

Dixon Public Library**Family and Medical Leave Act/California Family Rights Act/Pregnancy Disability Leave****Personnel****Policy 3040.9.1**

The Library District shall not interfere with, restrain, or deny the exercise or attempted exercise by any eligible employee of his/her right to any family care and medical leave or pregnancy leave provided through the Family and Medical Leave Act (FMLA), the California Family Rights Act (CFRA), the Fair Employment and Housing Act (FEHA), or pregnancy disability leave (PDL) provided through the California Pregnancy Disability Leave Act (Cal. Gov. Code § 12945), nor shall it discharge or discriminate or retaliate against any employee for his/her involvement in any inquiry or proceeding related to any leave under this law or his/her opposition to or challenge of any unlawful Library District practice in relation to any rights granted by this laws. (Government Code 12945, 12945.2; 29 USC 2615)

Eligibility*FMLA/CFRA*

Eligible employee for FMLA and CFRA purposes means an employee who has worked for the employer for at least 12 months and who has at least 1,250 hours of service with the employer during the previous 12-month period; and employed at the employer's worksite with 50 or more employees or within 75 miles of the employer's worksites with a total of 50 or more employees. However, these requirements shall not apply when an employee applies for PDL. (Government Code 12945.2; 29 USC 2611; 29 CFR 825.110)

The employer shall grant 12 work weeks of FMLA or CFRA leave during any 12-month period to eligible employees for any of the following reasons: (Family Code 297.5; Government Code 12945.2; 29 USC 2612; 29 CFR 825.112)

1. The birth of a child of the employee or placement of a child with the employee in connection with the employee's adoption or foster care of the child
2. To care for the employee's child, parent, or spouse with a serious health condition
3. The employee's own serious health condition that makes him/her unable to perform one or more essential functions of his/her position
4. Any qualifying exigency arising out of the fact that the employee's spouse, child, or parent is a military member on covered active duty or call to covered active duty (or has been notified of an impending call or order to covered active duty)
5. To care for a covered servicemember with a serious injury or illness if the employee is the spouse, child, parent, or next of kin, as defined, of the servicemember

Pregnancy Disability Leave

An employee is entitled to up to four (4) months of PDL if her employer has five or more employees. (Cal. Gov. Code § 12945; Cal. Code Regs. tit. 2, § 11035). There is no minimum requirement for number of hours or years worked to be eligible. The employee's health care provider should recommend PDL in order to apply for it. (Cal. Code Regs. tit. 2, §§ 11035(h) & 11037).

A pregnant employee will be allowed to be absent for the period during which, in the opinion of her attending physician, she is temporarily disabled due to a physical or mental condition related to pregnancy or childbirth that prevents the employee from performing essential duties of her job, or if her job would cause undue risk to her or her pregnancy's successful completion. Examples of pregnancy disability may include, but are not limited to: severe morning sickness, prenatal or postnatal care, need for bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, post-partum depression, lactation conditions such as mastitis, loss or end of pregnancy, and recovery from loss or end of pregnancy.

Paid Family Leave

California Paid Family Leave (PFL) provides up to six (6) weeks of partial pay in a 12-month period to employees who take time off from work to care for a seriously ill family member (child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, or registered domestic partner) or to bond with a new child (including newly fostered and adopted children). The PFL program applies to all California employers, regardless of size. The law also does not require a minimum number of hours worked or days employed to qualify for benefits.

An employee is eligible for PFL if the employee: is unable to do his/her regular or customary work for at least eight days due to the need to provide care to a seriously ill family member or to bond with a new child; is employed or actively looking for work at the time your family leave begins; has lost wages because he/she were caring for a seriously ill family member or bonding with a new child; has earned at least \$300 from which SDI deductions were withheld during his/her base period; has completed and submitted a claim form within nine (9) days of the first day of his/her family leave, but no later than 49 days after his/her family leave begins; and has provided a medical certificate on his/her care claim for a seriously ill family member.

Intermittent Leave

FMLA/CFRA/PDL/PFL leave may be taken all at once for a period of consecutive days, weeks or months, or intermittently. Intermittent leave means taking leave in small increments, which can be hours, days, weeks or months.

Use/Substitution of Paid Leave

FMLA/CFRA/PDL

An employee may use accrued and earned vacation time or sick leave during PDL, FMLA, or CFRA absences. The substitution of paid sick or vacation time for unpaid FMLA/CFRA/PDL leave time does not extend the length of FMLA/CFRA/PDL leave.

