Section IV. Leaves

A. Holidays and Recesses

Employees shall be allowed the paid holidays and recesses listed below:

- Independence Day;
- Labor Day;
- Veterans Day;
- Thanksgiving and the Friday immediately following;
- Martin Luther King Jr. Day;
- Cesar Chavez Day* (one day, floating, between March 1 and March 31)
- Memorial Day.

*Cesar Chavez Day to be scheduled and taken with agreement of the employee’s supervisor during the defined period. An employee may only be denied the opportunity to take the holiday due to College business. The denial must include written notification by the employee’s administrative supervisor with a copy to the Chief Human Resources Officer. If the employee is denied the opportunity, the holiday will be paid out the first payday in May.

Additionally employees shall be allowed the following paid recesses:

- Winter Recess begins at noon on December 24th and continues through the federally-observed New Year’s Day Holiday of January 1 (seven days). In the event that December 24th falls on a weekend, the College will close for business at 12 noon the preceding Friday.
- Tucson Rodeo Recess

Winter Recess and Rodeo Recess may be flexed within the pay period or within the current or following month provided the needs of the work unit and the College are met.

If a designated paid holiday falls on a Saturday, the College will observe the holiday on the Friday prior. If the Holiday falls on Sunday, the College will observe the paid holiday on the Monday immediately following.

Actual dates of observation can be found on the Human Resources website and the Academic Calendar.

To be eligible for holiday/recess pay, an employee must have worked his/her last full work day or be on approved paid leave (with sufficient leave to cover a full work day) the work day before and the work day after the holiday/recess. When an employee retires on or before December 31, he/she is eligible for recess pay up to his/her final full day of work.
B. Leaves - General


Please refer to the Personnel Policy Statement for College Employees for additional information on leave, including unpaid leave, and leave under the Family and Medical Leave Act (FMLA).

Leaves of absence (with the exception of sick leave, emergency treatment leave or medical leave) will require prior approval by the appropriate supervisor. In cases exceeding 30 calendar days, prior written notification to the Chief Human Resources Officer from the immediate supervisor shall be required. Employees shall submit a written request for leave of absence to their immediate supervisor, specifying dates and type of leave requested.

In partial recognition of prolonged, uncommon, or exceptional hours of work beyond the standard work week expectations, the employee’s supervisor may grant the administrative employee occasional, non-routine brief absence from the work day for any purpose with pay without requiring the use of annual or sick leave.

Each supervisor is responsible for ensuring that the time leave reports for his/her employee(s) are properly completed on a timely basis and submitted in accordance with deadlines established by the Employee Service Center (Payroll Office).

The Employee Service Center and the Department of Human Resources is responsible for maintaining accurate records of persons on leave of absence to ascertain which personnel are on paid status and benefits eligible.

2. Extension of Leaves

Employees are expected to return from vacations and leaves at the expiration of approved leave. In the event of unforeseen circumstances which require an extension of leave, employees must notify their supervisor (if not available, then the next-level administrator), prior to their scheduled date of return.

In the case of annual leave, up to five additional work days may be approved (paid if accrual is sufficient, otherwise unpaid) by the supervisor.

If the leave is an unpaid leave, the Chief Human Resources Officer must approve all extensions. Such extensions will normally be for up to five work days.

3. Resignation Without Notice

Failure to report to work on the scheduled date of return, failure to report to work for five consecutive work days without notice, or failure to notify the College in accordance with the above provisions will be considered resignation without notice. The College shall notify the employee of the dismissal action. The individual shall not be eligible for re-employment with the College or eligible for the sick leave payout program if he/she were otherwise eligible for
the program. The College may approve the absence on an individual basis if due to circumstances beyond the employee’s control.

C. Annual Leave

The importance of the annual leave as a period of rest and relaxation is well recognized.

1. Accrual and Accumulation

Annual leave for all administrators shall accrue from the first day of employment.

Annual leave for full-time regular administrative employees shall accrue from the first day of employment at the rate of 24 days per year, prorated at the rate of 8 hours per pay period for the first two pay periods each month. For eligible administrative employees scheduled to work at least 30 hours per week but less than 40, leave accrual shall be prorated based on the number of hours worked per week. Employees may accumulate up to a maximum of 336 hours. An employee may not accrue additional annual leave time unless or until the employee’s annual leave balance has dropped below the 336 hour maximum.

