

**ERIE COUNTY WATER AUTHORITY  
HR Policies/Procedures**

<b>Re:</b>	<b>LEAVES OF ABSENCE</b>	<b>Policy No.:</b>	<b>61.0</b>
<b>Application:</b>	<b>All Employees</b>	<b>Amended:</b>	<b>08/28/97 02/11/99 11/24/99 11/06/03 05/26/05 10/02/14 <a href="#">10/03/19</a></b>

**PURPOSE**

To provide guidelines whereby employees may maintain continuity of service in instances where circumstances require their absence from work.

**POLICY**

Leaves of absence may be granted to full-time employees when circumstances covered by this policy require an employee's absence. The duration of each leave of absence and wages received by the employee during the leave of absence, if any, shall be decided in accordance with the criteria established by this policy.

**SICK LEAVE OF ABSENCE**

Policies and procedures covering absences necessitated by the illness or other disability of the employee or immediate family members are further explained in Policy No. 47.0, Sick Leave.

**BEREAVEMENT LEAVE**

Policies and procedures covering absences due to a death in the employee's family are further explained in Policy No. 42.0, Bereavement Leave.

**PERSONAL LEAVE WITH PAY**

1. Personal leave shall mean a leave of absence from scheduled work granted to an employee to conduct personal business.

2. Paid personal leave may be used only at a time convenient to and approved in advance by the Authority and where the circumstances are such that it will not interfere with the Authority's functions and operations. Where maintenance of the work force requires the Authority to deny requests for personal leave on a particular day, and only a limited number of employee requests can be approved for that day, the person requesting personal leave at the earliest time will be given preference within job classifications.
3. A request for personal leave shall be made two working days in advance thereof to the Authority stating the time of such requested leave. In case of an emergency, advance notice will be waived, but the nature of the emergency will be explained in writing as soon as possible.
4. Effective January 1, 2004, each employee shall be credited with five days of paid personal leave on January 1 of each calendar year. Unused personal leave days cannot be carried over to the next year. Any such unused days will be added to accumulated sick leave, but will not increase the maximum sick leave accrual permitted.

#### **LEAVE FOR COURT OR JURY ATTENDANCE**

Policies and procedures which apply to absences due to required court or jury attendance are further explained in Policy No. 62.0, Jury Duty or Court Attendance Leave.

#### **LEAVE FOR CIVIL SERVICE EXAMINATION**

Upon written application to the Authority, an employee shall be granted a leave of absence with pay on a day when he/she is scheduled to work to permit him/her to take a New York State Civil Service Examination for a position within the employment of the Authority.

#### **LEAVE FOR MILITARY SERVICE**

The Authority shall grant a leave of absence with pay pursuant to the provisions of the Military Law of the State of New York and the Uniform Services Employment and Re-employment Act (USERRA) of 1994. The employee shall make written application to the Authority in advance of such leave.

The Authority will pay full salary for 30 days or 22 working days per each calendar year, whichever is greater. If the employee is ordered to serve for a period beyond 30 days or 22 working days, whichever is greater, the Authority will pay the difference between the employee's daily military rate and the employee's daily salary rate until such time as the employee returns from active duty or a period of six months has elapsed, whichever comes first.

## **LEAVE REQUIRED BY LAW**

The Authority shall grant any leave of absence with pay required by Law.

## **PARENTAL LEAVE**

1. A leave of absence for the birth of a child shall be treated in the same manner as a Sick Leave of Absence, Policy No. 47.0, Sick Leave Benefits.
2. An employee desiring additional leave time beyond the Leave Benefits Policy, may request leave time in accordance with the Personal Leave With Pay and/or Leave of Absence without Pay policies. In either case, the Authority will treat such leave requests in the same fashion as it treats other personal leave requests.

