

A. Sabbatical Leave

1. General Statement. A sabbatical is a privilege granted by the University for the advancement of the University, subject to the availability of resources. A sabbatical assignment is an important tool in developing academic scholarship and is a time for concentrated professional development. The faculty member shall use the sabbatical assignment in a manner that will enhance her/his scholarly and/or teaching competence and potential for service to the University, and to advance departmental program goals.
2. Eligibility. Full-time Faculty members, except Non-tenure-track Faculty, are eligible for a paid sabbatical leave when they have completed seven Academic Years of continuous service to the University. A maximum of one Academic Year per fiscal year may be accrued toward sabbatical leave eligibility. Credit toward eligibility may not be earned by service during summer sessions.
3. Service accrued toward eligibility for a sabbatical leave shall be lost by interruption of employment with the University, but accrued service shall not be lost because of a leave without pay or non-employment during summer sessions. Similarly, a Faculty member terminated due to a Reduction in Force and subsequently rehired under relevant provisions of this Handbook shall be reinstated without a break in service and without loss of service accrued toward sabbatical leave eligibility. (However, the time that such Faculty member is not employed by the University shall not count as service accrued toward sabbatical leave eligibility.)
4. Seven-Year Restriction. No Faculty member shall be eligible for or granted more than one sabbatical leave every seven Academic Years. A Faculty member who has been granted a sabbatical shall not be eligible to take a second or subsequent sabbatical until the beginning of the sixth Academic Year following the Academic Year in which the Faculty member returned from his or her last sabbatical.
5. No Guarantee. Eligibility for a sabbatical leave does not guarantee that a leave will be granted at the end of the seven-Academic Year period or at any time thereafter.
6. Failure to Meet Goals. A Faculty member who takes a sabbatical leave but fails to meet the goals in his or her sabbatical plan shall be ineligible for subsequent sabbatical leaves.
7. Procedures and Criteria for Granting Sabbatical Leaves. The procedure for selecting applicants for sabbatical leaves shall comply with this policy and section 23-5-123, C.R.S. (as amended).
 - a. No Faculty member shall take a sabbatical leave unless it has been approved in advance by the Trustees.

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- b. A Faculty member who is eligible for a sabbatical leave may apply for leave by submitting an application to his or her Department Head. The application shall include a detailed sabbatical plan that: specifies how the sabbatical activity will result in the Faculty member's professional growth, how it will enhance the University's reputation and the students' educational experience at the University, and how it will increase the overall level of knowledge in the Faculty member's area of expertise; and specifies the goals that the Faculty member will achieve while on sabbatical leave.

- c. Process
 - 1) Applications must be filed with the Department Head by October 1 of the Academic Year preceding that for which leave is desired. The Department Head will review the application and forward the application and his or her recommendations to the Sabbatical Leave Committee by November 1. The Sabbatical Leave Committee will review applications for sabbatical leaves and will recommend action to the VPAA. The VPAA will in turn recommend action to the President. The VPAA will also advise the President of the total FTEs of Sabbatical Leave budgeted for the Academic Year for which leave is desired.
 - 2) A detailed plan for use of the sabbatical leave period will accompany the application. If the leave is for work toward completion of an advanced degree, the institution and program will be specified.
 - 3) Members of the Sabbatical Leave Committee independently rate the proposals received on estimated merit of the reasons for the leaves, probable benefits of the leaves to the University, and the number of years applicants have taught at the University. Applicants will be given written explanation of their rating by the Faculty Senate Sabbatical Committee.
 - 4) The President shall review the application and recommendations and may either deny or approve the application. Only applications approved by the President shall be transmitted to the Trustees for final action. Upon receipt of an application approved by the President, the Trustees shall either grant or deny the leave.
 - 5) All individuals responsible for reviewing and acting on sabbatical leave applications shall consider the following criteria:
 - a) The Faculty member's proposed activities while on sabbatical;
 - b) The individuals who will be involved in such activities; and
 - c) The benefits to be received from such activities by the

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Faculty member, the University, and the students at the University.

