

Oklahoma State University Policy and Procedures

ATTENDANCE AND LEAVE FOR STAFF

3-0713
ADMINISTRATION
and FINANCE
June 2008

PURPOSE

1.01 An integral part of the staff program for the University is a uniform plan for attendance and leave for staff.

1.02 It is the policy of Oklahoma State University to comply with all state and federal regulations. In the event of conflict, the actual regulations issued by the federal or state government shall prevail.

1.03 The following policies and procedures may also address leave:

- 3-0708 Family and Medical Leave Act
- 3-0709 University Holidays
- 3-0716 Sick Leave For Staff
- 3-0719 Military Leave
- 3-0750 Long-Term Disability
- 3-0770 Workers' Compensation Insurance

SCOPE

2.01 Provisions of this policy apply to staff employees with regular continuous assignments of at least six months and equivalent time worked of .5 FTE (full time equivalency). No time off with pay is accorded employees classified in the Human Resource System with student or temporary assignments or part-time employees of less than .5 FTE.

2.02 An exempt staff is an employee assigned to a position that meets the Fair Labor Standard Act tests for exemption from the overtime provisions of the Act, and compensation for overtime is not required. At Oklahoma State University, generally exempt positions are administrative/professional, student professional, and temporary professional.

2.03 A non-exempt staff is an employee assigned to a position that does not meet the Fair Labor Standards Act tests for exemption from the overtime provisions of the Act, and the employee must be compensated for hours worked in excess of 40 hours in a workweek. At Oklahoma State University, non-exempt positions may be described as classified, non-professional student or temporary appointments. Certain farm and recreation workers are exempt from overtime but must be paid straight time for time in excess of 40 hours worked each workweek. For purposes of this policy, they are considered the same as non-exempt staff.

UNIVERSITY POLICY

3.01 Official Workweek - In accordance with the provisions of the Fair Labor Standards Act, the official workweek of the University shall be from 12:00 midnight Friday night until 12:00 midnight the following Friday night. If there is a special need for any unit to have a workweek different from this official University workweek, a request for establishment of a special workweek shall be submitted to the President or his delegated representative. Any such approved variances shall be kept on file in University Human Resources.

4.01 Hours and Attendance for Staff

- A. The work schedule for non-exempt staff shall be whatever is deemed by the unit administrator to meet the operating needs of the unit (subject to federal or state statutory limitations).
- B. In accordance with the provisions of the Fair Labor Standards Act, as amended, workers who are engaged exclusively in agriculture and other similar activities are exempt from the payment of overtime for hours worked in excess of 40 in the workweek
- C. All non-exempt staff are required to be present on their assigned job for the total number of hours for which compensation is being received unless absence from duty is authorized by appropriate authority in accordance with these policies.
- D. The work schedule for exempt staff personnel shall be whatever is deemed appropriate to meet the operating needs of the department. In general, a 40-hour workweek is considered to be minimal for exempt staff members, and such personnel are expected to work hours in excess of 40 hours per week when the work load requires such additional hours.

5.01 Continuous Service

- A. In applying these rules, continuous service shall be construed as employment at the University without a break in service. (This interpretation of continuous service shall have no effect on the rules and regulations of the Oklahoma Teachers' Retirement System.)
- B. Authorized leaves of absence with or without pay shall not be considered a break in service.
- C. Any unauthorized absence for more than three consecutive workdays may be considered as a resignation from employment and if so considered will be construed as a break in service.
- D. Resignation from employment shall normally constitute a break in service except as noted below.

- E. Staff who voluntarily resign employment from OSU and return within 30 calendar days may request reinstatement of the previous continuous employment date, and all rights and privileges accorded thereto. Such request must be made by the employee in writing within the first 30 days of reemployment to the unit administrator, who will notify OSU Human Resources of the reinstatement.

6.01 Rest Periods

- A. Each unit administrator shall allow full-time non-exempt staff one rest period during the first half of the workshift and one rest period during the second half of the workshift, provided that:
 - 1. Rest periods are scheduled by the unit administrator, considering the needs of the unit and, when possible, the wishes of the staff member.
 - 2. No single rest period shall exceed fifteen (15) minutes absence from the staff member's work station.
 - 3. Staff may not accumulate unused rest periods.
 - 4. Rest period time shall not be authorized for covering a late arrival on duty or early departure from duty, or for off-campus personal business.
 - 5. Any time taken off beyond the stated limits shall be subject to disciplinary action and amounts in excess of twenty (20) minutes will be charged to annual leave.
 - 6. Each unit administrator may allow part-time staff a rest period if it is in accordance with departmental or divisional policy.
- B. Exempt staff personnel are expected to exercise work breaks, rest periods, coffee breaks, etc. with professional care and propriety. Excessive time taken during these periods shall be considered unprofessional conduct.

