

SECTION: Fringe Benefits
SUBJECT: Leave Policies
SOURCE REFERENCE: Board of Trustees Policy 610.01, 610.02, 611.01

NUMBER: G/1.4

Leave Policies

Leaves With Pay

1. General Rules

1.1 Requests for leave are to be made via the established procedures at the college or entity. Each college or entity is directed to establish local policies and procedures for requests, approvals, and use of leave including maintenance of appropriate records.

Planned absences from the job--such as annual leave, personal leave, military leave, and court attendance--must be requested and approved on the Leave Request Form prior to the occurrence of the absence. All forms of leave may be taken in no less than 15-minute increments. (**See Form G/1.4-A**)

Sick leave should be requested in advance whenever possible. Since the illness of staff members or their immediate families can seldom be anticipated, the Leave Request Form must be completed immediately upon return to work. However, each person absent due to an unanticipated illness or emergency must notify the immediate supervisor and/or administrative office as soon as possible on the day of his/her absence.

1.2 The immediate supervisors are responsible for assuring that leave approvals in their areas of responsibility are reported timely and accurately.

1.3 All employees engaged in outside employment or other activities during their normal work hours must use accrued compensatory time or request personal, annual, or unpaid leave.

1.4 In the event of an emergency where the employee is unable to complete the college's standard procedures for requesting leave, the employee must immediately contact the immediate supervisor or the appropriate supervisory chain of command to request that his/her leave be used. During periods of incapacitation, a designee, to include an immediate family member or a person having unusually strong personal ties to the employee, may request leave on the employee's behalf.

1.5 Employees who are in an approved leave status with pay are eligible to continue to receive benefits and leave accruals.

1.6 Any accrued leave, excluding compensatory time, must be used concurrently with FMLA leave. All accrued leave, excluding compensatory time, must be exhausted before an employee is entitled to unpaid FMLA leave.

1.7 A leave year for earning, accrual, and use of leave by employees is September 1 through August 31. Leave accrual rate changes will only take effect with the beginning of the new leave year, September 1.

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2. Annual Leave

2.1 Earned annual leave may be taken at appropriate times as approved in advance by the appropriate supervisory chain of command. Annual leave shall be requested and approved prior to its occurrence. Annual leave may be denied if it is not timely requested or hampers the routine operations of the college.

2.2 Employees eligible to accrue annual leave are those compensated from Salary Schedules A, B, C, E, and H (prorated). Employees compensated from Salary Schedule H shall receive annual leave under the same terms and conditions as other eligible employees, except a "day" of annual leave shall be as follows: four (4) hours for employees compensated from Schedule H-20, five (5) hours for employees compensated from Schedule H-25, six (6) hours for employees compensated from Schedule H-30, and seven (7) hours for employees compensated from Schedule H-35.

2.3 Annual Leave is earned based on years of service at the current employing entity. Full-time non-instructional personnel shall earn annual leave for each month of employment at the following rates:

0-4 years of experience	1.00 day per month, equivalent to 8 hours
5-9 years of experience	1.25 days per month, equivalent to 10 hours
10-14 years of experience	1.50 days per month, equivalent to 12 hours
15-19 years of experience	1.75 days per month, equivalent to 14 hours
20 or more years of experience	2.00 days per month, equivalent to 16 hours

A "year of service" shall be a completed year of service at the current employing entity, not based on experience or service at other employers.

2.4 All new hires at an ACCS entity will begin accrual of annual leave under this policy at 0 years of service, with one exception: A President, upon request of a new employee within the first 90 days of employment, may award additional years of service for annual leave accrual purposes to an employee who has been hired directly from one ACCS college or the ACCS system office to an ACCS college with no time lapse between dates of employment. The years of service awarded by the President under this exception cannot be more than the number of years that the employee was employed at the ACCS system office or prior ACCS institution. This policy is not applicable to employee hires from any other location or entity. The President is not required to award any additional years of service under this policy.

2.5 In order to move to the next year of service for annual leave accrual purposes, an employee must have worked at least nine months of the leave accrual year. For example, if a new employee is hired on January 2, then that employee will not have worked 9 months by September 1 of the same year (when the annual leave rate changes occur) and will be required to wait until the following year to move to the next year of service.

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2.6 Employees must be in paid status for a minimum of one-half of the work days in the month of employment to accrue a day of annual leave (except those under FMLA leave).

2.7 A maximum of 60 days of annual leave may be accrued and carried forward into each September. Annual leave may exceed 60 days during a year; however, annual leave exceeding 60 days earned but not taken by September 1 is forfeited.

2.8 Except as stated herein, Any employee who leaves employment of an ACCS system college or entity will be paid for the actual number of annual leave days earned and not used up to a maximum of sixty (60) days. Payment of annual leave will be based on the employee's salary in effect at the time of separation. The one-day separation of a current employee transitioning to a contracted position shall not result in an annual leave payout or loss of accrual rate.

2.9 If an employee who is eligible to accrue annual leave assumes a regular (non-temporary) assignment on the D or local salary schedules where annual leave is not earned or accrued, payment for the unused portion of the accrued annual leave will be made at the conclusion of the eligible assignment and will be based on the eligible salary schedule upon request of the employee.

2.10 Annual leave is not provided for Salary Schedule D or L personnel.

3. Sick Leave (Also see Family and Medical Leave Act)

3.1 Accumulation of sick leave will be governed by *Section 16-1-18.1, Code of Alabama of 1975*, as amended. An employee may accumulate an unlimited number of sick leave days in accordance with *Alabama. Code 16-1-18.1*.

