



## College of The Albemarle Policy

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**Title: Leave Without Pay**

**Related Policy and Procedures: Policy 3.2.4 Leave**

**Division of Responsibility: Human Resources**

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Leave without pay may be granted to an employee for: a) educational purposes which will better equip the employee for the performance of his/her duties and responsibilities; b) to do special work for the federal/state government in cases of emergency or when the College is to profit by the experience gained or the work performed; c) for vacation purposes; d) for reasons specified in College policy; or e) for other reasons deemed justified by the appropriate president, or designee, in consultation with the Human Resources Department or otherwise required by law.

### **I. MAXIMUM AMOUNT**

Leave without pay normally shall not exceed twelve (12) months. Any exception to this should be agreed upon by the president, or designee, in consultation with the Human Resources Department. For military leave without pay, see Policy 3.2.15 Military Leave.

### **II. EMPLOYEE RESPONSIBILITY**

The employee shall apply in writing to his or her supervisor for leave without pay at least two (2) weeks prior to such leave. The employee is obligated to return to duty within or at the end of the time granted. If the employee finds s/he will not return to work, the employee must notify the College immediately. Failure to report to work at the expiration of a leave without pay, unless an extension has been requested, shall be treated as a voluntary resignation.

### **III. COLLEGE RESPONSIBILITY**

The decision to grant leave without pay is an administrative one for which the president, or designee, in consultation with the Human Resources Department must assume full responsibility. Factors to consider are workload, need for filling an employee's job, chances of employee's returning to duty and chances of the College's ability to reinstate employee to a position of similar status and pay. If it becomes necessary to fill a vacant position or terminate an employee while they are on leave without pay, the position may be filled through a temporary or permanent appointment. The employee must be notified of the intent to take such action prior to the position being posted, and notified again immediately after the position has been filled.

### **IV. RETENTION OF BENEFITS**

While on leave without pay, the employee shall retain all accumulated annual leave and sick leave and time earned towards salary increments; however, the employee ceases to earn any



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additional sick or annual leave on the date leave without pay begins except in cases where an employee is receiving worker's compensation benefits. The employee also ceases to earn time toward salary increments except while on military leave, educational leave, or while receiving worker's compensation benefits.

### **V. PAYMENT FOR NON-WORKDAYS - SHORT PERIODS OF LEAVE WITHOUT PAY**

A short period of leave without pay is a period of not more than 10 work days. An employee on leave without pay for a short period is entitled to be paid for non-workdays (weekends and holidays), if they are scheduled to work that day and only when he or she is in pay status at least half the day immediately preceding or following the non-workdays.

Legal Reference: Uniformed Services and Reemployment Act of 1994; N.C.G.S. 127A-116; and 25 NCAC 01E.0802-.0821; 1C SB

June 13, 2023

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**Date Approved by Board of Trustees**

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**Date of Last Review**

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**Date of Last Revision**