
**LOCAL AGENCY FORMATION COMMISSION OF
ORANGE COUNTY**

REGULAR MEETING AGENDA

**Wednesday, October 11, 2023
8:15 a.m.**

**County Administrative North (CAN)
First Floor Multipurpose Room 101
400 W. Civic Center Drive, Santa Ana, CA 92701**

Any member of the public may request to speak on any agenda item at the time the Commission is considering the item.

- 1. CALL THE MEETING TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATION
(Communications received after agenda distribution for agendized items.)**
- 5. PUBLIC COMMENT**

This is an opportunity for members of the public to address the Commission on items not on the agenda, provided that the subject matter is within the jurisdiction of the Commission and that no action may be taken by the Commission on off-agenda items unless authorized by law.

6. CONSENT CALENDAR

a.) September 13, 2023 – Regular Commission Meeting Minutes

The Commission will consider approval of the September 13, 2023 meeting minutes.

b.) Fiscal Year 2023-24 Quarterly Financial Report (*First Quarter*)

The Commission will receive the first quarter financial report for Fiscal Year 2023-24.

c.) Legislative Report (October 2023)

The Commission will receive a report on legislation of LAFCO interest reviewed by the Commission during the 2023 legislative session.

7. PUBLIC HEARING

No public hearing items scheduled.

8. COMMISSION DISCUSSION AND ACTION

a.) Policy and Procedures for the Initiation of Proposals by the Orange County Local Agency Formation Commission

The Commission will consider proposed amendments to the OC LAFCO policy that outlines the legal requirements and procedures for proposals initiated by the Commission.

b.) Personnel Policies and Procedures of the Orange County Local Agency Formation Commission (Part 4 – Time Off)

The Commission will consider a proposed amendment to the “time off” section of the personnel policy involving employee vacation accrual.

9. COMMISSIONER COMMENTS

This is an opportunity for Commissioners to comment on issues not listed on the agenda, provided that the subject matter is within the jurisdiction of the Commission. No discussion or action may occur or be taken except to place the item on a future agenda if approved by the Commission majority.

10. EXECUTIVE OFFICER’S REPORT

Executive Officer’s announcement of upcoming events and a brief report on activities of the Executive Officer since the last meeting.

11. INFORMATIONAL ITEMS & ANNOUNCEMENTS

No informational items and announcements scheduled.

12. CLOSED SESSION

a.) PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code section 54957

Title: Executive Officer

b.) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency designated representative: Commission Chair

Unrepresented employee: Executive Officer

c.) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2)

Number of potential cases: 1

13. ADJOURNMENT OF REGULAR COMMISSION MEETING

The next Regular Commission Meeting will be held on Wednesday, November 8, 2023, at 8:15 a.m. at the County Administrative North (CAN), First Floor Multipurpose Room 101, 400 W. Civic Center Drive, Santa Ana, CA 92701.

PUBLIC PARTICIPATION:

The Local Agency Formation Commission of Orange County welcomes your participation. The public may share general comments or comments on agenda items through the following options:

- 1) **In-person** comments may be provided during the general comment period on off-agenda items and during the hearing of a specific agenda item. In accordance with the OC LAFCO guidelines, each speaker's comments may not exceed three (3) minutes for the respective item. If you have documents for the Commission, please bring 15 copies and submit to the Commission Clerk for distribution.
- 2) **Written** general comments or comments on specific agenda items may be submitted by email to the Commission Clerk at ccarter-benjamin@oclafco.org. Comments received no less than twenty-four (24) hours prior to the regular meeting will be distributed to the Commission and included in the record.

Pursuant to Government Code Section 54957.5, public records that relate to open session agenda items that are distributed to a majority of the Commission less than seventy-two (72) hours prior to the meeting will be made available to the public on the OC LAFCO website at www.oclafco.org.

State law requires that a participant in an OC LAFCO proceeding who has a financial interest in a decision and who has made a campaign contribution of more than \$250 to any commissioner in the past year must disclose the contribution. If you are affected, please notify the Commission's staff before the hearing.

AMERICANS WITH DISABILITIES ACT (ADA)

All regular meeting agendas and associated reports are available at www.oclafco.org. Any person with a disability under the Americans with Disabilities Act (ADA) may receive a copy of the agenda or associated reports upon request. Any person with a disability covered under the ADA may also request a disability-related modification or accommodation, including auxiliary aids or services, to participate in a public meeting. Requests for copies of meeting documents and accommodations shall be made with OC LAFCO staff at (714) 640-5100 at least three business days prior to the respective meeting.

2023 MEETING AND EVENTS CALENDAR

Revised and Approved September 13, 2023

2023



January						
S	M	T	W	T	F	S
	1	2	3	4	5	6
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

April						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

July						
S	M	T	W	T	F	S
						1
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9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

October						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

February						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

May						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

August						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

November						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

March						
S	M	T	W	T	F	S
			1	2	3	4
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

June						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

September						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

December						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

- OC LAFCO Regular Meeting (*begins at 8:15 a.m.*)
Location: County Administrative North, First Floor Multipurpose Room 101, 400 W. Civic Center Dr., Santa Ana, CA 92701.
- Office closure due to legal holidays and flexible work schedule.
- CALAFCO Annual Conference - October 18 - 20, 2023 at Hyatt Regency Monterey.

DRAFT MINUTES

OC LAFCO REGULAR MEETING

Wednesday, September 13, 2023
8:15 a.m.

County Administrative North (CAN)
First Floor Multipurpose Room 101
400 W Civic Center Drive, Santa Ana, CA. 92701

1. CALL TO ORDER

Chair Davert called the meeting of the Local Agency Formation Commission of Orange County (OC LAFCO) to order at 8:15 a.m.

2. PLEDGE OF ALLEGIANCE

Commissioner Fisler led the Pledge of Allegiance.

3. ROLL CALL

The following Commissioners were present:

City Members

Wendy Bucknum (arrived at 8:20 a.m.)
Bruce Whitaker
Carol Moore **(Alt.)**

County Members

Donald Wagner **(Vice Chair)**
Andrew Do

Special District Members

Douglass Davert **(Chair)**
James Fisler
Kathryn Freshley **(Alt.)**

Public Member

Derek J. McGregor

The following staff members and general counsel were present:

- Assistant Executive Officer Luis Tapia
- Policy Analyst Gavin Centeno
- Policy Analyst Amanda Castro
- Commission Clerk Cheryl Carter-Benjamin
- General Counsel Scott Smith

**4. ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATION
(Received After Agenda Distribution)**

The Assistant Executive Officer noted that no supplemental communication was received.

5. PUBLIC COMMENT

Chair Davert requested public comments on any non-agenda items. The Commission Clerk noted no speaker cards were received.

Chair Davert closed the hearing of public comments.

6. CONSENT CALENDAR

Chair Davert asked if there were any requests by Commissioners to pull any of the consent items for discussion and from the public to speak on the item. **Chair Davert** requested Agenda Item 6c be pulled for discussion. The Commission Clerk noted no request from the public to speak on the items.

Chair Davert called for a motion to approve the remaining consent calendar items. **Vice Chair Wagner** motioned for approval of the consent calendar, and **Commissioner Whitaker** seconded the motion.

6a. – August 9, 2023 - Regular Commission Meeting Minutes

6b. – Legislative Report (September 2023)

MOTION: Approve the Consent Calendar. (Donald Wagner)
SECOND: Bruce Whitaker
FOR: Donald Wagner, Bruce Whitaker, Andrew Do,
James Fisler, Derek J. McGregor, Douglass Davert
AGAINST: None
ABSTAIN: None

MOTION PASSED: 6-0.

6c. – Revised OC LAFCO 2023 Meeting and Events Calendar

Chair Davert asked staff to clarify the proposed revision to the OC LAFCO 2023 Meeting and Events calendar. The Assistant Executive Officer noted that if approved by the Commission, California Native American Day would be observed as a holiday beginning this year in place of Columbus Day.

Vice Chair Wagner inquired about the procedure for execution of agenda documents during the Executive Officer’s leave of absence and if September documents were reviewed and approved by the Executive Officer. The Assistant Executive Officer noted that the Executive Officer provided and reviewed the staff reports in advance, and her electronic signature was applied to all agenda documents. **Vice Chair Wagner** recommended going forward that final reports indicate the date the signature was applied to the report.

Commissioner Bucknum arrived at 8:20 a.m.

Chair Davert called for a motion on the item. **Vice Chair Wagner** motioned to approve staff recommended action, and **Commissioner Do** seconded the motion. **Commissioner Bucknum** noted an abstention for the consent calendar item due to her delayed arrival.

MOTION: Approve the Consent Calendar. (Donald Wagner)
SECOND: Andrew Do
FOR: Donald Wagner, Andrew Do, James Fisler,
Derek J. McGregor, Bruce Whitaker, Douglass Davert
AGAINST: None
ABSTAIN: Wendy Bucknum

MOTION PASSED: 6-0-1.

7. PUBLIC HEARING

No public hearing items scheduled.

8. COMMISSION DISCUSSION AND ACTION

8a. – Policy and Guidelines for Conducting Protest Hearings

Policy Analyst Amanda Castro presented the staff report and recommended action for Commission consideration.

Chair Davert called for Commission discussion and public comments. **Commissioner Do** asked clarifying questions regarding proposed changes to the policy. Assistant Executive Officer Luis Tapia responded that proposed changes to the policy were made to align with current state law. The Commission Clerk noted that there were no requests from the public to speak on the item.

Chair Davert called for a motion on the item. **Commissioner Do** motioned to approve staff recommended action, and **Vice Chair Wagner** seconded the motion.

MOTION: Adopt the Policy and Procedural Guidelines for Conducting Protest Hearings, as amended. (Andrew Do)
SECOND: Donald Wagner
FOR: Andrew Do, Donald Wagner, Wendy Bucknum, James Fisler, Derek J. McGregor, Bruce Whitaker, Douglass Davert
AGAINST: None
ABSTAIN: None

MOTION PASSED: 7-0.

8b. – Second Amendment to Professional Services Agreement with Berkson and Associates

Policy Analyst II Gavin Centeno presented the staff report and recommended action for Commission consideration.

Chair Davert called for Commission discussion and public comments. There was no Commissioner discussion, and the Commission Clerk noted that there were no requests from the public to speak on the item.

Chair Davert called for a motion on the item. **Commissioner Do** motioned to approve staff recommended action, and **Commissioner Fisler** seconded the motion.

MOTION: Approve the Second Amendment to OC LAFCO Professional Consultant Services Agreement with Berkson Associates and authorize the Executive Officer to execute the amendment. (Andrew Do)
SECOND: James Fisler
FOR: Andrew Do, James Fisler, Wendy Bucknum, Derek J. McGregor, Donald Wagner, Bruce Whitker, Douglass Davert
AGAINST: None
ABSTAIN: None

MOTION PASSED: 7-0.

9. COMMISSIONER COMMENTS

Commissioner Do noted for the record his objection to the process of withholding documents and information involving closed session items, including an employee’s evaluation and potential litigation. He also noted his repeated requests for documents and briefings on the items and received only verbal summaries for an allegedly done process and conclusion that he must abide by to formulate an opinion. **Commissioner Do** expressed that he has requested a reconsideration of the process used for the closed session items as it is not transparent, denies Commissioners access to information, and is an antithesis of good governance. He concluded comments by stating that, under protest, he will not be

participating in the closed session due to the lack of information necessary to formulate an understanding or conclusion of the closed session items.

Chair Davert noted that today's closed session items are not relevant to **Commissioner Do's** description, and whether he participates was his decision.

Chair Davert asked General Counsel to clarify the closed session items for the Commission today. General Counsel noted that the matter before the Commission for closed session is to discuss the standards for reviewing the Executive Officer's performance and salary for Fiscal Year 2022-23. Following General Counsel's clarification of the process for the closed session, **Commissioner Do** noted that his objection stands.

10. EXECUTIVE OFFICER'S REPORT

The Assistant Executive Officer noted that there were no items to report.

11. INFORMATIONAL ITEMS & ANNOUNCEMENTS

No informational items and announcements scheduled.

12. CLOSED SESSION

Commissioner Do left at 8:29 a.m.

12a. – Closed Session

The Commission adjourned to closed session at 8:29 a.m. on the following items:

12a. – PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code section 54957
Title: Executive Officer

12b. – CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6
Agency designated representative: Commission Chair
Unrepresented employee: Executive Officer

The Commission reconvened in open session at 9:02 a.m., and General Counsel Scott Smith noted that the Commission discussed the closed session items, and there were no reportable actions.

13. ADJOURNMENT OF THE REGULAR COMMISSION MEETING

Chair Davert adjourned the Regular Commission Meeting at 9:03 a.m. to October 11, 2023.

Douglass Davert, Chair
Orange County Local Agency Formation Commission

ATTEST:

By: _____
Cheryl Carter-Benjamin
Commission Clerk

REGULAR MEMBERS

CHAIR

Douglass Davert
Special District Member

VICE CHAIR

Donald P. Wagner
County Member

IMMEDIATE PAST CHAIR

Derek J. McGregor
Public Member

Wendy Bucknum
City Member

Andrew Do
County Member

James Fisler
Special District Member

Bruce Whitaker
City Member

ALTERNATES

Katrina Foley
County Member

Kathryn Freshley
Special District Member

Carol Moore
City Member

Lou Penrose
Public Member

STAFF

Carolyn Emery
Executive Officer

Scott Smith
General Counsel

MEETING DATE: October 11, 2023

TO: Local Agency Formation Commission
of Orange County

FROM: Executive Officer

SUBJECT: Fiscal Year 2023-2024 Quarterly Financial Report
(*First Quarter*)

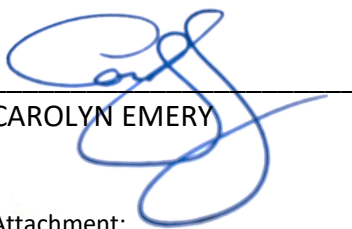
The attached quarterly financial report provides an assessment of the agency's budget and investment portfolio for the period of July 1 through September 30, 2023. Upon review by the Commission, the quarterly reports are published on the transparency page of the agency's website. The next review of the agency's financial status will be presented in January 2024.

RECOMMENDED ACTION

Staff recommends the Commission:

1. Receive and file the Fiscal Year 2023-2024 Financial Quarterly Report (*First Quarter*).

Respectfully Submitted,



CAROLYN EMERY

Attachment:

1. Fiscal Year 2023-2024 Financial Quarterly Report (First Quarter)



Quarterly Financial Report

Fiscal Year 2023-24 (First Quarter)

Prepared: October 11, 2023

HIGHLIGHTS:

FY 2023-24 Budget Overview – Pages 2-4

Balance Sheet & Reserves Analysis – Pages 5-6

FY 2023-24 BUDGET OVERVIEW

This report provides a summary of the agency's budget and investment portfolio performance for the period of July 1, 2023 through September 30, 2023.¹ The Fiscal Year 2023-24 budget of approximately \$1.7 million supports the operations of the Commission and the resources needed to accomplish the agency's work plan. For the first quarter, as in past fiscal cycles, there was minimal activity with the start of a new fiscal year. However, the report does reflect that budget activities are generally within target levels.

Revenues

The majority of OC LAFCO's revenues are from the \$1,411,890 collected in apportionments from the funding agencies. This revenue source was at approximately 90% at the end of the first quarter, with apportionments received from 28 cities, 25 special districts and one-third of the total apportionment paid by the County. OC LAFCO also earns interest from its investment portfolio. At the end of the first quarter, the agency earned \$2,310 in interest, which is approximately 16% of the interest revenues anticipated for the fiscal year. Modest activity in this area is expected during the beginning of a new fiscal cycle.

Another source of OC LAFCO revenue is application filing fees. These filing fees are not used for budgeting purposes as they are used to offset the costs associated with processing of the respective applications. The Special Fund column in the chart on page 4 displays a year-to-date accounting of fees currently on deposit with the Commission for two applications (Capistrano Bay CSD Latent Powers Activation and Orange County Water District MSR) rolled over from prior fiscal years. As noted for this report, there were no additional application fees received or expense occurrences during the first quarter of the 2023-24 fiscal year.

