

POLICIES AND PROCEDURES FOR TIME AND ATTENDANCE LEAVE WITHOUT PAY

POLICY SUMMARY

- Policy and collective bargaining agreements specify types of leave without pay and the conditions under which leave without pay may be granted. Leaves without pay (LWOP) include personal leave, pregnancy disability leave, family and medical leave, supplemental family and medical leave, and work-incurred disability leave. Some leaves without pay may require written confirmation from a health care provider.
- Approved leaves without pay are not considered a break in service.
- Approved vacation shall be used prior to a leave without pay unless otherwise requested by the employee and approved by the department head.
- Use of vacation is not required prior to a leave without pay granted for the employee's own health condition or pregnancy disability.
- Unless otherwise specified, leaves without pay may be granted to non-probationary career employees only.

RELATED POLICIES, CONTRACT ARTICLES AND REFERENCES

- A. Personnel Policies for Staff Members (PPSM) – employees not covered by representation: [Absence from Work Policy](#)
- B. [Collective Bargaining Agreements](#)

AUTHORITY

- The authority for granting unpaid leave is determined by the Unit Head / Supervisor for leaves of less than one year. Approval of a leave without pay beyond a year requires the approval of the Principal Officer.

CRITERIA

PERSONAL LEAVE

- Personal leaves may be granted for six (6) months or more for various reasons, as specified by the relevant personnel program policy or collective bargaining agreement.

PREGNANCY

- Regardless of employment status, an employee who is disabled from working because of pregnancy, childbirth, or related medical conditions is eligible for up to four months leave. This leave may consist of leave without pay and/or paid leave.

- If an employee on an approved pregnancy disability leave also is eligible for family and medical leave, up to 12 workweeks of pregnancy disability leave shall run concurrently with family and medical leave under Federal law.
- When medically necessary, an employee may take pregnancy disability leave on a reduced work schedule or on an intermittent basis. The University may require an employee who is on a reduced work schedule or intermittent leave to temporarily transfer to an alternative position if the alternative position better accommodates the required work schedule than the employee's own position.
- An exempt employee who elects or is required to take unpaid pregnancy disability leave shall not be paid for any hours or partial hours taken on an intermittent basis or reduced schedule.
- Whenever possible, an employee shall provide at least 30 days advance notice. If 30 days notice is not practicable because of a medical emergency, for example, notice shall be given as soon as practicable.
- Reinstatement shall be to the same position provided that the employee returns to work within 4 months and immediately following termination of pregnancy disability leave.
- If the employee would have been laid off or terminated had the employee remained on pay status during the leave period, reinstatement shall be to a similar job at the same location.
- If a similar position is not available, the employee shall be afforded the same considerations afforded other employees who are laid off or terminated pursuant to policy and collective bargaining agreements.
- As an alternative to or in addition to pregnancy disability leave, the University shall temporarily modify a pregnant employee's own position or transfer a pregnant employee to a less strenuous or hazardous position upon request and with the advice of the employee's health care provider, if the temporary modification or transfer can be reasonably accommodated.
- A temporary modification or transfer shall not be counted toward an employee's entitlement of up to 4 months pregnancy disability leave.

FAMILY MEDICAL LEAVE (FML)

- Family and medical leave is provided for an eligible employee's serious health condition, the serious health condition of the employee's child, spouse, same- or opposite-sex domestic partner, or parent, or to bond with the employee's newborn, adopted, or foster care child in accordance with State and Federal law in effect at the time the leave is granted. Leave granted for bonding purposes shall be concluded within 12 months following the child's birth or placement for adoption or foster care. Refer to Leave of Absence Guidelines and Procedures for further clarification on eligibility.

SUPPLEMENTAL FML

- Policy and collective bargaining agreements specify the conditions under which employees may be entitled to supplemental family medical, with specific limitations.

WORK INCURRED DISABILITY

- Leaves without pay may be granted to employees who are off pay status and receiving temporary disability payments. This time will count against the twelve-workweek entitlement for family and medical leave.

UNION BUSINESS

- According to collective bargaining agreements, a leave of absence without pay may be granted to engage in union business. Such leave is subject to specific requirements regarding advance request, approval, timing, length, and limits on the number of employees per campus.
- Refer to collective bargaining agreements for further clarification on union business leave.

RESIDENT PRECEPTORS

- Staff members who are serving as Volunteer Resident Preceptors may request leave without pay to attend training and other college activities. Vacation and compensatory time off may also be used. Reference Time and Attendance Reference Materials for Resident Preceptor information.

EMPLOYEE PROCEDURE

RECORDING

Paper Based System:

Exempt Employees:

- Record leave without pay hours in the “Other Leave” section of the Leave Use and Accrual Record.
- Leave without pay for less than a day are not recorded.

Non-Exempt Employees:

- In accordance with the employee’s work schedule (standard, alternate, variable), records leaves without pay to the nearest 1/4 hour for all time-off (partial or full day absences) in the actual hours worked section.

CruzPay:

Exempt Employees:

- Uses the appropriate Leave No Pay paycode to record leave without pay on the timesheet on the actual date the leave occurred.
- Leaves without pay for less than a day are not recorded.

Non-Exempt Employees:

- In accordance with the employee’s work schedule (standard, alternate, variable), uses the appropriate Leave No Pay paycode to record leave without pay on the timesheet on the actual date the leave occurred.
- Employee records leaves without pay to the nearest 1/4 hour for all time-off (partial or full day absences).

HR SERVICE TEAM REPRESENTATIVE (HRSTR) PROCEDURE

Paper Based System:

Exempt Employees:

- Validate employee recorded leave without pay hours in the “Other Leave” section of the Leave Use and Accrual Record.
 - Leaves without pay for less than a day are not recorded.
- Deduct Leave without pay from the hours on pay status total prior to calculating accruals and holiday eligibility referring to appropriate policy and collective bargaining agreement.

Non-Exempt Employees:

- Validate the employee recorded leave without pay to the nearest 1/4 hour for all time-off (partial or full day absences) to the employee’s work schedule (standard, alternate, variable) in the actual hours worked section.
- Deduct Leave without pay from the hours on pay status total prior to calculating accruals and holiday eligibility referring to appropriate policy and collective bargaining agreement.

CruzPay:

Exempt Employees:

- Validate the employee used the Leave No Pay (LNP) paycode to record leave without pay on the timesheet on the actual date the leave occurred.
- Leaves without pay for less than a day are not recorded.
- CruzPay utilizes pay rules behind the scenes to accurately calculate vacation and sick accruals when an employee uses the LNP paycode.
- Validate holiday entries when an employee has used the LNP paycode, to determine if the leave was less than 20 calendar days. CruzPay is unable to make this determination.

Non-Exempt Employees:

- In accordance with the employee’s work schedule (standard, alternate, variable), validate the employee used Leave No Pay (LNP) paycode to record leave without pay on the timesheet on the actual date the leave occurred.
- Employee records leaves without pay to the nearest 1/4 hour for all time-off (partial or full day absences).
- CruzPay utilizes pay rules behind the scenes to accurately calculate vacation and sick accruals when an employee uses the LNP paycode.
- Validate holiday entries when an employee has used the LNP paycode, to determine if the leave was less than 20 calendar days. CruzPay is unable to make this determination.