

Policy: Leaves and Absences other than FMLA and
Workers Compensation Leaves
Policy Number: HRM – 121
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#415 Leave Time Donation, August 2011
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Status: Approved by President and Active BOT Members

1. Introduction

It is the policy of the University as set forth herein to support leaves and absences from University duties for its employees when such leaves and absences are needed to assist them in meeting their personal and family-related needs, contribute to their professional growth and development, or permit their involvement in activities that will benefit them or the University. In doing so, it is the University's goal to minimize the interruption of student learning and achievement, education service deliver, and University operations.

2. Applicability

- 2.1. This policy shall apply to leaves and absences, other than leaves under the federal Family and Medical Leave Act ("FMLA") or work-related injury absences subject to the Workers Compensation Act, for regular full-time employees and regular part-time employees of the University. FMLA Leave is addressed in University Policy HRM-111, *Family and Medical Leave*.
- 2.2. In the event of a conflict between the contents of this Policy and a Collective Bargaining Agreement ("CBA") at the University covering the particular employee, the language in the CBA shall prevail until modified or deleted through the course of collective bargaining.
- 2.3. This Policy relating to paid time off is in no way intended to amend or restrict any applicable disciplinary policy of the University, including any absenteeism control policy.

3. Definitions

- 3.1. *Regular Full-Time Employee.* An employee of the University who is not in temporary, part-time, casual/seasonal, or introductory status and who is regularly scheduled to work 30 to 40 hours per work week or teach a full course load (12 credits per semester) for an indefinite duration.
- 3.2. *Regular Part-Time Employee:* An employee of the University who is not in a temporary, full-time, casual/seasonal, or introductory status and who is regularly scheduled to work less than full-time work schedule, but at least 20 hours per week or teach at least six (6) credits per semester but less than 12 credits per semester for an indefinite duration.

4. General Provisions

- 4.1. All employees remain subject to University policies during leave time away from work and periods of absenteeism. The University has discretion to determine, based on individual circumstances and the needs of a particular work area, whether absences are excessive, and constitute abuse of University policies. Excessive absenteeism and/or abuse of University policies may result in discipline or termination of employment.
- 4.2. The University reserves the right to interpret this Policy and to amend, modify, or terminate this Policy at any time.
- 4.3. Approved leaves and absences protect the employee's continuity of service, and all benefits accrued up to the time the leave of absence begins. In requesting leave or absence, an employee is expressing his/her intent to return to employment and that there is a reasonable assurance that the employee will return to work. If the employee returns to work on the date established and approved by the University, the employee will generally have the same rights to his or her original position, or to a comparable position with comparable compensation and benefits, as would have applied if the employee had been working during the period of the leave. If the employee fails to report to work on the established and approved return date, his/her employment shall be terminated due to job abandonment,

except to the extent such termination may be prohibited by law. An employee on leave is still subject to general reductions in force that would have otherwise occurred if the employee were working.

- 4.4. Leaves and absences for non-work-related short-term disability (between 1 and 30 days) and long-term disability (over 182 days) shall be administered according to the University's approved disability benefit plans or policy terms. Leaves and absences for work related injuries are governed by the Pennsylvania Workers' Compensation Act, 77 P.S. §§1, et seq., or any other workers' compensation statute that may apply to the employee's disabling work-related injury.
- 4.5. To the extent possible, employees on an approved leave of absence under this Policy shall provide written notification to the Director of Human Resources at least five (5) days prior to their scheduled return-to-work date advising of the date they expect to be available to return to work from the leave.
- 4.6. In the absence of extenuating circumstances beyond the employee's control, failure by an employee to supply any required status updates to the Director of Human Resources regarding the employee's condition or circumstances relating to the leave or regarding the employee's expected date of return to work prior to any applicable deadline for doing so may result in the employee being treated as having resigned or having abandoned employment (unless prohibited by law under the circumstances).
- 4.7. The employee shall be required to report to work on the approved or established date of return to work. If the employee does not report to work on the established return to work date, and the University has not been made aware of extenuating circumstances preventing the employee's return, then the employee's employment shall, to the extent permitted by law, be terminated for job abandonment.

