



## Leaves and Time Off

Updated 2/23/2017

The information that follows represents a summary of leave policies for non-represented staff at The University of Vermont.

The University of Vermont provides eligible employees with leave and time off for a variety of reasons. Some of the time off plans described here (e.g., vacation, holiday, personal and medical) are offered solely at the discretion of the University. Other leaves (e.g., military leaves, jury duty and Family and Medical Leave) are subject to federal and state law, and those are explained here based on the University’s understanding of applicable laws. Specific questions about leaves and time off may be addressed to the HRS Employee Information Center (e-mail [HRSInfo@uvm.edu](mailto:HRSInfo@uvm.edu) or call 802-656-3150).

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## Vacation

Vacation time is earned on a monthly basis, is based on one's fulltime equivalency (FTE), and may not be taken before it is earned. Vacation time may be taken with advance permission of your supervisor any time after you have earned it, except that it may not be taken during your probationary period. In no case may you receive pay instead of vacation while you are an employee at the University. Upon termination of your employment you may receive payment for your accrued vacation time, however it will never amount to more than the equivalent of two times your annual allocation of vacation accumulation, up to a maximum of 40 days for non-exempt employees and 44 days for exempt employees.

### *Vacation Eligibility*

Your length of service is determined by the number of fully-completed months of continuous service from your date of hire.

- **Benefit Group A** ([see definition](#)): If you are in this group (12 month appointment, 100% FTE), you are eligible for paid vacation in accordance with the Vacation Eligibility table below.
- **Benefit Groups B-F** ([see definition](#)): If you are employed in benefit groups B-F, you are eligible for paid vacation in accordance with the Vacation Eligibility table. Your earned vacation time is prorated based on your FTE and your term of appointment. For example, if your FTE is 75% and you have been employed at the University for three years in an exempt position, you are entitled to 12.75 days of vacation annually (17 x .75).

If you work less than 100% FTE, multiply the hours earned per month (as shown in the chart below) by your FTE. If you work a fulltime 9, 10, or 11-month term of employment, you'll earn vacation time as shown in the chart below, but no accrual takes place during the months you do not work.

Vacation Eligibility				
Non-Exempt Employees				
Years of Service	Vacation Days Accrued/Year	Vacation Days Accrued/Month	Vacation Hours Accrued/Month 37½ hour week	Vacation Hours Accrued/Month 40 hour week
0-4 years	10	.833	6.250	6.667
5-9 years	15	1.250	9.375	10.000
10-12 years	20	1.666	12.500	13.333
13-15 years	21	1.750	13.125	14.000
16-20 years	22	1.833	13.750	14.667
21-24 years	24	2.000	15.000	16.000
25 or more years	25	2.083	15.625	16.667
Exempt Employees				
Years of Service	Vacation Days Accrued/Year	Vacation Days Accrued/Month	Vacation Hours Accrued/Month 37½ hour week	Vacation Hours Accrued/Month 40 hour week
0-4 years	17	1.417	10.625	11.333
5-9 years	22	1.833	13.750	14.667
10-12 years	23.5	1.958	14.688	15.667
13-15 years	24.5	2.042	15.3125	16.333
16-20 years	25	2.083	15.625	16.667
21-24 years	26	2.167	16.250	17.333
25 or more years	27	2.250	16.875	18.000

## ***Vacation Scheduling and Carryover***

Review your vacation plans with your supervisor once or twice a year. It is a good idea to plan your requests as far in advance as possible. Generally, your requests will be granted whenever possible. When they cannot be granted, your supervisor will be as flexible as possible in providing alternate dates. When operational, budget, or scheduling problems make it necessary to do so, your supervisor may designate a specific vacation period.

You may use your annual vacation time during the same year it is accumulated. You may also request to carry over vacation time into the following year, as long as the total amount to be carried over is not more than twice your annual allocation. Your supervisor may, however, ask you to take your vacation time instead of carrying it forward.

The maximum number of vacation days that can accumulate is two times your current yearly allocation (see [Schedule 1](#)). Generally, any time over that amount is forfeited. Clearly, it is to your advantage to take your vacation time. If there is any disagreement, it is your supervisor's responsibility to provide documentation that previous vacation opportunities were provided.

## ***Vacation and Probation***

During a non-exempt employee's probationary period, vacation time is earned, but it cannot be used. Employees who resign or are terminated after completing the probationary period will be paid for accumulated vacation time up to the time of separation. Non-exempt employees whose last day of work is within the probationary period will not receive payment for accrued vacation.

## ***Vacation and Leave***

Vacation time accrues during a paid leave, but not during an unpaid leave.

Employees working less than 12 months a year will accumulate vacation only during the months of their normal term. For example, an academic-year employee who works during the summer and is paid wages or on an additional payment voucher will not earn vacation during those summer months.

## ***Vacation and Re-Employment***

If you leave UVM after three or more years of at least half-time continuous regular service, and are re-employed in another half-time or more continuous regular position within two years of your original separation date (except in cases of termination for cause), vacation will accumulate at a rate based on the benefits group and the length of service credited at the time of re-employment.

