Michigan Civil Service Commission

Regulation 2.03

Subject: Leaves of Absence		
SPDOC No.:	**Effective Date:**	**Replaces:**
25-03	February 16, 2025	Reg. 2.03 (SPDOC 23-13, October 1, 2023)

1. Purpose

This regulation sets standards to approve and administer leaves of absence.

2. CSC Rule References

2-11 Leave of Absence with Pay

2-11.1 Authorization

An appointing authority may authorize salary payments to an employee to attend school, visit other governmental agencies, or undertake any other systematic improvement of the knowledge or skills required in the employee's work. Salary payments may be in whole or in part.

2-11.2 Administrative Leave

An appointing authority may grant administrative leave with pay for necessary absence from duty for which annual, sick, or other leave with pay is not applicable. Additionally, the appointing authority must grant administrative leave when specifically required by the civil service commission.

2-11.3 Disaster Response Leave with Pay

An appointing authority may grant a leave of absence with pay for up to 10 workdays in a 12-month period to an employee to provide volunteer specialized disaster relief services within or outside this state, if the following conditions have been met:

(a) *The employee is skilled in emergency relief assistance and certified as a disaster services volunteer by the American Red Cross.*

(b) *The president or governor has declared the disaster.*

(c) *The American Red Cross has requested the services of the employee.*

(d) *If the services are to be rendered outside the state by an employee of the executive branch, the governor has approved the paid leave of absence as provided in MCL 30.411a*

2-12 Leave of Absence without Pay

2-12.1 Authorization

(a) Permissive leave.

(1) Nonmedical leave of absence. *An appointing authority may grant an employee a nonmedical leave of absence without pay and without loss of employment status.*

(2) Medical leave of absence. *An appointing authority may grant a medical leave of absence without pay for up to 6 months to an eligible employee whose sick leave is exhausted. An employee is eligible for a medical leave of absence only if the employee has the equivalent of at least 6 months full-time employment at the time the leave is granted. If an employee on medical leave requests an extension before the leave expires, an appointing authority is authorized to extend the leave to a maximum of one year. Any extension of a medical leave beyond one year requires the written approval of the state personnel director.*

(3) Disaster response leave of absence. *An appointing authority may grant a leave of absence without pay to an employee who is skilled in emergency relief assistance and certified as a disaster services volunteer by the American Red Cross to provide disaster or emergency relief assistance in this state.*

(b) Mandatory leave. *An appointing authority must grant a leave of absence without pay when specifically required by the civil service commission.*

2-12.2 Expiration

A leave of absence without pay expires on the date established by the appointing authority, unless extended by the appointing authority. If an employee on a leave of absence without pay does not return to work on or before the end of the leave, the employee is separated.

2-12.3 Restoration to Position

When an authorized leave of absence without pay expires or the appointing authority authorizes a return to work before the end of the leave, the employee is returned to work as follows:

(a) *Unless subsection (b) or (c) apply, the employee is returned to the position formerly occupied or an equivalent position.*

(b) *If the appointing authority has demoted the employee since the beginning of the leave under rule 2-6 [Discipline] or rule 3-3 [Appointments and Job Changes], the employee is returned to a position at the classification level to which demoted and is compensated within the range of rates approved for that classification level.*

(c) *If the employee's position was abolished during the leave, the employee is returned to the classified service in accordance with rule 2-5 [Employment Preference].*

(d) *At the expiration of a medical leave of absence, if the employee is medically qualified to return to work, the employee is returned to a position as provided in subsection (a), (b), or (c), as appropriate. If the employee is not medically qualified to return to work, the employee is separated.*

2-12.4 Annual Leave Balance

(a) Retention during leave. *An employee may choose to retain an annual leave balance during a leave of absence in accordance with the official compensation plan.*

(b) Limitation and exception. *Payment for annual leave due an employee who does not return from a leave of absence is at the employee's last rate of pay.*

2-13 Waived Rights Leave of Absence

(a) Approval and extension. *An appointing authority may grant a waived rights leave of absence without pay for up to one year to an employee if the employee has the equivalent of at least 6 months full-time employment at the time the leave is granted. Any extension beyond one year requires the written approval of the state personnel director.*

(b) Ineligible employees. *An employee in a limited-term appointment who has not achieved status in an indefinite appointment is not eligible for a waived rights leave of absence, unless authorized in writing by the state personnel director.*

