

JACKSONVILLE STATE UNIVERSITY
Manual of Policies and Procedures

POLICY NUMBER: I:02:19

DATE: April 2016

REVISION/REVIEW DATES

SUBJECT: Attendance and Leave Policy

APPROVED: John M. Beehler, President

PURPOSE

The purpose of this policy is to outline the means by which JSU will administer the accrual and the appropriate use of leave benefits.

POLICY

Jacksonville State University offers a variety of generous and flexible leave benefits to all eligible employees. The University recognizes that all employees should enjoy occasional time away from work using vacation and holiday time, and that both personal and medical situations may temporarily interfere with an employee's ability to work. All leave, other than emergencies, must be approved by the supervisor in advance.

Types of Leave

The following types of leave are available to JSU employees:

| | | |
|-----------------------|----------------|-----------------------------|
| Annual/Vacation Leave | Military Leave | Compulsory Leave |
| Medical/Sick Leave | Holiday Leave | Special Circumstances Leave |

DEFINITIONS

Administrative Leave: a form of Special Circumstances designated by the President or designee, requiring an employee to take time away from the workplace in order for the University to facilitate an investigation

Annual/Vacation Leave: the opportunity for employees to take vacations, enjoy a day off for personal reasons, or supplement other forms of leave

Compulsory Leave: approved leave with pay (subject to available employee accrued leave) or without pay (when no leave is available), or a combination of such leave, not to exceed the duration of the illness/injury or one year, whichever is less

Exempt Employee: an employee who qualifies as being exempt from the overtime provisions of the Fair Labor Standards Act because of his or her assigned duties and salary. Exempt employees do not receive overtime pay for work performed in excess of the 40-hour work week.

Immediate Family: spouse, qualified domestic partner, children (including foster or stepchildren), parents (including stepparents and parents-in-law), siblings (including stepbrother and stepsister), grandparents, and grandchildren.

Illness/Injury: any physical or mental impairment of health, including such an impairment proximately resulting from pregnancy (miscarriage, childbirth and/or recovery thereafter), which does not allow an employee to fully and properly perform the duties of the employee's position. *When an employee's illness/injury may be covered by the Americans with Disabilities Act, the provisions of Public Law 101-336 shall apply.*

Medical/Sick Leave: the absence of an employee from work for personal illness or injury of the employee or a member of the immediate family; and/or, medical, dental, or other appointment(s) with a licensed healthcare provider for the employee or a member of the employee's immediate family.

Non-Exempt Employee: An employee who is subject to the overtime provisions of the Fair Labor Standards Act because of his or her assigned duties and salary. Non-exempt employees will be paid at one and one-half times the hourly rate or will be granted compensatory time for work performed in excess of 40 hours during the work week.

Serious health condition: an illness, injury, impairment, or physical or mental condition that involves:

- any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; or
- a period of incapacity requiring absence of more than three calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider; or
- any period of incapacity due to pregnancy, or for prenatal care; or
- any period of incapacity (or treatment therefore) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.); or
- a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, etc.); or,
- any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).

Special Circumstances Leave is defined as instances when employees may need to take time away from work, but it may not be reasonable to expect the use of annual leave or compensatory time. Leave recognized by JSU for special circumstances are listed below.

ATTENDANCE

Regular Hours. The regular workweek for the University is 8:00 am to 4:30 pm, Monday through Friday, but many employees have a schedule with different work hours based on the needs of the department. Non-exempt employees are expected to work the number of hours in the employee's established workweek unless on approved leave. The minimum workweek is 37.5 hours for full time employees. Full time employees take a lunch period of either one half hour or one hour depending on the employee's assigned work schedule.

Rest Periods. When working conditions permit, for each four hours of scheduled work, classified employees may be permitted a 15 minute rest period. Rest periods and meal breaks are non-cumulative and may not be used to arrive to work late, leave work early, or extend the lunch period.

Absence from Duty. If an employee expects to be absent from work for ANY REASON, the supervisor should be notified in advance. The supervisor will make the most suitable disposition of the work ordinarily done by the employee.

