

1. What is required when I need to take an extended leave?

Immediately notify supervisor, timekeeper, and/or HR Liaison of any situation that may require you to take extended time off/a leave of absence (continuous period of more than two weeks) and submit a Leave of Absence Request via eWay. Review the Employee Guides as needed:

- [Leave of Absence Request](#)
- [Changing/Extending a Leave of Absence Request](#)
- [Document Upload Guide](#)

Leave requests should be submitted 30 days ahead of the start of your leave, when feasible, and will be automatically routed to HR first and then your department HR or timekeeping group for review and approval.

If your time off is related to your own illness, a family member’s illness, or pregnancy, and you have a doctor’s note or medical certification, upload that document in the “Supporting Document Upload,” tab within the Leave of Absence Request application in eWay.

2. Do I need to have a medical certification or doctors note before I submit a Leave of Absence Application?

No, it is not required to request the leave, but HR will need documents showing dates and reason for your extended time in order to determine eligibility and allowable protected time. If the documents are not available for upload upon initial submission, you must upload at a later date via eWay Self Service “Document Upload”.

3. When am I required to fill out and submit a Leave of Absence Application?

Even if you have enough paid leave balances to cover your time off, a Leave of Absence Application is required for any reason related to FMLA, CFRA, and/or PDL leave and for any unpaid leaves which exceed two weeks.

See #4 for reasons that may be considered FMLA, CFRA, and/or PDL leave.

If your time off needs change or are extended, you will need to submit an updated leave request (in eWay, Copy LOA Application, Save, update, and re-submit original request) and provide updated medical certification when applicable.

4. What reasons may provide me job and benefit protection (“protected leave”) while I am on an extended leave?

If eligible:

- For your own serious medical condition*
- For you to care for a child, spouse, domestic partner, sibling, parent, parent in-law, grandparent, grandchild, or “designated person” with a serious medical condition*
- For the birth of a child* or the placement of a child for adoption or foster care
- For you to care for an injured covered service member who is a child, spouse, parent, or next of kin. **
- For you to take time off due to a military exigency of a child, spouse, or parent. **
- For active or inactive Military Duty*
**requires certification*
***requires proof of relationship*

5. How do I know if I am eligible for a protected leave?

Human Resources will determine eligibility for protected leaves and send you a notice stating whether the time is protected or unprotected.

Your supervisor and/or department director have the role of approving any time off that is requested, but not protected.

Eligibility for most protected leaves (FMLA/CFRA) is determined by:

- Active employment for at least 12 months
- At least 1250 hours worked over the previous 12 months

If an employee is disabled due to pregnancy and childbirth and requires time off due to the disability, there are no eligibility requirements (Pregnancy Disability Leave).

6. Does the City pay me when I am on an extended leave?

Leaves of absence are not City-paid* and employees are:

- Required to use paid leave balances based on the [Use of Accrual Reference chart](#).
- Paid by disability insurance such as Long-Term Disability or Worker’s Compensation. This is paid directly from the providers and is not ran through City payroll.
- Required to use “Lost Time”, meaning unpaid hours when an employee runs out of accrued paid time or is not eligible to use remaining balances due to reason for leave.

Please refer to [City Policy 4.2.1](#) for specific information regarding accrual use by type of leave.

*With the exception of the [City-Paid Parental Leave Program](#) that grants eligible employees up to 40 or 320 hours of City Paid leave and the ability to use up to 120 hours of existing sick leave for the purpose of bonding with a new child.

7. How long can an employee be on extended leave?

This depends on many factors:

- Reason and timing of your leave
- Eligibility for protected leave
- Disability status and period
- Departmental approval of unprotected and/or unpaid time

For non-pregnant eligible employee leaves, the federal and state leave regulations allow up to 480 hours or 12 work weeks off due to a qualifying reason.

Please refer to [City Policy 4.2.1](#) in the City Policy Manual for further information.

8. How is my timesheet completed when I am on leave?

If you are still working at the time of the leave approval or if you are taking intermittent leave, enter time in accordance with the agreed upon leave schedule into the eWay timesheet.

Each day you are absent during an extended leave shall be coded as protected or unprotected. You will need to use the applicable time reporting codes while on leave. Your department will assist you to determine what codes to use on what dates.

If you are not working, your supervisor or the department timekeeper will enter your time in accordance with the agreed upon leave schedule.

9. Do I get paid City holidays while on extended leave?

If you are in a paid status before and after the City-paid holiday, you will receive holiday pay based on your eligibility.

