



# Annual Leave and Leave of Absence Policy

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**Statement of Intent**

At CIT, we appreciate the hard work of all our employees. We understand that holidays are precious time away from the regular stress of work and we strongly encourage all employees to take annual leave where applicable and possible.

We also recognise that, on occasion, leave may need to be taken due to unforeseen circumstances, and we will try our utmost to accommodate the needs of our employees.

This policy outlines the Trust's duties regarding employee leave of absence as well as provisions for employees to follow when requesting leave.

## **1. Legal framework**

1.1. This policy has due regard to all relevant legislation including, but not limited to, the following:

- The Statutory Parental Bereavement Leave (General) Regulations 2020 (Jack's Law)
- The Employment Rights (Employment Particulars and Paid Annual Leave) (Amendment) Regulations 2018
- Employment Rights Act 1996
- Equality Act 2010
- The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE)

1.2. This policy has due regard to all relevant statutory guidance including, but not limited to, the following:

- DfE 'Teachers' Standards'
- DfE 'School teachers pay and conditions document' (STPCD)

1.3. This policy is linked to the following school policies:

- Absence Management Policy
- Disciplinary Policy

## **2. Scope**

2.1. This policy applies to all employees of the Trust. It does not form part of any employee's terms and conditions of employment and is not intended to have any contractual effect. The Trust reserves the right to amend this policy at any time.

## **3. Roles and responsibilities**

3.1. The Executive Leadership Team is responsible for:

- Reviewing this policy and ensuring it is adhered to across the Trust.
- Ensuring that this policy is implemented fairly, consistently and in line with the board's equality duties.
- Implementing this policy in line with their statutory duties for central staff.
- Reviewing and responding to requests for leave of absence from central staff.
- Delegating responsibilities to line managers to sign off annual leave for school staff in line with this policy.

3.2. The headteacher is responsible for:

- Implementing this policy in line with their statutory duties for school staff.
- Reviewing and responding to requests for leave of absence from school staff.
- Delegating responsibilities to line managers to sign off annual leave for school staff in line with this policy.

3.3. Staff are responsible for:

- Arranging annual leave during school holiday periods, where possible.
- Requesting leave of absence as soon as possible.

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- Submitting annual leave requests to their line manager.
- Arranging leave for a convenient time, i.e. not in conflict with other relevant staff leave.
- Adhering to this policy at all times.

## **Section A: Annual Leave**

### **1. Annual leave provision**

- a. The Trust's annual leave year runs from 1 September to 31 August.
- b. Employee's annual leave entitlement is as specified in their individual Statement of Main Terms of Employment.
- c. Where an employee's annual leave entitlement increases with length of service, such entitlement is calculated from the beginning of the holiday year following the anniversary of completion of the service.
- d. Annual leave payments will accrue from day to day and shall be payable in 12 equal instalments, monthly in arrears on or around the 23rd of the month directly into the employee's nominated bank or building society account.

### **2. Bank Holidays**

- a. Full-time employees' annual leave entitlement includes the eight currently recognised Bank/Public Holidays in England and Wales:
  - i. New Year's Day
  - ii. Spring Bank Holiday
  - iii. Good Friday
  - iv. Late Summer Bank Holiday
  - v. Easter Monday
  - vi. Christmas Day
  - vii. May Day
  - viii. Boxing Day
- b. Part-time employees are entitled to Bank/Public holidays pro rata.
- c. Where the closure is on a Bank/Public holiday and the employee has exhausted his or her pro rata Bank/Public holiday entitlement, the employee will not be paid for this day. If the employee wishes to be paid for this day, he or she should take this time from his or her annual leave entitlement.
- d. Employees may be required to work on a recognised Bank/Public holiday depending on operational requirements from time to time. The Trust will aim to give as much notice as is reasonably practical of any such requirement. If employees are required to work on a recognised Bank/Public holiday, they will be entitled to receive the employee's normal basic hourly rate or receive time off in lieu for the hours worked.
- e. Hourly paid employees will be paid at their basic rate of pay; salaried employees will be paid their basic salary in respect of periods of annual leave.

