



Southeastern Louisiana University

Leave Policies

*Classified Employee Handbook
Part V: Rights and Privileges Pertaining to Classified Employees
Section D. Leave Policies*

The rules and policies set forth below shall be applicable to all classified, civil service employees under the jurisdiction of the University of Louisiana System.

ANNUAL AND SICK LEAVE

Annual Leave: Leave with pay granted an employee for the purpose of rehabilitation, restoration and maintenance of work efficiency, or transaction of personal affairs.

Sick Leave: Leave with pay granted an employee who is suffering with a disability which prevents him/her from performing his/her usual duties and responsibilities and/or who requires medical, dental, or optical consultation or treatment, including annual physical exams.

Earning of Annual and Sick Leave

Annual and sick leave shall be earned by each full-time and each part-time classified employee who has a regular tour of duty, except that no employee shall earn annual or sick leave while serving on an intermittent appointment or on a restricted appointment.

The earning of such leave shall be based on the equivalent years of full-time state service and shall be creditable at the end of each regular pay period in accordance with the following general schedule.

LENGTH OF SERVICE	AMOUNT EARNED PER HOUR WORKED	HRS/PAY PERIOD BASED ON 80 HOURS WORKED	DAYS/ YEAR
Less than 3 years	.0461	3.6880	12
3 but less than 5	.0576	4.6080	15
5 but less than 10	.0692	5.5360	18
10 but less than 15	.0807	6.4560	21
15 or more	.0923	7.3840	24

No classified employee shall be credited with annual or sick leave:

- for any overtime hour,
- for any hour of leave without pay,
- While he/she is on leave with or without pay, until such time as he/she returns to active working duty, except where inability to return to duty is caused by illness or incapacity,
- for any hour in on-call status outside regular duty hours,
- for any hour of travel or other activity outside regular duty hours, and/or
- for any hour of a holiday or other non-work day which occurs while he/she is on leave without pay.

Carrying Leave Forward

Accrued unused annual and sick leave earned by an employee shall be carried forward to succeeding calendar years.

Use of Annual Leave

Annual leave must be applied for by the employee and may be used only when approved by the appointing authority or his/her designated representative. Leave is requested on an approved form maintained in the home department. Annual leave must be approved in advance, except in cases of an emergency, which is subject to the approval of the supervisor. Employees may be required to use annual leave during University closures; for example, during the Christmas break for days other than State holidays. For this reason all employees are encouraged to save their annual leave. See the University Holiday Schedule for scheduled closures requiring employees to use their annual leave.

http://www.selu.edu/admin/hr/general_information/holidays_closures/index.html

Annual leave shall not be charged for non-work days. The minimum charge to annual leave records shall not be less than one-quarter hour. Annual leave may only be taken in quarter hour increments.

Enforced Annual Leave

Subject to subsection (2) hereof, and military leave provisions, an appointing authority may require an employee to take annual leave whenever in his/her administrative judgment such action would be in the best interest of the University.

No employee shall be required to reduce his/her accrued annual leave to less than 240 hours except:

- prior to being granted leave without pay, but subject to the right granted the employee by the military leave provisions of these rules; or,
- where it is determined that the need to be absent from work is because of a condition covered by FMLA.

Payment for Annual Leave Upon Separation

Each employee upon separation shall be paid the value of his/her accrued annual leave in a lump sum disregarding any final fraction of an hour; provided, that the privileges of this rule shall not extend to any employee who is dismissed for theft of agency funds or property. The payment for such leave shall be computed by multiplying his/her hourly rate by the number of hours of accrued annual leave.

- No terminal payment for annual leave earned under these rules shall exceed the value of 300 hours, computed on the basis of the employee's hourly rate of pay at the time of separation.
- No payment for annual leave under this rule shall operate to continue the payee as a classified employee beyond the last date of active duty. Payment for annual leave

earned under administrative rules or regulations in effect prior to July 1, 1953, may be made on separation in accord with such rules or regulations.

- When an employee who has been paid under this Rule for accumulated annual leave is reemployed in a classified position, he/she shall pay the Department (state agency) which reemploys him/her the value of such annual leave at the rate paid him/her less the value of the working hours between the last day worked and the date of reemployment and shall be given credit for the number of hours of annual leave for which he/she has made reimbursement.

Use of Sick Leave

Sick leave may be used by an employee, who has sufficient leave to his/her credit, for a necessary absence from duty because of:

- Illness or injury which prevents performance of usual duties, and/or
- Medical, dental, or optical consultation or treatment.

