

AGENDA

Special Board of Directors Meeting June 9, 2022

******Convene Special Meeting at 9:40 a.m.******

LOCATION

**San Bernardino County Transportation Authority
Santa Fe Depot – First Floor Lobby
1170 W. 3rd Street, San Bernardino, CA**

Board of Directors

President

Curt Hagman, Supervisor
County of San Bernardino

Vice-President

Art Bishop, Mayor Pro Tem
Town of Apple Valley

Daniel Ramos, Mayor Pro Tem
City of Adelanto

Paul Courtney, Mayor
City of Barstow

Rick Herrick, Mayor
City of Big Bear Lake

Eunice Ulloa, Mayor
City of Chino

Ray Marquez, Mayor
City of Chino Hills

Frank Navarro, Mayor
City of Colton

Acquanetta Warren, Mayor
City of Fontana

Darcy McNaboe, Mayor
City of Grand Terrace

Rebekah Swanson, Council Member
City of Hesperia

Larry McCallon, Mayor
City of Highland

Rhodes "Dusty" Rigsby, Council Member
City of Loma Linda

John Dutrey, Mayor
City of Montclair

Edward Paget, Vice Mayor
City of Needles

Alan Wapner, Mayor Pro Tem
City of Ontario

L. Dennis Michael, Mayor
City of Rancho Cucamonga

Paul Barich, Mayor
City of Redlands

Deborah Robertson, Mayor
City of Rialto

John Valdivia, Mayor
City of San Bernardino

Joel Klink, Council Member
City of Twentynine Palms

Carlos A. Garcia, Council Member
City of Upland

Debra Jones, Mayor
City of Victorville

David Avila, Mayor
City of Yucaipa

Rick Denison, Mayor Pro Tem
Town of Yucca Valley

Paul Cook, Supervisor
County of San Bernardino

Janice Rutherford, Supervisor
County of San Bernardino

Dawn Rowe, Supervisor
County of San Bernardino

Joe Baca, Jr., Supervisor
County of San Bernardino

Diane Morales, Caltrans
Interim Ex-Officio Member

Ray Wolfe, *Executive Director*

Julianna Tillquist, *General Counsel*

**San Bernardino County Transportation Authority
San Bernardino Council of Governments**

AGENDA

**Special Board of Directors Meeting
June 9, 2022**

**** Convene Special Meeting at 9:40 a.m. **
1170 W. 3rd Street, 1st Floor Lobby Board Room, San Bernardino**

Items listed on the agenda are intended to give notice to members of the public of a general description of matters to be discussed or acted upon. The posting of the recommended actions does not indicate what action will be taken. The Board may take any action that it deems to be appropriate on the agenda item and is not limited in any way by the notice of the recommended action.

To obtain additional information on any items, please contact the staff person listed under each item. You are encouraged to obtain any clarifying information prior to the meeting to allow the Board to move expeditiously in its deliberations. Additional ***“Meeting Procedures”*** and agenda explanations are attached to the end of this agenda.

CALL TO ORDER

(Meeting Chaired by Curt Hagman)

- i. Pledge of Allegiance
- ii. Attendance
- iii. Announcements
- iv. Agenda Notices/Modifications

Possible Conflict of Interest Issues

Note agenda item contractors, subcontractors and agents which may require member abstentions due to conflict of interest and financial interests. Board Member abstentions shall be stated under this item for recordation on the appropriate item.

1. Information Relative to Possible Conflict of Interest

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Note agenda items and contractors/subcontractors, which may require member abstentions due to possible conflicts of interest.

This item is prepared monthly for review by Board and Committee members.

DISCUSSION ITEMS

Discussion - Administrative Matters

2. Revise Policy No. 10111 - Work Requirements, Leaves, and Absences

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That the Board, acting as the San Bernardino County Transportation Authority (SBCTA) and the San Bernardino Associated Governments:

Approve revision to Policy No. 10111, Par. X. Holiday Leave, to include Juneteenth on the list of authorized SBCTA Holidays. **Presenter: Colleen Franco**

This item has not received prior policy committee or technical advisory committee review. SBCTA General Counsel has reviewed this item.

Public Comment

Brief Comments from the General Public

Comments from Board Members

Brief Comments from Board Members

Executive Director's Comments

Brief Comments from the Executive Director

ADJOURNMENT

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Mission Statement

Mission Statement

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Meeting Procedures and Rules of Conduct

Meeting Procedures - The Ralph M. Brown Act is the state law which guarantees the public's right to attend and participate in meetings of local legislative bodies. These rules have been adopted by the Board of Directors in accordance with the Brown Act, Government Code 54950 et seq., and shall apply at all meetings of the Board of Directors and Policy Committees.

Accessibility - The meeting facility is accessible to persons with disabilities. If assistive listening devices or other auxiliary aids or services are needed in order to participate in the public meeting, requests should be made through the Clerk of the Board at least three (3) business days prior to the Board meeting. The Clerk can be reached by phone at (909) 884-8276 or via email at clerkoftheboard@gosbcta.com and office is located at 1170 W. 3rd Street, 2nd Floor, San Bernardino, CA.

Agendas – All agendas are posted at www.gosbcta.com/board/meetings-agendas/ at least 72 hours in advance of the meeting. Staff reports related to agenda items may be reviewed online at that web address. Agendas are also posted at 1170 W. 3rd Street, 1st Floor, San Bernardino at least 72 hours in advance of the meeting.

Agenda Actions – Items listed on both the “Consent Calendar” and “Discussion” contain recommended actions. The Board of Directors will generally consider items in the order listed on the agenda. However, items may be considered in any order. New agenda items can be added and action taken by two-thirds vote of the Board of Directors or unanimous vote of members present as provided in the Ralph M. Brown Act Government Code Sec. 54954.2(b).

Closed Session Agenda Items – Consideration of closed session items excludes members of the public. These items include issues related to personnel, pending litigation, labor negotiations and real estate negotiations. Prior to each closed session, the Chair will announce the subject matter of the closed session. If action is taken in closed session, the Chair may report the action to the public at the conclusion of the closed session.

Public Testimony on an Item – Members of the public are afforded an opportunity to speak on any listed item. Individuals wishing to address the Board of Directors or Policy Committee Members should complete a “Request to Speak” form, provided at the rear of the meeting room, and present it to the Clerk prior to the Board's consideration of the item. A "Request to Speak" form must be completed for each item an individual wishes to speak on. When recognized by the Chair, speakers should be prepared to step forward and announce their name and address for the record. In the interest of facilitating the business of the Board, speakers are limited to three (3) minutes on each item. Additionally, a twelve (12) minute limitation is established for the total amount of time any one individual may address the Board at any one meeting. The Chair or a majority of the Board may establish a different time limit as appropriate, and parties to agenda items shall not be subject to the time limitations. Members of the public requesting information be distributed to the Board of Directors must provide 40 copies of such information in advance of the meeting, except for noticed public hearings. Information provided as public testimony is not read into the record by the Clerk.

The Consent Calendar is considered a single item, thus the three (3) minute rule applies. Consent Calendar items can be pulled at Board member request and will be brought up individually at the specified time in the agenda allowing further public comment on those items.

Agenda Times – The Board is concerned that discussion take place in a timely and efficient manner. Agendas may be prepared with estimated times for categorical areas and certain topics to be discussed. These times may vary according to the length of presentation and amount of resulting discussion on agenda items.

Public Comment – At the end of the agenda, an opportunity is also provided for members of the public to speak on any subject within the Board’s authority. Matters raised under “Public Comment” may not be acted upon at that meeting. “Public Testimony on any Item” still applies.

Disruptive or Prohibited Conduct – If any meeting of the Board is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the Chair may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive or prohibited conduct includes without limitation addressing the Board without first being recognized, not addressing the subject before the Board, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, bringing into the meeting any type of object that could be used as a weapon, including without limitation sticks affixed to signs, or otherwise preventing the Board from conducting its meeting in an orderly manner. Your cooperation is appreciated!

**General Practices for Conducting Meetings
of
Board of Directors and Policy Committees**

Attendance.

- The Chair of the Board or a Policy Committee (Chair) has the option of taking attendance by Roll Call or Self-Introductions. If attendance is taken by Roll Call, the Clerk of the Board will call out by jurisdiction or supervisorial district. The Member or Alternate will respond by stating his/her name. If attendance is by Self-Introduction, the Member or Alternate will state his/her name and jurisdiction or supervisorial district.
- A Member/Alternate, who arrives after attendance is taken, shall announce his/her name prior to voting on any item.
- A Member/Alternate, who wishes to leave the meeting after attendance is taken but before remaining items are voted on, shall announce his/her name and that he/she is leaving the meeting.

Basic Agenda Item Discussion.

- The Chair announces the agenda item number and states the subject.
- The Chair calls upon the appropriate staff member or Board Member to report on the item.
- The Chair asks members of the Board/Committee if they have any questions or comments on the item. General discussion ensues.
- The Chair calls for public comment based on “Request to Speak” forms which may be submitted.
- Following public comment, the Chair announces that public comment is closed and asks if there is any further discussion by members of the Board/Committee.
- The Chair calls for a motion from members of the Board/Committee.
- Upon a motion, the Chair announces the name of the member who makes the motion. Motions require a second by a member of the Board/Committee. Upon a second, the Chair announces the name of the Member who made the second, and the vote is taken.
- The “aye” votes in favor of the motion shall be made collectively. Any Member who wishes to oppose or abstain from voting on the motion, shall individually and orally state the Member’s “nay” vote or abstention. Members present who do not individually and orally state their “nay” vote or abstention shall be deemed, and reported to the public, to have voted “aye” on the motion.

The Vote as specified in the SANBAG Bylaws.

- Each Member of the Board of Directors shall have one vote. In the absence of the official representative, the alternate shall be entitled to vote. (Board of Directors only.)
- Voting may be either by voice or roll call vote. A roll call vote shall be conducted upon the demand of five official representatives present, or at the discretion of the presiding officer.

Amendment or Substitute Motion.

- Occasionally a Board Member offers a substitute motion before the vote on a previous motion. In instances where there is a motion and a second, the maker of the original motion is asked if he or she would like to amend his or her motion to include the substitution or withdraw the motion on the floor. If the maker of the original motion does not want to amend or withdraw, the substitute motion is voted upon first, and if it fails, then the original motion is considered.
- Occasionally, a motion dies for lack of a second.

Call for the Question.

- At times, a Member of the Board/Committee may “Call for the Question.”
- Upon a “Call for the Question,” the Chair may order that the debate stop or may allow for limited further comment to provide clarity on the proceedings.
- Alternatively and at the Chair’s discretion, the Chair may call for a vote of the Board/Committee to determine whether or not debate is stopped.
- The Chair re-states the motion before the Board/Committee and calls for the vote on the item.

The Chair.

- At all times, meetings are conducted in accordance with the Chair’s direction.
- These general practices provide guidelines for orderly conduct.
- From time-to-time circumstances require deviation from general practice.
- Deviation from general practice is at the discretion of the Chair.

Courtesy and Decorum.

- These general practices provide for business of the Board/Committee to be conducted efficiently, fairly and with full participation.
- It is the responsibility of the Chair and Members to maintain common courtesy and decorum.

Adopted By SANBAG Board of Directors January 2008

Revised March 2014

Revised May 4, 2016

Minute Action

AGENDA ITEM: 1

Date: June 9, 2022

Subject:

Information Relative to Possible Conflict of Interest

Recommendation:

Note agenda items and contractors/subcontractors, which may require member abstentions due to possible conflicts of interest.

Background:

In accordance with California Government Code 84308, members of the Board may not participate in any action concerning a contract where they have received a campaign contribution of more than \$250 in the prior twelve months from an entity or individual, except for the initial award of a competitively bid public works contract. This agenda contains recommendations for action relative to the following contractors:

Item No.	Contract No.	Principals & Agents	Subcontractors
		None	

Financial Impact:

This item has no direct impact on the budget.

Reviewed By:

This item is prepared monthly for review by Board and Committee members.

Responsible Staff:

Marleana Roman, Clerk of the Board

Approved
Board of Directors
Date: June 9, 2022

Witnessed By:

Entity: San Bernardino Council of Governments, San Bernardino County Transportation Authority

Minute Action

AGENDA ITEM: 2

Date: June 9, 2022

Subject:

Revise Policy No. 10111 - Work Requirements, Leaves, and Absences

Recommendation:

That the Board, acting as the San Bernardino County Transportation Authority (SBCTA) and the San Bernardino Associated Governments:

Approve revision to Policy No. 10111, Par. X. Holiday Leave, to include Juneteenth on the list of authorized SBCTA Holidays.

Background:

On May 24, 2022, the San Bernardino County Board of Supervisors adopted a resolution proclaiming June 19th of each year as an Observed County Holiday to commemorate Juneteenth. Congress approved legislation which was signed into law on June 17, 2021, by President Biden, designating Juneteenth National Independence Day as a legal public holiday commemorating the end of slavery in the United States. Delayed notice of the County Board of Supervisors' adopted resolution caused staff to miss the opportunity to bring this recommendation to the June 2022 Board meeting and, therefore, the Board President has called for this special meeting.

San Bernardino Associated Governments (SBCOG) Board of Directors took action on October 7, 2020, to establish the Equity Ad Hoc Committee and directed staff to collaborate with the County in implementing an Equity Element to the Countywide Vision. San Bernardino County Transportation Authority (SBCTA) and SBCOG would like to join with the County in celebrating Juneteenth. Staff recommends the Board approve revised Policy No. 10111, to add Juneteenth to the list of approved SBCTA holidays.

Financial Impact:

The cost for the additional holiday will be incurred in Fiscal Year 2022/2023. This item is consistent with the Fiscal Year 2022/2023 Budget.

Reviewed By:

This item has not received prior policy committee or technical advisory committee review. SBCTA General Counsel has reviewed this item.

Responsible Staff:

Colleen Franco, Director of Management Services

Approved
Board of Directors
Date: June 9, 2022

Witnessed By:

Entity: San Bernardino Council of Governments, San Bernardino County Transportation Authority

San Bernardino County Transportation Authority	Policy	10111
Adopted by the Board of Directors April 3, 1991	Revised	04/03/19 06/09/22
Work Requirements, Leaves, and Absences	Revision No.	16 5

Important Notice: A hardcopy of this document may not be the document currently in effect. The current version is always the version on the SBCTA Intranet.

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I. PURPOSE

The purpose of this policy is to establish standards for work requirements, leaves, and absences.

II. AUTHORIZATION

The Executive Director is authorized to implement and interpret this policy on behalf of the agency.

III. REFERENCES

Policy 10107, Compensation Administration
 Policy 10110, Employment Status and Classification
 Policy 10112, Retirement Medical Trust Fund
 Policy 10120, Employee 9/80 Alternative Work Schedule Program
 Policy 10122-1, Flexible Benefit Plan

IV. DEFINITIONS

Note: Refer to Policy 10110 for definitions of exempt, non-exempt, regular, and temporary employees.

Administrative Leave: Administrative leave is leave of absence with pay earned as a condition of employment as a regular exempt employee and is granted to compensate for additional hours worked.

California Family Rights Act (CFRA): The State law governing an employee's right to an unpaid leave of absence for a serious health condition of the employee or immediate family member of the employee, the birth of a child to an employee, the care of a newborn by the employee, or the placement of a child with an employee in connection with adoption or foster care.

Fair Labor Standards Act (FLSA): The Federal law that establishes minimum wage, overtime pay, recordkeeping, and child labor standards affecting employees.

Family Medical Leave Act (FMLA): The Federal law governing employees' right of unpaid leave of absence to bond with a new child, care for an immediate family member with a serious health condition, or to obtain treatment and otherwise recover from an employee's own serious health condition, for military family leave for the care of a covered servicemember with a serious injury or illness, or due to a qualifying exigency arising out of the fact that the employee's spouse, child, or parent has been called up to active duty. The FMLA also provides guidelines regarding continuance of health care benefits during FMLA leave, if health care coverage is a benefit granted to the employee. FMLA also provides the guidelines for return to work status to the employee to the same or similar position.

Immediate Family Members: Defined as a relative of the employee to include the spouse, registered domestic partner, children (adopted, step, or legal guardian), grandchildren, mother, father, grandparents, brother, sister, and mother- and father-in-law.

Medical Emergency Leave: Authorized absence from duty with pay due to emergency or catastrophic health conditions funded by the donation of sick leave from other SBCTA employees.

Military Leave: Military leave is defined as the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, inactive duty for training (weekend drills), and full-time National Guard duty.

Normal Workday: The normal workday for full-time, regular employees not on an Alternative Work Schedule (AWS) will be 8-hours in a workday, Monday through Friday, excluding holidays. (refer to Policy 10120 for workday requirements for 9/80 AWS).

Pregnancy Disability Leave (PDL): Leave for an employee who is disabled because of pregnancy, childbirth, or related medical condition as defined by the Fair Employment and Housing Act. PDL is a right of employees regardless of time or status of employment. PDL also provides guidelines on return to work status for the employee to the same or similar position.

Rest Periods: A time when the employee is still at work but relieved of duty for a paid ten-minute break for each four-hour period worked.

Sick Leave: An authorized absence from work for the diagnosis, care or treatment of an existing health condition of or preventive care for an employee or his or her immediate family member. Also, an authorized absence for an employee who is a victim of domestic violence, sexual assault, or stalking per Section VII below.

Vacation Leave: Vacation leave is a benefit, earned as a condition of employment as a regular employee, to leave of absence with pay for the recreation and well-being of the employee.

Work Week: For the purpose of this policy, “week” and “workweek” mean the employee’s usual or normal work schedule constituting a 40-hour time period, Monday through Friday, excluding holidays. (Refer to Policy 10120 for the definition of Workday and Work Week for 9/80 AWS.)

V. WORK STANDARDS, WORK SCHEDULES, BREAK AND LUNCH PERIODS

A. Work Standards

1. **Regular Employees.** The Executive Director is authorized to modify the established workday as deemed appropriate to accommodate special circumstances. The supervisor determines the workday for regular part-time employees.
 - a. Each employee is responsible for documenting actual hours worked on his/her timesheet, on a daily basis.
 - b. Supervisors must consider minimum staffing requirements of the agency when approving leaves or absences for any employee.
2. **Temporary Employees.** Temporary employees are assigned a schedule by their supervisor that best suits the situation for which they were hired. Temporary employee work hours may fluctuate based on workload and project schedules and will be assigned a work schedule to meet the needs of the agency. Work performed as overtime or compensatory time by temporary employees will be paid according to SBCTA policy on Compensatory Time Off/Overtime Pay. (Refer to Policy 10109 – Compensatory Time Off/Overtime Pay.)

B. Work Requirements

1. **Exempt Employees.** Exempt employees are required to account for a minimum of 80 hours per pay period (including leave hours used as sick, vacation, administrative, or holiday leave). It is expected that exempt employees will work, on the average, more than 80 hours per pay period. Exempt employees may, subject to provisions of this policy, adjust their normal workday to accommodate work requirements, external demands, and travel schedules. Exempt employees may also be asked to modify their schedule, delay their vacation, or work extra hours to ensure the office is manned when circumstances warrant the additional work time.
2. **Non-Exempt Employees.** Non-exempt employee schedules may be changed to meet agency needs.

Any work performed beyond the employee’s regular work day and/or as overtime or compensatory time requires pre-approval by the supervisor. Should overtime result from such work, it will be paid

according to the SBCTA policy on Compensatory Time Off/Overtime Pay. (Refer to Policy 10109 – Compensatory Time Off/Overtime Pay.)

Employees earning compensatory time must use this accrual prior to taking vacation leave.