### **3. Teachers' annual leave**

- a. Teachers are required to be available for work for 195 days each year; of which, 190 shall be days they may be required to teach pupils and five will be for other duties.

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- b. Teachers on the leadership scale, or centrally employed staff on teaching contracts but not paid on the national pay scales, may be required to work at additional times as the Trust may reasonably direct.
- c. Teachers are not permitted to request annual leave to take a holiday within term-time.
- d. Term-time leave may be permissible in exceptional circumstances, e.g. to take care of a dependant. Please see Leave of Absence section on page 8.

### **4. Support staff annual leave**

- a. Entitlement to annual leave for support staff is specified in their individual Statement of Main Terms of Employment.
- b. Line managers are responsible for approving annual leave for their respective support staff.
- c. The provision for support staff employed on a term-time only basis is the same as for teaching staff above.
- d. For all-year-round staff, the school expects annual leave to be taken during the school holidays where possible. Line managers can authorise holiday during term time provided the needs of the Trust have been taken into account.
- e. Support staff must gain approval from their line manager before making firm annual leave arrangements.
- f. Employees are not normally permitted to take more than 10 consecutive working days' annual holiday at any one time unless in exceptional circumstances and as agreed with their line manager.
- g. For requests of annual leave of 10 days or less during school holiday time a completed annual leave request form must be submitted a minimum of 2 weeks before the first day of annual leave.
- h. For requests of more than 10 consecutive days or any period of annual leave during school time a completed leave request for must be submitted a minimum of 4 weeks before the first day of annual leave.
- i. Requests for annual leave will normally be granted on a "first come first served" basis. Owing to the needs of the Trust, the Trust reserves the right to limit the number of employees who may be permitted to take holiday at any one time. The granting of all holiday requests will be subject to adequate cover available and the overall operational needs of the Trust during the proposed period of absence.
- j. Employees (non-teaching) on a 52-week contract, and at the discretion of their line manager, may carry up to 5 days' annual leave forward (to be taken by December in the following academic year).

### **5. Absence**

- a. Whilst an employee is not in attendance due to ill health they will continue to accrue annual leave.

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- b. If, on their return from sick leave, they are still within the same annual leave year, they will be entitled to take the totality of the annual leave they have accrued before the end of the annual leave year. If this is not possible before the end of the annual leave year, the employee will be entitled to carry over enough annual leave to ensure they receive the statutory allowance in the annual year.
- c. If, on their return from sick leave, they have entered a new annual leave year, they will only be entitled to carry over enough annual leave to ensure they have received the statutory allowance in the previous annual leave year.
- d. Employees (non-teaching) on a 52-week contract have the right to claim sickness absence if they become ill whilst on holiday. However, this will only be considered when accompanied by a Fit Note.

### **6. Annual leave on termination of employment**

- a. On termination of employment, employees will be entitled to be paid for annual leave accrued but not taken as at the date of termination of employment. If on termination of employment an employee has taken more annual leave than he or she has accrued in that holiday year, an appropriate deduction will be made from the employee's final pay.
- b. The Trust may require an employee to take all or part of any outstanding holiday entitlement during a period of notice to terminate the employment or during garden leave.



## **Section B: Leave of Absence**

### **1. Leave of absence provisions**

- 1.1. The Trust will comply with any statutory regulations regarding allowance of time off for employees.
- 1.2. The Trust recognises that there may be times when employees will need to take additional time away from work and will comply with this in line with their statutory duties.