3.2 Sick Leave Definition: Sick leave is defined as the absence from regular duty by an employee for one of the following reasons: personal illness; pregnancy, maternity leave, or doctor's quarantine; medical examinations and appointments; personal injury which incapacitates the employee; to provide care for an ill member of the immediate family (husband, wife, father, mother, son, daughter, brother, sister) of the employee or for an individual with a close personal tie to the employee; death of a member of the family of the employee (husband, wife, father, mother, son, daughter, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, nephew, niece, granddaughter, grandson, grandfather, grandmother, aunt, uncle); or illness, injury, or death of an individual not legally related to but having unusually strong personal ties with the employee. For purposes of application of this policy, an individual with a close or unusually strong personal tie is limited to the following: a person standing *in loco parentis*; where unusually strong personal ties exist due to an employee's having been supported or educated by a person; father-in-law; mother-in-law; son-in-law; daughter-in-law; brother-in-law; sister-in-law; nephew; niece; granddaughter; grandson; grandfather; grandmother; aunt; uncle.

3.3 Accrual of Sick Leave:

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3.3.1 Each full-time employee employed on Salary Schedules A, B, C, and E, shall earn one day of sick leave which is the equivalent of 8 hours per month of employment. They will be required to request 40 hours of sick leave for absences totaling an entire work week.

3.3.2 Each full-time employee employed on Salary Schedule H shall earn one day of sick leave per month of employment with a "day" defined as 4 hours for persons on H-20, 5 hours for persons on H-25, 6 hours for persons on H-30, and 7 hours for persons on H-35. Employees on H will be required to request the amount of sick leave equal to the normal amount of hours worked each week for absences totaling an entire work week.

3.3.3 Each full-time employee employed on Salary Schedule D shall earn one day of sick leave which is equivalent to 7 hours per month of employment to a maximum of nine days or 63 hours during the academic year (fall and spring semesters) and up to a maximum of three days or 21 hours during the summer term. For any full-time Schedule D employee working less than full-time (35 hours per week) during any semester or term, sick leave earned will be pro-rated. See ACCS Fiscal Procedure Manual. Employees on D will be required to request 35 hours of sick leave for absences totaling an entire work week. To calculate eligible sick leave earned, take the calculated percent X 1 day (7 hours).

Salary Schedule D Example of pro-rated sick leave earned per month:

Work Time Status = Days of Accrual = Leave Hours Earned

100% = 1 day = 7.00 hours earned leave per month

75% = $\frac{3}{4}$ day = 5.25 hours earned leave per month

50% = $\frac{1}{2}$ day = 3.5 hours earned leave per month

25% = $\frac{1}{4}$ day = 1.75 hours earned leave per month

3.4 Any unused balance of sick leave accumulated at the end of the leave year will be carried forward to the next succeeding year.

3.5 Employees must be in paid status for one-half of the work days in the month of employment to accrue a day of sick leave (except those on FMLA leave).

3.6 Sick leave may be utilized during the employment period. However, sick leave may not be utilized to extend the employment period.

3.7 The employee's immediate supervisor may request that an employee provide a medical certification by a licensed healthcare provider at the expense of the employee. After three (3) consecutive absences due to illness or after five (5) occurrences due to illness, within a thirty (30) calendar-day period, the president or designee may require that an employee furnish a medical certificate by a licensed healthcare provider. This is to be done at the expense of the employee. Consistent with this provision, colleges will implement local policies and procedures for requiring these medical certifications. When medical certification is required,

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requests for sick leave may be denied if the medical certification is not provided.

3.8 Sick leave will not be paid upon separation of employment.

3.9 For purposes of applying accrued sick leave as credit for retirement purposes, an employee is limited to the amount allowed by law and the Teachers Retirement System.

3.10 Transfer of Sick Leave: Sick leave earned while employed by an Alabama public school system, higher education public institutions in Alabama, or the Alabama Community College System may be transferred into an ACCS college in accordance with *Alabama Code Section 16-1-18.1*.

Earned sick leave days which have been accrued by an employee are transferrable between the following: all public city and county school systems; the Board of Trustees of the Alabama Institute for the Deaf and Blind; the Alabama Youth Services Department District Board in its capacity as the Board of Education for the Youth Services Department District; the Board of Directors of the Alabama School of Fine Arts; the Board of Trustees of the Alabama High School of Mathematics and Science; the Alabama State Senate; the Lieutenant Governor; the Office of the Senate President Pro Tempore; The Speaker of the House of Representatives; the Alabama House of Representatives; the Legislative Reference Service; any organization participating in the Teachers' Retirement System (excluding state governmental departments not expressly listed); The Board of Trustees for ACCS; and all public four-year institutions of higher education.

The President may permit sick leave transfers from other Alabama State government departments not listed above who participate in the Retirement System of Alabama at his or her discretion, however the factors taken into consideration in exercising such discretion must be consistently applied.

3.11. Sick Leave Bank

3.11.1 A President shall establish, upon the request of 10 percent of its full-time certificated and full-time support personnel, a sick leave bank plan.

3.11.2 Any sick leave bank shall be operated, managed, and governed by a Sick Leave Bank Committee pursuant to Alabama Code § 16-22-9 and any accompanying procedures in place by the Chancellor.

3.11.3 The Alabama Community College System Board of Trustees designates its one representative on any Sick Leave Bank Committee as the President or the President's designee.

3.11.4 The purpose of the Sick Leave Bank shall be to provide a loan of sick leave days for its participating members or catastrophic leave after a member's accrued and compensatory leave has been exhausted, if warranted as determined by a Sick Leave Bank Committee.

A. Formation

1. A President shall establish, upon the request of 10 percent of its full-time certificated and full-time

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support personnel, a sick leave bank plan for each of the two groups either jointly or separately. The decision whether to have a joint or separate sick leave bank shall be the exclusive decision of the employees, utilizing a secret balloting process. See Alabama Code 16-22-9(b).

2. A Sick Leave Bank Committee, if formed, will be comprised of five persons, one will be the President or President's designee, and four employees will represent the participating members of the sick leave bank. See Alabama Code 16-22-9(a)(5).

