

PURPOSE / DESCRIPTION

This information sheet is designed to provide consistent and appropriate guidance for employees and departments in the application and processing of leave without pay (LWOP) requests.

The AVP of Human Resources (HR) shall determine if the formal LWOP or an extension of LWOP shall be granted; the conditions of such a leave and shall respond to the application of or extension for LWOP within thirty (30) days of receipt of such a request.

For represented employees, the respective collective bargaining unit agreement (CBA) may supersede some portions of this information sheet. Employees are encouraged to consult with the Leave Program Manager to discuss their specific situation and the affect a LWOP may have on health benefit coverage. To make an appointment with the Leave Program Manager, call 408-924-2250.

I. Eligibility

In accordance with bargaining agreements, a permanent full-time or part-time employee may be granted a full or partial leave of absence without pay for up to one (1) year for the following purposes/reasons:

- Loan of an employee to another governmental agency
- Family leave
- Outside employment that would lessen the impact of a potential layoff or a layoff
- Temporary incapacity due to illness or injury or periods of disability related to pregnancy (see [Pregnancy Disability Leave Information Sheet \(.pdf\)](#))
- Student teaching, as required, for employees enrolled in credential programs
- Family care or medical leave (see [Family Medical Leave Information Sheet \(.pdf\)](#))
- Other satisfactory reasons

II. Benefits

An employee on LWOP for more than one full pay period may elect to continue medical, dental, and vision benefits at his/her own expense by completing Direct Pay Authorization forms and submitting payment directly to the plan carriers. Direct Pay Authorization forms can be obtained from your [HR Benefits Representative](#).

Service credits, sick leave, and vacation are not accrued while on an approved LWOP.

An approved LWOP assures the employee a right to return to his/her former position or a position (or comparable position and benefits) within his/her classification upon expiration of the leave and the time shall not constitute a break in service.

III. Process/Requests and Approvals for Leaves of Absence without Pay

It is the responsibility of individual departments to define how an employee should communicate to their supervisor regarding their request for informal LWOP (15 working days or less). All requests for formal leave of absence without pay (more than 15 working days) must be submitted to HR for approval using the [Leave Request Form \(.pdf\)](#). An employee will be required to use any leave credits that are appropriate prior to the effective date of the LWOP.

Employee Responsibilities

A. Informal LWOP (15 work days or less)

Communicate with their immediate supervisor regarding a request for an informal LWOP. A LWOP 15 working days or less is considered an informal leave and may be granted by the appropriate department administrator with appropriate notification. Submission of a written application to HR is not necessary.

B. Formal LWOP (more than 15 working days)

1. Submit a [Leave Request Form \(.pdf\)](#) to their supervisor at least 30 days in advance of the leave. If 30 days notice is not practicable, notice shall be given as soon as the event necessitating the leave becomes known to the employee. Situations with extenuating circumstances will be handled on a case-by-case basis. Failure to provide timely notice may delay approval of the leave.
2. Complete and submit the [Employee Clearance Form \(.pdf\)](#) to the Leave Program Manager prior to the start of an extended LWOP (greater than six months).

Department Responsibilities

1. If the leave is for 15 working days or less, meet with the employee to discuss the leave request and ascertain circumstances supporting the request for informal LWOP. At your discretion, you may grant an informal LWOP (not applicable under the Family Medical Leave Act). Submit a pay dock to the department's Payroll administrator.
2. If the leave is greater than 15 working days, meet with the employee to ascertain circumstances supporting the request for a formal LWOP. Refer the employee to schedule a meeting with the Leave Program Manager to review contractual, operational, and employee status issues.
3. After consulting with the employee and Leave Program Manager, submit the [Leave Request Form \(.pdf\)](#) to their respective Vice President (or designee) or to the Provost (or designee) for review and recommendation, then route the request to the Leave Program Manager for review and approval.

Leave Program Manager Responsibilities

1. Review the employee's request, benefit status, and determine eligibility for LWOP.
2. Meet and consult with the employee and appropriate administrator to review contractual, operational, and employee status issues.
3. Forward the Leave Request to AVP of HR to determine if the LWOP shall be granted.
4. Communicate with the employee and appropriate department administrator once a decision has been reached regarding the employee's request for LWOP. If approved, provide the employee with an [Employee Clearance Form \(.pdf\)](#) and initiate the clearance process. Complete an Employee Profile for formal LWOP and submit to Employee Services.
5. Monitor the employee's return to work date. Upon conclusion of the formal LWOP, submit a completed Employee Profile to Employee Services to reinstate employee from the LWOP.