
OFFICE OF THE CHANCELLOR
UNIVERSITY OF NEW ORLEANS

Administrative Policy & Procedure (AP) 4.1

Effective Date: October 1, 2007

This document supersedes AP 4.1 dated May 1, 2002

SUBJECT: ATTENDANCE – LEAVE RECORDS

PURPOSE

To provide guidelines and to prescribe authority and responsibility for the granting of leave and the maintenance of leave records in the UNO Time & Leave System in accordance with University and Civil Service regulations.

DEFINITIONS

Vacation Leave is leave with pay granted to an eligible employee for the purpose of rehabilitation, restoration, maintenance of work efficiency, or for the transaction of any personal affairs.

Sick Leave is leave with pay granted to an eligible employee who is unable to perform his or her job duties as a result of accident, illness, or childbirth, or who requires medical, dental, or optical consultation or treatment.

Civil Leave is leave with pay, without charge to vacation leave or sick leave, granted to an eligible employee to perform jury duty or to appear as a subpoenaed witness before a court, public body, or commission or to perform civil duties in connection with national defense or other civil emergencies, or to vote.

Compensatory Leave is leave granted to classified employees in lieu of cash compensation for overtime work. However, it is University policy to pay for overtime hours worked when funds are available.

Family and Medical Leave Act allows eligible employees to take up to twelve work weeks of unpaid leave for qualifying events.

Holiday Leave is leave with pay as specified in PM-5.

Leave Without Pay is unpaid leave granted or charged to employees under certain conditions.

Other Leave may be granted with pay and without charge to vacation or sick leave under certain conditions.

Eligible Employees are those regular employees employed at greater than 50% of full-time effort.

Full-time University Faculty, Nonclassified, and Charter School Employees are those defined as serving in full-time (100%) status on the appointment form. For the purposes of leave accrual and use, 100% status is deemed to be 8 hours pay day and 40 hours per week.

Full-time Classified Employees have a standard workweek of 40 hours.

Regular Employee is an employee whose appointment is for a period of more than 180 calendar days or who has been employed for more than 180 consecutive calendar days by successive uninterrupted appointment.

Temporary Employee is an employee who is appointed for 180 calendar days or less. This category includes classified employees on Restricted Appointments, employees hired on an Intermittent basis and employees hired on a Period of Appointment. Temporary employees are not eligible to earn leave.

Overtime Hours are those hours worked by a classified employee at the discretion of the department head in excess of forty (40) hours a week; or hours worked in excess of the regular duty hours in a regularly scheduled workday; or hours worked on an official university holiday.

GENERAL POLICY

The employee and the University have a substantial monetary interest in the accurate implementation of the leave provisions of the University of New Orleans, the LSU System, and the Louisiana Civil Service System. Violation of leave privileges and/or inaccurate maintenance of attendance-leave records could result in payroll errors, loss of funds to the employee, and substantial penalties to the University. The Office of Human Resource Management will conduct periodic training sessions and render whatever assistance is necessary in the maintenance of attendance-leave records.

Employees are expected to be present and on the job at their appointed time unless properly authorized permission has been granted for leave. It is the responsibility of the department head or his/her designee to review and approve or deny all leave requests in accordance with University policy. Advance of vacation leave or sick leave cannot be granted. Employees who have exhausted their vacation and/or sick leave may request with an Application for Leave that they be placed on leave without pay. The Department Head must ensure that the designated departmental timekeeper maintains accurate leave records on all departmental employees and properly reports information on leave accrued, leave taken, and leave denied. No employee shall approve or maintain records for his/her own leave. The Standard Form 6 (SF-6) "Application for Leave" must be used to request all leave. Any employee who does not comply with the University leave and attendance policies and procedures may be subject to disciplinary action.

AUTHORITY

1. The authority for the issuance of this AP is derived from Article VII, Section 4 of the Bylaws and Regulations of the Board of Supervisors of the LSU System.
2. The issuance of this AP is also derived from Chapter III, Section 3-3 of the Bylaws and Regulations of the Board of Supervisors of the LSU System and the Louisiana State Department of Civil Service.
3. This document is in accordance with PM-20, and is in full compliance with all LSU System regulations regarding leave records.
4. This document is issued in accordance with federal regulations covering the Family and Medical Leave Act of 1993.
5. This document supersedes AD 4.1 dated May 1, 2002, which is hereby rescinded.

