

 UNIVERSITY OF DENVER	UNIVERSITY OF DENVER POLICY MANUAL LEAVE POLICY	
<p><u>Responsible Department:</u> Human Resources and Inclusive Community</p> <p><u>Recommended By:</u> Provost and Executive Vice Chancellor, SVC of Business and Financial Affairs, Vice Chancellor for Human Resources</p> <p><u>Approved By:</u> Chancellor</p>	<p><u>Policy Number</u> HRIC 3.30.010</p>	<p><u>Effective Date</u> 1/1/2026</p>

I. INTRODUCTION

This Policy sets forth the University’s vacation and sick leave policies and various eligibility requirements for University employees to take a leave of absence. The University reserves the right to make changes to this Policy as may be necessary from time to time.

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 the purpose of resolving the question.

This Policy applies to all University employees, except as specified herein. Teachers employed at Ricks Center for Gifted Children and the Fisher Early Learning Center are eligible for the leave set forth in Sections III.D through III.H and are eligible for discretionary leave as provided in Section III.I, but are not otherwise covered by this Policy.

Student workers are eligible for the leave set forth in Sections III.E through III.H. The University provides unionized employees the leave benefits set forth in the collective bargaining agreement negotiated and executed by the University and the union. Accordingly, unionized employees are not covered by this Policy except to the extent required by law or by the collective bargaining agreement.

II. POLICY OVERVIEW

The University provides:

- A. “Vacation Leave” for benefited staff;¹

¹ Benefited faculty receive paid time off as appropriate but do not earn or accrue it.

- B. "Sick Leave" for benefited faculty and benefited staff;
- C. "Bereavement Leave" for benefited faculty and benefited staff following the death of a covered Family Member;
- D. "Parental Leave" for benefited faculty and benefited staff caring for a child during the first year after the birth, adoption, or foster care placement of that child;
- E. Healthy Families and Workplaces Act leave for all employees and student workers who work in Colorado as required under C.R.S. § 8-13.3-401 et seq. ("HFWA Leave");²
- F. Family care and medical leave for all qualifying employees and student workers under the federal Family and Medical Leave Act of 1993 ("FMLA Leave"), the Colorado Paid Family and Medical Leave Insurance Act, C.R.S. § 8-13.3-501 et seq. ("FAMLI"), and/or other applicable state family and medical leave laws;
- G. "Statutory Leave" for all employees and student workers based on the University's determination that certain types of leave may be legally required (e.g., as a reasonable accommodation under the American with Disabilities Act ("ADA"), under applicable workers compensation laws, or pursuant to the Uniformed Services Employment and Reemployment Rights Act ("USERRA")); and
- H. "Discretionary Leave" may be granted from time to time, at the University's sole discretion.
- I. "Floating Holiday" for each employee to honor their own personal values and traditions.

III. PROCESS OVERVIEW

A. Vacation Leave

1. The University provides certain benefited faculty and all benefited staff with Vacation Leave benefits that accrue based on the length of an employee's employment and the number of hours worked. An employee must obtain prior approval for using accrued Vacation Leave from their supervisor or the supervisor's designee using the applicable established approval process for the unit.
2. Faculty members (other than faculty members in the Library Professorial

² It is the University's intention that HFWA Leave run concurrently with other types of paid leave provided by the University to the greatest extent possible.

Series) do not earn or accrue Vacation Leave, but instead take time off as needed when the demands of their academic schedules permit unless otherwise required as HFWA Leave (Section III.E).

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 (collectively, "Senior Administrators") do not earn or accrue Vacation Leave, but such Senior Administrators may take such Vacation Leave when the demands of their position permit unless otherwise required as HFWA Leave (Section III.E).
4. Typically, full-time staff who have been employed at the University for:
 - a. Five (5) years or less accrue Vacation Leave at the rate of 1.83 days per month, up to a maximum accrual cap of fifteen (15) days;
 - b. More than five (5) years but less than seven (7) years accrue Vacation Leave at the rate of 1.83 days per month, up to a maximum accrual cap of twenty-two (22) days; and
 - c. More than seven (7) years accrue Vacation Leave at the rate of two (2) days per month, up to a maximum accrual cap of twenty-two (22) days.

