



ADMINISTRATIVE DIRECTIVE

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	EFFECTIVE DATE	
<b>July 1, 2013</b>		

**I. PURPOSE**

To provide the framework for the City of Tucson leave policy as it relates to the Administrative Directive leave series, which includes: 2.01-7A through 2.01-7M.

**II. POLICY**

The City of Tucson rules and procedures for administration of employee leaves will be in accordance with Tucson Code and in compliance with federal and state laws. Leave rules and procedures are established by the Human Resources Director, with approval of the City Manager/Designee.

Employees are expected to report and work as scheduled unless an employee is on approved leave pursuant to the term of this Administrative Directive and other directives in the 2.01-7 series.

This directive applies to all employees, regardless of Civil Service status. For purposes of this directive only, appointed employees and officials are treated as permanent employees with regard to employee leaves. Questions related to this directive may be referred to the Human Resources Department.

**III. DEFINITIONS**

- A. Administrative Leave** – Approved paid time off for exempt (salaried) employees, in recognition of exceptional performance requiring expenditure of numerous hours beyond the hours normally worked. (A.D. 2.01-7M).
- B. Annual Sick Leave Transfer Date** – The date on which Sick Leave may be transferred to Vacation Leave; transfer takes place effective the pay period following the end of the Leave Year. (A.D. 2.01-7B).
- C. Approved Leave** – Leave granted in accordance with the Administrative Directive 2.01-7 series.
- D. Absent Without Leave (AWOL)** – An unpaid leave that is unapproved and/or denied.
- E. Bereavement Leave** – Leave taken for the death of an employee’s immediate family member. (A.D. 2.01-7H).
- F. Certification of Health Care Provider Form** – Form that must be requested from and submitted to the Human Resources Department to verify the need for Family and Medical Leave (FML) and/or non-FML (City) Medical Leave, as well as Donated Leave.
- G. City Medical Leave** – Continuous paid or unpaid leave for illness or injury of an employee or immediate family member, for a time period as specified by the



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individual’s healthcare provider, based on the medical condition. This leave will run concurrently with FML and Workers Compensation, if applicable. (A.D. 2.01-7B, Sick Leave; A.D. 2.01-7C, Family and Medical Leave; A.D. 2.01-7D, Medical Leave and Parental Leave).

- H. **Donated Leave** – Accrued paid leave (Sick Leave and/or Vacation Leave) which an employee (donor) elects to donate to assist another employee (recipient) in need of paid time off for a serious health condition, or to care for an eligible family member who has a serious health condition. The recipient must have a current leave approved by the Human Resources Department. (A.D. 2.01-7E, Donated Leave).
  
- I. **Equivalent of Two Consecutive Workweeks** – Length of time worked that equates to two (2) consecutive weeks worked (e.g. Monday, Jan. 1 through Friday, Jan. 12 for full-time, Monday-Friday employees).
  
- J. **Family and Medical Leave (FML)** – Entitles eligible employees to take unpaid, job-protected leave for specified family and medical reasons, to care for oneself or immediate family member, as defined in A.D. 2.01-7C, Family and Medical Leave.
  
- K. **Furlough Leave** – Dates and/or hours designated by ordinances as unpaid furlough leave hours for a specific time period, in a particular fiscal year. Furlough leave can apply to all City employees or a specified group as described in the applicable ordinance (A.D. 2.01-8, Furlough Guidelines).
  
- L. **Immediate Family Member** – The following defines an immediate family member as pertains to the corresponding A.D.:
  - 1. **Bereavement Leave** –
    - a. **Immediate Family Member of Employee** – The employee’s spouse/domestic partner, parents, stepparents, parent surrogate, child(ren), grandparents, grandchild(ren), brother, sister.
  
    - b. **Immediate Family Member of Employee’s Spouse/Domestic Partner** – The employee’s spouse/domestic partner’s parents, stepparents, child(ren), grandparents.
  
  - 2. **FMLA & City Medical Leave** – An immediate family member is defined as a spouse, child, or parent. For purposes of FML, a child includes a son or daughter who is biological, adopted or foster child, a step child, a legal ward, or a child of a person standing in loco parentis either under 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee’s "child" is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted,



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foster or step-child. Under federal law a domestic partner is not recognized as an immediate family member. (A.D. 2.01-7C).

3. **Sick Leave** – An immediate family member is defined as an employee’s spouse/domestic partner, child(ren), adopted child(ren), stepchild(ren) child(ren) of a domestic partner, parent, parent surrogate, grandparent(s), grandchild(ren), brother or sister (A.D. 2.01-7B, Sick Leave).
  
- M. **Health Care Provider Note** – A note from the employee’s health care provider indicating that the employee has been under their care, is fit to return to work, and/or if the employee has work restrictions.
  
