University Policies and Procedures

07-07.12 - LEAVE OF ABSENCE WITHOUT PAY

I. Policy Statement:

II. Reason for Policy: Towson University has established implementing procedures pursuant to the USM Policy www.usmh.usmd.edu/Leadership/BoardOfRegents/Bylaws/SectionVII/VII712.html for Regular employees. Faculty should consult the Faculty Handbook.

III. Definitions:

IV. Responsible Executive and Office:
Responsible Executive: Associate Vice President and Director of Human Resources
Responsible Office: Office of Human Resources

V. Entities Affected by this Policy:

VI. Procedures:

A. Applicability

1. Emergency military leave, temporary military leave, and indefinite military leave shall be granted to eligible employees in accordance with applicable State and Federal law, and shall be governed by the TU policy on Military Leave.

2. Leave for family and medical reasons shall be granted to eligible employees in accordance with applicable State and Federal law, and shall be governed by the TU policy 07-07.50 Family and Medical Leave.

B. Eligibility

Granting of requests for a leave of absence without pay shall be at the discretion of the President or designee after consideration of the following:

1. The employee shall:
   a. be employed at least 50% of full-time;
b. have completed a total of at least twelve (12) months of service at the University;
c. have a satisfactory record of work performance; and
d. have a satisfactory record of leave usage.

2. Granting of the request shall not disrupt or interfere with the operations or work schedules of the department or the University.

C. Duration of Leave

Employees may request a full or partial leave of absence without pay up to a maximum of a two-year (24 month) period in accordance with the provisions of this policy.

D. Reasons for Leave

A leave of absence without pay may be requested by an eligible employee for reasons such as:

1. loan of an employee to another governmental agency, higher education institution or related organization;
2. outside employment that would lessen the impact of a potential layoff or a layoff;
3. professional activities related to academic research, advanced study, career development, or other professional activities that are determined by the President or designee to be of benefit to the University System of Maryland or Towson University;
4. anticipated low demand for the employee's services during slow periods at the University or in the department’s operations (seasonal leave); or
5. other activities as determined to be appropriate by the President.

E. Job Protection

1. Unless otherwise agreed to by the employee and the Associate Vice President of Human Resources or designee, a leave of absence without pay granted within the provisions of this policy assures the employee a right to return to his/her former position or to another equivalent position within the same department having the same pay, benefits, other terms and conditions of employment, status and responsibilities as the former position upon expiration of the leave.
2. If during the leave the Associate Vice President of Human Resources or designee determines in his/her discretion that the position cannot be held available, the Associate Vice President of Human Resources or designee shall notify the employee in writing of the decision and shall provide information regarding the equivalent position to which the employee will be returned upon expiration of the leave. The employee shall have the right to return to work within fifteen (15) working days from receipt of such notice in order to keep the position from which he/she had taken leave.

3. If there are reductions in the work force while the employee is on leave and the employee would have lost his/her position had he/she not been on leave, then except as provided under the University policy on Layoff and TU policy on Reinstatement an employee has no rights under this policy to be returned to his/her former or to an equivalent position.

4. If there are increases or decreases in pay, benefits, or other terms and conditions of employment while the employee is on leave that would have affected the employee had he/she not been on leave, then except as provided under applicable University policy, the employee shall be returned to employment consistent with current applicable, appropriate pay, benefits and other terms and conditions of employment.

5. An employee on leave of absence without pay shall not return from leave prior to the agreed upon expiration of the leave without written approval of the President or designee.

F. Status of Benefits While on Leave

1. All benefits, including health care and service credit for retirement and other purposes, shall be suspended for the period of the leave of absence without pay. However, an employee on leave of absence without pay for more than thirty (30) days may elect to continue health care and other benefits, as permitted by law or regulation, by paying the full cost of the benefits, including the share ordinarily paid by the University.

2. An employee who elects to discontinue health benefits may not re-enroll in the State of Maryland health benefits program within the same benefit year without certification that the employee has been enrolled in another health plan during the period of leave.

3. Under exceptional circumstances and on a case-by-case basis, the President or designee may approve the continuation of the University's subsidy for health care benefits if the reason for the leave is determined by the President or designee to be of benefit to the University. University costs of any payments made to maintain the employee's health benefit
coverage while on a leave of absence without pay should be recovered if the employee fails to return from leave.

G. Compensation During Leave

This policy governs unpaid leaves of absence; however, at the discretion of the President or designee, accrued annual leave, personal leave, holiday leave and/or compensatory leave (in the case of non-exempt employees) may have to be used prior to granting the leave.

H. Providing Information About Leave

The employee shall provide complete, accurate and timely information related to the request for, continuation of, modification(s) to, and return from leave.

I. Failure to Return from Leave

An employee who will not be returning to the University at the conclusion of a leave shall notify the Associate Vice President of Human Resources or designee in writing as soon as practicable. In the absence of written notification, failure to return from leave shall be interpreted as a resignation.

J. General

1. Upon request of the Associate Vice President of Human Resources or designee, an employee granted a leave of absence without pay shall provide progress reports and/or verification that the conditions of the leave are being/were met.

2. Service credit shall not be granted to an employee on a leave of absence without pay.

3. Upon approval of a leave without pay, employees who are members of the Maryland State Retirement Agency, shall complete the State Retirement Agency’s Application to be Placed on a Qualifying Leave of Absence form.

K. An employee may elect to purchase service credit at the time of retirement for prior leaves without pay that are qualified by the Maryland State Retirement Agency. To purchase the service, the employee shall complete the State Retirement Agency’s Request to Purchase Previous Service form.

L. When leave without pay is approved for employees who are on probation status, the probation period shall be adjusted upon the return of the employee by the length of time used for leave without pay.
M. Leave of absence without pay for short durations of a couple of days shall not be permitted if the employee has applicable accrued leave to use.

Related Policies:

Approval Date:

Effective Date: 06/07/2005

Approved by: President’s Council