



UPPER IOWA UNIVERSITY

Established in 1857®

Employee Leave Procedure

PURPOSE: To provide a standard policy for administering and granting employee leaves for absence from their jobs in accordance with university, system, state, and federal rules and regulations.

PROCEDURE: It is the procedure of Upper Iowa University to grant leaves to all regular benefits eligible, non-student employees on a consistent basis without regard to race, color, national origin, sex, religion, age, disability or veteran status. All personnel actions are reviewed to ensure Equal Employment Opportunity (EEO) compliance.

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- 1. Vacation Leave:** Vacation time is credited initially upon the completion of the first six months of employment and will include vacation time earned for this time period. Subsequent vacation will be credited upon the completion of each calendar month. Employees must be employed a minimum of six months before any vacation time is available for use.

The monthly vacation accrual rates are determined by the employee's exempt or non-exempt status:

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	Exempt (Salaried)	Non-Exempt (Hourly)
Each subsequent month	13.34 hours per month	6.67 hours per month through end of 4 th year
Beginning of the 5 th year		10 hours per month
Beginning of the 15 th year		13.34 hours per month

Monthly Accrual	Annual Accrual	Maximum Accrual
6.67 hours	80 hours (10 days)	120 hours (15 days)
10 hours	120 hours (15 days)	180 hours (22.5 hours)
13.34 hours	160 hours (20 days)	240 hours (30 days)

Vacation accruals are subject to a maximum accrual level based on the employee's monthly accrual rate as detailed above.

- Sick Leave:** Full-time employees will accumulate sick leave at the rate of 8 hours (one full day) per month and unused sick leave may be accumulated to a maximum benefit of 480 hours (60 days). Part-time employees will accumulate sick leave at the rate of 4 hours (one half day) per month and unused sick leave may be accumulated to a maximum benefit of 240 hours (30 days). Accumulated sick leave is not payable upon termination of employment.

Sick leave includes absences due to illness, accidents, medical and dental appointments, or pregnancy. Covered absences will also include attending to the employee's immediate family including spouse, dependent children and the employee's parents.

Employees who are unable to work because of illness are required to notify their supervisor prior to their regularly scheduled work time.

Employees absent for 3 or more consecutive days, due to illness, must submit a doctor's note upon their return to work. In the case of situations that require an employee to be absent for an extended period of time, the employee should contact their supervisor to discuss options to cover the extended leave.

Accumulated sick leave shall not constitute claim for reimbursement when an employee leaves the employment of the University.

Sick Leave accruals are subject to a maximum accrual level based on the employee's monthly accrual rate as detailed above.

3. Family and Medical Leave

- A. Under the Family and Medical Leave Act of 1993 (FMLA), employees who have a total of at least twelve (12) months of service to the university and who have actually worked at least 1,250 hours during the 12-month period immediately preceding the commencement of leave, are hereby entitled to FMLA provided that the employee utilizes all available applicable paid vacation and sick leave while taking leave pursuant to this provision.
- (1) As an exception to the requirement to utilize all paid vacation and sick leave, employees on FMLA leave who are receiving temporary disability benefit payments or workers' compensation benefits are not required but may utilize paid vacation and sick leave while receiving such benefits.
 - (2) If an employee elects to use Fair Labor Standards Act [FLSA] (overtime) compensatory time while out on FMLA, that time is not counted toward the 12-week entitlement. Compensatory (equivalent) time is counted toward the 12-week entitlement.
 - (3) If FMLA leave is used in one continuous block, a business closing will count against the employee's entitlement. The exception to this is a closing of a week or more. Holidays, inclement weather days, and shutdowns do not count against employees who are on intermittent FMLA leave or a reduced work schedule.
 - (4) Furthermore, an employee who is the father of a child may use his sick leave in conjunction with the child's birth only if the child is actually ill or to care for his spouse while she is recovering from labor and delivery.
 - (5) The employee does not have the option of choosing whether or not to designate leave as FMLA leave for a qualifying event. In all circumstances, it is the employer that determines whether leave qualifies as FMLA leave. Upper Iowa University counts FMLA qualifying events toward the maximum total of 12 workweeks of FMLA leave in a 12-month period. This would include paid leave time using sick or vacation accruals and unpaid leave time. This policy statement shall serve as official notice to university employees that qualifying events count toward the maximum 12 workweeks of FMLA leave.

