



March 17, 2023

NOTICE

The Board of Directors of the Kaweah Delta Health Care District will meet in an open Human Resources Committee meeting at 3:00PM on Thursday March 23, 2023 in the Support Services Building Emerald Conference Room, 520 W. Mineral King Ave., Visalia, CA 93291.

All Kaweah Delta Health Care District regular board meeting and committee meeting notices and agendas are posted 72 hours prior to meetings (special meetings are posted 24 hours prior to meetings) in the Kaweah Health Medical Center, Mineral King Wing entry corridor between the Mineral King lobby and the Emergency Department waiting room.

The disclosable public records related to agendas are available for public inspection at Kaweah Health Medical Center – Acequia Wing, Executive Offices (Administration Department) {1st floor}, 400 West Mineral King Avenue, Visalia, CA and on the Kaweah Delta Health Care District web page <https://www.kawahhealth.org>.

KAWEAH DELTA HEALTH CARE DISTRICT
Mike Olmos, Secretary/Treasurer

A handwritten signature in black ink that reads "Cindy Moccio".

Cindy Moccio
Board Clerk, Executive Assistant to CEO

DISTRIBUTION:
Governing Board
Legal Counsel
Executive Team
Chief of Staff

<http://www.kawahhealth.org>



KAWEAH DELTA HEALTH CARE DISTRICT BOARD OF DIRECTORS HUMAN RESOURCES COMMITTEE

Thursday March 23, 2023

Support Services Emerald Conference Room
520 W. Mineral King Ave, Visalia, CA

ATTENDING: Directors: Lynn Havard Mirviss (chair) & Garth Gipson; Gary Herbst, CEO, Keri Noeske, Chief Nursing Officer, Dianne Cox, Chief Human Resources Officer, Brittany Taylor, Director of Human Resources, Raleen Larez, Director of Employee Relations, JC Palermo, Director of Physician Recruitment/Relations, Sarah Bohde, Physician Recruiter, George Ortega, Recording

1. **OPEN MEETING – 3:00PM**
2. **CALL TO ORDER** – *Lynn Havard Mirviss, Committee Chair*
3. **PUBLIC PARTICIPATION** – Members of the public may comment on agenda items before action is taken and after it is discussed by the Board. Each speaker will be allowed five minutes. Members of the public wishing to address the Board concerning items not on the agenda and within the jurisdictions of the Board are requested to identify themselves at this time. For those who are unable to attend the beginning of the Board meeting during the public participation segment but would like to address the Board, please contact the Board Clerk (Cindy Moccio 559-624-2330) or cmoccio@kaweahhealth.org to make arrangements to address the Board.
4. **PHYSICIAN RECRUITMENT** – Review of the physician recruitment report –*Sarah Bohde, Physician Recruiter*
5. **HUMAN RESOURCES WORKFORCE SCORECARD** – Review of the Human Resources Workforce Scorecard - *Dianne Cox, Chief Human Resources Officer*
6. **KAWEAH HEALTH UNIVERSITY** – Review of Kaweah Health nursing education opportunities – *Dianne Cox, Chief Human Resources Officer*
7. **POLICIES**
 - 7.1. **HR. 145 Family Medical Leave Act** {revised}
 - 7.2. **HR. 149 Bereavement Leave** {revise}
 - 7.3. **HR.184 Attendance & Punctuality** {revised}
 - 7.4. **HR.218 Notification Requirements, Pre-Determination Process** {revised}
 - 7.5. **HR.234 Paid Time Off** {revised}
 - 7.6. **HR.244 Paid Family Leave** {revised}
8. **ADJOURN** – *Lynn Havard Mirviss, Committee Chair*

In compliance with the Americans with Disabilities Act, if you need special assistance to participate at this meeting, please contact the Board Clerk (559) 624-2330. Notification 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to the Kaweah Delta Health Care District Board of Directors meeting.

**Physician Recruitment and Relations
Medical Staff Recruitment Report - February 2023**

Prepared by: JC Palermo, Director Physician Recruitment - jpalermo@kaweahhealth.org - (559) 624-5456

Date prepared: 2/13/2023

Delta Doctors Inc.	
Family Medicine	2

Key Medical Associates	
Adult Hospitalist	1
Dermatology	1
Family Medicine/Internal Medicine	3
Gastroenterology	1
Pediatrics	1
Pulmonology	1
Rheumatology	1

Oak Creek Anesthesia	
Anesthesia - General	2
Anesthesia - Obstetrics	1

Orthopaedic Associates Medical Clinic, Inc.	
Orthopedic Surgery (General)	1
Orthopedic Surgery (Hand)	1
Orthopedic Surgery (Trauma)	1

Other Recruitment/Group TBD	
Dermatology	2
Endocrinology	1
EP Cardiology	1
Family Medicine	3
Gastroenterology	2
Hospice & Palliative Medicine	1
Neurology - Outpatient	1
Otolaryngology	2
Pulmonology - Outpatient	1

Sequoia Cardiology Medical Group	
EP Cardiology	1

Sequoia Oncology Medical Associates Inc.	
Hematology/Oncology	1

Stanford Health Care	
Cardiothoracic Surgery	2

USC Urology	
Urology	3

Valley Children's Health Care	
Maternal Fetal Medicine	2
Neonatology	1
Pediatric Cardiology	1
Pediatric Hospitalist	1

Valley Hospitalist Medical Group	
Adult Hospitalist	1
GI Hospitalist	1
Nocturnist	1

Valley ENT	
Audiology	1
Otolaryngology	1

Candidate Activity

Specialty/Position	Group	Last Name	First Name	Availability	Referral Source	Current Status
Anesthesia - Critical Care	Oak Creek Anesthesia	Lucaj, M.D.	Jon	08/23	The Medicus Firm - 11/23/22	Currently under review
Anesthesia - Critical Care	Oak Creek Anesthesia	Malamud, M.D.	Yan	ASAP	PracticeMatch Email Blast	Site Visit: 10/17/22. Offer accepted - Contract in progress
Anesthesia - General	Oak Creek Anesthesia	Ahmed-Sabry, M.D.	Mohammad	ASAP	The Medicus Firm - 12/6/22	Offer accepted
Anesthesia - General	Oak Creek Anesthesia	Christopherson, M.D.	David	08/25	Direct Email	Currently under review
Anesthesia - General	Oak Creek Anesthesia	Jacquez, M.D.	Immanuel	TBD	PracticeMatch - 2/9/23	Currently under review
Anesthesia - General	Oak Creek Anesthesia	Lee, M.D.	Christopher	TBD	The Medicus Firm - 12/6/22	Currently under review
Anesthesia - General	Oak Creek Anesthesia	Kruitbosch, M.D.	Shane	ASAP	Direct	Offer accepted
Anesthesia - General	Oak Creek Anesthesia	Romo, M.D.	Richard	ASAP	Worked part-time at Kaweah. Signed full-time when Madera closed.	Offer accepted
Cardiothoracic Surgery	Independent	Coku, M.D.	Lindita	ASAP	Delta Locums	Currently under review
Cardiothoracic Surgery	Stanford Health Care	McLean, M.D.	Michael	ASAP	Stanford Health Care	Site Visit: 3/20/2023
Cardiothoracic Surgery	Stanford Health Care	Wilhelm, M.D.	Jakub	ASAP	Stanford Health Care	Site visit pending phone interview with Dr. Mayer
Certified Registered Nurse Anesthetist	Oak Creek Anesthesia	Thomas	Amber	ASAP	CompHealth - 1/30/23	Currently under review
Certified Registered Nurse Anesthetist	Oak Creek Anesthesia	Coelho	Carly	02/23	Direct - 8/11/22	Offer accepted
Certified Registered Nurse Anesthetist	Oak Creek Anesthesia	Enriquez	Richard	TBD	Direct - 9/1/22	Offer accepted - Contract in progress

