave is requested for the birth, adoption or foster care placement of a child, it must be concluded within one (1) year of the birth or placement of the child. The basic duration of such leave is two (2) weeks. However, you are entitled to leave for one of these purposes, such as bonding, for at least one (1) day, but less than two (2) weeks' duration, on two (2) occasions.
- (b) Employee's Own Serious Medical Condition or That of Child, Parent, Spouse or Domestic Partner: If leave is requested for your own serious medical condition or that of a child, parent, spouse or domestic partner, there is no minimum amount of leave that must be taken. However, the notice and medical certification provisions of this policy must be followed.
- (c) Spouses Both Employed by the District: in any case where both you and your spouse are employed by the District, and both are entitled to leave, the aggregate number of leave to which both may be entitled is limited to twelve (12) workweeks during any twelve (12) month period if the leave is taken for bonding as a result of the birth or placement of a child. This limitation does not apply to any other type of leave under this policy.

5. Intermittent Leave or Leave on Reduced Work Schedule: If you request leave intermittently in periods of a few days or hours at a time, or on a reduced work schedule, you must provide medical certification that such leave is medically necessary. "Medically necessary" means there must be a medical need for the leave and the leave can best be accomplished through an intermittent leave or reduced work schedule.

6. Notice of Leave: Although the District recognizes that emergencies arise which may require you to request immediate leave, you are required to give the District as much notice as possible of your need for leave.

- (a) Foreseeable Leave: If your need for leave is foreseeable, you must give the District at least thirty (30) days' written notice of your need for such leave when you know about the need for leave at least 30 days in advance and it is possible and practicable for you to do so. If this is not possible because the situation has changed or you do not know exactly when leave will be required (e.g., for the birth of a child or to care for a newborn), you must provide the District with notice of your need for leave as soon as possible that such leave is needed. Such notice may be provided orally.

For planned medical treatment, you must consult with the District and try to schedule the appointment at a time that minimizes the disruption to the District. You should consult with the District prior to scheduling the treatment in order to arrange a schedule that best suits the needs of both you and the District. Of course, any schedule of treatment is subject to the approval of the treating healthcare provider.

If the District determines that your notice is inadequate or you knew about the requested leave in advance of your request (and did not provide advance notice), it may delay the granting of your leave until it can, at its sole discretion, adequately cover your position with a substitute.

- (b) Unforeseeable Leave: When the need for leave is unexpected, you must provide notice to the District as soon as possible and practicable. It should generally be practicable for you to provide notice of leave that is unforeseeable within the time required by the District's usual and customary notice requirements. For example, if your child has a severe asthma attack and you take the child to the emergency room, you are not required to leave the child to report the absence while the child is receiving emergency treatment.

When you do not give timely notice of unforeseeable leave and do not have a reasonable excuse, the District may delay or deny the FMLA leave. For example, if it was possible for you to give notice of the need for leave the same day it was needed, but instead gave notice two days after the leave began, then the District may delay FMLA coverage of the leave by two days.

The District has Request for FMLA/CFRA leave forms available in the Human Resources department. If possible and practicable, you should use these forms when requesting leave under the FMLA/CFRA.

7. Medical Certification: When you request FMLA/CFRA leave for your own serious health condition or that of your child, parent, spouse or domestic partner, you must provide a sufficient written medical certification from the health care provider of the individual requiring care, to the District's Human Resources department within 15 calendar days of the District's request, unless it is not feasible under the particular circumstances to do so

despite your good faith efforts, or if the District permits more than 15 calendar days to return the certification. When you make diligent good faith efforts but are unable to meet the 15-calendar day deadline, you are entitled to additional time to provide the certification. If you fail to return the certification in a timely manner, the District can deny FMLA/CFRA protections for the leave following the expiration of the 15-calendar day time period until a complete and sufficient certification is provided. However, the 15-day period and the period of absence beginning the day the certification is received is FMLA/CFRA-protected leave.

If you fail to provide a certification within 15 calendar days from receipt of the request for certification but made diligent, good faith efforts to do so and the delay was due to extenuating circumstances outside your control, the District will not deny the leave for the period that the certification was late. In all cases, if you never produce the certification, the leave is not FMLA/CFRA-protected.

You may obtain Medical Certification Forms from the Human Resources department. The District will also accept medical certifications prepared by your healthcare provider (or that of your family member's healthcare provider, if applicable), provided they are complete and sufficient, as described below.