- 6) Within sixty (60) calendar days after return to duty, the Faculty member granted a sabbatical leave will submit to the President of the University a written report covering the period of the leave. When applicable, a transcript or other evidence of completion of the planned program will accompany the report. A Faculty member who takes a sabbatical leave but fails to meet the goals in his or her sabbatical plan shall be ineligible for subsequent sabbatical leaves.
- d. Terms:
 - 1) Employees' contributions to PERA or the DCPD will be collected for periods of sabbatical leave.
 - 2) Final Sabbatical Reports. Upon completion of a sabbatical, a Faculty member shall submit a final report to the President and Trustees. The sabbatical report shall summarize the Faculty member's activities while on sabbatical and the benefits he or she derived from the leave in sufficient detail to permit a determination whether the Faculty member achieved the goals specified in his or her sabbatical plan. However, sabbatical reports need not include specific details of any research the Faculty member conducted while on sabbatical leave.
 - 3) Final sabbatical reports are public records available for public inspection under sections 24-72-202 and -203, C.R.S. and may not be included in a Faculty member's personnel file.
 - e. Other Terms and Conditions of Sabbatical Leaves. Sabbatical leave may be granted for one semester at full pay or two semesters at half pay. Sabbatical leaves during the summer are not authorized except for Faculty members holding fiscal year assignments.
 - f. A Faculty member granted sabbatical leave may receive a scholarship, fellowship, grant or other remuneration provided such financial aid or remuneration contributes to the specified goals of the leave. Acceptance of a fellowship, grant, appointment at another institution, or any other employment requires the prior written approval of the President.
 - g. Every recipient of a sabbatical leave must agree in writing to either return to the University for a full year's employment or reimburse the University in full for all salary paid during the period of leave. Exceptions to this policy must be approved by the President.
 - h. Upon returning from sabbatical leave, Faculty members shall hold at least the same rank and receive the same salary, seniority, and retention

considerations as if the leave had not been taken. However, an Academic Year during which a Tenure-Track Faculty member takes a sabbatical leave of one or more semesters' duration shall not be included in such Faculty member's Tenure-Track period.

- i. A sabbatical leave for an Academic Year at half pay is counted as a service year for PERA retirement if the earned salary meets the minimum amount required by PERA for service credit. Participants in the State Colleges Defined Contribution Pension Plan ("DCPP") should make arrangements with the University payroll office regarding DCPP contributions during paid leaves. Leave recipients' eligibility for health, life and long-term disability insurance coverage is conditional on the Handbook and group insurance policies in effect at the time the leave is taken. Time spent on sabbatical leave is not a break in service. Time spent on sabbatical leave is credited as service toward eligibility for a future sabbatical leave.

B. Administrative Leave

1. All Professional Personnel. The President may authorize administrative leaves with full or partial pay that, in the judgment of the President, are beneficial to the University or essential to the welfare of the individual. Such leaves, if paid, are not to exceed ten (10) working days without notice to and approval by the Trustees. Such leaves, if unpaid, may be authorized not to exceed sixty (60) calendar days to engage in professional activities. Leaves granted under this subsection may not violate section 23-5-123, C.R.S.
2. Extended Leaves for Exempt Employees. The President may not authorize extended administrative paid leave to Exempt Employees. A period of leave in excess of 10 working days shall be presumed to be "extended." The President may recommend extended administrative leave to the Trustees for Exempt Employees. The Trustees may, for a reasonable period of time, authorize administrative paid leave for Exempt Employees for disciplinary or investigatory purposes.

C. Accountability

Any participant who receives a sabbatical or administrative leave knowing that it is not authorized by these policies or in accordance with applicable law, may be held personally liable for all salary, benefits or other compensation received.

D. Leave Without Pay, Excluding FMLA

1. Reasons for Leave. Professional Personnel may be granted a leave without compensation to study, to conduct research, to travel in connection with study or research, to hold a temporary appointment at another institution of higher learning or in government service, for medical reasons, or to engage in other activities which are deemed acceptable by the President. No professional personnel is authorized to take leave without pay without specific approval of the President.

