

**JACKSONVILLE STATE UNIVERSITY**  
**Manual of Policies and Procedures**

**POLICY NUMBER: I:02:19**

**DATE: April 2016**

**REVISION/REVIEW DATES: Apr 2021**

**SUBJECT: Attendance, Leave and Holiday Policy**

**APPROVED: Don C. Killingsworth, Jr., President**

**PURPOSE**

The purpose of this policy is to outline the means by which JSU will administer the accrual and the appropriate use of leave benefits and holidays.

**POLICY**

Jacksonville State University offers a variety of generous and flexible leave benefits to all eligible employees. The University recognizes that all employees should enjoy occasional time away from work using annual leave and holiday time, and that both personal and medical situations may temporarily interfere with an employee's ability to work. All leave, other than emergencies, must be approved by the supervisor in advance.

**Types of Leave**

The following types of leave are available to JSU employees:

Annual Leave	Military Leave	Compulsory Leave
Medical/Sick Leave	Holiday Leave	Special Circumstances Leave

**DEFINITIONS**

**Administrative Leave:** a form of Special Circumstances designated by the President or designee, requiring an employee to take time away from the workplace in order for the University to facilitate an investigation.

**Annual Leave:** the opportunity for employees to take vacations, enjoy a day off for personal reasons, or supplement other forms of leave.

**Compulsory Leave:** approved leave with pay (subject to available employee accrued leave) or without pay (when no leave is available), or a combination of such leave, not to exceed the duration of the illness/injury or one year, whichever is less.

**Exempt Employee:** an employee who qualifies as being exempt from the overtime provisions of the Fair Labor Standards Act because of his or her assigned duties and salary. Exempt employees do not receive overtime pay for work performed in excess of the 40-hour work week.

**Immediate Family:** spouse, qualified domestic partner, children (including foster or stepchildren), parents (including stepparents and parents-in-law), siblings (including stepbrother and stepsister), grandparents, and grandchildren.

**Illness/Injury:** any physical or mental impairment of health, including such an impairment proximately resulting from pregnancy (miscarriage, childbirth and/or recovery thereafter), which does not allow an employee to fully and properly perform the duties of the employee's position. *When an employee's illness/injury may be covered by the Americans with Disabilities Act, the provisions of Public Law 101-336 shall apply.*

**Medical/Sick Leave:** the absence of an employee from work for personal illness or injury of the employee or a member of the immediate family; and/or, medical, dental, or other appointment(s) with a licensed healthcare provider for the employee or a member of the employee's immediate family.

**Non-Exempt Employee:** an employee who is subject to the overtime provisions of the Fair Labor Standards Act because of his or her assigned duties and salary. Non-exempt employees will be paid at one and one-half times the hourly rate or will be granted compensatory time for work performed in excess of 40 hours during the work week.

**Serious Health Condition:** an illness, injury, impairment, or physical or mental condition that involves:

- any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; or
- a period of incapacity requiring absence of more than three calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider; or
- any period of incapacity due to pregnancy, or for prenatal care; or
- any period of incapacity (or treatment therefore) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.); or
- a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, etc.); or,
- any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).

**Special Circumstances Leave** is defined as instances when employees may need to take time away from work, but it may not be reasonable to expect the use of annual leave or compensatory time.

## **ATTENDANCE**

**Regular Hours:** The regular workweek for the University is 8:00 am to 4:30 pm, Monday through Friday, but many employees have a schedule with different work hours based on the needs of the department. Non-exempt employees are expected to work the number of hours in the employee's established workweek unless on approved leave. The minimum workweek is 37.5 hours for full time employees. Full time employees take a lunch period of either one-half hour or one hour depending on the employee's assigned work schedule.

**Rest Periods:** When working conditions permit, for each four hours of scheduled work, non-exempt employees may be permitted a rest period of 5-15 minutes. Rest periods and meal breaks are non-cumulative and may not be used to arrive to work late, leave work early, or extend the lunch period.

**Absence from Duty:** If an employee expects to be absent from work for ANY REASON, the supervisor should be notified in advance. The supervisor will make the most suitable disposition of the work ordinarily done by the employee.

**Job Abandonment:** While any period of unauthorized absence or may call for disciplinary action, three (3) consecutive working days of absence without notice or satisfactory explanation will be considered job abandonment and a forfeiture of any accumulated benefits.