## Holidays

UVM observes 12 holidays each year: eleven full holidays and two half-day holidays. These are:

- One-half day before New Year's Day
- New Year's Day
- Birthday of Martin Luther King, Jr.
- Presidents' Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Friday after Thanksgiving Day
- One-half day before Christmas Day
- Christmas Day
- Floating Holiday\*
- One cultural holiday

*\*The floating holiday is usually scheduled to provide extended holiday weekends. Holidays falling on Saturday will generally be celebrated on the preceding Friday. Holidays falling on Sunday will normally be celebrated on the following Monday.*

### Holiday Eligibility

**Benefit Group A & B** ([see definition](#)): Employees in benefit groups A and B, including those on probation, are entitled to be paid for holidays observed by The University of Vermont.

**Benefit groups C- F** ([see definition](#)):

For employees in benefit groups C, D, E and F, time off for paid holidays is prorated according to the following formula:

- $FTE \times 7.5 \text{ hours}$  or  $FTE \times 8 \text{ hours}$  = the number of hours of holiday time you should receive for each whole day observed by UVM.

A full-time day is either 7.5 hours or 8 hours. If a full-time work week for a given position is 37½ hours, use 7.5 for the formula. If a full-time work week for a position is 40 hours, use 8.

The University pays 7.5 or 8 hours (for fulltime staff), depending on your work schedule, for each recognized holiday, regardless of your scheduled number of hours per work day. For instance, if your workday is normally 12 hours, UVM pays 7.5 or 8 hours of holiday pay, dependent upon the number of hours in your normal work week, 37½ or 40.

You are entitled to the same percent of the holiday as the percent of FTE that you normally work. If your FTE is 60%, you are entitled to 60% of each holiday observed by UVM. If your FTE is 60%, and you normally work 60% of each day, Monday through Friday, you may take the holiday when it occurs.

If your FTE is 60%, and you normally work 7.5 hours on three days a week, you may take the holiday when it occurs, but you will be paid for only 60% of the day and you must make up three hours extra time in the work week. If the holiday falls on a day when you do not normally work, you may take 60% of another work day mutually agreed upon by you and your supervisor.

If you are a temporary employee or do not fall into any of the six benefit groups, you do not receive paid holidays.

### Cultural Holiday Observances

In recognition of the increasingly diverse nature of the UVM community, the University allows individuals to celebrate holidays of particular religious, cultural or personal importance which may vary from those during which the University is closed. Examples include: Good Friday, Yom Kippur, Têt, a

birthday, Veterans Day, an anniversary, and Kwanzaa. (For part-time staff, prorated benefits apply the same as for holidays.)

Each employee should designate a cultural holiday for the next calendar year during flex spending open enrollment in November. If allowing the requested time off will create an unavoidable hardship for the department, you may be required to work but you will be compensated at the normal holiday premium rate if your position is non-exempt, or receive matching compensatory time off if your position is exempt.

You may designate up to three holidays of your choice each year. (Again, pro-rated benefits apply for part-time staff.) The first holiday is paid from departmental funds. You must follow the above guidelines regarding designation to make use of this day off. This holiday is awarded on the employee's date of hire during their first year then January 1<sup>st</sup> moving forward. This holiday does not carry forward beyond the end of the calendar year.

For additional holidays up to the maximum of three, you may apply existing personal days, vacation days, earned compensatory time off or personal leave without pay, but you may not charge a designated cultural holiday to medical leave.

You may not exchange a current University holiday for a cultural holiday. For example, you may not work on the day after Thanksgiving and take another day later as holiday time. As a rule, it is not beneficial for an employee to be at work when the University is closed.

If you are a non-exempt employee and you are required to work on your paid cultural holiday, you will receive pay at the rate of time-and-a-half, plus your regular pay for that day. If you are required to work on one of the two additional holidays for which you would have used vacation or personal time off, you will simply receive pay at your straight-time rate for that day. If you are an exempt employee and are required to work on a cultural holiday, matching compensatory time will be provided at another time.

### ***Working Holidays***

If you are a non-exempt employee and are called in to work on an emergency basis on a holiday, you will be compensated at the rate of one and one-half times your straight-time base rate for the actual hours worked on the holiday in addition to the 7½ or 8 hours (depending on your normal work schedule) of paid holiday time.

If you are a non-exempt employee whose normal duties require you to work on a holiday, you will be compensated 7½ or 8 hours at the rate of time and one-half for hours worked, in addition to the holiday pay of either 7½ or 8 hours, depending on the department's work schedule. It is the supervisor's prerogative to grant compensatory time off or payment in lieu of time off. If you are an exempt employee and you are required to work on a holiday, you will receive a paid day off at your straight-time rate at a later date.

