

Leave of Absence (LOA) Policy

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Owner	Board of Commissioners
Reviewer(s)	Human Resources
Approver(s)	Human Resources Director
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Related Standards	n/a
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1. PURPOSE

To outline the availability of leaves of absence for health-related situations, childbirth and care, military service needs, personal reasons, and other good cause.

2. SCOPE

This policy applies to All Employees. If you have questions regarding this policy, contact Human Resources.

3. GOVERNING LAWS, REGULATIONS & STANDARDS

Guidance	Section
Family and Medical Leave Act (FMLA)	All Regulations
Uniformed Services Employment and Reemployment Rights Act (USERRA)	All Regulations
And all other applicable laws and regulations	

4. DEFINITIONS

Family and Medical Leave Act (FMLA): An entitlement of up to 12 workweeks of leave in a 12-month rolling calendar year (26 workweeks of leave during a single 12-month rolling calendar year to care for a covered service member) for eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of benefits as if the employee had not taken leave. Please see FMLA Policy for more information.

Leave of Absence (LOA): Absence from work for an extended period of time.

5. POLICY

An employee may be granted a leave of absence to help alleviate personal/family situations that are not covered by FMLA, that may arise during the course of his/her employment or to allow the employee to pursue educational opportunities for an initial period of up to six (6) months.

All requests for leave of absence must be submitted to and approved by the employee's Department Head/Agency Head/Elected Official. Requests for leave of absence beyond FMLA requirements [see FMLA Policy for information pertaining to this type of leave] must be approved by the County Manager.

Leave of Absence (LOA) Policy

Leaves of absence, for reasons other than those covered under the FMLA, as outlined within the FMLA policy, will not be granted automatically, but authorization will be based upon the employee's showing of "good cause" for the request. Such leave is only granted with the recommendation of the Human Resources Director, and the approval of the County Manager. In determining whether to grant a request, the County Manager may consider not only the merits of the request, but the needs of the County, the employee's record and other relevant factors.

Employees will be required to provide timely and appropriate verification to initiate or continue a leave of absence.

After an approved leave of absence, if the employee is able to perform the essential functions of his/her position, the employee generally will be reinstated to the original position or a comparable position with equivalent pay.

After the initial six (6) months of leave, an employee may be granted an extension of leave, up to an additional six (6) months, only for his/her "serious health condition."

An employee who is granted leave beyond the initial period of six (6) months may be eligible for reinstatement at the discretion of the Department Head/Agency Head/Elected Official.

If an employee is granted leave for 12 months and has an accrued leave balance (sick and/or annual leave) at the expiration of that period, then the employee may request additional leave, which can be approved only by the County Manager. The additional leave cannot exceed the amount of the employee's accrued leave balance. Generally, employees who do not have any accrued leave at the end of a 12-month leave of absence will not be approved for an additional extension.

6. PROCEDURES

A. Leave Requests & Certification

An employee seeking a Leave of Absence for any reason should complete a Leave of Absence Request Form, stating the reasons for the absence and providing documentation supporting the request. The form should be submitted to the employee's supervisor. Written authorization from the Department Head/Agency Head/Elected Official is required for final approval.

Employees who are self-employed or who hold any other secondary employment position prior to or at the time of requesting leave, must obtain written permission to continue such employment during a leave of absence.

An employee should submit the request for leave at least 30 days in advance of the anticipated leave where the leave is foreseeable. When the leave is not foreseeable, an employee should submit the request form within two (2) days of the time the need for leave becomes known to the employee.

When leave is requested for a serious health condition of the employee or an immediate family member which requires the employee's attention, the employee must submit a health provider's certification of the need for leave. The employee may also be required to submit recertification of the need for continuing leave every 30 days. If the leave qualifies for FML, please see the FMLA policy for more information.

The County may require that the employee undergo an examination by a physician of the County's choice prior to determining whether leave or an extension of leave will be granted.

B. Requests for Extension of Leave Beyond Six (6) Months

An employee who has been on leave for six (6) months may request an extension of a leave of absence not to exceed an additional six (6) months (12 months total) for the employee's own serious health condition. Such request should be submitted on the Leave of Absence Request Form, stating the reasons for the absence and

Leave of Absence (LOA) Policy

furnishing a health care provider's certification of the necessity of leave. The form should be submitted to the employee's supervisor. Written authorization from the Department Head/Agency Head/Elected Official is required for final approval.

