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## Leave Without Pay Guidelines and Flowchart

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These guidelines are designed to provide general information and step-by-step instructions for leave without pay (LWOP) issues.

### General LWOP Information

- Leave without pay is one of several leave benefits available to eligible employees. Other leave benefits include vacation leave, sick leave, sick leave pool, etc.
- LWOP is an active employment status in which employees are eligible for benefits.
- An employee may remain on LWOP for up to one year. **The University President must approve leave without pay absences beyond one year and they must be renewed annually.**
- An employee may go on LWOP for illness or injury or for other reasons with appropriate approval.
- Employees on LWOP are allowed to keep any benefit coverage in which the employee is currently enrolled.
- Employees are not eligible to receive the state contribution for insurance premiums unless they are on leave under the Family and Medical Leave Act (FMLA).

### Processing Instructions

- The department completes an Employee Personal Action (EPA) *immediately* upon receipt of information that the employee has exhausted all paid leave and will go on leave without pay for a complete calendar month. *If this is not done in a timely manner, it may impact the employee's insurance benefits and premiums.*
- The comments section of the EPA must include the beginning and ending dates for leave without pay and designation for FMLA.
- Department Heads may approve LWOP for faculty and staff. However, the Dean and the Executive Vice President and Provost must approve LWOP for faculty if the leave is for reasons other than sick leave. (See *President's Delegation at: <http://rules-saps.tamu.edu/PDFs/31.99.99.M2.pdf>*)
- When the EPA is processed, a report is generated from the Budget/Payroll/Personnel (BPP) database and sent to the Human Resources Total Compensation Benefits Office (ESTCBO). The Benefits Office sends a packet of information to the employee explaining the insurance coverage options available while the employee is on LWOP.

### COBRA Notification

- If an employee is on LWOP without FMLA, the employee's department must mail a COBRA notification form to the employee and all qualified beneficiaries to the employee's last known address within 14 days of the start of the LWOP.

- If an employee is on LWOP with FMLA, the COBRA notification is not mailed unless the employee terminates employment. At that time, the department must mail the COBRA notification to the employee and all qualified beneficiaries to the employee's last known address within 14 days of termination. These situations are unusual and may be complicated. Please contact the Human Resources Total Compensation Benefits Office, at [hrcompbenefits@tamu.edu](mailto:hrcompbenefits@tamu.edu) or (979) 845-4141, to assist with the completion of the COBRA notification form.
- LWOP absences beyond one year must be approved by the President and they must be renewed annually. The department completes a new EPA and attaches the President's approval letter. The department sends this information to Payroll with a copy to the Total Compensation Benefits Office, Mail Stop 1255.
- The department completes an EPA *immediately* when the employee returns to work or if the employee terminates. When the EPA is processed, a report is generated from the BPP database and sent to the Human Resources Total Compensation Benefits Office. The Benefits Office reinstates or terminates the insurance coverage and counsels the employee appropriately.

### References

Leave Without Pay may affect an employee's insurance benefits and his/her ability to use other paid and unpaid leave. Please refer to the following references for more information regarding LWOP:

[31.03.02 – Sick Leave](#)

[31.03.04 – Leave of Absence Without Pay](#)

[31.03.05 – Family and Medical Leave Act](#)

[31.03.04.M1 – Leave of Absence Without Pay](#)

[31.99.99.M2 – President's Delegation of Authority \(boxes 40a-c\)](#)

### Contact Information

Total Compensation

- Email: [hrcompbenefits@tamu.edu](mailto:hrcompbenefits@tamu.edu)
- Phone: (979) 862-1718

## Leave Without Pay (LWOP) Flowchart