7.01 Administrative Leave

A. Court Leave

- 1. Staff who are called to serve as a member of a jury panel shall be granted a leave of absence with pay. Fees paid by the court in connection with the jury panel duty may be retained by the staff member.
- 2. When jury duty occurs while the employee is on leave without pay, paid court leave is not granted. When jury duty occurs while the employee is on annual leave or sick leave, the paid court leave will supersede the other type of leave.

3. A leave of absence with pay shall be granted the staff member when a court appearance is the result of an act performed by the staff member as a part of his/her official duties as an employee of the University. The staff member is not entitled to receive any fee for serving as a witness pertaining to his/her OSU employment. If the employee is required by subpoena to testify in a county other than the county of residence or employment, the staff member shall be entitled to receive court reimbursement for mileage.
4. In no case shall a leave of absence with pay be granted to any staff member when the court appearance is the result of the staff member being involved in a personal litigation case outside his/her scope of employment. Annual leave or compensatory leave, if applicable, may be used in lieu of a leave of absence without pay.

B. Voting Leave

1. Under Oklahoma Statutes, a staff member may have two hours or more time off to vote, if distance to polls requires it provided all the following conditions are met.
2. A request for such time off must be made in writing by the staff member the day prior to the election. The unit administrator will decide what time in the work schedule to give for voting.
3. Staff will not lose any compensation or incur penalty for the absence if they provide proof of voting.
4. Time off for voting is not required if the staff member has three hours after the opening of polls before the work day begins or three hours after close of the work day before close of polls. A unit administrator may change work hours to provide for such a three-hour period.
5. If the above conditions are met, such time off to vote would be considered administrative paid leave.

C. Funeral Leave

1. Staff members shall be granted upon request up to three working days of funeral leave with pay upon the death of a related person in the immediate family; or for one day upon request of funeral leave with pay upon the death of a related person not in the immediate family. For the purpose of this policy, the immediate family is defined as the father, mother, brother, sister, husband, wife, son, daughter, grandfather, grandmother, grandson, granddaughter, or corresponding in-law relationships.

2. In some cases, the three days of funeral leave are not sufficient. In such cases, additional administrative leave with pay may be authorized by the appropriate dean or director, or by the unit administrator, with administrative review by the appropriate dean or director.
3. When covered funeral leave occurs while the staff member is on leave without pay, paid funeral leave is not granted. When such leave occurs while the staff member is on annual leave or sick leave, or other paid leave, the funeral leave will supersede the other type of leave.

D. Catastrophe Leave

1. A staff member who suffers individual, personal misfortune as a result of an event such as fire, explosion, flood, or violent weather, will be granted up to three working days of paid administrative leave, if the event occurs while the employee is not on leave without pay.

E. Accrual and Payment of Administrative Leave

1. If administrative leave is available, but not used, the unused administrative leave cannot be accrued by staff, nor will payment be received in lieu of taking administrative leave.
2. Any type of administrative leave that is requested by staff and approved by proper authority shall be charged as administrative leave and shall not be deducted from sick leave or annual vacation leave accumulation unless otherwise stipulated in these policies and procedures.

8.01 Inclement Weather

- A. At times, usually in winter, travel to and from the campus for work will be difficult due to bad weather. In rare instances the administration of the University will make the decision to close all offices except those recognized as necessary to maintain essential services. If no such announcement is made, the following leave policy will apply for staff who are absent.
- B. Staff within the probation period may use compensatory leave, if available, or leave without pay.
- C. Staff past the probation period may use annual leave, compensatory leave, if available, or leave without pay if there is no leave balance.
- D. It is understood that in a very few cases a staff member's illness or dependent's illness may coincide with a bad weather day. If sick leave is claimed by the staff member, it must be documented fully in writing to the unit administrator.

9.01 Annual Leave

A. Method of Accruing Annual Leave

1. All full-time (100%) non-exempt staff shall accrue annual leave as shown in the following table:

NON-EXEMPT STAFF			
Years of Service	Hours Accrued Per Pay Period	Days Accrued Each Year	Maximum Days Accumulation
0-5	4.31 biweekly 9.33 monthly	14	28
6-10	6.15 biweekly 13.33 monthly	20	40
11+	6.77 biweekly 14.67 monthly	22	44

2. All full-time (100%) exempt staff shall accrue annual leave as shown in the following table:

EXEMPT STAFF				
Bands	Years of Service	Hours Accrued Per Pay Period	Days Accrued Each Year	Maximum Days Accumulation
1-4	0-4	10.00 monthly	15	30
	5+	14.67 monthly	22	44
5-6	0+	14.67 monthly	22	44

3. Staff in positions that have been reclassified and were accorded a higher accrual rate under the prior classification will continue to accrue leave in accordance with the prior leave accrual schedule. At such time as the position becomes vacant, the leave accumulation of the position will be changed to reflect the current leave schedule.
4. Staff who voluntarily accept a position will assume the accrual rate of the new position.
5. Part-time staff who are employed at least 50% but not more than 99% FTE shall be entitled to earn annual leave proportionately according to the appropriate accrual rate.
6. Annual leave accumulations are credited at the end of the pay period. The entire accrual is credited for employees in active pay status on the first Friday of the pay period if paid biweekly and the 16th day of the month if paid monthly. There is no proration of leave accrual.
7. At any time, the maximum accumulation balance of earned but unused annual leave shall not be in excess of the amount of leave accrued in the immediate past

two-year period (24 months) subject to the provisions of payment for terminal annual leave.

