Policy Title: Leave

APS Number: 5062

APS Functional Area: HUMAN RESOURCES

Brief Description: This administrative policy statement (APS) outlines or references all university employee leave-related policies. Each leave type listed below may apply to different employee groups and may be controlled by either Regent policy, this APS or other state rules and regulations (as noted).

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Effective: April 2, 2020

Approved by: President Mark R. Kennedy

Responsible University Officer: Vice President of Administration

Responsible Office: Office of Employee Services

Policy Contact: Office of Employee Services

Supersedes: Other university leave policies were previously included in other APSs, including: APS 5019-Parental Leave Benefits for Faculty and Staff, APS 5021-Paid Administrative Leave for University Staff and Faculty on Twelve-Month Appointments, and APS 5049-Leave Sharing for University Staff, Faculty on Twelve-month Appointments and Classified Staff. These are now consolidated into this new APS 5062-Leave.

Last Reviewed/Updated: April 2, 2020

Applies to: See above. Each leave type will specify who it applies to.

Reason for Policy: To consolidate leave policies to comply with state and federal law regarding university employee leave-related policies. Sick and vacation accruals and compensation information can be found in Regent Policy 11.E: Leave Policies for Faculty and Staff.
I. INTRODUCTION

This administrative policy statement (APS) outlines or references all university employee leave-related policies. Each leave type listed below may apply to different employee groups and may be controlled by either Regent policy, this APS or other state rules and regulations (as noted).

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II. RELATED POLICIES AND OTHER RESOURCES

A. Administrative Policy Statements (APS) and Other Policies

- [Regent Policy 11.E: Leave Policies for Faculty and Staff](#)

B. Other Resources (i.e., training, secondary contact information)

Educational information and resources are available on the employee services website: [https://www.cu.edu/employee-services](https://www.cu.edu/employee-services)

III. HISTORY

A. Effective April 2, 2020, the following policies were combined into the APS 5062-Leave policy. Individual APS history for each is listed below:

- APS 5019-Parental Leave Benefits for Faculty and Staff
  - Initial policy effective: January 18, 1990.

- APS 5021-Paid Administrative Leave for University Staff and Faculty on Twelve-Month Appointments

- APS 5049-Leave Sharing for University Staff, Faculty on Twelve-Month Appointments and Classified Staff
  - Initial policy effective: January 1, 2008.
B. APS 5062-Leave was the result of combining leave policies maintained in other APSs and policies while keeping sick and vacation accruals and compensation in Regent Policy 11.E: Leave Policies for Faculty and Staff.

- Revised: N/A

### APS 5062-LEAVE

#### Section 1: Vacation Leave

**Applies to:** University staff and faculty on 12-month appointments.

**SECTION 1 – VACATION LEAVE**

I. **INTRODUCTION**

The intention of this policy is to define vacation leave benefits listed in Regent Policy 11.E: Leave Policies for Faculty and Staff for each employment classification.

II. **POLICY STATEMENT**

A. **University Staff and 12-Month Faculty**

1. **Usage.** Upon approval by the supervisor, vacation may be taken after the close of the pay period in which the leave is earned.

   The appointing authority may establish periods of time when vacation leave will not be allowed, or must be taken, based on business necessity for the specific department or division. These periods cannot create a situation where the employee does not have a reasonable opportunity to use requested leave.

2. **Transfer between Leave Eligible Appointments and Non-Leave Eligible Appointments.**

   a. Employees in a leave eligible appointments (e.g., university staff and 12-month faculty) who transfer or return to a non-leave eligible appointment (e.g., nine-month faculty) shall be paid for earned unused vacation leave in accordance with this policy upon termination of the employee's leave eligible appointment so long as the employee meets the other criteria described in this policy.

   b. An employee in a non-leave eligible appointment (e.g., nine-month faculty) transferring into a leave eligible appointment (e.g., 12-month faculty or university staff) will start accruing per this policy upon the effective date of the leave eligible appointment.

3. **Holidays.** When a holiday occurs during a vacation, the holiday is not considered a day of vacation time.

4. **Leave Without Pay.** There is no vacation accrual during periods of leave without pay, except for military leave without pay and furloughs.

