

SDCRAA HUMAN RESOURCES STANDARDS AND PROCEDURES

Section: **Attendance and Leaves of Absence**

Standard: **LEAVE WITHOUT PAY**

Section #: **B-12**

Effective: June 3, 2008

See Also: Paid Time Off; Timekeeping; Leaves (all); Service and Anniversary Dates

GENERAL STANDARD

The Authority, in its sole discretion, may grant leave without pay to employees who temporarily are unable to perform essential job functions or for other good and sufficient reasons¹.

SPECIFIC STANDARDS

- ❑ Full-time employees generally may be granted up to five days (40 hours) per year of leave without pay, subject to their managers' approval. All accrued PTO must be taken before unpaid time off will be granted.
- ❑ Extended leave without pay, beyond the maximum allowable periods under the ***Family and Medical Leave and Pregnancy Disability Leave*** Standards, may be granted, in accordance with the requirements of the Americans with Disabilities Act, as a reasonable accommodation for an employee's continuing health condition when granting such leave does not create an undue hardship to Authority operations.
- ❑ An employee requesting extended leave without pay for reasons of illness or disability must provide a certification from his/her healthcare provider. See the ***Family and Medical Leave*** Standard for information

¹ Because of the potential interaction between or among California and/or federally regulated leaves, managers must contact a Human Resources representative to ensure leave benefits are administered in accordance with Authority procedures and state and/or federal regulations. Managers must ensure their employees contact a Human Resources representative, as well, for guidance.

on what this certification must include. For leave of extended duration, periodic recertification may be required.

- The Authority reserves the right to select a healthcare provider at the Authority's expense to obtain a medical opinion regarding the employee's fitness for duty and ability to return to work with or without reasonable accommodation.
 - Benefits extended for leaves of absence due to a certified disability are payable to employees who elected to enroll in accordance with the terms and conditions of the Authority's long-term disability benefit plan. See the summary plan description for long-term disability or contact a Human Resources representative.
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- ❑ Requests for extended leave without pay may be granted under unusual circumstances and in the sole discretion of the Authority. Requests for extended personal leave will not be considered for purposes of taking employment elsewhere or similar reasons.
 - ❑ Extended personal leave, if granted, is on an unpaid basis. An employee requesting an extended personal leave without pay must exhaust all accrued, unused PTO prior to taking such leave.
 - ❑ No guarantees will be made regarding the availability of a position or reemployment upon the employee's return from extended leave without pay.
 - ❑ Employees on approved leave without pay do not accrue PTO benefits.
 - ❑ Employees will not be paid for holidays falling within the leave without pay period unless the employee is in a "paid" status on the day before or the day after the holiday.

GUIDELINES

See the ***Service and Anniversary Dates*** Standard and consult with a Human Resources representative for ways in which an extended leave of absence without pay may affect the employee's service and/or anniversary date.

Extended personal leave without pay requests may be favorably considered for purposes such as:

- Resolving extended family problems of a unique and compelling nature.
- Other circumstances of mutual benefit to the employee and the Authority.

When considering a request for extended personal leave, take the following factors into consideration:

1. The effect on the department's operations and the steps necessary to provide for adequate work coverage.
2. The employee's:
 - Length of service with the Authority,
 - Performance history, particularly during the last 1–3 years,
 - Likelihood of return from the requested leave, and
 - Expected contribution to the Authority following his/her return.
3. While an employee is on an approved extended leave without pay, s/he may elect to continue to participate in the Authority's health and welfare programs at the employee's expense, subject to the terms and conditions of the programs. Specifically:
 - The same levels and conditions of coverage under the health and welfare programs may be continued.
 - No changes to elections may be made when going on or returning from leave, with the exception of those that would be permitted while an employee is actively at working.

- On a monthly basis, the employee must reimburse the Authority for the employee's portion of the benefit plan cost in which s/he participates. Payment is sent to the Director, Human Resources.
 - Failure to reimburse the Authority for benefit costs on a timely basis may result in termination of the employee's leave and his/her employment with the Authority.
4. An employee who is no longer eligible or does not elect to continue to participate in the Authority's health and welfare plans will be notified by a Human Resources representative of their COBRA rights to continue healthcare benefits coverage and of applicable state law concerning the same.

PROCEDURES

Procedures for placing an employee on a Family and Medical Leave because of his/her serious medical condition are outlined in the ***Family and Medical Leave Standard***.

Procedures for evaluating and making determinations regarding reasonable accommodations under the provisions of the Americans with Disabilities Act (ADA) are outlined in the ***Accommodation of Disabled Applicants and Employees Standard***.

Following the review of the leave request and in consultation with a representative of the Human Resources Department, the manager shall:

1. Send a memorandum to the department's Vice President recommending approval or denial of the employee's request, documenting the factors the manager considered in formulating his/her recommendation and indicating whether the employee's position will be filled on either a full-time or temporary basis during the employee's leave.
2. Send the approved memorandum to a Human Resources representative to administer.

3. If the extended personal leave request is approved by the Vice President, the manager shall:

- Complete the “Change of Employee Status” section of the Personnel Action Form, indicating the effective dates of the leave, and forward the form to a Human Resources representative.
- Arrange for the employee to discuss with a Human Resources representative the effect of the leave on benefits coverage.

A Human Resources representative will notify the employee, in writing, prior to the effective date of the leave that there is no guarantee or offer of reemployment when the employee returns from leave.

When the employee returns from leave:

1. If the reason for leave was illness or disability, and before beginning any work activity, the employee must report to a Human Resources representative and present the required medical release to return to work. The Human Resources representative will notify the manager of any work restrictions and assist in determining how to provide reasonable accommodation to the employee with a work restriction(s), if appropriate and possible.
2. Managers should complete the “Change of Employee Status” section of the Personnel Action Form and send it to the Human Resources representative when the employee returns to work.
3. If the employee’s position has been filled and a suitable vacancy for the employee does not exist, the manager should contact the Human Resources representative to determine if there are any other placement options in the Authority. If there are not, the employee will be terminated from employment.
 - Complete the “Change of Employee Status” section of the Personnel Action Form. Send the completed forms to a Human Resources Department representative.

- For assistance in completing the “Comments” section for final pay check instructions, contact a Human Resources representative.
- If appropriate, managers should arrange with a Human Resources representative for an exit interview with the employee.

If the employee’s employment with the Authority is terminated due to his/her inability to return to work with or without reasonable accommodations for his/her continuing health condition:

- And if the employee has elected long-term disability plan benefits, the benefits will continue in accordance with the terms and conditions of that plan. See the summary plan description for Long-Term Disability or contact a Human Resources representative.
- A Human Resources representative will notify the employee regarding other benefit plan issues and the right to continued health care coverage under COBRA and any applicable state law.