4.0 LEAVE BENEFITS

4.1 VACATION LEAVE

All full-time regular employees are eligible to receive paid vacation leave. Employees will begin accruing vacation based upon the day of the month they are hired. Employees hired prior to the 15th day of the month will begin accruing vacation in the month they are hired. Employees hired on the 15th day of the month or later will begin accruing vacation in the month following the month they are hired.

Employees absent without pay for 80 work hours or more during any month will not accrue any vacation leave for that month. Employees who terminate employment or retire from the company will earn vacation in the month of termination/retirement provided that the employee's last day of work is on the 15th or later in the termination/retirement month. Employees will not earn any hours of vacation if their last day of work is prior to the 15th day of the month in which they terminate/retire. Partial monthly accruals are not allowed.

Employees who are off work due to a work-related injury or illness (i.e., one for which the employee has filed a workers' compensation claim) will not accrue any vacation leave if they are absent from work without pay from the for 80 work hours or more during each month that they are off work. However, employees will accrue vacation for each month that they are off work if they supplement their workers' compensation payments (i.e., the temporary total disability [TTD] payments from the State) by using their accrued vacation, sick leave, or compensatory time off during the month.

Vacation days may be accumulated only to a limited extent. Employees accrue vacation monthly and may carry days over from one month to the next. The maximum amount of vacation that can be accumulated cannot exceed two times the employee's annual allowance. For example, if an employee earns vacation at the rate of 6 hours and 40 minutes each month (10 days per year), the employee may accumulate up to a maximum of 20 days. No carry-over beyond the maximum accumulation is permitted. Any amount of leave over the maximum accumulation of two times the annual allowance is lost at the end of the month in which the maximum accumulation amount has been reached.

4.1.1 Accrual - Nonexempt Employees

For nonexempt employees on regular 12-month appointments, vacation leave accrues every month based upon the schedule shown in the following table. The schedule shown in the following table also applies to employees who transfer from an exempt to a nonexempt position.

|  |  |  |  |
| --- | --- | --- | --- |
| Nonexempt Employee Vacation Accrual Summary | | | |
| Years of Service | Monthly Accrual | Annual Accrual | Maximum |
| Less than 5 years | 6 hrs 40 mins | 10 days | 20 days |
| At least 5 but less than 10 years | 1 day 2 hrs | 15 days | 30 days |
| 10 or more years | 1 day 5 hrs 20 mins | 20 days | 40 days |

The effective date for the increase in the vacation accrual rate to the next higher rate will be the first of the month, as defined below:

For employees who began accruing vacation in the month they were hired, their new vacation accrual rate will be effective at the first of that hire month.

For employees who began accruing vacation in the month following their month of hire, their new vacation accrual rate will be effective at the first of that month (which will be the month following the month they were hired).

4.1.2 Accrual - Exempt Employees

The vacation leave accrual rate for exempt employees is established at the time of employment. Typically, exempt employees accrue vacation at the rate of 20 days annually. The department director, with approval from the appropriate vice president and the Director of Human Resources, may establish the annual allowance at 15 days, with justifiable reasons. In such cases, the accrual rate for the exempt employee will increase to 20 days at the two year anniversary of the exempt employee's date of employment. The department director is responsible for notifying the Office of Human Resources of the effective date of the increase in the accrual rate. The department director may, however, withhold the increase to the higher accrual rate, based upon objective considerations, if approved by his/her vice president and the Director of Human Resources. The schedule below also applies to employees who transfer from a nonexempt to an exempt position.

|  |  |  |
| --- | --- | --- |
| Exempt Employee Vacation Accrual Summary | | |
| Monthly Accrual | Annual Accrual | Maximum |
| 1 day 2 hrs | 15 days | 30 days |
| 1 day 5 hrs 20 mins | 20 days | 40 days |

The accrual rates shown above apply to employees on full-time, 12-month appointments. Staff members with appointments of less than 12 months (e.g., nine-month positions), will accrue vacation leave on a basis pro-rated to full-time, 12-month appointments.