Sick leave shall not be charged for non-work days. The minimum charge for sick leave shall be one-quarter hour. Sick leave may only be taken in quarter hour increments.

Sick leave should be applied for in advance for routine medical visits, eye and dental exams. An employee may be required to furnish an excuse signed by a health care professional when applying for sick leave approval, at the discretion of the supervisor. In all cases, an excuse is required when an employee has been on sick leave for 40 or more consecutive hours. The 40 hours can cross pay weeks and pay periods. An original excuse must be submitted with each time sheet for each respective pay period involved. To return to work following an illness, injury, or surgery for which an employee has been under a medical provider's care, a release from the health care professional must be submitted. It will be up to the supervisor to determine if light duty is available. If it is not, then the employee will be required to have a release to full-duty.

An employee who has exhausted all sick leave may be separated from his/her employment. A separation under these conditions is not considered a disciplinary action and is done because of a need to have the duties of the position performed. An employee must have used 12 weeks of leave under FMLA to be terminated under this provision. See Civil Service Rule 12.6.

Absence from duty caused by maternity is considered to be a temporary disability similar to any other medical disability. Employees may use accumulated sick leave for this purpose. If the employee's sick leave balance is insufficient to cover the entire period of absence, the employee must seek approval from the appointing authority or his/her designee to use annual leave, or to use leave without pay. Sick leave may be used only for that period of time during which the employee is unable to perform her duties because of pregnancy. Additional time off must be covered by other types of leave when the employee is discharged by her health care professional, usually six weeks following delivery. Maternity leave will be designated under FMLA. (Louisiana Law R.S. 23:342 allows up to 4-months of leave for pregnancy/childbirth leave.)

Before being granted leave for maternity purposes the employee is required to furnish a statement from her health care professional to the effect that she can no longer perform the duties required and the expected date of delivery. Before an employee can return to work following leave for pregnancy, the health care professional must certify in writing that the employee is able to return to regular duties. To prepare for possible replacement of an employee who is requesting maternity leave, the employee's written request for leave should be submitted a minimum of two months in advance of the proposed beginning of leave. No later than one month prior to the termination of the approved leave period, the employee should notify the Human Resources Office in writing of her plans to resume duty on the established date.

The procedure to follow, when an employee is absent and other important guidelines, are set forth in the discussion of absenteeism and tardiness in this handbook. Employees are to become familiar with these guidelines as well as with any departmental policies specific to their department.

The University also offers, through payroll deduction, short-term disability plans and accident insurance plans. For more information on these plans, please consult the Benefits Section of the Human Resources Office.

A classified employee cannot be paid for unused sick leave upon termination. If the employee is reemployed in state service within five years from a non-disqualifying separation, the employee will be credited with all sick leave and any annual leave for which he/she was not paid. If the employee transfers to another LA State agency, their leave balances are transferred to the gaining State agency.

FAMILY AND MEDICAL LEAVE

As per the Family and Medical Leave Act (FMLA) of 1993, Southeastern will grant a leave of absence to regular full-time and regular part-time employees (who meet the requirements described below) for the care of a child after birth or adoption or placement with the employee for foster care, for the care of a covered family member (spouse, child, or parent) with a serious health condition, or in the event of an employee's own serious condition. A covered employee is entitled to twelve weeks of leave in a "year." The State of Louisiana has designated that all agencies use a "first usage" year. This 12-month period begins with an employee's first usage of FMLA leave.

Employees must meet the following eligibility requirements:

1. One must have been employed for 12 months by the state and for at least 1250 hours during the 12 months preceding the start of FMLA leave. The employee must have actually worked 1250 hours. Leave time is excluded.
2. The 12-month period required for employment need not be continuous. If an employee has worked any part of each of 52 weeks, the 12-month employment requirement is considered met. These 52 weeks must have been within a reasonable time period.

Guidelines

The following guidelines will apply:

1. Pursuant to federal regulations, the University can place an employee on FMLA leave (paid or unpaid) even if the employee has not requested leave under FMLA. However, the employer should always require the employee to use paid leave first. This is to simplify problems with paying medical insurance premiums.
2. The employee may utilize paid leave during FMLA leave and, after exhaustion of sick leave, may use annual leave when the employee cannot work because of illness or injury.
3. While an employee's appointment may be terminated for exhaustion of sick leave, if that employee has not used all of the 12 weeks of FMLA leave, the University will not consider termination of the employee's employment until the 12 weeks of FMLA leave have been exhausted.

4. The University may designate absences as FMLA leave where the reason for the absence is covered by FMLA and the employee may demand to use appropriate paid leave during FMLA leave. In either case, the University must advise the employee in writing with notice of the employee's rights and obligations when such designation is made.
5. The employee must give 30 days notice of the need for FMLA leave, or, if not practicable, as much notice as is practicable.
6. The leave is an entitlement for only 12 weeks.
7. Sick leave can still be used only for the employee's illness but may not be used for taking care of a family member.
8. All medical records submitted to the employer for verification of leave must be treated as confidential.
9. The "key employee" provision of the federal act does not apply.

CRISIS LEAVE

Authorization

The Crisis Leave Program is established and approved by the State Civil Service Commission in accordance with Act 1008 passed by the Louisiana Legislature in 1992, Senate Concurrent Resolution 54 of the 1997 Regular Session of the Legislature and Civil Service Rule 11.34, Crisis Leave Pool.

Purpose

The Crisis Leave Program is a means of providing paid leave to an eligible classified employee who has experienced a serious illness or injury to themselves or an eligible family member. For the purpose of this policy we will use the definition of serious illness or injury as outlined by the Family and Medical Leave Act. The intent of the program is to assist employees who, through no fault of their own, have insufficient paid leave balances to cover the crisis leave period. Crisis leave can only be used on a continuous basis. It is not to be used on an intermittent basis.

Definitions

Licensed Medical Service Provider (LMSP)– a practitioner, as defined in the Louisiana State Licensing Law (relative to that LMSP's field of service), who is practicing within the scope of his or her license. This is to include licensed Physicians (a doctor of medicine) or MD, doctor of osteopathy or DO, or licensed Chiropractors, Counselors, or Therapists as recognized and licensed by appropriate State boards or authorities.

Serious Health Condition is an illness, impairment, physical or mental condition, or injury caused by a serious accident on or off the job, that involves:

1. Any period of incapacity or treatment in connection with or consequent to inpatient care (i.e. an overnight stay) in a hospital, hospice, or residential medical care facility.
2. Any period of incapacity requiring absence from work, school, or other regular daily activities of more than three calendar days, that also involves continuing treatment by (or under supervision of) a health care provider; or
3. Continuing treatment by (or under supervision of) a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days.

Voluntary or cosmetic treatments (such as most treatment for orthodontia or acne) that are not medically necessary are not “serious health conditions”, unless inpatient hospital care is required. Restorative dental surgery after an accident, or removal of cancerous growths are serious health conditions provided any of the other conditions are met (1,2, or 3). Treatment for allergies or for substance abuse, are serious health conditions if any of the other conditions are met (1,2, or 3). Prenatal care is included as a serious health condition. Routine preventative physical examinations are excluded.

Leave Pool Manager – The Payroll Director will manage the leave pool balances.

Crisis Leave Committee – The committee shall be comprised of five staff members, the Human Resources Director and the Payroll Director. The President shall appoint the five staff members. The President shall also appoint the chair of the committee from the five staff members selected. The committee will serve to administer the Crisis Leave Program. When not otherwise specified in written policy, the Committee may recommend operational guidelines and procedures for the Crisis Leave Program. The Human Resources Director and the Payroll Director shall serve in an ex-officio non-voting capacity on the committee.

Eligibility Requirements

To be eligible to receive annual leave from the Crisis Leave Pool an employee shall meet the following requirements:

1. Be a full-time permanent classified employee eligible to earn and use annual leave.
2. Have completed at least one year of service (12 months) with the university
3. Have used all of his/her sick, annual, and compensatory leave before requesting annual leave from the pool.
4. The employee or the employee’s eligible family member must suffer from a catastrophic or serious health condition, illness or injury; and
5. The employee has exhibited a good attendance record (with no history of leave abuse) and is not absent from work due to disciplinary reasons; and
6. The appropriate documentation from a licensed medical service provider is provided for the committee’s review.

An employee is not required to contribute to the Crisis Leave Pool to be eligible to receive crisis leave.

Eligible Family Member is defined as:

- an individual living in the same household who is related to the employee by kinship, adoption or marriage, or a foster child so certified by the Louisiana Office of Children’s Services, or
- an individual not living in the same household who is related to the employee by kinship, adoption or marriage, and is totally dependent upon the employee for personal care or services on a continuing basis.

The Crisis Leave Committee determines the amount of crisis leave granted for each serious illness or injury. The amount of leave granted to an employee will generally reflect the recommendations of the licensed medical service provider, subject to the following limits:

- a maximum of 240 hours may be requested by an employee during one calendar year.
- crisis leave may not be granted to any individual to extend paid leave status beyond a total time in leave status of 12 weeks.
- The value of the annual leave granted as crisis leave may not exceed 75% of the employee’s pay received in a regular workweek. The remaining 25% shall be leave without pay.

- Crisis leave will terminate on the date of death of the terminally ill employee or family member.

Donation Procedures

Contributions to the Crisis Leave Pool are strictly voluntary; no employee shall be coerced or pressured to donate leave. An employee donating to the pool may not designate a particular employee to receive donated time. Donations are accumulated in the pool on a calendar basis and awarded on a first-come, first-served basis to eligible employees. Donations must be renewed annually. Donations are limited to the following terms:

- an employee may donate a minimum of four (4) hours of annual leave and up to a maximum of 240 hours of annual leave per calendar year (no sick or compensatory leave).
- donations are made in whole hour increments.
- the donor must have a balance of at least 120 hours of annual leave remaining after the contribution.

The employee must complete a leave form and designate the leave as a “Donation to the Crisis Leave Pool”. This form should be turned in to the immediate supervisor for approval, who then forwards the form to the Payroll Director, who manages the Crisis Leave Pool.

Request Procedures

A classified employee may request leave from the Crisis Leave Pool by the submission of a letter and must be accompanied by the employee’s or family member’s licensed medical service provider’s statement. The documentation must include:

- beginning date of the illness or injury, and
- detailed description of the illness or injury, including any requested information useful in making a final determination of eligibility, and
- prognosis for recovery, if the request is for an employee, and
- anticipated return to work date, and
- documentation, as requested by the Human Resources Director, to establish eligibility of a family member (birth certificate, marriage license, adoption papers, etc.).

The request and accompanying documentation is submitted to the Human Resources Director. The Human Resources Director reviews the request to make sure that the employee is eligible to receive crisis leave. The employee requesting crisis leave must provide all requested information necessary to make a final determination of eligibility.

All requests for crisis leave shall be treated as **confidential**. All requests and documentation for crisis leave are submitted in envelopes marked “confidential”. The Human Resources Director will notify the chair of the Crisis Leave Pool Committee to call a meeting. Requests will be reviewed and approved or disapproved by the Crisis Leave Pool Committee.

Each request will be stamped with the time and day upon receipt by the Human Resources Director, and handled on a first-come, first-served basis. The request should be submitted at least ten (10) days before the crisis leave is needed, when possible. This is necessary to allow the Crisis Leave Pool Committee time to receive, review the request and either approve all or part of the request, or deny the request, and issue a letter of approval or denial to the employee, the employee’s supervisor or budget unit head.

If the request is approved, the Payroll Director will credit the approved time to the employee’s leave record.

Any approved crisis leave is used and documented in accordance with the same procedures as regular paid leave taken by the employee.

Changes in Status Affecting Crisis Leave

The granting of crisis leave is meant to cover only the circumstances for which it was requested. If any change occurs in the nature or severity of an illness or injury, or of any other factor on which the approval was based, the employee must provide documentation describing the change to the Human Resources Director. The employee can request more crisis leave subject to the limits outlined above; however, extensions of crisis leave are not automatic. Each extension must be approved on a first-come, first-served basis. The employee, immediate supervisor, and primary timekeeper will be notified accordingly.

Hours granted from the Crisis Leave Pool may be used only for reasons stipulated in the approved request. The use of Crisis Leave Pool that is not in accordance with procedures and requirements outlined in this policy may constitute payroll fraud and will be dealt with accordingly.

Employees who are able to return to work before using all of their granted crisis leave must return the unused leave to the Crisis Leave Pool.

Compensation and Benefits

Crisis leave will be awarded hour for hour regardless of the giving or receiving employee's rate of pay.

An employee in crisis leave status will be considered in partial paid leave status and will continue to receive benefits as appropriate.

In accordance with Civil Service Rule 11.5 (a) employees on crisis leave will not accrue annual or sick leave while using donated leave from the Crisis Leave Pool. Payroll will adjust their automatic leave earnings accordingly.

Appeals

The decision to approve or deny crisis leave by the Crisis Leave Committee is final and not subject to appeal.

References: Act 1008, 1992 LA Legislature
SCR 54, 1997 LA Legislature
Civil Service Rule 11.34, Crisis Leave Policy
Civil Service Rule 11.5 (a) Earning of Annual Leave and Sick Leave

CIVIL LEAVE

An employee shall be given time off without loss of pay, annual or sick leave when:

1. Performing jury duty.
2. Summoned to appear as a witness before a court, grand jury, or other public body or commission. A plaintiff or defendant shall not be considered a witness, nor shall this subsection apply to an employee summoned as a witness as a result of employment other than State employment.

If an employee is summoned to jury duty, Southeastern Louisiana University continues his/her salary during the active period of jury duty. The employee is also permitted to retain the allowance received from the court for such service. If summoned as a witness, the employee is also eligible for civil leave. To qualify for jury or witness duty leave, a copy of the subpoena to serve must be submitted to the supervisor as soon as it is received. In addition, proof of service from the Clerk of Court when your jury duty or witness duty is completed must be provided, listing the dates and times served. Reasonable travel time will be taken into consideration when calculating the amount of Civil Leave an employee is eligible for.

The University will make no attempt to have service on jury duty postponed except where business conditions necessitate such action.

3. Performing emergency civilian duty in relation to national defense.
4. The employee is ordered to report for pre-induction physical examination incident to possible entry into the military forces of the United States. The employee is a member of the National Guard and is ordered into active duty incident to local emergency, act of God, civil or criminal insurrection, civil or criminal disobedience, or similar occurrences or of extraordinary and emergent nature which threatens or affects the peace or property of the people.
5. The employee is a current member of a Civil Air Patrol and incident to such membership is ordered to perform duty with troops or participate infield exercises or training, except that such leave shall not exceed 15 working days in any one calendar year and shall not be used for unit meetings or training conducted during such meetings.

COMPENSATORY LEAVE

Compensatory Leave is leave hours credited and used by classified employees on job appointments, probational appointments, and permanent appointments for work and duties performed in excess of the normal 40-hour workweek or for working on a holiday.

Compensatory leave shall not be credited to any employee in the classified service while serving on an intermittent basis. For more information on compensatory leave, see the Classified Handbook, Part V. Rights and Privileges Pertaining to Classified Employees, Section A. Employee Pay Policies:

(http://www2.selu.edu/documents/policies/empl/p5_salary_classified.pdf).

EDUCATIONAL LEAVE

Educational Leave Without Pay - leave without pay for educational purposes, which may be granted to an employee for a period equivalent to the period of attendance at the educational institution. Employees granted educational leave without pay may also be granted a stipend if there are funds available for that purpose.

Educational Leave With Pay may be granted to an employee for a maximum of thirty calendar days in one calendar year if the course of instruction to be taken is pertinent to the work of the employee in his/her department. An employee on a regular appointment may be granted leave for a maximum of ninety calendar days in one calendar year if the University requires him/her to take special training.

FUNERAL LEAVE

Probationary and permanent employees may be granted time off for attending the funeral or burial rites of a parent, step-parent, child, step-child, brother, step-brother, sister, step-sister, spouse, mother-in-law, father-in-law, grandparent, or grandchild; provided such time off shall not exceed two consecutive days on any one occasion. Part-time employees may be given time off on a pro-rated basis.

If additional leave is required by the employee, the employee may request to use sick, compensatory or annual leave depending on the situation. For payroll purposes the name of the deceased person, relationship to the employee, the date(s) of the wake or funeral and the funeral home handling the services should be listed on the leave slip.

HOLIDAYS

A holiday is the employee's actual or designated holiday observed; whichever the appointing authority selects for compensation purposes. The University usually provides paid time off to all employees in leave earning status for the following holidays:

- New Year's Day
- Martin Luther King's Birthday
- Mardi Gras
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Acadian Day
- Christmas Eve
- Christmas Day

In addition to these paid holidays usually observed, the President may designate three additional holidays to be observed during the year for a total of 14 paid holidays.

Holidays falling on the weekend will usually be observed on the preceding Friday or following Monday. Employees are notified prior to the beginning of each calendar year, which holidays will be observed. The holiday schedule is subject to change at the discretion of the President of the University. Employees, such as University Police Officers, working on the actual holiday (falling on a weekend) will be compensated based on working on the actual holiday not the designated holiday. Overtime on a designated holiday is paid the appropriate OT or KSE according to the above schedule.

To be eligible to receive holiday pay, an employee must be in pay status a minimum of 4-hours the day before or the day following the holiday. In other words, hours worked must touch the holiday. Approved paid leave is considered a day worked for holiday pay eligibility.

LEAVES OF ABSENCE

A **Leave of Absence Without Pay** is time off from work without pay granted by an appointing authority or imposed by an appointing authority for an unapproved absence.

A **Leave of Absence Without Pay (LWOP)** may be requested by an employee listing the reasons needed, the duration of the leave, and obligations of the employees during the period requested. Employees on leave without pay for more than ten working days in any month are responsible for the employer portion of any match on health and life insurance premiums unless they are on FMLA Leave. Leaves of absence without pay may be granted for maternity leave or to care for an ill family member under FMLA.

During a period of leave without pay, benefits associated with pay status are affected unless on FMLA leave. Insurance coverage may be continued by making advance payments of the full premiums. Tax-sheltered annuities are suspended unless provided by another eligible employer. Scheduled deductions for reimbursement accounts covered under the cafeteria plan must be brought up-to-date by the end of the plan year. If an employee gets behind because of LWOP, deduction amounts may be increased to catch up. Social Security contributions/coverage cease unless the individual is employed by another covered employer. Annual and sick leave do not accrue during a period of leave without pay. Membership in the retirement systems is suspended. Contributions may not be withdrawn from the state retirement systems without the action being considered as a termination or resignation from employment.

If an employee who has been granted leave fails to report to duty on the first working day following the expiration of leave, he/she shall be considered as having deserted his/her position and shall be removed from the position.

Southeastern Louisiana University may, for any reasonable cause, or at the request of the employee, curtail a period of leave of absence without pay, provided such curtailment is in the best interest of the University and proper notice is furnished to the employee. This policy for leave without pay will be in effect for periods in excess of four weeks of leave without pay. After 30 days of leave without pay, the Department of Civil Service ISIS Personnel System is updated to reflect the dates of LWOP. The employee's adjusted service date is corrected to reflect actual state service when the employee returns to duty.

MILITARY LEAVE

Military Leave With Pay is leave granted to members of a Reserve Component of the Armed Forces of the United States who are called to duty for military purposes, and to members of National Guard Units, which are called to active duty as a result of a non-local or non-state emergency. This may be designated on military orders as "ADT", "FTTD", "AT" or "IADT". Federal Law, State Law, and Civil Service Rules impact the rights of employees called to active duty. Federal Law is supreme and our state statutes track the Federal Law. Civil Service Rules complement the rights granted by these Federal and State Laws. Federal and state law applies to all employees. The Civil Service Rules apply only to classified employees.

Military Leave with Pay

1. Provided they give advance notice, employees serving on job appointment, provisional, probationary or permanent status, shall be entitled to military leave with pay.
2. No advance notice is required when such notice is either precluded by military necessity, or otherwise impossible or unreasonable.
3. Maximum military leave with pay for military purposes is 15 working days per calendar year.
4. Employees serving on job appointment, provisional, probationary or permanent status, who give advance notice of military obligations and apply for annual or compensatory leave for military purposes, shall be granted such leave.
5. No advance notice is required when such notice is either precluded by military necessity, or otherwise impossible or unreasonable.

Military Leave Without Pay

Employees serving on job appointment, provisional, probationary or permanent status, who have either exhausted annual leave and compensatory time or choose not to use their paid leave for military purposes, shall be placed on leave without pay. This period of leave without pay for military purposes shall not exceed six years. After six years, he/she shall be separated from the classified service. This rule does not extend the term of temporary appointments which were made for less than six years; if the original term of the appointment was less than six years, the agency may end the appointment as originally scheduled and the employee may be separated.

While the employee is on paid leave, the employee shall continue to accrue sick leave and annual leave, employees do NOT continue to accrue leave after being placed on leave without pay. However, their period of leave (with or without pay) does count as state service for purposes of calculating leave accrual rate and adjusted state service date for layoff and layoff avoidance purposes. Contact Human Resources for more information on this topic.

SPECIAL LEAVE

Employees may be granted special leave when prevented from performing duties by an Act of God (i.e. snow, ice, hurricane, heavy rains, tornado, flooding, etc.). The President of the University or his/her official designee will decide what action will be taken. The President may close an office, designate, which personnel may be excused, and which employees will remain on duty or report to duty to continue to provide public service. It will be necessary to contact your supervisor when in doubt.

Special leave may also be granted when scheduled to take a Civil Service Exam if the exam is scheduled on the employee's normal workday. A maximum of 5 hours will be allowed for each exam. The amount of special leave granted may vary depending on the employee's shift schedule. Employees will need to provide proof that they sat for the exam as certified by the Department of Civil Service. The certification should be maintained in the home department payroll file as required by timekeeping procedure.

Special leave may also be granted when the appointing authority determines that because of local conditions or celebrations it is impractical for his/her employees in such locality to work.

An employee engaged in the representation of a client in a criminal proceeding pursuant to an order of a court of competent jurisdiction, provided if compensation for such services is available from another source, may not accept the special leave compensation.

RETURN TO TRANSITIONAL DUTY POLICY

Southeastern's Return to Transitional Duty Policy returns workers to gainful employment as soon as it is medically possible after a job related injury or illness. For more information see the full policy at the following web address:

<http://www2.selu.edu/documents/policies/returnwrk.pdf>

LEAVE MANAGEMENT GUIDELINES

Supervisors are responsible for managing annual, compensatory and sick leave in controlling absenteeism and tardiness. To assist our employees with that responsibility, we have

summarized information covered in the Comprehensive Public Training Program class on Controlling Absenteeism and Tardiness in State Government.

Supervisors are responsible for:

- Encouraging better attendance
- Learning legal requirements of Civil Service rules and federal laws related to FMLA and ADA
- Counseling employees and giving them appropriate written guidelines on attendance
- Understanding how excessive leave or tardiness affects coworkers morale and productivity.
- Focusing leave management actions on the “greater good” of all employees and customers served rather than on individual employees who are frequently absent because:
 - The work unit can’t get work done
 - Absenteeism creates morale issues and resentment
 - Absenteeism causes an unequal distribution of work
 - Absenteeism becomes contagious among other employees
 - Absenteeism creates crisis situations
 - Absenteeism shows a lack of responsibility
 - Absenteeism is a distraction from duties and the mission of the office
 - Absenteeism reflects negatively on the work unit

Performance Planning and Review

- Absenteeism and tardiness should be reflected on the PPR under dependability, which is being where the employee should be and doing what the employee should be doing.
- Absenteeism and tardiness also impacts work product, which is the quality and quantity of work produced.

Merit Increases

Merit increases are not automatic. They should be earned. Supervisors can recommend that merit increases not be given or that they be postponed due to absenteeism or tardiness problems.

FMLA

Eligible employees must be given 12 weeks of job-protected leave during a 12-month period. Leave designated as FMLA leave cannot be held against the employee. This is not a separate pot of leave. It runs concurrent with the usage of the employees regular leave.

State employees use accrued paid leave before using leave without pay. The university may require FMLA certification of the condition. Contact the Human Resources Office for more information.

Principles of Wise Leave Management

1. Consider the greater good of all your employees and your customers.
2. Lead by example. Your leave record must also be a responsible one.
3. Be reasonable. Do not act unless you have a rational business reason.
4. Get the support of your chain of command and the appointing authority before taking action.
5. If you are going to “tighten up” on the management of leave, let your employees know the rules, before you hold them accountable for them.
6. All employees do not have to be dealt with in the same manner. Treat employees in similar circumstances similarly. Never discriminate against employees on the base of race, sex, religion, etc.

7. Counsel and deal with employees individually. Do not send email or memos to all employees if the problem is with just one employee. (Don't punish the good employees for the actions of the bad. That would be harmful to morale and unfair.)

Annual Leave (Civil Service Rules 11.5 – 11.10)

1. Annual leave is used for vacation or personal business.
2. The minimum time charged for annual leave is fifteen minutes.
3. Annual leave should be requested in advance in writing except in emergency situations.
4. There is no such thing as abuse of annual leave since it can't be taken without the supervisor's approval. Do not approve leave if work requirements necessitate the employee's presence at work.
5. Employees do not have a right to use annual leave whenever they want to (subject to FMLA.)
6. In the management of leave, all employees do not have to be treated the same; however, treat those in similar circumstances similarly.
7. Show the employee his/her leave record. It is hard to argue with facts.
8. Give the employee a written statement of the points verbally covered in the counseling session.
9. When needed for use under the FMLA, annual leave cannot be denied. For the employee's own serious illness, accrued sick leave should be required to be used first.

Other

1. If several employees ask for the same day off, you may consider:
 - Asking privately about the nature of their leave requests
 - Determine who should be at work for business needs
 - Look at past leave issues
 - Ask for a volunteer to take leave at a later date
 - Ask if they have completed their work assignments
2. If an employee calls in at the beginning of a business day and tells a coworker (not you) that he won't be coming in today what can you do?
 - Review the leave request/call-in procedure with them and inform them of future repercussions if they do not follow the correct procedure.
 - Counsel the employee who took the call that in the future he should advise the coworker calling in that they need to follow proper leave procedures and speak to the supervisor.
 - Depending on the situation, you may disapprove the leave after the fact for not following proper leave procedures.
 - Make them take unauthorized leave without pay.
3. If an employee calls in and says he has a flat tire and that he may be in later, what can you do?
 - You could approve 2 hours of leave to get the tire fixed and then give the employee leave without pay for the rest of the day not worked.

Compensatory Leave

1. An agency has the option of paying employees overtime or crediting them with compensatory leave for working overtime (in excess of 40 hours per week).
2. Compensatory leave is managed in much the same way as annual leave in that it must be approved before it can be taken.
3. An agency may require an employee to use compensatory leave at any time, including before using accrued annual leave.
4. The employee has the right to use accrued legitimate sick leave before using compensatory leave for his own illness, disability or medical appointment. However, the employee can request to use compensatory leave before using sick leave, subject to the supervisor's approval. Compensatory leave earned at the time and one-half rate cannot be applied to FMLA leave. If such leave is allowed, it cannot be counted towards the employee's FMLA entitlement.
5. The Fair Labor Standards Act states that employees shall be allowed to use compensatory leave earned within a reasonable period of time after it has been earned.
6. Provisions regarding payment of compensatory leave are found in Civil Service Rules 11.29 and 6.25.

Sick Leave

1. Sick leave is to be used for one's own disability, sickness, medical consultation or treatment. The minimum time charged is fifteen minutes.
2. The employee must be allowed to use sick leave if it is accrued and legitimate, subject to Rule 12.6 (a) and subject to acceptable proof of legitimacy as determined by the agency. Verification of legitimacy, e.g. doctors' statements, etc. can be required at any time under Civil Service rules. An employee does not have the right to take sick leave just because he earned it. Its use must be legitimate or it is leave abuse.
3. If the sick leave is also FMLA leave for a medical condition, the agency should normally request re-certification no more often than every 30 days. Check with the Human Resources Office if this situation is applicable.
4. It is not illegal discrimination to require doctors' certificates only from those who often take leave or from those you suspect of leave abuse.
5. It is not necessary to accept, without question, a physician's statement that looks inadequate or strange. You can inform the employee that he must have his doctor fill out a medical certification in writing and get this information back to you.
 - The doctor's certificate should be an original and be signed by the treating physician. Copies, stamped signatures or signatures of a receptionist need not be accepted..
 - The time and date the employee was seen by the doctor should be listed.
 - A statement that the employee is unable to perform the essential functions of his job. You should give the employee a copy of his job description which includes the essential functions for his doctor to review.
 - The probable date the employee will be able to return to work.
 - Advise the employee, that the doctor's statement must be submitted directly to the supervisor (or his designee) upon the employee's return to work. The employee should be told that failure to do this will result in a) leave without pay for the period in question, and b) possible disciplinary action for failure to comply with the direct order of the supervisor.
6. The agency may enforce sick leave if the employee asserts the absence is due to illness or injury.

7. The employee can never use sick leave for any other reason than his own health condition or medical treatment. It cannot be used to care for sick family members, not even under FMLA.
8. If the employee fails to adhere to absence guidelines after being informed that they will apply to him/her, he may be disciplined. The disciplinary action should cite how the absence has an adverse effect on the work unit.
9. Civil Service Rule 12.6 (a) 2, An employee may be non-disciplinarily removed when, after the employee has been given written notice that his attendance requires improvement and a copy of this rule, an employee has seven or more unscheduled absences during any consecutive twenty-six week period. The employee shall also be given written notice each time he incurs a sixth unscheduled absence during a consecutive twenty-six week period. An unscheduled absence occurs when an employee is absent from work without having obtained approved leave prior to the absence. Approval of leave, after the fact, to cover an unscheduled absence shall not prevent the absence from being considered unscheduled. A continuous absence for the same reason is one unscheduled absence, regardless of its duration.
10. When, on the date the notice required by Rule 12.7 is mailed, hand delivered, or orally given, the employee is unable to perform the essential functions of his job due to illness or medical disability and has fewer than eight hours of sick leave. An employee removed under this provision shall be paid for all remaining sick leave.