- (a) Contents of Complete and Sufficient Medical Certification: The medical facts appropriate for inclusion on the medical certification form will vary depending on the nature of the serious health condition and are to be determined by the health care provider but must be sufficient to support the need for leave. The information requested may relate only to the serious health condition for which you are seeking leave.

A complete and sufficient certification need only include the following information:

- Contact information for the health care provider, including name, address, telephone number, fax number, and type of medical practice / specialty;
- When the serious health condition began,
- How long the serious health condition is expected to last,
- If you are the patient, whether you are unable to work, and the likely duration of this inability.
- If a family member is the patient, whether the family member needs care, and an estimate of the frequency and duration of the leave required to care for the family member;
- Whether your need for leave is continuous or intermittent, and
- Appropriate medical facts about the condition.

- (b) Additional Information for Intermittent or Reduced Schedule Leave: for intermittent or reduced schedule leave, the certification shall include the following additional information:
- Planned medical treatment for your own or your family member's serious health condition: (1) information establishing the medical necessity of intermittent or reduced schedule leave; and (2) an estimate of dates and duration of such treatment and periods of recovery.
 - Unforeseeable leave for your own serious health condition, including pregnancy: (1) information establishing the medical necessity of intermittent or reduced schedule leave; and (2) an estimate of the frequency and duration of the episodes of incapacity due to the serious health condition.
 - Unforeseeable leave for your family member's serious health condition: (1) information establishing the medical necessity of intermittent or reduced schedule leave; and (2) an estimate of the frequency and duration of leave.
- (c) Advance Provision of Certification When Leave Foreseeable: When your leave is foreseeable, you must provide the requested medical certification **before your leave begins**. When this is not possible, you must provide the requested certification to the District within the time specified by the District, which shall be at least fifteen (15) calendar days following your request for leave, unless it is not practicable for you to do so despite your diligent, good faith efforts.
- (d) Incomplete/Insufficient Medical Certification: Whenever the District finds any medical certification "incomplete" or "insufficient," it will give you a written notice stating what additional information is necessary to make the certification complete and sufficient.
- A certification is considered incomplete if one or more applicable entries have not been completed.
 - A certification is considered insufficient if the information provided is vague, ambiguous, or nonresponsive.

If you provide an incomplete or insufficient medical certification, you will be given a reasonable opportunity to cure any deficiency in the medical certification. The District will provide you with at least seven calendar days to correct any deficiency in the certification. If it is not practicable under the particular circumstances for you to cure any deficiency in the seven-day period despite your diligent good faith efforts, the District will provide additional time.

If you fail to provide a complete and sufficient certification despite the opportunity to cure the deficiency, the District may deny your request for FMLA leave.

- (e) Failure to Produce Sufficient Medical Certification: In all cases, if you never produce the medical certification, your FMLA/CFRA leave will be denied, and the leave will not be FMLA/CFRA-protected.
- 8. Recertification – Second and Third Opinions: If the District has any reason to doubt the validity of your medical certification, or if you fail to provide a sufficient medical certification, it may require a medical opinion from a second health care provider chosen and paid for by the District. If the second opinion differs from the first medical certification opinion, the District may require the opinion of a third, mutually agreeable health care provider, at the District’s expense. You may request a copy of the second and third health care provider opinions when there is a recertification.
- 9. Employee Obligation to Periodically Report Status and Intent to Return to Work: You may be periodically required to report on your status and intent to return to work. This will avoid delays in reinstatement when you are ready to return to work.
- 10. Benefits While on Leave: FMLA/CFRA leave is unpaid.
 - (a) Continuation of Group Health Benefits: While on FMLA/CFRA leave, you will continue to be covered by the District’s group health insurance to the same extent coverage is provided while you are on the job. However, if you fail to return to work after your leave entitlement has been exhausted or expires, the District shall have the right to recover its share of your health plan premiums for the entire leave period unless you do not return to work because of the continuation, recurrence or onset of a serious health condition of you or your family member which would entitle you to leave, your transfer directly from FMLA/CFRA leave to retirement or retirement during the first 30 days after your return to work, or because of circumstances beyond your control, such as a layoff.
 - (b) COBRA Benefits Following Expiration of FMLA/CFRA Leave: If you are unable to return to work following the expiration of your FMLA/CFRA leave, you should contact the District before your expected return to work date to discuss your options, and you will be required to utilize COBRA in order to continue health coverage.
 - (b) Other District Benefit Plans: You will not continue to be covered by any other District benefit plans which are not provided pursuant to the District’s group health plans. However, you may make the appropriate contributions for continued coverage under these non-health benefit plans by payroll deductions or direct payments made to the plans. Depending on the particular plan, the District will inform you whether the premiums should be paid directly to the provider or to the District. Your coverage on a particular plan may be dropped if you are more than thirty (30) days late in making a premium payment. However, you will receive at least fifteen (15) days’ notice before coverage ceases, advising you that you will be dropped if your premium is not paid by a certain date. Your contribution rates are subject to any change in rates that occur while on you are on leave.

