City of Long Beach
Department of Human Resources

PERSONNEL POLICIES AND PROCEDURES

Subject: TEMPORARY DISABILITY LEAVE **Effective: 6/30/88**

Number: 5.2

I. POLICY STATEMENT

An employee shall be permitted a temporary leave of absence up to one year for a medically verifiable temporary disability. A disability is any illness or non-industrial injury, either physical or mental, including pregnancy, childbirth, or related medical condition which prevents an employee from performing their regular or customary work. Refer to the Extended Leave of Absence Policy for leaves other than health reasons.

II. PROCEDURES

Employees must immediately notify their supervisors when the need for a disability leave occurs. 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.

A. Sick Leave

In order to receive sick leave for temporary disability in excess of five (5) working days, employees 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 completed “Verification of Illness or Incapacity” form may be required 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 with respect to dates of active employment and the receipt of any compensation or benefits.

Nothing in this section concerning the finality of medical opinion will supersede governing provisions in existing Memoranda of Understanding between the City and the various employee organizations.

Prior to being placed on a leave of absence, for example, an I.A.M.-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 is in a paid status, (sick leave, vacation, personal holiday, etc.), the City's contribution toward health insurance premiums will continue to be paid.

B. Departmental Leave of Absence

A "Departmental Leave of Absence" may be granted by a department head for a period of one to thirty days. The leave may be given for travel, as well as health, education, or dependent-care reasons. A department head may determine if documentation is required. A leave in excess of three days requires completion of a HR-1.

C. Temporary Disability Leave

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 "Temporary Disability 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 the leave. A "Temporary Disability Leave of Absence" requires completion of a HR-1. 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:

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

2. Employees are enrolled in an insurance plan requiring that they pay a portion of the premium, and their second paycheck is insufficient to cover the employee's portion.

An employee wishing to continue insurance coverage 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 payment, 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 Department of Health and Human Services prior to returning to work.

D. 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 restriction 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 that a medical examination be performed by the Department of Health and Human Services.

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

Answer: Unless an employee on leave does not intend to return to work, and has informed the employer, 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, a department may always fill the disabled employee's position on a temporary basis.

III. DEFINITIONS

None

IV. REFERENCES

A. Payroll/Personnel Procedures Manual: Sections 55.1 - Executive Leave, 55.3 - Extended Leave of Absence, 55.8 - Reinstatement

B. Personnel Ordinance: Section 1.20 - Leaves of Absence; Article II - Sick Leave Privileges, Section 2.01, Section 2.02, Section 2.03, Section 2.04, Section 2.05, and Section 2.06

V. APPENDICES/FORMS

A. Certificate of Medical Disability (2/96)

B. Release of Medical Information (2/96)

C. Return to Work From Medical Disability (2/96)

D. Verification of Illness or Incapacity (2/96)