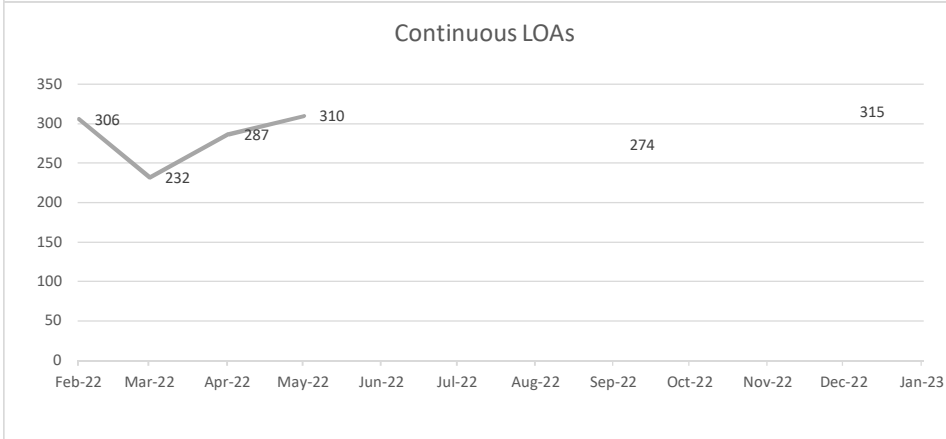
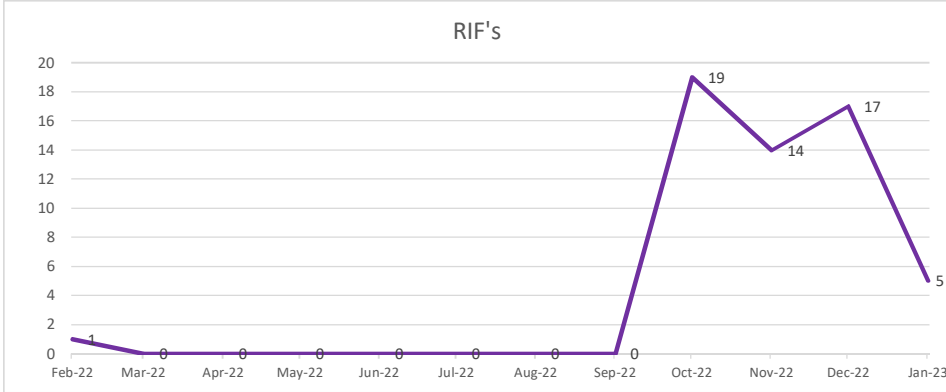
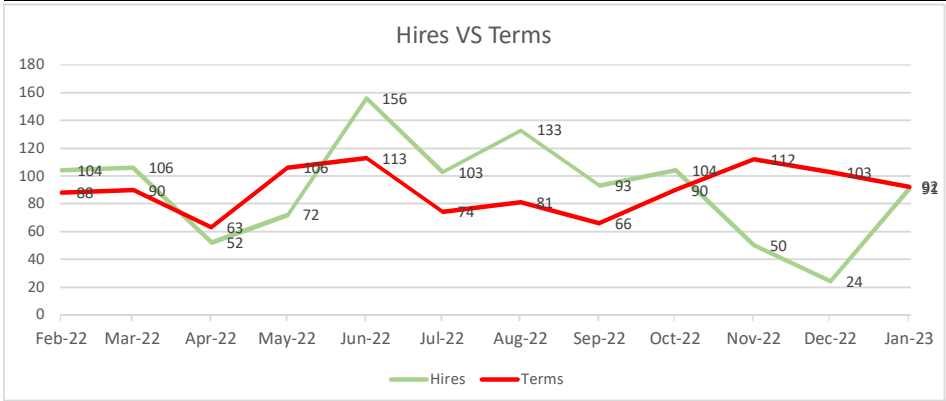
Candidate Activity

Specialty/Position	Group	Last Name	First Name	Availability	Referral Source	Current Status
Certified Registered Nurse Anesthetist	Oak Creek Anesthesia	Havlicak	Ashley	01/23	Direct/Referral	Offer accepted
Certified Registered Nurse Anesthetist	Oak Creek Anesthesia	Markman	Gregory	TBD	Direct - 11/28/22	Offer accepted - Contract in progress
Certified Registered Nurse Anesthetist	Oak Creek Anesthesia	Ngo	Alexander	02/23	Direct - 10/12/22	Start Date: 2/13/23
Certified Registered Nurse Anesthetist	Oak Creek Anesthesia	Yang	Chen	02/23	Direct - 11/18/22	Offer accepted
EP Cardiology	Sequoia Cardiology Medical Group	Buddhavarapu, M.D.	Sivacharan	08/23	Direct - PracticeLink	Currently under review
EP Cardiology	Sequoia Cardiology Medical Group	Cheema, M.D.	Kamal	08/23	Direct - PracticeLink	Currently under review. Has family in Fresno
EP Cardiology	Sequoia Cardiology Medical Group	Dhir, M.D.	Sumer	08/23	Direct - PracticeLink	Currently under review
EP Cardiology	Sequoia Cardiology Medical Group	Gupta, M.D.	Sandeep	08/23	Direct - PracticeLink	Currently under review
EP Cardiology	Sequoia Cardiology Medical Group	Rajdev, M.D.	Archana	08/23	Direct - PracticeLink	Currently under review
EP Cardiology	Sequoia Cardiology Medical Group	Song, M.D.	Steven	08/23	Direct - PracticeLink	Currently under review
Family Medicine	Key Medical Associates/Delta Doctors	Maya, M.D.	Tahir	ASAP	Direct - PracticeMatch	Currently under review
Family Medicine/Sleep	Key Medical Associates	Niraula, D.O.	Rijesh	08/23	Direct - PracticeLink	Currently under review
Family Medicine	Key Medical Associates/Delta Doctors	Velazquez Amador, M.D.	Roberto	ASAP	Curative - 2/9/23	Currently under review
Hospitalist	Valley Hospitalist Medical Group	Chovatiya, M.D.	Jasmin	08/23	Direct - Practice Link	Currently under review
Hospitalist	Valley Hospitalist Medical Group/Key Medical Associates	Said, M.D.	Mark	08/23	Kaweah Health Resident	Currently under review
Intensivist	Central Valley Critical Care Medicine	Javed, M.D.	Jeffrey	08/23	Direct - Practice Link	Offer accepted. Contract in progress

Candidate Activity

Specialty/Position	Group	Last Name	First Name	Availability	Referral Source	Current Status
Internal Medicine	Key Medical Associates/Delta Doctors	Verduzco, M.D.	Esteban	06/23	Visalia native	Currently under review
Medical Oncology	Sequoia Oncology Medical Associates	Gill, M.D.	Amitoj	TBD	Direct	Site Visit: 10/21/22. Pending Offer
Medical Oncology	Sequoia Oncology Medical Associates	Mohammadi, M.D.	Oranus	08/23	PracticeMatch - 3/31/22	Site Visit: 9/16/22
Neonatology	Valley Children's	Agrawal, M.D.	Pulak	08/23	Valley Children's - 5/14/22	Offer accepted. Start date summer 2023
Neonatology	Valley Children's	Brock, M.D.	Lee	ASAP	Valley Children's - 10/17/22	Site Visit: 11/9/22
Neonatology	Valley Children's	Nwokidu-Aderibigbe, M.D.	Uche	08/23	Valley Children's - 5/14/22	Offer accepted. Start date summer 2023
OB/GYN	Delta Doctors	Rangel Barrera, M.D.	Carlos	ASAP	Direct	Offer accepted
Orthopedic Surgery - General	Orthopaedic Associates Medical Clinic, inc.	Goodell, M.D.	Parker	ASAP	Direct	Site Visit: 1/9/23. Offer extended on 1/25/23
Orthopedic Surgery - Hand	Orthopaedic Associates Medical Clinic, inc.	Frazier, M.D.	Joel	ASAP	MDStaffers - 2/8/23	Currently under review
Orthopedic Surgery - Trauma	Orthopaedic Associates Medical Clinic, inc.	Bonner, D.O.	Ben	08/24	The Medicus Firm - 11/7/22	Site Visit: 12/14/22. Pending offer
Orthopedic Surgery - Trauma	Orthopaedic Associates Medical Clinic, inc.	Dean, M.D.	Ryan	08/24	The Medicus Firm - 11/7/22	Currently under review
Orthopedic Surgery - Trauma	Orthopaedic Associates Medical Clinic, inc.	Elsevier, M.D.	Hannah	TBD	The Medicus Firm - 11/9/22	Currently under review
Orthopedic Surgery - Trauma	Orthopaedic Associates Medical Clinic, inc.	Quacinella, M.D.	Michael	08/24	Direct	Currently under review
Pediatric Hospitalist	Valley Children's	Chika Chukwuemeka, M.D.	Oragui	TBD	Valley Children's - 11/30/22	Offer extended
Pediatric Hospitalist	Valley Children's	Kadecka, M.D.	Barbora	TBD	Valley Children's - 12/19/22	Offer extended
Pediatric Hospitalist	Valley Children's	Merrill, M.D.	Daniel	TBD	Direct email to Kaweah Health	Offer extended
Rheumatology	Key Medical Associates	Dhillon, M.D.	Joshpaul	08/23	Enterprise Medical Recruiter - 10/27/22	Currently under review

	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23
Hires	104	106	52	72	156	103	133	93	104	50	24	91
Terms	88	90	63	106	113	74	81	66	90	112	103	92
	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23
RIF's	1	0	0	0	0	0	0	0	19	14	17	5
	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23
Continuous LOAs	306	232	287	310					274			315



Kaweah Health University January 2023



[kaweahhealth.org](https://www.kaweahhealth.org)



Kaweah Health School of Nursing

In Partnership with Unitek

- Program approved by BRN on November 14, 2022
- Cohort of 25 twice a year (March & September)
 - 3 year BSN program in March 2023
 - 2 year or 3 year BSN program in September 2023
- First Graduating classes
 - September 2025 (2 year)
 - March 2026 (3 year)



College of the Sequoias



Year Round RN Program (Part Time)

- Cohort of 20 annually (May of each year)
 - Kaweah Health sponsored seats, up to 10
 - Pre-reqs required to be completed
- Next program starts May 2023
- Graduating classes
 - May 2025 and every May thereafter
 - Eligible for CSUF BSN Program for an additional 9 months of education

Apprenticeship Program – pending BRN Approval in April 2023

- Cohort of 40 annually (September of each year)
- LVN to RN - Kaweah Health Employees only
- Graduating class anticipated September 2024 – pending confirmation
- Eligible for CSUF BSN Program for an additional 9 months of education

San Joaquin Valley College

FYI Only:

RN Program – ASN Only – pending BRN Approval in April 2023

- Cohort of 36 annually (August/September of each year)
- Kaweah Health Employees only
- Graduating class anticipated Fall 2025 – pending confirmation
- Has not been reviewed by the Executive Team nor are we seeking approval at the Board Level at this time



Subcategories of Department Manuals
not selected.

Policy Number: HR.145	Date Created: 06/01/2007
Document Owner: Dianne Cox (Chief Human Resources Officer)	Date Approved: 12/22/2022
Approvers: Board of Directors (Administration)	
Family Medical Leave Act (FMLA) / California Family Rights Act (CFRA) Leave of Absence	

Printed copies are for reference only. Please refer to the electronic copy for the latest version.

