

UNIVERSITY HANDBOOK FOR APPOINTED PERSONNEL THE UNIVERSITY OF ARIZONA 2000

[HOME](#) | [INDEX](#) | [SEARCH](#) | [UAINFO](#)

CHAPTER 8: LEAVES

8.01 VACATIONS AND HOLIDAY LEAVES

8.01.01 Annual Leave

A. Eligibility

1. Subject to certain exclusions noted in this and following sub-sections, appointed personnel employed 20 hours or more per week for a continuous period of not less than six months are eligible for paid annual leave.
2. An employee may not earn paid annual leave during (a) a sabbatical leave, (b) an extended military leave, or (c) a leave of absence without pay.
3. Computation of earned paid annual leave is based upon working full-time, eight-hour days. Eligible employees on any other work schedule will be granted a prorated number of paid leave days not to exceed the allowance for a regular work schedule.

B. Fiscal-Year Appointees

1. Full-time eligible employees on fiscal-year appointments are granted an annual paid leave allowance of 22 work days per year. Eligible employees employed less than full time receive an allowance prorated to the percentage of time paid.
2. Unused annual leave may be accumulated and carried forward from one year to the next to a maximum amount not to exceed one and one-half times the annual allowance. The number of paid annual leave days available to an employee at any given time will be the number of leave days carried forward from prior years plus the number of days earned during the current year. Excess annual leave hours are prorated based on the FTE and appointment (fiscal or academic) on the last day of the pay period which includes January 1. Excess annual leave hours will be forfeited if not used by the last day of the pay period which includes January 1.

C. Academic-Year Appointees

1. Faculty members employed on an academic year basis are not entitled to paid annual leave, nor shall they become entitled by virtue of summer session work or employment in special projects on a wage basis.
2. Eligible professional staff members and eligible administrators employed for something less than the full fiscal year will receive paid annual leave pro-rated to the period of their appointment, and are encouraged to use accumulated annual leave during semester breaks and nonclass periods. Annual leave may not be used during nonemployment periods.
3. Unused annual leave may be accumulated and carried forward from one calendar year to the next to a maximum amount not to exceed one and one-half times the annual allowance. The number of paid annual leave days available to an employee at any given time will be the number of leave days carried forward from prior years plus the number of days earned during

the current year. Excess annual leave hours are prorated based on the FTE and appointment (fiscal or academic) on the last day of the pay period which includes January 1. Excess annual leave hours will be forfeited if not used by the last day of the pay period which includes January 1.

D. Appointments Terminated by Death or Other Causes

1. In the event that an eligible employee dies, the employee's estate shall be paid for any accumulated annual leave days at the compensation rate in use at the time of death.
2. When employment terminates for any reason other than death, payments for accumulated annual leave days shall not exceed the amount earned for one year of service. The amount earned in one year of service is prorated based on the FTE and appointment length (fiscal or academic) on the employee's last day worked.

8.01.02 Holidays

Employees eligible for paid holiday leave are regular employees employed 20 hours or more per week for a continuous period of not less than five months.

The President designates official University holidays. Holidays falling within an annual leave period are treated as holidays and therefore not charged to annual leave. Employees are only eligible to receive holiday pay during the period of their employment contract.

Employees who cannot be excused from their duties on a holiday will be granted another day off during the same or following work week for each holiday on which they worked.

The University of Arizona observes ten holidays each year, as designated by the President and approved by the Board of Regents. To receive compensation for a holiday, an employee must be at work or on an approved leave with pay on the normal work days preceding and following the holiday.

8.02 HEALTH-RELATED LEAVES

8.02.01 Sick Leave

Rev. 9/99, 6/2000, 10/2000, 7/2001, 01/2007

Board of Regents policy with regard to sick leave is as follows:

- A. Eligible fiscal year employees may accrue paid sick leave at the rate of one day for each month of service. Eligible academic year employees may earn nine days per academic year. Since sick leave is a privilege, not an earned right, no accumulated sick leave compensation shall be paid in the event that an employee is discharged or dismissed, or resigns or dies.
- B. Eligible employees are regular employees employed 20 hours per week or more for a continuous period of not less than six months. Regular employees employed for less than 20 hours per week and probationary and temporary employees are not eligible to accrue sick leave.
- C. Upon completion of six months of continuous service, a regular employee employed 20 hours per week or more is eligible for accumulated sick leave from the effective date of such employment.
- D. Computation of accumulated sick leave is based upon a full-time appointment. Eligible employees working on any other work schedule will be credited sick leave which shall be computed at the same ratio which the appointment bears to full-time appointment. Sick leave computation for service prior to 1975 is described below. The maximum accumulation of sick days for service prior to 1975 is 60.

Academic Year Appointment: [Number of years prior to 1975 x 9 x percentage of appointment] - [sick leave usage] = Accrual (max 60 days)

Fiscal Year Appointment: [Number of years prior to 1975 x 12 x percentage of appointment] - [sick leave usage] = Accrual (max 60 days).

