



## Medina County Policy Manual



<b>Policy: Personal Leave of Absence without Pay</b>	<b>Section: Time Off</b>	<b>Number: 4.025</b>
<b>Issued: 09/17/07</b>	<b>Reviewed/Revised:</b>	<b>Page #: 1 of 4</b>

### A. POLICY

1. Personal Leave of absence without pay is a discretionary leave and may be granted for a period up to six (6) months at the discretion of the employee's director.
2. Personal reasons include, but are not limited to:
  - a. Enrollment in educational course work relating to the employee's position if the purpose of the leave is to further the employee's education in a field pertinent to that in which he/she is employed, providing the employee agrees to return to County service following the expiration of the leave, for a period of time equivalent to the leave. Such employees granted an educational leave must submit transcripts or proof of courses or training taken while on leave, as may be required by the department head or Director of Human Resources;
  - b. Temporary relocation of a spouse;
  - c. Charitable or religious mission;
  - d. Family emergency of the employee's immediate family. For the purpose of this policy immediate family is defined to include the following relatives: his/her spouse, grandfathers, grandmothers, grandsons, granddaughters, fathers, mothers, step-fathers, step-mothers, sons, daughters, step-sons, step-daughters, brothers, sisters, fathers-in-law, mothers-in-law, brothers-in-law, sisters-in-law, daughters-in-law, or sons-in-law and the spouses of any members of the employee's immediate family.
  - e. Disabling illness, injury or condition. Such are limited to the period of time that the employee is unable to perform his/her duties.
3. The approval of such leave shall largely depend upon the nature of the request, job performance, operational issues, specialization or critical nature of the employee's position, as well as the practicality of replacing the employee for a temporary period.

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4. A personal leave of absence shall not be given or extended within six months after return from a leave.
5. Assurance of the return of a classified employee to County employment is required if such a leave is to be granted. Approval of requests for personal leave of absence constitutes an agreement by the employee's department to return the employee to his or her job classification or to a comparable position at a pay rate not less than the former rate, contingent upon the availability of funds.
6. A non-classified employee who receives a leave of absence without pay shall be on leave from the classification held and, upon expiration of the leave of absence, may return to his/her former position only if it is vacant. If there are no vacancies in the classification upon the leave's expiration, the employee's name shall be placed on a layoff/recall list.

#### **B. ELIGIBILITY**

1. Satisfactory completion of twenty-four (24) months of continuous service within the department from which the leave is to be taken.
2. Full time status.
3. Only in cases where a personal leave of absence without pay involves a medical condition that has been certified by a qualified health care provider and the employee is either ineligible for FMLA or has utilized all FMLA entitlement, the employee must have exhausted all accrued personal leave, sick and/or vacation hours, i.e. the employee is required to have used all accrued paid leave, with the exception of compensatory time, prior to being considered for a personal leave of absence without pay under such circumstances.
4. Approval of the employee's request by the responsible director.
5. The following circumstances do NOT qualify for a personal leave of absence without pay:
  - a. To accept other employment;
  - b. To pursue an independent business venture;
  - c. To complement or supplement any other leave of absence provision offered by the County (e.g. Sick Leave, Funeral Leave, FMLA, Military Leave).

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**C. PROCEDURE**

1. The employee must request an unpaid leave of absence in writing. The request must state both the reason as well as the dates for which the leave is needed, and include a doctor's report if the leave is needed for a disabling illness, injury or condition. The doctor's report must state the reason for the leave and its expected duration. If the leave is for a disabling illness, injury or condition, the employee must present a doctor's certification which states they can return to work without restrictions.
2. The employee must provide their department head/supervisor with at least a fifteen (15) day advance written notice of the date they intend to return to work. Upon completion of the leave you will be returned pursuant to Section A of this policy. The employee may also end their leave early if the department so agrees.
3. If the employee fails to report for work at the end of an unpaid leave of absence, he/she shall be removed from County employment as having abandoned their job.
4. If the employee is found not using the leave as approved, the leave will be cancelled and the employee directed to report to work.

**D. BENEFITS**

1. Continuous County service shall not accrue during the period of an unpaid personal leave of absence.
2. A full time employee approved for a personal leave of absence wishing to retain existing insurance benefits coverage shall make arrangements with the Auditors office prior to commencement of the leave. The full cost of medical benefits during the unpaid leave shall be borne by the employee. Employees shall be afforded the opportunity to continue their health benefits under the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA). COBRA provides the insured employee the right to continue coverage under the County's group health plan.
  - a. The continuation of coverage is **not** automatic. The employee must make an affirmative election of coverage before coverage will begin.

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- b. During the period of unpaid leave the employee will be required to pay the full cost of their insurance, i.e. the County's cost plus the cost associated with the given plan the employee had elected at the time of enrollment, plus an administration fee.
- c. The County may recover monies for any health insurance premiums paid on behalf of the employee if the employee fails to return to work.
- 3. Vacation and sick leave hours shall not accrue during the period of an unpaid personal leave of absence.
- 4. Holidays are not paid during an unpaid personal leave of absence.

**E. PROCEDURES**

- 1. **EMPLOYEE** -- Make written application to the director for Personal Leave of Absence using the ***Request for Leave of Absence form***. Provide anticipated dates of the unpaid personal leave of absence. An employee who is on a leave of absence shall notify the department head, either in person or in writing, of his/her readiness to return from such leave at least ten days before the date of expiration of his/her leave.
- 2. **DEPARTMENT HEAD** -- Approve or disapprove the employee's request in accordance with the provisions of this policy. Notify employee of decision. If leave request is approved, forward the ***Request for Leave of Absence form*** to Human Resources.
- 3. **HUMAN RESOURCES** -- Review ***Request for Leave of Absence form*** for conformance to this policy. If approved, add employee's name to personnel resolution to be brought before the Board of Commissioners. Complete Personnel Action (PA) form for Board approval. Forward PA to Auditors office. If not approved, notify the responsible director in the employee's department why the leave request is denied