



# LEAVE OF ABSENCE & LEAVE WITHOUT PAY POLICY

POLICY NUMBER: <b>200-08</b>	EFFECTIVE DATE: 1/6/2008	APPOINTING AUTHORITY APPROVAL: 
REPLACES POLICY DATED: 4/18/2004	AUTHORITY: OAC 123: 1-34-01; ORC 124.34; OCSEA Article 31	

## I. PURPOSE

To establish a uniform process in which the employees of Department of Administrative Services (DAS) may apply and be considered for a leave of absence or a leave without pay (LWOP) for specified reasons.

## II. POLICY

It is the policy of the Department of Administrative Services to grant paid leave benefits when requested in accordance with applicable laws and collective bargaining agreements. Upon exhausting all applicable paid leaves, an employee may be considered for leave of absence or leave without pay. The Department recognizes that employees may have certain personal needs that may merit consideration for leave time without compromising the needs of the organization. Operational needs and service to the customer will take precedence over conflicting personal needs. It should be recognized that LWOP can have an adverse impact on the operational success of DAS. Requests for LWOP will be closely scrutinized to insure that the best interest of the operation is considered.

## III. PROCEDURES

### A. CLASSIFIED SERVICE

1. Application for Leave of Absence (a period of time away from work greater than one pay period)

An employee wishing to apply for an approved leave of absence shall make a request in writing to the Human Resource Administrator in the Office of Employee Services. The written request shall be submitted in advance if the need for leave is foreseeable, if that is not possible, then as soon as practicable prior to taking the leave and shall include the following information:

- Reason for the leave
- Anticipated duration of leave being requested

Employees are required to exhaust all applicable leave prior to being in an approved leave of absence. The Director of Administrative Services shall have the final decision on the approval for the leave of absence.

2. Leave of Absence Conditions

- a. An employee may request a leave of absence for his or her own personal reasons. Appropriate reasons may include, but are not limited to education, childcare (if greater than 10 working days), family responsibilities, etc.
  - (1) An approved leave of absence may be considered for a maximum duration of one year.
  - (2) Leave of absence may be considered for a maximum period of two years for purposes of education or training which would be of benefit to the service; or for voluntary service in any governmentally sponsored program of public betterment. Renewal or extension beyond the two-year period shall not be allowed.
- b. Cancellation of Leave: The Human Resource Administrator with the approval of the Director may cancel the leave and direct the employee to report for work by giving written notice to the employee. A leave of absence may be cancelled for operational concerns, or if the employee is not using the leave for the stated purpose.
- c. Failure to return to work:
  - (1) An employee who fails to return to work within three working days of the completion of an approved leave of absence or a valid cancellation of a leave of absence may be terminated in accordance with section 124.34 of the Ohio Revised Code unless an emergency situation prevents the employee's return. Related documentation must be submitted to OES as soon as practicable; or
  - (2) An employee who fails to return to work from a leave of absence and is subsequently removed or voluntarily resigns from service is deemed to have a separation date corresponding to the starting date of the leave of absence.
- d. Return to Work: Upon completion of a leave of absence, the employee shall be returned to a same or similar position within one year. The employee may be returned to active pay status prior to the original scheduled expiration of the leave, if such earlier return is agreed by both the employee and the Department of Administrative Services.
- e. Civil Service Examinations: A provisional employee who is on leave of absence is responsible for obtaining information about and participating in any test given for the employee's classification during such leave and may be replaced from an eligible list.
- f. Service Credit: Authorized leaves of absence will count as service credit for annual step increases, layoff purposes, and for computing

the amount of vacation leave, provided the employee is properly returned to service and is not serving a probationary period. Employees that do not return to service from a leave of absence shall not receive service credit for the time spent on such leave.

- g. Reporting of Leave: Upon receiving approval from the Human Resource Administrator, the employee shall submit "Request for Leave" forms concurrent with the pay period(s) that the leave is being taken. The employee or a designee shall code his or her electronic time sheet with the appropriate "leave of absence" code corresponding to the leave taken (e.g. 1021 – Family Medical Leave/Absent without Leave, or 1711 – unpaid absent etc.).
- h. Probationary Employee: Employees serving a probationary period who request and are approved for a leave of absence for more than fourteen (14) days, shall not receive service credit towards the employee's original or promotional period while on leave of absence.
- i. Benefits: An employee who chooses to continue his or her health insurance while on a leave of absence shall pay the employee and employer's share of the health insurance. Payment shall be sent directly to the Office of Employee Services fifteen days prior to the end of the month coverage is scheduled to terminate. Failure to make payments as specified may cause cancellation of the employee's coverage.

3. Leave of Absence for a Disabling Illness, Injury or Condition

Employees with a disabling illness, injury or condition who are not eligible to receive disability benefits may be granted a leave of absence upon written request to the Human Resource Administrator for the approval of the Director of Administrative Services. The employee must demonstrate that the probable length of disability will not exceed one year.

