Name of Policy: Leave of absence without pay.

Policy Number: 3364-25-26

Approving Officer: President

Responsible Agent: Associate Vice President of Human Resources

Scope: The University of Toledo – All Campuses

Key words: no pay leave, unpaid leave, service credit

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(A) Policy statement

The University of Toledo recognizes that situations arise in which employees may need to request a leave of absence without pay. Nothing in this policy shall be construed as limiting or superseding any leave granted under The Family and Medical Leave Act of 1993, and as amended (FMLA).

(B) Purpose of policy

To provide procedures for authorization of an unpaid leave of absence for non-FMLA qualifying reasons and for the employee’s return to work.

(C) Procedure

(1) The Appointing Authority is responsible for implementation of this policy.

(2) The authorization of a leave of absence without pay is a matter of University regulation coupled with administrative discretion. A written request for an unpaid leave of absence including the reasons(s) for the leave and the requested date(s) for the leave must be submitted to the Appointing Authority as soon as practicable before the requested leave. A leave of absence without pay is not approved until the employee receives written approval from the Appointing Authority.

(D) Procedure - classified service employees:

(1) Classified Service: Appointing Authority may grant a leave of absence without pay to an employee in the classified service.
Length of Leave: Upon written request as defined in (C)(2) of this policy, a leave of absence without pay may be granted for any personal reason. Renewal or extension beyond the maximum allowed shall not be granted except as provided in this policy. Leaves of absence without pay for personal reasons may be granted for a maximum duration of six (6) months. Leave of absence without pay may be granted for a maximum period of two (2) years for purposes of education or training which would be of benefit to service; or for voluntary service in any governmentally sponsored program of public betterment. Renewal or extension beyond the two (2) year period shall not be allowed.

Abuse of leave: An employee who fails to return to duty within three (3) working days of the completion or a valid cancellation of a leave of absence without pay without explanation to the Appointing Authority, may be removed from the service in accordance with section 124.34 of the Revised Code. An employee who fails to return to service from a leave of absence without pay and is subsequently removed or voluntarily resigns from the service is deemed to have a termination date corresponding to the starting date of the leave of absence without pay.

Return to service: Upon completion of a leave of absence without pay, the employee shall be returned to the same or similar position within the employee’s former classification. If the employee’s former classification no longer exists the employee shall, with approval of the Appointing Authority, be assigned to a position in a classification similar to that formerly occupied. The employee may be returned to active pay status prior to the originally scheduled expiration of the leave if such earlier return is agreed to by both the employee and the Appointing Authority.

Service credit: Authorized leaves of absence without pay will count as service credit for annual step increases, layoff purposes, and for computing the accrual rate of vacation leave, provided the employee is properly returned to service and is not serving an initial probationary period. Employees that do not return to service from a leave of absence without pay shall not receive service credit for the time spent on such leave.

Probationary period: The period during which an employee is on a leave of absence without pay shall not be counted towards an employee’s original or promotional probationary period.

Procedure – unclassified service employees:

Unclassified service: Leave of absence without pay may be granted to an employee in the unclassified service in the same manner as it is granted to a classified employee. However, the return of an employee in the unclassified service to active pay status shall be at the discretion of the Appointing Authority. At any time, the employee’s supervisor may notify the Appointing Authority of his/her need for the employee on unpaid leave to return. At that
time the Appointing Authority will notify the employee on an unpaid leave of the University’s need to have the employee return to work. The Appointing Authority will notify the employee via the employee’s official University email address. The employee will have five (5) days to respond and indicate a date of return which is agreeable to the University.

(F) Effects of unpaid leave and obligations

(1) Abuse of leave: If it is found that a leave is not actually being used for the purpose for which it was granted, the Appointing Authority may cancel the leave and direct the employee to report for work by giving written notice to the employee.

(2) Notice: It is the employee’s obligation throughout the leave of absence to: (a) regularly monitor and read the employee’s personal official University email account; and (b) notify Appointing Authority by email or certified mail within five (5) calendar days of a change of personal contact information including email, address, or phone number.

(3) Benefits: Employee benefits coverage will continue provided the employee pays his/her portion. An employee is responsible for making arrangements with the Appointing Authority regarding continuation of health, vision, dental, or other insurances, and any other benefits or programs requiring employee contributions to be withheld from pay.

(4) Retirement contributions: During unpaid leave, contributions to retirement systems or programs will not be made.

Approved by:

Lloyd A. Jacobs, M.D.
President

June 26, 2014
Date

Review/Revision Completed by:
Associate Vice President of Human Resources, HRTD

Policies Superseded by This Policy:
Previous 3364-25-26, effective date May 2, 2011

Initial effective date: May 2, 2011
Review/Revision Date: June 26, 2014
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