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**ARA 6.01 GENERAL AND ADMINISTRATIVE LEAVES OF ABSENCE; REASONABLE ACCOMMODATION LEAVE**

**A. General Leaves of Absence**

The City Auditor may grant an Auditor's Office employee a leave of absence upon a showing of good cause.

1. No employee may be granted a general leave of absence for more than 12 months in any five-year period. Unless otherwise required by law, a leave of absence for a general or personal reason may be no more than 12 months from the beginning date of the approved leave.
2. For a general or personal leave of absence, there are no automatic position return guarantees. The City Auditor may, however, hold the employee's position open pending their return at the conclusion of the leave of absence. The commitment for such a "held" position must be in writing, signed by the City Auditor, and provided in before the general leave of absence commences.
3. Employees must exhaust all appropriate accrued leave before going on unpaid leave, except in accordance with [Auditor's Office Administrative Rules 6.05 - Family Medical Leave](#) and [6.07 - Military Leave](#).

**B. Temporary Leave of Absence During an Emergency or Fiscal Crisis**

Consistent with the City's Safety Net Program's Temporary Leave Program, during an emergency or fiscal crisis, the City Auditor may enter into written agreements with Auditor's Office employees to allow such employees to take temporary, extended unpaid leave, with continued healthcare coverage paid by the Auditor's Office for up to 12 months.

1. An employee taking a temporary leave of absence pursuant to this Section is not required to exhaust accrued leave prior to going on unpaid leave.
2. An employee must have Division Director approval to enter into an agreement for a temporary leave of absence. The City Auditor, in conjunction with the Division Director and employee, will determine the duration of the temporary leave.

3. The City Auditor may agree, in writing, to hold the employee's position open pending their return at the conclusion of the leave of absence.
4. At any time during a temporary leave of absence, the Auditor's Office may recall the employee to work. Failure to return to work as directed shall be considered a voluntary separation from City service.

### **C. Administrative Leave**

The City Auditor may place an employee on administrative leave for up to 60 calendar days to remove the employee from the workplace due to concerns about workplace safety or during an investigation that may lead to termination.

1. The City Auditor may approve administrative leave for up to 10 calendar days during the seven-day notice period prior to the effective date of a proposed termination.
2. Administrative leave will not be extended unless approved by the City Auditor.
3. Under some limited circumstances, administrative leave may be unpaid. Any unpaid administrative leave must be approved by the City Auditor.
4. Placement of an employee on administrative leave is not a disciplinary action.

### **D. Americans with Disabilities Act (ADA) Reasonable Accommodation Leave**

1. If an employee needs leave for a qualifying health condition, it is strongly recommended that the employee first use Family Medical Leave, if eligible.
2. If an employee's Family Medical Leave is exhausted and additional leave is needed, or if an employee is ineligible for Family Medical Leave, Operations Management may approve a leave of absence as an Americans with Disabilities Act ("ADA") reasonable accommodation if the employee is qualified under the ADA. As part of the interactive process, and before approving ADA reasonable accommodation leave, Operations Management will engage relevant stakeholders, on an as-needed basis, in the interactive process to determine if such additional leave would be a reasonable accommodation. For more information, see [Auditor's Office Administrative Rule 2.06 - Reasonable Employment Accommodations](#).

3. An employee on ADA reasonable accommodation leave must exhaust all appropriate accrued paid leave before going on unpaid leave. Employees may not reserve paid leave accruals for future use.
4. Before returning to work, an employee on ADA reasonable accommodation leave must provide a release to work letter from their medical provider. If the medical provider notes work restrictions, Operations Management will engage in the interactive process with the employee to determine whether the work restrictions can be reasonably accommodated.
5. The Auditor's Office will provide employment protection for an employee using ADA reasonable accommodation leave to the extent required by the law. The Auditor's Office will hold the employee's original job position for the length of the leave, unless it becomes an undue burden to do so.
6. An employee on ADA reasonable accommodation leave may not work elsewhere, including volunteer activities, without prior approval from Operations Management.
7. An employee using approved ADA reasonable accommodation leave is not subject to progressive discipline, negative ratings in a performance evaluation, or other adverse employment actions for use of the leave, because the employee requested ADA leave, or because the employee is or is perceived to be disabled. However, employees using ADA reasonable accommodation leave are still subject to nondiscriminatory employment actions, such as discipline or a layoff, which would have been taken without regard to the employee's leave.

## **E. Separation from Employment**

1. An employee granted a general leave of absence or administrative leave will be considered separated from the City as a voluntary quit if there is no vacant position to return to at the expiration of the leave, unless the City Auditor agreed to hold their position open in accordance with Section A or Section B. This provision does not apply to employees who are granted ADA reasonable accommodation leave.
2. Any employee who fails to return to duty at the end of their approved general or administrative leave will also be treated as a voluntary quit. If the original general or administrative leave of absence was approved for less than 12 months, the City Auditor may approve an extension, in writing, if the total leave does not exceed 12 months.

3. Any employee wishing to return after separation may pursue reinstatement, if applicable, or hire through the competitive exam process.

## **F. Blood Donation**

Employees wishing to donate blood or participate in the registry for stem cell and bone marrow transplant during work time shall be given a period, not to exceed two hours, to do so without a reduction in accrued leave.

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### **Auditor's Office Administrative Rule Information and History**

Questions about this administrative rule may be directed to the [Auditor's Office's Operations Management Division](#).

Adopted by the City Auditor December 11, 2017.

Adapted from [City Human Resources Administrative Rule 6.01 – General Leaves of Absence](#).

Adopted by Council on March 6, 2002 (Ordinance No. 176302).

Revised January 1, 2020.

Section B is adapted from the City of Portland's Safety Net Program.

Revised by the City Auditor on October 5, 2020, as an interim rule effective for not more than 180 days.

Amended by the City Auditor after a 30-day public comment period on [Month Day, Year].