5.0 Leave

5.1 Definitions & General Provisions:

5.1.1 Eligible Employee - Employees eligible for participation in Auburn University leave programs are

a) Those on a regular appointment of 50 percent time or more and who are expected to be employed continuously for 12 months or longer.

b) Those not on a regular appointment who work 50 percent time or more and who have been employed continuously for 12 months or longer.

5.1.2 Immediate Family - includes spouse, son, daughter, parents, stepchild, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandchild, grandparent, and grandparent-in-law.

5.1.3 The number of hours of paid leave charged for a day's absence from work will equal the number of hours the employee would otherwise have been scheduled to work on that day.

5.1.4 All paid leaves will be allowed proportionately for an eligible employee on a part-time appointment.

5.1.5 Departments may not establish separate policies on leave use without written authorization from the Assistant Vice President of the Department of Human Resources.

5.1.6 A supervisor may request written documentation as to the circumstances of an employee's absence prior to approving any paid leave except Annual Leave.

5.2 Court and Jury Duty Leave - Employees will be granted leave with pay when legally required to attend court when summoned for jury duty. Evidence of attendance (including applicable dates and time of service) in court is required before payment by the University. This documentation should be attached to the HR-8 form. Employees are expected to return to work if released from court prior to the end of their scheduled work day. Reasonable travel time will be allowed.

5.2.1 Poll Workers - Alabama Act 2002-412 requires employers to grant unpaid leave to employees who serve as poll workers.
5.3 **Military Leave** - An eligible employee who is an active member of the National Guard, State Guard, Naval Militia or the reserve components of the Army, Navy, Marine Corps, Air Force, or Coast Guard will be entitled to military leave of absence for training or other service (including short periods necessary to retain active reserve status or instances when one is called by the Governor to duty in the active service of the State). The employee must submit a request in advance for such leave, along with copies of his or her military orders, to the department head and the Department of Human Resources.

5.3.1 The first 21 working days of military leave per calendar year will be with full pay. Extended military leave (for more than 21 working days per calendar year) must be without pay and requires approval by the Assistant Vice President for the Department of Human Resources.

5.3.2 An employee who joins or is drafted into military service will be terminated from University employment but will be eligible for re-employment as prescribed in the Veterans Reemployment Rights law. In cases where the employee's period of active duty is less than six months, he or she will instead be placed on Leave Without Pay for the term of enlistment. Such employee is not eligible for paid military leave.

5.3.3 An employee may elect not to take military leave. Affected employees are not required to use annual leave in lieu of paid or unpaid military leave; however, they may elect to use accrued annual leave or earned comp time at their discretion.

5.3.4 Salary differential for employees activated during war on terrorism: If the military base pay of an employee called into active service for the war on terrorism, beginning September 11, 2001, is less than the salary he or she would have continued to receive if not called to active service, he or she may receive a salary differential (pursuant to Ala. Code § 31-12-5 (2002)) that is equal to the difference between the lower active duty military base pay and the higher University salary.

5.4 **Funeral Leave** - Eligible employees may be granted paid leave up to three working days for the funeral of an immediate family member. One additional day may be granted for travel purposes when the funeral is more than 100 miles from the regularly assigned work site or two additional days (i.e., five days total) when the funeral is more than 200 miles distant from the work site. Mileage will be determined using the University travel regulations.

5.4.1 Funeral leave is separate from all other types of paid leave.

5.4.2 A supervisor may request written documentation as to the circumstances of an employee's absence prior to approving any paid leave except Annual Leave.

5.5 **Sick Leave** - Auburn University provides paid sick leave benefits to all eligible employees (as defined in section 5.1.1). Sick leave is defined as the absence of an employee from work for one or more of the following reasons:

a) Personal illness or injury which prevents the employee from performing his or her duties.
b) The employee's or immediate family member's appointment with a physician, dentist, optometrist, psychologist or other recognized health practitioner, hospital, or clinic. Employees are encouraged to schedule such appointments outside working hours whenever possible. Employees are expected to return to work as soon as the appointment is completed.

c) The illness, injury, or disability of a member of the immediate family when the presence of the employee is required.