Expenditures

The General Fund expenditures as of September 30, 2023, are below the first quarter target level, totaling \$270,315 or approximately 16% of the total budget. The following table provides a comparison of the percentage of actual funds used and the target levels for the current fiscal year.²

Total Funds Used				
	1 st Qtr.	2 nd Qtr.	3 rd Qtr.	4 th Qtr.
Target	25%	50%	75%	100%
Actual	16%	-	-	-

Expenditures during the first quarter are within target levels with most expenses attributed to operational costs, such as salaries, benefits, and insurance. Line items that include expenses of the office lease, office equipment and supplies, and travel and transportation are slightly above target levels of the first quarter due to expenditures of these areas being due or purchased at the beginning of the fiscal year. Hence, anticipated expenses within these line items are expected to balance within budgeted levels by year-end.

¹ All financial statements contained in this report are on an accrual accounting basis.

² Actual expenditures for the quarterly reporting are unaudited and subject to change.

Balances and Investment Report

The following table illustrates the balance of OC LAFCO's bank accounts as of September 30, 2023:

As of 09/30/23	Balance
770-Payroll Account	\$1,417,879
Wells Fargo Checking	\$ 242,612
Wells Fargo Savings	\$ 214,734
Total	\$1,875,225

To maximize the interest accrued on the agency's revenues, apportionment fees are deposited in the Local Agency Investment Fund (LAIF) and OC Fund accounts. Throughout the fiscal year, funds are transferred from the investment accounts to the bank accounts to cover the agency's operational expenses. Additionally, the agency earns investment revenue through the Section 115 Public Agencies Post-Employment Benefits Trust (Trust). The balance of the Trust account at the end of the first quarter is \$58,316. The Trust has experienced gains and losses since being established in 2021. To date, the Trust balance includes an overall loss of \$3,684 from the agency's initial deposit of \$62,000. Staff will assess the opportunity to transfer to the Section 115 account following completion of the 2022-23 fiscal year audit in November.

The following table illustrates the balance of OC LAFCO's investment portfolio as of September 30, 2023.

As of 09/30/23	Balance
LAIF	\$ 51,337
OC Fund	\$512,341
PARS Trust	\$ 58,316
Total	\$621,994

APPENDIX A
OC LAFCO - Quarterly Budget Overview³
July 1, 2023 – September 30, 2023

	YTD Special Revenue Funds	1st Qtr. General Fund	YTD General Fund	TOTAL FY 23/24 Budget	General Fund
Revenue:					
Addition/(Use) of Unreserved Equity	\$ -	\$ -	\$ -	\$ 318,390	0.0%
LAFCO Apportionment	-	1,267,422	1,267,422	1,411,890	89.8%
Filing Fees	291,537	-	-	-	0.0%
Misc Revenue	-	-	-	-	0.0%
Interest & Dividends	-	2,310	2,310	14,200	16.3%
PARS Trust Investment Gain/Loss	-	1,031	1,031	-	0.0%
Total Revenue	\$ 291,537	\$ 1,270,763	\$ 1,270,763	\$ 1,744,480	72.8%
Expenditures:					
Salaries	\$ 1,118	\$ 112,932	\$ 112,932	\$ 621,200	18.2%
Hourly Employees	-	2,680	2,680	20,800	12.9%
Benefits & Insurance					
Optional Benefit Plan	-	-	-	18,500	0.0%
Deferred Compensation	-	2,946	2,946	17,900	16.5%
Retirement Benefits	-	44,451	44,451	247,700	17.9%
Health Insurance	-	11,679	11,679	68,500	17.1%
Retiree Health Benefits	-	3,823	3,823	22,000	17.4%
Dental Insurance	-	1,267	1,267	6,900	18.4%
Life Insurance	-	74	74	420	17.6%
Workers Compensation	-	-	-	2,550	0.0%
Medicare	-	1,674	1,674	9,400	17.8%
Unemployment Insurance	-	-	-	620	0.0%
Health Reimbursement	-	1,500	1,500	-	0.0%
Salary Continuance	-	285	285	1,560	18.3%
Accidental Death Insurance	-	18	18	120	15.3%
Executive Car Allowance	-	1,200	1,200	7,200	16.7%
Total - Benefits & Insurance	1,118	68,918	68,918	403,370	17.1%
Information Technology	-	2,266	2,266	32,850	6.9%
Telephone & Internet	-	2,671	2,671	16,480	16.2%
County of Orange	-	659	659	10,300	6.4%
General Liability Insurance	-	2,869	2,869	14,030	20.5%
Memberships	-	4,883	4,883	39,900	12.2%
Office Equipment/Supplies	-	7,859	7,859	24,100	32.6%
Professional Services:					
Legal	-	2,502	2,502	60,000	4.2%
Accounting/Audit	-	3,780	3,780	53,000	7.1%
Human Resources	-	-	-	20,000	0.0%
Mapping/Archiving	-	935	935	13,900	6.7%
Other Professional Services	5,304	5,889	5,889	180,000	3.3%
Total - Professional Services	5,304	13,106	13,106	326,900	4.0%
Investment Admin Fees	-	58	58	850	6.8%
Public Noticing	-	2,288	2,288	14,800	15.5%
Unincorporated Areas Program	-	-	-	18,000	0.0%
Rents/Maintenance	-	36,647	36,647	111,600	32.8%
Equipment Leases	-	1,409	1,409	7,700	18.3%
Comm. & Staff Expense	-	2,147	2,147	7,000	30.7%
Comm. Stipends & Taxes/Fees	-	1,199	1,199	16,000	7.5%
Professional Development	-	-	-	25,000	0.0%
Transportation/Travel	-	7,473	7,473	21,300	35.1%
Commission Meeting Expense	-	251	251	12,300	2.0%
Refund of Deposit	-	-	-	-	0.0%
Total Expenditures	6,422	270,315	270,315	1,744,480	15.5%
Total Net Income (Loss)	\$ 285,115	\$ 1,000,448	\$ 1,000,448	\$ -	

*No assurance provided on financial statements. Financial statements do not include a statement of cash flows.
Substantially all disclosures required by accounting principles generally accepted in the United States not included.

³ Financial data represents pre-audited amounts, which does not include all year-end adjustments.

Balance Sheet and Reserves Balance Analysis

This report includes the balance sheet to provide an understanding of OC LAFCO's financial status. The financial document on this page summarizes the agency's assets and liabilities as of September 30, 2023. Please note that the figures provided in this balance sheet are unaudited and subject to change. Additionally, an analysis of the agency's reserve balances is provided on page 6.

APPENDIX B OC LAFCO BALANCE SHEET (Unaudited) As of September 30, 2023

	<u>Sep 30, 23</u>
ASSETS	
Current Assets	
Cash and Investments	
County Acct-Payroll	\$ 1,417,879
Wells Fargo Checking	242,612
Wells Fargo Savings	214,734
OC Fund	512,341
Investment Acct - LAIF	51,337
PARS Trust	58,316
Fair Market Value Adjustments	(5,805)
Total Cash and Investments	<u>2,491,414</u>
Other Current Asset	
Interest Receivable	1,572
Prepaid Expenses	24,976
Retirement Prepaid Expense	172,401
Total Other Current Asset	<u>198,949</u>
Total Current Assets	<u>2,690,363</u>
Fixed Assets	47,022
Other Assets	
Right to Use Assets	697,611
Def. Outflows Pension Related	515,973
Deferred OPEB Contributions	8,794
Deferred Outflows OPEB Related	34,000
Total Other Assets	<u>1,256,378</u>
TOTAL ASSETS	<u>\$ 3,993,763</u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Salaries Payable	\$ 41,026
Compensated Absences	54,334
Total Current Liabilities	<u>95,360</u>
Long Term Liabilities	
Lease Liabilities	739,733
Deferred Inflows OPEB Related	44,000
Net OPEB Liability	103,000
Net Pension Liability	1,587,646
Def. Inflows Pension Related	229,870
Total Long Term Liabilities	<u>2,704,249</u>
Total Liabilities	<u>2,799,609</u>
Equity	<u>1,194,154</u>
TOTAL LIABILITIES & EQUITY	<u>\$ 3,993,763</u>

*No assurance provided on financial statements. Financial statements do not include a statement of cash flows. Substantially all disclosures required by accounting principles generally accepted in the United States not included.

APPENDIX C
OC LAFCO RESERVE BALANCE ANALYSIS
As of September 30, 2023

Cash & Investments Description	Sept. 30, 2023 Balance	Commission Approved Balances	Balance Excess / (Deficiency)
County Payroll	\$ 1,417,879	\$ 261,343 ¹	\$ 1,156,536
Checking - Wells Fargo	242,612	174,778 ¹	67,834
Savings - Wells Fargo	214,734	205,000 ¹	9,734
OC Fund Investment	512,341	-	512,341
LAIF Investment	51,337	-	51,337
PARS Trust	58,316	-	58,316
Total	\$ 2,497,219	\$ 641,121	\$ 1,856,098²

Footnotes:

¹Per the Cash and Cash Management Policy, the Commission must maintain \$641,121 during fiscal year 2023/24 in order to cover three months of payroll costs (County Payroll), 3 months of operational expenses (Checking - Wells Fargo) and a minimum of \$205,000 (Savings - Wells Fargo) to cover contingency, litigation and unfunded liabilities.

²Remaining Available Cash to fund Operations and Reserves.

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Lou Penrose
Public Member

STAFF

Carolyn Emery
Executive Officer

Scott Smith
General Counsel

MEETING DATE: October 11, 2023

TO: Local Agency Formation Commission
of Orange County

FROM: Executive Officer
Assistant Executive Officer

SUBJECT: Legislative Report (October 2023)

BACKGROUND

The end of the 2023 legislative session is near with the October 14th deadline for Governor Newsom to sign or veto bills. This report includes the status of legislation reviewed by the Commission during the current legislative session and a summary of recent amendments to Assembly Bill 399. The next legislative report will be presented to the Commission on November 8. With the beginning of a new legislative session, the report will preview anticipated legislation of LAFCO interest and CALAFCO's key legislative priorities for 2024 and appointments to the Association's legislative and advisory committees.

A Review of 2023 Legislation

During the 2023 legislative session, the Commission reviewed a total of eight bills and adopted positions for six of the bills. While all of the bills have been enrolled, three are awaiting the signature or veto of the Governor, and the other five will officially become part of California law on January 1, 2024. The table on the following page provides additional information on the status of each bill.

2023 Legislation Reviewed by OC LAFCO			
Bill	Description	Adopted Position	Status
AB 399	Requires the process for a district detachment from the San Diego County Water Authority (SDCWA) to include a confirmation vote from the registered voters residing within the agency seeking the detachment and a confirmation vote from all registered voters residing within the SDCWA service boundary.	Watch	<i>Enrolled to Governor on September 19, 2023.</i>
AB 557	Removes the sunset date of January 1, 2024 from state law, which currently grants local agencies the ability to hold meetings by teleconference during a state of emergency.	Support	<i>Enrolled to Governor on September 15, 2023.</i>
AB 1637	Requires a city or county that maintains an internet website and employee emails to use “.gov” top-level or “.ca.gov” second-level domains.	Neutral	<i>Enrolled to Governor on September 21, 2023.</i>
AB 1753	Makes minor and/or non-substantive changes to the CKH Act.	Support	Signed by the Governor on June 29, 2023.
SB 360	Expands the list of offices that a locally elected official may be seated on concurrently to include the Coastal Commission, LAFCO, and Joint Powers Authorities.	Support	Signed by the Governor on July 21, 2023.
SB 878 SB 879 SB 880	Retroactively fixes typographical, grammatical, and procedural errors that might invalidate boundary changes or bond issues.	Support	Signed by the Governor on June 29, 2023.

Update on Water Ratepayers Protection Act of 2023: County Water Authority Act (AB 399-Boerner)

Since it was introduced on February 2, 2023, AB 399 has experienced the review and hearing by multiple committees in Sacramento, as well as being a key topic of discussion by LAFCOs and special districts across the state. Many LAFCOs took an oppose position on the bill, while others, including OC LAFCO, chose to monitor and not take a position on AB 399. At present, the bill's language continues to propose amendments to the San Diego County Water Authority Act involving the voting process for special district detachments from the San Diego County Water Authority with recent amendments requiring a fiscal impact statement on water rates, exit fees, and debt obligation to be included in the voter ballots and removal of the urgency clause. The latest version of the bill passed through the Assembly on a 42-7 vote and the Senate on a 23-10 vote. The bill is currently on Governor Newsom's desk for signing or vetoing. Additional information on the positions of record is provided below.

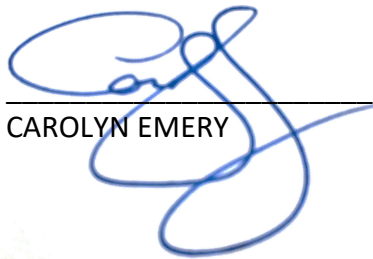
SUPPORT: City of San Diego, Supervisor Nora Vargas (County of San Diego), California Labor Federation (AFL-CIO), California State Association of Electrical Workers, California State Council of Laborers, City of Chula Vista, City of Encinitas, City of National City, City of Solano Beach, Cordoba Corporation, County of San Diego, Downtown San Diego Partnership, Otay Water District, San Diego County Water Authority, San Diego Gas and Electric Company, San Diego Regional Chamber of Commerce, State Building and Construction Trades Council of California, AFL-CIO, South County Economic Development Council, Southern California Rental Housing Association, United Food and Commercial Workers Western States Council.

OPPOSE: Butte Local Agency Formation Commission, CA Association of Local Agency Formation Commissions, California Avocado Commission, California Citrus Mutual, California Farm Bureau Federation, City of Oceanside, Contra Costa Local Agency Formation Commission, County of Butte, Deer Springs Fire Protection District, El Dorado Local Agency Formation Commission, Elsinore Valley Municipal Water District, Fallbrook Chamber of Commerce, Fallbrook Community Planning Group, Fallbrook Land Conservancy, Fallbrook Public Utilities District, Fallbrook Regional Health District, Farm Bureau of Ventura County, Fresno County Farm Bureau, Kings County Farm Bureau, Los Angeles Local Agency Formation Commission, Madera County Farm Bureau, Mendocino Local Agency Formation Commission, Monterey County Farm Bureau, Mootamai Municipal Water District, Napa Local Agency Formation Commission, Nevada Local Agency Formation Commission, Padre Dam Municipal Water District, Pauma Municipal Water District, Rainbow Municipal Water District, Riverside Local Agency Formation Commission, San Diego Local Agency Formation Commission, Santa Clara Local Agency Formation Commission, San Luis Obispo County Farm Bureau, San Luis Rey Indian Water Authority, Santa Barbara County Farm Bureau, Sweetwater Authority, Ventura County Agricultural Association (Agriculture and Business), Western Growers Association.

Staff recommends the Commission:

1. Receive and file the October legislative report.

Respectfully submitted,



CAROLYN EMERY



LUIS TAPIA

8a | Commission
Discussion

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Scott Smith
General Counsel

MEETING DATE: October 11, 2023

TO: Local Agency Formation Commission
of Orange County

FROM: Executive Officer

SUBJECT: Policy and Procedures for the Initiation of Proposals
by the Orange County Local Agency Formation
Commission

BACKGROUND

The Orange County LAFCO Handbook includes the agency's bylaws and local policies adopted to assist the Commission in carrying out its mission and legislative authority pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act). Periodically, the CKH Act is modified, requiring the Commission to also amend the agency's respective policies. This report includes recommended amendments to the "Policy and Procedures for the Initiation of Proposals by the Orange County Local Agency Formation Commission." The policy was adopted by the Commission in 1997 and outlines the legal authority and requirements of OC LAFCO for Commission-initiated proposals. A discussion of the proposed amendments to the policy to align with current provisions of the CKH Act and clarify the Commission's authority and process when initiating a proposal by resolution are provided in the next section of this report.