5. **Compensation.** If an employee has multiple appointments, the compensation rate for the payout upon retirement or termination may be the average of the hourly rates on all active, leave eligible appointments, unless the leave balances were tracked and maintained separately for each appointment.
Applies to: Nine-month faculty, University staff and faculty on 12-month appointments.

SECTION 2 – SICK LEAVE

I. INTRODUCTION

The intention of this policy is to define sick leave benefits listed in Regent Policy 11.E: Leave Policies for Faculty and Staff for each employment classification.

II. POLICY STATEMENT

A. Nine-Month faculty

1. Usage. These benefits shall start only when the University must replace the eligible faculty member in the classroom, or when the dean or other administrative superior, after consultation with the department concerned, shall so decide.

   a. Provided that, a certificate of a competent medical practitioner may be required with right of reexamination.

2. Disability. Nine-month faculty on disability retirement are not eligible for sick leave benefits. Any illness which extends beyond six months should be reviewed for possible transfer to disability coverage.

B. University Staff and 12-Month Faculty

1. Usage. Sick leave may be taken after the close of the pay period in which the leave is earned. Sick leave should be used:

   a. when the employee is unable to perform his/her job due to an illness or injury not covered by workers' compensation.

   b. for dental and medical appointments with advance notice and supervisor approval.

   c. to care for members of their family who are ill or to accompany a family member to a medical or dental appointment. The duration of leave is subject to supervisor discretion.

   d. to care for a member of the employee's immediate family with a serious health condition or to accompany a family member to a medical or dental appointment, as defined by the Family and Medical Leave Act (FMLA).

2. Transfer between Leave Eligible Appointments and Non-Leave Eligible Appointments.

   a. Employees in leave eligible appointments (e.g., university staff and 12-month faculty) who transfer or return to a non-leave eligible appointment (e.g., nine-month faculty) are eligible to receive payment for earned, unused sick leave if eligible for early or full CU retirement at the time of transfer according to the maximums in Regent Policy 11.E: Leave Policies for Faculty and Staff.

   b. If the employee transferring from the leave eligible appointment (e.g., university staff and 12-month faculty) is not eligible for early or full CU retirement, the sick leave balance, including any retained sick leave, is forfeited upon transfer to the non-leave eligible appointment (e.g., nine-month faculty).
3. **Holidays.** When a holiday occurs during sick leave, the holiday is not considered sick time.

4. **Leave without Pay.** There is no leave accrual during periods of leave without pay, except for military leave without pay and furloughs.

5. **Compensation.** If an employee has multiple appointments, the compensation rate for the payout upon retirement may be the average of the hourly rates on all active, leave eligible appointments, unless the leave balances were tracked and maintained separately for each appointment.

   a. Upon payout due to retirement, the remaining sick leave balance shall be set to zero in HCM.

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**APS 5062-LEAVE**

**Section 3: Administrative**

**Applies to:** University staff and faculty on 12-month appointments.

**SECTION 3 – ADMINISTRATIVE LEAVE**

**I. INTRODUCTION**

Short-term paid administrative leave is permitted for university staff and faculty on 12-month appointments, all of whom are exempt from the State Personnel System (eligible employees). The president or chancellor may authorize paid administrative leave for employees during an approved campus closure or other emergency.

**II. POLICY STATEMENT**

A. **Extended Paid Administrative Leave**

   If a university staff or faculty member on a 12-month appointment is the subject of disciplinary action or an investigation, extended paid administrative leave may be authorized for such employee for a reasonable period of time. In such circumstances, a reasonable period of time will be determined based upon the length of time it takes to complete an investigation. Only the president or chancellors, or their designees, may authorize extended paid administrative leave for university staff and 12-month faculty for investigative purposes.

   However, the president or chancellors, or their designees, reserve the right to place university staff or faculty on a 12-month appointment on extended leave without pay.

   In the event of an approved campus closure or other emergency, the president or chancellor may authorize extended paid administrative leave sufficient to address the immediate crisis.

B. **Short-Term Paid Administrative Leave**

   Supervisors of eligible employees may authorize short-term paid administrative leave for the purposes described in this policy. A maximum of ten (10) days or eighty (80) hours of short-term administrative leave may be granted over a 12-month period.