POLICY:

To allow time off to eligible employees. To establish a system to continue to receive compensation through accessible benefits, such as Extended Illness Bank (EIB), Paid Time Off (PTO), State Disability Insurance, and Workers' Compensation. To advise employees of their rights and responsibilities.

To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, Kaweah Health will make reasonable accommodations for known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee, unless undue hardship would result. A leave of absence may be considered as a type of reasonable accommodation. Any applicant or employee who requires an accommodation in order to perform the essential functions of the job should contact their supervisor, department head, or Human Resources and make a request to participate in a timely interactive process to explore reasonable accommodations. The individual with the disability is invited to identify what accommodation he or she needs to perform the job. Kaweah Health will take steps to identify the barriers that make it difficult for the applicant or employee to perform his or her job, and will identify possible accommodations, if any, that will enable the individual to perform the essential functions of his or her job. If the accommodation is reasonable and will not impose an undue hardship, Kaweah Health will meet the request.

NOTE: Due to coordination of information between departments and outside agencies, and the requirement that certain records be maintained to demonstrate compliance with State and Federal law, it is important that paperwork and documentation be completed and submitted to Human Resources in a timely manner by department heads and employees.

PROCEDURE:

This policy is based on the California Family Rights Act, as amended in 1993 (CFRA), and the Federal Family and Medical Leave Act of 1993 (FMLA), and is intended to provide eligible employees with all of the benefits mandated by these laws. However, in the event that these laws or the regulations implementing these laws are hereafter amended or modified, this policy may be amended or modified to conform with any change or clarification in the law.

1. Reason for Leave

Family leaves are subject to the eligibility requirements and rules set forth in this policy statement, and as provided by State and Federal regulations.

- a. FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:
 - i. For incapacity due to pregnancy, prenatal medical care or childbirth;
 - ii. Leave taken for the birth, adoption or placement of a child for foster care must be concluded within 12 months immediately following the birth, adoption or placement. The minimum duration for such leave is two (2) weeks. However, leave for less than two (2) weeks can be taken on two occasions only. Kaweah Health has the right to approve intermittent leave. Under CFRA, bonding leave may be taken at the end of Pregnancy Disability Leave for up to 12 weeks, and concluded within 12 months immediately following the birth.
 - iii. To care for the employee's spouse, registered domestic partner, son or daughter, step son or daughter, or parent, step parent, grandparent, foster parent, adoptive parent, who has a serious health condition, including a son or daughter 18 years of age or older if the adult son or daughter has a disability as defined by the Americans with Disability Act (ADA); or
 - iv. For a serious health condition that makes the employee unable to perform the employee's job.
 - v. Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status deployed to a foreign country may use Leave to prepare for short-notice deployment, attend military events, arrange for childcare, address financial and legal arrangements, attend counseling sessions, and allow for rest, recuperation and post-deployment activities, among other events.
 - vi. A special leave entitlement is available that permits eligible employees to take up to 26 weeks of leave to care for a covered service member who is the spouse, son, daughter, parent, or next of kin. Certain conditions apply.
- b. CFRA: In addition to the protections listed above, CFRA allows an employee to take up to 12 workweeks of unpaid protected leave during any 12-month period to bond with a new child of the employee or to take care for a designated person (any individual related by blood or whose association with the employee is the equivalent of a family member (one per 12-month period)), grandparent, grandchild, sibling, spouse, or domestic partner. If Kaweah Health employs both of the parents of a child, both are covered by this policy if eligibility requirements are met. Kaweah Health will grant a request by an eligible employee to take up to 12 workweeks of unpaid protected leave during any 12-month period due to a qualifying exigency related to the covered active duty or call to covered active duty of an employee's spouse, domestic partner, child, or parent in the Armed Forces of the United States. Leaves for this reason are, for the most part, covered under the FMLA, so these leaves may run concurrently

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with leave under the FMLA if the leave qualifies for protection under both laws.

- c. A "serious health condition" is an illness, injury, impairment or physical or mental condition which involves:
 - i. inpatient care (i.e., an overnight stay) in a medical care facility; or
 - ii. continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.
 - iii. The continuing treatment may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may qualify.

2. Employee Eligibility

Family leave is available to employees who have worked at least 12 months for Kaweah Health and have worked more than 1,250 hours during the previous 12 months.

Leave Available

An employee may take up to twelve (12) weeks of leave during a 12-month period. A 12-month period begins on the date of an employee's first use of FMLA/CFRA leave. Successive 12-month periods commence on the date of an employee's first use of such leave after the preceding 12-month period has ended. FMLA and CFRA counts against the amount of Medical Leave available and vice versa.

- a. If certified to be medically necessary, leave to care for a family member's serious health condition may be taken intermittently or the employee may request a reduced work schedule. See below for more information.
- b. Leave taken for the birth, adoption or placement of a child for foster care must be concluded within 12 months immediately following the birth, adoption or placement. The minimum duration for such leave is two (2) weeks. However, leave for less than two (2) weeks can be taken on two occasions only. Kaweah Health has the right to approve intermittent leave. Under CFRA, bonding leave may be taken at the end of Pregnancy Disability Leave for up to 12 weeks, and concluded within 12 months immediately following the birth.

Employees with pregnancy-related disabilities may have the right to take a Pregnancy Disability Leave in addition to a Family

Leave.

3. Intermittent or Reduced Leave Schedule:

- a. If certified to be medically necessary, for self or leave to care for a family member's serious health condition may be taken intermittently or the employee may request a reduced work schedule. Increments of time may not be less than one hour.
- b. Employees requesting intermittent leave or a reduced work schedule may be requested to transfer to an alternate job position. Such a transfer will be to a job position better able to accommodate recurring periods of absence but which provides equivalent compensation and benefits.
- c. In any case, employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations.
- d. Leaves to care for a newborn child or a child placed for adoption or foster care may not be taken intermittently or on a reduced leave schedule under FMLA/CFRA.
- e. Exempt employees taking an intermittent or reduced leave will be paid for all hours actually worked. For example: An exempt employee is restricted to working three hours a day. The employee will be paid for three hours of productive time and five hours of PTO without impacting their exempt status. If the employee doesn't have PTO, the five hours will be unpaid.
- f. Accrued PTO hours are required to be used for intermittent leaves.

4. Notice, Certification and Reporting Requirements

a. Timing:

If the need for the leave is foreseeable, an employee must provide 30 days written notice prior to the requested start of the leave. When 30 days is not possible, the employee must provide notice as soon as practicable and generally must comply with Kaweah Health's normal call-in procedures.

If the need for the leave is foreseeable due to a planned medical treatment or supervision, the employee must make a reasonable effort to schedule the treatment or supervision in order to avoid disruption to the operations of Kaweah Health.

b. Certification:

- i. An employee requesting leave to care for a family member with a serious health condition must provide a health-care provider's certification that it is medically necessary for the employee to assist in caring for the family member with the serious health

condition. The certification must include the following:

1. The date on which the serious health condition commenced;
 2. The probable duration of the condition;
 3. An estimate of the amount of time that the health care provider believes the employee needs to care for the individual requiring the care; and
 4. A statement that the serious health condition warrants the participation of a family member to provide care during a period of the treatment or supervision of the individual requiring care.
- ii. Upon expiration of the time estimated by the health-care provider needed for the leave, Kaweah Health may require the employee to obtain recertification in accordance with the above requirements as certifications expire.
- iii. In addition, an employee requesting an Intermittent Leave or reduced work schedule must provide a health-care provider's certification stating the following:
1. The date on which the treatment is expected to be given and the duration of the treatment.
 2. That the employee's Intermittent Leave or reduced work schedule is necessary for the care of a spouse, child or parent with a serious health condition or that such leave will assist in the individual's recovery; and
 3. The expected duration of the need for an Intermittent Leave or reduced work schedule.
- iv. Department heads may not contact the employee's health care provider to obtain information on a leave. They are to refer any questions to Human Resources or Employee Health Services who may contact the provider.

c. Employee Periodic Reports:

During a leave, an employee must provide periodic reports regarding the employee's status to the department head and Human Resources, including any change in the employee's plans to return to work. Failure to provide updates may cause Kaweah Health to apply a voluntary resignation from employment.

During an approved Intermittent Leave, the employee must call their department head or designee and Human Resources each day or partial day that is requested as Intermittent Leave time.

5. Compensation During Leave:

Refer to the pamphlet from the Employment Development Department (EDD) entitled "For Your Benefit: California's Program for the Unemployed" for more information. Also refer to the Paid Family Leave policy in the manual.

a. For a medical leave of absence longer than seven days which is to be coordinated with State Disability Insurance (SDI), or a Workers' Compensation leave of absence, accrued EIB hours are paid after 24 hours off. The initial three 24 hours are paid through accrued PTO, if available, at the employee's discretion. In the circumstance of an immediate hospitalization or surgery, an employee may be paid from accrued EIB from their first full day off. EIB must be used for coordination with SDI or Workers' Compensation Temporary Disability Payments; PTO time may be used only after all Extended Illness Bank (EIB) has been exhausted. Coordinated amounts will not exceed the regular amount of pay normally earned by the employee.

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b. It is the employee's responsibility to notify Payroll of the amount they receive from SDI or Workers' Compensation to ensure the correct amount of EIB coordination.

c. Applying the EIB utilization guidelines, EIB may be used for Kin Care for the same eligible members noted on page one. Up to 50% of the annual EIB accrual can be used if the employee has worked a full 12 months; otherwise the utilization will be limited to 50% of the employee's accrued EIB. A maximum of 50% of accrued hours in a 12-month period may be utilized.

