
BENEFIT PROGRAMS

LEAVES

Annual Leave: Annual leave shall accrue for 12 month, regular-status employees who are employed to routinely work 20 or more hours per week. The accrual rates for full-time employees are as follows:

**Accumulation Rates Based on Eligibility
Anniversary Date and Years of Service**

Years 0 - 4
10 hours for each month worked (15 days per year)

Years 5 - 19
12 hours for each month worked (18 days per year)

Years 20+
13.36 hours for each month worked (20 days per year)

Employees routinely working at least 20 hours but less than 40 hours will accrue annual leave on a prorated basis. Additionally, these individuals maximum accumulation is prorated.

Eligible employees will begin accruing leave on the first full month following employment. Please contact the Human Resources Office for individual information on this subject. An employee may not earn annual leave during leave of absence without pay, suspension with or without pay, layoff, shared leave or removal from payroll for any reason.

Annual leave in excess of the maximum accumulation may not be carried beyond August 31st. For 40 hour per week employees, the maximum accumulation is 480 hours; for eligible employees working less than 40 hours per week, a prorated maximum accumulation is used. Thus, any unused accrued leave in excess of the allowed maximum accrual as of the end of August 31st shall no longer be available to the employee. Rather such balances are transferred, on an hour-by-hour basis, from the individual employee's annual leave balance into SWOSU's Shared Leave account.

Deductions from annual leave are done at one-quarter hour (15 minute) increments. Annual leave is to be used during the period(s) mutually agreeable to the employee and their supervisor and at the convenience of SWOSU.

SWOSU routinely closes for an extended period during the interim period between the Fall and Spring semesters. During this period, annual leave will be charged to accrued leave as determined by SWOSU. If sufficient annual leave (or compensatory time) has not been accrued by an employee prior to this interim period, such time off will not be compensated for and days off shall be treated as non-paid days. **Note:** After exhausting their accrued annual leave and

comp time, employees hired on or after July 1st of their first year of employment may use unused accrued sick leave during this time period.

Upon leaving the employment of SWOSU, eligible employees shall receive compensation for any unused accrued annual leave. If an employee eligible for annual leave should die, his/her estate shall be paid for the leave time earned prior to his/her death. Annual leave pay will be calculated based on the employee's straight-time pay rate (in effect when annual leave benefits are used) multiplied by the number of hours the employee would have otherwise worked on the day(s) of vacation absence. **Note:** An individual leaving the employment of SWOSU cannot be compensated in excess of his/her allowable maximum accumulation.

An employee may transfer annual leave internally from one department to another within SWOSU.

SWOSU does not credit an employee for accrued annual leave earned at another employer.

Note: Employees, employed through a grant or contract, are not covered under this policy. Such individuals should contact their principal investigator or the Human Resources Office for information concerning annual leave.

Administrative Leave: Administrative leave with or without pay may be granted at the sole discretion of the President of SWOSU or his/her designee.

Family Medical Leave Act of 1993 (FMLA): The Family Medical Leave Act (FMLA) provides up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family, medical, and military reasons. Employees are eligible provided they have worked for SWOSU for at least 12 consecutive months, have worked a minimum of 1,250 hours during the twelve-month period prior to the leave, and experience a qualifying event. Benefits that are provided and paid for by SWOSU will be continued during the FMLA leave. Employees are responsible for paying the premium costs of any optional benefits that they desire to continue.

SWOSU requires that all applicable accrued leave be utilized prior to an employee being placed on FMLA.

For FMLA purposes SWOSU uses a "rolling" or backward looking 12-month period.

Employees who desire additional information concerning the FMLA (such as qualifying events, advance notice, potential impact on various fringe benefits, and medical certification) should contact the Human Resources Office.

Holidays: Paid holiday leave shall be granted for regular status employees who are employed to routinely work 20 or more hours per week and are scheduled to work during the holiday period. Employees working less than 40 hours per week shall receive prorated holiday compensation. If an eligible employee who is on unpaid leave without benefits will not receive compensation until the next regular pay period after return to work or termination.

SWOSU holidays are posted on the SWOSU website and subject to change at the discretion of the President. **Note:** Employees employed through a grant may or may not be covered under this policy. Such individuals should contact their principal investigator or the Office of Human Resources for information concerning holiday leave.

When continuous operations of SWOSU require that employees be regularly scheduled to work on days otherwise recognizable as holidays, such employees will be granted an equal amount of time off with pay on a date mutually agreed to by the employee and budget unit head. At the discretion of SWOSU, if an employee can neither be excused from work on a SWOSU recognized holiday nor on a mutually acceptable substitute date, payment at straight-time rate may be permitted.

Jury Duty: Routine pay will be given to employees on a continuous appointment who are subpoenaed for jury duty or as a witness before a court of law, legislative committee or judicial body. Employees are to attach the jury duty summons to their timesheet or send to the Human Resources Office. The employee is expected to report for work whenever the court schedule permits. The employee must keep his/her supervisor aware of any changes or extensions of jury duty. SWOSU reserves the right to request documentation verifying time spent during jury duty.

