

Board Members

Joe Neves, District 1 – Vice Chairman
Richard Valle, District 2
Doug Verboon, District 3
Rusty Robinson, District 4 – Chairman
Robert Thayer, District 5



Staff

Kyria Martinez, County Executive Officer
Laurie Avedisian-Favini, County Counsel
Catherine Venturella, Clerk of the Board

Board of Supervisors

Regular Meeting Agenda

Date: Tuesday, January 6, 2026
Time: 9:00 a.m.
Place: BOARD of SUPERVISORS CHAMBERS, Kings County Government Center
1400 W. Lacey Boulevard, Hanford, California 93230

☎ (559) 852-2362 ❖ bosquestions@co.kings.ca.us ❖ www.countyofkingsca.gov

The meeting can be attended on the Internet by clicking the Microsoft Teams hyper link below:

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or by sending an email to bosquestions@co.kings.ca.us on the morning of the meeting for an automated email response with the Microsoft Teams meeting link information. Members of the public attending via Microsoft Teams will have the opportunity to provide public comments during the meeting. If the Microsoft Teams connection malfunctions or becomes unavailable for any reason, the Board of Supervisors reserves the right to conduct the meeting without remote access. *Microsoft Teams will be available for access, and the Board Chambers will be open at 8:50 a.m.*

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<https://youtube.com/live/nyMxwOQrGHk?feature=share>

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- I. 9:00 AM **CALL TO ORDER**
ROLL CALL – Clerk of the Board
INVOCATION – TBD
PLEDGE OF ALLEGIANCE



II. UNSCHEDULED APPEARANCES

This is an opportunity for members of the public to address the Board on items of interest within the Board's jurisdiction, and which are not already on the agenda. The Board will not answer questions impromptu, and concerns or complaints will be referred to appropriate staff. For items which are on the agenda, members of the public will be provided with an opportunity to address the Board as each item is brought up for discussion. Speakers should limit their comments to not more than two (2) minutes.

III. APPROVAL OF MINUTES

- A. Report out of Closed Session from the regular meeting for December 16, 2025.
- B. Report out of Closed Session from the special meeting for December 16, 2025.
- C. Approval of the minutes from the regular meeting for December 16, 2025.
- D. Approval of the minutes from the special meeting for December 16, 2025.

IV. CONSENT CALENDAR

All items listed under the consent calendar are considered routine and will be enacted by one motion. If a Board member has questions, requests additional information, or wishes to comment on an item, the vote should not be taken until after questions have been addressed or comments made, and the public has had an opportunity to comment on the Consent Calendar items.

A. Finance Department:

- 1. Consider approving the Agreement with MGT of America, Incorporated to provide State Mandated Program claims assistance and preparation effective January 6, 2026 through June 30, 2028.

B. Sheriff's Office:

- 1. a. Consider approving the retroactive purchase of a new dryer for the Kings County Jail;
- b. Adopt the budget change. **(4/5 vote required)**

C. Administration:

- 1. Consider authorizing the Chairman to sign a letter with the San Joaquin Valley Regional Association of California Counties urging the State to support immediate mitigation efforts for rodents.

V. REGULAR CALENDAR

A. Human Resources – Carolyn Leist/Ashley Hernandez

- 1. Consider approving the updates to Kings County Policy 10-23 Kings County Family and Medical Leave Act and California Family Rights Act Policy, effective January 1, 2026.

B. Administration – Kyria Martinez/Matthew Boyett

- 1. Consider ratifying the County's California Public Utilities Commission Broadband Adoption Account Affidavit for the California Advanced Services Fund Adoption Account for a Digital Literacy Grant.

VI. BOARD MEMBER ANNOUNCEMENTS OR REPORTS

On their own initiative, Board Members may make a brief announcement or a brief report on their own activities. They may ask questions for clarification, make a referral to staff or request staff place a matter of business on a future agenda (Govt. Code Section 54954.2a).

- ◆ Staff Updates and/or Reports
- ◆ Board Correspondence
- ◆ Upcoming Events
- ◆ Information on Future Agenda Items



VII. CLOSED SESSION

1. **Government Code section 54956.9 (d)(1)**
CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Name of Case: Keri Rosas v. County of Kings, et al., Kings County Superior Court Case No. 25CU0383
2. **Government Code section 54956.9**
CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant Exposure to Litigation Pursuant to paragraph (2) of subdivision (d) of section 54956.9 of the Government Code: One Cases

VIII. ADJOURNMENT

The next regularly scheduled meeting will be held on Tuesday, January 13, 2026, at 9:00 a.m.

FUTURE MEETINGS AND EVENTS

January 13	9:00 AM	Regular Meeting
January 20	--	Regular Meeting Canceled due to Dr. Martin Luther King Jr. Holiday on January 19.
January 27	9:00 AM	Regular Meeting
February 3	9:00 AM	Regular Meeting

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Board of Supervisors Regular Meeting Action Summary

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- I. 9:00 AM **CALL TO ORDER**
ROLL CALL – Clerk of the Board
INVOCATION – Pastor Syliva Gaston – Koinonia Church
PLEDGE OF ALLEGIANCE
ALL MEMBERS PRESENT



II. ADMINISTRATION – Kyría Martínez
Recognize the Lemoore Volunteer Fire Department and the 2025 Corcoran Christmas Tree Committee.

III. UNSCHEDULED APPEARANCES
This is an opportunity for members of the public to address the Board on items of interest within the Board's jurisdiction, and which are not already on the agenda. The Board will not answer questions impromptu, and concerns or complaints will be referred to appropriate staff. For items which are on the agenda, members of the public will be provided with an opportunity to address the Board as each item is brought up for discussion. Speakers should limit their comments to not more than two (2) minutes.

Frank Lopez, Kings County resident, thanked the Kings County Public Health Department for the new wellness coordinator for the Clinic in Avenal and Environmental Health Director, Troy Hommerding for sharing information about the landfill. He stated that there are Facebook posts showing division with the City of Avenal, he asked for clarification from the Kings County Fire Chief about the new firetruck that he stated would be delivered to Avenal in December, and if there will be a public notice about the approved fire department contract.

Kyría Martínez, County Executive Officer, stated that two County department heads are retiring as of December 30, 2025 and this is their last Board meeting. She spoke of Scott Holwell, Public Guardian/Veterans Services Officers accomplishments and on Jim Henderson, Public Works Director accomplishments with Kings County. Scott Holwell and Jim Henderson thanked the Board and everyone.

IV. APPROVAL OF MINUTES

A. Report out of Closed Session from the regular meeting for December 9, 2025.

REPORT OUT: Laurie Avedisian-Favini, County Counsel stated the Board took no reportable action at the December 9, 2025 regular meeting.

B. Report out of Closed Session from the special meeting for December 11, 2025.

REPORT OUT: Laurie Avedisian-Favini, County Counsel stated the Board took no reportable action at the December 11, 2025 special meeting.

C. Approval of the minutes from the regular meeting for December 9, 2025.

PUBLIC: None

ACTION: APPROVED AS PRESENTED (RR, RT, JN, RV, DV - Aye)

D. Approval of the minutes from the special meeting for December 11, 2025.

PUBLIC: None

ACTION: APPROVED AS PRESENTED (RR, RT, JN, RV, DV - Aye)



V.

CONSENT CALENDAR

All items listed under the consent calendar are considered routine and will be enacted by one motion. If a Board member has questions, requests additional information, or wishes to comment on an item, the vote should not be taken until after questions have been addressed or comments made, and the public has had an opportunity to comment on the Consent Calendar items.

A. Behavioral Health Department:

1. Consider approving the First Amendment with Mens Sana Incorporated to change language regarding scheduled hours effective December 16, 2025 through June 30, 2027. **[AGMT 24-084.1]**
2. Consider approving the First Amendment with California Mental Health Services Authority to extend the Quality Assurance/Quality Improvement Analytics Program services effective January 1, 2026 through June 30, 2026. **[AGMT 25-021.1]**
3. Consider approving the Agreement with California Mental Health Services Authority for External Quality Control Audit and Performance Improvement Plan support effective January 1, 2026 through December 31, 2026. **[AGMT 25-212]**
4. Consider approving the Agreement with California Mental Health Services authority for Healthcare Effectiveness Data and Information Sets reporting requirements retroactively effective from January 1, 2025 through December 31, 2029. **[AGMT 25-213]**
5. Consider approving the First Amendment with California Psychiatric Transitions to provide mental health services to individuals with severe and treatment resistant mental illness retroactively effective from July 1, 2025 through June 30, 2027. **[AGMT 24-155.1]**

B. County Counsel:

1. Consider the appointment of Loretta Toledo and Deborah Wilson as Trustees of the Hanford Cemetery District to serve an additional four-year term expiring the first Monday of January 2030.

C. Finance Department:

1.
 - a. Consider approving the "Request to Sell Tax-Defaulted Property Subject to the Power of Sale" at a public internet auction and the "Authorization and Report of Sales," which lists the properties;
 - b. Authorize the Finance Director to reduce the minimum bid price if no bids are received during the initial auction;
 - c. Approve the re-offer of unsold parcels at the same sale or next scheduled auction within 90 days with notification to parties of interest.
2.
 - a. Consider approving the "Request to Sell Tax-Defaulted Property Subject to the Power of Sale" at a Sealed Bid Sale and the "Authorization and Report of Sales," which lists the property;
 - b. Authorize the Tax Collector to reduce the minimum bid price if no bids are received;
 - c. Approve the re-offer of unsold parcels at the same sale or next scheduled auction within 90 days with parties of interest notification.

D. Human Resources:

1. Consider approving the closing of County office buildings to the public from December 24, 2025 through January 2, 2026, except as required by law, and/or what is required by operational need.



E. Human Services Agency:

1. a. Consider approving the Master License Agreement with West Hills Community College District for sheltering needs in the event of a disaster or catastrophic event in Kings County effective December 16, 2025 through December 31, 2030; **[AGMT 25-214]**
- b. Approve the Master License Agreement with Hanford Joint Union High School District for sheltering needs in the event of a disaster or catastrophic event in Kings County effective December 16, 2025 through December 31, 2030; **[AGMT 25-215]**
- c. Approve the Master License Agreement with Lemoore Union High School District for sheltering needs in the event of a disaster or catastrophic event in Kings County effective December 16, 2025 through December 31, 2030. **[AGMT 25-216]**
2. Consider approving the First Amendment to the interdepartmental Memorandum of Understanding between the Kings County Human Services Agency and the Kings County District Attorney's Office to remove in its entirety the full restitution requirement under Section 3B (District Attorney's Office Shall) subsection 3 effective December 16, 2025 through June 30, 2026. **[AGMT 25-086.1]**
3. Consider approving the Agreement with the Kings Community Action Organization, Incorporated, for the provision of the California Work Opportunity and Responsibility to Kids Stage One Child Care Program effective January 1, 2026 through December 31, 2027. **[AGMT 25-217]**

F. Probation Department:

1. Consider approving the Agreement with Lemoore College for post-secondary education services retroactively effective from November 5, 2024 through August 31, 2026. **[AGMT 25-218]**

G. Public Health Department:

1. a. Consider approving the California Children's Services Plan and Budget retroactively effective from July 1, 2025 through June 30, 2026;
- b. Approve the California Children's Services Monitoring and Oversight Plan and Budget retroactively effective from July 1, 2025 through June 30, 2026;
- c. Approve the Medical Therapy Program Budget retroactively effective from July 1, 2025 through June 30, 2026;
- d. Authorize the Public Health Director to sign the California Children's Services Plan and Budget and Certification Statement for Fiscal Year 2025-26; **[AGMT 25-219]**
- e. Adopt the budget change. **(4/5 vote required)**
2. a. Consider approving the Health Care Program for Children in Foster Care Plan and Budget retroactively effective from July 1, 2025 through June 30, 2026;
- b. Authorize the Director of Public Health as the Health Care Program for Children in Foster Care Authorized Representative;
- c. Delegate signature authority to the Director of Public Health for the plan and budget documentation, reporting, non-financial amendments, and plan and budget closing; **[AGMT 25-220]**
- d. Adopt the budget change. **(4/5 vote required)**
3. a. Consider authorizing the acceptance of supplemental funding from the California Department of Public Health for the Hospital Preparedness Program;
- b. Adopt the budget change. **(4/5 vote required)**



H. Public Works Department:

1. a. Consider approving the Agreement with Cain Trucking for asphaltic emulsion delivery and spreading; **[AGMT 25-221]**
b. Approve the agreement with Terry Johnson Trucking, Incorporated for chip rock delivery. **[AGMT 25-222]**
2. Consider accepting the dedication for In-Lieu Parcel Map 25-08 (Maria Garcia) into the County Maintained Mileage.
3. a. Consider accepting the Final Map for Tract 936 Summers Pointe;
b. Authorize the Clerk of the Board to sign the map.

I. Sheriff's Office:

1. a. Consider authorizing the Sheriff's Office to purchase five Glock 43x handguns and optics from ProForce Law Enforcement;
b. Adopt the budget change. **(4/5 vote required)**

J. Administration:

1. Consider rejecting the Claim for Damages filed by Bakh Law Group on behalf of A.A. III.
2. Consider adopting a Resolution approving the financing and the issuance of up to \$325,000,000 in qualified 501(c)(3) bonds for a rental senior living community by the California Public Finance Authority for Marisol HB, LLC. **[RESO 25-089]**
3. Consider appointing one new member to the Citizens Advisory Committee for Corcoran State Prison.
4. Consider approving thirty-one reappointments and two new appointments to multiple boards.
5. Consider authorizing the Chairman to sign on to a letter urging the Governor to consider a more robust energy-reliability strategy that strengthens in-state production and refining capacity while maintaining the State's environmental standards.

PUBLIC: Dan Martinez, Corcoran resident, thanked the Board for the appointment to the Citizens Advisory Committee for Corcoran State Prison and the opportunity to serve.

ACTION: APPROVED AS PRESENTED (JN, RT, RV, RR, DV - Aye)

VI.

REGULAR CALENDAR

A. Behavioral Health Department – Lisa Lewis/Christi Lupkes

1. Consider adopting the Resolution authorizing the Kings County Behavioral Health Director or designee to make payments for, and, when appropriate, sign and execute agreements with licensed mental health treatment facilities for placements resulting from Lanterman-Petris-Short involuntary holds, conservatorships, and foster care/dependent of the court placements, including retroactive approval when services have commenced prior to formal agreement execution. **[RESO 25-090]**

PUBLIC: None

ACTION: APPROVED AS PRESENTED (RR, RV, JN, RT, DV - Aye)

B. Community Development Agency – Chuck Kinney

1. Consider accepting the monthly report of Planning Commission's actions from their December 15, 2025 meeting.

PUBLIC: None

ACTION: APPROVED AS PRESENTED (JN, RT, RV, RR, DV - Aye)



C. District Attorney's Office – Sarah Hacker

1. a. Consider approving the Agreement with John Bratsch for legal consulting services retroactively effective from July 1, 2025, through June 30, 2026; **[AGMT 25-223]**
- b. Approve the agreement with Crystal Howard for legal consulting services retroactively effective from July 1, 2025, through June 30, 2026. **[AGMT 25-224]**

PUBLIC: None

ACTION: APPROVED AS PRESENTED (RR, RT, JN, RV, DV - Aye)

D. Administration – Kyria Martinez/Alex C. Walker

1. a. Consider accepting and recording the Quit Claim Deed that reverts the property from the Kettleman City Foundation to the County;
- b. Authorize County staff facilitate all the appropriate steps to secure the property from Kettleman City Foundation;
- c. Approve the execution of a Quit Claim Deed that reverts the property from the County to the Reef-Sunset Unified School District. **[AGMT 25-225]**

PUBLIC: Frank Lopez, Kings County resident asked what type of services will be handled at the facility through the school district. Juan Ruiz, Reef-Sunset Unified School District outlined the programs and use of the facility for the community and families once the transition is completed.