- C. Break and Lunch Periods.** All employees are afforded lunch and break periods. Non-exempt employees scheduled to work six or more hours in a workday will be scheduled for a one-hour lunch period, for which wages will not be paid. Supervisors may reduce the lunch period to less than one hour, but no less than 30 minutes, due to workload demands. Each non-exempt employee scheduled to work for at least four hours is entitled to a 10-minute break for every four hours worked. Overtime will be calculated to include the 10-minute break but will not be calculated to include a lunch period.

VI. VACATION LEAVE

Employees in regular full-time positions accrue vacation leave as listed in Table 1. Part-time regular employees accrue vacation leave at a pro-rated rate depending on hours worked and based upon the accrual applicable to regular full-time employees. Once a regular part-time employee reaches the pro-rated accrual cap, they stop earning vacation.

Vacation Leave, Table 1

Length of Service from Benefit Date	Full Time	
	Annual Vacation Allowance	Maximum Unused Balance Allowed
- From start of hire through year four (from 0 to 8,320 service hours)	80 hours	160 hours
- From year five through year 9 (from over 8,320 to 18,720 service hours)	120 hours	240 hours
- Greater than nine years (over 18,720 service hours)	160 hours	320 hours

- A. Vacation leave accrues from first day of hire but is not available for use by employee until three months after hire or upon completion of a probationary period (if applicable), at the discretion of the supervisor.
- B. All accrued vacation leave will be paid upon retirement, separation, or death of the employee at his or her rate of pay at the time of retirement, separation, or death.
- C. Employees who are terminated, resign, separate, or retire from service shall not be allowed to use vacation leave to extend their employment past the last date of work, unless approved by the Executive Director.
- D. The Executive Director is authorized to credit new employees with prior public service based upon previous employment for purposes of setting the vacation accrual rate. The Executive Director is also authorized to credit new employees for contract service with SBCTA for the purpose of establishing vacation accrual rate.
- E. Excess vacation leave may be converted to cash. The minimum amount of vacation leave that can be converted to cash is 40 hours.
 1. Employees wishing to convert vacation leave to cash must state in writing (using the "Leave Cash-Out Election Agreement" form for the upcoming calendar year) to Finance before December 31st of each calendar year, the total amount of vacation hours to be earned in the next calendar year that the employee wishes to convert to cash. The employee's election is irrevocable.
 2. A ten percent penalty on leave cash-outs will be imposed for any cash-out that is not irrevocably elected in the prior calendar year. This requirement is mandated by the Internal Revenue Code.
 3. An employee may convert vacation leave to cash on a quarterly basis provided that a minimum of 40 hours for regular full-time employees or half the annual accrual for part-time employees of vacation leave has been used during the previous 12 months.
 4. Only vacation leave accrued in the current calendar year is eligible to be converted to cash without penalty.

VII. SICK LEAVE

A. Eligibility. Sick leave is granted to regular and temporary employees. Sick leave is paid leave from work that may be used for the following purposes:

- Diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or any of the following of the employee's family members: child of any age or dependency status; parent; parent-in-law; spouse; registered domestic partner; grandparent; grandchildren; or sibling.
- For an employee who is a victim of domestic violence, sexual assault, or stalking to: i) obtain or attempt to obtain a temporary restraining order or other court assistance to help ensure the health safety or welfare of the employee or his or her child; or ii) obtain medical attention or psychological counseling; services from a shelter; program or crisis center; or participate in safety planning or other actions to increase safety.
- Bereavement due to the death of an immediate family member.

Sick leave is not intended to be used for taking time off, to be an earned right to time off from work, or for the convenience of resting for the day. It is the responsibility of supervisors to ensure employees use sick leave for its intended purpose.

B. Sick Leave Accrual

1. **Regular Full-Time:** Employees in regular full-time positions accrue 96 hours of sick leave per year. There is no limit on sick leave accumulation. Sick leave accrues from first day of hire and is available for immediate use for valid reasons as identified in par. VII.B. Accrued sick leave carries over from year to year.
2. **Regular Part-Time:** Employees in regular part-time positions accrue sick leave in an amount prorated to the lower number of hours they work per pay period in paid status. There is no limit on sick leave accumulation. Sick leave accrues from first day of hire and is available for immediate use for valid reasons as identified in par. VII.B. Accrued sick leave carries over from year to year.
3. **Temporary:** Temporary employees accrue sick leave at the rate of one hour per every 30 hours worked, beginning on July 1, 2015, or if hired after July 1, 2015, beginning upon commencement of employment. Accrued and unused sick leave carries over to the following year of employment, but sick leave accruals may not total more than 48 hours or 6 work days/shifts, whichever is greater. Sick leave accrues from first day of hire but is not available for use until the 90th day of employment.

C. Protected Sick Leave. For full time and part-time employees who are not temporary, one-half of the employee's accrued and available annual sick leave is protected and may be used for any of the purposes stated in this policy.

For temporary employees, up to 24 hours, or three days, whichever is greater, of accrued and available sick leave each year is protected and may be used for any of the purposes stated in this policy. The year is measured beginning on July 1, 2015, or the employee's anniversary of hire date, whichever is later.

D. Sick Leave Request. To request to use sick leave if the need for leave is foreseeable, an employee must give the immediate supervisor reasonable advance written or oral notice. If the need for sick leave is not foreseeable, the employee shall provide written or oral notice of the need for the leave as soon as practicable. If the employee is required to be absent on sick leave for more than one day, the employee must keep the immediate supervisor informed each day as to the date the employee expects to return to work and the purpose of the leave. Failure to request sick leave as required by this policy without good reason, may result in the employee being treated as absent without leave.

E. Unused Sick Leave. Converting Unused Sick Leave to Vacation: Employees who have accrued in excess of 500 hours of sick leave may convert the unused portion of sick leave in excess of 500 hours to vacation leave, on the basis of 50 percent, that is, two hours of sick leave for one hour of vacation leave.

F. Sick Leave Upon Separation

1. Payout of Unused Sick Leave Upon Retirement, Separation, or Death: Refer to Policy 10112.

2. If the employee is rehired within one year of the date of separation, the previously accrued and unused sick leave will be reinstated and the employee will be entitled to accrue additional paid sick leave upon rehiring.
3. Unless approved by the Executive Director and the President or Vice President, employees who resign, separate, retire from service, or are terminated, will not be allowed to use sick leave to extend their employment past the last date of work.

G. Medical Certification

1. An employee must present to his/her supervisor a "back to work" letter from the doctor when he/she has been sick and has been absent from work and on sick leave for more than five workdays (40 sick leave hours), has been exposed to a communicable disease, or has been hospitalized. In such instances and at the discretion of the Executive Director, the employee may be required to undergo an examination by a doctor designated by SBCTA prior to resuming work to determine the medical and physical fitness of the employee to perform the duties of the position. These requirements ensure that the employee is well enough to return to work and to perform his/her normally assigned duties.
2. When an employee is absent from work due to a family illness, death, or other reason not related to the employee's own health and on sick leave for more than three workdays (more than 24 sick leave hours), the employee must provide a valid form of authorization to his/her supervisor with the reason for absence and the use of sick leave. Examples of valid forms of authorization are a doctor's note explaining why the employee's presence was required for an immediate family member's illness, documentation of the illness or death of an immediate family member, etc.
3. An employee with a limited duty notice from his/her doctor must provide the doctor's notice to his/her supervisor on the first day back to work for possible reassignment from normal duties.

H. Worker's Compensation Benefits. In lieu of Worker's Compensation benefits and sick leave, employees receive full salary for the first authorized 40 hours off work following an occupational injury or illness. Thereafter, accumulated sick or other types of leave may be used to supplement temporary disability compensation amounts.

VIII. MEDICAL EMERGENCY LEAVE

- A. This policy allows employees to donate sick leave to another employee, under prescribed circumstances. Medical Emergency Leave is allowable for emergency or catastrophic health conditions associated with eligible sick leave as specified in paragraphs VII.A & B.
- B. Medical Emergency Leave provides for authorized absence with pay for emergency or catastrophic health conditions funded by donations of sick leave from employees to another employee.
 1. Employees may, on a strictly voluntary and confidential basis, make an irrevocable pledge of sick leave to another employee approved for Medical Emergency Leave. Sick leave pledged by a donor will remain in the donor's balance until such time as it is used by the recipient. Unused pledges will be retained by the donor.
 2. Donor employees may pledge up to 40 hours per fiscal year provided a minimum balance of 80 sick leave hours is maintained.
 3. Sick leave may be pledged and used in increments of no less than 4 hours.
- C. Medical Emergency Leave shall be approved by the Executive Director, or his designee. An employee shall meet the following conditions to be considered eligible for approval of Medical Emergency Leave. The employee shall:
 1. Have regular employment status for 2080 continuous service hours.
 2. Have exhausted all available leave balances; i.e., sick, vacation, compensatory, and administrative leave.

3. Produce a valid form of authorization related to the medical condition which requires sustained or repeated absences from duty, such as a doctor's note, documentation of illness, etc.
- D. An employee receiving workers' compensation benefits is not eligible for Medical Emergency Leave. An employee eligible for disability insurance and/or short term disability must agree to integrate these benefits with sick leave donations.
- E. The cumulative Medical Emergency Leave pledged to any one employee shall not exceed 500 hours, except as authorized by the Executive Director.
- F. Medical Emergency Leave may only to be used for the medical situation for which Medical Emergency Leave was approved.
- G. Hours pledged for Medical Emergency Leave shall be contributed at the donor's hourly base salary rate and be converted to the recipient's hourly base salary rate. The employee receiving Medical Emergency Leave donations will be taxed accordingly.
- H. The recipient of Medical Emergency Leave is not eligible for receipt of any accruals such as vacation, sick, holiday, administrative leave or retirement credit related to time taken as medical emergency leave.
- I. Names of donors, recipients, and associated information will be maintained in strict confidence and privacy rights will be upheld. Procedures relative to solicitation and administration will be established by the Executive Director.
- J. Privileges granted under Medical Emergency leave will be revoked at such time as the health condition for which Medical Emergency Leave was approved ceases to exist, as determined by the Executive Director.

IX. ADMINISTRATIVE LEAVE Exempt employees shall accrue 1.53 hours of administrative leave per pay period up to a maximum of 40 hours annually to compensate for additional hours worked throughout the year. A maximum of twice the annual award of administrative leave may be accrued by exempt personnel. This leave is separate from and in addition to any vacation or holiday leave granted to exempt employees.

Cash out of administrative leave is subject to the same cash out restrictions as for vacation leave – see par. VI.

X. HOLIDAY LEAVE

Regular employees are eligible for holiday leave. Part-time employees will be granted a pro-rated amount for holiday leave per holiday. Holiday leave is intended to allow employees the opportunity to celebrate holidays. Authorized SBCTA holidays are expected to be taken on the day they are scheduled.

- A. Holiday leave may not be cashed out.
- B. Holidays falling on Saturday or Sunday shall be observed on the respective Friday or Monday as established by SBCTA. Holidays occurring during vacation shall be charged as holiday leave. Employees in regular positions shall be entitled to the following days as holiday leave:
- New Year's Day - January 1
 - Martin Luther King Day - Third Monday in January
 - President's Day - Third Monday in February
 - Memorial Day - Last Monday in May
 - Juneteenth – June 19
 - Independence Day - July 4
 - Labor Day - First Monday in September
 - Columbus Day - Second Monday in October
 - Veterans Day - November 11
 - Thanksgiving Day
 - Day after Thanksgiving Day
 - Christmas Eve - December 24

- Christmas Day - December 25
- New Year's Eve - December 31

XI. PREGNANCY DISABILITY LEAVE

- A. Amount of Leave.** Employees who are temporarily disabled due to pregnancy, childbirth, or related medical conditions shall be eligible for unpaid Pregnancy Disability Leave (PDL) totaling up to the number of hours she would normally work within four months (one-third of a year or 17 1/3 weeks) in accordance with state law. For a full-time employee who works 40 hours per week, "four months" means 693 hours of leave entitlement, based on a 40 hour per week times 17 1/3 weeks. An employee who works less than 40 hours per week will receive a pro-rata or proportional amount of leave. There is no minimum time of employment to take this type of leave.
- B. Compensation and Benefits During Leave.** Pregnancy disability leaves are without pay. However, the employee must first use sick leave, if any. Once sick leave is depleted, the employee may elect to use vacation leave or any other accrued paid time off during the leave.
- On an approved PDL, an employee may continue to receive any group health insurance coverage that was provided before her leave, beginning on the date the pregnancy disability leave begins and continuing for up to four months in a 12-month period, at the same level and under the same conditions that coverage would have been provided if the employee had continued in employment continuously for the duration of the leave. SBCTA may recover premiums it paid to maintain health coverage if an employee does not return to work following pregnancy disability leave, unless the reason for the failure to return is a circumstance beyond her control or the use of the separate right to 12 weeks of bonding leave under the California Family and Medical Leave Act. Refer to Policy 10122-1.
- C. Notification and Certification Requirements.** Requests for pregnancy disability leave must be submitted in writing with reasonable advance notice of the medical need for the leave. All leaves must be confirmed in writing, have an agreed-upon specific date of return, and be submitted to the Deputy Executive Director.
- The request for pregnancy disability leave must be supported by a written certification from the attending physician stating that: the employee is disabled from working by pregnancy, childbirth or a related medical condition; 2) the date on which the employee became disabled by pregnancy, childbirth or a related medical condition; and 3) the estimated duration or end date of the leave.
- D. Sick and Vacation Accruals.** Sick and vacation leaves do not accrue while an employee is on unpaid pregnancy disability leave.
- E. Employee Status During Leave.** The employee retains employee status during the leave. The leave is not a break in service for purposes of longevity or seniority or employee benefit plan. Benefits will be resumed upon the employee's reinstatement in the same manner and at the same levels as provided when the leave began, without any new qualification period, physical exam, or other qualifying provisions.
- F. Reinstatement.** Upon the expiration of pregnancy leave, the employee shall be reinstated in the same or similar job, so long as it was not eliminated for a legitimate business reason during the leave.
- If the employee's original position is no longer available, the employee will be assigned to a comparable, open position.
- If upon return from leave an employee is unable to perform the essential functions of her job because of a physical or mental disability, SBCTA will initiate an interactive process with the employee in order to identify a potential reasonable accommodation.

XII. FAMILY MEDICAL LEAVE

- A. Statement of Policy.** SBCTA provides family and medical care leave for eligible employees as required by State and federal law. Employees who misuse or abuse family and medical care leave may be disciplined up to and including termination. Employees who fraudulently obtain or use CFRA leave are not protected by the CFRA's job restoration or maintenance of health benefits provisions.

This Policy is supplemented by the Federal Family and Medical Leave Act ("FMLA"), and the California Family Rights Act ("CFRA").

B. Concurrent Running of FMLA and CFRA Leaves. Unless otherwise provided by law, SBCTA will run each employee's FMLA and CFRA leaves concurrently.

C. Definitions.

- 1. 12-Month Period:** A rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken.
- 2. Single 12-Month Period:** A 12-month period which begins on the first day the eligible employee takes FMLA leave to take care of a covered servicemember and ends 12 months after that date.
- 3. Child:** A child under the age of 18 years of age, or 18 years of age or older 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 responsibility for care, and includes a biological, adopted, foster or step-child. 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, or using telephones and directories.
- 4. Parent:** The biological 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.
- 5. Spouse:** One of two persons to a marriage, regardless of the sex of the persons, and for purposes of CFRA leave, includes a registered domestic partner as defined below.
- 6. Domestic Partner:** Another adult with whom the employee has chosen to share their life in an intimate and committed relationship of mutual caring and with whom the employee has filed a Declaration of Domestic Partnership with the Secretary of State, and who meets the criteria specified in California Family Code section 297. A legal union formed in another state that is substantially equivalent to the California domestic partnership is also sufficient.
- 7. Serious Health Condition:** An illness, injury impairment, or physical or mental condition that involves:
 - a. Inpatient Care in a hospital, hospice, or residential medical care facility, including any period of incapacity (e.g., inability to work or perform other regular daily activities due to the serious health condition, treatment involved, or recovery therefrom). A person is considered "inpatient" when a health care facility admits him or her to the facility with the expectation that he or she will remain at least overnight, even if it later develops that such person can be discharged or transferred to another facility, and does not actually remain overnight; or
 - b. 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 serious health condition of more than three consecutive calendar days; and
 - ii. Any subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision by a health care provider, 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
 - 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. This includes, for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. If the medication is over the counter, and can be initiated without a visit to a health care provider, it does not constitute a regimen of continuing treatment.

- c. Any period of incapacity due to pregnancy or for prenatal care. Note that pregnancy is a “serious health condition” only under the FMLA. Under California law, an employee disabled by pregnancy is entitled to pregnancy leave.
- d. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
 - i. Requires periodic visits for treatment by a health care provider, or by a nurse or physician’s assistant under direct supervision of a health care provider;
 - ii. Continues over an extended period of time (including recurring episodes of a single underlying condition); and
 - iii. 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.
- e. 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 health care provider.
- f. Any period of absence to receive multiple treatments (including any period of recovery therefrom) 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.

8. Health Care Provider:

- a. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery in the State of California;
- b. Individuals duly licensed as a physician, surgeon, or osteopathic physician or surgeon in another state or jurisdiction, including another country, which directly treats or supervises treatment of a serious health condition;
- c. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist) authorized to practice in California and performing within the scope of their practice as defined under California State law;
- d. Nurse practitioners and nurse-midwives and clinical social workers who are authorized to practice under California State law and who are performing within the scope of their practice as defined under California State law;
- e. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; and
- f. Any health care provider from whom an employer or group health plan’s benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

9. Covered Active Duty:

- a. In the case of a member of a regular component of the Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country; or
- b. In the case of a member of the reserve component of the Armed Forces, duty during the deployment of the member of the Armed Forces to a foreign country under a call or order to active duty under certain specified provisions.

10. Covered Servicemember:

- a. 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
- b. 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, including a member of the National Guard or Reserves, at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

11. Outpatient Status: With respect to a covered servicemember, 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.

12. Next of Kin of a Covered Servicemember: The nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA.

13. Serious Injury or Illness:

- a. In the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that a covered servicemember incurred 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 the service in the line of duty on active duty in the Armed Forces) and that may render the servicemember medically unfit to perform the duties of the member's office, grade, rank, or rating; or
- b. In the case of a veteran who was a 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 manifested itself before or after the member became a veteran.

D. Reasons for Leave. Leave is only permitted for the reasons listed below.

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 domestic partner who has a serious health condition;
4. Leave because of a serious health condition that makes the employee unable to perform any one or more essential functions of his/her position;
5. Leave for a variety of "qualifying exigencies" arising out of the fact that an employee's spouse, son, daughter, or parent is on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation; or
6. Leave to care for a spouse, son, daughter, parent, or "next of kin" who is a covered servicemember of the U.S. 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. This leave can run up to 26 weeks of unpaid leave during a single 12-month period.

E. Employees Eligible for Leave. Employees employed by SBCTA for at least 12 months and who have been employed by SBCTA for at least 1,250 hours during the 12-month period immediately preceding the commencement of the requested leave are eligible for unpaid leave under the Family Medical Leave Act (FMLA) and California Family Rights Act (CFRA).

An employee is eligible for 12 weeks of parental leave to bond with a new child within one year of the child's birth, adoption or foster care placement if:

1. The employee has been employed by SBCTA for at least 12 months; and
2. The employee has been employed by SBCTA for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.

F. Amount of Leave. Eligible employees are entitled to a total of 12 workweeks of leave in a rolling 12-month period or 26 workweeks of leave in a rolling 12-month period in the case of leave for the care of a covered servicemember with a serious injury or illness. In calculating hours worked for the purposes of FMLA, only service hours are used (refer to Policy 10107 for definition of service hours).

