ORANGE COUNTY SOCIAL SERVICES AGENCY ADMINISTRATIVE POLICIES AND PROCEDURES MANUAL

Subject:Leaves of Absence¹Number: C 14Approved:Signature on fileDate: 02-13-07

I. PURPOSE

To establish a procedure for requesting, granting and identifying leaves of absence in conformance with Federal and State laws, Memoranda of Understanding (MOU), Personnel and Salary Resolution (P&SR) and County of Orange policy.

II. POLICY

Requests for leaves of absence for which approval is **discretionary** will be reviewed by the Agency with consideration for Agency needs and the circumstances surrounding the employee's request. Discretionary leaves apply to requests for educational, personal or other reasons. Request for leave of absence for which approval is **non-discretionary** pursuant to provisions of Federal and State laws, applicable MOU and the P&SR, will receive prompt reviews and approvals if accompanied by required documentation.

III. BACKGROUND

Types of **non-discretionary leaves of absence** under this policy include:

Domestic Violence Leave: California law allows victims of domestic violence an unspecified amount of time as a leave of absence without pay. Request must be accompanied by a police report, restraining order or documentation from a medical professional. Leave time covers absence to obtain court orders, medical care and counseling. The employee can elect to use applicable accrued paid time off for the absence.

Leave for Crime Victims: California law allows employees who are the victims of serious crimes or employees, who have relatives/registered domestic partners who are victims of serious crimes, to take unpaid leave from work to attend legal proceedings. The crime must be a violent or serious felony, a felony theft, or embezzlement. A copy of the official notice to the victim of each scheduled legal or judicial proceeding or documentation substantiating the employee's attendance at a judicial proceeding is required for this leave. The employee can elect to use applicable accrued paid time off for the absence.

Military Leave: Refer to C 26, Military Leaves of Absence.

American Federation of State, County and Municipal Employees (AFSCME) Business Leave: The County shall allow an AFSCME-represented employee up to six working days of absence without pay for each payroll year provided that a ten-day advance notice is made. Such leave is effective for no more than three employees on any workday, the County does not immediately require the services of such employee and other competent employees are available to do the employee's regular work.

International Union of Operating Engineers (IUOE) Business Leave: A temporary leave of absence without pay, not to exceed an aggregate total of 14 calendar days annually, may be granted to employees officially appointed or elected to serve as officers or delegates of IUOE. Approval of IUOE Business Leave is subject to submittal of a written advance notice three days prior to leave of absence, not more than three employees on any workday shall be absent, the services of such an employee are not immediately required by the County, and other competent employees are available to do the employee's regular work.

Orange County Employees Association (OCEA) Business Leave: The County shall allow an OCEA-represented employee up to six working days of absence without pay each fiscal year provided that ten days advance notice is made, not more than four employees are approved for absence, the services of said employees are not immediately required by the County, and other competent employees are available to do the employee's regular work.

Orange County Managers Association (OCMA) Business Leave: The County shall allow an OCMA-represented employee up to five working days of absence without pay each fiscal year provided that ten days advance notice is made, not more than four employees are requested for leave, the services of such employee are not immediately required by the County and other competent employees are available to do the employee's regular work.

Service Employees International Union (SEIU) Business Leave: The County agrees to grant, if requested, Union Officer Leave and Presidential Leave with pay and without loss of any benefits for the term of this agreement in accordance with the provisions of MOU Article IV, Section 8, 9, and 10.

Workers' Compensation Leave: Orange County Human Resources Employee Memoranda of Understanding (MOUs) allow the employee, who was determined to have been injured on the job, an unspecified amount of time of absence during which Workers' Compensation pay is provided. Before a determination of job-relatedness is made, the County of Orange contracted third party administrator responsible for Workers' Compensation claims will directly communicate with the claimant's supervisor or manager regarding the claimant's injury/incident.

The employee should be placed on Official Leave with the application of sick leave/annual leave until County Executive Office (CEO)/Office of Risk Management determines the job-relatedness of the injury/incident.

Agency/Departmental Leave: Regular, limited-term and probationary employees may request Agency/Departmental Leave Without Pay. This leave is applied to the first 15 calendar days of any type of leave whether it is discretionary or non-discretionary leave without pay. After 15 days of Agency/Departmental Leave, continued absence becomes an Official Leave of Absence. All accumulated compensatory time must be exhausted prior to the granting of

Agency/Departmental Leave. The employee has the option to use earned vacation, annual leave, and/or PIP hours prior to obtaining the leave of absence.

