

## NORTHWESTERN STATE UNIVERSITY

### Leave Policy

#### **Background**

NSU has defined ways for employees to take needed time away from work as required for personal, health, and other reasons. “Leave” is accumulated according to various methods, some of which are based on years of service or prior approval by review committee.

#### **Purpose**

The purpose of this policy is to define types of leave, how each is accumulated or granted, and the conditions under which each is appropriately used.

#### **Scope and Limitations**

This policy addresses leave for NSU staff, including both classified and unclassified employees. This policy does not apply to certain employees where policies are outlined in other documents or leave is not applicable:

- Faculty – See [Faculty Handbook](#).
- Graduate assistants – Not eligible for leave.
- Student employees – Not eligible for leave.
- Volunteer employees – Not eligible for leave.

#### **Definitions**

Certain terms are used throughout this policy and associated procedures.

1. Annual Leave and Compensatory Leave - Leave with pay that an employee may be granted for the purpose of rehabilitation, restoration, maintenance of work efficiency, or transaction of personal affairs.
2. Appointing authority – The agency, department, board, or commission, and the officers and employees thereof authorized by statute or lawfully delegated authority to make appointments to positions in the state service. The appointing authority for NSU is the President or one of his delegates.
3. Bereavement (Funeral) Leave - Leave with pay from work when attending the funeral or burial rites of a parent, stepparent, child, stepchild, brother, stepbrother, sister, stepsister, spouse, mother-in-law, father-in-law, grandparent, step-grandparent, or grandchild.
4. Civil Emergency and Special Leave - Leave with pay for a specified list of reasons including jury duty and voting. Civil leave also applies when NSU is closed due to local conditions, celebrations, or acts of God which make it impracticable for employees to work.
5. Compensatory Leave – Leave with pay earned through hours worked beyond the regular work schedule. This leave is accrued at a rate of 1:1.5 (“time and a half”) for classified and nonexempt unclassified employees under FLSA (Fair Labor Standards Act) and 1:1 for all other employees eligible for compensatory leave.
6. Crisis Leave – Leave with pay taken in accordance with the [Crisis Leave Program Policy](#) and only upon approval of an employee’s Crisis Leave Request by the Leave Review Committee.
7. Family and Medical Leave - Leave with pay taken in accordance with the Family and Medical Leave Act of 1993 (FMLA).
8. Leave without Pay - Leave without pay (LWOP) may be granted when an employee does not have a sufficient leave balance or does not qualify for paid leave.

9. Military Leave – Leave with pay when an employee is ordered to duty for training with troops, at field exercises, or for instruction with any branch of the Armed Forces (including the National Guard and Reserves), for a period not to exceed 15 working days in any one calendar year.
10. Regular work schedule - An established weekly work routine as documented on the Work Schedule form filed with Human Resources and the supervisor.
11. Request for Leave form – A Payroll form that employees submit to supervisors to document the date(s), type and amount of leave being requested.
12. Shared Sick Leave – Leave with pay that an employee may be granted upon application to and approval by Human Resources. Leave is drawn from a pool of unused sick leave donated by NSU employees for this purpose.
13. Sick Leave - Leave with pay that an employee may be granted if disabled because of accident or illness such that the employee is unable to perform their usual duties and responsibilities.
14. Worker’s Compensation Leave – Leave with pay from work due to disabilities for which employee is entitled to worker’s compensation.

## Statement of Policy

### 1. Annual Leave

- Annual leave is earned by each eligible employee who has a regular work schedule.
- Personnel not employed on a continuing basis (temporary employees) shall not earn annual leave.
- Annual leave earned is based on the equivalent of years of full-time state service and is creditable at the end of each pay period.
- Annual leave shall be applied for in advance ([Request for Leave form](#)) and may be taken only when approved by the appointing authority or delegate.
- Annual leave shall be charged on a half-hour basis.
- Accrued unused annual leave earned by an employee shall be carried forward to the succeeding years without limitation.
- Upon resignation, death, removal, or other termination of employment, annual leave amounting up to 300 hours and accrued to the employee’s credit shall be computed and the value thereof shall be paid to the employee or their heirs, provided that the annual leave has been accrued under established leave regulations and attendance records have been maintained for the employee. Such pay shall be computed at the employee’s base rate of pay at the time of termination.

### 2. Sick Leave

- Sick leave is earned by each eligible employee who has a regular tour of duty.
- Personnel not employed on a continuing basis (temporary employee) shall not earn sick leave.
- Sick leave earned is based on the equivalent of years of full-time state service and is creditable at the end of each pay period.
- Employees may use their earned sick leave when attending to or assisting with illness and/or medical related conditions for any immediate family member.
- Sick leave is used for childbirth and for medical, dental, or optical consultation or treatment.