2. Conditions of Leave
 - a. Leaves without compensation for purposes indicated above may be renewed. Normally, leave without pay may not exceed two successive years.
 - b. Employee is responsible for paying the full cost of all benefits for which the employee may be eligible and enrolled for any period of unpaid leave.
 - c. Leave without pay to campaign and to serve in a state or national elective or appointive office may be granted up to one year, and may be renewed annually.
 - d. Conditions of employment to be in effect upon return from leave without pay must be agreed to in writing in advance of the leave by the individual and the University. An Academic Year during which a Tenure-track Faculty member takes a leave without compensation of one or more semester's duration shall not be included in such Faculty member's Tenure-track period.

E. Sick Leave

1. General. Full-time Professional Personnel shall be granted 1.25 days (10 hours) of paid sick leave per month at the salary in effect at the time the sick leave is used. Leave is available for use on the first day of the month following the month in which it was earned, and may be used for a fraction of a work day. Sick leave provides full-time Professional Personnel with paid time off from work for the following reasons:
 - a. The employee is attending to his or her own health or medical needs, e.g. recovery from illness or non-work-related injuries, preventive and diagnostic examinations, receipt of medical treatment; or
 - b. The employee is attending to the health or medical needs of a child, parent, spouse, or other member of the employee's household who relies on the employee as his or her primary care-giver; or
 - c. The employee is eligible for Family and Medical Leave (FMLA). *See* Section V.G. of this Handbook for a description of FMLA.
2. Accrual
 - a. Effective July 1, 2012, full-time Professional Personnel hired on or before January 25, 2012 shall be granted an accrued sick leave bank of 66 days (528 hours). Employees will accrue leave beginning August 1, 2012 as outlined in paragraph 1. Professional Personnel hired after January 25, 2012 will be advanced a personal sick leave bank of 15 days (120 hours) which is available for immediate use and, in employee's thirteenth month of employment will begin to accrue paid sick leave as set forth in paragraph 1.

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the employee shall submit a request for sick leave accompanied by a certificate from her physician confirming the pregnancy and the expected date of delivery.

- b. The dates when an employee's sick leave begins and ends shall be determined by the employee and her physician. However, the employee shall give not less than 30 calendar days notice before the date her leave is scheduled to begin or such notice as is practicable if the date of delivery or a pregnancy-related medical condition requires the leave to begin in less than 30 calendar days.
- c. A FMLA-eligible employee who does not have sufficient accrued sick, annual, and discretionary leave to provide paid leave for a six-week period may borrow against her personal sick leave bank to permit a paid leave of no more than six weeks, or 240 hours. Upon return to work, the employee will not accrue sick leave until the personal bank is restored. Should the employee not return to work, the University may recover from the Employee the University's cost of premiums paid during any period of what would have been unpaid FMLA leave, except as provided in Paragraph G. 13, below.
- d. Spouses or domestic partners of pregnant Professional Personnel may use sick leave for pregnancy, childbirth and related medical conditions upon the same terms and conditions that employees use sick leave for other illnesses or physical disabilities. A FMLA-eligible employee who does not have sufficient sick, annual, and discretionary leave to provide paid leave for a two-week period may be advanced leave to permit a paid leave of no more than two weeks, or 80 hours. Upon return to work, the employee will not accrue additional sick leave until the advanced leave has been restored by accrual. Should the employee not return to work, the University may recover from the employee the University's cost of premiums paid during any period of what would have been unpaid FMLA leave, except as provided in Paragraph G. 13, below.
- e. Faculty who prefer not to use advanced leave as provided in this paragraph 5, or who wish to extend leave beyond what is provided as sick leave, have the option to negotiate with the head of the department to develop alternative ways for dealing with the absence, such as adjusting workloads through "banked" courses (i.e. courses taught as an overload in a prior semester or summer session for no remuneration that can be exchanged for course off-loads in the semester of parental need), and other strategies or combination of strategies. Such negotiations shall take into account the effect of the negotiated agreement upon the students and other faculty in the department. Negotiated leave arrangements must be in writing, signed by the faculty member and the department head, and approved by the Vice President of Academic Affairs prior to beginning of leave.