POLICY DISCUSSION AND UPDATE

The Commission's authority to initiate proposals by resolution is codified in various provisions within the CKH Act. These provisions have experienced many amendments over the years. However, the general authority of LAFCOs to initiate a change of organization or reorganization involving special districts and the respective intent, for the most part, have remained the same. OC LAFCO's current policy involving these provisions is intended to highlight and supplement the Commission's authority and requirements for initiating proposals. Additionally, the policy provides the general process for OC LAFCO's review, processing, and hearing of commission-initiated proposals.

Staff is recommending several amendments to the policy that include changes in policy language and updates to provision references and numbering to align with current State law and to provide more clarity to the agency's procedures for Commission-initiated proposals. For ease of

review, the proposed amendments are indicated in redline format in Attachment 1 and are summarized in the table below.

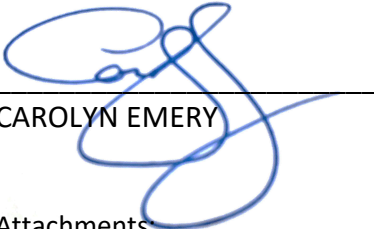
PROPOSED AMENDMENTS – Policy and Procedures for Commission-Initiated Proposals		
Section	Pages	Summary Changes
Section I: Legal Requirements	1-2	Updated to reference and align with current CKH Act provisions and provide more clarity of the Commission’s authority.
Section II: Policy on Initiating Proposals	2-3	Updated to reference and align with current CKH Act provisions and enhance factors to be considered by the Commission.
Section III: Procedure	3-4	Updated to reference and align with current CKH Act provisions, provide more clarity of the Commission’s authority, and improve the internal process for Commission-initiated proposals.

RECOMMENDED ACTION

Staff recommends that the Commission:

1. Adopt the Policy and Procedure for the Initiation of Proposals by the Orange County Local Agency Formation Commission, as amended.

Respectfully Submitted,



CAROLYN EMERY

Attachments:

1. Policy and Procedures for the Initiation of Proposals by OC LAFCO (Redline)
2. Policy and Procedures for the Initiation of Proposals by OC LAFCO (As Amended)

Policy and Procedures for the Initiation of Proposals by the Orange County Local Agency Formation Commission

I. LEGAL REQUIREMENTS FOR PROPOSALS INITIATED BY THE COMMISSION

Government Code Sections 56375, 56375.1, and 56879 ~~effective July 1, 1994, authorizes~~ authorize or requires the Commission to initiate the following specific types of proposals:

- **Consolidation** of special districts ~~formed under the same enabling act~~ as defined in Government Code Section 56036.
- **Dissolution** of a special district, pursuant to Government Code Section 56375 or 56375.1 where another agency can assume service responsibility; when a study, prepared pursuant to Government Code Section 56430, concludes that a special district has chronic service provision deficiencies; or within 90 days after a special district has been deemed inactive by the State under Government Code Section 56879.
- **Merger** of a special district with a city if the entire territory of the district is included within the boundaries of the city, where the city encompasses the entire district.
- **Establishment of a subsidiary district** of a city where, pursuant to Government Code Section 57105, the portion or portions of the territory of the district are included within the boundaries of a city and represent at least 70% of the district's territory ~~and population are~~ within the city as well as at least 70% of the registered voters who reside within the district as shown on the voters' register maintained by the OC Registrar of Voters.
- **Formation** of a new district or districts.
- **Reorganization** which includes two or more of the above changes of organization.

Proposals initiated by the Commission must be consistent with the recommendation of a sphere of influence study conducted pursuant to Government Code Section 56425 or other governmental study performed pursuant to Government Code Section 56378 and Section 56430. Each of the above types of proposals has specific legal requirements which must also be met. In approving a proposal it has initiated, the Commission's resolution making determinations must make both of the following determinations, as required by Government Code Section ~~56852~~ 56881:

1. Public service costs of a proposal that the Commission is authorizing are likely to be less than or substantially similar to the costs of alternative means of providing the service.
2. A change of organization or reorganization that is authorized by the Commission

promotes public access and accountability for community needs and financial resources.

II. POLICY ON INITIATING PROPOSALS

- A. Proposals initiated by the Commission shall be selected on the basis of a municipal service review, sphere of influence update, or other governmental study recommendations prepared pursuant to Government Code Section 56378.
- B. Commission prefers proposals submitted by petition of voters or landowners or by resolution of application by an affected local agency. However, the Commission will consider initiating proposals that it believes furthers the interests of increased efficiency and government accountability. Factors to be considered in determining whether to initiate a proposal will include but will not be limited to the following:
1. A municipal service review (Section 56430), sphere of influence update (Section 56425) or other governmental study has shown that a proposal may result in one or more of the following: a) lower overall public service costs; b) assuming of service responsibility by a logical potential successor agency or agencies; c) overall enhancement to public service levels and efficiencies through alternative and logical service options; d) greater fiscal and operational accountability and transparency; and, e) increased public access~~lower overall public service costs, overall increased levels of service to the citizens of one or more agencies affected, and/or greater local government access and accountability.~~
 2. There exists a level of public concern about a district's services or governance which, in the Commission's view, warrants initiation of a proposal.
 3. Boundaries of existing agencies artificially divide a community of interest or overlap different communities of interest.
 - ~~4. A sphere of influence, municipal service review, or other governmental study indicates that services may be beneficially shifted from a special district to a multi-purpose local governmental agency.~~
 - ~~5. There is a logical potential successor agency or agencies which could assume service responsibility.~~
 - 6.4. There are identifiable benefits to future and existing citizens from increased coordination and regional planning affecting facility planning, infrastructure financing, public resources protection, or service reliability.
 5. The Commission can complete the necessary review, analysis, and processing with its own staff resources, or funds are available from the successor agency or other sources to pay for the additional assistance needed to complete the review and processing of the proposal.

7.6. A special district has been deemed inactive pursuant to Government Code Section 56879, and the Commission has prepared a study pursuant to Government Code Sections 56378, 56425, and 56430 and made determinations pursuant to Government Code Section 56881.

III. PROCEDURE

- ~~A. The Commission will consider whether or not to initiate a proposal at a regular public meeting. The Commission will consider a preliminary staff report, which estimates, to the extent possible without a full study, an assessment of the factors identified above. After reviewing the preliminary report, if the Commission decides to proceed, it will adopt a resolution of application pursuant to Government Code §56800.~~
When considering the initiation of a proposal, the Commission will take into account studies prepared in accordance with Government Code Sections 56378, 56425 and 56430 and other factors identified in Section II of this policy and discuss them at a regular public meeting. During the meeting, the Commission will consider a staff report and recommendation, including an estimate, when applicable and possible, to assess factors warranting further study or that were not included or identified in previous study.
- After consideration at a regular public meeting, if the Commission decides to initiate a proposal, it will adopt a resolution of application pursuant to Government Code Section 56375 and, if applicable, Government Code Section 56375.1.
- B. If the Commission initiates the proposal, staff review will commence. Staff review will provide for agency participation and comment, environmental review, a property tax exchange (if applicable), and an Executive Officer's report and recommendation, as required for all proposals. The Executive Officer's report shall address the factors as required for all proposals in Government Code Section 56668, and the report shall provide the information as required in the Commission's application questionnaire for similar changes of organization. The Commission shall consider any legislative act or constitutional amendment passed by the voters that would have any substantive effect on the proposal under consideration.
- C. The Commission may refer the proposal to a reorganization committee as provided in Government Code Sections §56475, 56836 and 56848. ~~As an alternative, the Commission may refer the proposal to the Special Districts Advisory Committee from which an executive steering committee would be formed. A representative from each affected district and any additional representatives the Commission deems appropriate could be added to the steering committee.~~
- D. Following completion of staff review, and upon compliance with CEQA, ~~the Commission will consider the Executive Officer's report, the report of any reorganization or special districts advisory committee, and comments of affected agencies and the public at a hearing noticed for that purpose in the manner provided by law.~~ the Commission will consider the Executive Officer's report, the report of any reorganization committee, if applicable, and comments of affected agencies and the public at a hearing noticed for that purpose in the manner provided by State law. The hearing may be continued from time to time not to exceed 70 days and in accordance with State law.

~~At the hearing, the Commission will consider testimony of any interested person or affected agency. The hearing may be continued from time to time not to exceed 70 days.~~

- E. Within 35 days after the conclusion of the hearing, the Commission will adopt a resolution making determinations and either approving the proposal, subject to any terms and conditions which the Commission deems appropriate or disapproving the proposal.
- F. If the proposal is disapproved, the Commission will not initiate a substantially similar proposal for a period of three years. The Commission may waive this limitation if changes in conditions or circumstances warrant earlier reconsideration.
- G. If the proposal is approved, the Commission's resolution making determinations shall include the determinations required by Government Code ~~§56852~~ Section 56881 that (a) public service costs are likely to be less than or substantially similar to the costs of alternative means of providing the services and (b) the proposal promotes public access and accountability for community needs and financial resources.
- H. If the proposal is approved, the Commission will conduct protest proceedings in accordance with Part 4, Government Code Section 57000 et. seq of the Government Code. ~~authorize the Board of Supervisors, as conducting authority, to complete the proceedings as provided by law.~~ Special hearing, protest, and election requirements as provided in Government Code Sections ~~§~~57008 and ~~§~~57092 will apply, including a public hearing within the territory of the affected district(s).
- I. Upon completion of the conducting authority proceedings by the Commission ~~Upon completion of proceedings by the conducting authority~~ with or without an election as may be required, the Executive Officer will comply with the filing and reporting requirements of Part 4, Chapter 8 of the Government Code.

Originally Adopted: 1997

Last Reviewed: ~~3/8/2023~~ 10/11/2023

Last Revised: ~~2/8/2012~~ 10/11/2023

Policy and Procedures for the Initiation of Proposals by the Orange County Local Agency Formation Commission

I. LEGAL REQUIREMENTS FOR PROPOSALS INITIATED BY THE COMMISSION

Government Code Sections 56375, 56375.1, and 56879 authorize or requires the Commission to initiate the following specific types of proposals:

- **Consolidation** of special districts as defined in Government Code Section 56036.
- **Dissolution** of a special district, pursuant to Government Code Section 56375 or 56375.1 where another agency can assume service responsibility; when a study, prepared pursuant to Government Code Section 56430, concludes that a special district has chronic service provision deficiencies; or within 90 days after a special district has been deemed inactive by the State under Government Code Section 56879.
- **Merger** of a special district with a city if the entire territory of the district is included within the boundaries of the city.
- **Establishment of a subsidiary district** of a city where, pursuant to Government Code Section 57105, the portion or portions of the territory of the district are included within the boundaries of a city and represent at least 70% of the district's territory as well as at least 70% of the registered voters who reside within the district as shown on the voters' register maintained by the OC Registrar of Voters.
- **Formation** of a new district or districts.
- **Reorganization** which includes two or more of the above changes of organization.

Proposals initiated by the Commission must be consistent with the recommendation of a sphere of influence study conducted pursuant to Government Code Section 56425 or other governmental study performed pursuant to Government Code Section 56378 and Section 56430. Each of the above types of proposals has specific legal requirements which must also be met. In approving a proposal it has initiated, the Commission's resolution making determinations must make both of the following determinations, as required by Government Code Section 56881:

1. Public service costs of a proposal that the Commission is authorizing are likely to be less than or substantially similar to the costs of alternative means of providing the service.
2. A change of organization or reorganization that is authorized by the Commission promotes public access and accountability for community needs and financial resources.

II. POLICY ON INITIATING PROPOSALS

- A. Proposals initiated by the Commission shall be selected on the basis of a municipal service review, sphere of influence update, or other governmental study recommendations prepared pursuant to Government Code Section 56378.
- B. Commission prefers proposals submitted by petition of voters or landowners or by resolution of application by an affected local agency. However, the Commission will consider initiating proposals that it believes furthers the interests of increased efficiency and government accountability. Factors to be considered in determining whether to initiate a proposal will include but will not be limited to the following:
 - 1. A municipal service review (Section 56430), sphere of influence update (Section 56425) or other governmental study has shown that a proposal may result in one or more of the following: a) lower overall public service costs; b) assuming of service responsibility by a logical potential successor agency or agencies; c) overall enhancement to public service levels and efficiencies through alternative and logical service options; d) greater fiscal and operational accountability and transparency; and, e) increased public access.
 - 2. There exists a level of public concern about a district's services or governance which, in the Commission's view, warrants initiation of a proposal.
 - 3. Boundaries of existing agencies artificially divide a community of interest or overlap different communities of interest.
 - 4. There are identifiable benefits to future and existing citizens from increased coordination and regional planning affecting facility planning, infrastructure financing, public resources protection, or service reliability.
 - 5. The Commission can complete the necessary review, analysis, and processing with its own staff resources, or funds are available from the successor agency or other sources to pay for the additional assistance needed to complete the review and processing of the proposal.
 - 6. A special district has been deemed inactive pursuant to Government Code Section 56879, and the Commission has prepared a study pursuant to Government Code Sections 56378, 56425, and 56430 and made determinations pursuant to Government Code Section 56881.

III. PROCEDURE

- A. When considering the initiation of a proposal, the Commission will take into account studies prepared in accordance with Government Code Sections 56378, 56425 and 56430 and other factors identified in Section II of this policy and discuss them at a regular public meeting. During the meeting, the Commission will consider a staff report and recommendation, including an estimate, when applicable and possible, to assess factors warranting further study or that were not included or identified in previous study. After consideration at a regular public meeting, if the Commission decides to initiate a proposal, it will adopt a resolution of application pursuant to Government Code Section

56375 and, if applicable, Government Code Section 56375.1.

- B. If the Commission initiates the proposal, staff review will commence. Staff review will provide for agency participation and comment, environmental review, a property tax exchange (if applicable), and an Executive Officer's report and recommendation, as required for all proposals. The Executive Officer's report shall address the factors as required for all proposals in Government Code Section 56668, and the report shall provide the information as required in the Commission's application questionnaire for similar changes of organization. The Commission shall consider any legislative act or constitutional amendment passed by the voters that would have any substantive effect on the proposal under consideration.
- C. The Commission may refer the proposal to a reorganization committee as provided in Government Code Sections 56836 and 56848.
- D. Following completion of staff review, and upon compliance with CEQA, the Commission will consider the Executive Officer's report, the report of any reorganization committee, if applicable, and comments of affected agencies and the public at a hearing noticed for that purpose in the manner provided by State law. The hearing may be continued from time to time not to exceed 70 days and in accordance with State law.
- E. Within 35 days after the conclusion of the hearing, the Commission will adopt a resolution making determinations and either approving the proposal, subject to any terms and conditions which the Commission deems appropriate or disapproving the proposal.
- F. If the proposal is disapproved, the Commission will not initiate a substantially similar proposal for a period of three years. The Commission may waive this limitation if changes in conditions or circumstances warrant earlier reconsideration.
- G. If the proposal is approved, the Commission's resolution making determinations shall include the determinations required by Government Code Section 56881 that (a) public service costs are likely to be less than or substantially similar to the costs of alternative means of providing the services and (b) the proposal promotes public access and accountability for community needs and financial resources.
- H. If the proposal is approved, the Commission will conduct protest proceedings in accordance with Part 4, Government Code Section 57000 et. seq of the Government Code. Special hearing, protest, and election requirements as provided in Government Code Sections 57008 and 57092 will apply, including a public hearing within the territory of the affected district(s).
- I. Upon completion of the conducting authority proceedings by the Commission with or without an election as may be required, the Executive Officer will comply with the filing and reporting requirements of Part 4, Chapter 8 of the Government Code.

