

04-12. Leave Without Pay (LWOP) Policy

Internal Policies and Procedures of the Utah State Board of Education	
Policy	04-12
Subject	Leave Without Pay (LWOP)
Date	April 1, 2022
Policy Owner	Director of Human Resources
Policy Officer	Deputy Superintendent for Operations
References	DHRM Administrative Rule R477-7-13, Leave of Absence Without Pay

I. Purpose and Scope

- The purpose of this policy is to establish approved methods of granting leave without pay (LWOP) status and establish that unauthorized LWOP may be subject to discipline.
- This policy applies to all USBE employees.

II. Policy

- A USBE employee may take LWOP, if approved by the Superintendency, and in compliance with Utah Department of Human Resource Management Rules and this policy.
- An employee who is absent and has no leave to cover an unauthorized absence may be subject to disciplinary action.
- LWOP may be granted only when there is an expectation that the employee will return to work.
- If an employee is unable to return to work within the time period granted for LWOP, the employee shall be separated from employment at USBE unless prohibited by law.

III. Procedures

- A USBE employee shall apply in writing to the employee's supervisor for approval prior to going into a LWOP status, unless prohibited by state or federal law (for example, exceptions may be made for Family Medical Leave (FMLA), or an Americans with Disabilities Act accommodation (ADA)).
- When submitting a written request for LWOP, an employee shall include the requested dates, the number of hours requested, and an explanation of why LWOP is needed.
 - If for medical reasons, the employee shall work with DHRM and complete or have their medical provider complete any needed documentation.

- An employee's non-medical request for LWOP should be made at least three weeks in advance or as soon as possible.
- The employee's supervisor shall:
 - Review the LWOP request with DHRM and with the Superintendent or designee;
 - Notify DHRM if an employee goes into unauthorized LWOP status; and
 - Work with DHRM when recommending disciplinary actions for any employee who enters into an unauthorized LWOP status.
- A supervisor may not approve a leave request that will place an employee in an unauthorized LWOP status.
- The Superintendency shall work closely with DHRM to determine the appropriate actions and obtain necessary information for the specifications of the LWOP.
- Once a decision has been reached, the Superintendency shall notify the employee in writing, approving or denying the LWOP, and copying the employee's supervisor and DHRM.
- An employee who is granted LWOP shall provide a status update to the employee's supervisor or DHRM when requested.
- Except as otherwise provided under the state or federal laws an employee who receives no compensation for a complete pay period shall be responsible for payment of the full premium of state provided benefits.
- Management may separate an employee from employment after 18 workweeks cumulative leave in a 24-month period regardless of paid leave status unless prohibited by state or federal law. This rule incorporates by reference 29 CFR 825.205 (March 21, 2021) for purposes of calculating workweeks. The agency head shall make the decision to separate the employee in consultation with DHRM.
- Under extenuating circumstances for example when an employee start employment with USBE and has a planned time off, a USBE employee may apply for non-medical LWOP.
- This approval may be granted for continuous leave for up to 12 weeks from the last day worked in the employee's regular position.
 - Exceptions may be granted by the Superintendent or the Superintendent's designee.
- Decisions to separate the employee shall be made by the Superintendent in consultation with DHRM.

IV. History

This policy supersedes the previous Leave Without Pay policy that was established November 2012 and updated April 2018.