

**REGENTS' POLICY**  
**PART IV – HUMAN RESOURCES**  
**Chapter 04.06 - Benefits and Leave**

**P04.06.010. Employee Education Benefits.**

Regular employees, their spouses, and dependent children under the age of 24 are considered residents for enrollment purposes. Regular employees, spouses, and dependents are authorized a waiver of course credit hour charges as prescribed by university regulation. Employees are responsible for any tax liability generated from employee education benefits.

(06-03-94)

**P04.06.020. Insurance.**

The president will establish by university regulation provisions for health, life, and disability insurance.

(06-03-04)

**P04.06.050. Retirement System.**

- A. Several retirement programs are available to university employees. The placement of an employee who is eligible for one of the retirement programs will be governed by the appropriate state statute and the university's master plan document.
- B. The statewide office of human resources will be responsible for preparing and maintaining an accurate and inclusive listing of all university job titles for inclusion in each of the available retirement programs.

(06-03-94)

**P04.06.055. Other Retirement Plans.**

The president will establish by university regulation provisions for employee participation in the University of Alaska Pension Plan and certain tax deferred investments.

(06-07-07)

**P04.06.080. Housing for Faculty and Staff.**

Housing or a housing allowance will be provided by the university to the president and chancellors. Housing will be reserved by the president for administration and staff personnel as provided by regulation.

(06-03-94)

**P04.06.090. Workers' Compensation Insurance.**

Workers' compensation is a "no-fault" law that prescribes medical and wage loss benefits to be paid to an employee injured or made ill because of work conditions. It may also pay benefits to

dependents in case of death. Coverage of employees by workers' compensation will be detailed in the university regulation related to risk management.

(06-03-94)

**P04.06.120. Annual Leave.**

A. Annual leave is accrued at a rate specified in this subsection for all eligible exempt and nonexempt full-time employees except faculty with less than a 12-month contract. All eligible part-time employees will accrue annual leave on an hours-paid basis. The accrual rates are:

1. 5.54 hours per 80 paid hour pay period during the first 5 years;
2. 6.46 hours per 80 paid hour pay period during 6-10 years;
3. 7.38 hours per 80 paid hour pay period over 10 years.

B. Annual leave accrued, but not used, will accrue to a maximum of not more than 240 hours. Unused leave in excess of the maximum at the close of business June 30 will be forfeited.

(11-09-17)

**P04.06.130. Sick Leave.**

A. Eligible exempt and nonexempt full-time employees earn 4.62 hours of sick leave per 80 paid hour pay period.

B. Exempt and nonexempt full-time and part-time employees will accrue sick leave on an hours paid basis.

C. Overtime and other forms of premium pay do not qualify for sick leave accrual.

D. At termination, all sick leave accumulations are lost. Employees who are rehired into a leave eligible position within three years after layoff will have their previous accrued sick leave reinstated.

E. Exceptions, conditions and limitations applicable to eligibility, accrual and use of sick leave will be in accordance with regulation. The president may establish by university regulation procedures providing for the sharing of sick leave by university employees.

(06-20-97)

**P04.06.140. Additional Leave and Holiday Benefit Provisions.**

The president will establish by university regulation provisions for the following:

- A. administrative leave;
- B. the schedule of holiday observances;
- C. sick leave without pay;

- D. parental leave;
- E. family and medical leave;
- F. jury duty;
- G. military leave;
- H. nonmedical leaves of absence; leaves granted under regulations promulgated under this paragraph must be approved by the chancellor, or in appropriate cases, the president; granting nonmedical leaves of absence will not affect the employee's status except as established by regulation or as agreed in writing at the time leave is granted;
- I. special assignments to non-faculty staff of the university duties that require absence from their units for periods of time;
- J. proportionate sick leave benefits for extended temporary employees.

(09-17-15)

**UNIVERSITY REGULATION**  
**PART IV - HUMAN RESOURCES**  
**Chapter 04.06 – Benefits and Leave**

**R04.06.010. Employee Education Benefits.**

Regular benefit eligible employees (hereafter regular employees), their spouses and dependent children are authorized a waiver of course credit hour charges, also referred to as “tuition” under the following conditions:

- A. Regular employees of the university may have tuition waived for up to sixteen credit hours per academic year with a maximum of eight credit hours per semester.
- B. Regular employees may have course credit hour charges waived for up to four university approved non-credit courses in each semester, not to exceed eight non-credit courses per academic year. Prior to the start of each academic term, the list of university approved non-credit courses will be provided by the Statewide Office of Human Resources.
- C. Notwithstanding subsections A and B of this section, regular employees with an employment contract with the university for the following academic year, but who are off contract during the summer, may have up to sixteen graduate or undergraduate course credit hour charges waived per summer session. Such employees may have up to eight non-credit courses waived from a university approved list per summer session. The employee’s tuition waivers shall not exceed sixteen credit hours and eight non-credit courses per academic year.
- D. An academic year begins with the fall semester and ends with the summer term.
- E. Regular employees may take up to three credit hours during working hours with prior written approval by the supervisor, without having to make up the time if, in the opinion of the supervisor, the coursework will be of direct benefit to the university.
- F. Regular employees may take university approved non-credit courses during working hours with prior written approval by the supervisor. Employees are not required to make up the time for their attendance at university-approved non-credit courses.
- G. Regular employees may attend credit courses that do not directly benefit the university during working hours with prior written approval of the supervisor. The employee shall use accrued leave or make up lost work time through a flexible work schedule requested through and approved by the supervisor.
- H. Spouses and dependent children under the age of 24 of regular employees may have course credit hour charges waived as provided in this section.
- I. Regular employees who qualify for education benefits through their employment status are not eligible for education benefits as an employee’s spouse or dependent child.

- J. An individual who qualifies for permanent disability during his/her regular employment under the University of Alaska's long-term disability plan will have course credit hour charges waived for a period of three academic years following qualification.
- K. A regular employee who has included university coursework as part of an approved leave of absence is entitled to the same education benefits as a regular employee.
- L. Education benefits cease upon termination of employment except for:
  - 1. Those courses in which the employee, spouse or dependent child is currently enrolled and classes are in session at the time of termination; and
  - 2. An employee in layoff status as provided in R04.07.110.F.3.
- M. An employee is responsible for any tax liability generated from employee education benefits.
- N. Course credit hour charges will not be waived for the following, except as provided:
  - 1. Self-support courses, except for non-credit university approved courses taken by employees;
  - 2. Non-credit courses for spouses and dependent children of employees;
  - 3. 500 level courses;
  - 4. Year-long courses;
  - 5. WWAMI Medical Program courses; but tuition for coursework provided by the University of Alaska may be waived if otherwise eligible; and
  - 6. The Colorado State University Veterinary Medicine (DVM) degree program, including the first two years of courses which UAF delivers through a partnership with Colorado State University.
- O. For purposes of this regulation “spouse” includes an individual determined by the university to be a financially interdependent partner of a university employee. (02-02-18)

**R04.06.020. Insurance.**

The president will establish by university regulation provisions for health, life, and disability insurance. (06-03-04)

**R04.06.021. Health Insurance.**

The University of Alaska provides a health benefit plan for eligible university employees and their families. (06-03-94)

**R04.06.022. Life Insurance.**

The University of Alaska provides a group life insurance plan for regular university employees.  
(06-03-94)

**R04.06.023. Disability Insurance.**

The University of Alaska provides a long-term disability plan for regular university employees.  
(06-03-94)

**R04.06.050. Retirement System.**

Several retirement programs are available to University of Alaska employees. The placement of an employee who is eligible for one of the retirement programs will be governed by the appropriate state statute and/or the university's master plan document.

The University of Alaska Statewide Office of Human Resources will be responsible for preparing and maintaining an accurate and inclusive listing of all university job titles for inclusion in each of the retirement programs available.  
(06-03-94)

**R04.06.055. Other Retirement Plans.**

A. University of Alaska Pension Plan

On January 1, 1982, in conjunction with the university's withdrawal from the federal Social Security program, a supplemental retirement plan called the University of Alaska Pension Plan was implemented for eligible university employees.  
(06-03-94)

B. Tax Deferred Annuities

1. Selection of Specific Plan

As provided by Section 403(b) of the Internal Revenue Code (IRC), university employees may elect to participate in tax deferred investments offered by university specified tax deferred annuity providers (providers). The university does not endorse these providers or the investments they offer.

Each provider has different participation policies and participants are solely responsible for selecting a provider and funding vehicle. Participation in a tax deferred annuity (TDA) by an employee is a contract between the employee and the provider. The university merely provides a framework within which an employee can enter into such agreements and reduce his/her salary by the specified amount.

## 2. Salary Reduction Agreements

Conditions governing salary reduction agreements are as follows:

- a. Salary reduction agreements must be executed on the university's official salary reduction agreement form.
- b. Individuals authorized to sign salary reduction agreements are specifically delegated such authority in writing by the Statewide Office of Human Resources.
- c. An employee may change the amount of his/her salary reduction agreement or provider at any time. A change in amount or provider will require a new salary reduction agreement, signed by the employee and delivered to the regional personnel office. All changes will become effective within 30 calendar days after receipt by the regional personnel office.
- d. Salary reduction agreements or changes will be effective at the beginning of a pay period.
- e. Determination of the maximum contribution limits under IRC Section 402(g), Section 403(b), or Section 415 is the employee's responsibility.

## 3. Conditions for Acceptance by the University of a Provider

- a. A provider offering Section 403(b) funding vehicles to university employees must have a fully executed tax deferred annuity agreement on file with the Statewide Office of Human Resources.
- b. The executive director of Statewide Office of Human Resources, or designee, is authorized to sign the tax deferred annuity agreement on behalf of the university.
- c. The provider must demonstrate to the satisfaction of the executive director of Statewide Office of Human Resources, or designee, that they have reasonable prospects of enrolling a minimum of 20 university employees in its program before the university will execute a tax deferred annuity program agreement. If a provider does not enroll a minimum of 20 university employees within the first 12 months after executing a tax deferred annuity agreement, it will be removed from the list of providers.
- d. A provider must maintain a minimum of 20 active university employees enrolled in its programs to continue to be a provider. If the provider drops below 20 participants, it must achieve a minimum of 20 within one year or it will be dropped from the list of providers.

4. Responsibility

- a. The Statewide Office of Human Resources is responsible for maintaining the tax deferred annuity agreement between a provider and the university, for ensuring compliance with the agreement prerequisites, for establishing and maintaining a master list of providers and contact numbers, and for furnishing the regional personnel offices with the list of providers.
- b. The Statewide Office of Human Resources is responsible for maintaining the university's tax deferred annuity program plan document.
- c. The regional personnel offices are responsible for providing to employees the official university salary reduction agreement form and the provider list upon request.

(06-20-97)

**R04.06.080. Housing for Faculty and Staff.**

Except for housing provided by the university to the president and chancellor, and housing reserved by the president for administration and staff personnel, all university housing for employees will be assigned as determined by the appropriate chancellor or designee. The determination of taxability is established by IRS code.

(06-20-97)

**R04.06.120. Annual Leave.**

- A. Annual leave is accrued at a rate specified below for all eligible exempt and nonexempt employees. Regular faculty with less than a 12-month contract are not eligible.
  - 1. Regular exempt and nonexempt full-time and part-time employees will accrue annual leave on an hours paid basis.
  - 2. Overtime and premium paid hours do not qualify for annual leave accrual.
  - 3. Rates of accrual are based on length of employment in a position which is eligible for annual leave.
  - 4. Annual leave may not be used in advance of accrual.
  - 5. Rates of accrual for full-time exempt and nonexempt employees are:
    - 5.54 hours per 80 paid hour pay period during the first 5 years
    - 6.46 hours per 80 paid hour pay period during the next 6-10 years
    - 7.38 hours per 80 paid hour pay period over 10 years
- B. Use of annual leave must be mutually agreed to and approved by the immediate supervisor. If a request for annual leave is denied by the supervisor, the reasons for denial will be provided to the employee in writing.



