



City of Portland Core Values:

Anti-racism | Equity | Transparency | Communication | Collaboration | Fiscal Responsibility

6.01 General and Administrative Leaves of Absence

Purpose

Elected officials in charge and bureau directors or administrators are authorized to grant leaves of absence to subordinate officers or employees in their department, upon the showing of good cause. Employees must exhaust all appropriate accrued leave prior to going on unpaid leave except in accordance with the Administrative Rules on [Family Medical Leave](#) and [Military Leave](#).

Unless otherwise required by law, leaves of absence for General or personal reasons shall be no more than twelve months in any five (5) year period from the beginning date of the approved leave, and there are no automatic position return guarantees.

A bureau director 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 bureau director and provided in advance of the commencement of the general leave of absence.

Eligibility

Paid Administrative Leave – Bureau Directors may place an employee on paid administrative leave under the following circumstances:

- A. *General:* To remove an employee from the workplace for up to 60 days, due to concerns about workplace safety or during an investigation that may lead to termination.
 - B. *Proposed Termination:* For up to ten (10) calendar days during the seven (7) day notice period prior to the effective date of a proposed termination.
 - C. *Atypical Work Incidents:* For up to three (3) days to provide physical, emotional or psychological support in response to an atypical and rare incident that occurs while the
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employee is at work, and when the incident temporarily and significantly interferes with an employee's ability to perform their normal job functions. Bureau Directors shall not extend this type of paid administrative leave beyond three days. This type of paid administrative leave is subject to supervisory discretion and may or may not be granted in response to atypical work incidents. When granted, it must be taken immediately following the circumstances necessitating such leave.

- D. *Deadly Force Investigations*: The Police Chief may place an involved member on administrative leave for up to 180 calendar days during an ongoing criminal investigation into the involved member's use of deadly force. This type of leave must be administered pursuant to ORS 181a.790(4).

Unpaid Administrative Leave - Under some limited circumstances, administrative leave may also be unpaid. Any unpaid administrative leave must be approved by the Director of Human Resources in consultation with the City Attorney's Office.

Placement of an employee on administrative leave is not a disciplinary action.

Americans with Disabilities Act (ADA) Reasonable Accommodation Leave

In cases where an employee has a qualifying health condition, the employee should first utilize their Family Medical Leave if eligible. If the Family Medical Leave is exhausted and additional leave is needed, or the employee is ineligible for Family Medical Leave, a Human Resources Business Partner (HRBP) may approve a leave of absence as an ADA reasonable accommodation if the employee is qualified under the ADA. As part of the interactive process, and before approving an ADA leave, the HRBP will engage relevant stakeholders on an as-needed basis, including the employee, the employee's manager or supervisor, the Bureau Director, and the City Attorney's Office, to determine if such leave would be a reasonable accommodation. For more information regarding the ADA interactive process, consult [HRAR 2.06 Reasonable Employment Accommodations](#).

Employees on an ADA reasonable accommodation leave must exhaust all appropriate accrued paid leave prior to going on

unpaid leave. Employees may not reserve paid leave accruals for future use. Prior to returning to work, employees will need to provide a release to work letter from their medical provider. If the medical provider notes work restrictions, the HRBP will engage in the interactive process with the employee to determine whether the work restrictions can be reasonably accommodated.

The City will provide employment protection for an employee using ADA reasonable accommodation leave to the extent required by the law. The City will hold the employee's original job position for the length of the ADA leave, unless it becomes an undue burden to do so. Employees on an ADA leave may not work elsewhere without prior approval from their HRBP, including volunteer activities.

City Attorney Leave

The elected official in charge of the office of the City Attorney is authorized to grant leaves of absence not to exceed thirty (30) days during any fiscal year without deduction of pay to the City attorney and deputies. This leave may be granted when the elected official is satisfied that such absences are necessary for the health and benefit of the employee or for the good of City service. This leave is in addition to regular annual vacation accruals.

Blood Donation

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

Separation from Employment

An employee granted a general leave of absence or an administrative leave of absence will be considered separated from the city as a voluntary quit if there is no vacant position to return to at the expiration of their leave, unless the employee's Bureau Director agreed to hold their position as noted above. This provision does not apply to employees who are granted an ADA reasonable accommodation leave.

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 twelve months, an extension may be granted, providing that the total leave does not exceed 12 months. Any extension must be approved in writing by the Bureau Director.

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

**Administrative Rule
History**

Adopted March 6, 2002, Ordinance No. 176302,
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Revised July 28, 2003
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