G. Consecutive CFRA and PDL Leave. Family leave under the CFRA may be taken in addition to PDL, if the circumstances meet the criteria for both leaves. Refer to Section XI, Pregnancy Disability Leave, above for information on PDL. Refer to Policy 10122-1 for continuance of benefits.

H. Minimum Duration of Leave.

1. If leave is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two weeks. However, an employee is entitled to leave for one of these purposes (e.g. bonding with a newborn) for less than two weeks duration on any two occasions.
2. If leave is requested to care for a child, parent, spouse or the employee him/herself with serious health condition, there is no minimum amount of leave that must be taken. However, compliance with the notice and medical certification provisions in this policy is required.

- I. Parents both Employed by SBCTA.** If both parents of a child, adoptee, or foster child are employed by SBCTA and are entitled to bonding leave, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during any 12-month period. If both parents of a covered servicemember are employed by SBCTA and are entitled to leave to care for a covered servicemember, the aggregate number of workweeks of leave to which both may be entitled is limited to 26 workweeks during the 12-month period. This limitation does not apply to any other type of leave under this policy.

J. Employee Benefits While on Leave.

1. **Group Health Insurance During Unpaid Leave.** Leave under this Policy is unpaid. While on unpaid leave, employees will continue to be covered by SBCTA's group health insurance for up to 12 weeks, or 6 pay periods, each leave year to the same extent that coverage is provided while the employee is on the job. If the employee is disabled by pregnancy, coverage will continue up to four months, or 8 pay periods, each leave year. If an employee disabled by pregnancy also uses leave under the CFRA for baby-bonding, SBCTA will maintain her coverage while she is disabled by pregnancy (up to four months or 17 1/3 weeks) and during her CFRA leave (up to 12 weeks).
2. **Benefit Plans Not Provided through SBCTA's Group Health Plan During Unpaid Leave Do Not Continue.** SBCTA does not pay for benefit plans that are not part of the group health plan for any employee on unpaid leave. As a result, employees will not continue to be covered under SBCTA's benefit plans that are not provided through the SBCTA's group health plans while the employee is on unpaid leave.
3. **Payment of Premiums.** Employees may make the appropriate contributions for continued coverage under the health benefits plans by payroll deductions (if the employee is using his or her paid leave) or direct payments (if the employee is not using his or her paid leave). The Benefits Administrator will inform the employee whether the direct payments for premiums should be paid to the carrier or to SBCTA via the Benefits Administrator, and the deadlines for paying premiums in order to prevent coverage from being dropped. Employee contribution rates are subject to any changes in rates that occur while the employee is on leave.
4. **Recovery of Premium if the Employee Fails to Return from Leave.** If an employee fails to return to work after his or her leave entitlement has been exhausted or expires, SBCTA shall have the right to recover its share of health plan premiums for the entire leave period, unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or his or her family member which would entitle the employee to leave, or because of circumstances beyond the employee's control.

- K. Substitution of Paid Accrued Leaves.** Although family and medical care leave is unpaid, an employee may elect and SBCTA will require an employee to concurrently use all paid accrued leaves during family and medical care leave as described below.

1. **SBCTA's Right to Require an Employee to use Paid Leave when using FMLA/CFRA Leave.** Employees must use and exhaust their accrued leaves concurrently with family and medical care leave to the same extent that employees have the right to use their accrued leaves concurrently with family and medical care leave with two exceptions:

- a. Employees are not required to use paid leave during leave pursuant to a disability plan that pays a portion of the employee's salary while on leave unless the employee agrees to use paid leave to cover the unpaid portion of the disability leave benefit; and
 - b. An employee must agree to use accrued sick leave to care for a child, parent, spouse or domestic partner.
- 2. SBCTA's Right to Require an Employee to Exhaust FMLA/CFRA Leave Concurrently with Other Leaves.** If an employee takes a leave of absence for any purpose which also qualifies under both the FMLA and CFRA, SBCTA will designate that leave as running concurrently with the employee's 12-week FMLA/CFRA leave entitlement.
- 3. SBCTA's and Employee's Rights if an Employee Requests Accrued Leave without Mentioning FMLA or CFRA.** If an employee requests to utilize accrued vacation leave or other accrued paid time off without reference to a FMLA/CFRA qualifying purpose, SBCTA may not ask the employee if the leave is for a FMLA/CFRA qualifying purpose. However, if SBCTA denies the employee's request and the employee provides information that the requested time off is for a FMLA/CFRA qualifying purpose, SBCTA may require the employee to exhaust accrued leave as described above.
- L. Employee Notice of Leave.** The employee must provide as much notification as possible when requesting FMLA/CFRA 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 day(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. For foreseeable leave due to a qualifying exigency, an employee must provide verbal or written notice of the need for leave as soon as practicable, regardless of how far in advance such leave is foreseeable.
- M. Medical Certification / Recertification.** Employees who request leave must provide a medical certification and/or recertification to support the need for the leave as described below:
- 1. Employee's Own Serious Health Condition.** Employees who request leave for their own serious health condition must provide written certification from the health care provider that contains all of the following: the date, if known, on which the serious health condition commenced; the probable duration of the condition; and a statement that, due to the serious health condition, the employee is unable to work at all or is unable to perform any one or more of the essential functions of his or her position. Upon expiration of the time period the health care provider originally estimated that the employee needed for his/her own serious health condition, the employee must obtain recertification if additional leave is requested.
 - 2. Family Member Serious Health Condition.** Employees who request leave to care for a child, parent, domestic partner or a spouse who has serious health condition must provide written certification from the health care provider of the family member requiring care that contains all of the following: the date, if known, on which the serious health condition commenced; the probable duration of the condition; an estimate of the amount of time which the health care provider believes the employee needs to care for the child, parent, domestic partner, or spouse, and a statement that the serious health condition warrants the participation of the employee to provide care during a period of treatment or supervision of the child, parent or spouse.

The term "warrants the participation of the employee" includes, but is not limited to, providing psychological comfort, and arranging third party care for the covered family member, as well as directly providing, or participating in, the medical care. Upon expiration of the time period the health care provider originally estimated that the employee needed to care for a covered family member, the employer must obtain recertification if additional leave is requested.
 - 3. Servicemember Serious Injury or Illness.** Employees who request FMLA leave to care for a covered servicemember who is a child, spouse, parent or "next of kin" of the

employee, must provide written certification from a health care provider regarding the injured servicemember's serious injury or illness. SBCTA will verify the certification as permitted by the FMLA regulations.

4. **Qualifying Exigency.** The first time an employee requests FMLA leave because of a qualifying exigency, an employee may require the employee to provide a copy of the servicemember's active duty orders or other documentation issued by the military which indicates that the servicemember is on covered active duty or call to active duty status in a foreign country, and the dates of the servicemember's active duty service. A copy of the new active duty orders or similar documentation shall be provided to SBCTA 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 servicemember. SBCTA will verify the certification as permitted by the FMLA regulations.
- N. Time to Provide a Medical Certification.** When an employee has provided at least 30 days' notice for a foreseeable leave, the employee must provide a medical certification before the leave begins. When this is not possible, the employee must provide the medical certification to SBCTA within the time frame requested by SBCTA (which must allow at least 15 calendar days after the employer's request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.
- O. Consequences for Failure to Provide an Adequate or Timely Certification.** 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 in this policy, SBCTA may delay the taking of FMLA/CFRA leave until required certification is provided, or deny FMLA/CFRA protections following the expiration of the time period to provide an adequate certification.
- P. Deputy Executive Director's Review of the Contents of Medical Certification for Employee's Own Serious Health Condition.**
1. **Complete and Sufficient.** The employee must provide a certification for his or her own serious health condition that is complete and sufficient to support the request for leave. A certification is incomplete if one or more of the applicable entries on the certification form have not been completed. A certification is insufficient if the information on the certification form is vague, ambiguous, or not responsive. If the certification is incomplete or insufficient, the Deputy Executive Director will give the employee written notice of the deficiencies and seven days to cure, unless a longer period is necessary in light of the employee's diligent, good faith efforts to address the deficiencies.
 2. **Authentication and Clarification.** After giving the employee an opportunity to cure the deficiencies in a medical certification for the employee's own serious health condition, the Deputy Executive Director may contact the health care provider who provided the certification to clarify and/or authenticate the certification. "Authentication" means providing the health care provider with a copy of the certification form and requesting verification that the information on the form was completed or authorized by the health care provider who signed the form. "Clarification" means contacting the health care provider to understand the handwriting on the medical certification or to understand the meaning of the response. The Deputy Executive Director may not ask for additional information beyond that required on the certification form.
- Q. Second and Third Medical Opinions for Employee's Own Serious Health Condition.** If SBCTA has a good faith, objective reason to doubt the validity of a certification for the employee's serious health condition, SBCTA may require a medical opinion of a second health care provider chosen and paid for by SBCTA. If the second opinion is different from the first, SBCTA may require the opinion of a third provider jointly approved by SBCTA and the employee, but paid for by SBCTA. The opinion of the third provider will be binding. SBCTA must provide the employee with a copy of the second and third medical opinions, where applicable, without cost, upon the request of the employee.

R. Intermittent Leave or Leave on a Reduced Schedule. If an employee requests leave intermittently (a few days or hours at a time) or on a reduced leave schedule for his or her own serious health condition, or to care for an immediate family member with 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 leave schedule. SBCTA may require an employee who certifies the need for a reduced schedule or intermittent leave to temporarily transfer to an alternate position of equivalent pay and benefits that better accommodates the leave schedule.

S. Reinstatement Upon Return From Leave.

- 1. Reinstatement to Same or Equivalent Position.** Upon expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent benefits and pay. 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.
- 2. Date of Reinstatement.** If a definite date of reinstatement has been agreed upon at the beginning of the leave, the employee will be reinstated on the date agreed upon. If the reinstatement date differs from the original agreement of the employee and SBCTA, the employee will be reinstated within two business days, where feasible, after the employee notifies the employer of his/her readiness to return.
- 3. Employee's Obligation to Periodically Report on His/Her 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.
- 4. Fitness for Duty 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 or her job, the employee must obtain and present a fitness-for-duty certification from the health care provider stating that the employee is able to resume work. Failure to provide such certification will result in denial of reinstatement.
- 5. Reinstatement of "Key Employees".** SBCTA may deny reinstatement to a "key" employee (i.e., an employee who is among the highest paid 10 percent of all employed by the SBCTA within 75 miles of the worksite) if such denial is necessary to prevent substantial and grievous economic injury to the operations of SBCTA, and the employee is notified of SBCTA's intent to deny reinstatement on such basis at the time SBCTA determines that such injury would occur.

T. Required Forms. Employees must complete the applicable forms to receive family and medical care leave.

XIII. BLOOD DONOR LEAVE

With prior approval from the immediate supervisor, employees in regular positions may receive up to two hours off with pay for whole blood donations or four hours off for plasma (apheresis) donations.

XIV. JURY DUTY AND WITNESS LEAVE

- A. Notice.** Any employee, including a temporary employee, who is summoned to serve on a jury, or subpoenaed or ordered to be a witness, must notify his or her supervisor or department head as soon as possible.
- B. Return to Work Requirement.** Any employee who is released from jury service prior to the end of his or her scheduled work hours must report to work unless otherwise authorized by his or her supervisor.
- C. Pay for Jury Duty and Witness Leave.** Regular employees who are ordered to serve on jury duty receive their base pay for those hours of absence from work, provided the employee waives fees for jury duty service, other than mileage.

The time spent on jury duty is not work time for purposes of calculating overtime compensation.

- D. Certification Requirement.** Employees will provide Finance a “Jury Duty Certification” form at the end of the required jury duty to verify the service.
- E. Regarding SBCTA Duties.** Any employee, including a temporary employee, who is subpoenaed to appear in court in a matter regarding an event or transaction in the course of his or her SBCTA job duties, must give his or her supervisor as much advance notice as is possible. SBCTA will determine whether the matter involves an event or transaction in the course of the employee’s SBCTA job duties. If so, this leave to appear in court will be without loss of compensation, and the time spent will be considered work time. SBCTA will offset the amount from pay the employee receives for witness fees.
- F. Regarding Employee-Initiated Proceedings.** Any employee, including a temporary employee, who is subpoenaed to appear, or appears in court because of civil or administrative proceedings that he or she initiated, is not entitled to receive compensation for time spent related to those proceedings. An employee may request to receive time off without pay, or may use any accrued leave other than sick leave for time spent related to those proceedings. The time spent in these proceedings is not considered work time.
- G. Regarding Victim of Crime / Victim Family Member Court Attendance Leave.** Any employee, including a temporary employee, who is a victim of a crime that is a serious or violent felony, or a felony involving theft or embezzlement, may take leave from work to attend judicial proceedings related to that crime, if the employee provides SBCTA a copy of the notice of the scheduled proceeding in advance. If advance notice is not feasible, the employee must provide SBCTA, within a reasonable time after the leave is taken, documentation from the district attorney, victim’s rights office, or court / governing agency that shows that the judicial proceeding occurred when the leave was used. An employee who is an immediate family member of such a crime victim, including: a registered domestic partner; the child of the registered domestic partner; spouse; child; stepchild; brother; stepbrother; sister; stepsister; mother; stepmother; father; or stepfather of the crime victim is also entitled to leave from work to attend judicial proceedings relating to that crime. The leave is unpaid unless the employee elects to use accrued vacation, sick, or other paid leave, or compensatory time off.
- H. Regarding Crime Victim/ Family Member Victims’ Rights Proceedings Leave.** Any employee, including a temporary employee, who is a victim of a crime listed in Labor Code section 230.5(a)(2)(A), may take leave from work to appear in court to be heard at any proceeding in which the right of the victim is at issue, if the employee provides SBCTA reasonable advance notice. If advance notice is not feasible, the employee must provide SBCTA, within a reasonable time after the leave is taken, certification from a police report, a district attorney or court, or from a health care provider or victim advocate, that the employee was a victim of any of the crimes listed in Labor Code section 230.5(a)(2)(A). An employee who is a spouse, parent, child, sibling, or guardian of such a crime victim is also a victim who is entitled to this leave if the above notice or certification requirements are met. The leave is unpaid unless the employee elects to use accrued vacation or paid leave, or compensatory time.

XV. LEAVE FOR VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING

- A. To Obtain Restraining Orders or Injunctive Relief.** Any employee, including a temporary employee, who is a victim of domestic violence, sexual assault, or stalking, may take leave from work to obtain or attempt to obtain any relief, including, but not limited to: a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or his or her child, if the employee provides advance notice of the need for leave. If advance notice is not feasible, the employee must provide any of the following certifications within a reasonable time after the leave: a police report indicating that the employee was a victim; a court order protecting the employee from the perpetrator; evidence from the district attorney or court that the employee has appeared in court; or documentation from a health care provider or counselor that the employee was undergoing treatment for physical or mental injuries or abuse. The leave is unpaid unless the employee elects to use sick leave, accrued vacation or paid leave, or compensatory time.
- B. To Obtain Medical Attention, Counseling, or Safety Planning.** Any employee, including a temporary employee, who is a victim of domestic violence, sexual assault, or stalking, may take leave from work to attend to any of the following: obtaining medical attention or psychological counseling;

obtaining services from a shelter, program or crisis center; or participating in safety planning or other actions to increase safety, if the employee provides advance notice of the employee's intention to take time off for these purposes. If advance notice is not feasible, the employee must provide any of the following to SBCTA within a reasonable time after the leave: a police report indicating that the employee was a victim; a court order protecting the employee from the perpetrator; evidence from the district attorney or court that the employee has appeared in court; or documentation from a health care provider or counselor that the employee was undergoing treatment for physical or mental injuries or abuse. The leave is unpaid unless the employee elects to use sick leave, accrued vacation or personal leave, or compensatory time.

XVI. MILITARY LEAVE

Military leave will be provided in accordance with state and federal law, including, but not limited to, California Military and Veterans Code Section 395 *et seq.*, and any amendment thereto, and the federal Uniformed Service Employment and Reemployment Rights Act of 1994 (USERRA), codified at 38 U.S.C. Section 4301 *et seq.*

- A. Notice and Orders.** All employees shall provide advance notice of military service unless military necessity prevents the giving of notice or the giving of notice is impossible or unreasonable. Where available, a copy of military orders must accompany the request for leave.
- B. Temporary Military Leaves of Absence.** Any employee who is a member of the reserve corps of the Armed Forces, National Guard, or Naval Militia shall be entitled to a temporary military leave of absence for the purpose of active military training, encampment, naval cruises, special exercises, or like activity, provided that the period of ordered duty does not exceed one hundred eighty (180) calendar days, including time spent going to and returning from duty. While on paid status, an employee on temporary military leave shall receive the same vacation, administrative, holiday, sick leave, step advances employment, and reemployment privileges that the employee would have enjoyed had the employee not been absent, provided such employee has been employed by SBCTA for at least one (1) year immediately prior to the date such leave begins. In determining the one (1) year employment requirement, all time spent in recognized military service, active or temporary, shall be counted. An exception to the above is that an uncompleted probationary period must be completed upon return to the job. Any employee meeting the above one (1) year employment requirement shall be entitled to receive his/her regular salary or compensation, pursuant to par. XVI F. of this Policy.
- C. Long Term Military Leaves of Absence (Active Duty).** An employee who resigns or leaves his or her position to serve in the Armed Forces or is ordered to active duty in the Armed Forces shall have a right to return to his or her former classification upon serving written notice to the appointing authority, no later than ninety (90) days after completion of such service unless an exception applies pursuant to USERRA. Returning employees are subject to a physical/psychological examination.
If SBCTA has abolished the employee's former classification, then the employee shall be entitled to a classification with comparable functions, duties, and compensation if such classification exists, or to a comparable vacant position for which the employee is qualified.
The right to return to a former classification shall include the right to be restored to such status as the employee would have if the employee had not been absent.
- D. Inactive Duty.** This Policy does not include an employee's attendance for inactive duty, commonly referred to as weekend reserve meetings or drills. Employees must use their own time to attend such meetings. Should the meetings unavoidably conflict with an employee's regular working hours, the employee may use vacation or holiday leave, leave without pay, or make up the time. Employees who are called in for a medical examination to determine physical fitness for military duty may also use vacation leave, leave without pay, or make up the time. Employees cannot be required to use their accrued leave.

E. Uniformed Service Employment and Reemployment Rights Act of 1994. Eligible employees who are absent from their positions for service in the uniformed services are entitled to the reemployment and benefit rights as further described in USERRA. Specifically, a returning employee will receive restoration of original hire and benefit date, salary step, vacation accrual rate, administrative leave accrual rate, sick leave balance (unless the employee has received payment for unused sick leave in accordance with provisions contained herein), the retirement plan contribution rate, and retirement system contributions (provided the employee complies with any requirements established by the Retirement Board).

F. Compensation. Any employee meeting the requirements in Paragraphs XVI B and C, shall be entitled to receive his or her regular salary or compensation for the first thirty (30) calendar days of any such leave. Pay for such purposes shall not exceed thirty (30) days in any one fiscal year and shall be paid only for the employee's regularly scheduled workdays that fall within the thirty (30) calendar days.

G. Continuation of Wage and Benefits for Full-Time Employee Called to Active Duty. An employee who is a member of the Armed Services Reserve or National Guard and is called to active duty as a result of the activation of military reservists, and who are eligible to receive the thirty (30) calendar day military leave compensation shall receive the difference between his/her military pay (including wages, salary, specialty assignment, housing subsidy or any other form of compensation) and his/her base salary with SBCTA starting on the 31st calendar day of military leave. The difference in salary payments shall not continue beyond 365 calendar days. During this period, SBCTA would continue to contribute towards the medical and dental benefits of the employee, providing the employee and his/her dependents were covered under the medical and dental plans offered by SBCTA prior to being called to active duty. During the period of military service, the medical and dental plans provided by the military for the employee and dependents would be the primary payer.