### ***Basis of Holiday Pay***

Your holiday pay is based on your daily shift at straight-time salary or hourly rate and will be considered hours of work when computing your pay period earnings. To receive a paid holiday, you must work your last scheduled workday (or shift) immediately preceding the holiday, and the first scheduled workday (or shift) immediately following the holiday, with the understanding that paid absences are accepted as days or shifts worked. Holidays that fall during your scheduled vacation or paid medical leave will not count as a day of vacation or medical leave. If you are on a non-paid leave over a holiday, you will not be paid for that holiday.

## Personal Days

### *Eligibility for Personal Days*

Non-exempt employees in benefit groups A and B are granted two personal days each year to be taken with the approval of their supervisor. For non-exempt employees in benefit groups C, D, E and F, the amount of time designated each year as “personal” is prorated according to the formulas found in the table below.

Your year of employment begins on your start date and ends the day before the anniversary of your start date. You may not carry forward personal days from year to year, and payment will not be provided for personal days that are not taken. It is to your advantage to take your two personal days each year.

Exempt employees with less than 20 years of service are not eligible for personal days. Time off for personal reasons will be covered by other forms of time off (e.g., vacation days).

In recognition of their long-term service to UVM, exempt employees with 20 years of service receive two personal days each year, and non-exempt employees with 20 years of service will receive four personal days each year.

<b>Personal Day Eligibility</b>	
<b>Benefits Group</b>	<b>Personal Days Accrued/Year</b>
A & B	2 Personal Days
C	FTE x (2 x Standard hours worked per day*)
D	Employment Term** x FTE x (2 x Standard hours worked per day*)
E	FTE x (2 x Standard hours worked per day*)
F	Employment Term** x FTE x (2 x Standard hours worked per day*)

*\*Standard hours worked per day: To calculate the number of days use the standard hours/ day the department works on. Departments have two standard schedules; Either a standard of 7.5 hours/day hours/week) or 8 hours/day (40 hours/week.)*

*\*\*Employment Term: Employment term length is factored into the personal day accruals for employees working less than 12 months. .75 (9 month term) .83 (10 month term) or .92 (11 month term.)*

### *Approval of the Use of Personal Days*

Requests to use personal days must be made to your immediate supervisor with as much notice as possible. If you are unable to give reasonable notice, your circumstances must justify your request. Personal days may not be used during your initial probation period, but they may be taken during subsequent probationary periods associated with promotions or a change in position.

## **Medical Leave**

Medical leave may be used during illness, to attend medical and dental appointments, or to actively care for a seriously ill member of your immediate family. (An immediate family member is defined as a spouse or civil union partner, a child or stepchild, a parent or stepparent or a parent or stepparent of your spouse or civil union partner, a brother, sister, foster child or grandchild.)

You may also take medical leave for a disability caused by childbearing (providing a doctor certifies your inability to perform your job), or to care for a newborn baby at home with an illness or medical complications. A voluntary or medically-unrelated decision to take a leave before childbirth, or not return to work after childbirth, does not entitle you to medical leave. It may, however, be considered vacation, family leave (FMLA) and/or personal leave without pay.

## ***Social/Legal Services***

Up to 40 hours of earned sick time (or a combination of personal, sick, compensatory time or vacation time) may be used for these purposes within a calendar year:

- a. The employee is arranging for social or legal services or obtaining medical care or counseling for the employee or the employee's family member who is a victim of and/or is relocating due to domestic violence, sexual assault or stalking;
- b. To care for the employee's family member because a school or business where that individual is normally located during the employee's workday is closed for public health or safety reasons. This includes closures for inclement weather.

## ***New Employees – Medical Leave***

New employees are advanced their first year's accrual of medical leave at the beginning of their employment. See the Medical Leave Eligibility chart below. No additional medical leave is earned until the 13th month of employment, at which time you will begin to accrue medical leave on a monthly basis. If there is no medical leave available to you during an absence, you will not be paid for days missed. If your employment is terminated (whether voluntarily or involuntarily) during your first year of service, and you have used more medical leave than was earned, (i.e., one day per month for an employee in benefit group A), the pay for the extra days will be deducted from your final paycheck.

## ***Medical Leave During Probation***

If you are a non-exempt employee and use medical leave during probation, your probationary period will be extended by the number of days you were absent. In cases of extended absence during probation, your department is not required to retain your position.

## ***Eligibility for Medical Leave***

If you are in benefit group A, you are entitled to 12 medical/sick time days per year with unlimited accrual. Medical leave accrues at the rate of 1 day per month. If you are in benefit groups B, C, D, E or F, you are eligible for prorated benefits according to the appropriate formula in the Medical Leave Eligibility table below.

Payments will not be made for accumulated, unused medical leave, either during active employment or upon termination of employment. Also, once your accrued medical leave has been used up, no compensation will be made for medically-related absences.

<b>Medical Leave Eligibility</b>	
<b>Benefits Group</b>	<b>Sick Days Accrued/Year</b>
A	12 days per year
B	.75, .83, .92 x 12 days per year
C	FTE x 12 days per year
D	.75, .83, .92 x 12 days per year
E	FTE x 12 days per year
F	.75, .83, .92 x 12 days per year

- a. The appropriate formula will show the time accrued by the employee each year in days. To Calculate the hours accrued each month, multiply the result of the appropriate formula by 7.5 or 8 (depending on whether the full-time work week for the position is 37.5 or 40 hours) and divide them by the term (9,10, or 11 months.)
- b. The term of employment is signified by .75, .83, or .92. To calculate the accrual for a 9-month term, use .75 in the appropriate formula; for a 10-month term, use .83; for an 11-month term.

