

ADMINISTRATIVE ORDER NUMBER 2-19

SUBJECT: Leaves of Absences [Military, LWOP and Paid Administrative]

Responsible Department: Personnel Services

Date Issued: 01-01-2000

Date Revised: 06-02-2020

Approved: *(Signature on File)*

Purpose and Procedure

To establish supplemental and uniform procedures applicable to leaves of absence for Military, Leave without Pay (LWOP), and Paid Administrative Leave. Employees requesting Military and/or Leave without Pay shall seek approval for such leave in advance from their immediate supervisor.

Military Leave

Section 3-111 of the Fresno Municipal Code states that every employee shall be entitled to military leave of absence as provided for in the Military and Veterans Code of California, Division 2, Part 1, Chapter 7.

Special provisions for employees on active duty military leave can be found in the Salary Resolution.

The following requirements apply to military leave:

1. Formal active duty orders shall be submitted with a request for leave of absence. Formal orders are those orders directed to the employee that state type of duty, reporting date, length of duty, duty station, and permanent order numbers, and that bear an authorized signature.
2. A military memorandum addressed "To Whom It May Concern" and signed by or for the commander, will allow an employee to commence military leave. However, formal orders must be submitted within thirty days after the employee has returned from such leave. Failure to so submit formal orders shall cause such leave to be converted to leave without pay, unless extenuating circumstances cause the formal orders to be unavailable within thirty days, and an explanatory letter signed by or for the commander is submitted to, and approved by, the City Manager or designee.
3. If, due to exigent circumstances, at the time the employee is ordered to military leave, written orders are not available to the employee, the employee is to take reasonable efforts to obtain written orders from their commanding officer prior to taking the leave. If after taking reasonable efforts to obtain formal orders or a

military memorandum, the employee is unable to obtain such documentation prior to the start of the employee's military leave, the employee shall be granted the leave as either leave without pay, or using the employee's accrued vacation leave if they so elect. Military benefits owed to the employee will not be provided until the employee actually submits formal orders. Any requests for military leave that are subsequently learned to have been fraudulent, may subject the employee to disciplinary action, up to and including termination.

4. Pursuant to California Military & Veterans Code Section 395.01, the City may adjust an employee's work days so that the employee is not scheduled to work during periods of "inactive duty such as scheduled reserve drill periods."

Leave of Absence Without Pay

Department directors are authorized to grant leave of absence without pay for periods of ten consecutive working days or less. Leave of absence without pay should not be authorized when an employee has an applicable leave balance. Leave of absence without pay is otherwise administered in accordance with Section 3-104 of the Fresno Municipal Code.

Paid Administrative Leave

The appointing authority or their designee after consultation and approval as to form by the City Attorney and the Personnel Director (or their designees), and with the approval of the City Manager or their designee, may place an employee on administrative leave with pay when it is determined to be in the best interest of the City. Such consultation will include a review of the reasons why the appointing authority is seeking approval of administrative leave. In the event of an officer involved shooting, an officer is placed on administrative leave and subsequent notice is provided to the Personnel Director.

The employee being placed on paid administrative leave shall be provided written notification of administrative leave, as soon as reasonably possible. A model notice is provided as an attachment to this Administrative Order.

Attachment: City of Fresno Notice of Paid Administrative Leave

**City of Fresno
Notice of Paid Administrative Leave**

To: NAME, JOB TITLE (ID Employee ID number)

Department of DEPARTMENT

Effective immediately, I am placing you on paid administrative leave pending completion of an investigation relating to allegations of your potential misconduct as authorized by Administrative Order 2-19. Paid administrative leave is not discipline or corrective action or other adverse action, although discipline or corrective action may subsequently be imposed. If disciplinary or corrective action is found to be warranted, you will be notified as soon as possible. While on administrative leave, you will continue to receive your regular pay and benefits.

During this period of administrative leave, you are required to comply with the below. Failure to meet these requirements could result in disciplinary or corrective action, up to and including termination:

- You must be available by telephone during regular business hours (Monday-Friday, 8 a.m. to 5 p.m. This may be modified if the employee works a different schedule).
- You must be available to report to the Department within one-hour, or as otherwise approved by your Department Director or designee, of being contacted. You must be available to City personnel for administrative investigative interviews.
- If at any time during the above business hours you will not be available or if you are seeking approval for vacation time, you must contact CONTACT PERSON, TITLE, immediately at (559) 621-NUMBER to advise them that you will not be available or to otherwise seek approval. As soon as you become available again, you must advise the contact person.
- Unless instructed in writing by the City or the Department, you are not permitted to come to your job site or any other City Department or work site which is not open to the general public.
- You are directed to not consult, direct, or otherwise become involved in the work of co-workers, subordinates, or other City employees, or conduct any work on behalf of the City or the Department. You are also directed to not contact current City employees during their work hours regarding work issues. This restriction while on administrative leave includes a prohibition from accessing work email or systems. However, you may contact your union representative, if any.
- The only time you are excused from being available during the business hours above shall be if you have pre-approved and scheduled vacation/annual

leave that would require you to use your own leave banks as previously approved before the effective date of this administrative leave or if otherwise authorized during the period during which you would otherwise be on paid administrative leave.

- You are directed to immediately return all City property, i.e., keys, equipment, etc.

You may retrieve any personal items from your work area prior to your departure today OR upon request at a mutually convenient time. However, the City reserves the right to review any items removed from an area to confirm they are not City property. Should you need to retrieve any other personal items from your work area, please make arrangements with the contact person noted above at least 24 hours in advance.

As a reminder, please be advised during this administrative leave, you shall not engage in any work or work involving any other remunerative occupation, including self-employment, during your regular work hours.

Failure to follow the above directives will be considered insubordination and may result in disciplinary action, up to and including termination. Furthermore, any unavailability and failure to communicate may be deemed to be an abandonment of your employment pursuant to Fresno Municipal Code §3-115.

Dated this ____ day of _____, 20__.

Department Director

Approved:

City Manager's Office

Approved as to form:

City Attorney's Office

Personnel Services Director