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AM 208-1 – Part 2

m ***Leave of Absence Without Pay Exceeding 30
Calendar Days***

APPROVAL

A leave of absence for a period in excess of 30 calendar days must be approved by the Civil Service Commission for employees in the classified service only, as well as the employee's appointing officer. Employees in non-Civil Service classes must obtain the approval of his appointing officer to be granted a leave of absence for 30 calendar days or more.

EXTENSION OF LEAVE

Extension of a leave of absence originally granted for 30 calendar days or less but will upon extension exceed 30 calendar days must be sought of the Civil Service Commission for those in classified service providing approval of the appointing officer has been obtained. Employees in non-Civil Service positions must obtain the approval of his appointing officer to be granted an extension of a leave originally granted for 30 calendar days or less but upon extension will exceed 30 calendar days or more may be granted for 30 calendar days. An extension of leave originally granted for 30 calendar days or more may be granted with the approval of the appointing officer and/or the Civil Service Commission depending on class of City service.

PAYROLL MARKINGS

An employee granted a leave of absence exceeding 30 calendar days must be transferred to the 999 payroll by a CHANGE NOTICE (28-1618-5143). The payroll marking should be "XP" while on this payroll with appropriate notations in the REMARKS column next to the employee's name.

FILLING THE POSITION

If an employee has been granted a leave of absence for more than 30 calendar days, the appointing officer may either fill the position with a permanent employee or hire a temporary employee.

RETURN TO DUTY GUIDELINES

An employee who has been on a leave of absence for more than 30 calendar days must notify his appointing officer in writing at the earliest opportunity of his desire and fitness to return to duty. In all cases, this notification must be made not later than 10 calendar days following the expiration of the leave. Employees in the classified service must also notify the Civil Service Commission within this time period. The employee must return to duty within this period

a

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unless:

- His position has been filled by a permanent employee.
- OR
- His position has been abolished.

REQUIRED APPROVALS

The Mayor's Personnel Freeze Committee must approve the filling of a position with an employee returning from a Leave Of Absence Without Pay of more than 30 calendar days. Prior to the employee's return to duty, the appointing officer must submit an EMPLOYEE ACTION REQUEST (28-1608-5021) TO THE Freeze Committee. Failure to allow sufficient time, prior to the employee's return to duty, for approval of the EMPLOYEE ACTION REQUEST and a medical evaluation as applicable, will result in the employee being considered laid-off.

After receipt of the approved EMPLOYEE ACTION REQUEST, the appointing officer must complete a CHANGE NOTICE returning the employee to active payroll status. The effective date on the CHANGE NOTICE must not be prior to the date of Freeze Committee approval on the EMPLOYEE ACTION REQUEST.

MEDICAL EVALUATION

Prior to reinstatement, medical clearance to return to duty must be obtained from the Division of Occupational Medicine (DOM) as follows:

- If the leave of absence without pay exceeded 30 calendar days and was due to personal illness or disability exclusive of post natal disability, the employee must submit to and pass a return to duty evaluation.
- If the leave of absence without pay totals more than 6 months, to include any time spent on lay-off, the employee must submit to and pass a pre-employment physical examination.

EXCEPTION

An employee returning to duty after childbirth and an absence of 30 calendar days or longer need not have a return to duty physical. However, the employee must submit a statement to the Chief Physician at DOM from her private physician stating that the employee is fit for duty as of a specified date. This necessary documentation can be mailed or delivered to the clinic in advance of the date scheduled for return to duty. However, if the employee's private physician has placed

a

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any restriction on the return to duty. However, if the employee's private physician has placed any restrictions on the return to duty then that employee must be cleared by DOM prior to return to work.

LEAVE AND SERVICE CREDIT

An employee who is granted a leave of absence without pay for more than 30 calendar days will not accrue leave or service while on leave of absence. If the employee is reinstated within the 10 calendar day period following his leave of absence, or is determined to have been laid-off, he will be credited with his prior service for the purpose of calculating seniority, longevity, and vacation leave. He will also be credited with any unused leave he may have had prior to his leave for which he has not received payment.

ENTITLEMENTS IF LAID OFF

If an employee desires to return to his position but is unable to do so because it is not available, the appointing officer must attempt to place him in another vacant position within his job class. If the employee cannot be reinstated within the 10 calendar day period following expiration of his leave of absence, he is considered to be laid-off. In such cases, the appointing officer must submit a CUT-OFF NOTICE.

The appointing officer should direct the employee to contact the Employee Benefits Unit of the Civil Service Commission for information regarding benefits to which he may be entitled and assistance in identifying employment opportunities in other agencies.

HEALTH PLAN

It is the responsibility of the employee to contact Employee Benefits section, Civil Service Commission, 1st floor, 111 N. Calvert St., Court House East, Baltimore 21201, to ensure continuation and proper billing process for the employee's designated health plan.