

Leave Without Pay

Number: F-14

Revision:

Revision Date: 07/01/2017

1.0 POLICY

The Town of Carolina Beach grants Leave Without Pay to benefit-eligible employees under certain conditions as outlined within this policy.

2.0 PURPOSE

Certain Federal laws such as the Family and Medical Leave Act (FMLA) and the Uniform Services and Reemployment Rights Act of 1994 (USERRA) require employees be given time off if they meet the requirements of the laws. The Town considers these guidelines to be minimum requirements. The Town recognizes that there may be circumstances where employees need to take time off from work even when there is no paid leave and provides for these circumstances through this and related policies.

3.0 SCOPE

This policy applies to employees in all benefit-eligible positions. Other (not benefit-eligible) employees are not covered by the leave in this policy but will be allowed time off if they qualify for a circumstance covered by Federal law.

4.0 DEFINITIONS

- 4.1 **Leave without Pay** - An absence from work in a non-paid status where the employee is still considered an active employee receiving benefits.
- 4.2 **Personal Leave** - Short term Leave Without Pay for personal use up to a maximum of 40 hours per calendar year for a full time employee. Part-time employees Short Term Leave Without Pay for personal use up to a maximum of 20 hours per calendar year.
- 4.3 **Benefit-Eligible** - Full time and part-time employees who are eligible for coverage and participation in the Town's benefit programs in addition to legally mandated coverage. See **Policy on Position Types**.

5.0 ORGANIZATIONAL RULES

- 5.1 Non-disciplinary Leave Without Pay (other than for personal leave) will only be granted if an employee has exhausted all of his accrued leave (vacation, sick) and compensatory time for which he is qualified and eligible. However, an employee may maintain a balance of 40 hours or less of vacation leave for a full time employee. Part-time employees may still qualify for Leave Without Pay and maintain vacation leave balances of 20 hours or less.
- 5.2 **Leave Without Pay Granted by the Town Manager**
 - A. Leave Without Pay may be granted under other circumstances, provided such leave does not exceed one year and is approved by the Town Manager.
 - B. The Town requires that where the Leave Without Pay granted by the Town Manager qualifies for the 12-week FMLA entitlement, the time granted and the FMLA entitlement will run concurrently.
- 5.3 If an employee's Leave Without Pay exceeds a pay period or greater, no leave accrual will occur for each full pay period in a Leave Without Pay status. In addition,

Leave Without Pay of a pay period or greater may impact the employee's leave accrual rate.

- 5.4 If an employee is in a Leave Without Pay status of one pay period or greater, he will not be compensated for holidays that fall during the Leave Without Pay time span. If an employee is in a LWOP status the day before a holiday, or the day after a holiday, the employee will not be eligible for holiday pay.
- 5.5 The impacts on leave and longevity payments for military leave are different. See **Policy on Military Leave - Annual Reservist Training, Policy on National Guard Duty, Policy on Military Leave - Active Duty, Policy on Military Leave - Deployment in Time of War.**

6.0 PROCEDURES

- 6.1 Personal Leave
 - A. In order to take personal leave as described in Section 5 above, an employee must submit a Leave Request Form in advance of the leave. The employee will forward the Leave Request Form or personal letter requesting personal leave to the Town Manager for consideration.
 - B. When the Town Manager receives the Leave Request Form, he will consult with the Department Head and Human Resources to review operational schedules, previously approved absences and other applicable information to determine whether or not to grant the personal leave as requested by the employee.
 - C. After determining whether or not the personal leave can be granted, the Town Manager or his designee will notify the employee of the decision.
 - D. When the personal leave is approved, the supervisor is responsible for ensuring the Leave Request Form is properly completed, the appropriate signatures are obtained and the form is given to the appropriate departmental timekeeper for further processing.
- 6.3 Leave Without Pay Granted By the Town Manager
 - A. Requests for Leave Without Pay must be submitted in writing by the employee through the departmental chain of command to the Department Director.
 - B. The Department Director will make the Town Manager aware of a request for a Leave Without Pay. When the Town Manager receives the Leave Request Form, he will consult with the Department Head and Human Resources to review operational schedules, previously approved absences and other applicable information to determine whether or not to grant the personal leave as requested by the employee.
 - C. After determining whether or not the Leave Without Pay can be granted, the Town Manager or his designee will notify the employee of the decision.
 - D. When the Leave Without Pay is approved, the supervisor is responsible for ensuring the Leave Request Form is properly completed and given to the appropriate departmental timekeeper for further processing.

7.0 APPENDIX, APPENDICES

- Leave Request Form