
	<p>City of Albany Human Resources Policy Policy #: HR-BC-11-002 Title: Leave of Absence</p>	<p>Benefits & Compensation</p>
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Purpose In an effort to recognize that employees may have a need for a leave in addition to other City accrued leave, the employee may be granted a leave of absence according to this policy.

Policy **General Leave of Absence (LOA):**
An employee’s department director and the Human Resources Director may grant an unpaid personal leave of absence for up to thirty calendar days.
For unpaid leave in excess of thirty (30) calendar days, the employee must submit a request in writing to the Human Resources Department regarding the reason and duration of leave. The department director will make a recommendation and forward the request on to the Human Resources Director and the City Manager for final approval.
During a leave of absence, the position may be filled with either a temporary or a regular appointment.

1. Eligible Employees
All regular employees with at least 12 months of consecutive service are eligible to request a personal leave of absence without pay. Provisions of collective bargaining agreements prevail for bargaining unit employees.
City temporary employees or temporary services workers are not entitled to unpaid leave of absences.
2. Maximum Leave Granted
The City will grant a maximum of up to six months leave without pay.
3. Determination of Leave
Requests for leave of absence must be in writing and must establish reasonable justification for approval.
Subjects to be considered when evaluating a request for leave include but are not limited to:
 - a) The employee’s value to the City.
 - b) The desirability of retaining the employee, even at some sacrifice to the City.
 - c) The business needs of the City.
4. Benefits While on Leave of Absence (LOA)
 - a) Sick leave, vacation hours, and seniority do not accrue during a leave of absence without pay.
 - b) All accrued vacation, floating holiday, holiday leave, and compensatory time will be paid off.

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- c) Group health (medical, dental, and vision) insurance coverage may be continued at employee expense during a leave of absence for personal business for a period of time as specified by the federal Consolidated Omnibus Budget Reconciliation Act (COBRA) law.
- d) Seniority accrued prior to the LOA is not affected.

5. Prohibited Use of a Personal Leave of Absence

A leave of absence will not be granted to allow an employee time off to seek employment elsewhere or to work for another employer. Employees who begin employment elsewhere while on LOA, except Military Reserve Duty, are considered to have voluntarily resigned from their position with the City.

6. Return from a Personal Leave of Absence

An employee is required to return from unpaid personal leave on the originally scheduled return date. If the employee is unable to return, the employee must submit in writing to the Human Resources Department, regarding the reason and duration of addition leave time, within seven (7) days of their approved LOA expiring, for an extension of the leave. An employee who has not provided written notice and has not received prior approval from their department director, the City Manager, and the Human Resources Director and who fails to return to work from an approved leave of absence shall be treated as a voluntary quit.

Upon expiration of the leave, the employee may be returned to his or her former position if available. If the employee’s position is not available, the employee may be offered another position, if available, for which the employee is qualified. If no position is available when the employee is able to return to work, the employee will be put on layoff status.


Provisions of collective bargaining agreements prevail for bargaining unit employees.

Extended Medical Leave of Absence:

When an employee is ill, pregnant, or has an injury which prevents an employee from working for up to six months (180 calendar days) s/he will be maintained on active payroll until all accrued sick leave is used. After that time, the employee may be placed on an unpaid leave of absence. This leave will run concurrently with Family Medical Leave (Federal and State).

The employee is expected to return to work immediately upon full release by their physician. When the employee is unable or chooses not to return to work upon release for work by the employee’s physician or the six-month leave expires, the employee will be terminated.

Provisions of collective bargaining agreements prevail for bargaining unit employees.

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Light Duty:

The City may allow light duty for off-the-job injuries, illnesses, or pregnancy providing the following criteria are met:

- The light duty assignment must be verifiable work that needs to be completed within the department and approved by the Department Director.
- Light duty assignments will not be considered for periods less than two weeks.
- The light duty assignment must be based on a medical need or condition approved by a healthcare provider and verified by the Human Resources Department.
- The light duty assignment will not be approved if the assignment creates a need to backfill the employee’s original position.
- Preference will be given to employees with on-the-job injuries. An employee working light duty for an off-the-job injury, illness, or pregnancy may be bumped from the light duty position if an on-the-job light duty position is needed.
- The light duty assignment will be considered a temporary assignment and will be reviewed every 90 days for continuation by the Human Resources Department.
- Light Duty assignments presented on a Saturday will not be evaluated until the following business day. Determinations for light duty assignments may take up to one week to evaluate.

Military Leave:

The City of Albany will comply with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Employees who are members of the Oregon National Guard or any reserve component of the armed forces of the United States will be granted a leave of absences for military service, training, or other obligations in compliance with state and federal laws. An employee being granted military leave is entitled to a paid leave of absence from duties for a period not exceeding 15 days per calendar year, provided the employee is employed at least six (6) consecutive months prior to the leave. This provision does not apply to weekend duty. Employees with bona fide orders for active duty exceeding 15 days will be granted leave without pay according to USERRA regulations.


1. **Eligible Employees**

Regular employees who have bona fide orders for active duty or training for a temporary period. The employee must return to work immediately upon expiration of the ordered duty period or in accordance with the regulations outlined in USERRA.

Jury Duty/ Witness Leave:

1. **Eligible Employees**

All regular employees shall be granted leave, with pay and without loss of

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any benefits of employment, to serve as a juror in response to subpoena or similar service issued out of a state, federal, or county court. Generally, the City will not limit the amount of time an employee may serve on a jury and receive pay from the court.

2. Leave Time

An employee on Jury Duty/Witness Leave must report to work immediately upon completion of court service each workday. Subject to any Collective Bargaining Agreement, an employee completing a full workday in such service is exempt from this provision.

3. Pay for Jury Duty/Witness Leave

An employee representing the City in response to a subpoena or witness duty, shall count time served as hours worked. Such employees shall submit any payment received for service to the Information & Payments Counter in the Administrative Services Department at City Hall.


An employee required to appear in response to a non-work-related subpoena (jury duty, witness duty, or other court mandated service) shall be granted a leave of absence with pay for the required period of time, up to a maximum of ten (10) work days per year. When service extends beyond ten (10) work days, compensation paid by the city will be reduced by the amount of any monies received for service, excepting any amounts received for mileage or meals.

4. Overtime

- a) Time on jury duty is not counted as hours worked when computing overtime unless the duties are considered to be part of the employee's normal duties.
- b) If a Fair Labor Standards Act (FLSA) Non-exempt employee is required to appear as a subpoenaed, disinterested witness in a recognized court proceeding on their regularly scheduled day off and this duty is the direct result of the performance of the employee's job, overtime pay at one and one-half (1-1/2) times will be allowed for actual court time, subject to any applicable Collective Bargaining Agreement terms. Satisfactory evidence of the required court time must be presented to the employee's supervisor before overtime payment will be authorized.

Definitions

N/A

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References

Human Resources Policies-

- Bereavement Leave
- Sick Leave
- Vacation Leave

Refer to specific Collective Bargaining Agreements.

Review and Authorization

Supercedes: HR-BC-11-001 08/23/2004	Created/Amended by/date: SR; 09/01/2007	Effective Date: 09/01/2007
HR Director:	City Manager:	

1. Form or worksheet revision related to this document? No Yes
If yes, attach a copy of the revised form or worksheet.
2. Training required? No Yes