



City of Riverside, California
Human Resources Policy and Procedure Manual

Approved:

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Human Resources Director

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City Manager

Number: V-6 Effective Date: 07/06

SUBJECT: LEAVE OF ABSENCE WITHOUT PAY (GENERAL)

PURPOSE:

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

POLICY:

1. REQUESTING/GRANTING LEAVE

It is the policy of the City of Riverside to consider an employee's request for an unpaid leave of absence on an individual case-by-case basis. It is the responsibility of the employee to request the leave in writing through their immediate supervisor. The supervisor will forward the request to the Department Head for consideration. The request must sufficiently explain the purpose of the leave request so that the City can determine whether the absence can be granted. Approval of such a request for leave is discretionary (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 law.

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

- A. The attending physician's medical appraisal concerning what restrictions, if any, apply to the employee's current employment and the employee's ability to return to work;
- B. The ability of the department to function without the employee;
- C. The employee's work history, including seniority, length of service, and quality of 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 the City's ability to operate safely and efficiently.

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

- A. Department Head - May approve requests for up to 30-calendar-days, which includes prior leaves under other policies taken for the same reason.
- B. Human Resources Director - May approve requests for up to 120-calendar-days. 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-day leave, and the Human Resources Director may approve an additional 90-calendar-days of leave, which would total 120 days of leave.
- C. City Manager - May approve requests for up to one 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-day leave; and the Human Resources Director may approve an additional 90-calendar-days of leave; and the City Manager may grant an employee an additional 225-calendar-days of leave; which would total 345-calendar-days of leave (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.

2. BENEFITS COVERAGE DURING LEAVE

- A. During an approved 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. An employee on leave for two 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 to 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 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.

3. UNION DUES

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

4. 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.

5. 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.

6. 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. Exceptions may be made on a case-by-case basis in compliance with Americans with Disabilities Act (ADA) guidelines.

7. FAILURE TO RETURN FROM LEAVE

The failure of an employee to return to work upon the expiration of an authorized leave of absence will 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:

| <u>Responsibility</u> | <u>Action</u> |
|------------------------------|--|
| Employee | <ol style="list-style-type: none">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.

Supervisor

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.
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 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.