5. Paid Time Off for Sick Leave

- 5.1. Except to the extent that a CBA, applicable to the employee, provides otherwise, each Regular Full-Time Employee shall, upon the completion of any probationary period applicable to the employee's position, accrue an initial 22.5 hours of paid sick leave, and shall,

thereafter, accrue paid time off for sick leave at the rate of 7.5 hours each calendar month, up to a maximum amount of accrued sick leave of 450 hours. Accrued sick leave hours may be carried over to subsequent fiscal years, up to a total maximum 450 hours.

- 5.2. Accrued paid time off for sick leave may be used for excused absences for the employee's non-work-related injuries or illness. To the extent specifically provided in the University's FMLA Leave Policy, the employee's paid time off for sick leave in certain circumstances may be substituted for unpaid FMLA leave time to care for certain family members. Reference: University Policy HRM-602 for additional details.
- 5.3. Except to the extent that a CBA applicable to the employee provides otherwise, to be eligible to receive paid time off for sick leave for an absence, an employee must have reported off in accordance with his or her Department's call-off procedures at least two (2) hours before the start of his or her regularly scheduled workday, unless extenuating circumstances beyond the employee's reasonable control prevented him or her from doing so.
- 5.4. Except to the extent that a CBA applicable to the employee provides otherwise, paid time off for sick leave must be taken in increments of at least one (1) hour up to seven and one-half (7.5) hours per day for all hourly employees.
- 5.5. Except to the extent prohibited by law, employees who are absent five (5) or more consecutive workdays must furnish the Office of Human Resources with a written certificate from a licensed healthcare provider substantiating the medical excuse for the absence and releasing the employee to return to work. The presentation of fraudulent statements, oral or written, regarding sick days or missed times, or the presentation of a fraudulent doctor's certificate, will subject the employee to immediate discipline or discharge, at the time the fraud is discovered. To the extent permitted by law, the University may, prior to permitting the employee to return to work, require the employee to undergo a medical evaluation by one or more physicians selected by the University at the expense of the University.

- 5.6. Upon termination or separation from employment for any reason, whether voluntary or involuntary, an employee **shall not be entitled to receive any compensation for any unused or accrued paid time off for sick leave time.**

6. Bereavement Leave

- 6.1. Except to the extent that a CBA applicable to the employee provides otherwise, each regular full-time employee shall be entitled to Bereavement Leave as defined in this section.
- 6.2. Regular Full-Time Staff Employees are eligible for paid funeral or bereavement leave. All other employees, except as noted herein, may be eligible for unpaid funeral or bereavement leave. Time off from work is for handling funeral arrangements and attending funeral and memorial services. Faculty and Research Associates are not covered under this policy. Time off for funeral or bereavement is at their department's discretion.

6.3. Bereavement for Immediate Family

A maximum of five (5) consecutive working days of leave may be granted per occurrence in the event of death of a benefits-eligible employee's spouse*, child (natural, adopted or step), parent (natural, adopted or step), sister, brother, or any relative residing in the employee's household on a permanent basis or for whom the employee is the primary caregiver.

*The U.S. Supreme Court has recognized same-sex marriage as legal in all 50 states, and therefore, the University will only offer the herein described benefits for spousal relationships (both opposite-sex and same-sex spouses) and not for opposite-sex or same-sex domestic partner relationships, where the parties are legally permitted to marry, but choose not to do so.

6.4. Bereavement for Extended Family

A maximum of three (3) consecutive working days of leave may be granted per occurrence in the event of death of a benefits-eligible employee's mother-in-law, father-in-law, grandparent, grandparent-

in-law, grandchild, aunt, uncle, son-in-law, daughter-in-law or sibling of the employee's spouse.

6.5. Non-family Member

With supervisory approval, time off may be granted to attend the funeral of a close relative who does not meet the definition of immediate or extended family given above, or non-relative with whom the employee has a close personal relationship. Such absences will be charged, with supervisory approval, to accrued vacation, personal days or leave without pay.

6.6 Documentation

Employees must submit a written request for bereavement leave to their immediate supervisor for approval prior to taking such leave. The University reserves the right to request documentation, such as an obituary or funeral program, as proof of the death.

6.7. Miscellaneous

6.7.1. If a loss occurs while the eligible employee is on vacation, he/she can take the extra days to attend a funeral in accordance with the Funeral and Bereavement Policy. The employee must contact his/her supervisor immediately and inform him/her of the change of plans.

