

ARTICLE 17

LEAVE WITHOUT PAY

Section 1

Leave without pay (LWOP) is a temporary, non-pay status and absence from duty. All employees are eligible for LWOP regardless of length of service or whether they have annual leave to their credit. Employees will not be required to exhaust their annual leave prior to use of LWOP. Requests to use LWOP are made in the same manner as are requests for annual leave and sick leave. The Employer will examine each request closely to ensure that the value to the government or the serious needs of the employee is sufficient to offset the costs and administrative inconvenience. ~~Requests for LWOP may be granted consistent with operational demands and with consideration of optimal staffing levels.~~

Section 2

A. An employee may request a period of leave without pay not to exceed one (1) year to engage in full-time, job-related study. A program of study will be found to be job related if, on balance, it will significantly benefit the Employer and improve the employee's ability to perform his/her current job or to achieve and perform another job with the Employer to which the employee can reasonably aspire. Examples of some of the factors that are to be considered when reviewing an employee's request are:

- Significant staffing requirements and workload;
- The amount of advance notice;
- The costs of any temporary backfill during employee absence that would exceed the costs of otherwise employing the employee on leave;
- The likelihood of the employee remaining with the Employer;
- The likelihood of potential employee development with and without training;
- Any reasonable alternate sources and means of attaining training.

These will be balanced against the value to the Employer of the additional training the employee will acquire in determining whether the leave is to be granted.

B. If the study is one which combines work and study, the work portion is subject to the outside employment requirements of the Employer.

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- C. Employees may take LWOP upon supervisory approval for up to thirty (30) calendar days for political activities permitted under the Hatch Act Reform Amendments of 1993.

### Section 3

Employees may request leave without pay for reasons other than those specified above. However, before approving leave without pay, the Employer should expect the employee to return to duty and at least one (1) of the following benefits will result:

- increased job ability;
- protection or improvement of employee's health;
- retention of a desirable employee; or
- furtherance of a program of interest to the Government.

### Section 4

- A. The Employer agrees to approve leave without pay for any employee elected to a position of a national officer of the National Treasury Employees Union for the purpose of serving full time in the elected position of National President, National Executive Vice President and National District Vice President. The period of leave without pay will be for a period concurrent with the term of office. Because the term of office for the National District Vice President is for two (2) years, as opposed to four (4) years for the two (2) other national elected officers named above, the Employer agrees to extend the period of leave without pay for the National District Vice President for an additional two (2) year term upon notification in writing that she/he has been re-elected. The Parties recognize that such employees are subject to all limitations upon benefits that apply to periods of extended leave without pay. This includes the election to discontinue life and health benefits or to continue coverage at the employee's cost.
- B. The Employer will normally approve a request for leave without pay for an employee to serve in an appointed full time position with the National Treasury Employees Union for a period of not less than one (1) full pay period nor more than one (1) year provided that:
1. If a request is for fewer than six (6) months, an employee may receive leave without pay for this purpose no more than twice in a six (6) month period. However, such leave must be for at least one (1) full pay period.
  2. Based upon the employee's particular duties and current assignments, the absence would not present a significant loss of ability to carry out a particular function. In such a case, another employee may be designated by the Union and his/her request will then be considered.
  3. The request for such leave without pay shall be made at least one (1) full pay period in advance of the proposed effective date.

4. When the request is not made earlier than one (1) full pay period prior to the proposed effective date, the Employer may postpone the effective date for (1) full pay period if it deems necessary.
5. No more than two (2) employees from a Chapter shall be on leave without pay for this same period of time.
6. When a request for extended leave without pay under this Section is granted, the period may subsequently be extended for an additional period of one (1) full pay period to one (1) year if the foregoing conditions of this subsection are met. The employee will notify the Employer as soon as possible in advance if she/he desires an extension.

#### Section 5

LWOP may never be granted in the following circumstances:

- A. to engage in private or commercial work where experience in such work is judged to be of no value to HHS;
- B. to engage in political activity prohibited by law;
- C. to hold a civilian position with any other federal department or agency; or
- D. To create a part time situation for a full time employee.

#### Section 6

The Employer will not abuse its discretion when considering LWOP requests or arbitrarily deny such requests.

#### Section 7

Employees have a responsibility to become aware of the impact that periods of LWOP may have on their benefits and credible service. Employees who are requesting or are on periods of LWOP should contact the appropriate Human Resources Office for information specific to their situation.