

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
CALIFORNIA CORRECTIONAL HEALTH CARE SERVICES
Health Care Department Operations Manual

5.2.4 Administrative Time Off

(a) Policy

California Correctional Health Care Services (CCHCS) and Division of Health Care Services (DHCS), California Department of Corrections and Rehabilitation (CDCR) may only authorize Administrative Time Off (ATO) pursuant to the parameters outlined below, California Government Code (GC), California Labor Code, California Code of Regulations (CCR), California Department of Human Resources (CalHR) policy, and/or Bargaining Unit (BU) Memorandum of Understanding (MOU) provisions.

(b) Procedure

(1) Authority to Approve Administrative Time Off

All requests for placing an employee on ATO shall be approved for up to five working days through the Hiring Authority (HA) chain of command with concurrence from the respective CCHCS/DHCS program Director/designee or Regional Health Care Executive (RHCE) as outlined in [Approval Authority for Administrative Time Off \(ATO\)](#).

(A) After receiving approval from the respective Director/designee or RHCE, the requesting HA shall immediately notify the Health Care Employee Relations Officer (HCERO), Performance Management Unit, CCHCS. The HCERO shall assist with writing the [Notification of Administrative Time Off \(ATO\)](#).

(B) Once completed, with the assistance of the HCERO, the HA shall provide the Notification of ATO to the affected employee.

(2) Administrative Time Off Exceeding Five Working Days

The information below summarizes the process for the approval for ATO exceeding five working days, as outlined in the [Approval Authority for Administrative Time Off \(ATO\)](#):

(A) 6 – 30 Days of ATO

1. The HA shall contact his/her respective CCHCS/DHCS program Director/designee or RHCE prior to the employee's fifth working day on ATO to request to continue an employee on ATO beyond five working days.
2. For requests to continue an employee on ATO beyond ten working days, the HA shall contact his/her respective CCHCS/DHCS program Director/designee or RHCE prior to the employee's tenth working day on ATO.
3. If it is determined that an employee should be continued on ATO beyond 15 working days, the HA shall contact his/her respective CCHCS/DHCS program Director/designee or RHCE prior to the employee's 15th working day on ATO.
4. If it is determined that an employee should be continued on ATO beyond 30 calendar days, the respective CCHCS/DHCS program Director/designee or RHCE shall notify the Receiver/designee prior to the employee's 25th working day on ATO.
5. The HA must notify the HCERO of the approval or denial of an employee's continued ATO use.

(B) 31 Days or More of ATO

A justification from the HA establishing good cause for maintaining an employee on ATO in excess of 30 calendar days, shall be provided to the HCERO for submission to CalHR.

1. CalHR Extension Request Process

Requests to extend ATO for longer than 30 calendar days must be submitted, in writing, to CalHR, Personnel Services Branch, Labor Relations Division, via the CCHCS HCERO at least five working days prior to the expiration of the ATO. The HCERO is responsible for seeking approval in advance from CalHR in 30 calendar day increments. The [Request for Approval – Administrative Time Off Extension](#) memorandum must be labeled "Confidential". The following information must be included in the ATO extension request:

a. Employee Information:

- 1) Employee name.
- 2) Collective bargaining identifier.
- 3) Classification and job/working title.
- 4) Peace Officer (Yes or No).
- 5) Initial date ATO commenced.
- 6) Length of extension, if less than 30 calendar days is requested.

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- b. Reason ATO is needed:
 - 1) Explain why ATO is the best alternative under the circumstances.
 - 2) Explain why the employee cannot return to work.
 - 3) A temporary reassignment was considered instead of ATO.
 - 4) If a temporary assignment is rejected, state the reason why.
 - 5) The employee cannot perform any work remotely while on ATO.
- c. Projected Date for Termination of ATO:
 - 1) Date the investigation or a Fitness for Duty Evaluation is expected to conclude.
 - 2) If the original deadline needs to be extended, explain why.
- d. HA or Designee Contact Information:
 - 1) Name.
 - 2) Email.
 - 3) Phone number.
- e. The extension request must be signed by the HA.
NOTE: *If an investigation is underway, the HA does not need to describe specifics about the investigation, but should explain the potential harm that might arise from returning the employee to work (e.g., "Investigating allegations of child molestation; employee's job duties include the supervision of children," or "Investigating allegations of theft; employee's job duties involve unlimited access to funds and no ability to secure the funds.").*

2. CalHR Extension Decision

CalHR will notify the HCERO regarding approval or denial of the ATO extension request.

- a. If the request is approved, CalHR will specify the expiration date.

NOTE: *Approvals are typically for only 30 calendar days.*

- b. If the request is denied:

- 1) CalHR will explain the reason for the denial.
- 2) CalHR will work with the HCERO to determine if reconsideration of the ATO extension request is merited, or the employee must return to work.