- a. Length of Leave: Leave of absence shall be limited to the period of time that the employee is unable to perform the essential duties of the employee's position. This period may include reasonable rehabilitation and recovery time, as certified by a licensed practitioner, not to exceed six months. If the employee does not return to active work status within six months, the employee may be given a disability separation in accordance with Chapter 123:1-33 of the Administrative Code.
- b. Leave Usage: Employees are required to exhaust all available leave prior to being in an approved leave of absence for any disabling illness, injury or condition.
- c. Reporting of Leave: Upon receiving approval from the Human Resource Administrator, the employee shall submit "Request for Leave" forms concurrent with the pay period(s) that the leave is being

taken. The employee or a designee shall code his or her electronic time sheet with the appropriate "leave of absence" code corresponding to the leave taken (e.g. 1021 – Family Medical Leave/Absent without Leave, or 1711 – unpaid absent etc.).

- d. Return to Work: Employees shall provide to the Office of Employee Services a physician's certification that confirms the employee is able to perform the essential functions of his or her position upon return to work. The Office of Employees Services must receive the physician's certification prior to returning to work. Failure to submit a physician's release as specified above may cause a delay in returning to work.

4. Leave of Absence for Child Care (more than 10 working days)

Employees may submit a request for an approved leave of absence for the purposes of childcare. All requests for leaves of absence for childcare shall be considered on a nondiscriminatory basis without regard to the sex of the employee. An adoptive or foster parent's request for leave of absence for purposes of childcare shall be considered on the same basis as that of a biological parent under similar circumstances.

5. Leave of Absence in Conjunction with Family Medical Leave

Employees who are approved for an authorized leave of absence and also qualify for FMLA shall have up to the first twelve weeks count toward his or her FMLA annual entitlement. The Family Medical Leave Act policy shall take precedence over all guidelines and benefits in accordance with the Leave of Absence Policy.

6. Leave of Absence in Conjunction with Adoption/Childbirth Leave

Employees who are eligible for the Adoption/Childbirth Leave (A/CB) program shall apply for such benefits prior to requesting a leave of absence. Any leave approved for leave of absence that also qualifies for FMLA shall be counted toward the employee's twelve-week entitlement. The Adoption/Childbirth Leave Policy and the Family Medical Leave Policy take precedence over all guidelines and benefits in accordance with the Leave of Absence Policy.

7. Other Guidelines under Leave of absence

- a. An employee on unpaid leave of absence may have his or her position filled on a temporary basis in accordance with the applicable ORC or Article 7 of the collective bargaining agreement.
- b. An employee whose position has been filled shall be reinstated to the same or a similar position if they return to work within one (1) year.
- c. DAS may consider an employee's request to extend the leave period.

B. UNCLASSIFIED SERVICE

Leave of absence may be granted to an employee in the unclassified service in the same manner as it is granted to a classified employee. An employee wishing to apply for an approved leave of absence shall make a request in writing to the Human Resource Administrator in the Office of Employee Services. The written request shall be submitted in advance if the need for leave is foreseeable, if that is not possible, then as soon as practicable prior to taking the leave and shall include the reason for the leave, as well as the beginning and end dates of the leave. Employees are required to exhaust all available leave prior to being in an approved leave of absence. Return of the employee in the unclassified service to active pay status shall be at the discretion of the Director of the Department of Administrative Services.

#### C. LEAVE WITHOUT PAY (LWOP)

1. An absence from work less than one pay period for which an employee has no leave to cover the absence.
  - a. Any permanent employee who is absent and has no leave to cover is considered to be in a leave without pay status. Being in leave without pay status may subject the employee to discipline.
  - b. Non-permanent employees (e.g., external interims, intermittent, student help, college interns) are ineligible for any benefits, including but not limited to leave benefits. All non-permanent employees must notify and receive approval from their supervisor or manager in advance for all absences from work. Any non-permanent employee who is absent without proper authorization of leave without pay may be subject to discipline, up to and including termination.
  - c. Requests for use of leave without pay will not be approved if an employee has applicable leave hours available to cover the absence.

#### D. ABSENT WITHOUT LEAVE (AWOL)

1. An employee that is absent and has not requested leave or has been denied paid leave, unpaid leave, or leave of absence.
  - a. An employee must notify his or her supervisor of absences in advance unless extenuating circumstances exist. Failure to do so will constitute an absence without leave and employee may be subject to discipline.
  - b. If the absence without leave is for three (3) or more consecutive days without notification, an employee may be subject to discipline, up to and including termination.

### IV. REVISION HISTORY

*LEAVE WITHOUT PAY 200-08*

Date	Description of Change
4/18/2004	Original Policy Release
1/06/2008	New appointing authority