B. Those employees with less than twelve (12) months of service or who have worked less than 1,250 hours in the 12-month period immediately preceding the commencement of leave are eligible to take a Parental Leave of Absence, not to exceed twelve (12) weeks (480 hours), provided that the employee utilizes all available applicable paid vacation and sick leave while taking the parental leave. The leave period begins with the date of birth of a natural child or the adoption or foster care placement with the employee of a child under three years of age.

C. Eligible Reasons for Leave -- FMLA requires that employers provide up to twelve (12) weeks ~~of unpaid~~ leave in a twelve (12) month period by an eligible employee for one or more of these reasons: (Upper Iowa University considers the employee on FMLA leave, for all FMLA qualifying events, regardless of designation by the employee.)

(1) To care for the employee's child after birth, or placement for adoption or foster care;

(2) To care for the employee's spouse, son or daughter, or parent, who has a serious health condition;

(3) For a serious health condition that makes the employee unable to perform their job. A serious health condition means one that involves either inpatient care in a hospital, hospice, or residential medical facility; or an incapacity requiring absence of more than three (3) calendar days and continuing treatment by a health care provider; or continuing treatment by a health care provider of a chronic or long-term condition that is incurable or will likely result in incapacity of more than three (3) days if not treated; or

(4) For a qualifying exigency which is the result of the spouse, child or parent of the employee being on active duty or notified of an impending call to active duty in support of a contingency operation of the Armed Forces.

D. Service Member Family Leave -- An eligible employee who is the spouse, child, parent, or nearest blood relative of a covered service member shall be entitled to a total of 26 workweeks of leave during a single 12-month period to care for the covered service member. During this single 12-month period, an eligible employee shall be entitled to leave for a total of 26 workweeks in combination with other types of leaves under paragraph C, 1-4. A "covered service member" is a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in out-patient status, or is on the military's temporary disability retired list, for a serious injury or illness incurred in the line of duty on active duty.

E. Advance Notice and Medical Certification -- The employee, when possible, is required to provide advance leave notice and medical certification. The employee ordinarily will provide thirty (30) days advance notice when the leave is "foreseeable." Medical certification to support a request for leave because of a serious health condition is

normally required within fifteen (15) calendar days when practicable, and a “fitness-for-duty” report should also be provided from the health care provider when the employee is able to return to work.

F. Duration and Timing of Leave

(1) Eligible employees may take up to twelve (12) weeks of unpaid leave during a twelve (12) month period inclusive of utilizing, within these twelve (12) weeks, all available and applicable paid leave. For part-time employees the leave is calculated on a pro-rated or proportional basis.

(2) The FMLA leave period runs concurrent with other forms of paid and unpaid leave you are eligible for and required to use; it cannot be stacked with other leaves to extend approved leave period.

(3) If both spouses are employed with the university and the purpose of the leave is either family leave, i.e., birth, adoption or foster care, or medical leave for the care of a parent, then the couple is entitled to a total of twelve (12) weeks of leave. However, the twelve (12) weeks are not aggregated between the spouses when the purpose of the medical leave is to care for a spouse, child or oneself. Spouses are limited to an aggregate of 26 workweeks of leave when the leave is taken under the provision to care for a covered service member.

(4) The twelve (12) month period is a rolling twelve (12) month period measured backward from the date an employee uses any FMLA leave. Entitlement to family leave expires one (1) year after birth, adoption, or foster placement.

(5) Intermittent and Reduced Schedule Leave -- FMLA leave because of serious health conditions, qualifying exigencies and to care for a covered service member may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced leave schedule (reducing the usual number of hours you work per workweek or workday) if medically necessary. In addition, while on an intermittent or reduced schedule leave, you may be temporarily transferred to an alternative position if available which better accommodates your schedule and which has equivalent pay and benefits. Intermittent and reduced schedule leave is not required of the employer unless there is a serious health condition. As previously stated, holidays, inclement weather days, and shut downs do not count against employees who are on intermittent FMLA leave or a reduced work schedule.

