



UNIVERSITY OF DENVER
POLICY MANUAL
LEAVE OF ABSENCE

Responsible Department: Human Resources and Inclusive Community

Recommended By: Provost, VC Human Resources and Inclusive Community

Approved By: Chancellor

Policy Number
3.30.010

Effective Date
6/8/2018

I. INTRODUCTION

This Policy sets forth the various eligibility requirements for University employees to take a leave of absence.

II. POLICY OVERVIEW

The University provides:

- 1. Family care and medical leave to all employees (including faculty) in accordance with the federal Family and Medical Leave Act of 1993 ("FMLA") (such leave to be referred to in this Policy as "FMLA Leave");
2. Sick Leave for "appointed" faculty and non-union staff ("Sick Leave");
3. Leave which the University determines may be legally required by law (e.g., as required to accommodate employees with a certified disability, workplace injury or military commitment), or which otherwise may be granted to employees from time to time, all of which is to be granted at the discretion of the University ("Discretionary Leave"); and
4. Vacation leave for non-faculty appointed employees.

The type and amount of Sick Leave and other University benefits may differ depending on an employee's status with the University. The FMLA Leave Policy generally applies to all employees who meet the requirements of the FMLA. Accrual of Sick Leave based on length of employment is a benefit that generally is available only to appointed employees. An "appointed" employee is any faculty or staff working 20 or more hours per week, who is classified by the University as being paid from regular or continuing funds. Non-appointed employees are employees designated by the University as being paid from non-recurring funds, and therefore are not viewed as regular or continuing employees. Union employees are entitled to the leave benefits described in their union contract, and are not covered by this policy unless required by law or by the contract.

Section III. D. of this Policy establishes vacation benefits for non-faculty appointed employees.

If any question arises which is not covered by this Policy or prior published statements interpreting this Policy, the University reserves the right to make any necessary interpretation which shall be conclusive for purposes of resolving the question.

III. PROCESS OVERVIEW

A. Family Care and Medical Leave

1. Eligibility

Any employee (including faculty, union, appointed or non-appointed employees) is eligible for FMLA Leave if the employee (a) has worked for the University for at least 12 months prior to the date upon which the FMLA Leave is to commence, and (b) has worked at least 1,250 hours in the 12 months immediately preceding the FMLA Leave. FMLA Leave may be taken by employees who satisfy other requirements that are imposed by law or that may be imposed by the University. Some (but not all) of those requirements are described below. The University will disseminate to its employees from time to time written notice describing the features of its FMLA Leave Policy. Any employee having questions about the University's FMLA Leave should obtain a copy of such notice and informational materials from Human Resources and Inclusive Community.

2. Coordination with Other Leave

The Family and Medical Leave Act states employers may require use of accrued paid leave while taking FMLA Leave. The University requires employees to use accrued leave (i.e. vacation, sick, PTO) while covered under the FMLA. If an employee exhausts their accrued leave the remainder of the FMLA period will be unpaid. In some cases, the employee may receive benefits such as short-term disability and/or parental leave. All of these benefits run concurrently with the FMLA coverage.

3. Notice of FMLA Leave

Employees should notify Human Resources and Inclusive Community of their request for FMLA Leave as soon as they are aware of the need for such leave. If the event is foreseeable, the employee must provide notice no fewer than 30 calendar days in advance of the FMLA Leave date. If the event is unforeseeable 30 days in advance, the employee must provide written notice as soon as she or he is aware of the need for leave. If the leave is requested in connection with a planned, non-emergency medical treatment, the employee may be required to reschedule the treatment so as to minimize disruption of the University's operations.

4. Reinstatement

The University reserves the right to deny reinstatement to employees who are among the highest paid 10% of University employees and whose reinstatement would cause substantial and grievous economic injury to the University's operations.

5. Medical Certification

An eligible employee must support his or her request for FMLA Leave by medical certification from a health care provider. Before permitting an employee to return to work, the University also may require the employee to provide medical certification that he or she is able to return to work. The University's Department of Human Resources and Inclusive Community will provide written details from time to time regarding the deadlines for such notices, the statements that must be included, and any other notice requirements.

B. Sick Leave

1. Eligibility

Only appointed staff and faculty are entitled to Sick Leave benefits.

