

**BUSINESS**  
**VACATION LEAVE, SICK LEAVE, FAMILY**  
**MEDICAL LEAVE, SICK LEAVE POOL**  
CHAPTER 2  
POLICY 4.07

Board of Trustees Approval: 11/09/2016  
Date of Last Cabinet Review: 09/20/2016  
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**I. POLICY**

Salt Lake Community College will provide the following; vacation leave, sick leave, and sick leave pool to full-time administrators, staff, and faculty.

Salt Lake Community College will provide employee leave in accordance with the Family and Medical Leave Act of 1993.

*Policy Note: On 09/20/2016 Cabinet approved procedural changes that combined Chapter 2, Section 4.07, Vacation; Chapter 2, Section 4.08, Sick Leave; Chapter 2, Section 4.13, Family and Medical Leave and Chapter 2, Section 4.16, Sick Leave Pool into one procedure. On 11/09/2016 the Board of Trustees also approved policy changes that combined these four policies.*

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**I. REFERENCES**

- A. 29 C.F.R. Part 825, Family and Medical Leave Act of 1993 (FMLA)
- B. SLCC Policy Chapter 2, Section 3.08, Reduction in Force, Payment in Lieu of Notice, Bona Fide Financial Exigency
- C. SLCC Policy Chapter 2, Section 4.01, Employee Benefits Eligibility
- D. SLCC Policy Chapter 2, Section 4.06, Leave of Absence Without Pay
- E. SLCC Policy Chapter 2, Section 5.03, Requirements of the Fair Labor Standards Act
- F. SLCC Policy Chapter 2, Section 5.04, Overtime Pay

**II. DEFINITIONS**

See Personnel Definitions procedure.

**III. PROCEDURES**

A. Accrual

1. Full-time, staff employees, working between 75% FTE and 100% FTE accrue vacation and sick leave in proportion to the percent of time worked. Staff employees working on an academic calendar basis including some Laboratory Aides and Laboratory Coordinators do not accrue vacation leave.
2. An employee's accrual start date will be established as the first day of the month in which hired, if hired between the first and the fifteenth of the month, and will be the sixteenth day of the month if hired between the sixteenth and the end of the month.
3. Vacation and sick leave does not accrue during periods of leave without pay including holiday closure and any unpaid portion of a Family and Medical

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Leave. Sick leave is not required for scheduled holidays and non-appointment days for faculty.

B. Accrual Schedule.

1. Vacation

a. Administrative: Days Accrued Per Year 24 (2.00 days per month)

b. Staff (Exempt):

Years of Service	Days Accrued Per Year
1 through 3	15 (1.25 days per month)
4 through 6	18 (1.5 days per month)
7 through 10	21 (1.75 days per month)
11 plus	22 (1.83 days per month)

c. Staff (Non-Exempt):

Years of Service	Days Accrued Per Year
1 through 3	12 (1 day per month)
4 through 6	15 (1.25 days per month)
7 through 9	18 (1.50 days per month)
10 through 13	21 (1.75 days per month)
14 plus	22 (1.83 days per month)

New employees may provide documentation of prior State of Utah employment, including higher education and public education employment, to establish their vacation accrual rate as long as the previous employment has been full-time

2. Sick Leave

Full-time staff accrue one sick day per month of employment. Full-time faculty accrue one sick day per month for each month of their appointment.

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C. Maximum Accrual/Carryover

A maximum of 40 days vacation may be carried from one fiscal year to the next. Employees are granted a three (3) month grace period ending September 30<sup>th</sup> of each year to use the days accumulated in excess of 40. Those employees working between 75% FTE and 100% FTE will have the maximum accrual carryover prorated.

There is no limit on accumulation of sick leave.

D. Cash Out

The maximum vacation paid upon termination cannot exceed 30 days plus the current fiscal year's earned and unused vacation.

In order to become eligible for a sick leave cash out, upon regular or early retirement, an employee must have accumulated at least 100 days of earned and unused sick leave. For every day of earned and unused sick leave accumulated above 100 days, a cash out of one day will be made upon retirement (at the rate of \$100.00 per day) up to a maximum of 25 days.

E. Soft Funded Positions

1. Employees paid from both grant/contract and hard College funds will be allowed to cash out the hard funded portion of vacation accrual upon termination following College procedure. The grant/contract portion is contingent upon availability of the funds from the specific grant/contract. If funds are not available, accrued and unused vacation must be taken before termination.
2. Employees paid from grants/contracts must take vacation before transfer/termination if funds from the specific grant/contract are not available. Supervisors will need to monitor and manage unused vacation days for those employees paid from grants/contracts.

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**F. Sick Leave Conversion to Vacation Leave**

Full-time, benefit eligible staff employees can convert accrued sick leave to vacation. Faculty does not participate in this program as they do not accrue vacation leave.

