



Delaware State University Procedure

Title: Leave	Cabinet Approval Date: 07-11-05
Related Policies and Procedures: Leave Request/Report Form	

All permanent employees of the university who regularly work twenty (20) hours or more per week shall be entitled to request leave. Listed below are the procedures that should be followed for requesting leave.

Annual Leave

Professional Staff

University supervisors are expected to encourage the use of annual leave in a timely manner. When employees can be spared from their duties, annual leave will be granted as requested, to the extent of the employee's available balance. Annual leave may also be used when emergencies arise. An emergency is defined as an unforeseeable situation over which the employee has no possible control, and which prevents the employee from being on duty during the entire period of absence. Denial of the use of annual leave will be based upon factors which are reasonable, equitable and which do not discriminate against any employee or group of employees.

Supervisors have the primary responsibility for determining when and the extent to which annual leave will be granted, as well as the responsibility of requiring that annual leave be taken under certain circumstances.

Request for and Approval of Annual Leave: It is the prerogative of the administrator concerned to make the final decision as to when leave is to be used. For this reason, the use of annual leave is subject to the approval of the appropriate supervisor. Retroactive approval may be given when circumstances warrant. It is not to be assumed, however, that a mere report of absence will necessarily result in favorable action. Failure to secure the proper approval may result in the period being charged to absence without pay. Periods of annual leave should be recorded on the time report.

Classified Employees

Vacation time preference will conform to the operational needs of the University as determined by the supervisor.

Local 2888 Only. The University will make every effort to accommodate the request of the employee in scheduling vacations. However, annual leave will normally be granted during the months of June, July and August for leave earned through the preceding fiscal year ending June 30. The University reserves the right to limit the number of employees on annual leave at any one time in order to meet its operating needs and in such cases will grant requests on the basis of employee seniority.

Annual leave request for Public Safety employees for periods of one week or more during June, July or August will be awarded by seniority within each department and shift if requested by May 15, of the year in which the annual leave is to be taken, in accordance with the operational

needs of the University. Requests received after May 15, will be awarded on first come, first serve basis in accordance with operational needs. Employees will be given written notice of approval or denial of annual leave requested for the summer months by May 20 of each year. Employees will be given written notice of approval or denial of all annual leave requested within five (5) working days after receipt, provided the request is received at least two (2) weeks prior to the date of the annual leave.

Public Safety personnel can be approved for one week of annual leave during the school year from the day before incoming freshmen arrive until the Monday after Commencement.

Faculty Members:

Annual leave, when applicable, shall be scheduled by the Chairperson, Academic Director, or the Academic Dean after consultation with those entitled to such leave and particular regard to the needs of the Department and the seniority and requests of affected unit members. Upon approval of the appropriate Administrator the final schedule shall be sent by the appropriate Academic Dean or Administrator to those taking annual leave.

Sick Leave

Professional Employees:

In cases of sick leave in excess of three (3) consecutive working days, supervisors may require employees to present a physician's certificate. Failure to comply with this provision may result in disciplinary action. Abuse of use of sick leave may render an employee unsuitable for continued service.

Classified Employees:

In order to qualify for sick leave, employees must comply with the following conditions: Notify their supervisor no later than one (1) hour before the start of work as to the general nature of the illness and expected time when they will return to work. Failure to give notice will cause the employee to be unexcused and absent without pay. Failure to give notice will be waived by the employer only in extreme cases where there is evidence that the employee was completely unable to get word to the employer in the time prescribed.

Faculty Members:

Any absence of a unit member from his/her assigned duties because of sickness, pregnancy, and related medial conditions shall be charged against the employee's accrued sick leave.

The appropriate Academic Dean or Administrator is responsible for maintaining the official records on sick leave.

The University may, from time to time, while a bargaining unit member is on sick leave require a statement from the member's physician as to the condition of the member and the extent and duration of the disability.

Bereavement

Professional Employees:

Three (3) days of bereavement leave will be granted when death occurs in the immediate family (parents, foster parent, spouse, mother/father-in-law, sibling, child, grandparent, and grandchild). One (1) day of bereavement leave with pay will be granted when death occurs for relatives outside the immediate family.

Additional earned leave days or leave without pay may be granted if circumstances warrant.

Classified Employees:

Three (3) days of bereavement leave will be granted when death occurs in the immediate family (mother, father, husband, wife, father-in-law, mother-in-law, sister, brother, son, daughter, grandparent, grandchildren, step parent and step child). If more time is needed (or the family relationships is not covered above), accrued annual leave or sick leave may be request for this purpose.