4.1.3 Using Vacation Leave

Vacation may be taken as time accrues at any point during the year. Vacation leave will be approved only after it is earned; it can not be taken before it is earned or in anticipation of it being earned at the end of the month. Vacations may be taken as weekly periods, individual days, or in quarter-hour increments as long as the period chosen meets with departmental approval. An absence of less than 15 minutes will be counted as a quarter hour. Employees whose regular work week consists of four 10-hour days will have 10 hours of vacation deducted from their vacation leave balance for each day of vacation they take. Vacation leave will be granted at the convenience of the company. Due to work scheduling and workload, some departments will specify periods of time when no vacations will be approved or the number of employees who may be on vacation at any given time. Some departments will request that leave be taken in defined increments of half days, whole days, or weeks. Employees must adhere to any departmental policies and/or restrictions regarding vacation scheduling. Employees should submit their Request for Leave form to the supervisor at least two weeks prior to the date the vacation is to begin. In certain departments, requests for summer vacation may be required early in the spring so the complete summer vacation schedule can be established in advance.

Employees terminating employment for any reason are entitled to payment for all accrued, unused days and hours of vacation.

4.2 SICK LEAVE

All full-time regular employees are eligible to earn paid sick leave. Sick leave may be used for an illness, pregnancy or injury, or for medical or dental appointments. Employees may also use sick leave, up to a maximum of twelve (12) days in a calendar year, due to an illness or injury of the employee's spouse, children, parents, mother-in-law, father-in-law, or other family members who requires the employee's personal care and attention. Employees who need to use more than twelve (12) days in a calendar year to care for a family member who is ill or injured and who requires the employee's personal care and attention may use vacation or compensatory time off. Employees may use unpaid leave under the Family and Medical Leave Act (FMLA) to care for a family member who is ill or injured (see Section 4.6 in this handbook for details about applying for Family and Medical Leave.) Sick leave may also be approved as provided in the policy provision for personal leave. Sick leave, whether for personal illness, family illness, or personal leave, shall be deducted from the employee's accumulated sick leave.

4.2.1 Accrual

Sick leave accrues at the rate of one day per month of employment; there is no limit on the number of sick leave days that may be accrued. Sick leave accumulates monthly and can be carried over from month to month and year to year. The accrual rate applies to full-time 12-month appointments. Staff members with appointments of less than 12 months (e.g., 9-month positions) will accrue sick leave on a basis prorated to full-time, 12-month appointments (e.g., 9 days per year for 9-month appointments). Employees will begin accruing sick leave based upon the day of the month they are hired. Employees hired prior to the 15th day of the month will begin accruing sick leave in the month they are hired. Employees hired on the 15th day of the month or later will begin accruing sick leave in the month following the month they are hired.

Employees absent without pay for 80 work hours or more during any month will not accrue any sick leave for that month. Employees who terminate employment or retire from the company will earn sick leave in the month of termination/retirement provided that the employee's last day of work is on the 15th or later in the termination/retirement month. Employees will not earn any hours of sick leave if their last day of work is prior to the 15th day of the month in which they terminate/retire. Partial monthly accruals are not allowed.

Employees who are off work due to a work-related injury or illness (i.e., one for which the employee has filed a workers' compensation claim) will not accrue any sick leave if they are absent from work without pay from the company for 80 work hours or more during each month that they are off work. However, employees will accrue sick leave for each month that they are off work if they supplement their workers' compensation payments (i.e., the temporary total disability [TTD] payments from the State) by using their accrued vacation, sick leave, or compensatory time off during the month.

4.2.2 Using Sick Leave

Sick leave may be taken for the employee's own personal medical or dental needs as leave accrues. Sick leave will be approved only after it is earned; it can not be taken before it is earned or in anticipation of it being earned at the end of the month. Sick leave will be recorded in quarter-hour increments. An absence of less than 15 minutes will be counted as a quarter hour. Employees whose regular work week consists of four 10-hour days will have 10 hours of sick leave deducted from their sick leave balance for each day of sick leave that they take.

Employees who are unable to report to work because they are ill must promptly notify their supervisor (See Section 9.2.a of this handbook for the policy on employee absence). Upon return to work, a supervisor may require an employee who has been absent from work due to illness or injury to provide a doctor's statement or other acceptable proof of illness or injury. Supervisors may require a doctor's statement that includes a release to return to work. Supervisors may also require proof of illness if employees have a poor attendance record or have exhibited a pattern of misusing sick leave.

Employees terminating employment for any reason other than qualified retirement are not paid for their unused sick leave.