6.7.2. Bereavement Leave must be taken within two (2) calendar weeks of the date of death of the immediate or extended family member or non-family member.

6.7.3. Bereavement Leave pay is calculated based on the requesting employee's base pay rate at the time of the leave.

6.7.4. Employees may extend his / her Bereavement Leave for up to two weeks upon written request and approval by his / her immediate supervisor and the Office of Human Resources. An employee may utilize paid time off for sick and / or vacation leave or unpaid leave during the approved extended Bereavement Leave period.

7. Leave for Jury Duty

- 7.1. Except to the extent that a CBA applicable to the employee provides otherwise, each Regular-Full-Time employee who are summoned for court or jury duty during the scheduled workday shall receive regular pay during the time on jury duty. All other employees who are not entitled to paid jury duty leave shall be given unpaid jury duty leave in accordance with governing law.
- 7.2. Employees shall notify the Office of Human Resources immediately upon receiving a summons for jury duty. The employee shall also notify his or her supervisor, to the extent possible, that he or she will not be attending work each day so that he or she continues to serve on the jury. A copy of the jury duty summons or other formal paperwork from the Court shall be presented to the Office of Human Resources in order to document the necessity for the absence. If the employee is able to work prior to reporting for jury duty on a given workday, or if he or she is reasonably able to return to work for part of the work day after being excused from jury duty, he or she is expected to do so.
- 7.3. Employees claiming a right to Jury Duty Leave Pay are required to submit to the Office of Human Resources the official correspondence from the court within five (5) days of receipt.
- 7.4. An employee on an unpaid leave of absence is not entitled to pay for jury duty leave under this Policy.
- 7.5. If an employee's services are deemed to be essential to University operations at the time of the proposed jury duty, such that serving on a jury will constitute a hardship to the University, the employee may ask his or her supervisor or the Office of Human Resources to request an exemption from jury duty on his or her behalf.
- 7.6. Absences due to jury duty shall be documented as such on the employee's time record by the employee's immediate supervisor but shall not be considered as an occurrence when determining absenteeism/lateness for disciplinary or performance appraisal purposes.

8. Paid Time Off for Vacation Leave

- 8.1. Except to the extent that a CBA applicable to the employee provides otherwise, regular full-time employees who have completed their probationary period shall be entitled to paid vacation leave, with prior supervisory approval, in accordance with the terms of this Policy.
- 8.2. Regular full-time employees accrue vacation leave on a monthly basis at a rate of 22 working days of paid vacation annually. Upon approval by the supervisor, vacation may be taken as accrued. Vacation leave accrual shall not exceed the number of hours equivalent to 44 days. All employees must “use” their excess vacation hours/days by June 30th each fiscal year or they will “lose” (forfeit) such hours/days. If a supervisor is unable to grant an employee’s request to use accrued vacation prior to July 1st because of a business or operational need, the supervisor may allow the employee to carry forward vacation accrual in excess of 44 days until no later than the following August 31st of the subsequent fiscal year. An employee must be permitted to use vacation that is subject to forfeiture before August 31st of that fiscal year.
- 8.3. Vacation leave shall be used in the fiscal year that it is accrued, or in the subsequent fiscal year. The needs of the University come first when scheduling vacations or other time off for an employee.
- 8.4. Requests for vacation must be submitted to the employee’s supervisor no less than two weeks in advance. If the University fails to approve the vacation requests in writing at least one week in advance, then the request shall be deemed as disapproved.
- 8.5. Direct compensation is not provided in lieu of use of accrued vacation. However, an employee who is discharged or otherwise separated from employment for any reason, whether voluntary or involuntary, shall be paid for only unused vacation hours that have already been earned as of the date of separation.

9. Professional Development

To the extent practicable, in the discretion of the University, employees may be granted professional attendance and participation in short term training and short term professional developmental activities to increase their skills, knowledge and performance efficiency. Employees shall follow established University policies and procedures, such as university travel, for approval prior to professional development. The University shall have the authority to reject any request if the University deems such a request is excessive or for any other appropriate reason. All requests must meet the approval of the employee's immediate supervisor and appropriate Division Vice President or President and is subject to available funding.

