

## MANAGEMENT DIRECTIVE

### THE FAMILY SCHOOL PARTNERSHIP ACT FOR COUNTY EMPLOYEES

#### Management Directive #11-05

Date Issued: 12/19/11

New Policy Release

Revision of existing Management Directive dated

**Revision Made:** NOTE: Current Revisions are Highlighted

Cancels: MD 96-12, Family School Partnership Act, dated 2/6/96

#### POLICY/BACKGROUND STATEMENT

Employees may use existing vacation, personal leave or compensatory time off, for planned absences so that the employee can participate in the school or child day care program activities of their children, grandchildren under their custody, and/or licensed child day care facility. Pursuant to Labor Code Section 230.8, such absences are not to exceed eight (8) hours per month and cannot exceed a total of forty (40) hours per year. Also, the employees must give reasonable notice to their supervisor of the planned absence.

On February 6, 1996, the Board of Supervisors adopted a motion to extend the benefits and responsibilities of the Family School Partnership Act to County employees with children under five years of age who are enrolled in child care or preschool programs.

#### APPLICABLE TO

This Management Directive applies to all DCFS staff.

## OPERATIONAL IMPACT

### GUIDELINES

The intent of the State Law and the motion by the Board of Supervisors is to facilitate the participation of employed parents, guardians and custodial grandparents in early childhood education and the school activities of their children or grandchildren under their custody, and/or children under their legal guardianship. For purposes of this policy a grandparent having custody means a grandparent who stands in loco parentis to his or her grandchild, meaning that the grandparent is acting in place of the parents and has assumed the rights, duties and responsibilities of the parents on a full-time basis, even if formal legal custody has not been obtained. Activities include, but are not limited to, school plays, musicals, sports events, or parent/teacher meetings.

#### 1. DEFINITIONS

##### A. Eligible Employees

Any employee who is a parent, guardian or grandparent having custody of one or more children enrolled in school, kindergarten through twelfth grade, a licensed child day care facility, or in a child care or preschool program serving children under five years of age, may use leave to participate in the school/child day care activities of their children.

##### B. Reasonable Notice

Employees are required to give reasonable notice of their intent to participate in their child's activities at school or child day care facility.

If both parents who are County employees located at the same worksite request time off to participate in activities, the employee who first gives notice to the department head or designee has priority for approval for the planned absence. The other employee may only participate if the department head or designee approves the requested time off.

##### C. Leave

Employees may use accrued vacation, elective leave, nonelective leave, personal leave, or compensatory time off to participate in the school or child day care program activities of their children. Employees may not use sick leave for this purpose.

**D. Leave Without Pay**

In the event that an employee has exhausted all paid leave, employee may use leave without pay for the purpose of participating in their child's school activities provided that this practice is consistent with similar policies within the department.

**E. Maximum Leave**

State law allows up to eight (8) hours per month not to exceed forty (40) hours per year for eligible employees.

**F. Documentation**

The department may require reasonable written documentation that the employee actually participated in school activities. Such documentation could be a simple statement on school letterhead, flyer and/or email with a description of the school activity.

**G. Adverse Action**

Employees, who are eligible to participate in the school/child care activities of their children may not be discharged, threatened with discharge, demoted, suspended or in any manner discriminated against because they have taken time off to participate in the school or day care program activities of their children in accordance with the requirements set forth by Labor Code Section 230.8, the Board's motion of 1996 and this policy.

Questions regarding this policy may be directed to the Payroll Manager at (213) 351-5786 or the County's Department of Human Resources, HR Departmental Support Division, at (213) 351-8945.

**Procedures**

**A. WHEN: REQUESTING TIME OFF TO PARTICIPATE IN SCHOOL/CHILD CARE ACTIVITIES OF THEIR CHILDREN**

**DCFS Employee Responsibilities**

1. Provide reasonable notice to supervisor of intent to participate in child's activities at school or child day care facility.
2. Make request/notification to the supervisor on the DCFS 158-1, Request for Time Off or Overtime.

