The policies, rules and contractual agreements which govern employees on leave remain in effect in layoff situations. Employees on leave from a position in a title affected by layoff must be treated for layoff purposes as if they were actually serving in the title in which they have been granted an approved leave. Where such employees are affected, colleges should be aware of the following:

A. Some types of leaves are mandatory, i.e. required to be granted by a college by Civil Service Law or CUNY Rule or Regulation, or by negotiated agreement. Other types of leaves are discretionary on the part of the college. Granting a leave constitutes an agreement between college and employee which generally cannot be broken except by mutual agreement. However, there are several exceptions to this:

- Probationers may request restoration to a leave line prior to the end of their leave and the college must restore them (see also regulation 6.2.1.)
- Permanent competitive class employees who have been temporarily or provisionally appointed to another competitive class position must be restored to their leave line upon request
- Permanent competitive class employees who have been appointed to a non-competitive or exempt class position must be restored to their leave line upon request.
- Employees requesting restoration must give their college at least three weeks notice of their intent to return

B. Employees returning from leave often return to the position from which they are on leave. Colleges may reassign employees based on program need, or when required by law. Employees are considered to be on leave from a title and not a specific position in that title.
C. Employees who elect to return to a leave line prior to the date of layoff have, in effect, resigned from their other position.

D. Permanent competitive class employees who are on an approved leave and who were serving in another title on a provisional, non-competitive or exempt basis prior to layoff may elect, upon layoff in their permanent title, to remain at their college and continue employment in the non-layoff title.

In such instances:

(a) The employee may decline any available opportunities on the Transfer in Lieu of Layoff Roster or the Placement Roster.

(b) The employee's name will be placed on the Preferred Lists and will remain eligible for appointment for four years from the date of layoff. Upon being offered a job opportunity from a Preferred List, the employee may choose to remain in another position at their current college, and ask to have their name withdrawn from consideration for future appointments from the Preferred List.

(c) The employee may be returned to the Preferred List and offered any available appointment within three weeks following their request for restoration provided the restoration will occur within the four year reinstatement period permissible under the law.