

EMPLOYEE LEAVE

Policy

The College will provide major medical leave, personal leave, administrative leave, educational leave, family and medical leave, compensatory time, and military leave for employees.

Procedure

General Procedures and Definitions:

1. To conform to state statute terminology, the following terms apply:
Sick leave is now titled **major medical leave**
Personal leave and *vacation leave* is now titled **personal leave**
Leave of Absence for Study is now titled **educational leave**.
2. All leave balances of vacation, personal and sick leave shall be converted to personal leave as of July 1, 2003.
3. All employees hired prior to July 1, 2003, shall be given credit for all years of service to Pearl River Community College for use in determining leave accrual rates.

Major Medical Leave

- A. Major medical leave will be granted to full-time faculty, staff, and administrators.
2. Part-time regular employees working 20 hours or more per week shall accrue the same major medical leave benefits as full-time employees on a pro rata basis as full-time employees with a comparable length of contract.
3. Major medical leave will be accrued at the end of each month of continuous employment at Pearl River Community College, at a rate equal the annual amounts listed in the following table:

Major Medical Leave Annual Accrual Rates

	12 month employees	11 month employees	10 month employees	9.5 month employees	9 month employees
1 month - 3 years	12 days	6 days	5 days	4.5 days	4 days
37 months - 8 years	10.5 days	4.5 days	4 days	3 days	3 days
97 months - 15 years	9 days	3 days	2.5 days	2 days	2 days
> 15 years	7.5 days	2 days	2 days	1 day	1 day

4. Major medical leave may be used for the illness or injury of an employee or member of the employee's immediate family, ***only after the employee has used one (1) day of accrued personal or compensatory*** leave for *each* absence due to illness, or leave without pay if the employee has no accrued personal or compensatory leave. However, major medical leave may be used, without prior use of personal leave, to cover scheduled visits to a doctor's office or a hospital for the continuous treatment of a chronic disease, as certified in advance by a physician.
5. An employee may use up to three (3) days of major medical leave for each occurrence of death in the immediate family. No qualifying time or use of personal leave will be required prior to use of major medical leave for this purpose.
6. There shall be no maximum limit to major medical leave accumulation. All unused major medical leave shall be counted as creditable service for the purpose of the retirement system as provided in Sections 25-11-103 and 25-13-5.
7. A record of each employee's major medical leave is maintained in the Business Office.
8. Adjunct faculty do not accrue major medical leave.
9. A supervisor may require written documentation from the employee as to the nature of the illness for absences of less than four (4) consecutive working days. However, for each absence due to illness of four (4) consecutive working days (combined personal and major medical leave), major medical leave shall be authorized only when certified by an attending physician.
10. Major medical leave may be taken in one hour increments.
11. Major medical leave may be accumulated while on authorized personal, major medical, or compensatory leave; however, an employee may not accumulate major medical leave while on leave without pay.

12. Cases of chronic absence or apparent abuse of major medical leave provisions will be reviewed by the President to determine what disciplinary action, if any, will be taken.
13. Major medical and/or Personal leave may be transferred from one state employee to another in the event of catastrophic illness, according to the stipulations as defined in Code Section 25-3-95.B.
14. Personal leave may be used to supplement major medical leave, however major medical leave may not be used to supplement personal leave.

Personal Leave

1. Personal leave will be granted to full-time faculty, staff, and administrators.
2. Part-time regular employees working 20 hours or more per week shall accrue the same personal leave benefits as full-time employees on a pro rata basis as full-time employees with a comparable length of contract.
3. Personal leave will be accrued at the end of each month of continuous employment at Pearl River Community College, at a rate equal the annual amounts listed in the following table:

Personal Leave Annual Accrual Rates

	12 month employees	11 month employees	10 month employees	9.5 month employees	9 month employees
1 month - 3 years	18 days	11.5 days	10 days	9 days	8.5 days
37 months - 8 years	21 days	14 days	12.5 days	11.5 days	11 days
97 months - 15 years	24 days	17 days	15 days	14 days	13 days
> 15 years	27 days	20 days	17.5 days	16.5 days	15 days

4. Personal leave may be used for vacations and personal business with prior approval of the employee's supervisor and shall be used for illness of the employee requiring absences of one day or a part of a day.
5. There shall be no maximum limit to personal leave accumulation.