Sick Leave may be utilized for doctor and hospital visits, new child care, personal illness or injury, or illness or injury in the employee's immediate family (father, mother, father-in-law, mother-in-law, grandparents, spouse or child).

Appointed faculty may be granted Sick Leave with pay at the discretion of the Department chair, but do not accrue Sick Leave over time or based on length of employment.

Full-time appointed staff employees are entitled to accrued Sick Leave benefits. Sick Leave accrues at the rate of 12 days per year, or 1 day per month, to a maximum of 130 days. Sick Leave for part-time staff accrues on a pro-rated basis.

2. Accrual of Sick Leave

Sick leave benefits accrue on the basis of the length of a staff employee's employment.

Those benefits continue to accrue when the employee is on vacation, sick leave, or other paid leaves of absence so long as such leaves of absence have been approved by the appropriate supervisor. An eligible employee who transfers from one department to another will retain accrued sick leave unless the new position is not eligible for accrued sick leave benefits. Sick leave benefits do not accrue at any other time.

3. Termination

Employees are not entitled to be compensated for any accrued but unused sick leave upon termination of employment.

4. Notice of Sick Leave.

In order to be considered for Sick Leave, an eligible employee must comply with the same notice requirements as are required for FMLA Leave (Section III. A. 3.). The University also may require the same medical certification that is required for FMLA Leave and return to work (Section III. A. 5.).

C. Discretionary Leave

1. Eligibility

The University, at its sole discretion, may grant Discretionary Leave to appointed, non-union employees. Discretionary Leave without pay also may be granted to tenured faculty members and other professional staff with three or more years of service for study or research, educational travel, other employment that would either enhance the employee's service to the University or provide a significant community service, or any other reason where such leave will be mutually advantageous to the employee and the University. Except as otherwise required by law, the University is not required to grant Discretionary Leave in any particular case, and will consider a request (but will not be obligated to grant it) if, in the sole judgment of the supervisor and the departmental manager, the employee's past performance is sufficiently satisfactory and arrangements can be made to protect the University's continued operation during the employee's absence.

2. Amount of Discretionary Leave

The Departmental Manager is authorized to grant periods of Discretionary Leave not to exceed one year in duration. Discretionary Leave may be either with or without pay.

3. Notice of Discretionary Leave

In order to be considered for Discretionary Leave, an eligible employee must comply with the FMLA Leave requirements regarding coordination with other leave (Section III. A. 2.), notice (Section III. A. 3.) and if applicable, medical certification (Section III. A. 5.). Faculty and professional staff applying for non-medical Discretionary Leave should submit written requests for such leave at least 4 months in advance. If the employee fails to comply with such requirements, the University reserves the right to deny the request for Discretionary Leave.

4. Reinstatement.

The University reserves the right to deny reinstatement of any employee who takes Discretionary Leave except as the law may otherwise require. If an employee's original position cannot be held open during a leave of absence, the University will make reasonable efforts to place the employee in a position of equivalent status and salary.

D. Vacation

The eligibility requirements for vacation leave are as follows:

1. All non-faculty appointed employees are entitled to accrued vacation leave benefits. Vacation benefits accrue on the basis of the length of an employee's employment.
2. Faculty members do not accrue vacation leave, but instead take vacation time as needed when the demands of their academic schedules permit. However, faculty members in the Libraries Professorial Series are responsible for professional information services throughout the year, and therefore will accrue vacation leave at the rate of 2 days per month, up to a maximum accrual of 22 days in the aggregate.
3. The Chancellor, Provost, all Vice Chancellors, Office of General Counsel, both Vice Provosts, Academic Deans with staff appointments, or administrators who have tenured or tenure-track faculty status, are not limited in the amount of vacation leave which they may take, but may take such vacation time as needed when the demands of the office permit.
4. Full-time staff accrue vacation leave at the rate of 15 days per year, or 1 1/4 days per month, to a maximum accrual of 15 days. Vacation leave accrual is prorated for staff employees who work less than full-time. Vacation leave accrual increases after completion of seven years of service to the University to 2 days per month, up to a maximum accrual of 22 days in the aggregate.
5. Upon termination, full-time staff (except those specified in Paragraph 3) will be paid for any accrued but unused vacation time, up to the maximum accrual allowed, provided adequate notice has been given in accordance with the Policy 3.30.020 *Staff Reduction*.

IV. DEFINITIONS

None