**SECTION: LEAVES OF ABSENCE**

**POLICY:** Unpaid Personal Leave of Absence **EFFECTIVE DATE:** insert date adopted

**STATEMENT OF PURPOSE:**

The primary purpose of an unpaid leave of absence policy is to allow employees to take time off work without pay while still maintaining their job status and potentially their benefits. This policy provides a framework for employees to address personal or family situations that require extended absences, such as childcare, educational pursuits or other reasons not covered under the other specific leave policies.

**DEFINITIONS:**

1. Temporary leave of absence: A temporary absence from duty, usually at the employee's request, and can be for various personal reasons.
2. No Pay: The primary characteristic is that employees do not receive their regular salary while on personal leave.
3. Job Protection: Employees have no guarantee of returning to their job when they are ready to return from a personal leave of absence.
4. Benefit Continuation**:** [Check summary plan descriptions and city policy on whether employees are allowed to maintain their benefits, such as health insurance, during the leave. If benefits are allowed to continue, the employee is responsible for paying for those benefits by [deadline] each month. These payments are to be submitted to the HR department.
5. Reasons for Leave: Unpaid leave can be granted for various reasons, including personal matters, family or medical emergencies not covered under FMLA or other leave policies, or educational opportunities. FMLA leave may be unpaid if the employee does not have enough accrued paid leave to cover their FMLA absence from work.
6. Duration: The length of the leave can vary, and policies may outline maximum duration and eligibility criteria.
7. Employer Discretion: The city has the discretion to approve personal leaves on a case-by-case basis.

**APPLICABILITY:**

This policy applies to all full-time [and part-time?] employees of the City. [Civil Service rules will apply to those employees covered under those rules].

Individuals employed by the city for a minimum of 90 days are eligible to apply for unpaid personal leave of absence.

**PROCEDURES:**

1. An unpaid personal leave of absence may be granted upon request to regular full- and part-time employees for important pressing personal needs, at the discretion of the department manager.

1. Unpaid personal leave may only be requested after all other appropriate leave balances have been exhausted.
2. Unpaid personal during an employee’s introductory period may extend the introductory period for the equivalent period.
3. The city will attempt to hold an employee’s position open for the period of unpaid personal leave, if such leave is [*enter number*] weeks or less. If leave is greater than [*enter number*] weeks, the employee, if qualified, may be entitled to the first reemployment opportunity available over the next six months.
4. Employee health benefits will be continued in the same manner as received prior to the leave, if the leave is for [*enter number*] weeks or less, and the employee will be expected to remit payment for the employee's portion of the health insurance premium prior to departing for unpaid personal leave, and in an amount equivalent to the expected period of absence [check city policy. If employee requests leave which will extend beyond the [*enter number*] week period, the employee will be advised of COBRA continuation rights.
5. Unpaid personal leaves are limited to one per year.
6. Accepting employment elsewhere is not a qualified reason for unpaid leave under this policy and may result in termination of employment at the city.
7. How to Apply for unpaid personal leave of absence:
   1. Requests for unpaid personal leave must be made in writing to the employee’s department manager with a copy to the human resources director and should indicate the reason and the length of leave requested.
   2. The department manager shall review and act upon a request for unpaid personal leave in consideration of the following factors:
8. The purpose for which the leave is requested.
9. The length of time the employee will be away.
10. The effect the leave will have on the ability of the department to carry out its responsibilities.
11. The quality of the employee’s performance prior to the submission of the request.
    1. All unpaid personal leaves must be approved by the department manager and concurred with by the human resources director**.**
12. Returning from unpaid personal leave:
    1. An employee who has been granted an unpaid personal leave of absence shall give the department manager reasonable notification of the intent to return to work at least two weeks prior to the return date.
    2. Upon receiving notification of the employee’s availability, the supervisor or department head will arrange to have the employee reinstated to the employee’s previous position, if available.
    3. If the previous position is no longer available, the employee may be considered for other open positions which the employee is qualified for as they become available
    4. If no position exists, the employee will remain on unpaid leave status until a suitable opening develops. If such an opening does not occur within a 60-day period, any obligation to reinstate the employee is discontinued and the employee’s leave status is changed to a voluntary termination. Future reemployment would be as a rehire with only legally required reinstatement of applicable benefits.