



City of Riverside, California  
Human Resources Policy and Procedure Manual

Approved:

\_\_\_\_\_  
Human Resources Director

\_\_\_\_\_  
City Manager

Number: V-6 Effective Date: 07/06

**SUBJECT:**     GENERAL LEAVE OF ABSENCE WITHOUT PAY (GENERAL)

**PURPOSE:**

To provide uniform guidelines for management, supervisory, and ~~other~~ employees in requesting and approving/~~disapproving~~ denying general leaves of absence without pay.

**POLICY:**

**1. REQUESTING/GRANTING LEAVE**

It is the policy of the City of Riverside to ~~consider review requests for an employee's request for an unpaid leaves~~ of absence on an individual case-by-case basis. Employee's seeking unpaid leave of absence must submit a request to ~~It is the responsibility of the employee to request the leave~~ in writing through their immediate supervisor. The supervisor will review the request and forward ~~the request~~ it to the Department Head for consideration. The request must sufficiently explain the purpose and anticipated duration of the leave ~~request~~ so that the City can determine whether the absence can be granted/accommodated without disruption to operations. Approval of unpaid leave of absence such a request for leave is discretionary and not an employee entitlement (i.e., an employee is not entitled to such a leave of absence) unless entitled to under the law as part of a reasonable accommodation under the ADA, FEHA, or ~~some~~ other applicable laws. If a leave request qualifies under a protected category, the City will provide leave as required by law regardless of departmental operational impact.

Factors to be considered in the approval or denial of a request include, but are not limited to:

- A. If leave is due to medical reasons, The attending physician's medical ~~appraisal/evaluation concerning including any what work~~ restrictions, if any, apply to the employee's current employment and the employee's ability to return to work;
- B. The department's operational needs and the ability of the department to continue functioning without their the absence of the employee;
- C. The employee's work history, including seniority, length of service, and quality of job performance;

- D. The ability of the department to reasonably accommodate the employee's request by reassignment of duties or hiring of temporary or part-time employees; or
- E. Any other job-related factor or consideration that would substantially ~~affect~~ impact the City's ability to operate safely and efficiently.

## 2. MEDICAL LEAVE OF ABSENCE WITHOUT PAY

Leave taken under the Family and Medical Leave Act (FMLA) and/or the California Family Rights Act (CFRA), whether paid or unpaid, does not count toward the leave periods described in this section.

If an employee's illness or injury requires a leave of absence beyond the 12 weeks provided under FMLA/CFRA, the City may, upon receipt of satisfactory medical certification, grant a general leave of absence without pay, provided the employee has exhausted all accrued paid leave, for up to 14 additional weeks.

Upon exhaustion of the 26 weeks of leave of absence without pay, an employee who continues to require leave may request an additional leave of absence without pay for up to 26 weeks, for a total leave of absence without pay not to exceed 52 weeks (one year), subject to approval (see below) and continued medical certification.

The following is the level of approval required for the granting of unpaid leaves of absence:

- A. Department Head or Designee- May approve requests for up to 4 weeks30-calendar-days, ~~which includes prior leaves under other policies taken for the same reason.~~
- B. Human Resources Director or Designee - May approve requests for up to 120-calendar-days17 weeks of leave.~~The 120-calendar-day period includes prior leaves under other policies taken for the same reason.~~ For example, a Department Head may grant an employee a 30-calendar-day4-week leave, and the Human Resources Director may approve an additional 90-calendar-days13 weeks of leave, which would total 120-days-of-leave.17 weeks of leave.
- C. City Manager or Designee - May approve requests for up to one (1) year. ~~The one year period includes the prior leaves taken for the same reason.~~ For example, a Department Head may grant an employee a 30-calendar-dayleave4 week leave; and the Human Resources Director may approve an additional 90-calendar-days-of-leave8 weeks of leave; and the City Manager may grant an employee an additional 225-calendar-days-of-leave35 weeks of leave; which would total 345365-calendar-days of leave or 52 weeks (i.e., one year).

~~Unpaid leave taken under the Family, Medical and/or Pregnancy Disability Leave policy shall be counted as time allotted under this policy.~~

Nothing in this section is intended to limit the City's obligations under the Americans with Disabilities Act (ADA) or the California Fair Employment and Housing Act (FEHA).

An employee who does not qualify for leave under state or federal law, or who has exhausted available leave under this or any other leave policy, may nonetheless be eligible for a reasonable accommodation, which may include additional unpaid leave, as required by law. Such requests will be evaluated on a case-by-case basis through the interactive process under Policy III-7, Reasonable Accommodation for Disabled Applicants and Employees.

### **3. NON-MEDICAL LEAVE OF ABSENCE WITHOUT PAY**

Unpaid leaves of absence requested for reasons other than medical are discretionary and subject to approval in accordance with the levels outlined below. This section does not apply to leaves governed by FMLA, CFRA, ADA, or other applicable medical or legally protected leave laws.

