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Chapter: Personnel

Modification No. 001

Subject: **Leave Program**

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- I. It is the policy of the Board of Trustees that all eligible administrative, associate, and support staff employees be granted - upon appropriate approval - two general types of leave: Leave with pay and leave without pay. Leave with pay is paid leave granted to eligible employees for a variety of personal and professional purposes. Leave without pay is a privilege that may be granted to an employee at the discretion of the President or his designated representative.
  
- II. The following leaves with pay for eligible administrative, associate, and support staff are authorized by the Board of Trustees:
  - A. Sick Leave
  - B. Annual Leave
  - C. Holiday Leave
  - D. Personal Leave
  - E. Leave for Professional Meetings
  - F. Bereavement Leave
  - G. Court Attendance Leave
  - H. Military Leave
  - I. Administrative Leave
  - J. Professional Development Leave
  - K. Self-Improvement Leave
  - L. Extended Administrative Leave
  - M. Disability Leave
  - N. Other Long-term Leave
  
- III. The following leaves without pay for administrative, associate, and support staff are authorized by the Board of Trustees:
  - A. Illness in the Family
  - B. Parental
  - C. Extended Military Service
  - D. Travel
  - E. Family Obligations
  - F. Self-improvement
  - G. Disability
  - H. Any other reason which is in the best interest of both the College and the employee.
  
- IV. Leaves for administrative staff are approved or disapproved by the President or by the President's designee. When an administrator is on leave at any time, another staff member is to be designated, in writing, as the acting administrator. The designation will be made by the individual who expects to be absent. A copy of the written designation of authority will be forwarded to the immediate supervisor of the individual making the designation.
  
- V. The President is authorized to establish criteria and procedures for all categories of leave with pay and leave without pay and to establish procedures to implement this policy.

Board Approval: September 21, 1987.

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Chapter: Personnel

Modification No. 015

Subject: **Leave Program**

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I. Leave with Pay for Non-Bargaining Administrators and Staff

A. Sick and Safe Leave

Sick and safe leave is a designated amount of compensated leave that may be granted to eligible administrators and staff who through personal illness, temporary disability, injury, or quarantine are unable to perform the duties of their positions. Sick and safe leave may also be used when an employee requires leave from work when there has been domestic violence, sexual assault, or stalking against the employee or an eligible member of the employee's family for receipt of medical or mental health attention, receipt of services from a victim services organization, participation in legal services or proceedings, or for a temporary relocation. Sick and safe leave may also include other excused absences such as those for medical, dental, or optical examination or treatment impossible to schedule on non-duty days. In addition, sick and safe leave may be used for illness in the immediate family if the employee's attendance is required (see below). Sick and safe leave may not be granted for the duration of any disability when monies are paid to the employee under the Workers' Compensation laws.

1. Eligibility

Each employee who regularly works 12 hours per week or more shall earn sick and safe leave.

2. Entitlement

Sick and safe leave shall be earned and computed bi-weekly on the basis of hours actually worked in a work week during the work year.

- a. Each regular full-time (40 hours per week) employee and full-time temporary with benefits employee shall accrue sick and safe leave at the rate of 3.69 hours per pay period.
- b. Regular Part-Time and Temporary Employees with Benefits who work less than 40 hours per week but no less than 20 hours per week shall earn sick leave in the proportion that their work week is to a 40-hour work week.
- c. All other eligible employees shall accrue sick and safe leave at the rate of 1 hour per 30 hours worked<sup>1</sup>.

3. Reasons for Sick and Safe Leave Use

- a. Sick and safe leave may be used:

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<sup>1</sup> Effective February 11, 2018

- 1) To care for or treat the employee's mental or physical illness, injury or condition;
- 2) To obtain preventative medical care for the employee or the employee's family member;
- 3) To care for a family member with a mental or physical illness, injury or condition;
- 4) For maternity or paternity leave; or
- 5) If the absence from work is necessary in order to receive medical or mental health attention, services from a victim services organization, legal services (or participate in legal proceedings), or during the time the employee has temporarily located for the reasons of domestic violence, sexual assault, or stalking committed against the employee or the employee's family member.

b. Family member includes:

- 1) A child (biological, adopted, foster, or step) of the employee;
- 2) A child for whom the employee has legal or physical custody or guardianship or for whom the employee stands in loco parentis regardless of the child's age;
- 3) A parent (biological, adoptive, foster, step, or individual who acted or stood in loco parentis) of the employee or employee's spouse;
- 4) The legal guardian of the employee;
- 5) The spouse of an employee;
- 6) Sibling (biological, adopted, foster, or step) of the employee;
- 7) Grandparent (biological, adopted, foster, or step) of the employee; or
- 8) Grandchild (biological, adopted, foster, or step) of the employee.

4. Use of Sick and Safe Leave

- a. A request for sick and safe leave, when the need for such leave is foreseeable (i.e. surgery, medical appointments), should be initiated by the employee prior to the desired leave period. The employee shall apply in writing through appropriate supervisory channels to the supervising administrator (or designee) of the employee.
- b. When the need for sick and safe leave is not foreseeable, the employee is responsible for providing notice to the employee's supervisor as soon as practicable. Unless physically impossible, this reporting should be accomplished before or during the working hours of the first day of such sick and safe leave.
- c. Sick and safe leave may be used only after it has been earned and credited to the employee's account. See Advancement of Sick and Safe Leave for exception to this provision.

- d. Leave Accrual
- 1) For Regular Full-Time (40 hours a week), Regular Part-Time (less than 40 hours a week but no less than 20 hour a week), and Temporary Employees with Benefits unused sick and safe leave may be accumulated and carried forward year to year.
  - 2) All other eligible employees may earn up to 40 hours of sick and safe leave in a year, use up to 64 hours of sick and safe leave in a year, and accrue up to 64 hours of sick and safe leave at any time. These employees may carry over up to 40 hours of sick and safe leave year to year. An employee will not accrue sick and safe leave during a pay period in which the employee worked fewer than 24 hours.
- e. Use of Sick and Safe Leave While on Annual Leave. When an employee becomes ill or disabled while on annual leave, the employee may use accumulated sick and safe leave provided the supervisor is notified as soon as possible and the employee submits to the Office of Human Resources satisfactory evidence confirming the illness or disability.
- f. Transfer of Accumulated Sick and Safe Leave. An employee who transfers from one College position to another (staff, administrator or faculty) shall retain the accumulated sick and safe leave balance or any indebtedness for advanced sick and safe leave which may have incurred.
- g. Verification of Sick and Safe Leave Use. Each supervisor is responsible for reviewing the use of sick and safe leave by each employee under his or her supervision. If an employee uses sick or safe leave for more than three consecutive scheduled days and/or times, the supervisor may contact the Chief Human Resources Officer, or designee, who may request written verification of the employee's sick and safe leave. The College may deny a subsequent leave request made by an employee who does not provide verification if the subsequent leave request is for the same reason as the leave for which the employee did not provide verification.
- h. If an employee's use of sick and safe leave appears excessive or questionable, the supervisor shall contact the Chief Human Resources Officer, or designee, who may discuss the employee's sick and safe leave use with the employee.
- i. Denial of Sick and Safe Leave. A request to take sick and safe leave may be denied if an employee fails to provide notice pursuant to a. and b. above and if the employee's absence will cause a disruption.