If an employee taking PDL is eligible for FMLA leave, the PDL period and FMLA run concurrently. At the completion of the PDL period, an eligible employee may request leave under the provisions of the CFRA. The total absence for family medical leave may not exceed the amount of time specified by law.

Paid Family Leave

The employer may require an employee to take up to two (2) weeks of earned but unused vacation leave before beginning to receive benefits. The employer, however, cannot require an employee use sick leave before receiving benefits. If an employee taking PFL is eligible for FMLA/CFRA leave, the PDL period and FMLA/CFRA run concurrently.

Maintenance of Benefits

The Library will continue to pay the employer contribution towards the continuation of the employee's Library group health coverage for all four (4) months of PDL or 12 work weeks for other family care and medical leave under FMLA/CFRA.

The employee may request additional unpaid leave of up to sixty (60) days under Library Policy 3160 if the employee is unable to return to work when the four (4) months of PDL ends. The employee may also request other accommodations at that time if the employee is unable to return to work full time.

Right to Reinstatement

FMLA/CFRA/PDL

An employee returning to work at the end of FMLA/CFRA/PDL absences will return to the same position or a comparable position with no loss of salary or benefits, unless when limited exceptions apply.

However, the Library District may refuse to reinstate an employee returning from family care and medical leave to the same or a comparable position if all of the following apply: (Government Code 12945.2; 29 USC 2614)

6. The employee is a salaried "key employee" who is among the highest paid 10 percent of Library District employees who are employed within 75 miles of the employee's worksite.
7. The refusal is necessary to prevent substantial and grievous economic injury to Library District operations.
8. The Library District informs the employee of its intent to refuse reinstatement at the time it determines that the refusal is necessary, and the employee fails to immediately return to service.

The Library District may refuse to reinstate an employee to the same position after taking PDL if, at the time the reinstatement is requested, the employee would not otherwise have been

employed in that position for legitimate business reasons unrelated to the employee's PDL. (2 CCR 11043.)

Paid Family Leave

An employee is not entitled to job protection under PFL. However, the PFL program does not eliminate the reinstatement requirements mandated by the FMLA/CFRA and PDL for employers subject to those laws.

Notice

An employee shall provide timely oral or written notice sufficient to make the employer aware that the employee needs reasonable accommodation, transfer, PDL or family care and medical leave, and, where practicable, the anticipated timing and duration of the reasonable accommodation, transfer or leave.

An employee must provide the employer at least 30 days advance notice before the start of reasonable accommodation, transfer, or leave if the need for the reasonable accommodation, transfer, or leave is foreseeable. The employee shall consult with the employer and make a reasonable effort to schedule any planned appointment or medical treatment to minimize disruption to the employer's operations, subject to the health care provider's approval.

If 30 days advance notice is not practicable, because it is not known when reasonable accommodation, transfer, or leave will be required to begin, or because of a change in circumstances, a medical emergency, or other good cause, notice must be given as soon as practicable.

The employer shall respond to the reasonable accommodation, transfer, or leave request as soon as practicable, and, in any event no later than 10 calendar days after receiving the request. The employer shall attempt to respond to the leave request before the date the leave is due to begin. Once given, approval shall be deemed retroactive to the date of the first day of the leave.

If an employee fails to give timely advance notice when the need for reasonable accommodation or transfer is foreseeable, the employer may delay the reasonable accommodation or transfer until 30 days after the date the employee provides notice to the employer of the need for the reasonable accommodation or transfer. However, under no circumstances may the employer delay the granting of an employee's reasonable accommodation or transfer if to do so would endanger the employee's health, her pregnancy, or the health of her co-workers.

Legal Reference:
FAMILY CODE

297-297.5 Rights, protections, and benefits under law; registered domestic partners

300 Validity of marriage

GOVERNMENT CODE

12940 Unlawful employment practices

12945 Pregnancy; childbirth or related medical condition; unlawful practice

12945.1-12945.2 California Family Rights Act 12946 Fair Employment and Housing Act: discrimination prohibited

CODE OF REGULATIONS, TITLE 2

11035-11050 Sex discrimination: pregnancy and related medical conditions

11087-7297.11 Family care leave

UNITED STATES CODE, TITLE 1

7 Definition of marriage

UNITED STATES CODE, TITLE 29

2601-2654 Family and Medical Leave Act of 1993, as amended

UNITED STATES CODE, TITLE 42

2000ff-1-2000ff-11 Genetic Information Nondiscrimination Act of 2008

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COURT DECISIONS

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U.S. DEPARTMENT OF LABOR PUBLICATIONS

Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers

WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

U.S. Department of Labor, FMLA: <http://www.dol.gov/whd/fmla>

California Employment Development Department: <http://www.edd.ca.gov/Disability>

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Eligibility*FMLA/CFRA*

Eligible employee for FMLA and CFRA purposes means an employee who has worked for the employer for at least 12 months and who has at least 1,250 hours of service with the employer during the previous 12-month period; and employed at the employer's worksite with 50 or more employees or within 75 miles of the employer's worksites with a total of 50 or more employees. However, these requirements shall not apply when an employee applies for PDL. (Gov. Code § 12945.2; 29 U.S.C. § 2611; 29 C.F.R. § 825.110)

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4. Any qualifying exigency arising out of the fact that the employee's spouse, child, or parent is a military member on covered active duty or call to covered active duty (or has been notified of an impending call or order to covered active duty)

5. To care for a covered servicemember with a serious injury or illness if the employee is the spouse, child, parent, or next of kin, as defined, of the servicemember

Parental Leave

Effective January 1, 2018, an eligible employee means an employee who has worked for the employer for at least 12 months and who has at least 1,250 hours of service with the employer during the previous 12-month period, and who works at a worksite in which the employer employs at least 20 employees within 75 miles of the worksite. (Gov. Code § 12945.6)

The employer shall grant 12 weeks of parental leave to an eligible employee to bond with a new child within one year of the child's birth, adoption, or foster care placement. In any case in which both parents entitled to leave are employed by the same employer, the employer is not required to grant leave in connection with the birth, adoption, or foster care of a child that would allow the parents parental leave totaling more than 12 weeks. The employer may, but is not required to, grant simultaneous leave to both of these employees.

Pregnancy Disability Leave

An employee is entitled to up to four (4) months of unpaid leave for any disability related to pregnancy and childbirth if her employer has five or more employees. (Gov. Code § 12945; Cal. Code Regs. tit. 2, § 11035). There is no minimum requirement for number of hours or years worked to be eligible. The employee's health care provider should recommend PDL in order to apply for it. (Cal. Code Regs. tit. 2, §§ 11035(h) & 11037).

A pregnant employee will be allowed to be absent for the period during which, in the opinion of her attending physician, she is temporarily disabled due to a physical or mental condition related to pregnancy or childbirth that prevents the employee from performing essential duties of her job, or if her job would cause undue risk to her or her pregnancy's successful completion. Examples of pregnancy disability may include, but are not limited to: severe morning sickness, prenatal or postnatal care, need for bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, post-partum depression, lactation conditions such as mastitis, loss or end of pregnancy, and recovery from loss or end of pregnancy.

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his/her base period; has completed and submitted a claim form within nine (9) days of the first day of his/her family leave, but no later than 49 days after his/her family leave begins; and has provided a medical certificate on his/her care claim for a seriously ill family member.

Intermittent Leave

FMLA/CFRA/PDL/PFL leave or parental leave under the New Parent Leave Act may be taken all at once for a period of consecutive days, weeks or months, or intermittently. Intermittent leave means taking leave in small increments, which can be hours, days, weeks or months.

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FMLA/CFRA/PDL

An employee may use accrued and earned vacation time or sick leave during PDL, FMLA, or CFRA absences, or during the period of parental leave under the New Parent Leave Act. The substitution of paid sick or vacation time for unpaid FMLA/CFRA/PDL or parental leave time does not extend the length of FMLA/CFRA/PDL or parental leave.

If an employee taking PDL is eligible for FMLA leave, the PDL period and FMLA run concurrently. At the completion of the PDL period, an eligible employee may request baby bonding leave under the provisions of CFRA. The total absence for family medical leave may not exceed the amount of time specified by law.

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The employer may require an employee to take up to two (2) weeks of earned but unused vacation leave before beginning to receive benefits. The employer, however, cannot require an employee use sick leave before receiving benefits. If an employee taking PFL is eligible for FMLA/CFRA leave or parental leave under the New Parent Leave Act, the PFL period and FMLA/CFRA or parental leave run concurrently.

Maintenance of Benefits

The Library will continue to pay the employer contribution towards the continuation of the employee's Library group health coverage for all four (4) months of PDL or 12 work weeks for other family care and medical leave under FMLA/CFRA or parental care under the New Parent Leave Act.