1. Converting sick leave to vacation leave requires an accumulated base of 18 days of unused sick leave prior to July 1. Conversion is then determined from the number of unused sick leave days accumulated during the next fiscal year beginning July 1.
2. Only employees who have used less than 4 days of sick leave during the fiscal year are eligible to convert.

Example #1: 12 days were earned during the fiscal year, no sick days were used by the employee, four (4) days may then be converted to vacation.

Example #2: 12 days were earned during the fiscal year, 4 days of sick leave were used, no days may be converted to vacation leave.

(The maximum number of days an employee may convert in one year is 4.)

3. Each new fiscal year constitutes a new conversion period. If the original eligibility base of 18 days is used during the year for sick leave purposes, the employee must once again build up to 18 days of unused sick leave before being eligible for sick leave conversion.
4. Payroll will send a conversion form by campus mail to notify eligible employees. The employee must sign and return the form by the specified deadline.

**G. Employee Responsibilities**

1. Employees must request vacation from their immediate supervisor following departmental guidelines. Employees are encouraged to schedule vacations at times which will not interfere with the efficiency of the department.

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Employees who are absent without approved vacation are considered to be absent without approval.

2. When using sick leave employees are responsible for notifying their supervisor prior to or on the first day within the first hour at the start of the shift following departmental guidelines. Employees requested to provide medical documentation of an illness or injury shall submit documentation directly to the Human Resources Office. Allowances can be made when the need for leave is unforeseeable.
3. Employees are required to submit their time using either web or department time entry.

**H. Supervisor Responsibilities**

1. Vacation requests must be approved by the immediate supervisor. Supervisors are responsible for advising employees paid from grant or contract positions about vacation implications and for monitoring vacation use. Supervisors are encouraged to schedule employees for vacation before they separate from the college.
2. Supervisors are responsible for approving an employee's submitted vacation and or sick leave time through web or department time entry.

**I. Records**

The Banner HR system maintains a history file of all recorded employee absences.

**J. Use of Sick Leave**

Accrued sick leave can be used for:

1. Personal illness, including personal illness for birth of a child, or injury.
2. Injury or illness of a spouse, domestic partner, child, step-child, or parent as defined in the Family Medical Leave Act FMLA.

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**K. Sick Leave Pool**

Salt Lake Community College provides a Sick Leave Pool for eligible employees who suffer a catastrophic illness, injury, impairment, or physical or mental condition which requires hospitalization and/or convalescence or recuperation in an extended care facility or at home while under the care of a licensed health care provider.

**L. Sick Leave Pool Eligibility**

1. All employees who are past their initial 6 months of employment and eligible to accrue sick leave may apply to use sick leave from the Sick Leave Pool subject to the other provisions of this policy and procedure.
2. Employees must first exhaust all accrued vacation and sick leave prior to the use of the sick leave pool.
3. An employee is eligible for a maximum of 60 days granted in 30 day increments for each catastrophic health condition unless the medical certification indicates that less than 30 days is necessary.
4. An employee does not have to contribute to the Pool in order to apply to use leave from the Pool. Employees granted leave from the Pool are not required to payback the time.

**M. Contribution of Time**

1. To contribute sick leave to the Sick Leave Pool, an employee must notify Human Resources.
2. The employee must have a minimum balance of 18 days sick leave before a contribution can be made. An employee may transfer to the Pool, in eight hour day increments, not less than one day nor more than three days per fiscal year.
3. Employees may not designate a specific person to receive their contribution.

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4. Sick leave may be donated at any time during the year, in accordance with the above paragraph.
  5. Terminating, Retiring, and Early Retiring employees meeting the criteria will have 10% of their balance contributed to the Pool upon separation from the College.
  6. Contribution of leave to the Pool will not affect the eligibility of an employee under the Sick Leave Conversion or cash out disbursement provisions of the Sick Leave Policy.
- N. Withdrawal of time from the Pool
1. Employees eligible for Family Medical Leave (FML) must apply for FML before withdrawal from the pool is considered.
  2. An eligible employee or his/her designee may apply, in writing, to the Pool Administrator through the Human Resources Office for permission to draw time from the Sick Leave Pool. Employees are ineligible to use this policy and procedure if they are receiving or have applied to receive Workers' Compensation benefits.
  3. The employee shall have the option of applying and using advanced sick leave in accordance with the Sick Leave Policy. However, where an employee has received advance sick leave and has a remaining obligation to re-pay some or all of the advance sick leave, the balance that has not yet been re-paid will reduce the number of days available to the employee from the Pool.
  4. Applications to use Pool leave will be processed on a first-come, first-served basis.
  5. Medical documentation must be attached to the application unless current documentation has already been provided to the Human Resources Office.
  6. Failure to make application as soon as the need is foreseeable, or to provide supporting medical documentation may result in the denial of use of donated leave. Sick Leave Pool will not be granted retro-actively.