- j. Employees are prohibited from improperly using earned sick and safe leave and may not abuse sick and safe leave. .
5. Advancement of Sick and Safe Leave
- a. Regular full-time, part-time, and temporary with benefits employees are eligible for advancement of sick and safe leave. Upon recommendation of the employee's supervisor, an advancement to an employee of unearned sick and safe leave with pay not to exceed the amount to be earned during the next succeeding twelve (12) months may be approved by the Chief Human Resources Officer or designee.
  - b. As a condition for the advancement of sick and safe leave, the employee shall agree in writing that, if the employee's employment with the College terminates before the employee has accrued the amount of sick and safe leave that was used, the College is authorized to deduct the amount paid for advanced sick and safe leave from the employee's final paycheck.
  - c. In the event the employee's final pay is insufficient to cover such indebtedness, the employee shall be billed for the remaining balance of such indebtedness and shall make arrangements for payment satisfactory to the College. If, because of long-term disability or death, the indebtedness cannot be eliminated, it shall be written off.
6. Disposition of Accumulated Sick and Safe Leave at Termination of Employment
- a. All employees initially hired after January 1, 1993, are not entitled to compensation for unused sick and safe leave.
  - b. An regular or temporary with benefits employee hired prior to January 1, 1993, who resigns from the service of the College after completion of at least five consecutive years of service immediately preceding such separation shall be paid for twenty-five percent (25%) of not more than one hundred eighty (180) days of unused sick and safe leave computed on the basis of salary at termination; except that staff members who, as of June 30, 1987, have accumulated in excess of one hundred eighty (180) days of unused sick and safe leave, shall be paid at the time of termination for twenty-five percent (25%) of the unused sick and safe leave accumulated by such staff member as of June 30, 1987 or the date of termination, whichever is less. An employee who is dismissed from employment with the College is not entitled to this lump sum payment.
  - c. Earned but unused sick and safe leave will be reinstated for employees who leave the College and are not paid out earned but unused sick and safe leave if the employee is rehired within thirty-seven (37) weeks after leaving employment.

7. Employees who exhaust their accrued sick and safe leave may be eligible for 12 weeks of Family and Medical Leave if the employee has worked for the College at least 12 months and for 1,250 hours over the previous 12 months.
  8. Record Keeping. The College must keep for at least three (3) years records of earned sick and safe leave accrued by each employee and earned sick and safe leave used by each employee.
  9. The College is prohibited from taking adverse action against an employee who exercises a right to take sick and safe leave and employees are prohibited from making a complaint or bringing an action in bad faith.
- B. Annual Leave
1. Eligibility

Each administrative, associate, and support staff employee who is assigned to a regular position or a temporary-with-benefits position and who works a regularly scheduled 20 hours per week or more shall earn annual leave.
  2. Entitlement

Eligible employees shall be granted paid annual leave which shall accrue throughout each year as it is earned. Annual leave is earned and computed bi-weekly on the basis of assigned work week and work year.

    - a. Employees with less than three years of service with the College and whose assignment is a 40-hour work week, earn annual leave at the rate of 4.61 hours per pay period worked. Each employee with three or more years but less than 15 years of College service shall earn annual leave at the rate of 6.15 hours per pay period worked. Each employee with 15 or more years of College service shall earn annual leave at the rate of 8 hours per pay period worked.
    - b. Employees whose assignment is less than 40 hours, but no less than 20 hours per week, shall earn annual leave in the proportion that their work week is to a 40 hour work week.
    - c. Changes in entitlement are effected on the first day of the first pay period following completion of the prescribed years of service as computed from the adjusted date of employment (ADE).
  3. Disposition of Accumulated Annual Leave upon Termination of Employment
    - a. Effective January 1, 1997, an employee who leaves the service of the College prior to the completion of 30 calendar days of

employment shall not be eligible to receive payment for annual leave earned during these first 30 days of employment

- b. Effective January 1, 1997, an employee who leaves the service of the College after completion of 30 calendar days of employment shall receive a lump-sum payment for all accrued but unused annual leave at the terminal salary rate, but not to exceed the employee's annual leave accrual rate.

4. Use of Annual Leave

- a. Annual leave may not be used during the first 30 calendar days of employment unless pre-arranged as a condition of employment or in exceptional cases approved by the Vice President of Human Resources, Development, and Engagement or designee. After the first 30 calendar days of employment, leave may be used only after it has been earned and credited to the employee's account.
- b. Annual leave shall be scheduled by the appropriate supervisor at such time(s) as may be deemed to be in the best interest of the College. Generally, blocks of annual leave for ten-month employees should be scheduled during periods when faculty are not on duty.
- c. A request for annual leave should be initiated by the employee prior to the desired leave period. The employee shall apply through appropriate supervisory channels to the supervising administrator of his or her unit on the Request for Short-term Leave Form. The supervising administrator (or designee) shall approve or disapprove requests for annual leave.
- d. In an emergency, the employee is responsible for reporting to his/her supervisor as early as possible that he/she will be unable to report for work, stating the reason for the absence and his/her desire to use annual leave. The Request for Short-term Leave Form should be completed and submitted immediately upon return from the leave period. See also the "liberal leave" provisions in the procedures regarding "Emergency Closing of the College."
- e. Except in emergency situations every eligible employee upon request shall be granted the opportunity to use at least one year's entitlement of earned annual leave during each year.

5. Accrual and Accumulation of Annual Leave

- a. Effective December, 1996, annual leave not used may be accumulated up to the amount of the full-time employee's annual leave accrual rate and carried forward to the next year as follows: i) for employees with less than three years of service, 120 hours; ii) for employees with more than three years of service but less than 15 years, 160 hours; iii) for employees with



15 or more years of service, 208 hours. The maximum and carryover amount will be prorated for assignments of less than 40 hours per week.

- b. Any leave in excess of the maximum amount carried forward to the next year, in accordance with b. above, shall be lost at 12:01 am on the first day of the first pay period to be paid in January.

6. Creditable Service

Creditable service for use in determining an employee's annual accrual rate for annual leave shall include all authorized paid leave, authorized leave without pay for military service or self-improvement, and the time a regular employee is on approved disability leave. In computing the sum for creditable service, no credit shall be given for any month in which an employee was employed fewer than 15 calendar days.

7. Transfer of Accumulated Leave or Indebtedness

An employee who transfers from one College position to another (staff or administrator) shall retain his/her accumulated annual leave balance or any indebtedness or advanced annual leave the employee may have incurred.

8. Excluded Service

Periods of layoff and suspension and periods of authorized leave without pay in excess of two months (60 calendar days) shall not be credited for use in determining annual leave accrual rate. The only exceptions are leave without pay for military service, for self-improvement, and for disability.

C. Holidays

Eligible employees are authorized paid leave on official holidays when such holidays fall on days which they are regularly scheduled to work. Such leave is referred to as "holiday leave." Official holidays are those days designated each year in the College calendar (See 58001 College Calendar) on which the College is listed as being closed, including the Saturdays and Sundays. There shall be designated either fourteen or fifteen holidays during a fiscal year, or a number as authorized by the president when determined to be in the best interest of the College.

1. Eligibility

Each administrative, associate, and support staff employee who is assigned to a regular position or a temporary with benefits positions and who works a regularly scheduled 20 hours per week or more shall be eligible for holiday leave in accordance with this policy.

2. Work on Holidays

An employee may be required to work on an official holiday if a

determination is made that certain College services must be maintained. The president, the appropriate Vice President shall determine which College services must be maintained and each unit head concerned shall determine which employees work and which employees do not work on the holiday involved. See 35001CP, Compensation, Staff Pay for Work on a Holiday

3. When an Official Holiday Falls on a Staff Employee's Regular Day Off

When an official holiday falls on an employee's regularly scheduled day off, such employee shall not be paid for that day. However, in those situations where an alternate work schedule serves to reduce a full-time employee's number of paid holidays below the minimum number received by those working a regular work schedule, the employee so affected will receive an alternate paid holiday for the hours he/she are normally scheduled to work during the same pay period or the subsequent pay period, unless the needs of the College require that the day off be taken at a later time.

4. Holiday Falling During Periods of Other Authorized Leave

When an official holiday falls during a period of either annual or sick leave, it is counted as a day of holiday leave.

