

Quarterly Report
on
Williams/Valenzuela Uniform Complaints
[Education Code § 35186]
2023

District: Lompoc Unified School District

Name of person completing this form: Bao Vang

Title of person completing this form: Administrative Assistant

Please provide the date when this information will be reported publicly at the district governing board meeting:

January 24, 2023

Quarterly report submission date (check one):

☐

April (Jan.—March)

☐

July (April—June)

☐

October (July—Sept.)

☒

January (Oct.—Dec.)

General Subject Area	Total no. of complaints	No. of complaints resolved	No. of complaints unresolved
Textbooks and Instructional Materials			
Teacher Vacancy or Misassignment			
Facilities Conditions			
Valenzuela/CAHSEE Intensive Instruction and Services			
TOTALS	0	0	0

Debbie L. Blaw

Signature of District Superintendent

01/12/23

Date

LOMPOC UNIFIED SCHOOL DISTRICT
 CERTIFICATED HUMAN RESOURCES
PERSONNEL ACTION ITEMS
 January 24, 2023

EMPLOYMENT

<u>Name</u>	<u>Assignment</u>	Salary Schedule <u>Placement</u>	<u>Date</u>
Perez, Gabriel	K-3 Lit/Hapgood	1/I	01/23/23
Ramirez, Joshua	PE/La Honda	1/I	01/23/23

EMPLOYMENT – EXEMPT

<u>Name</u>	<u>Assignment</u>	Salary Schedule <u>Placement</u>	<u>Date</u>
Cypert, Lindsey	Substitute	Sub Rate	01/05/23
Edwards, Jennifer	Substitute	Sub Rate	01/12/23
Long, Kimberly	Substitute	Sub Rate	01/06/23

**LOMPOC UNIFIED SCHOOL DISTRICT
CLASSIFIED HUMAN RESOURCES
PERSONNEL ACTION ITEMS
January 24, 2023**

ASSIGNMENT CHANGE

<u>Name</u>	<u>Previous Assignment</u>	<u>New Assignment</u>	<u>Date</u>
Martinez, Erik	Custodian 8.0 hrs LHS Range 29/2	SUB Custodian Range 29/1	1/7/23

SEPARATIONS

In accordance with Policy 4121, the following resignations have been accepted:

<u>Name</u>	<u>Assignment</u>	<u>Type of Separation</u>	<u>Date</u>
Chaney, Matthew	Custodian	Separated	1/6/23
Rodriguez, Sandra	Para-SpEd	Resignation	1/9/23

Lompoc Unified School District Declaration of Surplus Property for Agenda of January 24, 2023

QTY	Site	DESCRIPTION	MFG/MODEL	SERIAL NUMBER/VIN NUMBER	LUSD ID Number	REASON FOR SURPLUS	WORKS Y or N
1	La Canada	Monitor	Dell/1908 FPb	MX-0D325J-74262-964-23GL		Obsolete Technology	N
1	La Canada	Computer	Dell Optiplex 745	4J5C0D1	6802	Obsolete Technology	N
1	La Canada	Monitor	Dell		10437	Obsolete Technology	N
1	La Canada	Copier/printer				Obsolete Technology	N
1	La Canada	Chromebook	Toshiba CB30	3F084294C		Obsolete Technology	N
1	La Canada	Projector	Hitachi CP-X2541WN	CP-X2541WNUF		Obsolete Technology	N
1	La Canada	Computer	Dell Optiplex 790	FDXQHS1	10366	Obsolete Technology	N
1	La Canada	Computer	Dell Optiplex 7010	HRFFSW1	106090	Obsolete Technology	N
1	La Canada	Monitor	Dell E2014HC	CN-0GM3D4-64180-381-0FQL		Obsolete Technology	N
1	La Canada	Copier/printer	HP Laserjet 3390	CNLP72488		Obsolete Technology	N
1	La Canada	Computer	Apple iMac		7840	Obsolete Technology	N
1	La Canada	Computer	Apple iMac		7838	Obsolete Technology	N
1	La Canada	Computer	Dell Optiplex 7010	HJ5C0Z1	106518	Obsolete Technology	N
1	La Canada	Monitor	Samsung 940BX	HA19HCGL902782E		Obsolete Technology	N

Economic Painting

12.15.2022

WORK ORDER

LOMPOC SCHOOL
DISTRICT

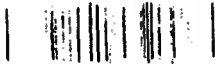
For:

Lompoc School District

325 South Sparks Street

Burbank Ca,91506

Cell:818-636-5990



Column1	Description	Price	Quantity	Amount
Bus Parking	Metal Primer	\$ 1.80 sf	33,750	\$ 58,950.00
Maintance Shop	Metal Primer	\$ 2.20 sf	2,100 sf	\$ 6,820.00
			Subtotal	\$ 65,770.00
Sales Tax Rate:			Sales Tax	
			Discount	
			Invoice Total	\$ 65,770.00

Contact Phone Number:

818-636-5990

Approved BY:

Samuel J Blanton:

RECEIVED

JAN 03 2023

ACCOUNTING



Lompoc Unified School District

Operations & Maintenance Department

P.O. Box 8000 • 1301 North A Street, Lompoc, CA 93436

Phone: 805-742-3170 • Fax: 805-737-1707

To: Nilufer Jorgenson

From: Sam Blanton

Date: December 27, 2022

Re: Ed Center paint project

This letter documents the following completed work:

- As of December 20th, 2022, the Ed Center paint project is 100% complete.
- Substantial completion was reached on November 27th, 2022
- Final inspection was completed by Sam Blanton
- All work, including pressure washing and paint of the Ed center and surrounding buildings has been complete.
- The final cost of this project was \$ 690,400.00

Sincerely,

Sam Blanton
LUSD Director, Maintenance & Operations

**Lompoc Unified School District
2024 - 2025 SCHOOL YEAR
Board Approved: TBD**

ATTACHMENT E

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

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

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

OCTOBER						
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13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

NOVEMBER						
S	M	T	W	T	F	S
					PL	2
3	4	5	6	7	8	9
10	H	12	13	14	15	16
17	18	19	20	21	22	23
24	TB	TB	TB	H	H	30

DECEMBER						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	WB	H	H	WB	WB	28
29	WB	H				

JANUARY						
S	M	T	W	T	F	S
			H	WB	WB	4
5	WB	WB	WB	WB	WB	11
12	13	14	15	16	17	18
19	H	21	22	23	24	25
26	27	28	29	30	31	

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

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

APRIL						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	H	SB	SB	SB	SB	26
27	28	29	30			

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

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

Aug 8	Professional Learning Day (PL)
Aug 9	Teacher Prep Day (P)
Aug 12	First Day of School
Aug 12 - Aug 30	PK/K Jump Start
Sept 2	Labor Day Holiday (H)
Sept 3	First Full Day of PK/K
1st 6 week grading period 9/20 (29 days)	
2nd 6 week grading period 10/31 (29 days)	
1st Trimester 10/31 (58 days)	
Nov 1	Professional Learning Day (PL)
Nov 11	Veterans' Day Holiday (H)
Nov 25 - 29	Thanksgiving Break (TB)
Nov 28 - 29	Thanksgiving Holidays (H)
3rd 6 week grading period 12/20 (29 days)	
1st Semester 12/20 (87 days)	
Dec 23 - Jan 10	Winter Break (WB)
Dec 24, 25, 31 & Jan 1	Winter Holidays (H)
Jan 20	Martin Luther King Day (H)
Feb 10	Lincoln's Birthday Observance (H)
Feb 17	Presidents' Day (H)
4th 6 week grading period 2/28 (32 days)	
2nd Trimester 2/28 (61 days)	
Mar 28	Professional Learning Day (PL)
Mar 31	Non-student/Non-teacher day (NS)
Apr 21 - Apr 25	Spring Break (SB)
Apr 21	Spring Break Holiday (H)
5th 6 week grading period 4/18 (33 days)	
May 26	Memorial Day (H)
June 5	Last Day for Students
June 6	Closing Day (CD) for Teachers
June 19	Juneteenth Holiday (H)
6th 6 week grading period 6/5 (28 days)	
3rd Trimester 6/5 (61 days)	
2nd Semester 6/5 (93 days)	
Total Instructional Days	180
Total Certificated Staff Days	185
LEGEND:	
H	= Holiday
NS	= Non-Student/Non-Teacher
P	= Teacher Prep Day
	= Jump Start
TB	= Thanksgiving Break
WB	= Winter Break
SB	= Spring Break
PL	= Professional Learning Day
CD	= Closing Day for Teachers

First/Last Day of School
 Certificated Non-instructional (PL), (CD)

School Closed/Holidays (H)
 Non-student Day (TB), (WB), (SB), (NS)



**A RESOLUTION OF THE BOARD OF EDUCATION OF THE LOMPOC
UNIFIED SCHOOL DISTRICT REAUTHORIZING REMOTE
TELECONFERENCE MEETINGS**

WHEREAS, in response to the novel coronavirus ("COVID-19") pandemic, Governor Newsom adopted a series of Executive Orders allowing the legislative bodies of local governments to meet remotely via teleconference so long as other provisions of the Ralph M. Brown Act ("Brown Act") were followed; and

WHEREAS, on Sept. 16, 2021, Governor Newsom signed AB 361, which immediately amended the Brown Act allowing governing boards to continue holding virtual meetings outside the teleconferencing requirements of Government Code section 54953(b), if the board makes a finding that there is a proclaimed State of Emergency, and either (1) state or local officials have imposed or recommended social distancing measures, or (2) meeting in person would present imminent risks to the health or safety of attendees due to the emergency; and

WHEREAS, on March 4, 2020, Governor Newsom declared a statewide emergency arising from COVID-19 pursuant to Government Code section 8625; and

WHEREAS, on January 25, 2022, the Lompoc Unified School District Board of Education passed a resolution authorizing virtual board meetings for at least 30 days; and

WHEREAS, AB 361 requires governing boards to make findings every 30 days that the board has reconsidered the circumstances of the State of Emergency and that either the State of Emergency continues to directly impact the ability of the members to meet safely in person, or state or local officials continue to impose or recommend measures to promote social distancing; and

WHEREAS, social distancing measures continue to be recommended by the Santa Barbara County Public Health Department to mitigate the spread of COVID-19; and

WHEREAS, the Board of Education is committed to open and transparent governance in compliance with the Brown Act; and

WHEREAS, the Board of Education is conducting virtual meetings by way of telephonic and/or internet-based services as to allow members of the public to fully participate in meetings and offer public comment;

WHEREAS, Zoom links will continue to be provided to ensure access for the public.