Job Abandonment. While any period of unauthorized absence or may call for disciplinary action, three (3) consecutive working days of absence without notice or satisfactory explanation will be considered job abandonment and a forfeiture of any accumulated benefits.

LEAVES

Request for Leave

A [Leave Request/Report Form](#) (36-B-Bi-Weekly or 36-M-Monthly) must be completed whenever any employee plans to use leave time (except for Holiday Leave periods). Leave must be approved by the supervisor in advance of taking the leave, except in cases of an emergency. Leave must be requested in the manner established by the department head/supervisor, and routed to the

supervisor for approval. A [Leave Request/Report Form](#) MUST be completed ANY time an employee is absent from work, regardless of whether the employee is classified as BI-WEEKLY or MONTHLY.

Annual/Vacation Leave. With the exception of faculty and athletic coaches, benefits earning employees accrue annual leave in accordance with the following guidelines unless subject to a college administrative policy as approved by the President or designee.

| Years of Service | Monthly Accumulation | Annual accrual |
|-------------------------|-----------------------------|-----------------------|
| 0-9 years | 8 hours | 192 hours |
| 9-19 years | 10 hours | 240 hours |
| 19 years and over | 12 hours | 288 hours |

- All annual leave must be requested and approved by the employee's supervisor before being used, unless used for medical absences or emergencies.
- The use of annual leave is generally discouraged during an employee's probationary period, unless specifically approved by employee's supervisor.
- Employees may continue to accrue annual leave in excess of the maximum during the fiscal year. On August 31 of each year, each employee's leave accumulation will be compared to the maximum allowed and any excess leave will be transferred to the impacted employee's sick leave balance. Maximum accumulated leave is based on years of service.
- An employee who separates from employment may be paid-out for the unused annual leave up to the maximum allowed based on years of service, only if this employee has worked with the University for at least one (1) year. The only exception to the annual leave payout is employees who have been separated due to job abandonment.

Compulsory Leave. When, in the opinion of the President or designee, an employee is unable to perform assigned duties due to illness/injury or mental or physical incapacitation, the employee may be placed on paid or unpaid compulsory leave. When on such leave, accrued sick, annual, and compensatory leave hours shall first be exhausted before the employee is placed on compulsory leave without pay.

Conditions

- **Required Examination.** The President or designee may require the employee to submit to an examination by a mutually acceptable health care provider and paid by the University.
- **Report.** Upon a signed release by the employee, the results of the medical examination, certifying in detail the employee's condition, shall be released solely to the President or designee and any other entity identified by the employee on the release.
- **Outcome.** If the medical examination confirms that the employee is unable to perform assigned duties, after three (3) working days, the employee must initiate the Family Medical Leave Act (FMLA) request process (Medical/Sick Leave Policy-1:02:17).

Medical/Sick Leave. Medical/Sick Leave applies to all benefits earning employees who need to be away from work due to their personal health condition (illness or injury) or to care for an immediate family member. Sick leave is accrued at a rate of 8 hours per pay period worked. Medical/sick leave extending more than three (3) consecutive work days may entitle an employee to certain rights and responsibilities under the Family Medical Leave Act (FMLA). If an employee uses medical leave for more than five (5) consecutive workdays, the employee must provide DHR with a medical release from a licensed medical provider in order to return to work (see Medical/Sick Leave Policy 1:02:17 for more information concerning medical/sick and Family Medical Leave Act information). An employee's serious health condition (as defined above) may fall under FMLA.

Paid Holiday Leaves. The University typically observes seven (7) paid holidays that do not impact the academic calendar or services necessary to the University community and the public. These paid holidays allow the University to close offices and discontinue operations.

