

Benefits and Leaves: Leave of Absence without Pay

Subject: University Human Resources

Policy: Leave of Absence without Pay

Effective Date: January 1, 2019

Revised:

Review Date: Three (3) years from Effective Date above

Responsible Party: University Human Resources

Applicability: This policy applies to the categories of employees as referenced and does not apply to student employees or short-term workers

1. INTRODUCTION AND PURPOSE

This policy governs leaves without pay. The Board of Regents has a policy regarding leave without pay for faculty and for BOR and MUS contract employees. See [BOR Policy 801.3](#). The Board of Regents has adopted the Department of Administration Leave of Absence Without Pay policy for classified employees. This policy is intended to be consistent with the Department of Administration's policy to the extent it is applicable to classified employees.

2. FACULTY AND MUS CONTRACT EMPLOYEES

Faculty, BOR, and MUS contract employees are eligible to request a leave of absence without pay after two (2) years of continuous service as outlined in [BOR Policy 801.3](#).

3. CLASSIFIED EMPLOYEES

A leave of absence without pay is a period of unpaid absence from employment provided by the university that does not result in a break in service. The leave must be approved in advance whenever possible or practical.

Eligible employees taking a leave of absence without pay concurrently with the [Family and Medical Leave Act \(FMLA\)](#) must comply with the FMLA Policy and regulations. The FMLA policy requirements take precedence over this policy to the extent any differences exist.

4. USE OF ACCRUED LEAVE OR COMPENSATORY TIME

An employee must use all appropriate accrued leave or compensatory time before requesting a leave of absence without pay. However, the employee is not required to exhaust annual

vacation leave balances for reasons of illness unless the employee agrees *See* [Section 2-18-615, MCA](#).

5. DEPARTMENTAL DISCRETION

In most cases it is within the discretion of the department to approve or deny a request for leave of absence without pay. However, a department must approve the request if the reason for leave is to serve in a public office, for qualifying military service, or for qualifying reasons under the FMLA or ADA as required by applicable policies and statutes.

6. PUBLIC OFFICE

The university will approve leave for purposes of serving in an elected or appointed public office up to a maximum of 180 days annually. *See* [Section 39-2-104, MCA](#).

7. STATE-ACTIVE DUTY

Employees ordered to state-active duty are entitled to a leave of absence from employment during the period of state-active duty. A leave of absence for state-active duty may not be deducted from sick leave, vacation leave, military leave, or other paid-leave balances unless requested by the employee *See* [Section 10-1-1006, MCA](#).

8. REASONABLE ACCOMMODATION

Leave without pay may be a reasonable accommodation in some circumstances. An employee who requests leave because of a disability may be required to provide medical certification indicating the disabling condition requires a leave of absence. See the [Reasonable Accommodation for Employees and Applicants with Disabilities Policy](#) for further guidance.

9. FMLA LEAVE

Eligible employees may request unpaid FMLA leave for qualifying reasons outlined in the [FMLA Policy](#).