NOW, THEREFORE, the Lompoc Unified School District Board of Education does hereby resolve as follows:

Section 1. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. The Board of Education has reconsidered the circumstances of the state of emergency and recognizes that the State of Emergency in the State of California continues to exist due to the COVID-19 pandemic;

Section 3. The Board of Education recognizes that social distancing measures remain recommended by state and local officials;

Section 4. The Board of Education authorizes the use of teleconferencing for all meetings in accordance with Government Code section 54953(e) and all other applicable provisions of the Brown Act, for a period of thirty (30) days from the adoption of this resolution, or such a time that the Board of Education adopts a subsequent resolution in accordance with Government Code section 54953(e)(3).

PASSED AND ADOPTED by the Board of Education of Lompoc Unified School District, this 24th day of January, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Board President

**Lompoc Unified School District
PE Exemptions 1-24-2023**

ATTACHMENT G

2024956	2024055	2023526	2023391	2032918	2035180	2038938	2023370	2042334
2042382	2023237	2023449	2023524	2023942	2023028	2032390	2023041	2021890
2042411	2023213	2022990	2023077	2023330	2027458	2023149	2023386	2027726
2042306	2027492	2023753	2036297	2023422	2023953	2023654	2023320	2042464
2039387	2023598	2022989	2023347	2028577	2035581	2023019	2023069	2021884
2023900	2023609	2023659	2023987	2023531	2034938	2023208	2026950	2040825
2042435	2023291	2039569	2023603	2023076	2023871	2024221	2040450	2042307
2023044	2023666	2034254	2023439	2023343	2023267	2024044	2027091	2020971
2024003	2023377	2023081	2023056	2032303	2036444	2023462	2035489	
2023293	2042081	2037320	2039493	2023355	2023154	2036024	2034939	
2035554	2023453	2023691	2023986	2023220	2023239	2023384	2042403	
2023770	2023117	2023207	2040937	2023195	2025260	2023645	2042259	
2023049	2023006	2023696	2023262	2023671	2023766	2034601	2042292	
2023499	2032917	2023042	2023199	2038057	2042354	2023947	2042335	
2023583	2022995	2023097	2032264	2023299	2023623	2023276	2042389	

Lompoc Unified School District
Human Resources
December 2022

Board Policy Highlights

From: Paul Bommersbach

AR 4161.8_4261.8_4361.8 Family Care and Medical Leave

- Regulation updated to reflect provisions related to pregnancy disability leave under state law and regulations, as amended by NEW STATE REGULATIONS (Register 2012, NO. 48), including clarification of the calculation of the four months to which employees are entitled.
- Regulation also reflects NEW COURT DECISION finding unconstitutional the definition of marriage, for purposes of benefits under federal law, as a "union between and man and a woman."
- Section on "Military Family Leave Resulting from Qualifying Exigencies" updated to reflect NEW FEDERAL REGULATIONS (78 Red. Reg.25) which revise the definitions of "military member" and "covered active duty," increase allowable exigency leave for rest and recuperation from five to 15 days, allow use of such leave to care for a military member's parent under specified conditions, and expand the list of information which a district may require an employee to provide.
- Section on "Military Caregiver Leave" updated to reflect NEW FEDERAL REGULATIONS (7 Fed. Reg.25) amending the conditions that must be present for a veteran's injury or illness to qualify as a "serious injury or illness" for purpose of this leave and expanding the definition of "authorized health care provider" qualified to certify the need for the leave.
- Regulation updated to reflect NEW TITLE 2 REGULATIONS (Register 2015, No. 17) which retitle, renumber, and amend certain provisions implementing the California Family Rights Act, including the definition of "serious health condition" medical certification of the need for the leave, and refusal to reinstate an employee if the leave was fraudulently obtained by the employee.
- Renumbered Title 2 regulations related to pregnancy disability leave and other legal cites updated throughout the AR.
- Regulation also reflects NEW LAW (SB 1306, 2014) which revises the definition for marriage and thus affects the definition of "spouse."
- Regulation updated to reflect NEW LAW (AB 1556) which deletes gender-specific references with regard to pregnancy disability leave and clarifies that all employees are protected against pregnancy discrimination regardless of their gender identity.
- Regulation also reflects NEW LAW (SB 63) which extends the requirement to grant parental leave to any district that employs 20-49 employees within 75 miles of the worksite where the employee requesting the leave is employed.
- Regulation updated to reflect NEW LAW (SB 1383, 2020) which, for purposes of leave under the California Family Rights Act, revises the definition of "child" to include the

child of a registered domestic partner; includes an employee's grandparent, grandchild, sibling, and registered domestic partner as persons for whom an employee may take leave for a serious health condition;

- Regulation repeals a provision of law which had limited any leave related to the birth or placement of the child to only one parent if a district employs both parents, thereby requiring the district to grant leave to each employee;
- Regulation eliminates the district's authority to deny reinstatement, upon return from leave, for an employee who is among the highest paid 10 percent of district employees when the employee's absence would cause substantial and grievous economic injury to district operations;
- Regulation authorizes military family leave to attend to an exigency arising when the employee's registered domestic partner is on active duty or on call to active duty status in the National Guard or Reserves or is a member of the regular Armed Forces on deployment to a foreign country.
- Regulation updated to reflect NEW LAW (AB 1033, 2021) which changed the definition of "parent" to include a parent-in-law for the purposes of the California Family Rights Act (CFRA), by adding "parent-in-law" to the definitions of "eligible family member" and "parent" within the Definitions section.