- C. Annual leave accrued but not used in excess of 240 hours will be forfeited at the end of payroll processing for the pay period in which January 31 falls.
- D. The salary equivalent of unused annual leave up to a maximum of 240 hours may be paid upon retirement or termination of an employee from the university. All accrued annual leave will be paid to the employee's estate when a university employee dies.
- E. Anyone transferring from a position that provides annual leave to one which does not will have his/her accumulated balance, up to a maximum of 240 hours, paid off at the effective date of the termination of former status. The annual leave accrual rate is determined by the date of new hire into a position which provides annual leave. The years of university employment when an employee is in a status which does not permit the accrual of annual leave are not considered when calculating rates of accrual.
- F. Annual leave does not accrue during: sabbatical leave, unpaid hours, special assignments, temporary overload, summer assignments or additional assignment contracts, periods for which workers' compensation benefits are paid, periods of suspension or other disciplinary action as approved by the regional human resources office or terminal leave which must be approved by the immediate supervisor and is defined as leave taken during pay periods immediately prior to an identified termination date.
- G. Annual leave payments will not be continued after the date of termination or retirement.
- H. Extended temporary, temporary, casual and student employees do not accrue annual leave.
- I. Faculty on academic-year appointments do not accrue annual leave. However, they receive time off, as provided in policy.

(02-07-16)

#### **R04.06.130. Sick Leave.**

##### **A. Definitions**

- 1. A "qualifying event" is an absence
  - a. for an illness, injury, healthcare professional appointment and/or treatment of the employee;
  - b. to care for an immediate family member with an illness, injury, disability, healthcare professional appointment and/or treatment when care by the employee is necessary, or an absence within five days after the death of an immediate family member;
  - c. to avoid the passing on of a contagious disease by the employee;

- d. to attend a funeral;
  - e. approved for University Family and Medical leave, except absences for a qualifying exigency and absences after the first three days off work due to a work-related injury or illness; or
  - f. for an illness which continues for more than three days when the employee is on annual leave.
2. “Immediate family member” refers to an employee’s spouse, financially interdependent partner, parent, child, sibling, stepparent, grandparent, parent of a spouse or financially interdependent partner, grandparent of a spouse or financially interdependent partner, and child of a financially interdependent partner.
- a. “Parent” refers to the biological parent of an employee, or an individual who stood in place of the parent of the employee when the employee was either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability.
  - b. “Child” refers to a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in the place of a parent.
3. “Medical certification” means certification from a health care provider that sets forth the following information:
- a. The name, address, telephone number, and fax number of the health care provider and type of medical practice/specialization;
  - b. The approximate date on which the serious health condition commenced, and its probable duration;
  - c. A statement or description of appropriate medical facts regarding the patient’s health condition for which sick leave or FML leave is requested. The medical facts must be sufficient to support the need for leave. Such medical facts may include information on symptoms, diagnosis, hospitalization, doctor visits, whether medication has been prescribed, any referrals for evaluation or treatment (physical therapy, for example), or any other regimen of continuing treatment;
  - d. If the employee is the patient, information sufficient to establish that the employee cannot perform the essential functions of the employee’s job as well as the nature of any other work restrictions, and the likely duration of such inability;
  - e. If the patient is a covered family member with a serious health condition, information sufficient to establish that the family member is in need of

care and an estimate of the frequency and duration of the leave required to care for the family member;

- f. If an employee requests leave on an intermittent or reduced schedule basis for planned medical treatment of the employee's or a covered family member's serious health condition, information sufficient to establish the medical necessity for such intermittent or reduced schedule leave and an estimate of the dates and duration of such treatments and any periods of recovery;
- g. If an employee requests leave on an intermittent or reduced schedule basis for the employee's serious health condition, including pregnancy, that may result in unforeseeable episodes of incapacity, information sufficient to establish the medical necessity for such intermittent or reduced schedule leave and an estimate of the frequency and duration of the episodes of incapacity; and
- h. If an employee requests leave on an intermittent or reduced schedule basis to care for a covered family member with a serious health condition, a statement that such leave is medically necessary to care for the family member, which can include assisting in the family member's recovery, and an estimate of the frequency and duration of the required leave.

An employee who requests leave to care for a covered service member shall obtain a certification as described in 29 CFR 825.310.

## B. Leave Accrual

- 1. Eligible exempt and nonexempt employees accrue 4.62 hours sick leave per 80 paid hour pay period.
  - a. Exempt and nonexempt full-time and part-time employees accrue sick leave based on hours paid.
  - b. Overtime and premium paid hours do not qualify for sick leave accrual.
  - c. Extended temporary employees accrue sick leave based on hours paid.
- 2. At termination, all sick leave accumulations are lost, except as follows:
  - a. Employees who are rehired into a leave eligible position within three years after layoff will have their previous accrued sick leave reinstated.
  - b. Extended temporary employees who do not work 30 hours or more during a measurement period will not continue to accrue sick leave, but will retain any accrued sick leave until they have a break in service of at least 10 working days.

3. Temporary, casual, seasonal and student employees earn no sick leave; however, appropriate sick leave credit, not to exceed 60 hours, is granted retroactively to temporary employees employed on at least a half-time basis who change to regular status without a break in service.
4. Sick leave does not accrue during sabbatical leave, unpaid hours, terminal leave (leave taken during pay period(s) immediately prior to an identified termination date), special assignments, overload, summer appointments, additional assignments, contract extensions, or periods for which workers' compensation benefits are paid.
5. Sick leave will accrue on an hours paid basis when a continuing employee returns to a new fiscal year contract.
6. Full payment for accumulated unused sick leave will be made to the employee's estate if the death occurs while the employee is employed by the university.

