

## **HR 5.0 LEAVE PROGRAMS**

The University acknowledges that individuals may occasionally need to miss work for a number of reasons. Therefore, as a part of the Benefits Program, the University maintains a number of Leave Programs. The employee, his/her supervisor and Office of Human Resources work together to determine the appropriate type of leave and pay status that is available to meet the employee's need.

It is the employee's responsibility to submit a request for any type of leave to the supervisor as soon as the employee knows that leave will be necessary or desired. Advance notice allows the supervisor to consider leave requests when planning work schedules. Employees are required to comply with departmental rules for reporting absences and approving time off work. Whenever possible, the University will grant time off at the convenience of the employee, but reserves the right to deny leave when and if a hardship or disruption for the department may result. Documentation of leave requested or taken is to be maintained by the approving department.

Leave which is accrued is available for use the month in which it is earned. Negative leave balances are not allowed. Non-exempt employee's pay will be reduced on an hour-for-hour basis if a supervisor approves an absence from work for an employee when no applicable paid leave is available. Time without pay will not be granted as long as accrued leave time is available. All paid leave time must be taken in no less than quarter-hour increments.

Additional leave will not accrue during leaves of absence without pay, unpaid family or maternity leave, suspension without pay, lay-off, sabbatical leave, or removal from the payroll for any reason. In addition, leave time will not accrue while receiving donated time through the Leave Sharing Program.

### **HR 5.1 Notification of Supervisor**

Staff are to notify their supervisor or designated administrator when they are going to be late or absent. When conditions do not permit a request in advance the employee is to notify the supervisor at the earliest possible time of the need to use accrued leave. Call-ins of this nature should be made at the beginning of the shift. In chronic or unusual cases of absenteeism, the University reserves the right to require documentation/verification of the reason for the absence. More than six occurrences of unscheduled leave in six months may be considered abuse of leave and may result in disciplinary action, including termination. Individual departments may establish more specific time notifications schedules and designate administrative staff to be notified to fit their work schedules.

Any employee who misses work for three consecutive days and fails to call in during this period will be considered to have voluntarily terminated his/her employment with the University.

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### **HR 5.2 Vacation Leave**

Vacation leave with pay is available to eligible regular full-time employees to provide opportunities for rest, relaxation and personal pursuits. Time is accrued on a monthly basis, and rates of accrual vary by the position and longevity of the employee, as follows:

<i>POSITION</i>	<i>HIRE DATE</i>	<i>AFTER 5 YEARS</i>	<i>AFTER 10 YEARS</i>	<i>AFTER 15 YEARS</i>
<b>Executive: President, Vice President</b>	15 hr./month	15 hr./month	15 hr./month	15 hr./month
<b>Deans, 12-month Faculty, Directors, Management</b>	13.5 hr./month	13.5 hr./month	13.5 hr./month	15 hr./month
<b>All Others (*Sponsored Programs see below)</b>	7. hr./month	10 hr./month	13.5 hr./month	15 hr./month

Vacation leave is earned from the date of full-time employment. Vacation leave time may be accumulated to a maximum of 480 hours. University observed holidays that fall within an employee's scheduled vacation will not be charged as vacation time. Employees who transfer to another department, if not a contract or sponsored program employee, retain their accrued vacation time and length of service.

All vacations are to be scheduled with the employee's supervisor, who will make reasonable efforts to minimize restrictions. Supervisors may deny leave if it is determined to be in the best interest of the University.

Upon termination, employees will be paid for accrued unused vacation hours.

#### **HR 5.2.1 Sponsored Programs**

Salaries of employees of Sponsored Programs are funded through specific short-term grants and contracts. Consequently, these employees are subject to the requirements and restrictions of the specific funding source from which their positions are paid. Accrual rates, use of time, and carry-over policies are determined by each contract. Details are available through The Office of Research Administration or the College of Optometry.

### **HR 5.3 Personal Leave**

Personal Leave is designed to assist faculty and staff during periods of personal or family illness or to prevent a loss of pay due to certain other absences, such as: attending a funeral, inclement weather conditions, conducting legal business, appointments with a doctor, dentist or other recognized medical professional or other appointments that can only be dealt with Monday through Friday during regular business hours.

Use of Personal Leave for absences other than personal illness or emergency is to be scheduled in advance with supervisory approval. Employees are required to comply with departmental rules for reporting absences and approving time off work. The supervisor may require employees to

furnish satisfactory documentation in chronic or unusual cases. Employees should be mindful of the impact their absence may have on their department and coworkers. Appropriate disciplinary actions, up to and including termination, may be taken if Personal Leave abuse is discovered.