- E. Eligible employees may be granted sick leave when they are unable to perform their duties because of illness or injury, or because they must be absent from work for the purpose of obtaining health-related services not available after regular working hours. It may also be granted when the employee's absence results from serious illness or communicable disease within the employee's immediate family, established household, or in situations which place primary responsibility for care on the employee.

An eligible employee may use sick leave upon the death of family members who are not covered under Section 8.02.02 Bereavement leave. Employees may use up to three days of accrued sick leave for this purpose and two additional days to attend or arrange funeral services out of state.

1. Sick leave should be approved in advance when possible. Sudden illnesses which result in absence must be reported to the employee's supervisor as early as possible.
 2. Should there be reason to believe that sick leave is being abused, the employee's supervisor may require verification of illness by means of a physician's statement or through other appropriate methods.
- F. Eligible appointed personnel who retire from the University and have accumulated unused sick leave of 500 hours or more at time of retirement shall have the option to elect cash payout of their sick leave benefit over a three-year period in accordance with applicable provisions. Sick leave compensation will not be paid in the event of resignation, discharge or death unless the employee was eligible for normal retirement at the time of death in which case, the beneficiary will receive a one-time lump sum cash payout.

To qualify for this benefit the employee must: (a) be an eligible appointed personnel employed by the State (University) on or after July 1, 1998; (b) have accumulated unused sick leave totaling 500 hours or more at retirement; (c) be eligible for retirement and benefits from the University; (d) apply for retirement with an authorized State of Arizona retirement system immediately (within 14 calendar days) upon separation from state service; and (e) apply for the Retiree Accumulated Sick Leave benefit within 180 days from the retirement date.

The request for payment of the Retiree Accumulated Sick Leave Program should be separate from any other payment that might be due.

The State of Arizona General Accounting Office (GAO) maintains and administers the Retiree Accumulated Sick Leave (RASL) as defined by Arizona statute. Eligible retirees may apply for benefits to the General Accounting Office, which has sole discretion to grant or deny payment under this program. Application and payment option information is available on the [GAO's website](#).

The amount of payment received will be a percentage of the state hourly rate of pay multiplied by the number of accumulated sick leave hours as reported in the University's Vacation and Sick Leave Accrual Report. The hourly rate of salaried employees will be calculated by dividing the annual salary by 2080 hours for fiscal-year employees or by 1520 hours for academic-year employees. The maximum benefit will be 1,500 hours of sick leave

not to exceed \$30,000. Appropriate FICA, federal and state income taxes will be deducted prior to the payment of the benefit.

The following table outlines the percentage that will be applied based on the number of accumulated sick leave hours.

Sick Leave Balances (Hours)	Percentage of Hourly Rate
500 to 749	25%
750 to 999	33%
1,000 to 1,500	50%

- G. Federal policy, when in conflict with this policy, shall apply to faculty and staff members in Agricultural Cooperative Extension who are employed under federal regulation.
- H. The President may approve sick leave in addition to that allowed by this policy, but a report shall be made to the Board of Regents in the case of any sick leave which is granted in excess of that allowed by this policy or which exceeds three months, whichever is greater.

8.02.02 Bereavement Leave

Rev. 7/2001

Appointed personnel employed 20 hours per week or more, whose employment is expected to continue six months or more, are eligible for up to three paid working days as bereavement leave upon the death of a parent, parent-in-law, brother, sister, spouse, child, grandparents, grandchildren, brother-in-law, sister-in-law, son-in-law, daughter-in-law, and any other person who is a member of the employee's established household.

For this purpose a parent is defined as a natural parent, stepparent, adoptive parent or surrogate parent. A child is defined as a natural child, adoptive child, foster child or stepchild.

Employees must be in a pay status in order to receive paid bereavement leave. Two additional paid working days may be granted to attend or arrange funeral services out-of-state as part of bereavement leave.

8.02.03 Accident and Injury Leave

Compensation lost as a result of accidents incurred during performance of official duties is covered in part under Arizona Workers' Compensation and Occupational Disease Statutes. (See also [Chapter 10](#), Benefits.) If an injured employee wishes to use sick leave, the employee may receive only the difference between what is paid by benefits as salary compensation under the above-mentioned statutes and the full salary to which the employee would otherwise be entitled.

8.02.04 Compassionate Transfer of Leave

Rev. 10/2000; 9/2002

Employees who are eligible to accrue and use vacation leave, but are unable to work due to a catastrophic personal illness or injury and have exhausted their available balances of paid leave hours (e.g. vacation, sick leave and compensatory time) may receive contributions of vacation hours from other eligible employees. Employees who are eligible to accrue and use vacation hours, regardless of their employment category, may transfer their accrued vacation to such employees.

