UNIVERSITY of NORTH DAKOTA
FINANCE & OPERATIONS POLICY LIBRARY

VOLUNTARY
 LEAVE WITHOUT PAY/WORKLOAD REDUCTION

Section 3, Human Resources
Policy 3.5 Voluntary Leave Without Pay/Workload Reduction
Responsible Executive: VP Finance & Operations
Responsible Office: Human Resources
Issued: March 4, 2013
Latest Review / Revision: February 28, 2017

POLICY STATEMENT

A voluntary leave without pay or workload reduction request may be approved for purposes of mutual benefit to the institution and the employee.

REASON FOR POLICY

This policy is established in accordance with North Dakota State Board of Higher Education (SBHE) policy 701.1, which requires an institution to adopt procedures for implementing the policy specifically governing leave without pay.

SCOPE OF POLICY

This policy applies to:

✓ President
✓ Vice Presidents
✓ Deans, Directors & Department Heads
✓ Area Managers & Supervisors
✓ Faculty
✓ Staff
✓ Students
✓ Others

WEB SITE REFERENCES

This policy:  http://UND.edu/finance-operations/_files/docs/3-5-leave-without-pay.pdf
Vice President for Finance & Operations:  http://UND.edu/finance-operations/
RELATED INFORMATION

<table>
<thead>
<tr>
<th>Policy/Manual</th>
<th>URL</th>
</tr>
</thead>
<tbody>
<tr>
<td>NDUS Human Resources Policy Manual Section 21 – Leave Without Pay</td>
<td><a href="http://www.ndus.nodak.edu/makers/procedures/hr/?SID=40&amp;PID=242&amp;re=d">http://www.ndus.nodak.edu/makers/procedures/hr/?SID=40&amp;PID=242&amp;re=d</a></td>
</tr>
<tr>
<td>NDUS Human Resources Policy Manual Section 24 – Reduction in Force</td>
<td><a href="http://www.ndus.nodak.edu/makers/procedures/hr/?SID=43&amp;PID=245&amp;re=d">http://www.ndus.nodak.edu/makers/procedures/hr/?SID=43&amp;PID=245&amp;re=d</a></td>
</tr>
<tr>
<td>UND Faculty Handbook 3-10.4.2 – Leave Without Pay</td>
<td><a href="http://www.und.nodak.edu/dept/registrar/senate/FacultyHandbook/Section3.htm#10.4">http://www.und.nodak.edu/dept/registrar/senate/FacultyHandbook/Section3.htm#10.4</a></td>
</tr>
<tr>
<td>UND Long-Term Medical and Family Leave Policy</td>
<td><a href="http://UND.edu/finance-operations/_files/docs/3-8-long-term-fmla-leave.pdf">http://UND.edu/finance-operations/_files/docs/3-8-long-term-fmla-leave.pdf</a></td>
</tr>
</tbody>
</table>

CONTACTS

Specific questions should be directed to the following:

<table>
<thead>
<tr>
<th>Subject</th>
<th>Contact</th>
<th>Telephone</th>
<th>Department E-Mail / Web Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy Clarification</td>
<td>Human Resources</td>
<td>(701) 777-4226</td>
<td><a href="mailto:UND.humanresources@UND.edu">UND.humanresources@UND.edu</a></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><a href="http://UND.edu/finance-operations/human-resources-payroll/">http://UND.edu/finance-operations/human-resources-payroll/</a></td>
</tr>
</tbody>
</table>

DEFINITIONS

<table>
<thead>
<tr>
<th>Eligible Employee</th>
<th>Benefit</th>
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<tbody>
<tr>
<td>NDUS</td>
<td>Benefited staff</td>
</tr>
<tr>
<td>SBHE</td>
<td>North Dakota University System</td>
</tr>
<tr>
<td>Workload Reduction</td>
<td>State Board of Higher Education</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Leave Without Pay</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>NDUS</td>
<td>A temporary, non-pay status and absence from duty that may be granted upon an employee's request within laws and policies.</td>
</tr>
<tr>
<td>SBHE</td>
<td></td>
</tr>
<tr>
<td>Workload Reduction</td>
<td></td>
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</tbody>
</table>

PRINCIPLES

OVERVIEW – A voluntary leave without pay or workload reduction request may be approved for purposes of mutual benefit to the institution and the employee.

A voluntary leave without pay/workload reduction allows eligible employees to request a temporary or permanent reduction in working hours and corresponding pay. Employees may arrange with their supervisors and department heads for a voluntary leave without pay or a workload reduction.

A voluntary leave without pay/workload reduction may be available in the following forms:

1. Temporary leave without pay,
2. Reduced hours per week (e.g., reducing workdays per week or hours worked per day), or
3. Reduced months per year (e.g., not working summer sessions or between fall and spring semesters). All reduction requests must be for one period of consecutive weeks/months.