### **2. Requesting additional leave**

- 2.1. Employees may request additional paid/unpaid leave in accordance with this policy. To do so, the employee must complete a leave of absence form (Appendix 1).
- 2.2. Forms must be submitted to the relevant person, as identified below, no later than 2 weeks before the leave is requested.
  - School staff must have approval of the headteacher
  - Headteachers must have the approval of ELT
  - Central Staff must have approval from ELT
  - ELT must have approval from the CEO
  - The CEO must have approval from the Trust Board
- 2.3. The Trust also recognises that there may be times when urgent leave is required and providing 2 weeks' notice may not be possible, in these situations the employee must provide as much notice as possible.
- 2.4. Retrospective leave can also be requested in exceptional circumstances, e.g. family emergency.
- 2.5. Any refusal of a leave of absence request will be reasonable and justified.

### **3. Appeal**

- 3.1. Employees are able to appeal to Director of HR if their request for leave has been rejected. Employees in the HR department are able to appeal to the CEO.

### **4. Dependants**

- 4.1. For the purposes of this policy, the Trust will define a dependant as:
  - An employee's spouse or civil partner, their child or parent
  - Any other person who lives in the same household as the employee and is dependent on the employee for care and assistance when ill
  - Anyone else who reasonably relies on the employee to provide assistance, make arrangements or take action of the kind referred to in this Policy.

### **5. Bereavement following the death of a dependant, relative or close friend**

- 5.1. The Trust will grant employees bereavement leave following the death of a dependant, relative or close friend. This leave is designed to help you cope with the loss, to deal with necessary arrangements, arrange any affairs and attend a funeral.

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- 5.2. Employees will be granted up to 5 days paid leave in any 12-month rolling period.
- 5.3. Any additional leave will be granted at the discretion of the individuals permitted to approve additional leave as set out in section 11.2. The Director of HR or CEO must approve any additional requests above the initial 5 days.
- 5.4. Additional leave may be granted as either paid or unpaid leave.
- 5.5. If an employee is unable to return to work following a period of bereavement leave it may be appropriate to take a period of sickness absence, annual leave or unpaid leave in those circumstances.

### **6. Statutory paternal bereavement leave and pay**

- 6.1. A minimum of two weeks' Statutory Parental Bereavement Leave will be granted to employees who have lost a child under the age of 18, or who have suffered a still birth from 24 weeks of pregnancy, which took place on or after 6 April 2020. The leave will commence on or after the date of the death or stillbirth and will finish within 56 weeks of that date of the death or stillbirth.
- 6.2. If the employee is already taking another form of leave, e.g. maternity leave, at the time of the death or stillbirth, the Statutory Parental Bereavement Leave will start after the other leave period has ended.
- 6.3. Statutory Parental Bereavement Leave will be implemented alongside Statutory Parental Bereavement Pay, using the Statutory Parental Bereavement Pay tables 2020 to calculate this.
- 6.4. To be eligible for Statutory Parental Bereavement Pay, you must have been continuously employed by the Trust for at least 26 weeks up to the end of the 'relevant week'. The 'relevant week' is the week (ending with a Saturday) immediately before the week of the death or stillbirth.
- 6.5. Statutory Parental Bereavement Leave and Pay will be implemented in line with the statutory provision and eligibility at all times.

### **7. Statutory carer's leave**

- 7.1. Employees are entitled to unpaid leave to give or arrange care for a 'dependant' who has:
  - a physical or mental illness or injury that means they're expected to need care for more than 3 months.
  - a disability (as defined in the Equality Act 2010).
  - care needs because of their old age.
- 7.2. The dependant does not have to be a family member. It can be anyone who relies on them for care.
- 7.3. Employees are entitled to carer's leave from their first day of work with the Trust. Employee's employment rights (like holidays and returning to their job) are protected during carer's leave.

