



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 sickleave (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 08/29/2022

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 during employee’s scheduled hours. 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. 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. Non-exempt employees will populate timecards with their scheduled work hours/days whether working regular hours, or using time off as described below.

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.

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 leavetime 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.

An employee who does not report to work or call in to report their absence anytime during the day of the absence will be considered to have abandoned their job and may be subject to termination.

Medical Certification:

An employee who is away from work or anticipates being away from work for more than three (3) consecutive days due to the employee's serious health condition or the serious health condition of a family member shall be notified of their rights under the Family Medical Leave Act (FMLA). See Family Medical Leave Act (FMLA) Policy. All accrued paid leave is required to be used concurrently with FMLA leave

NOTE: FMLA Leave, Unpaid Leave of Absence or Worker's Compensation Leave for medical reasons are the only times an employee must provide a doctor's certification for an illness.

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.

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. Juneteenth
- i. 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. Employees who are required to work on a designated holiday will be paid regular hours worked, and scheduled hours in holiday pay. Holiday earnings do not count towards overtime calculations for the week.

Should an employee not be scheduled to work on a holiday, the employee will not be paid holiday hours for the week. Employees will receive scheduled hours for holiday pay.

Holidays will not rollover or be used at a later time. 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.

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.

Flex Hours

Given that most full time, non-exempt employees are scheduled to work 36 hours per week, flex hours are to be used to ensure that the weekly timecards for these employees reflect a minimum of 40 hours, when at least 36 hours of actual work or paid leave time is recorded, based upon the flexible schedule protocols. (Examples: An employee works 36 hours in a work week: Flex hours = 40 – 36, or 4 hours. An employee works 38 hours in a work week: Flex hours = 40 – 38, or 2 hours. An employee works 24 hours, 12 hours vacation. Flex hours = 40 – 24 – 12 = 4 hours of Flex)

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.

Absence Control:

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

- 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
- The employee leaves work early without permission of his/her supervisor
- 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
- The employee is absent from work for more than six consecutive months for any reason other than jury duty or military leave