

ARKANSAS SCHOOL FOR THE DEAF

Policy Type	Subject of Policy	Policy No.
Administrative	ASD Leave Policy	1001

1. **PURPOSE:** The purpose of this policy is to establish agency procedures for eligibility, accumulation and/or use of Annual, Sick, Maternity, Court and Jury, Holiday, Leave Without Pay, Worker’s Compensation, Military, Bone Marrow or Organ Donation Leave.

This policy is in accordance with Arkansas Code §21-4-203, §21-4-204, §21-4-205 et seq. and the Office of Personnel Management Policies and Procedures.

2. **SCOPE:** This policy is directed to all employees of the Arkansas School for the Deaf (ASD) unless otherwise stated as exempt or ineligible.

3. **ANNUAL LEAVE**

A. Definition:

Annual Leave shall mean vacation time with pay. Annual Leave is leave requested and/or used by the employee for a vacation, personal reason, emergency situation, or for sickness/disability after accumulated Sick Leave, FLSA Compensatory Time, and Holiday Leave are exhausted.

B. Eligible Employees:

Any employee who works at a twelve-month, full-time position. Any twelve-month, part-time employee who work 1,500 hours or more annually can accrue annual leave on a prorated basis.

C. Non-Eligible Employees:

10/12-month employees, 10-month employees, temporary, emergency appointments, and extra help employees are not eligible to accrue Annual Leave.

D. Accrual for Eligible Employees:

Eligible full-time employees accrue leave at the rate shown in the timetable listed below:

Beginning with:	Through the end of:	Monthly Accrual	Annual Accrual
1 st year	3 rd year	1 day (8 hrs)	12 days
4 th year	5 th year	1 ¼ days (10 hrs)	15 days
6 th year	12 th year	1 ½ days (12 hrs)	18 days

ARKANSAS SCHOOL FOR THE DEAF

Policy Type	Subject of Policy	Policy No.
Administrative	ASD Leave Policy	1001

Beginning with:	Through the end of:	Monthly Accrual	Annual Accrual
13 th year	20 th year	1 ¾ days (14 hrs)	21 days
21 st year	-----	1 7/8 days (15 hrs)	22.5 days

All annual leave is cumulative. However, no employee may have more than 30 days accumulation on December 31st of each year. Accrued leave may exceed 30 days during the calendar year, but those days in excess of 30 days will be lost if not used by December 31st of each year.

If an employee is transferring, without a break in service, between state agencies and/or state-supported institutions of higher learning, which are covered by these policies, he/she retains all accumulated annual leave.

An employee may not earn annual leave when on leave without pay for ten (10) or more cumulative days within a calendar month.

Annual leave must be earned before it can be used. Employees will accrue half their monthly accrual of annual leave if employed on the first (1st) working day of the month and work through the 15th of that month. Employees will accrue half their monthly accrual if employed on the 16th of the month and work through the last working day of that month. (If the 16th falls on a weekend or holiday, accrual begins on the first (1st) working day thereafter.) Employees will not borrow from anticipated future accruals and may not use annual leave accrued by other employees.

Employees continue to earn annual leave at their normal accrual rate when on annual or sick leave.

E. Use:

Annual leave is granted on the basis of workdays, not calendar days. Non-workdays, such as holidays and weekends, are not charged as annual leave. An employee may request to use annual leave at any time after the leave has been accrued. Leave is not available for use until the first working day of the month following the accrual. **Requests to use annual leave are made and approved in advance by the immediate supervisor. The supervisor has the right to refuse leave requests at times when the employee's absence causes undue hardship for the work unit. Unauthorized leave is a violation of this leave policy and will result in Leave Without Pay being charged to the employee.** The minimum annual leave amount an employee can use is fifteen (15) minutes. No smaller amounts shall be authorized or used. Annual leave requests for more than two weeks must be approved by the Superintendent or Designee. All compensatory time may be used before the use of annual leave.

ARKANSAS SCHOOL FOR THE DEAF

<u>Policy Type</u>	<u>Subject of Policy</u>	<u>Policy No.</u>
Administrative	ASD Leave Policy	1001

F. Termination

Whenever an employee is separated from the agency by reason of resignation, layoff, or dismissal, the unused annual leave shall be liquidated by a lump sum payment, not to exceed 30 working days. Terminating employees whose last day is prior to the fifteenth of the month do not accrue annual leave for that month.

