

County Proposal – Unit 6
August 11, 2022

13.7 Leave of Absence Without Pay

- A. Leave of absence without pay may be granted only to an employee having a satisfactory record. A department head may authorize a leave of absence without pay for up to thirty (30) calendar days for a regular or probationary employee. Successive leaves may not be granted by a department head.
- B. A regular employee may be granted a leave of absence without pay for more than thirty (30) calendar days upon written request and the recommendation of the department head to the Director of Human Resources or his/her designee and only upon the exhaustion of all other appropriate leave balances. Request for leave of absence without pay shall state the reasons for the requests, the date of commencement and the date of return. The request shall normally be initiated by the employee, but may be initiated by a department head. The department head shall recommend granting, modifying or denying the request and shall promptly transmit it to the Director of Human Resources or his/her designee for consideration and approval.
- C. A leave of absence without pay may be for a period not to exceed one (1) year. Such leave may be extended for an additional year, if the request for the extension, processed as the original request, is made at least 10 days prior to the end of the original leave. The Director of Human Resources or his/her designee shall promptly be notified when an employee returns from a leave of absence without pay.
- D. Neither leave accruals nor benefits shall accrue while an employee is on leave of absence without pay.
- E. Immediately prior to or at the time of return from leave of absence, an employee may be required to submit a statement from a physician attesting to his/her physical and/or mental ability to return to work.
- F. If an employee desires to return to work before expiration of the leave of absence without pay, the department head may require reasonable notice of fifteen (15) calendar days or less.
- G. A leave of absence without pay may be revoked by the Director of Human Resources upon evidence submitted by the department head that the reason for granting leave was misrepresented or has ceased to exist.
- H. Failure to return at the expiration of a leave of absence or being absent without leave shall be considered an automatic resignation. ~~An automatic resignation may be rescinded by the department head if the employee presents satisfactory reasons~~

for his/her absence within three (3) days of the effective date of the automatic resignation. The appointing authority proposing that the separation be taken shall provide the employee with written notice of the proposed absent without leave separation which must include:

1. A description of the proposed reasons for the separation.
2. A statement that a copy of the materials upon which the action is based are either attached or available for inspection by the employee or the employee's representative.
3. The effective date of the proposed separation which must be at least five (5) calendar days after the notice is received by the employee;
4. A statement advising the employee that the employee shall be given the opportunity to timely respond to the proposed separation in order to request that the resignation may be rescinded by the department.
5. A statement that the employee may respond in writing or in person, that if the employee elects to respond in writing any response must be received by close of business within five (5) calendar days after the notice is received by the employee, and that if the employee elects to respond in person the employee must request a meeting with the department head or the department head's designee to be held within five (5) calendar days' notice after the notice is received by the employee. The failure of the employee to respond will constitute a waiver of the right to respond.

If the employee elects to respond in person, a meeting shall be scheduled with the department head or the department head's designee. The employee shall be given the opportunity to respond to the proposed separation. The employee shall be entitled to be represented by the person of their choosing at the meeting.

6. The department head or the department's designee may rescind the automatic resignation if the employee provides satisfactory reasons for their absence or for their failure to return to work at the expiration of a leave of absence, including the employee's reasons for his/her/their failure to obtain an approved leave.
7. Appeal of Absence Without Leave Separation

Absence without leave separations may be appealed pursuant to the same process set forth in Section 18.4 (Disciplinary Action Appeal Process – Not to the Civil Service Commission).

8. In an arbitration proceeding considering such an appeal pursuant to Section 18.4, the employee's separation shall be considered as voluntary resignation, unless coerced, and not as a disciplinary discharge and the arbitrator may only rescind the voluntary resignation if the employee provides satisfactory reasons for their absence or for their failure to return to work at the expiration of a leave of absence including the employee's reasons for his/her/their failure to obtain an approved leave.

I. A leave of absence without pay may be granted for any of the following reasons:

1. Illness or disability;
2. Pregnancy
3. To take a course of study which increases the employee's usefulness on return; or
4. For other reasons acceptable to the department head and/or the Director of Human Resources.