Personnel

Family Care And Medical Leave

The District shall not deny any eligible employee the right to family care or medical leave pursuant to the Family and Medical Leave Act (FMLA) or the California Family Rights Act (CFRA), or to Pregnancy Disability Leave (PDL), when an employee is disabled by a pregnancy, childbirth, or related medical condition. The District shall not interfere with, restrain, or deny the exercise of an employee's right to any such leave, nor shall the District discharge, discriminate against, or retaliate against an employee for taking such leave, opposing or challenging an unlawful employment practice in relation to any of these laws, or being involved in any related inquiry or proceeding. (Government Code 12945, 12945.2; 2 CCR 11094; 29 USC 2615)

Definitions

The words and phrases defined below shall have the same meaning throughout this administrative regulation except where a different meaning is otherwise specified.

Child means a biological, adopted, or foster child; a stepchild; a legal ward; or a person to whom the employee stands in loco parentis. For purposes of CFRA leave, child also includes a child of a registered domestic partner. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611)

Eligible employee, for FMLA and CFRA purposes, means an employee who has been employed with the district for at least 12 months and who has at least 1,250 hours of service with the district during the 12 months immediately preceding the leave. However, these requirements shall not apply when an employee applies for PDL. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.110)

Eligible family member means an employee's child, parent, or spouse. For purposes of leave to care for a family member with a serious health condition pursuant to CFRA, eligible family member includes an employee's child, parent, parent-in-law, spouse, registered domestic partner, grandparent, grandchild, or sibling. (Government Code 12945.2; 2 CCR 11087; 29 USC 2612)

Employee disabled by pregnancy means an employee whose health care provider states that the employee is: (2 CCR 11035)

1. Unable because of pregnancy to perform any one or more of the essential functions of the job or to perform any of them without undue risk to the employee or other persons or to the pregnancy's successful completion

Personnel

Family Care And Medical Leave (continued)

2. Suffering from severe "morning sickness" or needs to take time off for prenatal or postnatal care, bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, postpartum depression, childbirth, loss or end of pregnancy, recovery from childbirth or loss or end of pregnancy, or any other pregnancy-related condition

Parent means a biological, foster, or adoptive parent; a parent-in-law; a stepparent; a legal guardian; or another person who stood in loco parentis to the employee when the employee was a child. However, for FMLA purposes, parent does not include a spouse's parents. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.122)

Serious health condition means an illness, injury (including, but not limited to, on-the-job injuries), impairment, or physical or mental condition of the employee or an eligible family member of the employee that involves either inpatient care or continuing treatment, including treatment for substance abuse, as follows: (Government Code 12945.2; 2 CCR 11087, 11097; 29 USC 2611, 2612; 29 CFR 825.113-825.115)

1. Inpatient care in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with such inpatient care, or any period of incapacity

A person is considered an inpatient when formally admitted to a health care facility with the expectation of remaining overnight and occupying a bed, even if it later develops that the person can be discharged or transferred to another facility and does not actually remain overnight.

Incapacity means the inability to work, attend school, or perform other regular daily activities due to a serious health condition, its treatment, or the recovery that it requires.

2. Continuing treatment or continuing supervision by a health care provider, including one or more of the following:
 - a. A period of incapacity of more than three consecutive full days
 - b. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition

Personnel

Family Care And Medical Leave (continued)

- c. Any period of incapacity due to pregnancy or for prenatal care under FMLA
- d. Any period of incapacity which is permanent or long term due to a condition for which treatment may not be effective
- e. Any period of absence to receive multiple treatments, including recovery, by a health care provider

Spouse means a partner in marriage as defined in Family Code 300, including same sex partners in marriage. For purposes of CFRA leave, spouse also includes a registered domestic partner within the meaning of Family Code 297-297.5. (Family Code 297, 297.5, 300; 2 CCR 11087; 29 CFR 825.122)

Eligibility/Purposes of Leave

The District shall grant FMLA or CFRA leave to eligible employees for any of the following reasons: (Government Code 12945.2; 29 USC 2612; 29 CFR 825.112, 825.126, 825.127)

1. The birth of a child of the employee or placement of a child with the employee in connection with the employee's adoption or foster care of the child (parental leave)
2. The care of an eligible family member with a serious health condition
3. The employee's own serious health condition that makes the employee unable to perform one or more essential functions of the position
4. A qualifying exigency arising out of the fact that the employee's spouse, child, parent, or, for CFRA leave only, a registered domestic partner, is a military member on covered active duty or call to covered active duty (or has been notified of an impending call or order to covered active duty)
5. The care of a covered servicemember with a serious injury or illness when the employee is a spouse, child, parent, or next of kin of the covered servicemember

In addition, the District shall grant PDL to any employee who is disabled by pregnancy, childbirth, or other related medical condition. (Government Code 12945; 2 CCR 11037)

Personnel

Family Care And Medical Leave (continued)