3. SICK LEAVE Ark. Code Ann. §§ 21-4-206 through 208; 21-4-501

A. Definition:

Sick leave may be used for only the following purposes:

When the employee is unable to work because of sickness or injury, or for medical, dental, or optical treatment.

Death or serious illness of a member of the employee's immediate family. Immediate family is defined as the father, mother, sister, brother, husband, wife, child, grandmother, grandfather, grandchild, in-laws or any individual acting as a parent or guardian of an employee.

The use of sick leave is contingent upon the occurrence of one of the events listed above. If the event never occurs, the employee is not entitled to the sick leave benefits.

B. Eligible Employees:

Any employee in a regular salary position who works full time and any employee who works less than full time, but at least 1500 hours per year, is eligible to accrue Sick Leave.

C. Non-Eligible Employees:

Summer employees, temporary, emergency appointments and extra help employees are not eligible to accrue Sick Leave. **Ten-Month (school term) employees do not accrue sick leave benefits during the summer months.**

ARKANSAS SCHOOL FOR THE DEAF

<u>Policy Type</u>	<u>Subject of Policy</u>	<u>Policy No.</u>
Administrative	ASD Leave Policy	1001

D. Accrual for Eligible Employees:

Employees accrue sick leave at the rate of one (1) day for each completed month of service; however, no employee shall have over 120 days accumulated on December 31st of each year.

Accrued leave may exceed 120 days during the calendar year, but those days in excess of 120 will be forfeited if not used by December 31st of each year.

Sick leave must be earned before it can be used. Employees will accrue half their monthly accrual of sick leave if employed on the first (1st) working day of the month and work through the 15th of that month. Employees will accrue half their monthly accrual if employed on the 16th of the month and work through the last working day of that month. (If the 16th falls on a weekend or holiday, accrual begins on the first (1st) working day thereafter.)

Employees will not borrow from anticipated future accruals.

Sick leave may not be accumulated during a period of leave without pay when such leave is ten (10) or more days within a calendar month.

Employees continue to earn sick leave at the normal accrual rate when they are on sick leave or annual leave.

Sick leave is granted on the basis of workdays, not calendar days. Non-workdays, such as holidays and weekends, are not charged as sick leave.

E. Use

The minimum sick leave amount an employee can use is fifteen (15) minutes. No smaller amount shall be authorized or used. Leave is not available for use until the first working day of the month following the accrual.

Absences due to sick leave, except in the case of maternity leave, shall be charged in the following order: (1) earned sick leave; (2) earned annual leave; (3) compensatory time; (4) leave without pay.

Employees who are on sick leave for five (5) or more consecutive days must furnish a certificate of illness from an attending physician. The certificate must indicate the dates the employee was unable to work. The employee must also have a release to return to work. A pattern of sick leave usage may require an employee to furnish a certificate of illness from a

ARKANSAS SCHOOL FOR THE DEAF

<u>Policy Type</u>	<u>Subject of Policy</u>	<u>Policy No.</u>
Administrative	ASD Leave Policy	1001

licensed, attending physician for any use of sick leave. A certificate from a Christian Science practitioner listed in the Christian Science Journal may be submitted in lieu of a licensed physician's certificate. In cases where a pattern of misuse is visible, an ASD employee may be required by the supervisor to provide a doctor's statement for less than five days. Requests to use sick leave for purposes of medical, dental, or optical examinations, hospital stays, funerals, etc. should be made in advance.

Notification of absence due to illness shall be given as soon as possible on the first day of absence to the employee's supervisor.

Application for sick leave is to be filed within two (2) days after the employee's return to work.

If an employee fails to make proper notification for use of sick leave as provided herein, such absences shall be charged to annual leave or leave without pay. Such determination shall be made at the Superintendent's discretion.

F. Termination, Transfer Ark. Code Ann. §§ 21-4-204 – 207; § 21-4-404; § 21-4-501 – 505

Employees transferring without a break in service between State agencies and/or State supported institutions of higher education which are covered by these policies shall retain all accumulated sick leave.