### ***Physician's Statement for Medical Leave***

When you use medical leave, you may be required, at the discretion of your supervisor or an appropriate administrative officer, to provide a physician's statement indicating the reason for your absence. In all cases, if you are absent more than five consecutive workdays, you are required to provide a physician's statement indicating the reason for your absence.

At the discretion of your supervisor, you may be required to provide a physician's statement certifying that you are able to return to work after a serious or extended illness. The statement should speak to your fitness and any limitations you may have in assuming your regular work.

### ***Medical Leave and Re-Employment***

If you have three or more years of continuous, regular service, and if you are employed by UVM in another continuous, regular position within two years of the original separation date (except in the case of termination for cause), medical/sick time that accumulated but was not used at the time of termination will be returned to you. Individuals whose positions are terminated due to University financial difficulty, reorganization or the loss of restricted funds, who return within two years of their layoff, have the same reinstatement privileges, even though they may not have three-years of service prior to lay-off.

### ***Formal Medical Leave Request***

If you are absent for more than two weeks, you must request a formal medical leave from your supervisor. A [Leave of Absence Request form](#) must be completed and submitted to your supervisor for approval. (Contact Human Resource Services at 802-656-3150 or [hrsinfo@uvm.edu](mailto:hrsinfo@uvm.edu) for more information.)

### ***Retention of an Employee's Position During Formal Medical Leave***

Whenever possible, an employee's position will be held for six months, whether on paid or unpaid medical leave. UVM contributions to your medical, dental, group life insurance and disability benefits will continue for up to six months from the date your illness began.

If your position cannot be held during your leave, your supervisor must submit substantiating information through the dean or director to the appropriate vice president or provost for final review. When a final decision regarding position retention has been made, your supervisor will notify you of the decision in writing. Upon receipt of your supervisor's written decision not to retain your employment, you will receive a cash payment for any accumulated but unused medical leave and vacation. An exception to this policy will occur—resulting in a shorter window of leave—if you are paid from restricted funds and funding ends, or if you have applied and been approved for UVM short-term total and permanent disability coverage.

If you are unable to return to work after six months, you must apply for a personal leave at least 30 calendar days before the expiration of your medical leave. Failure to apply will result in automatic termination at the end of your medical leave. Your immediate supervisor may use discretion to grant personal leave that extends your absence for more than six months from the beginning of your illness, but such leave may be granted only if there is an intention to hold your position during the leave. The supervisor must notify you whether the position will be retained for more than six months. UVM cannot guarantee retention of a position paid from restricted funds when funding is no longer available.

### ***Extension of Benefit Programs During Medical Leave***

Employees on medical (either paid or unpaid) continue to participate in insurance programs for up to 26 weeks. During an unpaid medical leave, UVM will make no contributions to your retirement plan, vacation and medical leave will cease to accrue, and tuition remission is not available for you. (Tuition remission will continue to be available to your dependent children during your unpaid medical leave.)

### ***Medical Leave and Disability***

If you are covered by long-term disability insurance, you should submit an application for benefits to the insurer through Human Resource Services immediately after disability begins. For a description of the benefits provided in the event of a total and permanent disability lasting more than six months, see Permanent and Total Disability.

## Partial Leave for the Purpose of Caring for Members of the Immediate Family

If you have worked at the University for three or more years in full-time service in a regular staff position, you may seek a temporary reduction in your full-time equivalency (FTE) to allow time to care for members of your immediate family. For the purposes of this policy, "member of the immediate family" is defined as a spouse, civil union partner, dependent child, or any dependent relative living in your household. Partial leave may be sought for child rearing, caring for a seriously ill immediate family member, or other appropriate circumstance.

When considering approval of a partial leave, department heads and managers will be responsible for taking into consideration the needs of the individual requesting the partial leave, the needs and circumstances of other staff members who will be affected by the leave, and the necessity of accomplishing the objectives of the college/school or department.

In approving a partial leave, the college/school or department will indicate that your full-time position will be retained on the same basis it would be if you were remaining on full-time status during the period of the leave. In some instances, you and your supervisor may agree to employment in a position other than your normal position during and/or after the temporary leave. In such cases, the terms and conditions of the arrangement must be placed in writing in advance of the approval of the leave.

### **The following conditions apply for all partial leaves approved:**

- the maximum reduction in FTE will be 50%.
- salary during the leave will be pro-rated based on the FTE.
- if the leave is to be longer than one year, the circumstances of the leave will be reviewed annually to establish if it is appropriate for the leave to continue. The length of the partial leave will normally be limited to two years.
- the terms and conditions of employment during the partial leave will be as described for regular staff members working less than full-time but greater than half-time, except that your health care and dental insurance may be retained with UVM paying for part of the premium on a prorated basis in direct proportion to your FTE during the leave.