The University normally observes the following paid holidays:

| | | |
|------------------|-----------------------------------|------------------|
| New Year's Day | Dr. Martin Luther King's Birthday | Memorial Day |
| Independence Day | Labor Day | Thanksgiving Day |
| Christmas Day | | |

- At the discretion of the University President, additional days may be designated as paid holidays, which will receive the payroll code: HOL (holiday campus closing)
- If the holiday falls on Sunday, Monday will be observed as the holiday. If the holiday falls on Saturday, Friday will be observed as the holiday.
- Holiday pay is not counted as hours worked and will not be included in computing overtime in any pay period.
- An employee will be given alternate days off if scheduled to work on a designated holiday.
- An employee will NOT be given alternate days off if a holiday falls on the employee's regularly scheduled day off.

SPECIAL CIRCUMSTANCES PAID LEAVE:

The following is a framework for requesting and considering requests for time off:

Administrative Leave: When the President or designee has reason to believe that the presence of an employee on University property presents a threat to the health or safety of the employee or anyone in the University community, or represents a threat of substantial disruption or interference with the normal operations of the University community, the President or designee may place the employee on leave pending an investigation of the occurrence. Under such circumstances, a Leave Request Form will be completed and submitted by the Department of Human Resources. Leave pending investigation is approved leave with pay and with no reduction of accrued leave. Accountability for this form of leave will be managed by the Department of Human Resources.

Bereavement Leave: The University provides up to three days to an employee upon the death of an immediate family member. If the leave extends beyond three days, employees are required to obtain supervisory approval for the use of accrued sick or annual leave. A request for such leave should be documented on the appropriate [Leave Request Form](#) (36-B-Bi-weekly and 36-M-Monthly) submitted to the Department of Human Resources.

Court Summons: paid leave shall be provided to an employee summoned as a witness in regard to university matters only. Paid leave shall not be provided to an employee serving as an expert witness. Witness pay shall be retained by the employee.

Emergency Closing: Paid leave shall be provided for official emergency closing of University facilities. Special compensatory leave shall be provided to classified/support/hourly employees required to perform essential services during emergency closings. Only employees scheduled to work during the time of the emergency closing shall be provided leave pay. A Leave Request Form is not required in such circumstances.

Jury Duty: Upon receipt of a summons to report for jury duty, employees must immediately provide

their supervisor with a copy of the summons. Employees summoned as a member of a jury panel, shall be granted leave with pay and any jury fees shall be retained by the employee. Leave granted by the University during jury duty shall not affect the employee's accrued annual or sick leave balance. Paid leave shall not exceed the number of hours in the employee's normal workday. If jury duty does not require absence for the entire workday, the employee shall return to work immediately upon release by the court. (Acts 1969, No. 619, p. 1126; Act 2005-311, 1st Sp. Sess., §1.)

Employees must complete a [Leave Request Form](#) (36-B or 36-M).

Leave of Absence: Regular, full-time employees with one year or more of continuous service may request a leave of absence with or without pay. When on such leave, accrued sick, annual, and compensatory leave hours shall first be exhausted before an employee is considered to be on leave of absence without pay. Employees are encouraged to request all leaves of absence at least one (1) month in advance of the beginning date. All leaves of absence must be approved by an appropriate Division Head or Dean, and are subject to the approval of the Provost and/or President. The criteria in approving this leave are simply whether the interest of the employee and the University would be best served by granting this leave.

Types of Leaves of Absence include:

1. **Educational Leave (Up to 12 months)** - Must be job related in that it leads to an advanced degree or increased job qualifications.
2. **Family and Medical Leave (Up to 12 weeks)** - See Family and Medical Leave section Medical/ Sick Leave Policy-1:02:17.
3. **Personal Leave (Up to 6 months)** - Must be for a justifiable reason and must not unduly interfere with normal University business.

Military Leave: The federal Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA) provides [employment](#) protections for members of the National Guard and Reserves who are called to serve in the military. Paid and unpaid military leave and re-employment rights shall be provided to employees consistent with federal and state laws. A request for such leave should be made in advance to the employee's supervisor and the appropriate [Leave Request Form](#) (36-B-Bi-Weekly and 36-M-Monthly) submitted with supporting military documentation, to the Department of Human Resources.

RESPONSIBILITY

The Department of Human Resources is responsible for this policy.

EVALUATION

The policy will be reviewed annually by the Chief Human Resources and Diversity Officer.