5. Alternate Work Schedules & Holidays

In those situations where an alternate work schedule serves to reduce a full-time employee's number of paid holidays below the minimum number received by those working a regular work schedule, the person so affected will receive an alternate paid holiday for the hours he/she are normally scheduled to work during the same pay period or the subsequent pay period, unless the needs of the College require that the day off be taken at a later time.

6. Part-Time Employees working 20 hours or more

Part-time employees shall be paid for holidays for the number of hours that they are regularly scheduled to work on those days. In the event a part-time employee is not scheduled to work on a holiday, the employee shall not be paid for that day.

D. Personal Leave

1. Eligibility

Each administrative, associate, and support staff employee who is assigned to a regular position or a temporary-with-benefits position and who works a regularly scheduled 20 hours per week or more shall earn personal leave.

2. Entitlement

An eligible employee may be granted personal leave (non-cumulative)

with pay up to a maximum of 24 hours for full-time employees and on a prorated basis for part-time employees during each leave year. Personal leave will be granted for the purpose of allowing the employee to attend to special personal obligations such as major religious observances, settlement on the sale or purchase of property, appearance in court other than for a staff member who is subpoenaed as a court witness or who is called to serve on a jury, lawyer appointments, or for other important personal unplanned crises or emergencies involving family members or personal property.

3. Application Procedures

The employee shall submit, in advance, if possible, a request for personal leave on the Staff Request for Short-term Leave Form through the employee's immediate supervisor to the supervising administrator (or designee) for approval. Employees will be on an honor system to request personal leave for appropriate reasons; therefore, no detailed explanation will be required.

E. Leave for Professional Meetings

Leave for professional meetings is paid leave granted for the purpose of attending off-campus professional meetings (e.g. conventions, conferences, or committees as participant or observer), participation in which requires distant travel or absence of one day or more. The term "Professional Meetings" also includes other college business which requires distant travel. Requests for this type of leave are submitted on Request for Short-term Leave Form and forward it to the supervising administrator (or designee) for action.

F. Bereavement Leave

An eligible employee shall be entitled to leave with pay for five (5) work days, not to exceed 40 hours, in the case of the death of a member of the employee's immediate family. "Immediate family member" is defined as spouse; natural, foster, or stepchild; in-law; parent; step-parent; sibling; grandchild; grandparent; or member of the employee's immediate household. Leave need not be taken on consecutive days provided such leave is taken during the period between the date of death and the conclusion of the mourning period or date of burial. The employee shall submit the appropriate short-term leave form to the supervising administrator (or designee) for action.

G. Court Attendance Leave

An eligible employee who is subpoenaed as a court witness or who is called to serve on a jury may be granted court attendance leave for the period he or she is required to be in court plus necessary travel time.

1. The employee shall submit the appropriate short-term leave form. A copy of the subpoena or summons shall be attached to the request.
2. Upon return to work the employee shall substantiate the extent of his or her absence by the submission of an official statement from the court indicating the exact duration of the employee's court service.

3. Any pay (less travel or other necessary and uncompensated expenses) received by the employee for such court service shall be paid to the College unless the employee elects to use annual leave or leave without pay, in which case the employee may retain all pay received for such court service.

H. Annual Military Reserve Training Leave

An eligible employee who is a member of the National Guard or of the United States Armed Forces Reserves may be granted special leave with pay for training purposes not to exceed 15 calendar days in any 12-month period when required by federal or state order. In addition, such leave with pay as may be required may be granted to an employee when his or her reserve unit is activated by federal or state order in the event of a civil disturbance or other emergency.

1. The employee shall submit the appropriate short-term leave form through appropriate supervisory channels to the Vice President of Human Resources, Development, and Engagement (or designee). A copy of the military or other governmental orders shall be attached to the request.
2. Any pay (less extra travel or other necessary and uncompensated expenses) received by the employee for such active duty shall be paid to the College unless the employee elects to use annual leave or leave without pay, in which case the employee may retain all pay received for such active duty.

I. Administrative Leave

College employees may be granted paid leave when the safety, health, or general welfare of the employee is in danger or when such leave is deemed to be in the best interest of the College. Administrative leave may be granted on either an institution-wide basis or to selected segments of the staff of the College as follows:

1. When conditions justify administrative leave on an institution-wide, campus or central office basis, the President (or designee) authorizes such leave.
2. When conditions justify granting administrative leave to only selected offices or personnel of the College staff, such authorization shall be made by the Vice President of Human Resources, Development, and Engagement or designee upon the recommendation of the appropriate administrator for the organizational unit involved.

3. Notification

When administrative leave is authorized, it shall be announced in writing by the authorizing official no later than the first working day following the authorization decision. The notification shall identify those employees entitled to use such leave.

4. Administrative Leave - Institution-Wide, Campus or Central Office

When administrative leave is authorized for all employees of the College, or a major segment thereof, it shall apply to all affected employees who are on the payroll in a work status or who are on annual or sick leave. If such leave happens to fall on an employee's normal day off, it shall not apply for that employee.

5. Administrative Leave - Selected Offices or Personnel

When administrative leave is authorized for selected offices or personnel of the College, only those employees so identified, and who are on the payroll in a work or paid leave status, shall be entitled to use such leave. If such leave happens to fall on a normal day off for any such employee, it shall not apply for that employee.

6. Required Work During Periods of Administrative Leave

Those employees who are required to work in order to service and protect those portions of College property affected by the authorized administrative leave shall be paid for such work in the same manner as employees are paid for work performed on an official holiday.

J. Extended Professional Development Leave

1. General

Extended professional development leave for administrative, associate, and support staff will normally be granted for a period of three months or one semester and will be at full pay. Exceptions to this framework will be considered on an individual basis.

2. Eligibility

Staff become eligible to apply for and are considered for professional development leave after they have served continuously at Montgomery College for at least three years without paid professional leave.

3. Criteria

The evaluative criteria listed below will be used in reviewing all requests for professional development leave submitted by staff personnel.

- a. A professional development leave may be requested for any purpose which will further the professional development of a staff employee or enhance the reputation of Montgomery College. Leave may be requested to engage in a program of scholarly or academic pursuit which will enhance the individual's professional development in his or her role as an employee at Montgomery College, such as a program of professional renewal or development, scholarly or academic study, preparation of a text or other major literary work, or completion of a degree,

certificate, or program of study.

- b. The proposal shall indicate clearly how the program to be undertaken will benefit the College and the individual. It shall also include a detailed outline of the objectives of the program and the specific activities planned to achieve the objective.
- c. In addition to the criteria above, the following will also be considered in evaluating requests for extended professional development leave. These items are not listed in priority order:
  - (1) Contributions which the applicant has made over the years to the College as a whole.
  - (2) Length of service of the applicant at Montgomery College.
  - (3) The value of the project to the individual, the academic field, or employment area of the applicant.
  - (4) Previous professional development leaves granted.
  - (5) Funds available to support professional development leaves.
  - (6) Provisions for handling the applicant's duties while on leave.

4. Application Process

- a. The application shall be submitted in writing and shall describe in detail the program to be undertaken. The application shall also indicate the specific period of time for which the leave is requested.
- b. Employee Status An administrative, associate, or support staff employee on extended professional development leave shall for all purposes, including but not limited to benefits and applicability of the College conflict of interest policy, be viewed as a full-time employee, except that annual leave and sick leave may not be earned or used while on professional development leave.
- c. Contractual Agreement An administrative, associate, or support staff employee granted extended professional development leave shall enter into a written agreement whereby he/she agrees to return to service at Montgomery College for a period of time based on the following formula: For each month of approved leave, the employee will return to the College for four months. If the employee fails to return and remain for the period of time specified in the agreement, the employee shall refund to the College all monies paid to him/her on his/her behalf during the period of the leave. The written agreement shall also provide that the employee's engagement in professional activities (other

than those specified in the approved program) for which payment is received shall not be allowed unless specifically approved by the Vice President of Human Resources, Development, and Engagement (or designee), who is responsible for administering the terms of the agreement.

