

OSU INSTITUTE OF TECHNOLOGY  
POLICY & PROCEDURES

**Attendance and Leave**

**3-002  
FISCAL SERVICES  
September 2015**

POLICY and/or PROCEDURE

- 1.01 An integral part of the benefits program for OSU Institute of Technology (OSUIT) is a uniform plan for attendance and leave for all classifications of personnel.
- 1.02 All personnel hired on a temporary appointment (expected to be less than six calendar months) or hired on a part-time appointment (less than 50% FTE) shall not be eligible to earn or accrue any leave benefit stated in this section except as prescribed by law.
- 1.03 The work schedule for exempt staff and faculty shall be whatever is deemed appropriate to meet the operating needs of the department or office. In general, a 40-hour workweek is considered to be minimal for exempt staff and faculty members, and such personnel are expected to work hours in excess of 40 hours per week when the workload requires such additional hours. Faculty are expected to spend 35 hours of their work week on campus. (For maximum and minimum credit hour assignments for faculty, see policy for Guidelines to Govern Workload Assignment of Faculty Members, 2-001.)
- 1.04 The work schedule for nonexempt employees shall be limited to no more than 40 hours per week or whatever is deemed appropriate by the supervisor with the appropriate approvals to meet the operating needs of the office or unit (subject to federal or state statutory limitations.)
- A. In reference to nonexempt employees, and in accordance with the provisions of the Fair Labor Standards Act, the official workweek of the university shall be deemed to be from 12:01 a.m. Sunday until midnight the following Saturday.
- B. All nonexempt staff are required to be present on their assigned job for the total hours in the work week, unless absence from duty is authorized by appropriate authority in accordance with the policies set forth herein.
- 1.05 Continuous Service
- A. In applying these rules, continuous service shall be construed as employment at OSUIT without a break in service. (This interpretation of continuous service shall have no effect on the rules and regulations of the Oklahoma Teachers Retirement System.)
- B. Employees who have satisfactorily completed their probation period and are separated due to a reduction in work force (layoff) and then re-employed by

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OSUIT within 12 calendar months from the date of layoff will not be considered to have had a break in service.

- C. An authorized leave of absence with or without pay shall not be considered a break in service.
- D. Any unauthorized leave of absence for more than three consecutive work days may be considered as a resignation from employment and if so considered, will be construed as a break in service.
- E. Resignation from employment shall normally constitute a break in service except as noted below.
- F. Staff who voluntarily resign employment from OSUIT and return within 30 calendar days may request reinstatement of the previous continuous employment date, and all rights and privileges accorded thereto. Such requests must be made by the employee in writing within the first 30 days of reemployment to the unit administrator, who will notify Human Resources of the reinstatement.
- G. When employees move from employment in one unit to another unit, any period in excess of five workdays that elapses between the last day on the payroll of one unit and the first day on the payroll of the other unit shall be covered by approved leave. If leave is not approved, then the period shall be considered to constitute a break in service.

1.06 Official University Holidays (See University Holidays Policy 3-003)

1.07 Rest Periods

- A. Supervisors (at their discretion) may allow full-time nonexempt staff one rest period during the first half of the work shift and one rest period during the second half of the work shift, provided that:
  - 1. No single rest period shall exceed fifteen (15) minutes total absence from the nonexempt employees work station (to include any travel time).
  - 2. Rest periods are scheduled by the unit administrator, considering the needs of the unit and, when possible, the wishes of the staff member. Rest periods are scheduled so that there will always be someone to continue needed services.
  - 3. Employees may not accumulate unused rest periods.
  - 4. Rest period time will not be authorized for covering an employee's late arrival on duty or early departure from duty, or for off-campus personal business.

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5. Any time taken off beyond stated limits shall be charged to the individual's annual leave.
- B. Supervisors may allow part-time nonexempt staff a rest period depending upon number of hours worked and nature of the job.
- C. Flagrant violation of rest period privileges will be grounds for disciplinary action.
- D. Faculty and exempt employees are expected to exercise work breaks, rest periods, coffee breaks, etc. with professional care and propriety. Excessive time taken during these periods shall be considered unprofessional conduct.