   Short-term paid administrative leave is not an entitlement or benefit. Authorization of short-term paid administrative leave for eligible employees rests within the sole discretion of their supervisors as exercised within the guidelines described in this policy.
1. Purpose of Short-Term Paid Administrative Leave.

Supervisors may authorize short-term paid administrative leave for eligible employees for reasons determined to be for the good of the university and the state. Supervisors shall consider prudent use of taxpayer dollars and the business needs of the university in determining whether such leave is for the good of the state. Such reasons include, but are not limited to, incentive rewards, coursework directly related to employment, and participation in school or community volunteer activities.

Short-term paid administrative leave may also be authorized for eligible employees whose workloads (e.g., specific long- or short-term projects) require them to work significantly beyond their normal work schedules (as established by their individual supervisors) for prolonged periods of time when such leave is found to be necessary to maintain employee performance or morale or in recognition of extraordinary work performance.

Use of short-term paid administrative leave is not required for eligible employees for the purpose of attending or participating in professional or academic seminars or conferences, participation in official activities of university employee organizations or other similar events, or supervisor required training. These activities are considered to be work time for which leave is not required.

2. Authorization of Short-Term Paid Administrative Leave

Ordinarily, eligible employees must have their supervisor's authorization prior to taking short-term paid administrative leave. In exceptional circumstances, short-term paid administrative leave may be authorized retroactively.

C. Reporting Requirements

All use of paid administrative leave for eligible employees, except in situations of campus closures, must be reported by use of the university's time collection procedures. The president shall review the use of short-term paid administrative leave on an annual basis.

III. INTERPRETATION

The Office of the Vice President of Administration shall interpret this policy.

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**APS 5062-LEAVE**

**Section 4: Bereavement Leave**

Applies to: University staff and faculty on 12-month appointments.

SECTION 4 – BEREAVEMENT LEAVE

I. POLICY STATEMENT

University staff and faculty on 12-month appointments may receive up to five working days of paid leave for each death to arrange for and attend the funeral and other affairs of a member of the employee's immediate family when they would otherwise have to work.

Bereavement leave is not intended to be used for end-of-life care.

Immediate family members include: spouse, children, parents, grandparents, grandchildren, brothers, sisters, mothers-in-law, fathers-in-law, sisters-in-law, brothers-in-law, sons-in-law, and daughters-in-law, and any other person who is a
member of the employee’s established household. A supervisor may allow an employee to receive up to five paid working
days of funeral leave for an equally significant other person not included in this definition.

Supervisors have the discretion to ask for documentation when leave abuse is suspected. Please work with Human
Resources.

APS 5062-LEAVE

Section 5: Court and Jury Leave

Applies to: University staff and faculty on 12-month appointments.

SECTION 5 – COURT AND JURY LEAVE

1. POLICY STATEMENT

   A. University staff and faculty on 12-month appointments are granted jury leave with full pay for the period of jury duty.
      When an employee appears as a witness under subpoena or direction of the proper authority, the employee is granted
      paid court leave for such service. Compensation received by employees for jury duty or as a witness may be retained
      by the employee.

   B. If an employee appears in court in an individual capacity without being served a subpoena, the employee will use
      vacation leave or leave without pay. Any compensation received by the employee may be kept.

APS 5062-LEAVE

Section 6: Furloughs

Applies to: All university employees.

SECTION 6 – FURLoughs

1. POLICY STATEMENT

Furloughs are unpaid leaves that may be voluntarily requested or mandated by the president or a chancellor when
budgetary circumstances require a specific reduction in personnel costs. Employees on furlough continue to accrue annual
and sick leave at the same rates as when such employees are on paid leave or engaged in university work during regularly
scheduled business hours.
APS 5062-LEAVE

Section 7: Leave for Job-Related Illnesses and Injuries

Applies to: University staff and faculty on 12-month appointments.

SECTION 7 – LEAVE FOR JOB-RELATED ILLNESSES AND INJURIES

I. POLICY STATEMENT

University staff and faculty on 12-month appointments who suffer an injury or illness in the line of duty covered by workers' compensation are granted up to ninety (90) work days of paid injury leave. These benefits replace the more limited coverage of workers' compensation insurance which is waived by the employee during the ninety (90) days of injury leave.

If an employee is unable to return to work after that time, the employee is eligible to take accrued vacation and sick leave in addition to workers' compensation.

