



Leave and Absence Control

Leave and Absence Control Policy

Approved By and Date:

Board of Trustees

2/22/2021

Executive Leadership Team

4/02/2020

Policy:

Kilgore College recognizes that regular attendance is an essential job function of every position at the College. To ensure continuous and efficient operations of the College, all employees must follow the procedures outlined below to ensure leave is used and recorded appropriately. Adherence to this policy is critical for continued employment if the absence(s) do not qualify for Family and Medical Leave Act (FMLA)*. Unacceptable absenteeism may lead to termination.

Kilgore College reserves the right to waive the requirements of this policy when granting reasonable accommodations under the Americans with Disabilities Act.

NOTE: The Families First Coronavirus Response Act (FFCRA) provided employees with paid sick leave (up to 80 hours for full-time and up to 40 hours for part-time employees) and expanded Family and Medical Leave Act (FMLA) for specified reasons related to COVID-19. The Department of Labor's Wage and Hour Division administered and enforced the FFCRA's paid leave requirements. These provisions were applicable through December 31, 2020. The second stimulus package relief bill (12/27/20) did not extend the requirement that employers provide emergency paid sick leave (EPSL) or emergency FMLA (EFLA) beyond this date. However, the Kilgore College Board of Trustees, in response to the prevalence of the COVID-19 virus and consideration of employee health and welfare, have authorized the College President to utilize the catastrophic leave bank and extend the paid sick leave provisions of the FFCRA through the end of the Spring 2021 semester (May 13, 2021).

Procedures:

Approved By and Date:

Executive Leadership Team

7/16/2020

Regular Attendance:

Regular attendance is defined as being present at the employee's designated work site, which may be on campus or at an assigned remote location. This includes working remotely from home with administrative approval. Thus, working remotely does not constitute an absence from work. The ability to work remotely must be approved by the employee's immediate supervisor, the appropriate administrator (e.g. vice president, chief financial officer), director of human resources, and president. Employees approved to work remotely must sign the "Temporary Remote Work Agreement" to acknowledge understanding of and agreement to the expectations and guidelines governing working remotely.

Paid Sick Leave Time:

Each full-time employee shall be granted eight hours per scheduled work month as paid sick leave time each year. This leave shall be earned by the employee and credited to the

employee's time off accrual account on a monthly basis. Sick leave may accumulate to a maximum of 720 hours. Sick leave time is an employee benefit, not an entitlement. Employees have no property right to accrued sick leave time should the employment relationship cease and will not be paid for same. However, employees who retire with at least 10 consecutive years of full-time service with the College are provided a payout equal to one half of accumulated sick leave or one month's salary, whichever is greater. Sick leave time for an FMLA qualifying event will run concurrently with the FMLA leave. Paid leave shall be used first.

Use and Recording of Sick Leave:

Sick leave time may be used for personal illness, illness of immediate family, and bereavement for death of immediate family. Employees who are unable to report to work due to sickness or injury shall notify their supervisor at least one hour prior to the start of their workday unless it is impossible due to the particular circumstance. If additional days are missed, the same reporting requirements apply.

Sixteen hours of sick leave for nine-month employees and 24 hours for all other employees may be used for personal business providing that the employee secures advance approval of his or her immediate supervisor. Sick leave time may also be used for first-year care following the birth or adoption of an employee's son or daughter or the placement of a child with the employee for foster care. Faculty shall be charged sick leave time as used even if a substitute is not employed. Sick leave time shall not be approved for more workdays than have been accumulated in prior years plus those already earned during the current year. Sick leave time shall be recorded in five minute increments. Faculty members should record eight hours of sick leave if they miss an entire work day, regardless of how much time is on their actual schedule for that day. If faculty members do not miss an entire day of work, they may record the actual time missed per their current term/semester schedule. Any other leave granted or days of absence above the available sick leave accumulated shall result in a deduction of the daily rate of pay for each day of absence, unless otherwise provided.