B. Election of Sick Leave Bank Committee

1. The President shall be responsible for conducting elections in a fair and equitable manner, ensuring the confidentiality of the secret balloting process. See Alabama Code 16-22-9(c).

2. At the beginning of each scholastic year, an election shall be held among the sick leave bank members to determine by secret ballot the four members who are to serve on the sick leave bank committee. See Alabama Code 16-22-9(c). Those four members receiving the most votes shall serve on the Sick Leave Bank Committee.

3. The term of office for these four Committee members shall be one year. See Alabama Code 16-22-9(c). No representative on the Committee shall serve longer than five (5) consecutive years. See Alabama Code 16-22-9(f). If a vacancy occurs during the one-year term which needs to be filled, the remaining Committee members (inclusive of the President) shall vote on a person to fill the vacancy and whoever receives the most votes may fill the seat.

4. The President or President's designee shall be appointed as the Chair of the Committee and shall appoint one of the other Committee members to take minutes of meetings and all Committee action.

5. In the event of any election tie, the President or his designee has the authority to break the tie.

6. Committee meetings may be scheduled as determined by the Committee, or as set by the President, or by the written request of three consenting Committee members to the President.

C. Duties of the Committee

1. The Committee shall establish procedures providing for the uniform administration of the sick leave bank. Alabama Code 16-22-9(d)(f).

2. The Committee shall develop guidelines for the operation of the sick leave bank. Alabama Code 16-22-9(d)(f). The guidelines shall be approved by a secret ballot vote of the participating members of the sick leave bank. Alabama Code 16-22-9(0).

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3. The Committee shall develop all necessary forms for the orderly operation and administration of the sick leave bank. Alabama Code 16-22-9(d)(g)(2).
4. The Committee shall maintain copies of its guidelines, administrative procedures, and forms and immediately provide those upon adoption to the President's Office.
5. The Committee shall ensure that accurate records of contributors eligible to participate in the bank are maintained and shall work with the institution to maintain records of all member contributions to the sick leave bank, withdrawals from the bank, and the status of the bank. Reports shall be provided on a timely basis at the request of the Committee, the President, or the Chancellor.
6. The Committee shall review all applications for loans from the sick leave bank and make appropriate decisions on request for approval of such loans. The Committee has the discretion to deny an application for a loan or approve less days than requested. Factors to be considered include, but are not limited to: need, circumstances of the illness or disability, years of service to the institution, availability of days in the bank, the ability of the applicant to repay the loan (if applicable), and prior awards obtained from the sick leave bank.

D. Guidelines of the Committee

1. The sick leave bank plan allows members to deposit an equal number of days (not to exceed five) of earned sick leave into the sick leave bank. The days deposited shall be available to be loaned to any participating member whose leave has been exhausted and who has been granted a loan by the Committee. Alabama Code 16-22- 9(e).
2. No member employee is allowed to borrow or obtain catastrophic leave from the sick leave bank unless all accrued and compensatory leave time has been exhausted.
3. A member of the sick leave bank shall not be allowed to accumulate more days than allowed in Alabama Code 16-1-18.1, including days in the sick leave bank. Alabama Code 16-22-9(g)(4).
4. Employee membership in the sick leave bank shall be voluntary. Alabama Code 16-22-9(g)(5).
5. Any alleged abuse of the bank shall be investigated by the Committee (or its designee). On a finding of wrongdoing, the abusing member shall repay all of the sick leave credits drawn from the sick leave bank and be subject to appropriate disciplinary action as determined by the institution. Alabama Code 16-22-9(g)(6).
6. Upon retirement or transfer of a member, days on deposit with the sick leave bank shall be withdrawn and transferred with the employee or made accessible for retirement credit, as allowable. Alabama Code 16-22-9(g)(7).

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7. At the beginning of each leave year, or upon employment of a new employee, the appropriate number of sick leave days shall, upon application of the employee, be credited to the employee's account, in order to enable the employee to join the sick leave bank if the employee does not have the minimum number of sick leave days to enable the employee to join the sick leave bank. Alabama Code 16-22-9(g)(9).

8. The Committee shall have the authority to designate open enrollment periods at least annually to non-participating members. Employees who did not join the sick leave bank will have an option to join upon deposit of the prerequisite number of sick leave days during any open enrollment period established by the Committee. Alabama Code 16-22-9(g)(9).

9. Additional guidelines may be adopted by the Committee as deemed appropriate provided they are uniformly applied to all employees and do not conflict with these guidelines and procedures. Alabama Code 16-22-9(g).

E. Sick Leave Bank Loan Procedures

1. An employee must apply for sick leave bank loan in the form required by the Committee and is subject to all applicable procedures and guidelines adopted by ACCS and the Committee. In cases where the member has been incapacitated, a member's agent or representative designated as such in writing, may apply to the Committee on behalf of the member. In case of mental incapacity of a member, the designated agent or representative must be a person who, by law, may serve in such capacity.

2. In order to apply for a sick leave bank loan: (a) an employee must be a member of the sick leave bank and (b) an employee must have exhausted all accrued and compensatory leave available.

3. The Committee determines whether a loan request will be approved or denied and, if approved, for how many days up to a maximum of fifteen (15) days per event. Factors to be considered in making these decisions include, but are not limited to: need, circumstances of the illness or disability, years of service to the institution, availability of days donated, ability to repay the loan, and prior awarded loans.

4. No employee shall be allowed to owe more than fifteen (15) days to the sick leave bank, unless more than fifty percent (50%) of the members of the sick leave bank vote to extend the limit. Alabama Code 16-22-9(g)(1).

5. Sick leave days borrowed from the sick leave bank shall be repaid to the sick leave bank monthly as re-earned by the member. Alabama Code 16-22-9(g)(3).