5.5.1 Sick leave must be used for medical reasons. An employee must notify his or her immediate supervisor prior to the beginning of the scheduled workday if unable to report due to illness or injury. The employee assumes full responsibility for such notification.

5.5.2 A supervisor may request written documentation as to the circumstances of an employee's absence prior to approving any paid leave except Annual Leave.

5.5.3 An eligible employee accrues sick leave according to the following table, which is based on regular (not overtime) hours worked. Sick leave may not be used until it is accrued. "Hours worked" (for purposes of leave accrual calculation) includes holidays and paid leave but not unpaid leave.

<table>
<thead>
<tr>
<th>Hrs/Yr</th>
<th>Lv/Hr</th>
<th>Hrs/40 Hr</th>
<th>Days/Yr</th>
</tr>
</thead>
<tbody>
<tr>
<td>96.00</td>
<td>0.0462</td>
<td>1.85</td>
<td>12</td>
</tr>
</tbody>
</table>

Accrual of sick leave for eligible full-time exempt employees, during the month of initial hiring or the month of termination, is prorated according to the percentage of the month to be worked.

5.5.4 Sick leave accrues whenever an employee is in pay status, including payment for on-the-job injury loss wages. However, sick leave is not accrued by employees being paid under the salary continuation program. Sick leave does not accrue during any period of leave without pay.

5.5.5 In computing the use of sick leave for an employee, Sundays, holidays, or non-work days will not be counted.

5.5.6 If an employee has advance knowledge of the need for extended (i.e., 30 days or longer) sick leave, he or she should immediately advise the supervisor (preferably at least one month ahead of time) so arrangements can be made for a temporary replacement if necessary. Included with such leave request must be a written document from the attending physician indicating the inclusive sick leave dates. The request will include a statement of the anticipated date on which the employee is approved to return to work and a statement that the employee intends to return to work. Upon returning to work from extended sick leave, an employee must present written documentation from the attending physician certifying fitness to work. The employee is expected to give the supervisor as much notice as possible of the planned date of return to work.

5.5.7 A supervisor may request written documentation as to the circumstances of an employee's absence prior to approving any paid leave except Annual Leave. If the supervisor suspects that
an employee is abusing the sick leave privilege, the supervisor should review the facts and, if
necessary, take appropriate disciplinary action.

5.5.8 Sick leave requests (HR-8) must be filed by the first workday following the return from an
absence. A sample HR-8 form can be found in Appendix 5A.

5.5.9 An employee who transfers or is promoted from one department to another will retain any
unused sick leave balance.

5.5.10 An eligible employee hired before October 1, 1990, may be compensated for unused sick
leave at the rate of 25 percent, subject to a maximum of one additional month's pay or
equivalent, upon terminating University employment. An employee will not receive credit for
previously accumulated sick leave if rehired after an interruption of employment.

5.5.11 When it is apparent that injury, personal illness, or hospitalization will result in the use of
all accumulated sick leave, the department head should contact the Office of Payroll and
Employee Benefits for verification of eligibility for benefits under the Salary Continuation Plan.

5.5.12 Leave accruals for exempt employees become available for use on the first day of the
following pay period. For non-exempt employees, the leave becomes available on the
Wednesday following the pay period.

5.5.13 Outside employment during an employee's sick leave is prohibited and may result in
disciplinary action up to and including immediate termination of employment.

5.5.14 Employees who transfer to or from another school or agency which participates in the
State Teachers Retirement system, on or after August 1, 2001, may retain their accrued and
unused sick leave balances. Sick leave which is thus transferred to or from Auburn University
may be used for any purpose normally permitted for sick leave.

5.6 Annual Leave - The University provides annual leave which an employee may use for
recreation or other activities which provide a change from the pattern of day-to-day work.
Employees are encouraged to take, not accumulate, annual leave. Annual leave may not be used
until it is accrued.

5.6.1 An employee will not receive credit for previously accumulated annual leave if rehired
after an interruption of employment. A former University employee who is rehired by the
University may receive credit for his or her previous service for the purpose of determination of
annual leave accrual rate if the following conditions are met:

a) The employee must have been eligible for annual leave during the earlier employment.

b) The employee must have terminated in good standing.

c) The employee must be re-employed in a nonexempt position eligible for accrual of annual
leave.
The employee is responsible for requesting such re-employment credit, and must do so no later
than 30 calendar days after rehire.