NOTE: *If CalHR denies the ATO extension request, the employee must return to work.*

(3) Consultation with the Office of Internal Affairs Prior to Administrative Time Off due to Misconduct

- (A) Prior to granting ATO due to suspected misconduct, the Office of Internal Affairs (OIA) Central Intake Unit (CIU) must be consulted.
- (B) When a HA determines that ATO may be necessary, the HA shall consult with one of the following CDCR staff prior to placing the employee on ATO:
 - 1. OIA Special Agent In-Charge
 - 2. OIA CIU Chief
- (C) The purpose of the consultation is to ensure that no investigative protocol is compromised and for CIU to consider the case for expedited processing.
- (D) If an employee is placed on ATO after a case has been referred to OIA, immediately notify OIA of the action.
- (E) Referrals to OIA shall be made via the CDCR 989, Confidential Request for Internal Affairs Investigation/Notification of Direct Adverse Action. The HA shall request a blank copy of the CDCR 989 from the OIA.

NOTE: *For priority processing, the CDCR 989 may be faxed to CIU, with a copy of the Notification of ATO memorandum.*

(4) Criminal Conduct

ATO may be approved when a CCHCS/DHCS employee:

- (A) Has been charged with a felony.
- (B) Is suspected of committing any serious violation of the CCR.

(5) Misconduct

ATO may be approved when a CCHCS/DHCS employee:

- (A) Is suspected of smuggling contraband.
- (B) Has demonstrated unacceptable familiarity with inmates.
- (C) Has seriously jeopardized the security of the institution.

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(D) Has been served with a Notice of Adverse Action in which the penalty is dismissal or has been served a Notice of Rejection During Probation.

NOTE: *ATO arising from dismissal or rejection during probation shall conclude on the effective date of the Notice of Adverse Action or Notice of Rejection During Probation.*

(6) Injury or Illness

ATO related to injury or illness:

(A) Shall be approved for time lost on the date of a work-related injury or illness, even if the claim has not been approved for Worker's Compensation benefits.

(B) May be approved where an employee has a medical condition(s) and the Disability Management Unit has determined that a Fitness for Duty Evaluation is required.

(7) Medical-Legal Evaluation

While a Worker's Compensation claim is pending, an employee may be asked to attend a Medical-Legal Evaluation with an Independent Medical Evaluator (e.g., Qualified Medical Evaluator or Agreed Medical Evaluator) pursuant to California Labor Code, Sections 4060, 4061, or 4062. The employee shall be placed on ATO for any time lost from work as a result of attending a Medical-Legal Evaluation.

NOTE: *If an employee is currently absent from work and is receiving Worker's Compensation temporary disability benefits or checks from the State Compensation Insurance Fund, the employee will not be placed on ATO.*

(8) State Personnel Board Hearing

An employee shall be granted ATO to attend a meeting of the Department or State Personnel Board concerning a matter specifically affecting the employee's position/classification in which the employee has requested to be heard. Refer to the applicable BU MOU for details.

(9) Governor-proclaimed State of Emergency

ATO may be granted for up to five working days during a state of emergency pursuant to the following criteria set forth in CCR, Section 599.785.5:

(A) The employee works or resides in a county where a state of emergency has been proclaimed by the Governor and the HA determines at least one of the following conditions exists:

1. The employee's normal place of business is closed temporarily during the employee's normal work shift due to the effects of the emergency.
2. The emergency effectively precludes the employee's ability to find reasonable routes of transportation from the employee's normal residence to the work place.
3. The emergency presents an immediate and grave peril to the employee's own safety, that of an employee's immediate family member, or the employee's principal residence.
4. The employee is actively involved in a formal, organized effort to protect the health and safety of the general public, such as where the employee is a member of the auxiliary fire or police department, or the employee is asked by local authorities to assist with sandbagging efforts.
5. The employee needs to take time off to apply for disaster assistance from the Federal Emergency Management Agency, because the employee is unable to apply for assistance before or after the employee's normal work shift.

(B) The employee is preregistered with and providing volunteer service to a state agency carrying out its responsibilities under the Governor's Executive Order D-25-83.

1. The employee is required to notify the HA of the employee's affiliation with the volunteer services and establish prior arrangements regarding notification of the HA in the event the employee is asked to participate in the State disaster response.
2. The HA shall release the employee to provide volunteer service when an emergency occurs, unless there is a critical departmental operating reason that prevents such a release.

(C) Paid ATO shall not exceed five working days without prior approval; CalHR shall grant approval of paid ATO in excess of five working days if it finds that one of the aforementioned criteria continues to be met.

NOTE: *Employees called into service as specified in GC, Section 19844.5 (refer to Section (b)(10) below), are excluded from the aforementioned standards.*

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(10) California Emergency Management Agency Service

Pursuant to GC, Section 19844.5, an employee called into service by California Emergency Management Agency (CalEMA) to engage in a search and rescue operation, disaster mission, or other life-saving mission conducted within the State is entitled to ATO.

(A) Only volunteers participating in the following organizations qualify:

1. California Explorer Search and Rescue Team
2. Drowning Accident Rescue Team
3. Wilderness Organization of Finders (also known as “WOOF” or Wilderness Finders Search Dog Teams)
4. California Rescue Dog Association
5. California Wing of the Civil Air Patrol

(B) The employee shall be released to engage in the aforementioned activities at the Department’s discretion. However, leave shall not be unreasonably denied.

