POLICY: .01 Authorized absences taken without charge to vacation, sick leave, or other paid leaves are considered leaves without pay (LWOP), which is also called leave of absence. LWOP applies to all employees except casuals.

RECORDING ABSENCES: .02 Use the appropriate "L" code on the time and effort report. *See* Table 300.I.

NOTE: An exempt employee may receive less than full salary if he or she elects to treat a full day absence as leave without pay instead of charging the absence to accrued vacation or sick leave or takes a full day of leave without pay when paid leave is exhausted.

EFFECT OF LWOP ON VACATION AND/OR SICK LEAVE: .03 All vacation and sick-leave accruals cease at the start of LWOP and resume only upon the employee's actual return to work, except

Part-time exempt employees and all full-time employees accrue leave for any month in which LWOP is less than half the workdays in the month.

Part-time nonexempt employees accrue leave in proportion to hours in pay status in a month.

EFFECT ON SALARY: .04 Employees on *long-term* LWOP are eligible to be considered for salary increases but do not receive the increases until they return to pay status. A Personnel Action form (PA) is required to implement the increase.

NOTE: Temporary returns of at least 1 pay period qualify employees to be eligible to receive salary increases.

EFFECT ON SEVERANCE PAY: .05 For severance pay purposes, LWOP equal to or greater than 30 consecutive days is deducted from the employee's length of Laboratory service.

.06 Employees terminated from personal LWOP status are *not* eligible for severance pay.

TRANSITIONS FROM PAID TO UNPAID LEAVE:

Holidays .07 If a Laboratory holiday occurs on the workday immediately preceding LWOP or immediately preceding the day an employee returns to work, the employee is paid for that holiday unless the leave was for disciplinary reasons.

SHORT-TERM LEAVE WITHOUT PAY:

Definition .08 A short-term LWOP is for 30 calendar days or fewer days.

Approval .09 The group-level manager approves short-term LWOP on the time and effort report. A PA is not required.

> ***NOTE:*** If it is uncertain at the beginning of the leave that the leave will extend beyond 30 days, a PA for a long-term leave must be processed.

Benefits .10 Employees must arrange with the Benefits Team in the Compensation and Benefits Group (HR-C&B) to pay insurance premiums to prevent interruption in benefits coverage. Coverages cannot be canceled retroactively. An employee on LWOP for a period of less than 2 months who cancels coverages is not allowed to enroll upon return to work except with special approval of the insurance carriers. An employee must be in work status 5 consecutive workdays during the month to receive the employer-contribution coverage during the following month.

Return to Pay Status .11 Normally, the employee is reinstated into pay status upon return to the work site. *See* also .27 *for temporary returns from long-term leave without pay.*

Leave Without Pay (LWOP)

LONG-TERM LWOP:

Definition .12 A long-term LWOP is for more than 30 calendar days and usually may not exceed 6 months without special approval. LWOP should not be granted to marginal employees or when the probability is low that a suitable position will be available at the end of the leave. If an employee accepts a position outside the Laboratory, the cognizant Associate Laboratory Director or Deputy Laboratory Director may grant LWOP in lieu of voluntary resignation if the employee possesses critical skills and the LWOP would be in the best interest of the Laboratory. The group-level manager provides written terms and conditions of the LWOP to the employee before the leave begins or as soon as possible thereafter if the leave is an emergency.

> ***NOTEe:*** Depending on the purpose of the LWOP, Form 701 may be required. *See AM 716 and AM 717*.

Employee Nonwork Periods .13 Any employee (except a casual) must be placed on long-term LWOP for any period of more than 30 days during which the employee is not in pay status.

Approval .14 The group-level manager approves LWOP for periods up to 6 months. The division-level manager can approve extensions of LWOP for periods beyond 6 months up to a limit of 12 months. In special situations, the Director for Human Resources (DHR) may approve LWOP for more than 12 months. Approval to extend a LWOP beyond 3 years requires the DHR to consult in advance with the University of California and to inform the contracting officer at the Department of Energy. The requesting organization must submit a PA to the assigned Human Resources Generalist for appropriate approvals.

Categories .15 A long-term leave is for programmatic, medical, or personal reasons.

Leave Without Pay (LWOP)

.16 ***Programmatic*** — Programmatic LWOP is granted at Laboratory convenience and in furtherance of Laboratory objectives by both the division-level manager and the appropriate program director (if any). This leave includes technology transfer activities that are deemed by the division-level manager and the Industrial Partnership (IP) Program Office to be in the best interests of the Laboratory. Programmatic Leave is granted for some non-Laboratory funded appointments such as to the United States Department of State or the International Atomic Energy Agency (IAEA). Programmatic Leave may also be granted to an employee who accompanies his or her spouse on a change of station, Intergovernmental Personnel Act (IPA) program, Borrowed Personnel Agreement, Professional Renewal Leave (PRL), or Professional Research and Teaching Leave (PR&TL). When programmatic LWOP is granted, the cognizant division-level manager, the Program Director (if any), and the employee must sign a memorandum of understanding (MOU) that states the purpose and length of the leave and whether any extensions will be granted. The MOU must specify a plan for the employee to return to work at the conclusion of the leave, including funding arrangements. Normally, programmatic leaves are initially approved for 1 year.

> ***NOTE:*** An employee on programmatic leave without pay may be considered for reduction in force.

.17 ***Medical*** — An employee may be granted long-term LWOP for extended personal illness. Such instances of medical LWOP must be approved by line management (*see .14*) and by the Occupational Medicine (ESH-2) Group Leader. The ESH-2 Group Leader recommends the effective dates for the beginning and end of the LWOP. Except for .18 below, there are no guaranteed returns to positions. Employees on medical leave may be terminated during or at the end of their LWOP if no position is available; these employees are not eligible for severance pay. Employees must be advised in writing that there are no guarantees of return to active pay status after a medical leave of absence. *See also AM113*, Terminations: Categories and

Procedures. A PA must be submitted for medical LWOP.

> ***NOTE:*** Employees may be eligible for up to 12 weeks of leave under the Family and Medical Leave Act (FMLA) *See* AM 327.

.18 ***Pregnancy and/or Maternity-Related*** — Medical leave of up to 4 months is granted for pregnancy and/or maternity disabilities that are doctor-certified; such leave may consist of any combination of accrued sick leave, vacation, and LWOP. The returning employee returns to her former position unless that position has been eliminated as part of a Laboratory reduction-in-force. *See* AM 114, Reduction-in-Force. Any time taken for a maternity-related disability is also charged against the 12 weeks of leave provided under FMLA. *See* AM 327. If the doctor-certified disability period extends beyond 4 months, the pregnancy and/or maternity disability is treated like any other disability. However, the employee may be eligible for additional time off under parental leave. *See* .19 below. *See also* AM 117, *Employees with Temporary Impairments*.

.19 ***Parental Leave*** — Upon request, a regular employee must be granted parental leave for up to 6 months to care for a newborn or newly adopted child. Parental leave may consist of sick leave, vacation, and/or leave without pay where appropriate under Laboratory policy and may only be taken within the first year of the birth or adoption of the child. Provided the total period of leave does not exceed 6 months, the employee returns to the same or substantially equal position unless the position has been eliminated as part of a Laboratory reduction-in-force. *See* AM 114, *Reduction-in-Force*. The following leaves are also charged against the 6-month allotment:

> Leave taken for a maternity-related disability following delivery including leave taken under FMLA (*see* .18).
>
> FMLA leave taken to care for a newborn or newly adopted child.

Leave Without Pay (LWOP)

.20 ***Personal*** — Personal leave may be granted for non-job-related education, temporary employment outside the Laboratory, to care for an ill family member who has a protracted illness (*see also AM 327*), or for the convenience of the employee. Personal leave should be granted only when the manager can justify retention of the employee based on programmatic needs. No guarantee is made for a return to a position after the leave. Employees on personal leave may be terminated during or at the end of their LWOP if no position is available and are not eligible for severance pay. Group-level managers must advise employees in writing at the time of the approval that employees have no guarantees of return to active pay status after a personal leave of absence.

.21 An employee who is considering the possibility of a personal leave for entrepreneurial purposes should contact IPO for guidance. Under the prime operating contract between the University of California (UC) and the Department of Energy (DOE), the U.S. Government has rights to all inventions made by individuals acting within the scope of their Laboratory employment. The issue of patent rights must be discussed with IAO, and a determination as to whether DOE actually has rights must be made by the Laboratory Counsel's Intellectual Property Office (LC/IP).

Continuation of Benefits

.22 Employees taking a long-term leave of absence of 2 years or less may continue some of their insurance policies by paying both the employee and employer contributions. The decision to cancel or retain insurance coverages must be made at the beginning of the leave of absence. Coverages cannot be canceled retroactively. An employee on LWOP for less than 2 months who cancels coverages is not allowed to enroll upon return to work except with special approval of the insurance carrier.

.23 If the LWOP is for less than 3 months and the employee elects to retain coverages, the employee must make arrangements with the Benefits Team to pay all or part of the appropriate premium costs at the beginning of the leave.

Leave Without Pay (LWOP)

.24 If the LWOP is for 3 months or more and the employee elects to retain coverages, the employee must make payment arrangements with the Benefits Team and pay the appropriate contributions for the current month and the following month at the beginning of the leave. Thereafter, the employee must submit contribution payments to to the Payroll Team in the Accounting Group (BUS-1) by the 1st day of each month. If a payment is not received, the insurance coverages are canceled. In lieu of making monthly payments, an employee may choose to pay all or part of the contributions for the leave period at the beginning of the leave.

Continuation of Retirement Plan

.25 Employees do not earn service credit while on LWOP. However, on return from leave of absence, employees may reinstate service credit by making plan contributions plus interest. Service credit is reinstated after contributions are made. Employees considering a LWOP should contact a Benefits Specialist in the Compensation and Benefits Group (HR-C&B).

Start of Long-Term LWOP

.26 A PA must be submitted and approved no later than 2 weeks before the start of long-term LWOP. The employee must also contact a Benefits Specialist in HR-C&B and the New Hire and Termination Office in HR-S 2 weeks before the start of LWOP so that administrative procedures can be accomplished. If the leave is an emergency, a PA should be submitted as soon as possible.

Temporary Return From Leave

.27 To return an employee temporarily from LWOP to work status, the group-level manager sends a memorandum to the Payroll Team (BUS-1) with a copy to HR-S and HR-C&B. Pay rates are the same as when the employee started the leave; however, temporary returns of at least 1 pay period qualify the employee to be eligible to receive salary increases.

.28 Employees who return to temporary work status (less than1pay period) from long-term leave are paid only for hours worked. Holidays that occur during the temporary work status are not paid.

Leave Without Pay (LWOP)

Vacation or sick leave may not be used during periods of temporary work status.

Final Return from Leave .29 A PA must be completed when an employee returns from long-term leave. If the leave is for medical reasons, the employee must be cleared to return to work through ESH-2.

DISCIPLINARY LEAVE: .30 Record as "DL" on the time and effort report.

SECURITY CLEARANCE: .31 The security clearance must be terminated when an employee is on LWOP for 3 months or longer unless DOE grants an exception. *See AM 702 for details.*