

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

5.2.6 Leave of Absence

(a) Policy

California Correctional Health Care Services (CCHCS) and Division of Health Care Services (DHCS), California Department of Corrections and Rehabilitation (CDCR) shall comply with California Government Code (GC), Sections 19991.1 through 19991.13, State rules and regulations, and Bargaining Unit (BU) Memorandum of Understanding (MOU) provisions regarding leave of absences (LOA) for health care employees.

(b) Purpose

To provide resources and procedures to ensure consistent application of the GC, State rules and regulations, and MOUs relating to LOAs.

(c) Eligibility

- (1) Eligibility criteria can differ depending on the type of leave being requested, applicable GC or California Code of Regulations (CCR) Sections, State rules and regulations, and BU MOUs. Statutes occasionally have different eligibility requirements and provide different levels of leave benefits for the same type of leave. Human Resources (HR) may be contacted for assistance with eligibility verification information.
- (2) For assistance with eligibility verification information, headquarters (HQ)/regional office health care employees should contact their Senior Personnel/Personnel Specialist (hereafter referred to as Personnel Specialist [PS]), and institution health care staff should contact the Regional Human Resources Field Liaison (RHRFL) at their institution.
- (3) When determining a rank and file employee's eligibility for any LOA, the BU's MOU shall be followed. If the MOUs do not provide a provision for LOA, then the GC and CCR shall apply. If the MOU is in conflict with the GC and CCR, the provisions of the MOU shall be followed for rank and file employees.
- (4) Excluded employees (managers, supervisors, and confidential designations) are governed by GC and California Department of Human Resources policies. MOU provisions cannot be applied to excluded employees.
- (5) The following criteria must be considered when determining employee eligibility:
 - (A) Tenure (e.g., permanent, limited term, temporary).
 - (B) Employee Designation (rank and file, managerial/supervisory, confidential).
 - (C) BU provisions (rank and file employees).
 - (D) Length of State service.

(d) Ineligibility

Pursuant to CCR, Title 2, Section 599.781 and respective MOUs, an LOA is prohibited for any employee who:

- (1) Is accepting another position in State service.
- (2) Is leaving State service to enter other employment, except as permitted in the GC.
- (3) Does not intend to, nor can reasonably be expected to, return to State service on or before the expiration of the leave.

(e) Formal Discretionary LOA

- (1) A discretionary LOA may be granted upon the employee's request, eligibility verification, and appropriate approval by the program Deputy Director, Regional Health Care Executive (RHCE), Chief Executive Officer (CEO), or authorized designee, hereafter referred to as Hiring Authority (HA). Employees shall provide written substantiation to support the request for a discretionary LOA. Requests for an LOA shall not be unreasonably denied. A discretionary LOA may be granted by the HA for the following reasons:
 - (A) Adoption or parental leave (up to one year).
 - (B) To attend to personal or family matters.
 - (C) Civilian volunteer during a military emergency.
 - (D) Education.
 - (E) Employee is loaned to another governmental agency (for performance of a specific assignment), non-profit organization, or a recognized college/university upon the request of CCHCS, DHCS, CDCR, or the receiving entity.
 - (F) Medical reasons.
 - (G) To run for public office.
 - (H) To seek or accept other employment during a layoff situation or otherwise lessen the impact of an impending layoff.
 - (I) Union leave.

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(J) Other acceptable reasons.

(2) Employees who have exhausted paid leave may be eligible for a discretionary unpaid LOA for a period not to exceed one year.

(f) Formal Mandatory LOA

(1) A mandatory LOA shall be granted upon the employee's request, eligibility verification, and appropriate approval by the HA for the following reasons:

(A) Adoption (up to 12 weeks).

(B) To attend training or education covered under Veteran's benefits.

(C) Bone marrow donor (limited to five days in any one-year period for this purpose).

(D) Pregnancy, childbirth, and recovery (up to four months).

(E) To care for a newborn child (up to 12 weeks).

(F) Military leave.

(G) Organ donor (if the donor employee has exhausted all sick leave; this leave is limited to 30 days in any one-year period for this purpose).

(H) While receiving permanent disability payments and obtaining re-training services after a work related injury.

