

CONFIDENTIAL

**ORANGE COUNTY TRANSPORTATION AUTHORITY
COUNTER PROPOSAL TO TEAMSTERS LOCAL 952**

TENTATIVE AGREEMENT

**ARTICLE 21
LEAVE OF ABSENCE**

SECTION 1. PERIOD OF LEAVE – IN GENERAL

(a) Operators covered by this Agreement may be granted leaves of absence from the Authority limited to ninety (90) days in any twelve (12) month period without loss of, seniority. Operators absent due to illness or injury may be granted leaves of absence in accordance with Section 9.

(b) Operators on leave of absence shall be considered as employees of the Authority.

~~(c) Operators who are absent six (6) days or longer due to illness or injury shall be required by the sixth (6th) day to provide the Authority with a statement from a physician indicating that they are unable to perform their duties as a Coach Operator for a specific period of time. If the continuous days absent exceed seven (7) days, additional attendance occurrences will be applied subject to Article 30 and for every five (5) additional continuous days thereafter. Operators who fail to provide the required physician's statement shall be subject to Article 30, Section 2. This provision shall not be invoked by an operator more than once per contract year. Afterwards, the following in (d) shall apply.~~

~~(d) Operators who are absent for three (3) days or longer due to illness or injury shall be required by the fourth (4th) day to provide the Authority with a statement from a physician indicating that they are unable to perform their duties as a Coach Operator for a specific period of time. If the continuous days absent exceed five (5) days, additional attendance occurrences will be applied subject to Article 30, and for every three (3) additional continuous days thereafter. Operators who fail to provide the required physician's statement shall be subject to Article 30, Section 2. All such absences are subject to the provisions of Article 30 except those determined to be allowable under Section 9 (Protected Leaves of Absence) Federal Family Medical Leave Act and the California Family Rights Act) of this Article.~~

If at any time an extension of days absent is necessary, an additional physician's statement and submission of a leave of absence request form will be required. When an Operator returns to duty after an a non-protected leave of absence of three (3) days or longer (on account of illness or injury), a physician's statement indicating the date that the Operator is able to return to duty is required.

CONFIDENTIAL

**ORANGE COUNTY TRANSPORTATION AUTHORITY
COUNTER PROPOSAL TO TEAMSTERS LOCAL 952**

SECTION 9. PROTECTED LEAVES OF ABSENCE

Leave of absences include: Federal Family Medical Leave Act (FMLA), Uniform Services and Re-Employment Rights Act (USERRA), The California Family Rights Act (CFRA), California Pregnancy Disability Leave Act (PDL), Family School Partnership Act (FSPA), Protected Leaves under the California Labor Code and other legally protected leaves and the Authority's Leave of Absence Policy.

Under the Federal Family Medical Leave Act and the California Family Rights Act four (4) types of illness and family care leaves have been established and leaves will be granted for: (1) the birth of a child of the employee; (2) the placement of a child with an employee in connection with the adoption or foster care by the employee; (3) to care for a spouse or child or parent with a serious health condition; (4) the employee's own serious health condition that makes the employee unable to perform his/her job duties.

For the purposes of the ACTS, "child" means a "biological," adopted or foster child, a stepchild, a legal ward, or a child of a person standing "in loco parentis" who is either under eighteen (18) years old or an adult dependent child. "Parent" means a "biological, foster, or adoptive parent, a stepparent, or a legal guardian." "Serious health condition" means "an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider." The phrase "health care provider" is defined to include individuals holding either a physicians and surgeons certificate issued by the State of California or an osteopathic physicians and surgeons certificate. Chiropractors and others who practice the healing arts are included within the definition.

An Operator is entitled up to twelve (12) weeks of leave within any twelve (12) month period provided that the Operator has been actively employed with the Authority for at least twelve (12) months and has worked 1250 hours during the twelve (12) month period prior to the commencement of the requested leave.

An employee shall retain his/her seniority while on leave.

A Doctor's written certification that a health condition exists must be provided to the Authority which includes: (1) the date on which the condition commenced; (2) the probable duration of the condition; (3) an estimate of time that the employee needs to be off; (4) that the employee can't perform his/her job because of condition (if leave is for own serious health condition) or that care is needed (if leave is for other's serious health condition).

A thirty (30) day written notice that a leave is necessary for type 1, 2, or 3 leave of absence must be submitted to the Authority if possible. The Authority shall provide copies of the Authority's Leave of Absence Policy (HROD-HR-440.07LEAVE) updated 1/13/17 (and any future revisions) to all employees in the bargaining unit.

CONFIDENTIAL

**ORANGE COUNTY TRANSPORTATION AUTHORITY
COUNTER PROPOSAL TO TEAMSTERS LOCAL 952**

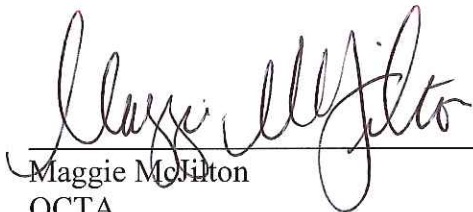
Leaves of Absence will be granted to eligible employees in accordance with the federal Family Medical Leave Act (FMLA), Military leave under the Uniform Services and Re-employment Rights Act (USERRA) and in accordance with, the California Family Rights Act (CFRA), the California Pregnancy Disability Leave Act (PDL), the Family School Partnership Act (FSPA), protected leaves under the California Labor Code and other legally protected leaves and the Authority's Leave of Absence Policy (HROD-HR-440.07LEAVE) as updated 1/13/17 and future revisions.

~~The Authority shall pay the monthly health and insurance contributions on behalf of Operators on leave during the FMLA/CFRA twelve (12) week time frame. During an employee's leave during the FMLA/CFRA twelve (12) week time frame, the Authority shall continue to pay the employer portion of the monthly health and insurance contributions and the employees will continue to pay their portion of the monthly health insurance premiums.~~


Accrued and available sick time-pay hours will be applied towards an Operator's leave of absence. An Operator on protected leave may elect to save up to a maximum of half of his/her annual accrued sick pay for future use. Accrued and available vacation time not already bid* will be applied toward the an Operator's leave of absence. (*Operator may choose to apply vacation time already bid toward FMLA/CFRA leave.) When all elected sick pay hours and unbid vacation hours are exhausted, eligible leave will be unpaid.

If employee is eligible for FMLA/CFRA, any personal leave that qualifies for FMLA/CFRA will run concurrent with FMLA/CFRA.

Employees covered by this Agreement will be granted leaves of absence in accordance with the state and federal laws that are applicable to the Authority.


Maggie McIlton
OCTA

5/2/18
Date


Patrick D. Kelly
Teamsters Local 952

5-2-18
Date