

Subject: ABSENCE WITHOUT LEAVE (AWOL)

REFERENCES	SECTIONS
Law & Regulation http://leginfo.legislature.ca.gov/faces/codes.xhtml;jsessionid=ec740fb92d7f258ccc38ebd5c0c9 http://www.calhr.ca.gov/state-hr-professionals/Pages/legal-authority.aspx	Government Code Section 19996.2 DPA Rule: 599.826
Memo of Understanding (MOU) http://www.calhr.ca.gov/state-hr-professionals/Pages/bargaining-contracts.aspx	Consult Appropriate Bargaining Unit MOU
SPB/CalHR Policy Memos http://www.calhr.ca.gov/state-hr-professionals/Pages/policy-memos.aspx	PML 94-55
Other:	
Information about the Appeal Process	http://www.calhr.ca.gov/state-hr-professionals/Pages/appeal-process.aspx
OHR-Constructive Intervention Unit	http://www.ohr.dgs.ca.gov/Supervisor/ConstructiveIntervention.htm

Absence Without Leave (AWOL)

Definition Absence without leave (AWOL) for five consecutive days, whether voluntary or involuntary, is considered an automatic resignation from State service as of the last day the employee worked. An AWOL-resigned employee may file a request for reinstatement with the California Department of Human Resources (CalHR). Reinstatement will be granted only if the employee provides a satisfactory explanation as to the cause of the absence and his/her failure to obtain leave, and it is found that s/he is ready, able, and willing to discharge his/her duties or has obtained his/her former employer's approval for a leave of absence.

Practice The approval or disapproval of time off should be based on the operational needs of the unit or office and should be consistent with the Memorandum of Understanding (MOU) of the relevant bargaining units.

Brief periods of AWOL Following is a list of examples of brief periods of AWOL, which may be partial or full days. The employee:

- Does not report to work and does not contact the supervisor/manager for permission to be absent.
- Fails to contact the office within the required timeframe.
- Fails to contact the immediate supervisor (where required, in lieu of leaving a message).
- States or leaves a message that s/he will report at a certain time, and then fails to do so.
- Leaves the work site without permission.
- Takes time off without obtaining approval.
- Takes time off even though the request for time off was disapproved.
- Does not provide requested/appropriate substantiation for a short period of leave that was tentatively approved pending receipt of substantiation (such as medical verification, accident report, court appearance, etc.).

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Absence Without Leave (AWOL), Continued

Government Code § 19996.2 Under Government Code § 19996.2, an employee who is absent (voluntarily or involuntarily) without permission for five consecutive work days may be considered to have automatically resigned from State service as of the last date on which the employee worked or was on approved time off. An automatic separation may occur in such instances as when the employee:

- does not return from a leave of absence, vacation, sick leave, or other approved time off, and does not obtain a leave extension or does not submit a letter of resignation.
- remains off work without providing requested/appropriate substantiation for an extended period of leave that was tentatively approved pending receipt of substantiation.
- is expected to be incarcerated for more than five consecutive working days.

NOTE: AWOL time may be used as a basis for taking formal adverse action.

Important Each office should have clear procedures for requesting time off. Employees should be properly and fully informed of these procedures and the potential consequences for failure to obtain approval for absences. The failure to inform an employee about the procedures and consequences could result in the AWOL time being reversed, or the employee being reinstated from an automatic resignation.

AWOL letter The AWOL letter will inform the employee of his/her right to an informal hearing within the DGS and other appeal options. The employee is also informed of when and where the final pay warrant will be available.

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Absence Without Leave (AWOL), Continued

What to do The following chart describes what to do if an employee is absent from work without approval for three days.

Stage	Description
1	Supervisor immediately contacts the office's Constructive Intervention Unit (CIU) analyst.
2	Supervisor and CIU analyst will discuss the events surrounding the AWOL and the likelihood that AWOL will continue.
3	If warranted, the CIU analyst will begin preparing the letter of automatic resignation by reason of absence without leave to be distributed after the fifth consecutive day of AWOL.
4	The CIU analyst will also notify the Personnel Transactions Unit (PTU) of the impending separation so that final pay can be determined and a check prepared for release within 72 hours of the issuance of the AWOL letter.

Reminder There are variables that could affect the decision to use AWOL. These might include the employee's workweek group, status regarding Family Medical Leave, etc. Thus, it is important that the supervisor contact the CIU **prior to any action** by a supervisor in all AWOL cases.
