

**Institutional Handbook of Operating Procedures**  
**Policy 03.06.07**

Section: Human Resources	Responsible Vice President: Vice President and Chief Human Resources Officer
Subject: Leave Administration	Responsible Entity: Human Resources

**I. Title**

*Leave of Absence Without Pay*

**II. Policy**

It is the policy of UTMB, when in the best interest of the University and for good cause, and subject to fiscal constraints, to grant [benefit eligible employees](#) a period of unpaid leave during which employment is protected.

A leave of absence without pay may be granted for personal reasons, professional development, and public service or other activities that reflect credit on the University and enhance an individual's ability to make subsequent contributions to the University.

Personal reasons include compelling needs related to personal matters, extended illness, and the provision of care for members of an employee's immediate family as defined in the Sick Leave Policy. All requests for a medical leave of absence will be reviewed on a case-by-case basis and in conjunction with all applicable federal, state and institutional policies.

Professional development includes undergraduate or graduate study, fellowships, employment with another governmental entity under an interagency or intergovernmental agreement, or other educational purposes that increase the effectiveness or professional productivity of the employee.

Public service includes but is not limited to political activity subject to the Regents' Rules, Part 1, Chapter III, Section 35, and service to charitable organizations.

A leave of absence may be granted for a period of up to twelve (12) months. If the period of the leave is less than twelve (12) months, an employee may submit a request to extend the leave for a combined period not to exceed twelve (12) months.

**III. Exhaustion of Paid Leave**

Except for disciplinary suspensions, active military duty and leave covered by workers' compensation benefits, all accumulated paid leave must be exhausted before going on leave of absence without pay status. Sick leave must first be used only if the employee is taking leave for a reason for which the employee is eligible to take sick leave.

**IV. Procedure**

The President delegates authority to the department supervisor or department chief to review and approve leaves of absence for the initial twelve-month period. The President delegates authority to the appropriate vice president to review and approve leaves of absence for a second consecutive twelve-month leave.

**Application Submission.** Staff shall submit a written request to their department supervisor or manager.

Faculty shall submit a written request to their department chief and the dean of his or her specific school. The request shall include the following:

- The reason for the requested leave with documentation as appropriate;
- Length of time requested; and
- A statement of the employee's clear intention to return to work.

If the leave is for professional development or public service, the request shall specify how the leave will increase the effectiveness or professional productivity of the employee.

### **Application Review**

When evaluating medical leave of absence requests, the manager, in conjunction with UTMB's Institutional Americans with Disabilities Act (ADA) Office and the designated Human Resources Employee Relations (ER) Advisor, will review and determine if the request is in the best interest of the University. The following criteria inclusive of but not limited to the following will be considered:

- The duration of the leave of absence;
- The medical documentation to support the requested leave of absence;
- The ability of the department to function efficiently and effectively during the employee's absence;
- The effect of the employee's absence on business operations;
- The provisions required to accomplish the employee's work;
- Whether the employee's documented work performance justifies employment protection; and
- The employee's clear intent to return to work.

With the exception of medical documentation, the criteria above should also be considered when evaluating leave of absence requests for personal reasons, professional development, public service, or other activities.

**Determination:** The manager shall review the leave request and submit a written recommendation to the department leader or department chief. The recommendation shall state whether the application request should be granted or denied and the reasons for the decision.

**Additional Managerial Responsibilities:** The manager shall communicate expectations and designate timeframes for updates from the employee during the approved leave of absence, and maintain current and accurate attendance records during the employee's leave of absence. Questions shall be directed to Human Resources-Leave Management.

### **Eligibility for Subsequent, Non-Consecutive Leave**

An employee must return to duty for one year (12 continuous months) after a leave of absence to be eligible to apply for another leave of absence, unless they have been granted an extension under this policy.

## **Benefits**

For a leave of absence that is not covered by Family and Medical Leave, the following applies:

1. Employee Insurance Premiums. The employee is responsible for paying the full premium amount directly to the University.
2. Nonpayment of Premiums by Employee. If the employee fails to pay the insurance premium by the due date, the University shall cancel the employee's insurance coverage at the end of the last month for which a complete payment is made.
3. Restoration of Coverage Upon Return to Work. If the University discontinues health coverage as a result of the employee's non-payment of premiums, the employee's group health benefits must be restored to at least the same level and terms as were provided when leave commenced. The returning employee will not be required to meet any qualification requirements, such as a waiting period or preexisting condition requirements, when the employee has failed to continue his or her health coverage for non-payment of premiums.
4. Vacation, sick leave, and holidays do not accrue while an employee is on leave of absence without pay.
5. For a leave of absence that is covered by Family and Medical Leave, see IHOP policy 3.6.9, Family and Medical Leave, for insurance benefit information.

## **Responsibilities**

An employee on leave shall immediately notify the supervisor of any change in circumstances that affects the employee's leave status.

The department shall place an employee granted a leave of absence on leave without pay status for the term of the leave.

## **Return to Work**

The employee must return to work at their regular reporting time on the next workday following expiration of their leave without pay. The employee returning from leave of absence will be reinstated to the same, equivalent, or lesser position and pay.

### **V. Relevant Federal and State Statutes**

[Texas Government Code, §661.909](#)

### **VI. Relevant System Policies and Procedures**

Regents' Rule and Regulations, [Rule 30201: Leave Policies](#)

### **VII. Related UTMB Policies and Procedures**

[IHOP - 03.02.02 - Americans with Disabilities Act](#)

[IHOP - 03.06.09 - Family and Medical Leave](#)

[IHOP - 03.06.10 - Sick Leave](#)

[IHOP - 03.06.11 - Sick Pool Leave](#)

[IHOP - 03.07.04 - Temporary Job Modification](#)

**VIII. Dates Approved or Amended**

<i>Originated: 02/06/2002</i>	
<i>Reviewed with Changes</i>	<i>Reviewed without Changes</i>
06/09/2009	
06/05/2019	

**IX. Contact Information**

Human Resources-Employee Relations  
(409) 772-8699