

COUNTY PROPOSAL
OCAA NEGOTIATIONS
July 20, 2012

ARTICLE III LEAVE PROVISIONS

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Section 3. Authorized Leave Without Pay

A. Departmental Leave

A regular, limited-term or probationary employee may request a Departmental Leave Without Pay for a period of time not to exceed fifteen (15) calendar days. The granting of such Leave shall be at the discretion of the department except in cases where Official Leave has been authorized pursuant to B.4., B.5. and Sections 11, 12 and 14.A., below. The Department Head may require that all accumulated compensatory time be used prior to granting of Departmental Leave. The use of earned vacation or Annual Leave prior to the obtaining of Departmental Leave shall be at the option of the employee.

B. Official Leave

1. Upon request, a regular, limited-term or probationary employee may be granted an Official Leave of Absence Without Pay. Such Leave, if granted, shall not exceed one (1) year except as provided in subsection 2., below. Such Leave may be authorized only after an employee's completion of a Departmental Leave provided that granting of a Departmental Leave shall not be a prerequisite to a request for Official Leave. The department may require that all or a portion of compensatory, vacation time and not more than 192 hours of annual leave be used prior to granting such leave. Use of annual leave beyond 192 hours shall be at the discretion of the employee, subject to the Annual Leave Plan provisions.
2. An Official Leave of Absence may be extended for up to an additional year at the discretion of the department except that requests for Official Leave which qualify as Family Leave pursuant to applicable law shall be granted to the extent required by such law. If the department denies the extension of such Leave, the provisions of subsection 5. and 6., below, shall not apply.
3. An employee who is eligible for and requests identifies a valid need for Family Leave pursuant to Article IV, Section 14 below and applicable law, shall be granted official leave to the extent required by such law. Such leave shall be authorized only after use of leave balances as specified below:

a. When Official Leave involves the employee's own serious health condition - after all accumulated compensatory time, vacation accruals, sick leave or annual leave have been used;

b. When Official Leave is used for all other reasons - after all accumulated compensatory time and vacation accruals or not more than 192 hours of annual leave have been applied toward the absence. The department may require that all or a portion of sick leave, vacation, compensatory time or not more than 192 hours of annual leave be applied toward the absence.

The use of annual leave beyond 192 hours shall be at the discretion of the employee, subject to the Annual Leave provisions.

4. An employee shall give notice two (2) weeks prior to the date he or she wants to return to work, except that an employee returning from Family Leave shall give the lesser of two (2) weeks notice or the maximum notice allowable under applicable law. If an employee does not give two (2) weeks notice prior to the date he or she wants to return to work, the Department shall not be required to return the employee to work until the employee gives such notice; however, the Department may waive the notice or reduce the notice period at its discretion.

5. Except as to leaves which must be granted pursuant to Sections 11, 12 and 14 of this Article, the department shall indicate on the request its decision recommendations as to whether the request should be granted, modified or denied and shall promptly transmit the request to the Human Resources Director. He or she shall deliver a copy to the employee. If the Department Head does not approve a request for Official Leave, the employee may, within fifteen (15) calendar days of this action, file a request for review with the Human Resources Director. The Human Resources Director shall review the request and make a decision within seven (7) calendar days. The decision of the Human Resources Director shall be final. If the Human Resources Director approves the request, he or she shall deliver a copy to the Auditor-Controller and the employee.

6. If the Human Resources Director modifies or does not approve a request for Official Leave, the employee and/or the department may, within fifteen (15) calendar days of said action, file a request with the Human Resources Director for review by the Board of Supervisors. Upon such request, the Human Resources Director shall forward a copy of the request for Official Leave to the Board for final determination. The employee and the appealing department shall notify the Human Resources Director whether he or she will submit his or her position in a written statement or wishes to appear before the Board. The County may present its position in the same

~~manner as the employee presents his or her position. The Board of Supervisors, at its discretion, may designate one (1) or more Executive Assistants to decide such appeals. The decision on such appeals shall be final.~~

~~7. An Official Leave shall not be deemed a break in County service but such Leave shall not be credited toward continuous service.~~

C. General Provisions

1. A request for a Leave of Absence shall be made upon forms prescribed by the Human Resources Director and shall state specifically the reason for the request, the date when it is desired to begin the Leave of Absence, and the probable date of return.
2. A request for Leave of Absence Without Pay shall normally be initiated by the employee, but may be initiated by the employee's department only where the employee is unable to initiate such action, except in cases where the provisions of Section 11.A. below apply.

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