Jury duty will not be paid in the event it occurs during what otherwise would have been unpaid leave. Either SWOSU or the employee may request an excuse from jury duty if the employee's absence would create serious operational difficulties.

Insurance benefits will remain in effect and unchanged for the full term of the jury duty absence. Accrual for benefits calculations, such as vacation, sick leave, or holiday benefits, will not be affected during jury duty leave.

SWOSU encourages employees to fulfill their civic responsibilities by serving jury duty when required.

Leave Without Pay: Leave of absence without pay may be approved when, in the opinion of SWOSU, it is an acceptable action. A period of leave of absence without pay does not count as service time for computation of benefits. SWOSU is not obligated to re-employ individuals at the conclusion of such leave. **Note:** Employees are to use applicable accrued leave prior to requesting leave without pay. Questions regarding leave without pay should be directed to the Office of Human Resources.

Military Leave: All employees who are members, either officers or enlisted, of any component of the Armed Forces of the United States shall, when ordered by the proper authority to active duty or inactive duty or service, be entitled to a leave of absence for the period of such service without loss of status or seniority. During the first 30 regularly scheduled workdays of such leave during the federal fiscal year, the employee shall receive his/her full regular pay.

Personal Leave: In general, approved personal leave, as it applies to staff employees, is limited to a maximum of three days for regular-status employees. Personal leave is used **only** if all accrued annual leave and compensatory time is exhausted and is counted against the staff

member's accrued sick leave balance, if available. If there is no sick leave balance available then time away from work will be considered leave without pay.

Personal leave does not accumulate. The annual period will begin on July 1.

Questions regarding the policy and procedures for personal leave should be directed to the Human Resources Office.

Sick Leave: Sick leave is a period of time during which an employee is unable to work because of illness, injury, or medical, surgical, dental or optical examinations or treatment, or because the employee has been exposed to a contagious disease which could jeopardize the health of co-workers. Sick leave time is designed to replace time missed during straight-time hours only. Sick leave is a benefit designed to assist employees during periods of personal illness or disabling injury and is in no way intended to or to be construed as annual leave time.

Eligible employees will begin accruing leave on the first full month following employment. Regular-status employees who are routinely employed to work 20 or more hours per week are eligible for sick leave. For a full-time employee (i.e., 40 hours per week) sick leave shall accumulate at the rate of 10 hours for each month worked. The accrual rate is prorated for qualifying employees working less than full-time. SWOSU does not place a limit on the number of sick leave hours that may be accumulated.

Sick leave may not be earned by an employee during leave of absence without pay, suspension, layoff, shared leave or removal from payroll for any reason.

Deductions from sick leave are done at one-quarter hour (15 minute) increments for nonexempt employees. Exempt employees are required to use accrued sick leave in the event they are absent from work for one full day or more for a qualified reason. However, an exempt employee who routinely is required to miss partial workdays will be required to utilize accrued sick leave when appropriate.

Absence due to the illness of immediate members of one's family (spouse, parent, child, step children, legal guardian, sibling, and in-law) may be charged to sick leave. All time lost from work because of personal illness, injury, or disability will be charged to available sick leave, except as otherwise provided by SWOSU procedure.

- **Pregnancy Leave or Parental Leave:** The granting of sick leave benefits in pregnancy situations is subject to the same conditions as other sick leave benefits. Regular full-time employees are eligible for pregnancy leave which will be charged to sick leave, annual leave, personal leave, or leave without pay. (See also Family Medical Leave Act)
- **Funeral Leave:** Time required for funeral (arrangements/travel) may be charged to available sick leave up to a total of five working days per fiscal year. Employees are to indicate on their leave forms when any funeral leave is used. **Note:** Employees requiring additional time beyond five days will be considered on a case-by-case basis by the President or his/her designee.

While a physician's certificate evidencing illness or disability is not required each time an employee does not report for duty because of illness or disability, SWOSU reserves the right to require such a certificate from the employee's physician and/or a physician of SWOSU's choosing. (Return to Work Form)

If an employee internally transfers from one department to another within SWOSU, the employee's unused, accrued sick leave is transferred to the new budget unit. SWOSU does not credit an employee for accrued sick leave earned at another state agency (however, it can be verified and placed in the employee's personnel file).

Sick leave benefits will be coordinated with all other forms of benefits for which SWOSU pays the cost, so that no more than 100% of the employee's current daily rate of compensation is paid for absence from work.

Any accrued (unused) sick leave shall not be compensated upon the termination of employment. (See also Break in Service)

For individual information on this subject please contact the Human Resources Office.

Shared Leave: The purpose of this policy is to permit SWOSU employees to donate sick leave to fellow SWOSU employees who are suffering from or have a relative suffering from an extraordinary or severe illness, injury, impairment or physical or mental condition that has caused or is likely to cause the employee to take leave without pay or terminate employment. Donations made under this policy are gifts. This policy does not create an entitlement or expectation of shared leave to eligible employees.