Official Leave: Upon request, a regular, limited-term or probationary employee may be granted Official Leave of Absence Without Pay. Such leave shall not exceed one year and may be extended for one additional year at the discretion of the Agency. Employee MOUs and the P&SR require that such leave may be authorized only after an employee's completion of Agency/Departmental leave and all compensatory, vacation and the portion of annual leaves subject to 100% payoff have been applied toward payment of the absence.

Note: The County of Orange Leave of Absence Form [402] F850-45.5 (R8/95) FORM S13 (Attachment A) is the official document to be completed for both discretionary and non-discretionary leaves of absence.

IV. PROCEDURE

A. Authorization

Agency/Departmental leaves may be granted or denied at the discretion of the Agency. Discretionary official leaves of absence are approved or denied at the discretion of the County of Orange Director of Human Resources Department. Appeals of the decision by the Director of Human Resources Department shall be heard by the Board of Supervisors for final determination.

B. Discretionary Leaves of Absence²

The employee shall initiate the request for a discretionary leave of absence by completing Section I of the County of Orange Leave of Absence Form (Attachment A). A memo stating the reason and justification for the leave of absence shall accompany the form. Both documents shall be submitted to the employee's supervisor for review. The employee shall request the leave of absence with at least 30 calendar days advance notice before the leave begins if the need for the leave of absence is foreseeable or as soon as practicable.

- 1. The supervisor shall review the employee's request for leave of absence and complete "Worksheet for Discretionary Leave" (Attachment B). (S)he shall recommend approval and modification, or denial of the employee's request for leave of absence. If the supervisor's recommendation is to deny the request, a written explanation shall be included on the form.
- 2. Upon completion of Section II of the County of Orange Leave of Absence Form, the supervisor shall forward the completed form and its accompanying documents to the appropriate Administrative Manager/Deputy Director for review. If the employee is not available, the supervisor may complete the County of Orange Leave of Absence Form and write in "employee not available for signature".
- 3. The appropriate Administrative Manager/Deputy Director shall review the recommendation of the first line supervisor. Sections III.A and III.B of the County of Orange Leave of Absence Form shall be completed by the appropriate Administrative Manager and Deputy Director, respectively, and the form forwarded to the Division Director. If the recommendation is to deny the request, a brief explanation for the denial of the request shall be noted.
- 4. The Deputy Director/Division Director shall complete Section IV of the County of Orange Leave of Absence Form as the final Agency recommendation for approval, modification or denial. (S)he shall forward the completed form and accompanying documents to SSA Human Resources and Career Development (HRCD).
- 5. HRCD Administrative Manager shall do the following:
 - a. Review the employee's request that has a recommendation for denial to ensure that the reason for denial is in conformance with the law, past practice, business needs of the Agency, MOU provisions, and the justification of the recommendation for the denial of the request is adequate.
 - b. Prepare a summary of circumstances leading to the recommendation of denial, attach this to the completed County of Orange Leave of Absence Form with all the required documentation and forward all documents to the County of Orange Director of Human Resources Department for review of decision.
 - c. Track recommendation to the County of Orange Director of Human Resources Department and respond to the employee's questions regarding the denial or approval request for the leave of absence.
 - d. Inform first line supervisor and appropriate Administrative Manager/Deputy Director of the denial, appeal process, and result of the process if the Director of Human Resources Department does not uphold the Agency's decision.
 - e. Prepare a letter informing the employee of approval or denial of the request by the County of Orange Director of Human Resources Department, provide him/her with information regarding the appeal process if the request is denied and mail the letter by certified post/return receipt. **OR**,

- f. Approve, by final signature, all leaves of absence, which are not in violation of other law or policy as approved by the Deputy Director/Division Director.
- g. Input approved leaves of absence into Advantage HR system by SSA HRCD Office Specialist who sends the employee a copy of the approved leave of absence form and information regarding return to work procedure.

C. Non-discretionary Leaves of Absence

1. Employee

For request of leave of absence, which is not based on family, medical or parenthood reasons, the employee shall complete Section I of County of Orange Leave of Absence Form, attach a copy of a memo or other official documentation justifying the leave and submit all documentation to his/her first line supervisor. The employee shall request the leave of absence with at least 30 calendar days advance notice before the leave begins if the need for the leave of absence is foreseeable or as soon as practicable.