1.08 Administrative Leave

A. Court Leave

1. Employees who are called to serve as a member of a jury panel or who are legally subpoenaed as witnesses pertaining to their employment with the university shall be granted a leave of absence with pay. Fees paid by the court in connection with the jury panel duty may be retained by the employee. An employee is not entitled to receive any fee for serving as a witness pertaining to their OSUIT employment.
2. A leave of absence with pay shall be granted the employee when the court appearance is the result of an act performed by the employee as a part of his/her official duties as an employee of the university. The staff member shall not be entitled to a leave of absence with pay when the court appearance is the result of the employee being involved in a personal litigation case outside his/her scope of employment. Annual leave or compensatory leave, if applicable, may be used in lieu of a leave of absence without pay.
3. Employees who receive a jury duty summons should take it to their supervisor immediately so arrangements may be made if court leave is needed. In some instances it may be necessary to ask for the individual to be excused from serving on the jury. In those cases the supervisor will forward the jury summons to the Human Resources Director with a written statement stating why the employee should be excused. The Director will proceed to write the request to the court for the employee to be excused. This must be done as soon as possible after receipt of the jury summons.
4. When jury duty occurs while the employee is on leave without pay, paid court leave is not granted. When jury duty occurs while the employee is on annual leave or sick leave, the paid court leave will supersede the other type of leave.

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B. Voting Leave

1. Under Oklahoma Statutes, a staff member may have two hours or more time off to vote, if distance to polls requires it, provided all the following conditions are met.
  - a. A request for such time off must be made in writing by the employee the day prior to the election. The unit leader will decide what time in the work schedule to give for voting.
  - b. Employees will not lose any compensation or incur penalty for the absence if they provide proof of voting.
  - c. Time off for voting is not required if the staff member has three hours after the opening of polls before the work day begins or three hours after close of the work day before close of polls. A unit leader may change work hours to provide for such a three-hour period.
2. If the above conditions are met, such time off to vote would be considered administrative paid leave.

C. Funeral Leave

1. Employees shall be granted upon request up to three working days of funeral leave with pay upon the death of a related person in the immediate family; or for one day upon request of funeral leave with pay upon the death of a related person not in the employee's immediate family. For the purpose of this policy, the immediate family is defined as the father, mother, brother, sister, husband, wife, son, daughter, grandfather, grandmother, grandson, granddaughter, or corresponding in-law relationships. The three days will normally be contiguous with the day of the funeral.
2. In some cases, the three days of funeral leave are not sufficient. In such cases, additional administrative leave with pay may be requested by the employee and may be authorized by the division/department Vice President or President.
3. When covered funeral leave occurs while the employee is on leave without pay, paid funeral leave is not granted. When such leave occurs while the employee is on annual leave or sick leave, or other paid leave, the funeral leave will supersede the other type of leave.

D. Catastrophe Leave

An employee, who suffers individual, personal misfortune as a result of an event such as fire, explosion, flood, or violent weather, will be granted upon request up to three working days of paid administrative leave, if the event occurs while the employee is not on leave without pay.

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E. Inclement Weather (also refer to Policy 1-026 Inclement Weather)

1. At times, usually in winter, travel to and from the campus for work will be difficult due to bad weather. In rare instances the administration of the university will make the decision to close offices except those recognized as necessary to maintain essential services (essential personnel). If no such announcement is made (university officials are not responsible for misstatement of facts made by media announcers), the following leave policy will apply for employees who are absent.
2. Employees may use annual leave, compensatory leave or leave without pay to cover the absence.
3. It is understood that in a very few cases an employee's illness or dependent's illness may coincide with a bad weather day. If sick leave is claimed by the employee, it must be fully documented in writing and provided to the unit leader on the request for leave approval.

F. Accrual and Payment of Administrative Leave

1. If administrative leave is available, but not used, the unused administrative leave cannot be accrued by an employee, nor will payment be received in lieu of taking administrative leave.
2. Any type of administrative leave that is requested by an employee and approved by proper authority shall be charged as administrative leave and shall not be deducted from sick leave or annual leave accumulation unless otherwise stipulated in these policies and procedures.