### **The following special conditions will also apply:**

- UVM's contributions to your retirement plan will be based on your reduced salary.
- Your life insurance will be continued at the level of coverage you had prior to your leave. You must continue to pay your share of the cost.
- Your disability insurance may also be continued, but the level of coverage will be based on your reduced salary.
- UVM's contribution toward disability premiums will be reduced to a level proportionate to your reduced coverage.
- Tuition remission for your dependents will be available on the same basis as before your leave began.
- Your own tuition remission benefit will be as described for part-time staff.

When you apply for partial leave, you are required to submit a written request to your supervisor stating the length of your partial leave, the level of your FTE, and the purpose of your leave. ([Leave of Absence](#) forms are available on the HRS web site.) If the request is approved by your supervisor, it will be forwarded to the dean, director or other appropriate administrative officer for final approval. Requests for extension of leave must be submitted at least one month before the end of your original leave.

## **Leaves for Pregnancy/Childbirth or for Childrearing Immediately After Birth/Adoption**

### ***Leave Options Surrounding the Period of Childbearing***

*(Temporary Disability Related to Pregnancy or Childbirth)*

1. During a period of absence due to temporary disability associated with pregnancy or childbirth, you may choose to use medical leave. If medical leave is used during this period, your absence must be based on a medical determination that you are incapable of performing your duties. If you have accumulated paid medical leave to cover your period of absence, your pay and University contributions to your benefits will continue for the duration of your medical leave. If you do not have accumulated medical leave, your pay will be discontinued during your medical leave, but University contributions to your health insurance will continue.
2. If you choose to use paid vacation or personal days to cover all or a portion of your disability related to childbirth, you may do so. While on paid status due to the use of vacation or personal days, your University contribution to your health insurance will continue.
3. All or a portion of your absence may be covered by the Family and Medical Leave Act and/or the Vermont Parental and Family Leave Act. If your leave is covered by either of these acts, you may combine up to six weeks of accrued paid leave with up to 6 weeks of unpaid leave, or simply use up to 12 weeks of unpaid leave. University contributions to your insurance will continue during this time.

### ***Leave Options Immediately Following Temporary Disability Associated with Childbirth or Immediately Preceding and Following the Adoption of a Child***

1. Paid vacation or personal days may be scheduled. When paid vacation and personal days are being used, University contributions to University insurance will be continued.
2. If you do not wish to use paid vacation or personal leave for the purpose of childrearing, you may request the use of leave as provided for in the federal Family and Medical Leave Act and/or the Vermont Parental and Family Leave Act. In accordance with these acts, you may use up to 12 weeks of leave in any 12-month period to cover your absence immediately preceding and following childbirth or adoption of a child. During this period of leave, you may combine up to six weeks of accrued paid leave with up to six weeks of unpaid leave, or simply use up to 12 weeks of unpaid leave. University contributions to your insurance will continue during this time.
3. You may also choose to use personal leave to cover your absence for the purpose of childrearing. If your supervisor approves such a leave, your position would be held for a period of up to one year. During your absence, you would not receive pay from the University and University contributions to your insurance would be discontinued. At your option, however, you could retain your insurance coverage by paying the full insurance premiums.

## **Family and Medical Leave Act (FMLA)/Vermont Parental and Family Leave Act (VPFLA)**

The federal Family and Medical Leave Act (FMLA) entitles qualified employees up to 12 weeks of unpaid leave per year for the birth or adoption of a child, to care for a spouse or an immediate family member with a serious health condition, or when the employee is unable to work because of a serious health condition. Although the law provides for time off, it does not provide for paid time off. It does, however, require the University to continue its share of health and dental care premiums during the period of the leave.

A serious health condition is defined as an illness, injury, impairment, or a physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents you from performing the functions of your job, or prevents your qualified family member from participating in school or other daily activities.

Many of UVM's employees will find it beneficial to use leave options available to them combined with their entitlements under the FMLA to remain on paid status, to retain full benefits, or to extend their period of leave beyond the twelve weeks of leave as covered by the Act. If you find yourself in a situation where you would like to take a leave as covered by the Act, and at the same time take advantage of other leave options by combining them, the information that follows may be helpful to you.

### ***Military Family Leave Entitlements Under the Family and Medical Leave Act***

Military family leave entitlements under the FMLA provide coverage for "qualifying exigency" leave to eligible employees with covered family members in the Regular Armed Forces and coverage for "military caregiver leave" to eligible employees who are the spouse, son, daughter, parent, or next of kin of certain veterans with a "serious injury or illness." An employee wishing to access FMLA Military Family Leave Entitlements must request this leave through his or her supervisor. See the [Department of Labor's Fact Sheet](#) for more information.