6. Upon the separation of an employee who has an outstanding loan of sick leave days, the value of the loan shall be deducted from the final paycheck at the employee's prevailing rate of pay. If portions of the loan remain outstanding after separation, the employee is responsible for paying the remaining value to the institution. Alabama Code 16-22-9(g)(3).

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F. Catastrophic Leave Procedures

1. A catastrophic event is defined as any illness, injury, or pregnancy or medical condition related to childbirth certified by a licensed physician which causes the employee to be absent from work for an extended period of time. Alabama Code 16-22-9(a) (1).
2. Beginning January 1, 2019, no employee may be awarded more than forty-five (45) workdays of catastrophic leave during any five-year period of employment.
3. An employee must apply for catastrophic leave in the form required by the Committee and is subject to all applicable procedures and guidelines adopted by ACCS and the Committee. In order to apply for Catastrophic Leave: (a) an employee must be a member of the sick leave bank at the time the catastrophic event occurs in order to be considered for catastrophic leave, (b) an employee must have exhausted all accrued and compensatory leave available, (c) the employee must provide certified evidence by a licensed physician of an illness (defined as an unhealthy condition of the body or the mind, a sickness, or disease), or of an injury (defined as physical harm to a person), or of a medical condition related to childbirth that causes the employee to be absent from work for a period greater than fifteen (15) work days, and (d) the employee must have applied, borrowed, and used the maximum number of sick leave days loaned by the Committee.
4. The Committee determines whether a request for catastrophic leave will be approved or denied and, if approved, for how many days up to the maximum. Factors to be considered in making these decisions include, but are not limited to: need, circumstances of the illness or disability, years of service to the institution, availability of days donated, whether it is a personal event to the employee, and prior awards of loans or catastrophic leave.
5. Employees, at their discretion, may donate a specific number of days to the sick leave bank, up to a maximum of 30 days for any one employee, to be designated for a specific employee for use against a catastrophic event. Alabama Code 16- 22-9(h).
6. Employees must be a member of the sick leave bank to donate or receive catastrophic leave.
7. A donating employee shall not be required to donate a minimum number of catastrophic days to the sick leave bank.
8. The recipient employee may use catastrophic sick leave days for himself or herself or for other covered persons as provided in Code of Alabama 16-1-18.1. Alabama Code 16-22-9(h).
9. Catastrophic days awarded are not required to be repaid. Alabama Code 16-22- 9(h). 4.

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10. Donated catastrophic leave days may be used to repay days loaned by the sick leave bank to the credit of the affected member. Alabama Code 16- 22-9(g)(8).

11. Employees who donate sick leave days to the sick leave bank for a particular employee's catastrophic event are not to be returned to the donor unless the days are not used. Alabama Code 16-22-9(h).

12. If catastrophic leave is approved by the Committee, the Committee shall notify members of the applying employee's request and approval for catastrophic leave one time. The Committee has no further obligation to continue requesting donations on the applying employee's behalf. The Committee may, but is not required, no more than once per month, to communicate by email to the members to advise that the employee is approved for catastrophic leave and could use further donations.

13. There is no guarantee that, if catastrophic leave requests are approved by the Committee, the sick leave bank members will donate any leave or sufficient leave to cover an employee's absence related to a catastrophic event.

14. Catastrophic leave is not available for on-the-job injuries.

4. Personal Leave

4.1 Personal leave is granted for each leave year as shown below and, if not taken, will be converted to sick leave at the end of the leave year.

4.2 Personal leave with pay shall be requested and approved prior to its occurrence. Personal leave may be denied if it is not timely requested or hampers the routine operations of the college.

4.3 Personal leave will not be paid on separation from employment.

4.4 Personal Leave on Salary Schedules A, B, C, E, and H Granted Annually

Up to two (2) regularly scheduled work days of personal leave with pay will be granted to each full-time employee on the above salary schedules during any leave year. Up to two days per year of personal leave is extended to all support personnel on Salary Schedule H as above, with a "day" defined as four (4) hours for persons paid from Salary Schedule H-20, five (5) hours for persons paid from Salary Schedule H-25, six (6) hours for persons paid from Salary Schedule H-30, and seven (7) hours for persons paid from Salary Schedule H-35.

4.5 Personal Leave on Salary Schedule D Granted Annually

Up to five (5) regularly scheduled work days (which is a maximum of 35 hours) of personal leave with pay will be granted to each full-time Schedule D employee on the first day of each academic year.

4.6 Employees who are not employed at the beginning of the leave year will accrue personal leave on a

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prorated basis based on their starting date.

5. Court Attendance

5.1 Full-time employees and Salary Schedule H employees who are required by a court to attend jury duty will be granted special leave with pay to attend. The jury duty summons must be presented in order to be granted leave with pay.

5.2 Any employee who is required by court order, valid subpoena, or by legal counsel representing ACCS or any of its entities, to appear in their capacity as an employee will be expected to attend as part of their normal work duties. Documentation will be required to be presented. This section does not apply to employees who are engaged in suit or charges against ACCS or any of its entities to include hearings, trials, depositions, meetings with lawyers, mediations, EEOC hearings, ethics commission interviews, meetings, or hearings, etc., as such is deemed a personal matter for which appropriate accrued leave must be taken.

5.3 Any employee expected to attend court for personal matters or matters unrelated to their employment within ACCS (except jury duty) will not receive paid leave and must request and utilize other forms of accrued leave if applicable. If the employee does not have leave, leave without pay must be requested and approved prior to occurrence.

5.4 Any employee receiving leave under this court attendance policy who has been released is required to return to work immediately once the event has concluded.

6. Institutional Support Leave

6.1 Institutional support leave with pay may be approved by the President for any full-time employee based on the availability of funds and if the absence will not hamper the normal routine operations of the college. Institutional support leave is related to the employee's expertise and/or position of employment. Institutional support leave directly benefits the college and the employee's participation is requested by the college.

