



## ADMINISTRATIVE DIRECTIVE

<b>MEDICAL LEAVES AND PARENTAL LEAVE</b> (Paid and Unpaid)	NUMBER <b>2.01-7D</b>	PAGE <b>1 of 5</b>
	EFFECTIVE DATE <b>March 25, 2011</b>	

### I. PURPOSE

To address provisions applicable to all paid and unpaid Medical Leaves and Parental Leave granted to permanent and probationary employees for the illness of an employee or family member whether taken with paid leave or without pay.

### II. POLICY

A. Medical Leave necessitated by illness, injury, pregnancy, childbirth, or related medical conditions may be granted to permanent and probationary employees for a period of time as defined by the nature of the medical condition, not to exceed twelve (12) months in any 24-month period, unless the employee qualifies for Extended Medical Leave under Section VII of this Administrative Directive. This does not imply that employees are entitled to twelve (12) months of Medical Leave. Employees serving their initial probationary period shall earn a Medical Leave day for each day they have been employed. (Probationary employee's Parental Leave entitlement is addressed in Section VI.) This leave may be granted in increments not to exceed sixty (60) days, unless a lengthier period is approved at the beginning of the Medical Leave due to the nature of the serious health condition. Medical Leave (paid and/or unpaid) will run concurrently with Family and Medical Leave (FML), Industrial Leave, Parental Leave, Compensatory Time and Leave Without Pay. Medical Leave of more than five (5) consecutive workdays or forty (40) consecutive work hours, whichever is less, (56 consecutive work hours for commissioned Fire personnel), require a Certification of Health Care Provider which can be obtained by contacting the Human Resources Department.

B. Leave management for medically related issues will depend on individual circumstances. Department directors in consultation with the Human Resources Department will ensure that the circumstances surrounding the need for an employee to be on a Medical Leave are reviewed in 60 day increments, unless a lengthier leave period is approved at the beginning due to the nature of the serious health condition. The goal of this ongoing review is to ensure the City Administrative Directives are being followed and that the full continuum of leave benefits afforded to the City's workforce are being utilized in a timely manner.

#### C. Employee Options if Unable to Return to Work in Primary Job Assignment

When it is determined by a medical professional that an employee on Medical Leave is unable to return to work in his or her primary job assignment and there is no reasonable objective evidence that the employee will be able to return in the foreseeable future, the employee will be advised by the Human Resources Leave Administrator regarding his/her options under the Americans with Disabilities Act (ADA) and medical retirement (if applicable). Civil Service Rules and Regulations govern reassignment rights for any employee affected in this manner.



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**D. Expiration of Medical Leave**

In all events, when an employee on Medical Leave has not returned to his/her position and has not been reassigned to another City position at the end of the one-year Medical Leave (12 months (2080 hours) in any 24-month period), the department will dismiss the employee in accordance with the Civil Service Rules and Regulations, unless the employee qualifies for Extended Medical Leave under Section VII of this Administrative Directive in which case the employee's dismissal date will be at the expiration of the Extended Medical Leave as set forth in Section VII.

**III. MEDICAL LEAVES WITH PAY**

While on approved Medical Leave, employees must first use and exhaust all of their accrued leave including Sick Leave, Vacation Leave, Personal Leave, and Compensatory Time. When an employee has exhausted their accrued leave the employee is placed on Leave Without Pay (LWOP).

**IV. MEDICAL LEAVES WITHOUT PAY**

**A.** A leave of absence without pay for medical reasons requires Human Resources approval with the concurrence of the Department Director and will not be approved if the employee has any accrued paid leave available for use.

Employees on Medical Leave Without Pay that extends for 10 days or more will not accrue additional leave and all supplemental pays/allowances will be suspended:

- 1) Certification Pays;
- 2) Downtown Parking Allowance;
- 3) Executive Vehicle Allowance;
- 4) Second Language Pay;
- 5) Uniform Allowance.