C. Conditions for the use of sick leave:

1. Sick leave will be granted only for a qualifying event.
2. The use of sick leave for absences covered by FML leave requires approval of the regional human resources office. The employee must provide the regional human resources office with sufficient medical certification or recertification upon request.
3. The use of sick leave for absences that are not approved for FML leave requires the approval of the employee's immediate supervisor. The employee must submit medical certification or other evidence of the qualifying event to document the employee's need for sick leave for absences that exceed ten workdays. The supervisor may also request evidence of an illness of less than ten days or medical appointments. During periods of sick leave in excess of two biweekly pay periods (4 weeks) the employee must provide the supervisor with medical certification at predetermined regular intervals stating the condition of the employee's availability for return to work.
4. The employee must make proper notification as follows:
  - a. The employee who is absent because of illness must notify, or if unable have another notify, the supervisor within the first hour of the normally scheduled work day. If the need for sick leave is a result of an emergency condition, the employee's supervisor must be notified as soon as possible.
  - b. During a qualifying event of any duration, the employee must provide the supervisor with as much advance notice as possible of the anticipated beginning and ending dates of the absence.

- c. An employee must provide at least 30 days advance notice before sick leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, planned medical treatment for a serious health condition of the employee or of a family member, or the planned medical treatment for a serious injury or illness of a covered servicemember. If 30 days notice is not practicable, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable.
  - d. Unless the employee's absence is expected, the employee must continue to notify the supervisor each normal work day of an absence for the qualifying event.
- 5. Sick leave may not be used in advance of accrual.
- 6. The qualifying event period in excess of an employee's accrued sick leave will be charged against the employee's annual leave accumulation.
- 7. Sick leave will not be used during a holiday or a regular day off. An employee may use sick leave during the calendar year end holiday closure upon submission of written evidence of illness or a professional appointment or treatment.
- 8. Sick leave may be used to arrange or attend a funeral. The eligibility rules for bereavement leave are as follows:
  - a. The sick leave must be approved by the employee's supervisor.
  - b. Sick leave may be used for an absence within five days after the death of an immediate family member. Sick leave of up to five consecutive work days may also be used to arrange or attend the funeral of a member of the employee's immediate family.
  - c. Up to one work day of sick leave may be taken to attend the funeral of a friend or relative not in the immediate family.
  - d. The supervisor will determine the number of employees who may attend the funeral of a deceased employee. An employee attending such a funeral must report sick leave for the time away from the job.
- 9. Sick leave may be taken as terminal leave only in the event the employee meets requirements for taking such leave. Terminal leave must be approved by the chief human resources officer.
- 10. Sick leave is paid at the employee's regular rate of pay effective for the time period for which leave is taken.

11. Paid sick leave may be denied if an employee fails to timely notify the supervisor, fails to provide evidence of the qualifying event, or fails to provide medical certification.
12. Paid sick leave is discontinued immediately:
  - a. upon employee's return to work status;
  - b. upon determination by the employee's supervisor with professional medical advice that the employee is able to return to work;
  - c. upon refusal or failure by the employee to submit clear evidence of a qualifying event on request or as required (in this case, the leave may be retroactively disallowed);
  - d. when the employee is eligible and qualified for disability retirement under the applicable state retirement system or Social Security;
  - e. upon exhaustion of sick leave;
  - f. after the third day of disability, for an employee with a workers' compensation claim; or
  - g. upon the expiration of the employee's job assignment.
  - h. upon termination for any reason or no reason.
13. Sick leave requests which are not covered in regulation or requests for special consideration are to be submitted through administrative channels to the regional Human Resources office. The regional Human Resources office, after evaluation, will forward a copy of the request and its recommendations to the chief human resources officer for final determination.

#### D. Leave Share Program

1. Purpose: The leave share program is established to allow employees to donate sick leave to an employee who needs additional leave coverage for a medical emergency that will require the prolonged absence of the employee from duty and will result in the substantial loss of income to the employee.
2. Definitions:

For the purpose of this regulation, the following terms will have the meaning as indicated below.

Employee: An employee is any person in the employment of the university in a position that is eligible to accrue sick leave, except for extended temporary employees.

**Leave Share Donor:** An employee who voluntarily requests transfer of accrued sick leave hours to the sick leave account of a leave share recipient.

**Leave Share Recipient:** An employee whose application to receive sick leave from the accrued sick leave account of Leave Share Donor(s) has been approved in accordance with subsection 3(c) and whose leave has been designated either as FML leave for a serious health condition in accordance with R04.06.144.B, University Family and Medical Leave or as bereavement leave in accordance with R04.06.130.C(8)(b).

**Medical Emergency:** A serious health condition of the employee or the employee's immediate family member, or the death of a member of the employee's immediate family, that will require the prolonged absence of the employee from duty and will result in a substantial loss of income to the employee because the employee will have exhausted all paid leave available. The employee's absence for the medical emergency must be designated as FML leave for a serious health condition in accordance with R04.06.144.B or as bereavement leave in accordance with R04.06.130.C(8)(b), and must exceed the employee's accrued leave balances by 80 or more work hours.

### 3. Procedures

#### a. Program Participation

A full-time employee may participate in the leave share program for a maximum of 65 scheduled working days (520 hours) during a rolling 12 month period measured backward from the date the employee uses any donated sick leave. Part-time employees may qualify and participate according to their prorated proportion of full-time.

#### b. Application for Leave Share Hours

An employee or the employee's representative may request leave share hours by completing either the Family and Medical Leave (FML) application for a serious health condition or providing medical documentation of the death of a member of the employee's immediate family for bereavement leave, and submitting a completed leave share application.