6. Maximum Accrual and No Pay for Sick Leave Upon Termination. Full-time

Professional may accrue a maximum of 90 days (720 hours) of sick leave. Personnel employed at 0.75 FTE or more but less than 1.0 FTE may accrue a prorated maximum. Employees whose employment by Colorado Mesa University is voluntarily or involuntarily terminated shall not be entitled to any compensation whatsoever for unused sick leave.

7. Leave Reporting. Sick leave shall be reported for any time away from employee's duties due to reasons set forth in paragraph 1 of this section E. Professional Personnel who use sick leave must report their usage immediately following their leave by completing the Professional Employees Leave Request Form, having their Department Head or Supervisor sign the form, and submit to Human Resources, the repository for leave accrual and usage. Supervisors and Department Heads are responsible for ensuring that leave policies are applied in a consistent manner and in consultation with human resources personnel, where necessary, to achieve substantial uniformity.

F. Annual Leave

1. Eligibility and Accrual. Faculty neither accrue nor are eligible to use annual leave. Full-time Exempt Employees (employed at 1.0 FTE) shall accrue annual leave at the rate of 1.67 days per month. Exempt Employees employed at 0.75 FTE but less than 1.0 FTE shall accrue annual leave on a pro rata basis.
2. Maximum Accrual. Accrued annual leave in excess of forty (40) days is forfeited without pay on June 30 each fiscal year. Upon termination Professional Personnel receive compensation for all accrued but unused annual leave up to forty (40) days. The compensation rate shall be at the employee's rate of pay on the date of termination of employment.
3. Mandatory Use. The University may require Professional Personnel to use annual leave prior to the termination date, prior to the end of the fiscal year, or for other reasons.

G. Family and Medical Leave under the FMLA

1. Statutory Rights Only. The following policies are intended to implement the Family and Medical Leave Act of 1993 (the "FMLA" or "Act"), and shall be construed accordingly. The Act, as amended from time to time, shall supersede any policy that is inconsistent with the Act's legal requirements. This policy does not create any contract and affords only those rights required by the Act. Some detailed provisions of the Act have been omitted from these policies, but shall be deemed to be included herein by reference. Personnel seeking additional information about the Act are invited to refer to its complete text which is on file in the Office of Human Resources or Affirmative Action Office.
2. Eligibility. Professional Personnel ("employees") are eligible for FMLA if they have been employed by Colorado Mesa University for: (i) at least 12 months (total,

not necessarily consecutive if within the past seven years); and (ii) at least 1,250 work hours during the previous 12-month period; and (iii) they are working at a location where the University employs 50 or more employees within a 75-mile area.

3. **FMLA Benefit.** Eligible Employees will be allotted 12 weeks FMLA leave based on a rolling 12-month period measured backward from the date an employee begins using FMLA leave for one or more of the following:
- a. Because of the birth of a son or daughter of the employee and in order to care for such son or daughter;
 - b. Because of the placement of a son or daughter with the employee for adoption or foster care;
 - c. In order to care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition.
 - d. Because of a serious health condition that makes the employee unable to perform the functions of the position of the employee.
 - e. Because of any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty, or has been notified of an impending call or order to active duty, in the Armed Forces in support of a contingency operation. This subsection applies only when the service member is in the Reserves or National Guard. It does not apply to family of a service member in the Regular Armed Forces. "Qualifying exigency" is defined by the FMLA Regulations at 29 CFR §825.126.

A "week" is equal to the average weekly hours worked by the Employee during the 12 weeks prior to the start of the leave.

In any case in which husband and wife are both employed by the University, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during the single 12-month period, if such leave is taken for reasons set forth in subparagraph 3.a or 3.b, or in order to care for a sick parent under subparagraph 3.c.

4. **Service Member Family Leave.** Subject to meeting certification requirements by the health care provider, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member shall be entitled to a total of 26 workweeks of leave during a single 12-month period to care for the covered service member.

