



DEPARTMENT OF ENVIRONMENTAL QUALITY  
POLICY AND PROCEDURE

**SUBJECT:** MEDICAL LEAVE OF ABSENCE  
(Employee Illness)

**Number:** 07-03.07  
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**Date:** November 5, 2003  
**Revised:** September 18, 2009

**Authority:** Civil Service Rule 2-11 and 2-12; Civil Service Regulation 2.03, Family Medical Leave Act (FMLA) of 1993, and applicable bargaining unit agreements.

**<< STATEMENT OF POLICY >>**

Upon written request, and based on supporting medical documentation and operational need, an employee with 2,080 hours of satisfactory employment (or as stipulated by the employee's bargaining unit), may be granted an unpaid medical leave of absence (for the employee's own illness) for up to six months. Extensions may be granted on a case-by-case basis.

The Office of Human Resources may grant unpaid medical leaves totaling no more than six months during any five-year period.

The employee's sick leave accrual must be exhausted prior to commencement of an unpaid medical leave of absence.

Up to 12 weeks/480 hours of medical leave will count toward an employee's entitlement under the Family and Medical Leave Act of 1993 (FMLA). This entitlement is tracked concurrently with existing leave entitlements and Worker's Compensation claims.

**<< INFORMATION >>**

- It is the employee's responsibility to keep their supervisor informed of their medical status with supporting medical documentation.
- Prior to the expiration of a medical leave, an employee may request an extension. The Office of Human Resources (OHR) must review and either approve or deny the request based on receipt of medical documentation and the operational need of the division. An extension request must be submitted at least five workdays before expiration of the leave.
- If an employee returns to work with restrictions that limit their ability to perform their regular duties, appropriate medical certification detailing the nature of the restrictions and timeframes involved, must be provided by the health care provider. The OHR will evaluate and determine, on a case-by-case basis, if the employee will be allowed to return to work with the restrictions

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- An employee who does not report to work at the expiration of their leave will be considered absent without authorization. An employee who fails to return to work after the third consecutive day of absence will be considered a voluntary separation from state service.
- A medical leave of absence is not considered a break in service; however, service hours do not accumulate during the period of the unpaid leave.
- After all sick leave accruals are exhausted, accrued annual leave, compensatory time, banked leave time, and deferred hours may be utilized in order to remain in active pay status. However, at the time an unpaid medical leave is requested, an employee may elect to freeze their annual leave, banked leave time, and/or deferred hours.
- If an employee is enrolled in the long-term disability (LTD) program, the LTD benefit should be applied for prior to the exhaustion of sick leave or the processing of the claim may be delayed. Requesting a leave of absence does NOT automatically start the LTD benefit process. LTD application forms are available by calling Citizens Management, Inc. (CMI), (the LTD insurance carrier) directly at 1-800-324-9901.

FMLA MEDICAL LEAVE OF ABSENCE (see policy on FMLA for details)

- The employee and employer continue to contribute their respective share of any health plan premiums while an employee is on an FMLA medical leave not to exceed 12 work weeks during a 12-month period.
- An FMLA medical leave (paid or unpaid) taken intermittently or on a reduced work schedule shall not exceed a total of 12 workweeks, 480 hours, during a 12-month period (beginning on the first day of the medical leave).
- If an employee does not return from an unpaid FMLA medical leave, the employer may recover group health insurance premiums paid by the employer in accordance with applicable law.
- Employees returning from an FMLA medical leave of absence will be restored to the position formerly occupied or to a comparable position.

Also see: Leaves - Family Medical Leave Act; Civil Service Compensation Plan; and refer to appropriate contractual language.

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Employee

When possible, the employee must submit a written request for a medical leave of absence to their immediate supervisor indicating dates, reason, etc., 30 days in advance of the expected last day at work.

The employee must submit the CS-1810 FMLA Notice of Eligibility, Rights and Designation form. The Office of Human Resources will provide the employee the CS-1806 Certification of Employee's Serious Health Condition form.

The employee will record approved FMLA time on timesheets until the 480 hours of FMLA entitlement is exhausted. (FMSL for sick leave; FMAL for annual leave; or FMLA for unpaid leave.)

Supervisor

The supervisor ensures the OHR receives a copy of the CS-1810 and CS-1806. It is the supervisor's responsibility to monitor an employee's entitlement. FMLA time must be recorded on timesheets up until the time the employee actually goes off the payroll (up to a maximum of 480 hours).

The supervisor must immediately notify the OHR of any request for leave extensions and any updated medical documentation submitted by the employee.

Office of Human Resources

The OHR will review paperwork submitted from the supervisor. If a medical leave is approved, the leave will be processed and the employee and supervisor will be notified in writing. The Employee Departure Report (CS-301) will be completed by the OHR when processing an unpaid medical leave. If the leave is denied, or if more information is necessary, the OHR will contact the employee and/or the supervisor within three business days. The OHR will review for approval all requests for leave extensions.

Approved: \_\_\_\_\_



Date: \_\_\_\_\_

9-17-09

Questions: Contact DEQ Office of Human Resources