Compassionate transfers of leave shall be accomplished by determining the dollar value of the number of vacation hours contributed, by decreasing the contributor's balance of accrued vacation hours, and by increasing the recipient's accrued sick leave balance. Contributors must retain a

minimum balance of 80 hours of vacation leave. Such compassionate transfers of leave must be voluntary on the part of the contributor.

Compassionate transfers of leave shall not exceed the anticipated period of disability. In the event the affected employee becomes eligible to receive long term disability benefits, contributions of vacation hours which would otherwise be credited to the employee will not be permitted on or after the date of inception of long term disability benefits. Subsidization of long term disability benefits or workers' compensation benefits will not be permitted, other than during the initial period of waiting for such benefits to commence.

Employees enrolled in a short term disability program offered by the University must apply for and, if eligible, receive their short term disability benefits before compassionate transfer of leave contributions can be used beyond the initial short term period. Compassionate transfer of leave contributions (other than for the initial short term disability waiting period) for such employees may only be used to supplement the short term disability payment up to but not to exceed the employee's regular rate of pay.

The compassionate transfer of leave from one employee to another is for the recovery of the employee only and not for family illness or injury.

A. Definition

An illness or injury shall be catastrophic if it is:

- Seriously incapacitating (in the case of the employee, the employee is unable to perform all the duties of the position held at the time of the injury or upon inception of the illness, and is unable to perform available light duty work);
- Of extended duration (the anticipated duration of the disability is not less than 45 calendar days); and
- Confirmed in writing by a physician chosen by the employee and subject to reconfirmation by a physician chosen by the University.

B. Recipient Eligibility

Employees who are eligible to receive compassionate transfer of leave contributions are those who are eligible to earn and use vacation hours, have exhausted all forms of paid leave (e.g., vacation, sick leave and compensatory time) prior to the transfer of leave hours, and are not receiving either long term disability benefits or workers' compensation benefits.

C. Procedure

Ill or injured employee (or representative if employee is incapacitated): Obtain physician's statement confirming catastrophic personal illness or injury and its anticipated duration. Inform department supervisor and payroll representative of desire to receive compassionate transfer of leave contributions by requesting and completing a Compassionate Transfer of Leave Request form. Return the form and physician's statement to the payroll representative.

Recipient's Payroll Representative: Review Compassionate Transfer of Leave Request form, physician's statement, and employee records. Sign form to confirm employee's eligibility to receive contributions of leave hours. Inform departmental employees, and others as appropriate, that contributions of vacation hours are being accepted for compassionate transfer of leave to the affected employee.

Contributor: Inform department payroll representative of desire to contribute vacation hours to affected employee by requesting and completing a Compassionate Transfer of Leave Contribution form and returning the form to the payroll representative.

Contributor's Department Payroll Representative: Confirm contributor has sufficient available vacation hours to permit transfer of leave with a minimum of 80 hours of vacation remaining after contribution. Convert hours contributed into dollars by completing the processing information section of the Compassionate Transfer of Leave Contribution form. Forward completed forms to the payroll representative for the recipient's department.

Recipient's Department Payroll Representative: Complete a Compassionate Transfer of Leave Processing Information form. Typically, Compassionate Transfer of Leave Contribution forms are processed in the order received. Do not process more vacation contribution hours than sufficient to pay the recipient from the last paid day to the anticipated duration of illness/injury, as certified by the latest physician's statement. (Include holidays and projected vacation and sick leave accruals.) Convert the dollars contributed into hours and increase the recipient's sick hours equal to the total hours to be processed at this time (see Processing Form). Contributions will be reflected as an increase in the recipient's sick hours equal to the total of vacation dollars contributed to be processed at this time. Forward all completed forms and physician's statement to Human Resources.

Human Resources: Review documentation. Determine if there will be an effect upon any possible long term disability benefits to prevent subsidization. Coordinate with the Department of Risk Management and Safety to ensure subsidization of workers' compensation benefits will not occur. Sign and forward completed Compassionate Transfer of Leave Processing Information form with attached Compassionate Transfer of Leave Contribution form(s) to Payroll for data entry.

Recipient's Department Payroll Representative: Enter sick leave hours on time roster for recipient. The amount entered may not exceed the number of hours contributed and processed by Payroll to date.

If the absence of the ill or injured employee extends beyond the originally anticipated duration of absence, the above procedure can be repeated *if* additional contributions are available.

Within 30 calendar days after the recipient's return to work, notify contributors that their Compassionate Transfer of Leave Contribution forms have not been processed because the affected employee has returned to work, and destroy the forms. If a contributor is an employee of another department, return the unprocessed Compassionate Transfer of Leave Contribution form to that department's payroll representative, and advise payroll representative to notify contributor that the contribution of hours was not processed.

A minimum of one pay period may elapse between the time the Compassionate Transfer of Leave Contribution and Processing Information forms are processed and the contributed hours are reflected in the available balance of sick leave hours of the recipient. Complete and forward forms to Human Resources, preferably before the ill or injured employee's paid leave has been exhausted.