TYPES OF LEAVE AND EMPLOYEE ELIGIBILITY

VACATION LEAVE

General Procedures

1. Vacation leave is earned on a proportionate basis by regular employees employed at a greater than 50% of full-time. Employees serving under academic, temporary, restricted or intermittent appointments do not earn vacation leave.
2. Written application for vacation leave should be made in advance on an Application for Leave form and approved by the department head or designee before the leave is taken. If vacation leave is approved verbally in an emergency situation, the Application for Leave must be completed immediately upon the employee's return to work.
3. Any employee not reporting to work when a request for leave has been denied will be considered on unauthorized leave without pay and will be subject to disciplinary action.

Use of Vacation Leave when Earning Additional Compensation

Fiscal employees who are paid additional compensation for performing additional duties for the University must either perform the extra work outside of regular duty hours or must take vacation leave to perform the extra work. The use of leave or certification of work outside of regular duty hours must be recorded on the personnel action form documenting the additional compensation.

SICK LEAVE

General Procedures

1. Sick leave is earned on a proportionate basis by regular employees employed at greater than 50% of full-time. Employees serving under temporary, restricted or intermittent appointments do not earn sick leave.
2. All employees are required to complete an Application for Leave form whenever sick leave is used. For situations such as doctor appointments or hospital stays, sick leave should be requested in advance. In situations when prior notification was not possible, employees shall complete an Application for Leave immediately upon returning to work. Failure to submit information on a timely basis may result in the time away from work being considered leave without pay.
3. To request sick leave, an employee must follow the sick leave call-in procedures set by his/her department. Should the employee fail to call in or notify the supervisor in accordance with departmental procedures, all hours absent will be charged as unauthorized leave without pay, unless it is shown that it was medically impossible or impractical to follow the established procedures.
4. Unjustified absence may be cause for leave sanctions and/or disciplinary action.

5. A written certification from a registered physician or other acceptable proof of disability is required for sick leave of ten (10) or more consecutive workdays (or less, if deemed appropriate by the department head). An employee may be required to furnish proof of illness if abuse of sick leave is indicated. Sick leave may not be used for child-rearing.

FAMILY AND MEDICAL LEAVE (FMLA) -all categories of employees

Eligibility Requirements

Eligible employees are entitled to up to twelve (12) work weeks of unpaid leave, in any year, for one or more of the following qualifying events:

1. For the birth of a child and/or to care for the child,
2. For placement of a child through adoption or foster care,
3. For the care of the employee's spouse (wife or husband), son, daughter or parent who has a serious health condition,
4. For the employee's own serious health condition which prevents the employee from performing their essential duties.

Length of Service Eligibility

Employees who have worked for a Louisiana state agency for twelve (12) months and who have worked 1,250 hours in the preceding twelve (12) month period from the time the leave is to begin are considered eligible employees for the purposes of Family and Medical Leave.

Definition of "Any Year"

For the purposes of this law and University policy, a year is defined as the twelve month period beginning with the date the employee first uses FMLA designated leave. This shall be referred to as a "first use year".

Notice Requirements

1. Advance Notice Requirement: Employees are required to provide thirty (30) days advance notice, unless the qualifying event is unforeseeable or a medical emergency.
2. Waiver of Advance Notice Requirement: When advance notice is impossible or impractical, employees are required to notify their supervisors or other appropriate departmental authority at the earliest possible time (at least one or two business days from when the need for leave is known). Verbal approval must be granted contingent upon submission of the Request for Family/Medical Leave (FMLA-1) form and verification of the qualifying event.
3. Notice to Human Resource Management: Departments must report all notifications of FMLA to Human Resource Management, ideally, within one to two business days of receipt of the notice.

Physician Certification

Employees invoking Family and Medical Leave are required to have their physician or the physician of record complete the Certification of Physician or Practitioner (FMLA-2) form. This form must be submitted within fifteen (15) calendar days of notice to use leave. In the case of Worker's Compensation, standard physician certification in lieu of the FMLA-2 form is acceptable. Upon being released from care by the physician, and

prior to resuming job duties, the employee must submit a completed Medical Certification of Fitness to Return to Work (FMLA-3) to the Office of Human Resource Management.

Automatic Designation as FMLA

Sick leave absences in excess of five (5) consecutive days will be automatically designated as FMLA leave from the first day of the leave (unless medical certification shows the absence was not a qualifying event under FMLA) and will require a medical certificate as permitted by FMLA.