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7. An eligible employee may not draw time from the Sick Leave Pool in an amount that exceeds the lesser of one-third of the total amount of time in the Pool or 30 days.
  8. The Pool Administrator will review the application and supporting medical documentation. If the employee is eligible to participate and the absence has been approved in accordance with College procedures, the Pool Administrator will approve the application and notify the employee and supervisor. If the application is not approved, the employee will be advised of the reason.
  9. The employee may use sick leave assigned from the Pool in the same manner as accrued sick leave and shall be treated in the same manner and shall be entitled to accrue the same benefits as an employee who uses such accrued sick leave.
  10. If the employee receives a medical release for return to work on a part-time basis (either fewer hours per day or fewer hours per week than the employee's regular schedule), the employee may continue to receive and use Pool leave for the balance of the regular work schedule until medically released for full duty. In this instance, Pool leave may be used and will be paid only for the difference between the employee's temporarily reduced work schedule and the employee's regular schedule.
  11. When an employee using Sick Leave Pool hours returns to full duty, any unused hours revert to the Pool.
  12. If the employee does not return to work, the employee does not owe the College for Sick Leave Pool hours used nor will the College pay the employee for any Pool hours remaining.
- O. Advancing Unaccrued Sick Leave

Advancing unaccrued sick leave (up to 30 days) requires a written request, with supervisor recommendation, to be sent to Human Resources. Human Resources will then forward the letter to the appropriate cabinet member for approval. Conditions for repayment will be decided upon at the time of approval. Any sick

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leave required beyond the initial 30-day extension requires written approval from the College President.

**P. Workers Compensation**

When an employee is unable to work due to a work related injury, the employee should continue to submit a full day of sick leave through the web or department time entry. Risk Management will notify the Payroll Office when an employee receives compensation from Worker's Compensation. The Payroll Office will make the appropriate adjustments to the employee's pay and will calculate the hours of sick leave, based on the amount of compensation to be credited back to the employee's sick leave balance.

1. When an employee has no sick leave balance, the employee will be placed on Leave Without Pay/With Benefits and no further adjustments will be made to their pay or sick leave balance.
2. A State worker's compensation benefit is paid after three days when a qualified employee is off work due to a job related accident or illness. The benefit pays 66 2/3% of the normal salary, with maximum limits.
3. The College pays sick leave pay (normally 33 1/3%) where it has been earned and not used, thus equaling 100%. The College only deducts 33 1/3% of the normal sick leave day for each day that the employee receives workers compensation. The Payroll office will coordinate with the employee, supervisor, and Risk Management Office.

**Q. Family Medical Leave (FMLA)**

Eligibility. An employee must be employed by the College for at least 12 months/52 weeks (which do not need to be consecutive) and has worked at least 1,250 hours during the 12 month/52 week period before the leave is to begin. Family and Medical Leave will be granted for one or more of these reasons:

1. The birth and/or care of the employee's newborn child (if leave is taken within 12 months of the birth);

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2. A child's placement with the employee for adoption or foster care;
3. To care for a spouse, domestic partner, child, or parent who has a serious health condition;
4. A serious personal health condition that renders the employee incapable of performing the functions of their job;
5. A qualifying exigency when a spouse, domestic partner, child or parent is on active or called to active duty in the National Guard or reserves in support of a contingency operation to address certain qualifying exigencies;
6. Military care giver.

**R. Requesting Leave**

If the need to take Family and Medical Leave is foreseeable, an employee must notify the immediate supervisor or Human Resources within 30 days of their intention to begin a leave. The supervisor must immediately notify Human Resources of the employee's request for Family and Medical Leave. If the leave is foreseeable and based on a serious health condition, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt College operations.

If the need for Family and Medical Leave is unforeseeable or due to an emergency medical condition, the employee's supervisor or Human Resources must be notified as soon as possible under the circumstances. The supervisor must immediately notify Human Resources of the employee's request for Family and Medical Leave.

**S. Confidentiality**

Medical information obtained during the FML application process is kept confidential. Supervisors will be notified of restrictions or limitations. Supervisor's should not request additional information from the employee or share confidential information with co-workers. A supervisor must be aware that disclosure is the sole prerogative of the affected employee.

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An employee requesting Family and Medical Leave must complete a College Application for Family and Medical Leave and provide a medical certification for serious health conditions to verify the reasons for the leave request. This certification from the medical practitioner of the employee, spouse, domestic partner, parent or child requires: the date the condition commenced, the probable duration, appropriate medical documentation regarding the condition, a statement that the employee is needed to care for a covered family member or a statement that the employee is unable to perform the functions of his or her own position, dates and duration of any planned treatment, and a statement of the medical necessity for intermittent leave or leave on a reduced leave schedule and expected duration of such leave.