- (c) No Accrual of Benefits During Unpaid Leave: Leave benefits such as sick and vacation leave will not accrue during your unpaid leave.
11. Substitution of Paid Leave Benefits: while on leave under this policy, you may elect to use paid accrued leaves concurrent with FMLA/CFRA leave. If you substitute paid leave for FMLA/CFRA leave, the District will not seek to recover its share of health insurance or other non-health benefit premiums for the period covered by paid leave, regardless of whether you return to work following the expiration of your FMLA/CFRA leave.
- (a) Sick Leave: The District shall require you to use paid sick leave while you are on FMLA/CFRA leave for your own serious health condition. However, when you use accrued sick leave concurrently with your FMLA/CFRA leave, you have the right to coordinate your sick leave use with your State Disability Insurance or Paid Family Leave benefits.
- (b) Vacation Leave: Where you have accrued unused vacation leave, you may substitute that leave for all or part of any unpaid leave under this policy. You are not required to use accrued vacation for all or part of your unpaid leave under this policy.
12. Reinstatement From Leave:
- (a) Right to Reinstatement: Upon the expiration or exhaustion of your FMLA/CFRA leave, you are entitled to be reinstated to the position you held with the District when your leave commenced, or to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment.
- You have no greater right to continued employment, benefits or other conditions of employment than if you had been continuously employed without leave during your FMLA/CFRA leave.
- (b) Reinstatement Date: If you and the District agreed on a definite date of reinstatement when your leave commenced, you will be reinstated on the agreed-upon date, subject to the limitations above. If your actual reinstatement date differs from the originally agreed-upon date, you will be reinstated within two (2) business days after notifying the District of your readiness to return to work, when feasible, unless a fitness-for-duty certification is required and subject to the conditions above.
- (c) Fitness For Duty Certification: As a condition of your reinstatement where your leave was for your own serious health condition, which rendered you unable to perform the essential functions of your job, you must obtain and present a fitness-for-duty certification from your health care provider, stating you are able to return to work. Failure to provide such certification will result in the denial of reinstatement.
- (d) Reinstatement of “Key” Employees: The District may deny reinstatement to a “key” employee (i.e., an employee who is among the highest paid ten (10) percent

of all employees) if such denial is necessary to prevent substantial and grievous economic injury to the operations of the District, and the employee is notified of the District's intent to deny reinstatement on such basis at the time it determines such injury would occur.

13. No Work While On Leave: The taking of another job while on family/medical leave or any other authorized leave of absence is grounds for immediate termination, to the extent permitted by law.

14. Other Leave:

- (a) Pregnancy Disability Leave – Even if you are not eligible for FMLA and/or CFRA leave, if disabled by pregnancy, childbirth or related medical conditions, you are entitled to take a pregnancy disability leave of up to four months, depending on your own period(s) of actual disability.

If in addition to being Pregnancy Disability Leave-eligible, you are also FMLA/CFRA-eligible, you have certain rights to take BOTH a pregnancy disability/FMLA leave and a CFRA leave for reason of the birth of your child.

When medically necessary, such leave may be taken on an intermitted or a reduced work schedule. If you are taking CFRA leave following the birth, adoption or foster placement of a child, the basic minimum duration for such leave is two weeks, and you must conclude the leave within one year of the birth or placement for adoption or foster care.

- (b) Americans with Disabilities Act – The Americans with Disabilities Act (“ADA”) is a civil rights law that prohibits the District from discriminating against qualified individuals with disabilities in terms and conditions of employment. If you are a qualified individual with a disability within the meaning of the ADA, the District will make reasonable accommodations to enable you to perform the essential functions of your job, barring undue hardship.

Leave provided as an accommodation under the ADA may run concurrently with FMLA/CFRA-protected leave. However, the FMLA/CFRA's leave provisions are very different from the ADA's reasonable accommodation obligations. The District will provide you with leave under whichever statutory provision provides you with greater rights and protections.

