

## *Texas A&M University-San Antonio*

### **31.03.04.00.01 Leave of Absence Without Pay**

Approved: July 14, 2014

Next Scheduled Review: July, 2018

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### **Reason for Procedure**

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This Procedure provides the proper process for granting and administering unpaid leaves of absence to Texas A&M University-San Antonio (A&M-San Antonio) employees.

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### **Official Procedure and Responsibilities**

1. Eligibility for and the requirements necessary for granting Leave of Absence Without Pay must be in accordance with Texas A&M University System Regulation [31.03.04 \*Leave of Absence Without Pay\*](#).
2. Employees of A&M-San Antonio may request approval for a leave of absence without pay subject to the following provisions:
  - 2.1 Except for active military duty and workers' compensation situations, accumulated paid leave entitlements must be exhausted before granting leave of absence without pay. Paid leave entitlements include vacation, sick leave, and sick leave pool if eligible. Sick leave pool will be administered in accordance with A&M-San Antonio Procedure 31.06.01.00.01 *Sick Leave Pool Administration*.
  - 2.2 Except for military leave, a Vice President or designee (staff) and the Provost and Vice President for Academic Affairs or designee (faculty) may grant a leave of absence without pay for up to a total of three (3) months. Extensions of more than three (3) months require approval by the President.
  - 2.3 Prior to the beginning of an approved leave of absence without pay, the employee is encouraged to consult with Human Resources' Benefits Services to determine the impact of leave without pay on applicable benefits and retirement plans in addition to making arrangements for the continuation of insurance benefits and premium payments.
  - 2.4 When possible, requests for leave without pay must be submitted for approval three days or more prior to the leave without pay event.

2.5 Staff members should submit requests for leave without pay through their supervisor and department head to their Vice President for approval. Faculty members should submit requests for leave without pay through their department head and Dean to the Provost and Vice President for Academic Affairs for approval. The department head may deny a request for leave of absence without pay if the request will cause an undue hardship on the operations of the department. Human Resources should be consulted prior to denying leave of absences without pay.

### 3. ADJUSTING GROSS PAY FOR LEAVE WITHOUT PAY

3.1 The Payroll Services department will adjust the gross pay for the employee on leave without pay on the next available payroll after the leave without pay request reaches a completed status in the TAMUS leave recording system (LeaveTraq).

### 4. EFFECT ON INSURANCE BENEFITS

4.1 For those employees with TAMUS insurance: if an employee is on leave without pay for a full calendar month, the employee is not eligible for the state group insurance contribution (employer paid portion of the insurance premium). The employee is responsible for paying the entire amount of the insurance premiums for that month on leave without pay.

4.2 If an employee is approved for leave without pay under the FMLA, the employee will continue to receive the state contribution equal to member-only coverage. The employee is responsible for paying any remaining portion of the insurance premiums due for that month.

4.3 If an employee fails to pay the required portion of his or her benefits premiums, the employee's benefits will terminate.

### 5. EFFECT ON TEACHER RETIREMENT SYSTEM OF TEXAS (TRS) CREDITABLE SERVICE

5.1 Under current state law, to earn one year of Teacher Retirement System of Texas (TRS) creditable service, the employee must work in a TRS-eligible position or receive paid leave from a TRS eligible position at least 90 days during the fiscal year.

5.2 If an employee who participates in the TRS retirement plan has a total of eight (8) hours of leave without pay for one work day, that work day will not count towards the one year of TRS creditable service.

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## **Related Statutes, Policies, or Requirements**

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TAMUS Policy [31.03 Leaves of Absence](#)

TAMUS Regulation [31.03.04 Leave of Absence without Pay](#)

TAMUS Regulation [31.03.06 Military Leave and Service](#)

[State Comptroller Leave without Pay Policy](#)

[Department of Labor-Family Medical Leave Act](#)

[Teacher Retirement System of Texas](#)

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## **Definitions**

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Family Medical Leave Act (FMLA) - A federal act that entitles employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.

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## **Contact Office**

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