<b><u>Approving Authority</u></b>	<b><u>Maximum Total Leave That May Be Approved</u></b>
<b><u>Department Head or Designee</u></b>	<b><u>Up to 4 weeks (cumulative)</u></b>
<b><u>Human Resources Director or Designee</u></b>	<b><u>Up to 17 weeks (cumulative)</u></b>
<b><u>City Manager or Designee</u></b>	<b><u>Up to one (1) year or 52 weeks (cumulative)</u></b>

The maximum leave periods outlined above are cumulative and include any prior unpaid leaves of absence taken for the same reason, regardless of the approving authority.

### **24. BENEFITS COVERAGE DURING AN UNPAID LEAVE**

- A. During an approved unpaid leave, an employee will be retained on the City's medical and/or dental insurance coverage provided that the employee pays all premium costs. Failure of the employee to pay the medical and/or dental insurance premiums may result in loss of coverage. The City will cease to maintain the employee's medical and/or dental coverage if an employee's premium payment is more than thirty (30) days late. The City will notify the employee fifteen (15) days before coverage will cease.

An employee on unpaid leave will not continue to accrue sick leave and vacation leave unless required by State law. An employee's hire date and job entry date will not be adjusted as a result of the leave. The review date for merit salary increases shall be subject to adjustment for all non-work time of 20 working days or more, as set forth in the Fringe Benefit and Salary Resolution Plan. An employee on leave for two (2) or more months will also be placed on a leave of absence with the Public Employee's Retirement System (PERS).

- B. Employees subject to a disciplinary action that results toin 30 days or more without pay will continue to retain the City's medical and/or dental insurance coverage provided that the employee continues to pay the employee portion of the medical and/or dental premium. Failure of the employee to pay the employee portion of the medical and/or dental insurance premium may result in loss of coverage. The City will cease to maintain the employee's medical and/or dental coverage if an employee's premium payment is more than thirty (30) days late.

**35. UNION DUES**

The employee is responsible for maintaining dues to the employee association, if required.

**46. REINSTATEMENT**

Employees returning from leave will be reinstated to the same or an equivalent position with equivalent pay, benefits, and other terms and conditions of employment, unless the position ceases to exist because of legitimate business reasons unrelated to the leave. An employee returning to work from leave has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the leave period. The City cannot guarantee that an employee will be returned to their original assignment. A determination as to whether a position is an "equivalent position" will be made by the City.

**57. RETURN FROM LEAVE**

An employee on leave is expected to return to work on the next work-day following the approved leave period. If an employee wishes to return to work prior to the expiration of a leave, notification must be given to the employee's supervisor at least five (5) working days prior to the employee's revised return date.

**68. EXTENSION OF LEAVE**

Employees may request an extension of their leave request in the same manner as the initial request. Leave requests may not exceed a combined total of one year under the various leave policies. Extensions beyond one year shall be evaluated on a case-by-case basis through the interactive process to determine if further leave constitutes a reasonable accommodation under FEHA/ADA without causing undue hardship to City operations. Exceptions may be made on a case-by-case basis in compliance with Americans with Disabilities Act (ADA) guidelines.

**79. FAILURE TO RETURN FROM LEAVE**

The failure of an employee to return to work upon the expiration of an authorized leave of absence ~~will~~ may subject the employee to disciplinary action up to and including termination ~~for, among other things, job abandonment,~~ pursuant to the City's Policy III-1 Discipline.

**PROCEDURE:**

**Responsibility \_\_\_\_\_ Action**

Employee \_\_\_\_\_ 1. ~~1. Informs the supervisor in writing as soon as it can be determined with reasonable certainty the duration of any intended request for a leave of absence. (No unpaid leaves of absence shall be processed without the receipt of a written request from the employee~~

~~or, if incapacitated, by an authorized representative of the employee.)~~

- ~~2. Remits any insurance premiums due to the City for maintaining health care or other benefits; maintains dues to employee association, if required.~~
- ~~3. Maintains union dues, if applicable.~~
- ~~4. Returns to work on the next work day following the approved leave period. Provides supervisor with release to full duty from physician when the leave was taken for a medical reason. When returning prior to expiration of a leave, provides supervisor with at least five (5) work days notice prior to the return date.~~

Supervisor

- ~~5. Acts on requests for leave of absence without pay in accordance with the factors listed under the policy guidelines.~~
- ~~6. Recommends to the department head whether or not to grant the leave of absence.~~
- ~~7. Prepares and sends to Human Resources a Personnel Action Form for an approved leave and attaches appropriate documents.~~
- ~~8. Monitors, if applicable, leave of absence. Ensures that the employee's time card is coded appropriately.~~
- ~~9. Returns the employee to the same position, or substantially similar position, or documents why this is not possible and consults with the Human Resources Director, or designee.~~

Department Head

- ~~10. Recommends, where appropriate and in conformance with this policy, a leave of absence beyond thirty (30) calendar days for approval/disapproval by the Human Resources Director, City Manager, and/or City Council.~~
- ~~11. Initiates, when employee does not return from leave of absence and no additional leave is requested from employee, a Notice of Intent~~

Number: V-6 Effective Date: 07/06

~~to Take Disciplinary Action@ for job abandonment; sends by regular and certified mail; and forwards a copy to Human Resources in accordance with the City's Policy III-1 Discipline.~~