(c) Operation. *An employee granted a waived rights leave of absence cannot carry any annual leave balance during the leave. An employee on a waived rights leave has no right to return to the position formerly occupied or to an equivalent position upon expiration of the leave. If the employee returns to the classified service before the expiration of the waived rights leave through normal selection processes, the employee is not considered to have had a break in service.*

(d) Separation. *If the employee does not return to the classified service before or upon the expiration of the leave, the employee is separated.*

3. Definitions

A. Definitions in This Regulation.

1. **FMLA** means the federal Family and Medical Leave Act, 29 USC § 2601, et seq.
2. **Medical leave of absence** means an approved absence, without pay, because of a serious health condition that makes the employee unable to perform the functions of the employee's position.
3. **Parental leave of absence** means an approved leave of up to 6 months for the birth or adoption of the employee's child and care of the new child.

4. Standards

A. Paid Leave of Absence.

1. An appointing authority may grant a paid leave of absence for training and development, visits to other governmental agencies, and other authorized short-term absences from regular duties to improve systematically the knowledge or skills required in the employee's work.
2. A paid leave of absence may be granted as administrative leave for necessary absences from duty when other paid leaves do not apply. An employee shall receive paid administrative leave if the employee:

a. Is summoned to jury service or subpoenaed as a witness for the people to testify related to regular job functions. During the leave, the employee receives the difference between the employee's pay for the service and the employee's regular rate of pay (excluding any travel allowance paid by the court) for the dates of absence. If the employee uses annual leave, the employee can keep payments received from the courts.

b. Is absent from work because of the employee's workstation's closure or declared inaccessibility by the governor or the governor's designated representative. The employee also receives service and fringe benefit credits authorized in regulation 5.06.

c. Engages in qualifying labor-relations activities. The employee may also receive service or fringe-benefit credits authorized in chapters 6 and 8 of the rules and regulations.

d. Misses any regularly scheduled hours remaining on the date of a work-incurred injury, if necessary.

e. Is absent from work to provide disaster relief services, consistent with the requirements of rule 2-11.3, if authorized.

3. **Payment and leave accruals.**

a. An employee is paid for standard hours of work at the base rate of pay. The employee is not paid any premium, unless normally eligible while on approved annual or sick leave. Any compensation received for service to another entity necessitating a paid leave of absence is subtracted from any state payment due.

b. An employee receives full service credit for hours that the employee would have been scheduled to work.

c. An employee receives full fringe benefit coverage as if regularly employed.

d. Annual and sick leave are accrued as if the employee is working. The employee cannot accumulate annual leave above the maximum allowed under rule 5-10.2.

4. **No waiver of immunity**. This regulation is not a waiver of immunity of the state under the Eleventh Amendment to the U.S. Constitution.

B. FMLA Leave of Absence. An eligible employee may also take a leave as authorized under the federal FMLA, including military caregiver leave.

1. **Entitlement.** The initial 12-month FMLA entitlement period begins when FMLA leave is first taken. Subsequent 12-month FMLA entitlement periods begin when FMLA leave is taken after completing the previous 12-month FMLA entitlement period. Any absence qualifying as FMLA leave must be designated as FMLA leave.

2. **Use of paid leave.**

a. An eligible employee on FMLA leave for the employee's serious health condition must exhaust any sick leave and sick time before continuing any unpaid FMLA leave. An eligible employee on FMLA leave to care for a spouse, parent, or child or as a military caregiver must reduce any sick leave and sick time balance to 80 or fewer hours before continuing any unpaid FMLA leave.

b. An eligible employee on FMLA leave may elect to use any other accumulated paid leave credits for the leave, consistent with the normal approval requirements for such leave. A period when an employee uses annual, sick, or other accumulated paid leave credits for the leave counts toward the employee's FMLA entitlements.

3. **Requesting.** When foreseeable, employees should use an authorized online application process or the FMLA Notice of Eligibility, Rights, and Designation Form (CS-1810) to request an FMLA leave. Employees should give advance notice for foreseeable FMLA leave requests as soon as practicable and normally at least 30 days before the leave is to begin. If 30 days is not practicable or the need is unforeseeable, notice should be given as soon as practicable.

4. **Exhaustion.** After exhausting the FMLA entitlement, an employee may be eligible for a medical or parental leave of absence, as provided in this regulation.