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- 7.4. Employees can take up to one week of leave every 12 months. A 'week' means the length of time they usually work over 7 days. For example, if someone usually works 3 days a week, they can take 3 days of carer's leave.
- 7.5. If an employee needs to care for more than one person, they cannot take a week of carer's leave for each dependant. They can only take one week every 12 months. They can use the week of leave on more than one dependant.
- 7.6. Employees can either take a whole week off or take individual days or half days throughout the year.
- 7.7. Employees must provide the following notice before taking carers leave:
  - If the request is for half a day or a day, the notice period must be at least 3 days.
  - If the request is for more than one day, the notice period must be at least twice as long as the requested leave. For example, if the request is for 2 days, the notice period must be at least 4 days.
- 7.8. The notice period needs to be in full days, even if the request includes half day amounts.
- 7.9. Employees do not need to give evidence of their dependant's care needs.
- 7.10. The Trust cannot refuse a carer's leave request but can ask an employee to take it at a different time. This will only be done if the employee's absence would cause serious disruption to the organisation.
- 7.11. If a period of carers leave is delayed the Trust will:
  - agree another date within one month of the requested date for the leave.
  - put the reason for the delay and new date in writing to the employee within 7 days of the original request, and before the requested start date of the leave.

## **8. Illness of or emergency involving a dependant including a breakdown in care arrangements**

- 8.1. The Trust will permit staff up to 5 days paid leave in any rolling 12-month period in order to take necessary action to deal with the illness of a dependent or due to a breakdown in care arrangements.
- 8.2. In all cases of illness of a dependant/breakdown in care arrangements the first working day will automatically be paid leave, up to the permitted 5 days. Any additional consecutive days will normally be taken as unpaid leave. In exceptional circumstances and with the approval of the HR Director or CEO additional leave can be granted on a paid basis.
- 8.3. Additional unpaid leave will be at the discretion of the individuals permitted to approve additional leave as set out in section 11.2.
- 8.4. The aim of this provision is to enable to employee to make alternative arrangements for the care of the dependant to enable them to return to work.
- 8.5. Any agreements above the permitted 5 days paid leave in a rolling 12-month period must be approved by the Director of HR.

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8.6. If an employee is unable to return to work it may be appropriate to take a period of sickness absence, annual leave or unpaid leave in those circumstances.

### **9. Special events**

9.1. The Trust may grant each employee up to 1 day of paid leave, in any rolling 12-month period to allow employees to attend special events, for example, their child's sports days and school plays, weddings, etc.

9.2. Any additional leave may be granted by the individuals permitted to approve additional leave as set out in section 11.2 and will be on an unpaid basis.

9.3. This part of the policy does not permit Trust employees to take time off for their own wedding. Employees must arrange their own weddings to take place during school closure periods or non-working days.

### **10. Moving house**

10.1. The Trust recognises that there may be times during the academic term when employees may wish to take time off to move house and it may not always be possible to arrange for this to take place during school closure periods.

10.2. Any requests for such leave should be made in writing to the individuals permitted to approve additional leave as set out in section 11.2 as soon as is possible and at least two weeks in advance of the date on which leave is requested.

10.3. Employees may be granted 1 day paid leave in any rolling 12-month period for moving house.

10.4. Any additional leave may be granted by the individuals permitted to approve additional leave as set out in section 11.2 and will be on an unpaid basis.

### **11. Sporting events**

11.1. The Trust recognises that there may be times during the academic term when employees may wish to take time off to compete in a sporting event and it may not always be possible to arrange for this to take place during school closure periods.

11.2. Only sporting events at a national or international level will qualify for any period of leave.

11.3. The amount of leave for sporting events and whether this will be paid or unpaid will be at the Trust's discretion.

11.4. All requests must be made the individuals permitted to approve additional leave as set out in section 11.2. All requests for sporting leave must also be approved by the Director of HR.

### **12. Urgent domestic reasons**

12.1. The Trust recognises that employees may encounter emergency situations, for example, car breakdown or issues with home boilers which require their urgent attention.

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- 12.2. On these occasions, the Trust will pay an employee for the remainder of the day where the employee has had to leave or is unable to attend, to manage the situation.
- 12.3. The employee should make every effort to resolve the situation and return to work as soon as possible.
- 12.4. The Trust will grant up to one paid day in any 12-month rolling period, any subsequent urgent domestic reasons will be granted as unpaid leave.
- 12.5. Any subsequent time off after the initial day must be requested as unpaid leave and will be granted at the discretion of the individuals permitted to approve additional leave as set out in section 11.2.
- 12.6. Where appropriate employees may be able to work from home in these situations.

