



**Office of Human Resources
Standard Operating Procedure
HR SOP #605**

Subject: Leave Without Pay

Effective Date: December 16, 2016

Policy Statement:

Employees of the Georgia Department of Natural Resources (DNR) may be placed on authorized or unauthorized leave without pay (LWOP) in accordance with State Personnel Board (SPB) Rules.

Definitions:

Appointing Authority: For the purpose of this Standard Operating Procedure (SOP), the Commissioner or his/her designee; for EPD, the Director or his/her designee.

Contingent Leave Without Pay: An authorized continuous unpaid leave of absence for a specified period, not to exceed twelve months. The employee's right to return to duty at the expiration of such leave is contingent upon the availability of a suitable vacancy.

Family and Medical Leave Without Pay: Authorized unpaid absence while an employee is on Family and Medical Leave.

Military Leave Without Pay: Any authorized unpaid period of absence, for which the individual has been ordered to military duty, but has no Military Leave balance, and does not elect to use other authorized accrued leave.

Regular Leave of Absence Without Pay: An authorized, continuous unpaid leave of absence that exceeds ten consecutive work days, not to exceed twelve months. The employee will be granted return to work if the employee returns within the terms of the leave approval.

Serious Health Condition: As described in SOP HR608, *Family and Medical Leave*.

Short-Term Leave Without Pay: Authorized unpaid leave for a period of not more than ten work days in any one continuous absence, that can be granted for employees that do not have accrued leave to cover the absence.

Unauthorized Leave Without Pay: An absence that is not approved by the appropriate Leave Approving Authority.

Procedure:

Leave without pay may be used in the following situations:

- When an employee is authorized for absence but does not have available paid leave to cover the absence.
- When an employee is authorized for absence but forgoes the use of available paid leave for a Worker's Compensation-related absence or for other absences approved by the Appointing Authority.
- When an employee's absence is not approved.

NOTE: SPB rules also allow for the use of LWOP in situations involving insufficient funding for salaries and lack of work available.

Requesting Leave Without Pay:

An employee must request any type of leave without pay using the *DNR Employee Request For Leave* (Attachment 1) or for EPD employees only, the *Environmental Protection Division Employee Request For Leave* (Attachment 2).

Authorized Leave Without Pay:

Authorized leave without pay may be granted as one of the following:

- Family and Medical Leave Without Pay;
- Military Leave Without Pay;
- Short-term Leave Without Pay;
- Regular Leave of Absence Without Pay; or
- Contingent Leave of Absence Without Pay.

Family and Medical Leave Without Pay:

Prior to approving any leave request that appears to be health related, the Appointing Authority/Designee, in consultation with the DNR HR Director, will determine whether the employee is eligible for Family and Medical Leave (FML). If the employee is eligible, FML Without Pay will be designated for use before approving other authorized leave without pay. See SOP **HR608**, *Family Medical Leave*, for more information.

Military Leave Without Pay:

An employee who is on a leave of absence while engaged in the performance of ordered military duty, but has no military leave balance, can be placed on Military Leave Without Pay. For more information about Military LWOP see SOP **HR604**, *Military Leave*.

NOTE: Neither sick nor forfeited leave may be utilized for a military absence.

Short-Term Leave Without Pay:

The Appointing Authority/Designee may authorize Short-term Leave Without Pay for an employee, without accrued leave, for an absence of ten continuous work days or less.

Employees may be required to follow normal call-in procedures during a Short-term LWOP absence.

Regular Leave of Absence Without Pay:

An employee may submit a request to take leave without pay by submitting a *Request for Leave* (Attachment 1 or 2) and a written request explaining the circumstances for the request. Regular Leave of Absence Without Pay may not exceed twelve continuous months. If approved, a written notice specifying the terms and conditions of the approval will be provided to the employee, including a statement indicating that the employee will be reinstated to the former position or to a position of equal grade and pay without loss of any rights provided the employee returns within the terms of the leave granted.

The position of an employee on Regular Leave of Absence Without Pay is considered filled and cannot be treated as a vacancy for the purposes of filling a vacant position.

The Appointing Authority/Designee may deny a request for Regular Leave of Absence Without Pay and approve Contingent Leave of Absence Without Pay in lieu of Regular Leave of Absence Without Pay.

