

1. Title

Leave Without Pay

2. Policy

Sec. 1 Policy Statement. A leave of absence without pay may be granted to an employee of The University of Texas System, subject to the terms and conditions set forth in this policy.

Sec. 2 Purpose. The purpose of this policy is to provide for the administration of employee requests for leave of absence without pay.

Sec. 3 General Procedures.

- 3.1 A leave of absence without pay may be granted for good cause for a period within the term of appointment of any staff member who is appointed for at least 20 hours per week for a period of at least four and one-half months and is not employed in a position that requires student status as a condition of employment. This restriction does not apply when the employee is eligible for Family and Medical Leave (FML), parental leave, or military leave.
- 3.2 Except for disciplinary suspensions, approved military leave or parental leave, or when receiving workers' compensation income benefits or temporary disability benefits, all accumulated and applicable paid leave entitlements, including compensatory time, must be exhausted before leave without pay (LWOP) is granted. Sick leave must be exhausted only in those cases where the employee is eligible to take sick leave.
- 3.3 A leave of absence without pay will be limited to 12 continuous months.
- 3.4 All LWOP requests, other than those related to FML, parental leave, or military leave, will be reviewed and approved or denied by the Director of Employee Services, with the interests of the institution being given first consideration.
- 3.5 An employee who takes leave without approval may be subject to discipline up to and including termination.
- 3.6 Refer to U. T. System Administration Policy INT131, *Probationary Period for Classified Employees*, for explanation of any LWOP impact on an employee's probationary period.

- 3.7 A leave of absence for a first year or portion thereof may be granted by the Director of Employee Services, subject to the general conditions included herein. A second or third consecutive year of leave must be approved by the Chancellor or his/her designee. A leave of absence for a second consecutive year will be granted only in unusual circumstances such as a leave for public service or other activity that reflects credit on the institution and enhances an individual's ability to make subsequent contributions to the institution. Except in very unusual circumstances, a third consecutive leave of absence will not be granted. A request for a third consecutive year's leave of absence without pay must be reviewed and approved by the appropriate Executive Vice Chancellor.
 - 3.8 Subject to financial constraints, the approval of a leave of absence constitutes a guarantee of return to employment at the conclusion of the leave period. An employee returning from LWOP will be returned to the same or a similar position, typically at the same salary, unless circumstances preclude such a rate of pay. Such circumstances may include, but are not limited to, an approved reorganization.
 - 3.9 A period of approved LWOP does not constitute a break in service.
 - 3.10 Except in the case of an employee returning to State employment from military LWOP, any full calendar month in which the employee is on LWOP will not be counted in the calculation of total State service credit for the purposes of the rate of vacation accrual or longevity pay entitlement. An employee will not accrue vacation or sick leave for any full calendar month during which the employee is on LWOP.
 - 3.11 If a request for LWOP is approved, the requesting department must create and route a document in the applicable human resources management system (HRMS) to place the employee on a LWOP status.
- Sec. 4 Requests for LWOP not Related to FML or Parental Leave.
- 4.1 An employee must submit a written request for LWOP to the administrative head of the department prior to taking leave, including the leave time requested and the reason for the leave, except in cases related to FML or parental leave.

- 4.2 After receiving a military-related LWOP request from an employee, the employee's department head or supervisor should contact the Office of Employee Services (OES) for review and consultation prior to creating a document in the HRMS to process the LWOP.
- 4.3 After receiving an LWOP request from an employee that does not relate to FML, parental leave, or military reasons, the department head should submit an email to the Director of Employee Services relating the facts related to the request. After discussion, the Director of Employee Services will issue an emailed response to the department head approving or disapproving the request.
- 4.4 The department will create a document in the HRMS to process the LWOP and submit it for processing. The department will indicate on the document if the leave was approved or disapproved by the Director of Employee Services.

Sec. 5 Requests for LWOP Related to FML or Parental Leave.

- 5.1 The requesting employee must follow all procedures outlined in the FML or parental leave policies, as applicable.
- 5.2 The department should create a document in the HRMS requesting leave approved under the Family and Medical Leave Act (FMLA) or the parental leave policy and route it for processing. Such leaves require supporting documentation, which will be coordinated through OES. When FML or parental leave is approved, the department head or supervisor is notified and instructed by OES staff regarding completion of the employee's timesheets and how the leave may be used.
- 5.3 Upon expiration of a LWOP related to FML or parental leave, an employee may be eligible to continue LWOP, but the total combined period of FML and non-FML LWOP cannot exceed twelve months. In such cases, the employee and department head must provide documentation justifying the need for continued LWOP by submitting another request under the non-FML/parental leave provisions of this policy. The department will create and submit a document in the HRMS to place the employee on non-FML LWOP status.

Sec. 6 Considerations after LWOP Processing.

- 6.1 If LWOP is requested and approved after the monthly payroll cutoff date, the subject employee should be informed that his/her paycheck may be issued late due to the need to recall it and adjust pay to reflect the correct number of hours worked.
- 6.2 While an employee is on LWOP, the department may hire a temporary replacement. If a temporary replacement is to be hired for a period of time exceeding four and one-half months at 20 hours or more per week, posting and recruiting requirements for the replacement must be met.
- 6.3 An employee who is placed in LWOP status for one or more full calendar months must specify the insurance coverage (s)he wishes to retain while on leave. It is the responsibility of the employee to contact and consult with OES to make arrangements for payment of insurance premiums while on leave. Payments of insurance premiums must be received by OES by the 10th of the month in which they are due. Failure to pay premiums on a timely basis will result in cancellation of coverage.
- 6.4 OES will notify the employee at the address or phone number of record if coverage is canceled due to nonpayment. Coverage will not be reinstated until the employee returns to work in a benefits eligible position.
- 6.5 An employee who returns to work in a benefits eligible position will be reinstated to the insurance plans and coverage levels held prior to the LWOP status and will immediately receive premium sharing.
- 6.6 After a return to duty of one year, the leave of absence privilege will again be available, subject to the conditions outlined in this policy.

3. Definitions

Premium Sharing - the amount of money provided by the State and the U. T. System to offset the costs of premiums for certain insurance coverages.

4. Relevant Federal and State Statutes

[Texas Government Code Section 661.909](#)

5. Relevant System Policies, Procedures, and Forms

[Board of Regents' Rules and Regulations, Rule 30201, Section 3](#)

6. Who Should Know

All employees of U. T. System Administration

7. System Administration Office(s) Responsible for Policy

Office of Employee Services

8. Dates Approved or Amended

February 1, 2006

March 8, 2010

August 16, 2011

9. Contact Information

Questions or comments about this policy should be directed to:

- bor@utsystem.edu