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). In addition, effective dates may vary by section.

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Effective: August 3, 2023 January 1, 2024 (Pending)

Approved by: President Mark R. Kennedy (sections updated after July 1, 2021, were approved by President Todd Saliman)

Responsible University Officer: Vice President and Chief Human Resources Officer

Responsible Office: Office of Employee Services

Policy Contact: Office of Employee Services

Supersedes: APS 5062-Leave, January 1, 2021 (effective dates may vary by section)

Last Reviewed/Updated: August 3, 2023 January 1, 2024 (Pending)

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.
APS 5062-LEAVE
Policy Overview: Leave

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). In addition, effective dates may vary by section.

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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. DEFINITIONS

Italicized terms used in this Administrative Policy Statement (APS) are defined in the APS Glossary of Terms or are defined in this section.

*University staff* - University staff are employees who are exempt from the rules, procedures and regulations that govern the state of Colorado personnel system per Section 24-50-135, C.R.S. University staff positions are subject to all other applicable federal and state law and regulations, as well as laws and policies set forth by the University of Colorado Board of Regents and other University policies. (The term “officer and exempt professional” was replaced with the term “university staff” effective April 17, 2015.)
IV. 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: April 1, 2021, with a retroactive date of January 1, 2021, to add new section on paid sick leave during public health emergencies; merging the policy on leave for faculty serving in elected office (previously APS 5063) into a new section in APS 5062; and other revisions to conform with legislative changes from SB 20-205 known as the “Healthy Families and Workplaces Act”; June 13, 2022, Non-substantive change to subsection II.B.2.a. of Section 11-Parental to clarify that university paid parental leave is not in addition to the State of Colorado Paid Family Medical Leave (PFML) program for classified staff; August 24, 2022, Section 3- Administrative of this policy was updated to comply with Executive Order D 2022 036 “Authorization of Administrative Leave For State Employees Acting as Volunteer Firefighters and First Responders” which was signed by the Governor on July 20, 2022; August 3, 2023, Updated Sections 2-Sick and 4-Bereavement to incorporate changes from Senate Bill 23-017; TBD. Updated Section 3-Administrative, to provide clarity on when the administrative leave can be moved to accommodate work schedules, Section 10-Military to incorporate changes from HB 23-1045, and Section 11-Parental to incorporate the State of Colorado Family and Medical Leave Insurance (FAMLI) and the university’s private FAMLI plan.
- Last Reviewed: August 3, 2023.TBD.

C. Effective January 1, 2021, the following policy was combined into the APS 5062-Leave. The individual history is listed below:

- APS 5063-Leave for Faculty Serving in Elected Office
  - Initial policy effective: July 1, 2020.
  - Rescinded: January 1, 2021.
SECTION 3 – ADMINISTRATIVE LEAVE

I. INTRODUCTION

Short-term paid administrative leave is permitted for eligible employees. The president or chancellor may authorize paid administrative leave for employees during an approved campus closure or other emergency. Classified staff administrative leave is governed by the State Personnel Board rules.

II. POLICY STATEMENT

A. Extended Paid Administrative Leave (applies to all university staff and faculty on 12-month appointments)

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 (applies to all university staff and faculty on 12-month appointments)

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. Supervisor granted 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.

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 per fiscal year.

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.

2. Chancellor, President and/or Governor’s Short-Term Paid Administrative Leave

The campus chancellor, CU president or Colorado Governor may grant administrative leave for campus closures or additional holidays. Each closure decision will articulate if the campus is fully closed or limited to administrative offices only to allow for academic, clinical, and research activity to continue.

If an employee is required to work on a designated administrative leave day, the employee may utilize the administrative leave hours at another time that is agreed upon between the employee and supervisor.

3. Inclement Weather Short-Term Paid Administrative Leave

The chancellor and presidents, or their designees, may issue a campus closure due to inclement weather. Each campus follows a distinct inclement weather process and communication is campus specific.

If an employee is required to work on a designated inclement weather administrative leave day, the employee may not utilize the administrative leave hours at another time as this leave is granted for safety purposes.

C. Volunteer Firefighter and First Responder Required Paid Administrative Leave (applies to all non-temporary employees)

Per State of Colorado Executive Order D 2022 036, CU is required to grant five (5) days of additional administrative leave (8 hours each day, pro-rated for part time) per fiscal year, in support of non-temporary employees responding to a fire as a volunteer firefighter or volunteer first responder. This time may not be used to train for voluntary firefighter or first responder duties.

D. 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 Chief Human Resources Officer and Associate Vice President of Employee Services shall interpret this policy.
Applies to: University staff and faculty on 12-month appointments.

SECTION 10 – MILITARY LEAVE

1. 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 the equivalent of three weeks of a regular work schedule 15 calendar days of paid leave per fiscal year with pay to attend training and/or active-duty service ordered. This leave is not charged to vacation leave.