## **LEAVES**

### **Request for Leave**

A Leave Request Form (located in MyJSU – Employee – Form Library – Benefits) must be completed whenever any employee plans to use leave time (except for Holidays). Leave must be approved by the supervisor in advance of taking the leave, except in cases of an emergency. Leave must be requested in the manner established by the department head/supervisor and routed to the supervisor for approval. A Leave Request Form **MUST** be completed ANY time an employee is absent from work, regardless of whether the employee is classified as BI-WEEKLY (non-exempt) or MONTHLY (exempt).

**Annual Leave.** With the exception of faculty and athletic coaches, benefits earning employees accrue annual leave in accordance with the following guidelines unless subject to a college administrative policy as approved by the President or designee.

<b>Years of Service</b>	<b>Monthly Accumulation</b>	<b>Annual accrual</b>
0-9 years	8 hours	192 hours
9-19 years	10 hours	240 hours
19 years and over	12 hours	288 hours

- All annual leave must be requested and approved by the employee's supervisor before being used, unless used for medical absences or emergencies.
- The use of annual leave is generally discouraged during an employee's probationary period, unless specifically approved by employee's supervisor.
- Employees may continue to accrue annual leave in excess of the maximum during the fiscal year. On August 31 of each year, each employee's leave accumulation will be compared to the maximum allowed and any excess leave will be transferred to the impacted employee's sick leave balance. Maximum accumulated leave is based on years of service.
- An employee who separates from employment may be paid-out for the unused annual leave up to the maximum allowed based on years of service. The only exception to the annual leave payout is employees who have been separated due to job abandonment.

**Compulsory Leave.** When, in the opinion of the President or designee, an employee is unable to perform assigned duties due to illness/injury or mental or physical incapacitation, the employee may be placed on paid or unpaid compulsory leave. When on such leave, accrued sick, annual, and compensatory leave hours shall first be exhausted before the employee is placed on compulsory leave without pay.

### **Conditions**

- **Required Examination.** The President or designee may require the employee to submit to an examination by a mutually acceptable health care provider and paid by the University.
- **Report.** Upon a signed release by the employee, the results of the medical examination, certifying in detail the employee's condition, shall be released solely to the President or designee and any other entity identified by the employee on the release.
- **Outcome.** If the medical examination confirms that the employee is unable to perform assigned duties, after three (3) working days, the employee must initiate the Family Medical Leave Act (FMLA) request process (Medical/Sick Leave Policy-1:02:17).

**Medical/Sick Leave.** Medical/Sick Leave applies to all benefits-earning employees who need to be away from work due to their personal health condition (illness or injury), to care for an immediate family member, and/or for medical, dental, and other appointment(s) with a licensed healthcare provider for the employee or a member of the employee's immediate family. Employees must provide their supervisor advanced notice of any scheduled appointments, except in cases of an emergency. Sick leave is accrued at a rate of 8 hours per pay period worked. Medical/sick leave extending more than three (3) consecutive workdays may entitle an employee to certain rights and responsibilities under the Family Medical Leave Act (FMLA). If an employee uses medical leave for more than five (5) consecutive workdays, the employee must provide Human Resources with a medical release from a licensed medical provider in order to return to work (see Medical/Sick Leave Policy 1:02:17 for more information concerning medical/sick and Family Medical Leave Act information). An employee's serious health condition (as defined above) may fall under FMLA.

**Paid Holiday Leaves.** The University typically observes seven (7) paid holidays that do not impact the academic calendar or services necessary to the University community and the public. These paid holidays allow the University to close offices and discontinue operations.

**The University normally observes the following paid holidays. An annual holiday schedule, as determined by the President, will be published by the Department of Human Resources each summer.**

New Year's Day	Dr. Martin Luther King's Birthday	Memorial Day
Independence Day	Labor Day	Thanksgiving Day
Christmas Day		

