



**Eastern  
Kentucky  
University**  
**Policy and Regulation Library**

Human Resources Regulation: 8.2.2HRR

Responsible Office(s): Office of Human Resources

Effective: August 2, 2023

## **Human Resources Regulation: 8.2.2HRR**

### **Employee Leave**

#### **Statement**

Eastern Kentucky University provides leave to eligible employees, depending on the leave type and as set forth in this Policy, as follows:

- Bereavement Leave
- Court Leave
- Election Days
- Family Medical Leave
- Military Leave
- Paid Parental Leave
- Sick Leave
- Spousal/Sponsored Dependent Sick Leave Sharing
- Vacation Leave

Other instances of leave time may be provided in certain circumstances at the sole discretion of the University.

When an employee provides notice to the University of their intention to separate employment, the employee's notice period cannot be supplemented with available leave time covered by this Policy except in limited circumstances as approved by the supervisor, who shall consult with their area Vice President and Human Resources, or as required by law.

#### **Entities Affected**

All Employees.

## Procedures

### I. Bereavement Leave

Fully Benefited and Partially Benefited employees shall be allowed bereavement leave up to three days for the death of an immediate family member, including but not limited to:

- Parent or guardian;
- Sibling/step-sibling/half-sibling;
- Spouse/partner;
- Child/step-child/dependent child;
- Grandparent or grandchild; and
- In-laws of the same kind.

The employee shall notify their supervisor of the need for bereavement leave as soon as possible. Supervisors are responsible for the management of bereavement leave as outlined within this Policy.

Employees may work with their supervisors to utilize other leave balances as needed for relationships not covered by bereavement leave or instances where additional leave time is necessary, subject to other requirements of this Policy.

### II. Court Leave

All employees shall be entitled to paid time off while called for jury service or due to a subpoena or other requirement of a court to appear as a witness, except in cases where the employee or their child, parent, or spouse/sponsored dependent is a party in the court action. If the employee or family member specified herein is a party in the court action, the employee may work with their supervisor in advance to utilize other leave balances as needed and approved, subject to other requirements of this Policy.

Employees shall notify their supervisor of the need for court leave as soon as possible. Employees shall record court leave on time documents indicating authorized time away from work due to jury/court duty. Employees who have been dismissed from jury duty or who have been released as witnesses are expected to return to work.

### III. Election Days

All employees are strongly encouraged to participate in the democratic process by exercising their right to vote. Regular Full-Time employees shall be given up to four hours off to vote on election days or to appear before the county clerk to request an application for or to execute an absentee ballot, with one hour of such to be paid election leave, provided the employee schedules such time off with their supervisor

prior to election days. All other employees may work with their supervisor in advance to utilize other leave balances to vote on election days as needed and approved, subject to other requirements of this Policy. In presidential election years, the University is closed on Election Day, which is recognized as a paid day off for Fully Benefited and Partially Benefited Employees, and no additional paid election leave shall be granted.

According to KRS 118.035(4), "Any person selected to serve as an election officer shall be entitled to absent himself from any services or employment in which he is then engaged or employed for a period of an entire day to attend training or to serve as an election officer." That statute also permits the University to specify the hours during which the employee may be absent. Any employee selected as an election officer shall work with their supervisor in advance to confirm, as the statute states, "the hours during which the employee may absent himself" as well as to utilize other leave balances as needed and approved, subject to other requirements of this Policy, to work on election days or engage in election officer training activities.

#### **IV. Family Medical Leave**

The Family and Medical Leave Act of 1993 (FMLA) provides eligible employees who have at least twelve months of service with the University and who have performed, in the twelve months prior to the start of FMLA leave at least 1,250 hours of service, with up to twelve weeks of job and benefit-protected, unpaid leave during a rolling twelve-month period. For more information, please see Policy 8.2.14.

#### **V. Military Leave**

In accordance with applicable federal and state laws, including the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and KRS 61.394, all employees who are members of the National Guard, any reserve component of the Armed Forces of the United States, or the reserve corps of the United States Public Health Service shall be granted leave with pay for up to fifteen (15) working days, based on a five-day work week, per federal fiscal year (i.e., October 1 through September 30) for active service or volunteer training. Any unused military leave within a federal fiscal year shall be carried over to the next federal fiscal year; however, any unused leave shall expire two (2) years after being accrued.

