Leaves with Pay

I. Policy Statement and Purpose

In accordance with Athens State University’s mission, this policy establishes the types of paid leave available to University employees. The leave year for earning, accruing, and using leave is September 1 through August 31. Full-time employees accrue leave based on a 40-hour work week and should report leave based on an eight (8) hour work day in conjunction with their contractual obligations.

All absences from work shall be approved in accordance with established policies. Any employee who is absent from work without approved leave or without appropriate notification to his/her supervisor shall forfeit compensation and shall be subject to disciplinary action.

Any employee who is absent from work for three (3) consecutive workdays without approval shall be considered to have abandoned the position and to have resigned from the University.

II. Annual Leave

Using Annual Leave

Annual leave must be requested and approved in advance by the appropriate supervisor. In general, leave should not be requested and will not be approved during critical times for the area and University.

Faculty Employees

Employees classified as instructional faculty are not eligible to accrue annual leave.

Non-Teaching Employees

Only non-teaching employees are eligible to accrue annual leave. Hourly employees who work 20-39 hours per week shall receive annual leave under the same terms and conditions as other eligible employees, except a “day” of annual leave shall be as follows: four (4) hours for employees working 20-24 hours per week, five (5) hours for employees working 25-29 hours per week, six (6) hours for employees working 30-34 hours per week, and seven (7) hours for employees working 35-39 hours per week. Upon initial employment, personnel must work one-half of the work days in the first month of employment to accrue a day of annual leave.
Annual leave accrual is based on years of experience according to the following criteria:

<table>
<thead>
<tr>
<th>Years of Experience</th>
<th>Annual Leave Earned</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-4</td>
<td>1.00 day per month</td>
</tr>
<tr>
<td>5-9</td>
<td>1.25 days per month</td>
</tr>
<tr>
<td>10-14</td>
<td>1.50 days per month</td>
</tr>
<tr>
<td>15-19</td>
<td>1.75 days per month</td>
</tr>
<tr>
<td>20-above</td>
<td>2.00 days per month</td>
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</tbody>
</table>

A maximum of 60 days of annual leave may be accrued and carried forward into each September. Earned annual leave may be taken at appropriate times as approved in advance by the President or designee. Annual leave may exceed 60 days during a year; however, annual leave exceeding 60 days earned but not taken by September 1 is forfeited.

Personnel who leave employment of the University will be paid for the actual number of annual leave days earned and not used, up to a maximum of sixty (60) days. Payment of annual leave will be based on the employee’s salary in effect at the time of severance.

If an employee who is eligible to accrue annual leave assumes an assignment on a salary schedule where annual leave may not be earned or accrued, payment for the unused portion of the accrued annual leave will be made at the conclusion of the eligible assignment and will be based on the eligible salary schedule.

**Years of Experience for Annual Leave Accrual Rate**

A “year of experience” shall be a completed year of full-time work experience at one or more of the following, the Department of Postsecondary Education, any public school, college or university in Alabama, or at any combination of the foregoing. A “year” shall be at least nine (9) months of employment out of a twelve- (12) month period. A twelve- (12) month period shall be that period from September 1 to August 31. With regard to administrative, supervisory, or professional work experience, “full-time” shall mean employment having a normal workweek of forty (40) or more hours. With regard to instructional experience (including experience as a teacher, librarian, or counselor), “full-time” shall mean employment having a normal workweek of thirty-five (35) or more hours or such number of work hours as the respective school district or institution designates as full-time. With regard to work experience as a support employee, “full-time” for the purpose of computing “years of experience” shall mean employment having a normal workweek of twenty (20) or more hours. In order to receive consideration as a “year of experience” for annual leave accrual rate purposes, a “year” must be completed on or before August 31 prior to the academic year during which the leave accrual rate shall be applicable.

The number of “years of experience” shall be established and certified by the President of the University based on verified documentation provided by the respective eligible employee. Such
certification by the President shall be carried out no later than thirty (30) days after the first date of employment of the respective employee in a position for which annual leave is a benefit. If an employee does not provide verified documentation of all prior work experience subject to consideration with regard to such “years of experience” within thirty (30) days of the first date of employment, then any such work experience not sufficiently documented shall not be considered for annual leave accrual purposes until the ensuing academic year.

Executive/Administrative Employees
Executive/Administrative employees, as defined in the Employee Classifications policy, accrue 160 hours of annual leave per year which will be immediately vested. There is a maximum 160 hour year-end carryover. Payment will be made for any leave balance (up to 320 hours) at resignation/retirement.

III. Court Attendance
Individuals employed for 20-40 hours per week at the University are eligible for paid leave for court attendance. Eligible employees who are required by a court to attend a court in the capacity of jurors or witnesses under subpoena will be granted special leave with pay to attend the court. In the event that an eligible employee must appear as a witness on their own behalf, either as a plaintiff or defendant, annual or personal leave must be requested.

