

COMMISSION ON LEGAL COUNSEL FOR INDIGENTS
POLICY ON
LEAVE WITHOUT PAY

“Leave without pay” means the approved absence from work without pay of an employee. In general, absent law to the contrary (i.e. leave without pay pursuant to the Family Medical Leave Act), leave without pay is disfavored. Prior to being on leave without pay, an employee must use all available compensatory time, annual leave and sick leave. While on leave without pay status, an employee does not accrue additional annual leave or sick leave.

A supervisor may grant a written request for leave without pay, when:

- * the absence will not be for more than two consecutive days, and
- * the absence will not unduly disrupt the office’s operations or service, and
- * the employee has maintained a satisfactory performance record, and
- * the employee has not been on leave without pay during the one year period of time prior to the requested leave period

The Director or Deputy Director may grant a written request for leave without pay, when:

- * the absence will be for up to one year in duration. If the request is for more than fourteen consecutive calendar days, the employee will be required to enter into a written agreement as to the terms and conditions of the employee’s return to work and the status of employee benefits (the employee may continue to receive insurance benefits, but will be responsible for paying the premium), and
- * the employee’s supervisor confirms that the absence will not unduly disrupt the office’s operations or service, and
- * the employee’s supervisor confirms that the employee has maintained a satisfactory performance record

The employee will be informed by the employee’s supervisor, or by the Director or Deputy if the request is granted or denied. If the a request is granted by the employee’s supervisor, the

supervisor shall so inform the Director or Deputy Director, who then in turn will contact the payroll department so that the employee can be placed on leave without pay status.