Intermittent Leave or a Reduced Leave Schedule

Intermittent leave or a reduced leave schedule must be approved in the following circumstances:

1. For birth or placement of a child through adoption or for foster care, with mutual agreement between the department and the employee, or, when medically necessary and certified by the physician on the FMLA-1 form or other acceptable medical documentation.
2. In all other events, when medically necessary and certified by the physician on the FMLA-2 form or other acceptable medical documentation.

Requirement to Take Paid Leave

Employees are required to take Annual or Sick Leave, depending on the nature of the absence. The appropriate type of leave must be exhausted before approval will be granted to use leave without pay for Family and Medical Leave.

Continuation of Health Care Benefits

1. Employees who have their health coverage with the state and who go on leave without pay for Family and Medical Leave and who wish to continue their health care coverage will have the employer portion of the premium paid by the University.
2. In such circumstances, employees are required to submit a Continuation of Insurance Form.

Requirement to Document All FMLA Leave

1. Whether or not the employee requests FMLA leave specifically, if the reason for the leave qualifies as FMLA, it must be approved and documented as FMLA leave.
2. FMLA leave must appear in the "Remarks" Section of Leave Tracking.
3. For recordkeeping purposes, FMLA leave requires that a leave slip be completed and submitted by the employee unless the employee is not available in the work place or it would otherwise be impractical or impossible to obtain such a slip (in these cases, the department head/supervisor must complete the leave slip and attach a copy of the FMLA-1 form to be maintained with the employee's leave record).

Restoration after FMLA

Employees returning from Family and Medical Leave must be restored to their former positions or equivalent positions with equivalent benefits.

Prohibition Against Retaliation

It is unlawful for any employer to interfere with, restrain or deny the exercise of any right provided for under FMLA. Employees may not be retaliated against for invoking the Family and Medical Leave.

Questionable Certifications for Medical Leave

If an employee submits a completed certification signed by a health care provider, the employer may not request additional information from the employee's health care provider, but may, through its health care provider request clarification and authentication of the certification. If the employer doubts the validity of the certification, it may proceed as follows:

1. Second Opinion - With the approval of the department of Human Resource Management, the employee may be required to be examined by a health care provider of the **employer's designation and at the employer's expense**. If the second opinion does not agree with the employee's certification, the employer can require a third opinion.
2. Third Opinion - With the approval of the department of Human Resource Management, the employee may be required to be examined by a health care provider **mutually approved by the employer and the employee at the employer's expense**. The third opinion is **final and binding**.

Submitting False Information

Any employee who submits false information regarding this Act shall be subject to disciplinary action.

Impact of FMLA on Leave Sanctions

No leave (annual or sick) approved under FMLA may be used as a basis for, or in the calculation of leave usage, for imposing leave sanctions.

CIVIL LEAVE AND OTHER LEAVE

In the following circumstances, an employee shall be granted leave with pay without charge to vacation or sick leave:

1. when performing jury duty;
2. when summoned to appear as a witness before a court, grand jury or other public body or mission, provided that for purposes of this rule a plaintiff or defendant shall not be considered a witness, nor shall this apply to an employee summoned as a witness as a result of employment other than State employment;
3. when performing emergency civil duties in connection with national defense or other civil emergencies;
4. when the chancellor determines an employee is prevented by an act of God from performing duties;
5. when participating in a State Civil Service examination on a regular work day, or taking a required examination pertinent to the examinee's State employment before a licensing board (the appointing authority reserves the right to limit the number of occasions within a year);

6. when the Chancellor determines that because of local conditions or celebrations it is impractical for employees to work in a particular locale;
7. when an employee is ordered to report for a pre-induction physical examination incident to possible entry into the military forces of the United States;
8. when an employee is a member of a reserve component of the Armed Forces of the United States or the National Guard and is ordered to active duty training (not to exceed 15 working days in any one calendar year);
9. when voting on election day, employees whose scheduled workday is between 7:30a.m. and 5:00p.m. on an election day, and who are unable to vote prior to or after their workday, may be allowed, with the approval of the Department Head, time off to vote in accordance with the following schedule:
 - A maximum of two days may be granted on any one occasion.
 - Voting Residence Within:
 - 0-30 mile radius of the campus: 2 hours leave
 - 31-60 mile radius of the campus: 4 hours leave
 - 61 or more mile radius of the campus: 1 day leave
 - The Department Head, in accordance with the above schedule, will have the discretion of determining the amount of time and when the time off will be granted during the election day;
10. when attending the funeral or burial rites of a parent, step-parent, child, step-child, brother, step-brother, sister, step-sister, spouse, mother-in-law, father-in-law, grandparent, or grandchild.