- Prior approval for use of accrued sick leave is not required, but it is requested that the affected employee notify their supervisor immediately upon discovery of such need for use of leave and/or provide notification immediately upon return to work if advance notice of such illness, treatment, etc., was not known.
  - An employee who has taken sick leave shall file with his budget unit head/supervisor, a Request for Leave stating the cause of absence and the amount of leave time taken or to be taken.
  - Sick leave is to be charged in half-hour increments.
  - Supervisors may require written proof of an illness.
  - Disciplinary action may be taken against an employee if the sick leave privilege is abused.
  - Upon death or retirement of an employee, sick leave accrued to the employee's credit shall be computed and the value thereof shall be paid to the employee or heirs, provided that the sick leave has been accrued under the established leave regulations and the daily attendance record has been maintained for the employee, except that such payment shall not exceed the value of 25 working days computed on the basis of a five-day week. The rate of pay shall be computed using the base rate the employee is receiving at the time of termination.
  - No employee may use accumulated sick leave as personal leave leading up to retirement.
3. Compensatory Leave
- Leave is earned in accordance with FLSA and/or university policy and credited to employee leave balances after appropriate Payroll time reporting procedures are followed.
  - Compensatory leave is not available for president, vice presidents, deans, athletic directors, and athletic head coaches.
  - Compensatory leave shall be applied for in advance using the Payroll [Request for Leave form](#), and may be taken only when approved by the appointing authority.
  - Compensatory leave shall be charged on a half-hour basis.
  - Accrued unused compensatory leave earned by an employee shall be carried forward to the succeeding years without limitation.
4. Civil Emergency and Special Leave – With appropriate documentation, an employee may be granted leave with pay for the following reasons:
- Jury duty – when performing jury duty.
  - Witness duty – when subpoenaed to appear as a witness before a court, public body or commission, provided that, for these purposes, a plaintiff or defendant shall not be considered a witness.
  - Work-related testing - when taking a state Civil Service examination or any other examination pertinent to the employee's work at the University. Scheduling of such examinations is subject to supervisor approval.
  - Civil/National Defense – when performing emergency civil duties in connection with national defense or other civil emergencies.
  - Voting - when voting in a primary, general, or special election which falls on the employee's scheduled workday, provided that not more than two hours of leave shall be allowed an employee to vote in the parish where they are employed, and not more than one day in a parish other than the one where they are employed.

- Act of God - when the appointing authority determines that employees are prevented from performing their duties by an act of God.
  - Local Conditions - when the appointing authority shall determine that local conditions or celebrations make it impracticable for employees to work.
5. Military Leave - Employees who are members of a reserve component of the armed forces of the United States or the National Guard shall be granted leaves of absence from their positions without loss of pay, service time, or annual or sick leave when ordered to active duty for field training or training authorized in lieu thereof when the individual is given constructive credit for such training.
- Employee must contact Human Resources in advance of Military leave for specific instructions on the use of Military Leave.
  - Military orders must be provided.
  - Leave shall not exceed 15 working days in any one calendar year.
  - Any portion of military leave that an employee must take in excess of 15 workdays during any calendar year is to be taken as annual leave, compensatory leave, or leave without pay.
  - Employees who are inducted or ordered to active duty to fulfill reserve obligations or who are ordered to active duty in connections with reserve activities for indefinite periods or for periods in excess of their annual field training shall be ineligible for leave with pay.
  - When employee is relieved from military duty, the employee shall be restored to the position held when ordered to duty.
6. Worker's Compensation Leave
- Employee may choose to use sick or annual leave or any appropriate combination of sick and annual leave (not to exceed the amount necessary) to receive total payment for leave and worker's compensation in accordance with law.
7. Bereavement (Funeral) Leave
- Employee may request time off without loss of pay, annual leave, or sick leave when attending the funeral or burial rites of a parent, stepparent, child, stepchild, brother, stepbrother, sister, stepsister, spouse, mother-in-law, father-in-law, grandparent, step-grandparent, or grandchild.
  - Bereavement leave shall not exceed two days on any one occasion.
  - Employee may request use of accrued annual leave to attend the funeral of relative/friend not mentioned above.
8. Family and Medical Leave - The Family and Medical Leave Act of 1993 (FMLA) gives eligible employees who work for covered employers the right to take job-protected unpaid leave, or to substitute appropriate accrued paid leave.
- FMLA provides that the University grant an employee a total of twelve (12) weeks of unpaid leave (or applicable paid leave) in any 12-month period. Employees are eligible if they have worked for at least twelve (12) months and at least 1,250 hours over the previous twelve (12) months.
  - Employees seeking to use FMLA leave are required to provide 30-days advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable. If that is not possible, notice should be given as soon as possible.
  - The use of paid leave (annual or sick) may be denied if the notification/certification requirements are not met.

