

## UNPAID LEAVE OF ABSENCE

(Applicable to full-time and part-time employees)

The Family and Medical Leave Act of 1993 requires employers who employ 50 or more people to grant eligible employees a total of 12 workweeks unpaid leave during any 12-month period, for one of the following circumstances:

- o the birth of a son or daughter and to care for the child;
- o the placement of a son or daughter with an employee for adoption or foster care;
- o to care for the spouse, son, daughter, or parent of an employee, if the family member has a serious health condition;
- o an employee is unable to perform the functions of the position because of the employee's own serious health condition.

Allegany College may grant to a staff member who has used all accumulated vacation time (depending on the reasons for the leave, see Regulations) a period of unpaid leave not to exceed one year for such reasons as personal illness, illness in the family, maternity, adoption, child-rearing, involuntary military service, family obligations, disability, further education, or any other reason which is in the best interest of the College and the employee. In the case of involuntary military service in the armed forces of the United States, such leave without pay may be extended to cover the entire period of such service.

### Eligibility

Except for maternity leave and involuntary military service, only those staff members who have been employed by the College for at least one year, and have worked at least 1,250 hours during the previous 12-month period prior to the request for leave may be granted the required 12 workweeks or longer unpaid leave.

### Adoption Leave

For adoption leave requests, the College complies with current legal requirements regarding such leave. The Allegany College Personnel Officer can provide further information. Also, see policy on "Adoption Leave".

### Maternity Leave

For maternity leave requests, the College complies with current legal requirements regarding such leave. The Allegany College Personnel Officer can provide further information. Also, see policy on "Maternity Leave".

### Reinstatement Rights

1. An employee who has completed at least one (1) year with 1,250 hours of satisfactory service to the College and has been granted leave under this section shall have the right of reinstatement in his/her

former position upon return from such leave, unless the employee waived such right prior to the expiration of such leave.

2. In the case of an employee who has completed less than the one (1) year or 1,250 hours of satisfactory service to the College and in all other cases where reinstatement rights do not apply, the college will attempt to place the employee in a position equivalent to the one previously held. If such placement is not achieved by the end of six (6) months from the end of the period of leave without pay, the employee will be separated from service of the College in good standing.

#### Benefits During Leave Without Pay

An employee on leave without pay has the following rights for College fringe benefits:

1. Group Health Insurance - During the required twelve (12) workweeks leave without pay the College will continue to pay its share of the premium, for those who have such benefits. During the remainder of the period of leave without pay, the employee shall pay the amount of the benefit normally contributed by the employee as well as the amount for these benefits normally contributed by the College.
2. Group Life Insurance (optional for employees) - The employee may continue to pay the amount normally contributed by the employee.
3. Retirement - The employee may elect to continue participation in the Maryland State Retirement Systems by making all the contributions that would normally be made.
4. Social Security - Not eligible.
5. Worker's Compensation - Not eligible.
6. Free admission to College events - Not eligible.
7. Leave (sick, special holiday, and vacation) - An employee does not earn paid leave of any type while on leave without pay.
8. Tuition Waiver for Allegany College Classes - Not eligible
9. Undergraduate/Graduate Tuition Reimbursement - Not eligible
10. Flex Spending - Contract will be adjusted for the period of Unpaid Leave.
11. Flex Savings - Unused funds available.
12. Holiday Pay - Not eligible

Longevity and Salary Increase for a Staff Member on Leave Without Pay

A staff member who requests and has approved a leave without pay for the required Twelve (12) workweeks but less than a six month period will receive the same annual salary increase that all other full-time employees of the College receive.

A staff member who requests and has approved a leave without pay for a period longer than six months will not be eligible for the annual increase.

Procedures

A. General

1. All leave without pay may be granted upon written request accompanied by a brief explanation of the need for the leave. This request must be submitted to the appropriate administrative channels that are outlined under "applications."
2. The President shall inform the employee in writing of the leave approval or disapproval, with the reasons therefore, within a 30-day period.
3. The employee can appeal a denial of the request through his/her supervisor, Dean, Vice-President, and the President. The President is the final level of appeal for a denial of a leave without pay. The denial of a leave without pay, unless the employee claims discrimination or other such action which is aggrievable, is not one that may be aggrieved through the Allegany College Grievance Policy and Procedures.

B. Application

1. Leave without pay for one (1) through five (5) consecutive workdays may be granted in writing to a staff member by his/her immediate supervisor.
2. Leave without pay in excess of five (5) consecutive workdays shall be submitted to the appropriate administrative channels. Such leaves must have the approval of the Department Head, Dean and or Vice-President, and the President.
3. All requests for leave without pay for involuntary military service shall be accompanied by a copy of the employee's official orders which summon the employee to active duty. Military service includes active service as a commissioned officer, warrant officer, or an enlisted person in the Army, Navy, Air Force, or Marine Corps.

C. Reinstatement After a Period of Leave Without Pay

1. An employee with reinstatement rights shall be reinstated to the job position held when he/she went on leave.

2. If the returning employee's job position no longer exists or has been reclassified he/she shall be placed in a position equivalent to that held before leave was taken.
3. An employee returning from leave without pay who does not accept reinstatement to his/her job position or to an equivalent position, shall there by surrender all reinstatement rights.
4. In cases where the employee who has been on leave without pay does not have reinstatement rights, the College will attempt to place returning employee in a position equivalent to the job formerly held at the earliest possible date.
5. An employee on leave without pay for involuntary military service shall surrender all reinstatement rights if, after completing the initial period of military service, he/she voluntarily elects to remain in the military service; or, after being discharged subsequently decides to re-enlist voluntarily. An employee shall not be eligible to be granted leave without pay for military service or to be continued on such leave for such voluntary service beyond the initial period of service.
6. An employee returning from military leave who does not accept reinstatement to his/her former job position or an equivalent job position within ninety (90) days after the offer of reinstatement is made shall there by surrender all reinstatement rights.

D. Regulations

1. Failure to return to work at the end of a period of leave without pay will be considered to be an immediate resignation.
2. No employee shall be granted more than one period of leave without pay of one (1) to twelve (12) workweeks consecutively for the birth of a son or daughter, or for placement of a son or daughter by way of adoption and or foster care, or sixty (60) work days (intermittently for serious health condition) in a fiscal year.
3. If the employee desires to assume full-time or part-time employment while on leave without pay, the College is no longer obligated to maintain the reinstatement rights of this policy.
4. An employee must exhaust all vacation time before such leave without pay is granted. Sick leave cannot be used or exhausted before a leave without pay may be granted. (For the definition and uses of sick leave, see Sick Leave).