6. Upon resignation from employment for the purpose of retirement, an employee shall be paid for not more than fifteen (15) days of unused accumulated personal leave. This payment shall be made based on the remaining number of days (up to 15) after the employee has banked all applicable unused personal leave as creditable service for the purposes of the retirement system. Such payment shall be made by the College at the employee's daily rate of pay based on their annual primary contract.
7. A record of each employee's personal leave is maintained in the Business Office.
8. Adjunct faculty do not accrue personal leave.
9. Personal leave may be accumulated while on authorized personal, major medical, or compensatory leave; however, an employee may not accumulate personal leave while on leave without pay.
10. Personal Leave may be taken in one hour increments.

Administrative Leave

Employees may be granted administrative leave with pay, defined as discretionary leave with pay, other than personal leave or major medical leave.

1. Administrative leave with pay may be granted to an employee serving as a witness or juror or party litigant, as verified by the Clerk of the Court.
2. The President may grant administrative leave when considered to be in the best interest of the institution as per Board policy. Administrative leave will be granted without charge to any accumulated leave balances in the event of extreme weather conditions, disasters or other emergencies.

Educational Leave

A professional employee may request a leave of absence for study.

1. Any administrator, faculty member, or professional staff member, who has been employed by the College for three (3) years or more, may submit a written request to the Vice President for Instruction for a leave of absence for study. The Vice President will then forward the employee request along with a completed "PRCC Personnel Information Form" to the President and the Board of Trustees.
2. The request should be submitted one semester prior to the beginning of the requested leave of absence.
3. The request should include the beginning date and the ending date of the requested leave of absence.

4. If the request is for part-time leave of absence, it should include the specific number of days of the week or hours of the day needed for study.
5. A leave of absence may be granted either with a reduction in salary and work load or with all salary suspended until the employee returns from the leave of absence.
6. Contingent upon the availability of a qualified temporary replacement, the President will present the request to the Board of Trustees at the next regular monthly meeting.
7. The Vice President will notify the employee of the Board of Trustees decision.
8. No more than five percent (5%) the combined faculty, professional staff and administration may be granted a leave of absence at one time.

Family and Medical Leave

As provided in the Federal Family and Medical Leave Act of 1993, all full-time employees (50% or more) are entitled to Family and Medical Leave. Up to twelve weeks of leave during a fiscal year will be granted to any employee who is eligible for fringe benefits and has worked twelve months prior to requesting the leave. Leave will be granted for one or more of the following:

1. Birth or adoption of a child. Leave must be within twelve months of the event.
 2. Care of a spouse, child, or parent who has a serious health condition.
 3. Serious health condition of employee.
1. Leave may be on an intermittent or reduced schedule basis for (2) and (3) listed above but only if needed for medical reasons.
 2. If husband and wife are both employed at PRCC, each is entitled to one twelve (12) week period per fiscal year.
 3. The employee requesting family and medical leave must provide a certificate from a physician indicating a serious health condition for the employee's own health or that of a family member. The certification should include:
 - a. The date on which the serious health condition began and the probable duration of the condition.
 - b. Appropriate medical facts concerning the condition.
 - c. A statement, if appropriate, that the employee is needed to care for a spouse, child, or parent; or that the employee is unable to perform job duties
 4. A certification of birth or legal adoption may be required for child care leave.
 5. Employees may use accrued major medical and personal leave with pay and/or leave without pay for any part or the twelve week period.
 6. Major medical leave for the serious health condition of the employee may be extended beyond the twelve week period.

7. The College will continue to provide medical insurance (if employee elected to take such coverage) for the employee during the leave period. The employee will continue to be responsible for dependent coverage during this time. Any employee who fails to return to work for a minimum of thirty (30) working days after the end of the leave period will be liable to reimburse the College for premiums paid by the College during the leave period.
8. Employees taking family and medical leave are guaranteed the right to return to their previous or an equivalent position with no loss of benefits at the end of the leave period.
9. Employees requesting family and medical leave must obtain prior written approval from the employee's supervisor. The document must list the number of weeks of paid and/or unpaid leave being requested.
10. Any employee who fails to return to work for a minimum of thirty (30) working days after the end of the leave period will be liable to reimburse the College for any paid leave used during the leave period. After reimbursement for paid leave has been received by the College, any remaining unused personal or major medical leave will be counted as creditable service for the purposes of the retirement system.
11. Additional leave will not accrue while an employee is on unpaid family or medical leave.

Military Leave

Employment Rights Protected by the State of Mississippi – State employees are entitled to leave of absence from their duties for periods not to exceed fifteen (15) days, without loss of pay, time, annual leave or efficiency rating when ordered to military duty.

When duty is for a period in excess of fifteen (15) days, the employee is entitled to leave of absence without loss of time, annual leave or efficiency rating until relieved from duty. Mississippi Code Annotated SS 33-1-21 (1990 Supplement).