ACTION: APPROVED AS PRESENTED (RV, JN, RR, RT, DV - Aye)

VII.

STUDY SESSION

A. Administration – Kyria Martinez/Matthew Boyett

1. Receive an update on the Government Center Remodel Project.

PUBLIC: The following County staff spoke about their involvement with the remodel project plans: Julietta Martinez, Job Training Office; RoseMary Rahn, Public Health Department; Carolyn Leist, Human Resources; Sarah Poots, Administration/Risk Division; John Devlin, Information Technology; Scott Holwell, Public Guardian/Veterans Services Officer.

The Board received an update, and no official action was taken.

VIII.

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

On their own initiative, Board Members may make a brief announcement or a brief report on their own activities. They may ask questions for clarification, make a referral to staff or request staff place a matter of business on a future agenda (Govt. Code Section 54954.2a).

Supervisor Neves stated that he attended the Kings County Association of Governments meeting, attended the Board of Supervisors Special meeting, attended the Sweets for Seniors event, attended the Kings County Area Public Transit Agency Regional Transit Center and Administrative Facility ribbon cutting event, attended the Kings Symphony Concert and stated Santa visits continue throughout the community.

Supervisor Thayer stated he attended the Kings County Association of Governments meeting, attended the future 9th Avenue and Highway 198 overpass meeting, attended the dairy consultants meeting, attended the Board of Supervisors Special meeting, and went to Southern California to celebrate his daughter's graduation with her master's degree.

Supervisor Valle congratulated Supervisor Thayer on his daughters' accomplishments and on his first year in office and that next year will be in his 18th year as a Board of Supervisor.



Supervisor Robinson thanked Cal-Trans for the 14th Avenue and Highway 198 drainage and lights, he stated that he knocked on doors of constituents in Hanford, attended the Armona Community Service District meeting and attended golf tournaments that his son played in.

Supervisor Verboon stated he will not be attending the next meeting on January 6, 2026 as he was invited to attend a roundtable discussion in Washington, D.C.

- ◆ **Staff Updates and/or Reports: Mitchel Cabrera, Public Works Chief Engineer, gave an update on the Houston Avenue bridge project.**
- ◆ **Board Correspondence: Kyria Martinez stated that the Board received correspondence from the Department of Finance.**
- ◆ **Upcoming Events: Kyria Martinez stated that the Kings County Behavioral Health member support group is meeting tonight, Kings County Library will be hosting its Movie Time on Thursday, December 18, 2025 at 3:30 p.m. at the Corcoran branch and stated that most Kings County offices will be closed to the public from Wednesday, December 24, 2025 through Friday, January 2, 2026.**
- ◆ **Information on Future Agenda Items: Kyria Martinez stated that the following items will be on the January 6, 2026 agenda: Department of Finance – Agreement for consulting services; Fire Department– acceptance of the Office of Transportation safety grant; Sheriffs Office – dryer purchase for Kings County jail.**

IX. CLOSED SESSION

1. **Government Code section 54956.9**
CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant Exposure to Litigation Pursuant to paragraph (2) of subdivision (d) of section 54956.9 of the Government Code: Seven Cases

X. BOARD REORGANIZATION

Clerk of the Board/Chairman of the Board

- A. The Office of Chairman of the Board of Supervisors is declared vacant and a call for nominations is made.

Supervisor Thayer made a motion to nominate Supervisor Robinson as Chairman and Supervisor Valle made a separate motion to nominate Supervisor Neves as Chairman. After some discussion, Supervisor Verboon seconded both nominations and closed the nominations and called for the roll call.

**ACTION: Supervisor Neves for Chairman effective January 1, 2026
(JN – Aye, DV-No, RV – Aye; RR -No, RT – No) - Action failed.**

**ACTION: Supervisor Robinson for Chairman effective January 1, 2026
(RT, DV, RV, RR – Aye; JN – No) - Action passes.**

- B. The Office of Vice-Chairman of the Board of Supervisors is declared vacant and a call for nominations is made.

Supervisor Valle nominated Supervisor Neves as Vice-Chairman and Supervisor Verboon seconded and moved to close the nominations.

**ACTION: Supervisor Neves for Vice-Chairman effective January 1, 2026
(RV, DV, JN, RR, RT – Aye) - Action passes.**



XI. ADJOURNMENT

The next regularly scheduled meeting will be held on Tuesday, January 6, 2026, at 9:00 a.m. The meetings for December 23, 2025 and December 30, 2025 have been canceled due to the holiday closure of county offices. Most county offices will be closed on Tuesday, December 23, 2025 at 5:00pm and re-open on Monday, January 5, 2026 at 8:00am.

XII. 11:00 AM CALIFORNIA PUBLIC FINANCE AUTHORITY MEETING

XIII. 11:00 AM CALIFORNIA COMMUNITY HOUSING AGENCY MEETING

FUTURE MEETINGS AND EVENTS

December 23	--	Regular Meeting Canceled/County Offices Closed
December 30	--	Regular Meeting Canceled/County Offices Closed
January 6, 2026	9:00 AM	Regular Meeting
January 13	9:00 AM	Regular Meeting
January 20	--	Regular Meeting Canceled due to Dr. Martin Luther King Jr. Holiday on January 19.
January 27	9:00 AM	Regular Meeting
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Laurie Avedisian-Favini, County Counsel
Catherine Venturella, Clerk of the Board

Board of Supervisors Special Meeting Action Summary

Date: Tuesday, December 16, 2025
Time: 9:00 a.m. or soon thereafter as the item may be heard
Place: BOARD of SUPERVISORS CHAMBERS, Kings County Government Center
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- I. 9:00 AM **CALL TO ORDER**
ROLL CALL – Clerk of the Board
ALL MEMBERS PRESENT



II. CLOSED SESSION

- 1. Government Code Section 54957
THREAT TO PUBLIC SERVICE OR FACILITIES
CONSIDERATION OF TACTICAL RESPONSE PLAN
Consultation with Kings County Sheriff Dave Putnam
PUBLIC: None**

III. ADJOURNMENT

The next regularly scheduled meeting will be held on Tuesday, January 6, 2026, at 9:00 a.m.

FUTURE MEETINGS AND EVENTS

December 23	--	Regular Meeting Canceled/County Offices Closed
December 30	--	Regular Meeting Canceled/County Offices Closed
January 6, 2026	9:00AM	Regular Meeting
January 13	9:00AM	Regular Meeting

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COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM January 6, 2026

SUBMITTED BY: Department of Finance – Erik Urena/Rob Knudson

SUBJECT: AGREEMENT WITH MGT OF AMERICA, INC. FOR CONSULTING SERVICES ON STATE MANDATED CLAIMS

SUMMARY:

Overview:

The Department of Finance and the Office of Information Technology Service’s Purchasing Division recently completed a Request for Proposal (RFP) process for State Mandated Costs claims preparation. Both departments are requesting approval from the Board to enter into an agreement with MGT of America, Inc. (MGT) to provide these services.

Recommendation:

Approve the Agreement with MGT of America, Incorporated to provide State Mandated Program claims assistance and preparation effective January 6, 2026 through June 30, 2028.

Fiscal Impact:

The total cost of the three-year agreement is \$79,500. The yearly cost is \$26,500. The amounts are due to be paid before June 30th of each year and will be paid from Budget Unit 110900 (General Fund Revenue). This is the budget unit where State Mandated Costs claim payments are deposited. The fee to MGT offsets the revenues collected on the submitted claims.

BACKGROUND:

Article XIII B of the California State Constitution provides that counties may recover costs associated with carrying out programs mandated by the State. To recover costs, counties are required to submit claims for specific activities within a variety of State-mandated programs. This agreement allows MGT to provide Kings County with claiming assistance and claims preparation from Fiscal Year (FY) 2024-25 through FY 2026-27 to maximize reimbursement to the County for costs incurred while implementing State-mandated programs. Upon

(Cont’d)

BOARD ACTION:

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2026.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

Agenda Item

AGREEMENT WITH MGT OF AMERICA, INC. FOR CONSULTING SERVICES ON STATE MANDATED CLAIMS

January 6, 2026

Page 2 of 2

execution of this agreement, MGT will prepare the FY 2024-25 claims before June 30, 2026. FY 2025-26 claims will be completed before June 30, 2027 and FY 2026-27 claims will be completed before June 30, 2028. Some examples of these programs are Child Abduction Unit, Health Survivor Benefits, Property Tax Allocations, and Domestic Violence Treatment.

The process for preparing State claims is designed to capture billable staff time as determined by the State Controller's Office. Different claiming methods are developed for each State-mandated program area. New claims are released each year following the submission of test claims from select counties. A local agency has 120 days from the date the State Controller issues claiming instructions to file those claims without penalty. If claims are not filed timely, they are not considered eligible claims.

The agreement presented to the Board for consideration states that MGT will continue providing on-site claims assistance to County departments. Each department involved participates with firm representatives in data collection and claims preparation. Before any claims are filed on behalf of Kings County, MGT reviews the submittals to assure maximum cost recovery.

RFPs are typically conducted every three years. MGT has been providing these services to the County for the past 14 years. The RFP was prepared and sent out by the Purchasing Manager to vendors that provide this type of service on September 4, 2025. Completed responses were due back to the County by October 2, 2025. The Purchasing Manager confirmed that only one bid was received in response to the RFP process, which was MGT.

After reviewing the proposal from MGT, it was determined to be both responsible and in the best interest of the County. The Department of Finance respectfully recommends the Board approve the agreement.

The agreement has been reviewed and approved as to form by County Counsel.

THE ATTACHMENT IS ON FILE WITH THE CLERK OF THE BOARD AND CAN BE LOCATED ON OUR WEBSITE AT:

<https://www.countyofkingsca.gov/departments/board-of-supervisors/calendar-agenda-and-action-summary>



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM January 6, 2026

SUBMITTED BY: Sheriff's Office – Dave Putnam

SUBJECT: DRYER PURCHASE FOR THE KINGS COUNTY JAIL

SUMMARY:

Overview:

The Kings County Sheriff's Office is seeking authorization to purchase a dryer for the Kings County Jail.

Recommendation:

- a. Approve the retroactive purchase of a new dryer for the Kings County Jail;
- b. Adopt the budget change. (4/5 vote required)

Fiscal Impact:

There is no impact to the General Fund. This purchase will be made from Detentions Budget Unit 223000. Actual costs of the dryer, not to exceed \$12,000, will be reimbursed from the Sheriff's COPS – Jail Fund 100804.

BACKGROUND:

The Kings County Jail currently uses three dryers to launder clothing and bedding for the incarcerated population; however, two of the current dryers are not currently functioning. An assessment determined that one dryer must be replaced. The request is retroactive because due to the urgent need of the dryer, a new one was ordered to replace it. With only one operational dryer, laundry processing times would have significantly increased resulting in delays in returning clean items. The remaining dryer is also experiencing excessive strain due to the increased workload.

BOARD ACTION:

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2026.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

KINGS COUNTY
OFFICE OF THE AUDITOR-CONTROLLER
BUDGET APPROPRIATION AND TRANSFER FORM

Auditor Use Only	
Date	
J/E No.	
Page	of

(A) New Appropriation

Expenditures:						
FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	APPROPRIATION AMOUNT
General Fund	Sheriff - Detentions	Capital Assets	100000	223000	94000	\$12,000
TOTAL						\$12,000

Funding Sources:						
FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	APPROPRIATION AMOUNT
General Fund	Detentions	Revenue Transfer in	100000	223000	89000	\$12,000
TOTAL						\$12,000

(B) Budget Transfer:

Transfer From:						
FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	AMOUNT TO BE TRANSFERRED OUT
TOTAL						\$0

Transfer To:						
FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	AMOUNT TRANSFERRED IN
TOTAL						\$0

Explanation: (Use additional sheets or expand form for more data entry rows or additional narrative, if needed.)

To purchase a replacement dryer within Detentions budget 223000. Actual costs to be reimbursed after the purchase by the Jail Cops Fund 100804.

Dept. of Finance Approval _____

Department Head 

Administration Approval 

Board Approval _____

BOS meeting date _____



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM January 6, 2026

SUBMITTED BY: Administration – Kyria Martinez/Matthew Boyett

SUBJECT: LETTER FOR SUPPORT ON DEALING WITH RAT INFESTATIONS

SUMMARY:

Overview:

The County, along with Fresno, Kern, Madera, Mariposa, Merced, San Joaquin, Stanislaus, and Tulare Counties, form the San Joaquin Valley Regional Association of California Counties (SJVRACC), which serves to share ideas and solutions on how to better serve the region and interface with state and federal leaders to drive change in the Central Valley. The SJVRACC has circulated a letter to the State regarding the detrimental and widespread issue of rat infestation and the urgent need for immediate mitigation measures.

Recommendation:

Authorize the Chairman to sign a letter with the San Joaquin Valley Regional Association of California Counties urging the State to support immediate mitigation efforts for rodents.

Fiscal Impact:

There is no fiscal impact for signing onto this letter with SJVRACC.

BACKGROUND:

The latest California Department of Food and Agriculture (CDFA) report states that over 112,000 acres covering hundreds of operations are thought to have been damaged by rats at a cost of \$109.4 million to \$310.5 million. According to the report, this estimated cost is based on yield loss caused by an inability to water post-harvest and direct damage to trees, necessity to clean and repair wires for trucks and harvesters, drip line replacement, and tree replacement.

It is believed that many factors are increasing the infestation, including roof-rats adapting to new habitats,

(Cont'd)

BOARD ACTION:

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2026.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

Agenda Item

LETTER FOR SUPPORT ON DEALING WITH RAT INFESTATIONS

January 6, 2026

Page 2 of 2

increased restrictions of burrow fumigants or other rodenticides, limited options of rodent bait application methods, and increasing acres of unmanaged lands.

Should the rat population not be kept under control, many more areas in the San Joaquin Valley will be impacted. More tools for farmers and landowners must be made available to control this problem. Landowners are exhausting the current supply of diphacinone treated grain that is only produced by a few counties in limited amounts due to production and storage capabilities. Increased production is needed as well as an emergency review of all rodenticides to evaluate any potential and viable emergency use exemptions.

Currently, rodenticides are under strict review processes with both the California Department of Pesticide Regulation and the EPA Rodenticide Task Force. The current California water environment has also created pressure on many agricultural regions to fallow land. At times, this has led to vast acres of land being completely unmanaged; at the same time California Air Resources Board and San Joaquin Valley Air Pollution Control District restrictions on agricultural burning has significantly increased the costs of removing orchards and vineyards.

