

## **603 Leave of Absence without Pay**

### **603.1**

This procedure shall be followed in processing all requests by regular employees for temporary leave of absence without pay. It is the intent of this policy to provide an equitable method for administrative review of all requests for temporary leave of absence without pay based upon the same standards and guidelines. Leave of absences that qualify under the Family Medical Leave Act will be assessed according to Section 604.

The Department Head and Division Director may grant any regular employee in the department leave of absence without pay not exceeding a total of 7 days in a calendar year.

Leave of absence beyond 7 days may be requested by a Department Head or Division Director and presented through the Director of Human Resources to the City Manager for approval or rejection.

### **603.2**

An employee requesting temporary leave of absence without pay due to impairment shall be responsible for submitting a formal written memorandum or letter to the Department Head specifying the following information:

Nature of the impairment;

Name of the physician or provider administering treatment for the condition; and

Period of time requested for leave of absence without pay and the specific date on which the employee expects to be able to return to full duty.

The employee shall be required to attach a signed statement by the physician or provider of the treatment outlining, in reasonable detail, the employee's condition and prognosis for recovery. In addition, the employee must submit a signed release authorizing the City Medical Director to review all employee medical records relevant to the treatment in question.

### **603.3**

The employee's documented past and present job performance and record of attendance are the criteria to be used in evaluating requests for a leave of absence without pay. Attendance shall take into account whether or not employee absences were previously approved by the Department Head and were based upon valid medical reasons. When such leaves of absence meet the sick leave requirements of Section 605.4 of these rules, the employee shall be required to use all accrued sick leave followed by all accrued compensatory and annual leave prior to being placed on leave of absence without pay.

The department's ability to temporarily be without the services of the employee is used in evaluating requests for a leave of absence without pay. In making this evaluation the Department Head should consider whether or not the employee's absence would create an undue hardship on departmental operations.

### **603.4**

If, after a complete review of the request for leave of absence without pay, the results indicate the department scheduling and work requirements are the sole reason for not recommending leave without pay; the Department Head or Division Director may recommend to the Director of Human Resources that the employee be placed on a reinstatement roster. If approved by the Civil Service Commission, the employee shall be given preferential consideration, upon his/her stated desire to return from leave without pay, for appointment to the next available vacant position previously held by the employee or for which the employee qualifies.

### **603.5**

Employees on leave of absence without pay shall be responsible for making arrangements with the Accounting Department for the continued personal payment of all health plan and life insurance premiums and other payroll deductions during the duration of the approved leave of absence without pay and:

Employees shall not be eligible to accrue annual, sick or injury leave during the period the employee is on leave of absence without pay.

Any employee on leave of absence without pay for 12 consecutive months or longer may be terminated with or without cause, consistent with applicable FMLA and ADA policies.

### **603.6**

While leave of absence without pay resembles FMLA, this leave is intended for use in situations not involving an FMLA qualifying event. If an absence is due to an FMLA qualifying event, then that policy shall provide leave and this policy shall not be cumulative or in lieu of FMLA leave.

### **603.7**

During any period of leave without pay due to FMLA, Worker's Compensation injury, military leave, or any other unpaid leave and the employee has elected to contribute to a Flexible Spending Account (FSA), the election is revoked and contributions cease during the leave without pay period.

Reimbursements will continue for prior contributions received. Reimbursements will not be made for services rendered during the period of leave without pay.

The employee may elect to make after tax contributions during the leave without pay period. The affected employee may reinstate the prorated share of FSA contributions upon returning to work.