### ***Terms and Conditions for Taking Family and Medical Leave As Covered by the Act***

To be eligible for a 12-week FMLA leave, you must have worked for UVM for at least 12 months and for at least 1,250 hours during the year preceding the start of the leave. Employees requesting Family and Medical Leave Act leave must give 30 days' advance notice to their employing college or department when the need for leave is foreseeable (as in the case of the birth of a child, the placement of a child for adoption or foster care, or for planned medical treatment). When it is not practical to provide such notice, (e.g., premature birth or sudden illness), such notice must be given "as soon as practicable," ordinarily within one or two business days of when you learn of the need for leave.

An eligible employee is entitled to take up to 12 weeks of Family and Medical Leave in any "12-month period." The University of Vermont will, for the purpose of defining a 12-month period, use a "rolling" 12-month period measured backward from the date an employee uses any FMLA leave. Under this method of defining a 12-month period, each time an employee takes FMLA leave, the remaining leave would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months.

For example, if an employee has taken eight weeks of leave during the past 12 months, an additional four weeks of leave could be taken. If an employee used four weeks beginning February 1, 2011, and four weeks beginning June 1, 2011, and four weeks beginning December 1, 2011, the employee would not be

entitled to any additional leave until February 1, 2012. However, on February 1, 2012, the employee would be entitled to four weeks of leave. On June 1, the employee would be entitled to an additional four weeks, etc.

### ***Second Medical Opinion for FMLA Leave***

The University may require the employee to obtain a second medical opinion at the University's expense. The second health care provider will be chosen by mutual agreement of the University and the employee.

### ***Certification of Request for FMLA Leave***

UVM will require your healthcare provider to complete an FMLA healthcare provider certification. If an employee requests leave to care for a spouse, child or parent with a serious health condition, the supervisor may ask that the leave request be supported with certification from the health care provider that the employee is "needed to care for" the family member.

An HR representative will request that an eligible employee seeking intermittent leave or leave on a reduced schedule due to the serious health condition of the employee or immediate family member support the request with a certification from the health care provider declaring that such leave is medically necessary and defining the expected duration and schedule of such leave.

An HR representative will require an employee to obtain subsequent recertification to support continuing Family and Medical Leave "on a reasonable basis." The regulations permit the supervisor to request such re-certification not more often than every 30 days unless: (1) the employee requests an extension of leave; (2) changes occur regarding the illness or injury; or (3) the supervisor receives information that casts doubt upon the continuing validity of the most recent certification.

If an employee fails to provide timely certification within 15 days (when practicable) of being asked to do so, and the need for leave was foreseeable, the employee's leave request may be denied until the required certification is provided. If the need for leave was not foreseeable, the employee must still attempt to provide the certification within 15 days of the employer's request, or as soon thereafter as feasible under the circumstances. The University may also require that an employee present a certification of fitness to return to work when the absence was caused by the employee's serious health condition.

### ***Benefits During the FMLA Leave***

The University will continue to pay its portion of the employee's healthcare and any other benefits premiums that it paid immediately preceding the leave.

In the event that an employee pays a partial contribution to health and dental premiums (through payroll withholding), the employee will be given a 30-day grace period to pay his/her share of health and dental benefit premiums out-of-pocket. This grace period begins on the first day of the leave.

The University may recover premiums paid for maintaining benefits coverage during any period of unpaid Family and Medical Leave if the employee fails to return to work, unless he or she does not return due to: (1) the continuation, recurrence, or onset of a serious health condition that would entitle the employee to Family and Medical Leave (either affecting the employee or an immediate family member) or (2) other circumstances beyond the control of the employee.

An employee on unpaid Family and Medical Leave will not accumulate vacation or medical leave during the period of the leave.

## ***Return to the Same Position or an Equivalent after FMLA Leave***

An employee who takes Family and Medical Leave as defined by the Act is entitled to be restored to the same position or an equivalent position upon return from leave. Except for unusual circumstances, employees at the University of Vermont will be restored to their own positions.

## ***Dual FMLA Leaves in One Family***

The FMLA limits the leave time which may be taken by spouses who work for the same employer to a combined total of 12 work weeks during any 12-month period, if leave is taken for the birth of a child, or the placement of a child for adoption or foster care.

## ***Intermittent FMLA Leave***

The FMLA states that an employee must be granted an opportunity to take leave intermittently or reduce his/her work week to care for a seriously ill family member or because of the employee's own serious health condition whenever "medically necessary." However, the act permits, but does not require, an opportunity to reduce the work week for the birth of a child, an adoption or a foster care placement.

## ***Scheduling of FMLA Leave***

If leave is foreseeable, an employee is required to try to schedule the leave so as not to unduly disrupt the University's operations, and the supervisor may place the employee in either an alternative position or a part-time position which better accommodates intermittent leave. The law places no limitations on the nature of the alternative position to which the employee may be transferred and there is no requirement that the employee agree to the transfer. However, the employee must receive equivalent pay and benefits in the new position.

When an employee normally works a part-time schedule or variable hours, the amount of leave to which she or he is entitled is determined on a pro rata or proportional basis by comparing the new schedule with the employee's normal schedule. For example, if an employee who normally works 30 hours per week works only 20 hours a week under a reduced leave schedule, the employee's ten hours of leave would constitute one-third of a week of Family and Medical Leave.

