

Policy 1319
Classified Employee Leave Without Pay

Date of Current Revision: August 2022
Responsible Officer: Director of Human Resources

1. PURPOSE

It is university practice to grant classified employees leave without pay in accordance with this policy and the Virginia Personnel Act.

2. AUTHORITY

The Board of Visitors has been authorized by the Commonwealth of Virginia to govern James Madison University. See Code of Virginia § 23.1-1600; § 23.1-1301. The Board has delegated the authority to manage the university to the president.

STATE OR FEDERAL STATUTE AND/OR REGULATION

The above authority allows the university to grant employees leave without pay. Also see Department of Human Resource Management (DHRM) Policy 4.45-Leave Without Pay and the Virginia Personnel Act, Code of Virginia § 2.2-2900.

3. DEFINITIONS

Classified employee

At JMU, a non-faculty, benefit-eligible employee who is covered by the Virginia Personnel Act.

Conditional leave without pay

An employee's approved absence from work without pay (other than for military leave) that guarantees reinstatement only if the employee's position is available when he or she desires to return from leave. If the position is not available, the employee will be separated and may be employed again only after going through the normal recruitment and selection process.

Unconditional leave without pay

An employee's approved absence from work without pay that guarantees reinstatement to the position held by the employee before the leave was taken.

4. APPLICABILITY

This policy applies to all full-time classified employees.

5. POLICY

James Madison University may grant unconditional leave without pay for reasons that include:

- Educational purposes that require a longer period of absence than that permitted for educational leave with pay (see DHRM Policy 4.15-Educational Leave)
- Military purposes that require a longer period of absence than that permitted for military leave with pay (see DHRM Policy 4.50-Military Leave)
- Personal purposes, including illness for employees participating in the traditional sick leave program, and/or for a FMLA covered absence to care for a family member (see DHRM Policy 4.20-Family and Medical Leave)

James Madison University may grant conditional leave without pay for reasons where a guarantee of reinstatement is not practical, due to the university's need to fill the employee's position. This leave without pay may be granted for the same reasons listed above for unconditional leave without pay, excluding military leave without pay.

A leave without pay may be granted for a period of up to 12 months. An extension past 12 months may be requested for:

- Extended disability of the employee (non-VSDP employees only)
- Active duty with the Armed Forces of the United States
- Special courses of study
- Non-state employment in an essential position identified by the Department of Human Resource Management to be of vital importance to the state or national welfare

The director of human resources must approve extensions of leave without pay beyond the 12-month period.

6. PROCEDURE

6.1 Classified employees must request leave without pay from their immediate supervisor or Human Resources and provide supporting documentation if applicable. The supervisor will review the request for leave without pay with Human Resources and follow up with the employee. If approved, the department must submit an employment status change ePAR..

- Employees seeking to extend their leave without pay status beyond 12 months must submit a written request and justification to the director of human resources who will have authority to approve or deny the request for extension.

6.2 Employees will not accumulate leave during the period of leave without pay. Employees experiencing leave without pay longer than 14 consecutive calendar days will have their leave anniversary date adjusted, based on the length of absence.

6.3 Employees placed on leave without pay for military leave may freeze their leave balances. Employees on military leave will not have their leave anniversary date adjusted based on the length of absence.

6.4 Employees placed on leave without pay for FMLA reasons may freeze their leave balances. Employees on FMLA leave without pay will have their leave anniversary date adjusted based on the length of absence. Employees using intermittent FMLA must exhaust their leave balances before going on leave without pay.

6.5 Leave balances must be exhausted before entering a leave without pay for reasons other than FMLA or military purposes.

6.6 Leave without pay may affect other benefits such as health insurance, retirement benefits and life insurance. Employees should contact Human Resources to learn how leave without pay affects benefits.

6.7 An employee on leave without pay will receive any performance related or cost-of-living increase implemented while they are on leave upon their return to active status, provided they meet all eligibility criteria for performance and length of service.

6.8 An employee who fails to return to work at the end of a period of leave without pay shall be deemed to have resigned from their position.

7. RESPONSIBILITIES

Employees are responsible for requesting leave without pay from their immediate supervisor or Human Resources and providing supporting documentation if applicable. Employees seeking to extend their leave without pay status beyond the approved period are responsible for submitting a written request and justification to the director of human resources.

Supervisors are responsible for submitting an employment status change ePAR to begin the employee's leave without pay and another ePAR to end it.

The director of human resources is responsible for coordinating any requests for extension of leave without pay with the appropriate department and informing the employee of the status of the request for extension.

All departments, offices and employees that generate, receive or maintain public records under the terms of this policy are also responsible for compliance with Policy 1109-Records Management.

8. SANCTIONS

Employees who fail to secure approval for unpaid leave according to this policy may have their request denied .

Sanctions will be commensurate with the severity and/or frequency of the offense and may include termination of employment.

9. EXCLUSIONS

Wage employees, instructional and administrative & professional faculty, professional librarians, and student employees are not covered under this policy.

10. INTERPRETATION

The authority to interpret this policy rests with the president, and is generally delegated to the director of human resources.

Previous Version: May 2018

Approved by the President: November 2002