- The holiday(s) may be paid to benefit-eligible employees. Non-benefit eligible employees will not be paid for the holiday.
- At the discretion of the University President, additional days may be designated as holidays. If the holiday falls on Sunday, Monday will be observed as the holiday. If the holiday falls on Saturday, Friday will be observed as the holiday.
- Holiday pay is not counted as hours worked and will not be included in computing overtime in any pay period.
- The maximum holiday pay is 8 hours per day.
- An exempt employee will be given alternate days off if scheduled to work on a designated holiday.
- A non-exempt employee will earn hour for hour compensatory time for the hours worked during a designated holiday and will be expected to use within a reasonable period of time following the holiday.
- An employee will be given alternate days off if exempt or earn hour for hour compensatory time if non-exempt if a holiday falls on the employee's regularly scheduled day off.
- An employee on official leave of absence without pay, or absent without leave, will not be paid for holidays falling during the employee's leave.
- In order to receive the holiday pay, benefit eligible employees must work their last scheduled day before the holiday and the first scheduled day after the holiday, or unless otherwise excused by their supervisor for accumulated leave (annual, sick, comp time) or FMLA leave (paid or unpaid).
- Employees who have submitted their intent to retire (via the Teacher's Retirement System) will be eligible for paid holiday during the period prior to their effective date of retirement.

### **SPECIAL CIRCUMSTANCES PAID LEAVE:**

**The following is a framework for requesting and considering requests for time off:**

**Administrative Leave:** When the President or designee has reason to believe that the presence of an employee on University property presents a threat to the health or safety of the employee or anyone in the University community or represents a threat of substantial disruption or interference with the normal operations of the University community, the President or designee may place the employee on leave pending an investigation of the occurrence. Under such circumstances, a Leave Request Form will be completed and submitted by the Department of Human Resources. Leave pending investigation is approved leave with pay and with no reduction of accrued leave. Accountability for this form of leave will be managed by the Department of Human Resources.

**Bereavement Leave:** The University provides up to three days to an employee upon the death of an immediate family member. If the leave extends beyond three days, employees are required to obtain supervisory approval for the use of accrued leave. A request for such leave should be documented on the appropriate Leave Request Form submitted to the Department of Human Resources.

**Court Summons:** Paid leave shall be provided to an employee summoned as a witness in regard to university matters only. Paid leave shall not be provided to an employee serving as an expert witness. Witness pay shall be retained by the employee.

**Emergency Closing:** During official emergency closing of JSU facilities, the President may authorize call backs, leaves, and related compensation during any closure or reduced operations of JSU.

**Jury Duty:** Upon receipt of a summons to report for jury duty, employees must immediately provide their supervisor with a copy of the summons. Employees summoned as a member of a jury panel, shall be granted leave with pay and any jury fees shall be retained by the employee. Leave granted by the University during jury duty shall not affect the employee's accrued annual or sick leave balance. Paid leave shall not exceed the number of hours in the employee's normal workday. If jury duty does not require absence for the entire workday, the employee shall return to work immediately upon release by the court. (Acts 1969, No. 619, p. 1126; Act 2005-311, 1st Sp. Sess., §1.) Employees must complete a Leave Request Form.

**Leave of Absence:** Regular, full-time employees with one year or more of continuous service may request a leave of absence with or without pay. When on such leave, accrued sick, annual, and compensatory leave hours shall first be exhausted before an employee is considered to be on leave of absence without pay. Employees are encouraged to request all leaves of absence at least one(1) month in advance of the beginning date. All leaves of absence must be approved by an appropriate Division Head or Dean and are subject to the approval of the Provost and/or President. The criteria in approving this leave are simply whether the interest of the employee and the University would be best served by granting this leave.

Types of Leaves of Absence include:

1. **Educational Leave (Up to 12 months)** - Must be job related in that it leads to an advanced degree or increased job ~~qualifications~~
2. **Family and Medical Leave (Up to 12 weeks)** - See Family and Medical Leave section Medical/ Sick Leave Policy-1:02:17.
3. **Personal Leave (Up to 2 weeks)** - Must be for extraordinary legal or personal business matters and must not unduly interfere with normal University business.

**Military Leave:** The federal Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA) provides [employment](#) protections for members of the National Guard and Reserves who are called to serve in the military. Paid and unpaid military leave and re-employment rights shall be provided to employees consistent with federal and state laws. A request for such leave should be made in advance to the employee's supervisor and the appropriate Leave Request Form submitted with supporting military documentation, to the Department of Human Resources.

## **RESPONSIBILITY**

The Department of Human Resources is responsible for this policy.

## **EVALUATION**

The policy will be reviewed at least every five (5) years annually by the Human Resources Director.