



Operational Area:	Employment
Responsible Executive:	Chief of Operations
Responsible Office:	Human Resources
Effective:	June 1, 2020

Leaves of Absence for Administrators and Staff

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I. **Introduction**

- A. **Authority:** Colorado Revised Statutes (C.R.S.) § 23-54-102, *et seq.* (2020) authorizes the Trustees of Metropolitan State University of Denver (“MSU Denver” or “University”) to establish rules and regulations to govern and to operate the University and its programs. The MSU Denver Trustees retain authority to approve, to administer, and to interpret policies pertaining to University governance. The MSU Denver Trustees authorize the MSU Denver President to approve, to administer, and to interpret policies pertaining to University operations.
- B. **Purpose:** This policy defines the rights and responsibilities of administrative employees when on leaves of absence from employment with the University.
- C. **Scope:** This policy applies to MSU Denver administrators and staff who are exempt from the State of Colorado personnel system in accordance with C.R.S. § 24-50-135.

II. **Roles and Responsibilities**

- A. **Responsible Executive:** Chief Operations Officer
- B. **Responsible Administrator:** Chief Human Resources Officer
- C. **Responsible Office:** Human Resources Office
- D. **Policy Contact:** HR Benefits Manager, 303-605-5321



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III. Policy Statement

A. Annual Leave

- Purpose:** To provide professional and administrative staff paid leave for any personal needs, such as vacation.
- Eligibility:** Benefit-eligible, professional and administrative staff.
- Approval:** Approval of the supervisor or appointing authority is required. Advance approval should be obtained to the extent possible. However, an appointing authority or delegate has discretion to allow employees to use annual leave that was not approved in advance or to charge unpaid leave. Based on business necessity, an appointing authority has discretion to determine periods when annual leave will not be granted or when it must be taken. Such periods must be communicated to all affected employees. If a department cancels approved annual leave, and the employee is not allowed a reasonable opportunity to use the leave before it is subject to forfeiture at the end of the fiscal year, the department must pay any forfeited hours by the end of the fiscal year. If the employee causes the forfeiture of over-accrued annual leave, no payout is required.
- Amount:** Effective July 1, 2019, full-time employees earn 16 hours per month on the first of every month. Part-time employees earn a pro-rated amount of leave based on their full-time equivalent (FTE). The maximum accrual rate each fiscal year is 320 hours (40 days). Any accrued annual leave over the maximum accrual rate at the end of a fiscal year may be donated to the annual leave bank or is forfeited on July 1st. Annual leave may not be borrowed from future months. If an employee overtakes on annual leave in any given month, the employee's following month's paycheck will be docked the amount of hours overtaken.

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5. **Payout:** Upon separation, unused accrued annual leave, to a maximum of 320 hours, is paid out at the employee's base rate of pay. Annual leave is prorated to the employee's last date of employment. Any unused annual leave time over 320 hours is forfeited. Leave must be transferred to the new department if an employee promotes, transfers, or demotes.
- B. **Sick Leave**
1. **Purpose:** To provide professional and administrative staff with paid leave for health needs, including diagnostic and preventative examinations, treatment, and recovery.
 2. **Eligibility:** Benefit-eligible, professional and administrative staff. Sick leave can also be used for the health needs of immediate family members. An immediate family member is a parent (biological or *in loco parentis*), child under 18 years, adult child over the age of 18 who is disabled, spouse, domestic partner, in-law, step-relative, injured military service member or veteran, or person in the household for whom the employee is the primary caregiver. A primary caregiver is a person who consistently provides support and care for an individual in the household, which may include sharing or providing financial support. *In loco parentis* is defined as an individual who filled the role of a parent, including ongoing daily care and financial support. An employee may be required to provide documentation of the familial relationship.
 3. **Approval:** Approval of the supervisor or appointing authority may be required. Advance approval should be obtained to the extent possible. Sick leave may not be borrowed from future months. If an employee exhausts their sick leave and is unable to return to work, accrued annual leave will be used. If annual leave is exhausted, the employee's appointing authority has the discretion to grant unpaid



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leave. Additional documentation may be required when an employee's absence is more than five (5) consecutive full working days. Because this area is complex, specific questions concerning sick leave should be directed to the Benefits Manager within the Office of Human Resources. See the Family Medical Leave Act section for additional information.