H. Ten Days of Unpaid Spousal Leave. An employee whose legal spouse is a member of the Armed Services, National Guard, or Reserves, and is deployed during a period of military conflict, is entitled to ten days of unpaid leave, if the employee satisfies all the following:

1. Works 20 or more hours per week on average for SBCTA; and
2. Provides his or her department head with notice, within two business days of receiving official notice that the spouse will be deployed, of his or her intention to take the leave; and
3. Submits written documentation to the department head certifying that the spouse will be deployed during the time of the leave sought.

As used here, "period of military conflict" means a period of war declared by the U.S. Congress or a period of deployment pursuant to sections 12301 and 12302 of Title 10 of the U.S. Code or Title 32 of the U.S. Code.

XVII. SPECIAL LEAVE OF ABSENCE WITHOUT PAY

Unless authorized by law or an SBCTA policy, an employee is not entitled to a leave of absence without pay. Instead, only upon written request by the employee and at the discretion and approval of the Executive Director, may a regular employee be granted a leave of absence without pay. Special leave is subject to the needs of the agency.

A. Reasons for Special Leave of Absence:

1. Medically incapacitated to perform assigned duties.
2. Complete a relevant course of study that will enhance his or her value as an employee.
3. For any reason considered appropriate by the Executive Director.

B. An authorized leave of absence without pay is not a break in service for purposes of calculating seniority. Employees taking a special leave of absence for reasons other than Pregnancy Disability Leave, Family Medical Leave, or California Rights Act Leave may be granted the right to return to their current position, but will be required to compensate the agency for costs related to continuance of their benefit plan during the absence. Refer to Policy 10122-1.

- C. Unless required by law, vacation leave credits, sick leave credits, increases in salary, all other paid leaves, holidays and fringe benefits and other similar benefits do not accrue to an employee on unpaid leave. During the period of authorized unpaid leave, all service and leave credits shall be retained at the levels existing as of the effective date of the leave.

XVIII. UNAUTHORIZED ABSENCE, ABUSE OF LEAVE, AND EXCESSIVE TARDINESS

A. Unauthorized Absence. Unauthorized absence from work is considered cause for dismissal.

Absence from work without permission for three consecutive days will be considered an automatic resignation.

B. Abuse of Leave. Abuse of leave is a claim of entitlement to leave when the employee does not meet the requirements for taking the leave, and may be grounds for discipline, up to and including termination. Should SBCTA suspect that there is an abuse of leave by an employee, the agency may require that the employee submit a physician's certificate to support the absence.

C. Excessive Tardiness. Excessive tardiness occurs when a non-exempt employee, without authorization, is late to work or late to return from breaks more than three times during any 30-day period. Excessive absenteeism occurs when the number of unapproved absences for reasons that are not permitted by state or federal law, exceeds three days in any three-month period. Excessive tardiness or absenteeism may be grounds for discipline, up to and including termination.

XIX. PAID ADMINISTRATIVE LEAVE

SBCTA has the right to place an employee on leave with full pay for non-disciplinary reasons at any time when the Deputy Executive Director has determined that the employee's and/or SBCTA's best interests warrant the leave. The employee does not have a right to appeal the decision to be placed on administrative leave with pay.

XX. SCHOOL RELATED LEAVE

A. School or Licensed Day Care Activity Leave. Any employee who is a parent, guardian, stepparent, foster parent, grandparent, or person who stands *in loco parentis* to one or more children who are in kindergarten or grades 1 through 12, or who are in a licensed child care facility, shall be allowed up to 40 hours each school year, not to exceed eight hours in any calendar month of the school year, to: participate in activities of their child's school or licensed child care facility; find, enroll, or reenroll a child in a school or with a licensed child care provider; or to pick up a child due to a child care provider or school emergency. The employee must provide reasonable advance notice to his/her supervisor of the planned absence. The leave is unpaid unless the employee uses vacation or compensatory time off. The employee must provide documentation from the school or licensed child care facility as verification that the employee participated in school or child care facility activities on a specific date and at a particular time. If both parents, guardians or grandparents having custody work for SBCTA at the same SBCTA work site, only the first parent requesting will be entitled to leave under this provision.

B. Child Suspension Leave. Any employee who is the parent or guardian of a child in grades 1 through 12 may take time off to go to the child's school in response to a request from the child's school, if the employee gives advance notice to his or her supervisor. A school has the authority to request that the parent attend the child's school if the child has: committed any obscene act; habitually used profanity or vulgarity; disrupted school activities; or otherwise willfully defied the valid authority of school personnel.

XXI. REVISION HISTORY

Revision No.	Revisions	Adopted
0	Adopted by the Board of Directors.	04/03/91
1	- Added definitions to provide specific citation of State and Federal requirements, as well as to provide clarity for those interpreting SANBAG personnel policies.	03/01/00

	<ul style="list-style-type: none"> - Authorized the SANBAG Executive Director to interpret SANBAG policies to handle administrative interpretations. - Provided more specificity with respect to regular, part-time, and temporary employee work hours. Authorized the Executive Director to modify the established workday, as necessary. Expanded on the reporting of hours worked to reflect daily, actual hours worked and consideration of minimum agency requirements. Clarified differences between exempt and non-exempt work standards, as well as requirements related to payment of overtime and compensatory time off. Eliminated paid vacation, holiday, and sic from time worked for purposes of calculating overtime, as provided in the Fair Labor Standards Act. - Added provisions for part-time employee vacation accrual rates. Incorporated Internal Revenue Service requirements relative to declaration of cash outs and imposition of penalties. - Eliminated the ability to allocate Administrative Leave to the Cafeteria Plan. - Established holiday accrual rates for part-time employees. Eliminated the ability to cash out holiday time and established an expectation that holidays will be taken on the date specified. - Provided specific standards for use of sick leave, return to work orders, and examinations. Specified sick leave accrual rates for part-time employees. - Expanded the explanation of pregnancy disability, family medical, blood donor, jury duty, and military leaves to provide a better general description and references for those interpreting SANBAG personnel policies. - Expanded language to provide clarity for leave of absence and unauthorized absence. 	
2	<ul style="list-style-type: none"> - Par. II. AUTHORIZATION: Moved from par. IV into its own paragraph. - Par. III. REFERENCES: Added reference to Policy 10110, Employment Status and Classification. - Par. IV. DEFINITIONS: Removed definitions for exempt, non-exempt, regular, and temporary employees since those terms are now defined in Policy 10110, where the terms properly belong. - Par. VIII. ADMINISTRATIVE LEAVE: Revised to change "A maximum of 80 hours of administrative leave may be accrued." to "A maximum of twice the annual award of administrative leave may be accrued." Also changed the cash out of administrative leave to be the same as for vacation leave. - Formatting changes made throughout policy to convert policy into current SANBAG policy format. 	04/03/02
3	<p>Par. IV: Added Medical Emergency Leave definition.</p> <p>Par. VIII: Added new paragraph on Medical Emergency. Re-numbered subsequent paragraphs.</p>	09/04/02
4	<p>Par. III. REFERENCES: Added Policy 10122-1, Flexible Benefit Plan.</p> <p>Par. XI, second paragraph: Added reference to Policy 10122-1.</p> <p>Par. XII.A: Added reference to Policy 10122-1.</p> <p>Par. XVI.B: Added reference to Policy 10122-1.</p>	01/05/05
5	<p>Par. XI: Modified maximum pregnancy disability leave for eligible employees from 123 calendar days to four months in accordance with State law; corrected an error in the amount of time SANBAG will continue benefits for unpaid Pregnancy Disability Leave for up to six pay periods, rather than six weeks; requires written notice five days in advance of pregnancy disability leave, unless the commencement of leave was not foreseeable."</p> <p>Par. XVI.B: Edited to add "...for reasons other than Pregnancy Disability Leave, Family Medical Leave, or California Family Rights leave..."</p>	09/07/05
6	<p>Par. IV: Added definition for Military Leave.</p> <p>Par. XV. MILITARY LEAVE: Revised to reflect the USERRA (Uniformed Services Employment and Reemployment Rights Act) military leave benefits revised in December 2005.</p>	06/07/06
7	<p>Par. VI.A: Revised from "whichever is later" to "at the discretion of the supervisor". Note: Revised Policy 10110, Employment Status and Classification was approved by the Board on 6/4/03 to extend the probationary period from 1040 service hours to 2080 service hours. The change to this Policy 10111 enables the supervisor to allow a new employee to take vacation before the probationary period ends.</p>	09/13/06
8	<p>Par. III: Added Policy 10112, Retirement Medical Trust Fund</p> <p>Par VII.C.2: Revised to refer to Policy 0112, Retirement Medical Trust Fund – payout of unused sick leave upon retirement, separation, or death is now in Policy 10112.</p>	08/01/07
9	<p>Administrative change to correct minor error to the definition of Military Leave in par. IV.</p> <p>Is: Military leave is defined ... active duty for training, initial active duty for training (weekend drills), ... duty.</p> <p>Should be: Military leave is defined ... active duty for training, inactive duty for training (weekend drills), ... duty,</p>	08/27/08
10	<p>Policy Title: Changed from Work Hours, Leaves, and Absences to Work Requirements, Leaves, and Absences.</p> <p>Par. I: Changed purpose from "... establish standards for working hours ..." to " ... establish standards for work requirements..."</p> <p>Par. III: Added reference to Policy 10120, Employee Work Schedules.</p> <p>Par. IV: Revised Workday and Work Week definitions by referring to Policy 10120.</p>	11/05/08

	<p>Par. V.A.1: Deleted the first sentence on the normal workday.</p> <p>Par. V.A.1.a: Revised for clarity – changed from passive to active voice to emphasize employee responsibility.</p> <p>Par. V.B: Revised paragraph heading from “Work Schedule” to “Work Requirements”.</p> <p>Par. V.B.1: Revised “SANBAG exempt employees will work, on the average, more than 40 hours per workweek...” to ... more than 80 hours per pay period...” due to 9/80 work schedule.</p> <p>Par. V.B.2: Revised second sentence for clarity.</p> <p>Par. VI.D: Added second paragraph for clarification of vacation accrual rates for employees credited with prior public service.</p>	
11	<p>Par. IV. DEFINITIONS: Revised definition of FMLA to include new military family leave entitlement – see par. XII.G.</p> <p>Par. VI: Table 1, Vacation Leave – revised to replace pay periods with service hour levels, for clarification.</p> <p>Par. VI.D: Added paragraph to clarify the vacation accrual rate when credit for prior public service is authorized by the Executive Director – “credit for prior service and approval of an accrual rate which recognizes prior employment will not affect the requirement for specified years of SANBAG service prior to elevation to the next higher accrual rate.”</p> <p>Par. XII. FAMILY MEDICAL LEAVE: Revised to add second sentence on “rolling 12-month period”.</p> <p>Par. XII.G: Added new paragraph on Military Family Leave Entitlement. These are new military family leave entitlements enacted (effective January 16, 2009) under the National Defense Authorization Act for FY 2008.</p>	07/01/09
12	<p>Par. XV.E. Continuation of Wage and Benefits for Full-Time Employee Called to Active Duty. Added new paragraph to Military Leave.</p>	08/05/09
13	<p>Par. IV: Revised Workday by removing specific 8-5pm schedule and reference 8-hour day M-F.</p> <p>Par. VII.C.A: Added Victim of domestic violence, sexual assault, or stalking.</p> <p>Par. VII.B: Separated accrual and usage by classification adding in new temporary classifications eligibility for sick leave accrual under the new Healthy Families Act of 2014.</p> <p>Par. VII.C.2: Revised to specify separated employee will have their sick leave accruals reinstated if the employee is rehired within a year of the date of separation as required under the Healthy Families Act of 2014.</p>	06/03/15
14	<p>Revised to be consistent with SB1305. Change approved by the Board on January 4, 2107, Agenda Item 6.</p>	01/04/17
15	<p>Par. IV: Revised; Par. V: Revised; Par. VI: Revised; Par. VII: Revised; Par. IX: Revised; Par. XI: Revised; Par. XII: Revised; Par. XIV: Revised; Par. XV: Added Leave for Victims of Domestic Violence, Sexual Assault and Stalking; Par. XVI: Revised to comply with California Military and Veterans Code Section 395 <i>et seq.</i>, and the federal Uniformed Service Employment and Reemployment Rights Act of 1994 (USERRA) (38 U.S.C. § 4301 <i>et seq.</i>); Par. XVII: Renumbered and Revised Special Leave of Absence Without Pay; Par. XVIII: Renumbered and revised to add Abuse of Leave and Excessive Tardiness; Par. XIX: Added Paid Administrative Leave; Par. XX: Added School Related Leave; Par. XXI: Renumbered. Change approved by the Board on April 3, 2019, Agenda Item 6.</p>	04/03/19
<u>16</u>	<p><u>Par.X. Holiday Leave: Added Juneteenth</u></p>	<u>06/09/22</u>

San Bernardino County Transportation Authority	Policy	10111
Adopted by the Board of Directors April 3, 1991	Revised	06/09/22
Work Requirements, Leaves, and Absences	Revision No.	16

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I. PURPOSE

The purpose of this policy is to establish standards for work requirements, leaves, and absences.

II. AUTHORIZATION

The Executive Director is authorized to implement and interpret this policy on behalf of the agency.

III. REFERENCES

Policy 10107, Compensation Administration
 Policy 10110, Employment Status and Classification
 Policy 10112, Retirement Medical Trust Fund
 Policy 10120, Employee 9/80 Alternative Work Schedule Program
 Policy 10122-1, Flexible Benefit Plan

IV. DEFINITIONS

Note: Refer to Policy 10110 for definitions of exempt, non-exempt, regular, and temporary employees.

Administrative Leave: Administrative leave is leave of absence with pay earned as a condition of employment as a regular exempt employee and is granted to compensate for additional hours worked.

California Family Rights Act (CFRA): The State law governing an employee's right to an unpaid leave of absence for a serious health condition of the employee or immediate family member of the employee, the birth of a child to an employee, the care of a newborn by the employee, or the placement of a child with an employee in connection with adoption or foster care.

Fair Labor Standards Act (FLSA): The Federal law that establishes minimum wage, overtime pay, recordkeeping, and child labor standards affecting employees.

Family Medical Leave Act (FMLA): The Federal law governing employees' right of unpaid leave of absence to bond with a new child, care for an immediate family member with a serious health condition, or to obtain treatment and otherwise recover from an employee's own serious health condition, for military family leave for the care of a covered servicemember with a serious injury or illness, or due to a qualifying exigency arising out of the fact that the employee's spouse, child, or parent has been called up to active duty. The FMLA also provides guidelines regarding continuance of health care benefits during FMLA leave, if health care coverage is a benefit granted to the employee. FMLA also provides the guidelines for return to work status to the employee to the same or similar position.

Immediate Family Members: Defined as a relative of the employee to include the spouse, registered domestic partner, children (adopted, step, or legal guardian), grandchildren, mother, father, grandparents, brother, sister, and mother- and father-in-law.

Medical Emergency Leave: Authorized absence from duty with pay due to emergency or catastrophic health conditions funded by the donation of sick leave from other SBCTA employees.

Military Leave: Military leave is defined as the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, inactive duty for training (weekend drills), and full-time National Guard duty.

Normal Workday: The normal workday for full-time, regular employees not on an Alternative Work Schedule (AWS) will be 8-hours in a workday, Monday through Friday, excluding holidays. (refer to Policy 10120 for workday requirements for 9/80 AWS).

Pregnancy Disability Leave (PDL): Leave for an employee who is disabled because of pregnancy, childbirth, or related medical condition as defined by the Fair Employment and Housing Act. PDL is a right of employees regardless of time or status of employment. PDL also provides guidelines on return to work status for the employee to the same or similar position.

Rest Periods: A time when the employee is still at work but relieved of duty for a paid ten-minute break for each four-hour period worked.

Sick Leave: An authorized absence from work for the diagnosis, care or treatment of an existing health condition of or preventive care for an employee or his or her immediate family member. Also, an authorized absence for an employee who is a victim of domestic violence, sexual assault, or stalking per Section VII below.

Vacation Leave: Vacation leave is a benefit, earned as a condition of employment as a regular employee, to leave of absence with pay for the recreation and well-being of the employee.

Work Week: For the purpose of this policy, “week” and “workweek” mean the employee’s usual or normal work schedule constituting a 40-hour time period, Monday through Friday, excluding holidays. (Refer to Policy 10120 for the definition of Workday and Work Week for 9/80 AWS.)

V. WORK STANDARDS, WORK SCHEDULES, BREAK AND LUNCH PERIODS

A. Work Standards

1. **Regular Employees.** The Executive Director is authorized to modify the established workday as deemed appropriate to accommodate special circumstances. The supervisor determines the workday for regular part-time employees.
 - a. Each employee is responsible for documenting actual hours worked on his/her timesheet, on a daily basis.
 - b. Supervisors must consider minimum staffing requirements of the agency when approving leaves or absences for any employee.
2. **Temporary Employees.** Temporary employees are assigned a schedule by their supervisor that best suits the situation for which they were hired. Temporary employee work hours may fluctuate based on workload and project schedules and will be assigned a work schedule to meet the needs of the agency. Work performed as overtime or compensatory time by temporary employees will be paid according to SBCTA policy on Compensatory Time Off/Overtime Pay. (Refer to Policy 10109 – Compensatory Time Off/Overtime Pay.)

B. Work Requirements

1. **Exempt Employees.** Exempt employees are required to account for a minimum of 80 hours per pay period (including leave hours used as sick, vacation, administrative, or holiday leave). It is expected that exempt employees will work, on the average, more than 80 hours per pay period. Exempt employees may, subject to provisions of this policy, adjust their normal workday to accommodate work requirements, external demands, and travel schedules. Exempt employees may also be asked to modify their schedule, delay their vacation, or work extra hours to ensure the office is manned when circumstances warrant the additional work time.
2. **Non-Exempt Employees.** Non-exempt employee schedules may be changed to meet agency needs.

Any work performed beyond the employee’s regular work day and/or as overtime or compensatory time requires pre-approval by the supervisor. Should overtime result from such work, it will be paid

according to the SBCTA policy on Compensatory Time Off/Overtime Pay. (Refer to Policy 10109 – Compensatory Time Off/Overtime Pay.)

Employees earning compensatory time must use this accrual prior to taking vacation leave.

- C. Break and Lunch Periods.** All employees are afforded lunch and break periods. Non-exempt employees scheduled to work six or more hours in a workday will be scheduled for a one-hour lunch period, for which wages will not be paid. Supervisors may reduce the lunch period to less than one hour, but no less than 30 minutes, due to workload demands. Each non-exempt employee scheduled to work for at least four hours is entitled to a 10-minute break for every four hours worked. Overtime will be calculated to include the 10-minute break but will not be calculated to include a lunch period.

VI. VACATION LEAVE

Employees in regular full-time positions accrue vacation leave as listed in Table 1. Part-time regular employees accrue vacation leave at a pro-rated rate depending on hours worked and based upon the accrual applicable to regular full-time employees. Once a regular part-time employee reaches the pro-rated accrual cap, they stop earning vacation.