A request for leave without pay or a workload reduction under this policy is voluntary for both the University and the employee. Employees are not guaranteed approval of their request, and the decision to approve a request is entirely at the discretion of the University.

Department head/chair/dean/AVP and/or the appropriate area vice president must review the current workload, skills, and funding sources of current employees and analyze current workforce needs of their departments to determine which requests for leave without pay or reduced workloads are approved. Requests from other employees and service impact will influence the decision to accept, alter, or deny any request for a leave without pay or reduced workload. The University has discretion to limit the total number of requests approved under this policy for reasons including, but not limited to, preserving the vitality of the affected programs and services, as well as the integrity of financial resources.

Benefitted staff employees may be granted leave without pay or a workload reduction for:

1. Education; research; temporary employment with another university, governmental or private agency, when such employment will contribute to the employee’s expertise in his or her field and make the employee more effective upon return to employment; literary pursuits; or any other purpose that will improve the employee professionally and will directly or indirectly benefit the institution or system.

2. A lack of available resources and/or work for certain employees and the employee requests to take leave without pay or a workload reduction until the resources and/or work are available. (In the event of a continued lack of available resources and/or work for certain employees, beyond the voluntary request for leave without pay or workload reduction, the department will follow the NDUS Human Resource Policy Manual Section 24, Reduction in Force.)

ELIGIBILITY CRITERIA AND LIMITATIONS – A voluntary leave without pay or workload reduction may be authorized for benefited staff employees, who have maintained a satisfactory service record, for purposes of mutual benefit to the institution and to the employee. A voluntary leave without pay or workload reduction is not an entitlement of benefit and the decision to approve a request is entirely at the discretion of the University.

Certain divisions/departments/schools/colleges may determine that they cannot approve a request for leave without pay or workload reduced based on budgetary and programmatic demands, and workload available (e.g., the employee’s reduced workload or leave would be detrimental to the operation of their particular area of responsibility, or would result in the need for an additional hire or overtime).

The decision to submit a request by any employee under this policy is strictly voluntary on the part of the employee.

Limitations of this policy include:

1. This is not a flextime policy where work hours are shifted. Employee work hours may be changed with supervisor and/or department head approval. Non-exempt employees working more than 40 hours in any workweek are eligible for overtime or comp time.

2. This policy is not to be used for employee medical leave, family medical leave or military exigency leave. Medical leaves or military exigency are addressed in the Long Term Medical and Family Leave Policy (see Related Information).

Employees are not allowed to volunteer or perform any duties, related to the position being reduced, beyond the hours for which they are paid under their leave without pay or workload reduction agreement.

COMPENSATION AND BENEFITS

Pay
Salary will be reduced and/or pro-rated in accordance with the employee’s leave without pay/workload reduction. Exempt employees, who reduce their compensation below the minimum threshold for exempt status, will become non-exempt during the period of the reduction.

Benefits
Employees will continue to be eligible for benefits, as long as the employee is in a regularly funded position and averages at least 20 hours per week, and at least 20 weeks per year (Per NDPERS plan document). If an employee continues to be eligible for benefits the department will pay for the benefits, unless the employee has requested an extended leave of absence or will be covered by benefits from another source:

1. **Health insurance:** Health insurance will continue similar to other benefited employees.
2. **Annual and sick leave accrual:** The leave accrual will accrue on a pro-rated basis, based on the number of hours and/or months actually worked.
3. **Retirement:** Retirement contributions will be pro-rated in accordance with the salary reduction.
4. **Payroll deductions:** If the leave without pay or workload reduction results in a month or more when pay is zero, or so reduced that a payroll deduction cannot be taken, the employee will need to arrange with Payroll Services for payment of employee-paid deductions.
5. **Twelve-month pay plan:** If the workload reduction includes working less than twelve months per year, employees may choose to receive their pay over twelve months, as described in the twelve month pay form (see Forms).

### PROCEDURES

**Submit a Request**

Employees requesting a voluntary leave without pay or workload reduction under this policy must complete a leave without pay/workload reduction request form (see Forms). An employee must submit the request form to his/her supervisor for review as soon as he/she would like to request a leave without pay or workload reduction.

A leave without pay or workload reduction used without prior approval may be subject to disciplinary action.

**Review/Approval of Leave Without Pay/Workload Reduction Request**

**SUPERVISOR** – Upon receipt of the leave without pay/workload reduction request form, the supervisor either:

1. Approves the request and forwards it to the department chair/head with a job data change form (see Forms) that changes position to:
   a. Leave with pay (if health/life benefits will be paid by department) and $0 compensation, or Leave without pay (if health/life benefits will not be paid by department); or
   b. Workload reduction which reduces the standard hours (FTE) or months worked (change to contract pay), or
2. Denies the request, enters reason for denial on request form and returns the request to the employee.