- (c) Workers' Compensation – Your workers' compensation absence may be due to an on-the-job injury or illness that also qualifies as a serious health condition under the FMLA and/or CFRA. In such situations, the workers' compensation absence and FMLA/CFRA leave may run concurrently. Although the District may offer you a light duty position under workers' compensation rules, the FMLA/CFRA do not

require you to accept that position. Instead, you may decline light duty and continue on FMLA/CFRA-protected leave until able to return to the same or equivalent job you left, or until your FMLA/CFRA leave is exhausted, whichever occurs first. However, keep in mind that if you do not accept the light duty position, you may lose workers' compensation benefits.

- (d) Uniformed Services Employment and Reemployment Act (USERRA) – The USERRA provides that returning servicemembers are entitled to receive all rights and benefits of employment they would have obtained if they had been continuously employed with the District.

Under the USERRA, the months and hours the returning servicemember would have worked during the USERRA-covered absence must be combined with the servicemember's months employed and the hours actually worked to determine FMLA eligibility.

15. **Military Family Leave:**

Eligible employees are entitled to two types of FMLA leave related to a qualifying family member's military service. This type of FMLA leave is referred to as military family leave. The military family leave provisions of the FMLA entitle eligible employees of covered employers to take FMLA leave for:

- Any "qualifying exigency" arising from the foreign deployment of the employee's spouse, son, daughter, or parent with the Armed Forces, or
- To care for a covered servicemember with a serious injury or illness if the employee is the servicemember's spouse, child, parent, or next of kin. FMLA leave for this purpose is called "military caregiver leave."

(a) Types of Military Family Leave

Qualifying Exigency Leave: An eligible employee may take qualifying exigency leave when the employee's spouse, son, daughter, or parent who is a member of the Armed Forces (including the National Guard and Reserves) is on covered active duty or has been notified of an impending call or order to covered active duty.

Covered active duty: In order for the employee to take qualifying exigency leave, the military member must be on covered active duty, under a call to covered active duty status, or have been notified of an impending call or order to covered active duty. For members of the Regular Armed Forces, covered active duty is duty during the deployment of the member with the Armed Forces to a foreign country. For members of the Reserve components of the Armed Forces (members of the U. S. National Guard and Reserves), covered active duty is duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in support of a contingency operation. Deployment to a foreign country means deployment to areas outside of the United States, the District of Columbia, or any territory or possession of the United States. It also includes deployment to international waters.

Family Members For Whom An Employee May Take A Qualifying Exigency Leave: To take qualifying exigency leave, the military member must be the employee's spouse, parent, or son or daughter. Unlike non-military FMLA leave, for purposes of qualifying exigency leave, an employee's son or daughter on covered active duty refers to a son or daughter of any age.

Qualifying Exigency Categories: An eligible employee with a family member on covered active duty may take FMLA leave for the following qualifying exigencies:

- Issues arising from the military member's short notice deployment (i.e., deployment within seven or fewer days of notice);
- To make or update financial and legal arrangements to address a military member's absence;
- To attend counseling for the employee, the military member, or a child of the military member when the need for that counseling arises from the covered active duty or call to covered active duty status of the military member and the counseling is provided by someone other than a health care provider;
- To attend military events and related activities, including official military ceremonies and programs or informational briefings related to the military member's covered active duty sponsored or promoted by the military or military service organizations;
- To spend up to 15 calendar days with a military member who is on rest and recuperation leave,
- Certain childcare and related activities for the military member's child while the military member is on covered active duty. The employee does not need to be related to the military member's child to take qualifying exigency leave for this purpose. But, (1) the military member must be the parent, spouse, or child of the employee taking leave; and (2) the child for whom the employee is arranging for or providing childcare must be the child of the military member;
- To attend post-deployment activities within 90 days of the end of the military member's covered active duty or to attend to issues arising from the death of a military member while on covered active duty;
- Certain parental care activities for the military member's parent who is incapable of self-care. The employee does not need to be related to the military member's parent to take qualifying exigency leave for this purpose. But, (1) the military member must be the parent, spouse, or child of the employee taking FMLA leave; and (2) the parent receiving assistance must be the parent of the military member; and

- Any other event that the employee and employer agree is a qualifying exigency. Both the employee and employer must agree to the timing and duration of the leave.