Medical Certification:

A written certification from a health care provider for an employee's absence of three or more calendar days from work due to physical or mental illness or medical procedure or illness of an immediate family member is required in all circumstances. This medical certification shall state the reason for the absence and/or the employee's fitness to return to work. However, upon request, an employee shall provide a medical certification for any absence where sick leave is claimed, signed by the employee's health care provider, which verifies the reason for absence and/or the employee's fitness to return to work. Medical certification shall be made by a health care provider as defined by the Family and Medical Leave Act. Failure to provide an acceptable medical certification will be grounds for discipline, including termination. Employees required to provide a medical certification herein who do not present same certification will be subject to leave without pay for days previously missed as well as days missed until a required fitness to return to work certification is provided. The employee may also be subject to discipline, up to and including termination, for violating absence control policies.

Catastrophic Sick Leave Pool:

The Kilgore College Catastrophic Sick Leave Pool is funded "by employees for employees" and is administered by the Office of Human Resources according to this policy and the guidelines relevant to the pool. In the event of any conflict, this policy prevails. The sick leave pool exists and continues through the generosity and deposits of full-time Kilgore College employees. The pool is a secondary source of paid sick leave available to qualified full-time employees who have exhausted all other paid leave (i.e. vacation, sick, etc.). The leave can be taken concurrently with FMLA, if all or part of FLMA leave is unpaid. However, the employee cannot utilize the pool in addition to FMLA leave in the same twelve-month period. An application form to request use of the sick leave pool is available from the Office of Human Resources and must be submitted within five business days of the date that all other paid leave is exhausted, or it is waived, unless employee is physically unable to request same, in which case exceptions may be considered. The application is subject to approval by the executive leadership of the College, and is not automatically granted.

Qualifying rules pertaining to the pool include:

- a. The employee must be employed full-time for twelve consecutive months prior to application to the pool; and
- b. The employee must be in good standing with the College (no documented disciplinary or attendance issue, including but not limited to a Performance Improvement Plan (PIP), Memorandum of Counseling (MOC), or similar write up); and
- c. The employee or a qualified family member (as defined by the College's guidelines on the pool) must have a "catastrophic" condition or combination of conditions that affect their mental and/or physical health. Catastrophic is generally defined as a condition that is severe, long-term, renders the individual unable to work, and would qualify the individual for disability insurance; and
- d. The condition must be treated by a licensed practitioner for a prolonged period of time (20 calendar days or more); and
- e. The employee must exhaust all other paid leave from the College; and
- f. The leave can be used for a maximum of thirty days or twelve days if a family member; and
- g. The employee is not receiving disability benefits from the group insurance program; and
- h. The leave is not requested for an injury or illness related to a workers' compensation claim; and
- i. The employee must not have used any days from the sick leave pool within the twelve-month period prior to the date of application.

Any or all of the above qualifying rules may be waived at the discretion of the College president in situations of local disaster declarations or public health emergencies. The College may request medical documentation to substantiate the "catastrophic" condition and same must be provided immediately or the application may be denied. This documentation must include sufficient information regarding the condition to enable the College to determine eligibility.

Jury Duty:

An employee shall be granted leave with pay and without loss of accumulated leave for jury duty. The employee shall be required to present documentation of the service and shall retain any compensation for this service.

Other Court Appearances:

Absences for court appearances related to an employee's personal business shall be deducted from the employee's personal business leave or vacation or shall be taken by the employee as leave without pay.

Workers' Compensation:

Kilgore College has workers' compensation insurance coverage to protect employees in the event of a work-related injury or illness. Leave related to a workers' compensation claim shall be governed by the College's Workers' Compensation Policy.

Wellness Release Time:

Kilgore College values the health and wellness of its employees. To support this value, full-time staff will be able to utilize up to 30 minutes of work time per workday or the equal of 2.5 hours per work week for physical fitness activities. Use of this release time is based upon the following expectations:

- a. Staff must work with their supervisor and possibly other members of their unit to develop a mutually agreeable schedule for utilizing this time. Please note, supervisors are ultimately responsible for ensuring offices/areas are adequately staffed; therefore, they will have final approval of a workable schedule. Staff are not entitled to a specific day-to-day schedule for using this time nor are they entitled to a permanent schedule once an agreement is reached. Vacations, illnesses, and special events (registration, etc.) may necessitate a supervisor changing schedules, as needed.