10. What happens to my benefits while I am on leave?

Upon completing the Leave of Absence Request, you will be asked to elect to keep all, or some benefits active in the case you are unpaid for a full pay period.

If you remain paid, meaning you have some paid time within the pay period, the benefits will remain intact, and you will continue to pay any employee portion of premiums via paycheck deductions.

If you become unpaid, meaning zero earnings for a full pay period, the cost of benefits is dependent on your protected status:

- If in protected status and you have elected to keep some or all benefits active, you will be responsible for paying the employee contribution amount.
- If you are on an unpaid unprotected leave, you will be responsible for paying both the employee and the City benefit contributions (whole premiums) and be offered COBRA for health, dental, vision, and EAP. Other benefits may be continued based on specific vendor policies.

If you owe any funds to the City for benefits, HR will send you a statement outlining the cost and you will need to submit payments by mail or in person. If payment is more than 30 days late, you will be notified and reminded that your benefits may be dropped. The City will provide 15 days' notice prior to loss of coverage. If coverage is cancelled, the cancellation will be effective the last day of the month of cancellation.

If you chose to lapse some or all benefits while on unpaid leave, make sure to notify HR of your return to paid status and benefits will become active the 1st of the month following the date of return.

11. What is Long Term Disability (LTD) and what should I be aware of when planning an extended leave?

LTD is a benefit that you may elect upon hire that provides supplemental income to you while you are disabled. LTD replaces 66.66% of your pre-disability earnings and is untaxed.

If you have enrolled in LTD, you can [file a claim](#) for LTD directly with [Standard Insurance](#). See the [Long-Term Disability page](#) within the Benefits section of the HR website for more information.

You will be required to use your paid leave accruals during the LTD waiting period (30 or 60 days depending on what you chose). After the 30 or 60 days of disability, the claim payments will begin and the monthly premium for the benefit is waived. Employees on an LTD claim may choose to go unpaid while on claim.

If you did not elect this benefit upon hire, you may apply for coverage at any point, but will be subject to medical underwriting and could be denied.

12. Can I apply for Short Term Disability (STD) with the state's EDD department?

As a City of San José employee, you do not contribute to CA state disability. Please contact [CA EDD](#) to determine

eligibility from previous employment.

13. What impacts does “Lost Time” or unpaid leave have on my job, retirement, and compensation?

Any leave without pay does not count as City service time for purposes of completing probation, seniority, step increases, sick leave, vacation leave, or retirement service hours.

In addition, unpaid leave also cancels any eligibility for an employee to receive medical or dental in-lieu payments.

14. How do I add a new child to my City benefits?

Log into [eWay](#) to add your new dependent and initiate the benefit change.

Life Event benefit changes must be submitted in eWay within 30 days of the qualifying life event.

- Required proof of event and dependents must be uploaded in eWay or provided within 60 days.
- [Life Events Reference Guide](#)- a simple guide that lists out the steps by life event and what documents you will be asked to upload.
- For more detailed step-by-step instruction, please refer to the [Life Event Guide](#)
- Once your life event changes are submitted, please be sure to review the [Life Event Checklist](#) to review and/or update other areas in eWay that may be impacted by your life event.

15. What else should I be doing while on leave?

Keep your supervisor informed of any work restrictions while taking intermittent leave.

Send any updated medical certifications to HR if an extension, change, or early return is needed.

16. What do I do when I return to work?

Log into eWay and update your Leave of Absence Request with a date your returned from leave. This will inform HR of your return and can coordinate any benefit changes and update your status back to active.

17. Where do I go for questions regarding leaves?

For any questions around the policy and/or this FAQ, please reach out:

Human Resources- Benefits Division
(408) 535-1285 | Fax (408)999-0862

HRBenefits@sanjoseca.gov

Website: <https://www.sanjoseca.gov/your-government/departments-offices/human-resources/leaves-of-absence>

For questions about scheduling and timecards, please contact your department HR or timekeeping staff.

Disclaimer:

The information in this document presents an overview of certain aspects of the City policy and state and federal regulations and is intended for informational purposes only. If there is a difference between this document and the policies in a MOA, City Policy, or State/Federal Regulation, the MOA, City policy, State/Federal Regulations will govern. Information contained herein may include programs/benefits that are not applicable to all employees. For more information, contact the Employee Benefits Division at 408-535-1285 or hrcbenefits@sanjoseca.gov.