

AUSTIN PEAY STATE UNIVERSITY POLICIES AND PROCEDURES MANUAL

Policy Number: 5:045	Supersedes Policy Number: 5:045
Date: October 23, 2003	Dated: October 3, 2001
Subject: Sick Leave	Mandatory Review Date: October 23, 2008
Initiating Authority: Vice President for Finance and Administration	TBR Policy/Guideline Reference: <u>5:01:01:07, 5:01:01:00, 5:01:01:03,</u> <u>5:01:01:06, 5:01:01:14, 5:01:01:15, P-062</u>
Approved:	President: signature on file

It is the policy of Austin Peay State University to protect all regular full-time and part-time employees against loss of earnings due to illness, injury, or incapacity to work, including illness or incapacity to work due to pregnancy, and to provide time off to employees in the event of serious illness or death of certain family members.

I. Eligibility to Accrue Sick Leave

1. Regular full-time employees, including academic personnel, regardless of probationary status, shall be eligible to accrue sick leave.
2. Regular part-time employees, including academic personnel scheduled to carry less than a full teaching load or its equivalent, regardless of probationary status, shall be eligible to accrue sick leave on a prorated basis equal to the percentage of their employment to full-time employment.
3. Temporary employees shall not be eligible to accrue sick leave. Temporary employees who are subsequently appointed as regular employees with no break in service shall become eligible to accrue sick leave and shall receive sick leave balances accrued retroactively from the date of employment.
4. 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 sick leave unless the grant or contract involved provides sufficient funds to cover the costs of such leave, or unless eligibility to accrue sick leave is approved by the President.
5. Student employees shall not be eligible to accrue sick leave.

II. Eligibility for and Rate of Accrual of Sick Leave

1. 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.
2. 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.
3. Accrued days of sick leave shall be cumulative for all days not used.
4. Eligible employees shall accrue sick leave from the date of employment. (See Section I, item 3, providing for retroactive credit for temporary employees who subsequently become eligible to accrue sick leave.)
5. Eligible employees earn and accrue sick leave for each month upon completion of service for a major fraction thereof
6. 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 2 of this section. 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. Employees otherwise eligible to earn sick leave do not earn or accrue sick leave while on leave of absence.

III. Use of Sick leave

Sick leave and Family and Medical Leave Act Leave (FMLA) shall run concurrently in accordance with the provisions of TBR Policy 5:01:01:14. (Note: Unless an employee is on a reduced or intermittent work schedule, periods of less than three days shall not be designated as FMLA leave.)

1. Sick leave is generally applicable to absences due to illness or injury to an employee, including illness or incapacity to work due to pregnancy, medical examinations and dental appointments. In addition, sick leave may be used for paternity leave. Refer to APSU policy 5:043.
2. Where an employee must be absent because of serious illness in the immediate family, sick leave may be granted by the appropriate approving authority. Where an employee must be absent for an extended period of time due to a serious illness or a serious illness in the immediate family, the appropriate vice president shall have final approval for granting sick leave. An "extended period of time" is considered to be absences in excess of two weeks. For purposes of this section, "immediate family" shall be deemed to include: (1) spouse; (2) children,

stepchildren; (3) parents, stepparents, foster parents and parents-in-law; (4) sibling(s); and (5) other members of the family who reside within the home of the employee.

3. In instances of death of a member of the immediate family as defined in Policy No. 5:049 – Bereavement Leave, sick leave may be granted at the discretion of the appropriate approving authority for a maximum of 15 hours (2 days) after the three (3) day bereavement leave has been used. In instances of death of one of the following relatives, sick leave may be granted at the discretion of the appropriate approving authority for a maximum of 22.5 hours (3 days): (1) sons and daughters-in-law; (2) brothers and sisters-in-law; (3) foster brothers and sisters; and (4) other members of the family who reside within the home.
4. Abuse of sick leave by an employee will result in the withholding of payment of the sick leave and possible additional disciplinary action. Sick leave may not be taken until earned and may not be advanced.
5. Nine-month academic personnel may not use sick leave 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.
6. 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 twenty-eight (28) 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.
7. Subject to the conditions outlined in Transfer of Sick Leave Between Employees, TBR Policy 5:01:01:15, sick leave may be transferred to members of the institution's Sick Leave Banks.
8. Sick leave is intended to meet the legitimate health needs of employees who were absent from the work place due to illness. Faculty, even though their work assignments often require variable schedules both day and evening as well as assignments which include a wide variety of activities -- classes, office hours, committee assignments, research in laboratories and libraries, etc. -- are, nevertheless, subject to sick leave policy in a very specific and direct way. The charging of sick leave for time away from work by a faculty member due to legitimate health reasons is not a penalty; sick leave was instituted by the TN Board of Regents to cover just such absences. It is the responsibility of each faculty member to report his or her sick leave to the appropriate Department Chair/Director.

As a general guideline, all faculty have responsibilities Monday through Friday for a minimum of 37.5 hours of any week in which the institution is in session. Any day-long absence during the regular work week due to illness should be charged to the faculty member as sick leave at the rate of 7.5 hours per day. Arrangements to cover a class either by the faculty member or the institution do not mitigate the fact that the faculty member was away from his or her work assignment and sick leave should be charged accordingly. If a faculty member is

absent from his or her work assignment for part of a day, he or she should discuss the appropriate sick leave time to be charged with his or her department chair, dean, or immediate supervisor.

IV. 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.

V. Return to Work

For the employee's protection and the protection of those who work closely with the employee, an employee may be required to present a written release to return to work, including any restrictions that may apply, from a licensed physician or other accredited practitioner prior to resuming employment. An employee will be allowed to return to work if he/she is able to perform the essential functions of the position.

VI. 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. However, in cases of worker's compensation, an employee may choose to be placed on leave of absence and retain sick and/or annual leave. 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 (Policy No. 5:040).

VII. 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 is transferring to another state agency, his or her accumulated sick leave shall be transferred according to Leave Transfer between TBR Institutions and State Agencies. (Policy No. 5:042).

If an employee leaves the System or any other state service in good standing after having worked on a full-time continuous basis for at least one (1) full year and thereafter returns to service with the System on a full-time basis, the employee shall immediately 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 new employer; provided further that if the employee has had any interim employment with the System or any other agency of the State of Tennessee

of less than one (1) year, he or she shall not be disqualified from receiving credit for sick leave to which he or she is otherwise entitled because of his or her prior employment with the state.

Notwithstanding the above paragraph, if any state employee or teacher employed by a local school board in Tennessee leaves the employment of the state or of that board in good standing and becomes a full-time state employee within six (6) months of the date of termination, the employee shall immediately be credited with all sick leave to which he or she was entitled at the time of the previous termination.

TCRS member employees who terminate due to retirement shall have all unused accumulated sick leave credited toward retirement. Employees who retire under the ORP will not have unused sick leave credited toward retirement.

VIII. Death of Employees with Accrued Sick Leave

The estate or designated beneficiary of any employee, upon the employee's death, shall be paid for the employee's unused and accrued sick leave in the same manner as the estates or beneficiaries of deceased employees are paid for annual leave.