The computation of the fifteen (15) days of military leave each calendar year required by SS 33-1-21 includes only those days the employee would have been performing his duties had he not been ordered to active duty. Therefore, holidays and weekends, which are not scheduled workdays, will not be counted or computed against the fifteen (15) days of military leave for a given calendar year. Military leave is granted over and above an employee's personal and/or sick leave. An employee may take personal leave in addition to military leave when ordered to military duty. Medical leave may not be taken.

Part-time employees are entitled to fifteen (15) days military leave each calendar year without loss of pay, time, annual leave or efficiency rating. However, if the part-time employee is under no obligation to work or has no scheduled working hours for the period of time he or she is performing authorized military duty, the employer is not obligated to pay.

Upon release from service, Mississippi Code Annotated Sections 33-1-19 to 21, entitles the employee, who is still qualified to perform the duties required of his or her previous position, to re-employment in the same or like position, with the same status, pay and seniority. The employee is given ninety (90) days to apply for reemployment. Any person reemployed may not be discharged without cause within one (1) year after restoration.* Re-employment protections are not available to an employee dishonorably discharged from service.

The State Department of Finance and Administration has stated that the employee called for active duty will be given the option of continuing insurance coverage for one year at the employee's own expense. The department has expressed an interest in allowing the employee to continue coverage for longer than one year but has not adopted a change in policy, to date. Thereafter, federal law, pursuant to COBRA provisions, allows the employee to continue coverage for an additional eighteen (18) months. The individual employee must pay full premium for continued coverage while on leave.

Employment Rights Protected by Federal Law – The Vietnam Era Veteran's Readjustment Assistance Act of 1974, codified at 38 USC SS 2021-2026 (1982), provides re-employment protection for guard and reserve soldiers called to active duty and for inductees. State employees are protected by the Act. For an employee who has terminated coverage under the state's insurance plan while on active duty, the state will not, upon re-employment of the employee, impose the pre-existing illness exclusion when the employee is selecting insurance coverage. An employee holding a non-temporary position who satisfactorily completes military service is to be restored either to the same position or one of like seniority, status, and pay. Re-employment protection applies to individuals performing active duty for up to four (4) years and for five (5) years if requested to remain on active duty for the convenience of the government. Re-employment protections are not available to an employee dishonorably discharged.

Individuals called for active duty must apply for re-employment within ninety (90) days after release from active duty. Reservists and military guard members who are ordered to initial active duty for training (IADT) of not less than twelve (12) consecutive weeks must apply for re-employment within thirty-one (31) days after release from such training. The employee may return any time within such 31 or 90 day leave period and may use such time in any manner desired, even to seek employment elsewhere, without fear of waiving the right to re-employment.

Upon re-employment, an employee called to active duty may not be discharged within one (1) year without cause. An employee returning from IADT may not be discharged within six (6) months without cause.*

If a military guard member or reservist is called to perform active duty training (ADT) or inactive duty training (IDT), he must first apply to the employer for a "leave-of-absence" upon request. For ADT or IDT, the employee must report for work the next regularly scheduled work period after travel from the place of military training to the place of employment.

Temporary employees are not entitled to re-employment protection. The courts have construed the word "temporary" quite narrowly. If there is a reasonable expectation on the part of the employee that the employment relationship will be continuous or if preferential rights to be hired for the next working period are recognized, the position may be deemed non-temporary.

Upon return from a military absence, the employee is to return to the position he or she would have occupied if the employee had been employed continuously without the break for military service. This concept is known as the “escalator principle” and is applied to employment benefits such as automatic wage and salary increase, promotions and work scheduling preferences that are based upon seniority. This doctrine does not apply to benefits based on managerial discretion or work performance. Where the exercise of managerial discretion is necessary for promotion or advancement, such as tenure, the returning employee will not obtain such a promotion automatically. Only promotions and advancements based strictly on the passage of time are protected.

Short-term compensation for services rendered are not protected and preserved by the Act. Where vacation is awarded based on the number of weeks actually worked, the employee does not accrue vacation during a leave of absence. The same holds true for medical leave.

Although the state is not required to contribute to the absent employee’s pension, the vesting period under the pension will continue to accrue during the employee’s absence.