6.2 Examples of institutional support leave include but are not limited to business and industry partnerships with the college, grant-specified training, community partnerships through the college, accreditation activities related to employee's college, etc.

6.3 Any activity requiring more than five (5) regularly scheduled workdays of institutional support leave during the leave year will require the Chancellor's written approval.

6.4 Approved activities sponsored by ACCS or the employee's college are part of the employee's regularly assigned duties and are not a type of leave.

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7. Professional Development Leave

7.1 Professional Development leave with pay may be granted to any full-time employee when approved by the President based on the availability of funds, the absence will not hamper the normal routine operations of the college, and the event is directly tied to the employee's current or anticipated job duties.

7.2 A maximum of ten workdays per leave year may be approved locally, but more than 10 days shall only be granted upon written approval of the Chancellor.

7.3 Professional Development leave is typically a direct personal benefit to the employee. Examples include but are not limited to leadership programs, training and workshops, local, state and national board positions or assignments, accreditation activities unrelated to the employee's college.

7.4 If an employee who was granted professional development leave separates from the college within one year of the professional development event, the employee is required to reimburse the college for any funds expended on behalf of the employee. The College may deduct these amounts from an employee's paycheck. The President may elect not to require reimbursement due to special circumstances, such as separations due to medical reasons or layoffs.

7.5 Approved activities sponsored by ACCS or the employee's college are part of the employee's regularly assigned duties and are not a type of leave. (*See G/1.4-D – Professional Development Leave Form*)

8. Military Leave

8.1 All full-time and Schedule H employees (as prorated) are eligible for paid military leave in accordance with applicable state and federal law per calendar year. During the period of paid military leave, the respective employee shall continue to accrue all employment benefits, including sick and annual or personal leave, as well as paid medical insurance benefits. Once available paid military leave is exhausted, the employee may take available annual or personal leave and continue to receive all employment benefits.

8.2 ACCS community and technical colleges and entities shall comply with the military leave provision of *Alabama Code § 31-2-13.6*.

8.3 Once the employee has exhausted all available paid leave, the employee may be considered to be on military leave of absence without pay. Employees on unpaid leave of absence under this section do not accrue benefits but may choose to continue health insurance coverage by paying the designated premiums.

8.4 On receipt of military orders, the employee will submit a leave request with a copy of the military orders to the college.

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9. Compensatory Time and Leave

A. EXEMPT FT EMPLOYEES: Each President has authority on a local level to award compensatory time to exempt full-time employees when that employee physically works over 45 hours in one week if the President chooses to do so. Physical work hours do not include hours awarded for paid leave. If permitted by the President, exempt full-time employees may be awarded straight compensatory time, meaning for everyone hour physically worked over 45 hours, the employee may receive one hour in compensatory time. The supervisor of the exempt full-time employee must keep track of all compensatory time earned and the exempt employee must use the time with supervisor approval within sixty days of it being accrued, else it is forfeited. Compensatory time is not paid for exempt employees at the time of separation at the College. When exempt full-time employees do not work 40 hours each week, they are required to take compensatory time or appropriate accrued leave to make up for their failure to work 40 hours. Full-time exempt employees are required to work during the institution's regular business hours unless the employee has express permission from the supervisor to work outside regular business hours.

B. NON-EXEMPT FT EMPLOYEES: Non-exempt full-time employees are not permitted to work over 40 hours in one week, unless expressly required and approved by a supervisor. Nonexempt full-time employees who work over 40 hours without the express requirement and approval of their supervisor will be disciplined. Non-exempt full-time employees are entitled to overtime pay unless compensatory time is awarded instead when they physically work over 40 hours in one week (physical work hours do not include any paid leave time). It is the policy of ACCS that all institutions and entities shall award compensatory time rather than overtime to non-exempt full-time employees physically working over 40 hours in one week. Supervisors and non-exempt employees have a duty to work together to ensure that the employee does not work over 40 hours each week, absent emergency. In emergency situations where it is necessary for non-exempt employees to work over 40 hours in one week (and this has been required and approved by the supervisor), non-exempt employees must be given one and one-half hour for every hour physically worked over 40 in compensatory time, meaning if the employee works 44 hours in one week, then the employee receives 6 hours (4 x 1.5) in compensatory time. The supervisor of the non-exempt full-time employee must keep track of compensatory time, and the non-exempt employee must use the time with supervisor approval within a reasonable period of it being accrued (recommend within the next month). Supervisors are responsible for ensuring that compensatory time is being taken by nonexempt full-time employees so that overtime is not required to be paid. Non-exempt fulltime employees may not accrue more than 80 hours of compensatory time, and any time over and above 80 hours in compensatory time will be required to be paid as overtime. Compensatory time for full-time non-exempt employees will be converted to overtime and paid at the time of separation at the College.

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10. Parental Leave

Beginning July 1, 2025, paid parental leave for eligible employees may be available pursuant to the Alabama Public Employee Paid Parental Leave Act of 2025 in conformance with Alabama Code Section 36-6A-1, et seq., under the terms and conditions set forth in this policy.