#### c. Review of Application

The regional human resources director or designee will consider the application and determine whether the employee is eligible for leave share, whether the employee's absence is a medical emergency and has been designated as FML leave for a serious health condition in accordance with R04.06.144.B or as bereavement leave in accordance with R04.06.130.C(8)(b), and whether the employee has been on sick leave

without pay (SLWOP) for the medical emergency for at least 80 work hours within a period of 28 calendar days.

d. Exclusions

Leave cannot be donated to employees receiving compensation under Workers' Compensation, Long Term Disability, or any other compensation plan, to extended temporary employees, to employees on parental leave, or to any employees not eligible to accrue and use accrued sick leave.

e. Administration of Approved Application

At the employee's request, the regional human resources office may issue a request for sick leave donations on behalf of the leave share recipient (anonymity may be requested).

An employee who wishes to donate sick leave to a leave share recipient will complete a sick leave donation form and submit it to the regional human resources office. The employee must have at least 80 hours of accrued sick leave remaining after donated hours are deducted. Donations will be accepted on a first come, first used basis. The sick leave donation form will not be valid for more than the number of hours needed by the recipient in a given pay period. Separate forms may be submitted each pay period for additional donations.

After the leave share recipient has used 80 hours of sick leave without pay (SLWOP) for the medical emergency within a period of 28 calendar days, the transfer of leave hours from the leave share donor(s) to the leave share recipient will be made on an as-needed basis by pay period. Forty hours of donated leave will be credited retroactively to the recipient.

The leave share recipient may not receive more than the actual number of hours needed. Leave share donations may not be used for the first 40 hours of the qualifying 80-hour SLWOP period. Donations may not be used beyond the leave share recipient's termination date, exhaustion of FML leave, exhaustion of bereavement leave, or exhaustion of leave share benefit, whichever occurs first, or beyond a leave share donor's termination date

f. Impact on Leave Share Donor

According to Revenue Ruling 90-29, an employee who donates sick leave under a bona-fide employer-sponsored leave-sharing program for medical emergencies does not realize any income or incur any deductible expense or loss either upon the surrender or deposit of that leave or its use by the recipient.



Sick leave donated and used by the recipient is the property of the recipient and will not be returned to the donor.

g. Impact on Leave Share Recipient

In accordance with Revenue Ruling 90-29, amounts paid by an employer to a leave share recipient pursuant to a bona-fide employer-sponsored leave sharing plan for medical emergencies are included in the gross income of the recipient as compensation.

h. Request for Reconsideration of Denial

If an employee's application for leave share is denied, the applicant may request reconsideration within 10 working days by the chancellor (or designee) or, if the applicant is a statewide employee, the president (or designee). Any reconsideration constitutes the final administrative determination of the matter by the University and is not subject to appeal, grievance or arbitration. Any further review of such decisions must be pursued within 30 days of the final decision in accordance with Alaska Rule of Appellate Procedure 602(a)(2).

i. Prohibition of Coercion

An employee may not directly or indirectly intimidate, threaten, or coerce any other employee or otherwise interfere with such an employee's right to choose whether or not to donate, receive, or use sick leave under the leave share program.

j. Records

The leave share and FML application, decision, and other relevant documentation will be maintained separately from employee's permanent personnel file. A record of the number of hours used from the leave share program will be kept in the permanent payroll file.

(07-10-16)

**R04.06.140. Administrative Leave.**

A. Administrative leave may be granted to an employee or a group of employees for a variety of reasons, including, but not limited to:

1. Operation interruptions beyond the control of management or employees such as fire, flood, building damage, power failure, bomb threat, etc.
2. Disruption of air cooling or heating systems which produce working conditions that make it impracticable for employees to remain in the workplace.

3. Severe, adverse weather conditions which may threaten the safety of individuals currently working or who may be traveling to/from work.
  4. When it is in the public interest to excuse employees from the workplace to participate in activities which the university is interested in encouraging. Example might include release of medical personnel for community emergency.
  5. When the interests of the employee or the university are best served by the employee's absence from the workplace.
- B. Individual employees may be placed on administrative leave with the approval of the chief human resources officer or regional human resources director. Administrative leave for groups of employees must be granted by a chancellor, the president, or designee.
- C. During administrative leave, an employee remains employed by the university and earns compensation at the employee's regular rate of pay.
- D. Administrative leave for severe, adverse weather conditions may be used at the discretion of the individual, leave-eligible employee but only after an authorization of "personal safety" administrative leave use is announced by the president, chancellor, or designee for the system, a university or community campus. Employees already scheduled out on other types of leave (annual, sick, etc.) or on Leave without Pay are not eligible for personal safety administrative leave for that day.
- E. Employees on extended administrative leave must keep their supervisor advised of their current address, email address and telephone number such that the supervisor can contact the employee for information, to assign remote/alternate work, or to notify the employee to return to the workplace.
- F. When unavailable for telephone calls or other means of immediate communication, employees on extended administrative leave must use annual leave or comply with sick leave notice requirements.
- G. Employees on administrative leave for any reason shall immediately notify their supervisor if they obtain other employment.
- H. Administrative leave is not disciplinary in nature. A decision to place an employee on administrative leave is not subject to administrative review or grievance.

(02-05-15)

## **R04.06.141. Holidays**

### **A. Paid Holidays**

The following paid holidays are observed by the University of Alaska:

1. New Year's Day
2. An additional day before or after January 1, as specified by the president
3. Martin Luther King Jr. Day in Celebration of Alaska Civil Rights (third Monday in January)
4. Day of Spring Recess
5. Memorial Day
6. Independence Day
7. An additional day before or after July 4, as specified by the president
8. Labor Day
9. Thanksgiving Day and the day immediately following
10. Christmas Day
11. An additional day before or after December 25, as specified by the president

Holidays shall be observed on the date of the holiday, unless the holiday falls on Saturday or Sunday, in which case the holiday shall be observed on the Monday or Friday closest to the holiday.

Regular benefit-eligible employees in active pay status receive holiday pay. Holiday pay shall be pro-rated for part-time employees.

### **B. Holiday Closure**

Annually, the president will specify days to be observed as holiday closure before and/or after the scheduled Christmas and New Year holidays. Employees may take leave without pay or appropriate paid leave during holiday closure.