Personal Leave is earned at the rate of 12 hours per month (18 days annually for a full-time employee). The maximum that may be accumulated is 180 days (1440 hours). Personnel who transfer from one department to another department or subdivision within the University take with them the balance of unused, accumulated Personal Leave. Personal Leave time is designed to replace time missed during straight-time hours only. There will be no payment for any unused accrued Personal Leave balance at the time of termination or reduction to less than full-time status.

### **HR 5.3 Types of Personal Leaves**

#### **HR 5.3.1 Family Medical Leave Act**

NSU supports and complies with the Family Medical Leave Act of 1993 (FMLA), all revisions to the Act and the National Defense Authorization Act which extends benefits to military families. Qualified employees are informed of the specific job protections for qualifying events such as personal illness or injury or to care for family members. Notice of rights under FMLA is posted on the campus for employee review. The Act and regulations will prevail for all practices, policies and procedures.

#### **HR 5.3.2 Qualifying Events**

- The birth of a child or placement of a child for adoption or foster care.
- A serious health condition that makes the employee unable to perform the essential function(s) of the position.
- A serious health condition that affects the spouse, child or parent when the employee is needed to give care.
- Qualifying exigency arising from the spouse, son, daughter or parent of an employee being on active duty or call to active duty status in support of a contingency operation as a member of the armed services.
- Qualifying employee: The spouse, son, daughter, parent or next of kin of a covered service member with a serious injury or illness.

#### **HR 5.3.3 Employee Eligibility**

To be eligible for FMLA leave, an employee must have been employed by NSU for twelve (12) months and must have worked at least one thousand two hundred fifty (1250) hours during the twelve (12) months immediately preceding the leave.

### HR 5.3.4 Leave Requests

It is vital that an employee and department management understand the requirement to report FMLA leave eligible absences of four (4) or more days to the Office of Human Resources. The Office of Human Resources must rely on communication from the employee or department management in order to follow required processes.

Leave requests are to be directed to the Office of Human Resources. An FMLA Leave Request form is available on the Office of Human Resources website. Once the request is received in the Office of Human Resources, a Notice of Eligibility and Rights & Responsibilities form will be returned to the requesting employee from the Office of Human Resources. An employee must comply with all requests for additional information.

An employee is expected to provide thirty (30) days advance notice whenever the need for leave is foreseeable. In situations when leave notice is not possible each case will be evaluated individually. An employee may discuss with HR staff the anticipated need for FMLA leave without providing specific medical information. Should medical certification be needed, the Office of Human Resources will request that the employee obtain this from the employee's medical provider. Medical providers are to return the completed document to the employee or the Office of Human Resources. This information is not to be sent to the supervisor or department management. A Designation Notice will be sent to the employee by the Office of Human Resources as notification of FMLA designation and entitlement.

#### HR 5.3.4a Forms Available

The initial request form is located on the Office of Human Resources website. Other forms for FMLA leave are available by contacting the Office of Human Resources. Forms include:

Family and Medical Leave Request (HR Website under Forms)

Certification of Health Care Provider for Employee's Serious Health Condition

Certification of Health Care Provider for Family Member's Serious Health Condition

Certification of Qualifying Exigency for Military Family Leave

Certification for Serious Injury or Illness of Covered Service Member – for Military Family Leave

Notice of Eligibility and Rights & Responsibilities

Designation Notice

HIPAA Authorization Form

#### HR 5.3.5 Job Protection for Approved FMLA Leave

Leave approved under FMLA allows job protection to an eligible employee for up to twelve (12) weeks of absence from assigned duty within a twelve (12) month period. Job protection allows an employee to be restored to his/her original or equivalent position with equivalent pay, benefits, and other terms or conditions of employment. In situations of workforce reduction or where funding for the position has ended, the employee may not be reinstated to the same or

equivalent position. Key employees may be exempt from the job protection under FMLA leave.

When both spouses are employed at NSU, they are limited to a combined total of 12 weeks of family leave for the birth and care of a newborn child, placement of a child for adoption or foster care, or to care for a parent who has a serious health condition. Leave for birth and care, or placement for adoption or foster care, must conclude within 12 months of the birth or placement. Combined leave time is 26 weeks to care for a covered service member with a serious injury or illness.