Vacation Leave accrues on a prorated basis for those employees who work less than full-time. Non-exempt employees accrue Vacation Leave based on all hours worked, including overtime.

5. Faculty members in the Libraries Professorial Series (who are responsible for professional information services throughout the year) accrue Vacation Leave at the rate of two (2) days per month, up to a maximum accrual cap of twenty-two (22) days.
6. Exempt employees continue to accrue Vacation Leave when the employee is on vacation, taking Sick Leave, or other approved leaves of absence.
7. For an employee who transfers to another position within the University, their ability to retain accrued leave depends upon the eligibility of their new position for benefits and applicable University policies.
8. Eligible employees are allowed to use Vacation Leave in quarter hour (0.25) increments and Vacation Leave will be paid at the employee's normal wage rate unless otherwise provided in this Policy.
9. Eligible employees accrue Vacation Leave subject to the applicable maximum accrual cap. Eligible employees will not accrue additional Vacation Leave until they use previously accrued Vacation Leave to bring their balance below the applicable maximum accrual cap.

10. Upon termination of employment, the University will pay employees who accrue Vacation Leave for any accrued but unused Vacation Leave. Faculty (Section III.A.2) and Senior Administrators (Section III.A.3) who do not accrue Vacation Leave are not eligible to receive pay for Vacation Leave upon termination of employment.
11. Vacation Leave that is used for any of the HFWA Reasons described in Section III.E will be counted toward the employee's HFWA Leave for that calendar year.

B. Sick Leave

1. The University provides benefited staff with paid Sick Leave benefits. Eligible employees may use Sick Leave for doctor and hospital visits, personal illness or injury, or illness or injury of an employee's Family Member.
2. Faculty members (other than faculty members in the Library Professorial Series) do not accrue Sick Leave based on length of employment. Department chairs have the discretion to grant Sick Leave with pay to faculty, unless otherwise required to do so as HFWA Leave (Section III.E).
3. Typically, full-time staff, and faculty members in the Library Professorial Series, accrue Sick Leave at the rate of 12 days per year or eight (8) hours per month up to a maximum of 130 days. Sick Leave accrues on a prorated basis for those employees who work less than full-time. Exempt employees continue to accrue Sick Leave when the employee is on vacation, taking Sick Leave, or other approved leaves of absence. Non-exempt employees accrue Sick Leave based on all hours worked, including overtime.
4. For an employee who transfers to another position within the University, their ability to retain accrued Sick Leave depends upon the eligibility of their new position for benefits and applicable University policies.
5. To request Sick Leave, an eligible employee must communicate the request to their supervisor. The request may be made orally, in writing, electronically, or by any other means acceptable to their supervisor. When practicable, the employee shall include the expected duration of the absence. If the use of Sick Leave is foreseeable, the employee should provide as much notice as possible to their supervisor. The University may require documentation for Sick Leave absences of four (4) or more consecutive days during which the employee is scheduled to work. The University also may require the employee to provide documentation that they are approved to return to work.

6. Employees are allowed to use Sick Leave in quarter hour (0.25) increments and employees using Sick Leave will be paid at the employee's normal wage rate unless otherwise provided in this Policy.
7. Upon termination of employment, the University will not compensate employees for accrued but unused Sick Leave.
8. Sick Leave that is used for any of the HFWA Reasons described in Section III.E will be counted toward the employee's HFWA Leave for that calendar year.

C. Bereavement Leave

1. The University provides benefited faculty and benefited staff with Bereavement Leave with pay for up to five (5) days for use following the death of a Family Member. Employees do not need to take Bereavement Leave on consecutive days.
2. If an eligible employee wishes to take additional time off beyond the specified Bereavement Leave, then the employee may use Vacation Leave, provided that the employee has obtained prior approval for using accrued Vacation Leave from their supervisor or the supervisor's designee using the applicable established approval process for the unit.
3. The University may require reasonable documentation of the need for Bereavement Leave for absences of four (4) or more consecutive days during which the employee is scheduled to work.
4. The University will not compute pay for Bereavement Leave as time worked for overtime purposes.
5. Bereavement Leave that is used for any of the HFWA Reasons described in Section III.E will be counted toward the employee's HFWA Leave for that calendar year.