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6. Benefit Accrual:

The employee will continue to accrue PTO and EIB as long as he/she is being paid by Kaweah Health (receiving a paycheck).

7. Merit Review Date:

The merit review date will be adjusted by the number of days of paid and/or unpaid leave of absence over eighty-four (84) days.

8. Benefits During Leave:

- a. An employee taking leave will continue to receive coverage under Kaweah Health's employee benefit plans for up to a maximum of four (4) months per 12-month period at the level and under the conditions of coverage as if the employee had continued in employment continuously for the duration of such leave. Kaweah Health will continue to make the same premium contribution as if the employee had continued working.
- b. Insurance premiums (health, vision, dental, life, etc.) are to be paid by the employee and Kaweah Health, under the same conditions as existed prior to the leave, for a maximum period of four (4) months in a 12-month period.
- c. If on paid status (utilizing PTO/EIB), an employee may continue his/her normal premiums through payroll deduction. If on unpaid status, he/she

is required to pay Kaweah Health his/her portion of the premiums while on a leave of absence for a total of four months. After four months, employees will be offered COBRA Continuation Coverage for applicable benefits.

- d. In the case where Pregnancy Disability Leave (FMLA) combined with CFRA bonding leave applies, if an employee is on paid status (utilizing PTO/EIB), the employee may continue her normal premiums through payroll deduction. If on unpaid status, she is required to pay Kaweah Health her portion of the premiums monthly while on a leave of absence for a total of up to seven months; COBRA rules then apply.
- e. An employee whose insurance is canceled due to nonpayment of premiums will have to satisfy a new waiting period after returning to work and will be considered a "new employee" for insurance purposes and as such, the employee may have to provide proof of insurability and will be subject to the pre-existing rules which apply at the time of the leave.
- f. An employee may cancel his/her insurance(s) within 30 days of the end of his/her paid leave and will be re-enrolled upon return without a waiting period. Cancellation must be done in writing to the Human Resources Department. The employee must reinstate coverage within 30 days of his/her return from work.
- g. Group medical, dental, vision insurance coverage and the medical spending account will cease on the last day of the month in which an employee reaches four months of leave or employment ends except that continuation is allowed under COBRA regulations if applicable to the plan.
- h. If the employee fails to return to work at the expiration of the leave, he/she must repay any health insurance premiums paid by Kaweah Health while on leave, unless failure to return to work is due to a continuation of his/her own serious health condition or other reasons beyond his/her control.

9. Reinstatement:

- a. A doctor's release and a clearance with Employee Health Services will be required when an employee is returning from a medical leave of absence. The employee must complete all outstanding job requirements and documentation (licensure, CPR, ACLS, NRP, PALS, and TB testing, as applicable) prior to a return to work. Competency-related documentation must be completed within 2 weeks of the employee's return. Requesting or receiving a leave of absence in no way relieves an employee of his or her obligation while on the job to perform his or her job responsibilities and to observe all District policies, rules and procedures.
- b. Under most circumstances, upon return from Family or Medical Leave, an employee will be reinstated to his or her previous position, or to an

equivalent job with equivalent pay, benefits, and other employment terms and conditions. However, an employee returning from a Family or Medical Leave has no greater right to reinstatement than if the employee had been continuously employed rather than on leave. For example, if an employee on Family and Medical Leave would have been laid off had he/she not gone on leave, or if an employee's position is eliminated during the leave, then the employee would not be entitled to reinstatement.

- c. An employee's use of Family and Medical Leave will not result in the loss of any employment benefit that the employee earned or was entitled to before using Family or Medical Leave.
- d. The employee must complete all outstanding job requirements and documentation (licensure, CPR, ACLS, NRP, PALS, and TB testing, as applicable) prior to a return to work. Competency-related documentation must be completed within 2 weeks of the employee's return. Requesting or receiving a leave of absence in no way relieves an employee of his or her obligation while on the job to perform his or her job responsibilities and to observe all District policies, rules and procedures.

"Responsibility for the review and revision of this Policy is assigned to the Chief Human Resources Officer. In some cases, such as Employee Benefits Policies, Summary Plan Descriptions and Plan Documents prevail over a policy. In all cases, Kaweah Health will follow Federal and State Law, as applicable, as well as Regulatory requirements. Policies are subject to change as approved by the Governing Board and will be communicated as approved after each Board Meeting. It is the employee's responsibility to review and understand all Kaweah Health Policies and Procedures."



Policy Number: HR.149	Date Created: 06/01/2007
Document Owner: Dianne Cox (Chief Human Resources Officer)	Date Approved: 07/27/2022
Approvers: Board of Directors (Administration)	
Bereavement Leave	

Printed copies are for reference only. Please refer to the electronic copy for the latest version.

PURPOSE:

To allow employees who have experienced a death in the immediate family to take the time to make necessary arrangements and to observe a period of grieving.

POLICY:

All Full-Time and Part-Time Benefitted employees shall be granted paid bereavement time in the event of a death in their immediate family. As of January 1, 2023, an employee may take up to five shifts of bereavement leave upon the death of a qualifying family member, 24 hours of which will be paid under prior Kaweah Health Policy for employees who receive benefits (the remaining shifts would be unpaid or paid through accrued PTO). An employee is eligible for bereavement leave once they have been employed for at least 30 days prior to the commencement of leave. A qualifying family member includes spouse, child, parent, sibling, grandparent, grandchild, domestic partner, or parent-in-law. The five shifts of bereavement leave do not need to be taken consecutively; they can be intermittent. The employee must complete the bereavement leave within three months of the family member's date of death. The employer may require that the employee provide documentation of the death of the family member including a death certificate, published obituary, funeral home, burial society, crematorium, religious institution, or governmental agency. The documentation, if requested by the employer, must be provided within 30 days of the first day of bereavement leave.

PROCEDURE:

1. Immediate family can be defined with the list below; however, there may be instances where a loss of a significant other or close relative would be considered. These instances will be left up to the discretion of each Director or Executive.

Mother	Reg. Domestic Partner	Mother-in-law	Daughter-in-law
Father	Child	Father-in-law	Step Child
Sister	Grandchild	Sister-in-law	Step Parent
Brother	Grandparent	Brother-in-law	Step Brother
Spouse	Legal Guardian	Son-in-law	Step Sister

Miscarriage

2. The employee must notify their leader of the need for time off.

Deleted: Eligibility occurs on the date of hire. Unpaid bereavement time or use of accrued Paid Time Off may be granted to employees with prior approval of their Director or designee.¶

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3. For full-time and part-time employees, bereavement time is to be recorded via timekeeping: Bereavement pay up to 24 hours, PTO-Bereavement for the 25 hour through the 5th shift, Bereavement-No Pay if preferred. For Per-Diem or non-benefited employees, Bereavement time is coded as Bereavement-No Pay.
4. Where a pattern of use is established, documentation of death may be required. Failure to provide such documentation upon return to work may result in the leave being considered as an unauthorized absence without pay.

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Deleted: <#>Full-time and part-time benefitted employees will be granted up to three consecutive scheduled workdays off (up to 24 hours) with pay with the approval of management. Bereavement time may be delayed for a future date with a reasonable explanation for the delay and with the approval of management.¶

Deleted: <#>Additional leave utilizing Paid Time Off (PTO) or unpaid time off may be arranged upon request and with approval of management.¶

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Policy Number: HR.184	Date Created: No Date Set
Document Owner: Dianne Cox (Chief Human Resources Officer)	Date Approved: 10/26/2022
Approvers: Board of Directors (Administration)	
Attendance & Punctuality	

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POLICY:

Attendance and punctuality is important to Kaweah Health’s mission to deliver high quality service to our patients and the community. It is each employee’s responsibility to maintain a good attendance record. Regular attendance and promptness are considered part of an employee's essential job functions. Employees with excessive absenteeism may be subject to Progressive Discipline.

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Employees with disabilities may be granted reasonable accommodation to assist them in meeting essential functions under any provision in this policy. In cases of disability, appropriate documentation from a healthcare provider is required. A Leave of Absence may be considered as a reasonable accommodation. Please refer to Leave of Absence and the Reasonable Accommodation Policy for more information.

Deleted: Employees with excessive absenteeism may be subject to Progressive Discipline.

All absences will be recorded on an attendance record (utilizing specific comments in the timekeeping system), which will be used to identify acceptable or unacceptable attendance patterns. The focus of this policy is on the frequency of absences and is to ensure reliability of employees to their work schedule and/or work requirements.

Deleted: Regular attendance and promptness are considered part of an employee's essential job functions. Employees with disabilities may be granted reasonable accommodation to assist them in meeting essential functions under any provision in this policy. In cases of disability, appropriate documentation from a healthcare provider in compliance with Kaweah Health Leave Policies. A Leave of Absence may be considered as a reasonable accommodation. Please refer to Leave of Absence and the Reasonable Accommodation Policy for more information.

Employees are also expected to report to work punctually at the beginning of the scheduled shift and when returning from meals and breaks.

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An employee who misrepresents any reason for taking time off may be subject to disciplinary action up to and including termination of employment. See HR.216 Progressive Discipline.

Deleted: All employees are expected to maintain good attendance with minimal absenteeism.

PROCEDURE:

Absenteeism is not being at work or attending a Kaweah Health paid workshop when scheduled unless the absence is protected by law.

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The following number of occurrences, including full shift absences, tardies and leaving early, will be considered excessive and will be grounds for counseling and disciplinary action up to and including termination. During the new hire introductory period (see HR.37 Introductory Period), unacceptable attendance may result in the employee being placed in an advanced step of disciplinary action up to and including termination of employment.

