



Leave Policy-Sick Leave

Responsible Official: Chief Operating Officer

Responsible Office: Human Resources

Policy Purpose

This policy specifies a Regular Employee's eligibility to earn, accrue, and use sick leave.

Policy Statement

From the date of employment and after one month of Actual Service, a Regular Employee may earn and accrue sick leave as detailed in this policy. No other classification of employee is eligible for sick leave. Sick leave cannot be taken until earned. Sick leave shall not be advanced. Sick leave and Family and Medical Leave Act Leave (FMLA) shall run concurrently. During an unpaid leave of absence, a Regular Employee does not earn or accrue sick leave (*See Family, Medical, and Service Member Leave policy*).

If an employee abuses the use of sick leave, the university may withhold payment of sick leave and may impose disciplinary action.

I. Use of Sick Leave.

A. Sickness, Injury, or Parental Leave.

A Regular Employee may use sick leave for an absence due to sickness or injury, including illness or incapacity to work due to pregnancy, medical examinations, and medical and dental appointments. In addition, sick leave may be used for parental leave. Sick leave may be used, if approved by the employee's direct supervisor, for an absence related to sickness or injury, including illness or incapacitation, or to a medical appointment for an Immediate Family.

Sick leave may not be used by Academic Year Faculty for absences due to illness or injury during a summer session, unless the faculty member has been physically present and commenced employment for the term in question.

B. Sick Leave in conjunction with Bereavement Leave.

If bereavement leave is granted, the Regular Employee may also use two (2) days of sick leave in addition to bereavement leave (prorated based on the employee's employment status) if approved by the employee's direct supervisor. Bereavement level is governed by the Leave Policy-Bereavement.

II. Rate of Accrual of Sick Leave for Academic Personnel.

A. Fiscal Year Faculty.

Fiscal Year Faculty will accrue sick leave at the rate of one day per month for each month of Actual Service, not to exceed twelve (12) days of sick leave per year. Fiscal Year Faculty who are employed part-time will accrue sick leave in accordance with percentage of effort.

B. Academic Year Faculty.

1. Accrual During Academic Year.

Academic Year Faculty will accrue up to sixty-seven point five (67.5) hours of sick leave during academic year employment. Academic Year Faculty who are employed part-time will accrue sick leave in accordance with percentage of effort.

2. During Summer Terms.

Academic Year Faculty will accrue up to twenty-two point five hours (22.5) hours of sick leave for full-time employment throughout summer sessions. Academic Year Faculty with contracts to teach during a summer term will earn sick leave in an amount prorated based on the faculty member's summer teaching load. For example, a full-time teaching load is twelve (12) credits; if an Academic Year Faculty member is assigned to teach three credit hours during a summer term, the faculty member will earn twenty-five percent (25%) of the usual sick leave.

C. Adjunct Faculty.

Adjunct Faculty do not earn or accrue sick leave.

III. Rate of Accrual of Sick Leave for Non-Academic Personnel.

A. Regular Employees.

Regular Employees will accrue sick leave at a rate of one day per month for each month of Actual Service, not to exceed twelve (12) days of sick leave per year. Regular Employees who

are employed part-time will accrue sick leave in accordance with percentage of effort.

B. MODFY Employees.

Modified Fiscal Year Employees (MODFY) who are employed during the period which would normally be the non-duty period of their appointment shall accrue sick leave at the rate of one day per month for each month of full-time employment. MODFY employees who are employed part-time will accrue sick leave in accordance with percentage of effort.

III. Physician's Statement or Other Certification.

An employee may be required to present evidence in support of the reason for sick leave upon request of the direct supervisor. The direct supervisor must consult with the Office of Human Resources prior to requesting supporting documentation from an employee. Sick leave shall not be denied where an employee furnishes appropriate evidence.

IV. Return to Work.

An employee may be required to present a written release to return to work, including any restrictions that may apply, from a licensed physician or other accredited practitioner prior to returning to work. An employee will be allowed to return to work if the release certifies that the individual is able to perform the essential functions of the position with or without a reasonable accommodation.

V. Prior Service.

If in the twelve consecutive months prior to the commencement of employment as a Regular Employee the employee was employed on a temporary basis at ETSU, the employee may be credited with sick leave based on the pro-rated number of hours worked during temporary employment.

VI. Exhaustion of Sick Leave.

When an Eligible Employee exhausts sick leave, the university will draw from the employee's accumulated annual leave. However, in a workers' compensation case, an employee may choose to be placed on leave of absence without pay and retain sick and/or annual leave. When sick and annual leave have been exhausted, an Eligible Employee may submit a written request for an unpaid leave of absence due to a continuing sickness or injury. The direct supervisor and the Office of Human Resources must approve the request. The direct supervisor or Office of Human Resources may request additional documentation regarding the sickness or injury.

VII. Separation of Employees with Accrued Sick Leave.

Upon separation from the university, an Eligible Employee cannot use accumulated sick leave to remain in an active pay status. Pursuant to state law, an Eligible Employee shall not be entitled to any lump sum payment for accumulated sick leave. If the employee is transferring to another State

agency, the employee's accumulated sick leave shall be transferred in accordance ETSU's Leave Transfer Policy (*See the policy on Voluntary Separation for information on sick leave use related to retirement*).

VIII. Death of Employee with Accrued Sick Leave.

Upon the death of an eligible Employee who has unused and accrued sick leave, the estate or designated beneficiary shall be paid the balance of sick leave.

Authority: T.C.A. § 49-8-203

Previous Policy: N/A

Defined Terms

A defined term has a special meaning within the context of this policy.

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| Academic Year Faculty | Faculty members (exempt employees) who hold academic rank, and who are directly engaged in instruction, research, or public service and who are employed to teach for a period of less than 12 months during a fiscal year. |
| Active Pay Status | The conditions under which an employee is eligible to receive pay. |
| Actual Service | Completion of the employee's employment responsibilities. |
| Eligible Employee | An employee who is eligible to accrue sick leave under the provisions of this policy. |
| Fiscal Year Faculty | Faculty members (exempt employees) who hold academic rank, and who are directly engaged in instruction, research, or public service and who are hired on a twelve-month (fiscal year) basis. |
| Immediate Family | Immediate family includes (1) spouse, (2) child or step-child, or (3) other persons living in the household. |
| Modified Fiscal Year Employees (MODFY) | MODFY (modified fiscal year) employees are regular full- and part-time personnel whose contractual service period is at least nine months, but less than twelve months. MODFY employees are paid on a twelve-month schedule. |

Regular Employees

Regular employees are personnel whose salary and benefits are budgeted on a recurring basis whether through grant or state funds, who are employed on a continuing basis, and who are eligible for full benefits (pro-rated based on percentage of effort). The Employee Classification policy provides information on types of regular employees.

The end of employment with ETSU through retirement, resignation, or termination.

Separation

Policy History

Effective Date:
Revision Date:
Previous Policy: PPP-24

Procedures

N/A

Procedure History

Effective Date:
Revision Date:

Related Form(s)

N/A

Scope and Applicability

Primary: Human Resources