IV. Emergency Leave
In general, an emergency is defined as an unforeseen circumstance which requires immediate action by an employee. Emergency leave is non-cumulative and will not be paid on termination or resignation of employment.

Individuals employed for 20-40 hours per week at the University (excluding faculty) are eligible for paid emergency leave. In situations where annual and sick leave have been exhausted, emergency leave may be granted to an employee up to a maximum of three days per leave year. The President must grant approval for emergency leave. Hourly employees who work 20-39 hours per week shall receive emergency leave under the same terms and conditions as other eligible employees, except a "day" of emergency leave shall be as follows: four (4) hours for employees working 20-24 hours per week, five (5) hours for employees working 25-29 hours per week, six (6) hours for employees working 30-34 hours per week, and seven (7) hours for employees working 35-39 hours per week.

Emergency leave awarded to eligible employees hired after the beginning of the standard contract period (usually September 1) will be based on the employee’s number of work days in the year divided by 260 days, rounded to the nearest hour.

V. Military Leave
Individuals employed for 20-40 hours per week at the University are eligible for paid military leave of up to 168 hours per calendar year in the event of being called to active duty. During the period of paid military leave, the respective employee shall continue to accrue all employment benefits, including sick and annual or personal leave, as well as paid medical insurance benefits. Once
available paid military leave is exhausted, the employee may take available annual or personal leave and continue to receive all employment benefits.

All full-time employees eligible for paid military leave shall also receive up to a maximum of 168 hours of paid military leave each time the employee is called by the Governor of the State of Alabama to duty in the active service of the state.

Once the employee has exhausted all available paid leave, the employee may be considered to be on military leave of absence without pay. Employees on unpaid leave of absence do not accrue benefits but may choose to continue health insurance coverage by paying the designated premiums.

VI. Bereavement Leave

Individuals employed for 20-40 hours per week at the University are eligible for a maximum of three normal workdays of paid bereavement leave upon the death of an immediate family member. For the purposes of this policy, immediate family member is defined as husband, wife, father, mother, son, daughter, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, nephew, niece, granddaughter, grandson, grandfather, grandmother, aunt, uncle. Bereavement leave must be approved by the appropriate supervisor. Bereavement leave is non-cumulative and will not be paid on termination or resignation of employment.

VII. Personal Leave

Using Personal Leave

Personal leave must be requested and approved in advance by the appropriate supervisor. In general, leave should not be requested and will not be approved during critical times for the area and University.

Accrual Rate

Faculty Employees

Up to five (5) days of personal leave with pay will be granted to each full-time faculty member on the first day of each academic year. Personal leave is noncumulative. A reason for personal leave is not required. Personal leave must be approved by the Dean of the appropriate College. Personal leave will not be paid on resignation or termination of employment.

Personal leave awarded to eligible faculty hired after the first duty day of the fall term will be based upon the employee’s actual number of work days in the academic year rounded to the nearest hour.

Procedures for Faculty Leave with Pay will be followed when personal leave is requested.

Non-Teaching Employees

Up to two (2) days of personal leave with pay will be granted to each full-time non-teaching employee (including instructors and librarians) during any leave year. In addition, up to two days per year of personal leave is extended to all individuals employed at the University for 20-39 hours
per week, with a "day" defined as: four (4) hours for persons employed 20-24 hours per week, five (5) hours for employees working 25-29 hours per week, six (6) hours for employees working 30-34 hours per week, and seven (7) hours for employees working 35-39 hours per week. Personal leave is noncumulative. A reason for personal leave is not required. Personal leave must be approved by the appropriate supervisor. Personal leave will not be paid on resignation or termination of employment.

Personal leave awarded to eligible employees hired after the beginning standard contract period (usually September 1), will be based on the employee’s number of work days in the year divided by 260 days, rounded to the nearest hour.

Executive/Administrative Employees
Up to two (2) days of personal leave with pay will be granted to each employee classified as an executive/administrative employee, as defined in the Employee Classifications policy, during any leave year.

Unused Personal Leave
Personal leave not taken will be converted at the end of the leave year to sick leave.

VIII. Professional/Professional Development Leave

Professional leave with pay may be granted to any full-time employee when federal or other non-institutional funds are available for such purposes. A person granted professional leave with pay must return to the institution for a minimum period of two years or repay the monies received while on leave. The employment status of persons on professional leave will be not affected. Professional leave will be granted only on written request and approval by the President.

Full-time employees may be granted professional and/or vocational leave with pay for up to ten (10) days per year upon approval by the President. Additional days may be approved by the President in cases of institutionally required professional and/or vocational leave.