### **C. Personal Holiday for Regular Nonexempt Staff**

The personal holiday for regular nonexempt staff may be taken only after satisfactory completion of the 6-month probationary period and is granted in proportion to full-time equivalency of the employee.

Personal holidays do not accrue from year to year and, therefore, must be taken during the fiscal year in which earned and must be approved in advance by the appropriate supervisor. Personal holidays may not be taken during the pay period which includes July 1.

(03-10-16)

## **R04.06.142. Sick Leave Without Pay.**

- A. A sick leave without pay absence may only be granted when an employee has exhausted all accrued sick leave with pay, all accrued annual leave, and any shared leave, except

that an employee may use the sick leave without pay necessary to qualify for shared leave.

- B. The granting of sick leave without pay is subject to the same conditions as sick leave with pay.
- C. Sick leave without pay will be granted in accordance with the Family and Medical Leave regulation.
- D. Notwithstanding any provisions of this or other university regulations, sick leave without pay is at the discretion of the university, except to the extent it is required by law. Unless prohibited by law, the university may terminate the employment of any employee who is unable to work and has exhausted any applicable Family and Medical Leave.

(12-10-07)

#### **R04.06.143. Parental Leave.**

Parental leave is available to employees and will be granted in the order of sick leave with pay, accrued annual leave and sick leave without pay. All parental leave will be granted in accordance with the Family and Medical Leave regulation.

(06-20-97)

#### **R04.06.144. University Family and Medical Leave.**

The university will provide family and medical leave in accordance with applicable state law (A.S. 39.20.500) and federal law and regulation (29 U.S.C. 2601 and 29 CFR Part 825). The university does not intend these regulations to provide greater leave benefits than those established by state or federal law, except for continuing health care coverage, basic life insurance, and long-term disability insurance for up to 18 workweeks of family and medical leave.

##### **A. Eligibility for Leave**

- 1. An employee's eligibility for family and medical leave is based on length of employment in accordance with applicable federal and state law.
- 2. University Family and Medical Leave (FML) will only be granted for one of the following reasons:
  - a. State Law
    - (1) Because of pregnancy and the birth of a child of the employee or the placement of a child, other than the employee's stepchild, with the employee for adoption;
    - (2) In order to care for the employee's child, spouse, financially interdependent partner, or parent who has a serious health condition; and

- (3) Because of the employee's own serious health condition.
- (4) In this subsection, "parent" means a biological or adoptive parent, a parent-in-law, a parent of a financially interdependent partner, or a stepparent. "Child" means an individual who is under 18 years of age, or who is 18 years of age or older and incapable of self-care because of mental or physical disability. "Child" includes the employee's biological, adopted or foster child, stepchild, child of a financially interdependent partner, or ward.

b. Federal law

- (1) For the birth of a son or daughter, and to care for the newborn child;
- (2) For placement with the employee of a son or daughter for adoption or foster care;
- (3) To care for the employee's spouse, son, daughter, or parent with a serious health condition;
- (4) Because of a serious health condition that makes the employee unable to perform the functions of the employee's job.
- (5) Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty (or has been notified or an impending call or order to covered active duty) status.
- (6) To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the covered servicemember.
- (7) In this subsection, "spouse" means a husband or wife. "Parent" means a biological parent or an individual who stands or stood in loco parentis to an employee when the employee was a son or daughter. "Son or daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a physical or mental disability.
- (8) "Covered active duty" means
  - (A) in the case of a member of the Regular Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and

(B) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty under a provision of law referred to in 29 CFR 825.102.

3. The determination of a “serious health condition” will be made in accordance with federal and state law. “Serious health condition” means an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.

Continuing treatment by a health care provider means any one of the following:

- a. Incapacity and treatment. A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves treatment by a health care provider. Treatment must include an in-person visit to a health care provider within seven days of the first day of incapacity.
- b. Pregnancy or prenatal care.
- c. A chronic condition which:
  - (1) Requires periodic visits (defined as at least twice a year) for treatment by a health care provider;
  - (2) Continues over an extended period of time (including recurring episodes of a single underlying condition); and
  - (3) May cause episodic rather than a continuing period of incapacity (e.g. asthma, diabetes, epilepsy, etc.).
- d. A permanent or long-term condition for which treatment may not be effective.
- e. Conditions requiring multiple treatments. Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider, for:
  - (1) Restorative surgery after an accident or injury; or
  - (2) A condition that would likely result in a period of incapacity of more than three consecutive full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

A regimen of continuing treatment that includes taking over-the-counter medications, bed-rest, drinking fluids, exercise, and other similar activities that

can be initiated without a visit to a health care provider is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FML leave.

Conditions that do not meet the definition of a serious health condition and do not qualify for FML, unless complications arise, include the common cold, flu, ear ache, upset stomach, minor ulcers, headache other than migraine, routine dental or orthodontia problems, periodontal disease, etc.

4. The determination of a “qualifying exigency,” “covered active duty,” “serious injury or illness,” “veteran,” “next of kin,” and “covered servicemember” will be made in accordance with federal law and regulation.
5. All FML taken, either paid or unpaid, will be counted toward the period of leave allowed under law.

## B. Initiating Leave

### 1. Notification Requirements – Employee

An employee must provide at least 30 days advance notice before FML leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, planned medical treatment for a serious health condition of the employee or of a family member, or the planned medical treatment for a serious injury or illness of a covered servicemember. If 30 days notice is not practicable, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable.

For foreseeable leave due to a qualifying exigency, notice must be provided as soon as practicable, regardless of how far in advance such leave is foreseeable.

If the need for FML is unforeseeable or a result of an emergency condition, the employee’s supervisor must be notified as soon as practicable.

The supervisor shall immediately notify the regional human resources office of the employee’s request for FML.

An employee requesting FML shall complete the University of Alaska’s FML forms and provide relevant certification, as defined in R04.06.130.A and R04.06.144.H, to the regional human resources office to verify the reasons for the leave request.

### 2. FML by University Action

The regional human resources office will designate an employee’s leave as FML when the university is informed of a qualifying FML event by the employee or the employee’s representative. The supervisor shall immediately notify the regional human resources office of the employee’s possible eligibility for FML.

