



**Responsible Department:** Human Resources and Inclusive Community  
**Recommended By:** Provost, Vice Chancellor of Human Resources  
**Approved By:** Chancellor

**Policy Number** HRIC  
3.30.010

**Effective Date**  
9/8/2022

**I. INTRODUCTION**

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

**II. POLICY OVERVIEW**

**A. The University provides:**

1. Family care and medical leave for all employees (including faculty) who qualify for such leave in accordance with the federal Family and Medical Leave Act of 1993 ("FMLA Leave");
2. "Statutory Leave" for applicable employees based on the University's determination that certain types of leave may be legally required (e.g., a for employees who qualify for a reasonable accommodation under the American with Disabilities Act (ADA), who have sustained a workplace injury, or who have a military commitment pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA));
3. "Sick Leave" for appointed faculty and appointed non-union staff;
4. "Discretionary Leave" for certain employees from time to time at the University's sole discretion;
5. "Vacation Leave" for non-faculty appointed employees; and
6. "Bereavement Leave" for appointed employees following the death of a Family Member.

**B. The University provides unionized personnel the leave benefits set forth in the collective bargaining agreement negotiated and executed by the University and the union. Accordingly, unionized personnel are not covered by this Policy**

except to the extent required by law or by the collective bargaining agreement.

- C. The University reserves the right to make any necessary interpretation of this Policy to address any questions that are not explicitly covered by this Policy or prior published statements interpreting this Policy. The University's interpretation shall be conclusive for purposes of resolving the question.
- D. The University also reserves the right to update this Policy to address statutory or regulatory changes to the leave granted under this Policy.

### **III. PROCESS OVERVIEW**

#### **A. FMLA Leave**

##### **1. Eligibility**

An 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; (b) has worked at least 1,250 hours in the 12 months immediately preceding the FMLA Leave; and (c) works at a location where the University employs 50 or more employees within 75 miles. The University may require employees seeking to take FMLA leave to 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 provide its employees from time to time with written notice describing its FMLA Leave. Employees who have questions about FMLA Leave under this Policy should obtain a copy of such notice and related materials from Human Resources & Inclusive Community.

##### **2. Coordination with Other Leave**

The Family and Medical Leave Act states that employers may require employees to use of accrued paid leave while taking FMLA Leave. The University requires employees to use accrued leave (e.g., vacation, sick, paid time off ("PTO")) while covered under the FMLA. If an employee exhausts their accrued leave, the remainder of the FMLA Leave 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 Leave.

##### **3. Notice of FMLA Leave**

Except where the event forming the basis for the leave is not foreseeable,

all employees requesting FMLA Leave under this Policy must submit a [Leave of Absence Communication Form](#) to their immediate supervisor, with a copy to HR Services ([benefits@du.edu](mailto:benefits@du.edu)). If the event forming the basis for the leave is foreseeable, the employee must provide notice no fewer than 30 calendar days in advance of the start date for FMLA Leave. If the event forming the basis for the leave is not foreseeable 30 days in advance of the start date, the employee must provide written notice as soon as they are 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.

To facilitate the unit's operational needs related to an employee's absence, employees on FMLA Leave should provide Human Resources ("HRIC") with periodic updates regarding their intent to return to work.

#### **4. Reinstatement**

The University reserves the right to deny job restoration to key employees (i.e., employees who are among the highest paid 10% of all University employees) where job restoration will cause substantial and grievous economic injury to the University's operations. If the University determines that reinstatement may be denied, the University will provide the employee with written notice at the time the employee gives notice of the need for FMLA Leave, or when FMLA Leave commences, whichever is earlier, that the employee qualifies as a key employee and the potential consequences of that designation.

#### **5. Medical Certification**

An eligible employee must submit medical certification from a health care provider to support a request for FMLA Leave. Before permitting an employee to return to work after FMLA Leave, the University also may require the employee to provide medical certification of their ability to return to work. HRIC will provide written information to the employee regarding the deadlines, the required information to include, and any other requirements.

### **B. Statutory Leave**

The University will fully comply with applicable federal, state, or local laws to administer leaves of absence, including but not limited to the ADA and USERRA. In situations where this policy does not contain a specific obligation or right, the University will follow applicable state or federal requirements. Employees eligible for Statutory Leave must notify HRIC and the employee's supervisor of anticipated leave dates as soon as reasonably possible so that

plans can be made accordingly.

## **C. Sick Leave**

### **1. Eligibility**

With the exception of paid sick leave provided during a public health emergency in accordance with Colorado law, the University provides Sick Leave benefits only to appointed staff and faculty.

Employees may use Sick Leave doctor and hospital visits, new childcare, personal illness or injury, or illness or injury of an employee's Family Member.

Department chairs have the discretion to grant Sick Leave with pay to appointed faculty, but appointed faculty do not accrue Sick Leave over time or based on length of employment.