Vacation Leave, Table 1

Length of Service from Benefit Date	Full Time	
	Annual Vacation Allowance	Maximum Unused Balance Allowed
- From start of hire through year four (from 0 to 8,320 service hours)	80 hours	160 hours
- From year five through year 9 (from over 8,320 to 18,720 service hours)	120 hours	240 hours
- Greater than nine years (over 18,720 service hours)	160 hours	320 hours

- A. Vacation leave accrues from first day of hire but is not available for use by employee until three months after hire or upon completion of a probationary period (if applicable), at the discretion of the supervisor.
- B. All accrued vacation leave will be paid upon retirement, separation, or death of the employee at his or her rate of pay at the time of retirement, separation, or death.
- C. Employees who are terminated, resign, separate, or retire from service shall not be allowed to use vacation leave to extend their employment past the last date of work, unless approved by the Executive Director.
- D. The Executive Director is authorized to credit new employees with prior public service based upon previous employment for purposes of setting the vacation accrual rate. The Executive Director is also authorized to credit new employees for contract service with SBCTA for the purpose of establishing vacation accrual rate.
- E. Excess vacation leave may be converted to cash. The minimum amount of vacation leave that can be converted to cash is 40 hours.
 1. Employees wishing to convert vacation leave to cash must state in writing (using the "Leave Cash-Out Election Agreement" form for the upcoming calendar year) to Finance before December 31st of each calendar year, the total amount of vacation hours to be earned in the next calendar year that the employee wishes to convert to cash. The employee's election is irrevocable.
 2. A ten percent penalty on leave cash-outs will be imposed for any cash-out that is not irrevocably elected in the prior calendar year. This requirement is mandated by the Internal Revenue Code.
 3. An employee may convert vacation leave to cash on a quarterly basis provided that a minimum of 40 hours for regular full-time employees or half the annual accrual for part-time employees of vacation leave has been used during the previous 12 months.
 4. Only vacation leave accrued in the current calendar year is eligible to be converted to cash without penalty.

VII. SICK LEAVE

A. Eligibility. Sick leave is granted to regular and temporary employees. Sick leave is paid leave from work that may be used for the following purposes:

- Diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or any of the following of the employee's family members: child of any age or dependency status; parent; parent-in-law; spouse; registered domestic partner; grandparent; grandchildren; or sibling.
- For an employee who is a victim of domestic violence, sexual assault, or stalking to: i) obtain or attempt to obtain a temporary restraining order or other court assistance to help ensure the health safety or welfare of the employee or his or her child; or ii) obtain medical attention or psychological counseling; services from a shelter; program or crisis center; or participate in safety planning or other actions to increase safety.
- Bereavement due to the death of an immediate family member.

Sick leave is not intended to be used for taking time off, to be an earned right to time off from work, or for the convenience of resting for the day. It is the responsibility of supervisors to ensure employees use sick leave for its intended purpose.

B. Sick Leave Accrual

1. **Regular Full-Time:** Employees in regular full-time positions accrue 96 hours of sick leave per year. There is no limit on sick leave accumulation. Sick leave accrues from first day of hire and is available for immediate use for valid reasons as identified in par. VII.B. Accrued sick leave carries over from year to year.
2. **Regular Part-Time:** Employees in regular part-time positions accrue sick leave in an amount prorated to the lower number of hours they work per pay period in paid status. There is no limit on sick leave accumulation. Sick leave accrues from first day of hire and is available for immediate use for valid reasons as identified in par. VII.B. Accrued sick leave carries over from year to year.
3. **Temporary:** Temporary employees accrue sick leave at the rate of one hour per every 30 hours worked, beginning on July 1, 2015, or if hired after July 1, 2015, beginning upon commencement of employment. Accrued and unused sick leave carries over to the following year of employment, but sick leave accruals may not total more than 48 hours or 6 work days/shifts, whichever is greater. Sick leave accrues from first day of hire but is not available for use until the 90th day of employment.

C. Protected Sick Leave. For full time and part-time employees who are not temporary, one-half of the employee's accrued and available annual sick leave is protected and may be used for any of the purposes stated in this policy.

For temporary employees, up to 24 hours, or three days, whichever is greater, of accrued and available sick leave each year is protected and may be used for any of the purposes stated in this policy. The year is measured beginning on July 1, 2015, or the employee's anniversary of hire date, whichever is later.

D. Sick Leave Request. To request to use sick leave if the need for leave is foreseeable, an employee must give the immediate supervisor reasonable advance written or oral notice. If the need for sick leave is not foreseeable, the employee shall provide written or oral notice of the need for the leave as soon as practicable. If the employee is required to be absent on sick leave for more than one day, the employee must keep the immediate supervisor informed each day as to the date the employee expects to return to work and the purpose of the leave. Failure to request sick leave as required by this policy without good reason, may result in the employee being treated as absent without leave.

E. Unused Sick Leave. Converting Unused Sick Leave to Vacation: Employees who have accrued in excess of 500 hours of sick leave may convert the unused portion of sick leave in excess of 500 hours to vacation leave, on the basis of 50 percent, that is, two hours of sick leave for one hour of vacation leave.

F. Sick Leave Upon Separation

1. Payout of Unused Sick Leave Upon Retirement, Separation, or Death: Refer to Policy 10112.

2. If the employee is rehired within one year of the date of separation, the previously accrued and unused sick leave will be reinstated and the employee will be entitled to accrue additional paid sick leave upon rehiring.
3. Unless approved by the Executive Director and the President or Vice President, employees who resign, separate, retire from service, or are terminated, will not be allowed to use sick leave to extend their employment past the last date of work.

G. Medical Certification

1. An employee must present to his/her supervisor a "back to work" letter from the doctor when he/she has been sick and has been absent from work and on sick leave for more than five workdays (40 sick leave hours), has been exposed to a communicable disease, or has been hospitalized. In such instances and at the discretion of the Executive Director, the employee may be required to undergo an examination by a doctor designated by SBCTA prior to resuming work to determine the medical and physical fitness of the employee to perform the duties of the position. These requirements ensure that the employee is well enough to return to work and to perform his/her normally assigned duties.
2. When an employee is absent from work due to a family illness, death, or other reason not related to the employee's own health and on sick leave for more than three workdays (more than 24 sick leave hours), the employee must provide a valid form of authorization to his/her supervisor with the reason for absence and the use of sick leave. Examples of valid forms of authorization are a doctor's note explaining why the employee's presence was required for an immediate family member's illness, documentation of the illness or death of an immediate family member, etc.
3. An employee with a limited duty notice from his/her doctor must provide the doctor's notice to his/her supervisor on the first day back to work for possible reassignment from normal duties.

H. Worker's Compensation Benefits. In lieu of Worker's Compensation benefits and sick leave, employees receive full salary for the first authorized 40 hours off work following an occupational injury or illness. Thereafter, accumulated sick or other types of leave may be used to supplement temporary disability compensation amounts.

VIII. MEDICAL EMERGENCY LEAVE

- A. This policy allows employees to donate sick leave to another employee, under prescribed circumstances. Medical Emergency Leave is allowable for emergency or catastrophic health conditions associated with eligible sick leave as specified in paragraphs VII.A & B.
- B. Medical Emergency Leave provides for authorized absence with pay for emergency or catastrophic health conditions funded by donations of sick leave from employees to another employee.
 1. Employees may, on a strictly voluntary and confidential basis, make an irrevocable pledge of sick leave to another employee approved for Medical Emergency Leave. Sick leave pledged by a donor will remain in the donor's balance until such time as it is used by the recipient. Unused pledges will be retained by the donor.
 2. Donor employees may pledge up to 40 hours per fiscal year provided a minimum balance of 80 sick leave hours is maintained.
 3. Sick leave may be pledged and used in increments of no less than 4 hours.
- C. Medical Emergency Leave shall be approved by the Executive Director, or his designee. An employee shall meet the following conditions to be considered eligible for approval of Medical Emergency Leave. The employee shall:
 1. Have regular employment status for 2080 continuous service hours.
 2. Have exhausted all available leave balances; i.e., sick, vacation, compensatory, and administrative leave.

3. Produce a valid form of authorization related to the medical condition which requires sustained or repeated absences from duty, such as a doctor's note, documentation of illness, etc.
- D. An employee receiving workers' compensation benefits is not eligible for Medical Emergency Leave. An employee eligible for disability insurance and/or short term disability must agree to integrate these benefits with sick leave donations.
- E. The cumulative Medical Emergency Leave pledged to any one employee shall not exceed 500 hours, except as authorized by the Executive Director.
- F. Medical Emergency Leave may only to be used for the medical situation for which Medical Emergency Leave was approved.
- G. Hours pledged for Medical Emergency Leave shall be contributed at the donor's hourly base salary rate and be converted to the recipient's hourly base salary rate. The employee receiving Medical Emergency Leave donations will be taxed accordingly.
- H. The recipient of Medical Emergency Leave is not eligible for receipt of any accruals such as vacation, sick, holiday, administrative leave or retirement credit related to time taken as medical emergency leave.
- I. Names of donors, recipients, and associated information will be maintained in strict confidence and privacy rights will be upheld. Procedures relative to solicitation and administration will be established by the Executive Director.
- J. Privileges granted under Medical Emergency leave will be revoked at such time as the health condition for which Medical Emergency Leave was approved ceases to exist, as determined by the Executive Director.

IX. ADMINISTRATIVE LEAVE Exempt employees shall accrue 1.53 hours of administrative leave per pay period up to a maximum of 40 hours annually to compensate for additional hours worked throughout the year. A maximum of twice the annual award of administrative leave may be accrued by exempt personnel. This leave is separate from and in addition to any vacation or holiday leave granted to exempt employees.

Cash out of administrative leave is subject to the same cash out restrictions as for vacation leave – see par. VI.

X. HOLIDAY LEAVE

Regular employees are eligible for holiday leave. Part-time employees will be granted a pro-rated amount for holiday leave per holiday. Holiday leave is intended to allow employees the opportunity to celebrate holidays. Authorized SBCTA holidays are expected to be taken on the day they are scheduled.

- A. Holiday leave may not be cashed out.
- B. Holidays falling on Saturday or Sunday shall be observed on the respective Friday or Monday as established by SBCTA. Holidays occurring during vacation shall be charged as holiday leave. Employees in regular positions shall be entitled to the following days as holiday leave:
 - New Year's Day - January 1
 - Martin Luther King Day - Third Monday in January
 - President's Day - Third Monday in February
 - Memorial Day - Last Monday in May
 - Juneteenth – June 19
 - Independence Day - July 4
 - Labor Day - First Monday in September
 - Columbus Day - Second Monday in October
 - Veterans Day - November 11
 - Thanksgiving Day
 - Day after Thanksgiving Day
 - Christmas Eve - December 24

- Christmas Day - December 25
- New Year's Eve - December 31

XI. PREGNANCY DISABILITY LEAVE

A. Amount of Leave. Employees who are temporarily disabled due to pregnancy, childbirth, or related medical conditions shall be eligible for unpaid Pregnancy Disability Leave (PDL) totaling up to the number of hours she would normally work within four months (one-third of a year or 17 1/3 weeks) in accordance with state law. For a full-time employee who works 40 hours per week, "four months" means 693 hours of leave entitlement, based on a 40 hour per week times 17 1/3 weeks. An employee who works less than 40 hours per week will receive a pro-rata or proportional amount of leave. There is no minimum time of employment to take this type of leave.

B. Compensation and Benefits During Leave. Pregnancy disability leaves are without pay. However, the employee must first use sick leave, if any. Once sick leave is depleted, the employee may elect to use vacation leave or any other accrued paid time off during the leave.

On an approved PDL, an employee may continue to receive any group health insurance coverage that was provided before her leave, beginning on the date the pregnancy disability leave begins and continuing for up to four months in a 12-month period, at the same level and under the same conditions that coverage would have been provided if the employee had continued in employment continuously for the duration of the leave. SBCTA may recover premiums it paid to maintain health coverage if an employee does not return to work following pregnancy disability leave, unless the reason for the failure to return is a circumstance beyond her control or the use of the separate right to 12 weeks of bonding leave under the California Family and Medical Leave Act. Refer to Policy 10122-1.

C. Notification and Certification Requirements. Requests for pregnancy disability leave must be submitted in writing with reasonable advance notice of the medical need for the leave. All leaves must be confirmed in writing, have an agreed-upon specific date of return, and be submitted to the Deputy Executive Director.

The request for pregnancy disability leave must be supported by a written certification from the attending physician stating that: the employee is disabled from working by pregnancy, childbirth or a related medical condition; 2) the date on which the employee became disabled by pregnancy, childbirth or a related medical condition; and 3) the estimated duration or end date of the leave.

D. Sick and Vacation Accruals. Sick and vacation leaves do not accrue while an employee is on unpaid pregnancy disability leave.

E. Employee Status During Leave. The employee retains employee status during the leave. The leave is not a break in service for purposes of longevity or seniority or employee benefit plan. Benefits will be resumed upon the employee's reinstatement in the same manner and at the same levels as provided when the leave began, without any new qualification period, physical exam, or other qualifying provisions.

F. Reinstatement. Upon the expiration of pregnancy leave, the employee shall be reinstated in the same or similar job, so long as it was not eliminated for a legitimate business reason during the leave.

If the employee's original position is no longer available, the employee will be assigned to a comparable, open position.

If upon return from leave an employee is unable to perform the essential functions of her job because of a physical or mental disability, SBCTA will initiate an interactive process with the employee in order to identify a potential reasonable accommodation.

XII. FAMILY MEDICAL LEAVE

A. Statement of Policy. SBCTA provides family and medical care leave for eligible employees as required by State and federal law. Employees who misuse or abuse family and medical care leave may be disciplined up to and including termination. Employees who fraudulently obtain or use CFRA leave are not protected by the CFRA's job restoration or maintenance of health benefits provisions.

This Policy is supplemented by the Federal Family and Medical Leave Act ("FMLA"), and the California Family Rights Act ("CFRA").

B. Concurrent Running of FMLA and CFRA Leaves. Unless otherwise provided by law, SBCTA will run each employee's FMLA and CFRA leaves concurrently.

C. Definitions.

- 1. 12-Month Period:** A rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken.
- 2. Single 12-Month Period:** A 12-month period which begins on the first day the eligible employee takes FMLA leave to take care of a covered servicemember and ends 12 months after that date.
- 3. Child:** A child under the age of 18 years of age, or 18 years of age or older 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 responsibility for care, and includes a biological, adopted, foster or step-child. 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, or using telephones and directories.
- 4. Parent:** The biological 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.
- 5. Spouse:** One of two persons to a marriage, regardless of the sex of the persons, and for purposes of CFRA leave, includes a registered domestic partner as defined below.
- 6. Domestic Partner:** Another adult with whom the employee has chosen to share their life in an intimate and committed relationship of mutual caring and with whom the employee has filed a Declaration of Domestic Partnership with the Secretary of State, and who meets the criteria specified in California Family Code section 297. A legal union formed in another state that is substantially equivalent to the California domestic partnership is also sufficient.
- 7. Serious Health Condition:** An illness, injury impairment, or physical or mental condition that involves:
 - a. Inpatient Care in a hospital, hospice, or residential medical care facility, including any period of incapacity (e.g., inability to work or perform other regular daily activities due to the serious health condition, treatment involved, or recovery therefrom). A person is considered "inpatient" when a health care facility admits him or her to the facility with the expectation that he or she will remain at least overnight, even if it later develops that such person can be discharged or transferred to another facility, and does not actually remain overnight; or
 - b. 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 serious health condition of more than three consecutive calendar days; and
 - ii. Any subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision by a health care provider, 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
 - 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. This includes, for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. If the medication is over the counter, and can be initiated without a visit to a health care provider, it does not constitute a regimen of continuing treatment.

- c. Any period of incapacity due to pregnancy or for prenatal care. Note that pregnancy is a "serious health condition" only under the FMLA. Under California law, an employee disabled by pregnancy is entitled to pregnancy leave.
- d. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
 - i. Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
 - ii. Continues over an extended period of time (including recurring episodes of a single underlying condition); and
 - iii. 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.
- e. 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 health care provider.
- f. Any period of absence to receive multiple treatments (including any period of recovery therefrom) 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.

8. Health Care Provider:

- a. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery in the State of California;
- b. Individuals duly licensed as a physician, surgeon, or osteopathic physician or surgeon in another state or jurisdiction, including another country, which directly treats or supervises treatment of a serious health condition;
- c. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist) authorized to practice in California and performing within the scope of their practice as defined under California State law;
- d. Nurse practitioners and nurse-midwives and clinical social workers who are authorized to practice under California State law and who are performing within the scope of their practice as defined under California State law;
- e. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; and
- f. Any health care provider from whom an employer or group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

9. Covered Active Duty:

- a. In the case of a member of a regular component of the Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country; or
- b. In the case of a member of the reserve component of the Armed Forces, duty during the deployment of the member of the Armed Forces to a foreign country under a call or order to active duty under certain specified provisions.

10. Covered Servicemember:

- a. 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
- b. 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, including a member of the National Guard or Reserves, at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

11. Outpatient Status: With respect to a covered servicemember, 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.

12. Next of Kin of a Covered Servicemember: The nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA.

13. Serious Injury or Illness:

- a. In the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that a covered servicemember incurred 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 the service in the line of duty on active duty in the Armed Forces) and that may render the servicemember medically unfit to perform the duties of the member's office, grade, rank, or rating; or
- b. In the case of a veteran who was a 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 manifested itself before or after the member became a veteran.

D. Reasons for Leave. Leave is only permitted for the reasons listed below.

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 domestic partner who has a serious health condition;
4. Leave because of a serious health condition that makes the employee unable to perform any one or more essential functions of his/her position;
5. Leave for a variety of "qualifying exigencies" arising out of the fact that an employee's spouse, son, daughter, or parent is on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation; or
6. Leave to care for a spouse, son, daughter, parent, or "next of kin" who is a covered servicemember of the U.S. 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. This leave can run up to 26 weeks of unpaid leave during a single 12-month period.

E. Employees Eligible for Leave. Employees employed by SBCTA for at least 12 months and who have been employed by SBCTA for at least 1,250 hours during the 12-month period immediately preceding the commencement of the requested leave are eligible for unpaid leave under the Family Medical Leave Act (FMLA) and California Family Rights Act (CFRA).

An employee is eligible for 12 weeks of parental leave to bond with a new child within one year of the child's birth, adoption or foster care placement if:

1. The employee has been employed by SBCTA for at least 12 months; and
2. The employee has been employed by SBCTA for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.

F. Amount of Leave. Eligible employees are entitled to a total of 12 workweeks of leave in a rolling 12-month period or 26 workweeks of leave in a rolling 12-month period in the case of leave for the care of a covered servicemember with a serious injury or illness. In calculating hours worked for the purposes of FMLA, only service hours are used (refer to Policy 10107 for definition of service hours).

G. Consecutive CFRA and PDL Leave. Family leave under the CFRA may be taken in addition to PDL, if the circumstances meet the criteria for both leaves. Refer to Section XI, Pregnancy Disability Leave, above for information on PDL. Refer to Policy 10122-1 for continuance of benefits.

H. Minimum Duration of Leave.

1. If leave is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two weeks. However, an employee is entitled to leave for one of these purposes (e.g. bonding with a newborn) for less than two weeks duration on any two occasions.
2. If leave is requested to care for a child, parent, spouse or the employee him/herself with serious health condition, there is no minimum amount of leave that must be taken. However, compliance with the notice and medical certification provisions in this policy is required.

- I. Parents both Employed by SBCTA.** If both parents of a child, adoptee, or foster child are employed by SBCTA and are entitled to bonding leave, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during any 12-month period. If both parents of a covered servicemember are employed by SBCTA and are entitled to leave to care for a covered servicemember, the aggregate number of workweeks of leave to which both may be entitled is limited to 26 workweeks during the 12-month period. This limitation does not apply to any other type of leave under this policy.

