



## **704 - UNPAID LEAVES OF ABSENCE**

### **I. INTRODUCTION**

Unpaid leaves of absence may be granted to City employees in accordance with this policy. A leave of absence is defined as an unpaid approved absence from work for a specified period of time for medical or personal reasons.

### **II. TYPES OF UNPAID LEAVES OF ABSENCE**

The City offers two (2) types of unpaid leaves of absence:

#### **A. Unpaid Medical Leaves of Absence**

Regular full-time employees who have completed one (1) year of employment and exhausted all accrued paid medical leave or have used the maximum amount allowed, and have exhausted all paid leave, and compensatory time, and who require additional leave for medical situations, including medical situations covered by Section 703, Family Medical Leave Act (FMLA), may be granted an unpaid medical leave of absence with appropriate documentation.

Unpaid medical leaves of absence may be granted, at the discretion of the department head, designated representative, or manager, for the period of time medically necessary, or as covered by FMLA, but shall not exceed a maximum of six (6) months. The department head shall confer with the Director of Human Resources or designated representative prior to the disapproval of any request for an unpaid medical leave of absence.

An unpaid leave of absence does not guarantee that an employee's job will be held pending his/her return, except as required by FMLA.

#### **B. Unpaid Personal Leaves of Absence**

Regular full-time employees who have completed one (1) year of employment may be granted an unpaid personal leave of absence for a maximum of six (6) months for any compelling, valid reason, including educational, after all paid personal leave and compensatory time have been exhausted, at the discretion of the department head, designated representative, or manager.

**III. REQUESTS FOR AND PLACEMENT ON UNPAID LEAVES OF ABSENCE**

- A. An employee is required to request leave and to provide any required medical certification or other documentation as soon as the employee knows he/she will need leave. Managers may require an employee's written request for leave of any duration. An employee's written request for leave as covered under Section 703, Family Medical Leave Act (FMLA), shall also serve as the employee's written request for an unpaid leave of absence under this policy, if no paid leave or compensatory time is available.
- B. Leave of one full pay period or less may be approved by the designated manager orally, with the manager's signature appearing on the employee's timesheet or leave request form as documentation. Leave of more than one full pay period must be approved or disapproved in writing by the department head or designated representative. Written approvals for leave of more than one full pay period shall inform the employee of all applicable limitations, and requirements for any documentation such as medical certifications or return to duty certifications.
- C. Unpaid leaves of absence will be effective the first working day after all applicable, approved paid leave and compensatory time have been exhausted.
- D. Department payroll representatives are responsible for ensuring that the employee's payroll record indicates unpaid status and that the employee's leave has been accrued correctly in accordance with appropriate City leave policies.
- E. Leaves of more than one full pay period require that a personnel action be submitted through the Human Resources/Payroll system indicating the employee's placement on inactive status and the effective date. The personnel action should indicate the type of unpaid leave of absence granted and the anticipated date of return, if known. A copy of all correspondence and supporting documentation should accompany the personnel action.

**IV. STATUS AND BENEFITS OF EMPLOYEES ON APPROVED UNPAID LEAVES OF ABSENCE**

**A. Pay Status**

All leaves of absence covered by this policy are unpaid.

**B. Status of Position**

An approved unpaid leave of absence does not guarantee that the employee's position will be held, except as required by the Family and Medical Leave Act.

Department heads reserve the right to review operating requirements and determine whether positions can be held open. When a department head determines that a position cannot be held open pending the return of the employee, the department head shall confer with the Director of Human Resources or designated representative prior to taking formal action.

**C. Unpaid Leaves of One Full Pay Period or Less**

The employee will remain in active status but is not paid and will accrue paid personal and paid medical leave. The employee's compensation rate will not be affected. Retirement credit is accrued if the employee is in an active pay status for at least 15 days during a calendar month.

**D. Unpaid Leaves of More Than One Pay Period**

The employee will be placed in an unpaid, inactive status. No benefits such as paid personal leave or paid medical leave shall accrue during pay periods in which there is no pay. See Section 604, Attachment I, Salary Administration Policies, Merit Salary Action Policies and Guidelines for impact on merit increase eligibility.

**E. Holidays**

Employees on unpaid leaves of absence shall not receive compensation for holidays.

**F. Group Insurance Participation**

During approved, unpaid leaves of absence, eligible employees may continue participation in group insurance plans offered by the City by paying the employee's share of the premium. Prior arrangements for premium payments should be made with the Benefits Office of the Finance Department.

**V. MONITORING OF LEAVE STATUS**

- A. Departments are responsible for monitoring all unpaid leaves of absence taken by their employees and for ensuring that the conditions of the leaves of absence are met. Periodic documentation of the need for continuation of the leave including medical re-certifications may be required.
- B. During the course of an unpaid leave of absence, should circumstances surrounding the leave change, the department head reserves the right to review whether the leave of absence will continue.
- C. If the employee's position is not held, administration and monitoring of the employee's unpaid leave of absence will continue to be the responsibility of the department until the leave ends.

**VI. REINSTATEMENT/COMPLETION OF THE UNPAID LEAVE OF ABSENCE**

- A. To reinstate an employee who has been on an unpaid medical leave of absence, the employee should provide the department with a Return to Duty Certification that indicates the employee is able to perform the essential job functions and may return to work. An employee who has been on a personal leave of absence may be returned to active status if the employee's job has been held by submitting a personnel action through the Human Resources/Payroll system.
- B. If an employee's job has not been held, see section VII, "Termination of Employees on Unpaid Leaves of Absence".
- C. The employee is responsible for notifying the department as far in advance as possible of the date he/she anticipates returning to work.
- D. Department payroll representatives are responsible for ensuring the appropriate reactivation of the employee's pay and leave accruals in the payroll system. If the employee has been on leave for more than one pay period and the employee's position has been held, the department shall submit a personnel action through the Human Resources/Payroll system placing the employee on active status, effective the date the employee returned to work.

**VII. TERMINATION OF EMPLOYEES ON UNPAID LEAVES OF ABSENCE**

Employees on unpaid leaves of absence may be terminated in the following situations:

- A. Upon the exhaustion of the leave of absence, if the employee's job has not been held.
- B. In medical situations where the employee is unable to perform the essential functions of his/her position and the leave of absence has been exhausted.
- C. If the employee fails to meet the conditions of the leave or fails to return to work upon the expiration of the leave of absence.
- D. If the employee accepts employment with another employer.
- E. If the employee retires or submits a notice of intent to terminate his/her employment with the City.

Prior to terminating an employee on an unpaid leave of absence, the department head shall confer with the Director of Human Resources or designated representative.

To effect termination, the employee's department shall notify the employee of the termination in writing and shall submit a personnel

action through the Human Resources/Payroll system. The termination date shall be the date the unpaid leave of absence ended.

Note: Military leaves of absence are covered under Section 707, Military Leave, and are handled individually. Contact Human Resources to ensure appropriate personnel action in accordance with federal and state regulations.

*Supersedes/Amends: 704, 9/01/98*

Approved:



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City Manager