

LEAVE WITHOUT PAY (LWOP) INFORMATION SHEET

HUMAN RESOURCES

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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 a benefits services representative to discuss their specific situation and the affect a LWOP may have on health benefit coverage. To make an appointment with your benefits services representative, call 408-924-2250.

I. Eligibility

In accordance with bargaining agreements, a 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)
- Student teaching, as required, for employees enrolled in credential programs
- Family care or medical leave (see Family Medical Leave Information Sheet)
- 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 the HR website at http://www.sjsu.edu/hr/all_forms/.

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 (15 working days or more) must be submitted to HR for approval using the [Leave Request Form](#). An employee will be required to use any leave credits that are appropriate prior to the effective date of the LWOP. The Leave request form can be obtained from the HR website at http://www.sjsu.edu/hr/all_forms/.

Employee Responsibilities

The employee will:

A. Informal LWOP (15 work days or less)

Communicate with their immediate supervisor regarding a request for an informal LWOP. A LWOP for less than 15 working days 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 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 the campus clearance process before the start of an extended leave of absence. Clearance forms can be obtained from the HR website at http://www.sjsu.edu/hr/all_forms/.

Department Responsibilities

The appropriate administrator/supervisor will:

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 LWOP. At your discretion, you may grant an informal LWOP (not applicable under the Family Medical Leave Act).
2. If the leave is greater than 15 working days, meet with the employee to review the leave request form and ascertain circumstances supporting the request for LWOP. The form must be filled out completely and signed by the immediate supervisor prior to meeting with the benefits services representative. Schedule a meeting with your benefits services representative to review contractual, operational, and employee status issues. This meeting is required prior to the approval of any formal LWOP request.
3. After consulting with the employee and Human Resources, submit the request to their respective Vice President (or designee) or to the Provost (or designee) for review and authorization, then route the request to the AVP for Human Resources for review and approval.
4. Issue a letter of approval describing the terms and conditions (obtain template from HR) of the LWOP or a letter of denial stating the specific reason(s) the LWOP is denied.
5. If approved, provide the employee with an Employee Clearance Form and initiate the clearance process. This form must be completed and submitted to HR, along with an Employee Profile prior to the commencement of any extended LWOP (greater than six months). Clearance forms can be obtained from the HR website at http://www.sjsu.edu/hr/all_forms/.
6. Monitor the employee's return to work date. Upon conclusion of the formal LWOP, submit a completed Employee Profile to HR to reinstate employee from the LWOP.

Human Resources Responsibilities

The Benefits Service Representative will:

1. Review the employee's request, benefit status, and determine eligibility for LWOP.
2. Meet and consult with the appropriate administrator to review contractual, operational, and employee status issues. This meeting is required prior to the approval of any formal LWOP request.
3. Forward the request for LWOP to AVP of HR to determine if the LWOP shall be granted.
4. Communicate with the appropriate department administrator once a decision has been reached regarding the employee's request for LWOP.