

AUSTIN PEAY STATE UNIVERSITY  
POLICIES AND PROCEDURES MANUAL

POLICY NO.: IV:02:05 DATE: January 3, 1983  
SUPERSEDES POLICY NO. IV:02:05 DATED: June 22, 1982  
SUBJECT: Leave Policy  
APPROVED: Robert O. Riggs, President *Robert O. Riggs*

General

The following leave policy is adopted for Austin Peay State University and shall apply to all University employees. The provisions contained herein reflect policy statements of the State Board of Regents' Policy No. 5:01:01:00. (September 24, 1982)

I. Contents

- I. Contents
- II. Definitions
- III. Eligibility to Accrue Leave
- IV. Annual Leave
- V. Sick Leave
- VI. Maternity Leave
- VII. Leave of Absence
- VIII. Military Leave
- IX. Civil Leave
- X. Transfer of Leave
- XI. Records

II. Definitions

For purposes of this policy:

1. Academic Personnel - All faculty members who hold academic rank, and who are directly engaged in instruction, departmental research, or public service. Academic personnel may be employed either on a nine-month service basis (academic year), compensated over a twelve-month period, hereinafter described as nine-month academic personnel, or on a twelve-month service basis (fiscal year), compensated over a twelve-month period, hereinafter referred to as twelve-month academic personnel.

2. Executive, Administrative, and Professional - All personnel other than personnel primarily employed in instruction, research, or public service who primarily have executive, administrative, or professional responsibilities, and whose positions require personnel of recognized professional achievement acquired by formal training or equivalent experience. This classification includes all non-academic personnel who are exempt from the provisions of the Federal Wage and Hour Law.
3. Clerical and Support Personnel - All personnel other than academic and administrative personnel.
4. Regular Full-Time Employees - All personnel, executive, administrative and professional, twelve-month academic, and clerical and support, who are employed on a continuing basis, expected to exceed six (6) months, and who have a regular work week of thirty-seven and one-half (37.5) hours or more or who are scheduled to carry a full teaching load or its equivalent. Regular full-time employees include full-time MODFY (modified fiscal year) employees.
5. Regular Part-Time Employees - All personnel, executive, administrative and professional, twelve-month academic and clerical and support, who are employed on a continuing basis, expected to exceed six (6) months and who have a regular work week of less than thirty-seven and one-half (37.5) hours or who are scheduled to carry less than a full teaching load or its equivalent. Regular part-time employees include part-time MODFY employees.
6. Temporary Employees - All personnel whose period of appointment or expected service is less than six (6) months. This definition should not be confused with employees who are designated as probationary employees, who may be regular full-time or part-time employees, and who are entitled to all leave benefits of such employees.
7. Student Employees - All personnel whose primary purpose for being at the institution is to be enrolled in an academic program of the institution.

### III. Eligibility to Accrue Leave

1. Regular full-time employees and twelve-month academic personnel, regardless of probationary status, shall be eligible to accrue annual and sick leave.
2. Regular part-time employees, including twelve-month academic personnel scheduled to carry less than a full-teaching load or its equivalent, regardless of probationary status, shall be eligible to accrue annual and sick leave on a prorated basis equal to the percentage of their employment to full-time employment.

3. Nine-month academic personnel, full or part-time, whether or not compensated over a twelve-month period, shall not be eligible to accrue annual leave, but shall be eligible to accrue sick leave.
4. Temporary employees shall not be eligible to accrue annual or sick leave. Temporary employees who are subsequently appointed as regular employees with no break in service and temporary employees who continue in service after completing six (6) consecutive months of service shall become eligible to accrue leave and shall receive annual and sick leave balances accrued retroactively from the date of employment. Temporary clerical and support personnel who subsequently become eligible to accrue leave shall also receive retroactive credit for service from the date of employment for purposes of calculating annual leave accrual levels.
5. All full-time and part-time employees who are employed pursuant to funds available to the institution through grants or contracts are not eligible to accrue annual or sick leave unless the grant or contract involved provides sufficient funds to cover the costs of such leave, or unless eligibility to accrue leave is approved by the president of the institution.
6. Student employees shall not be eligible to accrue annual or sick leave.

