

**SANTA CRUZ COUNTY
PERSONNEL ADMINISTRATIVE MANUAL**

Topic: RETURN FROM LEAVES OF ABSENCE	Date Issued: July 18, 1994
Section: LEAVES OF ABSENCE	Date Revised: 2/24/98,
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PURPOSE:

To identify policies and procedures for return from paid and unpaid leaves of absence.

LEGAL BASIS:

- Civil Service Rule IV, Standards and Qualifications for Employment
- Civil Service Rule XI C, Return from Leave of Absence.
- Civil Service Rule XI D, Involuntary Leave of Absence Without Pay for Medical Reasons at Direction of Appointing Authority
- Personnel Regulations, Section 168.1, Leave of Absence Without Pay
- Personnel Regulations, Section 168.4, Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA) Leaves of Absence
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- Federal Family and Medical Leave Act of 1993, Final Rule, January 2009 (29 C.F.R. Part 825)
- California Fair Employment and Housing Act, California Government Code, Title 2, Division 3, Part 2.8 , Rev. 1/1/07
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- Moore-Brown-Roberti California Family Rights Act of 1993 (CA Government Code Sections 12945.2 and 19702.3)
- California Government Code Section 12945, Pregnancy Discrimination
- Americans with Disabilities Act of 1990, as amended
- Vocational Rehabilitation Act of 1973, Section 501, 503 & 504

CROSS REFERENCES:

Personnel Administrative Manual Sections:

XIII.1.B, Family Medical Leave Act (FMLA) and CA Family Rights Act (CFRA) Leaves of Absence
XIII.1.C, Pregnancy Disability Leaves of Absence
XIII.2.A, Other Medical Leaves of Absence
XIII.2.B, Personal/Educational Leaves of Absence
II.13.A, Reasonable Accommodation Guidelines and Procedures

V.1.B.3, Substitute Appointments

POLICY:

I. EARLY RETURN FROM LEAVE OF ABSENCE

Employees cannot return prior to the ending date of an approved leave of absence without the agreement of the employee's department head.

II. NOTICE OF INTENT TO RETURN FROM LEAVE

For paid or unpaid leaves of absence that are taken for personal/educational purposes, or to care for a family member with a serious health condition, or for the birth, adoption or foster placement of a child, the employee must notify the Appointing Authority in writing of his/her intent to return from leave, at least seven working days PRIOR to the ending day of the approved leave of absence. For leaves of absence for the employee's own medical condition, see section V, below regarding the medical certification required prior to return from leave.

III. FAILURE TO RETURN FROM LEAVE OF ABSENCE

An employee who fails to return upon the expiration of an approved leave of absence shall be regarded as having automatically resigned.

IV. CONFIDENTIALITY OF MEDICAL CERTIFICATION INFORMATION

All medical certifications for leaves of absence and return from leaves of absence are to remain confidential and only revealed to employees directly involved in returning the employee to work on a need-to-know basis.

V. CERTIFICATION FOR RETURN FROM MEDICAL LEAVE

To ensure the safety of employees, their co-workers and the public, an employee returning to work following any type of medical leave of absence is required to provide advance notice of his/her return, including certification from each health care provider which addresses whether or not the employee is capable of performing the essential functions of his/her position, and/or which identifies any work limitations. This certification is required even though the employee may then take another leave of absence (e.g., leave of absence without pay for personal reasons) immediately following the period of medical leave.

1. An employee returning from Other Medical Leave of Absence Without Pay, and/or an employee who takes a paid or unpaid Family Medical Leave Act (FMLA) and CA Family Rights Act (CFRA) Leaves of Absence (hereafter referred to as FMLA/CFRA) for his/her own serious health condition must present a current certification, on form PER1086 (PHYSICIAN'S

CERTIFICATION FOR RETURN FROM MEDICAL/DISABILITY LEAVE), from each of his/her health care providers, completed in full, that the employee is able to resume work. For leaves of absence, such medical certification must be received by the employee's department at least seven working days PRIOR to the ending date of the leave of absence. Employees will not be allowed to return from a medical leave of absence until the required medical certification on form PER1086 is received by the employee's department. Departments should NEVER permit an employee to return to work based on a note from a doctor or other health practitioner that simply releases the employee to return to work.

If an employee does not provide the required medical certification within the time limits specified, the department should contact the Leaves Coordinator in the Risk Division of the County Personnel Departments.

2. Upon receipt of the required medical certification forms (PER1086), if the health care provider(s) place limitations on duties or tasks to be performed, or there is a question concerning the condition of the employee to perform the assigned duties, the Department MUST contact the Leaves Coordinator in the Risk Division of the Personnel Department BEFORE allowing the employee to return to work. Risk Division staff will work with the Department to determine what reasonable accommodation is necessary or possible to allow the employee to work within his/her restrictions. (See PAM Section II.13.A of this Manual.) A Temporary Modified Duty Agreement (TMDA) may be necessary if the employee is returning with restrictions.

PROCEDURE:

For procedures for return from leaves of absence, see applicable PAM section (e.g., XIII.1.B, Family Medical Leave Act (FMLA) and CA Family Rights Act (CFRA) Leaves of Absence).