APS 5062-LEAVE

Section 8: Leave Sharing

Applies to: University staff, faculty on 12-month appointments and classified staff.

SECTION 8 – LEAVE SHARING

I. INTRODUCTION

This administrative policy statement (APS) affirms the availability of leave sharing for all university staff, faculty on 12-month appointments and classified staff, and provides guidance regarding minimum procedural standards in its application, as may be further developed in campus and system policy.

II. POLICY STATEMENT

A. The president and chancellors may establish leave sharing programs for their organizations for the purpose of allowing donated annual leave to be used by their university staff, faculty on 12-month appointments and classified staff. For classified employees such leave sharing programs may be further developed in accordance with applicable State Personnel Board Rules, subject to the following:

1. Donations

   a. Only donations of accrued annual leave are permitted; sick leave cannot be donated. Annual leave donations must be documented in writing and approved by the donating employee’s department to assure sufficient accrued leave exists to support the amount of leave donated.

   b. Donations may include annual leave that would otherwise be in excess of accrual limits permitted beyond June 30 of each year.
c. Depending on the campus leave sharing program, donations may be made generally to a "leave sharing program" or to a specific person.

2. Procedures

   a. Campuses must implement written procedures that provide information to employees regarding leave sharing eligibility criteria, how eligibility and leave amount determinations are made, and how employees may donate or make a request for leave sharing. Such written procedures shall include sample forms for employees to use when donating annual leave and requesting leave sharing hours.

3. Leave Sharing Discretionary

   a. The granting of leave sharing hours is discretionary, is not an employee’s entitlement and cannot be grieved or appealed. Additionally, donated annual leave is not subject to payout upon termination of employment. All requests should be treated in a highly confidential manner.

III. RELATED POLICIES, PROCEDURES, FORMS, GUIDELINES, AND OTHER RESOURCES

   A. CU Boulder – Leave Sharing Policy
   B. CU Colorado Springs – Leave Sharing Policy 300-007
   C. CU Denver | Anschutz Medical Center – Leave Sharing Administrative Policy
   D. CU System Administration - Leave Sharing Policy

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**APS 5062-LEAVE**

**Section 9: Leave Without Pay**

Applies to: University staff and faculty on 12-month appointments.

SECTION 9 – LEAVE WITHOUT PAY

I. POLICY STATEMENT

University staff and 12-month faculty may be granted leave without pay for valid reasons for a period of up to 12 months. Such leaves must be approved by the employee's supervisor and the hiring authority. Leave without pay, except furloughs, will not be granted until all vacation leave is exhausted, unless otherwise requested by the employee and approved by the supervisor.

Extensions beyond the initial 12-month period must be approved by the applicable hiring authority in consultation with a human resources office. During periods of leave without pay, except for military leave and furloughs, the employee does not accrue vacation and sick leave.
Applies to: University staff and faculty on 12-month appointments.

SECTION 10 – MILITARY LEAVE

I. POLICY STATEMENT

Use of military leave shall be consistent with state and federal laws. Upon presentation of proper military orders, university staff or faculty on a 12-month appointment who is a reservist or member of the National Guard is granted up to 15 calendar days of leave with pay to attend training and/or active duty service ordered. This leave is not charged to vacation leave.

If military service continues beyond 15 calendar days, the employee will be placed on military leave without pay for any remaining period of required military service. An employee on military leave continues to accrue vacation and sick leave.

An appointing authority may authorize pay equal to the difference between the employee’s university monthly pay and the sum of the monthly military pay and allowances for an employee called to active military duty. Such differential pay shall not exceed 90 calendar days and applies after exhaustion of the 15-day paid military leave. The employee must furnish a copy of the call-to-duty order and proof of military pay and allowances. This differential pay does not apply to regular military obligations such as the annual encampment and training.

University staff or faculty on a 12-month appointment who voluntarily enters military service is granted military leave without pay until the end of the initial period of service, plus any period of additional service imposed by law. If the employee fails to return to the university after this period or voluntarily extends military service beyond the initial period, the employee is considered to have resigned.

Applies to: Nine-Month Faculty, university staff, faculty on 12-month appointments, and classified staff.