If military service continues beyond the equivalent of three weeks of a regular work schedule 15 calendar days, the employee may utilize and exhaust their vacation leave. Once the employee exhausts vacation leave or chooses not to utilize vacation time, 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 equivalent of three weeks of a regular work schedule 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: All employees.

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 Federal Family Medical Leave Act (FMLA) and State of Colorado Family and Medical Leave Insurance Act (FAMLI). Parental Leave, FAMLI leave and FMLA leave shall run concurrently. Thus, parental leave counts as part of, and is not in addition to, the 12 weeks of leave guaranteed by the FMLA and FAMLI.

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

During unpaid parental leave, employees are required to adhere to any leave without pay policies.

If an employee is in a paid status, they will receive holiday pay in lieu of other compensation types. During consecutive leave periods, the holiday hours are included in the time off calculation and do not extend the leave period.

At no time will compensation equal more than an employee’s full salary, regardless of funding source.

1. Nine-Month Faculty (non-temporary)

a. Time off options – programs run concurrently

   • Parental Leave:
     o Entitled to up to 18 weeks of parental leave.
     o Eligible on first day of employment if date of hire precedes first day of qualifying event.

   • FAMLI:
     o Entitled to up to 12 weeks of FAMLI leave (may receive up to an additional 4 weeks if complications occur as documented on a medical certification form).
     o Eligible on first day of employment if work occurs in Colorado.
• FMLA:
  o Entitled to up to 12 weeks of FMLA leave.
  o Eligible if worked at CU for at least 12 months and at least 1,250 hours over the past 12 months.

b. Compensation options for the 18 weeks based on eligibility for each leave program
The faculty member may utilize the following:
• FAMLI:
  o Entitled to a percentage of weekly wages, for 12 weeks (may receive up to an additional 4 weeks if complications occur as documented on a medical certification form).
  o Eligible on first day of employment if work occurs in Colorado.
• Paid parental leave (PPL):
  o Entitled to up to 18 weeks at 50% to supplement FAMLI compensation.
  o Employee must apply for FAMLI to receive PPL supplement.
  o Eligible on first day of employment.
• Sick leave:
  o Allowed to supplement compensation and combine with FAMLI and/or PPL for 18 weeks to provide an employee’s full compensation.
• Short-term disability for birth parent only (optional plan, paid for by employee):
  o Allowed to supplement compensation and combine with FAMLI and/or PPL.
  o Must exhaust sick leave prior to utilization.

2. University Staff and Twelve-Month Faculty (non-temporary)

a. Time off options – programs run concurrently
• Parental Leave:
  o Entitled to six consecutive months (26 weeks) of unpaid parental leave.
  o Eligible after one year of employment in a position that is 50% or greater on the date of birth, adoption, foster care placement or guardianship of a child and has worked in an eligible position for 12 consecutive months immediately prior to the date of birth, adoption, foster care placement or guardianship of a child.
• FAMLI:
  o Entitled to up to 12 weeks of FAMLI leave (may receive up to an additional 4 weeks if complications occur as documented on a medical certification form).
  o Eligible on first day of employment if work occurs in Colorado.
• FMLA:
  o Entitled to up to 12 weeks of FMLA leave.
  o Eligible if worked at CU for at least 12 months and at least 1,250 hours over the past 12 months.

b. Compensation options for up to 6 months based on eligibility for each leave program
• FAMLI:
  o Entitled to a percentage of weekly wages, for 12 weeks (may receive up to an additional 4 weeks if complications occur as documented on a medical certification form).
  o Eligible on first day of employment if work occurs in Colorado.
• Paid parental leave (PPL):
  o Entitled to supplement compensation with FAMLI, for up to 6 weeks.
  o Employees must apply for FAMLI benefits to receive PPL supplement.
  o Eligible after one year of employment in a position that is 50% or greater on the date of birth, adoption, foster care placement or guardianship of a child and has
worked in an eligible position for 12 consecutive months immediately prior to the
date of birth, adoption, foster care placement or guardianship of a child.

- Sick leave:
  - Use alone and/or allowed to supplement compensation with FAMLI to provide
    an employee’s full compensation.

- Vacation leave:
  - Use alone and/or allowed to supplement compensation with FAMLI to provide
    an employee’s full compensation once sick leave is exhausted.

- Holiday pay that falls within the leave period if employee is in paid status.

- Short-term disability for birth parent only (optional plan, paid for by employee):
  - Allowed to use in addition to FAMLI.
  - Must exhaust sick leave prior to utilization.

- Leave without pay.

3. Classified Staff (non-temporary)

   a. Time off options – programs run concurrently

   - Parental Leave:
     - Entitled to six consecutive months (26 weeks) of unpaid parental leave.
     - Eligible after one year of employment in a position that is 50% or greater on the
date of birth, adoption, foster care placement or guardianship of a child and has
worked in an eligible position for 12 consecutive months immediately prior to the
date of birth, adoption, foster care placement or guardianship of a child.