The SJVRACC are suggesting several measures to address this issue such as: both the California Department of Pesticide Regulation and the EPA Rodenticide Task Force focus their efforts on providing guidance to solve this rat issue; the California Air Resources Board, San Joaquin Valley Air Pollution Control District, or the State of California review the potential of allowing emergency use burn permits to remove or burn orchards as they come out of production or increase the amount of funding for the "Ag Burn Alternatives" such as grinding the orchard to wood chips; and all water districts, the Department of Water Resources, and the California Department of Fish and Wildlife should produce, and implement, a rodent management plan to ensure action is being taken to reduce rat populations in government lands, ditch banks, open water district lands, and along the California Aqueduct.

If approved, the Chairman's signature and County seal will be sent to SJVRACC for inclusion on the completed letter.

(DATE)

Dear Governor Newsom, President pro Tem McGuire, & Speaker Rivas,

We, members of the San Joaquin Valley Regional Association of California Counties (SJVRACC), write you regarding the detrimental and widespread issue of rat infestation and the urgent need for immediate mitigation measures.

The latest California Department of Food and Agriculture (CDFA) report states that over 112,000 acres covering hundreds of operations are thought to have been damaged by rats at a cost of \$109.4 million to \$310.5 million¹. According to the report, this estimated cost is based on yield loss caused by an inability to water post-harvest and direct damage to trees, necessity to clean and repair wires for trucks and harvesters, drip line replacement, and tree replacement.

It is believed that many factors are increasing the infestation, including roof-rats adapting to new habitats, increased restrictions of burrow fumigants or other rodenticides, limited options of rodent bait application methods, and increasing acres of unmanaged lands.

Should the rat population not be kept under control, many more areas in the San Joaquin Valley will be impacted. More tools for farmers and landowners must be made available to control this problem. Landowners are exhausting the current supply of diphacinone treated grain that is only produced by a few counties in limited amounts due to production and storage capabilities. Increased production is needed as well as an emergency review of all rodenticides to evaluate any potential and viable emergency use exemptions. Currently, rodenticides are under strict review processes with both the California Department of Pesticide Regulation and the EPA Rodenticide Task Force.

The current California water environment has also created pressure on many agricultural regions to fallow land. At times, this has led to vast acres of land being completely unmanaged; at the same time California Air Resources Board and San Joaquin Valley Air Pollution Control District restrictions on agricultural burning has significantly increased the costs of removing orchards and vineyards.

Our suggestions to address this issue are as follows:

- Both the California Department of Pesticide Regulation and the EPA Rodenticide Task Force focus their efforts on providing guidance to solve this rat issue,

- California Air Resources Board, San Joaquin Valley Air Pollution Control District, or the State of California review the potential of allowing emergency use burn permits to remove or burn orchards as they come out of production or increase the amount of funding for the “Ag Burn Alternatives” such as grinding the orchard to wood chips, and
- All water districts, the Department of Water Resources, and the California Department of Fish and Wildlife should produce, and implement, a rodent management plan to ensure action is being taken to reduce rat populations in government lands, ditch banks, open water district lands, and along the California Aqueduct.

If left unresolved, the rat infestation issue will have more determinantal impacts on the economies of the counties in the San Joaquin Valley. We look forward to working with the Administration and Legislature in order to come up with solutions before much more damage is done.

SIGNED BY San Joaquin Valley Regional Association of California Counties

ⁱ CDFA Memo: *Rat Damage in Almond Orchards – Goodhue, Mace-Hill, Raburn – UC Davis*, (February 11, 2025)



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM
January 6, 2026

SUBMITTED BY: Human Resources – Carolyn Leist/Ashley Hernandez
SUBJECT: FAMILY AND MEDICAL LEAVE ACT AND CALIFORNIA FAMILY RIGHTS ACT POLICY UPDATE

SUMMARY:

Overview:

The Family and Medical Leave Act (FMLA) and California Family Rights Act Policy, Kings County Policy 10-23, was established in 1995 and is periodically revised to reflect changes in law and operational needs. This proposed revision incorporates recent legislative updates, clarifies employee eligibility requirements, defines qualifying family members, and enhances understanding of Pregnancy Disability Leave (PDL). The policy also addresses the requirements of Assembly Bill (AB) 2499 and AB 406 related to Safe Time Leave, streamlining administrative processes to improve efficiency and compliance. The revised policy is proposed to take effect on January 1, 2026.

Recommendation:

Approve the updates to Kings County Policy 10-23 – Kings County Family and Medical Leave Act and California Family Rights Act Policy, effective January 1, 2026.

Fiscal Impact:

There is no impact to the County General Fund.

BACKGROUND:

FMLA of 1993 is a United States labor law that requires covered employers to provide eligible employees with job-protected, unpaid leave for qualified medical and family reasons. The California Family Rights Act (CFRA) is a California employment law that generally runs concurrently with FMLA, with certain statutory exceptions. The County’s FMLA and CFRA Policy outlines the process for eligible employees to take protected leave for their own serious health condition or to care for a qualifying family member, as provided under these state and federal laws.

(Cont’d)

BOARD ACTION:

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2026.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

Agenda Item

FAMILY AND MEDICAL LEAVE ACT AND CALIFORNIA FAMILY RIGHTS ACT POLICY UPDATE


January 6, 2026

Page 2 of 2

AB 2499, signed into law by Governor Gavin Newsom on September 29, 2024, and effective January 1, 2025, expanded employee leave protections related to “Safe Time” for victims of domestic violence, sexual assault, stalking, and certain qualifying crimes. AB 406, signed by Governor Newsom on October 1, 2025, further expanded these protections, with certain provisions effective immediately and others effective January 1, 2026. These laws require employers to provide job-protected leave for employees to seek medical attention, legal assistance, safety planning, or other related services. “Safe Time” leave may run concurrently with FMLA and/or CFRA leave if related to a serious medical condition. The proposed policy revisions incorporate these statutory requirements and clarify employee rights and employer responsibilities under the law.

Additionally, under California law, an employee who is disabled by pregnancy, childbirth, or a related medical condition is entitled to Pregnancy Disability Leave (PDL). PDL is a separate statutory leave entitlement and does not overlap with leave provided under the CFRA. However, PDL may run concurrently with FMLA leave if the employee is eligible for FMLA at the start of the leave or becomes eligible during the PDL period. Accordingly, the County will begin tracking FMLA concurrently with PDL as permitted by law.

All the changes noted in this agenda are reflected as strikeouts and bolds within the draft policy to highlight where they occur.

	<p>COUNTY OF KINGS California POLICY MANUAL</p>	<p>Number: 10-23 BOS Agenda Date: <u>06/25/2024</u><u>01/06/2026</u></p>
<p>SUBJECT</p> <p><u>FAMILY AND MEDICAL LEAVE ACT AND CALIFORNIA FAMILY RIGHTS ACT POLICY</u></p>	<p>By Action of the Board of Supervisors</p> <p><input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Emergency Action</p>	
<p>DEPARTMENT</p> <p>Human Resources Department</p>	<p>Established Date: February 1995 Revision Date(s): 07/13/2004 <u>06/07/2011</u> <u>07/01/2024</u> <u>01/01/2026</u></p> <p><i>Citation: Federal law</i> <u>State Laws</u></p>	
<p>Overview: This policy provides<u>allows</u> eligible employees to take a protected leave from employment to attend to their own health issues, or those of qualifying family members, as prescribed by law.</p>		

FAMILY AND MEDICAL LEAVE ACT AND CALIFORNIA FAMILY RIGHTS ACT POLICY

I. STATEMENT OF POLICY

The federal Family and Medical Leave Act of 1993 (FMLA) and California Family Rights Act (CFRA) provide eligible employees the opportunity to take unpaid, job protected leave for certain medical needs for themselves and their family members. The County of Kings (County) will implement the FMLA and CFRA Policy to provide family and medical care leave for eligible employees in accordance with the requirements of current law, any future legislated amendments, and applicable memorandums of understanding. This Policy is intended to compliment and be consistent with federal and state statutes, rules, and regulations. In the event that the current law concerning FMLA and CFRA changes and becomes contrary to this Policy, federal and state law will supersede this policy as to the contradicting portions only.

The following sets the general terms and conditions of this Policy. It does not purport to cover all provisions of federal and state laws. This policy is not intended to provide any additional leave or time off beyond that required by law. In conjunction with this Policy, other state leave and/or benefit laws may be applicable to eligible employees, either in addition to or concurrent with FMLA and/or CFRA leave, such as the California Pregnancy Disability Leave Act (PDL) and the California Paid Family Leave Act (PFL).

II. DEFINITIONS

Terms are defined at the end of the policy [\(see section XVII\)](#).

III. EMPLOYEES ELIGIBLE FOR FMLA/CFRA LEAVE

An employee is covered by the provisions of FMLA and/or CFRA if the employee:

- A. Has worked for the County for at least 12 months as of the date the leave is to start. (The 12 months of employment does not have to be consecutive and can be any combination of 52 weeks within a seven (7) year period); AND,
- B. Has worked at least 1,250 hours of service in the 12 months immediately preceding the start of leave. *(Only the time actually worked, including overtime hours worked ~~and paid administrative leave~~ is counted. Time not actually worked, including vacation, ~~personal leave~~, sick leave, holidays, personal leave, standby, paid leave due to job-related accidents or injuries, and any other form of paid time off ~~(PTO)~~ is not counted towards the 1,250 hours of service. Unpaid leave of any kind or periods of layoff also are not counted.)*
- C. All periods of absence from work due to or necessitated by service in the uniformed services are counted as hours worked in determining eligibility. Employees returning from fulfilling their National Guard or Reserve military obligation, will be credited with the hours of service that would have been performed for the period of such military service in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA).

IV. REASONS FOR LEAVE

FMLA and CFRA have differing definitions of “family member,” and only FMLA allows employees to take up to twenty-six (26) weeks of leave to provide care for an injured military family member. Because of this, FMLA and CFRA leave may not always run concurrently. In general, FMLA and/or CFRA leave may be taken for any of the following reasons:

Reasons for Leave (See related definitions at the end of the policy.)		FMLA	CFRA	Both
To care for or bond with:	An employee’s newborn child, or newly placed foster, or adopted child.			X
	A domestic partner’s newborn child, or newly placed foster, or adopted child.		X	
To care for a family member with a serious health condition, <u>or who experienced a qualifying act of violence under AB 2499 Safe Time Leave</u> , -who is the employee’s:	Spouse, parent, or child under the age of 18, or <u>a child</u> age 18 or older who is incapable of self-care.			X
	A registered domestic partner, child or registered domestic partner’s child of any age, parent-in-law, sibling, grandchild, grandparent, or designated person.		X	

The employee’s own serious health condition that makes the employee unable to perform their job, excluding leave for the medical disability related to pregnancy and birth, or leave because the employee experienced a qualifying act of violence under AB 2499 Safe Time Leave.			X
The employee’s own medical disability related to pregnancy and before the birth of the child. serious health condition related to pregnancy, childbirth, or recovery.	X		
A qualifying military exigency related to the covered active duty or call to covered active duty of an employee’s spouse, domestic partner*, child, or parent <u>child, or parent</u> in the United States armed forces.			X*
Military caregiver leave <u>to care</u> for a service member with a serious health condition who is the employee’s spouse, domestic partner*, child, parent, <u>or next of kin</u> **.			X**

* ~~CFRA-FMLA~~ leave will not run concurrently when a qualifying exigency or military caregiver is related to an employee’s registered domestic partner in the United States Armed Forces.

**~~CFRA~~ leave will run concurrently ~~when in this situation when the leave is to care for a spouse, domestic partner, child, parent, parent-in-law, sibling, grandchild, grandparent, grandchild, or designated person with the family member, regardless of military status and with the exception of next of kin, meets the standard criteria for~~ a serious health condition.

V. AMOUNT OF LEAVE

Eligible employees are entitled to a maximum of ~~twelve-12~~ 12 workweeks of leave under FMLA and/or CFRA for a qualifying reason, (or up to 26 workweeks under FMLA leave to care for a “covered servicemember”) ~~with a serious injury or illness (“military caregiver leave”), each during a 12-month period.~~ An employee eligible for military caregiver leave is limited to a combined 26 workweeks of leave per 12-month period for all types of FMLA leave. For example, if an employee is eligible for military caregiver leave and uses 24 workweeks of such leave in a 12-month period, the employee would have 2 workweeks of FMLA leave remaining in that 12-month period, which could be used for additional military caregiver leave or some other type of leave under the FMLA, such as the employee’s own serious health condition. However, even where an employee is eligible for 26 workweeks of military caregiver leave, no more than a combined total of 12 workweeks of leave, out of the 26 workweeks, may be taken for other types of leave under FMLA. ~~In cases where FMLA~~ If a leave request qualifies as both military caregiver leave and leave to care for a family member with a serious health condition, the leave will be designated as military caregiver leave first.

A. Workweeks

Twelve workweeks ~~means-refers to~~ the equivalent of twelve of the ~~employee’s employees’~~ normally scheduled workweeks. For eligible employees who work more or less than five days a week, or who work on alternative work schedules, the ~~number of workdays (or hours) which constitute 12 weeks is calculated on a total amount of leave is calculated on a~~ pro-rata basis based on their regular work schedule. For example, a regular full-time employee who works five 8-hour days per week, 12 workweeks is equivalent to 60 workdays (or 480 hours). For Fire employees (56-hour workweek), part-time and other employees on alternative work schedules,

12 workweeks will be based on the employee's schedule (e.g., an employee working 20 hours a week or half-time (.50 FTE) ~~employee~~ is eligible for up to 12 weeks at half-time, or 240 hours).

B. Holidays

Holidays will be counted as FMLA and/or CFRA leave if the employee is ~~absent on leave~~ the full week or would otherwise have been required to work on that day.

C. Minimum Duration of Leave

If bonding leave is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two weeks. However, on two separate occasions, an employee ~~is entitled to may take~~ leave for one of these bonding purposes (e.g., bonding with a newborn) for at least a period shorter than two weeks, but no less than one day. ~~but less than two weeks duration on any two occasions.~~

If leave is requested for their own serious health condition or to care for a ~~child,~~ spouse, domestic partner, child, parent, sibling, grandchild, grandparent, parent-in-law, or a designated person, there is no minimum amount of leave that must be taken. However, employees must comply with the notice and medical certification provisions of this policy.

D. Parents Both Employed by the County

In any case in which both parents are employed by the County, each parent is entitled to 12 workweeks of family medical leave during any 12-month period for the birth, adoption, or foster care placement of their child (e.g., bonding leave).

In any case in which both parents are employed by the County, each parent is entitled to 26 workweeks of family medical leave during any 12-month period to care for a covered service member.

~~Except as noted above, this limitation does not apply to any other type of leave under this policy.~~

VI. NOTICE OF NEED FOR LEAVE REQUIREMENT

A. Although the County recognizes that emergencies arise which may require employees to request immediate leave, employees are required to give as much notice as possible of their need for leave. A Request for Family ~~and~~ Medical Leave form or Request for Pregnancy Disability Leave must be completed by the employee and submitted to the employee's supervisor or Department Head (or Department Head's designee).

