

**AN ORDINANCE AUTHORIZING THE ADOPTION OF AN EMPLOYEE
UNPAID LEAVE OF ABSENCE POLICY AND THE ADDITION OF THE POLICY
AS DEFINED TO THE VILLAGE EMPLOYEE HANDBOOK**

WHEREAS, Brewster Village Council desires to adopt an Employee Unpaid Leave of Absence Policy and to modify the Village Employee Handbook to include an Employee Unpaid Leave of Absence Policy.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BREWSTER, THAT:

SECTION 1: The Village shall adopt an Employee Unpaid Leave of Absence Policy as defined below and shall add Section 4.14 - Employee Unpaid Leave of Absence Policy to the Village Employee Handbook as follows:

4.14 - Unpaid Leave of Absence Policy

A. Application for Unpaid Leave of Absence

An appointing authority may grant a leave of absence without pay to an employee.

The employee must request, in writing, any leave(s) of absence without pay. The request shall state reasons for taking leave of absence without pay and the dates for which such leave is being requested. **OAC 123:1-34-01**

1. Any request for an unpaid leave of absence must be submitted in writing to the employee's appointing authority.
2. Each request for unpaid leave of absence shall be considered on its own merits by the Village of Brewster.
3. An unpaid leave of absence for a period not to exceed ninety (90) days may be granted by an employee's appointing authority.
4. The employee's appointing authority has complete discretion as to whether to approve or deny a request for unpaid leave of absence. Issues that may be considered in reviewing the request would include, but not be limited to:
 - length of service
 - work requirements of the Village and/or the employee's appointing authority
 - if unpaid leave has been granted previously
 - any other factors deemed relevant to the employee's appointing authority.
5. Any unpaid leave of absence exceeding ninety (90) days, including a request for an extension of an initial unpaid leave of absence granted by an appointing authority that in the aggregate exceeds ninety (90) days, must be approved by Village Council.

B. Exhaustion of Other Leave

An employee cannot be approved for an unpaid leave of absence unless and until the employee has exhausted all other paid and unpaid leave, including, but not limited to:

- vacation;
- holiday(s);
- sick leave;
- bereavement leave;
- administrative leave;
- compensatory time;
- holidays;
- personal leave;
- FMLA leave;
- Workers' compensation leave;
- injury leave; or
- disability leave.

C. Status of Employee on an Unpaid Leave of Absence

An employee who has been approved for and is on an unpaid leave of absence is on an “inactive pay status”.

D. Definition of Unpaid Leave of Absence

An *Unpaid Leave of Absence* is defined as temporary separation from active pay status, authorized by the appointing authority, with the employee either:

1. expecting to return to work and generally retaining the ability to be reinstated to the job classification they held immediately prior to commencement of an unpaid leave of absence, or
2. awaiting a final determination after applying for retirement from a State of Ohio retirement program.

E. Benefits Do Not Accrue During an Unpaid Leave of Absence

1. **Leave Accrual:** An employee shall not accrue vacation, sick, or personal leave during said unpaid leave.
2. **Health Insurance:** While on a leave of absence without pay lasting longer than one pay period, the employee is responsible for both the employer's and employee's share of health care benefit premiums, except as required by law.

An employee on an unpaid leave of absence may continue health care benefits at their own expense via COBRA, by making appropriate arrangements with the Clerk-Treasurer. The Village of Brewster shall NOT maintain/pay the employer's share of any applicable insurance premiums during an unpaid leave of absence.

3. **Break in Service:** An employee who is on an unpaid leave of absence shall constitute a break in service. A break in service shall be from the last day the employee is on the active payroll to the date the employee is returned to the active payroll. The employee's service date, or date of hire for the purposes of computing seniority and vacation accrual, shall be adjusted accordingly.
4. **Probationary period.** The period during which an employee is on a leave of absence without pay shall not be counted towards an employee's original or promotional probationary period.

F. Payroll Deductions

An employee on an unpaid leave of absence is responsible for all employee deductions, voluntary and involuntary, as the employee is in an “inactive pay status” and no payroll will be issued and the Village of Brewster will not make any deductions or payments. **The employee shall be responsible for all deductions.**

G. Return to Work

1. In advance of the granting of the requested leave of absence without pay, the employee and the employee's appointing authority shall agree in writing as to the specific terms of the employee's return, i.e. department, job classification, shift and rate of pay.
2. Upon completion of a leave of absence without pay, the employee shall be returned to the same or similar position within the employee's former classification. If the employee's former classification no longer exists the employee shall, with approval of the director, be assigned to a position in a classification similar to that formerly occupied.
3. The employee may be returned to active pay status prior to the originally scheduled expiration of the leave if such earlier return is agreed to by both the employee and the appointing authority.

H. Failure to Return.

An employee who fails to return to duty within three working days of the completion or a valid cancellation of a leave of absence without pay without explanation to the appointing authority, may be terminated. An employee who fails to return to service from a leave of absence without pay and is subsequently terminated or voluntarily resigns from the service is deemed to have a termination date corresponding to the starting date of the leave of absence without pay.

I. Abuse of leave.

If it is found that a leave is not actually being used for the purpose for which it was granted, the appointing authority may cancel the leave and direct the employee to report for work, in addition to the employee being subject to discipline, up to and including termination of employment.

SECTION 2: The above policy replaces any previous version of this policy and supersedes any current policy which may be in conflict with this policy.

SECTION 3: This ordinance shall be in full force and effect at the earliest date provided by law.

Mayor Michael E. Schwab

ATTEST:

Village Clerk Treasurer K. Kris King

CERTIFICATE

I, K. Kris King, hereby certify that the above is a true copy of an ordinance passed at a regular meeting of the Brewster Village Council held on December 4, 2017

Clerk K. Kris King

I, K. Kris King, Clerk of the Council of the Village of Brewster, State of Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by Council as follows: Office of Brewster Utilities, Belloni's IGA, Brewster Federal Credit Union, Post Office and Brewster Laundromat.

Clerk K. Kris King