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Title EMPLOYEE LEAVE			

1. PURPOSE AND SCOPE

The purpose of the policy is to define conditions of leave for College employees.

2. POLICY

It is the policy of the College to provide eligible employees with leave.

3. DEFINITIONS

3.1 Eligible employee: Salaried employee

3.2 Workweek: A workweek is a period of 168 hours during seven consecutive 24-hour periods. The College's workweek begins and ends at midnight on Saturday.

3.3 In Loco Parentis: Persons who are in loco parentis include those with day-to-day responsibilities to care for or financially support a child.

4. REFERENCES

- Ogden-Weber Technical College Time Cards policy (#510.3)
- Ogden-Weber Technical College Personnel Classifications policy (#520.5)
- Ogden-Weber Technical College Retirement Programs and Benefits (#520.56)
- Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994
- Family and Medical Leave Act (FMLA)
- Public Employees' Long-Term Disability Act, Title 49, Chapter 21,

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1. General

- 1.1 Ogden-Weber Technical College shall provide leave benefits to eligible employees.
- 1.2 An eligible employee shall accrue vacation, sick, and holiday leave on the last day of each pay period in proportion to the time paid.
- 1.3 All leave shall be documented on the employee's timecard, including leave without pay.
- 1.4 An employee shall use leave in no less than quarter hour increments.
- 1.5 An employee shall not use vacation, sick, or holiday leave before it has accrued.
- 1.6 Vacation and sick leave shall not accrue when an employee is in a leave without pay status for the entire pay period
- 1.7 An employee shall not use leave without advance approval by the supervisor.
- 1.8 Supervisors shall not require employees to maintain a minimum balance of accrued leave.
- 1.9 Leave requested in excess of the amount accrued shall be charged to leave without pay in very limited circumstances and only with the prior approval of the appropriate vice president and the president.

2. Holiday Leave

- 2.1 The College provides paid holidays for eligible employees. Established holidays are published in the College's annual calendar.
- 2.2 Holidays are paid at eight hours for benefit-eligible employees. Employees whose approved work schedule does not include the holiday shall not receive holiday pay.
- 2.3 If an employee is unable to observe the holiday on the authorized day(s) due to work coverage requirements, either:

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2.3.1 The immediate supervisor and employee shall coordinate alternative days for observing the holiday within in the same workweek, or

2.3.2 The employee may choose to receive holiday pay in addition to their standard pay for the hours worked.

2.4 No holiday pay shall be paid to an employee whose employment ends or whose unpaid leave of absence commences on the last scheduled workday immediately preceding a holiday.

3. Vacation Leave

3.1 Salaried employees shall accrue vacation leave as follows:

3.1.1 Less than 5 years: 4.75 hours per pay period or approximately 15 days per year.

3.1.2 At least 5 and less than 10 years: 5.75 hours per pay period or approximately 18 days per year.

3.1.3 At least 10 years and less than 20: 6.25 hours per pay period or approximately 20 days per year.

3.1.4 20 years or more: 7 hours per pay period or approximately 22 days per year.

3.2 If an employee leaves the college and comes back, the employee shall accrue vacation at a rate based on total years of service.

3.3 The president and vice presidents, regardless of years of service, earn vacation at the rate of seven (7) hours per pay period.

3.4 A maximum of 240 hours accrued vacation may be carried over, and any hours in excess of 240 shall be lost if not used prior to January 1st. Exceptions to the carryover provision may be granted by the appropriate vice president and the president.

3.5 Vacation leave and duration must be pre-approved by the employee's supervisor to ensure adequate job coverage.

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3.6 Employees shall receive the value of accumulated vacation leave upon separation of employment, not to exceed 240 hours.

4. Sick Leave

4.1 Accrual

4.1.1 Salaried employees shall accrue 3.75 hours of sick leave per pay period, or approximately 12 days per year.

4.1.2 Unused sick leave is forfeited upon termination.

4.1.3 Upon retirement from active employment, an employee may be eligible for a sick leave payout per the College's Retirement Programs and Benefits policy.

4.1.4 Sick leave shall accrue to a maximum of 960 hours.

4.2 Use of Sick Leave

4.2.1 Sick leave may be used for personal physical or mental illness, injury, or disability of the employee, their spouse, their child, their parent, or any individual for whom the employee is a legal guardian; preventive health or dental care; or a qualifying FMLA purpose.