- d. Change of Status Due to Inability to Complete Program If the staff employee cannot complete the planned program for which the extended professional development leave was granted, it is the employee's responsibility to notify promptly the Vice President of Human Resources, Development, and Engagement (or designee) after which the employee shall either return to his/her regularly assigned duties or be reassigned to an appropriate leave status. Salary allowances and benefits shall then be adjusted accordingly.

e. Evaluation

- (1) An administrative, associate, or support staff employee on extended professional development leave shall be evaluated in accordance with the policies and procedures appropriate to administrative, associate, or support staff.
- (2) The employee shall furnish progress reports to his/her supervisor during the course of the leave, as requested by the supervisor at the time the leave is granted.
- (3) A full written report describing activities during the leave and the results of the leave or proof of successful completion of the program shall be submitted to the supervisor within 30 days of completion of the leave and shall be considered in the evaluation of the employee.

5. Specific Procedures Applying to Administrative Staff

- a. Applications will be submitted through normal administrative channels to the Vice President of Human Resources, Development, and Engagement (or designee) in accordance with instructions issued annually. Normally, applications are solicited in the late fall to early spring for leave to begin the following fiscal year. Intervening supervisors shall review the proposal within the context of the approved criteria and make a recommendation for approval or disapproval as well as a recommendation as to how the applicant's responsibilities will be performed in his/her absence.
- b. In the event that more than one proposal is received in a department for leave over a similar time period, the Vice President of Human Resources, Development, and Engagement or designee may convene an ad hoc committee to evaluate the proposals and to make a recommendation for approval or disapproval.

- c. The President will make a final decision regarding extended professional development leave for administrators.

6. Specific Procedures Applying to Associate and Support Staff

- a. Applications will be submitted through normal administrative channels to the Vice President of Human Resources, Development, and Engagement or designee in accordance with instructions issued annually. Normally, applications are solicited in the fall for leaves to begin the following fiscal year.
- b. Applications for extended professional development leave for associate and support staff employees are considered by a special committee appointed by the Vice President of Human Resources, Development, and Engagement or designee from nominees submitted by the Staff Senate. The special committee will make its recommendations to the Vice President of Human Resources, Development, and Engagement (or designee).
- c. The Vice President of Human Resources, Development, and Engagement (or designee) will make a final decision regarding extended professional development leave for support and associate staff.
- d. Upon completion of extended professional development leave, an associate or support staff employee shall immediately return to the same position held prior to such leave unless, by mutual agreement in advance of the employee's return, it is decided to place the returning employee in a different position.

K. Extended Administrative Leave

Extended administrative leave is defined as that type of personnel development leave authorized and assigned an administrative, associate, or support staff employee to benefit the College. College personnel are placed on extended administrative leave only to acquire a set of skills or specific knowledge required for the operation of the College. Placement of an individual on such leave, and the financial arrangements therefore, must be approved by the President. Extended administrative leave will not be used when other methods such as independent or self-programmed study or educational (tuition) assistance will provide the skill needed in the time frame involved. When the criteria for the Educational Assistance Program are met, the program may be used in conjunction with extended administrative leave, with the approval of the President.

1. Eligibility.

Any individual currently employed full-time by the College may be placed on extended administrative leave provided that the person is willing and that, normally, the person has been in the service of the College for at



least four (4) consecutive years. Declining the offer to be placed on this leave will not affect the person's employment status at the College.

2. Application Procedure
  - a. Although normally initiated at the supervisory level, any member of the College may recommend that extended administrative leave be granted to one or more eligible persons or for one or more purposes. If not originating with the President, a vice president/provost, or Senior Vice President, the request will be forwarded through supervisory channels to the appropriate aforementioned major supervisor.
  - b. The request should explain the purpose of the leave, state how it will benefit the operation of the College, explain why it is necessary or essential for the College to authorize this type of leave, provide a specific cost estimate, recommend an individual(s) to be on the leave, list any prior leave for professional meetings or extended administrative leave granted to that person during the prior 12 months, and indicate the willingness of the individual(s) to be placed on leave if it is granted.
  - c. The major supervisor concerned will review the request, make a recommendation, and forward it to the Vice President of Human Resources, Development, and Engagement or designee for consideration and recommendation to the President for final approval or disapproval.
  - d. When extended administrative leave has been authorized by the President, application for leave will be made administratively on the Request for Funds for Distant Travel form.
3. Salary and Benefits. All salary and benefits normally received will continue when a person is placed on extended administrative leave. In addition, travel, and allowance for room and board may be paid by the College, as warranted, and will be determined in advance by mutual agreement between the individual and the Chief Business Officer, and be approved by the President.
4. Contractual Agreement. An individual who agrees to be placed on extended administrative leave must contract to return to the College upon its completion for twice the duration of the leave but in no case less than the equivalent of half of an academic year. Failure to return and serve will make the individual liable for all monies paid to him/her or on his/her behalf by the College, unless relieved of this obligation, in part or in full, by the President for such reasons as disability or death.
5. Duration of Leave. Extended administrative leave is normally for no more than the equivalent of a semester. The minimum duration of extended administrative leave will usually be more than two weeks. Personal development leave of two weeks or less will normally be considered under the category of short-term leave to attend professional

meetings. Although extended administrative leave will usually be for periods in excess of two weeks, an individual's daily absence over a continued period of time while on extended administrative leave might well be for only a fraction of a working day; for example, two hours per day for six weeks.

- 6. Credited Service. An individual on extended leave will have the time of authorized absence count toward employment status and will return to the same or equivalent position on return from leave.

L. Short-Term Disability Leave for Administrative, Associate and Support Staff

- 1. Disability Not Compensable Under Workers' Compensation Law.

A staff employee who works at least half-time with regular status (as opposed to temporary status) in a budgeted position on a continuing basis; who has completed at least six months of continuous service with Montgomery College or an employee who works at least half-time in a temporary-with-benefits position and has been employed at the College for at least three (3) consecutive years; who is completely unable to work of a sickness or accident not compensable under the Workers' Compensation law; and who has exhausted all credited leave (at the employee's discretion and upon approval of the employee's immediate supervisor, an employee may request the use of advanced sick leave between the exhaustion of all accrued sick leave and the commencement of disability leave. This request must be made and approved prior to the commencement of Disability Leave and is a non-revocable decision for that period of disability)., shall be entitled to leave, commencing on the first day after the exhaustion of sick leave and continuing to the first anniversary of the date he/she was first unable to work of such disability. A staff employee shall be remunerated for the period of this leave in an amount equal to a percentage of the staff employee's salary, had the staff employee worked, in accordance with the following schedule:

| <u>Length of Continuous Service</u>                            | <u>Percentage of Salary</u> |
|--|-----------------------------|
| At least 6 months, but less than 3 years of continuous service | 50%                         |
| 3 years, but less than 10 years of continuous service          | 60%                         |
| 10 years of continuous service or more                         | 80%                         |

An employee who is on short-term disability leave under this section, when deemed appropriate by the Vice President of Human Resources, Development, and Engagement, or designee, and upon the presentation of acceptable medical documentation, may be permitted to engage in rehabilitative work (defined as returning to work for fewer hours than the employee was regularly scheduled before leave commenced) for up to

the term of the employee's short-term disability period. An employee shall be remunerated for the period that he or she is permitted to engage in rehabilitative work pursuant to this section in an amount equal to the percentage of the employee's regular rate provided in the above schedule, plus an additional twenty (20) percent of the employee's regular rate. An employee engaged in rehabilitative work shall accrue leave on a pro rata basis and shall be permitted to use leave on a pro rata basis.