1.10 Annual Leave

A. Method of Accruing Annual Leave

1. All full-time (1.0 FTE) continuing nonexempt staff shall earn annual leave as shown in the following table:

<b>Years of Service</b>	<b>Hours Accrued Per Pay Period</b>	<b>Workdays Accrued Each Year</b>	<b>Maximum Accrual Allowed</b>
<b>0-5</b>	4.31 biweekly 9.33 monthly	14	28
<b>6-10</b>	6.15 biweekly 13.33 monthly	20	40
<b>11+</b>	6.77 biweekly 14.67 monthly	22	44

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2. All full-time (1.0 FTE) continuing exempt staff (excluding executive administration) shall accrue annual leave as shown in the following table:

<b>Years of Service</b>	<b>Hours Accrued Per Pay Period</b>	<b>Workdays Accrued Each Year</b>	<b>Maximum Accrual Allowed</b>
<b>0-4</b>	10.00 monthly	15	30
<b>5+</b>	14.67 monthly	22	44

3. Faculty appointed to a continuing 12-month appointment (1.0 FTE) shall earn 14.67 hours annual leave per calendar month of active appointment with a maximum accrual allowed of 44 hours.
4. Staff in positions that have been reclassified and were accorded a higher accrual rate under the prior classification will continue to accrue leave in accordance with the prior leave schedule. At such time as the position becomes vacant, the leave accumulation of the position will be changed to reflect the current leave schedule.
5. Annual leave accumulates proportionately, based on the classification status, for employees appointed on a part-time continuing basis provided they are working one-half (.50 FTE) time or more. For employees who are employed less than one-half time, there shall be no annual leave earned or accumulated.
6. Annual leave accumulations are credited at the end of the pay period. The entire accrual is credited for employees in active pay status on the first Friday of the pay period if paid biweekly and the 16<sup>th</sup> day of the month if paid monthly. There is no proration of leave accrual.
7. At any time, the maximum accumulation balance of earned but unused annual leave shall not be in excess of the amount of leave accrued in the immediate past two-year period (24 months) subject to the provisions of payment for terminal annual leave.
8. If the current annual leave balance is in excess of the maximum accumulation allowable, the accumulation balance will be reduced to the level of the maximum balance allowable. Excess annual leave lost through such reduction shall be forfeited.
9. Annual leave shall continue to accumulate at the normal rate during periods of leave of absence with pay except during terminal annual leave and certain individual circumstances when receiving disability supplemental pay.

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10. A supervisor can compel an employee to take annual leave if deemed in the best interest of the employee by the supervisor.

B. Use and Payment of Earned Annual Leave

1. Annual leave is approved by the supervisor or unit leader while considering both unit and employee needs. The employee must complete a Leave Request form as far ahead as possible for the supervisor's consideration and approval. Individual supervisors may stipulate a designated timeframe for employees to turn in requests for annual leave.
2. Approved annual leave may be used only after it is earned--it will not be advanced.
  - a. For full-time (1.0 FTE) employees (faculty and staff), a day taken as annual leave equates to a typical eight hour workday.
3. Employees who resign or who are otherwise separated from university employment for any reason, except death, shall be paid for accrued but unused annual leave, except that in no case shall payment be made for more than one full year's accumulation. Withholdings on unused annual leave will be at the supplemental tax rate.
4. Employees who are laid off from employment or separated from university employment for reason of death shall be paid for accrued but unused annual leave, except that in no case shall payment be made for more than two full years' accumulation. Withholdings on unused annual leave will be at the supplemental tax rate.
5. It is the policy of the university to prohibit the "lump sum payment" method for accrued leave balance for the purpose of removing excess annual leave from the record or for the purpose of avoidance of forfeiture of excess leave accumulation.
6. Any exception to the forfeiture policy shall have the prior approval of the President or his delegated representative. All such exceptions shall be in writing, and are to be made an official part of the annual leave record of the affected employee.
7. Each supervisor or unit leader should make every effort to ensure that earned annual leave is used on a current yearly basis to provide staff with vacation and proper rest and relaxation.

1.11 Sick Leave

- A. Sick leave is defined for the purpose of this policy as absence from assigned duty with pay, such absence resulting from an illness or disabling injury that is

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expected to continue for less than six calendar months or such absence resulting from the medical requirement and care for a qualifying family member who is ill or incapacitated. Sick leave is not intended for or to be used as “vacation time” or other absence from work. (For work-related illness or disability, see Workers’ Compensation Policy 3-018.)

