

City of Mission Viejo Personnel Policy

Subject: TEMPORARY LEAVE OF ABSENCE

Statement of Intent:

To provide guidelines for granting an employee time off without pay for medical, maternity and/or personal reasons. This policy shall be administered in coordination with and shall not replace any applicable leaves the employee may be entitled to under state and/or federal law. In the event the employee is eligible for a combination of federal, state, and/or City of Mission Viejo temporary leaves, all eligible leaves shall be designated to run concurrently as allowed by law.

Policy:

1. All requests for a Temporary Leave of Absence must be submitted in writing. The employee shall use the Request for Leave of Absence form located on the Intranet to communicate the written request and to obtain the required approval signatures.
2. An employee who is granted a Temporary Leave of Absence and does not return to work on the first regularly scheduled day of work following the completion of the approved leave may be terminated (see Abandonment Policy).
3. MEDICAL LEAVE OF ABSENCE:
 - a. An employee shall be permitted to request a City of Mission Viejo Temporary Leave of Absence for up to four (4) months per medically verifiable temporary disability within a 12-month period.
 - b. Employees are entitled to four (4) months of leave pursuant to this Paragraph 3 per rolling 12-month period. This 12-month period is measured backwards from the first day of the requested absence. Employees are not required to take the leave continuously, but will in no event have a right to greater than a total of four (4) months of leave per rolling 12-month period.
 - c. Medically disabled means any illness or non-industrial injury, either physical or mental, including pregnancy, childbirth, or related medical condition which temporarily prevents an employee from performing their regular or customary work duties as determined by a licensed medical practitioner.
 - d. The City Manager, or a designee, may require at City expense that the employee submit to an examination by a City selected physician.
 - e. The City shall continue to pay its designated fixed monthly employer contribution toward health and welfare benefits and employer paid life insurance and disability insurance premiums for the employee and any dependents for up to four (4) months for an employee on a medical or parental leave of absence only.
 - f. Comprehensive Annual Leave credits will not accrue during any time designated as a Leave Without Pay.
 - i. Leave Without Pay is defined to be:
 - a. Any periods in which the employee is not working; and
 - b. Any periods in which the employee is not using Comprehensive Annual Leave (CAL) credits; and
 - c. Any leave periods not designated as California Family Rights Act (CFRA) leave.

- g. While on an approved Temporary Leave of Absence for medical reasons, employees may be given the option to elect to supplement short-and/or long-term disability payments with accrued paid leave. The choice of supplementing disability payments with paid leave is voluntary and will not impact an employee's seniority date as long as the employee is on an approved CFRA designated leave.
 - h. If the employee is unable to return to work at the completion of the Medical Leave of Absence, he/she may request a Personal Leave of Absence. The granting of a Personal Leave of Absence is at the discretion of the City Manager, or a designee.
 - i. Unless a position does not exist, an employee who is granted a Medical Leave of Absence for other than maternity reasons will be returned to their previous position or an equivalent position at the discretion of the City Manager, or a designee.
4. PARENTAL LEAVE OF ABSENCE:
- a. The provisions of a Medical Leave of Absence shall apply to a request for a Parental Leave of Absence except that unless the employee's position has been abolished, an employee who is on a Parental Leave of Absence will be returned to his/her original position or a substantially similar position except under limited circumstances as defined by both state and federal law at the completion of a Temporary Medical Leave of Absence.
5. PERSONAL LEAVE OF ABSENCE:
- a. An employee who has completed at least one (1) year of continuous service may request a Personal Leave of Absence for up to ninety (90) days.
 - b. The initial approval and any subsequent extensions of a Personal Leave of Absence will be at the sole discretion of the City Manager, or a designee.
 - c. An employee who is granted a Personal Leave of Absence must use all accrued Comprehensive Annual Leave (CAL) credits before being placed on unpaid status.
 - d. An employee who is granted a Personal Leave of Absence and desires to return prior to the expiration of the approved leave may request, in writing, permission to return earlier.
 - e. The approval of a request to return prior to the expiration of a Personal Leave of Absence shall be at the sole discretion of the City Manager, or a designee.
 - f. An employee who is granted a Personal Leave of Absence will be returned to their previous position or an equivalent position at the discretion of the City Manager, or a designee, provided that such a position is available at or near the time the employee is scheduled to return.
 - g. An employee may be placed on lay-off status or terminated depending upon the needs of the City during the course of a Personal Leave of Absence.

Administration:

In accordance with City of Mission Viejo Municipal Code chapter 2.60 "Personnel System", this Personnel Policy is deemed to have a direct financial impact on the City. City Council approval is required prior to initial implementation and for any subsequent amendments.

Adopted: By City Council - September 11, 1989 - Res. No. 89-92.
 Revised: By City Council – August 24, 1992 – Res. No. 92-153.
 Revised: By City Council – November 8, 2016 – Resolution No. 16-51.