



City of Riverside, California
Human Resources Policy and Procedure Manual

Approved:

Human Resources Director

City Manager

Number: V-6 Effective Date:

SUBJECT: GENERAL LEAVE OF ABSENCE WITHOUT PAY

PURPOSE:

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

POLICY:

1. REQUESTING/GRANTING LEAVE

It is the policy of the City of Riverside to review requests for unpaid leaves of absence on an individual case-by-case basis. Employees seeking unpaid leave of absence must submit a request in writing through their immediate supervisor. The supervisor will review the request and forward it to the Department Head for consideration. The request must sufficiently explain the purpose and anticipated duration of the leave so that the City can determine whether the absence can be accommodated without disruption to operations. Approval of unpaid leave of absence is discretionary and not an employee entitlement unless entitled to under the law as part of a reasonable accommodation under the ADA, FEHA, or 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 evaluation including any 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 in 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 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,
- B. Human Resources Director or Designee - May approve requests for up to 17 weeks of leave For example, a Department Head may grant an employee a 4-week leave, and the Human Resources Director may approve an additional 13 weeks of leave, which would total 17 weeks of leave.
- C. City Manager or Designee - May approve requests for up to one (1) year. For example, a Department Head may grant an employee a 4 week leave; and the Human Resources Director may approve an additional 8 weeks of leave; and the City Manager may grant an employee an 35 weeks of leave; which would total 365-calendar-days of leave or 52 weeks (i.e., one year).

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.

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

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.

4. 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 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 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 in 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.

5. UNION DUES

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

6. 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.

7. RETURN FROM LEAVE

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

8. 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.

9. FAILURE TO RETURN FROM LEAVE

The failure of an employee to return to work upon the expiration of an authorized leave of absence may subject the employee to disciplinary action up to and including termination, pursuant to the City’s Policy III-1 Discipline.