D. Parental Leave

1. *Benefited Staff.* The University provides up to 12 weeks of partially- or fully- paid Parental Leave for all benefited staff to assist and support new parents with balancing work and family matters, which must be taken within the first year after delivery, adoption, or foster care placement, and pertain to the care and wellbeing of the newborn or adopted child.
2. *Benefited Faculty.* The University of Denver provides up to 12 weeks of fully-paid parental leave for benefited faculty members, which must be taken within the first year after delivery, adoption, or foster care placement, and pertain to the care and wellbeing of the newborn or adopted child. This

paid leave shall be taken continuously (defined as no more than three blocks of consecutive weeks) and concurrently with FAMLI and may bridge multiple academic terms. Faculty members will also be granted a course release equivalent to one academic term and will need to coordinate the leave plans with their department chairs or deans with the goal of providing flexibility while minimizing the impact to the academic operations of the department.

3. The University will continue to pay the employer's portion of the employee's health insurance premium while the employee is on Parental Leave.
 4. Parental Leave is available to both birth and non-birth parents. Parental Leave must run concurrently with FAMLI (Section III.F), FMLA (Section III.G), and short-term and long-term disability (as applicable). As such, employees must apply for FAMLI, FMLA and/or short-term disability before being approved for Parental Leave. When the birthing parent is taking Parental Leave, such leave will be in conjunction with the University's core short-term disability benefit, when applicable.
 5. The amount of Parental Leave the University will pay depends on whether the employee is receiving paid benefits from some other source (such as FAMLI, short-term or long-term disability). An employee taking Parental Leave may not receive more compensation than their average weekly wage regardless of the source of the payments.
 6. If both parents are employed by the University, both parents have access to Parental Leave and may elect to, but are not required to, take such leave simultaneously. Whenever possible, employees intending to take Parental Leave should inform their department or division leadership no later than three (3) months prior to the proposed beginning of the Parental Leave. If this is not possible due to pre-term delivery, sudden availability of adoption, or other unpredictable changes in family status, the University will still grant the Parental Leave.
 7. Parental Leave must be taken within the first year after delivery, adoption, or foster care placement, and pertain to the care and well-being of the newborn or adopted child. The birth or placement of multiple children will not increase the duration of Parental Leave.
 8. Parental Leave that is used for any of the HFWA Reasons described in Section III.E will be counted toward the employee's HFWA Leave for that calendar year.
- E. HFWA Leave (for eligible Colorado employees and student workers)**
1. The University provides all employees and student workers with paid time

off as required under the Colorado Healthy Families and Workplaces Act (“HFWA”) for HFWA Leave.

- 2.** HFWA Leave may be used for the following (“HFWA Reasons”):
 - a.** The employee or student worker:
 - i.** has a mental or physical illness, injury, or health condition that prevents the employee or student worker from working;
 - ii.** needs to obtain a medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition;
 - iii.** needs to obtain preventive care;
 - iv.** needs to care for a Family Member who falls under the three (3) categories above;
 - v.** needs to grieve, attend funeral or memorial services, or deal with financial and legal matters related to the death of a Family Member;
 - vi.** needs to care for a Family Member whose school or place of care has been closed because of inclement weather, loss of power, heating, or water, or another unexpected event; or
 - vii.** needs to evacuate the employee’s or student worker’s residence because of inclement weather, loss of power, heating, or water, or another unexpected event.
 - b.** The employee, the student worker, or their Family Member has been the victim of domestic abuse, sexual assault, or criminal harassment, and the use of leave is to:
 - i.** seek medical attention for the employee, the student worker or their Family Member to recover from a mental or physical illness, injury, or health condition caused by domestic abuse, sexual assault, or criminal harassment;
 - ii.** obtain services from a victim services organization;
 - iii.** obtain mental health or other counseling;
 - iv.** seek relocation due to domestic abuse, sexual assault, or criminal harassment; or
 - v.** seek legal services, including preparation for or participation in a civil or criminal proceeding relating to or resulting from the domestic abuse, sexual assault, or criminal harassment.
 - c.** Due to a public health emergency, a public official closed either:
 - i.** the employee’s or student worker’s place of business; or
 - ii.** the school or place of care of the employee’s or student worker’s child, requiring the employee or student worker to be absent from work to care for the child.

