Section V. Leaves and Holidays

A. Holidays and Recesses

Employees shall be allowed the paid holidays and recesses listed below:

- Independence Day;
- Labor Day;
- Veterans Day;
- Thanksgiving and the Friday immediately following;
- Martin Luther King Jr. Day;
- Cesar Chavez Day* (one day floating between March 1 and March 31);
- Memorial Day.

*Cesar Chavez Day to be scheduled and taken with agreement of the employee’s supervisor during the defined period. An employee may only be denied the opportunity to take the holiday due to College business. The denial must include written notification by the employee’s administrative supervisor with a copy to the Chief Human Resources Officer. If the employee is denied the opportunity, the holiday will be paid out the first payday in May.

If a designated paid holiday falls on a Saturday, the College will observe said holiday on the Friday prior. If the holiday falls on a Sunday, the College will observe the paid holiday on the Monday immediately following.

Additionally employees shall be allowed the following paid recesses:

- Winter Recess begins at noon on December 24th and continues through the federally-observed New Year’s Day Holiday of January 1st (seven days). In the event that December 24th falls on a weekend, the College will close for business at 12 noon the preceding Friday.

- Tucson Rodeo Recess is observed on the last Thursday and Friday of February as designated by Tucson Rodeo Administration.

Actual dates of observance can be found on the Human Resources website and the Academic Calendar.

The College holiday and recess schedule is developed around the standard Monday through Friday workweek. A full-time regular employee who works a regular scheduled 40-hour work week is compensated for 8.0 hours for the above holiday and recess days. If an employee’s scheduled work week is less than 40 hours (but at least 30 hours per week), the holiday or recess time granted is prorated. An employee receives holiday and recess pay based on the normal accrual rate for his/her assigned position as shown below:
40-hour work week = 8 hours holiday/recess pay
37.5-hour work week = 7.5 hours holiday/recess pay
35-hour work week = 7 hours holiday/recess pay
30-hour work week = 6 hours holiday/recess pay

A full-time regular employee who works the holiday/recess day or works different days in a non-standard or a compressed work schedule will be afforded equivalent time off with pay, coordinated with and approved by his/her supervisor. For example, an employee regularly scheduled to work a four-day, 30-hour work week is entitled to holiday pay even if the holiday falls on a non-scheduled workday.

To be eligible for holiday/recess pay, an employee must have worked his/her last full workday and the employee’s first scheduled work day after the holiday/recess or be on approved paid leave (with sufficient available leave to cover the entire day not being worked). An employee on an approved unpaid leave or unexcused absence of any portion the day prior to or after the holiday or recess is not eligible for holiday pay. When an employee retires on or before December 31, he/she is eligible for recess pay up to their final full day of work. Additionally, Winter Recess and Rodeo Recess may be flexed within the pay period subject to supervisor approval, or flexed within the current or following month the Recess Day occurs subject to Administrator approval, provided that the needs of the work unit and College are met.

B. Leaves


Please refer to the Personnel Policy Statement for College Employees for additional information on leave, including unpaid leaves and leave under the Family and Medical Leave Act (FMLA).

Leaves of absence (except sick leave, emergency leave, or medical leave) will require prior approval by the appropriate supervisor, or director/dean. In cases exceeding 30 calendar days, prior written notification to the Chief Human Resources Officer from the immediate supervisor shall be required. Employees shall submit a written request for leave of absence to their immediate supervisor, specifying dates and type of leave requested.

Each supervisor is responsible for ensuring that time/leave reports for his/her employee(s) are properly completed on a timely basis and submitted in accordance with deadlines established by the Employee Service Center (Payroll Office).

The Payroll and Human Resources Offices are responsible for maintaining accurate records of persons on leave of absence to ascertain which personnel are on paid status and benefits eligible.

2. Extension of Leaves
Employees are expected to return from vacations and leaves at the expiration of approved leaves.

In the event of unforeseen circumstances which require an extension of leave, employees must notify their supervisor (if not available, then the next level administrator in your area, then Human Resources/Employee Relations Office) prior to their scheduled date of return.

In the case of annual leave, up to five additional workdays may be approved (paid if accrual is sufficient, unpaid otherwise) by the supervisor. If the leave is an unpaid leave, the Chief Human Resources Officer must approve all extensions. Such extensions will normally be for five work days.

3. Resignation Without Notice

Failure to report to work on the scheduled date of return, failure to report to work for five consecutive workdays without notice, or failure to notify the College in accord with the above provisions will be considered resignation without notice. The College shall notify the employee of the dismissal action. The individual shall not be eligible for reemployment with the College or eligible for the sick leave payout program if he/she were otherwise eligible for the program. The College may approve the absence on an individual basis if due to circumstances beyond the employee’s control.

C. Annual Leave

1. Accrual and Accumulation

The importance of the annual leave as a period of rest and relaxation is well recognized. Annual leave will accrue from the first day of employment, but may not be taken until after completion of the first three months of the employee’s initial hire probation period.