### 3. Notification Requirements – University

The regional human resources office will notify the employee of the employee's eligibility to take FML within five working days, absent extenuating circumstances. Notification will include the employee's rights and responsibilities under FML and reasons for approval or denial.

If the employee has not provided sufficient information to document the need for FML, the university may request additional information from the employee. When the university has enough information to determine whether the leave is being taken for an FML-qualifying reason, the regional human resources office will notify the employee whether the leave will be designated and will be counted as FML leave within five working days, absent extenuating circumstances.

Failure of the employee to provide the regional human resources office with sufficient documentation within 15 calendar days of such request may result in denial of the request for FML until the required certification or recertification is provided.

The university may request a second or third FML medical opinion at the university's expense.

### C. Job Transfer

The university may unilaterally transfer an employee taking intermittent FML for planned medical treatment to an alternative position for which the employee is qualified and which better accommodates recurring periods of leave, in accordance with state and federal law. A pregnant employee may request a transfer to a suitable position in accordance with state law.

### D. Length of Leave

1. Upon approval of the employee's request or need for FML, the employee will be granted FML not to exceed the greater of the allowable periods under state and federal law, using a rolling 12-month period measured backward from the date the employee uses any FML leave.

a. State law. In accordance with A.S. 39.20.500, an eligible employee may take leave for a qualifying serious health condition for a total of 18 workweeks during any 24-month period, and may take leave because of pregnancy and childbirth or adoption for a total of 18 weeks within a 12-month period.

b. Federal law.

(1) In accordance with 29 U.S.C. 2612, an eligible employee may take leave because of a qualifying serious health condition, for the birth



or placement of the employee's child, or for a qualifying exigency, for a total of 12 workweeks during a 12 month period.

- (2) An eligible employee may take leave to care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the covered servicemember. An employee who takes leave under this subsection is entitled to a total of 26 workweeks of leave during a single 12-month period.

If an employee's leave qualifies under both state and federal law, the leave used counts concurrently against the employee's entitlement under both laws.

2. FML may not continue beyond the expiration of an employee's job assignment.

#### E. Intermittent Leave.

1. "Intermittent leave" refers to leave taken in separate blocks of time:
  - a. In non-sequential days;
  - b. In less than a complete work day increment; or
  - c. In less than a complete pay period.
2. Medical necessity. An employee may request intermittent FML, or the university may designate intermittent leave as FML, when there is a medical need for leave that can best be accommodated through an intermittent or reduced leave schedule. The employee's request must include a health care provider's medical certification. The employee shall advise the regional human resources office of the reasons why the intermittent leave schedule is necessary and of the schedule for treatment, if applicable. If an employee needs leave intermittently for planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly the employer's operations.
3. Birth or placement. For the birth, adoption, or placement of a child, intermittent leave may be taken if agreed to by the employee's supervisor and proper application is made.
4. Qualifying exigency. Leave due to a qualifying exigency may be taken on an intermittent basis.

#### F. Leave Usage for Family and Medical Leave

1. Employees, other than those receiving workers' compensation benefits, must take any paid leave for which they are eligible concurrent with FML. If the FML event is a qualifying exigency, employees must exhaust all annual leave prior to using leave without pay. If the FML event qualifies for use of sick leave,

employees must exhaust all accrued sick leave, all annual leave and any shared leave prior to using sick leave without pay.

2. Workers' compensation benefits do not allow an employee to use sick or annual leave after the first 3 days of disability, even though the employee is eligible for FML.

#### G. Benefits during Family and Medical Leave

1. The university will continue an employee's health care coverage, basic life insurance, and long-term disability insurance during FML as provided in this section. Any share of premiums which were paid by the employee prior to FML must continue to be paid by the employee during FML.
  - a. The university will continue an employee's health care coverage, basic life insurance, and long-term disability insurance on the same terms as if the employee had continued to work, for up to 18 workweeks of FML in any 12-month period. If an employee is eligible for more than 18 workweeks of FML, the employee must pay for all costs to maintain coverage during any period of unpaid leave after the employee's eighteenth week of FML.
  - b. Notwithstanding the limitation in subsection a., the university will continue an employee's health care coverage during an absence that qualifies as FML under federal law, on the same terms as if the employee had continued to work.
2. An employee requesting FML shall make arrangements with the regional human resources office to pay the employee's share of health care coverage and supplemental and dependent premiums. Failure to timely pay any appropriate premiums will result in cancellation of that coverage.
3. Contributions are not made to the University of Alaska's Pension Plan, Optional Retirement Plan, Public Employees' Retirement System, and/or Teachers' Retirement System while an employee is receiving workers' compensation or taking unpaid FML.
4. An employee shall reimburse the university for its share of health care premiums incurred during unpaid FML if the employee fails to return to work and to work for at least 30 calendar days after the employee's FML leave entitlement has been exhausted or expires. An employee will not be liable for payment if the employee's failure to return to work and to work 30 days results from:
  - a. the continuous, recurrence, or onset of a serious health condition of the employee and/or family member which would otherwise entitle the employee to FML; or
  - b. other circumstances beyond the control of the employee.