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- a. “Covered service member” means a current member of the Armed Forces, including a member of the National Guard or Reserves, or a member of the Armed Forces, the National Guard or Reserves who is on the temporary disability retired list, who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy; or otherwise in outpatient status; or otherwise on the temporary disability retired list. Former members of the Armed Forces, former members of the National Guard and Reserves, and members on the permanent disability retired list are not covered service members.
- b. “Next of kin” of a covered service member means the nearest blood relative other than the covered service member’s spouse, parent, son, or daughter, in the following order of priority: Blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When such designation has been made, the designated individual shall be deemed to be the only next of kin.
- c. The leave described in this paragraph shall be available during a single 12-month period. During the single 12-month period, an eligible employee shall be entitled to a combined total of 26 workweeks of leave under FMLA benefits and Service Member Family Leave. The “single 12-month period” begins on the first day the eligible Employee takes FMLA leave to care for a covered service member and ends 12 months after that date. If an eligible Employee does not take all of his or her 26 workweeks of leave entitlement to care for a covered service member during this “single 12-month period,” the remaining part of his or her 26 workweeks of leave entitlement to care for the covered service member is forfeited.
- d. Where husband and wife are both employed by the University, the aggregate number of workweeks of leave to which both husband and wife may be entitled for service member family leave may be limited to 26 workweeks during the single 12-month period if the leave is service member family leave or a combination of such leave and FMLA leave. If the leave taken by husband and wife includes leave for other FMLA reasons, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks for that FMLA purpose.

Reference to FMLA leave in this policy includes Service Member Family Leave, unless stated otherwise.

5. Serious Health Condition . A “serious health condition” means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a

hospital, hospice, or residential medical care facility; any period of incapacity requiring absence from work, school or other regular daily activities of more than three calendar days, that also involves continuing treatment by a health care provider; continuing treatment by a health care provider for a chronic or long term health condition that is incurable or so serious that if not treated would likely result in a period of incapacity of more than three calendar days; or prenatal care.

6. Serious Injury or Illness. The term “serious injury or illness”, in the case of a covered service member, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member’s office, grade, rank or rating.
7. Intermittent / Reduced Schedule. In general, FMLA leave shall not be taken by an Employee intermittently or on a reduced schedule basis unless the eligible Employee and University agree otherwise. Intermittent and reduced schedule leave is available only for a medical necessity that can be best accommodated through an intermittent or reduced leave schedule. If an Employee requests intermittent or reduced schedule leave that is foreseeable based on planned medical treatment, the University may require such Employee to transfer temporarily to an available alternative position for which the Employee is qualified that has equivalent pay and benefits, and which better accommodates the recurring periods of leave.
8. Notice of Need for FMLA Leave. In any case in which the necessity for FMLA leave is foreseeable, the Employee shall provide the University with at least 30 calendar days notice before the date the leave is to begin, or as much notice as is practical. In any event, notice should be provided the same day or the next business day after the Employee becomes aware of the need for leave. The notice should be in writing and must make the University aware that the Employee needs leave for one of the reasons described above and the anticipated timing and duration of the leave. The notice must be delivered to the Human Resources Department.
9. Notice of Leave Due to Active Duty of Family Member. In any case in which the necessity for leave is due to a qualifying exigency relating to a service member (subparagraph 3.e above) the Employee shall provide such notice to the University as is reasonable and practicable.
10. Certification of Need for Leave. The University may require that a request for leave involving a serious health condition or to care for a service member be supported by a certification issued by a health care provider of the eligible Employee, son, daughter, spouse, parent or next of kin of the Employee, as appropriate. The certification shall state:
 - a. The date on which the serious health condition commences;
 - b. The probable duration of the condition;
 - c. The appropriate medical facts within the knowledge of the health care

provider regarding the condition;

- d. For purposes of leave under subparagraph 3.c., a statement that the Employee is needed to care for the child, spouse or parent and an estimate of the amount of time the Employee is needed;
- e. For purposes of leave under subparagraph 3.d, a statement that the Employee is unable to perform the functions of the Employee's job position;
- f. In the case of certification for intermittent leave or leave on a reduced schedule for planned medical treatment, the dates on which the treatment is expected to be given and the duration of the treatment, the medical necessity for the intermittent or reduced schedule leave for the Employee's own serious health condition or to care for another with a serious health condition.
- g. Any other information permitted by the FMLA to assist the University in evaluating the leave request.

