



New York Medical College Policy and Procedure Manual

Section: HUMAN RESOURCES	No.: HR.603
	Date: July 20, 1993
Subject: AUTHORIZED UNPAID LEAVE OF ABSENCE	Page 1 of 6
	Supersedes:

I. Purpose

To establish guidelines for employees uncompensated leaves of absence.

II. Scope

This policy applies to all College regular full-time and regular part-time faculty and staff employees.

CBU employees are covered under their respective Collective Bargaining Agreement.

III. Definition

- A. Leave of absence - an absence from work other than for illness or injury for periods extending beyond two (2) weeks.
- B. CBU - Union represented employee (Collective Bargaining Unit).

IV. Policy

It is the policy of New York Medical College to grant extended unpaid leaves of absence, business conditions permitting, when this leave is in the best interests of the College and the employee.

V. Procedure

A. Types of Unpaid Leaves of Absence

1. Personal Leave

- a. May be granted when an extended period of time away from the job will be in the best interests of the employee and the College.

Issued By:

Approved By:

- b. If the duration of the leave will be for longer than six (6) months, unused personal and vacation days must be used prior to the beginning of the leave of absence.
- c. Personal leave will not be granted for a period of greater than one (1) year.
- d. If the leave is a family leave, see **Policy HR.605 - Family Leave**.

2. Military Leave

- a. A faculty or staff member who performs active duty service with the Armed Forces while a member of a reserve component, will be granted a Military Leave of Absence.
- b. If the period of active service exceeds seventeen (17) calendar days, no salary will be due. See **Policy HR.604 - Long Term Military Leave**.
- c. Anyone who enters military service has legally guaranteed re-employment rights.

3. Maternity Leave

- a. At the conclusion of a maternity/ disability leave, an employee may be eligible for a leave of absence up to twelve (12) weeks. See **Policy HR.605 - Family Leave**.
- b. Unused and accrued personal and vacation days must be used prior to the leave of absence.

4. Arrest/Incarceration

- a. An employee who is unable to report to work because of arrest and incarceration shall be placed on leave of absence. If unable to secure bail, the leave of absence shall continue until final disposition of the charges. (Restricted by V.A.4.c. below.)
- b. If freed on bail, resumption of active employment pending disposition of the charges will be decided after consultation between the Department Chairperson, Vice President for Administration and Finance, and the Director of Human Resources to determine whether the employee's return would be consistent with the safe and efficient operation of the College's business.
- c. Leaves for arrest/incarceration shall not be granted for a period greater than six (6) months, exclusive of vacation and/or personal days.

B. Initiating a Leave of Absence

1. Requests for a leave of absence or an extension of leave must be submitted in writing to the appropriate Supervisor/ Administrator at least thirty (30) days prior to commencement of the leave period or extension, except in an emergency.
2. The Department Chairperson will recommend approval or disapproval and forward the request to either the appropriate Dean or Vice President for Administration and Finance, who will render a final decision.
3. A **Central Records (HR-31)** form must accompany the Department Chairperson's recommendation to grant the leave.
4. The leave period must be defined and the person taking the leave must be told by their Supervisor if the job they are leaving will be available upon return, may be available or will not be available. (If a job is made available upon return, refer to Section V.C. below.)

5. A **Central Records (HR-31)** form, must be processed for a leave extension. The period of the extension must be indicated in the remarks section.

C. Return from Leave of Absence

1. A person who returns to work at the conclusion of an approved unpaid leave of absence shall be restored to their former position or to a comparable position at the same rate of pay (that they received when the leave started) unless circumstances have changed so as to make it impossible or unreasonable for reinstatement.
2. When an employee returns to work, a **Central Records (HR-31)** form must be processed ending the leave of absence and reinstating the employee to active status.

D. Failure to Return to Work

1. If an employee fails to return to work at the conclusion of the leave of absence, the leave will be canceled and employment terminated.
 - a. The effective date of termination will be the last day worked.

E. Fringe Benefits During Leave of Absences

1. All employees on an authorized unpaid leave of absence will have their benefits (except as in 2, below) suspended for the length of their leave in accordance with the terms of benefit coverage for terminated personnel.
2. The hospitalization and major medical or Health Maintenance Organization (HMO) insurance in force prior to the leave may be maintained (except for persons on Military Leave) for up to eighteen (18) months provided that full costs are borne by the employee, see **(Policy HR.317 - COBRA Compliance)**.

3. Employees on an unpaid leave covered by the family leave policy should refer to **Policy HR.605 -Family Leave** for information on benefit coverage levels.
4. A leave of absence is not appropriate when reasonable assurance cannot be provided of the intent to return to College employment at the end of the leave.

F. Fringe Benefits upon Return from Leaves of Absence

1. All employees returning from an authorized unpaid leave of absence will have their benefits reinstated effective with the first day of the calendar month following the first day of return from leave.
 - a. Employees returning to work on the first work day of a calendar month will have their benefits reinstated on that day.
2. All College contributions to the Tax Deferred Annuity Program will remain in that account and the period of unpaid absence will count toward the vesting period.

VI. Responsibility

A. Employees

1. Communicate the request for a leave in a timely manner and submit the appropriate documentation.
2. Notify the Human Resources Department if participation in the COBRA program is requested.

B. Supervisor/Administrator and/or Affiliation Administration

1. Verifies:
 - a. Request for leave is timely.
 - b. All documentation is reviewed.

- c. The length of leave conforms with the approval granted.
 2. Prepare a **Central Records (HR-31)** form, to initiate leave, extend leave, or terminate leave.

- C. Department Chairperson
 1. Approves or disapproves leave requests.
 2. Determines whether the position the employee is leaving will be available, may be available or will not be available upon return and communicates this to the employee.

- D. Human Resources Department
 1. Process **Central Records (HR-31)** forms for initiation, extension or termination of leaves of absences.
 2. Enroll the employees who wish to continue medical benefits in COBRA program billing system and process cash payments.
 3. Provide advice and guidance with respect to the interpretation and administration of this policy.