- A. Definitions. Unless stated otherwise herein, terms in this Policy shall have the same definition as provided in Alabama Code § 36-6-1, *et seq.*
1. Base Pay is defined as the eligible employee's current, ordinary rate of pay as reasonably determined by the college. Any supplement/stipend awarded for additional duties (such as \$400 monthly division chair supplement, head librarian supplement, second-in-command pay, or extra duty pay of any kind) will not be considered part of base pay and shall not be paid while the eligible employee is on paid parental leave. Any supplement that is not tied to additional work (such as doctorate degree supplement) will be a part of base pay.
 2. Healthcare Professional is defined as a physician, physician assistant, nurse practitioner, or midwife who is licensed to practice in his or her respective field in the State of Alabama.
 3. Miscarriage is defined as "[t]he loss of an unborn child at or after 12 weeks gestation and is confirmed in writing by a healthcare professional." The term does not include an abortion as defined in Alabama Code Section 26-23H-3 unless necessary to prevent a serious health risk to the unborn child's mother as permitted under Alabama Code Section 26-23H-4.
 4. Qualifying Event is defined as the birth, stillbirth, or miscarriage of an eligible employee's child, or certain adoption placements which meet the requirements for parental leave.
 5. Stillbirth is defined as "[t]he loss of an unborn child at or after 20 weeks gestation that is confirmed in writing by a healthcare professional." The term does not include an abortion as defined in Alabama Code Section 26-23H-3 unless necessary to prevent a serious health risk to the unborn child's mother as permitted under Alabama Code Section 26-23H-4.
- B. Parental Leave. An eligible employee shall be entitled to the following:

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1. 8 weeks of paid parental leave for a mother in connection with the birth, stillbirth, or miscarriage of her child;
2. 2 weeks of paid parental leave for a father in connection with the birth, stillbirth, or miscarriage of his child;
3. 8 weeks of paid parental leave in connection with the placement of a child with an eligible employee for adoption, provided the child is three years of age or younger at the time that he or she is placed with the eligible employee.

If parents who jointly adopt a child are both eligible employees of either ACCS, a community college, a local education agency, or a state agency, one parent shall be entitled to eight weeks of parental leave and one parent shall be entitled to two weeks of parental leave in connection with the adoption. Coordination and documentation between the two employing entities will be required.

C. Eligible Employee

1. An employee is eligible for Parental Leave if the employee is both:
 - a. Full-time with entitlement to leave benefits with the college (such as those on Schedules B, C, D, E, H and some contract employees who earn leave like a Schedule B, C, D, E, H employee) and
 - b. Has been employed with the college in a full-time position with leave benefits for at least 12 consecutive months immediately preceding the occurrence of a qualifying event.
2. An employee is not eligible for Parental Leave if the employee is an adjunct, part-time employee who is not on Schedule H, or an on-call, seasonal, hourly, or temporary employee. In addition, most Schedule L employees and some contract employees also do not meet this definition.

D. Establishing Eligibility

1. Prior to granting parental leave, the college requires the employee to complete a Parental Leave certification form, as provided by the college.
2. In addition to the certification form, the college shall require an employee requesting parental leave to provide acceptable proof in support of the request for parental leave.

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- a. For birth/stillbirth, acceptable forms of proof would include but are not limited to a birth or stillborn certificate with the employee's name listed as parent.
 - b. For stillbirth/miscarriage, acceptable forms of proof would include appropriate healthcare professional certification with employee name listed as parent.
 - c. For adoption placement, acceptable forms of proof include but may not be limited to a birth certificate for adoptee, formal placement documentation such as affidavits or government agency letters, and formal adoption proceeding documentation.
3. An eligible employee may not take parental leave under this policy unless he or she meets all of the following requirements:
- a. Submits a completed certification as set forth in Paragraph (D)(1); and
 - b. At least 30 calendar days prior to the use of the parental leave, the eligible employee shall provide by email to the immediate supervisor and head personnel in Human Resources a written plan regarding his or her intended use of the parental leave and any other leave he or she intends to take in connection with a qualifying event, in conjunction with or on any form required by the college; and
 - c. The eligible employee shall agree in writing that he or she will not separate from employment with the college for a period of at least eight weeks following the conclusion of any leave taken in connection with a qualifying event, in any form or agreement required by the college.
 - i. Any periods of leave, whether paid or unpaid, or other periods of non-duty status (e.g., use of accrued leave balances, use of unpaid leave, compensatory time, college closures, holidays) will not count toward the 8-week work obligation.
 - ii. The 8-week obligation will not start running or being counted and calculated until after all intermittent or reduced schedule leave, as well as any other leave associated with the qualifying event, has been completed.

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- iii. The term “separate from employment” in this subparagraph refers to any form of employment separation, including an involuntary termination.
 4. In the event of an emergency that prevents an eligible employee from completing the requirements of paragraph (D)(3) prior to taking parental leave, the eligible employee shall complete the requirements as soon as practicable, and in no event later than 14 calendar days, after the emergency has ended, including providing sufficient documentation to establish a qualifying condition and emergent event.
- E. Leave Prior to Qualifying Event. In the event an employee desires to take paid parental leave prior to the occurrence of a qualifying event, the employee must comply with all of the requirements of Paragraph (D) above, and the employee must provide acceptable proof in support of the early request for parental leave.
1. Prior to the qualifying event, “in connection with the birth” shall mean the eligible employee is (a) attending prenatal appointments or other visits to a Healthcare Provider due to the expected birth of a child; (b) has been hospitalized in expectation of the birth of a child or due to a condition caused by or related to the expected birth of a child; or (c) otherwise requires leave due to a Healthcare Provider’s order requiring the mother to limit her physical activity prior to the expected birth of a child.
 2. Prior to the qualifying event, “in connection with the placement of a child with an eligible employee for adoption” shall mean the eligible employee is utilizing leave for one of the following: (a) meeting with an attorney regarding the adoption of the child; (b) hosting in-home visits necessary for the completion of the adoption; (c) attending judicial proceedings regarding the adoption of the child; (d) attending counseling sessions regarding the adoption; (e) submitting to a physical examination for adoption purposes; or (f) traveling to another country to complete an adoption.
 3. The term “in connection with the placement of a child with an eligible employee for adoption” shall not include foster care or the placement of a child with the employee for any other temporary or non-adoption purpose.
- F. Compensation. Parental leave under this policy shall be paid at 100 percent of the eligible employee’s base pay and shall remain at 100 percent of the employee’s base

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pay as if the eligible employee worked continuously from the date that parental leave commenced until the eligible employee's return to work.