HOLIDAY LEAVE

University holidays are provided for vacation only by memorandum from the Office of the President (PM-5) and may differ from the general holiday schedule of the State. Employees shall be eligible for compensation on observed holidays with the following exceptions:

1. there is no holiday pay when the employee's regular work schedule averages less than 20 hours per week or the employee works an intermittent work schedule (does not apply to academic employees);
2. there is no holiday pay when the employee is on restricted or intermittent/transient appointment;
3. there is no holiday pay when the employee is on leave without pay immediately preceding and immediately following the holiday period;
4. eligible part-time employees are compensated for holidays in proportion to their percent-of-effort.

PROCEDURES FOR RECORDING AND MAINTENANCE OF ATTENDANCE-LEAVE RECORDS

Each employee is responsible for completing and submitting an Application for Leave (SF-6) form to the appropriate department head for approval prior to taking leave. In situations where an employee has been absent due to unforeseen illness, the Application for Leave form must be completed immediately upon return to work. All completed Application for Leave forms must be maintained in the department for three years. The Application for Leave forms serve as back-up documentation for entries on the Time & Leave System and, as such, are subject to audit at any time. Application for Leave forms may be obtained from the departmental timekeeper, the Office of Human Resource Management, or the web at www.forms.uno.edu.

1. Classified employees are responsible for certifying the accuracy of their attendance and leave record by signing a biweekly timesheet at the end of each pay period. Supervisors are required to review the classified biweekly timesheets and ensure that they are completed, signed, and accurate. Timekeepers must ensure that the information on the biweekly timesheets is in agreement with the leave recorded on the Time & Leave System. Nonclassified, university faculty, and charter school employees are required to respond to an electronic (e-mailed) Certification Form monthly to certify that all leave taken was reported and that they have worked the required number of hours commensurate with the conditions of their appointment. Supervisors are required to review and ensure that the certifications are completed.
2. Vacation and sick leave balances, along with leave earned and taken, are available on the Employee Self Serve. These balances will reflect the leave earned in the previous pay period for classified employees and for the previous month in the case of nonclassified, university faculty, and charter school employees. The employee should carefully review this information to ensure that all entries have been properly recorded. Any discrepancies should be immediately reported to the timekeeper for correction. At the end of each month, the department head shall ensure that the departmental timekeeper matches the monthly leave transaction entries recorded on the Time & Leave System with the monthly leave report and the Application for Leave forms; transactions on each must be in full agreement.
3. The appropriate supervisor or department head must approve all leave requests. Leave taken must be recorded on the Time & Leave System as soon as possible. The minimum charge to the leave record is one-half (1/2) hour, and all leave is recorded in one-half (1/2) hour increments.
4. Application for Leave forms and monthly leave reports must be kept on file in the department for three years. All hard-copy attendance-leave cards for periods prior to July 1996 must be kept permanently in the department where the employee last worked. All leave documents are subject to audit by State Civil Service Authorities, Legislative Auditors, the LSU System Internal Auditor, and/or the UNO Internal Auditor at any time without prior notice. Any questions regarding these matters should be directed to the Office of Human Resource Management.
5. If an employee transfers to another department of the University, all original attendance-leave records and all Application for Leave forms should be transferred along with the employee. Each employee is responsible for ensuring that his/her leave records are accurate, appropriately signed, and transferred to and maintained in his/her current department.
6. When an employee takes thirty (30) consecutive calendar days or more of leave without pay, the Time & Leave System will adjust the leave accrual change date forward for the same amount of time.
7. Each employee appointed for less than full-time, but greater than 50% of full-time, shall accrue leave in proportion to that employee's percent of effort.
8. Full-time university faculty and charter school employees on academic appointments who cannot fulfill their scheduled obligations due to illness will be charged sick leave on the basis of an 8-hour workday. Part-time university faculty and charter school employees will be charged in proportion to their percentage of full-time.