SECTION 11 – PARENTAL LEAVE

I. INTRODUCTION

The intention of this policy is to set forth the leave that a parent may take and define parental leave benefits for each employment classification.
II. POLICY STATEMENT

A. Parental Leave Benefits by Employment Classification

The provisions of this University Parental Leave Policy are intended to be interpreted in conjunction with the Family Medical Leave Act (FMLA). Parental Leave and FMLA shall run concurrently. Thus, leave taken under the Parental Leave Policy counts as part of, and is not in addition to, the 12 weeks of leave guaranteed by the FMLA.

1. Nine-Month Faculty
   a. Tenured and Tenure-Track Faculty

   Faculty on nine-month appointments do not accrue vacation leave. Accordingly, tenured and tenure-track nine-month faculty are entitled to 18 weeks of parental leave to provide care for the faculty member's child within 12 months of the birth, adoption, foster care placement or guardianship of a child, during which period the faculty member may use accrued sick leave.

   If the faculty member exhausts all accrued sick leave before the end of the 18-week period, then the faculty member may continue the leave for the remainder of the period at half pay with full benefits.

   b. Other Nine-Month Faculty

   Other Nine-Month Faculty on nine-month appointments shall receive the same benefit listed in Section II.A.1.a on the same terms as tenured and tenure-track faculty on nine-month appointments.

2. University Staff

   University staff are entitled to six consecutive months of unpaid parental leave if the eligibility in Section II.B.2.b is met, (which runs concurrently with FMLA) during which time they may receive pay by using any combination and adhering to the rules of the following leave and campus FMLA programs:

   • University paid parental leave benefit (see section II.B.2),
   • Accrued sick leave,
   • Accrued vacation leave,
   • Short-term disability for birth parent only (optional plan, paid for by employee).

   During parental leave, university staff are also required to adhere to any leave without pay policies.

   All parental leave is granted to care for the university staff member’s child within 12 months of the birth, adoption, foster care placement or guardianship of a child. The university staff member shall inform the appropriate supervisor as early as possible of the intent to use parental leave.

3. Twelve-Month Faculty (including Research Faculty)

   Twelve-month faculty shall be entitled to the same amount of parental leave as university staff.

4. Classified Staff

   Classified staff are entitled to six consecutive months of unpaid parental leave if the eligibility in Section II.B.2.b is met, (which runs concurrently with FMLA) during which time they may receive pay by using any combination and adhering to the rules of the following leave and campus FMLA programs:

   • University paid parental leave benefit (see section II.B.2)
   • Accrued sick leave,
   • Accrued vacation leave,
   • Short-term disability for birth parent only (mandatory plan, paid for by the university).
All parental leave is granted to care for the classified staff member’s child within 12 months of the birth, adoption, foster care placement or guardianship of a child. The classified staff member shall inform the appropriate supervisor as early as possible of the intent to use parental leave.

B. Parental Leave Components

1. Family Medical Leave Act (FMLA) for Parental Leave

The *FMLA* is a federal law that guarantees certain workers 12 weeks per year of unpaid leave to attend to certain family and medical needs, including a child’s birth, adoption, foster care placement or guardianship of a child.

The campus and system human resources offices shall inform all employees who are covered by the *FMLA* of their *FMLA* rights regarding leave for pregnancy or for the birth, adoption, foster care placement or guardianship of a child, and shall administer *FMLA* leave in accordance with federal law.

2. University Paid Parental Leave Benefit Program

   a. The university grants 160 hours (4 weeks) of paid parental leave, prorated for percent of time if appointment is less than 100%, to eligible employees (see Section II.B.2.b) and can be taken and completed within one year of the birth, adoption, foster care placement or guardianship of a child.

      i. There is no cash value for paid parental leave upon termination from the university and leave cannot be rolled forward for future use.

      ii. University paid parental leave is to be taken consecutively unless a campus policy allows otherwise.

      iii. University paid parental leave is calculated on the employee’s base salary only and is subject to taxes and withholdings.

      iv. The university paid parental leave program is effective for eligible employees of children born, adopted, placed in foster care or guardianship on or after July 1, 2018, unless a campus policy allows otherwise.

      v. Eligible employees are only entitled to one paid parental leave period per year from the date the first paid parental leave begins.

   b. Eligibility for University Paid Parental Leave Program

      i. A regular 12-month faculty member, university staff or classified staff member is eligible for paid parental leave if the employee has worked for 12 consecutive months in a 50% or greater regular appointment at the university immediately prior to the date of birth, adoption, foster care placement or guardianship of a child.

      ii. A regular 12-month faculty member, university staff or classified staff member must have a regular appointment of 50% or greater on the date of birth, adoption, foster care placement or guardianship of a child to be eligible for paid parental leave.

