

# UtahStateUniversity

## CENTER FOR PERSONS WITH DISABILITIES

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### **MEMO**

**To: Up to 3 staff**

**From: Marla & Sue**

**Date: October 12, 2018**

**Subject: USU leave policy and Up to 3 procedures**

This memo is being provided to ensure equitable use of time by all Up to 3 staff.

#### **1.1 Non-exempt Employee**

*An individual who is covered by the Federal Government's Fair Labor Standards Act (FLSA) and must be compensated at one and one-half times the regular rate for hours exceeding 40 in a work week.*

#### **1.2 Exempt Employee**

*An individual whose duties are specialized and/or compensation is such that he/she is paid to perform that work, regardless of how much time is spent, is exempt from the FLSA.*

#### **Work week** (see USU policy 382)

*The standard work schedule for most full-time University employees is a 40-hour week consisting of five 8-hour days. The normal hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, with one hour for lunch each day. Part-time employee hours are based on a schedule determined by the supervisor and employee to meet the needs of the department.*

Down Syndrome group, legislative activities, Community activities, are examples of activities accepted by individual choice and not assigned by Up to 3 administration and are not included as part of a job description. Arrangements may be made with Marla or Sue to flex your schedule for this time when these activities take place after the typical work day and beyond the 40 hour work week. If you flex your schedule to accommodate one of these activities, it should be used within the week or at very latest the month that the activity happened. If you choose to flex your schedule, this needs to be communicated to Sue or Marla and approved by them before you change your schedule. Prime visit times for families are from 9 am to 12 usually and should be prioritized to meet with families.

**Office Time**

All staff are required to be in the office on Tuesdays from 1-4 and all day the first Tuesday of every month. Please do not schedule visits, IEP meetings, etc during these times. These office hours allow for inservices, team coordination, scheduling, teaming, visit planning, etc. Staff meeting is usually finished by 4:00 and visits can be scheduled afterward, if needed. When appointments must be scheduled during these times, (for IEPs that IFSPs that cannot be held other days, please communicate these in advance to Sue or Marla.

It is expected that you will return to the office to do appropriate work if you are not on visits or approved meetings or pre-arranged activities allowed by USU policy and pre-approved by Up to 3 administration (IEP, transitions, etc). It is critical that you keep the Appointment Pro schedule current and close out your week as a second form of documentation of the program intent to provide timely first visits, IFSPs, 90 day transition meetings, etc. It is a second record that our program met its obligation to provide a minimum number of visits. Appointment Pro is also checked to 1) confirm appointments with parents, 2) to allow other staff to schedule co-visits or other appointments, and 3) would clarify liability should there be an injury or accident. It would verify a work reason required that person to be in that location.

Documentation in Btots and Appointment Pro should verify that an employee's job responsibilities have been completed.

### **Annual Leave**

See USU policy 345

*Fiscal year faculty and exempt (professional) employees earn annual leave at the rate of 1.83 days per month for each month of service. For each 12 months of employment, 22 days of annual leave are earned.*

*Fiscal year non-exempt (classified) employees earn annual leave according to the following schedule based on years of eligible service:*

<i>Service Years</i>	<i>Leave allowance</i>
<i>0-5 years</i>	<i>12 days/year</i>
<i>6-9 years</i>	<i>18 days/year</i>
<i>10 years &amp; above</i>	<i>32 days/year</i>

See USU policy 345

*Policy University administrators are responsible for approving, coordinating, and recording the annual leave of staff and fiscal year faculty in their respective units. All annual leave, except for emergencies, must be authorized in advance and will be used at times when it will have the least interference with the employee's professional services at the University. The individual applying for annual leave and the department head, director, or supervisor approving the leave will make every effort to arrange for the use of annual leave during the calendar year in which it is earned.*

*Annual leave taken by faculty, administrators, and exempt employees should be reported in half-day increments. If the amount of annual leave taken is less than half a day, it should not be reported. Annual leave taken by non-exempt employees should be reported in 15-minute increments. In some areas it may be appropriate to account for non-exempt employees' leave in increments of less than one hour for job costing and other such purposes.*

### Deferral of Annual Leave

*Fiscal year faculty and exempt employees may defer, to the following calendar year, up to half of the annual leave earned in a year (11 days). The remainder of the unused annual leave will not carry over into the next calendar year. Fiscal year faculty and exempt employees hired after June 30 of any calendar year are not required to use half of their accrued leave until the next full calendar year. Non-exempt employees may defer to the following year all annual leave earned in that year.*