The University may require that the Employee use the Medical Certification Form provided by the University. The University may also require, at its own expense, that the Employee obtain a second opinion from a health care provider designated or approved by the University as a condition of approving the FMLA leave.

- 11. Continuation of Health Insurance Benefits. Employees on FMLA leave are entitled to a continuation of any group health insurance benefits to which they are normally entitled and reinstatement to the same or equivalent position. The University will pay its normal contribution to the health insurance premiums of Employees who are on FMLA leave, but the University's obligations (if any) to contribute to health insurance premiums and to restore the Employee to similar employment terminates when FMLA leave is exhausted or when the Employee gives the University unequivocal notice of intent not to return to work, whichever occurs first. The Employee may then have the right to continue benefits, at Employee's own costs, pursuant to Title 10 of the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA). Employee must make arrangements with the Human Resources Department for how Employee will pay his or her share of premiums while on leave or under COBRA.
- 12. Loss of Insurance Benefits. The Employee's failure to pay his or her share of the premiums may result in loss of coverage. Should the Employee fail to pay their share of premiums during their leave period, the University may elect to pay the Employee's share as an advance against future wages in order to maintain coverage while the Employee is on FMLA leave. In this event, the University has the right to deduct the amount advanced from the Employee's paycheck upon return to work. This right to pay the Employee's premium by the University is solely at the University's discretion and this policy does not give the Employee

any right to demand that the University pay the Employee's portion of the insurance premium.

13. University's Right to Recover Insurance Premiums. The University may recover from the Employee the University's portion of premiums paid during any period of unpaid FMLA leave if the Employee fails to return to work, as defined by the Act, after the Employee's FMLA leave entitlement has expired, unless the reason that the Employee does not return is due to: (1) the continuation, reoccurrence of or onset of a serious health condition that would entitle the Employee to family and medical leave (either affecting Employee or immediate family) or (2) other circumstances beyond the control of the Employee.
14. Medical Recertification. Employees on leave because of a serious health condition are required to furnish medical recertification from their health care provider every 30 days affirming their continuing need for leave, unless the medical certification states that the employee will be unable to work for a longer designated period. In all cases, recertification will be required at least every six months. Employees on leave are also required to furnish the University with periodic reports (at least every 30 calendar days) of Employee's intent to return to work.
15. Fitness for Duty. Before the Employee may return to work following FMLA leave as a result of the Employee's own serious health condition, the Employee must provide the University with a certification issued by a health care provider stating that the Employee has the ability to perform the essential functions of the job, based on a list of the essential functions specified by the University.
16. Extension of Leave. If for any reason the University grants Employee additional leave after the Employee has exhausted all FMLA leave, such leave shall be unpaid discretionary leave not subject to the rights and obligations of the Family and Medical Leave Act. It shall not require the University to pay any portion of Employee's health insurance premiums and shall not guarantee Employee's return to the same or equivalent position upon return to work. The University has no obligation under this policy or the Act to grant leave in excess of the period specified by the FMLA.
17. Use of Paid Leave During FMLA. Employee is required to exhaust Employee's accrued paid leave, if any, during FMLA leave. FMLA leave is, otherwise, unpaid leave. The total period of absence considering all paid leave and FMLA leave used for reasons covered by this family and medical leave policy cannot exceed 12 weeks in the University's fiscal year for FMLA, or 26 weeks in a single 12 month period for Service Member Family Leave. No paid leave benefits accrue while on unpaid FMLA leave.
18. Forms. Forms are available through the Human Resources Department for requesting FMLA leave and for fulfilling Medical Certification requirements.

19. Termination During Leave. Employees on FMLA leave generally have a right to return to the same position or an equivalent position with equivalent pay, benefits and other terms and conditions of employment. However, this does not entitle the restored Employee to accrual of any seniority or employment benefits during any period of leave, or any right, benefit or position of employment other than that which the Employee would have been entitled to had the Employee not taken the leave. This means that an Employee on FMLA leave may be laid off or terminated during the leave period, the same as any other Employee similarly situated, so long as the lay-off or termination is not because of the Employee's legitimate use of FMLA leave.
20. Key Employee Exception. The University may deny restoration of a "key employee" following FMLA leave as described in paragraph 19, and also if (i) such denial is necessary to prevent substantial and grievous economic injury to the operations of the University; (ii) the University notifies the employee of the intent of the University to deny restoration on such basis at the time that the University determines that such injury would occur; and (iii) in any case in which the leave has commenced, the employee elects not to return to employment after receiving such notice. A "key employee" is a salaried FMLA-eligible employee who is among the highest paid 10 percent of all the Employees employed by the University within 75 miles of the Employee's worksite.