**B.** Employees on Leave Without Pay for medical reasons may request donated leave by submitting a request to Human Resources. (See Donated Leave Administrative Directive 2.01-7E).

**V. RETURN FROM LEAVE – ALL MEDICAL LEAVES**

This section applies to all Medical leaves except Military Family Leave. For information on Military Family Leave, refer to the Military Leave Administrative Directive 2.01-7G.

**A.** A Health Care Provider Note is required prior to return to work following a leave of more than five (5) consecutive workdays or forty (40) consecutive work hours, whichever is less, (56 consecutive work hours for commissioned Fire personnel) for the employee's own serious health condition.



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1. An employee who has been off work for more than ten (10) consecutive workdays (80 consecutive work hours) for medical reasons, is required to provide a Medical Clearance Form prior to returning to work, indicating whether the employee is medically able to perform the essential job functions of the employee's position.
2. An employee who is off work more than thirty (30) consecutive calendar days due to an injury or illness (excluding uncomplicated maternity leave) will be required to be examined by a City Physician before the employee returns to work.
3. An employee who has sustained a non-industrial back or eye injury/condition and who has lost one full workday or more from work, or has been released by a health care provider for restricted or limited duty, will be required to be examined by a City Physician prior to returning to work.
4. An employee who has sustained an industrial injury and has filed a claim for workers' compensation benefits will be required to be examined and released by a designated City Physician. Return to work examinations are handled on a walk-in basis unless an examination has been specifically scheduled through Human Resources.

### **B. Reinstatement Rights after Approved Medical Leave Without Pay**

1. An employee returning from Medical Leave Without Pay shall be entitled to reinstatement in the position held at the time leave was granted.
2. A vacancy created by Medical Leave Without Pay shall be regarded as temporary and shall not be filled by a permanent appointment prior to the expiration date of the leave unless the employee on leave is transferred to another position.

## **VI. PARENTAL LEAVE**

The following Parental Leave provisions are applicable to both Family Medical Leave FML-eligible permanent employees and those who are not otherwise eligible for FML, including employees who are serving their initial probationary period. FML will run concurrently with Parental Leave.

- A. An employee is required to use accrued paid leave (Sick Leave, Vacation Leave, Personal Leave or Compensatory Time) whenever he/she is absent from work for parental purposes. The Department Director has discretion to approve an employee request to adjust hours or flex time worked within a workweek for medical appointments related to the Parental Leave. A leave of absence without pay will not be approved if the employee has accrued paid leave available for use.



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- B. Employees serving their initial probation who are ineligible for FML or permanent employees who have exhausted all or part of their twelve (12) weeks of FML prior to the birth or adoption of a child, may request up to twelve (12) additional weeks of leave to bond with the child, for adjustment and to arrange for child care.
- C. An employee who is pregnant must have used all accrued paid and donated leave before Long-Term Disability will become available. (See Employee and Retiree Insurance Handbook).
- D. **Leave for Problems or Complications Due to Pregnancy or Childbirth**
  - 1. Notwithstanding the provisions under FMLA, permanent and probationary employees may be granted additional Medical Leave Without Pay for periods not to exceed one year (2080 hours, inclusive of any FML taken) when an attending physician certifies that the employee is physically and/or emotionally unable to perform normal duties as a result of problems or complications due to pregnancy, childbirth, or related medical conditions.
  - 2. An employee may not return to work from Leave Without Pay due to any of these causes until the attending medical provider completes the Certification of Health Care Provider required certifying that the employee is physically and/or emotionally able to perform the essential function of his/her job, with or without reasonable accommodation.