#### IV. Annual Leave

##### 1. Eligibility, Rates of Accrual, and Maximum Accumulation of Annual Leave

- a. Regular full-time clerical and support personnel shall accrue annual leave in accordance with the following schedule:

<u>Years of Service</u>	<u>Accrual Rate Per Month</u>	<u>Maximum Annual Accumulation</u>	<u>Maximum Total Accumulation Within FY</u>	<u>Maximum Accumulation Carried Forward to Next FY</u>
0 - 5	7.5 hours	90.0 hours	315.0 hours	225.0 hours
5 - 10	11.3 hours	135.6 hours	405.6 hours	270.0 hours
10 - 20	13.2 hours	158.4 hours	450.9 hours	292.5 hours
20 or more	15.0 hours	180.0 hours	495.0 hours	315.0 hours

- b. Executive, administrative and professional personnel, and twelve-month academic personnel who are regular full-time employees, who would be exempt from the provisions of the Federal Wage and Hour Law if it were applicable to the institution, shall accrue leave at the rate of 15 hours per month, with the maximum accumulation of 315 hours to be carried forward to the next fiscal year.

- c. All regular part-time personnel employed on a twelve-month basis and regular part-time personnel on MODFY (modified fiscal year) appointments shall accrue leave on a prorated basis equal to the percentage of their employment compared to full-time employment, with said percentage to be applied to the rate of accrual and maximum accumulation described in Items 1.a. and b. of this section as applicable.
- d. Eligible employees shall accrue annual leave from the date of employment [See Section III, Item 4, providing for retroactive credit for temporary employees who subsequently become eligible to accrue annual leave.]
- e. Eligible employees earn and accrue annual leave for each month upon completion of a major fraction thereof (i.e., more than fifty percent (50%) of the number of days in the month), and leave may be used when earned, regardless of an employee's probationary status, subject to the discretion of the approving authority as stated in Item 3 of this section. Annual leave may not be taken before it is earned.
- f. Employees otherwise eligible to earn annual leave do not earn or accrue annual leave while on leaves of absence.
- g. When an employee who is eligible to accrue annual leave transfers into a nine-month academic position (thus becoming ineligible to accrue annual leave), the employee shall take all of his/her accrued annual leave prior to the date of transfer unless the appropriate approving authority determines that the services of the employee must continue until the date of transfer. In that event, the employee shall be paid for all of his/her accrued annual leave by a lump sum payment at the time of transfer.
- h. MODFY employees who are employed during the period which would normally be the non-duty period of their appointment shall accrue annual leave in accordance with Items 1.a. and b. of this section for each month of full-time employment. For part-time employment during that period, MODFY employees shall accrue annual leave on a prorated basis in accordance with Item 1.c. of this section.

2. Years of Service for Determining Accrual Rate

- a. Anniversary date for computation of leave shall be the beginning date of employment for each employee, except when adjustments in the date must be made because of periods of non-accrual, i.e., leaves of absence, temporary breaks in employment, etc. The rate of accrual for employees will be effective the month following the anniversary date. Annual leave shall be accounted for and controlled for maximum accumulation purposes on a fiscal year basis.

- b. Regular part-time employees and those regular part-time employees who are subsequently reclassified as regular full-time employees shall be entitled to only the prorated and equated full years of service for leave accrual purposes.
- c. In determining the amount of full-time or prorated part-time service accrued by an employee, all service accumulated while employed in any agency, office, or department of the State of Tennessee, or in any state college or university, shall be credited for purposes of leave computation. Academic employees previously employed on a nine-month basis who are subsequently transferred to a twelve-month basis shall receive credit for their prior years of service for leave accrual purposes. In addition, any employee who was employed by a public school system as defined in T.C.A. section 49-102 within two (2) years prior to employment at Austin Peay State University shall receive credit for service with said public school system for leave accrual purposes after employment at Austin Peay State University for one (1) year.

3. Use and Scheduling of Annual Leave

The purpose of annual leave is to provide all regular full-time and part-time employees with regular periods of rest and relaxation away from the work environment. The appropriate approving authority may require key administrative employees to take a certain number of consecutive days of annual leave each year.

All personnel entitled to accrue annual leave may request use of annual leave at any time preferred by application to their proper approving authority. Such requests are subject to the discretion of the approving authority, who is responsible for planning the work under his or her control, and should be approved only at such times as the employee can best be spared.