8.02.05 Leave for the Purpose of Bone Marrow or Organ Donation

As required by A.R.S. § 41-706, a board or university employee is entitled to a leave of absence for the purpose of bone marrow or organ donation as follows:

- A. Five work days to serve as a bone marrow donor for a bone marrow transplant if the employee provides the employer with written medical certification issued by the employee's health care provider that the employee is to serve as a bone marrow donor.
- B. Thirty work days to serve as an organ donor for a human organ transplant if the employee provides the employer with written medical certification issued by the employee's health care provider that the employee is to serve as an organ donor.
- C. An employee who is granted a leave of absence pursuant to this section is entitled to receive base pay without interruption during the leave of absence. For the purpose of determining seniority, pay or pay advancement and performance awards and for the receipt of any benefit that may be affected by a leave of absence, the service of the employee is considered uninterrupted by the leave of absence.
- D. The employee will not be penalized for requesting or obtaining a leave of absence pursuant to this section.

8.03 OTHER PAID LEAVES

8.03.01 Administrative Leave (With Pay)

Employees may be entitled to administrative leave with pay in the following instances:

A. Voting

Employees must be granted leave for voting purposes as provided by applicable law.

B. Emergency Leave

Employees may be granted temporary emergency leave if they are excused from work by the President of the University because of a natural disaster or other reason which may restrict or jeopardize the employees' safety or health.

C. Jury Duty and Material Witness Service

An employee called upon for service as a jury member or as a material witness must be granted leave sufficient to provide the service. Any employee who receives a fee for serving as a juror in accordance with Arizona Revised Statutes 21-221, or as a material witness in accordance with Arizona Revised Statutes 12-303, shall either remit such fee to the institution or have an equal amount deducted from his or her pay. Reimbursements for travel expenses may be retained by the employee.

Employees who seek to be excused from or to defer jury service should obtain the necessary certification of employment from the University and request such consideration from the Office of the Jury Commissioner of the appropriate court. Faculty members are rarely excused entirely from jury duty service, but the period of service may be arranged to accommodate teaching obligations.

D. Court Appearances

An employee who is required to appear in court as a party with regard to a personal matter is not eligible for paid administrative leave, but may use accrued vacation, if applicable, or request time off without pay.

8.03.02 Sabbatical Leave

- A. Sabbatical leave may be granted within the discretion of the administration to enable appointed personnel to make advances in their profession, to remain effective in current positions, or to render the greatest possible service to The University of Arizona. Only individuals with tenure or continuing status are eligible to receive a sabbatical leave.
- B. The University prizes an inclusive view of scholarship with the recognition that knowledge is acquired and advanced through research, synthesis, practice, and teaching. Given this philosophy, sabbatical leaves are to be granted to further any of the following objectives: research and publication, teaching improvement (including the creation of teaching materials such as new textbooks, software, multimedia materials, or casebooks), intensive public service clearly related to the applicant's expertise, and integration and interpretation of existing knowledge into larger interdisciplinary frameworks.
- C. Sabbatical leaves will be granted only to appointed personnel who have served on full-time continuous fiscal or academic year appointments at the University for a period of not less than six years. Only individuals with tenure or continuing status are eligible for sabbatical leave. Time served in excess of six years may not be accumulated toward future sabbaticals.
- D. Appointed personnel on an academic year appointment may apply for a sabbatical leave of either one or two semesters. Appointed personnel on a fiscal-year appointment may request leave of either 6 or 12 months. If the leave is for two semesters or one fiscal year, the University will pay compensation at three-fifths of the recipient's normal salary. If the leave is for one semester or six months, the University will pay the full salary. Fiscal year employees with teaching assignments who take a leave of six months must arrange to be present during one of the two regular semesters.
- E. Responsibility for review and approval of sabbaticals rests in the college/vice presidential area. Each college/vice presidential area must have a Sabbatical Leave Advisory Committee consisting of at least three people. Sabbatical recommendations require review by the department head, college advisory committee, and dean/vice president. The final approval of sabbatical leave applications occurs in the college/vice presidential area. A candidate whose sabbatical proposal is rejected by a dean/vice president has the right to appeal to the University's Sabbatical Leave Advisory Committee.
- F. Sabbatical leave compensation paid by the University may be supplemented by fellowships, scholarships, employment, or grants-in-aid to cover such special expenses as travel, secretarial assistance, tuition, research, or publication. Any such additional compensation is to be explained on the application form. Compensated activity may not unduly interfere with the objective of the sabbatical.
- G. Sabbatical leave is granted only on condition that the employee subsequently returns to the University for a period of further service equal to the length of the leave. If an employee does not return, the case will be reviewed by the Provost. The employee may be required to refund all compensation received from the University during the sabbatical.