4.3 LEAVE RECORDS

All full-time regular employees who are entitled to paid leave benefits must complete the required Request for Leave form; however, employees who are required to complete the Time Record form should record leave on that form. Department supervisors may require employees to submit a Request for Leave form, even though the leave can be recorded on the Time Record form, in order to schedule work and plan for employee absences. A Request for Leave form or Time Record form must be completed in order to receive paid leave benefits. The Office of Human Resources maintains leave records for all employees. Information regarding vacation and sick leave balances is available on the Human Resources web page.

4.4 PERSONAL LEAVE

Full-time, regular employees may use one day of accrued sick leave each calendar year as a day of personal leave. Personal leave may be granted for any reason deemed important to the employee. Examples of occasions for which employees may want to use a day of sick leave as a day of personal leave might include:

Illness of family member

Legal business

Household repairs

Pallbearer for funeral

Personal or family birthday, anniversary, graduation

Other personal business or significant event.

Personal leave will not be granted for an absence due to inclement weather conditions when the company needs all employees possible to report to work.

Personal leave must be taken in a full-day increment. Any portion of a day will count as one day of personal leave. Employees whose work week consists of four 10-hour days will have 10 hours charged against their accrued sick leave balance when taking personal leave.

If an employee decides to use a day of sick leave as a day of personal leave, the day will be deducted from his/her accrued sick leave balance. Personal leave does not accumulate from one calendar year to the next. An employee who does not use a personal day one year will not have two days of personal leave the next year; only one day of sick leave can be used as a day of personal leave in any calendar year. If an employee does not use a day of sick leave as a day of personal leave, the day of sick leave will remain as a day of accrued sick leave.

4.5 FAMILY AND MEDICAL LEAVE

The company implemented the "Family Leave" policy to comply with federal legislation, the Family and Medical Leave Act (FMLA) of 1993. Full-time employees of the company shall be entitled to a total of 12 work weeks of unpaid leave during any 12-month period if requested for one or more of the following reasons:

Birth of a child -The birth of the employee's child or to care for such child.

Placement of child for adoption or foster care - The child's placement with the employee for adoption or foster care.

Family serious health condition - The care of a spouse, child, or parent who has a serious health condition.

Employee serious health condition - The employee's own serious health condition.

The following provisions shall apply:

Family leave for the birth or adoption of a child must be taken within twelve months of the birth or adoption of the child.

Leave for birth or adoption shall be limited to one consecutive leave period, it may not be taken on an intermittent or reduced time basis, e.g., every other day or a couple of hours every day.

Leave for serious health conditions may be intermittent or on a reduced time basis if such schedule is needed for medical reasons. The company may move an employee on intermittent or reduced time leave to an alternative position which can accommodate such scheduling.

When leave is foreseeable, an employee must give the company 30 day's advance notice. In addition, when foreseeable leave is for planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt the Company's operations. If it is not possible to provide 30 days notice, as much notice as is practical must be provided. During leave, an employee is required to report periodically to his/her supervisor on his/her status and intent to return to work.

A serious health condition is defined as a health condition that involves inpatient care in a hospital, hospice, or residential care facility or continuing treatment by a health care provider.

The company shall continue to pay for the employee's individual insurance coverages, including medical, dental, life, long-term disability, and accidental death & dismemberment, during family leave, on the same basis as if the employee had been actively at work.

The company shall return the employee to the same or an equivalent position and employment benefits upon return from approved family leave.

The company may require certification from a health care provider concerning the serious health condition of the employee or family member.

If the company requires medical certification to support a request for Family and Medical Leave, the employee will have 15 calendar days from the date he/she receives the FMLA packet from the Office of Human Resources to provide the company with such certification. Failure to provide the medical certification may result in denial of the requested leave.

The Family and Medical Leave Act not only mandates certain protections and benefits for employees (i.e., those listed above) who apply for it, but also specifies that it is the employer's responsibility to determine when an employee's absence should be considered as protected leave under this law. Thus, the company has the legal authority to consider an employee's absence as family and medical leave when it has sufficient evidence that the absence is due to an FMLA-qualifying reason, or the circumstances of the absence are such that the company should reasonably suspect that the absence is for an FMLA purpose, even if the employee has not applied for family and medical leave.