Annual leave shall accrue at the rate of 24 days per year, awarded at the rate of 8.0 hours per pay period for 40-hour work week personnel the first two pay periods each month. For eligible exempt employees scheduled to work at least 30 hours per week but less than 40, leave accrual shall be prorated based on the number of hours worked per week.

Employees may accumulate up to the following maximum hours of annual leave, based on continuous service with the College:

a. Less than 10 years: maximum of 304 for 40-hour personnel (285 for benefit eligible personnel less than 40 hours)

b. Ten or more years: maximum of 320 for 40-hour personnel (300 hours for benefit eligible personnel less than 40 hours).
2. Requesting and Using Annual Leave

Under normal circumstances, annual leaves of more than two consecutive days (with the exception of emergency annual leave) will require a minimum of two weeks prior approval by the employee’s supervisor who is also authorized to grant exceptions. The supervisor (or his/her designee) will respond, in writing, to the employee’s written request for annual leave within three days of the receipt of such request. If the nature of the work makes it necessary to limit the number of employees on annual leave at the same time, the employee with the greater seniority shall be given her/his choice of annual leave in the event of any conflict with other employees.

Leave requests may be postponed by a supervisor when there is a compelling organizational interest. If the initial request is postponed, an alternative date(s) will be established in a timely manner to allow the employee to use their leave in a fashion as close as possible to the original request. However, if the employee’s annual leave balance is within five days of his/her maximum limit; the employee will be granted the option to receive compensation according to Section C.4 (below). An employee’s request for annual leave will not be denied arbitrarily or capriciously.

An approved holiday falling within the leave period is not counted as part of the leave. In case of illness or accident occurring before a scheduled leave begins, arrangements may be made to postpone the leave. If a physician-verified illness occurs during an employee’s annual leave, the employee may utilize accrued sick leave for the period of illness in lieu of annual leave.

Calculation of time of service to determine when an employee becomes eligible for annual leave shall be only by the anniversary date of employment less time spent on a long-term unpaid leave of absence.

If a supervisor has approved a request for annual leave, the approval can only be rescinded due to legitimate work unit/College needs. Additional considerations shall be given in those instances where the employee stands to lose non-refundable deposits and/or funds. If a previously approved request for annual leave is rescinded, the employee will be able to immediately request a review of that decision by the Chief Human Resources Officer or designee.

3. Emergency Annual Leave

An employee may request of his/her supervisor emergency annual leave for a period up to three days per occasion for bona fide emergency situations. A bona fide emergency is an unforeseen event which requires either the immediate or within 24 hours attention of the employee and cannot be assigned by the employee to another individual. Approval of such requests shall not be unreasonably withheld. The College grants this leave as an expression of trust in its employees. Abuse of this clause is subject to disciplinary action.
4. Compensation for Denied Annual Leave

If an exempt employee’s annual leave balance is within five days of his/her maximum limit and the supervisor denies the employee’s leave request, the employee will receive compensation up to two weeks per fiscal year provided the following conditions are met:

a. the employee requested the annual leave in writing at least two weeks in advance; and the supervisor denied the annual leave in writing; and

b. a request for payment, including copies of the written request and denial, is submitted to the Payroll Office by the employee and the administrative supervisor.

The employee’s annual leave balance will be reduced by the number of hours for which the employee was compensated.

5. Annual Leave and Separation from Employment

Upon separation from College employment or upon transfer, promotion, or reassignment to a position as a regular assignment in which the employee is ineligible for annual leave accrual, the employee shall be compensated for accumulated annual leave in the form of a lump sum payment.

Upon separation from employment, employees may not extend the annual leave beyond the last day worked.

6. Emergency Payout of Annual Leave

Employees who have an emergency need to access additional financial resources may request payment of up to two weeks, in one-week increments (1 or 2 weeks), of accrued annual leave per fiscal year if they meet the following criteria:

a. Employee must have completed his/her initial hire probation to make use of this provision.

b. Employee has determined that he/she has an emergency resource need that may include, but is not limited to the following:

   i. Loss of household income;
   ii. Emergency medical expenses;
   iii. Funeral expenses;
   iv. Impending eviction or foreclosure;
   v. Other extraordinary expenses.

c. The employee will be the sole determinant of his/her emergency need. Inappropriate use is governed by the Code of Conduct and Standards of Behavior for Employees.
d. Employees will request payout of leave for emergencies by completing the Emergency Leave Payout form. Once completed, the form is submitted directly to the Employee Service Center (ESC) for processing.

e. Once received, the ESC confirms the employee meets the following criteria:

   i. Employee has passed applicable probationary period.

   ii. Employee has accrued enough to fund the payout and retain the minimum leave balance indicated in this section.

f. At completion of the payout process, the ESC will send a completion/information email to the employee.

g. An employee may request up to 80 hours per fiscal year of annual leave buyout. The request can be made in one or two-week increments providing the remaining leave balance after the buyout is at least 40 hours.

An Employee who has exhausted this benefit, or is not otherwise eligible, may consider borrowing against his/her 403B account. More information about this opportunity is available in the ESC.

Employees should be aware that there are tax consequences for payouts of Annual Leave, and should contact the Employee Service Center with any questions.