### **13. Bad weather conditions**

- 13.1. There may be circumstances when an employee is unable to attend work due to bad weather. If your place of work is fully closed, then employees will be paid. If the place of work remains open to employees, then attendance is expected unless otherwise directed by the Head Teacher or ELT. Absence of this type will be managed in accordance with the provisions for domestic emergencies in section 20.
- 13.2. The Head Teacher or ELT may direct employees to work from home where appropriate.

### **14. Interviews**

- 14.1. The Trust recognises the increasing tendency for prospective employers to require interviewees to attend for more than one day, especially for management posts. There is also a growing tendency to expect prospective candidates to undertake a preliminary visit before the formal interviews.
- 14.2. In order to maintain a fair balance between the operational needs of the Trust and to minimise the burden on other employees, and to be fair to employees who will be seeking to further their career, the Trust will grant leave of absence for interviews as follows:
- 14.3. The Head Teacher/ELT is empowered to approve up to a maximum of 5 days paid leave of absence for interviews in any rolling 12-month period, to cover both formal and informal stages of the process, during any one academic year.
- 14.4. Further leave of absence for this purpose will normally be agreed and will be on an unpaid basis.
- 14.5. For support staff any days beyond the initial 5 days could be made up during holiday periods, instead of being on an unpaid basis, provided that their work can be carried out during holiday time.

### **15. New appointments**

- 15.1. 1 day's paid leave in any rolling 12-month period will be considered for visits to your new employer.

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15.2. Up to 2 days unpaid leave in any rolling 12-month period will also be considered to allow additional visits

### **16. Jury service/witness summons/Justice of the Peace (Magistrate) duties**

16.1. Employees required to attend jury service should arrange for the loss of earnings certificate to be forwarded to the relevant School Operations Manager. The Certificate will be returned to the employee completed to show to what extent the salary will be stopped during their absence. The amount will then be claimed from the court.

16.2. Employees subject to a witness summons or subpoena should be allowed paid time off work to attend court.

16.3. Employees who undertake magisterial duties are granted a maximum of 18 days' leave with pay per annum.

### **17. Other public duties**

17.1. If an employee requires time off to perform a public duty, for example, as a member of a local authority or governing body of an educational establishment, the reserve armed forces or retained firefighters, the period of paid time off will be granted at the Trust's absolute discretion.

### **18. Examination and revision leave**

18.1. Examination leave to sit an exam and/or study for an exam may be given at the Trust's absolute discretion for qualifications and short courses.

### **19. Religious observance**

19.1. Employees who have particular religious or cultural needs which conflict with normal working arrangements may be allowed to take annual leave, flexi-leave where applicable or unpaid leave subject to the operational requirements of the Trust. Alternatively, working arrangements may be adapted to enable such needs to be met where reasonably practicable.

19.2. Employees whose religious festivals coincide with the Trust's academic terms shall be granted leave that complies with the legislation. Staff wishing to take leave in accordance with their religious beliefs should give 28 days' notice of this intention unless it is not practicable to do so (e.g. a new employee).

### **20. Routine dental and medical appointments**

20.1. Non-urgent appointments with a doctor, dentist or other health professional which can be planned in advance should be made outside of normal working hours. Where this is not possible, they should be made at a time which will result in the least impact on the service and only in agreement with the line manager. Time taken to attend such appointments if in normal working hours should be repaid using time in lieu, annual leave, or unpaid leave.

20.2. CIT recognises that there is less flexibility for some medical/therapeutic appointments. Employees will be released with pay for a reasonable amount of time for appointments if these fall during normal working hours at the Trust's discretion.