- H. Forms and instructions for applying for sabbatical leave may be obtained from the deans' or directors' offices. Applications reviewed and acted upon by the appropriate department head and dean/vice president or director prior to filing in the Provost's office.
- I. If a candidate withdraws his/her application after it has been approved, every effort will be made in department planning to approve the sabbatical for the following year. However, such approval cannot be guaranteed, and the period of the delay does not count toward the next sabbatical.
- J. No later than the end of the second semester following a sabbatical leave, a final two-part report must be filed with the appropriate dean/vice president or director for transmittal to the Provost and the President.
- K. Following a sabbatical leave, six years of further service are required before an employee becomes eligible for another such leave. Leaves of absence without pay totaling no more than one year may be counted toward a sabbatical leave.

(See [Chapter 10](#), Benefits, for policies on participation in health and other programs during a sabbatical leave.)

8.03.03 Externally Supported Research Assignment

- A. An externally supported scholarly and/or creative activity may be granted within the discretion of the administration to enable appointed personnel to accept prestigious external fellowships or awards for research or creative activity that do not provide the recipient's normal full salary during the period of the award. An externally supported research assignment permits the recipient to retain the portion of his or her University salary necessary to receive the full salary that would otherwise have been received during the period of the award. The individual's primary responsibilities during the period of an externally supported research assignment will be those research or creative activities described in the fellowship or award application. This assignment may be carried out while the individual is not in residence at the University.
- B. For the purposes of this policy a "prestigious external fellowship or award" is one that is included on a list of such awards to be developed and maintained by each college. A faculty member who receives a prestigious award not included on the list may petition a designated college committee (i.e., Committee on Faculty Status, Promotion and Tenure Committee, Sabbatical Committee, etc.) to add that award to the list. Strong petitions would have the support of the individual's department head.
- C. Externally supported research assignments will be granted only under the following conditions: (1) the assignment is in the best interests of the University; (2) the individual receives a prestigious fellowship or award from an external agency to support research or creative activity for which the University will provide a matching value up to a maximum of 50% of the faculty member's salary for the period of the leave; (3) the individual returns to the University following the leave for a period of further service equal to the length of the leave; (4) funds are available within the college to support both the University portion of the individual's salary and to cover instructional duties comparable to those the individual would have been assigned; and (5) the leave is approved by the department head, dean and Provost.
- D. The timing of sabbatical leaves and retention, tenure, continuing status, and promotion reviews is not affected by externally supported research assignments.

8.04 UNPAID LEAVES

8.04.01 Leaves of Absence - General

Rev. 9/2005

Employees requesting a leave of absence without pay must submit a letter to their department heads indicating the reason for the leave and the leave schedule. Department heads are to forward their recommendations through the appropriate dean and vice president to the Provost for written approval. The Provost's decision is based on the merit of a request and on certification by the department head and dean involved that the employee's absence will not jeopardize normal operations.

In general, leaves are granted for a maximum period of one year. However, a leave may be renewed, at the discretion of the Provost, if a renewal request is filed 30 days prior to the expiration of the leave. During an approved leave of absence without pay, employees may continue health benefits by paying both the employee and employer premiums for any such benefits, for up to one year for medical-related leaves and up to six months for nonmedical-related leaves. Continuation of coverage after these periods is available through the Consolidated Omnibus Budget Reconciliation Act (COBRA).

Templates for leave requests are available online as follows.

- Employee Request to Department Head
http://www.hr.arizona.edu/07_sep/LOA/LOA_eeRequest.php
- Department Head Request to the Provost
http://www.hr.arizona.edu/07_sep/LOA/LOA_Prov_Approv.php

8.04.02 Medical Leave

- A. Eligible employees are regular employees who have satisfactorily completed six months of continuous service, who are employed not less than 20 hours per week, and who have exhausted their accrued sick leave.
- B. Medical leave without pay may be granted for a period not to exceed six months to female employees during their pregnancy and recuperation. Such employees may return to their former positions, or to comparable ones, without loss of seniority or rate of compensation.
- C. Medical leave is not required at any point in a term of pregnancy if the employee satisfactorily performs her duties and responsibilities.
- D. If a department head has reason to question the physical capacity of an employee, the department head may require a physician's statement certifying that the employee is physically able to perform his or her regular duties.

8.04.03 Military Leave

Rev. 2/2003

- A. Appointed personnel employed by The University of Arizona may be granted leaves of absence for military service in accordance with applicable Arizona and federal law.
- B. Employees who enter into active duty for extended periods with any component of the U.S. Armed Forces will be placed on extended military leave without pay with such consequences as current law may provide.

- C. Employees who are members of military reserve units or the Arizona National Guard are entitled to receive their regular compensation during a period of active duty or active duty training not to exceed 30 working days in any two calendar years.

8.04.04 Political or Other Employment Leave

- A. An employee who wishes to campaign for political office or who is elected to public office or who undertakes other significant non-University duty should request full or partial leave.
- B. The extent of such leave will be determined by the President.