- B. Employees in a full-time position (1.0 FTE) shall accrue sick leave with full pay at the rate of 14.67 hours per month or 6.77 hours per biweekly pay period during each year of service.
  - 1. The maximum accrual of sick leave is 200 working days (1600 hours). There is no accumulation in a pay period where 1600 hours are already credited. Amounts in excess of the 1600 hours that would otherwise accrue will be transferred to the Extended Sick Leave account as described in section 1.12.
- C. Employees in a part-time position (at least .50 but less than .99 FTE) shall accrue sick leave with pay proportional to FTE. Part-time employees with less than .50 FTE time shall not accrue, nor be awarded, nor be paid for sick leave in any amount.
- D. Sick leave continues to accrue during periods of leave with pay, except during terminal vacation and certain individual circumstances when receiving disability supplemental pay. Sick leave does not accrue during periods of leave without pay.
- E. All sick leave used shall be requested by the employee to the supervisor. Falsification of such request shall be cause for dismissal with appropriate adjustment in terminal pay.
- F. Sick leave accrues and is credited at the end of each pay period for employees in active pay status on the first Friday of the pay period if paid biweekly, and the 16<sup>th</sup> day of the month if paid monthly. Accrued sick leave is available to be used by an employee during the time period in which it is credited.
- G. Employees shall not be paid for unused sick leave. Staff who terminate employment with the OSU System shall forfeit all unused sick leave.
- H. If an employee terminates and then is reemployed by the OSU System within six months, the unit leader may authorize reinstatement of prior sick leave accumulations up to a maximum of 80 hours.
- I. Unit administrators will maintain adequate up-to-date records for each employee that accurately reflects the amount of sick leave accrued, the date and amount of all sick leave used, and the current accrual balance. These are to be accurately reported on each employee’s timesheet and/or monthly record of leave taken for payroll input.

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1. Employees will report all sick leave used during a pay period on a regular basis in accordance with university and departmental requirements for record-keeping. Exempt employees are required to report sick and annual leave taken, even though they do not report hours of work under the Fair Labor Standards Act.
- J. At any time in which the personal or immediate family illness, or incapacity of an employee, causes the sick leave balance to be reduced to zero, the unit administrator must contact the Office of Human Resources to determine the appropriate course of action. These action may include:
- use earned annual leave;
  - issue a request for the employee to be put on leave of absence without pay;
  - file a notice of the intent to apply for Long Term Disability benefits if applicable;
  - request the employee to return to full duty;
  - request the employee to resign from his or her employment, or to otherwise be separated from employment with the university (applicable only if not covered by LTD.)
  - Also, see Workers' Compensation policy 3-018.
- K. Employees who transfer from one unit to another within the university shall take with them the balance of unused accumulated sick leave.
- L. The supervisor of the employee requesting sick leave may require the employee to furnish satisfactory proof of illness or disabling injury. In addition, the employee may be required to furnish medical certification that he or she is physically and/or mentally fit to return to work or to continue working. Satisfactory proof shall be medical certification from any licensed medical practitioner.
- M. For purposes of this policy, the immediate family is defined as spouse, children, parents, siblings, grandparents, grandchildren, or corresponding in-law relationships.
- N. Sick leave may be used for personal illness or incapacity, or for occasions which require the employee to care for a member of the immediate family who is ill or incapacitated.
- O. Sick leave may be used for staff or eligible dependent's personal appointments with a doctor, dentist or other recognized licensed medical practitioner. Whenever possible, such appointments should be scheduled in coordination with the unit's work schedule. In no case shall the length of time exceed the extent of the time required to complete such appointment. This extent of time is normally limited to a four hour maximum. The supervisor may request the employee to provide documentation of such appointments.