B. Except for qualifying exigency leave, if leave is foreseeable, an employee shall contact their supervisor at least 30 days prior or as soon as practicable (generally the same or next business day) if the leave is not foreseeable. For foreseeable leave due to a qualifying exigency, an employee must provide notice of the need for leave as soon as practicable, regardless of how far in advance such leave is foreseeable.

- C. If an employee fails to give 30 days advance notice for a foreseeable leave with no reasonable explanation of the delay, approval ~~for~~of the leave may be delayed until 30 days after the employee provides notice, to the extent allowed by law.
- D. In unexpected or unforeseeable situations, an employee shall provide as much notice as is practicable, usually verbal notice within one or two business days of when the need for leave becomes known, followed by submission of a completed Request for Family ~~and~~ Medical Leave form or Request for Pregnancy Disability Leave within three business days after verbal notice is given.

VII. COUNTY RESPONSIBILITIES

- A. ~~The County's~~ Human Resources Department ~~is will be~~ responsible for ensuring this leave policy is uniformly and equitably applied throughout all County departments. ~~The~~ Human Resources Department supports County departments by will ~~providing guidance information~~ and assistance ~~to County departments when in~~ reviewing employee requests for FMLA, ~~CFRA,~~ and PDL. The Human Resources ~~Office-Department is responsible for leave management and is serves~~ as the central point of contact for department liaisons regarding on matters related to leave management and administration employee leaves.
- B. It is the County's responsibility to designate leave as FMLA, CFRA, ~~and/or~~ PDL, based on eligibility and the information provided by the employee. If the reason for the absence is due to an FMLA, ~~CFRA,~~ and/or PDL qualifying condition/reason, the County will properly notify ~~the e~~Employee of their eligibility and designate their absence as FMLA, ~~CFRA,~~ and/or PDL leave with acceptable certification/medical documentation.
- C. Under certain circumstances, the County may designate ~~your an employee's~~ absence as an FMLA, ~~CFRA,~~ and/or PDL leave upon knowledge (e.g., hospitalization), even if the employee has not formally requested leave.
- D. When an employee requests (or the County identifies) a potential FMLA and/or ~~CFRA-~~ qualifying leave for the first time during the applicable 12-month period, the County ~~must will~~ notify the employee, either in writing or orally, of their FMLA and/or CFRA FMLA/CFRA eligibility status within five (5) business days. The employee ~~must will~~ receive ~~a~~ notice when:
 1. Their FMLA and/or CFRA FMLA/CFRA leave begins.
 2. It is determined the employee is not eligible for FMLA and/or CFRA FMLA/CFRA leave. In this case, Tthe notice ~~must state will include~~ at least one reason ~~why the employee is for ineligible~~ ineligibility, including whether the employee fails to meet the 12 months of service requirement, the 1,250 hours of worked threshold, or an other eligibility standard.
- E. The County is required to give the employee written notice detailing specific expectations and obligations of the employee and explaining any consequences if the employee fails to comply. This notice must be provided to the employee each time the eligibility notice is provided. If leave

has already begun, the notice must be mailed to the employee's email address or their address of record.

The County's notices must detail the following, when appropriate:

1. The leave will be designated and counted against the employee's FMLA and/or CFRA ~~FMLA/CFRA~~ leave entitlement and the applicable 12-month period for the FMLA/CFRA entitlement;
2. Any requirements for the employee to provide certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active-duty status and the consequences of not doing so (e.g., denial of leave);
3. The employee's right to substitute paid leave, whether the County will require the substitution of paid leave, the conditions related to any substitution, and the employee's entitlement to take unpaid ~~FMLA~~ FMLA and/or CFRA leave if the employee does not meet the conditions for paid leave;
4. Any requirement that the employee make ~~any~~ premium payments to maintain health benefits, the arrangements for making such payments, and the possible consequences of failure to make such payments on a timely basis (e.g., the circumstances under which coverage might lapse);
5. The employee's right to maintenance of health benefits during the FMLA and/or CFRA ~~FMLA/CFRA~~ leave;
6. The employee's potential liability for payment of health insurance premiums paid by the employer during the employee's unpaid FMLA and/or CFRA ~~FMLA/CFRA~~ leave if the employee fails to return to work after taking FMLA and/or CFRA ~~FMLA/CFRA~~ leave;
7. Any requirement that the employee provide a return-to-work certification to be reinstated to employment; and
8. The employee's right to reinstatement to the same or an equivalent position upon return from leave.

VIII. CERTIFICATION REQUIREMENTS

Employees who request FMLA and/or CFRA ~~FMLA/CFRA~~ leave for their own serious health condition or to care for a ~~child~~, spouse, domestic partner, child, parent, parent-in-law, sibling, grandchild, grandparent, or a designated person who has a serious health condition must provide written certification from the health care provider of the individual requiring care ~~if requested by the County~~. If the leave is requested because of the employee's own serious health condition, the certification must include a statement that the employee is unable to work at all or is unable to perform the essential functions of their position.

Employees who request leave to care for a covered servicemember who is a ~~child~~, spouse, domestic partner, child, parent, or "next of kin" of the employee must provide written certification from a health care provider regarding the injured servicemember's serious injury or illness.

The first time an employee requests leave because of a qualifying exigency, an employer may require the employee to provide a copy of the covered military member's active-duty orders or other documentation issued by the military which indicates that the covered military member is on "Covered Active Duty or Call to Active-Duty Status", and the dates of the covered military member's active-duty service. A copy of new active-duty orders or similar documentation shall be provided to the employer if the need for leave is because of a qualifying exigency, arises out of a different active duty, or call to active-duty status of the same or a different covered military member.

A. Time to Provide a Certification

When an employee's leave is foreseeable and at least 30 days notice has been provided, ~~if a medical certification is requested~~, the employee must provide it—medical certification upon request and before the leave begins. When this is not possible, the employee must provide the requested certification to the County within 15 calendar days, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

B. Consequences for Failure to Provide an Adequate or Timely Certification

If an employee provides an incomplete or insufficient medical certification, the employee will be given a reasonable opportunity to cure any such deficiency. However, if an employee fails to provide a complete and sufficient medical certification within the time frame established by this policy, the County may ~~delay the taking~~deny leave protections under of FMLA and/or CFRA FMLA/CFRA leave until the required certification is provided, to the extent allowed by the law. Leave taken by an employee prior to the deadline for a medical certification, if any, will be considered protected leave under FMLA and/or CFRA, unless the employee fails to provide a certification by the required date. **Failure to provide complete and sufficient medical certification as required may result in the denial of leave or denial of continuation of leave.**

C. Second and Third Medical Opinions

If the County has reason to doubt the validity of a certification for an employee's own serious health condition, the County may require a medical opinion of a second health care provider chosen and paid for by the County. If the second opinion is different from the first, the County may require the opinion of a third provider jointly approved by the County and the employee but paid for by the County. The opinion of the third provider will be binding. An employee may request a copy of the health care provider's opinions when there is a second or third medical opinion sought.

D. Intermittent Leave or Leave on a Reduced Leave Schedule

If an employee requests leave intermittently (*a few days or hours at a time*) or on a reduced leave schedule to care for their own serious health condition or for an immediate family member with a serious health condition, the employee must provide medical certification that such leave is medically necessary. "Medically necessary" means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule.

Employees who take intermittent leave for planned medical treatment must make reasonable effort to schedule such treatment so as not to unduly disrupt County operations.

E. Recertification

If an employee requests an extension of leave upon the expiration of their current medical certification or circumstances described by the previous certification have changed significantly (e.g., the duration or frequency of the absence, the nature or severity of the illness, complications), an employee will be requested to provide a new medical certification.

The employee must provide recertification to the County within 15 calendar days, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

IX. INTERMITTENT OR REDUCED SCHEDULE LEAVE

- A. An employee may request to take leave intermittently or on a reduced leave schedule to care for their own serious health condition or for an immediate family member with a serious health condition or because of a serious health condition of the employee, when medically necessary. Valid medical certification shall be required. Employees who require intermittent or reduced-schedule leave must try to schedule their leave so that it will not unduly disrupt County operations.
- B. The employee may be required to transfer temporarily to a position with equivalent pay and benefits that better accommodates recurring periods of leave when the leave is planned based on scheduled medical treatment of the employee or a covered family member.
- C. An employee may request intermittent or reduced schedule leave following the birth or placement for adoption or foster care of a child; however, intermittent leave for newborn care or bonding with a new child requires the Department Head's consent and may be denied based on the operational needs of the Department (also see section V, paragraph C).

X. USE OF PAID LEAVE

FMLA and /CFRA leave is unpaid. However, employees on FMLA and/or CFRA FMLA/CFRA leave for their own serious health condition must use and exhaust any accrued paid sick leave before going into unpaid status. Employees on FMLA and/or CFRA FMLA/CFRA leave may also elect to use any accrued and available Family Sick Leave, vacation, or compensatory time off concurrently with their FMLA and/or CFRA FMLA/CFRA leave. Employees on leave shall not alternate between utilizing their accrued banks (e.g., vacation, sick leave, etc.) and going into unpaid status. These procedures are detailed below. Additional terms may also be found ~~and~~ in the applicable Memorandum of Understanding.

A. Use of Paid Sick Leave

1. An employee on unpaid ~~FMLA and/or CFRA FMLA/CFRA~~ leave due to their own serious health condition **must** use and exhaust any accrued paid sick leave concurrently with their ~~FMLA and/or CFRA FMLA/CFRA~~ leave.
2. An employee on unpaid ~~FMLA and/or CFRA FMLA/CFRA~~ leave to care for a ~~child~~, spouse, domestic partner, child, parent, parent-in-law, sibling, grandchild, grandparent, or designated person with a serious health condition **may** use, concurrently with their ~~FMLA and/or CFRA FMLA/CFRA~~ leave, accrued paid sick leave pursuant to the County's Personnel Rules and applicable Family Sick Leave limits.
3. Exceptions and requirements for leave that also qualifies as PDL are covered in section XIII Coordination with Pregnancy Disability Leave (PDL).

B. Use of Accrued Vacation or Compensatory Time

An employee on unpaid ~~FMLA and/or CFRA FMLA/CFRA~~ leave may elect to use their accrued paid vacation or compensatory time concurrently with their ~~FMLA and/or CFRA FMLA/CFRA~~ leave, unless provided otherwise by contract or resolution. Employees must notify their department in advance of their leave if they choose not to use accrued vacation or compensatory time.

C. County's Right to Require Employee to Exhaust ~~FMLA and/or CFRA FMLA/CFRA~~ Leave Concurrently with Other Leaves

If an employee takes a leave of absence for any reason which is ~~FMLA and/or CFRA FMLA/CFRA~~-qualifying, the County shall designate that ~~non-FMLA and/or CFRA FMLA/CFRA~~-qualifying leave as running concurrently with the employee's 12-week ~~FMLA and/or CFRA FMLA/CFRA~~ leave entitlement. The only exception is for peace officers and firefighters who are on leave pursuant to Labor Code §4850.

D. County's and Employee's Rights If an Employee Requests Accrued Leave without Mentioning Either the FMLA and/or CFRA

If an employee requests to utilize accrued vacation leave or other accrued paid time off without reference to an ~~FMLA and/or CFRA FMLA/CFRA~~-qualifying purpose, the County may not ask the employee if the leave is for an ~~FMLA and/or CFRA FMLA/CFRA~~-qualifying purpose. However, if the County denies the employee's request and the employee provides information that the requested time off is for an ~~FMLA and/or CFRA FMLA/CFRA~~-qualifying purpose, the County may inquire further into the reason for the absence. If the reason is ~~FMLA and/or CFRA FMLA/CFRA~~ qualifying, the County may require the employee to exhaust accrued leave as described above.

XI. EFFECT ON EMPLOYEE BENEFITS AND STATUS

- A. An employee granted ~~FMLA and/or CFRA FMLA/CFRA~~ leave shall continue to be covered under the County's group health insurance plan and life insurance plan (if applicable) under the same conditions as coverage would have been provided if they had been continuously employed during the leave period.

- B. Employee contributions, if applicable, will be required either through payroll deduction during paid leave or by direct payment to the Finance Department during unpaid leave. If an employee goes into a leave without pay status, they will be responsible for paying their portion of the health insurance. Employee contributions are subject to any rate changes that occur while the employee is on leave, as well as any changes in plan coverage or insurance carriers.
- C. If the employee's contribution is more than 30 days late, the County may terminate the employee's insurance coverage. The employee will be mailed a notice at least 15 days before coverage is to cease, advising that their insurance will be dropped if the premium is more than 30 days late. Employee contribution rates are subject to any change in rates that occurs while the employee is on leave.
- D. If the employee exhausts their accrued leave banks and leave entitlement under FMLA, ~~CFRA~~, and/or PDL and is unable to return to work, the County shall terminate the employee's health insurance coverage. The employee may elect to continue their health insurance coverage for up to 18 months under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). The employee will receive a notice at least 15 days before coverage is to cease, advising that their insurance will be dropped.
- E. If the employee fails to return from FMLA, ~~CFRA~~, and/or PDL leave for reasons other than (1) the continuation, recurrence, or onset of a serious health condition of the employee or a covered family member; (2) the continuation, recurrence, or onset of a covered servicemember's serious injury or illness; or (3) other circumstances beyond the employee's control, the County may seek reimbursement from the employee for the portion of the premiums paid by the County on behalf of the employee (also known as the employer contribution) during the period of leave.
- F. An employee on an approved FMLA, ~~CFRA~~, and/or PDL leave retains employee status. An employee is not entitled to seniority or benefit accrual during periods of unpaid leave but will not lose service hours accrued prior to the leave start date.
- G. Postponement of the employee's anniversary date and any applicable step increase shall occur as provided for in Section 7020 of the Personnel Rules.

XII. JOB PROTECTION

A. Right to Reinstatement

Upon expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. Employees have no greater rights to reinstatement, benefits and other conditions of employment than if the employee had been continuously employed during the FMLA, ~~CFRA~~, and/or PDL period. The taking of leave will not affect the County's right to eliminate an employee's position or terminate an employee while on leave. **An eEmployee's failure to return to work when leave entitlements are exhausted, and**

where there is no longer a medical necessity for continuation, may result in termination of employment. The employee retains applicable rights of appeal.

B. Employee's Obligation to Provide Updates

Employees will be required to furnish updates on their status and intent to return to work if leave is extended. If the circumstances of the employees' leave changes, and they can return to work earlier than the date previously provided, the employee will be required to notify their department at least two workdays prior to the date they intend to report for work. Employees will be required to provide medical documentation indicating release back to work. This will avoid any delays to reinstatement when the employee is ready to return.

C. Fitness-for-Duty Certification

As a condition of reinstatement of an employee whose leave was due to the employee's own serious health condition, which made the employee unable to perform their job, the employee must obtain and present a fitness-for-duty certification from a health care provider that the employee is able to resume work. Failure to provide such certification will result in denial of reinstatement.

