

## 04-13. Leave Without Pay (LWOP)

<b>Internal Policies and Procedures of the Utah State Board of Education</b>
<b>Policy # 04-13</b>
<b>Subject:</b> Leave Without Pay (LWOP)
<b>Effective Date:</b> 11/2012 <b>Revision Dates:</b> 4/30/2018
<b>Purpose:</b> To establish approved methods of granting LWOP status, and establish that unauthorized leave without pay may be subject to discipline.
<b>Policy:</b> A USBE employee may take leave without pay, if approved by the Superintendency, and in compliance with Utah Department of Human Resource Management Rules and this policy.
<b>References:</b> DHRM Administrative Rule <a href="#">R477-7-13, Leave of Absence Without Pay</a>

### 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, or an Americans with Disabilities Act accommodation.)
- An employee who is absent and has no leave to cover an unauthorized absence may be subject to disciplinary action.
- Leave without pay 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.
- 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 should list only “for medical reasons” and provide a more detailed explanation to DHRM through applicable forms.
- An employee’s 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 leave without pay 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 Superintendent 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 Superintendent or designee shall send an email to the employee, approving or denying the LWOP, and copying the employee's supervisor or DHRM.
- An employee who is granted leave without pay shall provide a status update to the employee's supervisor or DHRM when requested.
- Except as otherwise provided under the Family Medical Leave Act, an employee who receives compensation for less than 40 hours in the pay period shall be responsible for direct payment to PEHP for the full premium of state provided benefits.

### **Medical LWOP**

- An employee who is ineligible for FMLA, Workers Compensation, or Long Term Disability may be granted LWOP for medical reasons, not to exceed four months cumulative from the first day of absence or inability to perform the employee's regular position.
  - Exceptions may be granted by the Superintendent or the Superintendent's designee.
- After four months cumulative leave in a 24 month period, the employee may be separated from employment regardless of paid leave status, unless prohibited by state or federal law.
- Decisions to separate the employee shall be made by the Superintendent in consultation with DHRM.

### **Non-Medical LWOP**

- Under extenuating circumstances, a USBE employee may apply for nonmedical 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.