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1.12 Extended Sick Leave Account

- A. As of July 1, 2003, amounts of sick leave that accrue each pay period that are in excess of the 1600 hour maximum for regular sick leave will be transferred to an Extended Sick Leave Account.
- B. Amount forfeited prior to July 1, 2003, will be estimated from prior payroll records and the amounts applied to the Extended Sick Leave Account. Such estimates will be logically determined by payroll records for all employees during the past ten year period.
- C. Employees who are members of the Oklahoma Teachers' Retirement System (OTRS), may be able to apply unused sick leave to receive additional service credit for OTRS retirement benefits.
- D. This possibility of additional service credit is governed by rules and regulations of OTRS and is not awarded or regulated by Oklahoma State University. OSU facilitates the possibility of additional service credit by maintaining centralized records of sick leave accrual.
- E. When requested by OTRS, OSU will verify the accrued amount of sick leave to include both the regular sick leave amount and the extended sick leave amount.
- F. The Extended Sick Leave Account will be reported to employees as part of the Annual Total Compensation Report.
- G. The Extended Sick Leave Account will have no cash or actual sick leave value other than as indicated for OTRS purposes above.

1.13 Requests for Extended Leave

- A. Medical Leave Without Pay (Short-term)

Short-Term Medical Leave without Pay is defined as not expected to be more than six months in length. Medical leave that is longer than six months is subject to approval under the Long-Term Disability policy.

- 1. Staff who are incapacitated for work due to illness or injury that is not service-connected, and who have exhausted all accrued sick leave and annual leave, may request a leave of absence without pay. The need for such leave shall be certified by a licensed medical practitioner, who shall determine whether or not the total time away from work, from the beginning date of disability, will be under or over six months.
- 2. The unit leader may require medical certification of the employee's ability to continue to work or to return to work. Periodic medical recertification during such a leave may also be required by the unit leader.

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3. During a period of short-term medical leave without pay, unless otherwise required by law, the employee will be billed for medical and life insurance premiums. Failure to pay such premiums during the months in which the employee is billed may result in cancellation of insurance.
4. The maximum length of the short-term medical leave without pay, combined with sick and annual leave, shall be six months, with a possible one-time extension up to six additional months with certification by a licensed medical practitioner. No further extension will be granted.

B. Maternity/Paternity Leave

1. Illness due to pregnancy is treated as any other short-term disability.
2. When requested by the employee, and where alternatives already exist or accommodations can be made, transfer may be granted by the unit to less strenuous or safer duties as recommended by the physician.
3. Female employees shall not be penalized in their condition of employment because they require time away from the workplace for childbearing purposes. In requesting maternity leave, safety and childbearing shall be considered as justification for leave of absence for a female employee for a reasonable length of time, and for reinstatement following childbirth without loss of seniority or accrued benefits.
4. The necessary time away from work for safety and childbearing purposes shall be determined by a physician in accordance with the Family and Medical Leave Act and this sick leave policy and includes sick leave with pay, annual leave with pay, compensatory leave with pay (if applicable), and leave without pay.
5. A parent meeting the eligibility criteria under the Family and Medical Leave Act may upon application, use up to five days of accrued sick leave for the qualifying event of birth or adoption of his or her child. The twelve month employment requirement of the Family and Medical Leave Act will not apply. Additional accrued leave can be used, as applicable under the conditions in OSU Institute of Technology Policy and Procedures.

C. Long-Term Disability (LTD) Leave

1. Disability leave for LTD is defined as absence from assigned duty either with or without pay, with such absence resulting from an illness or disabling injury that causes continuous absence from duty in excess of six consecutive calendar months. Employees who are not covered under the university LTD program (did not enroll when eligible) are limited, for paid, non-work-related sick or disability leave, to the balance of accumulated paid leave.

