

# Leave without Pay

Personnel – Holidays and Leave

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**EWU Policy 403-04**

**Authority: EWU Board of Trustees**

**Effective: November 18, 2016**

**Proponent: Human Resources**

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**Purpose:** This policy provides information relating to the use of leave without pay. EWU recognizes that authorized leave without pay (LWOP) may be desired for a variety of reasons. LWOP can only be used when approved by the appropriate university official in advance.

**Scope:** This policy applies to employee requests for LWOP, except faculty requests for personal or professional leaves of absence without pay, LWOP as a form of discipline or cyclical leave.

**History:** This policy is new. It was adopted by the Board of Trustees on November 18, 2016.

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## **CHAPTER 1 – PROCEDURE FOR REQUESTING LEAVE WITHOUT PAY**

LWOP rules and eligibility. Consult with Human Resources for Assistance.

Employees must either submit a written LWOP request or make their LWOP request with a phone call and follow up with a written request to their supervisor at least three days in advance for their approval, except in cases of an emergency. The request must identify the reason and duration of the requested leave.

### **2-2. When Leave Must Be Granted**

A supervisor must grant an employee's request for LWOP when the employee has exhausted his/her leave balances and leave is required by state or federal law or an applicable collective bargaining agreement. This may include:

#### **2-1. Requirements**

Before approving a request for LWOP, the supervisor should:

- A. Verify the employee's leave balances. Unless otherwise required by law or applicable collective bargaining agreement, a request for LWOP should not be approved if there are paid leave or compensatory leave balances that could be used to cover the absence; provided that an employee may maintain up to thirty-two (32) hours of paid leave for use during the period of LWOP to remain eligible for paid health insurance.
  - B. Check the employee's employment policy or collective bargaining agreement to determine the applicable
- A. When an employee who is a volunteer fire fighter is called to duty to respond to a fire, natural disaster or medical emergency;
  - B. When an employee's spouse who is a member of the Armed Forces of the United States, National Guard, or Reserves has been notified of an impending call or order to active duty, before deployment or when the military spouse is on leave from deployment;
  - C. When the employee or the employee's family member is a victim of domestic violence, sexual assault, or stalking as defined in RCW 49.76.020. EWU may request verification of the request for such leave, such as a police report, court order, or some other type of acceptable documentation;

- D. When LWOP is covered by the Family Medical Leave Act or the Family Care Act;
- E. When an employee is granted a military leave of absence for service in the uniformed services of the United States as provided in RCW 73.16;
- F. When an employee requests a day off for a reason of faith or conscience or organized activities conducted under the auspices of a religious denomination, church or religious organization per EWU Policy 403-01 (Holidays);
- G. When a person has an approved reasonable accommodation plan pursuant to the Americans with Disabilities Act that includes leave without pay; and,
- H. Any leave the employee is entitled to under an applicable collective bargaining agreement, law, or university policy.

### **2-3. When Leave May Be Denied**

A supervisor may deny an employee's request for leave without pay when there are valid business/operational reasons for doing so, unless such leave must be approved under section 2-2 of this policy.

In determining whether to approve a LWOP request, the supervisor may consider a number of factors including, but not limited to;

- A. The employee's needs and probationary status,
- B. Job performance history,
- C. Effect on department and other employee's workloads,
- D. Competing work schedules or leave requests,
- E. Number of years of service to the university,
- F. Length of the requested leave or any previous extended leave, and
- G. Cost to the university.

### **2-4. Approval**

The supervisor shall communicate his/her decision to the requesting employee in writing within a reasonable amount of time. If a supervisor denies a request for leave without pay and an employee fails to perform his/her job duties on the day in question or if an employee fails to follow this policy, discipline may be appropriate.

If a supervisor approves leave without pay, the supervisor shall document his/her approval by approving the time submitted by the employee. Supervisors are responsible for reviewing timesheets to make sure any time claimed by employees as leave without pay was approved in advance.

### **2-5. Time Limits**

Except for extended military service leaves, leaves approved as part of a reasonable accommodation, and any leaves explicitly identified in a collective bargaining agreement, approved leaves of absence without pay should not exceed 12 months in duration.

An approved leave of absence without pay extends from the time an employee's leave commences until he/she is scheduled to return to continuous service, unless, at the employee's request, the supervisor agrees to an earlier date.

### **2-6. Extension Request**

An employee may request an extension of approved leave without pay by following the same procedure.