TO: Regent Laws & Policies Stakeholders

FROM: Felicity O’Herron, Associate Vice President of Employee Services

DATE: July 18, 2019

RE: Recommended Changes to Regent Policy 11.E: Leave Policies for University Staff and Twelve-Month Faculty

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 APS or campus policy.

The Regent Policy 11.E - Leave Policies for University Staff and Twelve-Month Faculty is under the main purview of Employee Services and are being reviewed in a comprehensive manner. In addition to the redlined versions of policy, a clean draft is also posted for reading ease.

Recommendations for Regent Policy 11.E - Leave Policies for University Staff and Twelve-Month Faculty

- Removing most administrative information from the Regent Policy and creating an APS suite to address all leave provided by the university.
- The Regent policy will contain:
  - Accrual
- The APS will address the administrative information:
  - Usage
  - Compensation
  - Transfer between faculty and administrative appointments
  - Holidays
  - Leave without pay
- Notable changes for Vacation Leave APS:
  - 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.
  - Allowing 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.

- Notable changes for Sick Leave APS:
  - 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.
  - Addition of a forfeiture section which states the sick leave balance is forfeited upon termination and will not be reinstated if the employee is rehired. This is current practice for university staff and is useful to document it in policy.

- 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.”