3. Employees who are eligible for the Vacation Leave, Sick Leave, Bereavement Leave, and/or Parental Leave offered by the University and who use any of the above leaves for any of the HFWA Reasons described in Section III.E will have up to 48 hours applied toward the Employee's HFWA Leave for that calendar year unless not permitted by FAMLI (Section III.F).
4. Employees and student workers who are **not** eligible for the Vacation Leave, Sick Leave, Bereavement Leave and/or Parental Leave offered by the University will accrue one (1) hour of HFWA Leave for every 30 hours worked.
5. Non-exempt employees will accrue HFWA Leave based on all hours worked, including overtime. Exempt employees will accrue HFWA leave based on their normal hours worked up to a maximum of a 40-hour work week.
6. Faculty, Graduate Teaching Assistants (GTA), Graduate Service Assistants (GSA), and Graduate Research Assistants (GRA), and adjunct faculty will accrue four (4) hours of HFWA leave each calendar month, up to a maximum of 48 hours per year.
7. Employees and student workers are not permitted to accrue or use more than 48 hours of HFWA Leave per year.
8. The University may require an employee or student worker seeking to use HFWA Leave to give advance notice to their supervisor, except in an emergency. If the absence is foreseeable, the University may require an employee or student worker to provide at least five (5) days' advance notice.
9. If an employee or student worker takes HFWA Leave for more than four (4) consecutive days during which the employee or student worker is scheduled to work, the employee or student worker may be required to provide reasonable documentation that the HFWA leave was for a qualifying purpose.
10. Employees who transfer to another position within the University retain their accrued HFWA Leave, subject to accrual limits.
11. Upon termination of employment, unused HFWA Leave will not be paid out to the employee or student worker. However, if an employee or student worker is rehired within six (6) months and remains subject to this Policy, the prior HFWA Leave balance will be reinstated.
12. The University cannot take retaliatory personnel action or discriminate against an employee or student worker requesting or using HFWA leave.

F. FAMLI Leave (for eligible Colorado employees and student workers)³

1. FAMLI is the Family and Medical Leave Insurance program required by the State of Colorado. FAMLI leave is partially paid leave. It is funded by payroll deductions from the employee or student worker and payments by the employer.
2. Any employee or student worker is eligible for FAMLI Leave after earning \$2,500 in the State of Colorado at any point over the past year (i.e., the last four (4) calendar quarters), including from a combination of employers.
3. The premium for FAMLI is up to 0.9% of employee pay. The employee/student worker and employer are both responsible for the premium. The employee's/student worker's required contribution will be deducted from their wages.
4. Covered employees/student workers are entitled to up to 12 weeks of paid family and medical leave per year. Employees/student workers with serious health conditions caused by pregnancy complications or childbirth complications may be entitled to up to four (4) more weeks of paid leave for a total of 16 weeks. FAMLI may be taken continuously, intermittently, or in the form of a reduced work schedule.
5. The wage replacement benefits under FAMLI are calculated using the employee's/student worker's average weekly wage, which is calculated as one-thirteenth of the wages paid during the quarter in which the total wages were the highest, from either the last four (4) completed calendar quarters or the first four (4) of the last five (5) completed calendar quarters.

The wage replacement benefits are calculated as:

- a. the portion of the average weekly wage that is equal to or less than 50% of the state average weekly wage will be replaced at a rate of 90%; and
- b. the portion of the average weekly wage that is more than 50% of the state average weekly wage will be replaced at a rate of 50%.

Employees may not receive more than the maximum weekly benefit amount specified by the Colorado Department of Labor and Employment Division of Family and Medical Leave Insurance.

6. Covered employees/student workers are eligible to take FAMLI Leave for

³ Employees who live and/or work outside the State of Colorado may be eligible for paid family and medical leave under applicable state or local laws.

the following reasons:

- a. Because of birth, adoption or placement through foster care, caring for a new child during the first year after the birth, adoption or placement of that child;
- b. Caring for a Family Member with a serious health condition;
- c. Because of their own serious health condition;
- d. Because of any qualifying exigency leave (i.e., leave based on a need arising out of a covered individual's Family Member's active duty service or notice of an impending call or order to active duty in the armed forces); and
- e. Because of the need for safe leave (i.e., employee/student worker or Family Member has been the victim of domestic abuse, sexual assault, or criminal harassment and needs to be absent from work for purposes related to medical attention, mental health care or other counseling, victim services—including legal services, or relocation).
- f. Because a covered individual has a child receiving care in the neonatal intensive care unit per Section III.F.12.