Faculty Members:

Three (3) days of bereavement leave will be granted when death occurs in the immediate family (mother, father, grandparents, grandchildren, foster parents, husband, wife, father-in-law, mother-in-law, sister, brother, son, daughter). Additional days without pay may be granted if special circumstances warrant. One (1) day of bereavement leave with pay will be granted when death occurs for relatives outside the immediate family. If more time is needed, accrued annual leave or personal leave may be used for this purpose. Unit members who are ranked faculty shall be charged leave days only on those days on which they have assigned duties.

Jury Duty

Professional Employees:

It is a civic responsibility for employees to respond to the call for jury duty and other court services. Jury duty as used in these regulations, is absence from University work for the purposes of serving as a juror or attending court as a witness on the behalf of the federal, state, or municipal government in response to a subpoena. Employees who present such orders to their supervisors will be granted jury duty leave for the day or days when service is rendered.

Classified Employees:

In recognition that it is the obligation of every citizen to serve as a juror when called upon to do so, an employee called for jury duty shall be granted leave with full pay. A copy of the jury notice must be provided to the supervisor. The employee must return to work if excused by the court clerk with enough time to arrive at the University with one (1) hour or more remaining in the employee's shift.

Night shift employees who normally work would not be expected to work during this period of jury duty shall be similarly compensated.

Local 1267 Only. An employee will be excused with pay for jury duty, but the employee must return to work if excused by the court clerk with enough time to arrive at the University with one (1) hour or more remaining in the employee's shift. If the employee fails to do so, he/she will be charged annual leave.

Faculty Members:

A unit member who, during the academic period during which said unit member is scheduled to work, is summoned and reports for jury duty or is subpoenaed as a witness in a legal action to which the unit member is not a party shall immediately notify the Department Chairperson or Academic Director of this obligation. It is recognized that unit members whose primary responsibilities include teaching are usually exempted from jury duty. Unit members who are summoned as jurors or subpoenaed as witnesses shall be granted leave with pay for such court-required service. With the exception of reimbursable expenses, compensation received by the

unit members for time spent performing jury duty on scheduled workdays shall be remitted to the University. A unit member serving jury duty or as subpoenaed witness is expected to report for work when attendance at court is not required.

UNION LEAVE

Classified Employees:

Up to 14 work days leave with pay over the two years of this Agreement shall be granted to the Union for conferences, seminars, workshops, conventions or other Union functions. Request for leave shall be made to the Vice President for Human Resources at least one (1) week in advance. Leave under this section will be granted subject to the operational needs of the University and take in increments of no less than ½ day.

LEAVE WITHOUT PAY

Professional Employees:

After completion of three years of service to the University, employees may be considered for leave without pay by the President, or designee, for a period not to exceed one (1) year. Leave without pay may be requested for educational purposes, personal illness, illness in the immediate family, or other valid reasons. Application for leave without pay should be made to the supervisor and must be supported by the appropriate senior level administrator in a recommendation to the President.

During a leave without pay, the employee will earn no employment benefits, except those governed by the laws of Delaware, Family Medical Leave Act, and the terms of insurance policies in effect. The employee may continue insurance and pension benefits at their expense.

Classified Employees:

An employee may apply in writing to his/her appropriate Vice President for a leave of absence without pay for a period not to exceed one (1) year for the reasons of personal illness, illness in the immediate family, disability, for the purpose of furthering employee's education or training for other valid reasons. The Vice President will forward the request with his or her recommendation to the Vice President of Human Resources who in turn may submit the request for final approval to the President. The decision to grant or deny the request shall be within the exclusive discretion of the President, or upon this delegation, his agent. During such a leave, the employee will earn no seniority or other employment benefits except that, subject to the laws of Delaware and the terms of insurance policies then in effect, the employee may continue such insurance and pension benefits at his or her expense to the extent they are eligible.

Faculty Members:

The University and the Association recognize that policies permitting leave of absence without pay for professional or personal reasons may at times be beneficial to both the individual and the University. Such leaves may be for professional development, the completion of graduate requirements, research, faculty exchange with another institution, public or political services, health, child rearing, or other family or personal needs.

To be eligible for a leave of absences without pay, a unit member shall have two (2) years of continuous full-time service at the University and since a previous leave of absence or sabbatical. Under unusual circumstances, the appropriate Vice President may waive the two-year eligibility requirement.

Leave of absences without pay may be granted for a semester, an academic year, or for a period of time not to exceed a calendar year. Under exceptional circumstances, a leave or any extension thereof may be extended for a limited period not in excess of one (1) additional year. Leave for shorter periods may be recommended by the appropriate Vice President.

