HOWARD UNIVERSITY POLICY

Policy Number: 500-014: Human Resources
Policy Title: LEAVE WITHOUT PAY POLICY
Responsible Officer: Chief Human Resources Officer
Responsible Office: Office of Human Resources
Effective Date: November 6, 2014

I. POLICY STATEMENT

It is the policy of Howard University to permit Leave without pay (LWOP) at the discretion of the department head or his/her designee with subsequent approval by the cabinet level officer. If LWOP is in excess of 80 hours, the department head, with approval of the cabinet level officer, should consult the Office of Human Resources, Department of Employee Relations, before making final decisions on the request for LWOP. Reasons for LWOP may include, but are not limited to: educational pursuit; military and public service; civic activities; medical reasons under the Family and Medical Leave Act (FMLA); University closures; or other personal emergencies or conveniences.

II. RATIONALE

The University recognizes the importance and value of unpaid time away from work for a variety of reasons that benefit the employee and, under some circumstances, the University. Therefore, this policy provides guidance regarding the appropriateness, use, approval, and recording of leave without pay for University employees.

III. ENTITIES AFFECTED BY THIS POLICY

This policy is applicable to full-time and part-time, non-faculty and non-union employees who have been employed by the University for at least one (1) year before a request for LWOP can be submitted. Exceptions to the one (1) year service requirement for LWOP may be approved by the department head, after obtaining the approval of the cabinet level officer and written approval from the Office of Human Resources, Department of Employee Relations. LWOP for a period up to eighty (80) hours may be granted at the discretion of the department head, after obtaining written approval from the cabinet level officer. LWOP for a period of more than eighty (80)
hours may be granted at the discretion of the department head, after obtaining the written approval of the cabinet level officer and the Office of Human Resources, Department of Employee Relations.

IV. DEFINITIONS

A. Leave Without Pay (LWOP) also “Unpaid Leave” or “Leave of Absence”
LWOP is a temporary excused absence in which the employee is in a non pay status for the purpose of, but not necessarily limited to medical, personal, civic, educational or administrative reasons. LWOP, referred also as unpaid leave or Leave of Absence, will be granted when required by law or may be granted at the discretion of the department head and cabinet level officer.

B. Eligible Employee Under this Policy
Eligible employees are full-time or part-time non-faculty and non-union, who: (1) have completed one (1) year of service; (2) have a satisfactory work performance record; (3) have no record of abusing accrued leave; (4) intend to return to work at Howard University when LWOP concludes and/or (5) be on approved FMLA.

C. Family and Medical Leave Act (FMLA)
Under the District of Columbia Family and Medical Leave Act (DCFMLA), an employee may be eligible after he or she has been employed with the University for at least one (1) year without a break in service and has worked for at least 1000 hours during the twelve (12)-month period immediately preceding the requested family or medical leave.

Within a twenty-four (24) month period, FMLA provides eligible employees with a sixteen (16) week entitlement for medical reasons for the requesting employee and an additional sixteen (16) weeks for a qualified family member of the requesting employee. Leave taken under FMLA can be a combination of the employee’s annual leave, sick leave, and leave without pay and may be taken in blocks of time, intermittently, and under certain circumstances, at a reduced schedule.

D. Department Head
Those that have daily operational authority over their departments, i.e., senior/vice presidents, provost, associate provosts, deans, assistant deans, directors, etc.
E. Return Notice
Notification sent to an employee who cannot be returned to his/her organizational position after a Leave of Absence that is longer than twenty-eight (28) calendar days [more than two (2) pay periods]. A Return Notice is sent to the employee at least 14 calendar days prior to the employee’s scheduled return to work. (See section V.C.3 and V.E. of this policy for further explanation.)

F. Abuse
The legitimate use of LWOP when it negatively impacts the employee’s work performance or the operations of the employee’s unit.

V. POLICY/PROCEDURES
A. Reasons and Length of Leave
LWOP or Leave of Absence is granted for a period not to exceed six (6) months in a twenty-four (24) month period. Leaves of absence are concurrent and count towards a six-month maximum. The twenty-four (24) month period is a rolling twenty-four (24) month period. (For example: An employee requests LWOP or Leave of Absence to start on November 1 of 2014. That employee may only take the six month maximum during the period of November 1, 2014, the requesting year, to November 1, 2016, the ending year.) Whenever the leave starts, it initiates a twenty-four (24) month eligibility period that rolls into the same time two years out from the LWOP beginning date.

The department head must consider the impact of granting LWOP: granting of a request shall not substantially disrupt or interfere with the mission or operation of the University or the work unit. LWOP may be granted for the following reasons:

a. Educational pursuits to continue full-time undergraduate or graduate studies at Howard University or another accredited university or college;

b. Public service on a full-time basis, including participation in civic, military, community, or governmental programs;

c. Personal emergencies to take care of serious personal or family matters;

d. Personal convenience to take an extended trip or to participate in cultural or athletic events; or

e. Required time off for medical reasons covered FMLA. Applications for FMLA must be made separately to the Department of Employee Relations. Other rules governing this type of absence may apply.

2. LWOP or leave of absence may not be used to take on full-time or part-time employment with another organization or for independent business ventures.
3. **With the exception of those on approved FMLA**, service credit, annual leave and sick leave will not accrue for employees taking more than eighty (80) hours of LWOP.

4. Any University compensation/funds/paychecks erroneously received for any time not worked occurring during the leave of absence period must be returned to the Howard University Payroll Office within five (5) business days of receipt.

5. LWOP is optional for use during mandatory University full and/or limited closures. However, this policy is **not** applicable to LWOP usage for other types of administrative events.