Occurrence:

- An occurrence is defined as a full day or consecutive days of unscheduled, unapproved, unprotected time off. If makeup time is authorized on the same day or within the week of the occurrence, the absence is still counted as an occurrence.
- For the purpose of this policy, a "tardy" results when an employee fails to report to their work area ready for work at the start of their shift or fails to return from lunch or break at the appropriate time.
- Two tardies or leaving early that have not been pre-approved count as one occurrence. One tardy and one time leaving early can also count as one occurrence, as well as two unscheduled events of leaving early will count as one occurrence.
- An employee is required to call in absences two hours prior to the start of their scheduled shift.
- Please note that attendance and punctuality is considered an important factor of overall performance and will be considered in performance. As such, if an employee has or is to receive disciplinary actions other than attendance, the levels as noted below will escalate. The entire performance of an employee is considered when establishing levels and Kaweah Health may apply any level or immediate termination if warranted due to the circumstance.

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Number of Occurrences in a Rolling 12-Month Period

<i>Counseling</i>	<i>Occurrences</i>	<i>Introductory Period</i>
<i>Verbal Warning</i>	4	4
<i>Level I Written Warning</i>	5	NA
<i>Level II Written Warning</i>	6	
<i>Level III Written Warning</i>	7	
<i>Termination</i>	8	5

Pattern Absenteeism:

Employees will be considered to have a pattern of unscheduled absences if their absences tend to occur immediately before or after scheduled days off, before or after holidays or weekends, occur at regular intervals or on consistent days, occur immediately following disciplinary action, or occur on days that the employee requested off but were denied such request. Patterned absences will be considered misconduct and will be grounds for Progressive Discipline.

Absences not to be considered under this policy are noted below. Reasonable notice of these absences is requested and in some cases required. Progressive Discipline

may apply where reasonable notice or requested proof of time off documentation is not provided.

- a. Work-related accident/illness.
- b. Pre-scheduled Paid Time Off (PTO).
- c. Pre-scheduled personal time.
- d. Time off to vote or for duty as an election official. This provision will be limited to federal and statewide elections exclusively and shall not be extended to include local, city or county elections. Employees requesting time off to vote will submit the request in writing. The request should state specifically why the employee is not able to vote during non-working hours. Unless otherwise agreed, this time must be taken at the beginning or ending of the employee's shift to minimize the time away from work.
- e. Time off for adult literacy programs.
- f. Time off if a victim of a crime, or if a family member is the victim of a crime, when they take time off following the crime. Protections are for an employee who is a victim of domestic violence, sexual assault, or stalking for taking time off from work for any specified purpose, including seeking medical attention, for injuries caused by the domestic violence, assault, or stalking and appearing in court pursuant to a subpoena. In addition, protections include taking time off from work to obtain or attempt to obtain any relief. Relief includes, but is not limited to, a temporary restraining order, restraining order, obtaining psychological counseling, engaging in safety planning, seeking other injunctive relief, and to help ensure the health, safety or welfare of the victim or their child. Furthermore, protections include if the employee provides certification that they were receiving services for injuries relating to the crime or abuse or if the employee was a victim advocate.
- g. Time off to attend judicial proceedings as a victim of a crime, the family member, registered domestic partner or child of a registered domestic partner who is a victim of a crime. Victim means any person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of specified crime or their spouse, parent, child, sibling, or guardian.
- h. Employees who enter uniformed military service of the Armed Forces of the United States for active duty or training.
- i. Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation.
- j. Time off of up to fourteen (14) days per calendar year for volunteer

Attendance & Punctuality

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firefighter, reserve peace officer, or emergency rescue personnel training or duties.

- k. Time off to attend school or child care activities for their children, grandchildren or guardians (limited to 40 hours per year not exceeding eight hours in any calendar month). Applies to children in grades 1 through 12 or in a licensed child care facility. Additional protections apply for required appearances after suspension of a child from school. Effective January 1, 2016, employees may take time off from work to find a school or a licensed child care provider and to enroll or re-enroll a child, and time off to address child care provider or school emergencies.
- l. Bereavement time related to Policy.
- m. Jury Duty or Witness Duty.
- n. Leaves pursuant to legislative requirements Family and Medical Leave Act of 1993 (FMLA); California Family Rights Act of 1991 (CFRA); Pregnancy Disability Leave (PDL); Organ and Bone Marrow Donation Leave; and Workers' Compensation (WC).
- o. Kin Care: Kin Care authorizes eligible employees to use up to one-half (½) of the Extended Illness Bank (EIB) that they accrue annually, in a rolling 12 months, to take time off to care for a sick family member. Employees who accrue EIB are eligible for Kin Care. Employees who are not eligible for EIB are not eligible for Kin Care. No more than one-half of an employee's EIB accrual in a rolling 12- month period can be counted as Kin Care. For example, for full-time employees this would mean no more than 24 hours can be utilized as Kin Care in a rolling 12-month period. An employee must have EIB available to use on the day of the absence for that absence to be covered under Kin Care. An employee who has exhausted his/her EIB and then is absent to care for a sick family member cannot claim that absence under Kin Care. Kin Care can be used to care for a sick family member, to include a spouse or registered domestic partner, child of an employee, parents, parents-in-law, siblings, grandchildren and grandparents. A Leave of Absence form does not need to be submitted unless the employee will be absent and use sick leave for more than three continuous workdays. In addition, an employee taking Kin Care does not need to submit a doctor's note or medical certification. However, in instances when an employee has been issued Disciplinary Action and directed to provide a doctor's note for all sick days, then an employee may need to submit a doctor's note.

Absence for Religious Observation

Kaweah Health will attempt to accommodate employees requesting absence for religious observation, however, in certain circumstances accommodation may not be possible or reasonable.

Attendance & Punctuality

Notification of Late Arrival

An employee is required to call in absences two hours prior to the start of their scheduled shift.

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Schedules

- a. Employees are scheduled to work during specified hours. Unless approved by management, those hours may not be adjusted to accommodate early or late arrival or departure.
- b. Employees who arrive for work early may not leave before the end of their scheduled work period unless authorized to do so by their management. Employees may be subject to discipline for incurring unauthorized overtime by reporting to work prior to their scheduled start time. Employees who arrive for work late may not remain on duty beyond the regular scheduled work time to make up the lost time unless authorized to do so by their management. Employees who are absent without approval but are allowed to makeup time will continue to be subject to disciplinary action for lack of reliability.
- c. Employees are only paid for actual hours worked.
- d. Employees may not shorten the normal workday by not taking or by combining full meal periods and rest break periods and may not leave before the end of their scheduled shift without the authorization of a supervisor.
- e. Any employee who leaves Kaweah Health premises during work hours must notify and obtain approval from management and/or their designee prior to departure. Employees must clock out and in for their absence.
- f. Employees are to give advanced notice for cancellation of any class or program in which they are enrolled, whether voluntary or mandatory. Advanced notice for cancellation defined as the following:
 - 1. If class is on Tuesday through Friday, cancel the day before by 8:00am. EXAMPLE: Class is Wednesday at noon- must cancel before Tuesday 8:00 am.
 - 2. If class is on Monday, cancel prior to 23:59 on Saturday
 - 3. Classes need to be cancelled through our Learning Management System (LMS)
 - 4. If the employee cannot cancel in our LMS or they are past the defined time for advanced notice, the employee must contact their manager via phone or email letting them know they cannot attend.
- g. Employees must be on time.
- h. Failure to give advance notice may count as an occurrence under the Attendance Policy HR.184. Refer to Progressive Discipline policy HR 216.
- i. Employees who are absent from work for three days and have not contacted their department manager or supervisor will be assumed to have voluntarily terminated their employment. Employees who are

Attendance & Punctuality

absent from work without authorization and without providing proper notification to management may be considered to have abandoned their job and will be terminated from employment.

- j. Weekend Makeup Policy – Employees who call in on weekends may be required to make up weekend shifts missed.^{1[1]} Weekend shifts will be scheduled for makeup on a successive schedule at the discretion of the scheduling coordinator/supervisor per staffing needs.
- k. Holiday Makeup Policy – Employees who call in on a ^{2[2]}holiday will be required to work another holiday or an extra weekend shift at the discretion of the scheduling coordinator/supervisor per staffing needs.

Loitering

Kaweah Health employees may not arrive to work greater than thirty (30) minutes prior to the start of their shift and may not remain within Kaweah Health facilities greater than thirty (30) minutes beyond the end of their shift without specific purpose and/or authorization to do so.

Clocking

Employees should not clock in, may not begin work before the start of their scheduled shift and must discontinue work and clock out at the conclusion of their scheduled shift, unless instructed otherwise by their management. Employees may not work off-the- clock, including use of electronic communication.

Further information regarding this policy is available through your department manager or the Human Resources Department

^{1[1]} Weekend shift starts Fridays at 1800 and ends Mondays at 0600.

^{2[2]} Holiday is from 1800 the day before the holiday and ends 0600 the morning after the holiday.

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Subcategories of Department Manuals
not selected.

Policy Number: HR.218	Date Created: 06/01/2007
Document Owner: Dianne Cox (Chief Human Resources Officer)	Date Approved: 06/28/2021
Approvers: Board of Directors (Administration), Dianne Cox (Chief Human Resources Officer)	
Notification Requirements, Pre-Determination Process and Appeal Process for Involuntary Termination, Suspension without Pay for More Than Five Days and Demotion	

Printed copies are for reference only. Please refer to the electronic copy for the latest version.

