Section V. Leaves and Holidays

A. Holidays and Recesses

Employees shall be allowed the following paid holidays:

- 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), and
- 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 and will not be denied arbitrarily or capriciously. 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 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

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

A regular employee scheduled to work a 40-hour work week is compensated for 8.0 hours for the above holiday and recess days. If the employee’s scheduled work week is less than 40 hours (but at least 30 hours per week), the holiday or recess time granted is prorated. Employees receive holiday and recess pay based on the normal accrual rate for their assigned position as shown below:

<table>
<thead>
<tr>
<th>Work Week Description</th>
<th>Holiday Pay hours</th>
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</thead>
<tbody>
<tr>
<td>40-hour work week</td>
<td>8</td>
</tr>
<tr>
<td>40-hour 4-day work week</td>
<td>10</td>
</tr>
<tr>
<td>37.5-hour work week</td>
<td>7.5</td>
</tr>
<tr>
<td>35-hour work week</td>
<td>7</td>
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<tr>
<td>30-hour work week</td>
<td>6</td>
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</tbody>
</table>
Employees electing to work a flexible work schedule during the summer shall return to a five-day work week schedule for the weeks that the Memorial Day and the Fourth of July holiday occur. Those departments that regularly use a non-standard or compressed schedule to ensure coverage may continue to do so during these weeks. However, the value of the holiday shall remain as listed above. Employees may use annual leave, if available, to make up the difference between the standard hours of work for the day and the amount of eligible holiday pay.

The College holiday and recess schedule is developed around a Monday through Friday work week. Full-time regular employees who work different days in a non-standard or a compressed work schedule will be afforded equivalent time off with pay, coordinated with and approved by the supervisor. For example, an employee regularly scheduled to work a four-day work week is entitled to time off during the work week, even if the holiday falls on an unscheduled work day (note: see Section IV. I. regarding payment for work on a College holiday or recess). Commission and dispatch employees of the Department of Public Safety assigned to a ten-consecutive-hour shift (40-hour work week) have the option to bank the entitled time off to be used within the fiscal year in accordance with Section IV.E. or compensated for the holiday or recess day worked.

To be eligible for holiday/recess pay, an employee must have worked his/her last full scheduled work day and the employee’s first scheduled work day after the holiday/recess or be on approved paid leave (with sufficient available leave to cover the entire day not being worked). An employee on an approved unpaid leave or unexcused absence of any portion, the day prior to or after the holiday or recess is not eligible for holiday pay. 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


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

All leaves of absence (except medically related leaves) will require prior approval by the appropriate supervisor, or director/dean, and, in cases exceeding 30 calendar days, the Chief Human Resources Officer. Employees shall submit a written request for leave of absence to their immediate supervisor, specifying dates and type of leave requested.

The authorized supervisor is responsible for ensuring time keeping records 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 / Payroll Office is responsible for maintaining accurate records of persons on leave of absence to ascertain which personnel are on paid status.
In the event that the leave is a medically related leave, the employee must inform the College of his/her condition and probable return every five work days during the first 60 days and every month thereafter.

2. Extension of Leaves

Employees are expected to return from vacations and leaves at the expiration of approved leaves.

In the event of unforeseen circumstances that require an extension of leaves, employees must notify their supervisor (if not available, then the Human Resources Office or Campus Police), 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, unpaid otherwise) by the supervisor.

If the leave is an unpaid leave, the Chief Human Resources Officer or designee 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 policy provisions will be considered resignation without notice. The College shall notify the employee, and if the employee does not return within five days of this notification, he/she shall not be eligible for reemployment with the College, nor shall the employee be 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.

4. Maintenance of Position

Upon the termination of any of the leaves contained herein, the employee shall be restored to his/her previous grade, step, seniority and position if available.

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 full-time regular classified non-exempt employees shall accrue from the first day of employment, but may not be taken until after completion of the first three months of the employee’s initial hire probation period. Annual leave accrual shall be at the following rates, based on continuous service to the College for each full pay period worked:
Less than five years:  5.54 hours per pay period for 40-hour personnel (5.19 hours for benefit eligible personnel working less than 40 hours)

Five or more years:  7.38 hours per pay period for 40-hour personnel (6.92 hours for benefit eligible personnel working less than 40 hours)

Calculation of time of service to determine when an employee becomes eligible for the change in annual leave accrual rate shall be only by the anniversary date of employment less time spent on a long-term unpaid leave of absence. For eligible 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 the following maximum hours of annual leave, based on continuous service to the College:

Less than 10 years: maximum of 304 hours for 40-hour personnel (240 hours for benefit eligible personnel working less than 40 hours)
Ten or more years: maximum of 320 hours for 40-hour personnel (285 hours for benefit eligible personnel working less than 40 hours)

An employee may not accrue additional annual leave time unless or until the employee’s annual leave balance has dropped below the maximum hours as stated above.