3. Alternative Leave for Birth, Adoption, Foster Care Placement or Guardianship of a Child

Any faculty or staff member who does not wish to take the standard leave described in Section II.A may negotiate an alternative leave arrangement with his or her supervisor or primary unit chair. For example: using the six-month unpaid parental leave intermittently, alternative work schedules, differentiated workloads, banked courses, etc.

The decision whether to grant such a negotiated leave arrangement shall be dictated by the needs of the unit, in the discretion of the supervisor or unit chair and in consultation with the human resources office to ensure
that the decision is consistent with the *FMLA*. Negotiated leave arrangements must be in writing, and, in the case of a staff member, signed by the staff member and supervisor; or, in the case of a faculty member, by the faculty member, chair, and dean.

4. Right to Request Other Unpaid Parental Leave

For purposes of caring for their minor child(ren) of any age, faculty members and university staff may request parental leave without pay, or reduced loads at reduced pay, up to a total of 32 weeks for nine-month faculty or 12 months for university staff and 12-month faculty. This maximum of 32 weeks or 12 months of parental leave includes, and is not in addition to, any leave taken under Section II.A of this policy or leave taken under the *FMLA*. The supervisor has discretion whether to grant such requests for parental leave or schedule modifications beyond those guaranteed by Section II.A or by the *FMLA*.

C. Tenure Probationary Period For Tenure-Track Faculty

Consistent with Article 5.B.4(D) of the Laws of the Regents, leave taken pursuant to this policy, including a negotiated alternative leave, does not count as part of the tenure probationary period. Parental leave results in a "stop" on the tenure clock; such "stops" must be taken in one-year increments. However, a faculty member may irrevocably elect, no later than six months following his or her return to full-time service, to have the leave time count as part of the tenure probationary period. Such an election shall be made in writing and must be approved by the dean and the chancellor.

A faculty member who has experienced the birth, adoption, foster care placement or guardianship of a child, but who does not take parental leave, may also irrevocably elect to stop the tenure clock for one year, provided the election is made in writing within six months of the child’s birth, adoption, foster care placement or guardianship of a child.

Absent extraordinary circumstances, a maximum of two "stops" on the tenure clock for parental leave is allowed under this policy.

D. Simultaneous Leave

If both parents are employed by the University of Colorado and both are eligible for any parental leave benefit described under this policy, paid and unpaid leaves under this policy may be taken simultaneously or may be staggered within 12 months of a child’s birth, adoption, foster care placement or guardianship of a child.

E. Campus Parental Leave Policies

1. A campus may adopt a campus specific policy provided that the approved policy is referenced in section IV of this APS and the Office of University Counsel reviews any alternate policy.

   a. A campus may provide additional parental leave benefits to its employees or to a group of its employees that are more generous than those provided by Section II.A.1, Section II.A.2, or Section II.A.4 of this APS.

   b. A campus may alter the benefit for all 12-month faculty or to specified categories of 12-month faculty as provided in Section II.A.3.

III. DEFINITIONS

*FMLA* – The Family Medical Leave Act, 29 U.S.C. 2601 et seq., a federal law which guarantees unpaid, job protected leave for certain employees experiencing qualifying family and medical circumstances, including the birth, adoption, foster care placement or guardianship of a child.

*Child* – A biological child, adopted child, stepchild, a legal ward, or a child of a person standing in loco parentis who is either under 18 years of age or is 18 years of age or older and “incapable of self-care because of a mental or physical disability” at the time leave is to commence.
Parent – A biological parent, adoptive parent, foster parent, guardian or a spouse, domestic partner or civil union partner of a parent, including an employee using a surrogate/gestational carrier.

IV. RELATED POLICIES

A. Campus Parental Leave Policies

- CU Boulder
- CU Colorado Springs
- CU Denver | Anschutz Medical Campus

B. Regent Policy 11.E Leave Policies for Faculty and Staff