(2) All of the above provide a lesser amount of time off than GC, Section 19991.1 permits, and to the extent permitted by law, shall run concurrently with the discretionary one-year unpaid LOA permitted under GC, Section 19991.1.

(g) Hiring Behind an Employee on LOA

(1) If a manager/supervisor requests to fill behind an employee on an LOA, the position must be filled on a limited-term basis. The Classification and Pay (C&P) Analyst/RHRFL shall work with the manager/supervisor to fill the position.

(2) In instances where the LOA is for a short duration (i.e., 60 days or less), the department head or designee may consider utilizing an Out-of-Class (OOC) assignment.

(h) Employee Responsibilities

(1) It is the employee's responsibility to submit a [Request for Leave of Absence](#) form to the respective manager/supervisor within a reasonable amount of time before the effective date of the LOA, when practical.

(2) The request must contain the following information:

(A) Beginning and end dates of the LOA, not to exceed one year (any change to the length of the LOA must be approved by the program Deputy Director, RHCE, CEO, or authorized designee).

(B) The specific reason for the LOA (e.g., medical or parental).

(C) Pertinent documentation supporting the LOA request.

(i) Manager/Supervisor Responsibilities

(1) When an employee requests an LOA, the manager/supervisor shall:

(A) Verify the employee's eligibility.

1. For HQ/Regional Office staff, contact the PS.

2. For institution staff, contact the RHRFL.

(B) Provide a recommendation for approval or denial of the LOA.

(C) Forward the request package through the chain of command to the program Deputy Director, RHCE, CEO, or authorized designee.

(D) Notify the employee in writing when the LOA has been approved or denied.

(E) Notify assigned C&P Analyst:

1. That the employee has been granted an LOA, and provide the commencement/return dates so that the program's organizational chart may be updated.

2. If the program will be hiring behind the employee while on LOA.

(2) Sixty days prior to the expiration date of the LOA, the manager/supervisor shall:

(A) Contact the employee to verify the return date and obtain any necessary documentation (e.g., licensing, credentials, tuberculosis test clearance, and medical release).

(B) Coordinate any training needs upon the employee's return.

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(j) PS/Regional C&P Analyst/RHRFL Responsibilities

(1) At HQ/Regional Offices:

The PS shall work with the employee, manager/supervisor, HR Transactions Manager, and/or designee, to assist in obtaining information and documents for the LOA. The PS shall address HQ employee's concerns, and the Regional C&P Analyst shall address Regional Office employee's concerns.

(2) At Institutions:

The RHRFL shall act as the liaison for the employee, manager/supervisor, Institution Personnel Officer (IPO), and/or designee to assist in obtaining information and documents for the LOA. The RHRFL shall work with the IPO and/or designee to address the employee's concerns.

(k) HQ and Regional C&P Analyst/RHRFL Responsibilities

Upon an employee's return from LOA, the HQ or Regional C&P Analyst, or RHRFL shall generate a *Request for Personnel Action* (RPA) to return the employee to a funded position.

(l) Extensions

(1) Pursuant to GC, Section 19991.1, any extension of an LOA may be granted by the HA or designee. Extensions beyond the original LOA may be requested by the employee using the [Request for Leave of Absence form](#) with additional substantiating documentation.

(2) Consistent with the aforementioned provisions, requests for LOA extensions which exceed the one year limitation may only be considered with sufficient written substantiation and must be approved as follows:

(A) For HQ Employees: By the program Deputy Director, after receiving a recommendation from the HR Transactions Manager and Disability Management Unit (DMU) if applicable.

(B) For Regional Office Employees: By the program Manager/RHCE, after receiving a recommendation from the Regional Personnel Administrator and DMU if applicable.

(C) For Institution Employees: By the CEO, after receiving a recommendation from the Regional Personnel Administrator and DMU if applicable.

NOTE: *In all cases, an extension must be requested 30 days prior to the expiration of the original LOA.*

(m) LOA Denial

Per GC, Section 19991.1, discretionary LOAs are permissive and not an absolute right. However, many MOUs state LOAs shall not be unreasonably denied. The specific MOU that applies in any given situation shall be consulted when an employee requests an LOA.