Certification for Qualifying Exigency Leave: When an eligible employee requests qualifying exigency leave, the District may request the following information and documentation:

- A copy of the military member’s active duty orders (or other official documentation issued by the military) which indicates the military member is on covered active duty or call to covered active duty status, which need be provided only once per deployment;
- A statement or description of the appropriate facts regarding the qualifying exigency;
- The approximate date on which the leave began (or will begin), and how long and/or how often leave will be needed; and
- The contact information for any meeting with a third party and a brief description of the purpose of the meeting.

The notice and timing requirements for a certification for qualifying exigency leave are the same as for medical certifications.

Military Caregiver Leave: Military caregiver leave allows an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember with a serious injury or illness to take up to a total of 26 workweeks of unpaid leave during a “single 12-month period” to provide care for the servicemember.

Covered Servicemember: a covered servicemember is either:

- A current servicemember: a covered servicemember means a current member of the Armed Forces, including a member of the U. S. 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
- A Veteran: a covered servicemember means a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness, and who was discharged within the previous five years before the employee takes military caregiver leave to care for the veteran.

Family Members For Whom An Employee May Take Military Caregiver Leave: To take military caregiver leave, the eligible employee must be the spouse, parent, son or daughter, or next of kin of the covered servicemember. **For purposes of military caregiver leave, a son or daughter refers to the servicemember’s son or daughter of any age.**

Serious Injury or Illness: A serious injury or illness for a current servicemember is an injury or illness that was incurred by the 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. A serious injury or illness may also result from the aggravation of a pre-existing condition in the line of duty on active duty.

A serious injury or illness for a veteran is an injury or illness that was incurred in the line of duty when the veteran was on active duty in the Armed Forces, including any injury or illness that resulted from the aggravation of a preexisting condition in the line of duty on active duty. The injury or illness may manifest itself during active duty or may develop after the servicemember becomes a veteran.

A serious injury or illness of a veteran must be either:

- A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or
- A physical or mental condition for which the veteran has received a United States Department of Veterans Affairs Service Related Disability Rating (VASRD) of 50% or more and the need for care is related to that condition, or
- A physical or mental condition because of a disability or disabilities related to military service that substantially impairs the veteran's ability to work, or would do so absent treatment; or
- An injury for which the veteran is enrolled in the Department of Veterans' Affairs Program of Comprehensive Assistance for Family Caregivers.

A "Single 12 Month Period:" The "single 12-month period" for military caregiver leave 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."** Up to 12 of the 26 workweeks may be for an FMLA-qualifying reason other than to care for a covered servicemember.

Certification of Military Caregiver Leave: The certification may be completed by a Department of Defense (DOD), Veterans Affairs (VA), or TRICARE healthcare provider, or by a private healthcare provider.

- Second and third opinions and recertifications are not permitted for certification of a serious injury or illness of a covered servicemember when the servicemember is treated by a DOD, VA, or TRICARE healthcare provider. However, if the covered

servicemember is seeking care from a private (non-DOD) healthcare provider, the District may request a second or third opinion.

- The employee may not be held liable for administrative delays in the issuance of military documents, where the employee has exercised diligent, good-faith efforts to obtain such documents.

**PALMDALE WATER DISTRICT
BOARD MEMORANDUM**

DATE: January 5, 2017 **January 9, 2017**
TO: PERSONNEL COMMITTEE **Personnel Committee Meeting**
FROM: Jennifer Emery, Human Resources Director
VIA: Mr. Dennis D. LaMoreaux, General Manager
RE: ***AGENDA ITEM NO. 4.4 CONSIDERATION AND POSSIBLE ACTION
ON JOB DESCRIPTION AND RECRUITMENT OF PUBLIC AFFAIRS
AND SUSTAINABILITY DIRECTOR POSITION AND REVISE TITLE
TO PUBLIC AFFAIRS DIRECTOR.***

Recommendation:

Staff recommends that the Board approve the job description of Public Affairs Director and authorize recruitment for the position.

Alternative Options:

The alternative is to leave the position open.

Background:

The District has been very focused on community outreach and making sure that we are available to provide information to our ratepayers. The District would like to continue our focus on community outreach and in light of that we would like to begin recruitment for a highly skilled Public Affairs Director.

Strategic Plan Initiative:

This work is part of Strategic Plan Initiative No. 2: Organizational Excellence

Budget:

This is included in our 2017 budget. No increase to budget.

Supporting Documents:

- Job Description

PALMDALE WATER DISTRICT

PUBLIC AFFAIRS DIRECTOR

DEFINITION

To plan, implement, and coordinate public information for the Palmdale Water District; and perform a variety of professional and highly technical tasks relative to the community, communications, and public relations. To act as the agency spokesperson in dealing with the media and community groups.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the General Manager/CEO.