J. Employee Benefits While on Leave.

1. **Group Health Insurance During Unpaid Leave.** Leave under this Policy is unpaid. While on unpaid leave, employees will continue to be covered by SBCTA's group health insurance for up to 12 weeks, or 6 pay periods, each leave year to the same extent that coverage is provided while the employee is on the job. If the employee is disabled by pregnancy, coverage will continue up to four months, or 8 pay periods, each leave year. If an employee disabled by pregnancy also uses leave under the CFRA for baby-bonding, SBCTA will maintain her coverage while she is disabled by pregnancy (up to four months or 17 1/3 weeks) and during her CFRA leave (up to 12 weeks).
 2. **Benefit Plans Not Provided through SBCTA's Group Health Plan During Unpaid Leave Do Not Continue.** SBCTA does not pay for benefit plans that are not part of the group health plan for any employee on unpaid leave. As a result, employees will not continue to be covered under SBCTA's benefit plans that are not provided through the SBCTA's group health plans while the employee is on unpaid leave.
 3. **Payment of Premiums.** Employees may make the appropriate contributions for continued coverage under the health benefits plans by payroll deductions (if the employee is using his or her paid leave) or direct payments (if the employee is not using his or her paid leave). The Benefits Administrator will inform the employee whether the direct payments for premiums should be paid to the carrier or to SBCTA via the Benefits Administrator, and the deadlines for paying premiums in order to prevent coverage from being dropped. Employee contribution rates are subject to any changes in rates that occur while the employee is on leave.
 4. **Recovery of Premium if the Employee Fails to Return from Leave.** If an employee fails to return to work after his or her leave entitlement has been exhausted or expires, SBCTA shall have the right to recover its share of health plan premiums for the entire leave period, unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or his or her family member which would entitle the employee to leave, or because of circumstances beyond the employee's control.
- K. Substitution of Paid Accrued Leaves.** Although family and medical care leave is unpaid, an employee may elect and SBCTA will require an employee to concurrently use all paid accrued leaves during family and medical care leave as described below.
1. **SBCTA's Right to Require an Employee to use Paid Leave when using FMLA/CFRA Leave.** Employees must use and exhaust their accrued leaves concurrently with family and medical care leave to the same extent that employees have the right to use their accrued leaves concurrently with family and medical care leave with two exceptions:

- a. Employees are not required to use paid leave during leave pursuant to a disability plan that pays a portion of the employee's salary while on leave unless the employee agrees to use paid leave to cover the unpaid portion of the disability leave benefit; and
 - b. An employee must agree to use accrued sick leave to care for a child, parent, spouse or domestic partner.
- 2. SBCTA's Right to Require an Employee to Exhaust FMLA/CFRA Leave Concurrently with Other Leaves.** If an employee takes a leave of absence for any purpose which also qualifies under both the FMLA and CFRA, SBCTA will designate that leave as running concurrently with the employee's 12-week FMLA/CFRA leave entitlement.
- 3. SBCTA's and Employee's Rights if an Employee Requests Accrued Leave without Mentioning FMLA or CFRA.** If an employee requests to utilize accrued vacation leave or other accrued paid time off without reference to a FMLA/CFRA qualifying purpose, SBCTA may not ask the employee if the leave is for a FMLA/CFRA qualifying purpose. However, if SBCTA denies the employee's request and the employee provides information that the requested time off is for a FMLA/CFRA qualifying purpose, SBCTA may require the employee to exhaust accrued leave as described above.
- L. Employee Notice of Leave.** The employee must provide as much notification as possible when requesting FMLA/CFRA 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 day(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. For foreseeable leave due to a qualifying exigency, an employee must provide verbal or written notice of the need for leave as soon as practicable, regardless of how far in advance such leave is foreseeable.
- M. Medical Certification / Recertification.** Employees who request leave must provide a medical certification and/or recertification to support the need for the leave as described below:
- 1. Employee's Own Serious Health Condition.** Employees who request leave for their own serious health condition must provide written certification from the health care provider that contains all of the following: the date, if known, on which the serious health condition commenced; the probable duration of the condition; and a statement that, due to the serious health condition, the employee is unable to work at all or is unable to perform any one or more of the essential functions of his or her position. Upon expiration of the time period the health care provider originally estimated that the employee needed for his/her own serious health condition, the employee must obtain recertification if additional leave is requested.
 - 2. Family Member Serious Health Condition.** Employees who request leave to care for a child, parent, domestic partner or a spouse who has serious health condition must provide written certification from the health care provider of the family member requiring care that contains all of the following: the date, if known, on which the serious health condition commenced; the probable duration of the condition; an estimate of the amount of time which the health care provider believes the employee needs to care for the child, parent, domestic partner, or spouse, and a statement that the serious health condition warrants the participation of the employee to provide care during a period of treatment or supervision of the child, parent or spouse.

The term "warrants the participation of the employee" includes, but is not limited to, providing psychological comfort, and arranging third party care for the covered family member, as well as directly providing, or participating in, the medical care. Upon expiration of the time period the health care provider originally estimated that the employee needed to care for a covered family member, the employer must obtain recertification if additional leave is requested.
 - 3. Servicemember Serious Injury or Illness.** Employees who request FMLA leave to care for a covered servicemember who is a child, spouse, parent or "next of kin" of the

employee, must provide written certification from a health care provider regarding the injured servicemember's serious injury or illness. SBCTA will verify the certification as permitted by the FMLA regulations.

4. **Qualifying Exigency.** The first time an employee requests FMLA leave because of a qualifying exigency, an employee may require the employee to provide a copy of the servicemember's active duty orders or other documentation issued by the military which indicates that the servicemember is on covered active duty or call to active duty status in a foreign country, and the dates of the servicemember's active duty service. A copy of the new active duty orders or similar documentation shall be provided to SBCTA 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 servicemember. SBCTA will verify the certification as permitted by the FMLA regulations.
- N. Time to Provide a Medical Certification.** When an employee has provided at least 30 days' notice for a foreseeable leave, the employee must provide a medical certification before the leave begins. When this is not possible, the employee must provide the medical certification to SBCTA within the time frame requested by SBCTA (which must allow at least 15 calendar days after the employer's request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.
- O. Consequences for Failure to Provide an Adequate or Timely Certification.** 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 in this policy, SBCTA may delay the taking of FMLA/CFRA leave until required certification is provided, or deny FMLA/CFRA protections following the expiration of the time period to provide an adequate certification.
- P. Deputy Executive Director's Review of the Contents of Medical Certification for Employee's Own Serious Health Condition.**
1. **Complete and Sufficient.** The employee must provide a certification for his or her own serious health condition that is complete and sufficient to support the request for leave. A certification is incomplete if one or more of the applicable entries on the certification form have not been completed. A certification is insufficient if the information on the certification form is vague, ambiguous, or not responsive. If the certification is incomplete or insufficient, the Deputy Executive Director will give the employee written notice of the deficiencies and seven days to cure, unless a longer period is necessary in light of the employee's diligent, good faith efforts to address the deficiencies.
 2. **Authentication and Clarification.** After giving the employee an opportunity to cure the deficiencies in a medical certification for the employee's own serious health condition, the Deputy Executive Director may contact the health care provider who provided the certification to clarify and/or authenticate the certification. "Authentication" means providing the health care provider with a copy of the certification form and requesting verification that the information on the form was completed or authorized by the health care provider who signed the form. "Clarification" means contacting the health care provider to understand the handwriting on the medical certification or to understand the meaning of the response. The Deputy Executive Director may not ask for additional information beyond that required on the certification form.
- Q. Second and Third Medical Opinions for Employee's Own Serious Health Condition.** If SBCTA has a good faith, objective reason to doubt the validity of a certification for the employee's serious health condition, SBCTA may require a medical opinion of a second health care provider chosen and paid for by SBCTA. If the second opinion is different from the first, SBCTA may require the opinion of a third provider jointly approved by SBCTA and the employee, but paid for by SBCTA. The opinion of the third provider will be binding. SBCTA must provide the employee with a copy of the second and third medical opinions, where applicable, without cost, upon the request of the employee.

R. Intermittent Leave or Leave on a Reduced Schedule. If an employee requests leave intermittently (a few days or hours at a time) or on a reduced leave schedule for his or her own serious health condition, or to care for an immediate family member with 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 leave schedule. SBCTA may require an employee who certifies the need for a reduced schedule or intermittent leave to temporarily transfer to an alternate position of equivalent pay and benefits that better accommodates the leave schedule.

S. Reinstatement Upon Return From Leave.

- 1. Reinstatement to Same or Equivalent Position.** Upon expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent benefits and pay. 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.
- 2. Date of Reinstatement.** If a definite date of reinstatement has been agreed upon at the beginning of the leave, the employee will be reinstated on the date agreed upon. If the reinstatement date differs from the original agreement of the employee and SBCTA, the employee will be reinstated within two business days, where feasible, after the employee notifies the employer of his/her readiness to return.
- 3. Employee's Obligation to Periodically Report on His/Her 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.
- 4. Fitness for Duty 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 or her job, the employee must obtain and present a fitness-for-duty certification from the health care provider stating that the employee is able to resume work. Failure to provide such certification will result in denial of reinstatement.
- 5. Reinstatement of "Key Employees".** SBCTA may deny reinstatement to a "key" employee (i.e., an employee who is among the highest paid 10 percent of all employed by the SBCTA within 75 miles of the worksite) if such denial is necessary to prevent substantial and grievous economic injury to the operations of SBCTA, and the employee is notified of SBCTA's intent to deny reinstatement on such basis at the time SBCTA determines that such injury would occur.

T. Required Forms. Employees must complete the applicable forms to receive family and medical care leave.

XIII. BLOOD DONOR LEAVE

With prior approval from the immediate supervisor, employees in regular positions may receive up to two hours off with pay for whole blood donations or four hours off for plasma (apheresis) donations.

XIV. JURY DUTY AND WITNESS LEAVE

- A. Notice.** Any employee, including a temporary employee, who is summoned to serve on a jury, or subpoenaed or ordered to be a witness, must notify his or her supervisor or department head as soon as possible.
- B. Return to Work Requirement.** Any employee who is released from jury service prior to the end of his or her scheduled work hours must report to work unless otherwise authorized by his or her supervisor.
- C. Pay for Jury Duty and Witness Leave.** Regular employees who are ordered to serve on jury duty receive their base pay for those hours of absence from work, provided the employee waives fees for jury duty service, other than mileage.

The time spent on jury duty is not work time for purposes of calculating overtime compensation.

- D. Certification Requirement.** Employees will provide Finance a “Jury Duty Certification” form at the end of the required jury duty to verify the service.
- E. Regarding SBCTA Duties.** Any employee, including a temporary employee, who is subpoenaed to appear in court in a matter regarding an event or transaction in the course of his or her SBCTA job duties, must give his or her supervisor as much advance notice as is possible. SBCTA will determine whether the matter involves an event or transaction in the course of the employee’s SBCTA job duties. If so, this leave to appear in court will be without loss of compensation, and the time spent will be considered work time. SBCTA will offset the amount from pay the employee receives for witness fees.
- F. Regarding Employee-Initiated Proceedings.** Any employee, including a temporary employee, who is subpoenaed to appear, or appears in court because of civil or administrative proceedings that he or she initiated, is not entitled to receive compensation for time spent related to those proceedings. An employee may request to receive time off without pay, or may use any accrued leave other than sick leave for time spent related to those proceedings. The time spent in these proceedings is not considered work time.
- G. Regarding Victim of Crime / Victim Family Member Court Attendance Leave.** Any employee, including a temporary employee, who is a victim of a crime that is a serious or violent felony, or a felony involving theft or embezzlement, may take leave from work to attend judicial proceedings related to that crime, if the employee provides SBCTA a copy of the notice of the scheduled proceeding in advance. If advance notice is not feasible, the employee must provide SBCTA, within a reasonable time after the leave is taken, documentation from the district attorney, victim’s rights office, or court / governing agency that shows that the judicial proceeding occurred when the leave was used. An employee who is an immediate family member of such a crime victim, including: a registered domestic partner; the child of the registered domestic partner; spouse; child; stepchild; brother; stepbrother; sister; stepsister; mother; stepmother; father; or stepfather of the crime victim is also entitled to leave from work to attend judicial proceedings relating to that crime. The leave is unpaid unless the employee elects to use accrued vacation, sick, or other paid leave, or compensatory time off.
- H. Regarding Crime Victim/ Family Member Victims’ Rights Proceedings Leave.** Any employee, including a temporary employee, who is a victim of a crime listed in Labor Code section 230.5(a)(2)(A), may take leave from work to appear in court to be heard at any proceeding in which the right of the victim is at issue, if the employee provides SBCTA reasonable advance notice. If advance notice is not feasible, the employee must provide SBCTA, within a reasonable time after the leave is taken, certification from a police report, a district attorney or court, or from a health care provider or victim advocate, that the employee was a victim of any of the crimes listed in Labor Code section 230.5(a)(2)(A). An employee who is a spouse, parent, child, sibling, or guardian of such a crime victim is also a victim who is entitled to this leave if the above notice or certification requirements are met. The leave is unpaid unless the employee elects to use accrued vacation or paid leave, or compensatory time.

XV. LEAVE FOR VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING

- A. To Obtain Restraining Orders or Injunctive Relief.** Any employee, including a temporary employee, who is a victim of domestic violence, sexual assault, or stalking, may take leave from work to obtain or attempt to obtain any relief, including, but not limited to: a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or his or her child, if the employee provides advance notice of the need for leave. If advance notice is not feasible, the employee must provide any of the following certifications within a reasonable time after the leave: a police report indicating that the employee was a victim; a court order protecting the employee from the perpetrator; evidence from the district attorney or court that the employee has appeared in court; or documentation from a health care provider or counselor that the employee was undergoing treatment for physical or mental injuries or abuse. The leave is unpaid unless the employee elects to use sick leave, accrued vacation or paid leave, or compensatory time.
- B. To Obtain Medical Attention, Counseling, or Safety Planning.** Any employee, including a temporary employee, who is a victim of domestic violence, sexual assault, or stalking, may take leave from work to attend to any of the following: obtaining medical attention or psychological counseling;

obtaining services from a shelter, program or crisis center; or participating in safety planning or other actions to increase safety, if the employee provides advance notice of the employee's intention to take time off for these purposes. If advance notice is not feasible, the employee must provide any of the following to SBCTA within a reasonable time after the leave: a police report indicating that the employee was a victim; a court order protecting the employee from the perpetrator; evidence from the district attorney or court that the employee has appeared in court; or documentation from a health care provider or counselor that the employee was undergoing treatment for physical or mental injuries or abuse. The leave is unpaid unless the employee elects to use sick leave, accrued vacation or personal leave, or compensatory time.

XVI. MILITARY LEAVE

Military leave will be provided in accordance with state and federal law, including, but not limited to, California Military and Veterans Code Section 395 *et seq.*, and any amendment thereto, and the federal Uniformed Service Employment and Reemployment Rights Act of 1994 (USERRA), codified at 38 U.S.C. Section 4301 *et seq.*

- A. Notice and Orders.** All employees shall provide advance notice of military service unless military necessity prevents the giving of notice or the giving of notice is impossible or unreasonable. Where available, a copy of military orders must accompany the request for leave.
- B. Temporary Military Leaves of Absence.** Any employee who is a member of the reserve corps of the Armed Forces, National Guard, or Naval Militia shall be entitled to a temporary military leave of absence for the purpose of active military training, encampment, naval cruises, special exercises, or like activity, provided that the period of ordered duty does not exceed one hundred eighty (180) calendar days, including time spent going to and returning from duty. While on paid status, an employee on temporary military leave shall receive the same vacation, administrative, holiday, sick leave, step advances employment, and reemployment privileges that the employee would have enjoyed had the employee not been absent, provided such employee has been employed by SBCTA for at least one (1) year immediately prior to the date such leave begins. In determining the one (1) year employment requirement, all time spent in recognized military service, active or temporary, shall be counted. An exception to the above is that an uncompleted probationary period must be completed upon return to the job. Any employee meeting the above one (1) year employment requirement shall be entitled to receive his/her regular salary or compensation, pursuant to par. XVI F. of this Policy.
- C. Long Term Military Leaves of Absence (Active Duty).** An employee who resigns or leaves his or her position to serve in the Armed Forces or is ordered to active duty in the Armed Forces shall have a right to return to his or her former classification upon serving written notice to the appointing authority, no later than ninety (90) days after completion of such service unless an exception applies pursuant to USERRA. Returning employees are subject to a physical/psychological examination.
If SBCTA has abolished the employee's former classification, then the employee shall be entitled to a classification with comparable functions, duties, and compensation if such classification exists, or to a comparable vacant position for which the employee is qualified.
The right to return to a former classification shall include the right to be restored to such status as the employee would have if the employee had not been absent.
- D. Inactive Duty.** This Policy does not include an employee's attendance for inactive duty, commonly referred to as weekend reserve meetings or drills. Employees must use their own time to attend such meetings. Should the meetings unavoidably conflict with an employee's regular working hours, the employee may use vacation or holiday leave, leave without pay, or make up the time. Employees who are called in for a medical examination to determine physical fitness for military duty may also use vacation leave, leave without pay, or make up the time. Employees cannot be required to use their accrued leave.

E. Uniformed Service Employment and Reemployment Rights Act of 1994. Eligible employees who are absent from their positions for service in the uniformed services are entitled to the reemployment and benefit rights as further described in USERRA. Specifically, a returning employee will receive restoration of original hire and benefit date, salary step, vacation accrual rate, administrative leave accrual rate, sick leave balance (unless the employee has received payment for unused sick leave in accordance with provisions contained herein), the retirement plan contribution rate, and retirement system contributions (provided the employee complies with any requirements established by the Retirement Board).

F. Compensation. Any employee meeting the requirements in Paragraphs XVI B and C, shall be entitled to receive his or her regular salary or compensation for the first thirty (30) calendar days of any such leave. Pay for such purposes shall not exceed thirty (30) days in any one fiscal year and shall be paid only for the employee's regularly scheduled workdays that fall within the thirty (30) calendar days.

G. Continuation of Wage and Benefits for Full-Time Employee Called to Active Duty. An employee who is a member of the Armed Services Reserve or National Guard and is called to active duty as a result of the activation of military reservists, and who are eligible to receive the thirty (30) calendar day military leave compensation shall receive the difference between his/her military pay (including wages, salary, specialty assignment, housing subsidy or any other form of compensation) and his/her base salary with SBCTA starting on the 31st calendar day of military leave. The difference in salary payments shall not continue beyond 365 calendar days. During this period, SBCTA would continue to contribute towards the medical and dental benefits of the employee, providing the employee and his/her dependents were covered under the medical and dental plans offered by SBCTA prior to being called to active duty. During the period of military service, the medical and dental plans provided by the military for the employee and dependents would be the primary payer.

H. Ten Days of Unpaid Spousal Leave. An employee whose legal spouse is a member of the Armed Services, National Guard, or Reserves, and is deployed during a period of military conflict, is entitled to ten days of unpaid leave, if the employee satisfies all the following:

1. Works 20 or more hours per week on average for SBCTA; and
2. Provides his or her department head with notice, within two business days of receiving official notice that the spouse will be deployed, of his or her intention to take the leave; and
3. Submits written documentation to the department head certifying that the spouse will be deployed during the time of the leave sought.

As used here, "period of military conflict" means a period of war declared by the U.S. Congress or a period of deployment pursuant to sections 12301 and 12302 of Title 10 of the U.S. Code or Title 32 of the U.S. Code.

XVII. SPECIAL LEAVE OF ABSENCE WITHOUT PAY

Unless authorized by law or an SBCTA policy, an employee is not entitled to a leave of absence without pay. Instead, only upon written request by the employee and at the discretion and approval of the Executive Director, may a regular employee be granted a leave of absence without pay. Special leave is subject to the needs of the agency.

A. Reasons for Special Leave of Absence:

1. Medically incapacitated to perform assigned duties.
2. Complete a relevant course of study that will enhance his or her value as an employee.
3. For any reason considered appropriate by the Executive Director.