G. Duration

1. Parental leave under this policy is available for use only during the 365 days following the commencement of a qualifying event or within 365 days of the eligible employee taking parental leave, whichever occurs sooner.
2. Parental leave under this policy may be used continuously, intermittently, or on a reduced scheduled basis. Eligible employees utilizing intermittent or reduced schedule leave under this rule shall be subject to the following limitations:
 - a. Eligible employee shall maintain a continuing parental role with any child whose birth or adoption was a qualifying event (this means that intermittent leave is reserved only for time spent bonding with, caring for, or fulfilling a parenting role and it is a violation to use parental leave in birth or adoption context to work second jobs, vacation without the child, or otherwise not parent); and
 - b. Any intermittent or reduced scheduled leave must be agreed to by the college prior to the start of the leave.

H. Restoration to Position. Upon the expiration of parental leave, the college shall restore the eligible employee to the position that he or she held at the time of the qualifying event or to an equivalent position with equivalent seniority, status, employment benefits, pay, and other terms and conditions of employment, including fringe benefits and service credits, that the eligible employee received or was entitled to prior to the commencement of his or her parental leave.

I. Failure to Comply. Any failure of the employee to abide by this policy may result in the college denying paid Parental Leave. The college may recover any improperly granted paid Parental Leave, whether it be through the substitution of other available leave, leave without pay, offset, or otherwise. Specifically, if an employee fails to comply with any return-to-work agreement, the College shall recover from the employee, by offset or otherwise, an amount equal to the eligible employee's hourly rate of pay multiplied by the number of hours the eligible employee failed to work in compliance with the return-to-work agreement. Any such recovery shall comply with the federal Fair Labor Standards Act, as applicable.

J. Limitations

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1. Approved parental leave does not require the employee to exhaust his or her sick leave, annual leave, or any other leave or paid time off.
2. An eligible employee may only use parental leave in connection with one qualifying event during a 365-day period, even if more than one qualifying event occurs.
3. After an eligible employee exhausts all available parental leave, any additional leave an employee wishes to take shall be taken in accordance with college policies.
4. Eligible employees using parental leave under this policy shall follow the college's customary leave practices that are not contradicted by this policy.
5. Any leave taken under this policy shall run concurrently with any leave granted under Alabama Code § 25-1-61 and the Family and Medical Leave Act of 1993.
6. Parental leave has no cash value. Any unused parental leave may not be used to calculate an eligible employee's retirement benefits. Unused parental leave shall not roll over, be reserved for use during a subsequent qualifying event, or be paid to the eligible employee.
7. The President of the college may waive the return-to-work agreement set forth in paragraph (D)(3)(c) in circumstances where the eligible employee is unable to return to work due to their own serious health condition or a serious health condition of an immediate family member. However, the college has no obligation to do so.
8. This parental leave policy is not effective until July 1, 2025. If a qualifying event occurs prior to this date, the employee will not be eligible for parental leave under this policy.

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Leaves Without Pay

1. General Rules

A. Requests for leave are to be made via the established procedures at the College. The immediate supervisors are responsible for assuring that leave approvals in their areas of responsibility are reported timely and accurately.

B. Time spent on unpaid leave will not count in computing the amount of time worked during a given academic year.

C. Time spent on unpaid leave will not be counted in computing tenure or non-probationary status.

D. Employees who are in an approved leave without pay status are not eligible to continue to receive leave accruals or benefits, unless covered by the Family Medical Leave Act (FMLA).

E. Except as provided under these leave policies, no employee shall be in an unpaid employment status with any ACCS college or entity. Being in an unauthorized unpaid employment status is a violation of policy and may result in disciplinary action, including termination. It is an employee's responsibility to monitor his or her own leave accounts and approvals to ensure he/she is not in an unauthorized unpaid employment status.

2. Maternity Leave

All full-time employees and Salary Schedule H employees of a System college or entity will be granted up to a maximum of six (6) consecutive calendar months of maternity leave without pay for the birth or adoption of a child.

All accrued leave, including compensatory leave, unless in FMLA status must be exhausted before an employee is entitled to request unpaid maternity leave.

The six (6) month maximum designation is intended to apply exclusively to unpaid maternity leave. Therefore, any paid leave taken by an employee for maternity purposes will not reduce the maximum amount of six (6) months of unpaid maternity leave which the employee may also take.

3. Personal Leave

The Chancellor may grant up to six (6) consecutive calendar months of personal leave without pay to a full-time employee or a Salary Schedule H employee on the written request of the President to the Chancellor based on special circumstances. **All accrued leave and compensatory time must be exhausted before an employee is entitled to request unpaid personal leave.**

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4. Family and Medical Leave Act (Also see Sick Leave)

The Alabama Community College System Board of Trustees and the colleges and entities under its direction and control shall comply with the requirements of the Family Medical Leave Act (FMLA). The College administers the FMLA in conformance with guidelines issued by the Chancellor.

Any accrued paid leave, except compensatory time, must be used concurrently with FMLA leave and must be exhausted before an employee is entitled to unpaid FMLA leave.

The College will designate any FMLA qualifying leave as FMLA leave, regardless of the employee's preference for using some other form of leave, such as sick leave, annual leave, etc., and this leave will count towards the twelve (12) weeks of unpaid FMLA leave available to the employee.

The FMLA entitles eligible employees to take up to twelve (12) weeks of unpaid, job-protected leave in a 12-month period for specified family and medical reasons. Designation of leave as FMLA leave must be made "up-front" whenever possible.

Upon return from FMLA leave, an employee is entitled to be restored to the same job or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. In addition, an employee's use of FMLA leave cannot result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA leave.

Employees must provide 30 days' advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the College's leave request procedures.

An employee on FMLA leave does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule to deal with a serious health condition. When intermittent leave is needed to care for an immediate family member or for the employee's own illness, and is for planned medical treatment, the employee must try to schedule treatment so as not to disrupt unduly the operation of the employer.

