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| Policies of the University of North Texas Health Science Center | Chapter 05 Human Resources |
| 05.612 Leave of Absence Without Pay | |

Policy Statement.

Leave of Absence Without Pay: A leave of absence without pay is an authorized, temporary release of a faculty or staff member from the payroll. Leaves of absence without pay may be granted when it serves the best interests both of the employee and the institution.

Types of Leaves of Absence Without Pay:

Family and Medical Leave or Parental Leave: See Policy 05.607 of this manual.

Personal: A leave of absence without pay for personal reasons may be granted regular faculty and staff only after accumulated vacation leave and compensatory time has been expended. Consideration of a request for personal leave should be based upon the effect of such leave on the department's workload and the reason for the leave. A personal leave of absence without pay normally will not exceed six (6) weeks duration.

Workers Compensation: An employee may elect a leave of absence without pay in lieu of sick leave and vacation while absent due to an on-the-job injury. See Policy 05.803.

Disciplinary suspensions.

Military leave.

Application of Policy.

Regular Faculty and Staff

Definitions.

None

Procedures and Responsibilities.

Procedure / Duty

- 1. Requests and Approvals for Leaves of Absence Without Pay:** A leave of absence without pay may be granted regular faculty and staff after all appropriate paid leave and compensatory time has been exhausted. Individuals on approved Family Medical Leave (FMLA) or Parental Leave will be granted Leave Without Pay (LWOP) only when all appropriate paid leave and compensatory time has been exhausted.

Responsible Party

Employee/
Department
Official

- 1.01. All requests for leave of absence without pay must be submitted in writing in conjunction with the Request for Leave Form. The employee should fully outline the purpose for the request. The leave of absence without pay must be approved in advance by the department official who has the authority to approve leave. The department official who has the authority to approve leave is the head of the department unless otherwise directed by the President.
- 1.02. Leaves of absence of more than two weeks or for disciplinary actions require the completion and submission of a Position/Appointment Authorization Form, temporarily removing the employee from the payroll.
- 1.03. Requests for extension of leaves beyond six (6) weeks must be approved by the department official with the authority to approve leave, and by the President. An employee should forward a written request for extension to the department official no later than two (2) weeks prior to the original scheduled expiration date. All such leave will be limited to a total of twelve (12) months.¹
- 1.04. Leaves of absence should be recorded on the Monthly Departmental Time Record.
2. **Benefits Administration:** The administration of an employee's benefits during a leave of absence without pay shall be as follows:
 - 2.01. An employee approved for leave without pay should contact Human Resource Services immediately to discuss benefits during leave.
 - 2.02. Group insurance coverage may be continued during the leave. If the leave qualifies for Family and Medical Leave, the State contribution to group insurance will continue during the leave. See Policy 05.607. If Family and Medical does not apply, the State contribution will not continue. In this case the employee must pay the total premium during any month in which there is no paid work or leave time.²
 - 2.03. Except for situations involving disciplinary suspension, disability, active military duty, and workers compensation, all accumulated leave must be expended before an employee is granted a leave of absence without pay.³

Employee/
Human Resource
Services Benefits

- 2.04. The administrative head of a state agency or institution of higher education may grant exceptions to the limitations of this section if the employee is taking the leave for a reason such as: working for another state governmental entity under an interagency agreement or for educational purposes.⁴
- 2.05. In the case of extended military leave, an employee may either freeze accrued vacation leave or may expend it. Accrued sick leave shall be frozen until the employee returns to work.⁵
- 2.06. Credit for vacation or sick leave entitlement is not accumulated during a leave of absence without pay. However, if the employee has any fraction of paid employment in a month, he/she will be credited with sick leave and vacation entitlement for that month.⁶
- 2.07. Time in a leave of absence without pay status is not creditable toward "total State employment" for vacation leave earning purposes. Also, credit for seniority and longevity pay is not earned during a leave of absence without pay. Individuals who return to State employment following an extended military leave without pay are entitled to have their time on active duty credited toward total State employment for vacation leave earning purposes as well as seniority and longevity.⁷
- 2.08. No compensation is given for holidays which occur during the period of leave of absence without pay.
- 2.09. The employee's retirement program will remain intact with benefits suspended until the individual returns to work. Tax deferred annuities are suspended, along with contributions to the Teacher Retirement System or to the Optional Retirement Program. Funds in retirement programs may not be withdrawn without the action being considered a termination.

3. General:

- 3.01. Failure to return to work upon expiration of approved leave will be considered a voluntary termination of employment. In such cases, an individual desiring to return to work will be treated as a new applicant.

Employee/
Department
Official/Human
Resource Services

- 3.02. An individual on leave may be replaced with a temporary employee during the absence.
- 3.03. An employee who returns to employment at the termination of a leave of absence without pay will be reinstated in the same position he/she formerly held, or in a position of similar status and pay. The employee will be entitled to any across-the-board mandatory raises that were granted to all employees in similar positions during the absence.

References and Cross-references.

¹ Texas Government Code, § 661

² Texas Insurance Code, Art. 3.50-3.

³ Texas Government Code, § 661

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

⁷ Attorney General Opinion No. H941, February 9, 1977, Attorney General Opinion No. H251, March 4, 1974, RE: Questions relating to the rights of pregnant women employed by the State. Attorney General Opinion No. M1222, September 2, 1972, RE: Determination of eligibility for maternity leave. Code of Federal Regulations, Title 41, Chapter 60, Part 6070, Section 3q. Pregnancy Discrimination Act, October 31, 1978, as Amendment to Title VII of the Civil Rights Act of 1964.

Forms and Tools.

Request for Leave Form

Approved: 9/1/2006

Effective: 9/1/2006

Revised: