

Chapter 7

Human Resources-Employee Benefits

<http://nmsu.edu/manual/documents/nmsu-policy-manual-bor-081913.pdf>

7.20 Leaves - Applicable to Regular Employees Only [*Amendment recommended by Administrative Council 06.11.13; approved by Board of Regents 06.20.13*] (See Insurance Section in this Chapter for Coverages During Leaves)

A. Requests for leave will be considered by a supervisor with primary consideration given to the requirements of the job. Requests should be made in writing in advance whenever possible.

Regular staff, regular 12 month faculty and non-regular employees in a term appointment are eligible to accrue leave. Part-time (less than .50 FTE) employees, temporary employees, graduate assistants, and other student employees are not eligible to accrue leave.

B. All leave may only be used or paid in accordance with an employee's official FTE.

1. Exempt employees are required to submit approved leave taken to their supervisor each month via Employee Self Service.
2. Non-exempt employees are required to submit approved leave taken to their supervisors each pay period via Employee Self Service.
3. All exempt and non-exempt employees who earn leave may view their leave balances via Employee Self Service (the official leave tracking program of the university).
4. Exempt employees who ordinarily work more than 40 hours a week may be given flexibility in reporting leave of one-half day or less.
5. Faculty leaves normally do not exceed 1 year and, if exception is granted, are not normally extended beyond the second year.
6. Faculty periods of sabbatical, educational, and personal leave (with or without pay) normally do not count toward eligibility for tenure and/or promotion decisions. Professional and other types of leave periods may count toward such eligibility upon agreement among the faculty member, the department, and the administration.
7. Twelve-month faculty accrue and report annual and sick leave as usual while on sabbatical or educational leave. Any leave at less than half pay does not accrue leave.
8. Exempt employees may only accrue leave based upon their designated FTE regardless of the number of hours worked, and may not be placed on leave without pay for less than 8 hours in a work day (except when the Family Medical Leave Act applies).
9. Nonexempt employees will accrue leave on an hourly basis not to exceed the maximum accrual rate for their designated FTE regardless of the number of hours worked, and may be placed on leave without pay for less than 8 hours in a work day.

C. Employees will accrue leave while on annual, sick, jury duty or compassionate leave.

D. Supervisors are responsible for establishing and maintaining the appropriate leave records.

7.20.05 Leaves - Absence for Purpose of Course Registration

Annual leave will not be charged against an employee who is registering for a tuition-free course as a part of the university's benefits program.

7.20.10 Leaves - Absence for Purpose of On-Campus Interview

Annual leave will not be charged against an employee who is requested to interview for another university position.

7.20.15 Leaves - Absence for Purpose of Voting

On Election Day, any registered voter may be absent from employment for 2 hours for the purpose of voting between the time of opening and the time of closing the polls. The appropriate supervisor may specify the hours during this period in which the voter may be absent. This does not apply to employees whose work day begins more than 2 hours subsequent to the time of opening the polls or ends more than 3 hours prior to the time of closing the polls. This policy applies to city, county, state, and national elections.

7.20.20 Leaves - Absence, Unauthorized (Staff)

A staff employee who is absent from work without proper authorization or notification for a period of 1 working day, or if less than 1 working day for more than one occurrence, may be terminated. Such action will be considered as just cause for termination and processed as an involuntary termination. If subsequent investigation and information reveals extenuating circumstances, the employee may use annual leave, sick leave, or leave without pay for the days absent and may be subject to other disciplinary action.

7.20.25 Leaves - Annual (*See also Policy 5.45.10, Department Heads-Leaves*) [*Amendment recommended by Administrative Council 06.11.13; approved by Board of Regents 06.20.13*] (Faculty members on 9-month contracts are not included in this policy.)

A. Regular 12-month employees and non regular term employees shall accrue 22 working days (176 hours) of annual leave each year based on job FTE. (To be prorated for regular half-time or more employees and for non-faculty 9 month employees.)

B. Leave will be earned from the first day of employment and may be used as it is earned.

C. Hours worked over 40 hours per week do not accrue either annual or sick leave.

D. Annual leave may be accumulated to a total of 416 work hours.

E. Up to 240 hours accumulated annual leave may be carried forward each July 1 and may be paid upon termination of employment for regular employees only. Non regular term appointment employees will forfeit all unused accrued leave on September 30th and upon termination of term appointment.

F. In the case of death, the maximum payment for unused leave shall be 416 work hours.

G. The end of the fiscal year (June 30) is the date for determining accumulated leave to be carried to the succeeding fiscal year for regular employees. It is the responsibility of the employee/director/department head to ensure that the use of annual leave is programmed in advance and used so the employee will not lose any leave. However, an employee who has accumulated leave on June 30 in excess of 240 hours may take such excess leave prior to October 1 of the succeeding fiscal year.

H. An employees pay can be docked for a voluntary day off if they do not have a leave balance to cover (*see section 8.15 Compensation*).

I. Annual leave for regular employees will be transferred with the employees from one department to another.

J. Regular staff employees who convert from regular to temporary status may be paid for unused annual leave as stated above.

K. Regular faculty employees who convert from 12-month status to academic 9-month status may be paid for unused annual leave not to exceed 240 hours, prorated for less than full-time FTE.

L. Regular employees who are terminating may request terminal leave (with administrative approval) in lieu of lump sum payment and will not accrue leave during terminal leave unless they return to permanent work status.

M. Employees who are retiring may accrue leave during terminal leave.

7.20.30 Leaves – Compassionate [Amendment recommended by Administrative Council 08.24.10; approved by Board of Regents 09.17.10] [Amendment recommended by Administrative Council 06.11.13; approved by Board of Regents 06.20.13]

In the event of the death of a member of the immediate family, an employee is allowed a leave with pay, not to be charged against sick or annual leave, of up to 3 regular working days in order to attend the funeral or to handle affairs immediately associated with the death. For purposes of this policy, “immediate family member” includes spouse, a domestic partner as defined in Policy 7.04, a child, parent or legal guardian, a sister or brother, a grandparent, or a grandchild. Such familial relationships created by law are also included (i.e. mother/father in law; half or step siblings).

7.20.32 Domestic Abuse Leave [New policy recommended by Administrative Council 08.24.10; approved by Board of Regents 09.17.10]

In compliance with NMSA 1978, §§ 50-4A-1 *et seq*, the New Mexico Promoting Financial Independence for Victims of Domestic Abuse Act (“NMPFIVDAA”), the university offers domestic abuse leave for up to fourteen (14) days per calendar year.

A. Definitions: The definitions provided or cross referenced within the NMPFIVDAA shall apply, including but not limited to:

1. “Domestic Abuse” is defined by state law, and means:
 - a. an incident of stalking or sexual assault whether committed by a household member or not;
 - b. any incident by a household member against another household member consisting of or resulting in physical harm, severe emotional distress, bodily injury or assault, a threat causing imminent fear of bodily injury by any household member, criminal trespass, criminal damage to property, repeatedly driving by a residence or work place, telephone harassment, harassment, harm or threatened harm to children as set forth above; and
 - c. Domestic abuse does not mean the use of force in self-defense or the defense of another.
2. “Employee” means any person employed by NMSU.
3. “Family member” means a minor child of the employee or a person for whom the employee is a legal guardian.
4. “Order of Protection” means a court order granted pursuant to the Family Violence Protection Act.
5. “Retaliation” means adverse action against an employee, including threats, reprisals or discrimination for engaging in the protected activity of taking domestic abuse leave.

B. Authorized Leave/Impact on Other Benefits:

1. Domestic abuse leave for purposes of this policy is leave taken due to the domestic abuse of an employee or an employee’s family member, including but not limited to: obtaining or attempting to obtain an order of protection or other judicial relief from domestic abuse, meeting with law enforcement officials, consulting with attorneys or victim advocates, attending court or other administrative agency proceedings.
2. Unless the employee opts to use accrued sick or annual leave, compensatory time or other available paid time off, the domestic abuse leave shall be leave without pay.
3. The university shall not withhold pay, health insurance coverage or another benefit that has accrued to the employee when an employee takes domestic abuse leave.
4. Time taken for domestic abuse leave will not be included in calculating eligibility for benefits.

C. Notice: When an employee must take domestic abuse leave under emergent circumstances, the employee or the employee’s designee shall give notice to the supervisor or employer within 24 hours. Otherwise, employees shall provide as much notice as possible under the circumstances.

D. Verification Documentation: Employees must provide the Office of Human Resource Services with verification of the leave in a timely fashion. The verification may be:

1. A copy of a police report indicating that the employee or family member was a victim of domestic abuse;
2. A copy of an order of protection or other court evidence produced in connection with an incident of domestic abuse; however, the provision of such documentation shall not constitute a waiver of confidentiality or privilege; or
3. A written statement signed by the employee’s attorney, district attorney, district attorneys’ victim advocate, or prosecuting attorney stating that the employee or employee’s family member is scheduled to appear in court in connection with an incident of domestic abuse.

E. Confidentiality and Limited Disclosure:

1. The university shall not disclose verification documentation or information contained therein, and shall maintain confidentiality of the fact that an employee or employee’s family member was involved in a domestic abuse

incident, that the employee requested or took domestic abuse leave, and that the employee made any written or oral statement about the need for domestic abuse leave.

2. The university may disclose such information only when the employee consents or when a court or administrative agency orders the disclosure, or when otherwise required by state or federal law.

F. Retaliation Prohibited: The university shall not penalize or in any other way retaliate against an employee for requesting or taking domestic abuse leave.

7.20.35 Leaves - Educational (With and Without Pay)

A. Educational Leave With Pay: After 5 years of satisfactory service, leave with partial pay may be requested by any full-time faculty member on regular appointment with rank of instructor or above (including exempt staff with faculty rank in the Cooperative Extension Service), normally for the purpose of taking coursework toward a degree, professional licensure or certificate which is related to the individual's university job assignment. If granted, the recipient of such leave shall be required to sign a supplementary contract agreeing to return to the employing university unit and to serve for a minimum of 2 years. Failure to do so would require immediate full refund of all salary paid by the university during the leave. Normally, no individual may receive more than one such leave with pay. In the case of a non-tenured faculty member, time used for educational leave (with or without pay) will not apply toward the probationary period. The time granted for educational leave with pay will not normally exceed the time allowed for a sabbatical leave. The following options apply:

1. One semester at no reduction in annual salary.

2. One full academic year at half salary. (Those within 5 years of retirement may wish to request full salary for 1 semester or a 6-month period and personal leave without pay for the other half.) Semester II (spring) of 1 year and Semester I (fall) of the following year, at 1/4 annual salary for each semester of leave.

B. Educational Leave Without Pay: Any regular full-time exempt staff member or faculty member on regular appointment with rank of instructor or above is eligible for and may request an educational leave of absence without pay after 3 years of service, normally for the purpose of taking coursework toward a degree, professional licensure or certificate which is related to the individual's university job assignment. If the leave is approved, all annual leave should be used before the educational leave without pay begins. The individual's sick leave balance at the beginning of the leave remains on hold during the period of the leave. The university will contribute the employer's portion of insurance premiums during the leave period. A faculty member on educational leave without pay, on continuous or temporary contract, will be required to notify the department head in writing 90 days before the educational leave without pay terminates, or 30 days after notification of salary and position, whichever is later as to the date of return to academic service on the faculty. In the absence of such notification, the department head may immediately initiate proceedings for termination of the contract.

7.20.40 Leaves - Employees Funded from External Sources

The president is authorized to develop and implement alternative leave, holiday, compensation, and insurance programs for groups of employees whose salaries are funded from external sources.

7.20.45 Leaves - Family and Medical *[Amendments adopted by Administrative Council 06.10.08; ratified by Board of Regents 07.15.08] [Amendments adopted by Administrative Council 11.10.09; ratified by Board of Regents 07.20.10] [Amendment recommended by Administrative Council 06.11.13; approved by Board of Regents 06.20.13]*

A. Purpose: This policy is written to comply with the Family and Medical Leave Act of 1993 (FMLA). The act's governing regulations covering definitions and details will apply to this policy.

B. Use of Accrued Sick and Annual Leave During Approved FMLA Leave:

1. Employees approved to take leave for FMLA purposes must use accrued sick leave for conditions involving themselves and qualified dependents as defined in the sick leave policy (up to six weeks for parents or adult children with serious health condition as defined below who do not meet the definition of dependent in the sick leave policy).

2. Annual leave for purpose of the FMLA may only be taken when available sick leave is exhausted and will be subject to approval or disapproval by the employee's supervisor.

3. If annual leave is denied, leave without pay may be used for FMLA purposes.

4. FMLA leave periods will run concurrently with any accrued paid leave taken.

C. FMLA Eligibility: The following employees are eligible for leave under the FMLA: All employees who have been employed at the university at least 12 months (need not be consecutive) and who have worked at least 1,250 hours for the university during the 12-month period immediately preceding the commencement of the leave (including faculty, staff and temporary employees).

D. FMLA Leave: Eligible employees may take up to 12 weeks in a 12-month period based on a rolling calendar measured backward from the date FMLA was last taken, for one or more of the causes listed below (a total of 12 weeks for most causes). Any type of leave taken for the conditions listed below will be considered as leave for FMLA purposes:

1. Childbirth: Leave must be taken within the first 12 months following birth. Combined FMLA leave time for birth mothers and fathers whom both work for the university cannot exceed 12 weeks within the 12-month period.
2. Adoption or Foster Care: Leave must be taken consecutively within the first 12 months following placement. Combined FMLA leave time for mothers or fathers whom both work for the university cannot exceed 12 weeks within the 12-month period.
3. Care of spouse, child, or parent with a serious health condition. Combined FMLA leave time for spouses whom both work for the university to care for a seriously ill parent cannot exceed 12 weeks within the 12-month period.
4. Employee's own serious health condition preventing employee to perform the job. A serious health condition is defined as: inpatient care in hospital, hospice or residential medical care facility; or continuing treatment by a health care provider for a serious health condition.
5. Care of a service member (Armed Forces, Reserves or National Guard) undergoing treatment for or recuperating from a serious health condition incurred or aggravated during covered active duty and covered veterans undergoing medical treatment, recuperation or therapy for a serious health condition incurred or aggravated any time during the five years preceding the date of treatment. This leave is available to a spouse, child, parent, or designated next of kin of a service member for up to 26 weeks in a single 12-month period. Combined FMLA leave time for spouses whom both work for the university to care for a service member cannot exceed 26 weeks within the 12-month period.
6. Any "qualifying exigency" arising out of the fact that a covered employee's spouse, child or parent is on or has been called to covered active duty in the U.S. Armed Forces, Reserves or National Guard, not to exceed 12 weeks of leave in a 12-month period. Combined FMLA leave time for spouses whom both work for the university cannot exceed 12 weeks in a 12-month period.

E. Intermittent FMLA Leave: An intermittent schedule may be arranged for #3, #4, and #5 above only if medically necessary and justified. Intermittent schedules for #1 and #2 above are granted at the discretion of the employee's supervisor. In all cases for leave taken for #1 and #2 above, all leave must be completed within the 12 months immediately following the date of birth/placement of the child. The employee may be required to provide medical certification for any of the above from the attending physician describing the medical condition on a specified form available from the Office of Human Resource Services. Additional documentation may be required to confirm eligibility under Military Caregiver or Qualifying Exigency provisions. In addition:

1. For #3 & #5: The certification will also include a statement that the employee is needed to care for the family member and the expected length of time needed.
2. For #4: The certification will also include a statement that the condition prevents the employee from working.
3. For #6: The certification must include sufficient written documentation confirming the service member's covered active duty or call to covered active duty.

F. Other Considerations During FMLA Leave:

1. The employee will give the employee's supervisor as much notice as possible of the upcoming leave.
2. Departments will notify the Office of Human Resource Services when an employee has taken more than 3 continuous days of sick leave, annual leave or leave without pay for medical circumstances for that individual or individual's family member in order to coordinate FMLA benefits.
3. The university will continue to contribute the employer portion of the medical and dental insurance premiums during the family leave.

4. The employee must pay the employee's portion of health and dental premiums on a timely basis in order to continue coverage and both the employee and employer's share of other coverage's as described in "Leave Without Pay."
5. If an employee fails to return from FMLA leave, the employee will be required to repay the employer's share of any insurance premiums paid by the employer during leave without pay.
6. Holiday hours which occur during a full week of leave will count toward the 12-week FMLA period.

7.20.50 Leaves - Jury and Witness [*Amendment recommended by Administrative Council 06.11.13; approved by Board of Regents 06.20.13*]

A. Jury Duty: In order for university employees to fulfill their civic responsibility as jurors, regular full-time and part-time employees and non-regular employees in a term appointment may be granted leave for this purpose.

1. Employees are not required to report for work after serving 8 hours of jury duty during the day. If service is less than 8 hours in a day, employees will return to work for the remainder of their 8-hour shift (or may request annual leave).
2. Jury duty is that service and time spent away from a university job as a result of a subpoena or notice issued by the court and counts as time worked.
3. Department heads are authorized to grant jury duty leave upon the presentation of a subpoena or notice issued by the appropriate court.
4. The university will pay regular employees who serve such duty their normal salary for each regular work day of service, not to exceed 8 hours per day.
5. Non-regular employees will not receive compensation; however, they may be reimbursed through or by the appropriate court.
6. A copy of a written statement furnished the employee by the court indicating the number of days or hours served should be furnished to the supervisor. It is the responsibility of the employee to keep the supervisor informed of the anticipated time to be spent away from the job.
7. Employees must use annual leave or leave without pay for jury duty/witness service in a jurisdiction other than that of their primary work locale, with the exception of employees residing in El Paso and working in Las Cruces.
8. Regular employees may not receive any form of compensation from state courts other than mileage.
9. All employees may receive compensation while serving on federal juries.

B. Court Witness:

1. University employees, as do all citizens, have the right, and on occasion the obligation, to serve as witnesses in a court of law. As such, they are not representative of the university, but are private citizens. Their conduct in the case of court appearances as private citizens should, however, reflect well on the community of university scholars.
2. Eligible employees shall be granted annual leave, or placed on leave without pay if ineligible for leave, for time spent testifying as a witness.
3. The employee should provide the supervisor with a copy of the subpoena.
4. University employees who are plaintiffs in any legal action against the university must use annual leave or leave without pay for all time spent in activities related to such action.
5. University employees appearing on behalf of the university or as a representative of the university in any legal action, to include depositions or witness testimony, will not be required to use annual leave or leave without pay for such purposes unless the employee receives a witness fee.

7.20.55 Leaves - Military (Regular Employees)

A. **Military Training Leave:** In accordance with state law, NMSU provides paid training leave for its employees who are members of organized units of the Army or Air National Guard or Army, Air Force, Navy or Marine Reserves, in amount not to exceed 15 days annually when they are ordered to active duty training with such organized units. Such leave shall be in addition to other leave or vacation time with pay to which such employees are otherwise entitled. (See NMSA 1978, §20-4-7)

B. **Employment Status:** Employees that are mobilized or volunteer for active duty status will be placed on leave without pay until the date of discharge or release from active duty status at which time the employee will return to regular employment.

C. **Military Leave of Absence:** The following under the Uniformed Services Employment and Reemployment Rights Act (USERRA) conditions will apply:

1. The employee must hold a job other than temporary job. (The job need not be permanent.)
2. The employee must leave employment for the purpose of going on active duty.
3. The employee must not remain on active duty longer than 5 years, unless the period beyond 5 years is active duty during a war or declared national emergency or active duty in support of a critical mission. Service beyond 5 years required to complete initial period of obligation service from which a person by no fault of their own is unable to obtain release within the 5 year limit.
4. The employee must be discharged or released from active duty under honorable conditions.
5. The employee must apply for re-employment as follows:
 - a. If the period of military service was less than 31 days, the service member must report to the university not later than the beginning of the first full regularly scheduled work period on the first full calendar day following completion of the period of service plus 8 hours, after a period allowing for safe transportation from place of service to residence.
 - b. If the period of military service was more than 30 days but less than 181 days, the service-member must apply for re-employment not later than 14 days after military service is completed, or the next full calendar day when such application becomes possible. A copy of a DD214 must be submitted with the application for re-employment.
 - c. If the period of military service was greater than 180 days, the service-member must apply for re-employment not later than 90 days after service is completed. A copy of a DD214 must be submitted with the application for re-employment.
 - d. In all cases above, if the member through no fault of their own the employee cannot re-apply for employment within the time periods listed above, they must report back to work as soon as possible.
6. If a fitness for duty exam is required before a service member can return to work, regardless of the time the employee was on active duty, the service member must report to the university no later than first full regularly scheduled work period on the first full calendar day following completion of the period of service plus 8 hours, after a period allowing for safe transportation from of service to residence.
7. Discharge will not occur without cause for a period of time based on the period of military service: 6 months if the military service was 30-181 days; 1 year if the service was more than 180 days in length.
8. If a service member incurs or aggravates a disability while on active duty, the member has up to 2 years from the date the member is hospitalized or convalescing due to apply for re-employment. The time will be extended to accommodate a circumstance beyond the member's control that would make the reporting within the 2 year period impossible or unreasonable.

D. **Other Considerations Relating to Military Leave:**

1. Employees may, but are not required, to use annual leave during their active duty status.
2. Employees are not entitled to use military leave if they are mobilized or volunteer for active duty.
3. Military leave may only be used for training purposes.

4. Employees may continue insurances during the leave-without-pay period by paying 100 percent of the total premiums (both employee and employer shares). Any employee called to active duty who discontinues insurance coverages during the leave-without-pay period may be placed immediately back on the plans upon return to employment without providing evidence of insurability.
5. Injuries/illnesses sustained during the active duty period will not be covered by the university health plan. These conditions would be covered by the Veterans Administration.
6. An attorney general's opinion, rendered after the passage of this law, points out that it does not pertain to temporary employees.
7. Dates for such leave must have prior administrative approval within the department and retained with internal leave records.
8. Annually is defined as federal fiscal year.

7.20.60 Leaves - Professional (Without Pay)

- A. Eligibility: After 3 years of service and with the approval of appropriate department head and administrators, any regular full-time exempt staff member or any faculty member of regular appointment with rank of instructor or above may submit an application for professional leave without pay, normally not to exceed 1 year, for the purpose of undertaking some project that will directly benefit the university and the person's professional development. These benefits must be detailed in the application.
- B. Use of Accrued Annual Leave: If the leave without pay is approved, all annual leave should be used before the professional leave without pay begins.
- C. Non-Accrual of Leave During Period of Professional Leave Without Pay: Annual and sick leave do not accrue during professional leave without pay.
- D. Professional Leave Absence is Unpaid: All days, including legal holidays, in the period between the date the professional leave commences and the date the employee returns to work are taken without pay.
- E. Insurance Premiums Contribution by NMSU: The university will contribute the employer's portion of insurance premiums during the leave period.
- F. Performance Evaluation: In cases where the individual enters a contract with a state or federal agency, such agreements must provide for a calendar-year evaluation to be prepared by the appropriate supervisor in that agency and forwarded to the appropriate department head or supervisor.
- G. Effect on Tenure Process: Periods of professional leave without pay normally will not apply toward the probationary period for tenure. All conditions of professional leave without pay, including the status of the individual upon return to the university and (if appropriate) the effect of this period on tenure and promotion eligibility, must be in writing prior to the leave period.

7.20.65 Leaves - Records

Supervisors are responsible for tracking and approving annual leave, and sick leave usage for all persons reporting directly to them. The official leave tracking program of the university is Employee Self Service. The annual leave record will be forwarded with the Personnel Action Form when an employee terminates or is placed on leave without pay.

7.20.70 Leaves – Sabbatical [*Amendment recommended by Administrative Council 06.11.13; approved by Board of Regents 06.20.13*]

- A. Purpose: The purpose of a sabbatical leave is to promote professional growth and increased competence among faculty members by subsidizing significant study and research, creative work, or some other program which is judged to be of equivalent value and which cannot be accomplished during the fulfillment of normal academic duties and responsibilities. All departments and colleges including community colleges are encouraged to participate fully in the sabbatical program.
- B. Qualifications and Options: Application for sabbatical leave may be made by any tenured full-time faculty member (above the rank of instructor) with at least 12 regular semesters of full-time service at the university without a sabbatical. A faculty

member who is in the last year of the probationary period may be considered for sabbatical leave if a favorable decision on tenure has already been made. Sabbatical leave may be taken in conjunction with earned annual leave, personal leave, or educational leave without pay. Personal leave and educational leave without pay must comply with university policies. In instances where, for good and sufficient institutional reasons, a sabbatical leave is delayed (not to exceed 2 years), the faculty member will become eligible for a succeeding sabbatical leave after an equivalently reduced period. A faculty member should be given as much notice as possible if a sabbatical leave cannot be approved for the time frame requested. Sabbatical leave is available under the following options:

1. One semester at no reduction in annual salary.
2. One full contract year at 60 percent salary (Those within 5 years of retirement should consult the Employee Benefits Office about the possible negative impact on the retirement benefit formula.)
3. Semester II (spring) of 1 year and Semester I (fall) of the following year, at 30 percent annual salary for each semester of leave.

When a person has served as both a 9-month and 12-month employee in the 6-year period immediately prior to the requested sabbatical, the amount of time allotted for the sabbatical will be prorated. A faculty member employed on a continuing basis on a 12-month contract may take a 6-month leave at full salary or a 12-month leave at 60 percent salary.

C. Applications: Sabbatical leave will not be granted automatically upon the expiration of the necessary period of service. Rather, a qualified faculty member shall, normally at least 6 months in advance of the leave, submit an application and proposed leave program to the department head or chair, with evidence of research, creative activity, or other academic achievement, including publications, to support the program of work which is planned for the sabbatical period. Also, this program shall give reasonable promise of accomplishing the major purpose of the leave. Request for a sabbatical leave should be accompanied by a detailed explanation of the benefits to the faculty member, university, and the state resulting from the sabbatical leave. For main campus faculty, the approval of the cognizant dean, is required. For community colleges, the approval of the division dean, CAO and CEO are required. In addition to the work plan, the leave application should include: (1) a statement regarding choice of options; (2) departmental verification that during the applicant's absence, teaching, research, and service duties can be managed by the department; (3) a statement concerning compensation to be received during the leave. A faculty member on sabbatical leave at full pay usually will not take other paid employment during the leave; and (4) a clear statement of the benefit of the proposed leave to the university. A person on sabbatical at 60 percent time usually will not take more than 40 percent time employment. However, it is recognized that such employment may be necessary for or enhance the leave. In such cases, a request to take compensated employment should be included in the proposal submitted and must have administrative approval. The evaluation of an application should be based on whether the planned program satisfies the aims and goals explicitly set forth in the Purpose statement above. These aims and goals may be independent of geographical location of the leave activities and, therefore, the place of the faculty member's residence during leave should be only one factor in considering the merits of the application. However, to ensure that the sabbatical experience provides opportunities not otherwise available to the main campus faculty member, the sabbatical period will normally include a component of study/work away from the home institution.

D. Related Conditions: Time toward each new sabbatical begins immediately after return to full-time service regardless of the semester of return. The sabbatical leave will not adversely affect salary increases or promotions. Institutional participation in faculty retirement and group insurance will be continued for staff on sabbatical leave with pay. A faculty member on sabbatical leave may request, through the department head, travel support for participation in professional meetings. Consideration will be given if the faculty member is an officer of the professional organization or is to participate in some other significant way. Educational or other leaves are excluded as time counted toward eligibility for sabbatical leave. Twelve-month faculty will accrue annual and sick leave (at 60 percent for those on 60 percent pay) and will report annual and sick leave as usual.