D. Reinstatement of Key Employees

The County may deny reinstatement to a key employee (e.g., an employee who is among the highest paid 10 percent of all employed by the County within 75 miles of the work site) if such denial is necessary to prevent substantial and grievous economic injury to the operations of the County, and the employee is notified of the County's intent to deny reinstatement on such basis at the time the employer determines that such injury would occur.

XIII. CIRCUMSTANCES UNDER WHICH LEAVE MAY BE DENIED OR DELAYED

- A. Leave may be delayed or denied if an employee fails to provide valid, timely medical certification or recertification, as required.
- B. When an employee goes on leave for their own serious health condition, which ~~made~~makes the employee unable to perform their job duties, reinstatement from leave may be delayed or denied if an employee fails to provide a certification from their medical provider returning the employee to work.
- C. Reinstatement from leave may be denied if an employee's position was eliminated prior to reinstatement for reasons unrelated to the leave.
- D. Continued leave and reinstatement will be denied if an employee advises the County that they do not intend to return to work.
- E. Leave and/or reinstatement may be denied if an employee obtains or attempts to qualify for FMLA, CFRA, and/or PDL leave fraudulently.

XIV. COORDINATION WITH CALIFORNIA PREGNANCY DISABILITY LEAVE (PDL)

- A. Under California law, ~~a pregnant~~ an employee ~~may take leave when they are~~ who is disabled by pregnancy, childbirth, or a related medical condition is entitled to PDL. PDL is separate from and does not overlap with CFRA leave but may run concurrently with FMLA if the employee is eligible at the start of leave or becomes eligible during the PDL period. ~~distinct from the provisions of the CFRA and FMLA Family and Medical Leave laws.~~
- B. ~~The possible leave entitlement for PDL, FMLA and CFRA is~~ Eligible employees may be entitled to up to four months of PDL, which shall run concurrently with FMLA leave as permitted by law. PDL may be followed by up to plus 12 work-weeks of CFRA leave for bonding with a newborn child or, in certain cases, as a reasonable accommodation if the employee has exhausted PDL and FMLA and has not been released to return to work due to a pregnancy-related disability. All leaves will be administered in accordance with applicable federal and state laws. This assumes that the employee is medically disabled by pregnancy, childbirth, or related medical conditions for four months, and then requests, and is eligible for, CFRA leave for the newborn care or bonding leave with a new minor child.
- C. ~~An pregnant~~ an employee may take up to four months PDL when if they are, in the medical opinion of their treating physician or other treating licensed health care practitioner/provider, certifies they are unable to perform the essential duties-functions of their job ~~or to perform them without undue risk to themselves or others~~ due to a pregnancy-related medical condition. For a ~~regular~~ regular full-time employee ~~who works~~ ings five 8-hour days per week, ~~4 four~~ four months ~~is equivalent to equals~~ approximately 693 hours ~~of leave entitlement (1/3 of a year or 17 1/3 weeks)~~. For ~~eligible~~ eligible employees ~~who work with more or less than five days a week, or who work on~~ alternative work schedules, ~~the amount of PDL available is~~ calculated on a pro-rata-rated basis based on the employee's regular workweek.
- D. At the end of ~~the employee's period of pregnancy disability~~ PDL, or earlier if the employee is medically released, ~~or at the end of four months of PDL, whichever occurs first, the employee, if the employee may be eligible to take, may request to take FMLA/CFRA of up to 12 workweeks of CFRA leave for bonding with their newborn. the birth of their child if the child has been born by this date. If any FMLA entitlement remains after PDL, it will be applied concurrently with CFRA bonding leave.~~

~~If at the end of the maximum of four months of PDL the employee is not medically released at the end of PDL, by their treating physician or licensed health care practitioner to return to duty and they have not yet given birth, they may continue to use FMLA leave request under FMLA leave for their own serious health condition, if available and eligible, for a serious health condition as defined by applicable law. A current medical certification will be required. The employee must provide the required medical certification.~~

If the employee was not eligible for FMLA at the start of PDL but later meets eligibility (12 months of service and 1,250 hours worked in the prior 12 months), FMLA will begin on the date eligibility is met and run concurrently with the remaining PDL.

- E. Once the employee is medically released from pregnancy disability, they may there is no requirement that either the employee or the newborn child have a serious health condition in order for the employee to request and be granted up to 12 weeks of FMLA/CFRA leave for bonding with the for newborn care or bonding with a new minor child. There is no requirement that either the employee or the child have a serious health condition for bonding leave. Bonding leave must be taken within 12 months of the birth and is generally taken in blocks of at least two weeks. However, on two occasions, an employee may take bonding leave for a shorter leave period (see section V, C – Minimum Duration).
- F. The employee will be required to use accrued sick leave concurrently with leave that also qualifies as PDL prior to going into unpaid status. If the employee is eligible for FMLA, it will be tracked concurrently with PDL. Employees are not permitted to use accrued sick leave during any CFRA absence for bonding.
- G. The employee may choose, but will is not be required, to use accrued vacation or compensatory leave time concurrently with while on PDL, before prior entering to going into unpaid status. Employees must notify their department in advance of their leave if they choose not to use accrued vacation or compensatory time.

XV. COORDINATION WITH CALIFORNIA PAID FAMILY LEAVE (PFL)

- A. Paid Family Leave (PFL) does not create a separate right for leave or job protection. Instead, PFL allows an employee to receive wage replacement benefits when taking an otherwise unpaid leave.

Eligible employees who contribute through payroll deduction to State Disability Insurance (SDI) may apply to the California Employment Development Department (EDD) for up to eight (8) weeks of wage replacement benefits in a 12-month period:

- (1) To bond with a new minor child after birth, adoption, or foster care placement.
 - (2) To care for a ~~child,~~ spouse, registered domestic partner, child, parent, parent-in-law, sibling, grandchild, or grandparent with a serious health condition, as defined in the law.
 - (3) To participate in a qualifying event when a ~~child,~~ spouse, registered domestic partner, child, or parent, is deployed to a foreign country.
- B. If an employee is on unpaid protected leave for a PFL-qualifying event, any approved leave under PFL shall run concurrently with any protected leave entitlements.

If an employee experiences a PFL-qualifying event but does not qualify for protected leave (such as FMLA, CFRA, and /or PDL), the employee may be required to participate in the interactive process with the Human Resources Department to request a Personal Leave of Absence, in accordance with Personnel Rule 7027. A request for a Personal Leave of Absence may be granted upon the recommendation of the Department Head and approval by the County Administrative

Officer. There is no requirement that the County grant leave for a PFL-qualifying event even if the employee is eligible to receive SDI benefits under the law.

XVI. COORDINATION WITH AB 2499 and AB 406 SAFE TIME LEAVE

- A. Under AB 2499, employees are entitled to up to 12 workweeks of job-protected leave if they are victims of a qualifying act of violence or if they have a family member who is a deceased victim of a qualifying act. Qualifying acts of violence include, but are not limited to, domestic violence, sexual assault, stalking, violent threats, acts involving the use of presence of a dangerous weapon, any violence causing injury, or other violent crimes as defined by applicable state or federal law.

Leave under AB 2499 will run concurrently with FMLA and/or CFRA when the employee is eligible for FMLA and/or CFRA and the reason for leave qualifies under the respective law.

If eligible, FMLA and/or CFRA will run concurrently when the employee is caring for themselves or a covered family member who is victim and requires medical or psychological care.

FMLA and/or CFRA will not run concurrently when leave is taken solely for court appearances, restraining orders, jury or witness duty, safety planning, relocation, or accessing victim services, unless there is a concurrent qualifying health condition.

- B. Under AB 406, employees are also entitled to time off to serve on a jury, respond to a subpoena, or attend criminal or judicial proceedings related to crime victims.
- C. The County will provide time off for employees to obtain a restraining order or other legal relief, attend court proceedings, serve on a jury or as a subpoenaed witness, seek medical attention for physical or mental injuries, access victim advocacy services or shelters, receive counseling or mental health support, relocate or take other safety-related actions, or provide medical and/or psychological care and assistance to covered family member who is a victim of a qualifying act of violence.
- D. Employees must provide advance notice of the need for leave when foreseeable. If not foreseeable, notice should be provided as soon as practicable.
- E. The total length of Safe Time Leave may vary based on whether the employee or a covered family member is the victim, the nature and purpose of the leave request, and the documentation provided.
- Employees may take up to 10 days of leave to assist a living family member who is a victim and requires care, with a maximum of 5 days for purposes such as relocation, safety planning, or attending legal proceedings, unless additional time is warranted and documented.
- F. Employees are entitled to reasonable accommodations for safety in the workplace and must engage in the interactive process with the Human Resources Department to determine appropriate accommodations.

- G. Employees will be required to provide reasonable documentation to verify leave, including police reports, court orders, or documentation from a medical professional, licensed counselor, shelter, or victim advocate. Employees are not required to disclose the details of the violence.
- H. Employees may elect to use accrued sick leave, vacation, or compensatory time during Safe Time Leave, prior to entering an unpaid status. Paid sick leave cannot be used for activities such as jury duty, subpoenaed witness appearances, restraining order hearings, court proceedings related to a crime, safety planning, or relocation. Employees must notify their department in advance of the leave they choose to use.

XVII. DEFINITIONS

The definitions below are ~~intended provided~~ for ease of reference. ~~For purposes of leave under the definitions provided by the FMLA, the definitions set forth in the FMLA shall apply. shall control for FMLA leave and the definitions provided by~~ For leave under the CFRA, ~~the definitions provided shall control for by the CFRA leaves shall apply.~~ In the event that any definitions or regulations under the FMLA or CFRA definitions or regulations change, are amended, the updated definitions or regulations will govern, shall be controlled even if this policy has not yet been ~~updated revised~~ to reflect ~~those~~ changes.

- A. "12-month period" means a rolling 12-month period measured forward from the first day the eligible employee takes FMLA and/or CFRA FMLA/CFRA leave and ends 12 months after that date. After the end of the 12-month period, the employee is eligible to begin a new 12-month period measured forward from the first day the employee again takes FMLA and/or CFRA FMLA/CFRA. Note: The rolling 12-month period is used for FMLA and/or CFRA FMLA/CFRA leave including "qualifying exigency leave". It is not used for "Military Caregiver Leave."
1. There is no carry-over of unused leave from one 12-month period to the next 12-month period.
- B. "Single 12-month period" means a 12-month period which begins on the first day the eligible employee takes FMLA and/or CFRA FMLA/CFRA leave to take care of a covered servicemember and ends 12 months after that date. Note: It is used for "Military Caregiver Leave."
- C. "Family Member" for FMLA leave means an employee's ~~child~~, spouse, child or parent. "Family member" for CFRA leave means an employee's ~~child~~, spouse, domestic partner, child, parent, parent-in-law, sibling, grandchild, grandparent, or a designated person.
- D. "Spouse" means two persons to a marriage, regardless of the sex of the persons, and for purposes of CFRA leave, includes a registered domestic partner as defined below.
- E. "Domestic Partner" is another adult with whom the employee has filed a Declaration of Domestic Partnership with the Secretary of State and who meets the criteria specified in California Family Code sections 297 and 299.2. A legal union formed in another state that is substantially equivalent to the California domestic partnership is also sufficient.

~~D.F.~~ “Child”

1. Under the FMLA, “child” means a child under the age of 18 years of age, or 18 years of age or older, who is incapable of self-care because of a mental or physical disability. An employee’s child is one for whom the employee has actual day-to-day responsibility for care, and includes a biological, adopted, foster or stepchild. A child is “incapable of self care” if they require active assistance or supervision to provide daily self care in three or more of the activities of daily living or instrumental activities of daily living - such as, caring for grooming and hygiene, bathing, dressing, and eating, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, etc.
2. Under the CFRA, “child” means a child, including a child who is 18 years of age or older, regardless of whether the child is capable of self-care. An employee’s child means a biological, adopted, foster, stepchild, legal ward, a child of a domestic partner, or a person to whom the employee stands in loco parentis (in place of a parent).

~~E. “Spouse” means two persons to a marriage, regardless of the sex of the persons, and for purposes of CFRA leave, includes a registered domestic partner as defined below.~~

~~F. “Domestic Partner,” is another adult with whom the employee has filed a Declaration of Domestic Partnership with the Secretary of State and who meets the criteria specified in California Family Code sections 297 and 299.2. A legal union formed in another state that is substantially equivalent to the California domestic partnership is also sufficient.~~

G. “Parent” means the biological, adoptive, step or foster parent of an employee or an individual who stood in loco parentis (in place of a parent) to an employee when the employee was a child. Under the CFRA only, this term also includes parents-in-law.

1. “In loco parentis” means in the place of a parent, instead of a parent, and/or charged with a parent’s rights, duties, and responsibilities. It includes those with the day-to-day responsibilities to care for and financially support a child. It does not require a biological or legal relationship.

H. “Parent-in-law” means the parent of a spouse or domestic partner.

I. “Sibling” means a person related to another person by blood, adoption, or affinity through a common legal or biological parent.

J. “Grandchild” means a child of the employee’s child.

K. “Grandparent” means a parent of the employee’s parent.

L. “Designated Person,” as defined by Government Code § 12945.2 & Labor Code § 245.5, means any individual related by blood or whose association with the employee is the equivalent of a family relationship. An employee is limited to one (1) designated person per 12-month period.

- M. “Serious health condition” means an illness, injury impairment, or physical or mental condition that involves:
1. “Inpatient Care” in a hospital, hospice or residential medical care facility, including any period of incapacity (e.g., inability to work, attend school, or perform other regular daily activities due to the serious health condition, treatment involved or recovery therefrom), or any subsequent treatment in connection with such inpatient care; OR
 2. “Continuing Treatment by a Health Care Provider”
 - A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:
 - A period of incapacity (e.g., inability to work, attend school, or perform other regular daily activities) due to a serious health condition of more than three ~~(3)~~ consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - Treatment two or more times within thirty (30) days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, a nurse or by a provider of health care services (e.g., a physical therapist) under orders of, or on referral by, a health care provider. The first in-person treatment visit must take place within seven (7) days of the first day of incapacity; or
 - Treatment by a health care provider on at least one occasion that must take place within seven days of the first day of incapacity and results in a regimen of continuing treatment under the supervision of the health care provider. This includes, for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. If the medication is over-the-counter and can be initiated without a visit to a health care provider, it does not constitute a regimen of continuing treatment.
 - Any period of incapacity due to pregnancy or for prenatal care. (Note that pregnancy is a “serious health condition” under FMLA only, but not under CFRA. Under California law, an employee disabled by pregnancy is entitled to pregnancy disability leave.)
 - Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
 - Requires periodic visits (defined as at least twice a year) for treatment by a health care provider or by a nurse under direct supervision of a health care provider;
 - Continues over an extended period of time (including recurring episodes of a single underlying condition); and

6. Any health care provider from whom an employer or employer's group health plan's benefits manager will accept a medical certification to substantiate a claim for benefits.