School teachers or other certified personnel employed by a school district that transfer to another school district, an educational cooperative, or a position requiring certification approved by the Department of Education in a state agency shall be granted credit in the new position for up to ninety (90) days unused sick leave accumulated in the former position. The accumulated and unused sick leave credit shall be granted to the employee upon furnishing proof in writing from the former employer of the employee. The provisions of this section shall apply to employment with another school district, educational cooperative, state education agency, or two-year college on or after July 1, 1997.

Employees are not entitled to payment for accrued and unused sick leave when they terminate their employment except as follows:

- A. Upon retirement or death, any employee, or beneficiary of any employee of ASD shall receive compensation for accumulated unused sick leave as follows:
 - 1. If the employee has accumulated at least fifty (50) days, but less than sixty (60) days of sick leave, the employee shall receive an amount equal to fifty percent (50%) of the number of accrued sick leave days (rounded to the nearest day) times fifty percent (50%) of the employee's daily salary.

ARKANSAS SCHOOL FOR THE DEAF

Policy Type	Subject of Policy	Policy No.
Administrative	ASD Leave Policy	1001

2. If the employee has accumulated at least sixty (60) days, but less than seventy (70) days of sick leave, the employee shall receive an amount equal to sixty percent (60%) of the number of accrued sick leave days (rounded to the nearest day) times sixty percent (60%) of the employee's daily salary.
3. If the employee has accumulated at least seventy (70) days, but less than eighty (80) days of sick leave, the employee shall receive an amount equal to seventy percent (70%) of the number of accrued sick days (rounded to the nearest day) times seventy percent (70%) of the employee's daily salary.
4. If the employee has accumulated at least eighty (80) or more days of sick leave, the employee shall receive an amount equal to eighty percent (80%) of the number of accrued sick leave days (rounded to the nearest day) times eighty percent (80%) of the employee's daily salary.
 - A. For purposes of this section, the employee's daily salary shall be determined by dividing the annual salary by two hundred and sixty (260).
 - B. In no event shall an employee receive an amount that exceeds seven thousand five hundred dollars (\$7,500) upon retirement due to the provisions of this Section.

4. HOLIDAYS

Twelve-month employees shall be granted time off for designated State holidays:

New Year's Day	January 1
Dr. Martin Luther King, Jr. Birthday	The third Monday in January
George Washington's Birthday and Daisy Gaston Bates Day	The third Monday in February
Memorial Day	The last Monday in May
Independency Day	July 4
Labor Day	The first Monday in September
Veteran's Day	November 11
Thanksgiving Day	The fourth Thursday in November
Christmas Eve	December 24
Christmas Day	December 25
An employee's birthday	The employee is granted one holiday to observe his/her birthday

ARKANSAS SCHOOL FOR THE DEAF

Policy Type	Subject of Policy	Policy No.
Administrative	ASD Leave Policy	1001

*** If school is in session on these dates, an employee **must** receive approval from the supervisor prior to taking the holiday.**

Ten-month non-exempt employees are eligible to receive holiday pay for Independence Day (July 4th) only if they use compensatory time for that day.

To receive credit for working a holiday, a verification form must be turned into the personnel office within one week.

***Ten-month employees will follow designated school calendar.**

The Governor may issue an Executive Proclamation and proclaim additional days as holidays in observance of special events or for other reasons. **These will be honored except if school is in session.**

State offices located in Pulaski County shall remain open when a legal holiday occurs during a general or special session of the legislature. These offices shall maintain the minimum number of employees required to conduct State business. However, these offices may be permitted to close by Resolution of the General Assembly.

Eligibility For Holiday Pay

All "regular salaried" and "extra help" employees are eligible to receive holiday pay only if they are in pay status on their last scheduled work day before the holiday and at least one hour on the first scheduled work day after the holiday.

When a holiday occurs while an employee is on annual or sick leave, that day will be considered a holiday and will not be charged against the employee's annual or sick leave. Holiday/Birthday earned during the year will not expire and will be carried over. Please note at the time of retirement these hours will be counted with earned annual hours for each employee and may not exceed 30 days or 240 hours per calendar year.

When a holiday occurs on an employee's regularly scheduled day off, the employee will be given equivalent time off.