Terms of Leave

An eligible employee shall be entitled to a total of 12 work weeks of FMLA or CFRA leave during any 12-month period, except in the case of leave to care for a covered servicemember as provided under "Military Caregiver Leave" below. To the extent allowed by law, CFRA and FMLA leaves shall run concurrently. (Government Code 12945.2; 29 USC 2612)

The 12-month period shall coincide with the fiscal year. (29 CFR 825.200)

In addition, any employee who is disabled by pregnancy, childbirth, or other related condition shall be entitled to PDL for the period of the disability not to exceed four months. For a part-time employee, the four months shall be calculated on a proportional basis. (Government Code 12945; 2 CCR 11042)

PDL shall run concurrently with FMLA leave for disability caused by an employee's pregnancy. At the end of the employee's FMLA leave for disability caused by pregnancy, or at the end of four months of PDL, whichever occurs first, a CFRA-eligible employee may request to take CFRA leave of up to 12 work weeks, for the reason of the birth of a child or to bond with or care for the child. (Government Code 12945, 12945.2; 2 CCR 11046, 11093)

Leave taken for the birth or placement of a child must be concluded within the 12-month period beginning on the date of the birth or placement of the child. Such leave does not need to be taken in one continuous period of time. (2 CCR 11090; 29 USC 2612)

Each eligible employee shall be granted up to 12 work weeks for family care and medical leave related to the birth or placement of a child, regardless of whether both parents of the child work for the District.

Use/Substitution of Paid Leave

During any otherwise unpaid period of FMLA or CFRA leave, except leave for an employee's own serious health condition, an employee shall use accrued paid leave, including, but not limited to, vacation leave, personal leave, or family leave. If the leave is for the employee's own serious health condition, the employee shall use accrued paid leave, including but not limited to, vacation leave, personal leave, or sick leave. During an unpaid period of PDL, the employee shall use any accrued sick leave and may elect to use any vacation time or other accrued personal time off. (Government Code 12945,

Personnel

Family Care And Medical Leave (continued)

12945.2; 2 CCR 11044, 11092; 29 USC 2612)

The District and employee may also come to agreement regarding the use of any additional paid or unpaid time off instead of using the employee's CFRA leave. (2 CCR 11092)

Intermittent Leave/Reduced Work or Leave Schedule

PDL and family care and medical leave for the serious health condition of an employee or eligible family member may be taken intermittently or on a reduced work or leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition. However, the District shall limit leave increments to the shortest period of time that the District's payroll system uses to account for absences or use of leave provided it is not to be greater than one hour. (Government Code 12945.2; 2 CCR 11042, 11090; 29 USC 2612)

The basic minimum duration of leave for the birth, adoption, or foster care placement of a child shall be two weeks. However, the District shall grant a request for such leave of less than two weeks on any two occasions. (2 CCR 11090; 29 USC 2612)

The District may require an employee to transfer temporarily to an available alternative position under any of the following circumstances: (2 CCR 11041, 11090; 29 USC 2612)

1. The employee needs intermittent leave or leave on a reduced work schedule that is foreseeable based on a planned medical treatment for the employee or family member.
2. A medical certification is provided by the employee's health care provider that, because of pregnancy, the employee has a medical need to take intermittent leave or leave on a reduced work schedule.
3. The District agrees to permit intermittent leave or leave on a reduced work schedule due to the birth, adoption, or foster care placement of the employee's child.

The alternative position must have equivalent pay and benefits and must better accommodate recurring periods of leave than the employee's regular job, and the employee must be qualified for the position. Transfer to an alternative position may

Personnel

Family Care And Medical Leave (continued)

include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work or leave schedule. (2 CCR 11041, 11090; 29 USC 2612)

Request for Leave

The District shall consider an employee's request for PDL or family care and medical leave only if the employee provides at least verbal notice sufficient to make the District aware of the need to take the leave and the anticipated timing and duration of the leave. (2 CCR 11050, 11091)

For family care and medical leave, the employee need not expressly assert or mention FMLA/CFRA to satisfy this requirement. However, the employee must state the reason the leave is needed (e.g., birth of child, medical treatment). If more information is necessary to determine whether the employee is eligible for family care and medical leave, the Superintendent or designee shall inquire further and obtain the necessary details of the leave to be taken. (2 CCR 11091)

The District shall respond to requests for leave as soon as practicable, but no later than five business days after receiving the employee's request. (2 CCR 11091)

Based on the information provided by the employee, the Superintendent or designee shall designate the leave, paid or unpaid, as FMLA/CFRA qualifying leave and shall give notice of such designation to the employee. Failure of an employee to respond to permissible inquiries regarding the leave request may result in denial of CFRA protection if the District is unable to determine whether the leave is CFRA qualifying. (2 CCR 11091; 29 CFR 825.300)

When an employee is able to foresee the need for PDL or family care and medical leave at least 30 days in advance of the leave, the employee shall provide the district with at least 30 days advance notice before the leave. When the 30 days' notice is not practicable because of a lack of knowledge of when leave will be required to begin, a change in circumstances, a medical emergency, or other good cause, the employee shall provide the district with notice as soon as practicable. Failure of an employee to provide required notice may result in a denial of leave. (2 CCR 11050, 11091)

In all instances, the employee shall consult with the Superintendent or designee and make a reasonable effort to schedule, subject to the health care provider's approval, any planned appointment or medical treatment or supervision so as to minimize

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Family Care And Medical Leave (continued)

disruption to district operations. (Government Code 12945.2; 2 CCR 11050, 11091)

