

# HEWITT TEXAS

## CITY OF HEWITT POLICIES AND PROCEDURES

**Procedure:** Unpaid Leave of Absence

**Section:** 4.6

**Adopted:** 10/07/2002

**Amended:** 11/12/2008; 8/24/2015; 6/15/2017

### 4.6 UNPAID LEAVE OF ABSENCE

In extraordinary circumstances, the City may grant employees an unpaid leave of absence (LOA). All requests for LOA must be submitted on the City of Hewitt Leave of Absence Request Form. Department Directors are authorized to grant an unpaid LOA for up to 30 days. Any LOA beyond 30 days must be authorized by the City Manager. The employee may seek extensions of leave, up to a maximum of 180 total days away from work. This policy will be administered consistently with the City's obligations under the Americans with Disabilities Act and the American with Disabilities Act as Amended and the Family Medical Leave Act (FMLA). A LOA will not be authorized unless there is a reasonable expectation that the employee will return to employment with the City at the end of the approved leave period.

**Use of All Other Available Leave.** All vacation, compensatory time, holiday time and/or leave authorized under FMLA must be used prior to authorizing a LOA to an employee. If the LOA is due to illness or injury, all sick leave must also be used prior to authorizing a LOA.

**Criteria.** Factors considered by the City in granting a LOA include the reason for the leave; departmental work requirements; the employee's length of service, work performance, and disciplinary history.

**Reasons for LOA.** A LOA may be considered in the following circumstances:

- a) Recovery from extended illness, injury, or temporary disability.
- b) Extended care for immediate family members.
- c) Educational purposes when successful completion will contribute to the work of the City.
- d) Public service assignment.
- e) Personnel exchange programs which emphasize intergovernmental relations.

**Documentation.** Requests for LOA without pay must be made in writing to the employee's Department Director as far in advance as possible prior to the requested leave date. Requests for

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an extension of leave must also be in writing and submitted to the Department Director, who will forward the request to the City Manager's office and the Human Resources Department. The need for a medical LOA must be supported by documentation acceptable to the City, including but not limited to a doctor's explanation of why the employee cannot perform the essential functions of the position, when the employee is expected to return to work, and periodic updates regarding the employee's ability or inability to return to work in a full or modified duty capacity. The Department Director and/or City Manager may require that the employee on leave periodically contact a designated supervisor to report on the employee's condition or status. Before returning to work from a medical LOA, the employee may be required to submit a letter from the doctor stating that the employee is able to resume normal job duties. The City may also impose additional return to work requirements as set out in the City's Health/Fitness policy.

**Other Employment During Leave.** Under no circumstances may an employee on an authorized LOA without pay work another job, whether for pay, as a volunteer or as self-employment, unless expressly authorized in writing by the Department Director and the Human Resources Department.

**Reinstatement.** Employees returning from a LOA will be reinstated to their same position or one of similar pay and status, provided the City's circumstances have not changed to the extent that it would be impossible or unreasonable to provide reinstatement. If the same job or one of similar pay and status is not available, reinstatement may, at the City's discretion, be deferred until a position is available. Usually, an employee who fails to return to work at the conclusion of an approved LOA will be considered to have voluntarily resigned employment with the City.

**Benefits/Premium Payments.** All LOA'S are unpaid. Vacation, sick leave, holiday pay, and other benefits do not accrue during an unpaid LOA. Any benefit continuation during a LOA must be approved in advance by the Human Resources Department and the City Manager.

Any insurance premiums, or partial premiums, normally paid on behalf of the employee by the City will not be paid by the City beginning the first day of the month following the starting date of a LOA. Employees who have group health or any other kind of insurance through the City continue to be responsible for paying their portion of the premiums while on a LOA. An employee's failure to pay either the employee's, or the City's, portion of insurance premiums during a LOA may result in cancellation of coverage.

**Revocation.** The City Manager may revoke authorized leave without pay at any time. Failure to return to work after the expiration of an authorized LOA or failure to provide required medical status reports, physician's statements, or to contact the City per the required schedule will likely result in revocation of the LOA and/or disciplinary action up to and including termination.