An employee called to active duty must provide advance notice, preferably in writing, of their intent to take leave to Human Resources as well as their supervisor, unless such advanced notice is impossible, unreasonable, or precluded by military necessity. Official military orders are valid for these purposes.

An employee may request to use accrued Vacation Leave to extend their paid status during their military leave but, in accordance with USERRA, shall not be

required to do so. Prior to initiating military leave, an employee should notify Human Resources and their supervisor regarding their preference for using vacation leave.

The University reserves the right to deny a request for military leave if the service is voluntary and the cumulative voluntary military service exceeds five (5) years.

## **VI. Parental Leave**

Effective September 1, 2022, Fully Benefited and Partially Benefited employees who have been employed with the University for at least ninety (90) days shall be granted paid parental leave for up to six (6) weeks following the birth or adoption of a child and, while on such leave, will receive their established base salary or base hourly rate. The purpose of paid parental leave is to provide eligible employees with paid time off to care for and bond with a newborn or newly adopted child and/or to recover from childbirth. This leave can only be taken as a continuous block of leave, immediately following the birth or adoption of a child and may only be used a maximum of once per rolling 12-month period. Employees who return to work having used less than the maximum six (6) weeks of paid parental leave forfeit any unused balance. Employees who are approved for and take more than six (6) weeks off following the birth or adoption of a child will be required to use accrued sick leave and vacation leave to remain in paid status following the end of their paid parental leave. Paid time shall be used before an employee is placed into non-pay status.

Paid parental leave shall run concurrently with FMLA leave, if applicable, as further detailed above and in Policy 8.2.14, and shall not extend any leave available under Policy 8.2.14. If the employee does not have enough accrued leave time to remain in paid status while utilizing FMLA, they may take the remainder of the twelve (12) weeks as unpaid leave. Employees ineligible for FMLA may still qualify for paid parental leave under this Policy.

Employees who are eligible for paid parental leave shall contact Human Resources as far in advance as possible to fill out the appropriate leave request form and supply relevant documentation, either from a health care provider or, if adopting, court of relevant jurisdiction. Employees shall also notify their supervisor or department head of their intent to take paid parental leave as far in advance as possible and are expected to work with their supervisor or department head to construct a work plan to cover their duties while absent. Where feasible, employees are encouraged to make their requests no less than thirty (30) calendar days before the leave is to commence.

A faculty member utilizing paid parental leave may request an adjustment to their probationary period through the Chair of the Department as well as the Dean of the College and by following the process set forth within such faculty member's College. An employee who is a nine (9) or ten (10) month position who is otherwise eligible for paid parental leave but who births or adopts a child during any non-contracted period will only be eligible for any paid parental leave that remains at the time their

contract resumes. For example: Employee A adopts a child on July 1, a non-contract month for Employee A, and Employee A's first contracted day with the University is four (4) weeks later on August 1. In this case, the most paid parental leave Employee A may be eligible to receive would be two (2) weeks as their six (6) week period would start on July 1 and expire no later than August 12.

Paid parental leave shall not apply in cases of pregnancy loss, stillbirth, or infant death; however, employees experiencing these events may be able to use other accrued leave (e.g., Sick Leave) or may be eligible for additional leave under, for example, Policy 8.2.9, Sick Leave Bank, or Policy 8.2.14, Family Medical Leave.

## **VII. Sick Leave**

Fully Benefited and Regular Part-Time employees receive sick leave for personal illness, injury, additional bereavement leave, preventative medical care, or other short-term disability. Sick leave may be used for a child, parent, or spouse/sponsored dependent whose condition requires the employee's direct care and in instances of qualified FMLA leaves. It is the responsibility of employees to inform their immediate supervisor whenever they cannot meet their responsibilities due to illness or other reasons covered by sick leave, and to enter sick time for any portion of the workday absent.