7. Notice of FAMLI Leave

- a. Except where the event forming the basis for the leave is not foreseeable, all employees/student workers requesting FAMLI Leave under this Policy must submit a [Leave Request Form](#) to Human Resources and Inclusive Community ("HRIC") at leaves@du.edu. If the event forming the basis for the leave is foreseeable, the employee/student worker must provide notice no fewer than 30 calendar days in advance of the start date for FAMLI Leave. If the event forming the basis for the leave is not foreseeable 30 days in advance of the start date, the employee/student worker must provide written notice as soon as they are aware of the need for leave. If an employee/student worker requests the leave in connection with a planned, non-emergency medical treatment, the University may require the employee/student worker to reschedule the treatment so as to minimize disruption of the University's operations.
- b. To facilitate the unit's ability to meet operational needs during an employee's/student worker's absence, employee/student workers on FAMLI Leave must notify HRIC at leaves@du.edu of any changes to their documented anticipated return to work date.

8. Coordination with Other Leave.

- a. Employees/student workers taking FAML I Leave are not required to use accrued Vacation Leave or Sick Leave while taking FAML I Leave but may do so upon request in order to remain in a fully-paid status. Benefited faculty and Senior Administrators who do not earn or accrue paid vacation and/or sick leave will be provided supplemental pay concurrently with FAML I Leave to keep them in a fully-paid status.
 - b. If FAML I Leave is taken for a reason that also qualifies for benefits from short-term disability, long-term disability, or paid Parental Leave, the University will require that such benefits run concurrently with FAML I Leave.
 - c. If FAML I Leave is taken for a reason that also qualifies for FMLA Leave, the University will require that such leaves run concurrently.
 - d. An employee/student worker taking FAML I Leave may not receive more compensation than their average weekly wage regardless of the source of the payments.
 - e. If an absence from work is caused by an injury that would entitle the employee/student worker to workers' compensation benefits, then the employee/student worker is not eligible for FAML I Leave for that absence.
9. An employee/student worker who has been employed by the University for at least 180 days prior to taking FAML I Leave is, upon return to work, entitled to reinstatement to the position, or an equivalent position, that they occupied immediately prior to taking FAML I Leave.
10. An eligible employee/student worker must notify HRIC at leaves@du.edu and submit the request and reasonable supporting documentation regarding such request for FAML I Leave to the University's FAML I Plan Administrator ("FAML I PA"). Required supporting documentation may include, for example, medical certification from a treating health care provider (for medical leaves), documentation of birth, adoption or foster placement of a child, or verification of need for safe leave. Before permitting an employee/student worker to return to work after FAML I Leave, the University also may require the employee/student worker to provide medical certification of their ability to return to work. HRIC will provide written information to the employee/student worker regarding the deadlines, the required information to include, and any other requirements.
11. The University cannot interfere with FAML I rights or threaten or punish employees/student workers for exercising FAML I rights.
12. Neonatal Intensive Care Unit ("NICU") Leave

- a. NICU Leave is a supplemental paid leave benefit available to eligible employees and student workers whose newborns require admission to a Neonatal Intensive Care Unit. This includes newborns of biological parents, foster parents, step-parents, adoptive parents, or individuals acting in *loco parentis*.
- b. NICU Leave is available to any employee or student worker who qualifies for leave under FAML. Employees/student workers must have earned at least \$2,500 for work performed in Colorado in the past year from one or more employers.
- c. Eligible employees and student workers may take up to twelve (12) additional weeks of paid NICU Leave while their newborn receives inpatient care in the Neonatal Intensive Care Unit.
 - i. These twelve (12) weeks are in addition to the standard twelve (12) weeks of FAML bonding leave.
 - ii. In cases of pregnancy or childbirth-related complications where FAML already allows for up to sixteen (16) weeks of paid leave, NICU Leave will still be available in addition to those sixteen (16) weeks when applicable.
 - iii. NICU Leave is administered as a supplemental FAML benefit and will run concurrently with FMLA leave and applicable short-term or long-term disability benefits.
 - iv. Employees/student workers may not receive more in combined payments from FAML, University-paid leave, and other benefits than their average weekly wage.
 - v. Employees/student workers seeking NICU Leave must notify HRIC at leaves@du.edu and submit to the FAML PA their leave request with appropriate documentation from a treating health care provider verifying the newborn's NICU admission. Employees/student workers are encouraged to provide notice as soon as practicable.
 - vi. Consistent with FAML, employees/student workers on NICU Leave are entitled to job protection and reinstatement as noted in Section III.F.9 above.