4. **Amount:** Effective July 1, 2020, full-time employees earn 16 hours per month on the first of every month. Part-time employees earn a pro-rated amount of leave based on their full-time equivalent (FTE). The maximum accrual rate each fiscal year is 320 hours (40 days). Any accrued sick leave over the maximum accrual rate at the end of a fiscal year is forfeited on July 1st.
5. **Payout:** Effective July 1, 2019, all unused sick leave is forfeited upon separation from Metropolitan State University of Denver unless the employee meets the requirements for a portion of their sick time to be paid out. Immediate eligibility means having met the requirements of the employee's retirement plan as of the separation date (last day employed or on the payroll). If an employee is eligible for immediate retirement at separation, such employee is paid one-quarter (1/4) of unused accrued sick leave, subject to the maximum accrual rate. The retirement plan is responsible for determining eligibility for retirement, questions about eligibility should be directed to the employee's retirement plan. If an employee resigns from the institution, and the employee has at least 10 years of service with the institution, the employee will receive one-quarter (1/4) of unused sick leave, subject to the maximum accrual rate.
 - a. A returning employee's sick leave balance is restored if the employee is eligible for reemployment or reinstatement.



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- b. A retiree who returns to a permanent position is treated like any other employee new to Metropolitan State University of Denver and has a maximum accrual rate of 320 hours but is not eligible for any sick leave payout when separating again. There is no sick leave balance to restore for a returning retiree.

6. **Other**

- a. Appointing authorities may send employees home and charge sick leave, or the appropriate leave if sick leave is exhausted, if an employee comes to work with what an appointing authority determines to be an illness or injury that affects the employee's ability to perform the job or the health or safety of others.
- b. An employee who becomes ill while on vacation may request that annual leave be changed to sick leave. An appointing authority has discretion to grant this request, subject to all applicable sick leave provisions. An appointing authority also has the discretion to require or grant a request to make up the time in the same workweek in lieu of charging sick leave.

C. **Family Medical Leave Act (FMLA)**

1. Below is only a brief description of the complex rules concerning leaves under the federal Family Medical Leave Act of 1993 (FMLA). Please contact the Office of Human Resources for more specific information on this subject.
2. Pursuant to the Family and Medical Leave Act of 1993, as amended, ("FMLA" or the Act), it is the policy of Metropolitan State University of Denver (MSU Denver) to provide eligible employees up to 12 work weeks of leave during a twelve-month period for family or medical leave, or for a qualifying exigency; or, up to 26 work weeks of leave for military caregiver leave during a twelve-month period for



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reasons specified in these procedures, to provide continued health insurance coverage during the leave period and to insure employee reinstatement to the same or an equivalent position following the leave. FMLA may be paid, unpaid, or a combination of paid and unpaid, depending on the circumstances and as specified in this policy. FMLA leave runs concurrently with other university leave plans, including paid parental leave and medical leave. Part-time employees receive FMLA leave on a pro-rata or proportional basis.

3. Types of FMLA Leave

- a. **Parental Leave.** Employees may take parental leave to care for their children following birth or to care for children placed with them for adoption or foster care. Parental leave must be completed within 12 months of the date of birth or placement of the child. When both spouses are employees of MSU Denver, they are limited to a combined total of 12 workweeks of FMLA leave during a 12-month period, if the leave is taken for the birth of a child; an adoptive or foster care placement; or to care for a parent.
- b. **Family Medical Leave.** Employees may take family leave to care for certain family members who have a serious health condition. Family members under the FMLA include: biological children, adopted children, foster children, stepchildren, legal wards, or other children to whom the employee stands *in loco parentis* if the children are under 18 or, if 18 or over, if the children are incapable of self-care because of mental or physical disabilities; biological parents or persons who stood *in loco parentis* to the employee when the employee was an adopted child, foster child, stepchild or ward; and a spouse. In addition, the University may, in its sole discretion, include

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in the definition of “family member” any other member of the employee’s household who relies on the employee as the primary caregiver.