5.6.2 Eligible full-time, nonexempt employees earn annual leave according to the following
table:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Seniority Level</th>
<th>Hrs/Yr</th>
<th>Lv/Hr</th>
<th>Hrs/40 Hr</th>
<th>Days/Yr</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 2</td>
<td>2</td>
<td>97.76</td>
<td>0.047</td>
<td>1.88</td>
<td>12.22</td>
</tr>
<tr>
<td>3 - 4</td>
<td>4</td>
<td>112.32</td>
<td>0.054</td>
<td>2.16</td>
<td>14.04</td>
</tr>
<tr>
<td>5 - 6</td>
<td>6</td>
<td>128.96</td>
<td>0.062</td>
<td>2.48</td>
<td>16.12</td>
</tr>
<tr>
<td>7 - 8</td>
<td>8</td>
<td>145.60</td>
<td>0.070</td>
<td>2.80</td>
<td>18.20</td>
</tr>
<tr>
<td>9 - 10</td>
<td>99</td>
<td>160.00</td>
<td>0.077</td>
<td>3.08</td>
<td>20.02</td>
</tr>
</tbody>
</table>

Leave accrues on hours worked per pay period. Seniority level indicates the number of years to
elapse from the vacation accrual comp date before the next vacation accrual rate goes into effect.
Code of 99 indicates maximum accrual rate has been reached.

Accrual of annual leave for eligible full-time exempt employees, during the month of initial
hiring or the month of termination, is prorated according to the percentage of the month to be
worked.

5.6.3 "Hours worked" (for purposes of leave accrual calculation) includes holidays and paid
leave but not unpaid leave.

5.6.4 Annual leave accrues whenever an employee is in pay status, including payment for on-the-
job injury loss wages. However, annual leave is not accrued by employees being paid under the
salary continuation program. Annual leave does not accrue during any period of leave without pay.

5.6.5 The maximum annual leave balance for exempt employees on each January 1 will be no
more than two years' accrual of leave. The maximum annual leave balance for nonexempt
employees with less than 10 years of service on January 1 will be no more than one year's
accrual of leave; the maximum annual leave balance for nonexempt employees with 10 or more
years of service on January 1 will be no more than two years accrual of leave.

5.6.6 Eligible employees will be compensated for accrued annual leave at the time of separation
from University employment (termination or retirement) to a maximum of one month's
additional compensation.

5.6.7 Annual leave is to be scheduled at the mutual convenience of the department and the
employee involved. If the dates of leave requested are incompatible with the needs of the
department, the employee and his or her supervisor will schedule alternative dates, within a
reasonable time frame.
5.6.8 Department Heads should schedule employees' annual leave within their departments so as to meet the seasonal workload of the department and to maintain adequate staff at all times.

5.6.9 Annual leave must be requested and approved by the supervisor, in advance, using the form HR-8. Annual leave may be taken in any amount up to the total of the employee's unused accrual.

5.6.10 Sickness occurring during an annual leave period may be charged to sick leave upon approval by the employee's supervisor and department head with documentation of the illness being forwarded to the Department of Human Resources.

5.6.11 An employee who transfers or is promoted from one department to another will retain any unused annual leave balance.

5.6.12 Leave accruals for exempt employees become available for use on the first day of the following pay period. For nonexempt employees, the leave becomes available on the Wednesday following the pay period.

5.7 Family and Medical Leave Act of 1993 (FMLA) Policy - In compliance with the FMLA, Auburn University will grant an eligible employee up to 12 work weeks of unpaid, job-protected leave within each calendar year (beginning on January 1 and concluding on December 31) for any one or a combination of the following reasons:

1) The birth of a child or to care for a newly-born child.

2) The placement of a child with the employee for adoption or foster care.

3) The care of a family member (spouse, child, or the employee’s parent) who has a serious health condition (as defined below).

4) A serious health condition of the employee that renders the employee unable to perform the functions of the employee’s job.

5.7.1 Eligibility - Employees are eligible if they have been employed with the University for at least 12 months and have worked at least 1250 hours over the preceding 12 months. For salaried employees, a 60% (or greater) appointment for 12 months would equal at least 1250 hours. For part-time biweekly employees, actual hours worked as reported on biweekly time sheets will be calculated to determine if 1250 hours were worked in the preceding 12 months.