For all requests for Family and Medical Leave resulting from a serious health condition, the College reserves the right to request a second medical opinion at College expense. If the two opinions conflict, a third opinion will be necessary at College expense. Failure to provide notification and appropriate medical certification within 15 days of the request may result in delayed approval.

Employees approved for leave should not perform job related duties while on leave. Supervisors that need to contact an employee on leave should do so through Human Resources.

**T. Length of Leave**

Each eligible employee may be granted Family and Medical Leave for a period up to 12 weeks during the fiscal year.

Military caregiver leave is available to an eligible employee who is the spouse, domestic partner, son, daughter, parent or next of kin of a covered service member shall be entitled to a total of 26 workweeks of leave during a 12 month period to care for the service member. Eligible employees may not take leave under the military caregiver provision to care for former members of the Armed Forces or members who are on the permanent disability retired list.

Any request for unpaid leave beyond 12/26 weeks must be requested jointly by the supervisor and employee. It must be approved by the appropriate cabinet member according to College policy.

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U. Intermittent Leave/Reduced Work Schedule

Employees eligible for Family and Medical Leave may work a reduced schedule or receive periodic time off when:

1. It is medically necessary for the treatment or care of the employee, spouse, domestic partner, child, step-child or parent of the employee who has a serious health condition. A medical certification completed by the applicable health care provider will be required. This certification must state the date on which the health condition commenced, the probable duration, and the appropriate medical facts regarding the condition.
2. Caring for a newborn, newly adopted, or newly placed foster child if the College agrees to the arrangement following a review by the supervisor of the individual circumstances.
3. Family and Medical Leave taken on an intermittent or reduced scheduled basis is approved on a fiscal year basis. Employees may be asked to re-certify at the midpoint of the fiscal year. Accordingly, no such leave will be approved for a period that continues beyond the end of the fiscal year.

V. Qualifying Exigency Leave

Eligible employees with a spouse, domestic partner, son, daughter, or parent on active duty or on call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

W. Substituting Vacation and Sick Leave

Family and Medical Leave may be unpaid leave. If Family and Medical leave is requested for the birth, placement, or adoption of a child, the employee must use any accrued vacation. However, if Family and Medical Leave is requested for a serious personal health condition, including personal illness from birth of a child,

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the employee must first use accrued sick leave then vacation leave. If Family and Medical Leave is requested to care for a spouse, domestic partner, child, or parent who has a serious health condition, the employee must first use any accrued sick leave and then vacation leave. If any Family and Medical Leave remains, the leave period then will consist of unpaid Family and Medical Leave.

In the case of faculty employees, arrangements may be made to help accommodate care of a new child in the family, or serious health condition, by use of any applicable provisions of this policy as well as any additional procedures arranged by faculty members and supervisors. The College will grant 12 weeks and will automatically extend the leave up to the end of the term (18 weeks) in which the leave began; whichever is greater, pending medical certification and review. Any change in the term work schedule must be approved by the appropriate academic administrator.

Vacation and sick leave will not accrue during the unpaid portion of a Family and Medical leave.

**X. Benefits During Leave**

The College will continue to pay medical, dental, life and long term disability insurance benefits during the Family and Medical Leave period under the same terms and conditions as were in place before the employee went on leave. If the leave is unpaid the employee must make arrangements with the Human Resources office to pay the employee's portion of the medical, dental, life, or long term disability insurance premium as appropriate. The employee will not accrue any employee benefits such as sick leave or vacation leave during the period of unpaid Family and Medical Leave.

The employee must return and work thirty (30) days before the employee's obligation to reimburse the College for the employer's portion of the insurance premium is eliminated. In the event that an employee fails to return from Family and Medical Leave, the employee will be liable for the premiums paid by the employer to maintain insurance coverage unless:

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1. The employee's failure to return to work stems from the continuation, recurrence, or onset of a serious health condition of the employee, domestic partner or family member; or
2. The failure to return stems from circumstances beyond the control of the employee.

**Y. Return to Work**

Following a Family and Medical Leave of absence, employees will be returned to the same or an equivalent position, status, and pay, held when the leave began. Salt Lake Community College cannot guarantee an employee will be returned to his or her original job. A determination as to whether a position is an "equivalent position" will be made by Salt Lake Community College. A fitness for duty certification may be required from the appropriate physician, and must be received by HR prior to the employee returning to work.

Documented performance issues, not due to the employee's absence, will continue to be addressed when the employee returns from leave. Performance issues discovered during the Family Medical Leave will be addressed upon the employees return. Employees on leave or returning from leave will be subject to Workforce reducing circumstances in accordance with College policies.