Originally Adopted: 1997
Last Reviewed: 10/11/2023
Last Revised: 10/11/2023

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Carolyn Emery
Executive Officer

Scott Smith
General Counsel

MEETING DATE: October 11, 2023

TO: Local Agency Formation Commission

FROM: Executive Officer
Assistant Executive Officer

SUBJECT: Personnel Policies and Procedures of the Orange County Local Agency Formation Commission (Part 4 – Time Off)

8b | Commission
Discussion

BACKGROUND

Since 2001, OC LAFCO has contracted with the County of Orange to provide employee benefits (health, dental, life and disability insurance, and deferred compensation). The terms of the benefits provided to OC LAFCO employees are generally discussed in the Administrative Management Unit Memorandum of Understanding (MOU). As all OC LAFCO staff positions are designated as “at-will” and unrepresented, the MOU does not establish any vested rights for Commission employees beyond the contractual agreement between OC LAFCO and the County for these benefits. However, the MOU has often been used by the Commission as a reference guide when developing or updating OC LAFCO policies involving employee time-off and paid holiday benefits.

The MOU is reviewed by the County Board of Supervisors (BOS) and the respective bargaining unit during the renewal process of the three-year agreement. In part to this process, OC LAFCO is notified of any modifications to the MOU that directly affect the benefits provided to the Commission. As an objective to one of the Commission’s strategic goals (***Staff Development, Retention and Recruitment***), during review of the 2023-2026 MOU approved by the BOS on August 22, 2023, staff completed a comparable assessment of time off benefits (vacation and sick accrual, paid holidays) provided to employees of the Administrative Unit and OC LAFCO (*see table on next page*).

Benefit	County Administrative Management Unit Employees (2023-2026 MOU)	OC LAFCO Employees
Employment Status	Protected	At-will
Vacation Leave	<ul style="list-style-type: none"> • For first 3 years, approximately 120 hours earned annually. • After 3 years, approximately 160 hours earned annually. • After 10 years, approximately 200 hours earned annually. <p>Limit on Vacation Leave Accumulation: Under 10 years of employment, 360 hours; Above 10 years, 480 hours.</p> <p>Accrued Vacation Cash In: Up to 90 hours per fiscal year.</p>	<ul style="list-style-type: none"> • For first 3 years, approximately 80 hours earned annually. • After 3 years, approximately 120 hours earned annually. • After 10 years, approximately 160 hours earned annually. <p>Limit on Vacation Leave Accrual: 240 hours</p> <p>Accrued Vacation Cash In: Up to 90 hours per fiscal year.</p>
Sick Leave	<ul style="list-style-type: none"> • For first 3 Years, approximately 72 hours earned annually. • After 3 years, approximately 96 hours earned annually. 	<ul style="list-style-type: none"> • For first 3 Years, approximately 72 hours earned annually. • After 3 years, approximately 96 hours earned annually.
Paid Holidays	12 days	12 days

POLICY UPDATE

To enhance the OC LAFCO benefits package to assist in employee retention and the attraction of professional talent for future recruitments, staff is recommending the following changes to the Commission’s time off policy:

- For first three years of employment, employees will earn approximately 120 hours or 15 days of vacation leave.
- After three years of employment, employees will earn approximately 160 hours or 20 days of vacation leave.
- After ten years of employment, employees will earn approximately 200 hours or 25 days of vacation leave.

The limits on vacation leave accumulation and cash-in would remain the same as depicted in the above table. Proposed changes to the OC LAFCO policy to facilitate the Commission’s approval

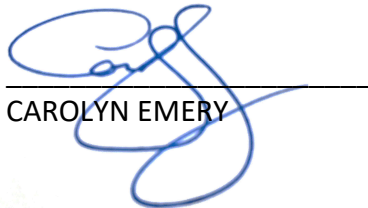
of this recommendation are referenced in Attachment 1. If approved, staff is recommending that the changes to the vacation accrual take effect on December 15, 2023, which is the first pay period for 2024.

RECOMMENDED ACTION

Staff recommends the Commission:

1. Adopt amendments to Part 4 – Time Off section of the OC LAFCO Personnel Policies and Procedures.

Respectfully submitted,



CAROLYN EMERY



LUIS TAPIA

Attachments:

1. OC LAFCO Personnel Policies & Procedures, Part 4-Time Off (Redline)
2. OC LAFCO Personnel Policies & Procedures, Part 4-Time Off (As Amended)

PART 4 – TIME OFF**3.1 SICK LEAVE BENEFITS****A. Overview**

The intent of this policy is to provide paid time off for the purpose of illness or other medical requirements.

The Commission will review and may change any of these sick leave benefit provisions on an annual basis at its discretion.

B. Policy

OC LAFCO provides paid sick leave benefits to all regular full-time and regular part-time and extra help employees for periods of temporary absence due to illnesses or injuries described in Section 3.18D of this policy.

C. Accumulation of Sick Leave

During the first three (3) years of employment, an employee shall earn .0347 hours of sick leave with pay for each paid hour in a regular scheduled workweek or period (approximately seventy-two (72) hours per year).

After an employee has been paid for six thousand two hundred forty (6240) regular scheduled hours, approximately three (3) years, the employee shall earn .0462 hours of sick leave with pay for each paid hour in a regularly scheduled work period (approximately ninety-six (96) hours per year).

Sick leave earned shall be added to the employee's sick leave accumulation account upon the completion of the pay period, with no credit to be applied during the progress of the pay period or for a portion of the pay period or for a portion of the pay period during which the employee terminates service.

Employees may only accumulate up to a maximum of 1500 hours of sick leave.

Extra Help Employees shall accrue sick leave at a rate of not less than one hour per every 30 hours worked beginning at the commencement of employment.

Extra Help Employees will have a maximum sick leave accrual of 48 hours. Extra Help Employees will not accrue any additional sick leave hours once they hit 48 hours in their sick leave balance. Once they fall below 48 hours of sick leave accrual, they will begin to accrue sick leave again. Extra Help Employees may use

up to a maximum of 24 hours sick leave annually.

Should an Extra Help Employee become a regular full time or part time employee, the pro-rated sick leave hours they accrued as an Extra Help will roll over into their sick leave account as a regular full time or part time employee.

D. Uses of Sick Leave

Sick leave may be applied to the following circumstances:

1. An absence necessitated by an employee's personal illness or injury.
2. Medical and dental office appointments.
3. Absence from duty because the employee's presence is needed to attend to the serious illness of a member of his or her immediate family, or a designated person. Employees may use up to one-half of their yearly sick leave. For the purpose of this policy, immediate family shall mean father, father-in-law, mother, mother-in-law, stepparent, brother, sister, grandparent, spouse, child, grandchild, domestic partner or legal guardian. Designated person is a person identified by the employee at the time the employee requests paid sick days. An employer may limit an employee to one designated person per 12-month period for paid sick days. All conditions and restrictions placed on an employee's use of sick leave apply also to sick leave used for care of a family member.
4. Illness while on paid vacation will be charged to sick leave rather than vacation only under the following conditions:
 - a. The illness or injury of the employee or member of the employee's immediate family was of a nature that would preclude the effective use of vacation and would prevent the employee from performing his or her normal duties.
 - b. The employee must notify the Executive Officer within four (4) calendar days of the beginning of the illness or prior to the end of his or her vacation leave.
 - c. OC LAFCO shall be under no obligation to extend the vacation beyond the original scheduled vacation ending date.
 - d. Upon the employee's return to work, the employee must furnish OC LAFCO with a certificate signed by a licensed physician or registered nurse stating the nature of the medical condition and the period of disablement.

5. Absence from duty because of personal emergencies is not to exceed twenty (20) working hours during the fiscal year. A personal emergency is something unanticipated that requires the employee to personally attend to the situation and must be attended to during normal working hours.
6. An absence due to the air pollution alert, which prevents the employee traveling to his or her work location.
7. If an employee is a victim of domestic violence, sexual assault, or stalking as described in Labor Code Section 230(c) and 230.1(a).

Sick leave shall not be applied to an absence which occurs on a holiday observed by OC LAFCO.

In any use of sick leave, an employee's account shall be charged to the nearest quarter hour for a non-exempt employee, which exempt employees will be charged only for full-day absences. Exempt employees are defined as those employees who are exempt from overtime rules under the Fair Labor Standards Act.

Employees are required to notify the Executive Officer or immediate supervisor by telephone within one-half hour after the start of the workday on their first day of absence due to illness or injury. It is the responsibility of the employee to keep the supervisor informed as to continued absence beyond the first day.

An employee may be required to furnish a certificate issued by a licensed health care provider or other satisfactory evidence of illness, injury, medical condition or medical or dental office calls when OC LAFCO has notified the employee in advance of such a requirement or when the employee has been under the care of a physician.

OC LAFCO employees, with the approval of the Executive Officer, may transfer up to 80 hours of sick leave per year to another OC LAFCO employee if needed to cover time off for medical or dental appointments or personal emergencies.

Any accrued, unused sick leave will roll over into the next calendar year.

E. No Payout of Sick Leave

There is no payout for unused accumulated sick leave when an employee leaves employment with OC LAFCO.

F. Transfer of Sick Time between OC LAFCO Employees

OC LAFCO employees, with the written approval of the Executive Officer, may transfer a portion of their unused sick time balance to another OC LAFCO employee under the following circumstances:

1. An OC LAFCO employee may transfer no more than 80 hours of sick time to any one OC LAFCO employee during any calendar year.
2. The OC LAFCO employee receiving the sick time transfer must be experiencing personal or family medical issues requiring extended periods of time away from the office.
3. The OC LAFCO employee transferring sick time must maintain a minimum balance of at least 40 hours of sick time after an approved transfer.
4. All sick-time transfer requests must be approved by the Executive Officer.

3.2 VACATION¹

A. Overview

This policy applies to all regular full-time and part-time employees of OC LAFCO. The intent of this policy is to provide paid time off for employees as a means of rest and rejuvenation. OC LAFCO encourages employees to utilize this benefit every year. OC LAFCO believes personal time off is an important means to enable continuation of strong performance and positive contribution to OC LAFCO, as well as encourage a balanced and enriching life for employees.

The Commission will review and may change any of these vacation benefit provisions on an annual basis at its discretion.

B. Policy

During the first three years of employment, an employee shall earn approximately ~~.0385~~ .0577 hours of vacation leave with pay for each hour in a regularly scheduled workweek or period (~~12080~~ hours or ~~1510~~ days per year).

After an employee has been paid for 6,240 regularly scheduled hours, approximately three years, the employee shall earn approximately ~~.0577~~ .077 hours of vacation leave with pay for each paid hour in a regularly scheduled work period (~~160120~~ hours or ~~2015~~ days per year).

After an employee has been paid for 20,800 regularly scheduled hours,

¹ Revisions applied on October 11, 2023, to the vacation time accruals take effect on December 15, 2023.

approximately ten years, the employee shall earn approximately ~~.0962-0769~~ hours of vacation leave with pay for each paid hour in a regularly scheduled work period (~~180460~~ hours or ~~2520~~ days per year).

Regular part-time employees with continuous service working 20 hours or more per week will accrue vacation in accordance with the above schedule, on a pro-rated basis determined by normal hours worked. Active service for all regular employees commences with their first day of work and continues thereafter unless broken by an absence without pay or leave of absence. Extra help employees do not accrue paid vacation.

Employees cannot accumulate more than 240 hours of vacation.

Accrual ceases until vacation is utilized to bring the amount of accrued vacation below the applicable cap or vacation is cashed out as permitted by this policy.

In order to request vacation time, employees should submit a written request to the Executive Officer or Assistant Executive Officer. Efforts will be made to accommodate all employees' requests for specific vacation leave time. However, the Executive Officer or Assistant Executive Officer will also consider the needs of OC LAFCO when evaluating vacation requests.

In rare cases, the Executive Officer may allow an employee to take an advance on vacation accrual time; however, this advance will not be allowed to exceed the amount of time the employee is scheduled to accrue during the current service year. Before any advance on vacation is granted, the employee will sign an authorization which authorizes OC LAFCO to deduct from his/her final paycheck the amount of any un-accrued vacation time advanced to the employee which has not subsequently been accrued.

During each fiscal year an employee may request to be paid for accrued vacation in either two (2) separate increments of up to forty-five (45) hours each or one (1) increment of up to ninety (90) hours.

Upon separation from OC LAFCO employment, an employee is eligible to be paid for accrued, unused vacation days up to a maximum of 240 hours at 100% of the employee's hourly salary. In cases where an employee terminates employment with OC LAFCO and has been permitted to take vacation time prior to actual accrual, the final paycheck will reflect a deduction relative to the amount of unaccrued time off taken.

A holiday that falls during an employee's vacation leave will be treated and paid as a holiday and not as a day of vacation leave.

3.3 HOLIDAY

A. Overview

The intent of this policy is to provide paid time off for eligible employees for holidays throughout the year.

B. Policy

Holiday time off with pay will be granted to all regular full-time employees and regular part-time employees (prorated) for the days designated by the County of Orange on an annual basis. Each part-time employee scheduled to work, but permitted to take the day off, shall receive pay computed at the employee's basic hourly rate for the number of hours the employee was regularly scheduled to work. A part-time employee shall receive compensatory time at the rate of one (1) hour for each five (5) hours of regularly scheduled work in the workweek up to a maximum of eight (8) hours of compensatory time. Holidays will vary year to year and a schedule will be published each year.

3.4 COMPENSATORY TIME

A. Overview

OC LAFCO employees earn compensatory time ("comp time") when a County holiday falls on a "flex" day. Limited comp time is also earned during the calendar year to all employee's time off to attend special religious or other designated events.

B. Policy

For employees who are not scheduled to work on a holiday (whose regular day off is the holiday) or their flex day falls on a holiday, management should work with employees to offer one of the following options:

1. The employee may change his or her schedule and take another day off in the same pay period where operationally feasible and without incurring overtime liability.
 - a. For employees who are not on an eight-hour day schedule, the employee may go on an eight-hour day schedule for the workweek in which the holiday fills.
2. The employee may bank eight (8) hours of non-cashable compensatory time for use at a later date.

Compensatory time may be used in lieu of vacation time for time off. Compensatory time shall have no cash value and any unused hours will be forfeited upon separation from the County.

3.5 PREGNANCY LEAVE

A. Eligibility

In accordance with applicable law and this policy, female employees are eligible for a leave of absence and/or transfer on account of pregnancy, regardless of length of service with OC LAFCO.

B. Pregnancy Disability Leave

1. A woman is “disabled by pregnancy” if, in the opinion of her healthcare provider, she is unable to work at all or is unable to perform one or more of the essential functions of her job or to perform these without undue risk to herself, to the successful completion of her pregnancy, or to other persons.
2. Pregnancy disability leave is for any period(s) of actual disability caused by pregnancy, childbirth, or related medical conditions. Where medically advisable, pregnancy disability leave may be taken for a reasonable period of time, up to four months per pregnancy (eighty- eight workdays for a full-time employee). Employees who regularly work more or less than a 40-hour workweek are entitled to such leave on a pro rata basis.
3. Time off for necessary prenatal or postnatal care, as well as for any conditions such as severe morning sickness, doctor-ordered bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, post-partum depression, childbirth, loss and end of pregnancy, and recovery from childbirth are all covered by pregnancy disability leave.

C. Leave Due to Childbirth

Even if the employee is not disabled by pregnancy, childbirth, or related medical conditions, a pregnant employee is entitled to up to six weeks of leave for normal childbirth. A pregnant employee is entitled to up to eight weeks of leave for cesarean section. Employees working more or less than a 40-hour work week are entitled to such leave on a pro rata basis.

D. Leave, Transfer and Other Reasonable Accommodation Requests

1. Pregnant employees should notify the Executive Officer as soon as possible regarding their intent/need to take a leave of absence or to transfer due to

pregnancy, childbirth, or related medical conditions. Such notice should specify the anticipated timing and duration of the leave or transfer.