2. Requesting and Using Annual Leave

Annual leaves of more than one day (with the exception of emergency annual leave) will require a minimum of two weeks prior approval by the appropriate supervisor, director/dean, etc. The supervisor (or his/her designee) will respond in writing to the employee’s written request for annual leave, within three days of the receipt of such request. The supervisor (or his/her designee) may respond within five days of the receipt of a request for annual leave of more than two weeks. An employee’s request for annual leave will not be denied arbitrarily or capriciously. It is the responsibility of the employee’s supervisor to adjust department coverage.

If the nature of the work makes it necessary to limit the number of employees on annual leave at the same time, the employee with the greater seniority shall be given his/her choice of annual leave in the event of any conflict with other employees.

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.
An employee who has accumulated the maximum permissible hours of accrued annual leave, and who has requested in writing in accordance with these policies to take annual leave, and whose request has been denied by the supervisor in writing, may be compensated for the number of hours refused. Upon being denied, the supervisor-signed denial shall be submitted by the employee to Payroll for commensurate compensation. The employee’s annual leave balance will be reduced by the number of hours for which the employee was compensated.

3. **Emergency Annual Leave**

An employee may request of his/her supervisor emergency annual leave for a period up to five days per occasion for bona fide emergency situations. (A bona fide emergency is an unforeseen event which requires either the immediate, or within 24 hours, attention of the employee and cannot be assigned by the employee to another individual.) Approval of such requests shall not be unreasonably withheld. The College grants this leave as an expression of trust in its employees. Abuse of this clause is subject to disciplinary action.

4. **Annual Leave and Separation from Employment/Transfer**

Upon separation from College employment or upon transfer, promotion or reassignment to a position as a regular assignment in which the employee is ineligible for annual leave accrual or use, the employee shall be compensated for accumulated annual leave in the form of a lump sum payment. Employees transferred or reassigned on a temporary basis to a position in which the employee is ineligible for annual leave accrual or use shall have their leave accrual balance held until his/her return to regular assignment.

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

5. **Emergency Payout 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 must have completed his/her initial hire probation to make use of this provision
   b. 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
   c. 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.
d. 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.

e. At completion of the payout process, the ESC will send a completion/information email to the employee.

f. 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 payout 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.

D. Sick Leave

1. Purposes and Use of Sick Leave

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
      (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 website at on the Intranet Employee Service Center; Benefits link for Domestic Partner Affidavit form.

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

2. Accrual and Accumulation

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 (1350 hours for benefit eligible personnel less than 40 hours). For employees who have an excess of 1440 (1350) 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 (1350) and may accumulate to no more than 1440 (1350) hours.

Sick leave will accrue from the first day of employment. For eligible 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.

3. Requesting and Using Sick Leave

Employees or a member of the employee’s household if the employee is unable, must notify his or her supervisor no later than the start of their regularly assigned shift when they are unable to report for work due to illness. (Note: A supervisor can require to be notified directly when the employee is on a corrective or disciplinary action pertaining to the abuse of
sick leave.) Employees will provide sufficient notice to the supervisor of a scheduled medical or dental appointment(s) and, as reasonably as possible, 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 work days or less).

The employee’s supervisor may request medical certification stating the employee was incapable of working and is now 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 certification.

In instances where an employee has exhausted available sick leave, the employee may request use of annual leave for sick leave absence by so notifying the supervisor in writing. The employee’s time record submitted to Payroll shall reflect the use of annual leave. If the employee is on a corrective or disciplinary action pertaining to abuse of sick leave, then supervisory approval is required for the use of annual leave for sick leave.

If it is anticipated that the sick leave will extend beyond 5 work days, the supervisor must notify the Employee Service Center / Benefits office (see: Personnel Policy Statement for College Employees, Section IV. Leaves, I and J.).

In the event the leave is an unpaid medical leave (a leave for medical reasons which extends beyond an employee’s sick leave and vacation accrual), the employee (or his/her designee) must keep the College informed of his/her condition and probable return date every 5 work days, during the first 60 (sixty) days of absence due to illness and every month thereafter.

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

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

4. Transfer of Sick Leave to Annual Leave

In order to discourage the excessive use of sick leave, employees may transfer up to 40-hours of sick leave once a year during the month of June. If the employee’s regularly 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:

<table>
<thead>
<tr>
<th>Hours of Sick Leave Used</th>
<th>Maximum Hours to Transfer</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-16</td>
<td>40</td>
</tr>
<tr>
<td>24</td>
<td>32</td>
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<td>24</td>
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<tr>
<td>40</td>
<td>16</td>
</tr>
<tr>
<td>48</td>
<td>8</td>
</tr>
</tbody>
</table>
Transfer can only be initiated at employee’s written request to the Employee Service Center within the month of June.

To be eligible the employee must be full-time regular and have passed initial hire probation at time of request.

Warning to employees: The 60-day waiting period for short-term disability must be bridged by accumulated sick leave and annual leave for the employee to be on paid medical leave, which continues the College’s payment of the employee’s medical premiums (see Personnel Policy Statement for College Employees, Section IV.I. and J.)