## **LEAVE OF ABSENCE WITHOUT PAY**

1. An employee may request a leave of absence without pay. If the leave of absence is for less than thirty calendar days, the employee will complete the Leave of Absence form and forward it through Supervision to the Executive Director and Deputy Director for review.
2. If the leave of absence without pay request exceeds thirty calendar days, the employee will submit a written request to the Secretary to the Authority, which shall include the reason for the request and the length of time requested.
3. The ultimate decision as to whether or not the leave without pay will be granted rests with the Members of the Authority. The employee requesting the leave without pay will be advised of the Authority's decision within a reasonable time after the decision has been made.
4. The approval of a leave of absence without pay, which exceeds thirty calendar days, is a qualifying event under COBRA.

## **FAMILY MEDICAL LEAVE ACT**

1. Any employee who requests, or is placed on leave under the Family Medical Leave Act of 1993, must utilize accrued paid leave (vacation, personal or compensatory) or sick leave, as outlined in Policy No. 47.0, Sick Leave of Absence, before any non-paid time off is utilized.

## **INSURANCE BENEFITS CONTINUATION**

1. Medical/Dental./Vision:
  - A. Paid Leaves - coverage continues throughout the duration of the paid leave.

- B. Unpaid Leaves - Authority paid coverage continues to the end of the month in which an unpaid leave begins. Thereafter, an employee may elect employee-paid continuation coverage under COBRA. COBRA is explained further in Policy No. 45.0, COBRA Continuation Benefits.

2. Life Insurance:

- A. Coverage continues in force for the duration of a paid leave only.

3. Long-Term Disability:

- A. Coverage continues in force for the duration of a paid leave only.

**SERVICE ACCRUAL**

- 1. Continuity and accrual of employment service with the Authority is maintained during periods of paid and unpaid leaves of absence.

2. Vacation Credits:

Periods of paid and unpaid leaves are counted in calculating total accrued service for purposes of determining vacation time eligibility.

3. Sick Leave Benefits:

Only paid leave time is deemed time worked for the purpose of earning sick leave credits. Unpaid leave time does not count toward earning sick leave credits.

**RETURNING FROM LEAVE**

- 1. Employees granted a leave of absence must return to work on the first scheduled work day following the expiration of the leave.
- 2. If an employee fails to return to work at the conclusion of his/her leave, the employee will be considered having abandoned his/her position and employment will be terminated.

**LEAVE TO ATTEND WELLNESS PROGRAMS**

In order to promote the health and well-being of Authority employees, leave shall be granted to employees who attend recognized Labor Management Health Fund (LMHF) Wellness and Fitness Retreats. Employees who provide proof of attendance at LMHF sponsored retreats will be allowed to use available sick leave benefit time for up to 50% of the time used to attend such retreats, up to a maximum of 2.5 days of sick time. Employees must use their own available vacation, personal or compensation time for the balance of leave time necessary to attend these retreats. Sick leave time used to attend these retreats will not be included in calculations relative to the Absentee Control Program or employee Sick Leave Bonus/Buyout programs.

## LEAVE CREDIT FOR APPROVED COMMUNITY OUTREACH PROGRAMS

When the Board of Commissioners has approved the Authority's participation in a Community Outreach Program upon such terms and conditions as set forth in the approving resolution, an employee may earn one day of personal leave credit for participating in a Community Outreach Program. An employee is limited to one Personal Leave Credit per year for participating in one or more Community Outreach Program(s) in a calendar year. Employees, subject to a collective bargaining contract, may be eligible to participate in Community Outreach Program upon such terms and conditions as set forth by the Board of Commissioners and if participation is approved by the collective bargaining unit subject to terms and conditions established by the collective bargaining unit. A Community Outreach Program may include any program soliciting volunteers to provide services to those living in Erie County, including but not limited to the United Way "Day of Caring," the Buffalo News "Kids Day" and the DEA "National Prescription Drug Take Back Program." All programs must be pre-approved by the Board of Commissioner for an employee to be eligible for Personal Leave Credit.