

## REQUEST FOR A LEAVE OF ABSENCE

- AUTHORITY:** Memorandum of Understanding  
Family Medical Leave Act of 1993  
California Family Rights Act
- RESCINDS:** Procedure Manual Item 1-3-001, dated **11/10/21**
- FORMS:** [County of Orange Leave of Absence Form](#)
- PURPOSE:** To provide guidelines for processing a request for a leave of absence.

### I. GENERAL INFORMATION

- A. It is the employee's responsibility to notify the Human Resource Services' (HRS) Return to Work (RTW) staff of the need for a leave of absence, an extension of an approved leave of absence, any change in their anticipated return to work date, and to provide appropriate documentation to support these requests as soon as possible.
- B. Requests for a leave of absence must be submitted thirty (30) days in advance or as soon as possible.
- C. Requests for an extension of the leave of absence must be submitted fourteen (14) days in advance or as soon as possible.
- D. **Supervisors should notify HRS-Return to Work when an employee is absent for four (4) consecutive calendar days or more for a personal injury or illness.**
- E. **Supervisors should notify HRS-Return to Work when an employee is admitted to the hospital for an injury or illness. Hospital admittance is when an employee is admitted to the hospital with the expectation that the person will stay overnight or occupy a bed, even if it later develops that such person can be discharged.**
- F. Employees are required to post any available balances during a leave of absence. **Employees are required to notify the Department at time of California Family Rights Act (CFRA) or Pregnancy Disability Leave (PDL) protected leave if they are receiving disability benefits during a leave of absence.**
- G. Merit, probation, and PIP evaluation due dates may be deferred **if an employee exhausts their leave balances, receives** catastrophic leave **donations or receives** workers compensation **benefits while on a** leave of absence.
- H. Employees will not accrue service hours during **any period they are on leave of absence and not posting their personal leave balances.**
- I. Types of Leaves
  - 1. Non – Discretionary

a. Medical Leave

- (1) A regular, limited term, or probationary employee shall be granted, upon request, a leave of absence without pay for a non-occupational disability provided the employee supplies the appropriate required documentation.
- (2) Based on qualification, Family Medical Leave Act (FMLA) and/or California Family Rights Act (CFRA) leave shall be granted up to twelve (12) weeks per calendar year for any of the following reasons:
  - (a) The employee requires leave to care for their own serious health condition. CFRA does not include pregnancy disability.
  - (b) The birth of a child or placement of a child for adoption or foster care.
  - (c) The employee is needed to attend to the serious health condition of their child, grandchild, grandparent, sibling, domestic partner, spouse, parent, individual standing in loco parentis, **or designated person**.
- (3) In addition, the employee must meet the following criteria to qualify for FMLA and/or CFRA:
  - (a) Have been employed by the County of Orange for at least twelve (12) months.
  - (b) Have worked a minimum of 1,250 hours in the twelve (12) months prior to the date of the leave request.

b. Military Leave – See PMI 1-3-004 (Military Leave of Absence)

c. Parenthood Leave

A regular, limited term or probationary employee shall be granted, upon request, a Parenthood Leave Without Pay **based on MOU guidelines** in connection with the birth or placement for legal adoption of a child provided the employee supplies the required documentation.

d. Pregnancy Disability Leave

- (1) California state law provides for a non-discretionary leave of absence for up to **693 hours**, as needed, for periods of time when an eligible employee is disabled by pregnancy.
- (2) The leave may be taken intermittently or on a reduced work schedule when medically advisable, as determined by the employee's health care provider.

2. Discretionary

- a. Personal leaves are taken for purposes extending beyond those covered under non-discretionary leaves.
- b. Discretionary leaves are granted at the discretion of Executive Management and evaluated based on current business needs.

II. PROCEDURE

- A. An employee may request a leave of absence by completing the County of Orange Leave of Absence Form and submitting it to HRS RTW staff with the appropriate required documentation.

The approximate beginning date, date of return and type of leave must be stated on the Leave of Absence form.

- B. If the employee is requesting a discretionary leave of absence, the immediate supervisor will **complete the discretionary leave worksheet** and forward all documents via the chain of command to the HRS RTW staff.
- C. The HRS RTW staff will prepare all required forms, and if necessary, obtain the appropriate Chief Deputy Probation Officer's approval (if leave request is discretionary).
- D. If the discretionary leave request is approved and/or non-discretionary leave request is granted, the HRS RTW staff will process the leave and inform the direct supervisor of the timeframe of the leave of absence and instructions regarding how to code the employee's timesheet during the absence.
- E. If the discretionary leave request is denied, the employee will be notified in writing. The employee has the right to file a written appeal with the Chief Human Resources Officer within fifteen (15) calendar days from the date of written notification. The decision of the Chief Human Resources Officer shall be final.

**REFERENCES:**

Procedures:	1-3-004	Military Leave of Absence
	1-3-302	Return to Work from Illness or Injury
Policy:	C-3	Leaves: Personal, Medical, Family, Military, Workers' Compensation, Witness, Bereavement, OCEA Business

J. Maguin

**APPROVED BY:**