## H. Certification for Leave Taken Because of a Qualifying Exigency.

1. The first time an employee requests leave because of a qualifying exigency arising out of covered active duty, the employee shall provide a copy of the military member's active duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or call to covered active duty status, and the dates of the covered active duty.
2. Leave for any qualifying exigency shall be supported by a certification from the employee that sets for the following information:
  - a. A statement or description, signed by the employee, of appropriate facts regarding the qualifying exigency for which FML leave is requested. The facts must be sufficient to support the need for leave. Such facts should include information on the type of qualifying exigency for which leave is requested and any available written documentation which supports the request for leave; such documentation, for example, may include a copy of a meeting announcement for informational briefings sponsored by the military, a document confirming an appointment with a counselor or school official, or a copy of a bill for services for the handling of legal or financial affairs;
  - b. The approximate date on which the qualifying exigency commenced or will commence;
  - c. If the employee requests leave because of a qualifying exigency for a single, continuous period of time, the beginning and end dates for such absence;
  - d. If the employee requests leave because of a qualifying exigency on an intermittent or reduced schedule basis, an estimate of the frequency and duration of the qualifying exigency;
  - e. If the qualifying exigency involves meeting with a third party, appropriate contact information for the individual or entity with whom the employee is meeting (such as the name, title, organization, address, telephone number, fax number, and e-mail address) and a brief description of the purpose of the meeting; and
  - f. If the qualifying exigency involves Rest and Recuperation leave, a copy of the military member's Rest and Recuperation orders, or other documentation issued by the military which indicates that the military member has been granted Rest and Recuperation leave, and the dates of the military member's Rest and Recuperation leave.

## I. Return to Work

1. An employee on FML shall report periodically on the employee's status and intent to return to work. The employee shall provide reasonable notice (within

two working days of the changed circumstances) if there is a change in the amount of FML initially anticipated.

2. An employee returning to work from FML within the legally allowed period will be returned to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment in accordance with state and federal law.
3. An employee must return to work on the first working day after the expiration of the FML unless leave is extended as a reasonable accommodation for a qualified individual with a disability.
4. The university may require medical certification that the employee is able to return to work and to perform the essential functions of the employee's position.
5. If it is determined by the supervisor and the regional human resources office that the employee is unable or unwilling to return to work, the regional human resources office will notify the employee of the employee's termination for failure to return to work from FML.

J. Records

All records of requests for FML, approvals, denials, and supporting medical documentation will be maintained in the regional human resources office in a file separate from the employee's personnel file.

(08-07-14)

**R04.06.145. Jury Duty.**

In order that university employees may fulfill their civic responsibility as jurors or witnesses, regular employees are granted leave of absence with pay for these purposes.

- A. "Jury duty" or duty as a court witness refers to that service and time spent away from a university job as a result of a subpoena issued by a court. Service as a volunteer expert witness or other volunteer court duty is not included in the provisions of this leave.
- B. The notification and compensation rules for such leave are as follows:
  1. Department heads are authorized to grant such leave with pay upon the presentation of a subpoena by the employee. A record of absences for these purposes will be maintained and reported as jury duty leave with pay.
  2. It is the responsibility of the employee to keep his/her supervisor or department head informed of the anticipated time to be spent away from the job for this purpose.
  3. The employee's regular university pay will continue to be paid during such leave.
  4. Any pay received by employees from a court system for service on jury duty or as court witness duty will promptly be returned by the employee to the university to offset part of the cost of such leave.

5. Temporary and extended temporary employees are not paid during jury duty. These employees may retain pay received from the court system for jury service.

(02-07-16)

#### **R04.06.146. Military Leave.**

A regular employee who is a member of a reserve or auxiliary component of the United States Armed Forces is entitled to a leave of absence without loss of pay to a maximum of 16 and one-half working days in one calendar year during which the employee is ordered to serve with the National Guard or Reserve Forces, or the Civil Air Patrol or Coast Guard auxiliary units. If requested, the employee must provide a copy of the order which will establish his/her eligibility for paid military leave.

For other than required training periods discussed above, regular employees of the university are entitled to a military leave of absence without pay to serve in the uniformed services of the United States and will be entitled to statutory benefits and rights to re-employment provided for by state and/or federal law. For a military leave of absence, the employee must give advance written or verbal notice of leave to the supervisor. If the leave is for more than 31 days, the returning employee must, at the request of the supervisor, provide documentation that establishes length and character of the service and the timeliness of the application for re-employment.

Voluntary involvement with non-military, auxiliary, or civil organizations, such as participation in search and rescue missions, is not eligible for military leave or military leave of absence.

(08-07-14)

#### **R04.06.147. Leave of Absence (nonmedical).**

A regular employee who wishes to take an unpaid leave of absence in excess of 10 working days is required to make the request in writing to his/her immediate supervisor. The application will be forwarded through normal administrative channels, with recommendations being added at each level, to the appropriate chancellor who will then notify the applicant, in writing, of the decision. Notification must be sent to the Statewide Office of Human Resources. An employee may only rescind an approved leave of absence with written permission of the chancellor.

All employees may request leave without pay for 10 working days or less. The employee's supervisor may approve in writing a leave without pay request.

Granting leave of absence will not affect an employee's status except as provided by regulation or as agreed to in writing at the time leave is granted.

During the leave, the employee is entitled to rights and privileges as if he/she were in regular service except that he/she will not receive salary and will not accumulate annual or sick leave. An employee may continue health, life, and long-term disability insurance and retirement programs to the extent allowed by the contracts with the vendors of such programs and as allowed by law. The employee will pay both his/her own and the university's portions of any cost.

Leave of absence may be granted for a variety of purposes. Leave of absence may be granted for up to one year, and may be renewed for up to one additional year. The justification and merit of an application for leave of absence will be assessed in each individual case.

Unless otherwise agreed to in writing, the leave recipient will return to the same position which he/she occupied before leaving, or, if the position no longer exists, to a comparable position.

(06-20-97)

**R04.06.148. Special Assignments.**

Exempt and nonexempt non-faculty employees are eligible for special assignment. Special assignments will not be considered breaks in service. Any special conditions of such special assignments will be clearly set forth in writing. Special conditions will become binding only after having been signed by the employee, the supervisor and, as appropriate, by the chancellor or the president.

The employee may continue the health, life and long-term disability insurance and retirement programs to the extent allowed by law. The employee will pay both his/her own and the university's portions of any cost.

(06-20-97)

**R04.06.149. Leave Benefits For Extended Temporary and Temporary Employees.**

Temporary, casual and seasonal employees are not eligible for annual, sick, or holiday leave. Extended temporary employees are eligible for sick leave; they are not eligible for annual or holiday leave.

(02-07-16)