



# Administrative Regulations

Number AR8-19  
Issue 1

**Subject: Temporary Disability Leave.**

## I. POLICY STATEMENT

An employee shall be permitted a temporary leave of absence for a medically verifiable temporary disability. A disability is any illness or nonindustrial injury, either physical or mental, including pregnancy, childbirth, or related medical condition which prevents an employee from performing their regular or customary work.

## II. REFERENCES

Absence shall be in accordance with the following:

- 2.1 Personnel Ordinance Sections 2.01, 2.02, 2.03, 2.04, 2.05, and 2.06 relative to sick leave privileges.
- 2.2 Personnel Ordinance Section 1.20 Leave of Absence
- 2.3 Payroll/Personnel Procedures Manual sections on Departmental Leave and Appointing Authority Leave.
- 2.4 1986-89 Memorandum of Understanding between the City and City Employees' Association. Article Three, Section II - Sick Leave.

## III. PROCEDURES

3.1 It is the employee's responsibility to immediately notify their supervisor once they become aware of the need for a disability leave. At such time, an employee may submit a request for use of sick leave benefits, Departmental Leave, Appointing Authority Leave, and/or accrued vacation/holiday time in accordance with established guidelines.

### 3.2 SICK LEAVE

In order to receive sick leave for temporary disability in excess of five (5) working days, an employee must submit a "Certificate of Medical Disability" form completed and signed by their physician and a "Release of Medical Information" form completed and signed by the employee. Payment of sick leave will be determined by the dates indicated by the physician. A "Verification of Illness or Incapacity" may be requested for less than five days, depending on the circumstances.

Disability is presumed to begin on the date stated on the disability form and conclude on the date indicated by the physician on a "Return to Work from Medical Disability" form. In the event of any conflict in medical opinion, the City Health Officer may order a physical examination by other qualified doctors. After a review of all medical records, facts and opinions, the City Health Officer's decision will be relied upon by the City of Long Beach with respect to dates of active employment and the receipt of any compensation or benefits.

Nothing in Section 3.2 concerning the finality of medical opinion will supercede conflicting provisions in existing MOUs between the City and the various employee organizations.

Prior to being placed on a leave of absence, a CEA-represented employee is permitted to retain up to 40 hours of accrued sick leave/vacation/ holiday. Previously scheduled vacation time may also be retained. When an employee is absent from work and in a paid status, sick leave, vacation, personal holiday, etc.) the City's contribution toward health insurance premiums will continue to be paid.

### 3.3 DEPARTMENTAL LEAVE OF ABSENCE

An unpaid "Departmental Leave of Absence" may be granted by a department head for a leave of absence that exceeds three working days but is thirty (30) calendar days or less. A departmental leave may be granted for reasons other than health such as travel, education, or childcare. In such instances, a department head will determine the documentation required.

### 3.4 APPOINTING AUTHORITY LEAVE OF ABSENCE

The time required for a temporary disability leave may exceed the period covered by accrued sick leave and/or departmental leave of absence. In such instances, an employee must request an unpaid "Appointing Authority Leave of Absence" which may be granted for a period not to exceed one year. A completed "Certificate of Medical Disability" and a "Release of Medical Information" form must be submitted when requesting an appointing authority leave. Before returning to work from leave, an employee is required to submit a "Return to Work from Medical Disability" form.

An employee's insurance premium(s) will not be paid by the City in the following instances:

A. The employee receives no paid time during the pay period preceding the second paycheck of the month.

B. The employee is enrolled in an insurance plan requiring they pay a portion of the premium and their second paycheck is insufficient to cover the employee's portion.

If an employee wishes to continue insurance coverage, the employee is responsible for payment of the total premiums (health/dental/ life). The departmental Payroll/Personnel Assistant will provide the forms and information on the procedures to be followed.

If an employee has been in a non-pay workers' compensation status in excess of 52 weeks, the City will continue to pay the premium. If the employee is enrolled in a plan requiring an employee premium portion, Payroll staff will advise the departmental Payroll/ Personnel Assistant of any premium due from the employee.

Any employee on leave in excess of 180 consecutive calendar days will be required to have a physical examination by the Public Health Department prior to return to work.

## IV. QUESTIONS AND ANSWERS REGARDING TEMPORARY DISABILITY

Question: Must a department, upon the employee's request, transfer a temporarily disabled employee to a less hazardous or strenuous position for the duration of the disability?

Answer: Upon the "written instruction" of a treating physician, an employee may be transferred to a less hazardous or strenuous position where such transfer can be reasonably accommodated. This does not mean that a department is required to create a position which would not otherwise exist. The written instruction must clearly state in detail any work restrictions or limitations.

Question: What procedures may an employer use to determine whether an employee is unable to work and entitled to a disability leave?

Answer: It is important that procedures for determining and granting disability leave be applied evenly to all employees for all types of disabilities. In those circumstances in which a department wishes to verify the nature and extent of disability, the department may request a medical examination be performed by the Public Health Department.

Question: Must a department hold open the job of an employee who is on temporary disability leave?

Answer: Unless an employee on leave has informed the employer they do not intend to return to work, the employee is to be reinstated from leave to the job previously held or to a substantially similar job. Should that position no longer exist, a good-faith effort must be made to place the employee in a substantially similar job. During the period of disability, the department may always fill the disabled employee's position on a temporary basis.

Question: Is an employee entitled to a leave of absence because he or she has become a parent?

Answer: No. Nothing requires an employer to grant a leave to an employee who has become a parent. The law only requires that a leave of absence be given to a person who is temporarily disabled because of pregnancy, childbirth, or related medical condition.

V. SOURCES

1. California Fair Employment and Housing, Section 12945
2. Pregnancy Discrimination Act of 1978, Section 701 (k) of Title VII
3. EEOC Sex Discrimination and Pregnancy Guidelines (Federal)

VI. Forms:

[Certificate of Medical Disability](#)

[Release of Medical Information](#)

[Return to Work from Medical Disability](#)

[Verification of Illness or Incapacity for less than Five Days](#)