



# Metro | *Policies and procedures*

**Subject** Leave of Absence without Pay  
**Section** Human Resources  
**Approved by** Martha Bennett, Chief Operating Officer; MERC Commission

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## **POLICY**

*Metro has discretion to provide leaves of absence without pay to benefits-eligible regular status and limited duration employees for any reasonable purpose not covered by other leave policies or accrued time off.*

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## **Applicable to**

All employees, including probationary employees, who are in benefits-eligible regular status and limited duration positions.

*Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of that agreement will prevail.*

## **Guidelines**

1. An employee in a benefits-eligible regular status or limited duration position may be granted a leave of absence for any reasonable purpose not covered by other leave policies or accrued time off, without pay and without employee benefits, provided such leave can be scheduled without adversely affecting Metro's operations.
  - a. For employees who have completed initial probation, leave without pay may be granted for a period of up to 90 days upon the approval of the Department Director. In rare circumstances, the period of approved leave may be extended up to a maximum total leave period of 180 days upon written approval by the General Manager (for visitor venues employees), Chief Operating Officer (COO) or designee.
  - b. Supervisors have discretion to grant probationary employees brief periods of unpaid time off for illness for which the employee has insufficient accrued sick leave, for bereavement, or for any other appropriate purpose, subject to the department's operational needs.
  - c. An employee may not be granted more than 180 total days of leave under this policy in any four year period unless required by law or approved in writing by the GM or COO due to extraordinary circumstances.
2. The decision whether to grant leave is at Metro's discretion. Metro is under no obligation to grant a request for leave without pay unless required by other laws or policies. Leave without pay under this policy is not appropriate if another type of protected leave or accrued time off is available.

## Procedures

1. Subject to the department's operational needs, a supervisor may approve unanticipated, brief periods of unpaid leave, such as a sick day for a probationary employee who does not yet have accrued time off. Such absences will be tracked subject to applicable attendance policies and work rules.
2. An employee may request leave without pay by submitting a Leave Request Form to his or her Department Director or designated signer.
  - a. The request for leave should be submitted at least 30 days in advance or as soon as possible after learning of the need for leave.
  - b. The request must include an explanation and/or documentation of the need for leave and the anticipated return date.
3. Requests for unpaid leave of up to 90 days may be approved by the Department Director provided the leave request is not covered by other leave policies.
  - a. The Department Director shall notify the HR Benefits Manager before awarding leave of more than 30 days for any purpose.
  - b. If a request for leave may qualify as Family and Medical Leave or other types of leave protected by law, the Department Director shall refer the matter to the HR Benefits manager even if the leave is for fewer than 30 days.
4. Requests for extensions of leave beyond an initial 90-day period must be approved in writing by the General Manager, Chief Operating Officer (COO) or designee.
  - a. The Department Director will forward all such requests to the General Manager or COO with a copy to the Human Resources (HR) Benefits Manager.
  - b. The General Manager, COO or designee will notify the Department Director and HR Benefits Manager of the decision to approve or deny the request for leave.
5. The Department Director will notify the employee of the decision to approve or deny the request for leave. If leave is denied, the employee will be given a written explanation of the reason for the denial.
6. Leave will ordinarily be without health insurance or other benefits unless the employee elects to continue coverage at his or her own expense. If the period of leave spans more than one month, Metro's contributions toward the employee's health care premiums will be suspended at the conclusion of the month in which leave begins.
  - a. After receiving notification of an award of leave of more than 30 days, the HR Benefits Manager will send the employee any necessary information about the continuation of benefits.
  - b. An employee who wishes to continue health insurance coverage while on leave should respond promptly to Consolidated Omnibus Budget Reconciliation Act (COBRA) notice and other benefits information. Employees may contact the HR Benefits Manager with any questions.
  - c. Extended coverage shall be subject to any restrictions in the applicable benefit policy or plan.
7. Leave approved under this policy ordinarily must be taken in one continuous period. It is not appropriate to schedule intermittent leave in order to extend the continuation of paid benefits.
8. Leave may not be taken from one position in order to complete a trial period in a different position.

9. Employees will not accrue additional leave time while on a leave of absence without pay.
10. Employees must return from leave as scheduled or contact their Department Director if additional leave time is needed. Employees who do not take one of these steps may be deemed to have resigned in accordance with applicable attendance policies and work rules, with consideration given to any extenuating circumstances.
11. An employee returning from leave for his or her own serious health condition as defined in Metro's Family and Medical Leave policy will be required to provide a release to full duty before resuming work.

## **Responsibilities**

### Employee:

- Submit a written request for leave without pay to your Department Director at least 30 days in advance or as soon as possible after learning of the need for leave. Include an explanation and/or documentation of the need for leave and your anticipated return date.
- Respond promptly to COBRA notices if you wish to continue employment benefits at your own expense during leave.
- Provide a release to full duty before resuming work following leave taken for your own serious health condition.
- Return to work as scheduled. Contact your Department Director if you need to extend leave beyond the original period.

### Department Director:

- Approve or deny requests for leave of up to 90 days. Notify the HR Benefits Manager before awarding leave of 30 days or more. Consult relevant policies and confer with the HR Benefits Manager if a request for leave without pay may qualify as Family and Medical Leave or any other category of leave protected by law.
- Forward requests for leave of more than 90 days to the General Manager, COO or their designee, with a copy to the HR Benefits Manager.
- Notify the employee of the decision to approve or deny leave. Provide a written explanation if leave is denied.
- Ensure that leave time is properly recorded in the Kronos timekeeping system.

### General Manager, Chief Operating Officer or Designee:

- Approve or deny requests for leave of more than 90 days, with copies to the Department Director and HR Benefits Manager. Provide a written explanation if leave is denied.

### Human Resources Department:

- Send COBRA notices and any other necessary information related to the continuation of benefits.
- Maintain records related to approved leave requests.
- Update the Human Resources Information System (HRIS) for employees on leave 30 days or more.