(C) The period of duty shall not exceed ten calendar days per fiscal year, including the time involved in going to and returning from the duty.

(D) A single mission shall not exceed three working days, unless an extension of time is granted by CalEMA and the Department.

(E) If the employee receives a request to serve:

1. During normal working hours – The employee contacts the immediate supervisor regarding release.
2. Outside normal working hours – The employee contacts the immediate supervisor or designee regarding release.

NOTE: *An employee serving in the aforementioned capacity shall receive ATO for the time taken. However, the employee shall not receive overtime compensation while on ATO. Furthermore, the Department is not liable for disability or death benefit payments in the event the employee is injured or killed in the course of CalEMA service. However, the employee remains entitled to any benefits currently provided by the employee’s agency.*

(11) Participation in State Civil Service Examinations

(A) Upon notice to the employee’s immediate supervisor, employees shall be approved to participate in any State civil service examination conducted during the employee’s work hours, including employment interviews for positions within State service, in which the employee could be hired from an eligible list as part of the examination process.

(B) Impacted employees in layoff status shall be granted reasonable time to attend State-sponsored job interviews, job fairs, and apply for open positions in agencies as noted in the relevant BU MOU. Such requests shall not be unreasonably denied.

NOTE: *The employee may be required to provide substantiation for the request. Refer to the applicable BU MOU for details.*

(12) Organ or Bone Marrow Donation

An employee who has exhausted all available sick leave shall be granted the following leave(s) with pay:

- (A) An absence not exceeding 30 working days in any one-year period to any employee who is an organ donor.
- (B) An absence not exceeding five working days in any one-year period to any employee who is a bone marrow donor.

(13) Blood and Blood Product Donation

Based on an applicable BU MOU and State policy, ATO may be approved for blood, plasma, platelets, and other blood product donations to a certified donation center.

(14) Court Appearances

Based on an applicable BU MOU and State policy, ATO may be approved for court appearances and/or subpoenas, which compel the employee’s presence as a witness, and the employee is not a party to the legal action or an expert witness.

(15) Precinct Board Member Service on Election Day

(A) An employee appointed as a member of a precinct board who takes time off to serve as a member of that precinct board on Election Day shall receive payment of his/her regular wages or salary for that day. The time off shall be recorded as ATO for time keeping purposes.

(B) Employees are entitled to retain any compensation they receive for service as a precinct board member.

(C) Eligibility is subject to approval by the employee’s supervisor.

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(D) Any officer, deputy, or employee selected or appointed by an elected State Officer is excluded from the provisions of GC, Section 19844.7.

(16) Restricted Access while on Disciplinary Administrative Time Off

(A) When an employee is on ATO after being served with a Notice of Adverse Action, a Rejection During Probation, or while under investigation, the HA shall restrict the employee's access to work-related facilities and/or electronic or computer systems as necessary.

(B) During the leave period, the employee is relieved of all duties, rights, and powers arising out of CCHCS/DHCS employment.

(C) While on ATO, the employee shall be available by telephone during normal business hours (8:00 a.m. to 5:00 p.m.). The employee shall be accessible during normal business hours and must be able to report to his/her regular work location as directed.

(17) The employee shall request approval from the designated supervisor to attend medical appointments or utilize leave credits during ATO and shall be charged and reflect the appropriate leave credits on the CDCR 998-A, Employee's Record of Attendance. Upon receiving a request from an employee on ATO to use leave credits, the HCERO shall consult with the HA to obtain approval or disapproval.

(18) Returning From Administrative Time Off

Employees are required to return to work at the end of their ATO expiration/termination date. Any employee who is absent without leave (commonly known as AWOL) after receiving notice to return to work shall be separated pursuant to GC, Section 19996.2, which provides that absences, whether voluntary or involuntary, for five consecutive working days shall constitute automatic resignation from State service.

References

- California Government Code, Title 2, Division 5, Part 2, Chapter 1, Article 2, Section 18524
- California Government Code, Title 2, Division 5, Part 2, Chapter 7, Article 1, Sections 19572 and 19574.5
- California Government Code, Title 2, Division 5, Part 2, Chapter 7, Article 2, Section 19592.2
- California Government Code, Title 2, Division 5, Part 2.6, Chapter 2, Article 4, Sections 19844.5 and 19844.7
- California Government Code, Title 2, Division 5, Part 2.6, Chapter 2.5, Article 11, Sections 19991, 19991.10, and 19991.11
- California Labor Code, Division 4, Part 1, Article 2, Sections 4060-4062
- California Labor Code, Division 4, Part 2, Article 2, Section 4600(e)(1)
- California Code of Regulations, Title 2, Division 1, Chapter 3, Subchapter 1, Section 599.785.5
- California Department of Human Resources, Personnel Management Liaison 2004-026, 2005-012, 2007-026, 2012-008, 2012-015, and 2014-025
- California Department of Corrections and Rehabilitation, Department Operations Manual, Sections 33030.27 – 33030.27.5
- California Department of Corrections and Rehabilitation, "Consultation With the Office of Internal Affairs Prior to Administrative Time Off or Redirection of Staff" Memorandum, November 10, 2011

Revision History

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