- b. Staff utilizing the College's electronic time and attendance system will input 30 minutes of College Business time each day they use this benefit rather than being "on the clock" for this time.
- c. All staff will utilize the services of the Kilgore College Parks Fitness Center and/or a facility of their choosing as long as documentation of attendance can be provided upon request.
- d. As a reminder, this benefit is a privilege and not an entitlement. Kilgore College and/or individual supervisors may alter, rescind, or otherwise modify established schedules that incorporate time for physical fitness activities at any time in order to meet the needs of the institution and College constituents. Staff must be in good standing with the College to utilize this benefit.
- e. Staff may not take more than 30 minutes of wellness release time per workday and may not combine release time over multiple days to take in excess of 30 minutes of release time.

Religious Holy Days:

The College shall reasonably accommodate an employee's request to be absent from duty in order to participate in religious observances and practices, so long as it does not interfere with College business and reasonable advance notice is provided. Such absence shall be without pay unless applicable paid leave is available.

The College does not discriminate against or penalize in any way a faculty member who is absent from work for the observance of a religious holy day and gives proper notice of that absence. The faculty member must notify his/her department chair in writing at the beginning of the semester of the desire to take off to observe holy days. This notification must include a list of specific days absent, as well as a plan for a substitute or class cancellation, and how students will be notified in advance. The absence must be approved by the department chair and dean.

A "religious holy day" shall be defined as a holy day observed by a religion whose places of worship are exempt from property taxation under Tax Code 11.20.

Holidays:

Recognized holidays* shall be as follows:

- a. Labor Day
- b. Thanksgiving
- c. Christmas Break
- d. Martin Luther King Day
- e. Spring Break
- f. Good Friday
- g. Memorial Day
- h. Independence Day

The majority of full-time Kilgore College employees shall observe the above listed holidays in conjunction with the official College calendar published in the College catalog.

Holidays are a benefit, not an entitlement.

*Certain departments on campus such as the police department and the Fitness Center and others may observe different holiday schedules due to the nature of their jobs. Regardless of the scheduling methodology, all full-time employees of the College will receive an equivalent number of holiday days.

Vacation:

Paid vacation time is provided to all full-time, twelve-month employees and is credited to employees using the formula of 6.67 hours per month. Thus, twelve-month employees shall be entitled to 80 working hours paid vacation each academic year. Twelve-month employees working less than a full academic year will be entitled to a pro rata share of the 80 working hours.

Annual vacation time is awarded on September 1 of each year or the employee's first day of work, whichever is appropriate, and should be taken by the end of the fiscal year (August 31). An employee may carryover up to 40 hours of unused vacation time each year; however, any unused vacation time in excess of 40 hours will be lost unless the employee receives approval from his/her supervisor to roll it over. Any earned vacation will be paid upon leaving employment.

Compensatory Time:

Non-exempt employees may receive, in lieu of overtime compensation, compensatory time off at a rate of not less than one and one half hours for each hour of overtime work, pursuant to an agreement arrived at between the supervisor and employee before the performance of the work. An employee who has requested the use of compensatory time off will be permitted to use such time with supervisor approval and only if the use of the time does not unduly disrupt the operations of the College. Employees must use accrued compensatory time within three months of accumulation of the time.

Absence Control:

An employee will be in violation of this policy, and subject to discipline, including termination if any one of the following occur:

- a. The employee does not report to work and does not call in to report his or her absence to the immediate supervisor within the first hour of the scheduled work period
- b. The employee leaves work early without permission of his/her supervisor
- c. The employee has more than five days of unpaid absence in any twelve month period (calculated from the last date of unpaid absence), excluding FMLA leave
- d. The employee is absent from work for more than six consecutive months for any reason other than jury duty or military leave

Unpaid Leave:

Unpaid leave will only be granted for full-time employees due to extenuating circumstances, and on rare occasions at the sole discretion of the College. Employees who have no more paid leave remaining and seek to be absent must receive prior approval from their supervisor, the director of human resources, and the College president, whenever possible. Employees are encouraged to use paid leave time judiciously so as not to encounter situations where unpaid leave is needed. Employees utilizing unpaid leave for FMLA purposes will not be granted unpaid leave above and beyond FMLA leave.