## ***Definition of Terms Appearing in the Family and Medical Leave Act***

For the purpose of FMLA, an "Employee" excludes anyone who is employed on a temporary or intermittent basis and anyone who has not completed at least 12 months of regular service to the University.

- **"Spouse"** is defined in accordance with applicable state law including common law marriages where recognized by the state. For the purposes of this Staff Handbook, the term spouse will apply to both spouses and partners in civil union. Unmarried domestic partners are not covered by the law.
- **"Child"** includes a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis (legally in the position of a parent), who is under age 18, or over the age of 18 and "incapable of self-care because of a mental or physical disability."
- **"Immediate family member"** includes parents of the employee but not parents-in-law.
- **"Incapable of self-care"** means that a person is incapable of performing several of the activities of daily living without assistance.
- **"Parent"** means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter.

- A **“health care provider”** is a doctor of medicine or osteopathy who is authorized to practice medicine or surgery, and other persons determined to be capable of providing health care services. Included are physicians, podiatrists, dentists, clinical psychologists, optometrists, and chiropractors. Also included are nurse practitioners and nurse midwives who provide diagnosis and treatment of certain conditions, provided that care is offered within the scope of their practice as allowed by state law.
- A **“serious health condition”** is an illness, injury, impairment, or a physical or mental condition which requires either in-patient care in a hospital, hospice or residential medical care facility, or "continuing treatment by a health care provider." The term does not include short-term conditions for which treatment and recovery is very brief (i.e., 1-3 days), since such conditions would be covered by the University's medical leave policy.

In addition, the regulations provide that a serious health condition includes treatment for a serious, chronic health condition which, if left untreated, would likely result in an absence from work of more than three days. They also provide for the care of immediate family members, including children and parents.

For any treatment other than that which requires in-patient care, the employee or family member must be receiving continuing treatment by a health care provider. Treatment of substance abuse may also be covered under the Act, such as when a stay in an in-patient treatment facility is required. Absence because of the employee's use of the substance, without treatment, does not qualify under the law.

### ***Substitution of Paid Leave during FMLA Leave***

Although FMLA leave is unpaid, the Vermont Parental and Family Leave Act permits an employee to substitute up to six weeks of accrued paid leave (sick leave, vacation or personal leave) for unpaid Family and Medical Leave when the leave is for the purpose of childbirth, adoption, the care of a seriously ill member of the immediate family, or for the employee's own illness.

### ***Family and Medical Leave Combined with Other Leave Options***

Combining the University's existing vacation, medical leave, personal leave, personal days, or partial leave to enhance your personal circumstances during a Family and Medical Leave is an option available to you. Such an enhancement might include paid time off rather than unpaid time, continuation of other benefits in addition to health care, and time off in addition to the 12 weeks provided by the Act.

For continued contributions to health care benefits by the University, you may wish to combine other forms of leave with your time off under the Act. In the event that you require more time off than the 12 weeks provided in the Act, you may, in addition to your 12 weeks' leave, apply for personal leave which is available for up to six months, but does not include pay or benefits.

The forms of leave which may be combined with FMLA are:

- Paid Vacation
- Paid Medical/Sick Time
- Unpaid Medical Leave
- Personal Days
- Partial Leave
- Unpaid Personal Leave

When applying for a leave or a combination of leaves, you should complete a leave request form in such a way as to:

1. Define the total duration of the leave requested.

2. Identify the portion of the leave to be covered by vacation, paid medical leave, unpaid medical leave, paid personal days, partial leave and unpaid personal leave.
3. Identify the period of time to be covered by the provision of the FMLA leave only.

Since this application process and the options available to you may require explanation, feel free to call the Employee Information Center in Human Resource Services at 656-3150 to receive personal assistance in planning and preparing for your leave.

## **Educational and Professional Development Leave**

UVM encourages participation in programs that develop and advance your job-related skills and knowledge, enhance job performance, or prepare you for advancements in UVM employment. Members of benefit groups A - F may be eligible for a leave of two weeks or more with pay for developing or increasing skills and abilities that will be of demonstrable use in their current position at the University. This leave is not granted for the sole purpose of allowing you to further your education. It is granted for the purpose of attending classes and workshops, participating in internships, and other activities. An Educational and Professional Leave is necessary only when the program of study requires your absence for more than two weeks. If the program requires less than two weeks, you need simply secure the approval of your supervisor.

### ***Eligibility for Educational and Professional Development Leave***

To be eligible for any Educational/Professional Development Leave, you must have completed probation. To be eligible for a leave of more than two months, you must have at least six years of continuous service at half-time or more. Generally, this leave is not granted for more than ten months, but in rare instances, the leave may continue to a maximum of one year. Ordinarily, you may not be granted more than one leave during a six-year period.

You must be able to satisfactorily demonstrate the relevance of the program of study to your employment at the University. Your supervisor is required to provide evidence that there are sufficient resources within the department to cover your absence. If you are granted such leave, you must guarantee that at the end of your leave, you will return to employment at the University for a time equal to the length of your leave.

