

*City of St. Louis Department of Personnel Administrative
Regulation NO. 122*

Revised & Reissued: July 21, 2014

Leaves of Absence and Light Duty

I. PURPOSE

The purpose of this regulation is to provide guidance in the establishment of departmental policy for granting leaves of absence and light duty assignments for non-work related injuries or illnesses not covered by the City's workers compensation program. It is also to provide guidance for requesting Fitness for Duty Evaluations.

II. REQUIREMENTS

This regulation addresses departmental policies concerning general leaves of absence, as specified in the current compensation ordinance, and light duty assignments other than for workers' compensation claims. Appointing authorities are required to approve or disapprove all requests for leaves of absence without pay in accordance with the compensation ordinance, as well as the guidelines specified in this regulation. Appointing authorities must use the same criteria to determine the merits of each request.

III. ESTABLISHMENT OF AGENCY POLICIES

Appointing authorities are encouraged to develop and distribute a written policy on the granting of leaves of absence and light duty assignments, taking into consideration the function of the agency and the nature of duties performed by employees. In the absence of such written policy, it is difficult to ensure that all employees are treated fairly and consistently.

The most important aspect of the establishment of such policies is to ensure that the needs of the department/division are met. It may not be possible, for example, for all employees to be given light duty assignments or leaves of absence because of the need to maintain acceptable levels of production or service. Further, appointing authorities

are not expected to manufacture light duty assignments where no such work exists.

IV. LIGHT DUTY

The following recommendations are offered to assist departments in the development of a light duty policy when light duty is requested for legitimate, documented medical reasons.

1. Identify the employees affected by the policy (e.g. the work unit, agency, department, etc.), taking into consideration the nature of the work performed, the availability of alternate work assignments, and the need for maintaining production or service standards.
2. Define the nature of all light duty assignments and note that if light duty assignments are available, the employee will be notified of the anticipated duration of the assignment and given specific dates indicating when the assignment will begin and when it will end in writing.
3. In connection with light duty assignments, follow the health care provider's guidelines as to the composition of the duties and limitations placed on the employee. The employee must present a completed Certification of Physician or Practitioner Form for Medical Leave of Absence or Light Duty Assignment along with the request for light duty assignment that fully addresses the need for light duty, the limitations placed on the employee and the beginning and ending dates of said limitations. Inform the employee of the ending date of the approved leave. (A copy of the form is attached to the regulation.) Such forms should be accompanied by a detailed description of the duties of the employee's position, including all of the position's essential functions, so that the physician or practitioner can render an informed judgment as to the employee's ability to continue with the performance of the regular duties of the position or the need for light duty.
4. Establish an effective date for the implementation of the policy.

5. Make sure that the policy is communicated to all employees and consistently enforced.

V. GENERAL LEAVES OF ABSENCE

The compensation ordinance provides for a general leave of absence not to exceed twelve (12) months. Each City department may adopt its own standards for awarding leaves of absence, and each departmental leave policy should include the following components:

1. Require that the employee submit a written request to the appointing authority detailing the reason for the request, the duration of the leave requested, secondary employment participation and any other pertinent information requested by the appointing authority. If approved, the appointing authority shall send a copy of the employee's letter of request, a copy of the appointing authority's letter of approval and the Employee Status Form implementing the leave of absence to the Personnel Services Section of the Department of Personnel for review and approval by the Director of Personnel.
2. Establish standards for evaluating leave requests, including: maximum duration for leave, the persons who will evaluate the leave request, work performance standards, business hardship considerations and any other relevant factors. Also include a requirement for a timely, written response to the employee. Be sure to apply such standards consistently to all employees. Be advised that a leave of absence may be a reasonable accommodation under Americans with Disabilities Act (ADA) if it enables an employee with a disability to return to duty within a reasonable period of time. If the request for leave appears to involve a disability, the appointing authority should confer with the Commissioner on the Disabled, as well as with the Director of Personnel, prior to responding to the request.
3. Inform the employees that they must return on the approved ending date or they will be scheduled for a pre-termination hearing. Also, inform the employees that the leave (except Family and Medical Leave Act and military

leave) may be canceled, with the approval of the Director of Personnel, and that the employee must then return within ten (10) days of notice.

