



UT System Administration Policy Library -- Policy INT126

Leave Without Pay

Responsible Officer: Associate Vice Chancellor for Employee Benefits and Services

Sponsoring Office: Office of Employee Services

Effective Date: February 1, 2006

Last Reviewed: September 21, 2009

Next Scheduled Review: January 15, 2010

Errors or changes to: policyoffice@utsystem.edu

CONTENTS

[Policy Statement](#)

[Rationale](#)

[Scope](#)

[Website Address for This Policy](#)

[Related Policies, Requirements Or Standards](#)

[Contacts](#)

[Definitions](#)

[Responsibilities](#)

[Procedures](#)

[Forms Tools/Online Processes](#)

[Appendices](#)

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.

RATIONALE

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

SCOPE

All offices of UT System Administration

WEBSITE ADDRESS FOR THIS POLICY

<http://www.utsystem.edu/policy/policies/int126.html>

RELATED STATUTES, POLICIES, REQUIREMENTS OR STANDARDS

UT System Administration Policies & Standards	Other Statutes, Policies & Standards
Board of Regents' Rules and Regulations, Rule 30201 § 3	Texas Government Code, § 661.909

CONTACTS

If you have any questions about UT System Administration Policy INT 126, *Leave Without Pay*, contact the following offices:

Subject	Office Name	Telephone Number	Email/URL
Human Resources/ Employee Benefits	Office of Employee Services	512-499-4587	esc@utsystem.edu

DEFINITIONS

FML

Family / Medical Leave

LWOP

Leave Without Pay

OES

Office of Employee Services

Personnel Action Form (PAF)

The form that must be submitted to appoint a new employee to the payroll or to change the employee's payroll status

Premium Sharing

The amount of money provided by the state and The University of Texas System to offset the costs of premiums for certain insurance coverages

RESPONSIBILITIES

Employee

- Submits a written request for leave without pay to the administrative head of the department, including the leave time requested and the reason for the leave.
- Specifies the insurance coverage s/he wishes to retain while on leave without pay status for one or more full calendar months.

- Contacts and consults the Office of Employee Services to make arrangements for payment of insurance premiums while on leave without pay status for one or more full calendar months.

Director of Employee Services

- Any 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.

Department

- Contacts / e-mails the Office of Employee Services to discuss LWOP requests, other than those related to FML or parental leave, in accordance with procedure.
- Submits a Personnel Action Form (PAF) to the Office of the Controller to place the employee on a leave without pay status.
- If desired, hires a temporary replacement while an employee is on leave without pay.

Office of Employee Services

- Notifies the employee at the address or phone number of record if coverage is canceled due to non-payment.

PROCEDURES

1. General Procedures

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 twenty hours per week for a period of at least four and one-half months and is not employed in a position which 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.

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 is granted. Sick leave must be exhausted only in those cases where the employee is eligible to take sick leave. .

A leave of absence without pay will be limited to twelve continuous months.

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.

An employee who takes leave without approval may be subject to discipline up to and including termination.

Refer to UT System Administration Policy INT131, *Probationary Period for Classified Employees*, for explanation of any LWOP impact on an employee's probationary period.

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.

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 leave without pay 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.

A period of approved leave without pay does not constitute a break in service.

Except in the case of an employee returning to state employment from military leave without pay, any full calendar month in which the employee is on leave without pay 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 leave without pay.

If a request for leave without pay is approved, a Personnel Action Form (PAF) must be submitted by the department to the Office of the Controller to place the employee on a leave without pay status.

2. Requests for Leave Without Pay not Related to FML or Parental Leave

An employee must submit a written request for leave without pay 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.

After receiving a military-related LWOP request from an employee, the employee's department head or supervisor should contact the Office of Employee Services for review and consultation prior to creating a PAF for the leave without pay.

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 e-mail to the Director of Employee Services relating the facts related to the request. After discussion, the Director of Employee Services will issue an e-mailed response to the department head approving or disapproving the request.

The department will create a PAF and submit it to the Office of the Controller for processing. The department will indicate on the PAF if the leave was approved or disapproved by the Director of Employee Services.

3. Requests for Leave Without Pay Related to FML or Parental Leave

The requesting employee must follow all procedures outlined in the FML or parental leave policies, as applicable.

The department should create a PAF for leave approved under the FMLA or the parental leave policy and send it to the Office of the Controller for processing. Such leaves require supporting documentation, which will be coordinated through the Office of Employee Services. 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.

Upon expiration of a leave without pay related to FML or parental leave, an employee may be eligible to continue leave without pay, but the total combined period of FML and non-FML leave without pay cannot exceed twelve months. In such cases, the employee and department head must provide documentation justifying the need for continued leave without pay by submitting another request under the non-FML/parental leave provisions of this policy. The department will create and submit a PAF to the Office of the Controller to place the employee on non-FML leave without pay status.

4. Considerations after LWOP Processing

If LWOP is requested and approved after the monthly payroll cut-off date, the subject employee should be informed that their paycheck may be issued late due to the need to recall it and adjust pay to reflect the correct number of hours worked.

While an employee is on leave without pay, 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 twenty hours or more per week, posting and recruiting requirements for the replacement must be met.

An employee who is placed in leave without pay 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 the Office of Employee Services to make arrangements for payment of insurance premiums while on leave. Payments of insurance premiums must be received by the Office of Employee

Services by the tenth of the month in which they are due. Failure to pay premiums on a timely basis will result in cancellation of coverage.

The Office of Employee Services will notify the employee at the address or phone number of record if coverage is canceled due to non-payment. Coverage will not be reinstated until the employee returns to work in a benefits eligible position.

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 leave without pay status and will immediately receive premium sharing.

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.

FORMS AND TOOLS / ONLINE PROCESSES

None

APPENDIX

None

Keywords: leave, absence, lwop, time off, HR, human resources