- Family and Medical Leave Act (FMLA) must be granted for any of the following reasons:
    - i. To care for a child after birth or placement for adoption or foster care;
    - ii. To care for employee's spouse, child, or parent who has a serious health condition;
    - iii. For a serious health condition that makes the employee unable to perform the duties of the position.
  - Two military family leave entitlements are included in the FMLA amendments enacted as part of the National Defense Authorization Act for fiscal year 2008.
    - i. Eligible employees of covered employers who provide care for covered service members will be able to take up to 26 work weeks of leave in a single 12-month period to care for a covered service member with a serious injury or illness incurred in the line of duty or on active duty;
    - ii. Makes the normal 12 work weeks of FMLA leave available to eligible employees with a covered military member serving in the National Guard or Reserves to use for certain qualifying exigencies arising out of the fact that a covered military member is on active duty or has been notified of an impending call or order to active duty in support of a contingency operation.
  - Among the many other areas addressed in the regulations are the definition of a serious health condition, the use of unscheduled intermittent leave and the medical certification process. Additional information on the latest FMLA regulations can be obtained from the Department of Labor's Wage and Hour Division Website at <http://www.wagehour.dol.gov>.
  - Employees can use their annual and/or sick leave balances as paid leave.
  - The leave used must be declared to be used under the provisions of the Family Medical Leave Act.
  - Paid accrued sick leave as FMLA may be used for the sickness/illness of the employee only, not for the care of other family members.
  - The University also has the right to declare paid leave usage to be used under provisions of the FMLA.
  - Any employee who takes leave under the provisions of the FMLA will be entitled upon return from such leave to be restored to the same position of employment as held when the leave began or to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.
  - Employees who are contemplating the use of FMLA leave under the conditions listed above should contact the Human Resources Department prior to submitting any request for FMLA leave.
  - It is the intent of the University to comply fully with FMLA. Some definitions under FMLA may be complex and, as with any new law or regulation, there may be some gray areas that may arise. Employees are encouraged to question and discuss any determination that they disagree with so that the University can get any clarifications that are necessary.
9. Leave without Pay
- Leave without pay must be requested in writing in advance and may be granted to the employee for personal reasons.
  - The duration of this leave may not extend beyond the period of the employee's present appointment.

- While on approved leave without pay, the employee may continue membership in the insurance plan, but the employee will be responsible for both the employee and employer contributions.
- Leave without pay may be granted for a period of one year or more, subject to approval of the Board of Supervisors, for unclassified employees. Any extension beyond this time is subject to the joint approval of the University and the Department of Civil Service.
- Leave without pay may be granted for a period up to, but not exceeding one year for classified employees. Any extension beyond this time is subject to the joint approval of the University and the Department of Civil Service.
- Unauthorized leave without pay is used to reflect tardiness and other non-approved absences from work. Unauthorized leave can result in disciplinary action being taken against the employee.
- Unclassified and classified employees that do not have enough accumulated annual and/or compensatory leave during required closures of the University, may not use sick leave for the remaining days of closure. Leave without pay must be taken.

Employees reporting late to work are subject to being charged leave for the actual time missed.

#### 1. Employee Responsibilities

- Ensure that your leave balance is sufficient to cover any leave requested.
- Notify supervisor of any previously unanticipated late arrivals or absences as soon as possible.
- Request scheduled leave at least 30 days in advance, if possible.
- Accurately report time worked and leave taken.
- Provide appropriate documentation for any tardiness or absences in a timely manner.
- Proactively arrange for your responsibilities to be covered while you are away on scheduled leave.
- Modify your voicemail greeting and email notification if you plan to be out of the office for more than two days, if other coverage arrangements have not been made.
- Resolve any operational or service issues caused by tardiness or absence with colleagues, students, or other stakeholders when appropriate.

#### 2. Supervisor Responsibilities

- Consider NSU mission and departmental operations in approving employee's selection for Standard Work Schedule or in promoting approval of Flexible Work Schedule.
- Collect appropriate documentation for leave, absences, or later arrivals; address documented patterns or suspected abuse with the employee in a timely manner.
- Ensure employee time worked is accurately reported.
- Oversee resolution of any operational or service issues caused by late arrival or absence of an employee.

#### **Related Policies**

- [FS.III.XXI.-1. University of Louisiana System: Leave Record Establishment and Regulations for all Unclassified, non-Civil Service Employees](#)

- [Crisis Leave Program Policy](#)

**Related Procedures**

- [Human Resources: Work Schedule Form](#)
- [Payroll: Request for Leave form](#)
- [Crisis Leave Program Procedures](#)

**Information and Assistance**

For additional information or assistance with this policy, contact Veronica M. Biscoe, Executive Director, Office of Institutional Effectiveness and Human Resources, at [ramirezv@nsula.edu](mailto:ramirezv@nsula.edu) or 318-357-6359.

**Approvals**

Approved by: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Date: \_\_\_\_\_

**Associated Resources**

- Louisiana Revised Statutes 17:3311 and 17:3312
- Federal Regulations
- University Policy and Procedures
- Civil Service Rules and Regulations
- University of Louisiana System Board of Trustees Policy

**Revision History**

Version	Date Revised	Revisions
1	8/6/2023	Supersedes policy X-10. Request for Leave. Content revised to focus on the definition and policy for leave accrual and leave taking. Procedures related to the Payroll Request for Leave form are outside the scope of this document.