2. Disability Compensable Under Workers' Compensation Law.

a. Treatment by Designated Provider.

A staff employee who has completed at least six (6) months of continuous service with Montgomery College or an employee who works at least half-time in a temporary-with-benefits position and has been employed at the College for at least three (3) consecutive years, who is completely unable to work because of a sickness or accident compensable under the Workers' Compensation law, and who is treated for such disability by a College designated Workers' Compensation provider shall be entitled to leave commencing on the first day he is unable to work because of such disability and continuing to the first anniversary of such date. A staff employee eligible for leave under this paragraph shall be remunerated for the period of such leave in an amount equal to one hundred percent (100%) of the salary the staff employee would have been paid had the staff employee worked.

b. Treatment by Other Than Designated Provider.

(1) A staff employee who has completed at least six (6) months of continuous service with Montgomery College or an employee who works at least half-time in a temporary-with-benefits position and has been employed at the College for at least three (3) consecutive years, who is completely unable to work on account of a sickness or accident compensable under the Workers' Compensation law, who is treated for such disability by a health care provider other than a College designated Workers' Compensation provider, shall be entitled to leave, commencing on the first day he/she is unable to work because of such disability and continuing to the first anniversary of such date. A staff employee eligible for leave under this paragraph shall be remunerated because of such sickness or accident in accordance with the Workers' Compensation law.

(2) Not later than seven (7) calendar days after the first day he is unable to work because of the disability, a staff employee entitled to leave under paragraph L. 2. b. 1. above may elect, in lieu of leave under this paragraph (L. 2. b. 1.), to use accrued and unused sick leave. If a staff

employee elects to use leave as provided in the paragraph above, such leave must commence as of the first day the staff employee is unable to work because of the disability and must continue until the staff employee returns to work, or the accrued sick leave is exhausted, whichever occurs earlier. If a staff employee's accrued sick leave is exhausted before he is able to return to work, he shall immediately be entitled to commence leave under paragraph L. 2. b. 1. above, which shall continue to the first anniversary of the date he was first unable to work because of such disability.

3. Exclusions.

Notwithstanding the foregoing, disability benefits under this paragraph shall not be available for illness or accident disability resulting from or contributed to by war or any act of war, whether declared or undeclared; intentionally self-inflicted injury; or injury sustained in the commission of or having participated in committing a felony. Eligibility for disability benefits will automatically cease upon the date the staff employee returns to active duty with Montgomery College; the staff employee's seventieth (70th) birthday; the date upon which the staff employee retires under a Montgomery College retirement plan; the date on which the staff employee's employment with Montgomery College ceases; or the date on which the staff employee ceases to be under the care of a legally qualified physician; whichever occurs earliest. Short term disability leave shall be available only for such period of time during the year the staff employee would have been scheduled to perform assigned responsibilities in the position which entitles the employee to such disability leave.

4. Reduction of Montgomery College Expenditure.

If the staff employee qualifies for Workers' Compensation, Social Security or other disability compensation plans to which Montgomery College contributes on account of the sickness or accident disability for which the staff employee qualifies for benefits under this paragraph, the total amount of remuneration received by the staff employee from such disability compensation plans plus any additional amounts payable by the College pursuant to this paragraph shall not exceed the salary the staff employee would have received that is attributable to the period of leave under this paragraph. If, during the period of such sickness or accident disability, the staff employee engages in any work for wage or profit, the remuneration set forth in sections L. 1. or 2. above shall be reduced by the amount of the wage or profit during the time period in question.

5. Proof of Disability.

Upon request of the Office of Human Resources, Development, and Engagement, a staff employee claiming disability benefits under this paragraph shall submit to an examination by a qualified physician designated by the College. If the physician designated by the College is

of the opinion that the staff employee is not completely disabled from engaging in some or all of the staff employee's responsibilities to Montgomery College, the staff employee shall be required to perform such duties as the physician designated by the College determines appropriate, unless the staff employee's personal physician disagrees with the opinion of the physician designated by the College; in which event, the physician designated by the College and the staff employee's personal physician shall select a third physician to examine the staff employee at the College's expense. The majority opinion of the three physicians shall prevail.

6. No Extension of Disability Benefits Program.

The total amount of short term disability leave available on account of any one disability shall not extend for a period in excess of twelve (12) months. In the event a staff employee returns to work prior to the expiration of such twelve (12) month period and subsequently is unable to continue to work because of the original sickness or accident disability, the staff employee shall be entitled to receive benefits, in accord with the provisions of this paragraph, for the unused balance of the original twelve (12) months if the staff employee otherwise qualifies under this paragraph.

7. Leave and Continuous Service Credit.

A staff employee shall not accrue annual or sick leave during the period the staff employee is receiving disability benefits nor shall the period of time the staff employee is on disability leave be counted towards satisfaction of the required probationary period.

8. Application for Disability Benefits.

Application for disability benefits shall be submitted, on a form to be provided by the Office of Human Resources, Development, and Engagement, to the Office of Human Resources, Development, and Engagement. The application shall include the written opinion of a legally qualified physician as to the nature and extent of the sickness or accident disability, the effective date of such disability, the anticipated duration of such disability, and a clear statement that the staff employee is unable to perform any of the staff employee's assigned responsibilities because of such sickness or accident disability. The Office of Human Resources, Development, and Engagement shall establish the effective date of disability based on the form so submitted. A staff employee whose application for benefits under this paragraph is denied by the Office of Human Resources, Development, and Engagement may appeal to the Senior Vice President for Administrative and Fiscal Services.

M. Other Long-Term Leave

The President may authorize long-term leave with pay for unusual and imperative reasons not covered by any of the foregoing categories of leave. The President may authorize, upon recommendation from the appropriate Vice President and provost/Senior Vice President, long-term leave without pay for categories of

leave not covered in the preceding paragraphs pertaining to long-term leave. A determination will be made in each case concerning continued participation in the retirement and other benefit plans and payments therefore.

II. Leave Without Pay for Non-Bargaining Administrative, Associate, and Support Staff

These procedures are applicable to all requests for leave without pay.

A. General

1. Leave without pay for one through five consecutive working days may be granted to an employee by his/her supervisor.
2. All other leave without pay in excess of five consecutive working days may be granted: (1) in accordance with the provisions of the Federal Family and Medical Leave Act, as outlined below, or (2) upon approval by the President (for administrators) or by the Vice President of Human Resources, Development, and Engagement or designee (for associate and support staff) as outlined below.
3. In all cases of leave without pay in excess of five consecutive working days, the employee shall submit a request to the President or designee (for administrators) or the Vice President of Human Resources, Development, and Engagement or designee (for associate and support staff) through normal supervisory channels detailing the reasons for the request.
4. All applications for leave without pay for military service shall be accompanied by a copy of the employee's official orders which summon the employee to active duty. Military service includes active service as a commissioned officer, warrant officer, or enlisted person in the Army, Navy, Air Force, Coast Guard, or Marine Corps.
5. Employees shall request leave without pay at least 30 days in advance, when the purpose of the leave is foreseeable.

B. Family and Medical Leave Without Pay

These procedures are applicable to requests for leave without pay subject to the provisions of the Federal Family and Medical Leave Act of 1993 (FMLA). The procedures will be administered in accordance with the provisions of the FMLA.

1. Eligibility

Employees are eligible for up to 12 weeks of unpaid leave if they have worked for the College at least 12 months and for 1,250 hours over the previous 12 months.