Request for leaves of absence shall be submitted in writing to the Department Chairperson or the Appropriate Academic Director at least ninety (90) calendar days in advance of the date the proposed leave shall begin. The request shall state the reasons for the leave, the period of absence, and the date of return. Upon the recommendation of the Department Chairperson or Appropriate Academic Director and subject to the concurrence of the appropriate Academic Dean and Vice President, a leave of absence without pay may be granted by the Board on the recommendation of the President of the University. Such approval shall not be withheld except in rare instances and for clear and compelling reasons. Unit members who have requested such leave shall be notified within forty-five (45) calendar days from the date of the request as to the recommended disposition of the leave. Any request for an extension of the leave of absence shall be handled in the same manner as the original request.

If a unit member does not return to work by the date of leave expiration, said unit member shall be considered to have voluntarily resigned from the University, unless the unit member was unable to return due to extenuating circumstances beyond his/her control. If a unit member fails to return and extenuating circumstances are not extant the University reserves the right to seek restitution from the unit member for its share of fringe benefits paid. If in the event of, extenuating circumstances, a unit member requests a return from leave prior to the approved date, the unit member must submit a written request to the Department Chairperson or Appropriate Academic Director Academic Dean. In such cases, such a request may be honored provided that it does not violate the contract arrangements of a replacement unit member and that such early return occurs at the beginning of a semester or session. It is understood that leaves of absence shall begin and end so as not to disrupt the academic program.

While on leave, the employee shall retain all benefits accumulated up to the taking of leave but shall not earn sick leave or eligibility toward tenure. All conditions regarding this leave and the return of the individual to Delaware State University shall be stated in a Leave Agreement Document and signed prior to the start of the leave and such document shall be made a part of his/her personnel file.

Upon return from a University-approved leave of absence, unit member's base salary shall be that amount they would have been entitled to had they not taken leave, provided the leave involved specific, planned activities involving study, research, scholarship, completing of graduate requirements, faculty exchange with another institution, and/or public service, or creative work, of mutual benefit to the faculty member and the University.

PERSONAL LEAVE

Professional Employees:

Throughout the year as personal, urgent, and compelling circumstances may occur, permission for personal leave may be allowed. Each professional employee shall be entitled to three (3) personal leave days in each fiscal year.

2888 Classified Employees:

Throughout the year, as urgent and compelling business may occur, permission for a days leave of absence with pay shall be given up to three (3) days in each fiscal year. The leave shall be allowed only for urgent and compelling personal business and shall not be cumulative nor carried forward to subsequent fiscal years. Personal leave will not be denied expect in those cases where the employee's absences will create a serious operational problem for the University. Personal leave shall not be allowed without written permission of the supervisor either immediately before or immediately after any other day off nor as part of a vacation period either with or without pay.

Faculty Members:

Personal leave for one (1) day shall be granted to unit members as personal, urgent, or compelling business may occur. All unit members shall be entitled to no more than four (4) such personal leave days each year. Such leave shall be with pay and may be arranged informally with the Department Chairperson or Academic Director and the concurrence of the appropriate Academic Dean or Administrator. Such personal leave is not to be considered as an inherent right and cannot be accumulated. It is expected that unit members will exercise the benefit described herein with discretion in order that there be no dislocation to the academic program or inconvenience to students and colleagues.

Unit members who are ranked faculty shall be charged leave days only on those days on which they have assigned duties.

VOLUNTEER FIRE DUTY

Classified Employees:

An employee who is an active volunteer firefighter and responds to a fire, rescue, ambulance or other emergency call during the eight hours immediately prior to his/her shift, shall be permitted to come in at a time arranged between the employee and his/her immediate supervisor after the start of his/her shift to allow for the emergency and a proper amount of rest without loss of pay or charge against any leave.

COMPENSATORY TIME

2888 Classified Employees:

An employee may elect compensatory time in lieu of payment. Compensatory time shall be calculated at time and on-half hours for work in excess of eight (8) hours per day or forty (40) hours in any work week. Compensatory time should be approved prior to the commencement of

work and in writing. Compensatory time can be accumulated up to 240 hours. All hours over 240 must be paid.

FAMILY AND MEDICAL LEAVE

All Employees:

The medical certification form must be completed and submitted to Human Resources. Forms can be downloaded from the web or picked-up from the Human Resources Office located on the third floor of the New Administrative Building.

Leave can be requested for any of the following purposes as defined by the Family and Medical Act:

The birth or adoption of a child, to care for a family member with a serious health condition or a serious health condition of the employee.