4.2.2 Sick leave taken in excess of the amount accrued shall be charged to vacation leave first, then to leave without pay.

4.2.3 Employees shall provide administratively acceptable evidence to their supervisor and/or Human Resources upon request to support any request for sick leave to cover an absence that exceeds three consecutive working days.

4.2.4 Supervisors may require an employee to provide administratively acceptable evidence regardless of the number of sick leave hours used if there is reason to believe that an employee is using the leave for reasons not listed in section 4.2.1.

4.2.5 Employees shall contact their supervisor or designee before the

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beginning of the scheduled workday on which they are absent due to illness or injury.

4.3 Sick Leave Conversion

4.3.1 Up to 32 hours of sick leave credits may be transferred to vacation leave provided the employee meets the following conditions:

4.3.1.1 Accumulated a minimum of 144 hours of sick leave before January 1st; and

4.3.1.2 Taken fewer than (32 hours) of sick leave in the past year. Any sick leave taken during that period shall be deducted from the 32-hour credit to determine the amount eligible for conversion. The transfer will be reflected after January 1st.

4.3.2 Converted sick leave hours shall not impact the maximum carryover allowed for accrued vacation leave.

5. Administrative Leave

5.1 Administration and supervisors, working in conjunction with human resources and with approval from the College president, may grant administrative leave.

5.2 Administrative leave taken shall be documented on the employee's timecard.

6. Bereavement Leave

6.1 Salaried employees may be eligible for up to three days of paid bereavement leave when they experience the death of an immediate family member, including in-laws or step relatives as follows:

- 6.1.1** Spouse
- 6.1.2** Parents
- 6.1.3** Children
- 6.1.4** Siblings
- 6.1.5** Grandparents
- 6.1.6** Grandchildren

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6.2 Employees shall contact their immediate supervisors to request bereavement leave as soon as possible when a death in their immediate family occurs.

6.3 If the employee takes more than the three days permitted for bereavement leave, the employee must charge the additional days to sick leave, vacation leave or leave without pay.

7. Leave Without Pay

7.1 Employees must use all accrued paid vacation and sick leave prior to going into a non-FMLA unpaid leave status. Unpaid leave shall not be used to extend vacation leave.

7.2 Leave without pay shall be granted only when there is an expectation that the employee will return to work.

7.3 Sick leave and vacation benefits do not accrue while an employee is on leave without pay.

7.4 An employee who receives no compensation for a complete pay period shall be responsible for payment of the full premium of College-provided benefits. Employees shall work with Human Resources to set up payment arrangements.

7.5 Requests must be approved prior to employees taking a leave without pay.

7.5.1 Employees requesting a medical leave without pay shall contact Human Resources.

7.5.2 Employees requesting leave for reasons other than medical shall complete a "Request for Leave of Absence" form.

7.6 A leave without pay shall not be granted if documentation from one or more qualified healthcare providers clearly establishes the employee has a permanent condition preventing the employee from returning to the last held regular position unless prohibited by state or federal law.

7.7 Employees shall provide their supervisors with a monthly return-to-work status update upon request.

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7.8 The College shall attempt to hold the employee's position open for the duration of the approved leave but cannot guarantee it if circumstances require the position to be filled.

7.9 An employee who returns to work on or before the expiration of leave without pay shall be placed in a position with comparable pay and seniority to the previously held position.

8. Family and Medical Leave (FMLA)

8.1 An employee is eligible for family and medical leave when the employee:

8.1.1 Has been employed by the college for at least 12 months; and

8.1.2 Has worked 1,250 hours or more, as determined under FMLA, during the 12-month period immediately preceding the commencement of leave.

8.2 Eligible employees may take up to 12 workweeks of family and medical leave during any 12-month period for any of the following qualifying reasons:

8.2.1 The birth of a child, or placement of a child with you for adoption or foster care, and to bond with the newborn or newly placed child;

8.2.2 a serious health condition of the employee, as defined by FMLA;

8.2.3 care of a spouse, child, or parent with a serious health condition; or

8.2.4 a qualifying exigency arising as a result of a spouse, child, or parent being on active duty or having been notified of an impending call or order to active duty in the Armed Forces.