- 2. The employee's supervisor shall do the following:
 - a. Review and verify the information on the employee's request form for compliance with Federal and State laws, applicable MOU and P&SR. (S)he shall request assistance from the manager and SSA HRCD Administrative Manager for clarification on the type of leave of absence, eligibility, length of leave, etc.
 - b. Recommend approval, denial or modification of leave request. Non-discretionary leaves of absence are normally approved unless the employee does not provide documentation supporting eligibility or if the employee is ineligible. If the employee is not available, the first line supervisor may complete the County of Orange Leave of Absence Form and write in "employee not available for signature".
 - c. Complete Section II of the County of Orange Leave of Absence Form and forward all documents to the appropriate Administrative Manager/Deputy Director of the SSA Division.
- 3. The appropriate Administrative Manager/Deputy Director shall review the County of Orange Leave of Absence Form recommendation for non-family, medical, parenthood, or other non-discretionary leave requests, such as Military or Union Business Leave, complete Section III.A or III.B recommending approval, modification or denial of the request and forward the documents to the SSA Division Director.
- 4. Division Director or designee shall review the recommendation for approval, modification or denial and complete Section IV of the County of Orange Leave of Absence Form, make the final Agency recommendation to approve, modify or deny request and forward the completed form to SSA HRCD.
- 5. SSA HRCD Office Specialist shall do the following:
 - a. Obtain signature of SSA HRCD Administrative Manager or designee for approved or modified leaves.
 - b. Process and track approved or modified the County of Orange Leave of Absence Form by inputting data into the Advantage HR system. County of Orange Human Resources Department forwards bi-weekly report of inputted data to Employee Benefits.
 - c. Send a copy of the approved the County of Orange Leave of Absence Form to the employee and provide him/her with a notification letter regarding procedures on returning to work.
 - d. Send copies of approved leaves of absence to the supervisor/appropriate Administrative Manager/Deputy Director.
- 6. SSA HRCD Administrative Manager shall:
 - a. Review recommendation for denial of non-discretionary leave. Such leave may be denied only for failure to provide required documentation or lack of eligibility.

- b. Inform the employee requesting a non-discretionary leave of absence that if documentation is missing, approval of the request for leave of absence is contingent upon the provision of all required documentation; set a deadline for the employee to provide documentation.
- c. Prepare summary of circumstances leading to recommendation of denial if documentation is not provided. Attach summary to complete the County of Orange Leave of Absence Form with documentation to the County of Orange Director of Human Resources Department for review of decision.
- d. Inform the first line supervisor and appropriate Administrative
 Manager/Deputy Director of the denial of the employee's request for leave of
 absence, the appeal process and the result of the process if the Director of
 Human Resources Department does not uphold the Agency's recommendation.
- e. Track recommendation to the County of Orange Director of Human Resources Department and respond to the employee's questions regarding the denial of leave.
- f. Prepare a letter informing the employee of the denial of request for a leave of absence by the County of Orange Director of Human Resources Department, provide him/her with information regarding the appeal process and mail the letter by certified post/return receipt.

D. Return to Work

The employee on discretionary or non-discretionary leave of absence shall give notice to the supervisor and the SSA HRCD designated Office Specialist two weeks prior to the date of his/her return to work.

Continued absence without authorization for 3 consecutive working days may invoke the provision toward an automatic resignation.

V. REFERENCES

Family Medical Leaves of Absence Eligibility Policy, P&P C44 Military Leave of Absence, P&P C 26 SSA Human Resources Supervisory/Management Handbook

VI. ATTACHMENTS

- A County of Orange Leave of Absence Form
- B Worksheet for Discretionary Leave of Absence

Endnotes

¹Leaves of absence, based on *Family Medical Leave* or *Military Leave*, are covered by SSA Policies and Procedures C 44 "Family Medical Leaves of Absence Eligibility Policy" and C 26 "Military Leave of Absence", respectively.

²MOU states, "a denial of request for an official leave of absence can be reviewed by the Board of Supervisors as the final determination of an appeal process. Therefore, a denial of request for an official leave of absence should be reviewed at each step of the process before it goes to the Board".