Where employees need to attend appointments linked to their health, arrangements should be discussed and agreed with their line manager.

## **21. Disability-related medical appointments**

21.1. Disability leave is distinct from sick leave. Paid time off will be granted by the academy for any employee having a disability as defined by the Equality Act 2010.

21.2. Any employee requiring a medical examination relating to their health as affected by their disability will be given reasonable leave as is appropriate. The employee shall provide information about their medical condition to the Trust following diagnosis of the condition in question and should give notice of any appointments in advance of any examination as is practicable.

## **22. Time off to carry out Trade Union duties**

22.1. Employees who are trade union officials, shop stewards or trade union representatives elected in accordance with the rules of the trade union, and who are concerned with employee relations at work, have the right to request reasonable time off with pay during working hours to carry out trade union duties and undergo relevant training for those duties.

22.2. This entitlement applies only to independent trade unions recognised by the Trust for collective bargaining purposes. An eligible employee is entitled to a reasonable amount of paid time off for these purposes.

22.3. The Trust recognises the following trade unions for collective bargaining purposes:

- NEU (National Education Union)
- NAWST (The Teachers' Union)
- NAHT (National Association of Head Teachers)
- ASCL (The Association of School and College Leaders)
- Unison
- GMB

## **23. Time off to take part in Trade Union activities**

23.1. An employee has the right to request a reasonable amount of time off without pay to take part in the activities of his or her trade unions where the union is an independent trade union recognised by the Trust for collective bargaining purposes.

## **24. Time off to train**

24.1. The Trust is committed to developing the skills of our employees and recognises that training can benefit the Trust and our employees. Employees should receive training appropriate to their role, subject to operational and budgetary considerations.

24.2. Members of the Senior Leadership Team and Executive Leadership Team are responsible for identifying and monitoring staff training and development needs on an on-going basis.

24.3. The Trust recognises that employees may still have a wish to further develop their skills.

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24.4. Eligible employees have a statutory right to request time off work for study or training.

24.5. Employees who wish to undertake any form of training relevant to their role should raise the matter informally with their Line Manager in the first instance.

### **25. Maternity leave, paternity leave, adoption leave and shared parental leave**

25.1. Maternity leave, paternity leave, adoption leave and parental leave will be arranged in line with The Employment Rights Act 1996 and the Trust's Maternity, Paternity, Adoption, Parental Leave Policy.

### **26. Unpaid parental leave**

26.1. Please see the Trust's Maternity, Paternity, Adoption, Parental Leave Policy.

### **27. Part-time staff**

27.1. All entitlements or Leave of Absence detailed in this policy are on a pro rata basis for part-time staff.

### **28. Disciplinary action**

28.1. If an employee takes leave without permission from the school, the leave will be considered unauthorised unpaid leave and may result in disciplinary action, including dismissal.

### **29. Monitoring and review**

29.1. This policy will be reviewed every three years, or earlier if changes or amendments are required, by the Director of HR.

29.2. Any changes to this policy will be communicated to all staff members and relevant stakeholders.



# CIT Leave of Absence Request Form



## Part A: Employee Details

To be completed, where possible, a minimum of two weeks prior to the first date of the requested period of leave.

Please attach proof of appointments if appropriate.

Employee Name: \_\_\_\_\_

Job Title: \_\_\_\_\_

Place of Work: \_\_\_\_\_

Reason for Leave of Absence Request: \_\_\_\_\_

Leave Start Date: \_\_\_\_\_

Leave Start Time: \_\_\_\_\_

Leave End Date: \_\_\_\_\_

Leave End Time: \_\_\_\_\_

Total days requested: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

## Part B: Response

For completion by Head Teacher, ELT, CEO or Trust Board as appropriate  
(as detailed in section 11.2 of the Annual Leave and Leave of Absence Policy).

The request for leave of absence is:  Approved  Not Approved

If approved, the leave of absence will be:  Paid  Unpaid

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Job Title: \_\_\_\_\_