8.3 An eligible employee may take up to 26 workweeks of family and medical leave during a 12-month period to care for a spouse, child, parent, or next of kin who is a covered servicemember as defined by the National Defense Authorization Act.

8.4 When both spouses work for the College, the full amount of leave is limited to an aggregate of 12 weeks when the leave is for the birth, adoption, foster care of a

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child, or to care for sick parents or the person who stood in loco parentis to the employee when the employee was a child.

- 8.5** An employee on FMLA leave continues to receive the same health insurance benefits as before the commencement of FMLA leave provided the employee pays the employee share of the health insurance premium.
- 8.6** An employee on FMLA leave receives any administrative leave given for non-performance-based reasons if the leave would have been given had the employee been in a working status.
- 8.7** To request FMLA leave, the employee or appropriate spokesperson shall notify Human Resources of the need for leave:
- 8.7.1** Thirty days in advance for foreseeable needs; or
- 8.7.2** As soon as practicable in emergencies.
- 8.8** When an employee chooses to use FMLA leave, the College shall designate as FMLA leave any absences related to that qualifying event which occurred when the employee was eligible for FMLA.
- 8.9** An FMLA eligible employee with a serious health condition covered under workers' compensation may use FMLA leave concurrently with the workers' compensation benefit.
- 8.10** If an employee has gone into leave without pay status and fails to return to work after FMLA leave has ended, the College may recover, with certain exceptions under 29 CFR 825.213, the health insurance premiums paid on the employee's behalf. An employee is considered to have returned to work if the employee returns for at least 30 calendar days.
- 8.11** Employees may take intermittent leave for adoption, foster care, or birth of a child if approved by the employee's direct supervisor and Vice President.
- 8.12** Medical records created for purposes of FMLA and the Americans with Disabilities Act, 42 U.S.C. 12102 are subject to the confidentiality requirements set forth in OTECH Policy 520.4, Personnel Records and Privacy and Title 63G, Chapter 2, Government Records Access and Management Act (GRAMA) Section R477-2-5

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9. Parental Leave

- 9.1** For the purpose of bonding with or caring for a newborn or newly adopted child, the eligible employee, regardless of employee gender, shall receive two weeks of paid leave upon the adoption or birth of the employee's child.
- 9.2** Full-time, benefits-eligible employees are eligible for parental leave, regardless of the employee's eligibility for FMLA leave.
- 9.3 Use of Parental Leave**
- 9.3.1** An employee or spokesperson shall notify Human Resources of their plan to use parental or postpartum recovery leave: (a) thirty days in advance; or (b) as soon as practicable in emergencies.
- 9.3.2** Parental leave must be used within three months of the adoption or birth of the child.
- 9.3.3** Parental leave shall be used in a block of two consecutive weeks.
- 9.3.4** Parental leave is limited to two weeks within any 12-month period.
- 9.3.5** Parental leave runs concurrently with job-protected leave such as leave pursuant to FMLA.
- 9.3.6** Upon separation, an employee shall not be compensated for unused parental leave.
- 9.4** FMLA-eligible employees may take a total of up to 12 weeks of job-protected medical leave in a 12-month period measured forward from the date of your first FMLA leave usage for pregnancy-related conditions, birth, and/or baby bonding. Employees who have medical maternity leave or accrued sick, and/or vacation leave must apply such leave to any remaining FMLA leave taken beyond the two-week parental leave.
- 9.5** While on parental leave, the employee shall perform no work for OTECH.

10. Postpartum Recovery Leave

- 10.1** Full-time, benefits-eligible employees who give birth at 20 weeks or greater gestation are eligible for two weeks of paid postpartum recovery leave due to the medical necessity of recovering from childbirth.

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10.2 Full-time, benefits-eligible employees are eligible for postpartum recovery leave, regardless of the employee's eligibility for FMLA leave.

10.3 Use of Postpartum Recovery Leave

10.3.1 Postpartum recovery leave shall be used in a single block of two consecutive weeks beginning on the day the employee gives birth.

10.3.2 Postpartum recovery leave is limited to two weeks within any 12-month period and does not increase when more than one child is born.

