

13.7 Leave of Absence without Pay

- A. A leave of absence may be granted only to an employee having a satisfactory record. Department heads may authorize a leave of absence without pay for a regular or probationary employee for a period of time not to exceed thirty (30) calendar days. Successive leaves may not be granted by department heads.
- B. Any regular or probationary employee may be granted a leave of absence without pay in excess of thirty (30) calendar days upon ~~his/her~~ the employee's written request and the recommendation of ~~his/her~~ the employee's department head to the Director of Human Resources or ~~his/her~~ the Director's designee and only upon the exhaustion of all other appropriate leave balances. Requests for leave of absence without pay shall be made upon forms prescribed by the Director of Human Resources or ~~his/her~~ the Director's designee and shall state specifically the reasons for the requests, the date when it is desired to begin the leave and the probable date of return. The request shall normally be initiated by the employee, but may be initiated by ~~his/her~~ the employee's department head or the department head's designee. The department head/designee shall indicate on the request form ~~his/her/their~~ recommendation as to whether the request should be granted, modified or denied and shall promptly transmit the request to the Director of Human Resources or ~~his/her~~ the Director's designee.
- C. A leave of absence without pay either approved by the department head or approved by the department head and the Director of Human Resources or ~~his/her~~ the Director's designee, shall be transmitted by the Director of Human Resources or ~~his/her~~ the Director's designee to the Auditor-Controller for appropriate action.
- D. 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, provided the request for the extension, processed as the original request, is made at least ten (10) days prior to the end of the original leave. The Director of Human Resources or ~~his/her~~ the Director's designee shall be promptly notified at the return of any employee from a leave of absence without pay.
- E. Neither leave accruals nor benefits shall accrue while an employee is on leave of absence without pay.
- F. Immediately prior to or at the time of return from leave of absence to active duty the employee may be required by ~~his/her~~ the department head to submit a statement from ~~his/her~~ the employee's physician certifying as to ~~his/her~~ the employee's physical and/or mental ability to resume the duties of ~~his/her~~ the employee's position. Employees in classifications that do not require pre-

placement physical may only be required to submit a statement from a physician certifying as to the employee's physical and or mental ability to resume duties of his/her position when they return from a medical related leave of absence.

Whenever an employee has been granted a leave of absence without pay and desires to return before expiration of such leave, the department head may require that reasonable notice not in excess of fifteen (15) calendar days be given. [Note: added language from Unit 5.]

- G. A leave of absence may be revoked by the Civil Service Commission upon evidence submitted by the department head that the cause 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 as an automatic resignation. ~~Such a resignation may be rescinded by the department head if the employee presents satisfactory reasons for his/her absence within five (5) working days of the date his/her automatic resignation became effective.~~ 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:

- a. Illness or disability
- b. Pregnancy or Birth or Adoption of a Child
- c. To take a course of study which will increase the employee's usefulness on return to ~~his/her~~ the employee's position.
- d. For other reasons acceptable to the department head and/or Director of Human Resources or ~~his/her~~ the Director's designee.

J. An employee may appeal the denial of a leave of absence without pay by filing a written appeal at Step 4 of the Grievance Procedure. Such an appeal shall be filed within ten (10) calendar days of receipt of notice of the denial of the request for a leave of absence without pay. The parties agree to expedite the scheduling of mediation in order to provide the employee with a timely disposition of his/her appeal. The Director of Human Resources will render a final decision in regard to the requested leave of absence without pay within three (3) calendar days following mediation. The decision of the Human Resources Director shall be final and not subject to further appeal.