

HUMAN RESOURCES POLICY
Fauquier County, Virginia

Policy Title: Leave Without Pay
Section No.: 2-K

Effective Date: 08/14/08
Supersedes Policy: 6/18/01

I. PURPOSE

It is the objective of the Board of Supervisors to provide employees with unpaid time off from work for specified circumstances.

II. SCOPE

This policy applies to all permanent full-time and permanent part-time employees.

III. DEFINITIONS

Leave Without Pay

Leave without pay is defined as an approved or unapproved absence from work without pay.

IV. PROCEDURES

A. Unapproved Absences

An unapproved employee absence may be charged to leave without pay, as determined by the employee's supervisor, or supervisor's designee.

B. Leave Without Pay Requests

An employee wishing to use leave without pay must request approval from his/her supervisor, or supervisor's designee. Requests for leave without pay should be made as far in advance as possible.

1. Leave Without Pay Requests – Periods of Thirty (30) Calendar Days or Less

An employee's Department Head/Constitutional Officer may approve leave without pay requests for periods of thirty (30) calendar days or less.

2. Leave Without Pay Requests – Periods in Excess of Thirty (30) Calendar Days

- a. Leave without pay requests for periods in excess of thirty (30) calendar days must be submitted to the employee's Department Head/Constitutional Officer.
 - b. If approved, the request shall be forwarded to the Human Resources Director for review and to the County Administrator for final approval/disapproval.
3. Leave without pay may be granted for a maximum period of twelve (12) months from the start of the leave.

C. Eligibility To Use Leave Without Pay

1. Except for events designated as Family/Medical Leave (FMLA)
 - a. An employee must exhaust all accrued annual leave balances before using leave without pay.
 - b. In cases of illness, an employee must exhaust all accrued annual leave, compensatory leave, floating holidays and all but one week of sick leave before using leave without pay. (One week of sick leave shall be calculated based upon the employee's normally scheduled workweek.)
2. Events designated as Family/Medical Leave (FMLA)
 - a. An employee may designate a portion or all of their FMLA protected leave as leave without pay.
 - b. If an employee exhausts their FMLA protected time and must continue to remain out from work for any reason, the employee must follow the procedures listed in section IV.B. of this policy, as appropriate for the length of additional time being requested.

D. Verification Of The Need For Leave Without Pay

1. An employee wishing to use leave without pay must comply with management requests for verification of need.
2. Failure of an employee to report for duty upon determination that leave without pay is no longer justified may be cause for dismissal.

E. Leave Without Pay Stipulations

1. Annual and sick leave do not accrue during leave without pay status unless the employee is compensated for at least one-half (1/2) of the working days in the month that leave without pay is taken.

2. Leave without pay shall not constitute a break in service if an employee returns to work at the expiration of the approved leave period.
3. A probationary employee who takes leave without pay may have his/her probationary period extended for the length of the leave.
4. Upon return from leave without pay, an employee will be placed in his/her former position unless there has been a change in staffing levels or staff organization which necessitates the assignment of the employee to an available position for which he/she is qualified.
5. Leave without pay may affect an employee's performance evaluation.
6. Failure of an employee to report for duty at the expiration of the leave without pay period may be cause for dismissal.