



Leave Without Pay Guidelines and Flowchart

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

General LWOP Information

- An employee may go on LWOP for illness, injury, or for other reasons with appropriate approval. Approval guidelines are provided in box 37a-d of the President's Delegation of Authority at <http://rules-saps.tamu.edu/PDFs/31.99.99.M0.01.pdf>
- Except for disciplinary suspensions, active military duty, and leave covered by workers' compensation benefits, an employee must exhaust accumulated paid vacation, compensatory time before such leaves will be granted. Sick leave and applicable sick leave pool time must be exhausted prior to placement into a LWOP status if the employee is absent due to reasons which are eligible for sick leave usage. Otherwise, an employee may have a sick leave balance while on LWOP in instances where s/he is absent for reasons which are ineligible for sick leave benefits.
- Leave without pay is a leave benefit available to eligible employees; other leave benefits include vacation leave, sick leave, sick leave pool, etc.
- LWOP is an active employment status which, in some cases, allows employees to remain eligible for certain 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.**
- 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.M0.01.pdf>)

- When the EPA is processed, a report is generated from the Budget/Payroll/Personnel (BPP) database and sent to the Human Resources Benefits Services. Benefits Services 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. Some situations are unusual and may be complicated. Please contact Benefits Services at hrcompbenefits@tamu.edu or (979) 862-1718 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 Benefits Services, 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 Benefits Services. Benefits Services 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 leaves. 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](#)

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

Contact Information

Benefits Services

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

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