

NEW CASTLE COUNTY

PERSONNEL POLICY

NUMBER	3.01
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DATE	03/18/16

SUBJECT: LEAVES OF ABSENCE WITHOUT PAY

APPROVED: 

OBJECTIVE: To further define and explain the method by which an employee requests a leave of absence without pay, the status of an employee as a result of this type of leave and any other information pertinent to obtaining a leave of absence without pay.

STATEMENT: Leaves of absence without pay may include, but are not limited to: union employment, educational purposes not covered by nor in conjunction with educational leave, non-work related disability, military leave, disciplinary suspensions and personal reasons. These leaves may be granted for any period not exceeding two years, except for leaves of absence for union employment which may be extended beyond two years by agreement between the County and the union. Leaves may be granted to permanent or limited-term, full-time employees. The Family and Medical Leave Policy 3.15 should be cross referenced when reviewing and implementing this policy.

Procedure: Requests should be made through the department general manager or row officer to the Chief Human Resources Officer. The Chief Human Resources Officer approves or disapproves requests for leaves of 30 calendar days or less by authority of the County Executive. For leaves greater than 30 calendar days, the Chief Human Resources Officer recommends approval or disapproval to the County Executive who in turn approves or disapproves the leave request. The request should include the reason for the request and the beginning and ending dates for which an unpaid leave is desired.

Benefit Status: For administrative purposes, an employee will not be placed in a non-active payroll status if the length of the unpaid leave is 30 calendar days or less. For such short-term leaves, the payroll processor should mark the time entry report appropriately. For an employee covered by the Local 459 collective bargaining agreement, leave without pay will be counted as an absence for the purpose of determining eligibility for personal leave days in accordance with that agreement. All employee benefits will continue for these periods, except that the employee will not receive sick leave credit for any month(s) in which the employee did not complete a full month of service. For unpaid leaves in excess of 30 calendar days, the employee will be placed on a non-active payroll status and benefits will be affected as follows:

1. **Health Insurance** -- This benefit will terminate effective the first day of the month following the beginning of the leave, unless the leave begins on the first day of a month in which case coverage will cease immediately. Upon notification to the Pension and Benefits Section, coverage will be picked up on the first day of the next month following the employee's return to work. If the employee returns to work on the first day of the month, coverage will be picked up immediately. The employee may elect to continue health insurance coverage under the County group premium by making arrangements to pay for this coverage through the Pension and Benefits Section.
2. **Life Insurance** -- This benefit will terminate immediately when the unpaid leave begins and will resume on the day the employee returns to work.
3. **Pension** -- The employee will not accrue service credit for pension benefits during the period of the unpaid leave.
4. **Adjusted Pension Service Date** -- For participants in plans administered by New Castle County, upon return from leave, the pension service date will be adjusted (as necessary) to reflect the length of the leave.
5. **Sick Leave** -- Sick leave will not accumulate during the period of the unpaid leave.

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6. Vacation Credit -- The employee will not be credited for vacation vesting purposes for those months, or parts thereof, that the employee is on an unpaid leave of absence.
7. Vacation Service Date -- Upon an employee's return from an unpaid leave, the employee's vacation service date will be adjusted to reflect the length of the employee's absence on unpaid leave
8. Anniversary Date -- Upon an employee's return from an unpaid leave, the employee's anniversary date will be adjusted forward by the exact number of days equal to the length of the unpaid leave.
9. Performance Review Date -- Upon an employee's return from an unpaid leave of absence, the employee's performance review date will be changed to a date exactly four months prior to the new anniversary date. Any performance evaluation which may be due at the time of the employee's return to work, or shortly thereafter, shall be delayed for 30 days after the employee returns to work. Likewise, any merit increase scheduled shortly after an employee returns to work shall be delayed until the receipt of a satisfactory evaluation. If the evaluation is satisfactory, the merit increase is delayed to the date of the evaluation.
10. Personal Leave Days (Local 459) -- For an employee covered by the Local 459 collective bargaining agreement, any leave without pay will be counted as an absence for the purpose of determining eligibility for personal leave days in accordance with that agreement.
11. Holiday Pay -- Employees on unpaid leave shall not receive holiday pay while on an unpaid leave of absence. If the first of an unpaid leave follows a holiday, or if the last day of the unpaid leave precedes a holiday, the employee shall not be paid for the holiday in accordance with the various collective bargaining agreements, should the employee be covered by one of these agreements. If the employee is not covered by a collective bargaining agreement, the payment for a holiday (preceding or following an unpaid leave) will be at the discretion of the employee's department general manager or row officer.
12. Seniority -- Seniority will continue to accumulate.
13. Police Service Date (FOP) -- Upon an employee's return from an unpaid leave, the employee's Police Service Date will be adjusted forward by the exact number of days equal to the length of the unpaid leave.

Early Return From Leave: Should an employee who is on an unpaid leave desire to return to work sooner than previously requested, the employee must request in writing to return to work no less than three weeks prior to the revised date of return. The employee's department or row office will consider this request, consult with the Office of Human Resources and determine whether the employee's early return is appropriate to the needs of the department or row office. The Office of Human Resources will advise the employee whether or not the request is approved.

Extending a Leave: Should an employee who is on an unpaid leave desire to extend the length of the unpaid leave (in any case no longer than a total of two years), the employee must make this request no less than three weeks prior to the original date of return to work. This request must be made in writing through the department general manager or row officer to the Chief Human Resources Officer and must receive approval of the County Executive. The Office of Human Resources will advise the employee whether or not the request is approved.

It is the responsibility of the employee's department to notify the Office of Human Resources of the date of the employee's return to work. The Office of Human Resources will adjust the employee's anniversary date, performance review date, vacation service date, pension service date and police service date. The Office of Human Resources will notify the employee, in writing, of the changes to the affected dates. The employee will not receive credit for sick or for vacation vesting purposes for any months, or portions of months, that the employee was on an unpaid leave. At the time of the vacation vesting update, the Office of Human Resources will notify the

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employee of the number of days of vacation for which the employee is eligible, if the vacation is less than what would have been received had the employee not been on a leave of absence. It is the responsibility of the employee to report to the Pension and Benefits Section to reactivate any benefit coverage which may have terminated when the leave of absence commenced.

REQUIRED ACTION: The Chief Human Resources Officer, department general managers, and row officers shall be responsible for the implementation of and compliance with this policy.

Established: 07/14/87
Revised: 01/01/96
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Revised: 05/01/01
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