B. An authorized leave of absence without pay is not a break in service for purposes of calculating seniority. Employees taking a special leave of absence for reasons other than Pregnancy Disability Leave, Family Medical Leave, or California Rights Act Leave may be granted the right to return to their current position, but will be required to compensate the agency for costs related to continuance of their benefit plan during the absence. Refer to Policy 10122-1.

- C. Unless required by law, vacation leave credits, sick leave credits, increases in salary, all other paid leaves, holidays and fringe benefits and other similar benefits do not accrue to an employee on unpaid leave. During the period of authorized unpaid leave, all service and leave credits shall be retained at the levels existing as of the effective date of the leave.

XVIII. UNAUTHORIZED ABSENCE, ABUSE OF LEAVE, AND EXCESSIVE TARDINESS

A. Unauthorized Absence. Unauthorized absence from work is considered cause for dismissal.

Absence from work without permission for three consecutive days will be considered an automatic resignation.

B. Abuse of Leave. Abuse of leave is a claim of entitlement to leave when the employee does not meet the requirements for taking the leave, and may be grounds for discipline, up to and including termination. Should SBCTA suspect that there is an abuse of leave by an employee, the agency may require that the employee submit a physician's certificate to support the absence.

C. Excessive Tardiness. Excessive tardiness occurs when a non-exempt employee, without authorization, is late to work or late to return from breaks more than three times during any 30-day period. Excessive absenteeism occurs when the number of unapproved absences for reasons that are not permitted by state or federal law, exceeds three days in any three-month period. Excessive tardiness or absenteeism may be grounds for discipline, up to and including termination.

XIX. PAID ADMINISTRATIVE LEAVE

SBCTA has the right to place an employee on leave with full pay for non-disciplinary reasons at any time when the Deputy Executive Director has determined that the employee's and/or SBCTA's best interests warrant the leave. The employee does not have a right to appeal the decision to be placed on administrative leave with pay.

XX. SCHOOL RELATED LEAVE

A. School or Licensed Day Care Activity Leave. Any employee who is a parent, guardian, stepparent, foster parent, grandparent, or person who stands *in loco parentis* to one or more children who are in kindergarten or grades 1 through 12, or who are in a licensed child care facility, shall be allowed up to 40 hours each school year, not to exceed eight hours in any calendar month of the school year, to: participate in activities of their child's school or licensed child care facility; find, enroll, or reenroll a child in a school or with a licensed child care provider; or to pick up a child due to a child care provider or school emergency. The employee must provide reasonable advance notice to his/her supervisor of the planned absence. The leave is unpaid unless the employee uses vacation or compensatory time off. The employee must provide documentation from the school or licensed child care facility as verification that the employee participated in school or child care facility activities on a specific date and at a particular time. If both parents, guardians or grandparents having custody work for SBCTA at the same SBCTA work site, only the first parent requesting will be entitled to leave under this provision.

B. Child Suspension Leave. Any employee who is the parent or guardian of a child in grades 1 through 12 may take time off to go to the child's school in response to a request from the child's school, if the employee gives advance notice to his or her supervisor. A school has the authority to request that the parent attend the child's school if the child has: committed any obscene act; habitually used profanity or vulgarity; disrupted school activities; or otherwise willfully defied the valid authority of school personnel.

XXI. REVISION HISTORY

Revision No.	Revisions	Adopted
0	Adopted by the Board of Directors.	04/03/91
1	- Added definitions to provide specific citation of State and Federal requirements, as well as to provide clarity for those interpreting SANBAG personnel policies.	03/01/00

	<ul style="list-style-type: none"> - Authorized the SANBAG Executive Director to interpret SANBAG policies to handle administrative interpretations. - Provided more specificity with respect to regular, part-time, and temporary employee work hours. Authorized the Executive Director to modify the established workday, as necessary. Expanded on the reporting of hours worked to reflect daily, actual hours worked and consideration of minimum agency requirements. Clarified differences between exempt and non-exempt work standards, as well as requirements related to payment of overtime and compensatory time off. Eliminated paid vacation, holiday, and sic from time worked for purposes of calculating overtime, as provided in the Fair Labor Standards Act. - Added provisions for part-time employee vacation accrual rates. Incorporated Internal Revenue Service requirements relative to declaration of cash outs and imposition of penalties. - Eliminated the ability to allocate Administrative Leave to the Cafeteria Plan. - Established holiday accrual rates for part-time employees. Eliminated the ability to cash out holiday time and established an expectation that holidays will be taken on the date specified. - Provided specific standards for use of sick leave, return to work orders, and examinations. Specified sick leave accrual rates for part-time employees. - Expanded the explanation of pregnancy disability, family medical, blood donor, jury duty, and military leaves to provide a better general description and references for those interpreting SANBAG personnel policies. - Expanded language to provide clarity for leave of absence and unauthorized absence. 	
2	<ul style="list-style-type: none"> - Par. II. AUTHORIZATION: Moved from par. IV into its own paragraph. - Par. III. REFERENCES: Added reference to Policy 10110, Employment Status and Classification. - Par. IV. DEFINITIONS: Removed definitions for exempt, non-exempt, regular, and temporary employees since those terms are now defined in Policy 10110, where the terms properly belong. - Par. VIII. ADMINISTRATIVE LEAVE: Revised to change "A maximum of 80 hours of administrative leave may be accrued." to "A maximum of twice the annual award of administrative leave may be accrued." Also changed the cash out of administrative leave to be the same as for vacation leave. - Formatting changes made throughout policy to convert policy into current SANBAG policy format. 	04/03/02
3	<p>Par. IV: Added Medical Emergency Leave definition.</p> <p>Par. VIII: Added new paragraph on Medical Emergency. Re-numbered subsequent paragraphs.</p>	09/04/02
4	<p>Par. III. REFERENCES: Added Policy 10122-1, Flexible Benefit Plan.</p> <p>Par. XI, second paragraph: Added reference to Policy 10122-1.</p> <p>Par. XII.A: Added reference to Policy 10122-1.</p> <p>Par. XVI.B: Added reference to Policy 10122-1.</p>	01/05/05
5	<p>Par. XI: Modified maximum pregnancy disability leave for eligible employees from 123 calendar days to four months in accordance with State law; corrected an error in the amount of time SANBAG will continue benefits for unpaid Pregnancy Disability Leave for up to six pay periods, rather than six weeks; requires written notice five days in advance of pregnancy disability leave, unless the commencement of leave was not foreseeable."</p> <p>Par. XVI.B: Edited to add "...for reasons other than Pregnancy Disability Leave, Family Medical Leave, or California Family Rights leave..."</p>	09/07/05
6	<p>Par. IV: Added definition for Military Leave.</p> <p>Par. XV. MILITARY LEAVE: Revised to reflect the USERRA (Uniformed Services Employment and Reemployment Rights Act) military leave benefits revised in December 2005.</p>	06/07/06
7	<p>Par. VI.A: Revised from "whichever is later" to "at the discretion of the supervisor". Note: Revised Policy 10110, Employment Status and Classification was approved by the Board on 6/4/03 to extend the probationary period from 1040 service hours to 2080 service hours. The change to this Policy 10111 enables the supervisor to allow a new employee to take vacation before the probationary period ends.</p>	09/13/06
8	<p>Par. III: Added Policy 10112, Retirement Medical Trust Fund</p> <p>Par VII.C.2: Revised to refer to Policy 0112, Retirement Medical Trust Fund – payout of unused sick leave upon retirement, separation, or death is now in Policy 10112.</p>	08/01/07
9	<p>Administrative change to correct minor error to the definition of Military Leave in par. IV.</p> <p>Is: Military leave is defined ... active duty for training, initial active duty for training (weekend drills), ... duty.</p> <p>Should be: Military leave is defined ... active duty for training, inactive duty for training (weekend drills), ... duty,</p>	08/27/08
10	<p>Policy Title: Changed from Work Hours, Leaves, and Absences to Work Requirements, Leaves, and Absences.</p> <p>Par. I: Changed purpose from "... establish standards for working hours ..." to " ... establish standards for work requirements..."</p> <p>Par. III: Added reference to Policy 10120, Employee Work Schedules.</p> <p>Par. IV: Revised Workday and Work Week definitions by referring to Policy 10120.</p>	11/05/08

	<p>Par. V.A.1: Deleted the first sentence on the normal workday.</p> <p>Par. V.A.1.a: Revised for clarity – changed from passive to active voice to emphasize employee responsibility.</p> <p>Par. V.B: Revised paragraph heading from “Work Schedule” to “Work Requirements”.</p> <p>Par. V.B.1: Revised “SANBAG exempt employees will work, on the average, more than 40 hours per workweek...” to ... more than 80 hours per pay period...” due to 9/80 work schedule.</p> <p>Par. V.B.2: Revised second sentence for clarity.</p> <p>Par. VI.D: Added second paragraph for clarification of vacation accrual rates for employees credited with prior public service.</p>	
11	<p>Par. IV. DEFINITIONS: Revised definition of FMLA to include new military family leave entitlement – see par. XII.G.</p> <p>Par. VI: Table 1, Vacation Leave – revised to replace pay periods with service hour levels, for clarification.</p> <p>Par. VI.D: Added paragraph to clarify the vacation accrual rate when credit for prior public service is authorized by the Executive Director – “credit for prior service and approval of an accrual rate which recognizes prior employment will not affect the requirement for specified years of SANBAG service prior to elevation to the next higher accrual rate.”</p> <p>Par. XII. FAMILY MEDICAL LEAVE: Revised to add second sentence on “rolling 12-month period”.</p> <p>Par. XII.G: Added new paragraph on Military Family Leave Entitlement. These are new military family leave entitlements enacted (effective January 16, 2009) under the National Defense Authorization Act for FY 2008.</p>	07/01/09
12	<p>Par. XV.E. Continuation of Wage and Benefits for Full-Time Employee Called to Active Duty. Added new paragraph to Military Leave.</p>	08/05/09
13	<p>Par. IV: Revised Workday by removing specific 8-5pm schedule and reference 8-hour day M-F.</p> <p>Par. VII.C.A: Added Victim of domestic violence, sexual assault, or stalking.</p> <p>Par. VII.B: Separated accrual and usage by classification adding in new temporary classifications eligibility for sick leave accrual under the new Healthy Families Act of 2014.</p> <p>Par. VII.C.2: Revised to specify separated employee will have their sick leave accruals reinstated if the employee is rehired within a year of the date of separation as required under the Healthy Families Act of 2014.</p>	06/03/15
14	<p>Revised to be consistent with SB1305. Change approved by the Board on January 4, 2107, Agenda Item 6.</p>	01/04/17
15	<p>Par. IV: Revised; Par. V: Revised; Par. VI: Revised; Par. VII: Revised; Par. IX: Revised; Par. XI: Revised; Par. XII: Revised; Par. XIV: Revised; Par. XV: Added Leave for Victims of Domestic Violence, Sexual Assault and Stalking; Par. XVI: Revised to comply with California Military and Veterans Code Section 395 <i>et seq.</i>, and the federal Uniformed Service Employment and Reemployment Rights Act of 1994 (USERRA) (38 U.S.C. § 4301 <i>et seq.</i>); Par. XVII: Renumbered and Revised Special Leave of Absence Without Pay; Par. XVIII: Renumbered and revised to add Abuse of Leave and Excessive Tardiness; Par. XIX: Added Paid Administrative Leave; Par. XX: Added School Related Leave; Par. XXI: Renumbered. Change approved by the Board on April 3, 2019, Agenda Item 6.</p>	04/03/19
16	<p>Par.X. Holiday Leave: Added Juneteenth</p>	06/09/22

ADDITIONAL INFORMATION

BOARD OF DIRECTORS ATTENDANCE RECORD – 2022

Name	Jan	Feb	March	April	May	June	July	Aug DARK	Sept	Oct	Nov	Dec
Paul Cook Board of Supervisors	X	X	X	X	X	X						
Janice Rutherford Board of Supervisors		X	X	X	X	X						
Dawn Rowe Board of Supervisors	X	X	X	X	X	X						
Curt Hagman Board of Supervisors	X	X	X	X	X	X						
Joe Baca, Jr. Board of Supervisors	X	X	X	X	X	X						
Daniel Ramos City of Adelanto		X	X									
Art Bishop Town of Apple Valley	X	X	X	X	X	X						
Paul Courtney City of Barstow	X	X	X		X							
Rick Herrick City of Big Bear Lake		X	X		X	X						
Eunice Ulloa City of Chino	X	X	X	X		X						
Ray Marquez City of Chino Hills		X	X	X	X	X						
Frank Navarro City of Colton	X	X	X	X	X	X						
Acquanetta Warren City of Fontana	X	X	*	X	X	X						
Darcy McNaboe City of Grand Terrace	X	X	X	X	X	X						
Rebekah Swanson City of Hesperia	X	X	X	X	X	X						
Larry McCallon City of Highland	X	X	X	X	X	X						

X = member attended meeting. * = alternate member attended meeting. Empty box = did not attend meeting. Crossed out box = not a Board Member at the time. Shaded box=no meeting

BOARD OF DIRECTORS ATTENDANCE RECORD – 2022

Name	Jan	Feb	March	April	May	June	July	Aug DARK	Sept	Oct	Nov	Dec
Rhodes ‘Dusty’ Rigsby City of Loma Linda	X		X	X	X	X						
John Dutrey City of Montclair	X	X	X	X	X	X						
Edward Paget City of Needles	X	X	X		X	X						
Alan Wapner City of Ontario	X	X	X		X	X						
L. Dennis Michael City of Rancho Cucamonga	X	X	X	X	*	X						
Paul Barich City of Redlands		X	X	X	X	X						
Deborah Robertson City of Rialto	X	X	X	X		X						
John Valdivia City of San Bernardino	X	X	X *	X	X	X						
Joel Klink City of Twentynine Palms	X	X	X	X	X	X						
Carlos A. Garcia City of Upland		X	X		X	X						
Debra Jones City of Victorville	X	X	X	X	X	X						
David Avila City of Yucaipa	X	X	X	X	X	X						
Rick Denison Town of Yucca Valley	X	X	X	X	X	X						
Michael Beauchamp Ex-Official Member	Diane Morales	X	X	X	X							
Diane Morales Interim Ex-Official Member						Ray Desselle						

Communication: Attendance (Additional Information)

X = member attended meeting. * = alternate member attended meeting. Empty box = did not attend meeting. Crossed out box = not a Board Member at the time. Shaded box=no meeting

COMMITTEE MEMBERSHIP

San Bernardino County Transportation Authority (SBCTA)
Representatives on SCAG Committees

APPOINTING/ELECTING AUTHORITY	REGIONAL COUNCIL (12:15 p.m.)	POLICY COMMITTEES (Regional Council Members Serve on One Each) (Subregional Appointments) (County Commissions Appoint One to TC) (10:00 a.m.)		
		Community, Economic, and Human Development	Energy and Environment	Transportation
District 6 (Grand Terrace, Colton, Loma Linda, Redlands, Yucaipa) District 7 (San Bernardino, Highland) District 8 (Rialto, Fontana) District 9 (Rancho Cucamonga, Upland, Montclair) District 10 (Chino, Chino Hills, Ontario) District 11 (Barstow, Big Bear, Needles, Twentynine Palms, Yucca Valley) District 65 (Adelanto, Apple Valley, Hesperia, Victorville) San Bernardino County † Community of Concern Appointee	F. Navarro L. McCallon D. Robertson L. Michael R. Marquez R. Putz L. Becerra C. Hagman G. Reyes	G. Reyes	D. Robertson R. Putz	F. Navarro L. McCallon L. Becerra C. Hagman
†† San Bernardino County Transportation Authority Appointee	A. Wapner			A. Wapner
SBCTA Subregional Appointees* *One appointee to each policy committee for a total of three appointees per subregion, plus one additional appointee for every SCAG District over three in the subregion. SBCTA has a total of seven subregional appointees to the policy committees. Terms of appointment expire December 31 of odd-numbered years.		David Avila Ed Paget Acquanetta Warren	Cynthia Moran John Valdivia Rick Denison	John Dutrey

Rules of Appointment

1) SBCTA policy stipulates that all SBCTA appointees be SBCTA Board Members. 2) SCAG President appoints Regional Council members to Standing and Policy Committees.

Terms of Appointment

Terms of appointment are two years, commencing on adjournment of the annual General Assembly in May of each year. Even-numbered District representatives' terms expire in even-numbered years; odd-numbered District representatives expire in odd-numbered years. † Community of Concern appointee, appointed by the County Regional Council representative for a two-year term. †† SBCTA Regional Council Representative serves a two-year term from the date of appointment.

Stipend Summary

SCAG Regional Council members receive a \$120 stipend for attendance and travel to SCAG sponsored meetings. Regional Council members may also receive reimbursement for public transit expenses or a mileage reimbursement. Parking is validated at SCAG's downtown Los Angeles office for RC members. RC members are eligible to receive up to six (6) per diem stipends per month. Both RC members and Subregional Appointees, if eligible, may receive reimbursement (\$150 + taxes) for lodging (please review SCAG rules before making expenditure). Subregional Appointees shall receive a \$120 stipend for up to four Policy or Task Force meetings per month.

Meeting Information

The regular meetings of SCAG Regional Council and Policy Committees are on the 1st Thursday of each month at the SCAG offices located at 900 Wilshire Blvd., Ste. 700, Los Angeles. Generally, the Policy Committee meetings start at 10 AM and Regional Council meetings start at 12:15 PM.

Policy Committees

Community, Economic, and Human Development: Provides policy recommendations to the Regional Council on subjects of housing, land use, resource, economic, community development, infrastructure, employment, and regional disaster preparedness issues. Reviews and recommends to the Planning Committee revisions to the Housing, Economy, Growth Management, Human Resources, and Finance Chapters of the Regional Comprehensive Plan and Guide.

Energy and Environment: Acts as the policy advisory committee to the Regional Council on environmental issues, including air and water, hazardous, solid waste management, natural resources conservation, and energy conservation. Reviews the Environmental Impact Report of the Regional Comprehensive Plan and Guide. Provides recommendations to the Planning Committee on state and federal legislative proposals and administrative guidelines affecting environmental quality, resource conservation.

Transportation: Acts as the policy advisory committee to the Regional Council on all regional matters pertaining to the movement of goods and people on land, water, and air. Reviews and recommends to the Regional Council all major utility development plans. Addresses the location, size, or capacity, timing, and impact of facilities.

Appointments to External Agencies

The San Bernardino County Transportation Authority (SBCTA) and San Bernardino Council of Governments (SBCOG) work closely with not only the County and cities within the County of San Bernardino, but with a number of regional governments that relate to the multiple counties within the Southern California region. Members of the SBCTA Board of Directors frequently take active roles in representing the interests of San Bernardino County on these regional bodies. This participation provides assurance that the unique needs and characteristics of San Bernardino County are taken into consideration as policies are developed which impact this County and its individual local government units. Active participation in regional organizations further promotes the interests of San Bernardino County and secures its appropriate role in the Southern California region.

The following table lists some of the regional bodies upon which SBCTA and SBCOG representatives serve.