4. Maximum Accumulation

The accumulation of annual leave shall not exceed the maximum accumulation indicated in Items 1.a. and 1.b. of this section, or the proration thereof under Item 1.c. Annual leave in excess of the maximum may be used during the year in which the excess accrues; in the event it is not used, it will be transferred to the employee's accumulated sick leave at the close of the fiscal year, unless the employee is on terminal leave, in which case the full amount of accrued annual leave shall be carried forward.

5. Disposition of Accrued Annual Leave Upon Termination

- a. Except as otherwise provided and subject to the limitations stated in this section, upon termination of employment with the Board of Regents or one of its institutions, an employee shall be paid for all accrued but unused annual leave he/she may have as of his/her last working day. Payment shall be, at the option of the employee, either by terminal leave or by lump sum payment. In either event, and whether termination is voluntary or involuntary, the discretion to determine the employee's last working day is reserved to the appropriate approving authority.
- b.
  - (1) Terminal leave is that period during which an employee remains on the payroll beyond his/her last working day until all of his/her accrued annual leave has been exhausted.
  - (2) If a terminating employee elects to be paid for his/her accrued but unused annual leave by terminal leave, the date on which his/her annual leave is exhausted shall be the official date of termination.
  - (3) During a period of terminal leave, an employee shall not earn additional annual or sick leave, shall not be eligible to use sick leave, and shall not be eligible for any salary increase. However, an employee shall receive credit for any official holidays occurring during a period of terminal leave.
  - (4) During a period of terminal leave, an employee shall continue to be eligible for group health insurance coverage. Premiums for the coverage shall be deducted from his/her terminal leave payments if continued coverage is elected.
- c. If a terminating employee elects to be paid for his/her accrued but unused annual leave by lump sum payment, the employee's last working day shall be the official date of termination.
- d. Payment for accrued annual leave under this section shall not be limited to the maximum accumulation amount which may be carried forward from one fiscal year to the next if the last working day occurs prior to July 1 (even if the terminal leave period extends beyond July 1).
- e. In the case of death, payment for an employee's unused accrued annual leave shall be paid to the employee's estate.

- f. An employee who transfers to another System institution or another state agency shall not be paid for his/her accrued but unused annual leave. Rather, all unused annual leave shall be transferred to the other institution or state agency in accordance with Section X.
- g. An employee who is dismissed for gross misconduct or who resigns to avoid dismissal for gross misconduct shall not be entitled to any compensation for accrued but unused annual leave at the time of dismissal.

V. Sick Leave

1. Eligibility for and Rate of Accrual of Sick Leave

- a. Regular full-time personnel and full-time academic personnel, whether employed on a twelve-month or nine-month service basis, shall accrue sick leave at the rate of 7.5 hours (1 day) for each month of actual service. Under no circumstances may a regular full-time employee earn more than 90 hours (12 days) of sick leave per year.
- b. Regular part-time personnel and part-time academic personnel, whether employed on a twelve-month or nine-month service basis shall accrue sick leave on a prorated basis equal to the percentage of their employment compared to full-time employment.
- c. Accrued days of sick leave shall be cumulative for all days not used.
- d. Eligible employees shall accrue sick leave from the date of employment. (See Section III, Item 4, providing for retroactive credit for temporary employees who subsequently become eligible to accrue sick leave.)
- e. Eligible employees earn and accrue sick leave for each month upon completion of service for a major fraction thereof.
- f. MODFY employees who are employed during the period which would normally be the non-duty period of their appointment shall accrue sick leave at the rate of 7.5 hours for each month of full-time employment. For part-time employment during that period, MODFY employees shall accrue sick leave on a prorated basis in accordance with Item 1.b of this section.
- g. Notwithstanding any other provision herein which might be construed to the contrary, regular nine-month academic personnel shall accrue 67.5 hours (9 days) of sick leave for full-time employment for a full academic year and 22.5 hours (3 days) of sick leave for full-time employment throughout summer sessions.

- h. Employees otherwise eligible to earn sick leave do not earn or accrue sick leave while on leave of absence.