2. Where the need for a leave of absence or transfer is foreseeable, employees must provide such notice at least 30 days prior to the date the leave or transfer is to begin. Further, employees must consult with the Executive Officer regarding the scheduling of any planned medical treatment or supervision so as to minimize any disruption to OC LAFCO's operations. (Actual scheduling of the leave/transfer is subject to the approval of the employee's healthcare provider.)
3. Where 30 days advance notice is not possible, notice must be given as soon as possible. However, OC LAFCO will not deny a pregnancy disability leave or transfer where the need for leave is an emergency or was otherwise unforeseeable.
4. OC LAFCO shall respond to the leave or transfer request as soon as practicable and, in any event, no later than 10 calendar days after receiving the request. OC LAFCO shall attempt to respond to the leave request before the date of leave is due to begin. Once given, the approval shall be deemed retroactive to the date of the first day of the leave.
5. Reasonable accommodation other than leave or transfer will be granted upon request. Such requests must be supported by a written certification from the employee's healthcare provider.

E. Intermittent Leave

Pregnancy Disability Leave need not be taken in one continuous block. It may be taken on an as-needed basis, intermittently or on a reduced work schedule.

1. If it is medically advisable and foreseeable that an employee will be taking intermittent leave or leave on a reduced work schedule, OC LAFCO may require that the employee transfer temporarily to an available alternative position.
2. An “alternative position” is one that provides pay and benefits equivalent to those of the employee’s regular position and better accommodates recurring periods of leave than the employee’s regular job. It does not have to have equivalent duties. However, the employee must be qualified for the position.
3. Transfer to an alternative position may include altering an existing job to better accommodate the employee’s need for intermittent leave or a reduced work schedule.

F. Temporary Transfers

1. An employee may request a temporary transfer to a position with less strenuous or less hazardous duties when the employee’s healthcare provider certifies that such a transfer is medically advisable.
2. Temporary transfers will be granted where appropriate and when OC LAFCO is able to reasonably accommodate the transfer, provided that the transfer would not require OC LAFCO to:
 - a. Create additional employment.
 - b. Discharge another employee.
 - c. Violate collective bargaining agreement.
 - d. Transfer a more senior employee in order to make room for the pregnant employee’s transfer; or
 - e. Promote or transfer the employee or any other employee to a position for which he/she is not qualified.

G. Certifications

1. As a condition of taking a Pregnancy Disability Leave or transfer, the employee must provide medical certification from her healthcare provider that she is disabled due to pregnancy, childbirth or related medical conditions and/or that a transfer to an alternative position is medically advisable.

2. The medical certification should include:

- a. The date on which the employee became disabled due to pregnancy or the date of the medical advisability for the transfer.
- b. The probable duration of the period(s) of disability or the period(s) for the advisability of the transfer; and
- c. A statement that, due to the disability, the employee is unable to work at all or to perform any one or more of the essential functions of her position without undue risk to herself, to the successful completion of her pregnancy, or to other persons or a statement that, due to pregnancy, the transfer is medically advisable.

H. Fitness for Duty

The employee must provide certification from her healthcare provider of her fitness for duty prior to being reinstated.

I. Pay During Leave

1. Pregnancy Disability Leave is unpaid leave. However, the employee may elect to use, or OC LAFCO may require that the employee use accrued sick leave to provide pay during the period of Pregnancy Disability Leave.
2. An employee may also elect, at her option, to use accrued vacation or other accrued paid time off, if any, to provide pay during pregnancy disability leave. The use of paid leave runs concurrently with Pregnancy Disability Leave and does not extend the length of the Pregnancy Disability Leave.
3. The employee may also be eligible to receive temporary disability insurance payments during her Pregnancy Disability Leave, and to coordinate the use of any accrued sick leave and/or vacation to supplement temporary disability insurance payments.

J. Reinstatement

1. The employee is entitled to be reinstated to the same or comparable position upon release to return to work by her healthcare provider.
 - a. Where a definite date of reinstatement has been agreed upon at the beginning of the leave, the employee will be reinstated by the date agreed upon, provided that the employee has provided medical certification of her fitness for duty.

- b. If the actual reinstatement date differs from the original agreement, the employee will be reinstated within two business days, where feasible, after the employee notifies OC LAFCO of her readiness to return and provides medical certification of her fitness for duty.
 - c. Failure to return to work on the next workday following the expiration of pregnancy disability leave may be grounds for termination of employment.
 2. The employee is not, however, entitled to any greater right of reinstatement than she would have had if she had not taken leave. Thus, reinstatement to the “same position” may be denied if for legitimate business reasons unrelated to the employee having taken a Pregnancy Disability Leave or transfer, the employee would not otherwise have been employed in her same position at the time reinstatement is requested.
 3. Also, the employee has no greater right to reinstatement to a “comparable position” or to other benefits and conditions of employment than an employee who has been continuously employed. Thus, reinstatement to a comparable position may be denied if there is no comparable position open on the employee’s scheduled date of reinstatement or within 60 calendar days thereafter.
 4. In the event that the employee takes family and medical leave under the California Family Rights Act (“CFRA”) following her pregnancy disability leave for the birth of her child, the employee’s right to reinstatement shall be governed by the CFRA and OC LAFCO’s Family and Medical Leave Policy rather than these provisions.
- K. Seniority and Benefits
 1. In general, employees taking Pregnancy Disability Leave will be treated the same as other similarly situated employees taking disability leave.
 2. The employee returning from a Pregnancy Disability Leave shall return with no less seniority than she had when the leave commenced for purposes of layoff, recall, promotion, job assignment, and seniority related benefits such as vacation.
 3. The employee shall retain employee status during the period of leave, and the leave shall not constitute a break in service for purposes of longevity and/or seniority.

L. FMLA/CFRA and Pregnancy Disability Leave

In accordance with the Federal Family and Medical Leave Act (FMLA), OC LAFCO shall count each day of pregnancy disability leave against an eligible employee's entitlement to up to 12 weeks of leave under the FMLA. Pursuant to the CFRA, the right to CFRA is separate and distinct from the right to take leave for pregnancy disability, and PDL will not be counted against the CFRA leave entitlement.

M. Group Health Insurance

Where an eligible employee is on Pregnancy Disability/FMLA Leave, OC LAFCO will continue the employee's group health insurance coverage under the same terms and conditions as applied prior to the leave of absence.

1. In the event that the employee fails to return from leave, OC LAFCO may recover premiums it paid to maintain group health insurance coverage. (For details, see OC LAFCO's Family and Medical Leave Policy.)
2. If the employee coverage ceases after the exhaustion of Pregnancy Disability Leave/FMLA or other leaves, the employee may continue group health insurance coverage pursuant to federal and state COBRA guidelines.

3.6 OTHER TIME OFF

A. Overview

This policy applies to all regular full-time and regular part-time employees of OC LAFCO. The intent of this policy is to outline other types of paid and unpaid time off available to eligible employees.

B. Bereavement Leave

Upon request, regular full-time employees shall receive time off with pay, not to exceed five (5) days for each death in the immediate family. Regular part-time employees shall receive time off with pay not to exceed the number of hours scheduled in a part-time employee's normal workweek for each death upon request. Other employees who have been employed for at least 30 days will be entitled to five (5) days of unpaid leave and may use any accrued paid leave upon request. For purposes of this section, immediate family is defined as the employee's spouse, parent, child, sibling; the employee's spouse's parent, child, or sibling; the employee's child's spouse; grandparents or grandchildren; the employee's domestic partner or the child of a domestic partner; person whom the employee has/had a legal guardian relationship.

Employees may also, with the approval of the Executive Officer, use any available paid leave for additional time off as necessary. If more time off is requested, it will be granted only at the discretion of the Executive Officer. Bereavement pay is calculated based on the base pay rate at the time of absence and prorated for part-time employees.

C. Jury Duty Leave

OC LAFCO encourages employees to fulfill their civic responsibilities by serving jury duty or appearing in court as a witness when required. OC LAFCO provides 30 days of paid time off at the employee's regular rate of pay for jury duty service provided the employee deposits fees paid for hours of jury duty excluding mileage. For service longer than 30 days, employees may use any accrued vacation leave or receive unpaid leave for jury duty service.

Employees must show the jury duty summons to the Executive Officer as soon as possible so that arrangements may be made to accommodate their absence. Employees are expected to report for work whenever the court schedule permits, including any remaining parts of a normally scheduled workday.

OC LAFCO will continue to provide health insurance benefits for the full term of the jury duty absence. Vacation, sick leave, and holiday benefits will continue to accrue during jury duty leave.

D. Domestic Violence Victim Leave, Sexual Assault or Stalking

OC LAFCO will provide time off to an employee who has been the victim of domestic violence, sexual assault or stalking to seek 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 victim or his or her child. This includes time off for court proceedings, services from a domestic violence shelter, program or rape crisis center, counseling, medical attention, and participation in safety planning programs. OC LAFCO requires reasonable advance notice of the leave when feasible. If time off is taken due to an emergency, the employee must, within 15 days of the absence, provide OC LAFCO with certification of the need for the leave such as a police report, court order, documentation from a healthcare provider, victims advocate, or counselor.

Employees eligible for paid sick leave benefits under California law may take any such available paid time off, consistent with such law, for the purposes set forth in this policy. For more information, please see the Sick Leave policy. In the event paid sick leave benefits are not available, employees taking leave under this policy may elect to apply accrued and unused vacation to such time.

OC LAFCO prohibits discrimination, discharge, or retaliation against an employee for

taking time off or requesting an accommodation under this policy or based on the employee's status as a victim of domestic violence, sexual assault, and/or stalking.

E. Crime Victims' Leave

OC LAFCO will provide time off to an employee to attend judicial proceedings related to a crime, if that employee is a victim of crime, an immediate family member of a victim, a registered domestic partner of a victim, or the child of a registered domestic partner of a victim. OC LAFCO requires that, where feasible, in advance of taking leave, the employee provide it with a copy of the notice of each scheduled proceeding that is provided to the victim by the agency responsible for providing notice. If advance notice is not possible, the employee is required to provide OC LAFCO with a copy of the notice within a reasonable time.

No employee who is absent from work pursuant to this provision will be discharged or otherwise discriminated against in compensation or other terms, conditions or privileges of employment, because of such absence. Such leave is unpaid. Employees taking leave under this policy may elect to apply vacation time to such leave.

F. Leave for Organ and Bone Marrow Donation

OC LAFCO will grant an employee the following leaves of absence:

1. Bone Marrow Donation:

A paid leave of absence of up to five business days in any one-year period for the purpose of donating the employee's bone marrow to another person.

2. Organ Donation:

- a. A paid leave of absence of up to 30 business days in any one-year period for the purpose of the employee donating the employee's organ to another person.
- b. An additional unpaid leave of absence, not exceeding 30 business days in a one-year period, for the purpose of the employee donating the employee's organ to another person.

For leaves of absence under this policy that are paid, if an employee has earned and unused sick or vacation time is available, the employee is required to first use up to five days of such paid sick or vacation time for a bone marrow donation and up to two weeks of sick or vacation time for organ donation.

In order to receive a leave of absence pursuant to this policy, the employee must provide written verification to OC LAFCO that the employee is an organ or bone

marrow donor and that there is a medical necessity for the donation of the organ or bone marrow.

Any leave taken for the donation of an organ or bone marrow will not constitute a break in service for purposes of the employee's right to salary adjustments, sick leave, vacation, annual leave, or seniority. During any leave taken under this policy, OC LAFCO will maintain and pay for coverage under any group health plan, for the full duration of this leave.

Leave provided under this policy may be taken in one or more periods. Leave taken under this policy will not run concurrently with any leave taken pursuant to the federal Family and Medical Leave Act or the California Family Rights Act.

Upon expiration of a leave of absence authorized by this policy, OC LAFCO will restore the employee to the position held by the employee when the leave began or to a position with equivalent seniority status, employee benefits, pay, and other terms and conditions of employment. OC LAFCO may decline to restore an employee because of reasons unrelated to the employee's exercise of rights under this policy.

G. Time Off to Vote

Generally, employees are able to find time to vote either before or after their regular work schedule. If, however, full-time employees are unable to vote in an election during their non-working hours, OC LAFCO will grant up to 2 hours of paid time off to vote.

Employees requiring time off to vote should make their requests at least two working days prior to the Election Day. Advance notice is required so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule. Employees must submit a voter's receipt on the first working day following the election to qualify for paid time off.

H. Military Leave

Military leave of absence will be granted to employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and Military and Veterans Code Section 394.5. Advance notice of military serve is required, unless military necessity prevents such notice, or it is otherwise impossible or unreasonable. Employees who have been employed for at least one year are eligible for up to 30 days of paid leave for active-duty training.

Employees on military leave will receive rights and benefits comparable to those they would receive under OC LAFCO's policies for other types of leave. Continuation of health insurance benefits is available based on the length of the leave and subject to

the terms, conditions and limitations of the applicable plan for which the employee is otherwise eligible. Employees on leave for no more than 30 days will receive continued health insurance benefits but are responsible for paying their portion of the health care coverage continuation rights. Vacation, sick leave and holiday benefits will continue to accrue during any paid portion of a military leave of absence.

CFRA permits employees to take up to 12 workweeks of unpaid protected leave during a 12-month period for a “qualifying exigency” related to the covered active duty or call to covered active duty of an employee’s spouse, domestic partner, child or parent in the U.S. armed forces. The Federal Family and Medical Leave Act (FMLA) also entitles eligible employees to take leave for a covered family member’s service in the Armed Forces. This policy supplements our Family and Medical Leave policy and provides a general notice of employee rights to this leave. Except as stated below, such rights and obligations for service member leave are governed by our existing Family Leave policy. Service member FMLA/CFRA runs concurrent with other leave entitlements provided under federal, state and local law. Service member FMLA provides eligible employees unpaid leave for anyone, or combination of the following reasons:

1. A “qualifying exigency” arising when the employee’s spouse, son, daughter or parent, who is a member of the Armed Forces (including National Guard and Reserves), is on covered active duty or has been notified of an impending call to order to covered active duty; and/or
2. To care for a covered family member who has incurred an injury or illness while in the Armed Forces provided that such injury or illness renders the family member medically unfit to perform duties of the member’s office, grade, rank or rating and is certified by the service member’s healthcare provider.

When leave is due because of a “qualified exigency” concerning the military duty of a family member, an eligible employee may take up to 12 workweeks of leave during any 12-month period.

When leave is to care for an injured or ill service member, an eligible employee may take up to 26 weeks of leave during a single 12-month period to care for a service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed 26 workweeks in a single 12-month period.

Where spouses are both employed by OC LAFCO, they may take up to, in aggregate, 26 workweeks of service member FMLA, provided that any portion of the aggregate leave that is not for care of a family service member does not exceed 12 workweeks.

In any case where it is foreseeable that an employee will need service member FMLA, that employee must provide notice of his or her intent to take leave as soon as

reasonably possible and provide certification of either the “qualified exigency” or family service member’s need for care as soon as practicable.

I. Military Spouse Leave

Qualified California employees will be given up to 10 days leave during that time in which the employee’s spouse or domestic partner is on leave from deployment in a combat zone with the active duty or reserve military or national guard during a period of military conflict. Employees may use accrued vacation time to cover this absence. If the employee has no accrued vacation, the employee must request time off without pay.

Qualifying employees are employees who work an average of 20 hours per week and have a spouse or domestic partner who is serving as (1) a member of the U.S. Armed Forces and who has been deployed during a period of military conflict to an area designated as a combat theater or combat zone by the President of the United States or (2) a member of the Armed Forces Reserve Components or the National Guard and has been deployed during a period of military conflict.

Qualifying employees who wish to request this leave must provide OC LAFCO with a written request for such leave within two business days of receiving official notice that the military spouse or domestic partner will be on leave from deployment. The employee must also provide written documentation to OC LAFCO certifying that the military member will be on military leave from deployment.

J. Workers’ Compensation Leave

If an employee sustains a work-related injury, he or she will be eligible for a medical leave of absence for a period of disability in accordance with all applicable laws covering occupational injuries.

Where an employee’s work-related injury qualifies as a serious health condition, any Workers’ Compensation Leave taken will be considered part of his or her entitlement, if any, to leave under the Family and Medical Rights Act (“FMLA”) and the California Family Rights Act (“CFRA”). Employees on Workers’ Compensation Leave should keep their supervisors informed as to their work status and will need to provide a doctor’s release before returning to work.