C. Unpaid Leave of Absence.

1. **Criteria for granting.**

a. **Medical leave of absence.** An appointing authority may grant a medical leave of up to 6 months to an eligible employee with the equivalent of at least 6 months of full-time employment whose sick leave and sick time is exhausted. If an employee requests an extension before the leave expires, an appointing authority may extend the leave to a maximum of one year. An appointing authority may establish in agency work rules the frequency with which medical leaves may be granted. If no work rule is adopted, an appointing authority may grant medical leaves totaling no more than 12 months during any five-year period. An appointing authority must receive written approval from the state personnel director for any extension of a medical leave beyond one year. Any unpaid portion of an FMLA leave resulting from the employee's serious health condition counts as part of the medical leave.

b. **Unpaid parental leave of absence.** An appointing authority shall grant an employee with status an unpaid parental leave for up to 6 months for the birth or adoption and care for a new child during the 12 months following the birth or adoption. Any paid or unpaid absence or leave, including FMLA and paid parental leave, used for care of a new child counts as part of a parental leave.

c. **Unclassified leave of absence.** An employee appointed to an unclassified position may be granted a leave of absence to serve in the unclassified position, as

authorized in rule 1-9. The employee receives service credit for service in an unclassified position upon return to the classified service.

d. **Disaster relief.** An employee may be granted a leave of absence to perform disaster relief services, as authorized in rule 2-12.1(a)(3).

e. **Other.** An employee may be granted a leave of absence for further education or other appropriate nonmedical reasons.

2. **Duration.** Subject to the limitations in this section, the appointing authority may grant a leave and determine its length. An employee on a leave may request early termination or an extension before the leave expires. The appointing authority may grant or deny such requests.

3. **Leave accruals.**

a. An employee does not receive pay, service credit, fringe benefits, or leave accruals during the leave.

b. An employee may elect to be paid off for part or all of any unused annual-leave balance before entering the leave. An employee may retain up to 80 hours of annual leave during the leave. The appointing authority may approve retention of any annual leave balance over 80 hours. Retained annual leave accruals are available upon return from the leave, consistent with regulation 5.09.

c. The employee's sick leave and sick time balance is frozen during the leave. Sick-leave and sick-time credits must be exhausted before any unpaid medical leave.

d. The employee’s banked leave and deferred hours are frozen during the leave and available upon return.

4. **Return.**

a. **Generally.** Except as provided in § 4.C.4.b, an employee returning to duty after an unpaid leave is returned to the classified position last occupied or an equivalent position. The employee is returned at the same salary or step of the salary range and starts to accumulate continuous service hours, hours toward step, and any other accumulations with no break in continuous service. If the employee's position was abolished during the leave, the employee may exercise bumping rights under rule 2-5.

b. **SES or SEMAS from unclassified appointment.** The senior executive service or senior executive management assistant service contract of an employee who occupied an SES or a SEMAS position is terminated at the beginning of an unclassified leave. On return to the classified service, the employee has no right to return to the former SES or SEMAS position and future status is determined as provided in rule 4-6.2(g).

5. **Leave payoffs.** An employee who separates from the state service directly from a leave is paid for unused leave balances in accordance with applicable rules and regulations, including rule 5-10 and regulations 5.02, 5.09, and 5.10.

D. Military Leave of Absence. A career classified employee receives a military leave of absence for qualifying service, consistent with federal law, rule 2-14, and regulation 2.04. Information on supplemental pay, insurance coverage, seniority, and return to work rights are in rule 2-14 and regulation 2.04.

E. Paid Parental Leave of Absence.

1. **Eligibility.** A career employee who is currently working and who has successfully completed an initial probationary period during the current employment period and worked at least 1,250 hours during the previous 12 months is eligible for a 12-week paid parental leave for the birth or placement by adoption of a child as provided in this regulation. The employee must be a named parent on the child's birth certificate or adoption papers, which must be presented within 31 days from the birth or adoption. Adoption of children related by blood or marriage or of a child over six years of age does not qualify for paid parental leave.

2. **Notice.** Before beginning a paid parental leave, the employee should give as much notice as practicable of the expected start and end date for the leave, subject to later modification as necessary.

3. **Duration.** A paid parental leave lasts up to 12 contiguous weeks. The leave begins on the date of the birth or adoption and ends, at most, 84 days later. For example, a birth or adoption occurring on Saturday, October 3, 2020, will allow a leave through Friday, December 25, 2020. An employee on paid parental leave may be absent from all regularly scheduled hours under the same conditions that would apply as if on paid sick leave. If an employee's position is limited-term, less-than-full-time, or abolished for reasons of administrative efficiency, any entitlement ends on the final date of employment before the employee's appointment ends or layoff begins.