- N. **Imposed Leave** – Leave with or without pay at the direction of the employee’s department director/designee, with the concurrence of the Human Resources Director/Designee and the City Attorney’s Office, including time off when an employee is too disruptive or dangerous in the work place, has criminal charges pending, to address matters of safety during ongoing investigations, and/or time off between the pre-discharge notice and the pre-discharge meeting. (A.D. 2.01-7M, Other Leaves).
  
- O. **Leave of Absence** – Approved unpaid leave that is not Medical, Military, or Parental Leave (A.D. 2.01-7F, Leaves Without Pay - Other).
  
- P. **Leave Without Pay** – Any approved unpaid leave (A.D. 2.01-7F, Leaves Without Pay – Other; A.D. 2.01-7B, Sick Leave; A.D. 2.01-7C, Family and Medical Leave; and A.D. 2.01-7D, Medical Leaves and Parental Leave).
  
- Q. **Leave Year** – The calendar year (January 1 – December 31).
  
- R. **Military Leave** – Leave for active, reserve, or auxiliary military duty, either voluntary or when an employee is called to serve by state or federal authority (A.D. 2.01-7G, Military Leave).
  
- S. **Non-Permanent Employee** – Intermittent, temporary, or seasonal employees.
  
- T. **Permanent Employee** – Employees who have completed an initial probationary period with the City. In addition, appointed employees and elected officials are treated as permanent employees with regard to employee leaves.
  
- U. **Probationary Employee** – An employee who has not completed an initial probationary period with the City.
  
- V. **Scheduled Absence** – Foreseeable planned absence with at least 24 hours advance notice.



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- W. Serious Health Condition** – An illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment, as defined by the Family and Medical Leave Act (A.D. 2.01-7C, Family and Medical Leave).
- X. Sick Leave** – Paid time off for illness of an employee or immediate family member, as defined in A.D. 2.01-7B, Sick Leave.
- Y. Unscheduled Absence** – Leave time that was requested less than 24 hours in advance of absence.
- Z. Vacation Leave** – Approved paid time off as defined by A.D. 2.01-7A, Vacation Leave.
- AA. Work Improvement Plan** – A non-disciplinary written plan to improve employee job performance. A Work Improvement Plan will specify a start date, end date and specific quantifiable performance measures, scheduled progress meetings, and a written notice of progress to the employee at the conclusion of the plan.
- BB. Work Status Verification Form** – City-provided form completed by the employee’s healthcare provider after an absence of more than the equivalent of two consecutive work weeks, indicating the employee is able to return to work, and providing any work restrictions.

**IV. LEAVE APPROVAL**

It is the responsibility of department directors to ensure the appropriate use of leave in accordance with the policies set forth in this directive.

- A.** When completing Request for Leave of Absence forms (leave card) or other designated department record - written or electronic - supervisors are responsible for indicating that the leave is either scheduled or unscheduled and sign and date (or electronically verify) if the leave was approved.

All Request for Leave of Absence forms must be signed (not stamped or initialed) with the full signature of the supervisor or management personnel authorized to approve employee leaves, and the department or division director. Other designated department records, written or electronic, must include verification of approval by supervisor or management personnel. All Request for Leave of Absence forms/records must be retained with departmental payroll records in accordance with the City’s Records Retention schedule.

- B.** Supervisors are responsible for monitoring all absences. Excessive non-FML absenteeism and patterns of unscheduled absenteeism should be reviewed by department directors/designees and may be cause for disciplinary action. Employees on a Work Improvement Plan related to attendance may be required to provide a Health Care Provider Note for all unscheduled absences. Unapproved absences are



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considered absences without leave (AWOL) and may result in disciplinary action, up to and including discharge.

- C.** Failure to obtain prior department approval for leave may result in the employee being placed on AWOL status, and may result in disciplinary action, up to and including discharge.
- D.** Sick Leave approval may be contingent upon an employee providing a Certification of Health Care Provider form and/or a Health Care Provider Note, depending upon the length of the requested leave.
- E.** An employee will be required to provide a completed Certification of Health Care Provider form verifying the need for a Medical Leave of absence exceeding the equivalent of two (2) consecutive work weeks. This information will be provided to the Human Resources Department. This document will be kept as a confidential medical document and not made a part of the official personnel file. Failure to provide medical documentation when requested may result in a leave designation of AWOL and/or disciplinary action up to and including discharge.
- F.** A department may require employees to provide a Health Care Provider Note to ensure that non-FML Sick Leave is being used appropriately in the following situations:
  - 1.** Where an employee has a pattern of unscheduled absences. Examples include but are not limited to: on a day or shift prior to or immediately following scheduled time-off of three (3) or more days, a holiday, or a weekend.
  - 2.** Unscheduled absences during pre-determined and posted peak workload times for critical operations, as designated by the department director and approved by the Human Resources Director/Designee.
  - 3.** As expressly identified in the Work Improvement Plan.