2. Reasons for Leave

Unpaid leave will be granted for any of the following reasons:

- a. To care for an employee's child after birth, or placement for adoption or foster care;
- b. To care for the employee's spouse, son or daughter, or parent who has a serious health condition; or
- c. For a "serious health condition" that makes the employee unable to perform her/his job. A serious health condition for purposes of the FMLA means:
  - (1) An illness or injury that involves an overnight stay in a health care facility and any subsequent treatment in connection with such stay; or,
  - (2) Continuing treatment by a health care provider including any one or more of the following:
    - i. a period of incapacity of more than 3 consecutive, full calendar days and subsequent treatment by a health care provider in-person two or more times within 30 days of the first day of incapacity
    - ii. treatment by a health care provider in-person on at least one occasion which results in a regimen of continuing treatment
    - iii. pregnancy and prenatal care
    - iv. condition which requires visits at least twice a year for treatment by a health care provider over an extended period of time and may cause episodic rather than a continuing period of incapacity
    - v. permanent or long-term conditions
    - vi. conditions requiring multiple treatments by a health care provider including recovery time
- d. A qualifying exigency which occurs while the employee's spouse, son, daughter, or parent who is a reservist, member of the National Guard, or retired member of the Regular Armed Forces or Reserves is on federal active duty or has received a federal call to active duty in support of a contingency operation.

A qualifying exigency includes:

- (1) any issue relating to a short-notice deployment (i.e. within seven calendar days of notification of deployment);
- (2) attendance at military events and related activities, such as pre-deployment briefings and family support sessions;

- (3) time needed to provide or arrange for childcare or participate in school-related activities with respect to a child or ward of the covered family member;
- (4) time needed to make or update financial and legal arrangements relating to the covered family member or act as the covered family member's representative with respect to military service benefits;
- (5) time needed to participate in counseling, where the need for counseling arises from the covered member's active duty or call to active duty;
- (6) up to five days spent with a covered family member on short-term rest and recuperation leave from a deployment;
- (7) post-deployment activities, including any official ceremony sponsored by the military, as well as exigencies arising from the death of a covered family member while on active duty status; and
- (8) additional activities, provided that the employer and the employee agree that such leave shall qualify as an exigency and agree as to the timing and the duration of such leave.

- e. To care for a "covered service member" injured or incurred a serious illness in the line of duty while on active duty. A "covered service member" means a current member of the Armed Forces, including a member of the national Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. An employee is eligible for up to 12 weeks of unpaid FMLA leave in a 12 month period for reasons (a)-(d) above. FLMA includes a special leave entitlement for reason (e) above, that permits eligible employees to take up to 26 weeks of unpaid FMLA leave to care for a covered service member during a single 12 month period.

### 3. Job Benefits and Protection

- a. For the duration of the leave, the College will maintain group health care coverage under the same conditions as if the employee were still working.
- b. Employees are entitled to return to their former job or an equivalent position at the end of the leave, except as provided for under the FMLA.
- c. The use of leave under these procedures will not result in the loss of any employment benefit that accrued prior to the start of an employee's leave.



4. Certification

The College will require certification for FLMA leave. The employee must respond to such a request within fifteen (15) days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

To Qualify for Unpaid FMLA Leave:

- a. Medical certification will be provided using the DOL Certification of Health Care Provider for Employee's Serious Health Condition Form.
- b. Military family leave certification will be provided using the DOL Certification of Qualifying Exigency For Military Family Leave Form or DOL Certification for Serious Injury or Illness of Covered Service Member for Military Leave Form.

C. Other Leave Without Pay

These procedures are applicable to all requests for leave without pay over five days except those covered by the FMLA.

1. Eligibility

Administrative, Associate, and Support Staff with regular status may request leave without pay for a period of time not to exceed 12 months.

2. Reinstatement Rights

- a. An eligible employee who has completed three or more consecutive years of satisfactory service to the College and who has been granted leave without pay under this section shall have the right of reinstatement in his or her former position upon return from such leave unless the employee waived such right prior to the expiration of such leave.
- b. An eligible employee who has completed less than three years of satisfactory service to the College and who has been granted leave without pay for a period no greater than three months shall have the right of reinstatement in his or her former position upon return from such leave unless the employee waived such right prior to the expiration of such leave.
- c. In all cases where reinstatement rights do not apply, the College will make every attempt to place the employee in a position comparable to the one previously held. If such placement is not achieved by the end of six months from the end of the period of leave without pay, the employee will be separated from the service of the College in good standing.

3. Reinstatement Procedures After a Period of Leave Without Pay

- a. An employee who has been on leave without pay for a period of not more than three months shall notify the President or

designee (if an administrator) or the Vice President of Human Resources, Development, and Engagement or designee (if other staff) no later than two weeks before the end of the leave period of his or her intention to return to duty.

- b. An employee who has been on leave without pay for a period in excess of three months shall notify the Director of Personnel Management no later than 30 calendar days before the end of the leave period of his or her intention to return to duty.
- c. An employee with reinstatement rights shall be reinstated in the former position, assuming the individual is still qualified to perform the duties of said position and assuming that the position has not been abolished or reclassified and assuming that the employer has timely notified the College of his/her intent to return. The President for administrators or the Vice President of Human Resources, Development, and Engagement or designee for staff employees shall have the responsibility for determining the returning employee's fitness for resuming the responsibilities of his or her former position.
- d. If the returning employee's former position no longer exists or has been reclassified, the employee shall be given preferential consideration for any other comparable vacant position; or, if qualified, he/she shall be placed in the reclassified former position.
- e. If the returning employee's experience while on leave has resulted in qualifying him/her for a higher level position than the previously held position, the employee may apply for any other vacant position for which he/she is now qualified, instead of automatic reinstatement in the formerly held position.
- f. An employee on leave without pay for military service shall surrender all reinstatement rights if, after completing the initial period of military service, he/she voluntarily elects to remain in the military service; or, after being discharged subsequently decides to re-enlist voluntarily. An employee shall not be eligible to be granted leave without pay for military service or to be continued on such leave for such voluntary service beyond the initial period of service.
- g. An employee returning from leave without pay who does not accept reinstatement to his/her former position or to a comparable or better position shall thereby surrender all reinstatement rights.
- h. An employee returning from military leave who does not accept reinstatement to his/her former position or to a comparable or better position within 90 days after the offer of reinstatement is made shall thereby surrender all reinstatement rights.
- i. In cases where the employee who has been on leave without

pay does not have reinstatement rights, the Human Resources Office shall make an effort to place the returning employee in a position comparable to the formerly held position within six months.

4. Benefits During Leave Without Pay

- a. An employee on leave without pay, except when such leave is granted for military service, may continue participation in the employee benefit plan.
- b. During the employee's period of leave, the amount for benefits normally contributed by the employee and the amount for benefits normally contributed by the College shall both be paid by the employee.
- c. If payments are not made by the employee by the due dates specified in the contractual agreement, participation in the benefit plans will be discontinued.
- d. As a result of each period of leave without pay in excess of 60 calendar days (except for self-improvement, disability, and military service), the employee's annual salary increment date and adjusted date of employment shall be moved forward the same number of days as the employee was on leave without pay in excess of 60 calendar days.

D. Leave Without Pay for Professional Improvement/Self-Improvement

An administrative, associate, or support staff employee who has completed three consecutive years of service with the College may be granted leave without pay for professional improvement or self-improvement by the President (or designee) for administrators and the Vice President of Human Resources, Development, and Engagement (or designee) for associate and support staff employees. The College may pay the total cost (including the amount usually paid by the employee) of the employee's continued participation in the employee benefit (retirement, health and life insurance) plan upon the employee's satisfactorily meeting the following standards.

1. The content of the planned course of study or vocational training program is directly applicable to the work performed by the employee for the College and will be of immediate benefit to both the employee and the College upon the employee's return from leave, or, it will prepare the employee for a different role at the College that is mutually agreed upon in advance and identified as an actual, funded need of the College. In the latter case the planned course of study must be sufficient to enable the employee to meet fully the required qualifications for the new position. The course or program content must be applicable and clearly established by the materials presented to support the recommendation.
2. The course of study is either a terminal program; a self contained, independent unit; or the final phase of a degree or other long term program; and can be completed within the maximum period of time (12

months) allowable for this kind of leave.