Committee	Appointee	Appointing Authority	Purpose	Term
California Association of Councils of Governments	Alan Wapner, Ontario	President	CALCOG facilitates communication and information sharing among its members. Most members of CALCOG are Councils of Governments (COGs), while some are transportation commissions and others are the large Metropolitan Planning Organizations like SCAG and SANDAG. CALCOG is governed by a Board of Directors comprised of a representative from each member's Board of Directors.	12/31/22
Inland Empire Economic Partnership (IEEP)	Dennis Michael, Rancho Cucamonga	President	The IEEP is a partnership that includes business, government and academic leaders to develop and carry out initiatives to benefit the region.	
The Sam and Alfreda L. Maloof Foundation for Arts and Crafts	Janice Rutherford, Supervisor	Board of Directors	A non-profit corporation that participates in the preparation of the Conservation Plan and oversees the activities and assets of the Foundation. A payment of stipend for participation has not been authorized.	12/31/23
Gold Line Phase II Joint Powers Authority	John Dutrey, Montclair, Primary Ray Marquez, Chino Hills, Alternate	Board of Directors	The Gold Line Phase II Construction Authority is a Joint Powers Authority (JPA) formed by 14 cities along the corridor and SBCTA. The JPA serves as a forum for the review, consideration, study, development and recommendation of policies and plans for the extension of the Gold Line from Pasadena to Montclair. Members receive \$100 payment from Gold Line Authority for participation.	12/31/23 12/31/22
Metro Gold Line Foothill Extension Construction Authority	Alan Wapner, Ontario, Primary John Dutrey, Montclair, Alternate	President	The Authority is responsible for the development of a light rail project from the City of Los Angeles into San Bernardino County. The Authority board meets on the second and fourth Wednesday of the month at 7:00 p.m. at the Authority's office in Monrovia. Members receive \$150 for each day spent on Authority business, not to exceed \$600 per month.	12/31/22 12/31/22
Mobile Source Air Pollution Reduction Review Committee	Larry McCallon, Highland, Primary John Valdivia, San Bernardino, Alternate	Board of Directors	Develops and implements work programs which reduce mobile source emissions, funded by AB2766 (portion of the \$4 motor vehicle registration fee). County Commissions, SCAQMD, and ARB have one appointment with alternates. In April 2005, SBCTA authorized a stipend of \$100 per day. The MSRC meets on the third Thursday of the month at 2:00 p.m. at South Coast Air Quality Management District in Diamond Bar.	12/31/22 12/31/22

Appointments to External Agencies

Committee	Appointee	Appointing Authority	Purpose	Term
One Water One Watershed (OWOW) Steering Committee of the Santa Ana Watershed Project Authority	Deborah Robertson, Rialto	Board of Directors	<p>Responsible for developing the integrated Regional Water Management Plan for the Santa Ana River.</p> <p>The term of the appointment is for four years for a city representative from San Bernardino County.</p> <p>Officers leaving elected office after appointment are still eligible to serve. Beginning January 2016, the OWOW meets on the 4th Thursday of every other month at 11:00 a.m. at the Santa Ana Watershed Project Authority (SAWPA). Members of the Steering Committee do not receive a stipend.</p>	12/31/22
SCAG Policy Committees	See associated table.	The Board has authorized the President to make appointments to SCAG Policy Committees.	SBCTA also has authority to appoint up to seven appointees to the three SCAG Policy Committees: i.e., Community Economic and Human Development, Energy and Environment, and Transportation. SCAG pays appointees to policy committees a stipend of \$120 per meeting.	See associated table – Representatives on SCAG Committees
Southern California Regional Rail Authority	Alan Wapner, Ontario, Primary Larry McCallon, Highland, Primary Ray Marquez, Chino Hills, Alternate John Dutrey, Montclair, Alternate	Board of Directors (Recommendation made by the Transit Committee)	<p>SCRRA serves as the governing body for Metrolink, the regional commuter rail system serving the five Southern California Counties.</p> <p>Members receive payment of \$100 per day from SCRRA for participation.</p>	Indefinite
SR 91 Advisory Committee	Ray Marquez, Chino Hills, Ex-Officio Member	Board of Directors	<p>The Committee reviews issues and makes recommendations to OCTA regarding the transportation facilities acquired, including tolls imposed, operations, maintenance, use of toll revenues, and improvements in the area of SR 91 between I-15 and SR 55, including the identification and siting of alternate highways.</p> <p>SBCTA has not authorized payment of stipend for participation.</p>	12/31/22

Communication: Appointments to External Agencies (Committee Membership)

San Bernardino County Transportation Authority (SBCTA) Policy Committee Membership

COMMITTEE	PURPOSE	MEMBERSHIP	TERMS
General Policy Committee Membership consists of the following: SBCTA President, Vice President, and Immediate Past President 4 East Valley (3 City, 1 County) 4 West Valley (3 City, 1 County) 4 Mt/Desert (3 City, 1 County) City members shall be SBCTA Board Members elected by caucus of city SBCTA Board Members within the subarea. Policy Committee and Board Study Session Chairs are members of this policy committee. All City members serving as Board officers, Committee chairs, or Board Study Session Chair, are counted toward their subareas City membership. Supervisors collectively select their representatives. The SBCTA Vice President shall serve as Chair of the General Policy Committee.	Makes recommendations to Board of Directors and: (1) Provides general policy oversight which spans the multiple program responsibilities of the organization and maintains the comprehensive organization integrity; (2) Provides policy direction with respect to administrative issues, policies, budget, finance, audit, and personnel issues for the organization; (3) Serves as policy review committee for any program area that lacks active policy committee oversight. Committee has authority to approve contracts in excess of \$25,000 with notification to the Board of Directors. (Brown Act)	<u>West Valley</u> Ray Marquez, Chino Hills (Chair TC) Acquanetta Warren, Fontana Alan Wapner, Ontario Curt Hagman, Supervisor (Vice Chair/ President) <u>East Valley</u> Frank Navarro, Colton (Past President) Darcy McNaboe, Grand Terrace Larry McCallon, Highland Dawn Rowe, Supervisor (Chair MVSS & MDC) <u>Mountain/Desert</u> Art Bishop, Apple Valley (Chair/Vice President) Edward Paget, Needles Debra Jones, Victorville Paul Cook, Supervisor Should the chairs of each Committee and the Officers all be from the East Valley, West Valley or Mountain/Desert, additional members may be added to maintain geographical balance. Additional Board Members may be appointed annually at the discretion of the Board President.	6/30/2022 6/30/2022 6/30/2022 6/30/2022 6/30/2022 6/30/2022 6/30/2022 6/30/2022 6/30/2022 6/30/2022 6/30/2022 6/30/2022 Indeterminate (6/30/2022) 12/31/2022 (6/30/2022) 12/31/2023 12/31/2023 Indeterminate Indeterminate Indeterminate 12/31/2023 12/31/2022 12/31/2022 12/31/2022 12/31/2022
Transit Committee Membership consists of 12 SBCTA Board Members: 10 Valley-members, two being Southern California Regional Rail Authority (SCRRA) primary (*) and two being SCRRA alternate (**) members, and 2 Mountain/Desert Board Members. SCRRA members and alternates serve concurrent with their term on the SCRRA Board of Directors as appointed by the SBCTA Board. Other members are appointed by the SBCTA President for 2-year terms.	Provides policy guidance and recommendations to the SBCTA Board of Directors and Southern California Regional Rail Authority (SCRRA) delegates with respect to commuter rail and transit service. * SCRRA Primary Member ** SCRRA Alternate Member (Brown Act)	Ray Marquez, Chino Hills** (Chair) David Avila, Yucaipa (Vice Chair) Frank Navarro, Colton Acquanetta Warren, Fontana Larry McCallon, Highland* John Dutrey, Montclair** Alan Wapner, Ontario* L. Dennis Michael, Rancho Cucamonga Deborah Robertson, Rialto John Valdivia, San Bernardino Rick Denison, Yucca Valley Dawn Rowe, Supervisor	Indeterminate (6/30/2022) 12/31/2022 (6/30/2022) 12/31/2023 12/31/2023 Indeterminate Indeterminate Indeterminate 12/31/2023 12/31/2022 12/31/2022 12/31/2022 12/31/2022

Communication : Committee Membership (Committee Membership)

San Bernardino County Transportation Authority (SBCTA) Policy Committee Membership

COMMITTEE	PURPOSE	MEMBERSHIP	TERMS
Mountain/Desert Committee Membership consists of 11 SBCTA Board Members from each Mountain/Desert jurisdiction and County Supervisors representing the First, and Third Districts.	Provides ongoing policy level oversight related to the full array of SBCTA responsibilities as they pertain specifically to the Mountain/Desert subregion. The Committee also meets as the Mountain/Desert Measure I Committee as it carries out responsibilities for Measure I Mountain/Desert Expenditure Plan. (Brown Act)	Art Bishop, Apple Valley (Chair) Paul Cook, Supervisor (Vice Chair) Daniel Ramos, Adelanto Paul Courtney, Barstow Rick Herrick, Big Bear Lake Cameron Gregg, Hesperia Edward Paget, Needles Joel Klink, Twentynine Palms Debra Jones, Victorville Rick Denison, Yucca Valley Dawn Rowe, Supervisor	Indeterminate (6/30/20 Indeterminate (6/30/20 Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate
Legislative Policy Committee Membership consists of the following: President, Vice-President, Immediate Past President and four Board members appointed by the Board President. - 1 East Valley member - 1 West Valley member - 1 Mountain/Desert member - 1 County member Members shall serve for the duration of the State and Federal two-year legislative session in which they were appointed, with terms expiring December 31 of odd-numbered years. The SBCTA Board President shall serve as Chair of the Legislative Policy Committee.	Provide guidance and recommendations to the Board of Directors regarding issues and actions relating to the executive, legislative or judicial branches of the State and Federal government, or any other local governing body. Review and provide input on drafting of State and Federal legislative platform, which will serve as guiding principles to support or oppose State and Federal legislation and regulations. (Brown Act)	Curt Hagman, Supervisor (President) Art Bishop, Town of Apple Valley (Vice President) Frank Navarro, Colton (Past President) Larry McCallon, Highland Alan Wapner, Ontario Rick Denison, Yucca Valley Janice Rutherford, Supervisor	Indeterminate Indeterminate Indeterminate 12/31/2022 12/31/2022 12/31/2022 12/31/2022

Policy Committee Meeting Times

General Policy Committee	Second Wednesday, 9:00 a.m., SBCTA Office
Legislative Policy Committee	Second Wednesday, 9:30 a.m., SBCTA Office
Transit Committee	Second Thursday, 9:00 a.m., SBCTA Office
Mountain/Desert Committee	Third Friday, 9:30 a.m., Victorville, CA

Board of Directors Study Sessions for Metro Valley Issues

STUDY SESSION	PURPOSE	MEMBERSHIP	TERMS
Board of Directors Study Sessions for Metro Valley Issues Refer to SBCTA Policy 10007.	To review, discuss, and make recommendations for actions to be taken at regular meetings of the Board on issues relating to Measure I Projects in the Valley. (Brown Act)	Board of Directors Dawn Rowe, Supervisor (Chair) John Valdivia, San Bernardino (Vice Chair)	6/30/2022 6/30/2022

Meeting Time: Second Thursday, 9:30 a.m., SBCTA Office

I-10 and I-15 Corridor Joint Sub-Committee

Joint Sub-Committee	PURPOSE	MEMBERSHIP	TERMS
I-10 and I-15 Corridor Joint Sub-Committee of the Board of Directors Metro Valley Study Session and the Mountain/Desert Policy Committee Members of the committee will be members of the SBCTA Board of Directors and will be appointed by the SBCTA Board President. The President will appoint the Chair and Vice-Chair of the Sub-Committee. The Sub-Committee will include a minimum of nine and a maximum of fourteen SBCTA Board members. Membership will be composed of a minimum of three representatives from the East Valley; and a minimum of two representatives from the Victor Valley. The Sub-Committee will meet as necessary immediately following the Metro Valley Study Session.	The purpose is to consider and make recommendations to the Board of Directors on the development of express lanes in San Bernardino County, in particular on the I-10 and I-15 Corridors. (Brown Act)	Alan Wapner, Ontario (Chair) Art Bishop, Town of Apple Valley (Vice Chair) Joe Baca Jr., Supervisor Paul Cook, Supervisor Larry McCallon, Highland L. Dennis Michael, Rancho Cucamonga Frank Navarro, Colton Deborah Robertson, Rialto Acquanetta Warren, Fontana	12/31/2022 12/31/2022 12/31/2022 12/31/2022 12/31/2022 12/31/2022 12/31/2022 12/31/2022

Public and Specialized Transportation Advisory and Coordinating Council (PASTACC)

COMMITTEE	PURPOSE	MEMBERSHIP	TERMS
Public and Specialized Transportation Advisory and Coordinating Council (PASTACC) Membership consists of 11 members appointed by the SBCTA Executive Director. 5 representing Public Transit Providers 1 representing County Dept. of Public Works 2 representing the Consolidated Transportation Services Agency - Omnitrans and VVTA also represent CTSA for the Valley and High Desert respectively. 5 At Large Members representing Social Service Providers	Subject to the Transportation Development Act (TDA) Section 99238 – establishes PASTACC’s statutory responsibilities; (1) Review and make recommendations on annual Unmet Transit Needs hearing findings (2) Score and make recommendations for Federal Transit Administration Section 5310 Capital Grant Program applications (3) Assist SBCTA in developing public outreach approach on updating the Coordinated Public Transit/Human Services Transportation Plan (4) Review call for projects for Federal Transit Administration Section 5310 grant applications (5) Monitor and make recommendations on Federal regulatory processes as they relate to transit and specialized transit (6) Monitor and disseminate information in reference to State level law and recommendations as they relate to transit and specialized transit (7) Receive annual reports on funded specialized programs funded through FTA Section 5310 and Measure I (8) Identify regional or county level areas of unmet needs (9) Address special grant or funding opportunities (10) Address any special issues of PASTACC voting and non-voting members (Brown Act)	Standing Membership – Morongo Basin Transit Authority Mountain Transit City of Needles Transit Services Omnitrans Victor Valley Transit Authority County of San Bernardino Dept. of Public Works At Large Membership – San Bernardino Dept. of Aging and Adult Services Foothill Aids OPARC Option House Loma Linda University Health	On-going On-going On-going On-going On-going On-going 5/31/2024 9/30/2023 9/30/2023 6/30/2022 5/31/2024

Meeting Dates and Time: Bi monthly, beginning in January, 2nd Tuesday of the month, 10:00 a.m., (Location rotates: SBCTA Office, VVTA, MBTA)

Independent Taxpayer Oversight Committee (ITOC) Review of Measure I Expenditure Plan

COMMITTEE	PURPOSE	MEMBERSHIP	TERMS
<p>Independent Taxpayer Oversight Committee (ITOC) Review of Measure I Expenditure Plan</p> <p>The ITOC shall provide citizen review to ensure that all Measure I funds are spent by the San Bernardino County Transportation Authority (hereby referred to as the Authority) in accordance with provision of the Expenditure Plan and Ordinance No. 04-01. The ordinance specifies that each member of the ITOC have certain credentials or experience as follows:</p> <p>A. One member who is a professional in the field of municipal audit, finance and/or budgeting with a minimum of five years in a relevant and senior decision-making position in the public or private sector.</p> <p>B. One member who is a licensed civil engineer or trained transportation planner with at least five years of demonstrated experience in the fields of transportation and/or urban design in government and/or the private sector. No member shall be a recipient or sub-recipient of Measure “I” funding.</p> <p>C. One member who is a current or retired manager of a major publicly financed development or construction project, who by training and experience would understand the complexity, costs and implementation issues in building large scale transportation improvements.</p> <p>D. One member who is current or retired manager of a major privately financed development or construction project, who by training and experience would understand the complexity, costs and implementation issues in building large scale transportation improvements.</p> <p>E. One public member, who possesses the knowledge and skills which will be helpful to the work of the ITOC.</p> <p>In addition to the appointed members, the SBCTA President and Executive Director will serve as ex-officio members.</p>	<p>The ITOC shall review the annual audits of the Authority; report findings based on the audits to the Authority; and recommend any additional audits for consideration which the ITOC believes may improve the financial operation and integrity of program implementation.</p> <p>The Authority shall hold a publicly noticed meeting, which may or may not be included on the agenda of a regularly scheduled Board meeting, with the participation of the ITOC to consider the findings and recommendations of the audits.</p> <p>(Brown Act)</p>	<p>Vacant (A)</p> <p>Gerry Newcombe (B)</p> <p>Wayne Hendrix (C)</p> <p>Rick Gomez (D)</p> <p>Mike Layne (E)</p> <p>Curt Hagman, Ex-Officio</p> <p>Ray Wolfe, Ex-Officio</p>	<p>12/31/24</p> <p>12/31/22</p> <p>12/31/22</p> <p>12/31/22</p>

SBCTA Ad Hoc Committees

COMMITTEE	PURPOSE	MEMBERSHIP
<p>Emerging Technology Ad Hoc Committee</p> <p>On October 6, 2021, the Board approved the establishment of this ad hoc committee composed of Board members appointed by the Board President.</p>	<p>To look broadly at Transportation Technology. This ad hoc has a term ending December 31, 2022.</p>	<p>Art Bishop, Apple Valley</p> <p>Frank Navarro, Colton</p> <p>Acquanetta Warren, Fontana</p> <p>Carlos A. Garcia, Upland</p> <p>John Dutrey, Montclair</p> <p>L. Dennis Michael, Rancho Cucamonga</p> <p>David Avila, Yucaipa</p> <p>Curt Hagman, Supervisor</p>

Communication: Committee Membership (Committee Membership)

SBCTA Technical Advisory Committees

COMMITTEE	PURPOSE	MEETING SCHEDULE
Transportation Technical Advisory Committee (TTAC) Committee membership consists of a primary staff representative of each SBCTA member agency designated by the City Manager or County Administrative Officer.	SBCTA's Transportation Technical Advisory Committee was formed by SBCTA management to provide input to SBCTA staff on technical transportation-related matters and formulation of transportation-related policy recommendations to the SBCTA Board of Directors. The TTAC is not a Brown Act committee.	Generally meets on the first Monday of each month at 1:30 PM, at SBCTA.
City/County Manager's Technical Advisory Committee (CCM TAC) The committee is composed of up to two representatives of the County Administrator's Office and the city manager or administrator from each city and town in the County.	SBCTA's City/County Manager's Technical Advisory Committee was established in the Joint Powers Authority that established San Bernardino Associated Governments (SANBAG). The primary role of the committee is to provide a forum for the chief executives of SANBAG's member agencies to become informed about and discuss issues facing SANBAG/SBCTA. It also provides a forum for the discussion of items of mutual concern and a way to cooperate regionally in addressing those concerns. The CCM TAC is a Brown Act Committee.	Meets on the first Thursday of each month at 10:00 AM, at SBCTA.
Planning and Development Technical Forum (PDTF) Committee membership consists of a primary staff representative of each SBCTA member agency designated by the City Manager or County Chief Executive Officer.	The SBCTA Planning and Development Technical Forum was formed by SBCTA management to provide an opportunity for interaction among planning and development representatives of member agencies on planning issues of multijurisdictional importance. The PDTF is not a Brown Act Committee.	Meets the 4th Wednesday of each month at 2:00 p.m. at the Santa Fe Depot (in the SCAG Office).
Project Development Teams	Project Development Teams (PDTs) are assembled for all major project development activities by SBCTA staff. Teams are generally composed of technical representatives from SBCTA, member jurisdictions appropriate to the project, Caltrans, and other major stakeholder entities that have significant involvement in the project. PDTs make recommendations related to approaches to project development, evaluation of alternatives, and technical solutions. PDTs meet on a regular basis throughout the project phase to review progress and to provide technical input required for project development. The PDTs are not Brown Act Committees.	Varies with the PDT.

Communication: Committee Membership (Committee Membership)



MISSION STATEMENT

Our mission is to improve the quality of life and mobility in San Bernardino County. Safety is the cornerstone of all we do.

We achieve this by:

- Making all transportation modes as efficient, economical, and environmentally responsible as possible.
- Envisioning the future, embracing emerging technology, and innovating to ensure our transportation options are successful and sustainable.
- Promoting collaboration among all levels of government.
- Optimizing our impact in regional, state, and federal policy and funding decisions.
- Using all revenue sources in the most responsible and transparent way.

Approved December 4, 2019