### **2. Accrual of Sick Leave**

The University provides accrued Sick Leave benefits to appointed staff employees. Eligible full-time employees accrue Sick Leave at the rate of twelve (12) days per year or one (1) day per month up to a maximum of 130 days. Sick Leave for part-time staff accrues on a pro-rated basis.

Sick leave benefits accrue on the basis of the length of an appointed staff employee's employment, including when the employee is on vacation, sick leave, or other paid leaves of absence so long as the employee has received the appropriate approval of such leaves of absence. An eligible employee who transfers from one department to another will retain accrued sick leave unless the employee's new position is not eligible for accrued sick leave benefits.

### **3. Termination**

Upon termination of employment, the University will not compensate employees for accrued but unused sick leave.

### **4. Notice of Sick Leave**

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 employee to meet the same medical certification for FMLA Leave and return to work (Section III. A. 5.).

## **D. Discretionary Leave**

### **1. Eligibility**

The University, at its sole discretion, may grant Discretionary Leave to appointed, non-union employees. The University may also grant tenured faculty members, and other professional staff with three or more years of service Discretionary Leave without pay 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 for 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 the University 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 the employee's absence will not impede or disrupt the unit's operations.

### **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**

To be considered for Discretionary Leave, an eligible employee must comply with the same requirements as set forth above for FMLA Leave regarding: (a) coordination with other leave (Section III. A. 2.); (b) notice (Section III. A. 3.); and (c) if applicable, medical certification (Section III. A. 5.). Faculty and professional staff applying for non-medical Discretionary Leave must submit written requests for such leave at least four (4) months in advance.

### **4. Reinstatement**

The University reserves the right to deny reinstatement of any employee who takes Discretionary Leave except as prohibited by law. 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 similar status and salary.

## **E. Vacation Leave**

The eligibility requirements for vacation leave are as follows:

### **1. The University provides non-faculty appointed employees vacation leave**

benefits that accrue based on 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, because faculty members in the Libraries Professorial Series are responsible for professional information services throughout the year, such faculty members accrue vacation leave at the rate of two (2) days per month, up to a maximum accrual of twenty-two (22) days per year.
3. The Chancellor, Provost, Senior Vice Chancellors, Vice Chancellors, General Counsel, Senior Vice Provosts, 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 such administrators may take such vacation time as needed when the demands of their position permit.
4. Full-time appointed staff accrue vacation leave at the rate of 1.25 days per month, up to a maximum accrual of fifteen (15) days per year. Vacation Leave accrues on a prorated basis for appointed staff employees who work less than full-time. Vacation Leave accrual increases after completion of seven (7) years of service to the University to two (2) days per month, up to a maximum accrual of twenty-two (22) days per year in the aggregate.
5. Upon termination, the University will pay appointed staff (except those administrators specified in Section III.E.3 above) for any accrued but unused Vacation Leave, up to the maximum accrual allowed.

#### **F. Bereavement Leave**

1. The University provides Bereavement Leave of up to three (3) days with pay to all appointed exempt and non-exempt (non-faculty) staff following the death of a Family Member. Bereavement leave may be extended to five (5) days in the event that an employee needs to travel beyond 500 miles from the work location to attend a service, memorial, or other remembrance gathering. Employees do not need to take Bereavement Leave on consecutive days.
2. If an employee wishes to take additional time off beyond the specified Bereavement Leave, then the employee may use Vacation Leave, provided that the employee's supervisor has given approval. The University may require proof of the relationship to the Family Member.
3. The University will not compute pay for Bereavement Leave as time worked for overtime purposes.

#### IV. DEFINITIONS

- A. “Appointed employee”** is any faculty or staff working twenty (20) or more hours per week, who is classified by the University as being paid from regular or continuing funds.
- B. “Family Member”** means:
- (a) Regardless of age, a biological, adopted or foster child, stepchild or legal ward, a child of a domestic partner, a child to whom the covered individual stands in loco parentis, or a person to whom the covered individual stood in loco parentis when the person was a minor;
  - (b) A biological, adoptive or foster parent, stepparent or legal guardian of a covered individual or covered individual’s spouse or domestic partner or a person who stood in loco parentis when the covered individual or covered individual’s spouse or domestic partner was a minor child;
  - (c) A person to whom the covered individual is legally married under the laws of any state, or a domestic partner of a covered individual as defined in C.R.S. Section 24-50-603 (6.5); or
  - (d) A grandparent, grandchild or sibling (whether a biological, foster, adoptive or step relationship) of the covered individual or covered individual’s spouse or domestic partner.
- C. “Non-appointed employee”** is any faculty or staff designated by the University as being paid from non-recurring funds, rather than regular or continuing funds.

<b>Revision Effective Date</b>	<b>Purpose</b>
9/8/2022	<i>Policy updated to align with practice</i>