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Mayor

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Human Resources Director

**MEMORANDUM**  
**DHR No. 07-2008**

Date: May 9, 2008

TO: Department Heads  
Department Personnel Officers  
Department Payroll and Personnel Clerks

FROM: Micki Callahan, Human Resources Director

SUBJECT: **New Leave of Absence Rule Adopted by the Civil Service Commission and Review of Unpaid Leave of Absence Provisions and Tracking Requirements**

Pursuant to new Civil Service Rule 120.29 adopted by the Civil Service Commission on March 17, 2008, an eligible employee who is a spouse or registered domestic partner of a qualified member of the Armed Forces, National Guard or Reserves shall be allowed to take up to ten (10) days of leave during a period of leave from deployment of the qualified member.

The purpose of this memorandum is to provide guidance on the administration of this new leave of absence, and to review all current unpaid leaves of absence provisions and PeopleSoft HRMS tracking requirements for benefit administration purposes. Please note that, effective immediately, departments and employees are required to use the new updated Leave of Absence – DHR Form 7-20 (see attached; also located on the DHR website at:

[http://www.sfgov.org/site/uploadedfiles/sfdhr/forms\\_documents/RequestForLeave.pdf](http://www.sfgov.org/site/uploadedfiles/sfdhr/forms_documents/RequestForLeave.pdf)).

**New Civil Service Rule 120.29 – Spousal Deployment Leave AB392**

The following criteria must be met in order for an employee to take a leave of absence under this provision:

1. **Eligible Employee:** In order to be eligible for this leave, the employee must work on average at least twenty (20) or more hours per week. While this specifically excludes independent contractors, it extends to all employees regardless of start work date, including temporary or as-needed employees. For employees on a part-time or as-needed basis, the department should determine the average number of hours the employee worked in the preceding twelve months to establish whether this requirement is met (i.e., twelve month look-back as that used for Paid Family Leaves).
2. **Qualified Member:** Moreover, the employee’s spouse or registered domestic partner must be a “qualified member.” A “qualified member” is defined as either:
  - A member of the U.S. Armed Forces who has been deployed during a period of military conflict to an area designated as a combat theater/combat zone; or

- A member of the National Guard who has been deployed during a period of military conflict; or
  - A member of the Reserves who has been deployed during a period of military conflict.
3. **Notice and Verification:** In order to qualify for leave under this provision, an employee must notify the department of his or her intent to take the leave within two business days of receiving official notice that his or her spouse/registered domestic partner will be on leave from deployment. In submitting the request for leave, the employee must include written documentation certifying that his or her spouse/registered domestic partner will be on leave from deployment during the time that the leave is requested.

Please note that departments are prohibited from retaliating against an employee for taking or requesting leave under this provision.

### **Overview of Unpaid Leave of Absence Provisions and PeopleSoft Tracking Requirements**

Departments are required to track all unpaid leaves of absence for employees on when leave is requested for five (5) or more consecutive working days in PeopleSoft HRMS. Proper recording ensures that the Health Service System (“HSS”) is able continue employees’ health benefits in accordance with Administrative Code Section 16.701(b) and facilitates proper processing of premium payments from the employee and collection of charges to departments.

As a reminder, employees returning to work should have a Return to Leave entry recorded into PeopleSoft HRMS to prevent continued charges by HSS for an employee who has returned to paid status. Moreover, as with any type of employee leave of absence activity, departments are required to notify the San Francisco Retirement System in the event an employee takes leave under this provision.

### **List of Unpaid Leave of Absence Codes and Procedures**

The following is a comprehensive list of the City’s unpaid leave provisions and PeopleSoft codes for benefit administration purposes, incorporating the new Spousal Deployment Leave and those that have been established to date.

1. EDU – Educational Leave
2. EOR – Leave for Employment as an Employee Organization Officer/Representative
3. FCL – Family Care Leave
4. PLV – Personal Leave
5. PFL – Personal Leave Following a Family Care Leave
6. SDL – Spousal Deployment Leave AB392 (Effective October 9, 2007)
7. SNP – Sick Leave Without Pay
8. UAL – Unpaid Administrative Leave
9. WCL – Workers' Compensation Leave

### **Definitions of Unpaid Leave of Absence Codes**

1. Educational Leave (Code EDU), Civil Service Rule 120.32.  
Educational leave is defined as leave for the purpose of educational or vocational training in a field related to the employee's current position and as any training to which a veteran is entitled

pursuant to the laws of the United States or the State of California.