(n) Termination of an LOA

Pursuant to MOUs and CCR, Title 2, Section 599.782, an LOA may be terminated:

(1) Upon the expiration of the approved LOA.

(2) By the Department, prior to the expiration date, with written notice (see applicable MOU to determine the required notification).

(3) By the employee, prior to the expiration date with the approval of the HA or designee.

(o) LOA Request Process

The procedure for processing a request for an LOA and the responsibilities of all individuals/units involved are as follows:

(1) Employee

(A) Contact assigned PS at HQ, Regional C&P Analyst at Regional Offices, or RHRFL at institutions to review alternatives to LOA, impact to State service and pay, and continued health premium payments prior to requesting an LOA.

(B) Consult with the PS at HQ, PS at Regional Offices, or RHRFL at institutions regarding any necessary attendance records and paycheck release arrangements while on an LOA.

(C) Complete and submit a Request for Leave of Absence form along with any supporting documentation to respective manager/supervisor. The request must include the beginning and ending dates of the LOA (for a period not to exceed one year).

(D) If approved, consult with the PS at HQ, PS at Regional Offices, or RHRFL at institutions regarding any necessary attendance records and paycheck release arrangements while on an LOA.

(E) Contact immediate manager/supervisor 30 days prior to expiration of an LOA regarding return date.

(F) Contact Benefits Unit at HQ, the PS at Regional Offices, or the RHRFL at institutions 30 days prior to expiration of LOA to discuss reinstatement of benefits (if applicable).

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- (G) If an extension is needed, contact manager/supervisor 30-days prior to the end of an LOA, and complete and submit a new [Request for Leave of Absence form](#) with supporting documentation.
- (2) Manager/Supervisor
- (A) Review applicable MOU to ensure compliance with eligibility and limitations.
- (B) Consult with appropriate personnel representative regarding LOA eligibility questions:
1. HQ/Regional Offices: Contact the Transactions Manager/Regional C&P Analyst.
 2. Institutions: Contact the RHRFL
- (C) Consult with appropriate personnel representative to discuss coverage options and/or initiate recruitment behind the employee:
1. HQ/Regional Offices: Contact the C&P Analyst/Regional C&P Analyst.
 2. Institutions: Contact the RHRFL
- (D) Submit for processing the LOA request:
1. HQ: Forward the request package to the PS for personnel and payroll processing and forward a copy to the HR Transactions Manager for tracking purposes. Forward the LOA request package, along with a recommendation to approve/deny, through the chain of command to the program Deputy Director/CEO, or designee.
 2. Regional Offices: Forward the request to the Regional C&P Analyst who will retain a copy and prepare a recommendation to approve/deny, and route through the chain of command to the program Deputy Director/RHCE, or designee for approval.
 3. Institutions: Forward the request to the RHRFL who shall retain a copy and prepare a recommendation to approve/deny, and route through the chain of command to the CEO, or designee for approval.
- (3) Program Deputy Director/RHCE, CEO, or Designee
- (A) Approve/deny the recommendation and document decision on the [Request for Leave of Absence form](#).
- (B) For HQ, the program Deputy Director shall consult with HR Transactions Manager or designee to assist with the decision process.
- (C) For Regional Offices, the program Deputy Director/RHCE shall consult with the Regional Personnel Administrator to assist with the decision process.
- (D) For institutions, the CEO shall consult with the Regional Personnel Administrator to assist with the decision process.
- (E) Once approved/denied, return request package to the employee's manager/supervisor.
- (4) Manager/Supervisor
- (A) Notify and provide the employee a copy of the [Request for Leave of Absence form](#) with the documented decision. If approved:
1. HQ: Forward the request package to the PS for personnel and payroll transaction processing, and notify the Benefit Services.
 2. Regional Offices: Forward the request package to the Regional C&P Analyst, who shall retain a copy and forward to the PS for personnel and payroll transaction and benefit processing.
 3. Institutions: Forward the request to the RHRFL who shall retain a copy and forward the original to the IPO or designee for processing.
- (B) If denied, the manager/supervisor must provide a written response to the employee and retain a copy in the employee's supervisory file and forward a copy as follows:
1. HQ: Forward a copy to the PS.
 2. Regional Offices: Forward a copy to the Regional C&P Analyst.
 3. Institutions: Forward a copy to the RHRFL.
- (5) RHRFL
- Once the RHRFL receives the final LOA approval, the RHRFL shall:
- (A) Forward request to the IPO or designee for processing.
- (B) Email the Position Control Analyst to flag the employee's position number and indicate "LOA" (include length of time, if known) on the position master roster.
- (C) Forward a copy of the LOA to the Regional C&P Analyst and Regional HR Manager.
- (D) Notify appropriate DMU representative of the approved LOA when related to pregnancy or for medical issues.