Certification of Health Condition

Within five business days of an employee's request for family care and medical leave for the serious health condition of the employee or an eligible family member, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave. Upon receiving the district's request, the employee shall provide the certification within 15 calendar days, unless either the Superintendent or designee provides additional time or it is not practicable under the particular circumstances, despite the employee's diligent, good faith efforts. (2 CCR 11087, 11091; 29 CFR 825.305)

The certification shall include the following: (Government Code 12945.2; 2 CCR 11087; 29 USC 2613)

1. The date on which the serious health condition began
2. The probable duration of the condition
3. If the employee is requesting leave to care for an eligible family member with a serious health condition, both of the following:
 - a. Statement that the serious health condition warrants the participation of the employee to provide care, such as by providing psychological comfort, arranging for third party care, or directly providing or participating in the medical care of the eligible family member during a period of the treatment or supervision
 - b. Estimated amount of time the health care provider believes the employee needs to care for the eligible family member
4. If the employee is requesting leave because of the employee's own serious health condition, a statement that due to the serious health condition, the employee is unable to work at all or is unable to perform one or more essential job functions of the position
5. If the employee is requesting leave for intermittent treatment or on a reduced work or leave schedule for planned medical treatment, a statement of the

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medical necessity for the leave, the dates on which treatment is expected to be given, the duration of such treatment, and the expected duration of the leave

The Superintendent or designee shall not request any genetic information related to an employee except as authorized by law in accordance with the California Genetic Information Nondiscrimination Act of 2011. (Government Code 12940)

When an employee has provided sufficient medical certification to enable the district to determine whether the employee's leave request is FMLA/CFRA-eligible, the Superintendent or designee shall notify the employee within five business days whether the leave is FMLA/CFRA-eligible. The Superintendent or designee may also retroactively designate leave as FMLA/CFRA leave as long as appropriate notice is given to the employee and there is no harm or injury to the employee. (2 CCR 11091; 29 CFR 825.301)

If the Superintendent or designee has a good faith objective reason to doubt the validity of a certification that accompanies a request for leave for the employee's own serious health condition, the Superintendent or designee may require the employee to obtain a second opinion from a district-approved health care provider, at district expense. If the second opinion is contrary to the first, the Superintendent or designee may require the employee to obtain a third medical opinion from a third health care provider approved by both the employee and the district, again at district expense. The opinion of the third health care provider shall be final and binding. (Government Code 12945.2; 2 CCR 11091; 29 USC 2613)

Certification for PDL

The Superintendent or designee shall request that an employee who is requesting PDL provide certification by a health care provider of the need for leave at the time the employee gives notice of the need for PDL, or within two business days of giving the notice. If the need for PDL is unforeseen, the Superintendent or designee shall request the medical certification within two business days after the leave commences. The Superintendent or designee may request certification at some later date if the Superintendent or designee has reason to question the appropriateness of the leave or its duration. (2 CCR 11050)

For PDL that is foreseeable and for which at least 30 days' notice has been given, the employee shall provide the medical certification before the leave begins. When this is not practicable, the employee shall provide the certification within the time frame

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Family Care And Medical Leave (continued)

specified by the Superintendent or designee which must be at least 15 calendar days after the request, unless it is not practicable under the particular circumstances despite the employee's diligent, good faith efforts. (2 CCR 11050)

Medical certification for PDL purposes shall include a statement that the employee needs to take the leave because the employee is disabled by pregnancy, childbirth, or a related medical condition, the date on which the employee became disabled because of pregnancy, and the estimated duration of the leave. (2 CCR 11050)

If additional PDL or family care and medical leave is needed when the time estimated by the health care provider expires, the District may require the employee to provide recertification in the manner specified for the leave. (Government Code 12945.2; 2 CCR 11050; 29 USC 2613)

Release to Return to Work

Upon expiration of an employee's PDL or family care and medical leave taken for the employee's own serious health condition, the employee shall present certification from the health care provider of the employee's ability to resume work. The certification shall address the employee's ability to perform the essential job functions of the position.

Rights to Reinstatement

Upon granting an employee's request for PDL or FMLA/CFRA leave, the Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (Government Code 12945.2; 2 CCR 11043, 11089; 29 USC 2614)

The District may refuse to reinstate an employee to the same or a comparable position if the FMLA/CFRA leave was fraudulently obtained by the employee. (2 CCR 11089; 29 CFR 825.216)

The District may refuse to reinstate an employee to the same position after taking PDL if, at the time the reinstatement is requested, the employee would not otherwise have been employed in that position for legitimate business reasons unrelated to the employee's PDL. (2 CCR 11043)

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Maintenance of Benefits/Failure to Return from Leave

During the period when an employee is on PDL or family care and medical leave, the employee shall maintain employee status with the district and the leave shall not constitute a break in service for purposes of longevity, seniority under any collective bargaining agreement, or any employee benefit plan. (Government Code 12945.2; 2 CCR 11092; 29 USC 2614)

For up to a maximum of four months for PDL and 12 work weeks for other family care and medical leave, the district shall continue to provide an eligible employee the group health plan coverage that was in place before the employee took the leave. The employee shall reimburse the district for premiums paid during the leave if the employee

fails to return to district employment after the expiration of all available leaves and the failure is for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control. (Government Code 12945.2; 2 CCR 11044, 11092; 29 USC 2614; 29 CFR 825.213)