For Family Military Leaves Only:

- Q. "Qualifying Exigency" may include short-notice deployment, attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, spending time with a "covered military member" who is on short-term rest and recuperation leave, and attending post-deployment reintegration briefings.
- R. "Covered Military Member" ~~as defined by the~~ under FMLA regulations is the employee's ~~child,~~ spouse, child, or parent who is on "covered active duty or call to covered active-duty status." ~~"Covered military member" under CFRA includes the employee's spouse, domestic partner, child, or parent under the same active-duty conditions. The term "covered military member" applies to an employee's use of qualifying exigency leave.~~ The term "covered military member" applies specifically to an employee's use of qualifying exigency leave.
- S. "Covered Active Duty or Call to Active-Duty Status" means duty under a call or order to active duty (or notification of an impending call or order to active duty) during the deployment of the member of the Armed Forces (including members of reserve components of the Armed Forces) in support of a contingency operation, or when deployed to any foreign country.
- T. "Contingency Operation" means a military operation that is (1) designated by the Secretary of Defense as an operation in which members of the United States Armed Forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or (2) that results in the call to order to, or retention of, active duty members of the United States Armed Forces by law or any other provision of law during a war or national emergency declared by the President or Congress.
- U. "Military Caregiver Leave" is to care for a ~~child,~~ spouse, ~~domestic partner,~~ child, parent, or "next of kin" who is a "covered servicemember" of the United States Armed Forces and who is ill or injured in the line of duty on active duty. This leave can run up to 26 weeks (6.5 months) of unpaid leave during a single 12-month period. *(CFRA will run concurrently with FMLA with the exception of domestic partner and "next of kin," unless the employee also makes their "next of kin" as a "designated" person under CFRA.*)
- V. "Covered Servicemember" means (1) a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a "serious injury or illness"; or (2) a veteran who is undergoing medical treatment, recuperation, or therapy for a "serious injury or illness" and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy. The term "covered servicemember" applies to an employee's use of "military caregiver leave."

- W. “Outpatient Status” means, with respect to a “covered servicemember,” the status of a member of the Armed Forces assigned to either: (1) a military medical treatment facility as an outpatient; or (2) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.
- X. “Next of Kin of a Covered Servicemember” means the nearest blood relative other than the covered servicemember’s ~~child~~, spouse, ~~child~~, ~~domestic partner~~, or parent, in the following order of priority: Blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, siblings, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as their nearest blood relative for purposes of military caregiver leave under the FMLA.
- Y. “Serious Injury or Illness,” in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means a injury or illness that was incurred by a covered servicemember in the line of duty on active duty (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the servicemember medically unfit to perform the duties of the member’s office, grade, rank, or rating; and (2) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period described in V(2), means a qualifying injury or illness as determined by the Department of Defense (DOD) that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

For AB 2499 and AB 406 Safe Time Leave Only:

Z. “Victim” means any individual against whom a qualifying act of violence is committed, either the employee themselves or a covered family member. Covered family members include a spouse, domestic partner, child, parent, parent-in-law, sibling, grandparent, grandchild, or any individual related by blood or whose close association with the employee is equivalent of a family relationship, as defined under CFRA.

AA. “Qualifying Acts of Violence” means incidents covered under AB 2499 that involve physical harm, the credible threat of physical harm, or other legally recognized forms of violence against an individual. This includes, but is not limited to domestic violence, sexual assault, stalking, violent threats, acts involving the use or presence of a dangerous weapon, or violence causing injury, or other violent crimes as defined by applicable state or federal law.

1. Under CFRA, leave may run concurrently with AB 2499 and AB 406 when the employee is caring for themselves or a covered family member who is a victim and requires medical or psychological care.
2. Under FMLA, protected leave covers serious health conditions or recovery from injuries related to the employee or an FMLA qualified family member.

	<p style="text-align: center;">COUNTY OF KINGS California POLICY MANUAL</p>	<p>Number: 10-23 BOS Agenda Date: 01/06/2026</p>
<p>SUBJECT</p> <p><u>FAMILY AND MEDICAL LEAVE ACT AND CALIFORNIA FAMILY RIGHTS ACT POLICY</u></p>	<p>By Action of the Board of Supervisors</p> <p><input type="checkbox"/> Resolution</p> <p><input type="checkbox"/> Ordinance</p> <p><input checked="" type="checkbox"/> Policy</p> <p><input type="checkbox"/> Emergency Action</p>	
<p>DEPARTMENT</p> <p>Human Resources Department</p>	<p>Established Date: February 1995</p> <p>Revision Date(s): 07/13/2004 06/07/2011 07/01/2024 01/01/2026</p> <p><i>Citation: Federal law State Laws</i></p>	
<p>Overview:</p> <p>This policy allows eligible employees to take a protected leave from employment to attend to their own health issues, or those of qualifying family members, as prescribed by law.</p>		

FAMILY AND MEDICAL LEAVE ACT AND CALIFORNIA FAMILY RIGHTS ACT POLICY

I. STATEMENT OF POLICY

The federal Family and Medical Leave Act of 1993 (FMLA) and California Family Rights Act (CFRA) provide eligible employees the opportunity to take unpaid, job protected leave for certain medical needs for themselves and their family members. The County of Kings (County) will implement the FMLA and CFRA Policy to provide family and medical care leave for eligible employees in accordance with the requirements of current law, any future legislated amendments, and applicable memorandums of understanding. This Policy is intended to compliment and be consistent with federal and state statutes, rules, and regulations. In the event that the current law concerning FMLA and CFRA changes and becomes contrary to this Policy, federal and state law will supersede this policy as to the contradicting portions only.

The following sets the general terms and conditions of this Policy. It does not purport to cover all provisions of federal and state laws. This policy is not intended to provide any additional leave or time off beyond that required by law. In conjunction with this Policy, other state leave and/or benefit laws may be applicable to eligible employees, either in addition to or concurrent with FMLA and/or CFRA leave, such as the California Pregnancy Disability Leave Act (PDL) and the California Paid Family Leave Act (PFL).

II. DEFINITIONS

Terms are defined at the end of the policy (see section XVII).

III. EMPLOYEES ELIGIBLE FOR FMLA/CFRA LEAVE

An employee is covered by the provisions of FMLA and/or CFRA if the employee:

- A. Has worked for the County for at least 12 months as of the date the leave is to start. (The 12 months of employment does not have to be consecutive and can be any combination of 52 weeks within a seven (7) year period); AND,
- B. Has worked at least 1,250 hours of service in the 12 months immediately preceding the start of leave. *(Only the time actually worked, including overtime hours worked is counted. Time not actually worked, including vacation, sick leave, holidays, personal leave, standby, paid leave due to job-related accidents or injuries, and any other form of paid time off is not counted towards the 1,250 hours of service. Unpaid leave of any kind or periods of layoff also are not counted.)*
- C. All periods of absence from work due to or necessitated by service in the uniformed services are counted as hours worked in determining eligibility. Employees returning from fulfilling their National Guard or Reserve military obligation, will be credited with the hours of service that would have been performed for the period of such military service in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA).

IV. REASONS FOR LEAVE

FMLA and CFRA have differing definitions of “family member,” and only FMLA allows employees to take up to twenty-six (26) weeks of leave to provide care for an injured military family member. Because of this, FMLA and CFRA leave may not always run concurrently. In general, FMLA and/or CFRA leave may be taken for any of the following reasons:

Reasons for Leave (See related definitions at the end of the policy.)		FMLA	CFRA	Both
To care for or bond with:	An employee’s newborn child, newly placed foster, or adopted child.			X
	A domestic partner’s newborn child, newly placed foster, or adopted child.		X	
To care for a family member with a serious health condition, or who experienced a qualifying act of violence under AB 2499 Safe Time Leave, who is the employee’s:	Spouse, parent, child under the age of 18, or a child age 18 or older who is incapable of self-care.			X
	A registered domestic partner, child or registered domestic partner’s child of any age, parent-in-law, sibling, grandchild, grandparent, or designated person.		X	

The employee’s own serious health condition that makes the employee unable to perform their job, or leave because the employee experienced a qualifying act of violence under AB 2499 Safe Time Leave.			X
The employee’s own serious health condition related to pregnancy, childbirth, or recovery.	X		
A qualifying military 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 United States armed forces.			X
Military caregiver leave to care for a service member with a serious health condition who is the employee’s spouse, domestic partner*, child, parent, or next of kin**.			X

* FMLA leave **will not run** concurrently when a qualifying exigency or military caregiver is related to an employee’s registered domestic partner in the United States Armed Forces.

CFRA leave **will run concurrently in this situation when the leave is to care for a spouse, domestic partner, child, parent, parent-in-law, sibling, grandchild, grandparent, grandchild, or designated person with a serious health condition.

V. AMOUNT OF LEAVE

Eligible employees are entitled to a maximum of 12 workweeks of leave under FMLA and/or CFRA for a qualifying reason, or up to 26 workweeks under FMLA leave to care for a covered servicemember with a serious injury or illness (“military caregiver leave”), each 12-month period. An employee eligible for military caregiver leave is limited to a combined 26 workweeks of leave per 12-month period for all types of FMLA leave. For example, if an employee is eligible for military caregiver leave and uses 24 workweeks of such leave in a 12-month period, the employee would have 2 workweeks of FMLA leave remaining in that 12-month period, which could be used for additional military caregiver leave or some other type of leave under the FMLA, such as the employee’s own serious health condition. However, even where an employee is eligible for 26 workweeks of military caregiver leave, no more than a combined total of 12 workweeks of leave, out of the 26 workweeks, may be taken for other types of leave under FMLA. If a leave request qualifies as both military caregiver leave and leave to care for a family member with a serious health condition, the leave will be designated as military caregiver leave first.

A. Workweeks

Twelve workweeks refers to the equivalent of twelve of the employees’ normally scheduled workweeks. For eligible employees who work more or less than five days a week, or who work on alternative work schedules, the total amount of leave is calculated on a pro-rata basis based on their regular work schedule. For example, a regular full-time employee who works five 8-hour days per week, 12 workweeks is equivalent to 60 workdays (or 480 hours). For Fire employees (56-hour workweek), part-time and other employees on alternative work schedules, 12 workweeks will be based on the employees’ schedule (e.g., an employee working 20 hours a week or half-time (.50 FTE) is eligible for up to 12 weeks at half-time, or 240 hours).

B. Holidays

Holidays will be counted as FMLA and/or CFRA leave if the employee is on leave the full week or would otherwise have been required to work on that day.

C. Minimum Duration of Leave

If bonding leave is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two weeks. However, on two separate occasions, an employee may take leave for one of these bonding purposes (e.g., bonding with a newborn) for a period shorter than two weeks, but no less than one day.

If leave is requested for their own serious health condition or to care for a spouse, domestic partner, child, parent, sibling, grandchild, grandparent, parent-in-law, or a designated person, there is no minimum amount of leave that must be taken. However, employees must comply with the notice and medical certification provisions of this policy.

D. Parents Both Employed by the County

In any case in which both parents are employed by the County, each parent is entitled to 12 workweeks of family medical leave during any 12-month period for the birth, adoption, or foster care placement of their child (e.g., bonding leave).

In any case in which both parents are employed by the County, each parent is entitled to 26 workweeks of family medical leave during any 12-month period to care for a covered service member.

VI. NOTICE OF NEED FOR LEAVE REQUIREMENT

- A. Although the County recognizes that emergencies arise which may require employees to request immediate leave, employees are required to give as much notice as possible of their need for leave. A Request for Family Medical Leave form or Request for Pregnancy Disability Leave must be completed by the employee and submitted to the employee's supervisor or Department Head (or Department Head's designee).
- B. Except for qualifying exigency leave, if leave is foreseeable, an employee shall contact their supervisor at least 30 days prior or as soon as practicable (generally the same or next business day) if the leave is not foreseeable. For foreseeable leave due to a qualifying exigency, an employee must provide notice of the need for leave as soon as practicable, regardless of how far in advance such leave is foreseeable.
- C. If an employee fails to give 30 days advance notice for a foreseeable leave with no reasonable explanation of the delay, approval of the leave may be delayed until 30 days after the employee provides notice, to the extent allowed by law.

- D. In unexpected or unforeseeable situations, an employee shall provide as much notice as is practicable, usually verbal notice within one or two business days of when the need for leave becomes known, followed by submission of a completed Request for Family Medical Leave form or Request for Pregnancy Disability Leave within three business days after verbal notice is given.

VII. COUNTY RESPONSIBILITIES

- A. The County’s Human Resources Department is responsible for ensuring this leave policy is uniformly and equitably applied throughout all County departments. The Human Resources Department supports County departments by providing guidance and assistance in reviewing employee requests for FMLA, CFRA, and PDL. The Human Resources Department serves as the central point of contact for department liaisons on matters related to leave management and administration.
- B. It is the County’s responsibility to designate leave as FMLA, CFRA, and/or PDL based on eligibility and the information provided by the employee. If the reason for the absence is due to an FMLA, CFRA, and/or PDL qualifying condition/reason, the County will properly notify the employee of their eligibility and designate their absence as FMLA, CFRA, and/or PDL leave with acceptable certification/medical documentation.
- C. Under certain circumstances, the County may designate an employee’s absence as an FMLA, CFRA, and/or PDL leave upon knowledge (e.g., hospitalization), even if the employee has not formally requested leave.
- D. When an employee requests (or the County identifies) a potential FMLA and/or CFRA qualifying leave for the first time during the applicable 12-month period, the County will notify the employee, either in writing or orally, of their FMLA and/or CFRA eligibility status within five (5) business days. The employee will receive notice when:
 - 1. Their FMLA and/or CFRA leave begins.
 - 2. It is determined the employee is not eligible for FMLA and/or CFRA leave. In this case, the notice will include at least one reason for ineligibility, including whether the employee fails to meet the 12 months of service requirement, the 1,250 hours of worked threshold, or another eligibility standard.
- E. The County is required to give the employee written notice detailing specific expectations and obligations of the employee and explaining any consequences if the employee fails to comply. This notice must be provided to the employee each time the eligibility notice is provided. If leave has already begun, the notice must be mailed to the employee’s email address or their address of record.

The County’s notices must detail the following, when appropriate:

- 1. The leave will be designated and counted against the employee’s FMLA and/or CFRA leave entitlement and the applicable 12-month period for the FMLA/CFRA entitlement;

2. Any requirements for the employee to provide certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active-duty status and the consequences of not doing so (e.g., denial of leave);
3. The employee's right to substitute paid leave, whether the County will require the substitution of paid leave, the conditions related to any substitution, and the employee's entitlement to take unpaid FMLA and/or CFRA leave if the employee does not meet the conditions for paid leave;
4. Any requirement that the employee make premium payments to maintain health benefits, the arrangements for making such payments, and the possible consequences of failure to make such payments on a timely basis (e.g., the circumstances under which coverage might lapse);
5. The employee's right to maintenance of health benefits during the FMLA and/or CFRA leave;
6. The employee's potential liability for payment of health insurance premiums paid by the employer during the employee's unpaid FMLA and/or CFRA leave if the employee fails to return to work after taking FMLA and/or CFRA leave;
7. Any requirement that the employee provide a return-to-work certification to be reinstated to employment; and
8. The employee's right to reinstatement to the same or an equivalent position upon return from leave.