9. Departments that hire employees with prior State service should verify on the leave tracking system and with the Office of Human Resource Management that credit has been given for full-time equivalent State service and that any eligible leave has been transferred and credited to the employee.
10. All supervisors are responsible for ensuring that the timekeepers monitor each employee's leave accrual on the Time & Leave System and the monthly leave transaction reports and that all necessary adjustments are made in a timely manner.
11. Classified employees must complete in advance an Application for Earning Compensatory Leave form when overtime hours are required and funds are not available to pay for these hours worked. The application form must be submitted to the supervisor for approval.
12. Procedures for university faculty employees on academic year appointments.
 - For purposes of crediting leave, one semester equals four and one-half months, and a full academic year is nine months. Faculty appointed semester by semester will accrue 1 ½ days in September and February, and 1 day in October through December and March through May.
 - For purposes of crediting leave, a summer session is equal to two (2) months; leave will be credited at the end of the session in proportion to the percentage of time worked.
 - University faculty employees who only teach mini-sessions will accrue leave, proportionate to their percent of effort and full-time equivalent salary, in the month in which the mini-session is taught.
 - A University faculty employee's leave accrual change date will be the month of original appointment, with the exception of employees who have previously been employed by the University and/or another State agency. An adjusted service date will be calculated for those exceptions to give the employee credit for all full-time equivalent State service.
 - For purposes of computing leave accrual rate changes, a nine (9) month academic year equals one year of service and one Fall or Spring semester equals ½ year of service.
 - Leave accrual begins with the appointment or continuation that extends employment beyond 180 days. A new employee begins to accrue leave immediately if appointed concurrently for the summer school session or summer research and the succeeding semester and/or academic year. A new employee appointed for the summer session only does not accrue sick leave.
 - Employees hired on a "Period of Appointment" are not eligible to accrue vacation or sick leave.
13. Procedures for charter school employees on academic year appointments.
 - For purposes of crediting leave, a full academic year is ten months. Charter school employees will accrue one day (8 hours) at the end of each month beginning in August and ending in May. No leave will be earned during the months of June, or July. A maximum of 10 days per year will be earned.

- For purposes of crediting leave, Charter school employees on academic appointments who teach during the summer will accrue leave proportionate to their percent of effort and full-time equivalent salary, in the month in which they teach.
- Employees hired on a “Period of Appointment” are not eligible to accrue vacation or sick leave.

14. Procedures for employees on fiscal year appointments.

- If a fiscal appointment is effective on the first working day of the month, leave accrual for that month is based on a full month’s service.
- Partial month service:
 - An employee who is appointed, terminated, or begins or returns from leave without pay on a date such that the employee is in pay status for at least one-half the working days in the calendar month, but less than the whole month, will earn one-half of the accrual rate for that month.
 - An employee who is in pay status for fewer than one-half the working days in the calendar month will accrue no leave credit for that month.
- Accrual rate change dates:
 - An employee whose anniversary date of appointment falls on the first through the fifteenth of a month will accrue leave at the higher rate for the whole month.
 - An employee whose anniversary date of appointment falls on the sixteenth through the end of a month will accrue leave at the lower rate for that month and will accrue at the higher rate on the first of the following month.

15. Terminal payment of leave for nonclassified, university faculty, and charter school employees shall not exceed an amount representing:

- A maximum of 300 hours of unused vacation leave at the time of termination for any reason. Nonclassified employees accruing under the LSU system schedule with less than 10 years of service cannot receive more than 176 hours of vacation pay. The method of payment for fiscal employees is to divide the final annual base salary by 2,080 and multiply by the number of hours of leave to be paid. For academic employees who have vacation leave remaining from a prior fiscal appointment, the computation method is to divide the employee’s final annual base salary by 1,440 and multiply times the number of hours of leave. For charter school employees on academic appointments who have vacation leave remaining from a prior fiscal appointment, the computation method is to divide the employee’s final annual base salary by 1,552 and multiply times the number of hours of leave.
- A maximum of 200 hours of unused sick leave upon retirement or death prior to retirement. The computation method of payment for fiscal employees is to divide the final vacation base salary by 2,080 hours and multiply the result by the hours of leave. The computation method for academic employees is to divide the final annual base salary by 1,440 and multiply by the

number of hours of leave. The computation method of payment for charter school employees is to divide the final annual base salary by 1,552 and multiply by the number of hours of leave.

The rate of pay for part-time employees is computed on a full-time equivalent salary.

16. Terminal payment of leave for classified employees shall not exceed an amount representing a maximum of 300 hours of unused vacation leave at the time of termination for any reason. The method of payment is to multiply the final hourly rate of pay times the number of hours of leave.
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Timothy P. Ryan
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