- c. **Personal Medical Leave.** Employees may take personal medical leave if they have serious health conditions that make them unable to perform the functions of their positions. A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either inpatient care in a hospital, hospice or residential medical care facility; or continuing treatment by a health care provider.
4. **Purpose:** To provide employees with a guaranteed amount of time, job protection, and continued benefits for reasons defined by FMLA.
5. **Eligibility:** Employees eligible for FMLA leave are those who: (1) have worked for MSU Denver or the State of Colorado for at least 12 months; and (2) have worked at least 1,250 hours during the year preceding the time the leave begins. To meet the 12-month employment requirement, employees do not have to work consecutive months, as all intermittent work periods are also counted. Time served by employees for military service and in meeting military obligations is also counted. For purposes of determining FMLA eligibility, MSU Denver calculates all hours, including overtime. Annual and sick leave hours are counted as hours worked. MSU Denver deems that all full-time faculty satisfy the 1250-hour threshold.
6. **Approval:** Office of Human Resources
7. **Amount:** 480 hours (12-weeks) per fiscal year. FMLA runs on a “rolling” 12-month period measured backward from the date an employee uses any FMLA leave. Under the “rolling” 12-month period, each time an employee takes FMLA leave, the remaining leave entitlement would be the balance of the 12-weeks which has not been used during the immediately preceding 12-months.



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8. **Other:** The University may require employees on FMLA leave to report periodically on their status and intentions regarding their return to work. The University requires that employees returning from FMLA leave for their own serious health condition must provide certification from their health care provider(s) that such employees are able to return to work before being allowed back on the job.
- D. **Parental Leave**
1. **Purpose:** To provide employees with paid leave, paid at the employee's regular base rate of pay, to care for and nurture their newborn, newly adopted child, or a child placed in foster care as a pre-adoption requirement.
 2. **Eligibility:** Benefit-eligible, professional and administrative staff. Employees are eligible for Parental Leave on date of hire. Employees are not subject to meet the eligibility requirements of the FMLA.
 3. **Approval:** Office of Human Resources
 4. **Amount:** Up to a maximum of 6 weeks of paid leave. The amount of time is determined by the physician-imposed recovery period, designated on the medical certification. Any time beyond the 6 weeks of paid leave, through the physician-imposed recovery period, employee will be able to use their own sick leave. Any time beyond the recovery period, employee will be able to use annual leave.
 5. **Other:** Upon conclusion of paid leave, employee must return to work for at least 6-weeks at the conclusion of leave. An employee who does not fulfill this condition may be required to repay the full amount of compensation received from MSU Denver during the paid parental leave period, unless the employee cannot return due to circumstances beyond their control. Once starting paid leave, it must be taken consecutively and without interruption; paid parental leave may not be used on an intermittent basis. Use of parental leave must occur and be completed within



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the twelve months immediately following the birth or adoption of a newborn or child. If parental leave is not taken at the time of birth, employees are required to give 30-days' notice in writing to their supervisor and Office of Human Resources Representative of their plans to take the leave.

E. Medical Leave

1. **Purpose:** To provide employees with paid leave, paid at the employee's regular base rate of pay, while unable to perform the essential functions of their job while experiencing a serious medical condition.
2. **Eligibility:** Benefit-eligible, professional and administrative staff. Employees are eligible for Medical Leave on date of hire. Employees are not subject to meet the eligibility requirements of the FMLA.
3. **Approval:** Office of Human Resources
4. **Amount:** Up to a maximum of 6-weeks paid leave. The amount of time is determined based on the physician-imposed recovery period designated on the medical certification. Time needed beyond the 6-weeks, if warranted per the medical certification, will put from an employee's available sick leave balance and/or annual leave is sick leave is exhausted.
5. **Other:** Upon conclusion of paid leave, the employee must return to work for at least 6-weeks at the conclusion of leave. An employee who does not fulfill this condition may be required to repay the full amount of compensation received from MSU Denver during the paid parental leave period, unless the employee cannot return due to circumstances beyond the employee's control.

F. FMLA for Family Member

1. **Purpose:** To provide care for an employee's spouse, son, daughter, or parent who has a serious health condition.