VIII. CERTIFICATION REQUIREMENTS

Employees who request FMLA and/or CFRA leave for their own serious health condition or to care for a spouse, domestic partner, spouse, parent, parent-in-law, sibling, grandchild, grandparent, or a designated person who has a serious health condition must provide written certification from the health care provider of the individual requiring care. If the leave is requested because of the employee's own serious health condition, the certification must include a statement that the employee is unable to work at all or is unable to perform the essential functions of their position.

Employees who request leave to care for a covered servicemember who is a spouse, domestic partner, child, parent, or "next of kin" of the employee must provide written certification from a health care provider regarding the injured servicemember's serious injury or illness.

The first time an employee requests leave because of a qualifying exigency, an employer may require the employee to provide a copy of the covered military member's active-duty orders or other documentation issued by the military which indicates that the covered military member is on "Covered Active Duty or Call to Active-Duty Status", and the dates of the covered military member's active-duty service. A copy of new active-duty orders or similar documentation shall be provided to the employer if the need for leave is because of a qualifying exigency, arises out of a different active duty, or call to active-duty status of the same or a different covered military member.

A. Time to Provide a Certification

When an employee's leave is foreseeable and at least 30 days notice has been provided, the employee must provide medical certification upon request and before the leave begins. When this is not possible, the employee must provide the requested certification to the County within 15 calendar days, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

B. Consequences for Failure to Provide an Adequate or Timely Certification

If an employee provides an incomplete or insufficient medical certification, the employee will be given a reasonable opportunity to cure any such deficiency. However, if an employee fails to provide a complete and sufficient medical certification within the time frame established by this policy, the County may deny leave protections under FMLA and/or CFRA until the required certification is provided, to the extent allowed by the law. Leave taken by an employee prior to the deadline for a medical certification, if any, will be considered protected leave under FMLA and/or CFRA, unless the employee fails to provide a certification by the required date. **Failure to provide complete and sufficient medical certification as required may result in the denial of leave or denial of continuation of leave.**

C. Second and Third Medical Opinions

If the County has reason to doubt the validity of a certification for an employee's own serious health condition, the County may require a medical opinion of a second health care provider chosen and paid for by the County. If the second opinion is different from the first, the County may require the opinion of a third provider jointly approved by the County and the employee but paid for by the County. The opinion of the third provider will be binding. An employee may request a copy of the health care provider's opinions when there is a second or third medical opinion sought.

D. Intermittent Leave or Leave on a Reduced Leave Schedule

If an employee requests leave intermittently (*a few days or hours at a time*) or on a reduced leave schedule to care for their own serious health condition or for an immediate family member with a serious health condition, the employee must provide medical certification that such leave is medically necessary. "Medically necessary" means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule. Employees who take intermittent leave for planned medical treatment must make reasonable effort to schedule such treatment so as not to unduly disrupt County operations.

E. Recertification

If an employee requests an extension of leave upon the expiration of their current medical certification or circumstances described by the previous certification have changed significantly (e.g., the duration or frequency of the absence, the nature or severity of the illness, complications), an employee will be requested to provide a new medical certification.

The employee must provide recertification to the County within 15 calendar days, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

IX. INTERMITTENT OR REDUCED SCHEDULE LEAVE

- A. An employee may request to take leave intermittently or on a reduced leave schedule to care for their own serious health condition or for an immediate family member with a serious health condition or because of a serious health condition of the employee, when medically necessary. Valid medical certification shall be required. Employees who require intermittent or reduced-schedule leave must try to schedule their leave so that it will not unduly disrupt County operations.
- B. The employee may be required to transfer temporarily to a position with equivalent pay and benefits that better accommodates recurring periods of leave when the leave is planned based on scheduled medical treatment of the employee or a covered family member.
- C. An employee may request intermittent or reduced schedule leave following the birth or placement for adoption or foster care of a child; however, intermittent leave for newborn care or bonding with a new child requires the Department Head's consent and may be denied based on the operational needs of the Department (also see section V, paragraph C).

X. USE OF PAID LEAVE

FMLA and CFRA leave is unpaid. However, employees on FMLA and/or CFRA leave for their own serious health condition must use and exhaust any accrued paid sick leave before going into unpaid status. Employees on FMLA and/or CFRA leave may also elect to use any accrued and available Family Sick Leave, vacation, or compensatory time off concurrently with their FMLA and/or CFRA leave. Employees on leave shall not alternate between utilizing their accrued banks (e.g., vacation, sick leave, etc.) and going into unpaid status. These procedures are detailed below. Additional terms may also be found in the applicable Memorandum of Understanding.

A. Use of Paid Sick Leave

1. An employee on unpaid FMLA and/or CFRA leave due to their own serious health condition **must** use and exhaust any accrued paid sick leave concurrently with their FMLA and/or CFRA leave.
2. An employee on unpaid FMLA and/or CFRA leave to care for a spouse, domestic partner, child, parent, parent-in-law, sibling, grandchild, grandparent, or designated person with a serious health condition **may** use, concurrently with their FMLA and/or CFRA leave, accrued paid sick leave pursuant to the County's Personnel Rules and applicable Family Sick Leave limits.
3. Exceptions and requirements for leave that also qualifies as PDL are covered in section XIII Coordination with Pregnancy Disability Leave (PDL).

B. Use of Accrued Vacation or Compensatory Time

An employee on unpaid FMLA and/or CFRA leave may elect to use their accrued paid vacation or compensatory time concurrently with their FMLA and/or CFRA leave, unless provided otherwise by contract or resolution. Employees must notify their department in advance of their leave if they choose not to use accrued vacation or compensatory time.

C. County's Right to Require Employee to Exhaust FMLA and/or CFRA Leave Concurrently with Other Leaves

If an employee takes a leave of absence for any reason which is FMLA and/or CFRA-qualifying, the County shall designate that FMLA and/or CFRA qualifying leave as running concurrently with the employee's 12-week FMLA and/or CFRA leave entitlement. The only exception is for peace officers and firefighters who are on leave pursuant to Labor Code §4850.

D. County's and Employee's Rights If an Employee Requests Accrued Leave without Mentioning Either the FMLA and/or CFRA

If an employee requests to utilize accrued vacation leave or other accrued paid time off without reference to an FMLA and/or CFRA-qualifying purpose, the County may not ask the employee if the leave is for an FMLA and/or CFRA-qualifying purpose. However, if the County denies the employee's request and the employee provides information that the requested time off is for an FMLA and/or CFRA-qualifying purpose, the County may inquire further into the reason for the absence. If the reason is FMLA and/or CFRA qualifying, the County may require the employee to exhaust accrued leave as described above.

XI. EFFECT ON EMPLOYEE BENEFITS AND STATUS

- A. An employee granted FMLA and/or CFRA leave shall continue to be covered under the County's group health insurance plan and life insurance plan (if applicable) under the same conditions as coverage would have been provided if they had been continuously employed during the leave period.
- B. Employee contributions, if applicable, will be required either through payroll deduction during paid leave or by direct payment to the Finance Department during unpaid leave. If an employee goes into a leave without pay status, they will be responsible for paying their portion of the health insurance. Employee contributions are subject to any rate changes that occur while the employee is on leave, as well as any changes in plan coverage or insurance carriers.
- B. If the employee's contribution is more than 30 days late, the County may terminate the employee's insurance coverage. The employee will be mailed a notice at least 15 days before coverage is to cease, advising that their insurance will be dropped if the premium is more than 30 days late. Employee contribution rates are subject to any change in rates that occurs while the employee is on leave.

- D. If the employee exhausts their accrued leave banks and leave entitlement under FMLA, CFRA, and/or PDL and is unable to return to work, the County shall terminate the employee's health insurance coverage. The employee may elect to continue their health insurance coverage for up to 18 months under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). The employee will receive a notice at least 15 days before coverage is to cease, advising that their insurance will be dropped.
- E. If the employee fails to return from FMLA, CFRA, and/or PDL leave for reasons other than (1) the continuation, recurrence, or onset of a serious health condition of the employee or a covered family member; (2) the continuation, recurrence, or onset of a covered servicemember's serious injury or illness; or (3) other circumstances beyond the employee's control, the County may seek reimbursement from the employee for the portion of the premiums paid by the County on behalf of the employee (also known as the employer contribution) during the period of leave.
- F. An employee on an approved FMLA, CFRA, and/or PDL leave retains employee status. An employee is not entitled to seniority or benefit accrual during periods of unpaid leave but will not lose service hours accrued prior to the leave start date.
- G. Postponement of the employee's anniversary date and any applicable step increase shall occur as provided for in Section 7020 of the Personnel Rules.

XII. JOB PROTECTION

A. Right to Reinstatement

Upon expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. Employees have no greater rights to reinstatement, benefits and other conditions of employment than if the employee had been continuously employed during the FMLA, CFRA, and/or PDL period. The taking of leave will not affect the County's right to eliminate an employee's position or terminate an employee while on leave. **An employee's failure to return to work when leave entitlements are exhausted, and where there is no longer a medical necessity for continuation, may result in termination of employment.** The employee retains applicable rights of appeal.

B. Employee's Obligation to Provide Updates

Employees will be required to furnish updates on their status and intent to return to work if leave is extended. If the circumstances of the employees' leave changes, and they can return to work earlier than the date previously provided, the employee will be required to notify their department at least two workdays prior to the date they intend to report for work. Employees will be required to provide medical documentation indicating release back to work. This will avoid any delays to reinstatement when the employee is ready to return.

C. Fitness-for-Duty Certification

As a condition of reinstatement of an employee whose leave was due to the employee's own serious health condition, which made the employee unable to perform their job, the employee must obtain and present a fitness-for-duty certification from a health care provider that the employee is able to resume work. Failure to provide such certification will result in denial of reinstatement.

D. Reinstatement of Key Employees

The County may deny reinstatement to a key employee (e.g., an employee who is among the highest paid 10 percent of all employed by the County within 75 miles of the work site) if such denial is necessary to prevent substantial and grievous economic injury to the operations of the County, and the employee is notified of the County's intent to deny reinstatement on such basis at the time the employer determines that such injury would occur.

XIII. CIRCUMSTANCES UNDER WHICH LEAVE MAY BE DENIED OR DELAYED

- A. Leave may be delayed or denied if an employee fails to provide valid, timely medical certification or recertification, as required.
- B. When an employee goes on leave for their own serious health condition, which makes the employee unable to perform their job duties, reinstatement from leave may be delayed or denied if an employee fails to provide a certification from their medical provider returning the employee to work.
- C. Reinstatement from leave may be denied if an employee's position was eliminated prior to reinstatement for reasons unrelated to the leave.
- D. Continued leave and reinstatement will be denied if an employee advises the County that they do not intend to return to work.
- E. Leave and/or reinstatement may be denied if an employee obtains or attempts to qualify for FMLA, CFRA, and/or PDL leave fraudulently.

XIV. COORDINATION WITH CALIFORNIA PREGNANCY DISABILITY LEAVE (PDL)

- A. Under California law, an employee who is disabled by pregnancy, childbirth, or a related medical condition is entitled to PDL. PDL is separate from and does not overlap with CFRA leave but may run concurrently with FMLA if the employee is eligible at the start of leave or becomes eligible during the PDL period.
- B. Eligible employees may be entitled to up to four months of PDL, which shall run concurrently with FMLA leave as permitted by law. PDL may be followed by up to 12 workweeks of CFRA leave for bonding with a newborn child or, in certain cases, as a reasonable accommodation if the employee has exhausted PDL and FMLA and has not been released to return to work due to a pregnancy-

related disability. All leaves will be administered in accordance with applicable federal and state laws.

- C. An employee may take PDL when their treating physician or licensed health care provider certifies they are unable to perform the essential functions of their job due to a pregnancy-related medical condition. For a full-time employee working five 8-hour days per week, four months equals approximately 693 hours (17 1/3 weeks). For employees with alternative work schedules, PDL is calculated on a pro-rated basis based on the employee's regular workweek.
- D. At the end of PDL, or earlier if the employee is medically released, the employee may be eligible to take up to 12 workweeks of CFRA leave for bonding with their newborn. If any FMLA entitlement remains after PDL, it will be applied concurrently with CFRA bonding leave.

If the employee is not medically released at the end of PDL, they may continue to use FMLA leave for their own serious health condition, if available and eligible. A current medical certification will be required.

If the employee was not eligible for FMLA at the start of PDL but later meets eligibility (12 months of service and 1,250 hours worked in the prior 12 months), FMLA will begin on the date eligibility is met and run concurrently with the remaining PDL.

- E. Once the employee is medically released from pregnancy disability, they may request up to 12 weeks of CFRA leave for bonding with the newborn. There is no requirement that either the employee or the child have a serious health condition for bonding leave. Bonding leave must be taken within 12 months of the birth and is generally taken in blocks of at least two weeks. However, on two occasions, an employee may take bonding leave for a shorter leave period (see section V, C – Minimum Duration).
- F. The employee will be required to use accrued sick leave concurrently with PDL prior to going into unpaid status. If the employee is eligible for FMLA, it will be tracked concurrently with PDL. Employees are not permitted to use accrued sick leave during any CFRA absence for bonding.
- G. The employee may choose, but is not required, to use accrued vacation or compensatory time while on PDL, before entering unpaid status. Employees must notify their department in advance of their leave if they choose not to use accrued vacation or compensatory time.

XV. COORDINATION WITH CALIFORNIA PAID FAMILY LEAVE (PFL)

- A. Paid Family Leave (PFL) does not create a separate right for leave or job protection. Instead, PFL allows an employee to receive wage replacement benefits when taking an otherwise unpaid leave.

Eligible employees who contribute through payroll deduction to State Disability Insurance (SDI) may apply to the California Employment Development Department (EDD) for up to eight (8) weeks of wage replacement benefits in a 12-month period:

- (1) To bond with a new minor child after birth, adoption, or foster care placement.

(2) To care for a spouse, registered domestic partner, child, parent, parent-in-law, sibling, grandchild, or grandparent with a serious health condition, as defined in the law.

(3) To participate in a qualifying event when a spouse, registered domestic partner, child, or parent, is deployed to a foreign country.

- B. If an employee is on unpaid protected leave for a PFL-qualifying event, any approved leave under PFL shall run concurrently with any protected leave entitlements.

If an employee experiences a PFL-qualifying event but does not qualify for protected leave (such as FMLA, CFRA, and/or PDL), the employee may be required to participate in the interactive process with the Human Resources Department to request a Personal Leave of Absence, in accordance with Personnel Rule 7027. A request for a Personal Leave of Absence may be granted upon the recommendation of the Department Head and approval by the County Administrative Officer. There is no requirement that the County grant leave for a PFL-qualifying event even if the employee is eligible to receive SDI benefits under the law.

XVI. COORDINATION WITH AB 2499 and AB 406 SAFE TIME LEAVE

- A. Under AB 2499, employees are entitled to up to 12 workweeks of job-protected leave if they are victims of a qualifying act of violence or if they have a family member who is a deceased victim of a qualifying act. Qualifying acts of violence include, but are not limited to, domestic violence, sexual assault, stalking, violent threats, acts involving the use of presence of a dangerous weapon, any violence causing injury, or other violent crimes as defined by applicable state or federal law.

Leave under AB 2499 will run concurrently with FMLA and/or CFRA when the employee is eligible for FMLA and/or CFRA and the reason for leave qualifies under the respective law.