5.7.2 Employees must substitute any accrued paid sick leave for the FMLA leave if the absence is for reasons as covered by the University's sick leave policy. Employees using salary continuation (short term disability) along with the Auburn University On-Job Injury program for FMLA qualifying reasons will be placed on FMLA leave, which will run concurrently with the short term disability or On-Job Injury Program. Employees may choose to substitute accrued paid vacation leave for FMLA leave that would otherwise be unpaid. The maximum FMLA leave allowed in 12 months is 12 weeks whether paid or unpaid.
5.7.3 Certification of the attending health care provider must be provided when FMLA is for your own or immediate family member’s serious health condition.

FMLA leave for the birth or placement of a child for adoption or foster care must be concluded within 12 months of the birth or placement.

Eligible employees may take FMLA leave intermittently (in blocks of time), or by reducing your normal weekly or daily work schedule, when medically necessary for your own or immediate family member’s serious health condition. Intermittent leave is not permitted for birth of a child, to care for a newborn, or for placement of a child for adoption or foster care. Employees who require intermittent or reduced-schedule leave should try to schedule their leave to minimize disruption of their unit’s operation.

5.7.4 Definitions

a) **Family Member** - The employee’s child, parent or spouse. These terms are defined as follows:

1) **Child** - A biological, adopted, or foster child, a stepchild, a legal ward or child or a person standing in loco parentis who is either under 18 or who is 18 or older and incapable of self-care because of a mental or physical disability.

2) **Parent** - A biological parent or any individual who stood in loco parentis when the employee was a child as defined above. The term does not include parents-in-law.

3) **Spouse** - A husband or wife as defined or recognized under appropriate state law.

b) **Serious Health Condition** - An illness, injury, impairment, or physical or mental condition that involves (1) inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; or (2) continuing treatment by a health care provider. “Continuing treatment” includes a period of incapacity of more than three consecutive calendar days, as well as any incapacity due to pregnancy, prenatal care, a chronic health condition, a permanent or long-term condition, multiple treatments for restorative surgery.

c) **Health Care Provider** - Includes, but is not limited to, a doctor of medicine or osteopathy, clinical psychologist, podiatrist, dentist, optometrist, chiropractor, or licensed nurse practitioners. The University requires that a medical certification be obtained from the attending health care provider for any request for FMLA leave for a serious health condition of self or family member. Medical certification forms (HR-380) can be obtained from supervisors or the Department of Human Resources.

5.7.5 Procedures

a) Eligible employees requesting FMLA leave should contact their immediate supervisor to obtain a leave request form (HR-8) and a medical certification form (HR-380).
b) The leave request form is to be completed as far in advance as possible (preferably 30 days) for foreseeable leave.

c) The medical certification form is to be completed by the attending health care provider and returned to the supervisor before the leave begins, if possible. The supervisor will attach the medical certification to the leave request form when submitting it to the Department of Human Resources.

d) Supervisors who have questions about the employee's eligibility, the required forms, types of health care provider, or other aspects of the FMLA leave request should contact the Department of Human Resources before approving the FMLA leave. Form [HR-381](#) is to be completed by the department giving the employee approval of the request with a copy sent to Department of Human Resources.

e) Forms for FMLA leave can be found in [Appendix 5A](#).

5.7.6 Health or Life Insurance - During the FMLA leave, the University will maintain the employee's coverage for health and life insurance as follows:

a) If there is a sufficient amount in the pay period, the premium will be deducted from the employee’s paycheck.

b) If the employee is not in a pay status, the amount of the premium normally deducted for the particular pay period must be received in the Auburn University Payroll and Employee Benefits Office on or before the last day of the month for salaried employees and on or before the biweekly pay date for hourly employees. Payment must be by check or money order made payable to Auburn University.

5.7.7 Other Benefits - Employees will not accrue any annual or sick leave while on unpaid leave for any reason. Employees receiving pay through an approved On-the-Job-Injury claim will continue to accrue leave at their regular rate. Those employees on intermittent or a reduced work schedule will accrue leave in proportion to the hours worked.