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2. **Eligibility:** Benefit-eligible, professional and administrative staff. FMLA eligibility requirements apply.
 3. **Approval:** Office of Human Resources
 4. **Amount:** Any time taken will come from the employee's available sick leave balance or available annual leave if sick leave is exhausted. A medical certification form from the impacted family member's physician is required.
- G. **Bereavement Leave**
1. **Purpose:** To provide professional and administrative staff with paid leave to provide time for employees to deal with personal needs during the grieving process and attend any services in connection with a death.
 2. **Eligibility:** Benefit-eligible, professional and administrative staff.
 3. **Approval:** Employees are responsible for requesting, in writing, the amount of bereavement leave needed, up to a maximum of 40 hours, for the death of a family member or other person with whom the employee has a relationship. The definition of family member or other is purposely broad because today's families do not reflect a traditional or easily defined family structure. In addition, there are other relationships that have a significant impact on an employee's life, e.g., coworker, family friend, neighbor, college roommate.
 - a. Bereavement leave goes beyond attendance at a traditional funeral. The leave is intended to be the expression of the employer's sympathy by providing time off to grieve a loss, which may include a service or gathering. Supervisors and employees have mutual responsibility to engage in a dialogue so the employee's needs are clear. Employees are expected to communicate their needs to their supervisor. This includes



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divulging the nature of the relationship and the employee's needs related to grieving and any service or gatherings.

- b. For supervisors, determining the amount of leave to approve, the employee's needs always have primary consideration over business necessity. Leave approval is always based on individual circumstances and will not be the same for all employees. This includes discussing the employee's relationship to the deceased, the distance, and mode of transportation to attend any services, and any other needs. This does not mean that supervisors are expected to evaluate the worth of the relationship, but rather have an understanding of how the employee is impacted when granting the requested leave. If the employee is in need of grief counseling, supervisors can refer employees to CSEAP or other internal EAP programs.
- c. Verification of attendance, such as a funeral program is required to be submitted to the Office of Human Resources. Any substantiated abuse of leave may be subject to corrective or disciplinary action including termination of employment.

- 4. **Amount:** Up to 40 hours per occurrence

H. **Jury Duty Leave**

- 1. **Purpose:** To provide professional and administrative staff with paid leave when called upon to serve for jury duty.
- 2. **Eligibility:** Benefit-eligible, professional and administrative staff and temporary employees.
- 3. **Approval:** The appointing authority or delegate. Supporting documentation is required and must be submitted to the Office of Human Resources.

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4. **Amount:** Employees are granted leave for the period they are required to serve. Temporary employees receive paid leave for a maximum of three working days when jury duty occurs during days they are normally scheduled to work.
 5. **Other:** Employees are not required to turn jury pay, including mileage and parking allowance, over to the University to receive regular pay. An employee who is on annual leave when called to jury duty must be granted jury duty leave for the period of jury service. The employee will be required to return to work when early release or partial days of jury duty service occur(s).
- I. **Holiday Leave**
1. **Purpose:** Provide paid time off for employees to observe holidays set forth in the University's Holiday Schedule.
 2. **Eligibility:** Benefit-eligible, professional and administrative staff, provided they are on the payroll for the month in which the holiday is observed. Part-time employees earn a pro-rated amount of leave based on their full-time equivalent (FTE).
 3. **Approval:** Please reference the Holiday Schedule posted on the Office of Human Resources webpage.
 4. **Amount:** Up to eight hours per holiday. Employees who work flex schedules of more than eight hours in a day need to request leave for the extra hours beyond eight or arrange to make up the time during the week of observance. If the holiday falls on a day a flextime or part-time employee is not scheduled to work, the employee is granted an alternate holiday at a time determined by the appointing authority or designee. It is recommended that alternate holiday leave be taken in the same week as the holiday.



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IV. History

- A. **Effective:** June 1, 2020
- B. **Revised:** July 1, 2018; July 1, 2015; July 1, 2005
- C. **Review:** This policy will be reviewed every three years or as deemed necessary by University leadership.

V. Approval

Janine Davidson, Ph.D.
President, Metropolitan State University of Denver

N/A

Chair, Board of Trustees, Metropolitan State University of Denver