3. The course of study will be undertaken at an institution or organization which has appropriate accreditation, professional reputation or status in the field being studied. In the event of doubt on this point the opinion of a recognized expert in the field will be obtained by the College to consider the selection.
4. The course of study is full-time, and the employee provides a written certification to the effect that during this leave he or she will not engage in other employment which might jeopardize the obtaining of maximum benefit from the study. In addition, the employee documents the fact that he or she will not receive from a scholarship, grant, or salary (either singly or combined) an amount greater than the salary regularly received from Montgomery College less the amount regularly contributed to the cost of participation in the retirement, health and life insurance plans by the employee. All allowances over and above the grant, scholarship, or other compensation, which are awarded specifically for necessary related purposes such as housing, traveling, and moving expenses, are to be identified but not counted in this income comparison.

### III. Leaves For Bargaining Unit Staff

These procedures pertain to employees in positions represented by AFSCME Local 2380. See the current collective bargaining agreement for leave provisions.

- A. Requests for sick leave, annual leave, bereavement leave, personal leave, short-term professional leave, and court attendance leave shall be submitted on the standard Staff Request for Short Term Leave Request form to the administrative supervisor (or designee) for action. Requests for advanced sick leave may be approved by the Vice President of Human Resources, Development, and Engagement or designee upon the recommendation of the administrative supervisor.
- B. Request for Family and Medical Leave and for Military Leave shall be submitted to the Human Resources Office through normal administrative channels.
- C. Requests for Extended Professional Development Leave shall be submitted to the Vice President of Human Resources, Development, and Engagement (or designee) on a form provided by the College.
- D. Request for Short-Term Disability Leave Benefits shall be submitted to the Vice President of Human Resources, Development, and Engagement or designee on a form provided by the College.
- E. All requests for leave without pay shall be submitted to the Vice President of Human Resources, Development, and Engagement through normal supervisory channels, except that administrative supervisors may approve leave without pay for up to five consecutive work days.

### IV. Faculty Leaves of Absence

Faculty leave is subject to the provisions of the applicable negotiated agreements which,

if inconsistent, supersede these provisions. The procedures below pertain solely to full-time faculty members, unless otherwise noted.

A. Sick Leave

1. Faculty members shall notify the unit coordinator/first-line administrator prior to the intended use of sick leave, if possible, or on each day as soon as possible.
2. The Faculty Request for Short-Term Leave and Reporting Form shall be completed by the faculty member, if possible, or by the unit coordinator/first-line administrator.
3. The first-line administrator shall approve or disapprove all requests for sick leave.
4. Faculty members on sick leave shall keep the appropriate unit coordinator/administrator informed regarding the progress of the illness and the probable date of return.
5. Sick leave in excess of the amount accrued, up to 10 days, may be advanced by the Vice President of Human Resources, Development, and Engagement or designee, upon the recommendation of the dean.
6. Part-time faculty may be granted paid time off on the basis of one absence per class per semester on a non-cumulative basis.

B. Court Attendance Leave

1. Requests for court attendance leave shall be submitted on the Faculty Request for Short-Term Leave and Reporting Form to the unit coordinator/first-line administrator as soon as the faculty member is served with a subpoena or order to report for jury duty. A copy of the subpoena or order shall be attached to the form.
2. The first-line administrator shall approve or disapprove all requests for court attendance leave.
3. Faculty members shall promptly remit to the College any compensation received for such service, other than monies received for personal expenses (e. g. travel, meals).

C. Military Leave

1. Requests for military leave shall be submitted on a Faculty Request for Short-Term Leave and Reporting Form (MC 3.43-I) to the unit coordinator/first-line administrator as soon as the faculty member receives notice to report for military service or training. A copy of the official orders shall be attached to the form.
2. The first-line administrator shall approve or disapprove all requests for military leave.

3. Faculty members granted military leave may:
  - a. Remit to the College any compensation received from the Federal government or from any state for such service, or
  - b. Retain the compensation received for such service and request extended leave without pay from the College.

**D. Bereavement Leave**

1. Requests for bereavement leave shall be submitted on a Faculty Request for Short-Term Leave and Reporting Form to the unit coordinator/first-line administrator.
2. The first-line administrator shall approve or disapprove all requests for bereavement leave.

**E. Professional Meeting Leave**

1. Requests for professional meeting leave shall be submitted on a Faculty Request for Short-Term Leave and Reporting Form to the unit coordinator/first-line administrator. When the leave request contemplates the expenditure of College travel funds of \$75 or more, the requestor shall also submit a Request for Funds for Distant Travel. (See the approved policies and procedures regarding "Reimbursement for Travel and Related Expenditures" for further information regarding travel expenditures.)
2. The first-line administrator shall approve or disapprove all requests for professional meeting leave.

**F. Sabbatical Leave**

1. General
  - a. The Vice President of Human Resources, Development, and Engagement (or designee) is responsible for coordinating all matters relating to sabbaticals.
  - b. Sabbatical leaves are approved by the President (or designee).
  - c. The Vice President of Human Resources, Development, and Engagement shall inform each faculty member granted a sabbatical leave of the terms of the leave.
  - d. Eligible faculty members may request sabbatical leave on a form to be provided annually by the Vice President of Human Resources, Development, and Engagement.
  - e. Faculty members on sabbatical leave shall be considered, for purposes of fringe benefits and retirement, as full-time employees.

- f. Faculty members on sabbatical leave shall not accept employment or other commitments external to the College while on sabbatical leave. A faculty member may request the Vice President of Human Resources, Development, and Engagement to approve employment which does not interfere with carrying out the objectives of the sabbatical leave.
- g. Faculty members shall notify the Vice President of Human Resources, Development, and Engagement as soon as possible if, for any reason, they are unable to complete the program or meet the objectives for which the sabbatical leave was granted. The Vice President of Human Resources, Development, and Engagement shall determine the appropriate action to take in such circumstances, including termination of the leave, assignment to another leave category, reassignment to regular full-time duties, and/or reimbursement to the College for any monies due to the College as a result of a change in leave status.

2. Criteria

- a. All requests for sabbatical leave are evaluated for consistency with the approved goals and objectives of the department/unit, campus, and College, and with respect to the manner in which the program to be undertaken will benefit the College, the students, and the professional development of the individual. Examples of the type of activities that may meet the overall criteria are as follows:
  - (1) To carry on a program of purposeful course work for a period of at least one semester, or to attend a semester-long institute.
  - (2) To complete a book or other scholarly work that is of value to the individual and the academic community.
  - (3) To participate in research or an operational project of at least a semester's duration or more which would result in improvement in the applicant's overall competency for responsibilities at the College.
  - (4) To take part in some organized community project designed to improve relations between the College and the community.
  - (5) To travel provided such travel has a direct bearing on the particular subject matter field or educational methodology of the instructor.
- b. Other considerations may also be taken into account by the President. For example:
  - (1) Contributions which the applicant has made over the

years to the College.

- (2) Previous sabbatical leave or comparable leave granted previously to the applicant.
- (3) Length of service of the applicant at Montgomery College.

