

Section: LEAVE
Subject: Leave Without Pay and LTD Leave Without Pay
Procedure: HR 3765

I. Institutional Regulations

- A. Regular employees may request the following leaves without pay:
1. Leave Without Pay (LWOP) - For an employee's personal reasons, including but not limited to illness or injury. Employees not actively working will be transferred from the active group to the COBRA group within the group insurance programs.
 2. Long Term Disability Leave Without Pay (LTD LWOP) - For an employee who has completed the qualifying period and has been approved for Long Term Disability insurance but who has a reasonable expectation of returning to work.
 3. FMLA could affect membership in the active group of the insurance program regardless of approved Leave Without Pay or LTD Leave Without Pay. See HR Procedure 3720.
- B. Faculty may request Leave Without Pay for Professional Development in accordance with their collective bargaining agreement.
- C. Employees may not use any of the leaves without pay in A or B, individually or in combination, for more than 12 consecutive months.

II. Procedures

- A. An employee may be in a nonpay status without being on a Leave Without Pay. The differences are:
1. Nonpay Status
 - a. When *Requested by Employee* (e.g. employee asks to come in 30 minutes late or employee has only 4 hours of paid leave and needs to cover an 8 hour absence):
 - 1) Requires supervisory approval
 - 2) Reported via Employee Web
 - 3) Taken for less than one full workday
 - 4) Applies only to nonexempt employees
 - b. When *Directed by Employer* (e.g. employee docked for coming in 30 minutes late without prior approval, employee suspended, etc.):
 - 1) Reported via Employee Web (nonexempt employee) or via memo or other documentation from supervisor (exempt employee);
 - 2) Not limited to any specific unit of time when applied to nonexempt employees; for exempt employees, nonpay status must be in full work day units.
 2. LWOP and LTD LWOP
 - a. Requested by the employee
 - b. Requires supervisory approval
 - c. Taken for one full workday or more

B. LWOP and LTD LWOP Leave Usage

1. An employee shall be required to exhaust all applicable paid leave before a LWOP or LTD LWOP shall be granted, except when the leave occurs during a College shutdown period that is not otherwise covered by paid work time.

C. Leave Approval

1. An employee who wishes to take LWOP or LTD LWOP for 90 calendar days or less shall submit a Request for Leave form (P-21) to the immediate supervisor at least 30 calendar days prior to the start of the absence unless extenuating circumstances warrant a shorter request period. A leave of 90 calendar days or less requires only supervisory approval.
2. An employee who wishes to take LWOP or LTD LWOP for more than 90 calendar days shall submit a written request to the immediate supervisor at least 30 calendar days prior to the start of the absence unless extenuating circumstances warrant a shorter request period.
 - a. If the supervisor recommends approval of the employee's request, a Personnel Action Request shall be initiated. The Personnel Action Request shall be accompanied by a memo from the supervisor which explains how the employee's responsibilities shall be covered during the absence. If known at this time, the supervisor may recommend whether or not the employee should be returned to his/her position or a like position (see E-2) after the leave is exhausted.
 - b. The Personnel Action Request must be approved through the appropriate Vice President or other direct report to the President and by Human Resources.
 - c. Human Resources shall not process an LTD LWOP Personnel Action Request until the employee's application for LTD has been approved by the insurance carrier.
3. Medical verification may be required for any LWOP or LTD LWOP request due to an illness or injury.

D. Impact of LWOP and LTD LWOP on Leave Accrual/Benefits

1. Paid leaves shall not accrue in any month in which an employee is on a leave without pay for $\frac{1}{2}$ of the month or more (i.e. from the 15th of the month on or through the 15th of the month). If the employee goes on leave and returns in the same month, paid leaves shall not accrue if the employee is on a leave without pay during 10 or more workdays in the month.
2. An employee shall not receive Holiday pay if s/he is on a leave without pay his/her last work day before a Holiday or his/her first workday after a Holiday unless the employee is on approved FMLA.
3. An employee on a leave without pay shall be required to pay his/her share of insurance premiums, including optional coverages. If the leave exceeds 90 calendar days, the employee shall also be responsible for the employer's share of the premiums.
4. An employee may not continue to participate in the College insurance program if, during a leave without pay, s/he enters other paid employment which provides insurance coverage.
5. An employee on LTD LWOP may request that the insurance carrier waive the life insurance premium paid by the College (see HR 3610).

6. LWOP or LTD LWOP shall not affect an employee's seniority date nor constitute a break in service. For early retirement purposes, unpaid leave could, however, affect the calculation of the early retirement bonus that is currently based on quarters of service as defined under Chapter 94 of the Code of Iowa.

E. Return From Leave

1. Leave for 90 calendar days or less – an employee shall have return rights to his/her position.
2. Leave for more than 90 calendar days – an employee may be returned to his/her position or to a substantially similar position for which s/he is qualified at the discretion of the College and if a vacancy exists. The College shall determine which positions may be substantially similar and for which positions the employee qualifies.
 - a. An employee must notify the supervisor in writing of his/her interest in returning to work within 30 calendar days prior to the expiration of the leave.
 - b. If the employee is not returned to his/her position or to a substantially similar position, employment with the College shall be terminated.
 - c. Faculty Employees - Return rights for Faculty employees shall be in accordance with the provisions of their collective bargaining agreement.
3. If there are reductions in force while an employee is on LWOP or LTD LWOP and the employee would have lost his/her job had s/he remained at work, s/he loses the right of return.

F. Return from LTD LWOP, or a LWOP for an illness or injury, shall require medical evidence of the employee's ability to perform his/her job duties.

G. If an employee exhausts his/her LWOP or LTD LWOP and does not return to work, employment with the College shall be terminated.

APPROVED:



Executive Director, Human Resources

Date: October 1, 2002

Revised: January 1, 2005

November 1, 2006

November 1, 2008

November 1, 2011

February 1, 2016

February 21, 2017

March 20, 2018