When FMLA leave is exhausted, other leave types may be applicable and available. An employee should consult with the Office of Human Resources for additional information.

#### HR 5.3.6 Intermittent / Reduced Leave Schedule

The FMLA permits employees to take leave on an intermittent basis or to work a reduced schedule under certain circumstances. Intermittent/reduced schedule leave may be taken when medically necessary to care for a seriously ill family member or serious personal health condition. Intermittent/reduced leave schedule requests will be evaluated by the Human Resources Director in consultation with department management.

Employees needing intermittent/reduced schedule leave for foreseeable medical treatment must work with department management to schedule the leave so as not to unduly disrupt operations.

Medical certification is required for an Intermittent/reduced leave schedule request.

#### HR 5.3.7 Call-Out Procedure for Absences

In all cases notice of need for FMLA leave must be given with proper timing and content. All employees approved for FMLA leave are to comply with departmental policies and practices for reporting an absence. Employees reporting an absence that qualifies for FMLA leave must either specifically reference the qualifying reason for the leave or state that he/she needs FMLA leave. If calling in "sick" without providing more information, the FMLA leave is not activated and the leave may not be covered by FMLA.

#### HR 5.3.8 Compensation and Benefits While On FMLA Leave

An employee (both exempt and non-exempt) is required to use accrued time off to continue income during the FMLA leave duration. Accrued leave will be used in the following order: 1) Personal Leave; 2) Comp Time (non-exempt only); and 3) Vacation. If no accrued time is available or accrued time is exhausted, the leave is without pay for both exempt and non-exempt (hourly) staff and faculty.

During approved FMLA, an employee's university provided group health and life benefits will continue to be paid by the University. For dependent and optional benefit premiums normally paid by the employee, arrangements are to be made through the Office of Human Resources for premiums to be paid by the employee when payroll deduction is not an option.

While receiving disability payment or workers' compensation payment, FMLA leave will run concurrently for the duration of the leave. Use of accrued benefits should be discussed with the Office of Human Resources. Leave Share and FMLA are two separate policies and FMLA leave may not qualify for the Leave Share Program.

#### HR 5.3.9 Certification and Release

Initial and continued medical certifications may be requested by the Office of Human Resources and will be required within the specified timeframe according to the Act. NSU reserves the right to determine when a leave request will require additional documentation such as caregiver (non-military), intermittent leave/reduced leave schedule, employee request, additional clarification or verification or supporting certification. Leave may be denied for failure to provide required medical certification or documentation. Certification forms are available from the Office of Human Resources.

A release to return to work or Fitness for Duty form from the medical caregiver listing any and all restrictions as applicable will be required in all personal medical leave situations. NSU reserves the right to determine if a release to return to work is necessary. No release is required for paternity leave or certain military eligible leave.

#### HR 5.3.10 Documentation and Recording Time

Department management and the Office of Human Resources must communicate concerning any potential eligibility for FMLA leave. Any absence situation that is FMLA eligible of four (4) or more days requires department management or designee to immediately notify the Office of Human Resources. For FMLA qualifying absence or when FMLA eligibility is unknown, NSU via the Office of Human Resources is obligated to send notification of rights. The Office of Human Resources will determine if the initial leave is FMLA eligible. If it is FMLA eligible, the Office of Human Resources will issue the appropriate documents and notify department management.

Record keeping is a critical part of FMLA documentation. Intermittent absences that have been deemed to fall under FMLA will be recorded or noted as such by department management or the employee. These absences include separate blocks of time for a single qualifying reason or a reduced leave schedule. In the case of approved medical leave for a single block of time, the Office of Human Resources will record FMLA leave. FMLA records will be maintained by the Office of Human Resources.

#### HR 5.3.11 Exhausting FMLA Leave

Once an employee has exhausted FMLA leave and no other leave policy applies, the employee must return to work. If no other leave is available and the employee cannot return to work, the employee will be terminated.

#### HR 5.3.2 Extended Medical Leave

An employee who has been employed for one year or longer and who must be absent from the job for more than three consecutive days due to a medical situation may be placed on Extended Medical Leave, depending on the circumstances of the illness or injury. Extended Medical Leave is approved leave for any serious medical condition, defined as: any condition requiring care or

continuing treatment by a health care provider which incapacitates an employee and/or prevents him/her from performing assigned duties, or the existence of a contagious disease/illness which, in the judgment of the institution, would jeopardize the health of fellow employees. For eligible employees, Extended Medical Leave runs concurrent with FMLA. Medical verification of the necessity for extended medical leave is required and regular physician statements indicating the continued need for leave may be required.

Upon notification from an employee, a supervisor will review the circumstances with the assistance of the Office of Human Resources. If it is determined that a formal Medical Leave is required, the supervisor will submit a completed Medical Leave Notification Form, signed by the account sponsor, to the Office of Human Resources.

The employee who has been on medical leave must provide a physician's release to the University before he/she may return to work. Payment for time away from work is contingent on documentation provided by the treating physician. Leave will be paid in accordance with the employee's combined accumulated Personal Leave and Vacation (unused and prorated), and any earned comp time. When the accumulated leave has been exhausted, the employee will be placed on leave without pay unless the absence qualifies for and assistance is granted under the NSU Shared Leave Program. (See Shared Leave procedure.) An employee who becomes ill or suffers a disabling injury while on annual leave may opt to charge the relevant time to medical leave, rather than vacation, provided that such illness or disabling injury is verified by certification from a licensed medical practitioner.

A full time staff employee's job is protected by the University for up to three months when he/she is on an approved extended medical leave. Failure to return to work on the next scheduled work day following the end of the period (or earlier, if released by a physician) may result in the employee's termination from University employment unless medical leave is extended by the President or the appropriate Vice President.

#### HR 5.3.3 Continuation of Benefits

For the duration of FMLA leave and while on Extended Medical Leave for up to a total of three months, the University will continue to pay the monthly premium for the employee's group medical insurance. If the employee wishes to continue optional coverages and/or dependent coverage, he/she must make arrangements to pay the monthly premium.

#### HR 5.3.4 Returning to Work

The University will make every effort to reinstate an employee returning from medical leave to the same position and rate of pay as previously held. If the leave is going to be for an extended period of time and the position must be filled, the University will attempt to hire a replacement on a temporary basis. If a permanent replacement must be hired, the returning employee will be offered the most appropriate available job. If no job is available when the employee is ready to return, he/she would be placed on a lay-off status. Failure to return to work at the beginning of the next scheduled workday after being released by the physician may result in termination.

#### **HR 5.4 Leave Sharing Program**

The Leave Sharing Program provides a means for NSU employees to donate paid leave to a fellow University employee who is eligible for and requires donated leave time due to an extraordinary or catastrophic illness, injury, impairment or physical or mental condition for either the employee or an immediate family member, and which has caused or may cause the employee to take leave without pay or terminate employment. For the purposes of this policy, “immediate family member” shall be limited to the spouse, child, stepchild, grandchild, grandparent, parent or stepparent of the employee. This term shall also include foster children and legal wards, but not in-laws.

The NSU Leave Bank is maintained through Personal Leave hours donated for general distribution. The Office of Human Resources will solicit donations for the Leave Bank as needed. Employees shall have no expectation of entitlement to Leave Sharing. Receipt or donation of shared leave is a gift from fellow employees and is not intended to constitute or obligate debt or reciprocity. The Office of Human Resources has sole discretion in determining eligibility for participation in the Leave Sharing Program at NSU. Details of the program are available from the Office of Human Resources.

#### **HR 5.5 Weather Conditions**

The Public Information Office will be responsible for contacting the news media if the President makes the decision to close any part of the University due to inclement weather conditions. The local radio stations will specify whether the administrative offices and/or classes will be closed. Unless the administrative offices are specifically mentioned as being closed, always assume the University is open. Employees are expected to make every effort to listen to the radio rather than calling in, but if the announcement is missed, the employee may call the campus switchboard or refer to the NSU website for recorded information.

If classes are not held but administrative offices are open, employees who are unable to come to work would have the option to charge the time missed to either Personal Leave or Vacation. If administrative offices are closed, that day’s absence would be entered on time sheets as “Administrative Leave.” By doing so, an employee would be paid for the day and the time would not be deducted from any accumulated Vacation or Personal Leave.

When administrative offices are closed due to inclement weather conditions by the appropriate authority, there are still a few employees who are required to be on the job due to the nature of their work assignment. When this situation exists, these employees will be credited with the appropriate amount of administrative time.

