

POLICY 404: LEAVE OF ABSENCE

ADOPTED: MAY 11, 1994 (REVISED: JUNE 20, 2017)

Policy:

It is the policy of Lee County to grant employees leave(s) of absence under certain circumstances.

404:1 GENERAL

1. Department Directors may approve leaves of absences, not to exceed twelve (12) weeks in a five (5) year period, either paid or unpaid, not otherwise covered by another Leave Policy in Section 400 of the Policy and Procedures Manual. Such requests for leaves of absence will be evaluated taking into account individual circumstances of the request and the business needs of the department, including staffing needs.
2. For an employee with a physical or mental condition rising to the level of a disability, as that term is defined by law, an unpaid leave of absence may be offered as a reasonable accommodation if the employee is ineligible for FMLA leave, or if the employee has exhausted his/her FMLA leave allotment.
3. Under Florida Statute 741.313, employees may take a leave of absence up to three (3) working days in any twelve (12) month period if they or a family member are a victim of domestic violence as defined by Florida Statute 741.28 and for sexual violence as defined by Florida Statute 784.046. All information relating to this leave must remain confidential and will be exempt from disclosure. Requests for this type of leave should be made in advance when feasible, through the employee's immediate Supervisor. An employee may be required to provide notice or documentation relating to the event.
4. The County requires that all accumulated paid leave first be exhausted and counted towards the maximum amount of approved leave. The remainder of the leave period, if any, is unpaid.
5. Employees who are on an approved leave of absence are expected to report any change of status in the need for a leave, as soon as such a change takes place, to the immediate supervisor or to the Department Director.
6. Employees intending to return to work from an approved leave of absence shall notify the immediate supervisor in advance of returning to work. Employees are encouraged to provide as much advance notice as possible. Failure to notify the supervisor may result in a delay in the return to work.
7. An employee who fails to return to work at the conclusion of an approved leave will be considered to have voluntarily abandoned their position. In such instances involving leave of absence without pay the County may recover from the employee the County's share of any insurance premiums paid by Lee County on behalf of the employee and his/her dependents.

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8. Benefits that accrue according to length of service such as paid vacation, sick leave, and retirement credit, do not accrue during periods of unpaid leave of absence. Likewise, holidays will not be granted during periods of unpaid leave.
9. An employee returning to work from a leave of absence, including military leave, must comply with reinstatement requirements specified by federal and state law. If the same job or one of equivalent status is not available as a result of a reduction in force, the employee will be treated in the same manner as though he/she were not on leave at the time of the reduction in force.

404:2 BENEFITS COVERAGE DURING LEAVE

1. If the leave of absence is unpaid, the employee will be required to pay fifty percent (50%) of the cost of health insurance premiums and one hundred percent (100%) of the dental, life and LTD insurance premiums during the leave of absence.
2. If the leave of absence is paid, the County will continue to pay the normal cost of insurance premiums for the employee and the employee's dependents as if the employee were otherwise working during the leave of absence. The employee will likewise continue to pay his/her portion of any premiums during this period. Failure of the employee to pay his/her portion of the premiums may result in loss of coverage.

404:3 ADMINISTRATIVE LEAVE

1. A Department Director or designee may grant administrative leave with or without pay when it is determined that it is in the best interest of the County not to have the employee in the work area.