5.7.8 Reinstatement - An employee taking leave under this policy will be returned to the employee’s same position if possible, and, if not possible, to an equivalent position. If the employee would have been terminated (e.g., layoff or termination of a temporary position), the employee will not be returned to his or her former position. For an employee taking FMLA leave for his or her own serious health condition, the University requires a certification from the health care provider that the employee is able to return to work.

5.7.9 Rights and Obligations

a) The University reserves the right to request periodic reporting from the employee as to the status of the leave and the intent to return to work. The University may also request that a medical condition be recertified but no more often than every 30 days.
b) The University may request that a second opinion be obtained from an independent medical provider selected by the University. The University will pay for the second opinion. If that opinion differs with the first one, a third opinion (by a provider agreed to by the University and the employee) will be obtained and will be considered final and binding. The University will pay for the third opinion.

c) This policy does not create any employment rights for any individual other than specifically stated in this policy.

d) Outside employment during FMLA leave is prohibited, and may result in disciplinary action, up to and including immediate termination of employment.

e) The University is the sole administrator of this policy and, as such, is the exclusive interpreter of its terms. All provisions of this policy will be interpreted consistent with the Family and Medical Leave Act of 1993.

f) Employees and employers have various rights and obligations under the FMLA. For further information, a copy of the FMLA regulations is available for review in the Department of Human Resources.

5.8 Leave Without Pay - Leave without pay (LWOP) has three major categories:

a) Extended sick leave without pay. See section 5.8.3.

b) Voluntary leave without pay, which refers to employees who have exhausted applicable paid leave time, but who, for approved reasons, are not immediately returning to work.

c) Disciplinary LWOP. See section 8.2.

5.8.1 An employee on either approved extended sick leave without pay or voluntary leave without pay is considered to be in inactive status. Certain restrictions and limitations apply regarding specific employee benefits relating directly to the assigned leave without pay category. If an unpaid leave is granted after FMLA has been exhausted, every effort will be made to return the employee to his or her former position, but such reinstatement cannot be guaranteed.

5.8.2 Extended sick leave without pay refers to certified personal illness, injury, or disability. The critical nature of an immediate family member's illness or injury may also justify the granting of extended leave without pay depending upon the circumstances. All accrued sick leave must be used before extended sick leave without pay may be considered. An employee is not required to exhaust his or her annual leave prior to beginning extended sick leave.

5.8.3 A memorandum of request for extended sick leave without pay will be submitted in advance through the department head to the Assistant Vice President of the Department of
Human Resources for approval. The employee should provide a statement of the date he or she intends to return to work. Such leave, once approved, will not exceed a period of six months.

5.8.4 If annual leave is carried forward, it will be available when the employee returns. If the employee does not return, the accumulated annual leave will be paid as terminal leave up to one month's salary, if applicable. No annual or sick leave will accrue during any authorized leave of absence without pay.

5.8.5 No Personnel Action Form (PAF) will be processed for salary improvement until the employee returns to active work. Salary improvement will not be retroactive.

5.8.6 A medical practitioner's statement, certifying that the employee is able to resume normal work activities, will be required when an employee is returning from an extended leave without pay. This statement must be presented before resuming normal duties.

5.8.7 If the employee is not eligible for salary continuation benefits, the Department Head should place the individual in a leave of absence without pay status if the return of the employee is expected and desirable. In this situation, the employee may elect to use accrued annual leave before being placed on leave without pay status (see section 5.8).

5.8.8 Voluntary leave without pay normally applies where an employee requires additional time off. Employees must have completed one year of continuous service to be eligible for such leave.

5.8.9 A request for voluntary leave of absence without pay will be submitted in advance through the Department Head to the Assistant Vice President of the Department of Human Resources for approval. The employee will provide a statement of intention to return to work. Such leave of absence will normally not exceed a period of six months.

5.8.10 Except for military duty, leave without pay will not be permitted for an employee to work for another employer.

5.8.11 For the purposes of education, study, research and writing, consideration may be given to granting leave without pay for periods of up to one year. The employee must, in this instance, use all accrued annual leave before beginning any period of leave without pay.

5.8.12 No annual or sick leave will accrue during any authorized leave of absence without pay.