K. Volunteer Emergency Leave and Training

If employees volunteer as a firefighter, reserve peace officer, or emergency rescue personnel, they may be entitled to unpaid leave to perform emergency duty. In addition, they may take unpaid leave of up to 14 days per calendar year for the purpose of engaging in fire or law enforcement training. If an employee qualifies for these types of leave, he or she may use accrued vacation during the leave. Time spent on

this leave counts for purposes of determining "length of service." However, vacation will not be accrued, and holiday pay will not be received during this leave.

L. Time Off for Parents to Attend School Activity

Employees, who are parents of one or more children in kindergarten, or in grades 1 through 12, may take time off of up to forty (40) hours per school year to attend authorized school activities which involve one or more of the employee's school age children. To be eligible for parental time off, the employee must obtain from the school, written verification that he or she attended or participated in the school activity. Parental time off may not exceed eight hours in any calendar month.

Employees may use any accrued vacation while they attend their child's school activities. If not, the employee's parental time off will be unpaid. For scheduling purposes, employees must notify the Executive Officer at least one (1) week before the date of the school activity, so that their work duties may be covered.

M. Literacy Education Leave

OC LAFCO will reasonably accommodate employees who are seeking to enroll in an adult literacy education program provided the accommodation requested would not result in undue hardship to OC LAFCO. OC LAFCO does not provide paid time off for participation in an adult literacy education program.

N. Kin Care Leave

Under California state law, employees who accrue sick leave are eligible for Kin Care Leave (KCL). An employee may use KCL for the following reasons:

1. Diagnosis, care, or treatment of an existing health condition of the employee, or preventive care for, an employee or an employee's covered family member.
2. For obtaining relief if the employee is a victim of domestic violence, sexual assault, or stalking.
3. If the employee is a victim of domestic violence, sexual assault, or stalking, the employee may take time off to: obtain medical treatment, counseling or other victims' services, obtain or attempt to obtain any relief to help ensure the health, safety, or welfare of the employee or the employee's child, such as a temporary restraining order, restraining order, or other injunctive relief.

The number of days the employee can take off is calculated as an amount not less than the sick leave that would be accrued during 6 months of the employee's then-current rate of entitlement. Employees are able to use up to half of their sick leave for KCL. But, no more than one-half of the employee's annual accrued sick leave benefits can be

counted as KCL. For a full-time career employee, for example, this would mean no more than 48 hours of sick leave can be counted as KCL.

To the extent possible, employees must provide reasonable advance notice of their need for leave under this policy. If the need for leave is not foreseeable, an employee must provide notice as soon as practicable.

For purposes of this policy, a family member means as a child (a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis), a parent (a biological, adoptive or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child), a spouse or registered domestic partner, a grandparent, grandchild and sibling.

Please note, leave under this statute runs concurrently with paid sick leave and CFRA/FMLA leave.

3.7 FAMILY AND MEDICAL LEAVE

A. Overview

The intent of this policy is to outline and explain some of the rules and requirements applying to the Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA).

Note: Employers with at least 50 employees are required to comply with FMLA, whereas all public employers are required to comply with the CFRA. OC LAFCO does not meet the threshold for FMLA, but by policy provides leave pursuant to the FMLA.

B. Eligibility

Regular full-time and regular part-time employees are eligible to request unpaid Family and Medical Leave under CFRA/FMLA if at the time leave commences, all of the following apply:

1. Must have worked for OC LAFCO for at least twelve (12) months at any time (need not be continuous).
2. Must have worked at least 1,250 hours during the twelve (12) months immediately preceding the start of the leave.

Part-time employees who meet the requirements will calculate Family and Medical Leave on a prorated basis according to the number of hours they are normally scheduled to work.

C. Reasons for Leave

Leave may be requested for any of the following reasons:

1. The birth or adoption of a child, or the placement of a child in foster care.
2. To care for the employee's child (including adult children over 18 years of age, stepchildren and children of a domestic partners), spouse, sibling, registered domestic partner, parent (including parent-in-law), grandchild, grandparent or designated person with a serious health condition. "Designated person" means any individual related by blood or whose association with the employee is the equivalent of a family relationship. The designated person may be identified by the employee at the time the employee requests the leave. OC LAFCO may limit an employee to one designated person per 12-month period for family care and medical leave.
3. A serious health condition that prevents the employee from performing an essential function of his/her job, except for leave taken for disability on account of pregnancy, childbirth or related medical conditions; or
4. Military spousal, and military caregiver and exigency leave.

Family and Medical Leave is not available for non-serious conditions (including minor illnesses or for voluntary or cosmetic treatments) unless inpatient care is required or for routine preventive physical examinations.

D. Length of Leave

The length of Family and Medical Leave is up to twelve workweeks within a twelve-month period (exception for Pregnancy Disability and Military Caregiver – see policies). The twelve-month period begins the date the leave is taken. There is no carryover of unused leave from one twelve-month period to the next twelve-month period. Holidays that fall during the leave are counted against leave entitlement.

If at the end of twelve weeks the employee is unable to return to work, they may request a personal leave without pay. Such leave is granted at the discretion of OC LAFCO, and there is no requirement to hold the job available during the personal leave. OC LAFCO will, however, be governed by the Americans with Disabilities Act, the California Fair Employment and Housing Act, and Workers' Compensation regulations, if applicable.

E. Intermittent or Reduced Scheduled Leave

Family leave taken for the purpose of birth or placement of a child will generally be

granted in minimum amounts of two weeks. However, an employee may request smaller increments of leave time which will be granted on any two occasions and will be subject to OC LAFCO approval for any additional requests based upon business needs.

Family and Medical Leave for the employee's own serious health condition, family care leave for the serious health condition of the employee's child (including adult child over 18 years of age), spouse, sibling, registered domestic partner, child of a registered domestic partner, parent, grandchild, grandparent or designated person and military caregiver leave may be taken intermittently or on a reduced schedule when medically necessary. Where the intermittent or reduced schedule leave is for planned medical treatment, the employee must make an attempt to schedule the treatment so as not to unduly disrupt OC LAFCO's operations. Military exigencies' leave also may be taken intermittently or on a reduced schedule.

If leave is taken intermittently or as a reduced work schedule, the amount of time used under Family and Medical Leave is only the time actually taken. For example, one day of leave per week for an employee who works five days per week is the equivalent of 1/5 of a week of Family/Medical Leave used.

F. Temporary Alternative Positions

An employee may be placed in a temporary alternative position if they request intermittent or reduced schedule leave, or the existing position description may be altered, to better accommodate the employee's need for recurring periods of leave. The alternative position may not have equivalent duties but will receive equivalent pay and benefits. The employee must be qualified for the position. They may also be transferred to a part-time job with the same hourly rate of pay and benefits.

G. Impact on Benefits

Health insurance premiums that are normally paid by OC LAFCO will continue to be paid during Family and Medical Leave for a maximum of twelve workweeks in a twelve-month period. The employee is still responsible for his or her share of the health insurance premiums during the period of leave. If the employee substitutes paid leave for unpaid leave, such payments will be deducted from the employee's pay through payroll deductions. Otherwise, the employee must make arrangements with OC LAFCO to pay for such premiums.

OC LAFCO may recover any health insurance premiums it paid during the leave if the employee fails to pay his or her share of the premiums during the leave or the employee fails to return to work from leave for a reason other than recurrence, continuation, or onset of a serious health condition for which leave under this policy is allowed or other circumstance beyond the employee's control.

Service time, as well as vacation and incidental absence time, will continue to accrue during, but not exceeding, the twelve-week period. Employees will not be paid for holidays if they are in an unpaid status. For Family and Medical Leave of 30 days or less, reviews relating to salary and performance will continue as usual. A salary action which would have ordinarily taken place during the time of the leave will become effective upon the employees return to work. For Family and Medical Leave of over thirty days, Salary and Performance Reviews will be extended equal to the length of the leave.

H. Pregnancy Disability

In addition to the pregnancy disability leave described in this handbook, an eligible pregnant California employee is entitled to up to 12 additional workweeks of CFRA Leave. The maximum time to be taken off is: four months pregnancy disability/FMLA (with a healthcare provider's certification) plus 12 workweeks CFRA.

I. Requesting a Leave

An employee will be asked to provide certification from a health care provider that the leave is medically necessary when requesting a leave for their own health condition. If the health condition is that of a parent, spouse, or child, the healthcare provider must certify that the employee's care is required.

All requests must be provided in writing and include information and a schedule relative to the leave. Employees are requested to give as much advance notice as possible. Thirty (30) days is considered a minimum. In cases of emergency, give as much notice as possible under the circumstances. If the leave schedule is flexible, employees are required to try to schedule the leave so as not to unduly disrupt OC LAFCO's operations.

J. Integration with Paid Leave

Leave provided under FMLA/CFRA is unpaid. However, at the option of OC LAFCO or the employee, accrued vacation (or, Sick Leave where the leave is required due to the employee's serious health condition, or the serious health condition of a family member and Sick Leave would otherwise be permitted under OC LAFCO's policy) may be substituted for any unpaid Family Medical Leave. This designation of Family and Medical Leave will be made by OC LAFCO at the time the employee requests the leave or when OC LAFCO determines that the leave qualifies as Family and Medical Leave based on the information provided. In either case, the total of paid and unpaid leave provided is limited to twelve workweeks.

K. Upon Return from Leave

Employees timely returning from a leave covered under this policy are entitled to reinstatement to the same or equivalent position consistent with applicable law. An employee has no greater right to reinstatement than if he or she had been continuously employed rather than on leave. OC LAFCO will comply with all applicable laws pertaining to reinstatement of employees including, where required, the reasonable accommodation of employees who have been on an approved leave. OC LAFCO will be governed by the Americans with Disabilities Act, the Fair Employment and Housing Act, CFRA/FMLA, and/or Workers' Compensation regulations where applicable. Family and Medical Leave will not result in the loss of any employment benefit that was earned or entitled to before use of Family and Medical Leave.

Employees using Family and Medical Leave for their own serious medical condition must bring a healthcare provider's release to work upon returning from leave.

PART 4 – TIME OFF**3.1 SICK LEAVE BENEFITS****A. Overview**

The intent of this policy is to provide paid time off for the purpose of illness or other medical requirements.

The Commission will review and may change any of these sick leave benefit provisions on an annual basis at its discretion.

B. Policy

OC LAFCO provides paid sick leave benefits to all regular full-time and regular part-time and extra help employees for periods of temporary absence due to illnesses or injuries described in Section 3.18D of this policy.

C. Accumulation of Sick Leave

During the first three (3) years of employment, an employee shall earn .0347 hours of sick leave with pay for each paid hour in a regular scheduled workweek or period (approximately seventy-two (72) hours per year).

After an employee has been paid for six thousand two hundred forty (6240) regular scheduled hours, approximately three (3) years, the employee shall earn .0462 hours of sick leave with pay for each paid hour in a regularly scheduled work period (approximately ninety-six (96) hours per year).

Sick leave earned shall be added to the employee's sick leave accumulation account upon the completion of the pay period, with no credit to be applied during the progress of the pay period or for a portion of the pay period or for a portion of the pay period during which the employee terminates service.

Employees may only accumulate up to a maximum of 1500 hours of sick leave.

Extra Help Employees shall accrue sick leave at a rate of not less than one hour per every 30 hours worked beginning at the commencement of employment.

Extra Help Employees will have a maximum sick leave accrual of 48 hours. Extra Help Employees will not accrue any additional sick leave hours once they hit 48 hours in their sick leave balance. Once they fall below 48 hours of sick leave accrual, they will begin to accrue sick leave again. Extra Help Employees may use

up to a maximum of 24 hours sick leave annually.

Should an Extra Help Employee become a regular full time or part time employee, the pro-rated sick leave hours they accrued as an Extra Help will roll over into their sick leave account as a regular full time or part time employee.

D. Uses of Sick Leave

Sick leave may be applied to the following circumstances:

1. An absence necessitated by an employee's personal illness or injury.
2. Medical and dental office appointments.
3. Absence from duty because the employee's presence is needed to attend to the serious illness of a member of his or her immediate family, or a designated person. Employees may use up to one-half of their yearly sick leave. For the purpose of this policy, immediate family shall mean father, father-in-law, mother, mother-in-law, stepparent, brother, sister, grandparent, spouse, child, grandchild, domestic partner or legal guardian. Designated person is a person identified by the employee at the time the employee requests paid sick days. An employer may limit an employee to one designated person per 12-month period for paid sick days. All conditions and restrictions placed on an employee's use of sick leave apply also to sick leave used for care of a family member.
4. Illness while on paid vacation will be charged to sick leave rather than vacation only under the following conditions:
 - a. The illness or injury of the employee or member of the employee's immediate family was of a nature that would preclude the effective use of vacation and would prevent the employee from performing his or her normal duties.
 - b. The employee must notify the Executive Officer within four (4) calendar days of the beginning of the illness or prior to the end of his or her vacation leave.
 - c. OC LAFCO shall be under no obligation to extend the vacation beyond the original scheduled vacation ending date.
 - d. Upon the employee's return to work, the employee must furnish OC LAFCO with a certificate signed by a licensed physician or registered nurse stating the nature of the medical condition and the period of disablement.

5. Absence from duty because of personal emergencies is not to exceed twenty (20) working hours during the fiscal year. A personal emergency is something unanticipated that requires the employee to personally attend to the situation and must be attended to during normal working hours.
6. An absence due to the air pollution alert, which prevents the employee traveling to his or her work location.
7. If an employee is a victim of domestic violence, sexual assault, or stalking as described in Labor Code Section 230(c) and 230.1(a).

Sick leave shall not be applied to an absence which occurs on a holiday observed by OC LAFCO.

In any use of sick leave, an employee's account shall be charged to the nearest quarter hour for a non-exempt employee, which exempt employees will be charged only for full-day absences. Exempt employees are defined as those employees who are exempt from overtime rules under the Fair Labor Standards Act.

Employees are required to notify the Executive Officer or immediate supervisor by telephone within one-half hour after the start of the workday on their first day of absence due to illness or injury. It is the responsibility of the employee to keep the supervisor informed as to continued absence beyond the first day.

An employee may be required to furnish a certificate issued by a licensed health care provider or other satisfactory evidence of illness, injury, medical condition or medical or dental office calls when OC LAFCO has notified the employee in advance of such a requirement or when the employee has been under the care of a physician.

OC LAFCO employees, with the approval of the Executive Officer, may transfer up to 80 hours of sick leave per year to another OC LAFCO employee if needed to cover time off for medical or dental appointments or personal emergencies.

Any accrued, unused sick leave will roll over into the next calendar year.

E. No Payout of Sick Leave

There is no payout for unused accumulated sick leave when an employee leaves employment with OC LAFCO.

F. Transfer of Sick Time between OC LAFCO Employees

OC LAFCO employees, with the written approval of the Executive Officer, may transfer a portion of their unused sick time balance to another OC LAFCO employee under the following circumstances:

1. An OC LAFCO employee may transfer no more than 80 hours of sick time to any one OC LAFCO employee during any calendar year.
2. The OC LAFCO employee receiving the sick time transfer must be experiencing personal or family medical issues requiring extended periods of time away from the office.
3. The OC LAFCO employee transferring sick time must maintain a minimum balance of at least 40 hours of sick time after an approved transfer.
4. All sick-time transfer requests must be approved by the Executive Officer.

3.2 VACATION¹

A. Overview

This policy applies to all regular full-time and part-time employees of OC LAFCO. The intent of this policy is to provide paid time off for employees as a means of rest and rejuvenation. OC LAFCO encourages employees to utilize this benefit every year. OC LAFCO believes personal time off is an important means to enable continuation of strong performance and positive contribution to OC LAFCO, as well as encourage a balanced and enriching life for employees.

The Commission will review and may change any of these vacation benefit provisions on an annual basis at its discretion.

