

# Discretionary Leave of Absence

## HR



### About This Policy

Effective Date:

11-01-1959

Last Updated:

04-21-2015

Responsible University Office:

University Human Resources

Responsible University Administrator:

Vice President and Chief Financial Officer

Policy Contact:

University Human Resources

[hrpolicy@iu.edu](mailto:hrpolicy@iu.edu)

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[Scope](#)

This policy applies to all Staff employees.

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[Policy Statement](#)

#### 1. Description

- a. A discretionary leave of absence is absence without pay, authorized in advance, for 30 or more calendar days and for up to one year. The period of leave cannot exceed one year. At that point the employee must either return to work or be terminated. See the policy in [Leaves for Military Duty](#) for an exception to this one year limit.
  - i. A leave of absence for more than one year must be approved by the campus chancellor, provost, or appropriate vice president.
- b. A leave of absence implies that the employee intends to return to the same or similar position, which will be available when the employee returns.
  - i. For this reason, employees must apply for a leave of absence with the academic dean, department head, or designated authority. If this person recommends the leave, the recommendation is then forwarded to the

appropriate administrative authority for approval. The individual who recommends the leave is responsible for the availability of a position when the employee returns to work.

- c. A discretionary leave of absence is not related to a leave that qualifies under the **Family and Medical Leave Act (FMLA)**. However, it is acceptable for an employee who has exhausted the FMLA benefit to extend an FMLA leave by taking a discretionary leave of absence. Any leave for a reason that qualifies under FMLA cannot be granted as a discretionary leave while the employee is eligible for FMLA leave.
  - d. Employment elsewhere while on leave without the written approval of the appropriate chancellor or vice president is prohibited and is subject to immediate discharge.
2. Maternity, paternity, and adoption leave
    - a. Using a leave of absence for pregnancy-related problems and postnatal infant care beyond the benefits of the FMLA is acceptable. However, just as in all requests for a leave of absence, the administrative authority will consider several conditions. The intent of this provision is to be supportive and accommodating about circumstances surrounding maternity, paternity, and adoption leave.
3. Conditions considered when approving a leave of absence
    - a. The administrative authority is responsible for approving a leave of absence. Approval depends on consideration of the conditions listed below.
      - The department head's recommendation
      - The purpose of the leave of absence
      - The length of the leave of absence requested
      - The employee's length of service
      - The expected or potential length of service once the employee returns
      - The problems incurred in hiring a temporary replacement, if the department needs a replacement
4. Benefits during a leave of absence
    - a. For information regarding medical and dental benefits, see the **Health Care Benefits During An Unpaid Leave of Absence** policy.
    - b. For information regarding retirement benefits, see the relevant UHR website for:
      - i. **IU Retirement Plan**
      - ii. **Retirement & Savings Plan**
      - iii. **PERF**
      - iv. **Supplemental Retirement Plans**
    - c. Basic Group Life Insurance will continue throughout a discretionary leave.
    - d. Employees that participate in the Supplemental Group Life Insurance benefit may continue coverage, but will be required to continue paying the full premium.
    - e. Employees that participate in voluntary benefits (e.g. Critical Illness Insurance, Pet Insurance, etc.) may continue coverage, but need to make arrangements through the appropriate third party administrator for premium payments. See the UHR **Voluntary Benefits Program** website for more information.
    - f. Staff do not accrue time off during a leave of absence.
    - g. Staff continue to accrue university service credit during unpaid leaves of absence for the following reasons:
      - i. FMLA, non-FMLA medical, military, and temporary reduction in force, in accordance with Section D. of the **Seniority Date/Service Credit** policy.
    - h. Staff do not accrue university service credit during discretionary leaves of absence such as education leaves, political leave of absence, and other leaves of absence.
    - i. In Workers' Compensation cases, if staff have used all time off accruals, or if they choose not to use them, the only payment they will receive is from Workers' Compensation for 29 calendar days.
      - i. Staff do not accrue time off in these circumstances.

- ii. Starting with the 30th calendar day, unless an employee has returned to work, he or she is then placed on leave of absence while still receiving the Workers' Compensation benefits.

- j. For more information, please contact a UHR Benefits Specialist at (812) 856-4459.

#### 5. Partial leave of absence

- a. The provisions contained in sections 1., 2. and 3. of this policy apply to a partial leave of absence.
- b. A partial leave of absence is a formal leave in which the employee's FTE is temporarily reduced to an amount less than 100 percent but more than 0 percent.
- c. A full-time appointed employee who is granted a partial leave of absence without pay may continue coverage in the university's benefit and insurance programs during the leave. Health and dental care premiums, unless terminated by the employee, will continue to be deducted from the partial pay. The University Human Resource Services Office will bill life insurance premiums to those with a reduced FTE.
- d. Appointed Support and Service Staff employees continue to accumulate income protection hours based on their prorated FTE during the leave if their FTE is maintained at 75 percent or more. All appointed employees accumulate PTO, vacation and holiday time based on their prorated FTE during the leave if their FTE is 50 percent or more.

#### 6. One-time leave of absence for up to 90 days

- a. A leave of absence without pay for up to 90 calendar days will be granted once, upon request, to an appointed employee. To be eligible, the employee must have ten or more years of service. Departments are required to approve such a request unless they can show it creates an undue hardship.
- b. Employee requests for additional leaves are approved at the discretion of the department and are subject to the provisions in this policy.
- c. University service credit does not accrue during such a discretionary leave of absence, unless it is a medical or military leave of absence, in which case university service credit does accrue. See Section D. of the Seniority Date/Service Credit policy.

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### Reason For Policy

To provide guidelines for the administration of a discretionary leave of absence and the procedure for requesting and approving one.

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### Procedure

#### 1. How to process a leave of absence

- a. Consider the conditions surrounding the employee's request for a leave of absence, e.g., purpose, length of service, length of absence. (A complete list of conditions appears in Policy Statement, Section 3. of this policy.)
- b. If the leave is for 30 or more calendar days, process it as a leave of absence; leaves for less than 30 calendar days (prorated for part-time staff) are noted as an absence on the attendance voucher.
  - i. If an employee has not returned to the job after being absent for a continuous period of 30 calendar days, the department must initiate a leave of absence or termination.
- c. Verify that the leave does not cause an undue hardship on the department.
- d. Complete appropriate HRMS documentation to initiate a recommendation for the leave of absence. The recommendation must be for a specified period of time.
- e. Route the recommendation to the administrative authority for approval.
- f. Instruct the employee to contact University Human Resource Services concerning the status of retirement and group plans.

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## Definitions

A discretionary leave of absence is absence without pay, authorized in advance, for 30 or more calendar days and for up to one year.

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## Sanctions

Managers, supervisors, and employees who violate this policy are subject to disciplinary action, up to and including termination.

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## History

April 2015 - The Benefits section (4) in the Policy Statment was updated.