POLICY:

Employees of the Kaweah Health by statute serve at the pleasure of the Board of Directors (see Health and Safety Code Section 32121(h)). When an employee who has passed his/her six (6) month introductory period is informed of his/her involuntary termination, suspension of five days or more or demotion, the employee will be provided the opportunity for a pre-determination review of a Notice of Intent, written notice of the pre-determination review process, and the Kaweah Health post-determination review and appeal process. This specific policy does not apply to residents enrolled in the Kaweah Health Graduate Medical Education (GME) program. Residents must refer to the Resident Handbook outlining the guidelines that must be used as their exclusive remedy for appealing reviewable actions.

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The purpose of a pre-determination review is to provide employees the opportunity to appeal before a decision is made to terminate, demote, or suspend for more than five (5) days.

Nothing in this policy should be interpreted as modifying or diminishing in any way the Kaweah Health right to terminate or discipline an employee "at will" that is for any reason which the Kaweah Health considers to be sufficient in its sole discretion.

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DEFINITIONS:

- I. Pre-Determination Review: A meeting in which an employee is given the opportunity to respond to a Notice of Intent by submitting a written and/or verbal statement to an appointed Reviewer. If the employee chooses to respond, the Reviewer has the responsibility to recommend whether the proposed action should be upheld, overturned, or modified. An employee may wish to provide a verbal response prior to a final decision being made and submit a written summary explaining why there is a belief the proposed discipline is not warranted in advance of the meeting with the reviewer.

- II. Reviewer: Except as otherwise noted, the "Reviewer" shall be a

Chief or other executive appointed by the Chief of Human Resources.

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III. Post-Determination Review: Appeal process after the pre-determination review.

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PROCEDURE:

I. Initial Notice of Intent

If an employee who has passed the initial six (6) month introductory period, is subject to termination, suspension for more than five (5) days or demotion, the management of the employee, or the Chief of Human Resources or designee, shall cause to be served on the employee a written notice ("Notice of Intent"). The following is a recommended list of the items that should be contained in this document, but no Notice of Intent will be invalid if it does not contain all of the items on this list. The purpose of the document is to provide the employee with an outline of the proposed action along with a fair summary of the reasons for taking the action:

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A. the proposed action (i.e., termination, suspension for more than five (5) days or demotion) and the effective date of the proposed action;

B. the reasons supporting the proposed action;

C. a summary of the facts upon which the charges are based;

D. notification that the employee is entitled to a pre-determination meeting to respond, either orally or in writing, to a review ("pre-determination review"). The Pre-determination Reviewer ("Reviewer") will be appointed by the Chief of Human Resources or his/her designee.

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E. the name of the Reviewer and his/her contact information; and

F. notification that the proposed action will become final and that the employee will waive his/her rights to a pre-determination review and a post-determination hearing of the matter if the employee does not contact the Reviewer by 4:00 p.m. of the next working day after service of such notice. A form to be used for such notice will be provided by Human Resources. "Working day" as used herein shall mean any day, Monday through Friday, holidays excluded.

G. The provisions contained in Section F are advisory and within the sole discretion of the District. The Kaweah Health failure to comply with any of the provisions of this Section shall not invalidate any disciplinary action taken.

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II. Effective Date

The Notice of Intent as described in this document shall become effective when:

- A. The employee has been served with a copy of the notice specified above and has failed to contact the assigned Reviewer to schedule a review of the proposed action, by 4:00 p.m. of the next working day after service of the notice; or,
 - B. The employee contacts the assigned Reviewer, the Chief of Human Resources or his/her designee or the Director of his/her Department and explicitly states he/she does not want to schedule a pre-determination review of the proposed action; or,
 - C. The employee properly requests a pre-determination review and the Reviewer issues a written recommendation after the pre-determination meeting in which he/she recommends upholding the proposed demotion, suspension or termination and the employee does not request a post-determination hearing with a Hearing Officer, or;
 - D. The employee properly requests and obtains a post-determination hearing where the Hearing Officer upholds the decision of the Reviewer and the employee does not request a review by the CEO; or
 - E. The employee properly requests and obtains appellate review by the CEO and he/she upholds the decision of the Reviewer.
- III. Arranging the Pre-determination Meeting
- A. The Notice of Intent will identify the Reviewer and provide the Reviewer's contact information. It will advise the employee that he/she may respond directly to the Reviewer, either orally or in writing, and will set out the time limit within which the response should be submitted. The Notice of Intent will also advise the employee how he/she can contact the Reviewer to arrange a meeting.
 - B. If the employee wishes to meet, it is his/her responsibility to contact the Reviewer and arrange the meeting; the meeting should be scheduled no later than three (3) calendar days following the date of the request.
 - C. As an alternative to a meeting, an employee may submit a written response. The Reviewer may disregard an untimely response.
 - D. If it occurs, the pre-determination meeting will be informal. The Reviewer will lead the meeting. The employee may provide such evidence or information as he/she wishes and tell his/her side of the story. After the meeting, the Reviewer will recommend whether the proposed action should be upheld, modified, or revoked. Matters related to the Reviewer's recommendation are addressed in Part IV, below.
 - E. On occasion, employees may request that a scheduled pre-

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determination meeting date be extended, or that the standard pre-determination response period be increased. Although the Reviewer may grant or deny these requests, he/she should consult with Human Resources prior to doing so. Since employees may be on leave with pay during the pre-determination period, it is important to consider the stated need for the extension, along with the financial implications of the request, before issuing a decision.

IV. Recommendations for Conducting the Pre-determination Meeting

PREPARATION FOR THE MEETING:

The Reviewer should read the Notice of Intent, supporting documents, this Policy, Kaweah Health policies and procedures relating to the intended action, and any written response submitted by the employee and any documents the employee has submitted.

At the meeting, the Reviewer will: Introduce all persons present¹; explain the purpose of the meeting; explain that, upon completing the meeting, he/she will consider the information provided and then make a recommendation to uphold, modify, or revoke the proposed action; explain that his/her recommendations, if any, are not binding, but are simply recommendations that may be accepted or rejected by the District.

The Reviewer should then invite the employee to respond to the charges and advise that the employee's response may be submitted in writing, if the employee desires, or a combination of verbal and written responses. The Reviewer should allow the employee to present all relevant facts and arguments including documents.

The pre-determination meeting is not a formal hearing and there will be no witnesses testifying under oath. If the employee believes there are other employees who can support his/her facts/arguments, he/she may, with the permission of the Reviewer, bring them to the meeting and ask that they be heard. Such oral statements are in the discretion of the Reviewer. The Reviewer may limit the number of "witnesses" or place time limitations on the length of such verbal statements.

Neither the Kaweah Health nor the employee shall have the right to be represented by counsel or any other person not an employee of the District. The employee, in his/her discretion, may bring a current Kaweah Health employee to support him/her at the meeting.

It is often helpful to invite the Manager/Supervisor initiating the action to sit in on a pre-determination meeting for the purpose of providing clarification.

¹ The Reviewer may request the attendance and assistance of a member of Human Resources staff at the meeting.

However, the attendance of any person is at the sole discretion of the Reviewer. The Reviewer may ask questions of the Manager/Supervisor or allow the employee to ask questions of the Manager/Supervisor. Such questioning, however, should be

permitted only if the Reviewer finds it of value.

AFTER THE PRE-DETERMINATION MEETING

After the meeting, the Reviewer evaluates all of the information. If the Reviewer concludes that additional information is needed, he/she will contact the Chief of Human Resources or his/her designee for advice and assistance.

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After reviewing all of the documentation and information, the Reviewer evaluates whether in his/her judgment there is a reason to believe the employee engaged in the conduct charged and whether the proposed action is appropriate. The Reviewer may confer with the Manager/Supervisor who initiated the action. If this evaluation involves policy issues, the Chief of Human Resources or his/her designee should be consulted. Depending on the results of his/her evaluation, the Reviewer then makes a recommendation to uphold, modify, or revoke the proposed action.

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The Reviewer will prepare his/her written recommendation within three (3) working days of the meeting or such longer time as is necessary. The letter will be hand delivered to the employee during a final meeting with their manager and the Human Resources representative. If the employee refuses to attend the final meeting, the letter will be sent to the employee by regular and certified mail.

PAY STATUS

In most cases, the employee will continue to remain on pay status until the review process is completed and the action is implemented, implemented in modified form, or revoked.

Requesting a Hearing

An employee may appeal the Reviewer's recommendation supporting substantial action (demotion, suspension of more than five (5) days, termination) by submitting a request for appeal to the Chief of Human Resources or his/her designee. The employee's written request for appeal must be received no later than five (5) calendar days from the date of the document containing the final action. The five (5) calendar days requirement applies even if the letter with the Reviewer's recommendation is delivered by mail.

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If an employee properly submits a written request for a hearing, it shall be scheduled no later than ten (10) working days following the date of the request by the employee. The ten (10) working day time period may be extended by

the Chief of Human Resources or his/her designee at the request of the employee or the District, upon a showing of good cause, provided that the Kaweah Health shall have no obligation to pay back wages beyond the ten (10) day period in the event the proposed termination, suspension of five (5) days or more or the demotion is overturned by the Hearing Officer or if the extension is at the request of the employee. The hearing shall be set for the earliest mutually agreeable date, which shall not be more than thirty (30) calendar days from the date the request for a hearing was received. The hearing shall be an informal evidentiary hearing attended by the Chief of Human Resources or his/her designee and by the employee. The hearing shall be presided over by the Personnel Hearing Officer (who serves by appointment of the Board of Directors), or by a Hearing Officer chosen from a panel pre-approved by the Kaweah Health Board of Directors and mutually agreed upon by the parties.

