



TO: Regent Laws & Policies Stakeholders
FROM: Felicity O'Herron, Associate Vice President of Employee Services
DATE: October 25, 2019
RE: Recommended Changes to Regent Policy 11.E: Leave Policies for Faculty and Staff

Background

The Regent Laws and Policies review project is driven by the guiding principle that laws should capture only high level statements on governance and policies should include the necessary elaborations of law but no more. The goal is to focus on the powers and responsibilities of the Board of Regents while assigning operational procedures to Administrative Policy Statements (APS) or campus policies.

The *Regent Policy 11.E: Leave Policies for Faculty and Staff* is under the functional area of Employee Services and is being reviewed in a comprehensive manner. The clean version of the proposed draft is attached.

Recommendations for Regent Policy 11.E

- Removing most administrative information from the Regent policy and creating an APS suite to address all leave provided by the university (see proposed *APS 5062-Leave*).
- The Regent policy will contain:
 - Accrual
 - Compensation
 - A section was added that will allow campuses to create a policy for business needs if partial or full vacation balances should be paid out without the employee terminating from the university. For example, an employee on a single grant funded project has a month gap before funding is restored, the employee could have vacation payout to cover the one month until the grant funding is renewed without being terminated from the university.
 - Vacation payouts are paid from different funds than taking vacation leave in the course of employment which is paid from the grant. In this example, there is no money left in the grant to pay vacation leave, so a vacation payout assists in bridging compensation for the employee.
- The APS will address the administrative information:
 - Usage
 - Transfer between faculty and administrative appointments
 - Holidays
 - Leave without pay
 - Compensation



- Notable changes for Vacation Leave in the APS and Policy 11.E
 - Recommendation to remove the section that allows vacation balances to be over maximum accrual rate in extraordinary circumstances. This is an administrative burden and is subjective to extraordinary circumstances.
 - Addition of language that allows appointing authorities to establish periods of time when vacation leave will not be allowed. Most commonly attached to start of semesters, year-end processing, or other business necessities.
 - Clarifying the maximum 44 day payout is per termination, not a lifetime maximum. This is not clear in the current policy but vacation is earned compensation and must be paid (up to the maximum) every time an employee terminates from the university.
 - The policy also precludes vacation payout when an employee transfers or terminated and then rehires within 30 days.
 - Clarifying process when employees move between leave eligible positions and non-leave eligible positions.
 - Added compensation language on how to payout vacation leave when there are multiple appointments.
- Notable changes for Sick Leave in the APS and Policy 11.E
 - Removal of “Employees are limited to five days of accrued sick leave per year to care for members of their immediate family who are ill or to take an immediate family member to a medical or dental appointment.” This clause is impossible to enforce and goes against Family Medical Leave Act. The new language states the duration of the leave is subject to supervisor discretion.
 - Clarifying process when employees move between leave eligible positions and non-leave eligible positions.
 - Clarification of when sick leave can be paid out by stating: Employees are eligible for the sick leave compensation one time only, unless retirement is rescinded with CU and the retirement vendors at which time sick leave accruals will begin at zero.
 - Added compensation language on how to payout sick leave when there are multiple appointments.



- Notable changes to Other University Leaves
 - The current policy lists many different leaves that are mandated by federal or state law or that CU currently has detailed APS documentation. All other leaves are moved to APS for clarification and procedural/administrative documentation and changes will be approved by the president and chancellors.

 - The definitions are removed and a simple statement that states: “The president may establish additional types of leave as determined by federal and state law or as deemed necessary for specific employment classifications. Examples include: court and jury leave, military leave, bereavement leave, leave for job-related illnesses and injuries, leave without pay, parental leave, administrative leave, leave sharing and furloughs.”