H. Approval of Leaves

The President may delegate the power to approve sick, annual and unpaid FMLA to appropriate personnel. All other leaves must be approved by the President. Administrative leaves in excess of ten (10) work days ("extended leave") shall be reported to the Trustees. Extended administrative leave for Administrative Personnel must be approved by the Trustees.

I. Bereavement Leave

The President of the University is authorized to grant bereavement leave in the event of imminent death or death in the immediate family of Professional Personnel. Leave of up to forty (40) work hours with pay may be granted. "Immediate family" includes wife, husband, children, parents, grandchildren, grandparents, brothers, sisters, nephews, nieces, aunts, uncles, parents-in-law, brothers-in-law, sisters-in-law, daughters-in-law, and sons-in-law. Bereavement leave may also be granted for other persons not included in this listing whenever it is determined that the granting of such leave is appropriate based on the relationship of the employee to the deceased.

J. Court and Jury Leave

1. An employee shall be granted jury leave with pay for the period he/she is required to serve on jury duty. Compensation received for such services shall be retained by the employee.

2. When, in obedience to subpoena or direction of a proper authority, an employee appears in an official capacity as a witness for the Federal Government, State of Colorado or political subdivision, he/she shall be granted court leave with pay for the period of such service. Compensation received for such service during working days shall be turned over to the University except for verified parking expenses and mileage allowance.
3. When an employee is subpoenaed or serves as a witness as an individual rather than in official capacity, he/she shall be charged annual leave, discretionary leave or leave without pay, as appropriate. Compensation received for such services shall be retained by the employee.

K. Discretionary Leave

1. Two days non-cumulative discretionary leave per fiscal year with pay will be granted to all full-time Professional Personnel. This discretionary leave is to be used at the option of the employee for personal reasons. Its use does not invalidate the right to use sick leave, nor will it change current administrative practice with reference to absences due to emergencies. The employee is responsible for giving advance notice to and approval from his/her Department Head or supervisor, who will subsequently notify the appropriate Vice President.
2. The appropriate supervisor must be satisfied with arrangements made for classes by Faculty taking discretionary leave before the leave is authorized. Discretionary leave will not be authorized during the first or final week of a term.

L. Military Leave

The following provisions are intended to comply with applicable federal and state laws governing military leave rights. To the extent this policy differs from the statutory requirements, the statutory requirements shall control.

1. Upon presenting proper military orders, an employee who enters active military service, including active service for training or declared emergency purposes, shall be granted fifteen (15) work days military leave with pay, less the paid military leave he/she has previously used during the calendar year, followed by military leave without pay.
2. Military leave without pay shall be granted for the entire period of initial service plus any period of additional service imposed by law. An employee who fails to return at the time set out below shall be deemed to have resigned.
3. National Guard called for state emergency must return to work upon release from active duty.
4. Employees called to active federal military service shall return to work no later than one year after release from active duty.

5. At the request of the employee, all accrued annual leave shall be paid before he/she is placed on military leave without pay regardless of his/her length of service.
6. An employee may be required to provide a copy of his or her military orders as a condition of leave.

M. Military Training Leave. The following provisions are intended to comply with applicable federal and state laws governing military leave rights. To the extent this policy differs from these statutory requirements, the statutory requirements shall control.

1. Upon presenting proper military orders, an employee who is a member of the National Guard or military reserve shall be granted military training leave for the annual encampment or equivalent reserve training period.
2. Of this amount of time, a maximum of fifteen days in any calendar year shall be granted military training leave with pay and shall not be charged as any part of annual leave.
3. Military training leave shall commence the first working day the employee is on military training leave.
4. The employee may be required to provide a copy of his or her military training orders as a condition of leave.