

**THE UNIVERSITY OF TEXAS OF THE PERMIAN BASIN
OFFICE OF HUMAN RESOURCES
POLICY AND PROCEDURES MEMORANDUM**

LEAVE WITHOUT PAY

DATE: February 1, 2006

1. PURPOSE

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

2. POLICY

A leave of absence without pay may be granted to an employee of The University of Texas of the Permian Basin, on request, subject to the terms and conditions set forth in this policy.

A leave of absence without pay may be granted for good cause for a period within the term of appointment of any faculty or staff member who is employed 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 (FML) (see Policy and Procedures Memorandum "Family and Medical Leave")

Except for disciplinary suspensions or use of approved Workers' Compensation and military leave, all accumulated 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 as defined in Policy and Procedures Memorandum, "Sick Leave".

A leave of absence without pay will be limited to twelve continuous months or extend no later than the end of the fiscal year in which the leave begins. In the case of faculty, the date for return to duty will generally coincide with the beginning of the next semester following the period of absence.

A leave of absence for a first year or portion thereof, or a second consecutive year's leave, may be granted by the appropriate Vice-President, subject to the general conditions included herein. 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 President.

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.

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.

Upon expiration of FML, an employee may be eligible for a leave of absence, but the total combined period of FML and non-FML leave without pay cannot exceed twelve months or extend later than the end of the fiscal year in which the leave commenced.

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 employee is on leave without pay.

3. PROCEDURES

- 3.1** An employee must submit 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. The request will be reviewed and approved or denied by the appropriate Vice President, with the interests of the university being given first consideration.
- 3.2** If a request for leave without pay is approved, a Personnel Action Form (PO-1) must be submitted by the department to the Office of Human Resources to place the employee on a leave without pay status.
- 3.3** 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.
- 3.4** An employee who is placed in leave without pay status for one full calendar month or more must specify the insurance coverage s/he wishes to retain while on leave. It is the responsibility of the employee to contact and consult the Office of Human Resources to make arrangements for payment of insurance premiums while on leave. Payments of insurance premiums must be received by the Office of Human Resources 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 Human Resources 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.
- 3.5** 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.

DEFINITIONS

Personnel Action Form (PO-1): 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 to offset the costs of premiums for certain insurance coverage.

4. AUTHORITY

The University of Texas System Regents' *Rules and Regulations*, 30201, § 3
Texas Government Code, § 661.909

5. APPLICATION

This policy applies to The University of Texas of the Permian Basin.