

**COUNTY OF SAN MATEO  
HUMAN RESOURCES DEPARTMENT  
Inter-Departmental Correspondence**

DATE: April 2015

TO: All Supervisory and Management Employees

FROM: Nicole McKay, Employee & Labor Relations Manager

SUBJECT: Employee Relations Bulletin 6  
Failure to Return From Leave

Concerns have been raised around situations where scheduling prohibits a supervisor from granting the full amount of leave requested by an employee and, in order to achieve the amount of leave desired, the employee calls in claiming that, due to some unusual event or circumstance, he/she is unable to return and must extend the leave.

Supervisors and managers are uncertain of their authority to deny these extensions and/or to request documentation from the employee to substantiate the extraordinary circumstances claimed by the employees.

Although many of the problems described above occur around holidays, the issue can and does arise at other times. This memo describes several scenarios and provides guidance on how to handle these situations.

**Scenario I:** Harry requests two weeks off to visit Hawaii over Christmas. After checking the vacation schedule and workload, his supervisor Susie tells Harry that she can approve the first week but not the second. On the Monday morning that Harry is to return, he calls Susie stating that his return flight has been canceled and he will not be able to report back to work until Thursday or Friday depending on when a flight can be booked. Harry has a history of unscheduled absences.

**Recommended Response:** First, Susie should advise Harry that his absence is not approved and he is therefore AWOL, including that this is a serious offense. Then Susie should ask Harry for a phone number at which he can be reached. Susie should tell Harry that he is needed at work and must make arrangements to return on the first available flight, regardless of airline. Susie should also tell Harry that, upon his return, he will be required to provide substantiation from the airline that the flight was canceled and that his return flight was the first available. Susie may call the airline to confirm that the flight was canceled. Susie should then discuss her findings with her manager and, if action is warranted, contact Employee Relations.

**Scenario II:** Jane wants Thanksgiving Day and Christmas Day off. Her supervisor Sam checks the schedule and determines that, in order to balance requests from all employees, Jane can have

one holiday off but not both. Sam tells Jane that, if she will work on Thanksgiving Day, she can be off on Christmas Day. Jane agrees to this arrangement. On Thanksgiving, Jane calls in sick.

**Recommended Response:** First, Sam should direct Jane to report to work. If Jane says that she is too ill to report, Sam should tell Jane that she must present a physician's statement upon her return stating that she was physically seen by a medical professional who determined that she was too ill to report to work. Upon Jane's return, Sam may wish to advise Jane that it will now be necessary for her to work on Christmas Day based on department practice.

**Scenario III:** Jim requests and is approved for vacation the week before Christmas. On the Friday before he is to return, Jim calls his manager Mandy stating that his wife had developed an ulcer on her foot and he will have to remain in Las Vegas with her for another week. Jim has a history of unscheduled absences.

**Recommended Response:** First, Mandy should advise Jim that he is not approved for time off and this could be considered AWOL. She should then secure a phone number at which she can reach Jim. Next, Mandy should tell Jim that he is needed at work and he must make alternate arrangements for his wife's return. If Jim says that his wife's condition requires that he remain with her, Mandy should advise Jim that, upon his return, he will be required to submit substantiating documentation from the attending physician. Mandy should consult Employee Relations to determine whether corrective action is warranted.