

**Section 9: Leave**

**Leave of Absence With or Without Pay**

*Section 9.01*

A leave of absence with or without pay will allow a regular employee to be absent from duty for a specified period of time and for specified purpose in accordance with statutory requirements and the applicable collective bargaining agreement.

- A. A request for a medical, pregnancy or parental leave of absence with or without pay shall be made in writing to the employee’s immediate supervisor, the Human Resources Chief, and the Department Head, and shall state specifically the reasons for leave (insofar as allowed by law), the date when the leave is to begin, and the probable date of return. Then the request will be forwarded to the Executive Director for final approval.
- B. All other leaves shall be submitted to the employee’s supervisor and Department Head and state specifically the reason for the leave, the date it is requested to begin, and the duration and return date for approval. The Department Head will forward it to the Executive Director for final approval.
- C. No employee shall be granted a leave of absence without pay for time off which can be covered by the employee’s accrued vacation, compensatory time off, personal leave, or sick leave when applicable. This does not apply to a denial of paid leave for an employee with attendance issues, tardiness or failure to follow call-in procedures when not reporting for work.
- D. A leave may be granted for a period not to exceed six (6) months for the following purposes:
  - 1. Illness or injury, including pregnancy-related disability and family care;
  - 2. Education or training which would benefit the Agency;
  - 3. Parental leave pursuant to Agency policy, or;
  - 4. Other personal reasons approved by the Executive Director (or the Appointing Authority).
- E. Accrued sick leave when applicable, vacation leave, compensatory time off, personal leave and management leave must be used prior to taking a leave without pay except as approved by the Executive Director (or the Appointing Authority). An employee may not intersperse paid leave accruals with unpaid leave to accrue benefits or qualify for Agency insurance contributions.

- F. In unusual and special circumstances an employee may be granted up to a six (6) month extension of a leave of absence without pay for a total of up to twelve (12) months. Such extension shall be based on unusual and special circumstances and shall be subject to the approval of the Executive Director (or the Appointing Authority).
- G. A leave of absence may be revoked by the Executive Director (or the Appointing Authority), if the reason for granting a leave was misrepresented or has ceased to exist.
- H. If an employee is on an approved leave of absence of six (6) months or less, necessitated by pregnancy, illness or disability, as verified by medical reports, the employee shall be eligible to return to his/her position at the completion of such leave unless statutory provisions provide greater protection.
- I. In all other cases, if a leave of absence necessitates a replacement with a regular employee, the employee on leave shall not be returned to the Agency unless a position in the employee's classification is open at the time he/she reports for work. If the position is to be filled on a permanent basis, the employee shall be so advised prior to the leave.
- J. If there is not such a vacancy in the employee's current classification at the time of request to return, he/she shall have preferential hiring rights for the first in either the employee's current classification or another classification in which he/she held regular status and which is either open at the time he/she returns from the leave or which becomes open at a later date. Such preferential hiring rights cease when either he/she is re-employed in his/her current classification or one calendar year after termination of the leave, whichever occurs first.
- K. Recall rights from a leave without pay shall not supersede the recall rights of laid-off employees. Disputes on preferential hiring rights to vacant positions shall be resolved first by classification seniority. Ties in classification seniority shall be determined by Agency seniority. Ties in Agency seniority will be determined by lot.
- L. If the leave of absence without pay necessitates a temporary replacement, the employee on leave shall be returned to the position he/she vacated upon his/her return to work.
- M. Employees wishing to return from a leave of absence prior to the original date of return, shall notify their supervisor of their desire to return early and they shall work out a mutually agreeable date of return.
- N. Employees who are veterans and/or members of the National Guard shall be entitled to leaves of absence to which they are entitled pursuant to the Military and Veterans Code.
- O. An employee failing to return from a leave of absence on the specified return date shall be considered to have resigned their employment with the Agency.