10. Paid Time Off for Personal Leave

Employees not covered by a CBA may utilize three (3) days of paid time off for sick leave during each fiscal year for absence due to personal business. Such paid absence shall be deducted from the employee's accrued personal / sick leave balance. The unused personal leave allotment is not eligible for carryover to the subsequent fiscal year but will remain as unused paid time off for sick leave. Employees must submit a written request for personal leave to their immediate supervisor for approval prior to taking such leave.

11. Discretionary Unpaid Personal Leave

- 11.1. Except to the extent that a CBA applies, an unpaid Personal Leave of absence may be granted in the discretion of the University to employees for up to three (3) months for reasons other than those specified in FMLA, if there are extenuating circumstances giving rise to the employee's need for the leave and the employee demonstrates to the satisfaction of the University that the employee intends to return to work at the expiration of such scheduled leave. The University reserves the right in its sole discretion to approve, deny, cancel, or terminate such unpaid Personal Leave at any time.
- 11.2. The returning employee may be reinstated to his/her former classification and position provided the employee is physically and mentally able to perform the duties of that classification subject to regulations under the American with Disabilities Act and other applicable laws. If it is determined that the employee is not physically

or mentally able to return to his/her former position classification, every effort will be made to place the employee in an alternative position for which he/she is medically qualified and/or suitable. In determining the employee's qualifications for such alternative positions, medical fitness, past work performance, education, and specialized training shall be considered. In addition, the alternative position shall be as similar as possible to the employee's former classification with regard to duties, responsibilities, and pay.

12. Administrative Leave

Except to the extent that a CBA applies, Administrative Leave may be used to grant paid time off in situations where the University wishes, in its sole discretion, to temporarily relieve or release an employee from their official duties for the good of the University.

13. Donated Leave

- 13.1. An employee may donate to or receive from other employees the same amount of earned paid time off for vacation leave if the receiving employee has requested an extended leave or absence due to a catastrophic illness suffered by him/her or a family member; has been employed by the University for at least twelve (12) months; and has exhausted all of his/her accrued sick, personal and vacation leave. The Office of Human Resources shall administer the donated leave process.
- 13.2. No employee may be intimidated, threatened, or coerced into donating leave time.
- 13.3. Employees may donate or receive up to ten (10) days of accrued vacation leave per fiscal year in full day increments only.
- 13.4. The employee receiving donated leave time will be paid at his/her regular rate of pay when the donating employee's rate of pay is higher. In the event the receiving employee's rate of pay is higher than the donating employee's rate, the receiving employee will be paid the donating employee's rate of pay.

13.5. Employees receiving donated leave time will be allowed to use only the exact amount of donated vacation leave time, regardless of whatever their respective rates of pay.

14. Recalculations of Service Date

The period of an unpaid leave of absence except as required under Federal or State Law shall not be counted toward the employee's total length of continuous service for the purpose of establishing benefits where length of service is a factor.

15. Administration

15.1. All employees requesting leave under this Policy must follow the written procedures for leave maintained by individual departments and/or the Office of Human Resources. The Office of Human Resources shall:

- Carefully consider all leave requests for approval, which are in compliance with this Policy;
- Screen all recommended leaves for conformance with this Policy;
- Provide guidance and counsel to employees as required;
- Maintain written procedures, guidelines, and provide communications for all aspects of leave, including, but not limited to application; approval; denial; length; and return from leave;
- Ensure that all employees, including department administrators and supervisors are familiar with and understand their role as it relates to this Policy.

16. Dissemination of Policy

16.1. The Policy shall be disseminated to all employees within the University and published on the University's Internet website.

16.2. Employees with questions or issues related to leaves and absences should raise their concerns with their immediate supervisor, division vice president or the Director of Human Resources without fear of reprisal.

17. Enforcement

- 17.1. Each University employee shall comply with the provisions of this Policy.
- 17.2. The University President, each vice president, dean, director, manager, department chair, or supervisor shall ensure the enforcement of the Policy within his or her assigned areas of oversight. Additionally, training shall be made available by the Office of Human Resources to all of the above at least every two years to promote the proper administration and enforcement of this Policy.

Reference

Lincoln University Policy HRM – 111: Family and Medical Leave

Lincoln University Policy HRM – 121: Workers' Compensation Leaves and Administration

Questions regarding this policy may be addressed to:

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