8.04.05 Education Leave

- A. Employees with continuing status may be granted leave without pay for a period of up to one year in order to obtain additional education and training. They may subsequently request an extension for up to a full second year.
- B. Leave without pay for educational purposes must be authorized by the Provost. Such leave will be authorized only when in the best interest of the University.
- C. Evidence must be provided that any educational or training course included in the proposed leave project has been or can be arranged.
- D. Part-time paid employment, scholarships, or fellowships may be accepted during such leave, provided they are compatible with the leave project and are approved in advance. Should an opportunity for such supplemental compensation develop after the leave has been approved or begun, the University's approval must be sought at the earliest opportunity.
- E. Applications for leave without pay must be filed at least six months in advance of the proposed starting date. Applications may be withdrawn without prejudice to later application, provided reasonable notice is given. Application for extension must be made at least 30 days in advance of the expiration of the initial leave.
- F. An employee may terminate a leave without pay in mid-term and resume paid employment only with the Provost's agreement.
- G. No later than two months following the end of a leave without pay, the employee shall file a concise report with the dean or director, for transmittal to the appropriate vice president and/or the Provost. The report is to indicate clearly whether or not the intended objectives were obtained.
- H. During an employee's leave without pay, the employee may continue his or her health benefits for six months by paying both the employer and employee cost of any such benefits. Continuation of coverage after six months is available through the Consolidated Omnibus Budget Reconciliation Act (COBRA). (See [Chapter 10](#), Benefits.)
- I. The period of a leave without pay will not count toward an employee's retirement benefits.

8.04.06 Federal Family and Medical Leave Act of 1993

Rev. 5/1998; 9/2002; 7/2005

A. General

It is the intention of the University to support to the greatest extent possible, and in a manner consistent with the effective and efficient operations of the University, employees who have special needs for reasons of pregnancy, childbirth, infant care, adoption, foster care, family care for the employee's spouse, child or parent with a serious health condition. While compliance with the Family and Medical Leave Policy is assumed and required, deans, directors, department heads, and other supervisors are encouraged to find flexible and creative approaches to balancing the needs of work units and of employees within said units when reviewing leave requests that fall outside the requirements of this policy.

The University of Arizona is committed to providing Family and Medical Leave (FML) to eligible employees in accordance with the Federal Family and Medical Leave Act (FMLA) of 1993 (Final Rule issued April 1995). Eligible employees are entitled to a total of up to 12 work weeks of Family and Medical Leave during a 12 month "leave year." For any FML absence, an eligible employee is required to use accrued sick leave and shall be permitted to use accrued vacation, after sick leave is exhausted, if the employee so elects.

FMLA prohibits any University employee or supervisor/administrator to: a) Interfere with, restrain, or deny the exercise of any right provided under the FMLA; and b) Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

B. Eligibility

All University employees who meet the following eligibility requirements shall be provided FML. Eligible employees are those who:

1. have at least 12 months of cumulative service and have worked at least 1,250 hours at the University during the 12 month period preceding the date their FML is to begin; and
2. have a qualifying reason for taking FML (see "Qualifying Reasons" below); and
3. have a remaining balance of FML (see "Determining Remaining Balance" below).

C. Qualifying Reasons

An eligible employee may take FML for one or more of the following qualifying reasons:

- the birth of the employee's child and the care of such newborn child;
- the placement of a child with the employee for adoption or foster care;
- the care of the employee's spouse, child or parent who has a serious health condition;
- the employee's own serious health condition that prevents him/her from performing the essential functions of his/her position.

D. Serious Health Condition

A "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves one of the following:

1. *Hospital Care*: Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.
2. *Absence Plus Treatment*: A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves: a) treatment two or more times by a health care provider; or b) treatment by a health care provider on at least one occasion which

results in a regimen of continuing treatment under the supervision of the health care provider.

3. *Pregnancy*: Any period of incapacity due to pregnancy, or for prenatal care.
4. *Chronic Conditions Requiring Treatments*: A condition which requires periodic visits for treatment by a health care provider; continues over an extended period of time (including recurring episodes of a single underlying condition); and may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).
5. *Permanent/Long-term Conditions Requiring Supervision*: A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.
6. *Multiple Treatments (Non-Chronic Conditions)*: Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

Unless complications arise, colds and flus are not typically serious health conditions.

E. Determining Remaining Balance of Family and Medical Leave

An eligible employee may take up to 12 work weeks of Family and Medical Leave during a "leave year." The "leave year" is defined as a period of 12 months measured backward from the date the proposed leave is to begin. For example, if the employee's proposed leave begins October 15, the 12 month leave year begins October 16 of the prior year. If the employee used any FML time during the leave year period, the 12 week maximum is reduced by that amount. Future requests for FML move the date for calculating the 12 month "leave year" up to the date the subsequent leave is proposed to begin. A "leave year" always starts 12 months prior to the date the current leave request begins.