EXAMPLES OF ESSENTIAL DUTIES - Duties may include, but are not limited to, the following:

Manage the activities of the Public Outreach Unit. Establish the workflow surrounding all District publications, electronic media, outreach at community events, school and adult education programs.

Manage media information; serve as District spokesperson with print & electronic media; establish and maintain a portfolio of media contacts; prepare/direct the preparation of news releases, opinion pieces, letters to the editor, rebuttals, and other communications to explain and promote the District's programs, activities, and position; consult with the Board, General Manager, Assistant General Manager and other District staff concerning methods for communicating the District's mission and position.

Plan and manage community outreach and activities; network with other water district to develop and coordinate public outreach messages and advocacy on behalf of the Board.

Monitor state and federal legislation and regulatory issues; ensure legislators are apprised of District activities and events affecting their constituents. Provide input and commentary on legislation as authorized by the Board; alert management as to issues and opportunities (eg: grants) arising from legislative or regulatory actions.

Respond to requests for information from the public, media, and legislators' staff; interpret and communicate complex issues and technical data to others with limited technical knowledge of the subject matter.

Direct and participate in the development of the District publications program including informational brochures, flyers, reports, videos, and multi-media presentations; design and prepare written materials including speeches, letters, and articles for use by the Board and other District managers.

Develop strategic partnerships with other government agencies and private sector entities in communicating areas of common interest to the public using a variety of media or activities.

Represent the District to outside organizations and committees and provide staff assistance to these respective groups.

Develop and implement systems, policies and procedures for the crisis communication program.

Develop effective working relationships with legislative staff, local public officials, and civic groups; promotes and presents the District's interests and position.

Read and remain current on breakthroughs in communications technologies, water, politics and emerging issues related to the District's operations and policies.

Act as the Public Information Officer for the District's Emergency Response Plan.

Responsible for updating and maintaining the content of the District website.

Supervise and participate in the development and administration of the Public Affairs budget.

Select, train, motivate and evaluate personnel; provide and coordinate staff training; conduct performance evaluations; implement discipline procedures; maintain discipline and high standards necessary for the efficient and professional operation of the department.

Build and maintain positive working relationships with co-workers, other District employees and the public.

Perform related duties as assigned.

MINIMUM QUALIFICATIONS

Knowledge of:

Principles and practices of community and public relations, advertising, and design.

Media relations, promotional writing and collateral development.

Desktop publishing software and design.

Possess excellent interpersonal communication skills.

Ability to

Analyze communication issues and special projects related to public relations.

Identify and interpret technical and numerical information.

Organize, implement and direct community and public relations operations and activities.

Conduct training classes for District staff in the area of crisis communication.

Interpret and explain pertinent PWD and departmental policies and procedures.

Develop and monitor a public relations and media relations budget.

Develop and recommend policies and procedures related to public relations activities.

Establish and maintain effective working relationships with those contacted in the course of work including District staff and the general public.

Develop brand and image.

On a continuous basis, sit for prolonged periods of time; intermittently twist to reach office equipment; walk and stand in office and at public counter; bend and kneel while retrieving files; perform simple grasping and fine manipulation; use telephone; write and use keyboard to communicate through written means; run errands; and lift, carry, push, pull 25 pounds.

Use a computer, Microsoft Office Suite and desk-top publishing software.

Communicate clearly and concisely, both orally and in writing.

Hear normal conversation sufficient to accomplish duties, in person and/or on the telephone; vision must be sufficient to accomplish the duties of the position which may include operating a District vehicle.

Experience and Training

Any combination of experience and training that would provide the required knowledge and abilities is qualifying. A typical way to obtain the required knowledge and abilities would be:

Experience:

A minimum of five years' experience in public and media relations, communications and crisis management.

Training:

A bachelor’s degree or equivalent from an accredited college or university with major course work in business administration, public relations, public administration or a related field.

License and Certificate:

Possession of, or ability to obtain, a valid California driver’s license. Must have a driving record acceptable to the District.

Membership in the Public Relations Society of America.

Approved:

I have reviewed this job description with my Supervisor and agree with its contents.

Employee Signature

Date

Supervisor Signature

Date

The specific statements shown in each section of the job description are not intended to be all-inclusive. They represent typical elements and criteria necessary to successfully perform the job.