*For eligible employees, a maximum of 30 days of earned annual leave may accumulate and be deferred from one calendar year to the next. Any annual leave over 30 days which has not been used by the end of a calendar year may not be deferred and will be forfeited, unless the department head or director allows the carryover of leave into the next calendar year. The Office of Human Resources must be notified of the leave carryover by January 15.*

So, all exempt employees must use at least half of their annual leave accrued in a calendar year. Sue's division can carry over 40 hours of annual leave to the next calendar year without a plan but hours over that amount that are requested to be carried over should also include a written plan of how they will be used before the end of the fiscal year (June 30). Charlee usually gives out reports in the fall so employees know how many hours they've accrued and can plan to use or carry over as appropriate with approval.

### **Sick Leave**

See USU Policy 363

*Applications for sick leave must be filed with the appropriate department or unit within two days after the staff member returns to duty. The University reserves the right to require substantiation of all illness charged to sick leave. If the employee is absent for more than three days, a certificate from a physician may be required by the department head or supervisor.*

*Sick leave taken by faculty, administrators, and exempt (professional) employees should be reported in half-day increments. If the amount of sick leave taken is less than half a day, it should not be reported. Sick leave taken by non-exempt (classified) employees should be reported in 1-hour increments. In some areas it may be appropriate to account for classified employees' leave in increments of less than one hour for job costing and other such purposes. In such cases, leave may be recorded within the department in 15-minute increments, then tallied and reported in 1-hour increments on the monthly leave reports.*

*If the length of the disability is longer than the employee's accrued sick leave, the employee may use accumulated annual leave or leave without pay as approved by the University and in accordance with the Family and Medical Leave Policy (351).*

*If the illness extends beyond 10 working days, an employee who is covered by short-term disability insurance may use the benefits of that program.*

Up to 3 requires all employees to notify Miriam or Sue or Marla by the beginning of the work day if they are ill or at the point in time during the day when they become ill. Per Family Medical Leave Act (FMLA), (see USU policy 351) an FMLA form is required if an employee who has worked for a full year and has worked 1250 hours or more over the previous 12-month period and are requesting more than 3 consecutive days of this requested leave for the reasons listed below:

1. Maternity, paternity, adoption or foster care placement.

2. Serious health condition of employee, spouse, parent, or child
3. Qualifying exigency (pertaining to Military Service, NDAA)

Employees should contact families scheduled for visits on the day they are out ill before the appointment occurs so they can reschedule with them. If the employee is too sick to call families, a request for office staff to call families for them can be made when reporting in sick.

Appropriate documentation in btots and Appointments Everywhere is also the responsibility of the employee.

Please contact Marla or Sue if any missed visits will result in an issue of non-compliance e.g., initial 1<sup>st</sup> visit, initial IFSP meetings within 45 days, timely annual IFSP/6 months review. Marla and Sue will identify a solution to ensure that the program meets State regulations.

An employee is not required to work when they are ill and should be wise to avoid sharing contagious illness with other staff and families. If an IFSP or other meeting cannot be rescheduled and the employee is well enough to join by phone, that is allowed and leave used will be adjusted accordingly.

If a situation arises where an employee is not well or must care for a family member but chooses to do work from home and not use sick leave, in some circumstances this can be approved. It does require prior approval from Sue or Marla.

Based on USU policy stating “an employee may be required to provide substantiation of use of sick leave”, Up to 3 employees may not use sick leave for so-called mental health days. Annual leave is used for those days.

Staff can use annual leave when sick, but should not use sick leave when they’re NOT sick. If you go in the hole for using sick leave, you will be required to use annual leave for those hours

If you are sick, please take care of yourself and use the benefit of sick leave and get better. It is not expected that you should work if you are ill. If you get feeling ill during the day, it would be wise to go home and inform Sue or Marla or Miriam.

USU policies Annual leave <https://www.usu.edu/policies/345/>

Sick leave <https://www.usu.edu/policies/363/>

Bereavement and jury duty, etc <http://www.usu.edu/policies/369/>

Standard work hours and attendance <https://www.usu.edu/policies/382/>

Family and Medical Leave <https://www.usu.edu/policies/351/>