2. Use of Sick Leave

- a. Sick leave is generally applicable to absences due to illness or injury to an employee, including illness or incapacity to work due to pregnancy and complications therefrom (See VI, infra.), medical examination and dental appointments.
- b. Where an employee must be absent because of serious illness in the immediate family, sick leave may be granted by the appropriate approving authority. For purposes of this section, "immediate family" shall be deemed to include: (1) spouse; (2) children; (3) parents, foster parents and parents-in-law; and (4) other members of the family who reside within the home of the employee.
- c. In instances of death of a member of the immediate family as defined in Item 2.b. of this section, sick leave may be granted in the discretion of the appropriate approving authority for a maximum of 37.5 hours (5 days). In instances of death of one of the following relatives, sick leave may be granted in the discretion of the appropriate approving authority for a maximum of 22.5 hours (3 days): (1) brothers and sisters; (2) grandparents; (3) grandchildren; (4) sons and daughters-in-law; (5) brothers and sisters-in-law; and (6) foster brothers and sisters.
- d. Sick leave may not be advanced.
- e. Sick leave may not be used by nine-month academic personnel for absences due to illness or injury during a summer session unless the employee has been physically present and actually commenced employment for the term in question.
- f. Upon prior approval of the Chancellor, an employee who is injured in the line of duty as a result of the commission of an assault upon him or her which disables the employee from performing his or her regular duties may be retained on the regular payroll for a period not to exceed fourteen (14) days without being required to use any accrued sick leave. The length of time for such retention on the payroll shall be based upon a written statement from the attending physician that the employee is unable to perform his or her regular duties.



3. Physician's Statement or Other Certification

An employee may be required to present evidence in the form of personal affidavits, physician's certificates or other testimonials in support of the reason for sick leave upon request of his or her supervisor or an appropriate approving authority. Sick leave may not be denied where an employee furnishes an acceptable statement from a licensed physician or accredited Christian Science practitioner, provided that the supervisor or approving authority may require additional documentation or statements from other physicians or accredited practitioners.

4. Exhaustion of Sick Leave

When the illness, injury or disability of an employee continues beyond the period of accumulated sick leave, the employee shall use any accumulated annual leave for continued absence. When an employee has exhausted all accumulated sick and annual leave, he or she may be placed on leave of absence, if requested and found to be justifiable under Section VII.

5. Separation of Employees with Accrued Sick Leave

Upon termination of employment, accumulated sick leave shall not be used as terminal leave, and the employee shall not be entitled to any lump sum payment for accumulated sick leave. If an employee leaves the institution or any other state service in good standing after having worked on a continuous basis for at least one (1) full year and thereafter returns to service with the institution within five (5) years of the effective date of the termination, the employee shall be credited with all sick leave to which he/she was entitled at the time of the previous termination, provided certification of such entitlement is received from the previous employer if other than the employing institution; provided further that if the employee has had any interim employment with the State of Tennessee for less than one (1) year within the five-year period, he/she shall not be disqualified from receiving credit for sick leave to which he/she is otherwise entitled because of his/her prior employment with the state. If an employee is transferring to another state agency, his/her accumulated sick leave shall be transferred according to Section X.

6. Death of Employees with Accrued Sick Leave

Effective June 3, 1981, the estate of any employee, on the employee's death, shall be paid for the employee's unused and accrued sick leave in the same manner as the estates of deceased employees are paid for annual leave.

## VI. Maternity Leave

### 1. General

Maternity leave shall be treated as sick leave (See Section V), subject to the provisions of this section, and all limitations and conditions applicable to sick leave shall be equally applicable to maternity leave unless in direct conflict with the following provisions of this section.

### 2. Use of Maternity Leave

- a. Disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth and recovery shall be treated as other temporary disabilities for which sick leave may be used.
- b. Sick leave for maternity purposes should commence when the employee actually becomes unable to continue her functions as an employee, as a result of conditions described in Item 2.a. of this section. When the employee and the appropriate approving authority do not agree on the commencement date, the leave shall commence upon certification by the employee's doctor that she is disabled for work.
- c. Upon exhaustion of accumulated sick leave and annual leave, the employee shall be placed on leave of absence for the remainder of her period of authorized absence. Termination of the period of authorized absence, whether sick or annual leave or leave of absence, shall occur when the employee again becomes able to carry out her functions. A certification of continued disability may be requested pursuant to Section V.3.

### 3. Reinstatement to Position

Upon termination of the period of authorized absence, the employee shall be reinstated to her original job or to a position of like status and pay.