F. Requests for Leave

Requests for Family and Medical Leave must be made to the immediate supervisor or responsible administrator, providing as much notice as practicable in cases of medical emergency or other unforeseen events. When the leave is foreseeable such as for planned medical treatment or birth of a child, the request is to be submitted in writing at least 30 calendar days in advance. (Appointed personnel with teaching responsibilities are encouraged to make their request as far in advance before the start of the semester as possible.) The request must include enough information for the supervisor/administrator to conclude a *FML qualifying reason* exists and a proposed *schedule of leave dates*, including when accrued paid leave will be used and when unpaid leave will be used. For each request, a Family and Medical Leave Request form must be completed. For requests due to serious health conditions, the employee may be required to provide certification (see Certification Requirements below).

The proposed schedule of leave for serious health conditions may be **continuous, intermittent (periodic) or a reduced work schedule** of partial days or weeks whereby only the absence may be covered by FML. FML for adoption, foster care, birth and the care of such newborn child must be completed within 12 months of the birth, adoption, or foster care placement and must be taken in continuous work weeks unless the employee and the supervisor/administrator of his/her unit mutually agree to a different schedule. When a husband and wife are both employed by the University and are eligible for Family and Medical Leave, the total number of work weeks of leave for birth, adoption and foster care placement to which both are entitled is limited to 12 work weeks.

Upon receipt of an employee's leave request, the supervisor or responsible administrator shall promptly (within two business days absent extenuating circumstances) determine the employee's eligibility for Family and Medical Leave and notify the employee whether the leave will be considered as FML. In absence of an employee expressly requesting "Family and Medical Leave", the supervisor/administrator has the *right to designate* any eligible employee's FML qualifying absences as part of an employee's 12 work week entitlement of FML. This designation shall only occur within two business days following the receipt of sufficient information demonstrating that the leave requested is for a reason that qualifies under this Family and Medical Leave policy. Notification to the employee of FML request approval or designation may be verbal and must be followed up in writing. An Employer Response to Employee Regarding Family and Medical Leave form is available for this notification.

The department shall keep an accurate record of FML taken, including when accrued paid leave and unpaid leave is used. In addition, the department shall record FML absences in accordance with FRS procedures. While the use of accrued compensatory time may be approved, it may not be counted as part of an employee's 12 work weeks of FML.

G. Certification Requirements

For requests due to the serious health condition of the employee's spouse, parent or child or the employee's own serious health condition, written certification from a health care provider must be supplied by the employee as soon as possible but no later than 15 calendar days following a request for certification by the supervisor/administrator. A *Family & Medical Leave Certification of Health Care Provider* form may be used. The certification must include enough information for the supervisor/administrator to confirm a serious health condition exists, the probable duration of the condition, and the specific period(s) of incapacity. In the case of an employee's need to care for a child, spouse or parent with a serious health condition, the certification must also include a description of the care and an estimate of the time that such employee needs to care for the family member.

An employee may be required to submit subsequent certifications no more frequently than every 30 calendar days unless an extension or modification of leave is requested, changed circumstances occur regarding the serious health condition or information arises that questions the validity of the earlier certification.

In cases of the employee's own serious health condition, the employee may be required, on or before the date he/she returns to work, to provide a certification from a health care provider confirming the employee is able to return to work and perform the essential functions of his/her position.

H. Return from Family and Medical Leave

When an employee returns to work on or before the expiration of the FML, the employee's department shall reinstate the employee to his/her position or to a comparable position at a pay rate not less than the former rate. If, however, a classified staff employee on FML is identified for layoff to be effective prior to the expiration of leave, the employee would not be entitled to reinstatement.

Employees who require additional leave from work beyond the established 12 work weeks provided within this policy may request the use of any remaining accrued paid leave (e.g., sick leave) or unpaid leave, subject to the approval by the responsible administrator. Unpaid leaves are addressed in [UHAP 8.04](#) for appointed personnel and policies [209.0](#) and [212.0](#) of the Staff Personnel Policy Manual for classified staff.

An employee on FML will be considered to have voluntarily terminated employment if he/she:

1. Advises the University of his/her intention not to return to work, or
2. Fails to return to work upon the expiration of FML, except in instances where the employee has requested and been granted the use of any remaining accrued paid leave or unpaid leave.

An employee on FML who voluntarily terminates employment as described in (a) and (b) above for reasons other than the continuation, recurrence or onset of the employee's own or covered family members' serious health condition will be required to return to the University the full health and dental insurance premiums paid by the University on behalf of the employee during the period of unpaid Family and Medical Leave.

I. Effect on Benefits

Continuation of Group Health Insurance: The University will continue to pay the employer's portion of the group health and dental insurance premiums for the duration of the FML. During the weeks of unpaid leave, the employee will be required to pay his/her portion of the premium by the first of the month each month the premiums would otherwise have been deducted or paid. If the employee's portion of premium payment is more than 30 days overdue, the University will cease to maintain the employee's health and dental benefits.