2. Leave for Employment as an Employee Organization Officer or Representative (Code EOR), Civil Service Rule 120.34.  
Leave is defined as leave to serve full-time as an officer or representative of an employee organization whose membership includes City employees, or to attend a convention or other type of business meeting of an employee organization as an officer or delegate of the employee organization.
3. Family Care Leave (Code FCL), Civil Service Rule 120.35.  
Family care leave is unpaid leave, and may be granted for reasons of the birth of a child of the employee; the assumption of parenting responsibilities; serious illness or health condition of a qualified family member of the employee, the employee's spouse or domestic partner, the biological or adoptive child of the employee, or a child for whom the employee has parenting or child rearing responsibilities; or the mental or physical impairment of a family member of the employee, the employee's spouse or domestic partner, a parent of the employee or the employee's spouse or domestic partner, the biological or adoptive child of the employee, or a child for whom the employee has parenting or child rearing responsibilities, which impairment renders that person incapable of self-care.
4. Personal Leave (Code PLV), Civil Service Rule 120.41.  
Personal leave is defined as leave for reasons other than those covered in other sections of this Rule.
5. Personal Leave Following a Family Care Leave (Code PFL), Civil Service Rule 120.41.  
A Personal Leave that is granted immediately following a period of Family Care Leave for the same purpose or reason of the initial leave.
6. Spousal Deployment Leave AB392 (Code SDL), Civil Service Rule 120.29.  
As indicated above, an eligible employee who is a spouse or registered domestic partner of a qualified member of the Armed Forces, National Guard, or Reserves shall be allowed to take up to ten (10) days of leave during a period of leave from deployment of the qualified member - effective October 9, 2007. **Note:** while this is an unpaid leave of absence, employees may utilize paid time off (floating holidays, vacation, etc.; but not sick leave) during this leave and should be encouraged to do so by their departments. If unpaid, please post use posting code "PL".
7. Sick Leave without Pay (Code SNP).
  - A. Leave pursuant to Sick Leave without Pay, Civil Service Rule 120 Article IV.  
Sick leave requested by an employee who is not eligible for sick leave with pay or who has exhausted sick leave with pay credits.
  - B. Leave pursuant to Compulsory Sick Leave, CSC Rule 120 Article V.  
Sick leave imposed by an appointing officer after the employee has been evaluated by a designated Department of Human Resources physician, and has been found medically or physically incompetent to perform the required duties of the position. Compulsory leave may be paid or unpaid. An employee who is not eligible for sick leave with pay or who has exhausted sick leave with pay credits may take sick leave without pay.

8. Unpaid Administrative Leave (Code UAL).

A. Leave pursuant to San Francisco Charter Section A8.341 - Removal or Discharge of Permanent, Non-Probationary Employees which authorizes an appointing officer to place an employee on unpaid administrative leave for just cause for a period of no more than 30 calendar days unless an investigation is delayed beyond such time by the act of the accused employee.

B. Leave pursuant to CSC Rule 120.28 — Unpaid Administrative Leave (Furloughs) which authorizes an appointing officer to impose Unpaid Administrative Leave (Furloughs) subject to receipt of a projected Deficit Notice (PDN) from the Controller stating that the department's budget will be insufficient to support the department's level of spending through the end of the fiscal year.

9. Workers' Compensation Disability Leave (Code WCL), CSC Rule 120.23.

An unpaid leave, resulting from an employee's Workers' Compensation claim for an illness or injury arising out of and in the course of employment, which has been accepted by the Workers' Compensation Claims Adjuster; and without supplementation using paid leave credits. Please contact your department's Workers' Compensation Coordinator.

**Questions or Needed Changes to HRMS Users:**

To add HRMS users or for training information contact Josephine Racelis at:

[josephine.racelis@sfgov.org](mailto:josephine.racelis@sfgov.org). HRMS users who currently have authorization to enter a Leave of Absence action will be able to enter these new codes, no additional action is required.

For further information, please contact your assigned Client Services Representative.