

AUSTIN PEAY STATE UNIVERSITY
POLICIES AND PROCEDURES MANUAL

POLICY NO.: IV:02:05 DATE: June 22, 1982
SUPERSEDES POLICY NO.: IV:02:05 DATED: September 18, 1981
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 are in compliance with State Board of Regents' Policy No. 5:01:01:00.

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II. Definitions

- 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 forty (40) hours or more or who are scheduled to carry a full teaching load or its equivalent.
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 forty (40) hours or who are scheduled to carry less than a full teaching load or its equivalent.
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.

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 and temporary employees who complete six (6) consecutive months of service shall receive retroactive credit for annual and sick leave accrual.

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.

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 Service</u> | <u>Accrual</u> | <u>Maximum Accumulation</u> |
|----------------------|----------------------|-----------------------------|
| 0 - 5 | 1 day per month | 30 days |
| 5 - 10 | 1 1/2 days per month | 36 days |
| 10 - 20 | 1 3/4 days per month | 39 days |
| 20 or more | 2 days per month | 42 days |

- 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 annual leave at the rate of twenty-four (24) days per year, or a prorated proportion thereof for portions of a year of service at the end of the year or upon termination, with the maximum accumulation of forty-two (42) days.
- c. Regular part-time personnel, part-time executive, administrative and professional personnel, and part-time academic personnel employed on a twelve-month service basis 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 the preceding subsections a. and b., as applicable.
- d. Annual leave begins to accumulate from the date of employment as a regular full-time or part-time employee or following completion of six (6) months continuous service, whichever is earlier.
- e. Eligible employees under subsections a. and c. 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 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.

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 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. Scheduling Annual Leave

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. All personnel must complete the appropriate absence FORM (IV:02:05:b) prior to using annual leave. (See Section XI, Records)

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 so used, it will be transferred to the employee's accumulated sick leave.

5. Separation of Employees with Accrued Annual Leave

- a. Upon termination of employment, if an employee has accrued annual leave, the employee, may be compensated at the time of termination for such accrued annual leave, subject to the limitations of this section and Section X.
- b. Employees who earn annual leave in positions supported by a grant shall be limited to a maximum of ten (10) days terminal leave. An employee may not receive compensation for annual leave after the grant under which he is employed expires unless he is transferred to a permanent APSU position and employment continues. Under such circumstances, an employee may carry over any accumulated leave days.
- c. Employees dismissed or terminated for gross misconduct or who resign to avoid dismissal for gross misconduct, shall not be entitled to receive any compensation for unused accrued annual leave.
- d. An employee shall not accrue additional annual or sick leave during a terminal leave period.
- e. Accrued annual leave of employees who are transferring to another state agency may be transferred according to Section X., infra.

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 one (1) day for each month of actual service.
- 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. Sick leave begins to accumulate from the date of employment as a regular full-time or part-time employee or following completion of six (6) months continuous service, whichever is earlier.
 - e. Eligible employees earn and accrue sick leave for each month upon completion of service or major fraction thereof. Eligible employees who are employed on a nine-month basis may accrue sick leave during periods of employment during summer sessions, provided that when such employment is on less than a full-time basis, such employees shall accrue sick leave on a prorated basis in accordance with item 1.b. of this section.
 - f. 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 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 instance of death of a member of the immediate family or one of the following relatives, Other 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. PSL shall apply to maternity leave for periods in which the employee is unable to work due to pregnancy or childbirth.
 - e. The term "sick leave" used without designation as to Personal or Other shall include both types of sick leave.
 - f. Sick leave may not be advanced.
 - g. Sick leave may not be used by nine (9) month academic personnel for absences due to illness or injury during 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/her supervisor or an appropriate approving authority.

4. Exhaustion of Sick Leave

When the illness, injury or disability of an employee continues beyond the period of accumulated sick leave, the employee may, at his or her request, use any accumulated annual leave for continued absence. When an employee has exhausted all accumulated sick and/or annual leave, they 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. 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, subsequent to December 31, 1971, the employee 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 or 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. If an employee is transferring to another state agency, his or her accumulated sick leave may be transferred according to Section X., infra.

6. Death of Employees with Accrued Sick Leave

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

VI. Maternity Leave

1. General

Maternity leave shall be treated as sick leave, supra, Section V., subject to the provisions of this section, and all limitations and conditions applicable to other 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 Personal 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 subsection a. 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. When an employee chooses to remain absent for a period longer than certified necessary by a physician, such absence may be charged to annual leave or to leave without pay.
- d. Upon exhaustion of accumulated sick leave and any annual leave requested by the employee, 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, without loss of service benefits.

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 or of the State University and Community College System of Tennessee. 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 7-106. 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 Section 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 a 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. The transfer of any earned annual leave of the transferring employee shall be subject to the approval of the transferee institution.
2. Effective on and after July 1, 1965, 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 and the transfer of the leave agreed to by the president of Austin Peay State University 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 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 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. The second sentence of Article V., Section 1.e. and subsection e. of Article 2., of Article V. are effective prospectively from December 2, 1977.

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 Days: _____

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.

ADMINISTRATION AND STAFF

ABSENCE FORM

Employee's Name

Department

Please mark one:

| Type of Leave | No. of Days/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