



**City of Vernon, California
Human Resources Policies and Procedures**

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[Signature]
City Administrator

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SUBJECT: GENERAL LEAVE OF ABSENCE

PURPOSE:

To provide uniform guidelines for management, supervisory, and other employees in requesting and approving/disapproving leaves of absences.

POLICY:

Based upon the needs of the City and at the discretion of the City, a personal leave of absence may be granted for good cause to an employee who has worked at least one year. The leave of absence shall not exceed one year (365 days).

Nothing in this policy shall alter or replace language contained in the City's vacation and sick leave policies or respective Memorandum of Understandings.

1. REQUESTING/GRANTING LEAVE

It is the policy of the City of Vernon to consider an employee's request for a 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 request must sufficiently explain the reason for the leave, and the anticipated date of return to work. Absent such a request from the employee, the employee will be considered to have voluntarily resigned.

The supervisor will then forward the written request to the Department Head for consideration. 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, FMLA, CFRA or other applicable law.

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

- A. An 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 length of service.

- 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 leaves of absence for general and safety employees:

- A. Department Head - May approve requests for up to 30-consecutive calendar-days, which includes prior leaves under other policies taken for the same reason.
- B. City Administrator - May approve requests for up to one year. The one year period includes the prior leaves taken under other policies for the same reason. For example, a Department Head may grant an employee 30-consecutive calendar-days of leave, and the City Administrator may approve additional 335-consecutive calendar-days of leave, which would total 365 consecutive days of leave.

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

- A. City Administrator - May approve requests for up to 30-consecutive calendar-days, which includes prior leaves under other policies taken for the same reason.
- B. City Council - May approve requests for up to one year. The one year period includes the prior leaves taken for the same reason. For example, the City Administrator may grant an employee 30-consecutive calendar-day leave; and the City Council may grant an employee an additional 335-consecutive calendar-days of leave which would total 365-consecutive calendar-days of leave (i.e., one year).

Leave taken under the Family and Medical Leave policy shall be counted as time allotted under this policy.

2. CONCURRENT USE OF PAID AND OTHER LEAVE

Employees are required to use applicable accrued leaves while on leave of absence, including but not limited to sick leave first, and then any other accrued leave, in the order of the employee's choosing. When an employee has exhausted applicable accrued leaves, the remainder of the leave period will then consist of unpaid leave. Such concurrent use of paid leave may not contradict provisions of any applicable long or short term disability policies. Any leave used under this policy, where paid leave is also concurrently used, shall count toward the leave time request as discussed above.

3. BENEFITS COVERAGE DURING LEAVE

During authorized leave under this policy, an employee will be retained on the City's health plan under the same conditions that applied before leave commenced. To continue health coverage, the employee must continue to make any contributions (if any) that they made to the plan before taking leave; failure to do so may result in loss of coverage.

Additionally, employee will still be responsible for making any payments to the City of Vernon for any loans that are normally deducted from an employee's paycheck.

An employee's hire date and job entry date will not be adjusted as a result of paid leave. The review date for performance and merit salary increases shall be subject to adjustment pursuant to applicable policy. An employee on paid leave will continue to receive his/her regular rate of pay, and accrue sick leave, vacation leave, and holidays at their normal rate.

There shall be no accumulation of seniority, or earning of supplemental benefits (such as vacation or sick leave) made to the employee during a period of unpaid leave of absence, except as otherwise provided by law. New accruals of sick leave, vacation and holiday credits will be available to the employee upon reinstatement from an unpaid leave of absence.

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. Unless approved by the City Administrator leave requests may not exceed a combined total of one year under the various leave policies

7. 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 for, among other things, job abandonment.

PROCEDURE:

Responsibility	Action
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.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	<ol style="list-style-type: none">5. Acts on requests for leave of absence 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 PAF 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	<ol style="list-style-type: none">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 Administrator, and/or City Council.

11. Informs the Human Resources Director when an employee does not return from leave of absence and no additional leave is requested from employee.
12. Recommends appropriate action as necessary.

Human Resources Director