   - FAMLI:
     - Entitled to up to 12 weeks of FAMLI leave (may receive up to an additional 4
weeks if complications occur as documented on a medical certification form).
     - Eligible on first day of employment if work occurs in Colorado.

   - FMLA:
     - Entitled to up to 12 weeks of FMLA leave.
     - Eligible after 12 months of state service.

   - State Family Medical Leave:
     - Entitled to up to an additional 40 hours subsequent to FMLA leave.

   b. Compensation options for up to 6 months

   - FAMLI:
     - Entitled to a percentage of weekly wages, for 12 weeks (may receive up to an
additional 4 weeks if complications occur as documented on a medical
certification form).
     - Eligible on first day of employment if work occurs in Colorado.

   - State of Colorado Paid FML:
     - Entitled to up to 160 hours of paid FML.
     - Eligible after 12 months of state service.

   - Paid parental leave (PPL):
     - Entitled to supplement compensation with FAMLI, for up to 6 weeks.
     - Employees must apply for FAMLI benefits to receive PPL supplement.
     - Eligible after one year of employment in a position that is 50% or greater on the
date of birth, adoption, foster care placement or guardianship of a child and has
worked in an eligible position for 12 consecutive months immediately prior to the
date of birth, adoption, foster care placement or guardianship of a child.

   - Sick leave:
     - Use alone and/or allowed to supplement compensation with FAMLI to provide
an employee’s full compensation.
• Vacation leave:
  o Allowed to supplement compensation and combine with FAMLI to provide an employee’s full compensation once sick leave is exhausted.
• Holiday pay that falls within the leave period if employee is in paid status.
• Short-term disability for birth parent only (mandatory plan, paid for by university):
  o Allowed to use in addition to FAMLI.
• Leave without pay.

4. All other employees

Regular employees in an appointments less than 50%, temporary faculty, temporary staff, student employees, graduate students on appointment, residents, and any other employee not listed in sections above. Note that individuals in job codes 3201-3209 (on unique stipends and fellowships) are not considered CU employees and are not subject to the FAMLI premium and are not entitled to FAMLI benefits.

a. Time off options – programs run concurrently

  • FAMLI:
    o Eligible for FAMLI beginning on first day of employment.
    o Job protection begins after 180 days of employment.
  • FMLA:
    o Entitled to up to 12 weeks of FML.
    o Eligible if worked at CU for at least 12 months and at least 1,250 hours over the past 12 months.

b. Compensation Options

  • FAMLI:
    o Entitled to a percentage of weekly wages, for 12 weeks (may receive up to an additional 4 weeks if complications occur as documented on a medical certification form).
  • Sick leave:
    o Allowed to supplement compensation and combine with FAMLI to provide an employee’s full compensation.
  • Vacation:
    o If employee earns vacation time, allowed to supplement compensation and combine with FAMLI to provide an employee’s full compensation once sick leave is exhausted.

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.

If FMLA is utilized for a different condition in the same year, the amount allocated for the purposes of parental leave is reduced accordingly.

The university 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 (PPL) Benefit Program

a. The university grants paid parental leave to eligible employees (see section II.B.2.b) to cover the amount of wages FAMLI does not cover, not to exceed 100% of pay (prorated based on percent of time for part-time employees) for 6 weeks of FAMLI compensation. Paid parental leave must 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 calculated on the employee’s base salary only and is subject to taxes and withholdings.

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

iv. University paid parental leave is not in addition to the State of Colorado Paid Family Medical Leave (PFML) program for classified staff.

b. Eligibility for University Paid Parental Leave Program

i. A regular, non-temporary 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.

ii. Additionally, the employee must have worked in an eligible position for 12 consecutive months immediately prior to the date of birth, adoption, foster care placement or guardianship of a child.

3. Family and Medical Leave Insurance (FAMLI)

FAMLI is a state law that guarantees Colorado workers 12 weeks per year of partial wage replacement (16 weeks for pregnancy/birth related complications) and leave to attend to certain family and medical needs, including a child’s birth, adoption, foster care placement or guardianship of a child.

If FAMLI is utilized for a different condition in the same year, the amount allocated for the purposes of parental leave is reduced accordingly.

The university shall inform all employees who are covered by FAMLI of their FAMLI rights regarding leave for pregnancy or for the birth, adoption, foster care placement or guardianship of a child, and shall administer FAMLI leave in accordance with CU’s FAMLI Plan and university policies.

Employees are eligible for job protection through FAMLI after 180 days of employment.

4. 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 their 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 and FAMLI. 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.

C. Tenure Probationary Period for Tenure-Track Faculty

Consistent with Regent Policy 5.D.1: Tenure Probationary Period and APS 1022 - Standards, Processes and Procedures for Reappointment, Tenure, Promotion, and Post-Tenure Review, Section III.A, 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 their 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 in section II.A of this APS.

III. DEFINITIONS

Italicized terms used in this section of the Administrative Policy Statement (APS) are defined in the APS Glossary of Terms or are defined in this section.

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, foster child, a 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
- CU System Administration

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