Days off in lieu of holidays worked may be taken at a time approved by the employee's supervisor. Such time off is to be taken as soon as is practical.

Employees who work less than full time may take the holiday at a rate proportionately equal to their time worked. For example, if an employee works half time, a holiday would be granted equivalent to four (4) hours.

ARKANSAS SCHOOL FOR THE DEAF

<u>Policy Type</u>	<u>Subject of Policy</u>	<u>Policy No.</u>
Administrative	ASD Leave Policy	1001

Holidays which occur on a Saturday will be observed on the preceding Friday. Holidays which occur on a Sunday will be observed on the following Monday.

5. MATERNITY LEAVE

Maternity Leave is to be treated as any other leave for sickness or disability with the exception that an employee may elect to take leave of absence without pay and without exhausting accumulated annual and sick leave.

An eligible employee may request catastrophic leave for maternity purposes and can receive up to 4 weeks of paid maternity leave. If an employee is eligible for both catastrophic leave for maternity purposes and family medical leave (FMLA) for maternity purposes, the two shall run concurrently. Refer to TSS-OPM Policy # 47 for more information about paid maternity leave.

6. COURT AND JURY DUTY

Any employee serving as a juror or subpoenaed as a witness to give a deposition in a court or hearing, not involving personal litigation or service as a paid expert witness outside the scope of state employment will not be placed on annual leave or leave without pay and will receive normal and full pay. You may keep any fees paid for services provided in court, except in cases where you are serving in an official capacity representing the Arkansas School for the Deaf.

You must notify your supervisor immediately upon notification of court or jury duty. You will be required to furnish documentation attesting to the specific dates on which you appear in court. Acceptable documentation includes a certificate from the clerk of the appropriate court.

7. LEAVE WITHOUT PAY

Employees may not take leave without pay until all their annual leave has been exhausted, except in the cases of maternity leave and agency disciplinary leave without pay. In the case of maternity leave, such employee may elect to take leave without pay, without exhausting accumulated annual and sick leave.

An employee, upon application in writing to and upon a written approval by the Superintendent, **may be eligible** to obtain a continuous leave of absence without pay up to six (6) months, unless granted in accordance with Annotated Code 21-4-210 or a determination by the Superintendent that the leave of absence without pay request of the employee would cause an undue hardship on the agency. At the expiration of such leave, the employee shall be reinstated in the service without loss of any of his/her benefits, or extend the leave of absence without pay up to an additional six (6) months unless the Superintendent has determined that reinstatement or continuing the leave without pay status of the employee would cause an undue hardship on the agency or the position is no longer available due to a budgetary reduction in staff of the agency.

ARKANSAS SCHOOL FOR THE DEAF

“Undue hardship” is defined as “an action requiring significant difficulty or expense” when considered in relationship to a number of factors. These factors may include, but not necessarily be limited to, the nature of the position occupied by the employee and cost of the request in relation to the size, resources, nature and structure of the agency’s operation and mission. Thus, whether or not an accommodation request would create an undue hardship focuses on the resources and circumstances of the school in relationship to the cost or difficulty of providing a specific leave requests. Undue hardship refers not only to financial difficulty, but also to requests that are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature of operation of the school. The superintendent should assess on a case-by-case basis, whether a particular request for leave without pay (LWOP) would cause undue hardship. Every request should be evaluated separately to determine if it would impose an undue hardship on the school, considering: (1) the nature and cost of the request; (2) the overall financial resources of the school; (3) the number of persons employed by the school; (4) the effect on expenses and resources of the school; and (5) the impact of the request on the school.

The superintendent may declare an undue hardship where a leave request accommodation would be unduly disruptive to other employees’ ability to work efficiently. For example, if granting leave would prevent other employees from doing their jobs, then the significant disruption to the operations of the school constitutes an undue hardship. In some situations, an employee may be able to provide only an approximate date of return because treatment and recuperation do not always permit exact timetables. If the superintendent can show that the lack of a fixed return date imposes an undue hardship, then he/she can deny the leave. An undue hardship could result if the school can neither plan for the employee’s return nor permanently fill the position. In other situations, an agency may be able to be flexible.

Failure on the part of the employee to report promptly at the expiration of the leave of absence except for satisfactory reasons submitted in advance shall be a cause for dismissal.

