

New Article 13

Old Article 18

Leave Without Pay

18.1 Agency Approval

Leave without pay must be requested in advance whenever possible. Requests for more than three days must be made in writing. However, the authorization of leave without pay is a matter of administrative discretion and employees, with a few exceptions, have no entitlement to leave without pay as a matter of right. Even though the reasons for requesting leave without pay are known to be legitimate, the request may be denied if the employee's services are required. If the employee's request is denied, he or she will be notified before the Agency charges the employee as being Absent Without Leave (AWOL).

18.2 Family Leave

An employee may be entitled to leave without pay for family-related reasons in accordance with the provisions of Article 20, Family Leave.

18.3 Relationship to Annual and Sick Leave

An employee may request, and the Agency will consider granting, leave without pay even though his or her annual or sick leave balance has not been exhausted. Upon the request of an employee, an approved absence which would otherwise be charged to sick leave or annual leave may be converted to leave without pay at the discretion of NRC in accordance with applicable rules and regulations.

18.4 Extended Leave Without Pay

Each request for extended leave without pay that is not an entitlement, including a request to engage in full or part-time study, will be examined closely to assure that the value to the government or the needs of the employee are sufficient to offset costs and administrative inconveniences such as encumbrance of a position. There should be reasonable expectation that the employee will return at the end of the approved period. In addition, it should be apparent that at least one of the following benefits would result:

1. increased knowledge, skills or ability to perform the job;
2. protection or improvement of employee's health; or
3. retention of the employee.

## 18.5 Duration of Leave Without Pay

Except when required by law or regulation, leave without pay will not be authorized initially for any period in excess of 52 weeks. Requests for extensions will be approved/disapproved based on the merits of each individual case.

### Full or Part-Time Study

~~Employees who have completed 5 years with the NRC may request leave without pay for periods up to one year to engage in full or part-time study. Leave without pay for such educational purposes is a matter of administrative discretion and will be granted or denied in accordance with the provisions of applicable rules and regulations. This provision does not impose upon the NRC any obligation to reimburse the employee for such course of study.~~

~~18.1.1 Applications for leave without pay must be received 6 months in advance of the employee's proposed absence. Applications for such leave will be considered in the order in which they were received. If the course of study is one which combines work and study, the work portion is subject to the outside employment requirements of the NRC. The NRC may waive this advance notice requirement.~~

### 18.2 Conversion from Annual/Sick Leave

~~Upon the request of an employee, an approved absence which would otherwise be charged to sick leave or annual leave may be converted to leave without pay at the discretion of NRC in accordance with applicable rules and regulations. Requests for leave without pay which do not have any conversion aspects, shall be granted or denied in accordance with applicable rules and regulations.~~

### 18.3 Family Leave Activities

~~18.3.1 In accordance with Article 20.8 (Expanded Family and Medical Leave), and applicable law, policy, and regulation, employees may be granted up to 24 hours of leave without pay each year for the following activities:~~

~~18.3.1.1 to participate in school activities directly related to the educational advancement of a child (such as parent-teacher conferences, field trips, etc.);~~

~~18.3.1.2 to accompany a child to routine medical or dental appointments, examinations and vaccinations; or~~

~~18.3.1.3 to accompany an elderly relative to routine medical or dental appointments or other professional services related to the care of the elderly relative, such as providing for housing, meals, telephones, and banking services.~~

~~18.3.2 In addition, in accordance with the Family and Medical Leave Act referenced in Article 20, Family Leave, eligible employees are entitled to up to 12 weeks of unpaid leave (leave without pay) during any 12 month period for absences:~~

~~18.3.2.1 related to the birth and care of the employee's newborn son or daughter;~~

~~18.3.2.2 the placement with the employee of a child for adoption or foster care;~~

~~18.3.2.3 the care of an employee's spouse, son, daughter, or parent with a serious health condition; or~~

~~18.3.2.4 a serious health condition of the employee that makes the employee unable to perform any one or more of the essential functions of his/her job.~~