Supervisors should contact the Office of Human Resources when an employee has requested FMLA leave, or is absent from work for more than five (5) days due to an FMLA qualifying reason.

The FMLA also covers Military Family Leave Entitlements.

See G/1.4-C for a notice of Employee Rights and Responsibilities under the Family and Medical Leave Act.

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SOURCE REFERENCE: Board of Trustees Policy 610.01, 610.02, 611.01

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Absences Due to On-the-Job Injuries

1. System Presidents are authorized to approve payment of salaries and fringe benefits for the equivalent of up to ninety (90) working days for absences arising from on-the-job injuries to employees when the President has determined that an employee has been injured on the job and cannot return to work as a result of the injury. An on-the-job injury is defined as “any accident or injury to the employee occurring during the performance of duties or when directed or requested by the employer to be on the property of the employer which prevents the employee from working or returning to his or her job.”
2. Continuation of salary and fringe benefits for the appropriate number of working days shall be consistent with the employee's injury and the subsequent absence from work resulting from the injury. This policy shall apply to temporary disability of the employee as applicable to the on-the-job injury. In no event shall the salary and fringe benefits continuation provided by this policy exceed the equivalent of 90 working days.
3. The President/designee shall require medical certification from the employee's licensed healthcare provider that the employee was injured and cannot return to work as a result of the injury. The President/designee may, within his/her discretion, require a second opinion from another licensed healthcare provider at the expense of the institution. The President/designee may require a statement from the licensed healthcare provider that there is a reasonable expectation that the employee will be able to return to work and the time frame for such return.
4. Accrued leave shall not be deducted from the employee's account if absence from work results from an on-the-job injury, unless the absence exceeds the authorized amount granted under Section 1 and the employee requests such leave.
5. The President/designee shall inform in writing the employee who is injured on the job of the employee's rights to appear before the State Board of Adjustment and to claim unreimbursed medical expenses and costs through the State Board of Adjustment and shall inform the injured employee regarding applicable ACCS Board of Trustees policies. Such notification shall be made within thirty (30) calendar days of notice of the injury.
6. Eligibility for salary and benefits under this policy is contingent upon proper notification by the injured employee to the President within twenty-four (24) hours after the occurrence of the injury. In no event will this policy be utilized if notification is not made by the employee or the employee's representative within five (5) work days of the injury.
7. External contractors, consultants, work-study students, and interns are not employees for the purposes of this policy.

I. Definitions See Form G/1.4-B – On the Job Injury Form

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A. Employee - Anyone employed by the respective System entity to perform regular services, full-time or part-time. External contractors, consultants, work-study students, and interns are not employees for the purposes of these procedures.

B. Entity – Any Alabama Community College System community or technical college and the Alabama Technology Network.

C. Work Day - A day which the employee worked or would have worked except for a disability caused by or resulting from an on-the-job injury.

D. Regular Daily Salary - An amount calculated on the basis of an employee's current salary or wages for a designated period of time divided by the number of duty days, including official holidays for non-instructional employees, within that designated time period.

E. Temporary Disability - A physical injury or malady necessitating absence from regular duties but allowing for a reasonable expectation that the employee will return to duty.

F. Permanent Disability - An injury or malady of such severity that there is no reasonable expectation that the employee will return to duty.

II. General Provisions

A. Employees are not precluded from using accrued leave for an absence or absences resulting from an on-the-job injury, if they elect.

B. Continuation of an employee's salary or wages paid under these guidelines shall be computed based on a daily rate. The amount authorized for each work day lost due to the temporary disability shall be the full regular daily salary or wage the employee would have earned if the employee had worked as normally scheduled.

C. Incidents that occur during rest breaks or lunch periods, accidents resulting from carelessness or violation of published safety rules, and injuries caused by the behavior of fellow employees are subject to the judgment of the President as to whether they are on-the-job injuries.

D. There must be clear and convincing evidence that the injury was job-related, was not a result of intentional harm, carelessness, intoxication, provocation, or other inappropriate behavior of the injured employee and was not the result of a pre-existing condition for the President to determine an employee had an on-the-job injury.

E. The following requirements shall apply to approval of salary continuation due to on-the-job injury:

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1. The employee must provide notification of the on-the-job injury to the President or designee within twenty-four (24) hours of the occurrence of the injury. If the employee is not clinically able to submit notification, such notification may be made by an individual representing the employee or on behalf of the employee. Such individual must be reasonably knowledgeable concerning the injury and the condition of the employee.

2. The college or entity must receive within 72 hours after the notification of the on-the-job injury satisfactory evidence that the injury was on-the-job in the form of a statement from one or more witnesses who saw the incident causing the injury, or a signed, notarized statement from the injured employee if there were no witnesses. (In the event of an alleged stress-related injury, a sworn statement from the employee and a supporting statement from the employee's licensed healthcare provider shall be required.)

3. In the event the employee incurs the third absence related to the on-the-job injury, the college or entity must receive certification from a licensed healthcare provider, obtained at the employee's expense, as to the injury's severity and prognosis. The college or entity must receive the certification within three (3) workdays from the third absence.

F. The employee must provide to the college or entity notification from the licensed healthcare provider that the employee is released to return to regular duty. The college must receive the notification immediately upon release by the licensed healthcare provider.

G. Upon the President's receipt of a licensed healthcare provider's certification that an on-the-job injury is the cause of partial or total permanent disability, the employee shall be informed promptly about his or her right to bring a claim before the Alabama State Board of Adjustment.

H. Acceptance by an employee of salary and benefits continuation payments for a perceived temporary disability due to an on-the-job injury shall be upon the condition that the employee agrees to the deduction of the amount paid for temporary disability from any subsequent award by the Alabama State Board of Adjustment in the event the disability is subsequently determined to be permanent.