4. **Holidays.** Paid holidays observed during a leave are recorded as paid holidays and do not extend a 12-week paid parental leave.

5. **Pay.** The employee receives base pay during the leave using a payroll code corresponding to the normally scheduled shift.

6. **Leave and accruals.** An employee need not exhaust sick and annual leave before taking a paid parental leave and accrues sick and annual leave during the leave. Paid leave credits cannot be used to extend a paid parental leave beyond 84 consecutive days. Time on paid parental leave counts toward step increases if an employee is in satisfactory standing.

7. **Frequency and coordination.** The event of the birth or adoption of multiple children allows a single paid parental leave. If two state employees are parents for the same birth or adoption, both may take a paid parental leave of 12 weeks.
8. **Coordination with other benefits.** Time on paid parental leave also counts toward an employee's FMLA and unpaid parental leave entitlements. Long-term disability (LTD) benefits are not available during a paid parental leave.
9. **Effective date.** Births or adoptions before October 1, 2020, do not qualify for paid parental leave.

F. Waived Rights Leave of Absence.

1. An employee who terminates state employment may be granted a waived rights leave by the appointing authority of up to one year to protect the employee's continuous service, seniority, and any benefits connected with length of service. An appointing authority may extend a waived rights leave up to one additional year upon providing written notice to the state personnel director. The director must approve any further extension in writing.
2. An employee on a waived rights leave does not accrue annual, sick, or other leave.
3. An employee cannot carry any annual-leave balance or deferred-hour credits forward and is paid off for any balance and credits at the start of the leave at the last received rate of pay.
4. Sick- and banked-leave balances are frozen during the waived rights leave.
5. The agency is not required to return the employee to a classified position during or upon expiration of the waived rights leave.
6. During the waived rights leave, the employee may seek reemployment with the original agency or another agency. If successful, the employee is treated as if returning from a regular unpaid leave of absence.
7. If an employee is not returned to the classified service by the end of the leave, any sick- and banked-leave balances of the separated employee are then liquidated in accordance with regulation 5.10 and rule 5-10.3.

G. Organ-Donation Leave.

1. **Eligibility.** A career employee who is currently working and has successfully completed an initial probationary period during the current employment period and worked at least 1,250 hours during the previous 12 months may be eligible for paid leave as provided in this section to donate a kidney, a liver segment, or bone marrow, and medically recover. An eligible employee may take organ-donation leave no more than once in any 12-month period.

2. **Duration.** Any organ-donation leave begins on the date of donation and ends on the earliest of:
    a. 60 calendar days after a kidney or liver segment donation.
    b. 30 calendar days after a bone marrow donation.
    c. The date that absence to recover from the donation is no longer supported by documentation from the employee's medical provider as medically necessary.
    d. The date of the employee's seasonal layoff, limited term appointment's expiration, layoff after position abolishment, or separation from state service.
    e. The date the employee returns to work.
3. **Notice**. Before beginning an organ-donation leave, the employee should give as much notice as practicable of the expected start and end date for the leave. Notice should be provided at least 30 days before the leave's expected start.
4. **Pay**. An eligible full-time employee on organ-donation leave receives base pay during the leave. An eligible less-than-full-time employee on an organ-donation leave, for each week during the leave, receives base pay for the average number of hours scheduled each week over the last six pay periods before the leave, distributed equally Monday through Friday. Hours are entered in payroll as administrative leave.
5. **Holidays.** Paid holidays observed during a leave are recorded as paid holidays and do not extend an organ-donation leave.
6. **Leave and accruals.** An employee need not exhaust sick and annual leave before taking organ-donation leave. An employee accrues sick and annual leave during the leave. An eligible employee may not use any other paid leave during any organ donation leave. Time on organ-donation leave counts toward step increases if an employee is in satisfactory standing.
7. **Coordination with other benefits.** Time on organ-donation leave also counts toward any FMLA and unpaid medical leave entitlements. Long-term disability (LTD) benefits are not available during an organ-donation leave.

CONTACT

Questions on this regulation may be directed to Compensation, Civil Service Commission, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909; at 517-241-0837; or MCSC-Compensation@mi.gov.