Employees who are required to provide a Health Care Provider Note for unscheduled Sick Leave will be provided prior written notice that the employee is subject to this requirement. Failure to follow proper leave requesting procedures or provide the required Health Care Provider Note will result in unapproved Leave Without Pay (AWOL). It is within the department director's discretion to approve unscheduled leave.

### **V. EXCEPTIONS**

Due to continuous staffing needs and regulatory mandates of the City's public safety departments, the application and implementation of this Administrative Directive will be superseded by department Standard Operating Procedures and individual agency



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accreditation standards, subject to legal review. However, this exception does not permit the approval of any leave benefits that are not expressly authorized by the Tucson Code.

### VI. UNAPPROVED LEAVE

An employee who is absent without approval must:

- A. Be designated as Absent Without Leave (AWOL), and recorded as such for payroll purposes, and;
- B. Be subject to appropriate disciplinary action, up to and including discharge.

**Note:** Unapproved Leave does not include Leave Without Pay (LWOP). LWOP must be approved by the employee's department director/designee.

### VII. EFFECTS ON BENEFITS

- A. Employees on a Human Resources approved Medical Leave, Family Medical Leave or Military Leave, with or without pay, may continue existing insurance benefits, subject to the provisions of applicable contracts, administrative directives and benefits plans, unless such provisions are contrary to applicable laws.
- B. For the first 12 months of leave, the City will continue to pay the employer portion of the continued insurance premiums. The employee will be responsible for the payment of the employee's portion of the premium for themselves and their covered dependents. If an employee fails to make the required premium payment within 30 days of the due date, the employee's insurance coverage may be terminated.
- C. For any period exceeding 12 months, the employee may elect to continue existing medical, dental, vision, and in some cases health care FSA, through COBRA for up to 18 months, in accordance with COBRA laws, and by paying 102% of the premium.
- D. Employees may cancel insurance coverage for the remainder of the coverage period by providing advance written notification to the Human Resources Benefits Office.
- E. Once coverage is terminated, it may not be reinstated during the remainder of the Plan Year, except in accordance with COBRA and USERRA laws and the City's policy on open enrollment and mid-year changes.
- F. For all other Leaves of Absence (including personal) employees may elect to continue existing medical, dental, vision, and in some cases health care FSA, through COBRA for up to 18 months, in accordance with COBRA laws, and by paying 102% of the premium.



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- G.** Continuation of insurance not subject to COBRA laws (examples include, but are not limited to, life, disability and voluntary insurance benefits) will be available in accordance with provisions of applicable contracts, administrative directives and benefit plans, unless such provisions are contrary to applicable laws.
- H.** Employees returning from all other Leaves of Absence (including Personal) may resume active employee benefits the first day of the month following the date they return from leave, provided they make their elections within the first 30 days of returning from leave. Elections must be made in accordance with City benefit elections procedures, policy, and in accordance with provisions of applicable contracts, administrative directives and benefits plans, unless such provisions are contrary to applicable laws.
- I.** Employees on unpaid leave status for more than the equivalent of two consecutive pay periods are NOT eligible for Holiday Pay, allowances (other than Medical Opt-Out), premium pay, accrual of Sick Leave or Vacation Leave, or Compensatory Time, Floating/Birthday Holiday, or Personal Leave (beyond accruals provided in accordance with A.D. 2.01-7C, Family Medical Leave, and A.D. 2.01-7G Military Leave).



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**Appendices** None.

**Related ADs and other documents** (this list comprehensively relates to the entire AD leave series)

**EMPLOYEE LEAVES, RELATED DIRECTIVES AND MANUALS**

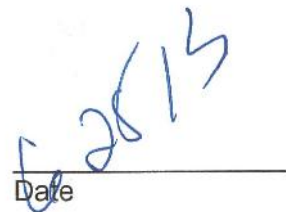
- Tucson City Code
- Civil Service Rules and Regulations
- 2.01-1 Compensation
- 2.01-2 Overtime
- 2.01-7A Vacation Leave
- 2.01-7B Sick Leave
- 2.01-7C Family and Medical Leave (FML)
- 2.01-7D Medical Leaves and Parental Leave
- 2.01-7E Donated Leave
- 2.01-7F Leaves Without Pay
- 2.01-7G Military Leave
- 2.01-7H Bereavement Leave
- 2.01-7M Other Leaves
- 2.02-22 Drug and Alcohol Use
- 2.05-2 Reasonable Accommodation of Disabled Applicants and Employees

**Review Responsibility and Frequency**

The Human Resources Director will review this directive as needed.

**Authorized**

  
 \_\_\_\_\_  
 City Manager

  
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 Date