3. Sabbatical Leave Committee

a. Purpose

The purpose of this procedure is to set forth the operational process for requesting, reviewing, and awarding faculty sabbatical leaves. The procedure also provides a mechanism to enable faculty representatives to advise the President (or designee) with respect to the selection of faculty members for the award of sabbatical leaves.

b. Responsibilities

- (1) Sabbatical leaves are approved by the President (or designee).
- (2) The President has delegated to the Vice President of Human Resources, Development, and Engagement the responsibility and accountability for implementing this college-wide procedure.

c. Sabbatical Leave Committee

- (1) The functions of the committee are to evaluate applications for faculty sabbatical leaves and to advise the President with respect to the selection of faculty members for the award of sabbatical leaves. The President may also ask the committee to review completed sabbatical leave reports.
- (2) The committee is composed of six faculty members, two from each campus, appointed by the Faculty Assembly. Members serve two-year staggered terms. The Assembly shall notify the Vice President of Human Resources, Development, and Engagement of the membership of the committee upon appointment.

d. Procedure

- (1) During the fall semester of the academic year immediately preceding the academic year in which leaves may begin, the Vice President of Human Resources, Development, and Engagement or designee will meet with the committee to discuss the published criteria, the priorities for the forthcoming academic year,



the review process, and the method by which applications are recommended.

- (2) Sabbatical leave applications will be available beginning each August. An optional information session is offered during professional week to review the process and answer questions.
- (3) The completed application for sabbatical leave, which shall include a statement of the objectives to be accomplished during the leave, shall be submitted through normal administrative channels to the Vice President of Human Resources, Development, and Engagement or designee not later than Thanksgiving break of the academic year immediately preceding the academic year in which the faculty member intends to commence such leave.
- (4) In January, or earlier if possible, the Vice President of Human Resources, Development, and Engagement or designee will forward all eligible applications for sabbatical leave to the Sabbatical Leave Committee.
- (5) The committee will submit its recommendations to the Vice President of Human Resources, Development, and Engagement no later than March 1.
- (6) The College President (or designee) will make a final decision regarding applications for sabbatical leaves by April 1.

G. Extended Leave without Pay

1. Requests for extended leave without pay shall be submitted by memorandum to the campus vice president/provost (or designee) through normal administrative channels as early as possible before the intended use of such leave. The memorandum shall state fully the reasons for requesting such leave.
2. The vice president/provost shall approve or disapprove all requests involving leaves of less than one semester.
3. The Vice President of Human Resources, Development, and Engagement or designee shall approve or disapprove all requests involving leaves of one semester or more.
4. The Vice President of Human Resources, Development, and Engagement or designee shall inform each faculty member granted an extended leave without pay for one semester or longer of the terms of the leave.

H. Personal Leave

1. Requests for personal leave shall be submitted on a Faculty Request for Short-Term Leave and Reporting Form to the unit coordinator/first-line administrator.
2. The first-line administrator shall approve or disapprove all requests for personal leave up to a maximum of 3 days per academic year per faculty member.
3. Personal leave over 3 days per academic year may be granted, with or without pay, by the campus vice president/provost.
4. Personal leave with pay will not be granted outside of the academic year.

I. Short-Term Disability Benefits

1. Application for short-term disability benefits shall be submitted to the Vice President of Human Resources, Development, and Engagement or designee on a form to be provided by the Human Resources Office.
2. The Vice President of Human Resources, Development, and Engagement or designee shall approve or disapprove all requests for short-term disability benefits.

J. Leave Reporting

The procedure for reporting all leave taken that is requested on a Faculty Request for Short-Term Leave and Reporting Form, are the following:

1. All copies of the form are forwarded, through a unit coordinator if appropriate, to the first-line administrator.
2. If the leave is approved by the first-line administrator, two copies of the form are returned to the faculty member.
3. For each pay period, the faculty member granted leave will complete the "Dates of Leave" and "Type of Leave" portions at the bottom of the form; sign and date the form; and return both copies of the form to the first-line administrator.
4. Upon receipt of the signed form, the first-line administrator will complete the "pay status" portion at the bottom of the form; sign and date the form; and forward one copy of the signed form to the payroll office with the bi-weekly faculty attendance voucher.

K. Family and Medical Leave Without Pay

These procedures are applicable to requests for leave without pay subject to the provisions of the Federal Family and Medical Leave Act of 1993 (FMLA). The procedures will be administered in accordance with the provisions of the FMLA.

1. Eligibility

Employees are eligible for up to 12 weeks of unpaid leave if they have

worked for the College at least 12 months and for 1,250 hours over the previous 12 months.

2. Reasons for Leave

Unpaid leave will be granted for any of the following reasons:

- a. To care for an employee's child after birth, or placement for adoption or foster care;
- b. To care for the employee's spouse, son or daughter, or parent who has a serious health condition; or
- c. For a "serious health condition" that makes the employee unable to perform her/his job. A serious health condition for purposes of the FMLA means:
  - (1) An illness or injury that involves an overnight stay in a health care facility and any subsequent treatment in connection with such stay; or,
  - (2) Continuing treatment by a health care provider including any one or more of the following:
    - i. a period of incapacity of more than 3 consecutive, full calendar days and subsequent treatment by a health care provider in-person two or more times within 30 days of the first day of incapacity
    - ii. treatment by a health care provider in-person on at least one occasion which results in a regimen of continuing treatment
    - iii. pregnancy and prenatal care
    - iv. condition which requires visits at least twice a year for treatment by a health care provider over an extended period of time and may cause episodic rather than a continuing period of incapacity
    - v. permanent or long-term conditions
    - vi. conditions requiring multiple treatments by a health care provider including recovery time
- d. A qualifying exigency which occurs while the employee's spouse, son, daughter, or parent who is a reservist, member of the National Guard, or retired member of the Regular Armed Forces or Reserves is on federal active duty or has received a federal call to active duty in support of a contingency operation. A qualifying exigency includes:
  - (1) any issue relating to a short-notice deployment (i.e. within seven calendar days of notification of deployment);

- (2) attendance at military events and related activities, such as pre-deployment briefings and family support sessions;
- (3) time needed to provide or arrange for childcare or participate in school-related activities with respect to a child or ward of the covered family member;
- (4) time needed to make or update financial and legal arrangements relating to the covered family member or act as the covered family member's representative with respect to military service benefits;
- (5) time needed to participate in counseling, where the need for counseling arises from the covered member's active duty or call to active duty;
- (6) up to five days spent with a covered family member on short-term rest and recuperation leave from a deployment;
- (7) post-deployment activities, including any official ceremony sponsored by the military, as well as exigencies arising from the death of a covered family member while on active duty status; and
- (8) additional activities, provided that the employer and the employee agree that such leave shall qualify as an exigency and agree as to the timing and the duration of such leave.

- e. To care for a "covered service member" injured or incurred a serious illness in the line of duty while on active duty. A "covered service member" means a current member of the Armed Forces, including a member of the national Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

An employee is eligible for up to 12 weeks of unpaid FMLA leave in a 12 month period for reasons (a)-(d) above. FLMA includes a special leave entitlement for reason (e) above, that permits eligible employees to take up to 26 weeks of unpaid FMLA leave to care for a covered service member during a single 12 month period.

3. Job Benefits and Protection

- a. For the duration of the leave, the College will maintain group health care coverage under the same conditions as if the

employee were still working.

- b. Employees are entitled to return to their former job or an equivalent position at the end of the leave, except as provided for under the FMLA.
- c. The use of leave under these procedures will not result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

4. Certification

The College will require certification for FLMA leave. The employee must respond to such a request within fifteen (15) days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

To Qualify for Unpaid FMLA Leave:

- a. Medical certification will be provided using the DOL Certification of Health Care Provider for Employee's Serious Health Condition Form
- b. Military family leave certification will be provided using the DOL Certification of Qualifying Exigency For Military Family Leave Form or DOL Certification for Serious Injury or Illness of Covered Service Member for Military Leave Form.

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Administrative Approval: September 21, 1987; August 18, 1988; September 27, 1990; February 14, 1992; January 26, 1993; July 28, 1993; March 16, 1994; August 5, 1996; March 6, 1997; July 19, 1999; February 4, 2005 (editorial); September 3, 2010; March 28, 2012; June 24, 2013; February 12, 2018.