Continuation of Other Insurances: Participation in automobile insurance, life insurance, and short-term disability insurance during the weeks of unpaid leave may be maintained and coverage continued if the employee pays the required premiums by the first of each month. If the employee elects to continue coverage, he/she must pay the entire cost of the insurance. Arrangements must be made with the Leave Management Unit of Human Resources prior to the beginning of the leave. Failure to make such arrangement prior to the beginning of the leave could result in termination of the employee's benefits.

Retirement: No refund of retirement contribution may be made upon the commencement of the leave, since the return of the employee is anticipated.

Continuous Service: Continuous University service shall accrue during the period of FML.

8.04.07 Victim's Leave 2/2003

A. General and Definitions

The University of Arizona is committed to providing victim's leave to eligible employees in accordance with the Arizona State Victim's Leave Law ARS § 13-4439; § 8-420. This law authorizes an employee who is a victim of a crime to leave work to exercise the right to be present at legal proceedings related to the crime.

As defined in ARS § 13-4401, a "victim" is 1) a person against whom the criminal offense has been committed, or 2) if the person is killed or incapacitated, the person's immediate family (victim's spouse, parent, child, sibling, grandparent or lawful guardian) or other lawful representative (person who is designated by the victim or appointed by the court and who acts in the best interests of the victim), except if the person is in custody for an offense or is the accused.

B. Using Vacation Leave and Unpaid Leave of Absence

When using Victim's Leave, the eligible employee may use accrued vacation leave or excused unpaid leave. While there is no maximum leave time allocated for Victim's Leave, the University reserves the right to limit the leave provided under the law if the leave creates an undue hardship to the University's business.

C. Eligibility

Any University employee is eligible for leave under this policy, except that the employee is not eligible if a family member is the victim and the employee is in custody for the offense or accused of the crime.

D. Request for Leave

Request for Victim's Leave must be made to the employee's immediate supervisor or responsible administrator, providing as much notice as practical. In making this request, the employee shall provide

- a copy of the form provided to the employee by the law enforcement agency, and
- a copy of the notice of each scheduled proceeding that is provided to the victim by the responsible agency.

8.05 TEMPORARY ALTERNATIVE DUTY ASSIGNMENT

8.05.01 General

Rev. 9/2002

It is the University's intent to provide family-friendly policies and practices aimed at supporting employees to balance work and family life. Deans, directors, department heads, and other supervisors shall make every reasonable effort to accommodate the needs of employees, to the greatest possible extent, and in a manner consistent with the effective and efficient operation of the University.

Under this policy, eligible employees may request a period of up to 16 weeks during which the employee may receive a temporary assignment of alternative duties that will make it more feasible for the employee to remain on active employment at the University while affected by the following circumstances:

- the birth of the employee's child and to care for such newborn child;

- a child's placement with the employee for adoption or foster care; or
- the need to provide temporary care to the employee's spouse/domestic partner, child or parent who has a serious health condition.

During the period of temporary assignment of alternative duties, the full-time equivalency (FTE) will remain unchanged and the employee will be compensated at the same rate of pay for all hours worked. If the employee elects to temporarily reduce the number of hours worked in addition to the assignment of alternative duties, the employee shall use paid or unpaid leave (including any remaining Family and Medical Leave) for the absence portion. A supervisor may not impose this policy as a substitute for an employee's request for Family and Medical Leave due to a qualifying reason or when medical conditions restrict an employee's ability to work.

8.05.02 Eligibility

All appointed personnel and non-probationary regular classified staff employees who are regularly scheduled for at least 20 hours per week (.50 FTE) and are expected to be active for more than 6 months are eligible.

8.05.03 Procedure

Rev. 9/2002

The employee may apply for a temporary alternative duty assignment to his or her immediate supervisor, such as a department head, director, or unit administrator ("supervisor"). The application must include a statement signed by the employee attesting that the employee will be responsible for at least 50 percent of the care of the newborn, adopted, or foster child. The employee's request shall include the dates of the proposed period of alternative duty assignment, the proposed alternative duties, and any other arrangements that would be necessary in order to consider and implement the request. The employee shall request the period of reassigned duties as far in advance as possible, so that the unit will be able to accommodate the ensuing shift in responsibilities.

It is expected that the temporary alternative duties will be ones normally included in the employee's job description; however, the range of actual duties will be altered. Examples of temporary alternative duties may include: alternative work schedule, substitution of duties within the classification, project-specific work, and/or transportable work.

Approval of the temporary alternative duty assignment request is subject to the discretion of the supervisor in consultation with the unit administrator (dean, director, or department head). The supervisor shall consider the feasibility of the request within the circumstances of the affected work unit and whether it is in the best interests of the University. Such factors as availability and demands, potential for flexible scheduling in the particular position, and effect of the request on the unit's budget should be considered. The proposed dates of the temporary alternative duty assignment and details of the alternative duties must be approved by the supervisor.

The department shall maintain a copy of the employee's written request and the supervisor's response.



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