4. Inform the employees that all accrued vacation (and medical leave, if applicable) must be taken prior to being placed on leave without pay. Also, vacation and medical leave will not accrue during the non-paid portion of the leave. Please advise all employees to consult with the Employee Benefits Section of the Department of Personnel to make arrangements for continuing their health care coverage.

5. Assure the employees that they will be returned to the position occupied at the time of leave, at the same relative pay rate, provided they can perform the essential functions of the position and the position is still authorized in the table of organization for the department.

6. If the general leave of absence is for medical reason, the employee must present a completed Certification of Physician or Practitioner Form for Medical Leave of Absence or Light Duty Assignment. (A copy of the form is attached to the regulation.)

VI. FITNESS FOR DUTY EVALUATION

Employees must be able to perform the essential functions of their positions in a safe and productive manner, so as to not present a safety hazard to themselves, co-workers or the community. The following addresses Fitness for Duty Evaluations.

1. An appointing authority or his/her designee may request the Director of Personnel to authorize a Fitness for Duty Evaluation of an employee to determine if an employee is able to perform the essential functions of his/her position. Said request must be in writing and specify the basis for the request (i.e. actions of the employee or observations of the employee's performance or behaviors that indicate the employee may be unable to perform the essential functions of his/her position).

A Fitness for Duty Evaluation is not a substitute for progressive disciplinary action to address deficiencies in an employee's performance of his/her duties.

2. If approved by the Director of Personnel, the employee will be informed in writing by the appointing authority of the need for a mandatory Fitness for Duty Evaluation. The employee may be given other temporary job assignments (for safety reasons) without loss of pay until the Fitness for Duty Evaluation is completed. An employee who fails to cooperate with a Fitness for Duty Evaluation will be subject to disciplinary action up to and including dismissal.

3. The Department of Personnel will coordinate all Fitness for Duty Evaluation(s) with the designated Medical Services Provider. Each written request will be accompanied by written approval of the Director of Personnel as well as a job description and details of the essential functions of the position.

4. The Medical Services Provider will inform the Department of Personnel of the appointment date and time for the Fitness for Duty Evaluation.

5. All records of meetings with an employee, Fitness for Duty Evaluation requests and results shall not be maintained in the employee's personnel file but should be maintained in a separate file.

6. The results of the Fitness for Duty Evaluation should be expressed in terms of what the employee can and cannot do rather than medical diagnostic terms and provided to the appointing authority within thirty (30) calendar days of the evaluation. A determination will be made as to the employee's ability to perform the essential functions of his/her position. If it is determined that the employee is unable to perform the essential functions of his/her position, the appointing authority should review the provisions of Joint Regulation No. 2, Department of Personnel Administrative Regulation No. 133 and Department of Personnel Administrative Regulation No.

117 to determine applicability of these regulations and take action accordingly.

VII. GENERAL

It is the objective of the Department of Personnel to ensure that all employees are treated fairly and consistently in the application of work rules and employment benefits, as well as with the administration of the ADA and the FMLA. The above listed recommendations are intended to give all departments guidance in the development of policy on granting of leaves of absence and light duty assignments. Because of the varied nature of jobs and services provided in City agencies and departments, each department's policy may vary. The Department of Personnel is available to assist in the development of this or any other personnel policy. It is also advisable to review existing policies with regard to light duty and the granting of leaves of absence. If such assistance is needed or if there are questions concerning this administrative regulation, please contact the Employee Relations Section at 622-3563, or for general leaves of absence contact the Personnel Services Section at 622-3251 of the Department of Personnel.

DEPARTMENT OF PERSONNEL

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