6. LWOP may also be used for occasional situations in which the employee has insufficient leave to cover an absence, provided that no abuse of leave banks has occurred. Under this circumstance, once an employee has used up to 80 hours of LWOP, this option may no longer be available to the employee.

**B. LWOP Application Process and Responsibilities**

The following provides guidance on procedures under this policy:

1. An applicant must obtain a LWOP Agreement Request and LWOP Checklist and complete them with their department head. Forms are available on-line at [www.howard.edu/policy](http://www.howard.edu/policy); [www.hr.howard.edu/policies](http://www.hr.howard.edu/policies); and from the Department of Employee Relations.

2. When requesting approval for a LWOP period up to eighty (80) hours, the applicant must have the approval of the department head and cabinet level officer. Each level of approval is recorded on the LWOP Agreement Request. Upon final approval, it is the responsibility of the department head to ensure that each LWOP pay period up to eighty (80) hours is recorded on the requesting employee’s timesheet.

3. When requesting approval for a LWOP period of more than eighty (80) hours, the applicant must request the leave at least two weeks in advance and secure the approval of the department head and cabinet level officer on the LWOP Agreement Request, which must be accompanied by the LWOP Checklist and the **written** approval of the Department of Employee Relations. Each level of approval is recorded on the LWOP Agreement Request. After all approvals have been recorded on the LWOP Agreement Request, the LWOP Checklist is completed, and both forms are transmitted together to the Department of Employee Relations:
a. The Department of Employee Relations will notify the employee, the department head and the cabinet level officer of the final approval.

b. The Department of Employee Relations will notify the Department of Compensation and Performance Management of the final LWOP approval.

c. The Department of Compensation and Performance Management will close the job record to ensure that the employee’s pay, service credits and annual and sick leave accrual ceases. **This does not apply to those on approved FMLA.**

4. Unless the employee is approved for FMLA, the employee must exhaust his/her carryover annual leave and any accrued annual leave up to the beginning date of the LWOP period before LWOP can be approved.

5. The Department of Compensation and Performance Management will appropriately adjust annual leave balances advanced at the beginning of the fiscal year based on the length of the approved LWOP period.

C. Returning to Work Following Leave of Absence

1. An employee on LWOP must return from LWOP by the agreed upon date in the executed LWOP Agreement Request.

2. If the LWOP period is twenty-eight (28) calendar days [two (2) pay periods] or less, an employee returning from LWOP will be returned to the same organizational position.

3. If the LWOP period is longer than twenty-eight (28) calendar days [more than two (2) pay periods], the employee may be returned to the original position within the department, depending upon availability. If circumstances prevent the department from returning the employee to his/her same organizational position, the department head will notify the employee, in writing, at least fourteen (14) calendar days [one (1) pay period] in advance to return within five (5) business days of the receipt of the Return to Work notice to secure the original position. If the employee does not return within the required five (5) business days, the employee will be offered an equivalent position.

D. Benefits While On Leave

1. Employees on LWOP who elect to continue health care and other benefit coverage must pay the employee cost of health and insurance benefits.

2. Individuals on FMLA, who elect to continue health care and other benefits coverage while on LWOP, must pay the employee cost of health and insurance benefits.

3. Employees taking eighty (80) hours (one pay period) of LWOP or less will accrue annual leave, sick leave or service credit. **Except for those on**
approved FMLA, employees taking more than eighty (80) hours, will not accrue annual leave, sick leave or service credit during their period of unpaid leave.

E. Job Protection

1. LWOP granted under this policy for twenty-eight (28) calendar days [two (2) pay periods] or less assures the employee a right to return to his or her former position within the same department having the same pay, benefits, status, responsibilities, and other terms and conditions of employment.

2. LWOP granted under this policy for more than twenty-eight (28) calendar days [two (2) pay periods] may allow, depending upon the circumstances, the employee to return to his or her former position or to an equivalent position within the same department having the same pay, benefits, status, responsibilities, and other terms and conditions of employment.

3. If during the LWOP period for more than twenty-eight (28) calendar days [two (2) pay periods], it is determined that the original position cannot be held available, the department head, after consulting with the cabinet level officer and the Department of Employee Relations, will notify the employee in of his/her decision, in writing, at least fourteen (14) calendar day (one pay period) in advance and request that the employee return to work within five (5) business days of receipt of the decision to claim the original position. If the employee does not return within the required five (5) business day timeframe, the employee will be offered an equivalent position into which the employee may be placed upon his or her return from LWOP.

4. If there is a Reduction-In-Force while the employee is in LWOP status and the employee would have lost his/her position had he/she not been on leave, then, except as provided through the University’s layoff procedures, the employee has no rights under this policy to be returned to his/her former position or to an equivalent position.

5. If there is a decrease or increase in pay, benefits, or other terms and conditions of employment while the employee is in LWOP status and the decrease or increase would have affected the employee had he/she not been on leave, then the employee shall be returned to employment consistent with applicable and appropriate pay, benefits and other terms and conditions of employment at the time of return.
6. An employee on LWOP status must return no later than the agreed upon date as recorded in the executed LWOP Agreement Request.

7. Employees on approved FMLA who use LWOP during their period of absence is ensured job protection to their original or an equivalent position upon his or her return to work.

VI. SANCTIONS

Failure to return to work in accordance with the executed LWOP Agreement Request may be considered job abandonment and could result in separation from employment, effective as early as five (5) business days after the last day of the approved LWOP Agreement Request. Failure to return compensation/funds/paychecks erroneously received during LWOP within five (5) business days in accordance with Section V. A.4. of this policy may result in separation from employment. Failure to comply with the terms of any provision of this policy may result in disciplinary action up to and including separation from employment.

VII. HYPERLINK

www.howard.edu/policy

www.hr.howard.edu/policies

http://www.hr.howard.edu/Policies/PersonnelGuidelines.htm