

System-wide Policy: HR0355 - Leave of Absence	
Version: 17	Effective Date: 10/01/2017

HR0355 – Leave of Absence

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Objective:

To provide time off to university employees due to such reasons as illness or injury of an employee or other personal or family reasons.

Policy:

1. A leave of absence must be requested by the employee and approved in advance by the employee's supervisor and/or other administrator as appropriate. Supervisors should consult with the human resources office to be sure a requested leave of absence complies with university policy. Each request for leave must be in writing and specify the length of the leave period, which normally shall not exceed two years. Any approved leave extending beyond the current fiscal year is subject to budgetary constraints and/or funding availability except as required by law. The termination date for an employee who terminates while on leave of absence will be the date determined by the supervisor or the employee to be the last day of the leave of absence. Some specific types of leave of absences are described below.

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Leave of Absence Types

2. **Administrative Leave.** This leave type may be either with or without pay and is approved at the sole discretion of the university. Examples of this leave are:
 - a. **Disaster Relief Services.** A regular employee who is a certified disaster service volunteer of the American Red Cross may be granted leave with pay for up to 15 work days each calendar year to participate in specialized disaster relief services for the American Red Cross. The request for the employee's services must come from the American Red Cross and is subject to approval by the employee's supervisor.
 - b. **World Class Athletic Events.** A regular employee may be granted a leave of absence without pay for the purpose of preparing for and engaging in athletic competition as a member of a United States team on a world, Pan-American, or Olympic level. Such leave shall include the period of the official training camp and competition combined plus a reasonable amount of travel time or 90 calendar days a year, whichever is less. Evidence of qualification and selection for participation in the athletic competitions may be required.
 - c. **Temporary Suspension of Employment.** A regular employee may be placed on leave with pay when employment is suspended for such reasons as: investigation of alleged gross misconduct and/or associated court proceedings, evaluation of an employee's fitness for duty, or other circumstances when the interests of the university are served by such suspension of employment. This leave must be approved by the appropriate vice chancellor or vice president, the chief business officer, and the human resources officer. Refer to [HR0525 - Disciplinary Action](#).
3. **Educational Leave.** Refer to [HR0335 - Educational Leave](#).
4. **Family and Medical Leave.** Refer to [HR0338 - Family and Medical Leave](#).
5. **Military Leave.** Refer to [HR0370 - Military Leave](#).
6. **Personal Leave.** A regular employee may request leave without pay for personal reasons by making a request in writing to his or her supervisor and department head. Personal leave is approved or disapproved on an individual

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basis and predicated on departmental needs and requirements. During a personal leave the employee is always in a leave without pay status. The personal leave day provided to non-exempt employees is addressed in [HR0373 - Personal Leave](#).

7. **Workers' Compensation Leave.** Refer to [HR0397 - Worker's Compensation](#).

Benefits While on Leave without Pay

8. Eligibility for various benefits during the leave is described below. For all types of leave without pay, insurance benefits and premiums will be determined by the employee's rate of pay immediately prior to the beginning of the leave.
- a. **Basic Group Insurance.** Participating employees on approved leave of absence without pay are eligible to continue participation for up to 24 months in the basic group plan to which he or she belongs at the time the leave begins. Continued participation requires that the employee pay in advance a monthly or quarterly sum equal to the total of the employee and employer portions of all premiums to the campus insurance office or the Treasurer's Office. Exceptions to this practice include workers' compensation, extended military leave, and family and medical leave. Refer to [HR0370 - Military Leave](#), [HR0397 - Worker's Compensation](#), and [HR0338 - Family and Medical Leave](#).
 - b. **Optional Insurance Plans.** Participation may be continued in any of the group optional insurance plans to which the employee belongs prior to the leave. To do so, the employee must pay in advance a monthly or quarterly sum equal to the total of the premiums due on the plans that he or she wishes to remain in force to the campus insurance office or the Treasurer's Office. An exception to this practice is Family and Medical Leave; refer to [HR0338 - Family and Medical Leave](#).
 - c. **Retirement.** Generally, periods of approved leave of absence without pay do not qualify as creditable service for retirement, and contributions are not made by the university during the leave period. Exceptions to this practice include approved educational leave and extended military leave.

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Refer to [HR0335 - Educational Leave](#), and [HR0370 - Military Leave](#) and [HR0397 - Worker's Compensation](#) (for employees in TCRS and JCRS.) Due to Internal Revenue Code restrictions, employees cannot make personal "after-tax" contributions to their Optional Retirement Program accounts.

