

## **LP - 11: Leave Without Pay**

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#### **SECTION - POLICY**

##### **1. INTENT:**

It is our policy to recognize that occasionally employees, for various reasons, may need time off from work. Therefore, all regular employees may apply for leave without pay to cover a period of absence when beyond accrued vacation/sick leave. Reasons for leave without pay may include prenatal care, education purposes, extended illness or injury as well as maternity and pregnancy-related disabilities, personal reasons, or other justified purpose. Upon approval of an employee's request, a period of leave without pay is considered an approved absence.

##### **2. REINSTATEMENT:**

Employees who take military leave or Family and Medical Act leave will be reinstated at the end of such leaves in accordance with those laws. Employees taking other types of personal leaves will be reinstated if a position exists which is to be filled. Reinstatement for personnel returning to work after a period of leave without pay may be in the same position, or another position of like status and pay. To be eligible for reinstatement, an employee must return on the first duty day after the end of the approved period. Failure to return on this date without advance notice or an approved extension will constitute grounds to terminate employment.

##### **3. APPROVAL AUTHORITY:**

Approval authority for leave without pay rests with the County Administrator. Factors to be considered in making a determination are the needs of the employee, workload, need for filling the vacancy, the obligation to reinstate the employee to a job of like status and pay, and the chances of the employee returning to work. Approval authority also entails the responsibility to ensure this policy is administered in a manner that is equitable to all employees.

##### **4. MAXIMUM LEAVE ALLOWANCE:**

The maximum amount of leave without pay should not exceed one calendar year. However, depending upon individual circumstances and purpose of leave, this time limit may be extended.

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### **5. RETENTION OF BENEFITS:**

- a. Employees whose leave qualified as leave pursuant to the Family and Medical Leave Act are required to use their leave time under the Act concurrently with any other leave time they have accrued, such as sick leave or vacation leave.
- b. Accumulation of vacation and sick leave and service credit toward pay raises are not permitted while in a leave without pay status.
- c. Holidays occurring during the leave without pay period are considered as unpaid days.
- d. If the reason for the leave without pay is for other than illness or injury, any days in which the employee is sick are considered as unpaid days. The break in service shall also result in the discontinuation of other benefits such as medical insurance and retirement.
- e. The employee may elect to maintain insurance programs, but not retirement by paying both the employee's and the County contribution. Moreover, if a new group health plan is introduced while an employee is on leave, such employee will be given the opportunity to join the health plan on the same terms and conditions as active employees.

## **SECTION II - PROCEDURES**

### **6. APPLICATION PROCESSING:**

- a. Employees should submit their request for leave without pay on the regular leave request form, indicating the type of leave, purpose or reason, length of time requested, and date expected to return. The request should be submitted as far in advance as possible to allow sufficient time for an evaluation of the request and decision to be made.
- b. The request will be submitted through the individual's supervisor, to his/her department head. The department head will indicate in writing his recommendation and forward the request to the County Administrator for final action.