In addition, during the period when an employee is on PDL or family care and medical leave, the employee shall be entitled to continue to participate in other employee benefit plans including life insurance, short-term or long-term disability insurance, accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as would apply to an unpaid leave taken for any other purpose. However, for purposes of pension and retirement plans, the district shall not make plan payments for an employee during any unpaid portion of the leave period and the leave period shall not be counted for purposes of time accrued under the plan. (Government Code 12945.2; 2 CCR 11044, 11092)

Military Family Leave Resulting from Qualifying Exigencies

An eligible employee may take up to 12 work weeks of unpaid FMLA/CFRA leave, during each 12-month period established by the district in the section entitled "Terms of Leave" above, for one or more qualifying exigencies while the employee's child, parent, spouse, or, for purposes of CFRA leave, registered domestic partner, who is a military member is on covered active duty or on call to covered active duty status. (Government Code 12945.2; 29 USC 2612; 29 CFR 825.126)

Covered active duty means, for members of the Regular Armed forces, duty during the deployment of a member of the regular Armed Forces to a foreign country or, for

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Family Care And Medical Leave (continued)

members of the Reserve components of the Armed forces, duty during the deployment of a member of the National Guard or Reserves to a foreign country under a call or an order to active duty in support of a contingency operation pursuant to law. Deployment to a foreign county includes deployment to international waters. (29 USC 2611; 29 CFR 825.126)

Qualifying exigencies include time needed to: (29 CFR 825.126)

1. Address issues arising from short notice deployment of up to seven calendar days from the date of receipt of call or order of short notice deployment
2. Attend military events and related activities, such as any official ceremony or family assistance program related to the covered active duty or call to covered active duty status
3. Arrange child care or attend school activities arising from the covered active duty or call to covered active duty, such as arranging for alternative child care, enrolling or transferring a child to a new school, or attending meetings
4. Make or update financial and legal arrangements to address a military member's absence
5. Attend counseling provided by someone other than a health care provider
6. Spend time (up to 15 days of leave per instance) with a military member who is on short-term, temporary, rest and recuperation leave during deployment
7. Attend to certain post-deployment activities, such as arrival ceremonies or reintegration briefings
8. Care for a military member's parent who is incapable of self-care when the care is necessitated by the military member's covered active duty
9. Address any other event that the employee and district agree is a qualifying exigency

The employee shall provide the Superintendent or designee with notice of the need for the qualifying exigency leave as soon as practicable, regardless of how far in advance such leave is foreseeable. (29 CFR 825.302)

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An employee who is requesting leave for qualifying exigencies shall provide the Superintendent or designee with a copy of the military member's active duty orders, or other documentation issued by the military, and the dates of the service. In addition, the employee shall provide the Superintendent or designee with certification of the qualifying exigency necessitating the leave. The certification shall contain the information specified in 29 CFR 825.309.

The employee's qualifying exigency leave may be taken on an intermittent or reduced work or leave schedule basis. (29 CFR 825.302)

During the period of qualified exigency leave, the District's rule regarding an employee's use of his/her accrued vacation leave and any other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Military Caregiver Leave

The district shall grant an eligible employee up to a total of 26 work weeks of leave during a single 12-month period, measured forward from the first date the leave is taken, to care for a covered servicemember with a serious illness or injury. In order to be eligible for such military caregiver leave, the employee must be the spouse, child, parent, or next of kin of the covered servicemember. This 26-week period is inclusive of the 12 work weeks of leave that may be taken for other FMLA qualifying reasons. (29 USC 2611, 2612; 29 CFR 825.127)

Covered servicemember may be: (29 CFR 825.127)

1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness
2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran

Child of a covered servicemember means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or child for whom the covered servicemember stood in loco parentis, and who is of any age. (29 CFR 825.127)

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Parent of a covered servicemember means the covered servicemember's biological, adopted, step, or foster parent, or any other individual who stood in loco parentis to the covered servicemember (except "parents in law"). (29 CFR 825.127)

Next of kin means the nearest blood relative to the covered servicemember, other than the spouse, parent, or child, unless designated in writing by the covered servicemember. (29 USC 2611, 2612; 29 CFR 825.127)

Outpatient status means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. (29 USC 2611; 29 CFR 825.127)

Serious injury or illness means: (29 USC 2611; 29 CFR 825.127)

1. For a current member of the Armed Forces, an injury or illness incurred by the member in the line of duty on active duty, or that existed before the beginning of the member's active duty and was aggravated by the member's service in the line of duty while on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.
2. For a veteran, an injury or illness incurred or aggravated by the member's service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, that manifested itself before or after the member became a veteran and that is at least one of the following:
 - a. A continuation of a serious injury or illness incurred or aggravated while the veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating
 - b. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs (VA) Service-Related Disability Rating of 50 percent or greater, based wholly or partly on that physical or mental condition

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- c. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of one or more disabilities related to his/her military service or that would do so but for treatment received by the veteran
- d. An injury, including a psychological injury, on the basis of which the veteran has been enrolled in the VA's Program of Comprehensive Assistance for Family Caregivers

The employee shall provide reasonable and practicable notice of the need for the leave in accordance with the procedures in the section entitled "Request for Leave" above.