B. Policy

During the first three years of employment, an employee shall earn approximately .0577 hours of vacation leave with pay for each hour in a regularly scheduled workweek or period (120 hours or 15 days per year).

After an employee has been paid for 6,240 regularly scheduled hours, approximately three years, the employee shall earn approximately .077hours of vacation leave with pay for each paid hour in a regularly scheduled work period (160hours or 20 days per year).

After an employee has been paid for 20,800 regularly scheduled hours,

¹ Revisions applied on October 11, 2023, to the vacation time accruals take effect on December 15, 2023.

approximately ten years, the employee shall earn approximately .0962hours of vacation leave with pay for each paid hour in a regularly scheduled work period (180hours or 25 days per year).

Regular part-time employees with continuous service working 20 hours or more per week will accrue vacation in accordance with the above schedule, on a pro-rated basis determined by normal hours worked. Active service for all regular employees commences with their first day of work and continues thereafter unless broken by an absence without pay or leave of absence. Extra help employees do not accrue paid vacation.

Employees cannot accumulate more than 240 hours of vacation.

Accrual ceases until vacation is utilized to bring the amount of accrued vacation below the applicable cap or vacation is cashed out as permitted by this policy.

In order to request vacation time, employees should submit a written request to the Executive Officer or Assistant Executive Officer. Efforts will be made to accommodate all employees' requests for specific vacation leave time. However, the Executive Officer or Assistant Executive Officer will also consider the needs of OC LAFCO when evaluating vacation requests.

In rare cases, the Executive Officer may allow an employee to take an advance on vacation accrual time; however, this advance will not be allowed to exceed the amount of time the employee is scheduled to accrue during the current service year. Before any advance on vacation is granted, the employee will sign an authorization which authorizes OC LAFCO to deduct from his/her final paycheck the amount of any un-accrued vacation time advanced to the employee which has not subsequently been accrued.

During each fiscal year an employee may request to be paid for accrued vacation in either two (2) separate increments of up to forty-five (45) hours each or one (1) increment of up to ninety (90) hours.

Upon separation from OC LAFCO employment, an employee is eligible to be paid for accrued, unused vacation days up to a maximum of 240 hours at 100% of the employee's hourly salary. In cases where an employee terminates employment with OC LAFCO and has been permitted to take vacation time prior to actual accrual, the final paycheck will reflect a deduction relative to the amount of unaccrued time off taken.

A holiday that falls during an employee's vacation leave will be treated and paid as a holiday and not as a day of vacation leave.

3.3 HOLIDAY

A. Overview

The intent of this policy is to provide paid time off for eligible employees for holidays throughout the year.

B. Policy

Holiday time off with pay will be granted to all regular full-time employees and regular part-time employees (prorated) for the days designated by the County of Orange on an annual basis. Each part-time employee scheduled to work, but permitted to take the day off, shall receive pay computed at the employee's basic hourly rate for the number of hours the employee was regularly scheduled to work. A part-time employee shall receive compensatory time at the rate of one (1) hour for each five (5) hours of regularly scheduled work in the workweek up to a maximum of eight (8) hours of compensatory time. Holidays will vary year to year and a schedule will be published each year.

3.4 COMPENSATORY TIME

A. Overview

OC LAFCO employees earn compensatory time ("comp time") when a County holiday falls on a "flex" day. Limited comp time is also earned during the calendar year to all employee's time off to attend special religious or other designated events.

B. Policy

For employees who are not scheduled to work on a holiday (whose regular day off is the holiday) or their flex day falls on a holiday, management should work with employees to offer one of the following options:

1. The employee may change his or her schedule and take another day off in the same pay period where operationally feasible and without incurring overtime liability.
 - a. For employees who are not on an eight-hour day schedule, the employee may go on an eight-hour day schedule for the workweek in which the holiday fills.
2. The employee may bank eight (8) hours of non-cashable compensatory time for use at a later date.

Compensatory time may be used in lieu of vacation time for time off. Compensatory time shall have no cash value and any unused hours will be forfeited upon separation from the County.

3.5 PREGNANCY LEAVE

A. Eligibility

In accordance with applicable law and this policy, female employees are eligible for a leave of absence and/or transfer on account of pregnancy, regardless of length of service with OC LAFCO.

B. Pregnancy Disability Leave

1. A woman is “disabled by pregnancy” if, in the opinion of her healthcare provider, she is unable to work at all or is unable to perform one or more of the essential functions of her job or to perform these without undue risk to herself, to the successful completion of her pregnancy, or to other persons.
2. Pregnancy disability leave is for any period(s) of actual disability caused by pregnancy, childbirth, or related medical conditions. Where medically advisable, pregnancy disability leave may be taken for a reasonable period of time, up to four months per pregnancy (eighty- eight workdays for a full-time employee). Employees who regularly work more or less than a 40-hour workweek are entitled to such leave on a pro rata basis.
3. Time off for necessary prenatal or postnatal care, as well as for any conditions such as severe morning sickness, doctor-ordered bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, post-partum depression, childbirth, loss and end of pregnancy, and recovery from childbirth are all covered by pregnancy disability leave.

C. Leave Due to Childbirth

Even if the employee is not disabled by pregnancy, childbirth, or related medical conditions, a pregnant employee is entitled to up to six weeks of leave for normal childbirth. A pregnant employee is entitled to up to eight weeks of leave for cesarean section. Employees working more or less than a 40-hour work week are entitled to such leave on a pro rata basis.

D. Leave, Transfer and Other Reasonable Accommodation Requests

1. Pregnant employees should notify the Executive Officer as soon as possible regarding their intent/need to take a leave of absence or to transfer due to

pregnancy, childbirth, or related medical conditions. Such notice should specify the anticipated timing and duration of the leave or transfer.

2. Where the need for a leave of absence or transfer is foreseeable, employees must provide such notice at least 30 days prior to the date the leave or transfer is to begin. Further, employees must consult with the Executive Officer regarding the scheduling of any planned medical treatment or supervision so as to minimize any disruption to OC LAFCO's operations. (Actual scheduling of the leave/transfer is subject to the approval of the employee's healthcare provider.)
3. Where 30 days advance notice is not possible, notice must be given as soon as possible. However, OC LAFCO will not deny a pregnancy disability leave or transfer where the need for leave is an emergency or was otherwise unforeseeable.
4. OC LAFCO shall respond to the leave or transfer request as soon as practicable and, in any event, no later than 10 calendar days after receiving the request. OC LAFCO shall attempt to respond to the leave request before the date of leave is due to begin. Once given, the approval shall be deemed retroactive to the date of the first day of the leave.
5. Reasonable accommodation other than leave or transfer will be granted upon request. Such requests must be supported by a written certification from the employee's healthcare provider.

E. Intermittent Leave

Pregnancy Disability Leave need not be taken in one continuous block. It may be taken on an as-needed basis, intermittently or on a reduced work schedule.

1. If it is medically advisable and foreseeable that an employee will be taking intermittent leave or leave on a reduced work schedule, OC LAFCO may require that the employee transfer temporarily to an available alternative position.
2. An “alternative position” is one that provides pay and benefits equivalent to those of the employee’s regular position and better accommodates recurring periods of leave than the employee’s regular job. It does not have to have equivalent duties. However, the employee must be qualified for the position.
3. Transfer to an alternative position may include altering an existing job to better accommodate the employee’s need for intermittent leave or a reduced work schedule.

F. Temporary Transfers

1. An employee may request a temporary transfer to a position with less strenuous or less hazardous duties when the employee’s healthcare provider certifies that such a transfer is medically advisable.
2. Temporary transfers will be granted where appropriate and when OC LAFCO is able to reasonably accommodate the transfer, provided that the transfer would not require OC LAFCO to:
 - a. Create additional employment.
 - b. Discharge another employee.
 - c. Violate collective bargaining agreement.
 - d. Transfer a more senior employee in order to make room for the pregnant employee’s transfer; or
 - e. Promote or transfer the employee or any other employee to a position for which he/she is not qualified.

G. Certifications

1. As a condition of taking a Pregnancy Disability Leave or transfer, the employee must provide medical certification from her healthcare provider that she is disabled due to pregnancy, childbirth or related medical conditions and/or that a transfer to an alternative position is medically advisable.

2. The medical certification should include:

- a. The date on which the employee became disabled due to pregnancy or the date of the medical advisability for the transfer.
- b. The probable duration of the period(s) of disability or the period(s) for the advisability of the transfer; and
- c. A statement that, due to the disability, the employee is unable to work at all or to perform any one or more of the essential functions of her position without undue risk to herself, to the successful completion of her pregnancy, or to other persons or a statement that, due to pregnancy, the transfer is medically advisable.

H. Fitness for Duty

The employee must provide certification from her healthcare provider of her fitness for duty prior to being reinstated.

I. Pay During Leave

1. Pregnancy Disability Leave is unpaid leave. However, the employee may elect to use, or OC LAFCO may require that the employee use accrued sick leave to provide pay during the period of Pregnancy Disability Leave.
2. An employee may also elect, at her option, to use accrued vacation or other accrued paid time off, if any, to provide pay during pregnancy disability leave. The use of paid leave runs concurrently with Pregnancy Disability Leave and does not extend the length of the Pregnancy Disability Leave.
3. The employee may also be eligible to receive temporary disability insurance payments during her Pregnancy Disability Leave, and to coordinate the use of any accrued sick leave and/or vacation to supplement temporary disability insurance payments.

J. Reinstatement

1. The employee is entitled to be reinstated to the same or comparable position upon release to return to work by her healthcare provider.
 - a. Where a definite date of reinstatement has been agreed upon at the beginning of the leave, the employee will be reinstated by the date agreed upon, provided that the employee has provided medical certification of her fitness for duty.

- b. If the actual reinstatement date differs from the original agreement, the employee will be reinstated within two business days, where feasible, after the employee notifies OC LAFCO of her readiness to return and provides medical certification of her fitness for duty.
 - c. Failure to return to work on the next workday following the expiration of pregnancy disability leave may be grounds for termination of employment.
 2. The employee is not, however, entitled to any greater right of reinstatement than she would have had if she had not taken leave. Thus, reinstatement to the “same position” may be denied if for legitimate business reasons unrelated to the employee having taken a Pregnancy Disability Leave or transfer, the employee would not otherwise have been employed in her same position at the time reinstatement is requested.
 3. Also, the employee has no greater right to reinstatement to a “comparable position” or to other benefits and conditions of employment than an employee who has been continuously employed. Thus, reinstatement to a comparable position may be denied if there is no comparable position open on the employee’s scheduled date of reinstatement or within 60 calendar days thereafter.
 4. In the event that the employee takes family and medical leave under the California Family Rights Act (“CFRA”) following her pregnancy disability leave for the birth of her child, the employee’s right to reinstatement shall be governed by the CFRA and OC LAFCO’s Family and Medical Leave Policy rather than these provisions.
- K. Seniority and Benefits
 1. In general, employees taking Pregnancy Disability Leave will be treated the same as other similarly situated employees taking disability leave.
 2. The employee returning from a Pregnancy Disability Leave shall return with no less seniority than she had when the leave commenced for purposes of layoff, recall, promotion, job assignment, and seniority related benefits such as vacation.
 3. The employee shall retain employee status during the period of leave, and the leave shall not constitute a break in service for purposes of longevity and/or seniority.

L. FMLA/CFRA and Pregnancy Disability Leave

In accordance with the Federal Family and Medical Leave Act (FMLA), OC LAFCO shall count each day of pregnancy disability leave against an eligible employee's entitlement to up to 12 weeks of leave under the FMLA. Pursuant to the CFRA, the right to CFRA is separate and distinct from the right to take leave for pregnancy disability, and PDL will not be counted against the CFRA leave entitlement.

M. Group Health Insurance

Where an eligible employee is on Pregnancy Disability/FMLA Leave, OC LAFCO will continue the employee's group health insurance coverage under the same terms and conditions as applied prior to the leave of absence.

1. In the event that the employee fails to return from leave, OC LAFCO may recover premiums it paid to maintain group health insurance coverage. (For details, see OC LAFCO's Family and Medical Leave Policy.)
2. If the employee coverage ceases after the exhaustion of Pregnancy Disability Leave/FMLA or other leaves, the employee may continue group health insurance coverage pursuant to federal and state COBRA guidelines.

3.6 OTHER TIME OFF

A. Overview

This policy applies to all regular full-time and regular part-time employees of OC LAFCO. The intent of this policy is to outline other types of paid and unpaid time off available to eligible employees.

B. Bereavement Leave

Upon request, regular full-time employees shall receive time off with pay, not to exceed five (5) days for each death in the immediate family. Regular part-time employees shall receive time off with pay not to exceed the number of hours scheduled in a part-time employee's normal workweek for each death upon request. Other employees who have been employed for at least 30 days will be entitled to five (5) days of unpaid leave and may use any accrued paid leave upon request. For purposes of this section, immediate family is defined as the employee's spouse, parent, child, sibling; the employee's spouse's parent, child, or sibling; the employee's child's spouse; grandparents or grandchildren; the employee's domestic partner or the child of a domestic partner; person whom the employee has/had a legal guardian relationship.

Employees may also, with the approval of the Executive Officer, use any available paid leave for additional time off as necessary. If more time off is requested, it will be granted only at the discretion of the Executive Officer. Bereavement pay is calculated based on the base pay rate at the time of absence and prorated for part-time employees.

C. Jury Duty Leave

OC LAFCO encourages employees to fulfill their civic responsibilities by serving jury duty or appearing in court as a witness when required. OC LAFCO provides 30 days of paid time off at the employee's regular rate of pay for jury duty service provided the employee deposits fees paid for hours of jury duty excluding mileage. For service longer than 30 days, employees may use any accrued vacation leave or receive unpaid leave for jury duty service.

Employees must show the jury duty summons to the Executive Officer as soon as possible so that arrangements may be made to accommodate their absence. Employees are expected to report for work whenever the court schedule permits, including any remaining parts of a normally scheduled workday.

OC LAFCO will continue to provide health insurance benefits for the full term of the jury duty absence. Vacation, sick leave, and holiday benefits will continue to accrue during jury duty leave.

D. Domestic Violence Victim Leave, Sexual Assault or Stalking

OC LAFCO will provide time off to an employee who has been the victim of domestic violence, sexual assault or stalking to seek 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 victim or his or her child. This includes time off for court proceedings, services from a domestic violence shelter, program or rape crisis center, counseling, medical attention, and participation in safety planning programs. OC LAFCO requires reasonable advance notice of the leave when feasible. If time off is taken due to an emergency, the employee must, within 15 days of the absence, provide OC LAFCO with certification of the need for the leave such as a police report, court order, documentation from a healthcare provider, victims advocate, or counselor.

Employees eligible for paid sick leave benefits under California law may take any such available paid time off, consistent with such law, for the purposes set forth in this policy. For more information, please see the Sick Leave policy. In the event paid sick leave benefits are not available, employees taking leave under this policy may elect to apply accrued and unused vacation to such time.

OC LAFCO prohibits discrimination, discharge, or retaliation against an employee for

taking time off or requesting an accommodation under this policy or based on the employee's status as a victim of domestic violence, sexual assault, and/or stalking.

E. Crime Victims' Leave

OC LAFCO will provide time off to an employee to attend judicial proceedings related to a crime, if that employee is a victim of crime, an immediate family member of a victim, a registered domestic partner of a victim, or the child of a registered domestic partner of a victim. OC LAFCO requires that, where feasible, in advance of taking leave, the employee provide it with a copy of the notice of each scheduled proceeding that is provided to the victim by the agency responsible for providing notice. If advance notice is not possible, the employee is required to provide OC LAFCO with a copy of the notice within a reasonable time.

No employee who is absent from work pursuant to this provision will be discharged or otherwise discriminated against in compensation or other terms, conditions or privileges of employment, because of such absence. Such leave is unpaid. Employees taking leave under this policy may elect to apply vacation time to such leave.

F. Leave for Organ and Bone Marrow Donation

OC LAFCO will grant an employee the following leaves of absence:

1. Bone Marrow Donation:

A paid leave of absence of up to five business days in any one-year period for the purpose of donating the employee's bone marrow to another person.

