

## 31.03.04 Leave of Absence Without Pay

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### Regulation Statement

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This regulation explains the categories of leave without pay available to employees of The Texas A&M University System and the effect of, and procedures for, taking such unpaid leave.

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### Reason for Regulation

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This regulation establishes uniform A&M System leave-without-pay procedures.

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### Procedures and Responsibilities

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#### 1. APPROVAL OF LEAVE WITHOUT PAY

- 1.1 A&M System Member Chief Executive Officers (CEOs) are authorized to approve leaves of absence without pay for employees, subject to the following provisions:
  - 1.1.1 Except for disciplinary suspensions, active military duty, and leave covered by workers' compensation benefits, an employee must exhaust accumulated paid sick leave, vacation, compensatory time and sick leave pool time before such leaves will be granted. Sick leave and sick leave pool time must be exhausted only in those cases where the employee is eligible to take such leave. *See* Tex. Gov't Code § 661.909(c).
  - 1.1.2 Such leaves, except those for military training and duty as described in System Regulation *31.03.06, Military Leave and Service*, will be limited to 12 months in duration and will be concurrent with designated unpaid parental leave and designated unpaid family and medical leave. *See* Tex. Gov't Code § 661.909(b). (See also System Regulation *31.03.05, Family and Medical Leave*.)
  - 1.1.3 Subject to fiscal constraints, approval of such leaves constitutes a guarantee of employment at the conclusion of the specified leave period. *See* Tex. Gov't Code § 661.909(d). (See also System Regulation *31.03.02, Sick Leave*.)

1.1.4 The CEO may grant exceptions to the limitations stated in 1.1.1 – 1.1.3 of this regulation for a reason such as to work for another state governmental entity under an interagency agreement or educational purposes,<sup>1</sup> or where the granting of an exception would benefit the Member.

1.2 The CEO may delegate authority to approve leave of absence without pay requests.

## 2. STATE SERVICE CREDIT

2.1 Except as provided in System Regulation *31.03.06, Military Leave and Service*, any full calendar month in which an employee is on leave without pay will not be counted in computing total state service for purposes relating to longevity pay or to the rate of accrual of vacation leave or continuous state service for purposes relating to merit salary provisions or vacation leave. Any such full or partial calendar month of leave without pay will not constitute a break in continuity of employment. An employee does not accrue vacation or sick leave for a full calendar month during which the employee is on leave without pay. *See* Tex. Gov't Code § 661.909(f) - (h).

2.2 Except as provided in System Regulation *31.03.06, Military Leave and Service*, any full calendar month in which an employee is on leave without pay will not be included in the calculation of six continuous months of employment for eligibility to receive payment for accumulated vacation at the time of resignation, dismissal or separation from state employment. It also will not be counted toward the continuous service requirements for purposes of merit pay and promotion eligibility.

## 3. LEAVE OF ABSENCE FOR FOREIGN SERVICE

3.1 A faculty or staff member may be granted a leave of absence without pay for foreign service with the United Nations, the United States Government, international development foundations or other recognized international technical assistance agencies. Such a leave of absence may be granted for up to one year, and the employee may request extensions on a year-to-year basis.

3.2 The faculty or staff member will initiate the request for such a leave of absence, which will be forwarded through normal administrative channels to the Member CEO for approval.

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## Related Statutes, Policies, or Requirements

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Texas Government Code, Chapter 661, Subchapter Z

<http://tlo2.tlc.state.tx.us/statutes/docs/GV/content/htm/gv.006.00.000661.00.htm>

Policy *31.03, Leaves of Absence*

<http://www.tamus.edu/offices/policy/policies/pdf/31-03.pdf>

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<sup>1</sup> *See* Tex. Gov't Code § 661.909(e).

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## **Related Statutes, Policies, or Requirements (Continued)**

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Regulation 31.03.02, *Sick Leave*

<http://www.tamus.edu/offices/policy/policies/pdf/31-03-02.pdf>

Regulation 31.03.05, *Family and Medical Leave*

<http://www.tamus.edu/offices/policy/policies/pdf/31-03-05.pdf>

Regulation 31.03.06, *Military Leave and*

*Service* <http://www.tamus.edu/offices/policy/policies/pdf/31-03-06.pdf>

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## **Contact Office**

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