



LEAVE WITHOUT PAY

I. PURPOSE

To enable employees to be granted time away from work to satisfy military service obligations or to handle personal business.

II. SCOPE

This policy applies to regular employees.

III. POLICY

City employees may be granted leave without pay to satisfy military service obligations, handle personal business, or in certain circumstances involving illness or injury.

Leave without pay for personal reasons shall not materially affect normal business operations.

IV. PROCEDURE

Any request for extended leave without pay must be approved by the City Manager provided it meets the criteria set forth in this policy.

A. Religious Observance

1. With the approval of the employee's supervisor, employees desiring to observe religious holidays not coinciding with official City holidays may be given time off to observe the religious holiday of their choice.
2. The employees have the option to use their personal holiday, vacation or accrued compensatory time or be placed on leave without pay to observe the religious holiday of their choice.

B. Personal Business

The Division Director, with approval from the City Manager, may grant to regular employees unpaid time off for personal reasons, provided such time off does not



materially affect the normal conduct of the business, customer service or operating costs, and the terms and conditions are mutually agreeable.

C. Military Leave See [Military Leave # 315](#).

D. Extended Leave Due to Illness, Injury or Disability

1. Business Necessity Termination Due to Uniform Absence Control

- a. An employee may be terminated as a business necessity due to uniform absence control when the employee has been unable to perform the essential functions of his/her job with or without reasonable accommodation for several weeks or for up to thirteen (13) weeks within a twelve-month period for FMLA approved absences. This time need not be consecutive. This applies to both on-the-job and off-the-job injuries or illnesses for employee who have completed their introductory period. The City will use a "rolling" twelve month period measured backward from the first date an employee uses any leave for either on-the-job or off-the-job injury or illness in order to calculate the thirteen weeks. This excludes civil service employees. Civil Service employees should refer to Local Government Code , Chapter 143 and the Rules and Regulations of the Civil Service Commission for the City of Georgetown for guidelines on injury leaves.
- b. Supervisors shall obtain approval from the Director of Human Resources or his/her designee prior to initiating a termination due to uniform absence control. The Human Resources Department shall also be consulted if any absence is due to an injury that occurred on the job. In the case of an employee with a disability as determined by the ADA, termination would not be considered unless no reasonable accommodation (which would not cause undue hardship to the organization or pose a direct threat to the health or safety of the employee or others) exists that would enable the employee to perform the essential functions of his/her position, and no job reassignment is available.
- c. If after reviewing these factors, the supervisor with the guidance of Human Resources determines that the employee cannot return to perform the essential functions of his/her job, then the employee will be notified in writing of the proposed termination at least two weeks before the termination will take effect. An employee who receives notice of intent to terminate under this section shall be afforded the right to seek an Extended Leave of Absence, as more fully discussed below. Business necessity



termination due to uniform absence control is not a disciplinary action and does not operate to deny an employee the use of accrued benefits as outlined in appropriate policies.

- d. An employee who has received notice of the City's intent to terminate the employee for absences in excess of thirteen (13) weeks in a twelve month period or for absences due to an off-duty injury or illness may apply for an Extended Leave of Absence for up to thirteen (13) weeks or more of additional leave to the City Manager. In order to apply for the Extended Leave of Absence, the employee must present a written request to his/her supervisor and the Director of Human Resources stating the length of additional leave requested and identifying the reasons in support of the request for additional leave. The Director of Human Resources or his/her designee will review the employee's request and make a recommendation to the City Manager. The decision on whether to approve the employee's request for additional leave is left to the sole discretion of the City Manager. The following shall be taken into consideration when reviewing the employee's request for Extended Leave of Absence:
 - (1) A doctor's prognosis indicating whether or not the employee will be able to perform his/her regular duties or modified duties if available. In the case of an employee with a disability as defined by the ADA, termination would not be considered unless no reasonable accommodation (which would not cause undue hardship to the organization or pose a direct threat to the health or safety of the employee or others) exists that would enable the employee to perform the essential functions of his/her position, and no job reassignment is available.
 - (2) A doctor's prognosis indicating when the employee may be able to return to work.
 - (3) The length of time it would take to replace the employee in his/her position.
 - (4) Whether the employee is willing to accept placement in a different, available position for which the employee is qualified.
 - (5) Whether the employee has been willing to accept a modified duty assignment after the expiration of any available FMLA leave for an on-the-job injury.



- (6) Whether the employee is able to present satisfactory evidence of his/her ability to return to work, either in a limited duty capacity if such work is available or to regular duty according to the timetable established in the procedure or upon request by the City.
 - (7) Whether the employee has made any falsifications or misrepresentations concerning his/her physical condition or capacity.
 - (8) Whether the employee refuses to return to regular duty on the day specified by the treating physician.
 - (9) Whether the employee maintained contact with his/her immediate supervisor on a regular basis (as directed by his/her supervisor) and notified him/her of his/her condition and expected return-to-work date. If the employee was unable to make contact personally, he/she should have someone contact his/her supervisor on his/her behalf.
 - (10) Whether the employee provided requested progress reports from the treating physician.
2. An employee who is unable to perform the essential functions of his/her position due to a disability, injury, illness, or medical condition (and reasonable accommodation is not possible) is not guaranteed a return to his/her position at the completion of his/her injury or illness leave except that in the case of Family and Medical leave the employee will return to an equivalent position with equivalent benefits, pay and other terms and conditions of employment, in accordance with FMLA regulations. If after consultation with Human Resources, a supervisor determines that a department's or division's productivity or ability to deliver services is adversely affected because an employee is unable to return to his/her position, the employee may be administratively removed from his/her position during his/her leave. When an employee who has been administratively removed from his/her position is able to return to work with the appropriate medical releases, that employee will be considered for any open position in the City for which that employee is qualified. Employees who are not disabled as defined by ADA will be required to compete for open positions.
 3. Benefits shall not accrue for any month, which an employee on leave without pay is in pay status for twelve or more working days in a calendar month.



4. An employee on leave without pay who desires to continue insurance coverage must arrange to make the payments required for such coverage.

E. Family and Medical Leave Act. See [Family and Medical Leave #322.](#)

V. CONSIDERATIONS

A. The requesting employee's performance record and previously granted time off will be taken into consideration by the supervisor before granting a time off request.

B. When the need for absence from work is known in advance, the employee must notify the supervisor immediately.

C. Supervisors should record on the employee's time sheet the leave without pay.