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12945.6 New Parent Leave Act

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UNITED STATES CODE, TITLE 1

7 Definition of marriage

UNITED STATES CODE, TITLE 29

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U.S. Department of Labor, FMLA: <http://www.dol.gov/whd/fmla>

California Employment Development Department: <http://www.edd.ca.gov/Disability>

Minutes—Draft
DIXON PUBLIC LIBRARY DISTRICT
GOVERNING BOARD OF LIBRARY TRUSTEES
7:00 P. M., Thursday, October 12, 2017
REGULAR MEETING

MEETING LOCATION
DIXON CITY COUNCIL CHAMBERS
600 EAST A STREET, DIXON, CA 95620

1. Call to Order

Ms. Maseda called the meeting to order at 7 pm. There were no announcements to be made following the closed session.

2. Business meeting

a. Pledge of Allegiance

Pledge of Allegiance said

b. Roll Call

Trustees

Melissa Maseda, President—present

John Gabby, Vice President—present

Luke Foster, Clerk—present

Caitlin O'Halloran, Member—absent

Guy Garcia, Member—absent

Staff

Steve Arozena, Library Director—present

3. Notice to the Public

None

4. Correspondence

None

5. Consent Agenda

None

6. Public Comment

None

7. Guests & Presentations

Scott German, Fechter & Company

Mr. German stated that he performed audits for the years 2012, 13 and 14. He explained that management is responsible for the financial statements and that with the exception of two pages of opinions presented the audit is based on management's numbers. He said that the biggest difficulty was finding documents. He stated that the current management had the difficult task of locating documents and that the management started after the period in question. The largest adjustment was a \$960K write-off of construction in progress which was removed in the 2012 audit. This was due to a planned building project that never materialized. One of the biggest issues was that a completely accurate fixed assets list didn't exist. He said that it is a common problem and that many of the districts his firm works with are also disclaimed for fixed assets. He recommended that a current, accurate fixed asset list be completed. He also said that the Management's Discussion and Analysis was not included, but that they were okay with that. He said that the small difference in the reconciliation of assets was due to the lack of a current, auditable fixed asset list. He warned that the following year's audit will include the introduction of new GASB standards that will create a large liability on the books. Over the three years of the period audited, the cash reserve increased as no large purchases were made and basic operations accounting for almost all of the expenditures. There was a slight increase in revenues and expenditures decreased over the same period. He emphasized that the current management is not responsible for any problems from this time period and that issues had been fixed. They have made significant changes in accounting controls and have made an effort to build up reserves. Mr. Foster asked if there was a standard that we should be looking for as far as how much the library should keep in reserve. Mr. German said there are many rules of thumb, but he likes to see at least six months of reserves to cover basic operations. It also depends on if the library is planning on expanding. If so, they should try to build reserves to help pay for, if not completely pay for the planned project. Ms. Maseda asked what changes had been made since the period in question. Mr. Foster said that purchases hadn't been signed off and approved like they are today. Mr. Arozena said that purchases often were unsigned, that they were just tossed into boxes and not organized. Mr. German said that the first line of controls is the budget approved by the Board. If management is not exceeding the budget, they are doing their job. Ms. Maseda said that future audits should be easier, as everything is organized and filed properly. Mr. Arozena agreed. Mr. German said that the records became markedly better at the end of the 2014 fiscal year when Ms. Dupell and Mr. Arozena came on board. There were no further questions from the Board about the audits or the auditing process. Mr. Foster then thanked Mr. Arozena for the turnaround in the keeping of financial records and that it was apparent that in 2012 that the finances were in total disarray. Mr. Arozena said that Gina Dupell should get much of the credit as she started before he did. Ms. Maseda also wanted to recognize the hard work that took place to get existing controls in place.