G. FMLA Leave

1. FMLA is the Family and Medical Leave Act. Federal law requires FMLA leave to be provided by covered employers such as the University to eligible employees/student workers. FMLA leave is unpaid leave that provides job-protected time off of work for qualifying family and medical reasons.
2. Eligibility. Any employee or student worker is eligible for FMLA Leave if they: (a) have worked for the University for at least 12 months prior to the

date upon which the FMLA Leave is to commence; (b) have worked at least 1,250 hours in the 12 months immediately preceding the FMLA Leave; and (c) work at a location where the University employs 50 or more employees within 75 miles.

- 3.** Eligible employees/student workers can take up to 12 work weeks of FMLA leave in a 12-month period for:
 - a.** the birth, adoption or foster placement of a child with employee/student worker,
 - b.** employee's or student worker's serious mental or physical health condition that makes employee/student worker unable to work,
 - c.** to care for employee's or student worker's spouse, child or parent with a serious mental or physical health condition, and
 - d.** certain qualifying reasons related to the foreign deployment of employee's or student worker's spouse, child or parent who is a military service member.
- 4.** An eligible employee/student worker who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness may take up to 26 work weeks of FMLA leave in a single 12-month period to care for the servicemember.
- 5.** When it is medically necessary or otherwise permitted, an employee or student worker may take FMLA leave intermittently in separate blocks of time, or on a reduced schedule by working less hours each day or week.
- 6.** The University may require employees/student workers 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 post such written notice about FLMA Leave as required by law.
- 7.** Coordination with Other Leave.
 - a.** If FMLA Leave is taken for a reason that also qualifies for FAMLI Leave, the University will require that such leaves will run concurrently.
 - b.** If FMLA Leave is taken for a reason that also qualifies for Parental Leave, the University will require that such leaves will run concurrently.
 - c.** Except where prohibited by FAMLI, and consistent with the FMLA, the University requires employees to use accrued paid leave (e.g., Vacation Leave, Sick Leave) while taking FMLA Leave. If an employee

exhausts available paid leave, the remainder of the FMLA Leave period will be unpaid.

8. Notice of FMLA Leave

- a.** Except where the event forming the basis for the leave is not foreseeable, all employees/student workers requesting FMLA Leave under this Policy must submit a [Leave Request Form](#) to HRIC at leaves@du.edu. If the event forming the basis for the leave is foreseeable, the employee/student worker 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/student worker 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 University may require the employee/student worker to reschedule the treatment so as to minimize disruption of the University's operations.
- b.** To facilitate the unit's ability to meet operational needs during an employee's/student worker's absence, employees on FMLA Leave must notify HRIC at leaves@du.edu of any changes to their documented anticipated return to work date.
- c.** Note: A single Leave of Absence Communication Form will support a request for both FAML I Leave and FMLA Leave.

9. Reinstatement. The University will reinstate employees/student workers to the same job, or virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of your leave as required by law. Certain exceptions exist for key employees as defined by law.

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

11. The University cannot interfere with FMLA rights or threaten or punish employees/student workers for exercising FMLA rights.

H. Statutory Leave

1. The University will fully comply with applicable federal, state, or local laws to administer leaves of absence, including but not limited leave as accommodation under the ADA and USERRA. The University will follow applicable state or federal requirements unless this Policy contains a specific obligation or right that is more favorable to the employee or student worker.
2. Employees and student workers who believe they may be eligible for Statutory Leave as an accommodation under the ADA should contact the ADA Coordinator (ADA.coordinator@du.edu). Employees and student workers seeking other Statutory Leave must submit a leave request to HRIC at leaves@du.edu.

