

DEPARTMENT OF PUBLIC WORKS MANAGEMENT MANUAL

**Personnel
Directive**

Subject: LEAVES OF ABSENCE – PERSONAL
AND TO ACCEPT OUTSIDE
EMPLOYMENT

ADOPTED BY THE BOARD OF PUBLIC WORKS, CITY OF LOS ANGELES

June 20, 2007

PERSONNEL DIRECTIVE NO.49

BACKGROUND

The policy is based on City Personnel Procedures Manual Section 14.300, which defines the criteria for approval of leaves of absence. Subsequent changes in the law regarding Family and Medical Leave do not affect this policy because it applies only to personal leaves of absence for non-medical reasons. For the purpose of this Directive, the Board has reviewed the two types of personal leaves of absence, which are common in this Department and approved these guidelines for uniform application of the criteria throughout the Department.

NOTE: If an employee qualifies or is requesting leave under the provisions of the Family Leave Act (maternity/paternity leave, serious illness of a family member, or the employee's own serious illness), please refer to Directive 54.

PROCEDURE

- I. Requesting a Leave
 - A. All requests for leave must be fully documented.
 - B. The entire request package, including a completed *Request for Leave of Absence* form, the employee's written request, and any accompanying documentation, must be submitted to the Office of Management-Employee Services for processing and forwarding to Personnel Department.
 - C. The leave should not be considered to be approved until the Personnel Department has given final approval.
- II. Types of Leaves (except FMLA Leave)
 - A. Personal Leave of Absence
 1. This type of leave may be granted for employees who wish to take time off for personal reasons, such as settling an estate or continuing their education. This type of leave is also used for employees who have a disputed Workers' Compensation claim, since leave under the provisions of the Family and Medical Leave Act may not be taken for this purpose, except for classes where the MOU specifically states that they may. Please call your Bureau personnel office if you are in doubt.
NOTE: Employees on personal leaves of absence do not accrue seniority.

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2. Employees who request a personal leave of absence for appropriate reasons shall be granted such a leave in maximum increments of one year provided that: it will not interfere with the work of the Department; and the length and quality of service of the employee merits it.
3. Employees who are reaching the end of their leave should be sent a letter notifying them of the extension policy. (See attached suggested notification letter, Attachment 1).
4. Any request for extension of such leaves beyond two years will not be granted except in unusual circumstances. In those cases where unusual circumstances are being claimed, the employee must submit a request in writing to the employing Bureau or Office which includes the following information in detail:
 - a. A re-statement of intent to return to City employment along with an anticipated return date; and
 - b. A detailed explanation of the necessity for the leave.

B. Outside Employment

1. Department of Public Works employees desiring leaves of absence for outside employment, with layoff and promotional examination seniority, must meet all of the following criteria:
 - a. The City will benefit from the specific experience to be obtained by the employee.
 - b. The employee's services must have been requested by the outside agency for a definite, specified period of time. (Very often this criterion cannot be met, as there is no definite ending date for the job). The employee should not have solicited the offer.
 - c. The employee must certify that he/she intends to return to City service.
 - d. The work to be done must be of benefit to the City.
 - e. The employee should have had a reasonable period of City service and the absence should not adversely affect the quality of City service. A statement signed by the appointing authority certifying that the above criteria have been met and a written request from the outside agency should be forwarded to the Personnel Department with the employee's request for a leave.
2. If the employee is unable to meet the above-listed criteria, the employing Bureau or Office may still grant the leave but it will be processed as a personal leave and no seniority will be granted.
3. Employees reaching the end of their two years should be sent a letter notifying them of the extension policy. (See attached suggested denial letter, Attachment 2).

4. Requests for leaves of absence beyond two years will not be granted except in extremely special cases. Employees who wish special consideration must submit a written request to the employing Office or Bureau. That written request must include:
 - a. A re-statement of the employee's intention to return to City employment along with an anticipated due date;
 - b. A statement regarding what benefit their work for the outside organization will have to the City once he/she returns; and
 - c. Detailed reasons why the extension should be granted.

III. Reviewing Requests for Extension of Leaves Due to Special Circumstances

The employing Bureau or Office should review the written extension request and, if necessary, personally contact the employee to obtain enough information to make one of the following decisions:

1. To deny the extension – the employee should be notified in writing and advised to choose between returning to work or resigning; or
2. To grant the extension – the request for the personnel section approving the extension should be sent to the Office of Management-Employee Services, for Form-41 processing. Until the Personnel Department gives final approval, the leave should not be considered approved.

References: Section 14.300 City Personnel Procedures Manual
Section 7.8(g) Civil Service Rules

2 Attachments

Date

Employee Name
Employee Address

Dear Employee:

Subject: Leave of Absence

According to our personnel records, you are currently on leave of absence from the Bureau of (Bureau Name). That leave is scheduled to end on (Date). We are looking forward to seeing you again on your first day back at work, (Date of first working day after end of leave).

We anticipate that you were able to avail yourself of the time you took to accomplish your goals and are able to return to work at this time. However, you may feel that you need more time. If this is the case, you must request an extension of your leave in writing no later than (deadline). Together with your written request, you must submit documentation verifying your need to be absent from work. Please keep in mind that Department policy states that leaves of absence beyond two years will not be granted except in extremely special cases, and that approval of an extension request, even if it results in a total leave period of less than two years, is not automatic and may be denied, depending on the circumstances. If this is the case, the Bureau will notify you in writing that your request for extension has been denied.

Failure to submit a request for extension by the above deadline, or failure to return to work upon the end of your leave will result in your being carried as absent without a valid leave and may lead to disciplinary action, up to and including discharge. If you have any questions, please call (Contact Person) at (Telephone #).

Sincerely,

Bureau Head or designee

Date

Employee Name
Employee Address

Dear Employee,

SUBJECT: REQUEST FOR EXTENSION OF LEAVE OF ABSENCE

The Bureau of (Bureau Name) has reviewed your request for extension for your leave of absence ending (End date of leave). As you may be aware, Public Works Personnel Directive No. 49 states that leaves of absence beyond two years will not be granted except in extremely special circumstances. Therefore, we are hereby advising you that your present leave of absence cannot be extended beyond its (End date of leave) expiration date.

This notification should provide you with sufficient time to make your decisions about returning to the Bureau of (Bureau Name). You are required to notify the Bureau of your employment intentions at least four weeks prior to the expiration of your leave.

If you feel yours is a special case, you must submit a request in writing which details why your extension should be granted and includes the following information:

1. A re-statement of your intention to return to City employment along with an anticipated return date; and
 - a. If your leave is for employment with an outside organization, a statement regarding what value your work for the organization will have for the City once you return; or
 - b. If your leave is for personal reasons or reasons other than outside employment, a detailed explanation of the necessity for your leave.
2. The detailed reasons why your extension request should be granted.

If you have any questions regarding this matter or need further clarification of what is required of you, please contact the Personnel Section, Bureau of (Bureau Name), at (Telephone #).

Sincerely,

Bureau Head or designee