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2. Each employee, whose appointment is .75-1.0 FTE and at least six months in length, will have the opportunity to enroll in the group LTD program.
3. Those who enroll will be awarded up to 180-calendar days of disability leave with pay, based on medical certification, for the purpose of fulfillment of the 180-day elimination period to establish salary continuance benefits provided in the OSU Master Group policy. (Employees with appointments less than .75 FTE do not have LTD benefits. See the Sick Leave section 1.11, for these employees, as well as for eligible employees who choose not to enroll in LTD.)
  - a. If the covered employee has at least four years continuous OSU employment in a continuing position, at the beginning date of the 180-calendar day elimination period, the 180 days with pay shall be made up of accumulated sick leave, annual leave, and then full OSU paid disability leave for any balance of the 180 days paid proportionally if split funding is in place.
  - b. If the covered employee has less than four years continuous OSU employment in a continuing position, at the beginning date of the 180-calendar day elimination period, the 180 days shall be made up of accumulated sick leave, annual leave, then 50, 60, or 70 percent of the employee's regular pay for any balance of the 180 days, subject to a gross maximum monthly payment of the allowed percentage is applied and paid proportionally if split funding is in place.
4. During the 180-day elimination period and while the employee is receiving benefits under the LTD policy, the employee medical premiums will be paid by the university.
5. An employee who is on disability leave with pay and who is able to return to work at any time prior to the completion of the 180-calendar day elimination period, shall be allowed and encouraged to do so.
  - a. Recurrence of disability--If the employee suffers a recurrence of absence from assigned duty as a result of the same or a new illness or injury within 12 consecutive months after a return from disability leave with pay during a 180-calendar day elimination period, it will be considered a continuation of the same disability, and the unused balance of the original 180-calendar day disability leave with pay shall be granted.
  - b. New disability--If the employee suffers a recurrence of absence from assigned duty as a result of the same or a new illness or injury 12 or more consecutive months after a return to work from a disability leave with pay, it will be considered a new disability, and a new and/or

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additional 180-day disability leave with pay shall be awarded for the purpose of fulfilling a new 180-calendar day elimination period.

6. If an employee completing the 180-day elimination period has accumulated more than enough leave to cover the period, the excess leave shall be handled as follows:
  - a. Excess sick leave shall be held for the employee if the condition is treatable.
  - b. Excess annual leave shall be paid to the employee by special payment when benefits under the LTD policy begin, unless an early return date is anticipated.
  - c. Annual leave and sick leave do not accumulate during the portion of the 180-day elimination period after the employee's own earned leave is exhausted.
7. An employee who is in the process of establishing salary continuance benefits provided under the OSU Master Group Policy shall not be separated from university employment solely because of the staff member's inability to perform services for the employer during the 180-day elimination period.
8. An employee who completes a 180-calendar day elimination period and is awarded disability benefits under the LTD master policy may be placed on LTD status for a maximum of two years after which time the employee will separate employment or retire, if eligible. Time in LTD status does not qualify as service for purposes of meeting OSU retirement criteria.
9. Employees are encouraged to file for LTD insurance benefits as soon as they become aware that absence from work because of a personal disabling condition may exceed six months. Failure to file promptly may cause a delay or loss of benefits.
10. Employees are also required to file for other income-related benefits to which they may be entitled, such as Social Security, Oklahoma Teacher's Retirement, etc. These benefits, if received, are used as an offset in the determination of LTD benefits to be paid to the employee. Income received from all such sources must be reported to the LTD insurance vendor.
11. An employee who completes the 180-day elimination period and who is turned down by the company to receive the LTD benefits will be given a medical leave of absence without pay for six months from the end of the elimination period. After that six-month period, any additional leave will be at the discretion of the university.

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12. In cases where the disability is covered under workers' compensation and also qualifies for LTD, the leave provisions for LTD would supersede those for workers' compensation.
13. Job guarantee: An employee who is on disability leave without pay (receiving LTD benefits) and who is able to return to work at any time prior to the completion of the first six months of such leave shall be returned to his or her former position or one of equal status, subject to the availability of funds. Return to the position after six months under LTD benefits shall be at the discretion of the University. *Exception:* An appointment ending date which was on record at the inception of an illness or disability will supersede any leave without pay, return from leave, or job guarantee considerations in this policy. *Note:* If the condition of an employee is medically certified as not treatable, at any point during the 180-day elimination period or up to six months under benefits, the position may be recruited and re-filled.
14. If an employee returns to OSUIT employment from a disability leave without pay (after LTD policy benefits began) and suffers a recurrence of disability less than 12 months after returning, no new 180-day elimination period is necessary for reestablishing benefits under the master policy. If the recurrence is more than 12 months after returning to work from disability leave without pay, a new 180-day elimination period is required.
15. If a holiday falls during the part of the 180-day elimination period covered by personal annual/sick leave, the holiday is a paid holiday and the leave balance is not reduced for the day. If the holiday falls during the part of the 180-day elimination period covered by university-paid disability leave, the day is not paid as a holiday.

