

Texas Woman's University University Regulation and Procedure

Regulation and Procedure Name: Leave of Absence and Leave Without Pay

**Regulation and Procedure
Number: URP: 05.530**

Policy Owner: Finance and Administration

POLICY STATEMENT

The purpose of this Texas Woman's University Policy is to establish guidelines for administration of and compliance with the use of leave of absence from employment and applicable federal and state laws and TWU policies and procedures. This policy does not apply to leaves of absence due to an on-the-job injury or illness.

APPLICABILITY

This policy is applicable to TWU Employees.

DEFINITIONS

None

REGULATION AND PROCEDURE

I. General Guidelines

- A. A leave of absence is an employee's absence from his/her job responsibilities and regularly scheduled work hours. Scheduled work hours missed are based on the 40 hours per week (Sunday through Saturday) which the department head sets for an employee's performance of his/her essential job functions.
- B. For purposes of this policy, a leave of absence does not include the use of accrued Vacation Leave or Compensatory Time Leave when used solely for scheduled, short-term vacation purposes, nor does it include the use of Sick Leave for short-term illnesses lasting up to three days. Examples of reasons for an employee's leave of absence under this policy include Family and Medical Leave Act ("FMLA") covered leave, leave without pay for personal reasons and Military Leave.

- C. In the event that an employee requires a leave of absence beyond the expiration of his/her accrued and available paid leave, the leave type becomes a leave without pay ("LWOP"). In most cases, LWOP must be FMLA-covered to be considered approved leave.
- D. A leave of absence without pay (LWOP) may be granted provided that the business interests of the University are given first consideration. A leave of absence without pay is not an inherent right but is the prerogative of the University. An extended leave of absence without pay must be requested in writing through the supervisors to the appropriate Vice President or Provost and the Office of Human Resources ("OHR"). Final approval rests with the Chancellor and President. A leave of absence without pay may be granted only after the employee has exhausted all appropriate leave entitlements. Leave without pay may not exceed three (3) months in duration except for absences due to military duty.
- E. In order to request extended leave of absence without pay of up to three (3) months when both an employee's FMLA and accrued/available paid leave are exhausted, the employee must notify his/her supervisor and the OHR no later than seven days before his/her FMLA and/or paid leave runs out. Failure to request a leave extension without seven days prior notice will result in the leave ending on the expected date, usually the later of the date that the maximum FMLA weeks or hours expires or the date that accrued and available paid leave is exhausted.
- F. Failure to return to work immediately upon the expiration of an approved leave of absence or immediately upon the expiration of an approved leave extension shall result in the employee's termination.
- G. A leave of absence without pay implies intent from the employee to return to work and intent for the University to return the employee to the former position or to one of similar requirements and compensation upon the expiration of a leave without pay. An employee on leave for medical reasons must keep supervisors informed of their status and expected return to work date on a periodic (preferably weekly) basis. If the employee is not able to contact the supervisor, their next of kin will be requested to maintain contact with the supervisor. Medical certification is required. An employee does not accrue vacation or sick leave for a full calendar month during which the employee is on leave without pay.
- H. Because options and rules are different depending on the length of leave, the type of leave, whether the leave is fully paid or unpaid at any point, and

whether or not the leave is covered by FMLA, employees requesting leave and supervisors of employees requesting or currently on leave are advised to consult the Office of Human Resources for guidance on a case-by-case basis. Notifying HR on a timely basis is especially critical when an employee's payroll is affected due to leave without pay. Options to consider during or at the end of the leave may include a Return to Work Program temporary modified or alternate duty assignment and/or reasonable accommodation under the Americans with Disabilities Act ("ADA").

- I. With the Chancellor's approval, TWU policy allows for an optional extended leave of absence without pay for up to three (3) months following the expiration of FMLA and/or accrued and available paid leave. These limits on leave of absence without pay do not apply to a military leave of absence.
- J. Only the Chancellor and President, upon recommendations from the supervisor, the appropriate Vice President, and the Office of Human Resources, may grant an official extended leave of absence without pay.

II. Coordination with Related Policies

- A. For details on paid and unpaid leave types, see the appropriate policy and/or procedure.
- B. For details on specific types of leave, see the applicable policy and/or procedure. Examples include:
 - 1. Sick Leave
 - 2. URP 05.520: Sick Leave Pool
 - 3. URP 05.510: Family Medical Leave Act (FMLA)
 - 4. Parental Leave
 - 5. URP 05.474: Return To Work Workers Compensation Injury or Illness
 - 6. URP 05.470: Return to Work Non-Workers Compensation

III. Procedure

During a leave without pay, benefits related to pay status are affected and employee action may be required:

- A. Employees on leave without pay must make prior arrangements with the OHR and ERS to pay insurance and flex plan premiums to ensure continued insurance and flex plan coverage.
- B. Vacation, sick leave, and state service accruals are suspended.
- C. Participation in the Teacher Retirement System or Optional Retirement Program is temporarily suspended and contributions cannot be withdrawn.
- D. An employee is not entitled to receive pay for holidays while on a leave without pay.

REVIEW

This policy will remain in effect and published until it is reviewed, updated, or archived. This policy is to be reviewed once every six years. Interim review may be required as a result of updates to federal and state law or regulations, Board of Regents policies, or internal processes or procedures.

REFERENCES

[TWU HR Sick Leave Page](#)

[TWU HR Parental Leave Page](#)

[URP 05.520: Sick Leave Pool](#)

[URP 05.510: Family Medical Leave Act \(FMLA\)](#)

[URP 05.474: Return To Work Workers Compensation Injury or Illness](#)

[URP 05.470: Return to Work Non-Workers Compensation](#)

FORMS AND TOOLS

None

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