Leave of absence without pay, except in accordance with Annotated Code 21-4-212 and in the case of maternity leave, shall not be granted until all the employee’s accumulated annual leave has been exhausted. However, the agency may place an employee in a leave without pay status for disciplinary reasons in accordance with the agency’s written and publicized personnel policy, due to inclement weather as designated by state policy, or due to necessary budget reduction ad determined by the Superintendent.

All requests for leave without pay must be made in writing to the immediate supervisor. Upon approval from the supervisor, requests must be submitted to the Superintendent for final approval and then forwarded to Personnel as soon as possible.

An employee who accumulates ten days of (consecutive or non-consecutive) leave without pay during any one calendar month loses the leave accrual (annual and sick) for that month only. The annual leave that is lost due to the leave without pay is based on the rate of accrual authorized for that employee.

ARKANSAS SCHOOL FOR THE DEAF

<u>Policy Type</u>	<u>Subject of Policy</u>	<u>Policy No.</u>
Administrative	ASD Leave Policy	1001

Employees may continue to participate in agency or institution group insurance programs during the period of leave without pay. Employees who choose this option must pay the total cost (Employee deduction and employer matching) of the coverage unless the employee is receiving Workers' Compensation benefits.

Employees having kept their insurance in effect may be fully reinstated in insurance programs when they return to duty. However, employees on FMLA leave are eligible for reinstatement in the insurance program even if the employee failed to pay their premium while on FMLA leave.

8. THE FAMILY AND MEDICAL LEAVE ACT OF 1993 29 C.F.R. § 825

The Family and Medical Leave Act of 1993 became effective August 5, 1993. The Family and Medical Leave Act (FMLA) entitles eligible employees to take up to twelve (12) weeks paid/unpaid leave each year for specified family and medical reasons.

See ASD Policy 1002 – Family and Medical Leave Policy – effective 8/1/99.

9. PERSONAL AND PROFESSIONAL DEVELOPMENT LEAVE POLICY

School term exempt employees are eligible to participate in this policy.

Personal Leave

School term employees may earn up to two days of personal leave by working during the summer months and two days of professional development leave. All personal leave earned must be approved by the supervisor and Superintendent prior to working. The supervisor has the authority to grant or reject the request.

Personal leave time may be taken during the school year when approved by the supervisor. Personal leave used in connection with Sick Leave **for a total** of five days shall require a doctor's excuse. Requests should be submitted five days in advance when circumstances allow. Unused personal leave will be lost at the end of the school year.

Professional Development Leave

The purpose of incentive professional development leave is to encourage staff members to obtain professional development, beyond that required by law that will result in improved student achievement.

ARKANSAS SCHOOL FOR THE DEAF

<u>Policy Type</u>	<u>Subject of Policy</u>	<u>Policy No.</u>
Administrative	ASD Leave Policy	1001

ASD teachers requested by their principal to provide professional services on a day not specified in the 190 days required as a workday shall be compensated for the time spent in performing those services at the rate of an hour of personal leave for each hour professional services are provided, not to exceed 16 hours (2 days). This provision does not apply to teachers who are paid a stipend for extra duty or for services performed due to extended workday.

USE OF PERSONAL OR PROFESSIONAL DEVELOPMENT LEAVE

- A. These days shall be granted regardless of previous leave used or regardless of accumulated leave.
- B. These days will not accumulate from year to year.
- C. The principal shall be given written notice two (2) days in advance.
- D. In emergency situations the time provisions for notice may be waived.
- E. Neither Personal leave nor Professional Development leave may be taken on district wide staff development days.
- F. Personal or Professional Development leave used will be limited to two days per semester.

Personal and Professional Development leave is maintained by the Personnel Office.

10. **MILITARY LEAVE**

Permanent, full-time state employees who are members of the National Guard or any reserve branch of the U.S. Armed Forces will be granted leave at the rate of fifteen (15) working days per calendar year, plus necessary travel time for annual training purposes. Up to fifteen (15) military leave days may be carried over to the succeeding year for a maximum of thirty (30) military leave days for that calendar year.

Military leave for annual training or other official duties will be granted without loss of pay and shall be in addition to regular vacation time. The employee can elect to use annual leave or compensatory time earned for the year.