10.3.3 Postpartum recovery leave runs concurrently with job-protected FMLA leave.

10.3.4 Postpartum recovery leave runs consecutively to parental leave.

10.3.5 Upon termination, an employee shall not be compensated for unused postpartum recovery leave.

10.4 FMLA-eligible employees may take a total of up to 12 weeks of job-protected medical leave in a 12-month period measured forward from the date of your first FMLA leave for pregnancy-related conditions, birth, and/or baby bonding. If an FMLA-eligible employee requires more than two weeks for medical recovery from childbirth, the additional leave shall be charged to any remaining FMLA leave in the following order:

10.4.1 Parental leave (paid)

10.4.2 Accrued sick leave (paid)

10.4.3 Accrued vacation leave (paid)

10.4.4 Any remaining FMLA leave (unpaid)

10.5 While on postpartum recovery leave, the employee shall perform no work for OTECH.

11. Worker's Compensation

11.1 An employee may use accrued leave benefits to supplement the workers' compensation benefit.

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11.1.1 The combination of paid leave, wages, and workers' compensation time-loss benefit may not exceed the gross pay the employee would have received if the accident had not occurred.

11.1.2 An employee may not use accrued leave to supplement the workers' compensation benefit when:

11.1.2.1 the employee is declared medically stable by a licensed medical authority;

11.1.2.2 the workers compensation fund terminates the benefit;

11.1.2.3 the employee refuses to accept appropriate employment offered by the college; or

11.1.2.4 the employee is notified of approval for Long Term Disability or Social Security Disability benefits.

11.1.3 An employee shall refund to the college any accrued leave paid which exceeds the gross pay the employee would have received if the accident had not occurred.

11.2 Workers' compensation hours count for purposes of vacation, sick, and holiday leave accrual while the employee is receiving a workers' compensation time-loss benefit for up to six months from the last day worked in the regular position.

11.3 Health insurance benefits continue for an employee on leave without pay while receiving workers' compensation benefits. The employee is responsible for the payment of the employee share of the premium.

11.4 If an employee can return to work in the employee's regular position, management shall place the employee in the previously held position or a similar position at a comparable salary range.

11.5 If an employee cannot return to work in the regular position, or if documentation from one or more qualified health care providers clearly establishes that the employee has a permanent condition preventing the employee from returning to the last held regular position, management may

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separate the employee from college employment unless prohibited by state or federal law. Exceptions may be granted by the administration in consultation with Human Resources.

12. Long-Term Disability Leave (LTD)

- 12.1** Upon approval of an LTD claim, Human Resources shall stop biweekly salary payments to the employee.
- 12.2** An employee in the Tier I retirement system shall continue to accrue service credit for retirement purposes while receiving long term disability benefits.
- 12.3** An employee approved for LTD may be separated from the college.
- 12.4** An employee who was not separated from employment may return to work following long term disability when they provide an administratively acceptable medical release allowing a return to work.

13. Jury and Witness Leave

- 13.1** Employees shall notify their immediate supervisors by providing a copy of the official court documentation of their requirement to appear for jury service, as a witness at a trial, or other official proceeding, and the anticipated dates and times of service.
- 13.2** Jury duty/witness leave shall be entered into the employee's time sheet.
- 13.3** Employees shall receive their regular salary and wages **or** the jury/witness duty payment but not both. To receive regular salary and wages, employees must turn the jury/witness duty payment into Human Resources within five days of receiving the check.
- 13.4** Employees shall not be compensated for an appearance in court on their own behalf or for voluntary appearances.
- 13.5** Compensation only covers time lost while actually engaged in jury service or attendance as a witness and reasonable travel time to and from the place of such service.

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14. Military Leave

- 14.1** The College grants military leave to employees who, as members of a reserve component of the U.S. Armed Forces or state National Guard, are ordered to full-time active duty, active-duty training, or inactive-duty training.
- 14.2** Employees shall provide advance written notification, e.g., military orders, to their immediate supervisor when required to attend military duty or training unless conditions make it impossible for the employee to provide notice. The notification must indicate the approximate beginning and concluding dates of training.
- 14.3** Salaried employees granted military leave for training are entitled to receive regular pay for up to 15 working days per year, not to exceed the actual period of active duty for training. Employees on active duty shall not receive compensation from the College.
- 14.4** Part-time employees working 20 hours per week or more on a regular basis shall be eligible for military leave pay on a pro-rated basis.