#### **HR 5.6 Holidays**

A tentative holiday schedule will be announced at the beginning of each fiscal year. These holidays usually include: Independence Day, Labor Day, Thanksgiving (three days), Christmas (days to be specified each year), New Year's Day, and Memorial Day. Annually other days may be designated by the President as Holidays. If any of the identified holidays fall within an employee’s employment period, these days will be considered holidays with pay. Paid holidays are available to full-time employees.

Some employees may be required to work during holiday periods. If an employee works on an observed holiday, he/she will be credited for the hours worked and for the holiday. Any hours in excess of 40 for the workweek will go into an employee's comp time bank, according to normal payroll process. In special circumstances, excess hours may be paid out as overtime pay at the discretion of department management.

Employees are eligible for holiday pay if, on the last regularly scheduled work day before the holiday and the first regularly scheduled work day after the holiday, they are either at work (no minimum number of hours required) or on approved leave with pay. An employee who terminates before returning to work after the holiday will not be paid for the holiday.

#### **HR 5.7 Administrative Leave**

At the discretion of the University or a specific department, offices must close temporarily due to unforeseen, unplanned situations or because the University, for its own convenience, has chosen to temporarily discontinue the work for a specific limited period of time. When this situation arises, employees (full-time) will receive pay for the time they miss. Unless designated otherwise by the University, this pay is charged to "Administrative Leave" and is not counted against any leave time employees may have accumulated. Administrative Leave will be designated at the discretion of the President, who will determine the appropriate length and use of the time.

#### **HR 5.8 Jury Duty/Court Leave**

The University recognizes the responsibility of each individual to perform civic duties as called upon. A copy of the summons or subpoena must be submitted to the appropriate supervisor (to be included in the employee's personnel file) the next working day after the receipt thereof, or no later than 72 hours prior to the start of the leave. Jury duty allowance will not be paid for any time other than the normal 40 hours during an employee's regularly assigned work week. If the employee is not selected for jury duty after reporting each of the required days, he/she must return to work for the remainder of the work day.

Employees appearing as a witness or jury member for the Federal Government, State of Oklahoma, or a political subdivision thereof, or in private litigation as a representative of the University, are entitled to leave with full pay. Employees subpoenaed in private litigation to testify as an individual outside of his/her scope of employment with the University, will use Vacation, Personal Leave, or leave without pay.

#### **HR 5.9 Military Leave**

All University employees who are members, either officers or enlisted, of the Reserved Components, to include the Army and Air National Guard and the Army, Navy, Air Force, Marine Corps, and Coast Guard Reserves, or any other component of the Armed Forces of the United States, shall, when ordered by the proper authority to active or inactive duty or service, be entitled to a leave of absence from their employment for the period of such service without loss of status or seniority. During the first thirty regularly scheduled work days of such leave of absence in any federal fiscal year (Oct-Sept), the employees shall receive his/her full regular pay.

During the remainder of such leave of absence in any federal fiscal year, the state may elect to pay the officer or employee an amount equal to the difference between their full regular pay and their military pay; employees shall receive the difference between their full regular pay and their Reserve Components pay when they are ordered by proper authority to active or inactive service retroactive to the date that the officer or employee reported to active service on or after September 11, 2001, during the period that Operation Enduring Freedom is in effect. The durational limit of protected military service as provided for in this section shall not be less than that provided by federal law. If it is necessary in the interest of the University to provide for the performance of the duties of their positions during such absence, the Office of Human Resources, as authorized by the Director and the President of the University, may appoint substitutes, to be known as acting incumbents, who shall qualify as required for the regular incumbents. Prior approval must be obtained by submitting a Personnel Action Form with a copy of the duty orders to the appropriate supervisor. The orders should then be submitted to the Office of Human Resources.

#### **HR 5.10 Voting**

When properly coordinated with the appropriate supervisor at least one day in advance, employees will be allowed up to two hours in which to vote. Those employees living at such a distance that more than two hours are required to vote shall be allowed a sufficient time. The employee shall not be subject to any loss of pay or other penalty for exercising his/her right to vote. A supervisor may determine the hours during which an employee may vote. Any employee whose normal work day on the day of the election begins three hours or more after the time of the opening of the polls, or ends three hours or more before the time of the closing of the polls, cannot utilize the provision of this policy.

#### **HR 5.11 Leave of Absence Without Pay**

A leave of absence is a leave without pay for good and sufficient reason, which does not qualify under any other leave with pay. Such leave may be granted up to 30 days by the immediate supervisor, six months by the appropriate Vice President and up to one year by the President. All accrued leave must be used before leave of absence without pay will be granted.