D. Worker's Compensation

Employees who sustain a service-connected illness or injury become eligible for specific benefits under the Workers' Compensation Program of the State of Oklahoma as administered by the State Insurance Fund (see Policy 3-018).

E. Personal Leave Without Pay

1. An employee may make written request for a leave without pay for personal reasons including childcare. All such requests will be considered on an individual basis, and generally shall not exceed six months. Authorization shall be based on unit and employee needs, on the employee's plan to return to the job, and on availability of funds to return.
2. All annual leave accumulation must be exhausted before personal leave without pay begins. Any exception must be approved by the President.

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F. Military Leave

Federal law prohibits discrimination by employees against persons because of their service in the Armed Forces of the United States and in certain related uniformed services in order to encourage non-career service in the Armed Forces. Additionally, Oklahoma Legislature has adopted laws which provide special benefits to state employees who serve in the Armed Forces. The University as a matter of public policy is committed to supporting its employees who choose to engage in service in the Armed Forces. The rights and obligations of the University are outlined in the following:

1. "Uniformed Services" or "Armed Forces" as used within means the Armed Forces of the United States (Army, Navy, Air Force, Marine Corps, Coast Guard, and related Reserve units); the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty; the commissioned corps of the Public Health Service; and any other category of persons designated by the President in time of war or national emergency.
2. "Service in the Uniformed Services" or "Military Service" means the performance of duty on a voluntary or involuntary basis in one of the Uniformed Services. It includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, and a period of time for which a person is absent from a position of employment with the University for the purpose of an examination to determine the fitness of the employee to perform any such duty.
3. "Notice of Service" means any written or verbal notification of an obligation or intention to perform service in the uniformed services provided to an employer by an employee who will perform such service or by the uniformed service in which such service is to be performed.
4. This policy applies to all regular Oklahoma State University Institute of Technology employees, but does not apply to students, independent contractors, or temporary employees.

a. Leave of Absence for Military Service

All regular employees are entitled to leaves of absence from their employment at OSUIT in order to engage in military service as is authorized by federal law without loss of status or seniority. Such leave is permitted regardless of whether the leave is voluntary or involuntary in nature. In ordinary circumstances, the maximum amount of such leave, in the aggregate, will be five (5) years in duration. Exceptional circumstances may occur in which leave for more than five years in the aggregate may be required. Unit

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supervisors should consult with the Human Resources Office in such cases.

Employees engaging in military service are required to give notice of such service in advance in writing or orally to their immediate supervisor, either in person or through an appropriate officer of the uniformed services in which the service will be performed, except in extraordinary circumstances. No advance notice is required if the giving of such notice is precluded by military necessity (as per regulations prescribed by the Secretary of Defense) or, under all of the relevant circumstances, the giving of such advance notice is impossible or unreasonable. In all instances, employees engaging in military service must submit copies of official written orders issued by the proper military authority to Office of Human Resources. A copy of the same orders should be attached to a request for military leave and submitted to their unit supervisor.

b. Military Leave Pay/Use of Annual Leave

- (1) Employees engaging in military service as set forth in this policy shall be entitled to leave with pay during such period of service for the first thirty (30) regularly scheduled workdays of such service during each federal fiscal year. The federal fiscal year begins on October 1 and if an employee's pay received from the military is less than that received at the regular current salary, the difference will be paid to the employee by the university. Appropriate documentation will be required.
- (2) A leave of absence without pay shall be granted for the remainder of military service in excess of the first thirty (30) scheduled workdays each federal fiscal year.
- (3) Employees on military leave, on request, may choose to use up any accrued, unused annual leave that is available to them, but may not be required to do so.
- (4) In all cases, appropriate leave forms must be filed. It is the responsibility of the unit leader to maintain accurate records of military leave.

c. Benefits While on Military Leave

- (1) During a military leave of absence, certain benefit rights are protected. Details regarding specific rights should be obtained from the Human Resources Office.