## VII. Leave of Absence

1. a. Leave of absence used in this policy shall include any period of leave in a non-pay status. Leave of absence without pay, not to exceed one (1) year, may be granted for justifiable absences wherein it is not desirable to terminate the employee. Examples of such absences are illness, injury, or disability of an employee who has insufficient accumulated leave, leave for educational purposes, and leave for justifiable personal reasons. Such leave must be approved by the president of the institution.

- b. Leave of absence for periods exceeding one (1) year may be granted upon recommendation of the president of an institution and approval by the Chancellor. Leave of absence shall be granted for any period, which may exceed one (1) year, when an employee transfers to another institution or to the Board's central offices and requests to be placed on leave of absence.
2. While on leave of absence, an employee retains accumulated annual and sick leave, but does not earn or accrue additional annual or sick leave. In addition, an employee on leave of absence is not entitled to compensation for official holidays occurring within the leave period.

#### VIII. Military Leave

##### 1. Right to Leave of Absence

All employees who are members of any reserve component of the armed forces of the United States or of the Tennessee National Guard shall be entitled to leave of absence from their duties, without loss of time, pay, regular leave or vacation, impairment of efficiency rating, or any other rights or benefits to which otherwise entitled, for all periods of military service during which they are engaged in the performance of duty or training in the service of this State, or of the United States, under competent orders.

##### 2. Compensation

Each employee who is on military leave shall be paid his or her salary or compensation for a period, or periods, not exceeding fifteen (15) working days in any one (1) calendar year, plus such additional days as may result from any call to active state duty pursuant to T.C.A. Section 58-1-106. The employee must furnish certification from competent military authority of the dates active duty was actually performed.

#### IX. Civil Leave

##### 1. Eligibility

- a. When in obedience to a subpoena or direction by proper authority, an employee appears as witness for the Federal Government, the State of Tennessee, or a political subdivision of the State, or when he or she attends any court in connection with his or her official duties, or serves on a jury in any State or Federal Court, he or she shall be granted civil leave, which shall not be charged as annual leave.

- b. Employees involved in personal litigation, or who serve as witnesses in private litigation, shall be charged with annual leave or leave of absence.

2. Compensation

For the period an employee eligible for civil leave under Item 1.a. of this section renders jury service or serves as a witness, he or she shall be entitled to the difference between his or her regular compensation and the amount allowable for such service, except for travel expenses received. However, if the employee elects to use his or her annual leave rather than civil leave, he or she may do so and retain all compensation or fees received as witness or juror.

- X. Transfer of Leave

1. When any employee of Austin Peay State University, with accrued and accumulated annual and/or sick leave, is transferred to or from an institution within the State University and Community College System of Tennessee, such earned leave shall be fully transferable between said agency, office, department, and institution.
2. When any teacher employed by a local school board in Tennessee leaves the employment of that board and within two (2) years becomes an employee of Austin Peay State University eligible to accrue sick leave, all unused sick leave of such teacher accumulated pursuant to T.C.A. 49-1314 shall be transferred to Austin Peay State University, provided that the teacher may waive such transfer by notice to the person at Austin Peay State University responsible for his or her appointment, and provided further that for persons employed on or after May 28, 1977, any such leave must be determined prior to the appointment. Before any transfer of leave is accepted pursuant to this section, the previous employer must certify to the institution that the sick leave for which credit is being sought actually is accrued and due and is substantiated by records of the agency compiled during the course of employment and not from records compiled solely for purposes of establishing leave credit.

- XI. Records

1. Adequate leave records shall be maintained for all employees. Records must show the years of service of employees for annual leave accrual purposes, and the accumulation of sick and annual leave for purposes of transfer and/or termination. Leave records shall be made available to Austin Peay State University personnel for appropriate business purposes, and the records for each employee shall be available to the employee upon request.

2. All annual leave must be approved prior to use. Employees are required to complete the appropriate absence form (IV:02:05:a for academic personnel, IV:02:05:b for administrative and staff personnel) when they do not attend work on a regularly scheduled work day and submit the completed form to their immediate supervisor. If the form cannot be completed prior to their absence, the form should be completed immediately upon their return to work.

Effective Date: This policy shall become effective January 1, 1976, and changes in eligibility to earn leave or in the amount of leave earned for periods of service shall be prospective only.