E. Departmental Implementation: Long-range department plans should consider the necessity of, and provide for, temporary absences for sabbatical leave. The initial leave discussions and concomitant management of duties is primarily a matter for discussion and approval by the concerned department. However, in transmitting the final leave request to the dean and provost, the department head should provide assurance that all student needs will be served by the department during the faculty member's absence. In some departments, the absence of one faculty member might place an undue load on the other department members. After a department has taken every step possible to plan for sabbatical leaves, it should submit its proposal to the dean for consideration. The administration will attempt to accommodate these special cases.

F. Procedures:

1. At least 6 months prior to the requested leave period (exceptions to be considered on a case-by-case basis), application for sabbatical leave is submitted to the department head on a Request for Leave Form and includes the supporting materials detailed in the Application section.

2. Preliminary approval is obtained when signatures of the department head, cognizant dean, dean of the Graduate School are affixed to the Request for Leave Form. For community college faculty, preliminary approval is obtained when signatures of the department chair, division dean, CAO and CEO are affixed to the Request for Leave Form. A supplementary contract, stipulating that the faculty member is obligated and agrees to return to the university to serve a period of 1 year, and failure to do so would require immediate full refund of all salary paid by the university during the leave, is prepared and sent to the faculty member. Upon receipt of the signed supplementary contract, final approval of the leave is granted and the faculty member is notified.

G. Post Sabbatical Obligations: Sabbatical leaves will be approved only with the clear understanding that at the completion of the sabbatical and/or supplemental leave, the faculty member will return to the university for a period of service of 1 year. Failure to do so will require immediate full refund of all salaries and benefits costs paid by the university during the sabbatical, and repayment for any annual leave accrued and used during the extended leave. Within the first semester upon return from the sabbatical, the main campus faculty member shall submit to the provost, through the department head and dean a full report of the research, creative work, publications, or other results of the period of leave. This final report should contain a brief summary of the proposal, including a review of the objectives, as well as a summary of what was accomplished. An explanation should be given in the event that some objective(s) were not met. This report will be incorporated in the faculty member's annual written report and may be used in the annual performance evaluation process. The dean will forward the report with both the dean's and department heads comments to the provost regarding the overall value of the sabbatical to the faculty member and to the university and indicating the extent to which the sabbatical plan was accomplished. Community College faculty will submit a similar report to the Campus President through their immediate supervisor.

7.20.75 Leaves – Sick [*Amendment recommended by Administrative Council 06.11.13; approved by Board of Regents 06.20.13*]

A. Twelve-Month Exempt and Nonexempt Employees:

1. Regular full-time employees shall be granted 12 working days of sick leave a year. This is prorated for half time or more employees.
2. Non-regular employees are not eligible for sick leave.
3. Leave will be earned from the first day of employment and may be used as it is earned.
4. Hours worked over 40 hours per week do not accrue either annual or sick leave.
5. Employees may accrue and bank 100 working days (800 hours) of accumulated sick leave (prorated for less than full-time employees and for any partial months by annual 9-month employees). On July 1 every year, any employee who has accumulated more than 100 working days of sick leave will have the sick leave balance reduced to 100 days.
6. A department may require supporting documentation for any usage of sick leave any time abuse of sick leave is suspected. Any grant of sick leave in excess of 3 consecutive working days should be supported by a medical certificate or other evidence administratively acceptable. Abuse of sick leave may be grounds for immediate dismissal.
7. Annual leave will be applied (if available) against sick leave in excess of the allotted sick leave days, but sick leave will not be applied against annual leave in any case.
8. Any employee who terminates, retires or converts from a 12-month pay base to an academic faculty pay base will be paid for earned sick leave over 600 hours (not to exceed 200 hours). The payment will be made at a rate of 50 percent of the employee's straight-time hourly salary multiplied by the number of sick leave hours accrued over 600 to a maximum of 200. The payment may not exceed 50 percent x hourly rate x 200. (According to Educational Retirement Board rules, this payment will not be included in the 5-year average salary used for the retirement benefits calculation.)
9. Sick leave will be transferred from one department to another with the employee.
10. Sick leave may be used when the employee's presence is reasonably required for the care of dependents during illness or recovery from injury. For this purpose, dependents are defined as spouse, children, or immediate family members any of whom normally reside in an employee's household and who are dependent upon the employee for support and maintenance. A physician's statement may be required to support the usage of sick leave for dependents. Sick leave may be granted to a full-time employee for the purpose of caring for a newly adopted well child under

the age of 5 years. Exceptions may be considered for children ages 5 and older upon request to the human resource service director. The leave may be given upon request and approval commencing with formal adoption or receipt of placement papers. Leave time may not exceed 6 weeks. If both adoptive parents are employed by the university, combined leave time may not exceed 6 weeks. Birth fathers and mothers may use up to 6 weeks of sick leave within the first 12 weeks immediately following the birth of a child. Birth mothers may use more than 6 weeks of sick leave for time that is required to be off work due to complications arising from the birth of the child that is directly associated with the mother's health. Time used for care of a newborn child with a serious health condition will be administered under the sick leave policy associated with caring for a dependent.