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- (2) Subject to terms, conditions, and limitations (including war exclusion clauses) of the applicable benefit plans in which the employee is otherwise eligible, OSUIT will continue to provide coverage as long as law requires.
  - (3) Employees returning to work after a military leave of absence will be reinstated in benefit programs, where authorized by law. Employees returning to work who do not make timely
  - (4) Application for credit of time through OTRS will be required to pay all applicable penalties and interest payments set by OTRS.
- d. Leave Accrual, Seniority, and Holiday Pay While on Military Leave
- (1) Leave does not accrue during a leave of absence without pay.
  - (2) The continuous employment date will be maintained during periods of military leave to ensure that leave accrual rates and other benefits based on seniority remain uninterrupted, so long as the employee returns to duty with Oklahoma State University Institute of Technology as required by law and this policy.
  - (3) Upon returning from military service, employees are entitled to pay for holidays occurring during the leave of absence. It is the unit leader's responsibility to process appropriate pay through the supplemental pay process.
- e. Re-employment Rights
- (1) Upon completion of military service, employees who have been on military leave must notify their unit leader of their intent to return to work within the following time frames:
    - i. Fitness Examinations/Service less than 31 days: If an employee is absent from work due to the employee's being examined for the purpose of determining the employee's fitness to perform military service, or if an employee engages in military service for less than 31 days, plus the expiration of eight hours after a period allowing for transportation from the place of military service to the employee's home.
    - ii. Service of more than 30 days but less than 181 days: If an employee engages in military service for more than 30 days, but less than 181 days, the employee must submit a written application for reemployment with the unit leader not later than 14 days after the completion of the period of military service.

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- iii. Service of more than 180 Days: If an employee engages in military service for more than 180 days, the employee must submit a written application for reemployment with the unit leader not later than 90 days after the completion of the period of military service.
- iv. Hospitalization/Convalescence due to Injury or Illness While in Military Service: In cases where the employee is hospitalized for or convalescing from an illness or injury incurred in or aggravated during the period of military service, the employee is not required to return to work until the end of the period that is necessary for the employee to recover from that illness or injury, such period ordinarily not to exceed two years.
- v. Extraordinary Cases Beyond the Employee's Control:
  - 1) All of the requirements in this section 4.05 (A) pertaining to the time frames ordinarily expected of an employee in returning to work are extended if returning to work or submitting an application to return to work within the normal time periods is impossible or unreasonable through no fault of the employee. In such instances, the time periods referred to in this section shall be extended to the next full calendar day when such a return to work or submission of an application to return to work becomes reasonable.
  - 2) In instances where an employee is convalescing from an injury or illness while in military service, and returning to work is impossible or unreasonable within the normal two-year time period, the two-year time period shall be extended by the minimum time to accommodate circumstances beyond the employee's control which make the reporting within the period impossible or unreasonable.
  - 3) Employees who have been on military service and who fail to report back to work or submit a written application for reemployment are subject to the University's regular policies which allow an employee to be separated from employment if absent without excuse for three consecutive days, except employees who are honorably discharged from their period of military service will be reinstated to active employment with Oklahoma State University Institute of Technology, provided that they have fulfilled the requirements of this policy statement and all applicable federal laws. Reinstatement will

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be in positions of like seniority, status and pay, or the nearest approximation consistent upon the employee's continued qualification to perform the duties of the job, and no change in circumstances that would make employment unreasonable or impossible.

f. Special Rules Regarding Separation From Employment After Military Service

- (1) Employees who return to work after engaging in qualified military service lasting more than 30 days may not be separated from employment for any reason other than cause for certain periods of time after returning to work.
- (2) Employees who serve more than 30 days but less than 181 days of military service may not be separated from employment except for cause for a period of 180 days after returning to work.
- (3) Employees who serve more than 180 days of military service may not be separated from employment except for cause for a period of one year after returning to work.

g. Employees Paid By Temporary Grants or Contracts

Employees paid by a grant or contract that expires during a period of military leave may have reemployment rights in certain circumstances. Reemployment rights are situational, depending upon the individual case facts, such as a history of grant or contract renewal. Contact Human Resources for a specific determination in instances involving employees paid under a grant or contract.

7.01 Reservation to Alter Policy

- A. OSU Institute of Technology reserves the right to change this policy and procedure letter or any portion thereof at any time without any prior notice.

Approved: August 1996  
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