**VII. EXTENDED MEDICAL LEAVE**

An employee on Medical Leave who has not returned to his or her position and has not been reassigned to another City position at the end of the one-year Medical Leave (2080 hours or 12 months in any 24-month period), may be granted an Extended Medical Leave by the City Manager, not to exceed an additional 12-months, upon the recommendation of the Human Resources Director under the following conditions:

- A. **Employee who has a petition for medical retirement pending with either TSRS or PSPRS** - An employee who has a petition for medical retirement pending with either TSRS or PSPRS (for commissioned Public Safety employees) when the employee's original Medical Leave (one year/12 months) has expired, will be granted Extended Medical Leave until a determination is made by the appropriate retirement board. Employee requests to postpone a scheduled hearing on the medical retirement petition will result in immediate expiration of the Extended Medical Leave. Denial of the application for medical retirement will result in immediate expiration of the Extended Medical Leave.
- B. **Employee with Medical Certification of Terminal Illness** - An employee who provides a Certification of Health Care Provider Form verifying that the employee has a terminal illness and is not expected to return to employment, will be granted up to 12-



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months of Extended Medical Leave beyond the expiration of the employee's original year (12 months) of Medical Leave.

- C. **Employees with Documentation of Hospice Eligibility** - An employee who provides documentation of hospice eligibility from a hospice service provider will be granted up to 12-months of Extended Medical Leave beyond the expiration of the employee's original year (12 months) of Medical Leave.
- D. **Re-Employment Rights** - Employees qualifying for Extended Medical Leave under Subsections A, B, or C above, are not expected to return to employment with the City. Therefore, the employee's former position may be filled on a permanent basis when the employee is granted Extended Medical Leave.

Reemployment rights are set forth in Civil Service Rules and Regulations. Employees seeking to return to employment following Extended Medical Leave must be medically released for return by both the employee's treating medical provider and the City Physician prior to being considered for a vacant position.

**Appendices**

Contact Human Resources  
Medical Leaves, Worker's  
Compensation and ADA  
Division

Certification of Health Care Provider Form.

**References**

(for a complete list of references for the entire AD Leaves series, please see AD 2.01-7)

- 2.01-7 Employee Leaves
- 2.01-7B Sick Leave
- 2.01-7C Family and Medical Leave
- 2.01-7E Donated Leave
- 2.05-2 Accommodation of Disabled Applicants and Employees
- Civil Services Rules and Regulations
- Employee and Retiree Insurance Handbook

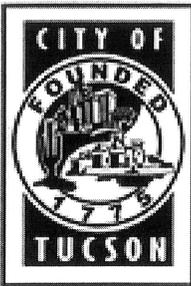
**Review Responsibility and Frequency**

The Director of Human Resources will review this directive annually, based on date of publication.

**Authorized**

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

  
\_\_\_\_\_  
Date



**CITY OF TUCSON**  
**MEDICAL CLEARANCE FORM**  
 Fitness for Duty Evaluation  
 This form is used when an employee is required to provide a medical clearance prior to returning to work pursuant to Administrative Directive 2.01-7.

**EMPLOYEE INFORMATION**

<b>EMPLOYEE INFORMATION</b>			
LAST NAME	FIRST NAME	M.I.	EMPLOYEE #

**TO BE COMPLETED BY PHYSICIAN**

**MEDICAL CLEARANCE REQUIRED BY:** \_\_\_ CITY PHYSICIAN \_\_\_ EMPLOYEE'S PHYSICIAN

PHYSICIAN'S NAME	PHYSICIAN'S PHONE NUMBER	PHYSICIAN'S FAX NUMBER

**Date of Medical Examination:** \_\_\_\_\_  
 mm/dd/yy

**MEDICAL CLEARANCE TO RETURN TO WORK**

Employee may return to work without restrictions:  Immediately  On date: \_\_\_\_\_

Employee may return to modified duty on \_\_\_\_\_ with the following restrictions  
 until \_\_\_\_\_ (date).

No driving  No equipment operation  Reduced hours \_\_\_\_\_ hrs/day  Other – Explain Below

Employee unable to work at this time. Expected return to work date is: \_\_\_\_\_

**OTHER: (Please explain)**

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**PHYSICIAN'S SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_