

 <b>STANISLAUS COUNTY COMMUNITY SERVICES AGENCY</b>	Developed by/Date: Per Old DSS Manual Prior to 2002, Rev. 4/09, Rev. 7/10	Page: 1 of 3	Number: 2.5
	Reviewed by/Reviewed Date: CSA Exec Team 7/27/09, 8/23/10	Replaces:	Category: Time Keeping and Attendance
Title: <b>Leave of Absence</b>		Approved: 8/23/10	

**Policy** 
     
 **Procedure** 
     
 **Guideline**

**Purpose**

To provide Community Services Agency (CSA) employees with the expectations and rules regarding Leave of Absences (LOA).

**Definition**

CSA complies fully with all Federal and State leave laws and encourages employees to understand their entitlements and different types of leaves offered.

**Procedure**

An LOA with or without pay must be approved in advance, except in the case of illness or disability when advance notice is impossible. An LOA may be granted for illness, pregnancy, military, military-exigency, military-care for wounded service member or personal reasons. Requests must be made on prescribed forms, and a doctor’s note must accompany each request for leave and approved by the supervisor and manager.

The most common instance for an LOA are in cases of illness and pregnancy. An LOA may be approved in 90-day increments with the exception of pregnancy leaves as they have longer periods of continuous leave time according to the law. A new medical certification must be provided to CSA HR every 90 days. Failure to return after an authorized leave shall result in an unauthorized leave of absence and appropriate disciplinary actions may be taken.

Employee Responsibilities:

1. Provide appropriate medical certification for the entire period of time off from work for an approved LOA. Medical certification must be provided to the employee’s supervisor and CSA HR staff. Faxes are accepted, but originals must follow.
2. The LOA request and extension must be evaluated and approved. If the medical certification is not acceptable, you will be contacted to seek clarification in order to approve your LOA request or extension. Don’t assume that your leave is extended or approved primarily based on a medical certification being submitted.
3. Communicate directly with your supervisor as it related to LOA issues, approvals, medical certifications, or extensions. (Sending a fax to CSA HR or leaving a voicemail for your supervisor is not acceptable)
4. Pay insurance premiums in excess of County sponsored portion of insurance premiums if on an unpaid approved FMLA leave of absence. If FMLA is exhausted then the

employee must pay the entire portion. Failure to follow these expectations will result in cancellation of benefits. Contact Risk Management for details.

5. While off work due to medical disability where you are receiving disability payments (i.e. SDI, Workers Compensation Temporary Disability payments, Management Disability leave payments, etc) you are not required to supplement the Disability Benefit payments, but you may request to supplement your benefit payments with any applicable leave accruals you have available.

#### Supervisor responsibilities:

1. Notify CSA HR as soon as you have knowledge of an LOA request.
2. Review the LOA request to ensure the employee has followed procedures by filling out the form and attached supporting documentation.
3. Ensure the medical certification provides adequate details for prognosis for the medical LOA, expected return to work date, and any needed modifications or accommodations for them to perform the essential functions of their job. A note only stating the employee needs to be off work is not acceptable.
4. If you are unsure about a medical certification or a request for an LOA extension contact CSA HR to determine the next step.
5. You should be sure to have open communication with the employee while on an LOA to discuss anticipated return to work dates or requested extensions. There should not be an assumption that the employee can send in a medical certification to extend their leave without obtaining your approval.
6. Faxed doctor's notes can be acceptable as a temporary communication, but must be followed up by the original note.
7. Ensure consistency for LOA requests, extensions and returns throughout your unit.
8. Refer to the supervisor's manual.

#### A. Medical Leave

Requests must be submitted when absence from work due to illness/injury is expected to last 3 or more work shifts, or longer. Requests for medical leave may also be approved when sick leave benefits have been exhausted. An appropriate medical certification must accompany each request for leave, and a doctor's release is needed prior to returning to work. The medical certification must provide to and from dates of illness/injury and appropriate physical restrictions that prevent the employee from performing the essential functions of the job. Additionally, the medical certification should provide an appropriate prognosis that allows the department to determine accommodations available to assist in their return to work.

#### B. Pregnancy Leave

Pregnancy Leave is provided by State Law which allows employees up to four months of leave. County policy permits additional leave time, with Agency approval.

#### C. Family Medical Leave

Family Medical Leave is governed by Federal and State Law, and allows an eligible employee up to a total of 12 work weeks of unpaid protected LOA during a 12-month period. Employees are eligible if they have been employed for one year and have worked 1,250 hours over the previous 12 months. Intermittent FMLA is available and specific details can be obtained from CSA HR.

FMLA Leaves may be granted:

1. Because of the birth of an employee's child and to care for the newborn child.
2. Because of the placement of a child with the employee for adoption or foster care.
3. Because the employee is needed to care for a family member (child, spouse, or parent) with a serious health condition.
4. Because the employee's own serious health condition makes the employee unable to perform the functions of his or her job.
5. Because of any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call of order to active duty) in support of a contingency operation.

An LOA can require case by case review as each scenario can vary drastically with specific situations. Please refer all questions and seek guidance from CSA HR.