If the employee returns from service disabled and not qualified to perform the duties previously required but is qualified to perform the duties of any other position in the employ of such employer, the employee must be offered employment and, if the employer is requested, be employed in such a position as will provide such person like seniority, status and pay or the nearest approximation thereof consistent with the circumstances in such person’s case.*

Members of the military are afforded additional protections while in service by the Soldier’s and Sailor’s Civil Relief Act. This Act provides the serviceperson assistance with the ability to meet financial burdens and the ability to protect legal rights. Of special interest to the College system is the protection afforded servicemen and their dependents from eviction from housing such as faculty housing.

*Where there is a conflict between federal and state law, federal law governs unless state law affords the employee greater protection. Thus, where state law allows the employee ninety (90) days within which to apply for re-employment and federal law allows only thirty one (31) days in some instances, state law will govern. Likewise, where state law forbids the returning employee from being discharged without cause for one year and federal law utilizes a six (6) month period in some instances, state law will govern. Federal law will preempt state law to protect soldiers while in service.

Compensatory Leave

- (1) Compensatory leave shall be administered according to Mississippi Code Annotated Section 25-3-92. Compensatory leave may be awarded to employees at an accrual rate equal to the amount of time worked. No compensatory leave will be awarded without prior written approval of the President or President’s appointee.

- (2) Compensatory leave may be used for those purposes for which personal leave may be used.
- (3) Use of compensatory leave shall not exceed twenty (20) days within a fiscal year.
- (4) All employees covered by the Fair Labor Standards Act will be granted compensatory leave in accordance to the provisions of the act.
- (5) Unused compensatory leave will not apply to creditable service for retirement purposes.
- (6) Compensatory leave must be used in one (1) day increments.

Leave Without Pay

1. Leave without pay may be granted to an employee who has taken all accumulated personal and/or major medical leave, as shown by a review of the employee's record, where the President feels that it is in the best interest of the College. Leave without pay may also be granted to an employee who has not exhausted personal or major medical leave if the President determines that a proper work flow can be maintained during such absence.
2. Payment for holidays occurring during the interim of leave without pay shall not be allowed, except those instances where the holiday occurs on the day the employee is due to report back to work.
3. Leave without pay shall not be considered as time for purposes of leave accrual, retirement or other compensable consideration of employment.

Donated Leave

1. Any employee may donate a portion of his or her earned personal leave or major medical leave to another employee who is suffering from a catastrophic injury or illness, as defined in Section 25-3-91 of the Mississippi Code, or to another employee who has a member of his or her immediate family who is suffering from a catastrophic injury or illness, in accordance with the following:
2. The employee donating the leave (the "donor employee") shall designate the employee who is to receive the leave (the "recipient employee") and the amount of earned personal leave and major medical leave that is to be donated, and shall notify the donor employee's supervisor of his or her designation. The donor employee's supervisor then shall notify the recipient employee's supervisor of the amount of leave that has been donated by the donor employee to the recipient employee.
3. The maximum amount of earned personal leave that an employee may donate to any other employee may not exceed a number of days that would leave the donor employee with

fewer than seven (7) days of personal leave left, and the maximum amount of earned major medical leave that an employee may donate to any other employee may not exceed fifty percent (50%) of the earned major medical leave of the donor employee. All donated leave shall be in increments of not less than twenty-four (24) hours.

4. An employee must have exhausted all of his or her earned personal leave and major medical leave before he or she will be eligible to receive any leave donated by another employee.
5. Before an employee may receive donated leave, he or she must provide his or her supervisor with a physician's statement that states the beginning date of the catastrophic injury or illness, a description of the injury or illness, and a prognosis for recovery and the anticipated date that the recipient employee will be able to return to work.
6. Beginning on the effective date of Senate Bill No. 2317, 2003 Regular Session, the maximum period of time that an employee may use donated leave without resuming work at his or her place of employment is ninety (90) days, which commences on the first day that the recipient employee uses donated leave. Donated leave that is not used because a recipient employee has used the maximum amount of donated leave authorized under this paragraph shall be returned to the donor employees on a pro rata basis, based on the ratio of the number of days of leave donated by each donor employee to the total number of days of leave donated by all donor employees.
7. No employee can donate leave after tendering notice of separation for any reason or after termination.
8. In order for an employee to be eligible to receive donated leave, the employee must:
 - (i) Have been employed for a total of at least twelve (12) months by the employer on the date on which the leave is donated; and
 - (ii) Have been employed for at least one thousand two hundred fifty (1,250) hours of service with such employer during the previous twelve-month period from the date on which the leave is donated.
9. Donated leave shall not be used in lieu of disability retirement.
10. For the purposes of this subsection, "immediate family" means spouse, parent, stepparent, sibling, child or stepchild.
11. This subsection shall stand repealed from and after July 1, 2005.