- a) Choose from available hours for time off. (Sick time may not be used.) Code the number of hours, date and time.
  - b) Under "Reason for Request," write in both "Family School Partnership Act" (FSPA) and the total number of FSPA hours already used during the calendar year.
3. Keep copies of DCFS 158-1 sheets requesting time off for school/day care activities as a record of the remaining time available.
  4. When documentation is requested, ask the school or day care official for a letter indicating the employee's name, date of participation, and a brief description of the school activity.
  5. Provide any documentation requested to the supervisor requesting said information.

**Immediate Supervisor Responsibilities**

1. Approve or disapprove the employee's request. (Barring lack of eligibility or lack of remaining FSPA monthly or calendar year hours, the employee is entitled to FSPA time).
2. If sick time is requested to cover FSPA hours, instruct the employee to designate a different time code, paid or unpaid.
3. Notify employee of any required verification of participation at the time the employee requests approval to attend activity.
4. Keep control copy of employee's approved DCFS 158-1 so that the employee's total usage of monthly and calendar year hours may be readily assessed.
5. If documentation is requested, follow-up by checking verification.

**APPROVAL LEVELS**

Section	Level	Approval
A.	Immediate Supervisor	DCFS 158-1

## LEGAL BASIS

### California Labor Code Section 230.8

- (a)
- (1) No employer who employs 25 or more employees working at the same location shall discharge or in any way discriminate against an employee who is a parent, guardian, or grandparent having custody, of one or more children in kindergarten or grades 1 to 12, inclusive, or attending a licensed child day care facility, for taking off up to 40 hours each year, not exceeding eight hours in any calendar month of the year, to participate in activities of the school or licensed child day care facility of any of his or her children, if the employee, prior to taking the time off, gives reasonable notice to the employer of the planned absence of the employee.
  - (2) If both parents of a child are employed by the same employer at the same worksite, the entitlement under paragraph (1) of a planned absence as to that child applies, at any one time, only to the parent who first gives notice to the employer, such that the other parent may take a planned absence simultaneously as to that same child under the conditions described in paragraph (1) only if he or she obtains the employer's approval for the requested time off.
- (b)
- (1) The employee shall utilize existing vacation, personal leave, or compensatory time off for purposes of the planned absence authorized by this section, unless otherwise provided by a collective bargaining agreement entered into before January 1, 1995, and in effect on that date. An employee also may utilize time off without pay for this purpose, to the extent made available by his or her employer. The entitlement of any employee under this section shall not be diminished by any collective bargaining agreement term or condition that is agreed to on or after January 1, 1995.
  - (2) Notwithstanding paragraph (1), in the event that all permanent, full-time employees of an employer are accorded vacation during the same period of time in the calendar year, an employee of that employer may not utilize that accrued vacation benefit at any other time for purposes of the planned absence authorized by this section.
- (c) The employee, if requested by the employer, shall provide documentation from the school or licensed child day care facility as proof that he or she participated in school or licensed child day care facility activities on a specific date and at a particular time. For purposes of this subdivision, "documentation" means whatever written verification of parental participation the school or licensed child day care facility deems appropriate and reasonable.
- (d) Any employee who is discharged, threatened with discharge, demoted, suspended, or in any other manner discriminated against in terms and

conditions of employment by his or her employer because the employee has taken time off to participate in school or licensed child day care facility activities as described in this section shall be entitled to reinstatement and reimbursement for lost wages and work benefits caused by the acts of the employer. Any employer who willfully refuses to rehire, promote, or otherwise restore an employee or former employee who has been determined to be eligible for rehiring or promotion by a grievance procedure, arbitration, or hearing authorized by law shall be subject to a civil penalty in an amount equal to three times the amount of the employee's lost wages and work benefits.

**Motion Adopted by the Board of Supervisors on February 6, 1996**

**RELATED POLICIES**

None

**FORM(S) REQUIRED/LOCATION**

**HARD COPY**            None

**LA Kids:**                **DCFS 158-1**, Request for Time off or Overtime

**CWS/CMS:**            None

**SDM:**                    None