

**Buffalo & Erie County Public Library**

**PERSONNEL POLICIES AND PROCEDURES MANUAL**

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**SUBJECT: Leave of Absence Without Pay (LWOP)**

**CHAPTER: VII**

**SECTION: 3**

**EFFECTIVE DATE: 1/81**

**REVISION DATE: 6/06, Modified for the B&ECPL effective 1/1/15**

**I. STATEMENT OF POLICY**

Subject to the provisions of the collective bargaining agreements, Rules for Classified Civil Service, and applicable state and federal laws, a Leave of Absence Without Pay (LWOP) may be granted to a permanently appointed employee, and only under certain conditions may be granted to a temporary or provisional employee, as provided herein.

**II. GUIDELINES**

**A. Requesting Leave**

1. Leave of Absence Without Pay is not automatic. It must be formally requested and approved. Employee must complete a Request for Leave of Absence form, attach documentation to support the Request for Leave of Absence Without Pay, and submit it to Human Resources prior to the requested leave. (Examples of supporting documentation

include: Physician's Certificate, Order to Report for Active Military Duty, etc.) Each request is reviewed on its own merits.

2. Employees who serve under temporary or provisional status and who do not hold permanent status under any title are not eligible for basic Leave Without Pay. Said employees may be eligible for Leave of Absence Without Pay for maternity leave, leave to serve in the military, and leave under New York State Workers' Compensation Law or the Family Medical Leave Act (FMLA) if they meet the eligibility criteria for these types of leave. Employees should refer to the appropriate collective bargaining agreement for more information.

## B. Length of Leave

1. Leave of Absence for Up to Fourteen (14) Days

A Leave Without Pay totaling fourteen (14) calendar days or less (and for reasons other than for active military duty or for maternity) may be approved by Human Resources.

2. Leave of Absence for More than Fourteen (14) Days

Any request for a leave of absence for a period of more than fourteen (14) days must be forwarded to the Erie County Commissioner of Personnel for final approval.

3. Except where otherwise noted in this manual, a leave of absence cannot exceed one calendar year.

4. An employee who has been granted and has taken a leave of absence for one (1) full year must return to his/her position and serve continuously therein for three (3) continuous months before any subsequent leave of absence may begin.

C. Return from Leave of Absence

1. Upon granting an employee a Leave Without Pay, the B&ECPL must re-instate the employee to the same or to a substantially comparable title and position upon the employee's timely return from such leave, provided that such position still exists when the approved leave of absence expires.
2. If such position no longer exists when a leave of absence expires, and the employee held competitive class appointment at the time the leave was granted, Section 80 of New York State Civil Service Law and RULE XXIV of the Rules for Classified Civil Service will apply.