

**SANTA CRUZ COUNTY
PERSONNEL ADMINISTRATIVE MANUAL**

Topic: PERSONAL/EDUCATIONAL LEAVES OF ABSENCE WITHOUT PAY	Date Issued: 12/16/91 Date Revised: 2/5/94
Section: LEAVES OF ABSENCE WITHOUT PAY	2/24/98
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PURPOSE:

To identify regulations and procedures concerning leaves of absence without pay for personal or educational reasons or for family care reasons following the expiration of leave granted under the Federal Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA), hereafter referred to as FMLA/CFRA, Leave of Absence Policy, or prior to becoming eligible for FMLA/CFRA Leave.

LEGAL BASIS:

- Civil Service Rule XI.B. Leave of Absence Without Pay
- Civil Service Rule XI.C. Return from Leave Absence Without Pay
- Personnel Regulations, Section 168.1 Leave of Absence Without Pay
- Personnel Regulations, Section 168.2 Absence Without Leave

See provisions of the individual Memorandum of Understanding applicable to the employee regarding continuance of insurance during any leave of absence without pay.

CROSS REFERENCE:

- Personnel Administrative Manual Section V.1.B.3 -Substitute Appointments, regarding hiring of replacement during period of leave of absence without pay.
- Personnel Administrative Manual Section XIII.2.A. Other Medical Leaves of Absence without Pay.
- Personnel Administrative Manual Section XIII.1.B. Federal Family Medical Leave Act (FMLA) and California Family Rights Act (CFRA Leaves of Absence.
- Personnel Administrative Manual Section XIII.1.C. Pregnancy Disability Leave of Absence.
- Personnel Regulations, Section 150.1 Maternity Leave Policy
- Personnel Administrative Manual Section XIII.4. Return to Work Requirements.

POLICY:

County employees may request a Personal/Educational leave of absence without pay for urgent personal affairs that require the full attention of the employee, or to pursue educational programs or prior to becoming eligible for or upon the expiration of any family care leave granted under the FMLA/CFRA Leave of Absence Policy.

I. CONDITIONS UNDER WHICH LEAVE MAY BE APPROVED:

1. The granting of any Personal/Educational leave of absence without pay is discretionary and must be approved in advance by the Appointing Authority.
2. Any Personal/Educational leave of absence without pay which extends 160 or more consecutive hours for a full-time employee (and prorated for part-time employees, e.g. 80 hours for a half-time employee) must also be approved in advance by the Personnel Director.
3. Employees must give thirty (30) days advance notice of the need to take Personal/Educational leave without pay when it is foreseeable.
4. No leave of absence shall be granted when an employee has indicated that s/he intends to terminate or is terminating from regular County service, or where the purpose of the leave of absence without pay is to seek or accept other employment.
5. The maximum of any period of leave of absence without pay is one year. The one year maximum applies to any type of absence or combination of types.

II. DOCUMENTATION REQUIRED:

1. Any leave of absence without pay of less than 160 hours for a full-time employee (prorated for part-time employees, e.g. less than 80 hours for a half-time employee) must be requested by the employee on PER1082 form (Employee Request for Time Off -Departmental), showing beginning and ending dates of the leave.
2. Any period of leave of absence without pay of 160 or more hours (prorated for part-time) must be requested by the employee on a PER1083 form (Employee Request for Leave Without Pay Over 160 Consecutive Hours), showing beginning and ending dates of the leave.
3. Leave requests for Personal/Educational reasons **MUST** be accompanied by a memo from the employee stating the reason(s) for the leave. If the leave is for educational reasons, the department may request proof of enrollment, units carried, and the beginning and ending dates of the

semester or quarter. If the request is for personal reasons, it must be for specified urgent personal affairs that require the full attention of the employee.

III. RIGHT TO RETURN:

1. The granting of a leave of absence without pay to an employee who has permanent status in his/her present class guarantees the right of his/her return to a position in that class in his/her Department at the expiration of the leave of absence without pay, or at an earlier date mutually agreed to by the employee and the Appointing Authority.
2. The granting of a leave of absence without pay to an employee who does not have permanent status in his/her current class does not guarantee the right of return from the leave of absence without pay.

IV. CONDITIONS/LIMITATIONS ON USE:

1. All employees must use ALL accrued compensatory time prior to the effective date of any leave of absence without pay.
2. Departments are encouraged to require an employee to use paid leave (e.g. annual leave, vacation, administrative) prior to the beginning of any Personal/Educational leave of absence without pay, as a condition of granting such leave of absence without pay.
3. Departments may establish conditions pertaining to the period of leave of absence without pay and requirements for return from such leave, which must be mutually agreed to before the leave is approved. These conditions should be specified in the PER1083 form and initialed by both the Department and the employee.
4. Specific beginning and ending dates must be identified on Form PER1083 for any leave of absence without pay.