**DEPARTMENT HEAD/CHAIR:** Upon receipt of the approved leave without pay/workload reduction request and job data change forms, the department chair/head either approves or denies the request:

1. Approves the request and job data change forms.
   a. If the request is for a time period of less than 21 working days, no additional approval is necessary. A copy of both forms is made for the department files, the employee and the supervisor, and original forms are forwarded to Human Resources for processing, or
   b. If the request is for a time period of 21 working days or more, the request form and job data change forms are forwarded to the vice president.
2. Denies the request, enters reason for denial on leave without pay/workload reduction request form and returns it to the supervisor, with instructions to provide a copy to the employee.

**VICE PRESIDENT** – If the leave without pay or workload reduction request is for 21 working days or more, the leave without pay/workload reduction request and the job data change forms are forwarded to the vice president overseeing the department, or designee, who either:

1. Approves the request and job data change forms and returns a copy of the approved request form to the department chair/head with instructions to provide a copy to the supervisor and employee. Both original forms are forwarded to Human Resources for processing, or
2. Denies the request, enters reason for denial on leave without pay/workload reduction request form and returns it and the job data change form to the department chair/head with instructions to provide a copy to the supervisor and employee.

Ending Temporary Leave Without Pay/Workload Reduction Status

When the employee returns to work or increases to regular workload, the department completes and submits to Human Resources a job data change form to return the employee from leave or workload reduction and increase their salary to their regular rate of pay, and increase standard hours and/or months worked for workload reduction.

If the employee does not return to work, or increase to the regular workload, as agreed in the request form, the employee may face disciplinary action, up to and including termination.

In the event of a continued lack of available resources and/or work for the employee, beyond the voluntary request for leave without pay or workload reduction, the department will follow the NDUS Human Resource Policy Manual Section 24, Reduction in Force.

RESPONSIBILITIES

<table>
<thead>
<tr>
<th>Employee</th>
<th>Complete the leave without pay/workload reduction request form and submit it to supervisor.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supervisor</td>
<td>Review and approve or deny employee leave request. &lt;br&gt;Prepare, or request the preparation, of a job data change form. &lt;br&gt;Forward approved request form and job data change form to department chair/head. &lt;br&gt;Return copy of approved or denied request to employee. If denied, include reason for denial. &lt;br&gt;If request was approved, complete and submit a job data change form to Human Resources when the employee returns to work.</td>
</tr>
<tr>
<td>Department Chair/Head</td>
<td>Review forms and approve or deny employee leave request and job data change form. &lt;br&gt;Forward approved request (for less than 21 working days) to Human Resources with approved job data change form. &lt;br&gt;Forward approved request (21 working days or more) and job data change form to vice president overseeing the department. &lt;br&gt;Return denied request and reason for denial to supervisor.</td>
</tr>
<tr>
<td>Vice President</td>
<td>Review forms and approve or deny employee leave requests (21 working days or more). If approved, forward approved request and job data change forms to Human Resources for processing. &lt;br&gt;Return a copy of the approved or denied request to department head/chair. If denied, include reason for denial.</td>
</tr>
</tbody>
</table>

FORMS

<table>
<thead>
<tr>
<th>Job Data Change Form</th>
<th><a href="http://UND.edu/finance-operations/human-resources-payroll/managers-toolbox/secure/_files/docs/jdc1-2012-07-25.xls">http://UND.edu/finance-operations/human-resources-payroll/managers-toolbox/secure/_files/docs/jdc1-2012-07-25.xls</a></th>
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Twelve Month Pay Form


REVISION RECORD

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
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<tbody>
<tr>
<td>03/04/2013</td>
<td>Policy Implementation Signed by Robert O. Kelley</td>
</tr>
<tr>
<td>03/22/2013</td>
<td>Revision ▪ Changed calendar days to working days in Procedures: Review/Approval of Leave Without Pay (LWOP) Request to create consistency throughout the document</td>
</tr>
<tr>
<td>02/07/2017</td>
<td>Revision ▪ Changed name of policy to Voluntary Leave Without Pay/Workload Reduction ▪ Edited policy statement to include “voluntary” leave without pay and “workload reduction” ▪ Added eligible employee and workload reduction to Definitions ▪ Expanded content and revised section Principles: Overview ▪ Expanded content and named section Principles: Eligibility Criteria and Limitations ▪ Added Principles: Compensation and Benefits ▪ Expanded content and revised section Procedures: Review/Approval of Leave Without Pay/Workload Reduction Request ▪ Expanded content and revised section Procedures: Ending Temporary Leave Without Pay/Workload Reduction Status</td>
</tr>
<tr>
<td>02/28/2017</td>
<td>Revision Approved Signed by Mark R. Kennedy</td>
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