G. Job Benefits and Protection

(1) Upon return from FMLA leave, employees will be restored to their original or equivalent positions with equivalent pay and benefits.

(2) For the duration of FMLA leave, the employer must maintain the employee’s health coverage under any “group health plan.” The employee must pay for optional coverages while on leave. The University may recover any premiums for maintaining coverage for the employee if he or she does not return from the leave; unless the failure to return is due

to a continuance or recurrence of the cause of the medical leave or due to other circumstances beyond the control of the employee.

(3) The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave. However, no other benefits are provided or accrue while on FMLA leave without pay for an entire month except the fringe benefit group health insurance contribution.

To request time off for an FMLA qualifying condition, the employee should complete the Request for Family and Medical Leave and submit it to his/her supervisor. The request will be forwarded to the appropriate vice president and then to the Benefits Administrator. The Benefits Administrator will issue a written response to the employee indicating if the eligibility requirements are met and what conditions apply to the leave. If the employee does not return following the 12-week FMLA leave, the position will be considered vacant.

A complete copy of the Family and Medical Leave Act is available in the Human Resources Office. All terms and conditions of the Act apply although it may not be printed here in its entirety.

- 4. Personal Leave:** Full-time employees are provided with 8 hours of personal leave and part-time employees are provided with 4 hours of personal leave per anniversary year, after they have been employed by the University for one full year. Paid personal leave may be taken in increments of not less than one half hour, but must be approved in advance. Unused paid personal time may not be carried over to the subsequent anniversary year and, therefore, if not used by the final day of each such year, is forfeited. No payment will be made for unused paid personal leave at the time of separation from employment for any reason, including termination, resignation, and retirement. Paid personal leave may not be used in conjunction with, or as an extension of, any other period of paid absence, including but not limited to vacation, paid holidays, or sick leave.
- 5. Paid Holidays:** The following are recognized as official paid holidays: New Year's Day; Good Friday; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day. When the holiday falls on a Saturday, the holiday will be observed on Friday. When the holiday falls on a Sunday, the holiday will be observed on Monday. Additional paid holidays may be designated annually by the President. The employee will be paid for these holidays if they fall on a normal workday. For full-time employees one paid holiday equals 8 hours and for part-time employees one paid holiday equals the number of hours the employee is normally scheduled to work that day. For departments whose scheduled hours per day vary, the schedule for the remainder of the week in which a holiday occurs may need to be adjusted. Center locations may have slightly different holiday schedules based on the requirements of the military base on which they are located. To receive pay for a recognized University holiday, a terminating employee must work the day before and the day after the holiday period. Individuals out on temporary disability leave and/or FMLA leave during recognized official paid holidays and any additional holidays designated annually by the President's Office, will be paid during the leave.

- 6. Crisis Leave:** The Upper Iowa University crisis leave pool serves as a depository into which full-time staff employees may donate accrued vacation leave time for allocation to other employees. The purpose of this pool is to lessen the hardship caused by catastrophic illness or injury that forces employees to exhaust their personal days and all of their sick and vacation leave time. Employees may apply for up to 80 hours/10 days of crisis leave time per 12-month period. If an employee needs more time, allocation of additional days/hours from the crisis leave pool will be determined on a case-by-case basis. Crisis leave may be used intermittently, but unused time must be returned to the crisis leave pool once the employee is released from their physician's care or when the situation that caused the employee to request crisis leave has been resolved.

Crisis leave records are confidential, and only individual employees may reveal their donation or receipt of leave. Employees receiving donated leave shall not be informed of the names of employees who have donated leave. Further, the nature of an employee's medical condition will not be made public.

Time donated to the crisis leave pool cannot be designated to a certain individual, but will be donated to the pool for general use by all employees as requested and approved.

If an employee would like to donate, request crisis leave or get more information on the policy and procedure they should contact the Human Resources Department.

