

Section 3	Human Resources Department	02/06/02 -Originated
Subject 3.9	Leave Administration	06/09/09 -Reviewed w/changes -Reviewed w/o changes
Policy 3.6.7	Leave Without Pay	Human Resources -Author

Leave of Absence Without Pay

Definitions

Benefit eligible employee – for purposes of this policy, employees who are appointed to work at least twenty (20) hours per week for a period of at least four and one-half (4 1/2) months, and are not employed in a position for which the employee is required to be a student as a condition of employment.

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 to the provision of care for members of an employee's immediate family as defined in the Sick Leave Policy.

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.

The Regents' Rules restrict leaves of absence that extend beyond the end of a fiscal year. Therefore, the granting of that portion of a leave that extends beyond the current fiscal year (August 31) is contingent upon the employee's reappointment.

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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.

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 on the *Leave of Absence Request form* to his or her department supervisor or manager. Faculty shall submit a written request on the *Leave of Absence Request form* to his or her department chief and the dean of his or her specific school. The request forms 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 leave requests, the manager shall determine if the request is in the best interest of the University. The manager shall consider the following criteria:

- The ability of the department to function efficiently and effectively during the employee's absence;
- The affect of the employee's absence on co-workers;
- 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.

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**Procedure,
continued**

Determination. The manager shall review the leave request and submit a written recommendation to the department supervisor or department chief. The recommendation shall state whether the application 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 the Department of Leave Management.

Consecutive Years of LOA

Requests for consecutive years of leave of absence shall be for the reasons provided in this policy. Such requests shall be approved only in cases where unusual and extenuating circumstances exist.

1. Second Year Approval. In addition to the dean of the specific school and department supervisor or department chief, the Vice President of Human Resources must approve a second year request.
2. Third Year Approval. In addition to the dean of the specific school and department supervisor or department chief, and the Vice President of Human Resources, the President and Executive Vice Chancellor for Academic Affairs of The University of Texas System must approve a third year request.

The final decision to grant or deny the leave request shall be communicated in writing to the employee with a copy to the appropriate administrators and Human Resource Services.

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.
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**Benefits,
continued**

2. Nonpayment of Premiums by Employee. If the employee fails to

3. 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.
4. 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.

Vacation, sick leave, and holidays do not accrue while an employee is on leave of absence without pay.

For a leave of absence that is covered by Family and Medical Leave, see IHOP policy 3.9.10, 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 or until the end of the fiscal year, whichever is shorter.

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 or equivalent position and pay.

References

Texas Government Code, §§661.909
IHOP Policy 3.9.10, Family and Medical Leave
IHOP 3.8.6 Temporary Job Modification
IHOP 3.3.2 Americans with Disabilities Act
IHOP 3.9.8 Sick Leave
IHOP 3.5.1 Sick Pool Leave