An approved holiday falling within the leave period is not counted as part of the leave, and an additional day may be taken at any time which is convenient to both employee and supervisor, so long as it falls in the same leave period. In case of illness or accident occurring before a scheduled leave begins, arrangements may be made to postpone the leave. If a physician-verified illness occurs during an employee’s annual leave, said leave may be extended for the length of the employee’s illness, provided that the employee utilized accrued sick leave for the period of the illness, and supervisory approval is granted.

Under normal circumstances, annual leaves of more than two consecutive days (with the exception of emergency annual leave) will require a minimum of two weeks prior approval by the appropriate administrative supervisor. Exceptions may be granted by the appropriate supervisor. The administrative supervisor (or his/her designee) will respond to the employee’s written request for annual leave within three days of the receipt of such request. Annual leave shall normally be granted at the time requested in writing by the employee, unless the nature of the work makes it necessary to limit the number of employees on annual leave at the same time.

Leave requests may be postponed by the administrative supervisor when there is a compelling organizational interest. If the initial request is postponed, an alternative date(s) will be established in a timely manner to allow the employee to use their leave in a fashion as close as possible to the original request. An employee’s request for annual leave will not be denied arbitrarily or capriciously.

Upon separation from College employment or upon transfer or reassignment to a position in which the employee is ineligible for annual leave accrual, the employee shall be compensated for accumulated annual leave in the form of a lump sum payment.
Upon separation from employment, employees may not extend the annual leave beyond the last day worked.

2. **Emergency Pay Out of Annual Leave**

   1. Employees who have an emergency need to access additional financial resources may request payment of up to two weeks, in one-week increments (1 or 2 weeks), of accrued annual leave per fiscal year if they meet the following criteria:
      a. Employee has determined that he/she has an emergency resource need that may include, but is not limited to the following:
         i. loss of household income
         ii. emergency medical expenses
         iii. funeral expenses
         iv. impending eviction or foreclosure
         v. other extraordinary expenses
      b. The employee will be the sole determinant of his/her emergency need. Inappropriate use is governed by the Code of Conduct and Standards of Behavior for Employees.
      c. Employees will request payout of leave for emergencies by completing the Emergency Leave Payout form. Once completed, the form is submitted directly to the Employee Service Center (ESC) for processing.
         vi. Once received, the ESC confirms the employee meets the following criteria:
         vii. Employee has passed applicable probationary period.
         viii. Employee has accrued enough to fund the payout and retain the minimum leave balance indicated in this section.
      d. At completion of the payout process, the ESC will send a completion/information email to the employee.
      e. An employee may request up to 80 hours per fiscal year of annual leave buyout. The request can be made in one or two-week increments providing the remaining leave balance after the buyout is at least 40 hours.

   An Employee who has exhausted this benefit, or is not otherwise eligible, may consider borrowing against his/her 403B account. More information about this opportunity is available in the ESC.

   Employees should be aware that there are tax consequences for payouts of Annual Leave, and should contact the Employee Service Center with any questions.

   Eligibility and use of this emergency pay out provision will be determined on a fiscal year basis. In the event an employee makes use of this provision and his/her leave balance is subsequently exhausted, the employee will be ineligible to receive donated leave until his/her unpaid leave status exceeds the number of weeks paid under this provision or until a new fiscal year commences.

2. **Compensation for Denied Annual Leave**

   If an administrative employee’s annual leave balance is within five days (40 hours) of the 336 Administrator Personnel Policy Statement 2017/2018
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hour maximum and the administrator is not able to take annual leave or his/her annual leave request is denied due to the needs of the College, the employee may apply for compensation up to two weeks (80 hours) per fiscal year provided the following conditions are met:

- the employee requests annual leave in writing or provides an explanation of why he/she is not able to take annual leave, and
- the administrative supervisor is in agreement and authorizes payment.

The request for payment, including copies of the employee’s written request and administrative supervisor approval, is submitted to the Payroll Office. The employee’s annual leave balance will be reduced by the number of hours for which the employee was compensated.

D. Sick Leave

Please refer to the *Personnel Policy Statement for College Employees* for additional information on paid or unpaid medical leave and the requirements of the Family and Medical Leave Act (FMLA).