AUSTIN PEAY STATE UNIVERSITY

Faculty  
Absence Form

This form should be completed and presented for approval before the date of the anticipated absence, whenever possible. Unanticipated absence (i.e., illness) should be reported promptly after the fact. Both require the approval of the chairperson or supervisor and the dean or director.

PLEASE CHECK ONE:    ☐ Request for Absence    ☐ Report of Absence

1. Name: \_\_\_\_\_ Department/Division: \_\_\_\_\_

2. Date(s) of Absence: \_\_\_\_\_ No. of Working Hours: \_\_\_\_\_

3. (a) Nature of Absence:

☐ Sick Leave    ☐ Annual Leave    ☐ Institutional Leave

(b) Reason for Absence: (Not Required for Annual Leave)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. Arrangements for taking care of classes or other duties:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date Submitted: \_\_\_\_\_ SIGNATURES:

\_\_\_\_\_

Faculty Member

\_\_\_\_\_

Chairperson/Supervisor

\_\_\_\_\_

Dean/Director

NOTES:

1. Sick Leave - Absence due to personal illness, personal injury, medical or dental examinations, exposure to contagious disease, and illness or death of family members.
2. Nine-month academic personnel, full or part-time, whether or not compensated over a twelve-month period, shall not be eligible for annual leave.
3. Institutional Leave - Absence from regularly scheduled activities to attend University-related meetings or activities off-campus.



## AUSTIN PEAY STATE UNIVERSITY

## ADMINISTRATION AND STAFF

## ABSENCE FORM

Employee's Name

Department

Please mark one:

Type of Leave	No. of Hours	Date(s) of Absence	Reason for Absence
Annual Leave			
Sick Leave			
Other (PAY)			
Other (NO PAY)			

Employee Signature

Date

Additional Explanation:

PROCEDURE:

1. This form shall be used for all days an employee is absent.
2. EMPLOYEE: Prepare form in duplicate, sign and submit to Immediate Supervisor.
3. IMMEDIATE SUPERVISOR OR DIVISION HEAD: Sign both copies and return one copy to the employee. Keep one copy for your file. This form does not take the place of our attendance report, but verifies the employee's accumulated leave. ALL LEAVE MUST STILL BE REPORTED ON ATTENDANCE REPORT AND MUST AGREE WITH LEAVE FORMS FILED IN YOUR OFFICE.
4. Sick leave is an absence due to personal illness, personal injury, medical or dental examinations, exposure to contagious disease, and illness or death of family members.

DISAPPROVED

APPROVED

DATE

Immediate Supervisor or  
Division Head

NOTE:

An Absence Request Form should be filled out and presented for approval before the date of the anticipated absence, whenever possible. Unanticipated absence (i.e., illness) should be reported promptly (Report of Absence Form) after the fact. Both forms require the approval of the chairperson or supervisor and the dean or director.

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Board of Regents Policy No. 5:01:01:00

2. Use of Sick Leave

- a. Sick leave is generally applicable to absences due to illness or injury to an employee, including illness or incapacity to work due to pregnancy and complications therefrom (see VI, infra.), medical examinations and dental appointments.
- b. Where an employee must be absent because of serious illness in the immediate family, sick leave may be granted by the appropriate approving authority. For purposes of this section, "immediate family" shall be deemed to include: (1) spouse; (2) children; (3) parents, foster parents and parents-in-law; and (4) other members of the family who reside within the home of the employee.
- c. In instances of death of a member of the immediate family or one of the following relatives, sick leave may be granted by the appropriate approving authority not to exceed three (3) days; (1) brothers and sisters; (2) grandparents; (3) grandchildren; (4) sons and daughters-in-law; (5) brothers and sisters-in-law; and (6) foster brothers and sisters.
- d. Sick leave may not be advanced.
- e. Sick leave may not be used by nine-month academic personnel for absences due to illness or injury during a summer session unless the employee has been physically present and actually commenced employment for the term in question.

3. Physician's Statement or Other Certification

An employee may be required to present evidence in the form of personal affidavits, physician's certificates or other testimonials in support of the reason for sick leave upon request of his supervisor or an appropriate approving authority.

(Further information on sick leave and the policy for other types of leave may be found in the Board of Regents Policy and Procedures Manual.)