11. An employees pay can be docked for a voluntary day off if they do not have a leave balance to cover (*see* section 8.15 Compensation).

B. Nine, Month And Other Non-faculty Employees: Nine -month non-faculty staff regular employees may earn 9 days of sick leave a year (8.00 hours per month worked, prorated based on job FTE). Annual leave or sick leave for 9 month non-faculty regular employees may be used only during the regular employment period they are scheduled to work each fiscal year. Leave is prorated for less than full-time eligible employees.

C. Nine-Month Faculty Employees: Each case of illness, when duties of a regular faculty member cannot be made up or covered by coworkers, will be considered administratively, but time off for illness cannot exceed the equivalent of 2 regular semesters with pay. Normally such cases would be approved on the basis of length of service with 1 semester off equated in terms of 10 years of service.

7.20.80 Leaves - Sick Leave Bank

A. This program establishes a Sick Leave Bank to be used by participating university employees affected by a personal emergency, and who have insufficient leave to cover required work absences.

B. A personal emergency is defined as an unusual and catastrophic medical or immediate family medical emergency that is likely to require an employee's absence from duty for a prolonged period of time and to result in a substantial loss of income because of the unavailability of paid leave.

C. Only those items allowable under the university Sick Leave Policy are covered by the Sick Leave Bank; maternity leave in connection with an uncomplicated pregnancy is not a personal emergency.

D. The bank allows employees to share the risk of severe circumstances by donating to a common pool of leave.

E. Members of the pool are required to enroll in the long-term disability insurance long-term disability program as a protection against income loss while recovering from a severe medical condition. The long-term disability policy covers total disability after a waiting period of 135 consecutive calendar days or 100 work days.

F. The maximum a recipient can receive from the Sick Leave Bank is 70 days per personal emergency with no more than one withdrawal from the bank per fiscal year or per personal emergency. No more than 70 days can be withdrawn for a particular medical condition.

G. Employees would be wise to maintain a balance of at least 30 days of combined sick and annual leave to cover them during the first 30 days of personal emergency or total disability. The Sick Leave Bank does not provide for the first 30 days of the personal emergency; these are the responsibility of the employee and are covered by the employee's sick and annual leave or leave without pay.

H. Program requirements and application procedures are maintained on the web pages for the Office of Human Resource Services.

7.20.85 Leaves - Without Pay (*See Leaves - Educational and Leaves - Professional*) [*Amendments ratified by Board of Regents 10.22.07*] [*Amendment recommended by Administrative Council 06.11.13; approved by Board of Regents 06.20.13*]

A. Leave without Pay (LWOP) for a period up to 90 calendar days may be requested by an employee and either approved or disapproved by the director/department head. Refer to Section 7.20.45 Leaves – Family and Medical – for leave without pay granted in accordance with the Family and Medical Leave Act.

B. Requests for LWOP in excess of 90 days should be requested by the employee to the department head/director. If the department head/director recommends approval, the request is forwarded through the dean or vice president for human resource services for consideration. Circumstances in individual cases will determine if such leave will be granted.

C. An employee who is granted a leave of absence without pay must make arrangements through the Office of Human Resource Services to pay the full cost (employer and employee) of insurance premiums and make timely payments to university accounts receivable (*See* Educational and Professional Leaves without pay for payment requirements). Employees who do not make timely premium payments by the last day of the month are subject to having their coverage cancelled.

D. Annual and sick leave do not accrue during LWOP.

E. All days, including legal holidays, in the interim period between the date LWOP commences and the date the employee actually returns to work are taken without pay. For exempt employees, leave without pay will begin on the first eight hour day and end on the last eight hour day of the leave period. Any partial days, taken immediately before or after the official LWOP period, shall be deducted from leave accrued upon return.

F. An appointing authority may involuntarily place an employee on leave without pay if approved by the Office of Human Resource Services and executive vice president and provost.

G. LWOP (including LWOP due to educational leave) will not be granted to an individual who has annual leave unless specifically approved by the executive vice president and provost, except under the Family and Medical Leave