Procedure: Leave Without Pay (LWOP) – Conditional and Unconditional

Purpose: Allow employees to take unpaid time off from work under specified circumstances.

Eligibility: Full and part-time (20 – 40 hours per week) salaried University Staff, and Research Assistants

Two Types of Leave Without Pay:

- **Conditional Leave Without Pay** – Approved absence from work without pay that only guarantees reinstatement if the employee's position is available when he/she desires to return from leave. If position is not available, the employee is separated and may be employed again only after going through the normal recruitment and selection process.

- **Unconditional Leave Without Pay** – Approved absence from work without pay that guarantees reinstatement to the position held by the employee before the leave was taken.

Reasons for Granting Conditional or Unconditional Leave:

- Educational purposes that require a longer period of absence than that permitted by the educational leave with pay policy
- Military purposes that require a longer period of absence than that permitted by the military leave with pay policy (only for unconditional leave without pay)
- Personal purposes – including illness for employees on Traditional Sick Leave or illness for a family member covered by the Family Medical Leave Act.

Effective Date of LWOP:

Starts with the first workday missed; not reported until the employee is on leave without pay in excess of 14 consecutive calendar days (an employee who is on leave without pay for 14 consecutive calendar days or less is in Docking Status).

Length of Conditional/Unconditional LWOP:

Both types of leave are limited to a period of 12 consecutive months. May be extended beyond 12 consecutive months in the following situations:

- extended disability (up to an additional 12 consecutive months)
- active duty with the armed forces (up to an additional 48 consecutive months if a normal discharge, up to 48 months if hospitalized)
- leave to pursue a course of study (up to an additional 12 consecutive months; requires approval of the University VP and Chief Human Resources Officer for University Staff/Research Assistants and approval of the State Director of the Department of Human Resource Management for Classified Staff)
- non-state employment that is of vital importance to the state and/or national welfare (up to an additional 12 months; requires approval of the University VP and Chief Human Resources Officer for University Staff/Research Assistants and approval of the State Director of the Department of Human Resource Management for Classified Staff).

Requesting LWOP:

Employee’s responsibility:

- Inform supervisor according to departmental procedures of request for Conditional or Unconditional LWOP
- Provide military orders if Unconditional LWOP is for military purposes
- Ensure Family Medical Leave Act form is completed if Conditional or Unconditional LWOP is for a family member’s illness or if the employee is ill and enrolled in the Traditional Sick Plan
Supervisor’s/Department’s responsibility:
- Communicate to employee if the LWOP is approved and whether it is conditional or unconditional
- Department’s HRMS Specialist updates the employee’s status to LWOP in HRMS
- Department’s HRMS Specialist updates the employee’s status to active in HRMS when the employee returns to work
- Ensure no hours worked or leave taken is entered on the on-line timecard when the employee is on LWOP

UHR’s responsibility:
- Provide information and counseling regarding Conditional and Unconditional LWOP
- Assist Employee/Department in determining the effective date of LWOP and the appropriate usage of available leave balances
- Explain in writing to the Employee/Supervisor/Department the status of the employee’s benefits during Unconditional LWOP
- Explain in writing to the Employee/Supervisor/Department for Conditional LWOP:
  - automatic reinstatement is only possible if the employee’s old position is still vacant
  - if the employee’s old position is not available, the employee will be separated and may be employed again only after going through the normal recruitment and selection process
  - status of the employee’s benefits during Conditional LWOP
  - procedure for seeking reinstatement or a return to work through Jobs@U.Va.
- Provide assistance to the employee to find other job vacancies if not reinstated from Conditional LWOP
- Verify and ensure the appropriateness of supporting documentation
- Ensure that time and leave are entered appropriately