V. FAILURE TO RETURN:

Any employee who fails to return upon the expiration of any leave of absence without pay, shall be considered to have abandoned his/her position and to have automatically resigned.

VI. REQUESTS FOR EXTENSIONS OF LEAVES OF ABSENCE WITHOUT PAY:

1. Any request for an extension of a leave of absence without pay for personal/educational reasons must meet the policy and documentation requirements stated in section II, above. Extension requests must be

submitted at least one week PRIOR to the expiration date of the previous leave of absence without pay.

2. Upon submittal of the required documentation and upon receipt of the required approval, a leave of absence without pay for personal/educational reasons (or in combination with any other type of leave without pay) may be extended to a maximum of one year.

VII. BENEFITS AND INSURANCES DURING LEAVE OF ABSENCE WITHOUT PAY:

1. Group Health Insurance

A. Requirements for continuation of insurances are specified under the Insurance Articles of each Memorandum of Understanding between the County and employee organizations. See the particular MOU applicable to the employee.

B. It is important that employees contact Employee Insurances/Benefits Division of the Personnel Department (454-2241) PRIOR to the leave of absence to make arrangements for insurance coverage for themselves and any dependents during the leave. Any leave of absence without pay of one full pay period or longer leaves the employee and any dependents without coverage. Further, should an employee elect to drop coverage for him/herself or any dependents during a leave of absence without pay, certain re-enrollment provisions apply.

2. Service Hours

During any unpaid Personal/Educational leave of absence an employee will not accrue service hours for purposes of step advancement, probationary period, or County service hours. Similarly, no paid leave (e.g. vacation, annual leave, sick leave, administrative leave) will accrue during any leave of absence without pay.

VIII. CONSISTENT APPLICATION OF POLICY:

Departments must treat employees consistently, based on business necessity, in the granting and extending of leaves of absence and returning employees from leave.

PROCEDURE:

- I. Procedure for Requesting or Extending Personal/Educational Leaves of Absence Without Pay.

1. Before requested period of leave begins, employee contacts the Benefits Division of the Personnel Department (454-2241) concerning continuance of insurances during leave of absence without pay.
2. Thirty (30) days before requested period of leave begins, employee submits to appointing authority a PER1083 form (Employee Request for Leave Without Pay Over 160 Consecutive Hours) and a memo or letter setting forth the specific reason(s) for the requested leave. If the need for leave is not foreseeable 30 days in advance, a request must be submitted as soon as possible (i.e., within one or two business days of when the need for leave becomes known to the employee) before the requested leave is to begin. If the leave of absence is for educational reasons, the employee should attach documentation of enrollment, units carried, and the beginning and ending dates of the semester or quarter, if applicable.
 1. Timely submittal of complete paperwork for leaves of absence without pay and return from such leaves is important. A lack of timeliness in submittal of complete paperwork can result in a loss of insurance coverage for the employee and any dependents.
3. Appointing authority reviews request and documentation; may place conditions on leave of absence (e.g. use of all annual leave or vacation prior to beginning of leave of absence without pay); notes such conditions on PER1083 form and has employee initial conditions. Appointing authority approves or disapproves. If approved, forwards all paperwork to departmental payroll clerk.
4. Departmental payroll clerk verifies that employee has exhausted all accrued compensatory time and any other required paid leave prior to beginning date of leave of absence; reviews the PER1083 form; prepares action form showing beginning and ending dates of leave of absence without pay; identifies on the PER1083 form what paid leave will be used; and forwards all paperwork to the Personnel Department.
5. The records Unit in the Personnel Department logs paperwork and forwards to the Leaves of Absence Coordinator in the Risk Division.
6. Risk Division staff reviews request for completeness and adherence to regulations. Any discrepancies or questions are discussed with the Department. If approved on behalf of Personnel Director, all paperwork is forwarded to Records Unit. Leave of absence requests of 160 or more hours which are not approved by the Personnel Director shall immediately be returned to the Appointing Authority.

7. Records Unit inputs approved leave of absence with pay into payroll system, completes the log, and forwards the action form to the Payroll Unit of the Auditor's Office.

II. RETURN FROM PERSONAL/EDUCATIONAL LEAVES OF ABSENCE WITHOUT PAY:

1. Employee sends confirmation to the Appointing Authority in writing of his/her intent to return from leave one week prior to the ending date of the approved leave of absence without pay.
2. Appointing Authority notifies departmental payroll clerk of return, and Clerk initiates paperwork for return from leave.
3. After the departmental payroll clerk forwards the return from leave paperwork to the Personnel Department, the above procedures for requesting or extending Personal/Educational leaves of absence without pay (steps E through G) are followed.