

ALABAMA STATE PERSONNEL BOARD
ALABAMA STATE PERSONNEL DEPARTMENT
ADMINISTRATIVE CODE

CHAPTER 670-X-15
OTHER TYPES OF LEAVE

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670-X-15-.01 Educational Leave.

Educational leave at full or part pay may be granted to a permanent employee upon recommendation of the appointing authority provided the employee takes approved courses that are related to the improvement of his performance on his current job. The plan for such leave must be submitted in advance by the appointing authority for approval of the Director.

Author:

Statutory Authority: Code of Ala. 1975, §36-26-9.

History: Filed September 29, 1981.

670-X-15-.02 Military Leave.

(1) All employees in the state service, who shall be active members of the Alabama National Guard or Naval Militia, or of the reserve components of the Army, Navy, Marine Corps, Air Force, or Coast Guard shall be entitled to military or naval leave of absence from the respective civil duties and occupations on all days that they shall be engaged in field or coast defense or other training or on other service ordered under the provisions of the military laws of Alabama, or of the National Defense Act, or of the federal laws governing the United States Naval Reserves, without loss of pay, time, annual, vacation, sick leave, but no person granted such leave of absence with pay shall be paid more than 168 working hours per calendar year. In addition thereto, such persons shall be entitled to be paid for no more than 168

working hours at any one time while called by the Governor to duty in the active service of the state.

(2) All employees with the state who have served in permanent positions for three months or more who are drafted into the military service of the U.S., or who volunteer to join the U.S. Army, the U.S. Navy, the U.S. Marine Corps, the Air Force, or the U. S. Coast Guard, or the reserve components thereof, shall be allowed 168 working hours leave with pay, as is provided in the Military Code of Alabama for members of the National Guard or military reserve who are inducted into active service.

Author:

Statutory Authority: Code of Ala. 1975, §36-26-31.

History: Filed September 29, 1981. **Amended:** Filed May 20, 2015; effective June 24, 2015.

670-X-15-.03 Leave Without Pay.

(1) Subject to the approval of the Director, an appointing authority may grant in writing to any employee a leave of absence without pay for a period not to exceed one year. Upon the expiration of such leave of absence, the employee shall be reinstated to a position in the classification he occupied at the time the leave was granted, even though this may require laying off an employee engaged to perform the duties during the period of the leave of absence. Failure of an employee to report for duty promptly at the expiration of a leave of absence shall be just cause for dismissal. If necessary to the efficient conduct of the business of the state, an employee on such leave of absence may be notified to return to work prior to the time of the expiration of the leave.

(2) Should the employee fail to return to work as directed, the Director shall declare the position vacant and shall fill it by the means prescribed in these rules for the filling of vacant positions.

Author: Halycon Vance Ballard

Statutory Authority: Code of Ala. 1975, §36-26-9.

History: Filed September 29, 1981. **Amended:** Filed May 24, 1985; effective February 28, 1991. **Amended:** Filed May 20, 2015; effective June 24, 2015.

670-X-15-.04 Special Security Or Defense Leave Of Absence.

When the services of a regular employee have been requested by any agency of the United States for work directly related to national security or defense, he may be granted a leave of absence without pay for such time as his services may be needed provided that the United States shall state in writing that the need is urgent and

shall in each case name the employee whose services are desired; and provided further that the appointing authority shall certify his willingness to release the employee. An employee on leave under these conditions, shall give the appointing authority and the Director at least thirty days notice when he is ready to return to his regular position, and the appointing authority shall reinstate him within this period. In any case that such an employee fails to return to his regular position within sixty days of his release from the specific work for which leave was granted, he shall forfeit all rights to reinstatement.

Author:

Statutory Authority: Code of Ala. 1975, §36-26-9.

History: Filed September 29, 1981. **Amended:** Filed May 20, 2015; effective June 24, 2015.

670-X-15-.05 Court Attendance.

Employees in the state service who are required by a court to attend such court in the capacity of jurors shall be granted a special leave with pay to attend such court, which shall be reported as such. Attendance in a court by law enforcement officers and other employees of the state as witnesses in their official capacities shall not be considered as special leave, but rather as a part of their assigned duties; and no provision of this section shall alter or affect in any way the existing statutes or rules regulating such attendance and the disposition of witness fees. Employees who are called as witnesses in their individual capacities are not entitled to a special leave, and should request for time off through annual leave or leave without pay.

Author: Halycon Vance Ballard

Statutory Authority: Code of Ala. 1975, §36-26-9.

History: Filed September 29, 1981. **Amended:** Filed February 28, 1991. **Amended:** Filed May 20, 2015; effective June 24, 2015.

670-X-15-.06 Mandatory Annual Leave And/Or Leave Without Pay.

(1) An appointing authority, with the approval of the Director, may require an employee to use accumulated annual leave under certain circumstances when the appointing authority deems the employee's absence from work to be in the best interests of the agency. Examples of such circumstances would include a period of time when the employee is under investigation that may lead to disciplinary proceedings, the period of time pending a disciplinary hearing after the employee has received notice of such hearing, and at such times as the employee is physically incapacitated from performing the work assignment (such as in a state of intoxication).

(2) Under similar circumstances as enumerated in (1) above, when the employee has no accumulated annual leave or insufficient annual leave, the appointing authority may nevertheless require the employee to vacate the work station for a specified period of time in the status of leave without pay. Such action by the appointing authority should be preceded by a notice to the employee that such action is contemplated and an opportunity for the employee to be heard in response.

(3) The Director shall have the discretion to restore accumulated annual leave expended under the provisions of (1) above, and/or approve a subsequent reinstatement of pay forfeited by the employee during the leave without pay status provided for in (2) above.

Author: Frank Ussery

Statutory Authority: Code of Ala. 1975, §36-26-9.

History: Emergency Adoption: Filed November 19, 1987. **Permanent**

Adoption: Filed January 27, 1988. **Amended:** Filed May 20, 2015; effective June 24, 2015.

670-X-15-.07 Bereavement Leave.

(1) An employee who is regularly employed by the state, and is subject to the provisions of the State Merit System, and all legislative personnel, officers, and employees, including, but not limited to, Legislative Reference Service personnel, whether subject to the State Merit System or not, may be granted bereavement leave with pay for the death of a person related by blood, adoption, marriage, or otherwise provided for by the Board.

(2) Bereavement leave may only be granted to an employee who does not have accrued sick leave available for such use.

(3) For any one occurrence, the bereavement leave shall not exceed three days.

(4) Any bereavement leave granted to an employee must be reimbursed to the state in the form of leave days (sick, annual, personal), within one calendar year of the use of the bereavement leave.

(5) In the event that the employee leaves state service prior to repayment of the bereavement leave, he shall have the leave amount deducted from his final pay check.

Author: Jackie B. Graham, State Personnel Director

Statutory Authority: Code of Ala. 1975, §36-26-36.3.

History: New Rule: Filed May 20, 2015; effective June 24, 2015.