8. If the current annual leave balance is in excess of the maximum accumulation allowable, the accumulation balance will be reduced to the level of the maximum balance allowable. Excess annual leave lost through such reduction shall be forfeited.
9. Annual leave shall continue to accumulate at the normal rate during periods of leave of absence with pay except during terminal annual leave and when receiving disability supplement pay.

B. Payment of Annual Leave

1. Staff who resign or who are otherwise terminated or separated from University employment for any reason, except as noted below, shall be paid for accrued but unused annual leave, except that in no case shall payment be made for more than one full year's accumulation.
2. Staff who are separated from University employment for reason of death shall be paid for accrued but unused annual leave, except in no case shall payment be made for more than two full years' accumulation. Withholdings on unused annual leave will be at the supplemental tax rate.
3. Staff who are laid off from employment shall be paid for accrued but unused annual leave following the last day of work, except in no case shall payment be made for more than two full years' accumulation.
4. It is the policy of the University to prohibit the "lump sum payment" method for accrued leave balance for the purpose of removing excess annual leave from the record or for the purpose of avoidance of forfeiture of excess leave accumulation.
5. Any exception to the forfeiture policy shall have the prior approval of the System CEO and President of the University or his delegated representative. All such exceptions shall be in writing, and are to be made an official part of the annual leave record of the affected staff member.
6. Staff who transfer from one department to another department or division within the University are encouraged to use as much of their accumulated annual leave as is possible prior to the transfer to the new department. However, if the utilization of accumulated annual leave is not feasible, Staff shall take with them the balance of unused annual leave to the new department. In such cases, the receiving department will assume the unused annual leave obligation with the leave to be paid at the salary rate in effect at the time the incumbent utilizes the annual leave. The receiving department may make arrangements with the prior

department for an appropriate transfer of funds to offset the cost of the transferred annual leave obligation.

C. Use of Accrued Annual Leave

1. Annual leave is scheduled by the unit administrator, considering the needs of the unit and, when possible, the wishes of the staff member.
2. Each unit administrator should make every effort to ensure that earned annual leave is used on a current yearly basis, in order to provide staff with vacation and proper rest and relaxation.
3. Annual leave may not be taken during initial periods of probation.
4. Annual leave may not be "anticipated." Annual leave shall not be authorized prior to the time it is accrued and credited to staff and will only be used with the approval of the proper authority within the department or division.
5. Staff who resign or who are terminated from employment prior to the completion of three months of continuous service shall not be granted or paid annual leave.
6. Upon reasonable notice, a unit administrator may request staff to use a portion of their accrued annual leave for vacation purposes at any time this is deemed advisable.
7. Staff members who handle cash should refer to Policy and Procedures Letter 3-0331, Section 1.03.

D. Recordkeeping of Annual Leave

1. Adequate up-to-date records for each staff member that will accurately reflect the rate and the amount of annual leave earned, the date of all annual leave used, and the current annual leave accrual balance will be maintained at the department level.
2. Departments will maintain accurate balances on the Human Resource System. Leave used will be reported on the appropriate confirmation payroll record or biweekly time report.

10.01 Funding of Leave for Staff Paid Through Grants, Contracts, or Programs with Outside Sponsors or Granting Agencies

- A. Staff whose positions are funded in part or in total through grants, contracts, or programs with outside sponsors or granting agencies are eligible under the terms of this policy.

- B. Should staff be required to use any leave and the grant or contract forbid to reimburse the university for such paid leave, the primary department, college, or division of the employee will be responsible for payment of the leave.
- C. Once the department has determined that a grant or contract will not reimburse the university for paid leave, the department must make budget adjustments or other changes to remain in compliance with the terms of the grant or contract.

11.01 Personal Leave Without Pay

- A. Staff may make written request for a leave without pay for personal reasons including child care. All such requests will be considered on an individual basis, and generally will not exceed six months. Authorization shall be based on department and employee needs, on the employee's plan to return to the job, and on availability of funds to return.
- B. All appropriate accrued leave accumulation must be exhausted before personal leave without pay begins. Any exception must be approved by the appropriate vice president.

12.01 Oklahoma State University reserves the right to change this Policy and Procedure or any portion thereof at any time and without prior notice.

12.02 This policy replaces 3-0705 Attendance and Leave for Classified Staff and 3-0725 Attendance and Leave for Administrative/Professional Staff.

Approved: August 2004
Revised: September 2005
June 2008