An employee requesting leave to care for a covered servicemember with a serious injury or illness shall provide the Superintendent or designee with certification from an authorized health care provider of the servicemember that contains the information specified in 29 CFR 825.310.

The leave may be taken intermittently or on a reduced work or leave schedule when medically necessary. An employee taking military caregiver leave in combination with other family care and medical leaves pursuant to this administrative regulation shall be entitled to a combined total of 26 work weeks of leave during a single 12-month period.

When both spouses work for the district and both wish to take such leave, the spouses are limited to a maximum combined total of 26 work weeks during a single 12-month period. (29 USC 2612)

During the period of military caregiver leave, the District's rule regarding an employee's use of his/her accrued vacation leave and other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Notifications

The Superintendent or designee shall provide the following notifications regarding state and federal law related to PDL or FMLA/CFRA leave:

1. General Notice: Information explaining the provisions of the Fair Employment and Housing Act/PDL and FMLA/CFRA and employees' rights and obligations shall be posted in a conspicuous place on district premises, or electronically, and shall be included in employee handbooks. (2 CCR 11049, 11095; 29 USC 2619)

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2. The general notice shall also explain an employee's obligation to provide the Superintendent or designee with at least 30 days' notice of the need for the requested leave, when the need is reasonably foreseeable at least 30 days prior to the start of the leave. (2 CCR 11049, 11050, 11091)
3. Eligibility Notice: When an employee requests leave, including PDL, or when the Superintendent or designee acquires knowledge that an employee's leave may be for an FMLA/CFRA qualifying reason, the Superintendent or designee shall, within five business days, provide notification to the employee of eligibility to take such leave. (2 CCR 11049, 11091; 29 CFR 825.300)
4. Rights and Responsibilities Notice: Each time the eligibility notice is provided to an employee, the Superintendent or designee shall provide written notification explaining the specific expectations and obligations of the employee, including any consequences for a failure to meet those obligations. Such notice shall include, as applicable: (29 CFR 825.300)
 - a. A statement that the leave may be designated and counted against the employee's annual FMLA/CFRA leave entitlement and the appropriate 12-month entitlement period, if qualifying
 - b. Any requirements for the employee to furnish medical certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status and the consequences of failing to provide the certification
 - c. The employee's right to use paid leave, whether the district will require use of paid leave, conditions related to any use of paid leave, and the employee's entitlement to take unpaid leave if the employee does not meet the conditions for paid leave
 - d. Any requirements for the employee to make premium payments necessary to maintain health benefits, the arrangement for making such payments, and the possible consequences of failure to make payments on a timely basis
 - e. The employee's right to maintenance of benefits during the leave and restoration to the same or an equivalent job upon return from leave

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- f. The employee's potential liability for health insurance premiums paid by the district during the employee's unpaid FMLA leave should the employee not return to service after the leave

Any time the information provided in the above notice changes, the Superintendent or designee shall, within five business days of receipt of an employee's first notice of need for leave, provide the employee with a written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

5. Designation Notice: When the Superintendent or designee has information (e.g., sufficient medical certification) to determine whether the leave qualifies as FMLA/CFRA leave, the Superintendent or designee shall, within five business days, provide written notification designating the leave as FMLA/CFRA qualifying or, if the leave will not be so designated, the reason for that determination. (2 CCR 11091; 29 CFR 825.300)

If the amount of leave needed is known, the notice shall include the number of hours, days, or weeks that will be counted against the employee's FMLA/CFRA entitlement. If it is not possible to provide that number at the time of the designation notice, notification shall be provided of the amount of leave counted against the employee's entitlement upon request by the employee and at least once in every 30-day period if leave was taken in that period. (29 CFR 825.300)

6. If the District requires paid leave to be used during an otherwise unpaid family care and medical leave, the notice shall so specify. If the district requires an employee to present a release to return to work certification that addresses the employee's ability to perform the essential functions of the job, the notice shall also specify that requirement. (2 CCR 11091, 11097; 29 CFR 825.300)

Any time the information provided in the designation notice changes, the Superintendent or designee shall, within five business days, provide the employee with written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

Records

The Superintendent or designee shall maintain records pertaining to an individual employee's use of family care and medical leave in accordance with law. (Government Code 12946; 29 USC 2616; 42 USC 2000ff-1; 29 CFR 825.500)

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Legal Reference:

STATE

2 CCR 11035-11051

Unlawful sex discrimination: pregnancy, childbirth and related medical conditions

2 CCR 11087-11098

California Family Rights Act

Ed. Code 44965

Granting of leaves of absence for pregnancy and childbirth

Fam. Code 297-297.5

Rights, protections, benefits under the law; registered domestic partners

Fam. Code 300

Definition of marriage

Gov. Code 12926

Definitions

Gov. Code 12940

Unlawful discrimination based on pregnancy, childbirth or related medical conditions

Gov. Code 12945.1-12945.2

California Family Rights Act

Gov. Code 12945.6

Parental leave

Gov. Code 12945

Fair employment and Housing Act: discrimination prohibited

FEDERAL

1 USC 7

Definition of marriage and spouse

29 CFR 825.100-8225.702

Family and Medical Leave Act of 1993

29 USC 2601-2654

Family Care and Medical Leave Act

42 USC 2000ff-2000ff-11

Genetic Information Nondiscrimination Act of 2008

Lompoc Unified School District

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