1. Definitions as used in this policy:

- a) "Employee"- regular full-time SWOSU employee with over 12 months of continuous service at SWOSU. A regular full-time employee is one who is employed to work 30 or more hours per week and maintains continuous regular employment status.
- b) "New Hire"- regular full-time SWOSU employee with less than 12 months of continuous service at SWOSU.
- c) "Relative of employee"- an employee's spouse, parent, or child (in this context "child" includes legal wards and stepchildren).
- d) "Extraordinary" or "severe" illness- serious, extreme and/or life threatening as confirmed by a licensed physician.
- e) "Sick Leave Pool"- a voluntary and anonymous donation of sick leave by an employee to a pool balance.

2. Eligibility: An employee of SWOSU will be considered eligible to receive shared leave pursuant to the following conditions:

- a) The employee has abided by SWOSU policies and practices regarding the use of leave.

- b) The employee has exhausted or will exhaust all accrued leave prior to start of requested leave.
- c) The employee or a relative of the employee is suffering from an extraordinary or severe illness, injury, impairment or physical or mental condition as confirmed by a licensed physician.
- d) The employee's eligibility shall cease upon the employee's receiving income from a University provided employee benefit (long-term disability, worker's compensation benefits, etc.).
- e) The President or designee determines that the employee meets the applicable criteria.
- f) A routine pregnancy, in and of itself, does not qualify for leave sharing.
- g) A "New Hire" is eligible for one-half of the benefits that an "employee" is eligible for under this policy.

3. Donations: An employee may donate sick leave pursuant to the following conditions:

- a) Donors must complete the Leave Sharing Donation Form in full.
- b) The employee may donate any amount of sick leave provided that the donation does not cause the sick leave balance of the donating employee to fall below 160 hours.
- c) Donations must be in eight-hour increments.
- d) Only an active employee may donate. An employee who has issued a letter of resignation or retirement may not donate. Furthermore, an employee may not donate accrued sick leave within six months of his or her date of resignation or retirement.
- e) For the first 1000 hours of sick leave donated to the initial sick leave pool, enforcement of (3-d) will be waived. Thereafter, donated hours will be posted to the pool 6 months after donation by employee.
- f) An employee may not donate excess sick leave that the donor would not be able to take otherwise under the University's sick leave policy.
- g) Annual leave and compensatory time may not be donated.
- h) All donated sick leave must be given voluntarily in writing. No employee shall be coerced, threatened, intimidated or financially induced into donating.
- i) Any accrued sick leave that has not been used or shared at the time an employee leaves employment shall be forfeited.

4. Limitations on Leave Sharing:

- a) The recipient employee shall not receive more than two months of full pay and four months of two-thirds pay during a twelve-month period while using shared leave.
- b) Any donated leave may be used by the recipient only for the purposes specified in this policy.
- c) Shared leave ends in the event of termination of the condition causing the need for leave.

5. Recipients:

- a) The employee (or his/her personal representative in the event the employee be incapacitated) must complete the Leave Sharing Request Form and submit a current

- medical statement from a licensed physician verifying the need for the leave and the expected duration of the condition.
- b) Upon completing the Leave Sharing Request Form the employee will forward the form to his/her immediate supervisor.
 - c) Once the Leave Sharing Request Form has been completed and has been signed by the employee and the employee's supervisor it should be forwarded to the Human Resources Director.
 - d) Recipients do not accrue leave time while on shared leave.
6. Administration of the Policy:
- a) Receipt of leave is conditioned upon the availability of donated sick leave.
 - b) Donations will be transferred as an hour-for-hour deduction from the sick leave balance of the donating employee to a pooled account administered by the Human Resources Director. Donations will be received on an hour-for-hour basis.
 - c) Donations will be transferred each pay period in amounts not to exceed the recipient employee's regular monthly hours for that pay period.
 - d) Donations are irrevocable.
 - e) Efforts will be made to process donations anonymously.
 - f) Receipt or denial of leave sharing is not subject to any grievance or arbitration procedure applicable to employee.
7. Return to Work:
- a) Employees are expected to return to work the following working day of a physicians release to work by reporting to the Office of Human Resources. No work is to be performed without a Return to Work Release form provided the Office of Human Resources.
 - b) Employees who are unable to fully perform their essential assigned job duties at the end of the allowed shared leave time period – with or without accommodation - may be terminated.

Extended Medical Leave: SWOSU will continue to require a periodic physician's statement from employees on medical leave. The department should forward the physician's statement to the Office of Human Resources. Failure to provide a statement from the physician could lead to termination. Failure to return to work at the beginning of the next scheduled workday after being released by the physician may result in termination. If necessary, temporary workers may be utilized. There is no guarantee that employees returning from extended leave will be placed in their previous position.

Suspension: An employee may be placed on a disciplinary leave of absence with or without pay ("suspension") when it appears such action is in the best interest of SWOSU. Supervisors undertaking such action are encouraged to contact a senior officer or Human Resources.

Voting Leave: SWOSU encourages employees to fulfill their civic responsibilities by participating in elections by voting. A reasonable amount of time off with pay will be given for the purpose of voting in national, state and local elections. Employees with specific questions please contact the Office of Human Resources.