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At the hearing, both the Kaweah Health and the employee shall have the right to counsel, the right to call and examine witnesses for or against either party, the right to offer appropriate documentary evidence, the right to a reasonable continuance upon a showing of good cause, and all other procedural due process rights applicable to administrative proceedings. Strict rules of evidence shall not apply and the Hearing Officer shall have the discretion to determine what evidence shall be admitted and what weight shall be given to the admitted evidence. At all proceedings before the Hearing Officer, the Kaweah Health shall provide, at the expense of the District, the services of a certified shorthand reporter. The Kaweah Health shall have the burden of proving by a preponderance of the evidence that the termination, suspension for more than five (5) days or demotion was for good cause. At the conclusion of the hearing the matter will be submitted to the Hearing Officer for decision.

The decision of the Hearing Officer shall be in writing and ordinarily shall be rendered no later than five (5) calendar days from submission of the matter for decision. The decision of the Hearing Officer shall be filed with the Chief of Human Resources or his/her designee who shall promptly serve a copy of the decision on the employee or his/her counsel, if any. The decision shall be effective immediately upon filing of the decision with the Chief of Human Resources or designee, unless the employee properly complies with the requirements for appellate review.

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The decision of the Hearing Officer shall be a recommendation to the Chief Executive Officer. The Hearing Officer may recommend to uphold, overrule or modify the proposed action.

VI. The Chief Executive Officer's Decision (Appellate Review)

Any party affected by the decision of the Hearing Officer shall have the right to a review by the Chief Executive Officer. Written notice of appeal, including the basis (or bases) for the appeal, must be filed with the Chief of Human Resources or his/her designee no later than three (3) calendar days following

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service of the decision of the Hearing Officer on the party requesting the appeal. Failure to file written notice of appeal within said three (3) calendar day time limit shall constitute a waiver of appeal rights. The Chief Executive Officer shall review and consider the recommendation of the Hearing Officer. After reviewing the recommendation of the Hearing Officer, the Chief Executive Officer in his/her sole discretion may decide to uphold, revoke or modify the proposed action.

Any party seeking the Chief Executive Officer's review of the decision must obtain, at the appellant's own expense, two copies of a transcript of the proceedings held before the Hearing Officer. Failure to file such transcripts with the Chief of Human Resources or his/her designee at least two (2) working days prior to the date set for appellate review shall constitute a waiver of the appeal.

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The appellate review by the Chief Executive Officer shall be scheduled no later than ten (10) calendar days following the date of the receipt by the Chief of Human Resources or his/her designee of the request for appellate review, or as soon thereafter as it can be scheduled taking into consideration the availability of the Chief Executive Officer and/or the transcript of the hearing. The Chief Executive Officer shall apply the independent judgment test in reviewing the decision of the Hearing Officer. The appellee shall have five (5) working days to prepare and file a written response to the appeal. The Chief Executive Officer, at his/her discretion, may determine whether or not he/she would like to receive any additional oral or written argument. The Chief Executive Officer shall not be empowered to receive new or additional evidence.

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The Chief Executive Officer shall affirm, modify, or reverse the decision of the Hearing Officer, and shall file with the Chief of Human Resources or his/her designee his/her written decision within two (2) working days following the conclusion of the appellate review.

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The decision of the Chief Executive Officer shall become effective immediately upon filing the decision with the Chief of Human Resources or his/her designee.

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The decision of the Chief Executive Officer shall constitute the final administrative proceeding which must be exhausted by either party before seeking judicial review, if any.

Note: If the subject matter of the original Notice of Intent included or involved the Chief Executive Officer in a way that might prejudice the employee in this matter, the final review will exclude the Chief Executive Officer and the President of the Board of Directors of Kaweah Delta Health Care Kaweah Health will act as the final reviewer.

Service of any notice, decision, or any other matter required to be served under these provisions shall be deemed served on the same day it is personally served upon the party to be served, or on the third (3rd) calendar day following deposit in the United States mail of the material to be served, certified mail, return receipt requested, addressed to the last known address of the party to be served.

This policy shall not extend to employees during their initial introductory period (i.e., less than six months of employment).

“Responsibility for the review and revision of this Policy is assigned to the Chief Human Resources Officer. In some cases, such as Employee Benefits Policies, Summary Plan Descriptions and Plan Documents prevail over a policy. In all cases, Kaweah Health will follow Federal and State Law, as applicable, as well as Regulatory requirements. Policies are subject to change as approved by the Governing Board and will be communicated as approved after each Board Meeting. It is the employee’s responsibility to review and understand all Kaweah Health Policies and Procedures.”

Deleted: These guidelines, procedures, or policies herein do not represent the only medically or legally acceptable approach, but rather are presented with the recognition that acceptable approaches exist. Deviations under appropriate circumstances do not represent a breach of a medical standard of care. New knowledge, new techniques, clinical or research data, clinical experience, or clinical or bio-ethical circumstances may provide sound reasons for alternative approaches, even though they are not described in the document.”¶



Policy Number: HR.234	Date Created: 06/01/2007
Document Owner: Dianne Cox (Chief Human Resources Officer)	Date Approved: 06/28/2021
Approvers: Board of Directors (Administration)	
Paid Time Off (PTO), Extended Illness Bank (EIB) and Healthy Workplace, Healthy Families Act of 2014	

Printed copies are for reference only. Please refer to the electronic copy for the latest version.

POLICY:

Paid Time Off (PTO), Extended Illness Bank (EIB) and Healthy Workplace, Healthy Families Workplace Act of 2014 – Paid Sick Leave (PSL) benefits are offered to all employees as defined in this policy. PTO is offered to full-time and part-time eligible employees for leisure, celebration of holidays, short-term illness and other personal needs. EIB is offered to full-time and part-time eligible employees for extended illness and Kin Care. Private Home Care staff, temporary staff/interims and Per Diem staff are not eligible for PTO or EIB but are eligible for Paid Sick Leave (PSL) as defined in this policy. Excessive occurrences of unapproved time off may result in disciplinary action. See Policy HR.184 Attendance and Punctuality.

PROCEDURE:

Eligibility and Accrual for PTO and EIB

Full-time and benefited part-time employees are eligible to receive PTO and EIB. If an eligible employee is changed to a non-eligible status, the PTO and EIB time accrual will cease. The employee will receive a lump-sum payment for all accrued PTO paid at 100% of their hourly rate of pay prior to the status change. During the non-eligible status, the employee will accrue PSL.

If a non-eligible employee is changed to an eligible status, the employee begins accruing PTO and EIB as of the first pay period in which the status change became effective; PSL accrual will cease. At no time will an employee accrue PTO and EIB as well as PSL. An employee accrues either PTO and EIB or PSL.

The rate of PTO and EIB accrual received is based on qualified service hours. Qualified service hours which count toward the accrual rate include the following: regular hours worked (non-overtime), Education Reduced Shift, Flex Time Off, PTO FMLA, PTO unscheduled, PTO/PSL, PTO Sick/Pregnancy, PTO Holiday, PTO/Workers Compensation, Sitter Pay, Sleep Pay, PTO hours, bereavement hours, jury duty hours, training/workshop hours, orientation hours, and mandatory dock hours. Neither EIB nor PTO accruals will be earned while employees are being paid EIB

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hours.

Eligibility and Accrual for PSL

PSL eligible employees include Per-Diem, Private Home Care, and Part-Time non-benefit eligible employees. PSL eligible employees will accrue at the rate of one hour per every 30 hours worked (.033333 per hour); accrual begins as of the first pay period. A new employee is entitled to use PSL beginning on the first day of employment. Employees are limited to 24 hours of use of accrued time in each 12-month rolling period. PSL will carry over to the following calendar year not to exceed 48 hours of accrual in any calendar year.

Description	Service Hours	Approximate Yrs. of Service required to obtain this rate	Earned 1 st Pay Period: Accrual (8 & 10hrs up to 80 eligible hrs a pp) (12hrs up to 72 eligible hrs a pp)	Earned at 520 Eligible Hours of Employment: Additional Accrual earned on up to 72 eligible hours a pp.
8hr, 10hr, FT & PT Staff	0	5 years	.038461 (80) – Accrual rate during first 90 days in eligible status	.051282 (96hrs)
8hr, 10hr, FT & PT Staff	10400	5 – 10 years	.057692 (120)	.051282 (96hrs)
8hr, 10hr, FT & PT Staff	20800	10+ years	.076923 (160)	.051282 (96hrs)
12hr FT & PT Staff	0	5 years	.038461 (72)	.051282 (96hrs)
12hr FT & PT Staff	9360	5 – 10 years	.057692 (108)	.051282 (96hrs)
12hr FT & PT Staff	18720	10+ years	.076923 (144)	.051282 (96hrs)

Maximum Accruals

The Maximum PTO accrual allowed is 400 hours. The accrual will cease once the maximum accrual is reached until PTO hours are used or cashed out. The maximum EIB accrual is 2000 hours; the maximum PSL accrual is 48 hours in a calendar year. No Payment is made for accrued EIB or PSL time when employment with Kaweah Health ends for any reason.

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Requesting, Scheduling, and Access to PTO, EIB and PSL

Routine unpaid time off is not allowed. Any requests for unpaid time should be considered only on a case-by-case basis taking into consideration the need for additional staffing to replace the employee and other departmental impacts. It is the responsibility of management to monitor compliance. Employees should be aware that unpaid time off could potentially affect their eligibility for benefits.

