
SUBJECT: LEAVE WITHOUT PAY (Qualified Employee)

1.0 PURPOSE

- 1.1. To provide Qualified Employees the option of taking leave without pay for personal, professional, or in emergency circumstances.
- 1.2. The College reserves all rights afforded to it under applicable law. Nothing in this policy or related policies, procedures, and practices of the College or the College's governing institutions shall be read to offer or constitute a legal agreement or be subject to legal jurisdiction in the law courts of any kind. The College policies, procedures, and practices are subject to change at any time.
- 1.3. This policy supersedes all Staff Paid Leave policies prior to the date of approval listed above.

2.0 REFERENCES

- 2.1. [Snow College Policy #349 Family and Medical Leave Act](#)
- 2.2. [Snow College Policy #347 Special Leave with Pay](#)
- 2.3. [Snow College Policy #410 Faculty Advancement and Tenure](#)
- 2.4. [IRS Definition of Full-Time Employee](#)

3.0 DEFINITION

- 3.1. Qualified Employee: Full-time Regular Staff or Faculty employee.
- 3.2. Full-Time Employees: Any employee who works an average of at least 30 hours per week for more than 120 days in a year.
- 3.3. Regular Staff Member: An employee whose employment is defined by the College as being of a continuous nature, initially funded for a non-temporary period, who has successfully completed the probationary period. Does not include employees classified as Faculty.
- 3.4. Faculty: A salaried employee holding academic rank or title as defined in Policy 410, whose primary function is that of instruction. Positions designated as Faculty must qualify for exemption from the overtime provisions of the FLSA.

4.0 POLICY

- 4.1. Qualified employees may be granted continuous leave of absence without pay if their written application is approved by the President. Leave without pay shall not be granted unless there is a positive expectancy that the employee will return to work at the expiration of such leave and that the leave will not diminish the College's effectiveness over a prolonged period of time.
- 4.2. A leave without pay period will not exceed six (6) months. The College President may consider and approve extensions beyond the initial six (6) month period. Leave without pay will not exceed one (1) year, except in circumstances dictated by state or federal law.
- 4.3. Leave may be granted for the following:

- 4.3.1 Medical leave for temporary disability or incapacity to perform duties, including maternity leave, provided that available sick leave, annual leave and personal leave is exhausted and the necessity for the absence from duty is attested to by a registered medical practitioner. Leave without pay may be coordinated with FMLA Leave. (See also requirements for FMLA approved leave in Policy #349 Family Medical Leave Act)
- 4.3.2 Education leave to pursue a course of study that will increase the value of service to the College upon return to duty.
- 4.3.3 Emergency service leave to perform technical or specialized service for the State, the United States, or other approved agencies, during a period of emergency.
- 4.3.4 Military leave for the period of active service. The employee shall submit official orders from their orders issuing authority to the Human Resources Office in advance of the start date of their military duty.
- 4.3.5 Furlough when unusual personal circumstances so warrant, when all personal leave and vacation leave have been exhausted, and when such grant of leave is consistent with the requirements of effective departmental operations.
- 4.4. Any accumulated vacation leave shall first be taken before leave without pay begins.
- 4.5. In most cases, employees in a leave-without-pay status shall not accrue vacation or sick leave or be eligible for other benefits except as provided under FMLA. Consult with the HR Office.
- 4.6. If an employee is granted leave and fails to return to duty at the termination of the leave, his employment shall be terminated.
- 4.7. Employees on Leave-Without-Pay status under FMLA will have access to the continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave for the duration of FMLA or Faculty Extended Illness limits (Policy # 349), or to a maximum of six (6) months. The employee will still be responsible to pay for their portion of the benefits. Thereafter, employees should apply for long-term disability or for COBRA.
- 4.8. All absences from duty not covered under Policy #347 Special Leave with Pay or one of the other policies governing leave will result in an employee having salary deducted from his/her pay.