

**COUNTY OF SAN DIEGO
ADMINISTRATIVE MANUAL**

SUBJECT:	COMPULSORY LEAVES OF ABSENCE (CIVIL SERVICE COMMISSION APPEAL PROCESS)	ITEM NUMBER	0080-04-11
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Purpose

To provide guidelines in following Compensation Ordinance Section 4.3.3, compulsory leave.

Background

Compensation Ordinance Section 4.3.3 states:

1. Definition. Compulsory Leave means the employee's non-disciplinary absence from duty imposed by the appointing authority. When placed on such leave, paid leave and compensatory time off shall first be exhausted before the employee is placed on compulsory leave without pay.
2. Conditions.
 - A. Required Examination. If, in the opinion of the employee's appointing authority, such employee is mentally or physically incapacitated to perform assigned duties, such employee may be required by the appointing authority to submit to examination by a licensed physician or licensed clinical psychologist designated or approved by the Commission.
 - B. Report. If the report of the physician or licensed clinical psychologist shows the employee to be in a mentally or physically unfit condition to perform assigned duties, the appointing authority shall have the right to compel such employee to take sufficient leave of absence to become fit to perform duties.
 - C. Commission Appeal. The employee may appeal to the Commission the appointing authority's determination to place the employee on leave.
3. Duration. For not to exceed the period necessary for the employee to become fit to perform assigned duties.

Policy

1. If the affected employee wishes to appeal the compulsory leave to the Commission it may be done by filing the request with the Commission Office within ten calendar days of the beginning of leave.
2. The Commission will hear the appeal under the appropriate provisions in Rule VII. The Executive Officer will notify the appointing authority within five calendar days of receipt of the appeal. He will also advise the appointing authority to submit reasons to the Commission Office and appellant within five calendar days of receipt of notice unless such reasons have already been submitted. The appellant does not need to respond to the reasons until the time of hearing.

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3. Every effort will be made by the Commission to maintain confidentiality regarding medical and psychological information. Commissioners will be given such records as part of their agenda back-up material, but such information will not be made available to the public. Once a hearing is commenced, however, the Commission cannot guarantee confidentiality of information and the employee will be informed of that fact by the Commission prior to commencing the hearing.

Approved:



Walter F. Ekard
Chief Administrative Officer

Responsible Department(s):

Civil Service Commission (Approved 6/1/2011)

Concurring Department(s):

Department of Human Resources