- 7. Military Leave:** Employees ordered for temporary monthly training (two days) or annual training (two weeks), during normal working days, by their respective military reserve unit will be granted time off with pay for this purpose. Employees are encouraged to provide their supervisor with a copy of their written military orders sufficiently in advance of their training dates so that work scheduling adjustments can be made. Employees will continue to accrue all of the normal employment benefits for which they are eligible during periods of temporary or annual military training. Paid vacation time may be substituted for unpaid leave for periods beyond the time permitted at the written request of the employee.

Employees who have applied for, were a member of, or have an obligation to, the uniformed services are covered by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). USERRA provides protection to members of the uniformed services, including Active Military, Reserve, and National Guard. It also protects the job rights of those making application to become members of the uniformed services. Unless precluded by military necessity or circumstances under which the giving of notice is otherwise impracticable or unreasonable, the employee (or an appropriate officer of the branch of the military in which the employee will be serving) must give as much advance written or oral notice as possible of the need for military leave.

Health insurance coverage in effect at the time of the leave will continue during the military leave. The employee should make arrangements for payment of any portion of the premium that the employee normally pays. The employee may also elect in writing to discontinue the health insurance coverage during the military leave if the coverage will

not be needed. Upon return to work, the employee's health insurance coverage will be reinstated.

Upper Iowa University will abide by USERRA for any issues not specifically addressed here. Additional information regarding USERRA is available in the Human Resources Department.

- 8. Veteran's Day Leave:** Under Iowa law, employees who are veterans of the armed services are granted holiday time off on Veteran's Day, November 11th if the employee would normally be required to work that day. Veterans in all university locations are eligible for this benefit. If an eligible veteran's employment status (full-time or part-time with benefits) is such that the employee receives holiday pay, the Veteran's Day holiday will also be paid if it falls on a normally scheduled work day.

A veteran of the armed services must provide his or her supervisor with at least two weeks' prior written notice of his or her intent to take time off for Veteran's Day, November 11th. An employee requesting the Veteran's Day time off may be required to provide a federal certificate of release or discharge from active duty, or similar federal document, for purposes of determining eligibility.

- 9. Bereavement Leave:** In the event of the death of an immediate family member, an employee will be granted time off with pay up to a maximum of 5 working days.

The employee's immediate family members include:

- Spouse or domestic partner
- Child/step-child and their spouses
- Parent/parent-in-law
- Sibling
- Grandchild/step-grandchild
- Grandparent or spouse's grandparent

If an employee plans to attend the funeral of any other relative not listed above, he/she will be granted 1 day off with pay. Additional time may be taken off in this situation but the employee must use available personal or vacation time.

If an employee requests time off for the death of a non-family member, the employee must use available personal leave or vacation.

- 10. Jury Duty:** Sufficient time will be allowed to participate in jury duty and will be paid time off. Employees will be required to provide documentation of jury duty participation to the Human Resources Office.

11. Employee and Department Responsibilities for Leave

Employees should communicate to their supervisor at the earliest practical time details of their absence or anticipated absence(s) including dates with appropriate documentation.

For illness and/or disability a doctor's certification may be needed to certify fitness to work and/or certify the period of absences.

Leaving one's job without proper notification to the employee's supervisor or designee can constitute job abandonment which is justification for termination. Bona fide emergencies will be taken into consideration.

The employee is responsible for completing the application for leave form, providing supporting documentation, and following up on approvals.

Departments are responsible for notifying Human Resources and Payroll regarding employee leaves. When it is anticipated the employee will not have enough paid leave and must coordinate out-of-pocket payments to continue insurance benefits, Human Resources must be notified. The department is responsible for processing the necessary documents to process the requested leave in a timely manner.

12. Leave Request/Approval and Medical Certification Forms

These forms do not replace the official Leave Request submission. They serve only as processing and notification documents for the request and approval of employee leaves, medical certification and sick leave pool transactions.

When the request requires approval beyond the department head, the form should be complete with type of leave, dates of absence, number of hours requested and required documentation attached before it is forwarded through the appropriate channels for signatures.

13. Administrative Leave

University administration, at its discretion, may place an employee on leave with pay. Examples may include time pending results of an investigation or an agreement as part of a separation of employment. Approval by the divisional vice president Director of Human Resources is required.

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