- d. **Social Security and Federal Withholding Taxes.** The university will not make any contributions or payments during a leave without pay.
- e. **Unemployment Compensation.** During a leave of absence without pay, employees generally are not eligible to receive unemployment compensation. Eligibility is determined by the Department of Labor and Workforce Development.
- f. **Medical and Dependent Care Reimbursement Accounts.** Employees beginning a leave of absence without pay have the option of continuing or immediately ending participation in their reimbursement accounts. Reimbursement accounts may be continued by paying in advance the full balance of the contract amount for the plan year (January-December). Eligible expenses incurred at any time during the plan year will be reimbursed. If the employee returns from leave prior to the end of the plan year, he or she may resume paying contributions through payroll reductions. In this case the university will refund any excess cash paid by the employee before going on leave. This refund will be an amount equal to the remaining scheduled reductions. Employees who do not continue reimbursement accounts while on leave of absence will have 30 days upon return from leave to reinstate such accounts. However, the contract amount for the plan year will be reduced by the number of pay period contributions the employee missed while on leave of absence. Expenses incurred while on leave of absence are not eligible for reimbursement. The employee may be required to reimburse the University for any Overpayment of expenses resulting from the adjusted contract. If an employee's leave starts in one plan year and extends into another plan year, the employee will have 30 days from the leave date to enroll in the reimbursement accounts for the new plan year.

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- g. **Tax Deferred Income.** Participation in tax deferred income plans during a period of leave of absence without pay will be suspended for the duration of the leave. Participation will be reinstated upon return to work.
- h. **Longevity Pay.** Longevity is not payable during a leave of absence without pay, nor is the period considered as eligible service. However, employees who go on a leave of absence without pay prior to their anniversary month and return to active service prior to June 30 of the same fiscal year will be eligible to receive a longevity payment.
- i. **Annual and Sick Leave.** Normally, employees in a leave without pay status do not continue to accrue and cannot use annual and sick leave. An exception regarding continuation of benefits is noted in [HR0370 - Military Leave](#).
- j. **Educational Assistance (Fee Waiver and Student Fee Discount).** Generally, employees on leave without pay are not eligible for educational assistance benefits. Exceptions to this practice include leave due to an on-the-job injury or family and medical leave. Refer to [HR0330 - Educational Assistance \(Fee Waiver\)](#), [HR0331 - Educational Assistance \(Student Fee Discount\) for Spouses and Dependent Children of Employees](#), [HR0338 - Family and Medical Leave](#), and [HR0397 - Worker's Compensation](#).

Benefits While on Leave With Pay

- 9. Eligibility for various benefits during the leave with pay is described below:
 - a. **Basic Group Insurance.** Employees on leave of absence who receive compensation from the university can continue their participation in the basic group insurance program. The employee's share of the cost of the insurance will be withheld by payroll deduction and the university will pay the employer's share of the cost of the insurance. The amount of the deduction and scheduled life insurance coverage will be the deduction and life schedule in effect immediately prior to the beginning of the leave.

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- b. **Optional Insurance Plans.** Employees on approved leave with pay may, at their option, continue participation in optional group insurance plans available to employees of the University of Tennessee. The full cost of these plans is paid by the employee. Premiums will be withheld by payroll deduction in accordance with established procedures.
- c. **Retirement.** Generally, periods of approved leave of absence with pay qualify as creditable service for retirement and contributions will be made by the university during the leave period. Retirement contributions will not be made by the university in the case of an educational leave of absence which has not been approved by TCRS. Refer to [HR0335 - Educational Leave](#).
- d. **Social Security and Federal Withholding Tax.** Employees will continue participation in social security coverage and applicable taxes will be deducted based on the compensation paid during the leave.
- e. **Unemployment Compensation.** During a leave of absence with pay, employees generally are not eligible to receive unemployment compensation. Eligibility is determined by the Department of Labor and Workforce Development.
- f. **Medical and Dependent Care Reimbursement Accounts.** Participation in Medical and Dependent Care Reimbursement Accounts continues during a period of leave with pay.
- g. **Longevity Pay.** Employees on approved leave with pay are eligible for longevity pay, and payments will be made on the regular schedule.
- h. **Annual and Sick Leave.** Normally, employees in a leave with pay status do not continue to accrue and cannot use annual and sick leave. An exception regarding continuation of benefits is noted in [HR0370 - Military Leave](#).
- i. **Educational Assistance (Fee Waiver and Student Fee Discount).** Eligibility for these benefits continues during a leave with pay. Refer to [HR0330 - Educational Assistance \(Fee Waiver\)](#) and [HR0331 - Educational Assistance \(Student Fee Discount\) for Spouses and Dependent Children of Employees](#).

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PROCEDURES:

Health Science Center:	https://uthsc.policymedical.net/policymed/home/index?ID=de47aa28-16aa-408b-9c96-cb04f232964f&
Space Institute:	http://www.utsi.edu/index.php/utsi-procedures/
Institute of Agriculture:	ag.tennessee.edu/Pages/UTIApolicies.aspx

Related Policies: [HR0335 - Educational Leave](#), [HR0338 - Family and Medical Leave](#), [HR0370 - Military Leave](#), [HR0373 - Personal Leave](#), [HR0397 - Worker's Compensation](#)