

## **8.12 OTHER LEAVES OF ABSENCE WITHOUT P A Y**

Leave of absence without pay is an approved absence from duty in a non-pay status for not more than six months, unless an extension is approved by the Commissioners Court. Department Head or Elected Official will notify Human Resources of the request. Extensions of leave, including using this type of leave to add to the 12-week limit on family and medical leave may be authorized by the Commissioners Court. The reason(s) for granting the extension must be documented in writing in the employee's medical file, as appropriate, if the leave without pay is for medical reasons, or in the employee's personnel file, if the leave without pay is for non--medical reasons.

Granting a leave of absence without pay is at the discretion of the elected or appointed Department Head. This type of leave is not authorized unless there is a reasonable expectation that the employee will return to employment with the county at the end of the approved period. Approval of the leave must be documented, with a copy of the documentation placed in the employee's personnel or medical file, as set out above. Employees on leave of absence without pay receive no compensation and accrue no benefits. However, previously accrued leave balances, benefits, and seniority are retained during leaves of absence unless otherwise prohibited by the terms or provisions of the benefit programs or by these policies. Medical insurance can be continued if the employee pays the premiums (including the county's portion) in full by the end of the month that the premium is due. The county may limit the length of time the medical benefits may be continued at which time the employee will receive COBRA information and may elect to continue paying for the health coverage through COBRA. Contact Human Resources for further information on premium payments.

**Revocation of Leave Without Pay** A leave of absence without pay may be revoked upon receipt of evidence submitted that the cause for granting the leave was misrepresented, or has ceased to exist.

**Authorized Reasons for Leave Without Pay** A leave of absence without pay may be appropriate for the following reasons:

1. Military service (see also the section on this type of leave);
2. Recovery from extended illness or temporary disability, including using leave without pay to add to the allowable 12-week period of family leave; pregnancy is treated in the same manner as any other extended illness or temporary disability (see also the section on Family and Medical Leave);
3. Public service assignments;
4. Seeking public office;
5. Personnel exchange programs which emphasize intergovernmental relations; or
6. Any other reason approved by the Commissioners Court which, in the judgment of

the Commissioners Court, merits a leave of absence without pay.

**Conditions** An employee requesting an unpaid leave of absence must provide the Elected or Appointed Department Head, Human Resources and the Commissioners Court with a statement from an appropriate third party as to the date upon which the employee is no longer able to perform his or her duties and the expected length of time needed. In addition, the employee must furnish the county with a written statement from the employee concerning his or her intentions about returning to work at the county. In determining whether or not to approve the request for leave without pay, the Department Head or the Commissioners Court will consider the employee's length of service with the county, past performance, the department's needs, and the prospect for temporary replacement of the employee or reassignment of the employee's duties.

**REPORTING Requirements** An employee on extended leave must contact the appropriate county supervisor at least once each week to report on his or her status unless another schedule is agreed to in writing. Failure to provide required status reports or to contact the office on the schedule required by the county may result in the county revoking the leave and taking disciplinary action up to and including dismissal.

**Documentation** A summary of the basis for the decision to grant or deny an unpaid leave of absence and the terms of the leave will be prepared by the Department Head, the Commissioners Court, or a designee, and will be placed in the employee's medical file, if the reason for the leave is medical, or in the employee's personnel file, if the reason for the leave is non-medical in nature.

**Return to Work After Leave Without Pay** At the expiration of an authorized leave of absence without pay, every effort will be made to reinstate the employee in the same, or a comparable, position. However, if no vacancy exists, and a reasonable effort to place the employee in another position has been unsuccessful, the employee will be separated and paid accrued benefits with the exception of military leave. (See also sections on Family and Medical Leave and on Military Leave for specific provisions relating to leaves of absence for those purposes.)