C. Conditions of Leave

Employees may not take a leave of absence to pursue, accept or work another job.

Employees may not take a leave of absence to cover time away from the job due to being incarcerated.

A leave of absence may be paid or unpaid, depending on the employee's leave accrual. While on an approved leave of absence, an employee must use annual or sick leave, in accordance with the Annual Leave Policy and/or the Sick Leave Policy.

D. Benefits Coverage

Employees taking an unpaid leave of absence are responsible for contacting the Human Resources Department to arrange for the payment of benefit plans.

During an employee's leave of absence, benefits will be administered in accordance with the benefits procedures. Eligibility for continued benefits is not dependent on the employee's pay status. To ensure there is no disruption or discontinuance of benefits, an employee who is out of the workplace on an approved leave of absence should contact the Human Resources Benefits Division for information about protecting and maintaining his/her benefits.

IMPORTANT NOTICE

EMPLOYEES TAKING AN UNPAID LEAVE OF ABSENCE MUST CONTACT THE HUMAN RESOURCES DEPARTMENT TO ARRANGE FOR THE PAYMENT OF BENEFIT PLANS DURING THEIR LEAVE. FAILURE TO MAKE THE REQUIRED PAYMENTS WILL RESULT IN THE TERMINATION OF PLAN COVERAGE.

E. Reinstatement Procedures

An employee who has been on a leave of absence for a period of **30 calendar days or longer** shall notify the Department Head/Agency Head/Elected Official of his/her intention of returning **at least 10 calendar days** prior to returning from leave. Failure to file such notice, or failure on the part of the employee to report promptly at the expiration of the leave of absence, except for satisfactory reasons submitted in advance, shall be a cause for dismissal.

For leaves of absence of six (6) months or less, upon the expiration of the leave of absence, if an employee reports to work and is able to perform the essential functions of his/her original position, then the employee shall be reinstated to the original position or a comparable position with equivalent pay.

When an employee has been on leave of absence for more than six (6) months, upon the expiration of the leave of absence, if the employee is able to perform the essential functions of his/her original position, the employee may be reinstated at the discretion of the Department Head/Agency Head/Elected Official. If the employee has accrued leave available when the leave of absence is ended, the employee shall be entitled to utilize such leave.

For leaves of absence involving a health condition, the Department Head/Agency Head/Elected Official may require health care certification of the employee's fitness to return to work and/or may require a fitness for duty evaluation by the County physician before permitting the employee to return to work.

Leave of Absence (LOA) Policy

TYPES OF LEAVE AVAILABLE

A. Leave Under the Family & Medical Leave Act (FMLA Leave)

1. Eligible employees may take up to 12 workweeks of unpaid, job-protected leave under the Family and Medical Leave Act ("FMLA") in a rolling 12-month period for specified family and medical reasons. In addition, eligible employees may qualify for up to 26 workweeks of unpaid job-protected leave under the FMLA in certain situations related to a covered family member's service in the Armed Forces. Please see the FMLA policy for more information.

2. Any leave designated as FMLA will count towards the allotted six (6) months of leave of absence, as outlined in this policy.

B. Leave Other Than FMLA Leave

Employees may be granted leaves of absence for serious health or other conditions where FMLA leave is not applicable or has expired, for job-related educational or professional development, and for the employees demonstrated personal necessity (to handle personal or family crises or for bereavement).

7. EXCEPTIONS

Exceptions to this policy must be justified and approved in advance by the County Manager and/or the Board of Commissioners.

8. NON-COMPLIANCE

Violations of this policy may include disciplinary action according to applicable County policies.

REVISION HISTORY

Version ID	Date of Change	Author	Rationale
	08-1965		Adoption
	04-1972		Revision
	06-1992		Revision
	12-1993		Revision
	08-1995		Revision
	04-2006		Revision
	03-2010		Revision
v.1.0-2020	09-2020	Human Resources	Reformat
v.1.1-2021	09-2021	Human Resources	Revision