

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, parental, 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. "Full-time" and "Part-time" employees, as defined in the City's Categories of Employment Personnel Policy, are eligible to request a Temporary Leave of Absence as defined under this policy.
2. Hourly/Seasonal/Temporary (HST) employees are not eligible to request a Temporary Leave of Absence as defined under this policy. HST employees are eligible to apply for a leave of absence under any applicable federal and/or state leave in which they may be legally eligible for.
3. 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.
4. 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).
5. MEDICAL LEAVE OF ABSENCE:
 - a. An employee shall be permitted to request a City of Mission Viejo Temporary Leave of Absence for medical reasons for up to four (4) months per medically verifiable temporary disability within a 12-month period.
 - b. To be eligible for this leave, the employee must have worked at least 1,040 hours in the 12-months prior to the beginning of the leave date.
 - c. Employees are entitled to four (4) months of unpaid leave for medical reasons pursuant to this Paragraph 5 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.
 - d. 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.
 - e. The City Manager, or a designee, may require at City expense that the employee submit to an examination by a City selected physician.

- f. The City shall continue to pay its full 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 designated Temporary Leave of Absence for medical reasons.
- 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.
- h. Comprehensive Annual Leave and seniority will continue to accrue while an employee is on a designated Temporary Leave of Absence for medical reasons.
- i. After a Temporary Leave of Absence for medical reasons, the employee will be returned to the same or comparable position. If the same position is no longer available, the employee will be offered a position that is comparable in terms of pay, location, job content, and promotional opportunities, unless a comparable position does not exist. An employee is not entitled to reinstatement if the employee would have been otherwise laid off or terminated.
- j. If the employee is unable to return to work at the completion of the Temporary Leave of Absence for medical reasons, he/she may request a Temporary Leave of Absence for personal reasons as outlined below in Paragraph 7. The granting of a Temporary Leave of Absence for personal reasons, is at the discretion of the City Manager, or a designee.

6. PARENTAL LEAVE OF ABSENCE:

- a. An employee may request an unpaid Temporary Leave of Absence for parental reasons for purposes of bonding with an adopted or foster child or to bond with a newborn within one (1) year of the birth or adoption of the child.
- b. To be eligible for this leave, the employee must have worked at least 1,040 hours in the 12-months prior to the beginning of the leave.
- c. Employees may request up to twelve (12) weeks of unpaid leave for parental reasons pursuant to this policy 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 in no event can the employee take the leave after one (1) year of the birth or adoption of the child, nor shall the employee have a right to greater than a total twelve (12) weeks of leave per rolling 12-month period.
- d. If two employees request parental leave for the same child, the City will allow twelve (12) weeks leave total for both parents.
- e. The City shall continue to pay its full 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 twelve (12) weeks for an employee on a designated Temporary Leave of Absence for parental reasons.
- f. Comprehensive Annual Leave and seniority will continue to accrue while an employee is on an approved Temporary Leave of Absence for parental reasons.
- g. After a Temporary Leave of Absence for parental reasons, the employee will be returned to the same or comparable position. If the same position is no longer available, the employee will be offered a position that is comparable in terms of pay, location, job content, and promotional opportunities, unless a comparable position does not exist. An employee is not entitled to reinstatement if the employee would have been otherwise laid off or

terminated.

7. PERSONAL LEAVE OF ABSENCE:

- a. An employee who has completed at least one (1) year of continuous service and worked at least 1,040 hours in the 12-months prior to the beginning of the leave may request an unpaid Temporary Leave of Absence for personal reasons for up to ninety (90) days.
- b. The initial approval and any subsequent extensions of a Temporary Leave of Absence for personal reasons will be at the sole discretion of the City Manager, or a designee.
- c. An employee who is granted a Temporary Leave of Absence for personal reasons must use all accrued Comprehensive Annual Leave credits before being placed on an unpaid Leave Without Pay status.
- d. Comprehensive Annual Leave credits and seniority will not accrue during any time designated as a Leave Without Pay. Leave Without Pay is defined to be:
 - i. Any periods in which the employee is not working; and
 - ii. Any periods in which the employee is not using Comprehensive Annual Leave credits or any other form of paid leave such as Holiday Pay, Floating Holiday Pay, and Compensatory Time Off; and
 - iii. Any leave periods not designated as Family Medical Leave, California Family Rights Act leave, California Pregnancy Disability Leave, Military Leave, or any other lawful leave reasons.
- e. The City shall prorate its designated fixed monthly employer contribution toward health and welfare benefits for any periods designated as Leave Without Pay while an employee is on designated Temporary Leave of Absence for personal reasons.
- f. An employee who is granted a Temporary Leave of Absence for personal reasons and desires to return to work prior to the expiration of the approved leave may request, in writing, permission to return earlier.
- g. The approval of a request to return prior to the expiration of Temporary Leave of Absence for personal reasons shall be at the sole discretion of the City Manager, or a designee.
- h. An employee who is granted a Temporary Leave of Absence for personal reasons 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.
- i. An employee may be placed on lay-off status or terminated depending upon the needs of the City during the course of a Temporary Leave of Absence for personal reasons.

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.
Revised: By City Council – September 24, 2019 – Resolution No. 19-30.