1. Purpose and Use

Earned paid sick time shall be provided to all employees for use in the following circumstances:

a. An employee's mental or physical illness, injury or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; an employee's need for preventive medical care;

b. Care of a family member with a mental or physical illness, injury or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; care of a family member who needs preventive medical care;

c. Closure of the employee's place of business by order of a public official due to a public health emergency or an employee's need to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency, or care for oneself or a family member when it has been determined by the health authorities having jurisdiction or by a health care provider that the employee's or family member's presence in the community may jeopardize the health of others because of his or her exposure to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease; or
d. Notwithstanding section 13-4439, Arizona Revised Statutes, absence necessary due to domestic violence, sexual violence, abuse or stalking, provided the leave is to allow the employee to obtain for the employee or the employee's family member:
i. Medical attention needed to recover from physical or psychological injury or disability caused by domestic violence, sexual violence, abuse or stalking;
ii. Services from a domestic violence or sexual violence program or victim services organization;
iii. Psychological or other counseling;
iv. Relocation or taking steps to secure an existing home due to the domestic violence, sexual violence, abuse or stalking; or
v. Legal services, including but not limited to preparing for or participating in any civil or criminal legal proceeding related to or resulting from the domestic violence, sexual violence, abuse or stalking.

The use of sick leave for a domestic partner requires a signed declaration of domestic partnership by the employee and domestic partner to be on file in the employee’s benefit file prior to or at the time of use of this benefit. Refer to Employee Service Center/ Benefits Office or on the Intranet; Employee Service Center; Benefits link for Domestic Partner Affidavit form.

For use of sick leave and/or sick leave qualifying under the Family and Medical Leave Act (FMLA), please refer to College policy in the Personnel Policy Statement for College Employees.

The College shall credit each full-time, regular employee with 4.0 hours sick leave for each full pay period worked. Employees may accumulate a maximum of 1440 hours of sick leave. For employees who, as of the first day of the fiscal year have in excess of 1440 hours of sick leave, accumulation of sick leave shall be frozen at that level. Accumulation shall begin once the total number of hours fall below 1440 and may be accumulated to no more than 1440 hours.

Employees must notify their supervisor no later than the start of their regularly assigned shift when they are unable to report for work due to illness. Employees will provide sufficient notice to the supervisor of a scheduled medical and dental appointment(s) and, as reasonably possible, will schedule such appointments to cause the least disruption to the work unit. The employee must notify the supervisor at least every five days during the absence for short-term illness (10 working days or less).

In the event the leave is an unpaid medical leave (a leave for medical reasons which extends beyond an employee’s sick leave and annual leave accrual), the employee (or his/her designee) must keep the College informed of his/her ability to return to work and probable return date every five work days during the first 60 (sixty) days of absence due to illness and every month thereafter.
The employee’s supervisor may request medical certification stating the employee is incapable of working and is not fit to resume work after three consecutive days of absence. If the cause of such absence does not require the services of a physician, a written statement signed by the employee setting forth the reason for the absence may be required by the employee’s supervisor. The employee’s supervisor may request medical certification stating the employee was incapable of working for less than three days of absence if there is a pattern of sick leave use without supporting medical documentation.

If it is anticipated that the sick leave will extend beyond five work days, the Benefits Office in Employee Service Center must be notified by the supervisor.

In instances where an employee has exhausted available sick leave, the employee may use annual leave converted to sick leave by notifying the supervisor in writing. Upon supervisory approval, the employee’s time record submitted to Payroll shall reflect the use of annual leave.

A physician’s certification that the employee may return to work shall be required for all medically-related leaves of absence exceeding ten work days.

In order to discourage an excessive use of sick leave, employees may transfer up to five days of sick leave to annual leave once a year during the month of June. If the employee’s regular scheduled work week is less than 40 hours, the transfer of sick leave to annual leave is prorated accordingly. Transfer may be made as follows:

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<tr>
<th>Hours of Sick Leave Used</th>
<th>Maximum Hours to Transfer</th>
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Transfers can only be initiated at the employee’s written request to the Employee Service Center within the month of June.

Upon separation from employment, employees may not extend sick leave beyond the last day worked.