



CHAPTER: Leave Benefits

SUBJECT: Leave of Absence Without Pay

POLICY NUMBER: 4.709

PAGES: 3

**RELATED POLICIES:
4.705 4.706**

**ENABLING RESOLUTION:
267-2007 269-2007 138-09
139-09 208-2011 210-2011
122-2013**

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2/88 4/93 9/93 3/97 11/01 12/07
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DEPARTMENT OF PRIMARY RESPONSIBILITY: HUMAN RESOURCES

SPECIAL NOTES: This Policy/Procedures Manual does not in any way constitute an employment contract. Sedgwick County reserves the right to amend this Manual at any time subject only to approval by the Board of County Commissioners and the Governing Body of Sedgwick County Fire District Number One.

I. Purpose

The intent of this Policy is to allow employees to be absent from work, when necessary, for an extended period of time without pay.

II. Policy

- A. Leaves of absence without pay may be authorized for an employee, due to personal reasons, by the Division Director, Department Head or Elected Official.
- B. The request for leave of absence must be in writing with sufficient time for approval.
- C. The employee's request shall only be considered if his/her employment record shows the employee to be of more than average value to the department and when it is desired to retain the employee, even at some sacrifice.
- D. A leave of absence can be approved for permanent full time and permanent part time employees.
- E. Absences of less than thirty (30) calendar days shall not constitute a leave of absence and may be tracked on the time sheets using appropriate codes.
- F. The Division Director, Department Head or Elected Official may grant an employee a leave of absence for a period of six (6) consecutive months. Leaves of absence may not be extended past the of six (6) months (except military leave). Employees of the Fire District who work 56 hours may be granted a leave of absence of up to eight (8) months if the absence is due to a workers' comp related injury after exhausting injury, sick and vacation leave. Life & health insurance for Fire District employees mentioned in the previous sentence shall be provided by the Fire District with the employee being responsible for his/her share of the premium payment. Special considerations, including reasonable accommodations, may be necessary before terminating, or taking any other disciplinary action in relation to an employee defined as an employee with a disability. For more extensive information pertaining to employees with disabilities or reasonable accommodation

see Reasonable Accommodation Policy 4.311.

- G. Failure to return upon the date noted for the leave of absence may result in termination.
- H. Neither seniority, sick leave or vacation shall accrue during an employee's leave of absence.
- I. During the employee's approved leave of absence, his/her position may be temporarily filled. At the expiration of the leave of absence, the employee has the right to, and shall be reinstated to the position which he/she vacated, if the position still exists; if not, to any other vacant position in the same class within the same department.
- J. An employee accepting other employment shall be considered insufficient reason for approval of a leave of absence without pay, unless the leave is approved by the Division Director, Department Head or Elected Official and the Human Resources Director.
- K. If, in the interest of Sedgwick County, it is necessary to recall an employee on leave of absence, the hiring authority may terminate a leave of absence without pay by giving written notice, by certified mail, to the employee at least fourteen (14) calendar days prior to the leave termination date.

With the approval of the hiring authority, an employee may return from leave on an earlier date than originally scheduled.

- L. The County will continue payment of life and health insurance for ninety (90) calendar days after effective date of leave of absence. The employee shall be responsible for his/her share of the premium payment to the County. After ninety (90) calendar days, total insurance coverage shall be the obligation of the employee. If an employee chooses not to return to work from unpaid leave for reasons other than a continued serious health condition, or other circumstances beyond the employee's control, the employee will be liable for health insurance premiums paid by the County during the leave of absence.
- M. KP&F and KPERS members who are on leave of absence, other than for medical or injury reasons, will not be covered by their life and disability insurance.
 - 1. Members who are on leave of absence due to medical or injury reasons will be covered by their life and disability insurance.
 - 2. After ten (10) days, Basic Group Life Insurance will be terminated for employees not on leave due to medical or injury reasons.
 - 3. After ten (10) days, members on leave have the option of continuing coverage through Optional Group Life Insurance for twelve (12) months. After twelve (12) months, the employee must convert or port to keep their insurance coverage.
- N. There shall be no pay from the County while an employee is on leave of absence unless prior to the start of the leave, the employee requests payment for vacation time.
- O. Pregnancy Discrimination Act: Any Employee that needs time off after giving birth and are not yet eligible for Family Medical Leave may request an unpaid Leave of Absence with Benefits. The duration of leave, either 6 or 8 weeks, will be determined by the medical provider. A Leave of Absence with Benefits may also be granted in certain situations where it

is medically necessary for a pregnant employee to be off of work prior to birth. Requests for Leave of Absence with Benefits are made to and approved by Human Resources. Applications can be obtained from Human Resources.

III. Procedure

- A. A request for leave of absence and payment of vacation hours must be in writing.
 - 1. A copy of the request, along with a Personnel Action Form authorizing the leave, shall be sent to the Human Resources Division if the leave is longer than thirty (30) calendar days.
 - 2. The Personnel Action Form shall indicate the length of the leave of absence requested and the number of hours to include in the vacation payment.
- B. The hiring authority will send a Personnel Action Form to the Division of Human Resources if the leave of absence is going to be extended, but not past of six (6) months (except military leave). Failure to return upon the date noted for the leave of absence may result in termination.
- C. The hiring authority will send a Personnel Action Form to the Division of Human Resources for reinstatement after a leave of absence ends.
- D. After ten (10) days of leave, whether the employee is receiving pay or not, the following applies:
 - 1. An end date will be entered in the employee's record stating leave of absence.
 - 2. KPERS contributions will no longer be deducted from the employee's compensation.
 - 3. If the employee returns to employment, an end date to the leave of absence will be entered and Human Resources will complete an enrollment as a "Return to Payroll."
- E. The Human Resources Division, Records Section will file the proper form with KP&F or KPERS if the leave of absence is for an extended illness or injury, if the employee is eligible.