Contingent Leave of Absence Without Pay:

To request Contingent Leave of Absence Without Pay, an employee must follow the same procedure required to request Regular Leave of Absence Without Pay. A contingent leave of absence may not exceed twelve months. The notice of approval of a request for a Contingent Leave of Absence must include the terms and conditions of the approval, including a statement that the employee's right to return at the expiration of the leave is not guaranteed.

The position of an employee on Contingent Leave of Absence Without Pay is not considered filled. It can be treated as a vacancy for the purposes of filling a vacant position.

NOTE: An employee who is taking an authorized leave of absence without pay of thirty calendar days or more may request and receive an annual leave payout for all accrued annual leave, excluding forfeited leave, up to a maximum of 360 hours.

Extension of Leave Without Pay:

The Appointing Authority/Designee may extend an approved leave without pay for additional time not exceeding twelve months. An employee must submit a *Request for Leave* (Attachment 1 or 2) and a written request for an extension explaining the circumstances for the request. If approved, a written notice specifying the terms and conditions of the extension, including any rights to reinstatement, must be provided.

A continuous unpaid leave of absence may not exceed twenty-four months, unless otherwise required by state or federal law.

An unpaid leave of absence is not included as service for purposes of computing any retirement or pension benefits.

Return from Authorized Leave:

Managers should monitor the employee during a period of leave without pay, to determine the employee's intent and/or ability to return to duty.

An employee should provide his/her supervisor with advance notice of his/her return to work date (two weeks prior to the expiration of the leave is preferred). If it appears that an employee may not be able to return to work as scheduled, the employee must notify his/her supervisor as soon as possible.

An employee who is absent from duty due to his/her own serious health condition(s) must, in addition to meeting other requirements, provide the Appointing Authority/Designee a medical certification of fitness-for-duty (at the expiration of the period of leave). The Appointing Authority/Designee must determine if the employee is able to perform the assigned work (including "transitional" or modified duty assignments). If the determination is made by the Appointing Authority/Designee that the employee is unable to perform the assigned duties, a return to work may be denied. For additional information see SOP **HR508**, *Return to Work* and the *DNR Georgia Activity Analysis* in SOP **HR508** (Attachment 1).

For an employee who is seeking to return to duty at the expiration of contingent leave, the Appointing Authority/Designee must determine if a position in the former job is available. The employee's return to work is contingent upon a suitable vacancy being available at the time. If an appropriate position is not available at the time the Appointing Authority/Designee is notified of the employee's intent/ability to return to work, the employee will be dismissed from employment.

Personnel Action Required:

To ensure proper record keeping, the HR Representative for the unit of the employee requesting leave must submit a *Personnel Action Request* (PAR) for leave without pay (or return from leave without pay), with any required documentation.

When an employee is placed on LWOP, a PAR must be submitted to the Office of Human Resources (OHR) with one of the following Action/Reason Codes:

- LOA/FML (Family and Medical Leave);
- LOA/MIL (Military Service);
- LOA/AUT (Short-term LOA, Regular LOA);
- LOA/CON (Contingent LOA); or
- LOA/UNA (Unauthorized LOA).

Upon return from LWOP, a PAR must be submitted to OHR by the HR Representative with the Action/Reason Code: RFL/RFL (Return From Leave). See the Action/Reason Code Manual at <http://dnrintranet.org/hr/position-action-request> for additional information.

Failure to Return From Leave of Absence:

Any employee who fails to return to duty at the expiration of a leave of absence may, at the discretion of the Appointing Authority/Designee, be deemed to have resigned voluntarily from employment. The Appointing Authority will notify the employee in writing. (For classified employees, the notification will include a statement advising of appeal rights in accordance with *SPB Rule 478-1.-27.*)

Unauthorized Leave Without Pay:

An employee who is absent without approval will be placed in non-pay status and may be subject to disciplinary action, up to and including termination of employment. An unclassified employee, who is absent from scheduled work for *three* consecutive days without contacting the appropriate manager, may be considered to have voluntarily resigned. A classified employee who is absent from duty for *five* consecutive work days, or the equivalent of a scheduled work week, without proper authorization, may be considered to have voluntarily resigned.

Attachments:

Attachment 1 – *Employee Request For Leave*

Attachment 2 – *Environmental Protection Division Employee Request For Leave*