Fully Benefited employees shall receive accrued sick leave on the basis of one day per month. Regular Part-Time earn prorated sick leave based upon their part-time assignment. Sick leave accrues with each payroll. Periods of leave without pay earn no sick leave accrual. There is no maximum on the amount of sick time an employee can earn. Accrued but unused sick time is not paid to a separating employee. Under certain retirement systems, accumulated sick time can count towards years of service.

## **VII. Spousal/Sponsored Dependent Sick Leave Sharing**

Employees may only transfer sick leave to their spouse or sponsored dependent. Sick leave may be transferred only if it has been accrued and is available. Requests for the transfer of leave will not be processed retroactively except to cover the period between the date the request was submitted and the date of approval.

A day is defined as the number of regular work hours specified by the transferring employee's assignment. Leave will be transferred in blocks of at least five days but no more than ten days during any one fiscal year. Unused transferred leave will not be returned to the transferring employee. This benefit does not impact an employee's ability to apply for sick leave time from the sick leave bank. Transferee must maintain a minimum balance of ten sick leave days.

## **VIII. Vacation Leave**

Fully Benefited employees accrue vacation leave on a per pay period basis at the rates listed in the chart below. Partially Benefited employees earn prorated vacation leave based upon their part-time assignment. Faculty members do not earn vacation leave unless they are academic department heads or librarians on twelve-month assignments.

Maximum accrual is a one-year allotment as outlined in the chart below. Once an eligible employee reaches their maximum accrual of vacation leave, they stop earning additional vacation leave until their balance falls below the maximum accrual amount. It is the employee's responsibility to monitor their vacation balance.

Years of Service	Vacation Days Per Year
1-4	10
5-9	15
10-14	20
15+	22

Partially-Benefited staff earn a prorated vacation and are subject to a prorated maximum accrual based upon their part-time assignment.

Vacation leave accrues with each payroll but is not earned or available for use by a new employee until successful completion of the ninety-day orientation period. Vacation is not paid out to an employee who separates from the University during the orientation period. Periods of leave without pay earn no vacation leave accrual.

All vacation leave must be scheduled and approved in advance by the supervisor. The supervisor may deny a vacation request in circumstances where the absence of the employee would not be in the best interest of the unit. It is the employee's duty to report absences approved as vacation leave. The University reserves the right to reduce the vacation balance of employees who fail to properly report use of leave. Upon separation of the employee, individuals will be compensated for earned, unused vacation leave; however, individuals whose employment is contingent upon outside funds, such as grants or state contracts, shall not be paid for unused vacation hours upon separation.

## Definitions

- **Fully Benefited:** A regular, full-time employee or part-time employee who is regularly scheduled to work a minimum of 30 hours per week. These employees are eligible for all benefits provided by the University unless otherwise noted by policy.
- **Partially Benefited:** Part-time employees who are scheduled to work between 20-24 hours per week. These employees are eligible for pro-rated vacation, sick time, and holiday pay.

- **Regular Full-Time:** Employee in a position that is at least 30 hours per week for non-exempt employees or .70 FTE (full time equivalent) for exempt employees and are eligible to participate in all University provided benefits.
- **Regular Part-Time:** Employee in a position that is between 20 and 24 hours per week and are eligible to participate in the following benefit plans: supplemental tax deferred retirement plans, prorated vacation, sick time and holiday pay.
- **University:** Eastern Kentucky University (EKU).

## Responsibilities

- Employees
  - Communicating with supervisor to request leave time
  - Submitting leave requests in a timely and responsible manner
  - Maintaining and submitting appropriate documentation to support leave requests when necessary
  - Communicating with Human Resources as needed
- Supervisors and Managers
  - Verifying leave balances and approving leave time requests as appropriate
  - Communicating with Human Resources as needed
- Accounting and Financial Services Payroll Office
  - Payroll acts as the auditor for time reporting and will question, modify and correct time as needed to fall in line with ECU policy
  - Communicate with Human Resources when appropriate
- Human Resources
  - Implementation of this Policy

## Violations of the Policy

Violations will be handled under normal University procedures.

## Regulation Adoption Review and Approval

### Regulation Issued

<u>Date</u>	<u>Entity</u>	<u>Action</u>
August 2, 2023	University Counsel	Legal Update
September 1, 2022	President	Approved
March 4, 2021	Board of Regents	Adopted