An employee requesting leave under the FMLA provision will complete a standard Request for Leave form or letter of request and submit it to his/her department director. The department director will forward the request to the Office of Human Resources. An additional leave request questionnaire will then be sent to the employee to complete. The Office of Human Resources will inform the employee about the procedure for any required certification from a health care provider. The Office of Human Resources shall have final approval of all family leave requests.

Since Family and Medical Leave is an unpaid leave, employees who take Family and Medical Leave will not accrue either vacation or sick leave during a month in which they are on Family and Medical Leave for 80 work hours or more. Additionally, employees on Family and Medical Leave will not be paid for a holiday(s) that occurs during the period that they are on Family and Medical Leave.

If the employee fails to return to work after the family and medical leave period has ended, the company may recover any premiums it has paid to maintain the employee's insurance coverages during the leave, unless the reason the employee does not return to work is due to: (1) the continuation, recurrence, or onset of a serious health condition entitling the employee to additional leave without pay, or (2) other circumstances beyond the employee's control.

4.6 FUNERAL LEAVE

Employees may be excused from work, with pay, in the event of a funeral for their spouse, children, mother, father, mother-in-law, father-in-law, brother, sister, step-mother, step-father, brother-in-law, sister-in-law, daughter-in-law, son-in-law, grandchildren, grandparents and great-grandparents, spouse's grandparents and great-grandparents, step-brother, step-sister, step-children, step-grandparents, and step-grandchildren. The employee's supervisor may grant funeral leave for up to five consecutive work days for each funeral involving a family member listed in this policy. Time not worked because of funeral leave will be paid at the employee's regular, straight time, hourly rate.

4.7 MILITARY LEAVE

The company recognizes the important role of the National Guard and Reserves and supports employee participation. The following provisions apply for military leave of absence when an employee is required by a branch of the armed forces to attend an annual training session or serve under emergency mobilization orders.

4.8 COURT LEAVE/JURY DUTY

An employee will be granted leave with pay if selected for jury duty or subpoenaed to serve as a witness in a court of law. Any compensation received for service as a juror or as a witness (except the payment of mileage) must be turned in to the company if paid court leave is requested. The employee must submit a Request for Leave form, a copy of the summons or subpoena, and the compensation received from the court to the Office of Human Resources. Court compensation can be retained by the employee if the employee chooses to take leave without pay. Paid court leave is not available to an employee when the employee is the named plaintiff or defendant.

4.9 VOTING LEAVE

If an employee is eligible to vote in any local, state, or national election in the State, the employee will normally be able to vote before or after work. If an employee does not have three successive hours between the opening and closing of the polls on election day when he/she is not scheduled to work, the employee will be excused from work with pay for up to, but not exceeding, three consecutive hours between the time of opening and the time of closing the polls for the purpose of voting. If the employee plans to take time off for voting, arrangements must be made with the supervisor prior to election day, and the company may specify any three hours between the time of opening and closing of the polls during which the employee may be absent to vote.

4.10 LEAVE WITHOUT PAY

An employee may be granted leave without pay, which may not exceed six months in any 12-month period, when approved by the proper authority. Any unpaid leave taken as Family and Medical Leave shall be subtracted from the six months of leave without pay allowable in any 12-month period. Leave without pay is intended to be taken in full-day increments. Leave without pay may be granted under the following conditions:

When such leave is for prolonged illness or injury extending beyond accumulated vacation or sick leave. Family and Medical Leave will count toward the six-month leave without pay.

When an employee will attend a college, university, or other school for the purpose of training in subjects relating to a job where there will be benefits to both the employee and the Company.

Because of seasonal fluctuations in the work schedules at the Company.

Under special circumstances, an employee may be granted leave without pay for a specific purpose other than those listed above with the approval of the appropriate vice president.

Leave without pay is not intended to be granted when the employee has paid vacation, sick leave, or compensatory time off available to be used, except under those circumstances listed above.

Employees on leave without pay will not earn paid sick leave or vacation, will not have their insurance coverages paid by the Company, nor will they be paid for a holiday(s) that occurs during the period that they are on leave without pay. If an employee desires to maintain insurance coverages during a leave without pay, arrangements must be made with the Office of Human Resources at least 60 days prior to the leave, and premiums must be paid one month in advance of the month of insurance coverage.