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- (E) Ensure all Master Position, Vacancy, and Recruitment reports are updated to reflect the approved LOA information.
- (6) HQ C&P Analyst
- (A) Consult with the employee's manager/ supervisor to ensure adequate coverage while the employee is on an LOA. If coverage is needed, the types of coverage may be contingent upon the length of the LOA.
- (B) Prepare appropriate documentation [e.g., OOC, Receiver's Freeze Exemption Request (RFER), and RPA].
- (C) Prior to the employee's return, the C&P Analyst will generate the RPA to return the employee to their position number, if necessary.
- (7) Regional C&P Analyst
- (A) Email the Position Control Analyst to flag the employee's position number and indicate "LOA" (include length of time, if known) on the position master roster.
- (B) Forward a copy of the LOA to the PS and HR Transactions Manager for processing.
- (C) Notify appropriate DMU representative of the approved LOA when related to pregnancy or for medical issues.
- (D) Ensure all Master Position, Vacancy, and Recruitment reports are updated to reflect the approved LOA information and initiate recruitment efforts.
- (E) Consult with the employee's manager/ supervisor to ensure adequate coverage while the employee is on an LOA. If coverage is needed, the types of coverage may be contingent upon the length of the LOA.
- (F) Prepare appropriate documentation (e.g., OOC, RFER, and RPA) and initiate recruitment efforts.
- (G) Prior to the employee's return, generate the RPA to return the employee to their position number, if necessary.
- (8) PS
- (A) Review applicable MOU or other laws and regulations to ensure compliance with eligibility and limitations.
- (B) Complete the appropriate transaction to update employee's employment history to reflect the LOA.
- (C) Email the Position Control/C&P Analyst and personnel liaisons when applicable, to inform of the employee's effective date of LOA to update reports, documents, or data systems in accordance with local office procedures.
- (D) Inform the Benefit Services Analyst to notify employee of the options to continue medical/dental benefits, if necessary.
- NOTE:** *In Regional offices, the PS notifies the employee of the option to continue medical/dental benefits, if necessary.*
- (E) Create a standardized memorandum reminding manager/supervisor 60 days prior to expiration date.
- (F) Create a standardized memorandum reminding HQ C&P Analyst/RHRFL 30 days prior to expiration date.
- (G) Upon the employee's return, process the appropriate documentation to update employment history to return the employee to active status.
- (9) HQ Benefits Analyst/ Regional Office PS/Institution PS
- (A) Provide employee on unpaid LOA with Direct Payment Authorization (PERS-HBD-21) form for health care premium information.
- (B) Provide Family Medical Leave Act (FMLA)/California Family Rights Act health care coverage information when leave is related to FMLA qualifying events.
- (10) Selection Services Analyst
- (A) Employees returning from Military Leave are afforded certain rights to retain placement on employment eligibility lists.
- (B) The Selection Services Analyst is responsible for providing those services detailed in the Military Leave Handbook.

References

- Code of Federal Regulations, Title 29, Subtitle B, Chapter V, Subchapter C, Part 825, Subpart A, Section 825.100, Family Medical Leave Act
- California Government Code, Sections 12945.2, 18522, 19143, 19253.5, 19585, 19858.3 – 19858.7, 19878 – 19885, 19889.3, 19991.1 19991.13
- California Code of Regulations, Title 2, Sections 599.752 – 599.753, 599.776, 599.781 – 599.782, and 599.785
- California Unemployment Insurance Code, Sections 2781 – 2783

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- Military Leave Handbook
<http://www.calhr.ca.gov/employees/Pages/military-leave.aspx>
- Memorandums of Understanding

Revision History

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