I. Discretionary Leave

1. The University, at its sole discretion, may grant Discretionary Leave to benefited faculty and benefited staff. The University may also grant tenured faculty members and other professional staff 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.
2. The benefited faculty or benefited staff employee's Departmental Manager (for staff) or Dean (for faculty) is authorized to grant periods of Discretionary Leave without pay not to exceed one year in duration. Prior to granting Discretionary Leave, the Departmental Manager or Dean should consult with HRIC and the Provost's Office, as applicable, and should consider such factors as (a) the reason for the leave; (b) length of anticipated leave; (c) whether the employee has a history of sufficiently satisfactory performance; (d) whether the employee's direct supervisor supports granting Discretionary Leave; (e) any impacts, costs, or disruptions to the unit due to the employee's absence; and (f) whether the position can or must be filled during the Discretionary Leave.
3. 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; (b) notice; and (c) if applicable, medical certification. Faculty and professional staff applying for non-medical Discretionary Leave must submit a Discretionary and Military Leave Form (available on the HRIC [benefits and leave forms webpage](#)) for such leave at least four (4) months in advance.

4. 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.
- J. Floating Holiday. On January 1, 2026, each individual employed by the University on that date will be awarded one (1) floating holiday to be used before July 1, 2026. On July 1, 2026 and the first day of each fiscal year thereafter (the "Award Date"), each individual employed by the University on the Award Date will be awarded one (1) floating holiday, provided that the floating holiday from the prior period has been used. Floating holidays are intended to be used by the employee during the period in which they are awarded. If for any reason an employee does not use their floating holiday during the period in which it is awarded, that floating holiday will carry over into the following fiscal year and the employee will not be awarded a new floating holiday until the first Award Date after the employee's leave account for floating holidays has been drawn down to zero. Floating holidays will be added to the employee's leave account and will be tracked separately from other types of paid leave. At no time will any employee have more than one floating holiday available in their leave account. Eligible employees must use a floating holiday to cover one full workday.

IV. DEFINITIONS

A. **"Family Member"** means:

1. Regardless of age, a biological, adopted or foster child, stepchild or legal ward, a child of a domestic partner, a child to whom the employee stands in loco parentis, or a person to whom the employee stood in loco parentis when the person was a minor;
2. A biological, adoptive or foster parent, stepparent or legal guardian of an employee or employee's spouse or domestic partner or a person who stood in loco parentis when the employee or employee's spouse or domestic partner was a minor child;
3. A person to whom the employee is legally married under the laws of any state, or a domestic partner of an employee;
4. A grandparent, grandchild or sibling (whether a biological, foster, adoptive or step relationship) of the employee or employee's spouse or domestic partner; or
5. As shown by the employee, any other individual with whom the employee has a significant personal bond that is or is like a family relationship, regardless of biological or legal relationship.

Note: For purposes of this definition, references to "employee" include student workers.

B. **"FAMLI Plan Administrator (FAMLI PA)"** means the third party plan

administrator identified on the HRIC [vacation and leave programs webpage](#) for submitting a FAML I claim.

V. RESOURCES

- A. Human Resources and Inclusive Community [Leaves of Absence webpage](#).
- C. Human Resources and Inclusive Community [Employee Handbook](#)
- D. Colorado Workplace Public Health Rights Poster: [Paid Leave, Whistleblowing, & Protective Equipment](#)
- C. Colorado Family and Medical Leave Insurance Program [FAML I Program Notice](#)
- D. U.S. Department of Labor Family and Medical Leave Act (FMLA) Poster: [Your Employee Rights Under the Family and Medical Leave Act](#)

Revision Effective Date	Purpose
6/8/2018	<i>Policy Posted to BFA Policy Library (original policy adopted 9/2/2015)</i>
9/8/2022	<i>Policy updated to align with practice</i>
1/1/2024	<i>Policy updated to align with Colorado FAML I Act (and to clarify coordination of benefits)</i>
12/6/2024	<i>Interim Policy updated and finalized</i>
4/11/2025	<i>Minor changes to clarify and align Policy with practice</i>
1/1/2026	<i>Policy updated to align with Colorado FAML I Act NICU leave provisions and changes to Vacation Leave, Bereavement, and Floating Holiday adopted by the University</i>