5.01.01.03 Leave of Absence

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Policy/Guideline Area

Personnel Policies

Applicable Divisions

TCATs, Community Colleges, System Office

Purpose

The purpose of this policy is to establish the criteria and process regarding leaves of absence for employees at the System Office and institutions governed by the Tennessee Board of Regents.

Policy/Guideline

I. Introduction

A. It is the policy of the Tennessee Board of Regents to provide approved, unpaid time off to regular employees due to reasons of illness or injury, or disability of an employee who has insufficient accumulated annual and/or sick leave, leave for educational purposes and leave for justifiable personal reasons. [Refer to 5.01.01.08 for maternity leave policy.]

II. Leave of Absence

A. Leave of absence as referred to in this policy shall include any period of administrative leave with pay up to a maximum of 90 days, pending an institutional review or investigation or leave in a non-pay status or athletic competition leave as defined below.

B. Administrative leave with pay must be approved by the President following review by the Office of Human Resources.

C. Leave of absence shall be granted for any period (which may exceed one (1) year) when an employee transfers to another TBR institution or to the Board's system office and requests to be placed on leave of absence.

D. Leave of absence without pay, not to exceed one (1) year, may be granted for justifiable absences wherein it is not desirable to terminate the employee.

E. Factors to be considered in determining whether it is desirable to not terminate the employee and to approve leave of absence without pay include whether;

1. There are extraordinary circumstances present that justify keeping a position open or vacant and preserving it for that employee;
2. It is, objectively and from a business standpoint, in the institution’s best interest to retain the employee because of demonstrated contributions to the department; and
3. The employee performs a unique service or has unique qualifications that are required for the position.

F. Such leave must be approved by the president/Chancellor or designee, and any additional leave must be approved by the Chancellor upon the recommendation of the President.

G. Employees who request an unpaid leave of absence due to a Family and Medical Leave Act (FMLA) qualifying event shall have their leaves processed in accordance with the provisions of Family and Medical Leave Policy 5.01.01.14 regarding eligibility, continuation of insurance coverage, maximum leave period for parents who are both State employees, etc.

H. If an employee is not eligible for FMLA leave or the period of the leave exceeds the FMLA maximum, the remaining balance of the leave shall be processed in accordance with the provisions of this policy.

I. In addition, an employee who is on an unpaid leave of absence which does not qualify as FMLA leave shall be responsible for paying both the employee and employer portion of insurance premiums.

J. While on leave of absence for educational purposes or other justifiable personal reasons other than non-qualifying FMLA leave, illness, injury, or disability, an employee retains accumulated annual and sick leave, but does not earn or accrue additional annual or sick leave. In addition, an employee on leave of absence is not entitled to compensation for official holidays occurring within the leave period.

1. An employee who has qualified for Workers' Compensation may retain accumulated annual and sick leave.

K. In addition to the previously defined leave of absence policy, pursuant to T.C.A. § 8-50-1102, public employees who qualify as members of a United States team for athletic competition, on the world, Pan-American or Olympic level in a sport contest in either Pan-American or Olympic competitions are eligible to request a leave of absence with or without pay for the purpose of preparing for and engaging in the competitions just described.

1. Team is defined as meaning any group leader, coach, official, or athlete who comprises the official delegation of the United States to World, Pan-American, or Olympic competition.
2. In no event shall the total of all such leave exceed the period of the official training camp and competition combined plus a reasonable amount of travel or 90 calendar days a year whichever is less.
3. The granting of leave under this section shall be discretionary with the public employer.
4. In order to qualify for athletic competition leave, a public employee must:

a. Be actively working for the public employer from whom the leave is requested at the time the request is made;

b. Request such leave of absence a reasonable period prior to the date the public employee wishes the leave to commence;

c. At the time of the request, the employee shall provide the employer with the actual or anticipated dates of the competition, the dates of the official training camp and specify the total number of leave days that will be necessary in order for the public employee to participate;

d. The public employee must provide satisfactory evidence of qualification and selection for participation.

L. An employee of a TBR institution who is a member of the United States Air Force Auxiliary Civil Air Patrol who participates in a training program for the civil air patrol, or in emergency and disaster services, shall be entitled to a leave of absence with pay for a period of not more than fifteen (15) days during a calendar year for such purposes if the leave of absence is at the request of the employee's wing commander or the wing commander's designated representative.

1. Any leave of absence pursuant to this section shall be in addition to any other leave of the employee.

2. All other rights and benefits of the employee, including seniority rights, insurance benefits, health insurance benefits, creditable service and all other such rights and benefits, shall continue.

3. The employee may be granted leave pursuant to the provisions of this Act with or without pay subject to the complete discretion of the employer.

4. If leave of absence under this Chapter is granted with pay, the employee retains accumulated annual and sick leave and continues to earn or accrue additional annual and sick leave.
5. The employee is also entitled to compensation for official holidays occurring within the leave period.
6. If the leave is granted without pay, an employee retains accumulated annual and sick leave, but does not earn or accrue additional annual or sick leave.
7. The employee on leave of absence without pay is not entitled to compensation for official holidays occurring within the leave period.
8. The president of the institution must approve the request.

Sources

Authority

T.C.A. § 49-8-203; T.C.A. § 8-50-1102

History

TBR Meetings, August 15, 1975; June 25, 1976; December 2, 1977; June 30, 1978; June 29, 1979; June 26, 1981; September 18, 1981; September 24, 1982; June 24, 1983; September 30, 1983; June 28, 1985; June 26, 1987; December 4, 1987; September 22, 1989; December 15, 1995; March 15, 2002 (Finance and Administration approved April 11, 2002); September 25, 2008

Note: The provisions of this policy adopted at the August 15, 1975 meeting, became effective on January 1, 1976, and changes in eligibility to earn leave or in the amount of leave earned for period of service were prospective only.

Related Polices

5.01.01.08 Parental Leave

5.01.01.14 Family, Medical, and Service Member Leave