2. Organ Donation:

- a. A paid leave of absence of up to 30 business days in any one-year period for the purpose of the employee donating the employee's organ to another person.
- b. An additional unpaid leave of absence, not exceeding 30 business days in a one-year period, for the purpose of the employee donating the employee's organ to another person.

For leaves of absence under this policy that are paid, if an employee has earned and unused sick or vacation time is available, the employee is required to first use up to five days of such paid sick or vacation time for a bone marrow donation and up to two weeks of sick or vacation time for organ donation.

In order to receive a leave of absence pursuant to this policy, the employee must provide written verification to OC LAFCO that the employee is an organ or bone

marrow donor and that there is a medical necessity for the donation of the organ or bone marrow.

Any leave taken for the donation of an organ or bone marrow will not constitute a break in service for purposes of the employee's right to salary adjustments, sick leave, vacation, annual leave, or seniority. During any leave taken under this policy, OC LAFCO will maintain and pay for coverage under any group health plan, for the full duration of this leave.

Leave provided under this policy may be taken in one or more periods. Leave taken under this policy will not run concurrently with any leave taken pursuant to the federal Family and Medical Leave Act or the California Family Rights Act.

Upon expiration of a leave of absence authorized by this policy, OC LAFCO will restore the employee to the position held by the employee when the leave began or to a position with equivalent seniority status, employee benefits, pay, and other terms and conditions of employment. OC LAFCO may decline to restore an employee because of reasons unrelated to the employee's exercise of rights under this policy.

G. Time Off to Vote

Generally, employees are able to find time to vote either before or after their regular work schedule. If, however, full-time employees are unable to vote in an election during their non-working hours, OC LAFCO will grant up to 2 hours of paid time off to vote.

Employees requiring time off to vote should make their requests at least two working days prior to the Election Day. Advance notice is required so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule. Employees must submit a voter's receipt on the first working day following the election to qualify for paid time off.

H. Military Leave

Military leave of absence will be granted to employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and Military and Veterans Code Section 394.5. Advance notice of military serve is required, unless military necessity prevents such notice, or it is otherwise impossible or unreasonable. Employees who have been employed for at least one year are eligible for up to 30 days of paid leave for active-duty training.

Employees on military leave will receive rights and benefits comparable to those they would receive under OC LAFCO's policies for other types of leave. Continuation of health insurance benefits is available based on the length of the leave and subject to

the terms, conditions and limitations of the applicable plan for which the employee is otherwise eligible. Employees on leave for no more than 30 days will receive continued health insurance benefits but are responsible for paying their portion of the health care coverage continuation rights. Vacation, sick leave and holiday benefits will continue to accrue during any paid portion of a military leave of absence.

CFRA permits employees to take up to 12 workweeks of unpaid protected leave during a 12-month period for a “qualifying exigency” related to the covered active duty or call to covered active duty of an employee’s spouse, domestic partner, child or parent in the U.S. armed forces. The Federal Family and Medical Leave Act (FMLA) also entitles eligible employees to take leave for a covered family member’s service in the Armed Forces. This policy supplements our Family and Medical Leave policy and provides a general notice of employee rights to this leave. Except as stated below, such rights and obligations for service member leave are governed by our existing Family Leave policy. Service member FMLA/CFRA runs concurrent with other leave entitlements provided under federal, state and local law. Service member FMLA provides eligible employees unpaid leave for anyone, or combination of the following reasons:

1. A “qualifying exigency” arising when the employee’s spouse, son, daughter or parent, who is a member of the Armed Forces (including National Guard and Reserves), is on covered active duty or has been notified of an impending call to order to covered active duty; and/or
2. To care for a covered family member who has incurred an injury or illness while in the Armed Forces provided that such injury or illness renders the family member medically unfit to perform duties of the member’s office, grade, rank or rating and is certified by the service member’s healthcare provider.

When leave is due because of a “qualified exigency” concerning the military duty of a family member, an eligible employee may take up to 12 workweeks of leave during any 12-month period.

When leave is to care for an injured or ill service member, an eligible employee may take up to 26 weeks of leave during a single 12-month period to care for a service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed 26 workweeks in a single 12-month period.

Where spouses are both employed by OC LAFCO, they may take up to, in aggregate, 26 workweeks of service member FMLA, provided that any portion of the aggregate leave that is not for care of a family service member does not exceed 12 workweeks.

In any case where it is foreseeable that an employee will need service member FMLA, that employee must provide notice of his or her intent to take leave as soon as

reasonably possible and provide certification of either the “qualified exigency” or family service member’s need for care as soon as practicable.

I. Military Spouse Leave

Qualified California employees will be given up to 10 days leave during that time in which the employee’s spouse or domestic partner is on leave from deployment in a combat zone with the active duty or reserve military or national guard during a period of military conflict. Employees may use accrued vacation time to cover this absence. If the employee has no accrued vacation, the employee must request time off without pay.

Qualifying employees are employees who work an average of 20 hours per week and have a spouse or domestic partner who is serving as (1) a member of the U.S. Armed Forces and who has been deployed during a period of military conflict to an area designated as a combat theater or combat zone by the President of the United States or (2) a member of the Armed Forces Reserve Components or the National Guard and has been deployed during a period of military conflict.

Qualifying employees who wish to request this leave must provide OC LAFCO with a written request for such leave within two business days of receiving official notice that the military spouse or domestic partner will be on leave from deployment. The employee must also provide written documentation to OC LAFCO certifying that the military member will be on military leave from deployment.

J. Workers’ Compensation Leave

If an employee sustains a work-related injury, he or she will be eligible for a medical leave of absence for a period of disability in accordance with all applicable laws covering occupational injuries.

Where an employee’s work-related injury qualifies as a serious health condition, any Workers’ Compensation Leave taken will be considered part of his or her entitlement, if any, to leave under the Family and Medical Rights Act (“FMLA”) and the California Family Rights Act (“CFRA”). Employees on Workers’ Compensation Leave should keep their supervisors informed as to their work status and will need to provide a doctor’s release before returning to work.

K. Volunteer Emergency Leave and Training

If employees volunteer as a firefighter, reserve peace officer, or emergency rescue personnel, they may be entitled to unpaid leave to perform emergency duty. In addition, they may take unpaid leave of up to 14 days per calendar year for the purpose of engaging in fire or law enforcement training. If an employee qualifies for these types of leave, he or she may use accrued vacation during the leave. Time spent on

this leave counts for purposes of determining “length of service.” However, vacation will not be accrued, and holiday pay will not be received during this leave.

L. Time Off for Parents to Attend School Activity

Employees, who are parents of one or more children in kindergarten, or in grades 1 through 12, may take time off of up to forty (40) hours per school year to attend authorized school activities which involve one or more of the employee’s school age children. To be eligible for parental time off, the employee must obtain from the school, written verification that he or she attended or participated in the school activity. Parental time off may not exceed eight hours in any calendar month.

Employees may use any accrued vacation while they attend their child’s school activities. If not, the employee’s parental time off will be unpaid. For scheduling purposes, employees must notify the Executive Officer at least one (1) week before the date of the school activity, so that their work duties may be covered.

M. Literacy Education Leave

OC LAFCO will reasonably accommodate employees who are seeking to enroll in an adult literacy education program provided the accommodation requested would not result in undue hardship to OC LAFCO. OC LAFCO does not provide paid time off for participation in an adult literacy education program.

N. Kin Care Leave

Under California state law, employees who accrue sick leave are eligible for Kin Care Leave (KCL). An employee may use KCL for the following reasons:

1. Diagnosis, care, or treatment of an existing health condition of the employee, or preventive care for, an employee or an employee’s covered family member.
2. For obtaining relief if the employee is a victim of domestic violence, sexual assault, or stalking.
3. If the employee is a victim of domestic violence, sexual assault, or stalking, the employee may take time off to: obtain medical treatment, counseling or other victims’ services, obtain or attempt to obtain any relief to help ensure the health, safety, or welfare of the employee or the employee’s child, such as a temporary restraining order, restraining order, or other injunctive relief.

The number of days the employee can take off is calculated as an amount not less than the sick leave that would be accrued during 6 months of the employee’s then-current rate of entitlement. Employees are able to use up to half of their sick leave for KCL. But, no more than one-half of the employee’s annual accrued sick leave benefits can be

counted as KCL. For a full-time career employee, for example, this would mean no more than 48 hours of sick leave can be counted as KCL.

To the extent possible, employees must provide reasonable advance notice of their need for leave under this policy. If the need for leave is not foreseeable, an employee must provide notice as soon as practicable.

For purposes of this policy, a family member means as a child (a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis), a parent (a biological, adoptive or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child), a spouse or registered domestic partner, a grandparent, grandchild and sibling.

Please note, leave under this statute runs concurrently with paid sick leave and CFRA/FMLA leave.

3.7 FAMILY AND MEDICAL LEAVE

A. Overview

The intent of this policy is to outline and explain some of the rules and requirements applying to the Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA).

Note: Employers with at least 50 employees are required to comply with FMLA, whereas all public employers are required to comply with the CFRA. OC LAFCO does not meet the threshold for FMLA, but by policy provides leave pursuant to the FMLA.

B. Eligibility

Regular full-time and regular part-time employees are eligible to request unpaid Family and Medical Leave under CFRA/FMLA if at the time leave commences, all of the following apply:

1. Must have worked for OC LAFCO for at least twelve (12) months at any time (need not be continuous).
2. Must have worked at least 1,250 hours during the twelve (12) months immediately preceding the start of the leave.

Part-time employees who meet the requirements will calculate Family and Medical Leave on a prorated basis according to the number of hours they are normally scheduled to work.

C. Reasons for Leave

Leave may be requested for any of the following reasons:

1. The birth or adoption of a child, or the placement of a child in foster care.
2. To care for the employee's child (including adult children over 18 years of age, stepchildren and children of a domestic partners), spouse, sibling, registered domestic partner, parent (including parent-in-law), grandchild, grandparent or designated person with a serious health condition. "Designated person" means any individual related by blood or whose association with the employee is the equivalent of a family relationship. The designated person may be identified by the employee at the time the employee requests the leave. OC LAFCO may limit an employee to one designated person per 12-month period for family care and medical leave.
3. A serious health condition that prevents the employee from performing an essential function of his/her job, except for leave taken for disability on account of pregnancy, childbirth or related medical conditions; or
4. Military spousal, and military caregiver and exigency leave.

Family and Medical Leave is not available for non-serious conditions (including minor illnesses or for voluntary or cosmetic treatments) unless inpatient care is required or for routine preventive physical examinations.

D. Length of Leave

The length of Family and Medical Leave is up to twelve workweeks within a twelve-month period (exception for Pregnancy Disability and Military Caregiver – see policies). The twelve-month period begins the date the leave is taken. There is no carryover of unused leave from one twelve-month period to the next twelve-month period. Holidays that fall during the leave are counted against leave entitlement.

If at the end of twelve weeks the employee is unable to return to work, they may request a personal leave without pay. Such leave is granted at the discretion of OC LAFCO, and there is no requirement to hold the job available during the personal leave. OC LAFCO will, however, be governed by the Americans with Disabilities Act, the California Fair Employment and Housing Act, and Workers' Compensation regulations, if applicable.

E. Intermittent or Reduced Scheduled Leave

Family leave taken for the purpose of birth or placement of a child will generally be

granted in minimum amounts of two weeks. However, an employee may request smaller increments of leave time which will be granted on any two occasions and will be subject to OC LAFCO approval for any additional requests based upon business needs.

Family and Medical Leave for the employee's own serious health condition, family care leave for the serious health condition of the employee's child (including adult child over 18 years of age), spouse, sibling, registered domestic partner, child of a registered domestic partner, parent, grandchild, grandparent or designated person and military caregiver leave may be taken intermittently or on a reduced schedule when medically necessary. Where the intermittent or reduced schedule leave is for planned medical treatment, the employee must make an attempt to schedule the treatment so as not to unduly disrupt OC LAFCO's operations. Military exigencies' leave also may be taken intermittently or on a reduced schedule.

If leave is taken intermittently or as a reduced work schedule, the amount of time used under Family and Medical Leave is only the time actually taken. For example, one day of leave per week for an employee who works five days per week is the equivalent of 1/5 of a week of Family/Medical Leave used.

F. Temporary Alternative Positions

An employee may be placed in a temporary alternative position if they request intermittent or reduced schedule leave, or the existing position description may be altered, to better accommodate the employee's need for recurring periods of leave. The alternative position may not have equivalent duties but will receive equivalent pay and benefits. The employee must be qualified for the position. They may also be transferred to a part-time job with the same hourly rate of pay and benefits.

G. Impact on Benefits

Health insurance premiums that are normally paid by OC LAFCO will continue to be paid during Family and Medical Leave for a maximum of twelve workweeks in a twelve-month period. The employee is still responsible for his or her share of the health insurance premiums during the period of leave. If the employee substitutes paid leave for unpaid leave, such payments will be deducted from the employee's pay through payroll deductions. Otherwise, the employee must make arrangements with OC LAFCO to pay for such premiums.

OC LAFCO may recover any health insurance premiums it paid during the leave if the employee fails to pay his or her share of the premiums during the leave or the employee fails to return to work from leave for a reason other than recurrence, continuation, or onset of a serious health condition for which leave under this policy is allowed or other circumstance beyond the employee's control.

Service time, as well as vacation and incidental absence time, will continue to accrue during, but not exceeding, the twelve-week period. Employees will not be paid for holidays if they are in an unpaid status. For Family and Medical Leave of 30 days or less, reviews relating to salary and performance will continue as usual. A salary action which would have ordinarily taken place during the time of the leave will become effective upon the employees return to work. For Family and Medical Leave of over thirty days, Salary and Performance Reviews will be extended equal to the length of the leave.

H. Pregnancy Disability

In addition to the pregnancy disability leave described in this handbook, an eligible pregnant California employee is entitled to up to 12 additional workweeks of CFRA Leave. The maximum time to be taken off is: four months pregnancy disability/FMLA (with a healthcare provider's certification) plus 12 workweeks CFRA.

I. Requesting a Leave

An employee will be asked to provide certification from a health care provider that the leave is medically necessary when requesting a leave for their own health condition. If the health condition is that of a parent, spouse, or child, the healthcare provider must certify that the employee's care is required.

All requests must be provided in writing and include information and a schedule relative to the leave. Employees are requested to give as much advance notice as possible. Thirty (30) days is considered a minimum. In cases of emergency, give as much notice as possible under the circumstances. If the leave schedule is flexible, employees are required to try to schedule the leave so as not to unduly disrupt OC LAFCO's operations.

J. Integration with Paid Leave

Leave provided under FMLA/CFRA is unpaid. However, at the option of OC LAFCO or the employee, accrued vacation (or, Sick Leave where the leave is required due to the employee's serious health condition, or the serious health condition of a family member and Sick Leave would otherwise be permitted under OC LAFCO's policy) may be substituted for any unpaid Family Medical Leave. This designation of Family and Medical Leave will be made by OC LAFCO at the time the employee requests the leave or when OC LAFCO determines that the leave qualifies as Family and Medical Leave based on the information provided. In either case, the total of paid and unpaid leave provided is limited to twelve workweeks.

K. Upon Return from Leave

Employees timely returning from a leave covered under this policy are entitled to reinstatement to the same or equivalent position consistent with applicable law. An employee has no greater right to reinstatement than if he or she had been continuously employed rather than on leave. OC LAFCO will comply with all applicable laws pertaining to reinstatement of employees including, where required, the reasonable accommodation of employees who have been on an approved leave. OC LAFCO will be governed by the Americans with Disabilities Act, the Fair Employment and Housing Act, CFRA/FMLA, and/or Workers' Compensation regulations where applicable. Family and Medical Leave will not result in the loss of any employment benefit that was earned or entitled to before use of Family and Medical Leave.

Employees using Family and Medical Leave for their own serious medical condition must bring a healthcare provider's release to work upon returning from leave.