Employees who are called to emergency active duty for emergency declared by the Governor or President shall be granted leave with pay not to exceed thirty (30) working days per calendar year. Periods beyond thirty (30) day limit may be charged to annual leave or compensatory leave at the employee's option and if necessary, to leave without pay.

Emergency situations mean any case of invasion, disaster, insurrection, riot, breach of peace or imminent danger; threats to the public health or security; or threats to the maintenance of law and order.

ARKANSAS SCHOOL FOR THE DEAF

<u>Policy Type</u>	<u>Subject of Policy</u>	<u>Policy No.</u>
Administrative	ASD Leave Policy	1001

11. WORKER'S COMPENSATION

Employees of the State are covered by worker's compensation. Coverage is for accidental injury while on the job. Financial and medical aid is available for injury or death.

Claims must be filed with the Personnel Office immediately when a work-related accident has occurred. The supervisor is responsible for assuring the claim is filed when a work-related accident has occurred.

If an employee is injured, compensation is not allowed for the first 7 days of disability resulting from the injury, excluding the day of the injury. If a disability extends beyond that period, compensation starts with the 9th day of disability. If the disability extends for a period of 2 weeks, compensation is allowed beginning the first day of disability, excluding the day of the injury.

Should an employee ever be absent from work due to a temporary disability and be entitled to worker's compensation benefits the employee can, upon proper application, use earned sick leave and/or annual leave as a supplement to the worker's compensation. The sum of both cannot exceed the employee's normal salary.

When this option is used, earned sick leave and/or annual leave is reduced on a proportional basis. Employees receiving worker's compensation benefits for a permanent disability are eligible for full payment from both sources. Absences from work due to occupational injury or illness are charged in the following order: (1) earned sick leave; (2) annual leave; (3) leave without pay.

Should an employee be injured while on the job, the injury must be reported at once to the immediate supervisor.

State Employee Insurance matching payment is paid by ASD if the employee is off the payroll due to a worker's compensation injury.

12. CATASTROPHIC LEAVE

See ASD Policy 1004 – Catastrophic Leave Policy, for information.

ARKANSAS SCHOOL FOR THE DEAF

<u>Policy Type</u>	<u>Subject of Policy</u>	<u>Policy No.</u>
Administrative	ASD Leave Policy	1001

13. BONE MARROW OR ORGAN DONATION LEAVE

In any calendar year, an employee is entitled to the following leave to serve as an organ donor or a bone marrow donor:

- (1) No more than seven (7) days of leave to serve as bone marrow donor and
- (2) No more than thirty (30) days of leave to serve as an organ donor

In order to qualify for the leave, the employee **must**:

- (1) Request the leave in writing;
- (2) Provide the agency written verification by the physician to perform the transplantation that the employee **is to** serve as a human organ or bone marrow donor; and
- (3) Provide the agency written verification by the physician performing the transplantation that the employee **did** serve as a human organ or bone marrow donor.

An employee may use the leave as provided in Section 13 without loss or reduction in pay, leave, or credit for time of service.

The agency shall not penalize an employee for requesting or obtaining leave pursuant to this section.

Definitions as used in this section:

- (1) “Bone marrow donor” means a person from whose body bone marrow is taken to be transferred to the body of another person;
- (2) “Organ” means a human organ that is capable of being transferred from the body of a person to the body of another person, including eyes;
- (3) “Organ donor” means a person from whose body an organ is taken to be transferred to the body of another person.

14. IMPLEMENTATION AND MODIFICATION

The Personnel Office shall have primary responsibility for the implementation of this policy and shall propose and coordinate any modifications to this policy. Any questions regarding this ASD Policy 1001 should be addressed to:

Arkansas School for the Deaf
Personnel Office
2606 West Markham
Little Rock, AR 72205

ARKANSAS SCHOOL FOR THE DEAF
Telephone: (501) 603-3528 (v/tty)

<u>Policy Type</u>	<u>Subject of Policy</u>	<u>Policy No.</u>
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APPROVED:

Superintendent, Arkansas School for the Deaf

Date

President, Arkansas School for the Deaf Board of Trustees

Date

Administrator, Office of Personnel Management

Date