



TO: University Council

FROM: Lori Erickson, Assistant Vice President for Human Resources
Kay Lennon-McGrew, Assistant University Counsel and Policy Counsel

DATE: June 3, 2021

RE: Leave Policies

I. Introduction.

The Office of Human Resources is in the process of reviewing all TBR policies related to HR and creating institutional policies. The first policies under review are the leave policies. To be efficient, the leave policies were divided into three groups. Group 1 of the leave policies includes:

- American Red Cross Disaster Leave
- Bereavement Leave
- Civil Leave
- Volunteer Firefighter Service Leave
- Voting Leave

These policies were posted for public comment from May 12, 2021 to May 26, 2021. The five policies for review by University Council are attached to this memorandum.

II. Public Comment Period.

Below is a summary of the substantive comments and/or questions received during the public comment period, as well as the applicable response from the policy originator. Technical, grammar, and organization comments were considered by the policy originator and incorporated as deemed appropriate.

*Please note: If two asterisks (**) appear before a comment/question, several individuals raised the comment/question. The repetition of the same or similar question(s) was not included in this memo.*

- **American Red Cross Disaster Leave:**

Questions from Susan Epps:

What is the process for registering with HR? Does the employee need to provide specific paperwork or documentation?

Policy Originator's Response: The previous TBR policy did not require a registration process. We have revised the policy to include a written email notification. The employee does not need to provide a specific type of documentation. As currently stated in the policy, the supervisor may request verification of service, but there is no specific documentation that must be submitted.

Upon written request by the American Red Cross... request for disaster relief service? (I would assume so, but seems like that should be specific what the ARC is requesting).

Policy Originator's Response: Requests are not limited to disaster relief service. Any request from the American Red Cross may be considered. For example, we received requests for nurses to assist with vaccination efforts during the pandemic.

Both the purpose and the policy use "may be approved" - does that mean it may NOT be approved? Is there an appeal process if it's not approved? If this is a leave option, do we need to state why such a request might be denied?

Policy Originator's Response: Correct, it may be approved. It is not guaranteed that it will be approved. There are many unforeseen circumstances that may cause an undue burden on the institution if the leave was granted. It would be difficult to generate an exhaustive list of all the potential reasons to include in the policy. There is no appeal process for denial of leave.

- **Bereavement Leave:**

****Question from Mary Musick:** Are the two additional 'sick leave' days considered as bereavement paid leave along with the other three approved days of paid bereavement leave, or does this mean an employee can take up to five days of paid bereavement leave with 3 days being paid as bereavement leave and the 2 sick days paid by the employee's accrued time if already earned?

Policy Originator's Response: The policy permits three days of paid bereavement leave. These three days would be coded as bereavement leave. If the employee has previously accrued sick leave, they may also take two sick days. The employee is always free to request and use any accrued annual leave independent of the aforementioned five days. This policy did not change the leave previously granted when ETSU was under TBR.

Comment from Wendy Guinn: I am an only child, and three days were not enough to complete all of the final arrangements for my mother that never married. I had no time to even deal with the loss. I spent all three days just getting affairs and details worked out.

Policy Originator's Response: We are very sorry for your loss. You are also permitted to request annual leave to help you through this difficult time. If you or your supervisor have questions about the five days or using annual leave, please contact HR, and we will help coordinate and/or answer any questions you have.

****Comment from Veronica Roberson:** Being from Arizona and not having a lot of my family living here 3 days would not give enough time to make arrangements for family members or give said employee the time to deal with the loss. This causing a lot of emotional strain and depression on the employee. This kind of leave policy needs to be less structured and more accommodating to those who have lost a love one.

Policy Originator's Response: The three days of bereavement leave is granted by state law (please see [TCA 8-5-113](#)). The statute grants three additional days of paid leave above previously accrued leave. An employee is permitted to request and use their annual as well.

- **Civil Leave:**

Questions from Leslie Little: How are employees to code this leave on the timesheet? Are employees required to supply jury summons to the supervisor within a reasonable time frame before day of service?

Policy Originator's Response: The TRS system has a specific code for civil service duty (code "J"). It is built into the system and the employee simply selects the J and enters the time. The policy does not require documentation to be submitted in a specific period of time. It is in the discretion of the direct supervisor.

- Volunteer Firefighter Service Leave

Comments from Susan Epps: "Within twelve (12) hours after the conclusion of a fire call or emergency that lasted four (4) or more hours, the Regular Employee may be permitted to take annual leave or sick leave without loss of pay." This is confusing - do they have to request the leave within 12 hours? Does the supervisor have to approve it within 12 hours?

Policy Originator's Response: This statement is does not relate to the acts of requesting leave or approving leave. The statement defines the triggering event of when an employee is permitted to take leave.

Questions from Leslie Little: How is this leave coded? Do we require prior notification that an employee is a volunteer firefighter so we are aware that these situations can happen?

Policy Originator's Response: The policy permits the employee to code it as sick leave, annual leave, or unpaid leave. We did not add the prior notification requirement when creating the policy because it was not required under the TBR policy or state law.

- **Voting Leave:**

Comments from Susan Epps: Regular employees may receive 'reasonable leave' to vote but then the last sentence says the leave will not exceed three hours. If there is a limit, shouldn't that just be stated instead of the less specific 'reasonable'?

Policy Originator's Response: We reviewed your requested revision. Each employee's situation is different. Some employees may need to take an hour to vote. Some employees may need to take 3 hours. Reasonable will depend on each employee's situation and should be left to the direct supervisor to approve. We are comfortable with the language as drafted.

III. Legal Review of the Proposed Policy

The applicable legal authority for each policy is as follows:

American Red Cross Disaster Leave	TCA 8-5-810
Bereavement Leave	TCA 8-50-113
Civil Leave	TCA 22-4-106
Volunteer Firefighter Service Leave	TCA 50-1-309
Voting Leave	TCA 2-9-103, 2-1-106