Eligibility and use of this emergency pay out provision will be determined on a fiscal year basis. In the event an employee makes use of this provision and his/her leave balance is subsequently exhausted, the employee will be ineligible to receive donated leave until his/her unpaid leave status exceeds the number of weeks paid under this provision or until a new fiscal year commences.

**D. Sick Leave**

1. Purposes and Use

Earned paid sick time shall be provided to all employees for use in the following circumstances:

   a. An employee's mental or physical illness, injury or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; an employee's need for preventive medical care;

   b. Care of a family member with a mental or physical illness, injury or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; care of a family member who needs preventive medical care;
c Closure of the employee's place of business by order of a public official due to a public health emergency or an employee's need to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency, or care for oneself or a family member when it has been determined by the health authorities having jurisdiction or by a health care provider that the employee's or family member's presence in the community may jeopardize the health of others because of his or her exposure to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease; or

d Notwithstanding section 13-4439, Arizona Revised Statutes, absence necessary due to domestic violence, sexual violence, abuse or stalking, provided the leave is to allow the employee to obtain for the employee or the employee's family member:
  i. Medical attention needed to recover from physical or psychological injury or disability caused by domestic violence, sexual violence, abuse or stalking;
  ii. Services from a domestic violence or sexual violence program or victim services organization;
  iii. Psychological or other counseling;
  iv. Relocation or taking steps to secure an existing home due to the domestic violence, sexual violence, abuse or stalking; or
  v. Legal services, including but not limited to preparing for or participating in any civil or criminal legal proceeding related to or resulting from the domestic violence, sexual violence, abuse or stalking.

The use of sick leave for a domestic partner requires a signed declaration of domestic partnership by the employee and domestic partner to be on file in the employee’s benefit file prior to or at the time of use of this benefit. Refer to Employee Service Center/ Benefits Office or on the Intranet; Employee Service Center; Benefits link for Domestic Partner Affidavit form.

For use of sick leave and/or sick leave qualifying under the Family and Medical Leave Act (FMLA), please refer to College policy in the Personnel Policy Statement for College Employees.

2. Accrual and Accumulation

The College shall credit each full-time, regular employee with 4.0 hours sick leave for 40-hour work week personnel each full pay period worked. For eligible employees scheduled to work at least 30 hours per week but less than 40, leave accrual shall be prorated based on the number of hours worked per week. Forty (40) hour employees may accumulate a maximum of 1440 hours (1350 hours for benefit eligible personnel less than 40 hours) of sick leave. Accumulation shall begin once the total number of hours falls below 1440 (1350) and may accumulate to no more than 1440 (1350) hours.
Sick leave will accrue from the first day of full-time regular employment and may be taken when available as accrued.

3. Requesting and Using Sick Leave

Employees must notify their supervisor no later than the start of their regularly assigned shift when they are unable to report for work due to illness. Employees will provide sufficient notice to the supervisor of a scheduled medical or dental appointment(s). The employee must notify the supervisor at least once a week during the absence for short-term illness (10 workdays or less).

In the event the leave is an unpaid medical leave (a leave for medical reasons which extends beyond an employee’s sick leave and annual leave accrual), the employee (or her/his designee) must keep the College informed of her/his ability to return to work and probable return date every five work days, during the first 60 days of absence due to illness and every month thereafter.

The employee’s supervisor may request medical certification stating the employee was incapable of working and is not fit to resume work after three consecutive days of absence. If the cause of such absence does not require the services of a physician, a written statement signed by the employee, setting forth the reason for the absence, may be required by the employee’s supervisor. The employee’s supervisor may request medical certification stating the employee was incapable of working for less than three days of absence if there is a pattern of sick leave use without supporting medical certification.

If it is anticipated that the sick leave will extend beyond five workdays, the supervisor should notify the Employee Service Center / Benefits Office.

In instances where an employee has exhausted available sick leave, the employee’s annual leave will be converted to sick leave. The employee shall accurately submit the leave usage, or unpaid leave, on his/her time/leave report.

A physician’s certification that the employee may return to work shall be required for all medically related leaves of absence exceeding 10 work days.

4. Transfer of Sick Leave to Annual Leave

In order to discourage an excessive use of sick leave, employees may transfer up to 40 hours of sick leave once a year during the month of June. If the employee’s regularly scheduled work week is less than 40 hours, the transfer of sick leave to annual leave is prorated accordingly. Transfer may be made as follows:

<table>
<thead>
<tr>
<th>Hours of Sick Leave Used</th>
<th>Maximum Hours to Transfer</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-16</td>
<td>40</td>
</tr>
<tr>
<td>24</td>
<td>32</td>
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Transfers can only be initiated at employee’s written request to the Employee Service Center within the month of June.

To be eligible an employee must be full-time regular and have passed initial hire probation at time of request.

Warning to employees: The 60-day waiting period for Short-Term Disability must be bridged by accumulated sick leave and annual leave for the employee to be on paid medical leave, which continues the College’s payment of the employee’s medical premiums.

Upon separation from employment, employees may not extend sick leave beyond the last day worked.