8. Director's Report

- Mr. Arozena said that the Friends of the Library booksale would take place October 19-21 with a bag sale the following weekend. He said that it will take place inside the Miller Building and that the Dixon Historical Society will be having a sale at the same time inside the same building, but completely separated. Ms. Maseda asked how they would be separated. Mr. Arozena said that there would be two separate rooms and that sales would take place at two different spots.
- Mr. Arozena said that the library would be participating in the DDBA Halloween event by having tables outside. He said that the library would give free candy to the kids and have information about library events and activities available.
- Mr. Arozena said that the annual Food for Fines starts next week. People can bring in canned goods for the Solano County Food Bank and receive one dollar per item off their fines up to a total of ten dollars.
- Mr. Arozena stated that he has an upcoming meeting in Sacramento to discuss the updating of the library policy manual. He also said that they did not offer an updating service, but that that was a good idea. This was in response to a question posed by Mr. Foster at the September meeting.
- Mr. Arozena said that he completed and submitted the annual report to the State Library. He explained that the report is quite time consuming and requires researching six pages of statistical information.
- Mr. Arozena said that he had contacted the Rotary Club and that they were trying to arrange a meeting to talk about ways that the Club might be able to assist the library.
- Mr. Arozena said that there had been a discussion about ways to cut down on older children using bad language and misbehaving at the children's computers. He said that the library will be replacing the MACs with AWE computers, which are designed to help younger children achieve literacy and basic math skills. If problems persist at the remaining PCs, those computers may be moved to the adult section and replaced with AWE computers designed for older kids that will only have educational games available on them.
- Mr. Arozena said that the Student Success Initiative webinars were under way. He said that we had been assigned a mentor library (Woodland) that participated in the program last year. He also said that this program's goal is to get library cards in the hands of all K-12 students and doesn't just emphasize the youngest children as we were previously doing. Ms. Maseda asked if there would be visits to all the schools in the future. Mr. Arozena said that the elementary schools had all been visited. Ms. Maseda asked

about CA Jacobs and the high school. Mr. Arozena said that he thought they would probably be included, but that the issue hadn't yet been addressed in the webinars. Ms. Maseda said she didn't think Jacobs had a functioning library and that it would be a good opportunity to visit.

- Mr. Arozena said that he had spoken to the architect who is helping with the planning of a possible expansion and that it should take them around two months to come up with a conceptual design, plans and cost estimates for the proposed expansion.
- A member of the public asked for clarification on how the food for fines program worked. Mr. Foster asked if there was a reason that there was a limit of \$10 that people could get off their fines. Mr. Arozena said that there was not a reason for the limit beyond the precedent set in the past. Mr. Arozena clarified that the food for fines program only applied to late fees, not replacement fees.

9. Ongoing Business

■ **Ongoing Business**

■ **Discussion of Future Governance of Library**

- Mr. Arozena said he didn't have anything to add to this item, just that it had been requested at the last meeting to keep this item on the agenda. Ms. Maseda stated to the public that the Board is going to create a committee to look into things at the library.

■ **Approval of Resolution to create Library Advisory Committee (Resolution 10.1)**

Mr. Arozena said that the only change that had been made from last month's resolution was the addition to section 2.1 stating that "the Board may also allow one (1) high school student to serve as an additional member of the LAC." Mr. Foster clarified that this would be in addition to the original five members. Mr. Arozena affirmed that was the case. Discussion ensued and it was decided that as the committee is an advisory committee that the high school representative would be able to vote. Mr. Gabby moved to accept the resolution. Mr. Foster seconded. All three members voted to approve.

■ **Discussion of Application for Library Advisory Committee**

- Mr. Arozena said that he created an application for the committee with an additional explanatory page. Mr. Foster moved to accept the application. Mr. Gabby seconded. The motion was passed unanimously.

10. New Business

- **New Business**
- **Approval of 2012-13, 2013-14 and 2014-15 Audits**
- Ms. Maseda stated that she appreciated the work done to get the audits completed and that she hopes that the rest can be done soon to get us up to date. Mr. Foster stated that it looked like the library had done an excellent job getting the finances moving again in the right direction. Mr. Foster moved to accept the audits. Mr. Gabby seconded. The audits were approved 3-0.
- **Approval of 2016-7 Impact Fee Certification of Acceptance**
- Mr. Arozena stated that the impact fee report is submitted each year to the Solano County Board of Supervisors. The report lays out how much money was collected from building fees for the 428 fund. Mr. Gabby moved to accept the report. Mr. Foster seconded. The impact fee certification was approved 3-0.
- **Oral Report and Action to Approve Library Director Contract [Gov't Code section 54956 (b)]**
- Ms. Maseda stated that the contract involves a six-month extension. Ms. Foster moved to approve the contract. Mr. Gabby seconded. The contract was approved 3-0.
- **Approval of 2018 Library Board meeting calendar**
- Mr. Arozena stated that the dates were all on the second Thursday of each month as had been past tradition. Mr. Gabby moved to accept the dates. Mr. Foster seconded. The motion passed 3-0.
- **Approval of Minutes of September 14, 2017 Regular Meeting**
- Mr. Foster moved to accept the minutes. Mr. Gabby seconded. The minutes were accepted 3-0.
- **Meeting adjourned.**

Melissa Maseda, President

Luke Foster, Clerk