IX. Sick Leave

Definitions

Sick leave is defined as the absence from regular duty by an employee for one of the following reasons:

- Personal illness or doctor’s quarantine;
- Routine physical examinations, dental appointments, eye examinations, etc.;
- Personal injury which incapacitates the employee;
- Attending to an ill member of the immediate family (husband, wife, father, mother, son, daughter, brother, sister, or foster child currently in the employee’s care and custody) of the employee or on an individual with a close personal tie to the employee;
• Illness, injury, or death of another individual who has unusually strong personal ties to the employee (such as a person who stood in loco parentis);
• Persons on maternity leave will be paid for earned sick leave on request.

**Accrual Rate**

On employment, personnel must work one-half of the working days in the initial month of employment to accrue a day of sick leave. Accrual of one (1) day per month will continue while an employee is on paid sick leave. If an employee receives paid sick leave for one-half (1/2) of the working days of the month, a day will be accrued for that month.

Reinstatement to the same position will be made on the employee’s return to work from paid sick leave.

**Faculty Employees**

Each full-time faculty member shall accrue one day of sick leave per month of employment up to a maximum of nine days during the academic year (fall and spring semesters). The accrual for sick leave for faculty employed full-time for the summer semester will be 3 days; for faculty employed half-time but less than full time will be 2 days; for faculty employed less than half-time will be 1 day.

**Non-Teaching Employees**

Individuals hired as full-time, non-teaching employees will accrue one day of sick leave per month of employment. In addition, all individuals employed at the University for 20-39 hours per week will accrue one day of sick leave per month, with a "day" defined as: four (4) hours for persons employed 20-24 hours per week, five (5) hours for employees working 25-29 hours per week, six (6) hours for employees working 30-34 hours per week, and seven (7) hours for employees working 35-39 hours per week.

**Executive/Administrative Employees**

Executive/Administrative employees, as defined in the *Employee Classifications* policy, earn one day of sick leave per month of employment.

**Using Sick Leave**

Sick leave may be utilized during a contractual period of employment. However, sick leave may not be utilized to extend the employment period beyond the contractual arrangement.

Employees must certify that sick leave was used for one of the reasons provided above and specify the reason. If the President (or his designee) has reasonable cause to believe that the use of the sick leave may not be appropriate (such as where the employee has used five (5) consecutive days of sick leave without any other supporting information), then he/she may require that the employee present a physician’s statement or other appropriate documentation verifying the existence and nature of the need for the use of the sick leave. The President (or his designee) may also request additional supporting information/documentation from the employee where needed for FMLA purposes. Such statements or documentation will be at the employee’s expense.
After request for and/or receipt of such documentation from the employee, if the President (or his designee) has reasonable cause to believe that the sick leave usage is being abused, then the President (or his designee) may require a medical opinion by a qualified physician, at the University’s expense, verifying the reason for the sick leave absences.

After five (5) days of absence due to illness, within a thirty (30) calendar-day period, the President or designee may require that an employee furnish a medical certificate by a qualified physician acceptable to the institution. This is to be done at the expense of the employee. An employee, who is eligible for Family Medical Leave (FMLA), that is absent due to illness beyond five (5) days, will be placed on Family Medical Leave (FMLA).

Faculty members will follow the Procedures for Faculty Leave with Pay when sick leave is requested.

**Unused Sick Leave**

Any unused balance of sick leave accumulated at the end of the leave year will be carried forward to the next succeeding year. Pursuant to Section 16-1-18.1 of the Code of Alabama 1975, an employee may accumulate an unlimited number of sick leave days.

When the employee/employer relationship ceases to exist, sick leave is handled according to the following:

**Retirement:** To the extent permitted by state law, sick leave days are certified as additional service credit to the Alabama Teachers’ Retirement System if the employee is vested. For purposes of applying accrued sick leave as credit for retirement purposes, an employee is limited to a maximum of one sick leave day per month of employment.

**Resignation or Dismissal:** If vested, the employee’s accrued sick leave is certified to the Alabama Teachers’ Retirement System upon separation. If the employee is not vested, a record of his/her final sick leave balance is placed in his/her personnel file. If employee is rehired at a later date, his/her sick leave is reinstated. Accumulated sick leave will not be paid on resignation or termination of employment.

**Transferring Sick Leave**

Pursuant to Section 16-1-18.1 of the Code of Alabama 1975, earned sick leave days which have been accrued by an employee are transferrable from certain employers to others. All earned and unused sick leave days which an employee has accumulated must be transferred in accordance with applicable law.

X. **Responsibility for this Operating Policy**

**Policy Owner**

As part of the initial approval of this policy by the President and subsequent to the original dissemination of the policy, the Vice President for Financial Affairs is the policy owner for the
ongoing evaluation, review, and approval of this policy. Subsequent reviews and revisions to this policy must be in accordance with approved operating policy procedures and processes.

This policy will be reviewed every 3 years or more frequently as needed.

**Responsibility for Policy Implementation**

The President has assigned the responsibility of implementing this policy to the Vice President for Financial Affairs and the Director of Human Resources.