If eligible, FMLA and/or CFRA will run concurrently when the employee is caring for themselves or a covered family member who is victim and requires medical or psychological care.

FMLA and/or CFRA will not run concurrently when leave is taken solely for court appearances, restraining orders, jury or witness duty, safety planning, relocation, or accessing victim services, unless there is a concurrent qualifying health condition.

- B. Under AB 406, employees are also entitled to time off to serve on a jury, respond to a subpoena, or attend criminal or judicial proceedings related to crime victims.
- C. The County will provide time off for employees to obtain a restraining order or other legal relief, attend court proceedings, serve on a jury or as a subpoenaed witness, seek medical attention for physical or mental injuries, access victim advocacy services or shelters, receive counseling or mental health support, relocate or take other safety-related actions, or provide medical and/or psychological care and assistance to covered family member who is a victim of a qualifying act of violence.

- D. Employees must provide advance notice of the need for leave when foreseeable. If not foreseeable, notice should be provided as soon as practicable.
- E. The total length of Safe Time Leave may vary based on whether the employee or a covered family member is the victim, the nature and purpose of the leave request, and the documentation provided.

Employees may take up to 10 days of leave to assist a living family member who is a victim and requires care, with a maximum of 5 days for purposes such as relocation, safety planning, or attending legal proceedings, unless additional time is warranted and documented.

- F. Employees are entitled to reasonable accommodations for safety in the workplace and must engage in the interactive process with the Human Resources Department to determine appropriate accommodations.
- G. Employees will be required to provide reasonable documentation to verify leave, including police reports, court orders, or documentation from a medical professional, licensed counselor, shelter, or victim advocate. Employees are not required to disclose the details of the violence.
- H. Employees may elect to use accrued sick leave, vacation, or compensatory time during Safe Time Leave, prior to entering an unpaid status. Paid sick leave cannot be used for activities such as jury duty, subpoenaed witness appearances, restraining order hearings, court proceedings related to a crime, safety planning, or relocation. Employees must notify their department in advance of the leave they choose to use.

XVII. DEFINITIONS

The definitions below are provided for ease of reference. For purposes of leave under the FMLA, the definitions set forth in the FMLA shall apply. For leave under the CFRA, the definitions provided by the CFRA shall apply. In the event that any definitions or regulations under the FMLA or CFRA are amended, the updated definitions or regulations will govern, even if this policy has not yet been updated to reflect those changes.

- A. “12-month period” means a rolling 12-month period measured forward from the first day the eligible employee takes FMLA and/or CFRA leave and ends 12 months after that date. After the end of the 12-month period, the employee is eligible to begin a new 12-month period measured forward from the first day the employee again takes FMLA and/or CFRA. Note: The rolling 12-month period is used for FMLA and/or CFRA leave including “qualifying exigency leave”. It is not used for “Military Caregiver Leave.”
 - 1. There is no carry-over of unused leave from one 12-month period to the next 12-month period.
- B. “Single 12-month period” means a 12-month period which begins on the first day the eligible employee takes FMLA and/or CFRA leave to take care of a covered servicemember and ends 12 months after that date. Note: It is used for “Military Caregiver Leave.”

- C. "Family Member" for FMLA leave means an employee's spouse, child, or parent. "Family member" for CFRA leave means an employee's spouse, domestic partner, child, parent, parent-in-law, sibling, grandchild, grandparent, or a designated person.
- D. "Spouse" means two persons to a marriage, regardless of the sex of the persons, and for purposes of CFRA leave, includes a registered domestic partner as defined below.
- E. "Domestic Partner" is another adult with whom the employee has filed a Declaration of Domestic Partnership with the Secretary of State and who meets the criteria specified in California Family Code sections 297 and 299.2. A legal union formed in another state that is substantially equivalent to the California domestic partnership is also sufficient.
- F. "Child"
1. Under the FMLA, "child" means a child under the age of 18 years of age, or 18 years of age or older, who is incapable of self-care because of a mental or physical disability. An employee's child is one for whom the employee has actual day-to-day responsibility for care, and includes a biological, adopted, foster or stepchild. A child is "incapable of self care" if they require active assistance or supervision to provide daily self care in three or more of the activities of daily living or instrumental activities of daily living - such as, caring for grooming and hygiene, bathing, dressing, and eating, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, etc.
 2. Under the CFRA, "child" means a child, including a child who is 18 years of age or older, regardless of whether the child is capable of self-care. An employee's child means a biological, adopted, foster, stepchild, legal ward, a child of a domestic partner, or a person to whom the employee stands in loco parentis (in place of a parent).
- G. "Parent" means the biological, adoptive, step or foster parent of an employee or an individual who stood in loco parentis (in place of a parent) to an employee when the employee was a child. Under the CFRA only, this term also includes parents-in-law.
1. "In loco parentis" means in the place of a parent, instead of a parent, and/or charged with a parent's rights, duties, and responsibilities. It includes those with the day-to-day responsibilities to care for and financially support a child. It does not require a biological or legal relationship.
- H. "Parent-in-law" means the parent of a spouse or domestic partner.
- I. "Sibling" means a person related to another person by blood, adoption, or affinity through a common legal or biological parent.
- J. "Grandchild" means a child of the employee's child.
- K. "Grandparent" means a parent of the employee's parent.

- L. “Designated Person,” as defined by Government Code § 12945.2 & Labor Code § 245.5, means any individual related by blood or whose association with the employee is the equivalent of a family relationship. An employee is limited to one (1) designated person per 12-month period.
- M. “Serious health condition” means an illness, injury impairment, or physical or mental condition that involves:
1. “Inpatient Care” in a hospital, hospice or residential medical care facility, including any period of incapacity (e.g., inability to work, attend school, or perform other regular daily activities due to the serious health condition, treatment involved or recovery therefrom), or any subsequent treatment in connection with such inpatient care; OR
 2. “Continuing Treatment by a Health Care Provider”
 - A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:
 - A period of incapacity (e.g., inability to work, attend school, or perform other regular daily activities) due to a serious health condition of more than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - Treatment two or more times within thirty (30) days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, a nurse or by a provider of health care services (e.g., a physical therapist) under orders of, or on referral by, a health care provider. The first in-person treatment visit must take place within seven (7) days of the first day of incapacity; or
 - Treatment by a health care provider on at least one occasion that must take place within seven days of the first day of incapacity and results in a regimen of continuing treatment under the supervision of the health care provider. This includes, for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. If the medication is over-the-counter and can be initiated without a visit to a health care provider, it does not constitute a regimen of continuing treatment.
 - Any period of incapacity due to pregnancy or for prenatal care. (Note that pregnancy is a “serious health condition” under FMLA only, but not under CFRA. Under California law, an employee disabled by pregnancy is entitled to pregnancy disability leave.)
 - Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
 - Requires periodic visits (defined as at least twice a year) for treatment by a health care provider or by a nurse under direct supervision of a health care provider;
 - Continues over an extended period of time (including recurring episodes of a single underlying condition); and

- May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy). Absences for such incapacity qualify for leave even if the absence lasts only one day.
 - A period of incapacity that is permanent or long term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.
 - Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.
- N. "Intermittent leave" is leave taken in separate blocks of time due to a single illness or injury, rather than for one continuous period of time, and may include leave of periods from an hour or more to several weeks. *(For example: leave taken on an occasional basis for medical appointments or leave taken several days at a time spread over a period of several months, such as for chemotherapy.)* Employees who take intermittent leave for planned medical treatment must make reasonable effort to schedule such treatment so as not to disrupt unduly the employer's operations.
- O. "Reduced leave schedule" is a leave schedule that temporarily reduces an employee's usual number of working hours per workweek, or hours per workday. In other words, a reduced leave schedule is a change in the employee's schedule for a period of time, normally from full-time to part-time. *(For example: an employee, with department head approval, works part-time while on newborn care leave; or because an employee who is recovering from a serious health condition is not strong enough to immediately resume a full-time schedule.)*
- P. "Health Care Provider" means:
1. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State of California;
 2. Individuals duly licensed as a physician, surgeon, or osteopathic physician or surgeon in another state or jurisdiction, including another country, who directly treat or supervise treatment of a serious health condition;
 3. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors *(limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist)* authorized to practice in California and performing within the scope of their practice as defined under California State law;
 4. Nurse practitioners and nurse-midwives, clinical social workers, and physician assistants who are authorized to practice under California State law and who are performing within the scope of their practice as defined under California State law;

5. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; or
6. Any health care provider from whom an employer or employer's group health plan's benefits manager will accept a medical certification to substantiate a claim for benefits.

For Family Military Leaves Only:

- Q. "Qualifying Exigency" may include short-notice deployment, attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, spending time with a "covered military member" who is on short-term rest and recuperation leave, and attending post-deployment reintegration briefings.
- R. "Covered Military Member" under FMLA regulations is the employee's spouse, child, or parent who is on covered active duty or call to covered active-duty status. "Covered military member" under CFRA includes the employee's spouse, domestic partner, child, or parent under the same active-duty conditions. The term "covered military member" applies specifically to an employee's use of qualifying exigency leave.
- S. "Covered Active Duty or Call to Active-Duty Status" means duty under a call or order to active duty (or notification of an impending call or order to active duty) during the deployment of the member of the Armed Forces (including members of reserve components of the Armed Forces) in support of a contingency operation, or when deployed to any foreign country.
- T. "Contingency Operation" means a military operation that is (1) designated by the Secretary of Defense as an operation in which members of the United States Armed Forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or (2) that results in the call to order to, or retention of, active duty members of the United States Armed Forces by law or any other provision of law during a war or national emergency declared by the President or Congress.
- U. "Military Caregiver Leave" is to care for a spouse, child, parent, or "next of kin" who is a "covered servicemember" of the United States Armed Forces and who is ill or injured in the line of duty on active duty. This leave can run up to 26 weeks (6.5 months) of unpaid leave during a single 12-month period. (*CFRA will run concurrently with FMLA with the exception of domestic partner and "next of kin," unless the employee also makes their "next of kin" as a "designated" person under CFRA.*)
- V. "Covered Servicemember" means (1) a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a "serious injury or illness"; or (2) a veteran who is undergoing medical treatment, recuperation, or therapy for a "serious injury or illness" and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy. The term "covered servicemember" applies to an employee's use of "military caregiver leave."

- W. “Outpatient Status” means, with respect to a “covered servicemember,” the status of a member of the Armed Forces assigned to either: (1) a military medical treatment facility as an outpatient; or (2) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.
- X. “Next of Kin of a Covered Servicemember” means the nearest blood relative other than the covered servicemember’s spouse, child, or parent, in the following order of priority: Blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, siblings, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as their nearest blood relative for purposes of military caregiver leave under the FMLA.
- Y. “Serious Injury or Illness,” in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means a injury or illness that was incurred by a covered servicemember in the line of duty on active duty (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the servicemember medically unfit to perform the duties of the member’s office, grade, rank, or rating; and (2) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period described in V(2), means a qualifying injury or illness as determined by the Department of Defense (DOD) that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

For AB 2499 and AB 406 Safe Time Leave Only:

- Z. “Victim” means any individual against whom a qualifying act of violence is committed, either the employee themselves or a covered family member. Covered family members include a spouse, domestic partner, child, parent, parent-in-law, sibling, grandparent, grandchild, or any individual related by blood or whose close association with the employee is equivalent of a family relationship, as defined under CFRA.
- AA. “Qualifying Acts of Violence” means incidents covered under AB 2499 that involve physical harm, the credible threat of physical harm, or other legally recognized forms of violence against an individual. This includes, but is not limited to domestic violence, sexual assault, stalking, violent threats, acts involving the use or presence of a dangerous weapon, or violence causing injury, or other violent crimes as defined by applicable state or federal law.
1. Under CFRA, leave may run concurrently with AB 2499 and AB 406 when the employee is caring for themselves or a covered family member who is a victim and requires medical or psychological care.
 2. Under FMLA, protected leave covers serious health conditions or recovery from injuries related to the employee or an FMLA qualified family member.



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM January 6, 2026

SUBMITTED BY: Administration – Kyria Martinez/Matthew Boyett

SUBJECT: DIGITAL LITERACY GRANT APPLICATION

SUMMARY:

Overview:

On March 11, 2025, the County entered into an agreement with Tone Consulting Group (TCG) for broadband consulting and supportive services. In consultation with TCG, the County is seeking funding from the California Public Utilities Commission (CPUC) for their California Advanced Services Fund (CASF) Adoption Account for a Digital Literacy Grant. The CASF grant will help provide digital literacy skills to low-income and vulnerable residents in Kings County. This program will be administered in the Kings County Library in support of the larger broadband infrastructure build out currently underway.

Recommendation:

Ratify the County’s California Public Utilities Commission Broadband Adoption Account Affidavit for the California Advanced Services Fund Adoption Account for a Digital Literacy Grant.

Fiscal Impact:

The County is applying for approximately \$375,705 in funding through this grant, which will not only fund digital literacy training and education, but also provide take-home devices for individuals who complete the training course. There is a 15% match requirement for this funding, which is being satisfied by an in-kind contribution via the use of the Kings County Library to host these courses over a two-year period valued at about \$37,259. Additional match funds are coming through an in-kind contribution from the California Emerging Technology Fund (CETF), the County’s partner in this grant, for additional staff support and outreach efforts valued at \$11,360. There is also an in-kind contribution from the County via any needed technical support valued at \$19,474.

(Cont’d)

BOARD ACTION:

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2026.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

Agenda Item

DIGITAL LITERACY GRANT APPLICATION

January 6, 2026

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BACKGROUND:

Kings County is working to expand broadband access by using federal and state grant funding to partner with private Internet Service Providers (ISPs) through public-private partnerships, with a focus on expanding access in underserved rural areas. As part of one of these public-private partnerships, AT&T will be launching a new broadband infrastructure project to expand high-speed broadband internet throughout Kettleman City. This means that AT&T's high-speed internet will be coming to nearly 1,400 previously unserved locations, empowering the residents of Kettleman City with the tools needed for education, telehealth and job opportunities. The expansion was made possible by a \$4 million state broadband grant from the CPUC and private funding from AT&T.

The digital literacy courses funded by this CPUC grant will be facilitated at the Kings County Library located in Kettleman City. The County will coordinate implementation of the CASF Grant with CETF through the Get Connected Call Center and will align training of Digital Navigators and the Digital Literacy Training for residents to the CETF curricula, including using the Digital Literacy Self-Assessment Framework, to ensure standardization and comparability across California.

With AT&T's current broadband infrastructure project underway in Kettleman City, the County wants to ensure that digital literacy resources are available in tandem with the community's access to high-speed internet. The County, TCG, and the Library have been working on developing the County's application for this grant. Applications for round one funding were due by January 1, 2026. In order to be considered in this first round, the County submitted an application for funding on December 18, 2025, before closure. Part of the application requirement was an affidavit affirming the County's interest in the grant and assurance of compliance with the rules and regulations of the funding. The affidavit was executed by the County Executive Officer to ensure the County was considered for this first round of funding. The affidavit is now being brought before the Board for ratification.

If awarded, staff will come back before the Board for approval of any grant acceptance documents and/or agreement to formalize acceptance and use of the funds.