



## Policy HR 12.9

### Leave of Absence Without Pay

Adopted by the Library Board of Trustees: 01/24/2013  
Revised: 02/23/2017

The Library acknowledges there are occasions when an employee needs a leave of absence that is otherwise unprotected leave, without pay (LWOP), to attend to personal affairs, or as part of a disability-related accommodation. An employee wishing to take leave without pay should discuss their request with their managing supervisor. Every effort will be made to grant LWOP requests from employees, however, it is the Library's policy for the supervisor and the Library Director or designee to consider LWOP requests on a case-by-case basis. In the case of a disabled employee, the Library will process such a request as part of the interactive process.

Factors considered when deciding whether a LWOP request can be approved include: the impact of the employee's absence on library operations; the Library's ability to rearrange work responsibilities to mitigate the impact of the employee's absence; the length of the leave requested, and the severity of the employee's need.

Due to service demands and the impact of an extended absence on the other members of an employee's work group, leaves without pay of longer than 6 months will not be approved unless extraordinary circumstances exist.

If a disability accommodation is associated with the LWOP request, the Library may require current medical information from the employee's treating medical providers to support the need for such leave. If necessary, the Library may request the employee attend a fitness for duty evaluation with a physician of the Library's choosing, at the Library's cost, to assist in the interactive process and the employee's need for accommodation, including extended leave of absence. If the employee fails to cooperate in the interactive process and/or in the fitness for duty medical evaluation, the Library will discontinue the attempt to assist the employee and the request for LWOP may be declined.

#### **I. LWOP approval and denial**

LWOP requests will be reviewed and approved on a case-by-case basis at the discretion of the Library Director or designee, in consultation with the employee's supervisor, and taking into account the current operational needs of the Library and as noted above. When approving a LWOP request, the Director or designee will specify the approved length of time for the leave. If the approved leave is for an employee represented by the collective bargaining agreement, the Director's approval will also reflect whether or not the employee's job can be held for him/her pending his/her return to work. If the Library is unable to hold the position for the employee's return, the employee may withdraw the request for LWOP without penalty.

An employee on LWOP may also be concurrently on a FMLA or FLA leave. In these cases, the rules for FMLA/FLA eligibility and record-keeping will apply.

## **2. Accrued time and health benefits**

An employee requesting leave without pay must use all accrued vacation leave prior to commencing LWOP. If the LWOP is because of a disability accommodation, the employee must use all accrued sick leave prior to commencing the LWOP. While on LWOP an employee will not accrue sick, vacation, or holiday leave. LWOP time consisting of thirty (30) consecutive workdays or more will represent an interruption in continuous service and may impact retirement plan contribution levels.

While on LWOP, an employee may self-pay the employer's portion of his/her health insurance premiums by paying the total premium prior to the first day of each month. If the employee fails to pay the necessary insurance premiums prior to the first day of the month, NOLS may terminate the employee's insurance coverage within 30 days of the first day of the month that the premium was due. The Administrative Services Manager or Human Resource Specialist will coordinate the continuation of insurance coverage with an employee on leave without pay.

## **3. Return from LWOP**

Whenever possible, an employee returning from LWOP shall be reinstated to his/her former position, or an equivalent position, unless operational necessity has dictated otherwise. In the event the employee is returning from LWOP because of a disability, the employee may not be required to compete for the former position, if available, in accordance with applicable law.

## **4. Administration**

The Library Director is responsible for administering this policy.