Any request for PTO time, whether for traditional holiday, for vacation time, or otherwise must be approved in advance by management. Management will consider the employee's request as well as the needs of the department. In unusual circumstances, management may need to change the PTO requests of employees based upon the business and operational needs of Kaweah Health. In such situations, Kaweah Health is not responsible for costs employees may incur as a result of a change in their scheduled PTO time.

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Unscheduled time off will be paid using accrued PTO.

AB 1522 Healthy Workplace Healthy Families Act of 2014

An employee may utilize up to 24 hours of PTO or PSL in a rolling 12-month period for the following purposes:

a) Diagnosis, care, or treatment of an existing health condition, or preventative care for, an employee or an employee's family member, as defined as employee's parent, child, spouse, registered domestic partner, grandparent, grandchild, and siblings.

b) "Family Member" means any of the following:

- i. A child, which for purposes of this policy means a biological, adopted or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis; this definition of child is applicable regardless of age or dependency status.
- ii. A biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.
- iii. A spouse
- iv. A registered domestic partner
- v. A grandparent
- vi. A grandchild
- vii. A sibling

c) For an employee who is a victim of domestic violence, sexual assault or stalking, as specified.

There is no cash out provision for the PSL accrual, including upon termination of employment or with a status change to a benefit eligible position. However, if an

employee separates from Kaweah Health and is rehired within one year, previously accrued and unused PSL will be reinstated.

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PSL and PTO time shall be utilized at a minimum of 1-hour increments and no more than the length of the employee's shift.

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PTO and PSL time taken under this section is not subject to the Progressive Discipline Policy HR.216.

Time Off Due To Extended Illness

Employees who are absent due to illness for more than three (3) consecutive work days should notify their manager and contact the Human Resources Department to determine if they are eligible for a leave of absence. Accrued EIB can be utilized for an approved continuous leave of absence beyond 24 hours and on the first day of surgery in an acute-care or outpatient surgery center or inpatient admission to the hospital.

Employees who are absent due to illness for more than seven (7) consecutive days should file a claim for California State Disability Insurance. Claim forms are available in Human Resources. State Disability payments will be supplemented with any accrued EIB time by the Payroll Department, and PTO at the employee's request.

Employees who are absent with an Intermittent Leave under FMLA/CFRA are required to use accrued PTO for their absences, at no less than one hour and no more than the regular length of the shift.

Time Off Due to Kin Care

Kin Care allows eligible employees to use up to one-half (1/2) of the Extended Illness Bank (EIB) that they accrue annually in a rolling 12 months to take time off to care for a sick family member. Only employees who accrue EIB are eligible for Kin Care. No more than one-half of an employee's EIB accrual in a rolling 12-month period can be counted as Kin Care. For example, for full-time employees this would mean no more than 24 hours can be utilized as Kin Care in a rolling 12-month period. An employee must have EIB available to use on the day of the absence for that absence to be covered under Kin Care. An employee who has exhausted his/her EIB and then is absent to care for a sick family member cannot claim that absence under Kin Care. Kin Care can be used to care for a sick family member, to include a spouse or registered domestic partner, child of an employee, "child" means a biological, foster, or adopted child, a stepchild, a legal ward, a child of a domestic partner, or a child or a person standing in loco parentis, parents, parents-in-law, siblings, grandchildren and grandparents. A Leave of Absence form does not need to be submitted unless the employee will be absent and use sick leave for more than three continuous workdays. In addition, an employee taking Kin Care does not need to submit a doctor's note or medical certification. However, in instances when an employee has been issued Disciplinary Action and directed to provide a doctor's note for all sick days, then an employee may need to submit a

doctor's note.

EIB time taken under this section to care for an immediate family member is not subject to the Progressive Discipline Policy HR.216.

Holidays

Kaweah Health observes 72 holiday hours each year. Eligible employees may be scheduled a day off and will be paid provided adequate accrual exists within their PTO bank account for each observed holiday. Time off for the observance of holidays will always be in accordance with Kaweah Health needs.

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1. New Year's Day (January 1st)
2. President's Day (Third Monday in February)
3. Memorial Day (Last Monday in May)
4. Independence Day (July 4th)
5. Labor Day (First Monday in September)
6. Thanksgiving Day (Fourth Thursday in November)
7. Day after Thanksgiving Day (Friday following Thanksgiving)
8. Christmas Day (December 25th)
9. Personal Day

Business departments and/or non-patient care areas will typically be closed in observance of the noted holidays. Where this is the case, employees assigned to and working in these departments will be scheduled for a day off on the day the department is closed. Employees affected by department closures for holidays should maintain an adequate number of hours within their PTO bank to ensure that time off is with pay.

In the first 90 days of employment, benefit eligible employees who have not accrued sufficient PTO to cover holidays may be paid and their PTO accrual bank will go into the negative, until accrual is earned back in successive pay periods, unless otherwise specified by the employee.

In business departments and/or non-patient care areas, holidays, which fall on Saturday, will typically be observed on the Friday preceding the actual holiday and holidays, which fall on Sunday, will be observed on the Monday following the actual holiday.

Employees who work hours on some of these holidays may be eligible for holiday differential. For more information of eligibility, see policy HR.75 Differential Pay-Shift, Holiday, and Weekend.

"Responsibility for the review and revision of this Policy is assigned to the Chief of Human Resources. In some cases, such as Employee Benefits Policies, Summary Plan Descriptions and Plan Documents prevail over a policy. In all cases, Kaweah Health will follow Federal and State Law, as applicable, as well as Regulatory requirements. Policies are subject to change as approved by the Governing Board and will be communicated as approved after each Board Meeting. It is the staff member's responsibility to review and understand all Kaweah Health Policies and Procedures."



Policy Number: HR.244	Date Created: No Date Set
Document Owner: Dianne Cox (Chief Human Resources Officer)	Date Approved: 12/21/2020
Approvers: Board of Directors (Administration), Cindy Moccio (Board Clerk/Exec Assist-CEO)	
Paid Family Leave	

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Printed copies are for reference only. Please refer to the electronic copy for the latest version.

Policy:

Paid Family Leave (PFL) is a type of unemployment compensation paid to employees who have a wage loss when they take time off from work for up to eight (8) weeks to care for a seriously ill family member, bond with a new child or for a qualifying exigency related to the covered active duty or call to covered active duty of an individual's specified family member in the Armed Forces of the United States. To be eligible for California PFL benefits for bonding, employees must have welcomed a new child into the family in the past 12 months either through birth, adoption, or foster care placement. Specified family members qualifying for the exigency related to active duty are: the individual's spouse, domestic partner, child, or parent in the Armed Forces of the United States. This benefit provides compensation through accrued Paid Time Off (PTO), Extended Illness Bank (EIB) and California sponsored Paid Family Leave (PFL).

NOTE: Due to coordination of information between departments and outside agencies, and the requirement that certain records be maintained to demonstrate compliance with State and Federal law, it is important that paperwork and documentation be completed and submitted to Human Resources in a timely manner by department leadership and employees.

Procedure:

This policy is based on the California Paid Family Leave (PFL) and is intended to provide eligible employees with all of the benefits mandated by the State of California Employment Development Department. However, in the event that these laws or the regulations implementing these laws are hereafter amended or modified, this policy may be amended or modified to conform with any change or clarification in the law.

1. Reason for Leave:

May be eligible under FMLA and CFRA please refer to the Family Medical Leave of Absence Policy.

2. Employee Eligibility:

- a) Have paid into State Disability Insurance, (noted as "CASDI" on paystubs) in the past 5 to 18 months.
- b) This benefit applies to all employees regardless of length of service. If an employee does not also qualify for a leave under the FMLA or CFRA guidelines, a Personal Leave of Absence may apply upon the manager's discretion. Please review HR.148 Personal Leave Policy.

3. Compensation Available:

Refer to the Notice to Employees from the Employment Development Department (EDD) for more information.

- a. Employees may use 24 hours of EIB/Kin, (see policy [HR.234 PTO/EIB](#)) and/or PTO starting day one at integration with State Disability Insurance or Paid Family Leave.

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- b. An employee may be paid up to eight (8) weeks of leave during a 12-month period. A 12-month period begins on the date of an employee's first use of PFL leave. Successive 12-month periods commence on the date of an employee's first use of such compensation after the preceding 12-month period has ended. If eligible, PFL runs concurrent with FMLA and CFRA Leaves of Absence.

Deleted: <#>Applying the Extended Illness Bank (EIB) utilization guidelines, EIB/Kin may be used to attend to the illness of a child, parent, spouse, grandparent, grandchild, sibling, registered domestic partner or parent-in-law. Up to 50% of the annual EIB accrual can be used if the employee has worked a full 12 months; otherwise, the utilization will be limited to 50% of the employee's annual accrued EIB. A maximum of 50% of accrued hours in a 12-month period may be utilized. This is referred to as "Kin Care."

4. Certification:

Refer to the Family Medical Leave of Absence Policy in the Manual.

5. Periodic Reports:

Refer to the Family Medical Leave of Absence Policy in the Manual.

6. Benefits During Leave:

Refer to the Family Medical Leave of Absence Policy in the Manual.

7. Reinstatement:

Refer to the Family Medical Leave of Absence Policy in the Manual.

"Responsibility for the review and revision of this Policy is assigned to the Vice President of Human Resources. In some cases, such as Employee Benefits Policies, Summary Plan Descriptions and Plan Documents prevail over a policy. In all cases, Kaweah Delta will follow Federal and State Law, as applicable, as well as Regulatory requirements. Policies are subject to change as approved by the Governing Board and will be communicated as approved after each Board Meeting. It is the employee's

Paid Family Leave

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responsibility to review and understand all Kaweah Delta Policies and Procedures.”

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