

# County of Santa Clara

## Employee Services Agency

### Agency Administration

County Government Center, East Wing

70 West Hedding Street, 8<sup>th</sup> Floor

San Jose, California 95110-1705



DATE: June 4, 2019

TO: Supervisor S. Joseph Simitian, Chair  
Supervisor Susan Ellenberg, Vice Chair  
Health and Hospital Committee

Jeffrey V. Smith, County Executive

FROM: John P. Mills, Director, Employee Services Agency

SUBJECT: Under advisement from May 29, 2019, Agenda Item No. 7: Off-Agenda Report from the Employee Services Agency regarding medically related leaves of absence

Pursuant to a request for information from Supervisor Ellenberg, this off-agenda report provides the following:

- An overview of the County's leave administration process;
- A summary of the options for compensation during a medical leave of absence.

### **Background**

The County of Santa Clara complies with all federal, state, and local rules regarding the treatment of employees who experience any non-work-related illness or injury, of their own or of an immediate family member, that necessitates taking time off work. There are many rules and regulations that may apply in any particular set of circumstances for an individual employee, including, but not limited to, the following:

- Family Medical Leave Act (FMLA)
- California Family Rights Act (CFRA)
- Pregnancy Disability Leave Act (PDLA)
- Americans with Disabilities Act (ADA)
- Fair Employment and Housing Act (FEHA)
- California Kin Care Law
- California Paid Sick Leave Act
- California Paid Family Leave (PFL)
- County of Santa Clara Family and Medical Leave Policy
- County of Santa Clara Reasonable Accommodation Policy
- County of Santa Clara Vacation Donation Policy
- County of Santa Clara Ordinance Code Sec. A25-686. Pregnancy Disability Leave; Maternity and Paternity Leave
- County of Santa Clara Ordinance Code Sec. A25-687. Rights and responsibilities under leaves of absence

**Board of Supervisors:** Mike Wasserman, Cindy Chavez, Dave Cortese, Susan Ellenberg, S. Joseph Simitian

**County Executive:** Jeffrey V. Smith

- County of Santa Clara Ordinance Code Sec. A25-694. Sick Leave
- Various County/Union Memoranda of Understanding sections pertaining to benefits and leaves

Once an employee requests a leave for medical reasons, and/or the County receives sufficient information to determine that a leave of absence is medically required, the County determines next steps on a case-by-case assessment basis. Eligibility for any leave program, continuation of salary, continuation of benefits, and job protections are evaluated and coordinated by the employee's supervisor/manager with the employee and with ESA.

#### **Salary Continuation/Supplemental Compensation**

Employees on an approved medical leave for their own illness/injury are eligible to use accrued sick leave to continue their salary during their leave. Employees may also be approved to use other accrued balances (vacation, comp-time, personal leave, etc.). In addition to and/or in lieu of utilization of accrued leave, employees who pay into State Disability Insurance (SDI), Paid Family Leave (PFL), and/or who opt-in to long-term disability insurance through the County, may be eligible for supplemental income benefits directly from these respective programs. Further, if an employee elects to enroll in Long Term Disability (LTD) insurance available through the County, through their respective union representation, or purchased individually, an employee may receive compensation directly through the insurance provider.

Employees on an approved medical leave to care for an immediate family member are eligible to use up to one-half of the total sick leave accrued annually. Sick leave accrual rates vary and are determined by the applicable MOU. In addition to and/or in lieu of utilization of accrued sick leave, employees who pay into the State's Paid Family Leave (PFL) may be eligible for supplemental income benefits directly from this program. PFL provides approximately sixty percent to seventy percent (60%-70%) of wages earned in the twelve (12)-month period prior to an employee's leave start date (maximum of \$1,252/week) for up to six weeks within any 12-month period.

Employees who exhaust all available accrued leave balances may apply to participate in the County's Vacation Donation Program. Employees deemed eligible may receive donations of accrued time from other County employees to provide for continuation of salary and benefits.

Please contact Gina Donnelly, Deputy Director, Employee Services Agency, at (408) 299-5838 with any questions regarding this information.

cc: Supervisor Mike Wasserman, District One  
Supervisor Cindy Chavez, District Two  
Supervisor Dave Cortese, District Three  
Miguel Marquez, Chief Operating Officer  
James R. Williams, County Counsel  
Megan Doyle, Clerk of the Board of Supervisors