If you receive outside income as a result of a paid internship, scholarship, or grant, you must report such income to UVM. The amount received will be deducted from the salary you are paid by the University. However, if you anticipate unusual expenses directly related to the objectives of your leave, such as additional living expenses, you may request permission to not have your UVM salary reduced by the full amount of your outside income. The reasons for your request must be provided in detail when applying for your leave.

### ***To Apply for Educational and Professional Development Leave***

While you submit your request for leave to your supervisor, s/he will be responsible to forward the formal request for leave through the appropriate budget officer to the Vice President/Provost and President. The purpose of your leave and a description of the educational plan must be included in the request. There must be an explanation of how the leave will be handled by your department without the need of additional funding. You should apply for an extended leave six months in advance if possible, or early enough to allow your department time to make the necessary arrangements.

If your supervisor denies your request for Educational/Professional Development Leave, you may appeal to the next level of supervision. That decision to support or deny will be final. If that higher level supervisor decides to recommend your leave, the recommendation must be forwarded to the appropriate Vice President/Provost and to the President for approval.

## **Military Leave**

The University of Vermont supports staff who must be away from their jobs to serve in the armed forces of the United States and ensures that its personnel practices are in compliance with the Uniformed Services Employment and Reemployment Rights Act (USERRA).

### ***Short-Term Military Service***

Employees who serve in the National Guard or military reserve will be granted time off for periods of service. Your supervisor may seek to coordinate with the military services in arranging time off for active duty to meet the needs of both the University and the military. In all cases, UVM will make the accommodations required by USERRA.

During your period of annual training, UVM continues your salary or hourly payments for up to 10 working days, provided that you have completed the probation for your first UVM position. If the annual training period extends beyond ten working days, UVM pay will extend only to the first ten working days. If you have not yet completed probation, time off will be granted without UVM salary or hourly payments. The period of time you are absent for military duty will not count toward the completion of probation.

### ***Military Leave and Emergency Activities***

Regular salary or hourly payments from UVM will not be interrupted when your National Guard or Reserve unit is ordered to active duty by the Governor of Vermont or the President of the United States, provided that the total number of days involved in the emergency call-out is not more than ten working days in the year. If temporary military service due to emergency call-out exceeds ten days in any year, you will be placed on non-paid leave status. If your probationary period has not been completed, time off will be granted for the call-out, but without UVM salary or hourly payments.

During periods of temporary military duty, limited to ten days of the annual training period and an additional ten days of emergency service in any year, all fringe benefits for which you are eligible will continue with UVM contributions.

### ***Military Leave and Long-Term Military Service***

When you leave UVM employment to join the armed forces or to begin a period of Initial Active Duty with the National Guard or Reserves, your pay will cease as of the last day of your UVM employment. Benefits will cease in accordance with the policies for termination. Your employment rights upon return from active duty will be in keeping with USERRA and any other pertinent legislation.

### ***Military Leave and Re-Employment***

If you leave UVM employment to perform service in the armed forces as defined by USERRA, and you meet the eligibility criteria of USERRA, you are entitled to reinstatement in a UVM position as required by USERRA. The terms of USERRA provide that:

1. After a period of service of less than 31 days, you must report back to work not later than the beginning of the first full regularly-scheduled work period on the first full calendar day following the completion of the period of service and the expiration of eight hours, after a period allowing for safe transportation from the place of service to your residence.
2. Following a period of service of between 31 and 180 days, you must submit an application for re-employment within 14 days of your release from military service.
3. Following a period of service of 181 days or more, you must submit an application for re-employment within 90 days of your release from military service.

4. You must supply Human Resource Services with evidence of the satisfactory completion of active military service.
5. The period of your military service must not exceed five years (plus one additional year if you are serving that year “at the convenience of the government”).

When you return to UVM employment, you will be reinstated with credit for your previous University service and your period of military service. In addition, your pay will be set at the rate you would have received if your employment had been continuous.

If you become re-employed by UVM after your period of military service, and you continued your enrollment in UVM’s retirement plan during the leave, you may regain the amount of UVM retirement contributions you would have received during your absence. To be eligible, you must meet the reinstatement requirements described above. In order to receive the UVM contribution, you must contribute the minimum required percentage of your gross straight-time income at the time of separation for the entire period of absence, within the time limits required by USERRA, after which you will receive UVM’s contribution for the period of absence based on your gross straight-time pay at the time of separation (see [Retirement Savings Plan](#), p. 67).

Questions about military leave should be directed to Human Resource Services at (802) 656-3150, or e-mail [HRSInfo@uvm.edu](mailto:HRSInfo@uvm.edu).

## Personal Leave of Absence

All regular staff members with an FTE of 50% or more are eligible to apply for a Personal Leave of Absence without pay for up to one year. No leave of absence will be approved without your department's assurance that there is a reasonable expectation that your position will be available upon your return. Ordinarily, a personal leave is not granted for more than one year. If you need more than one year, additional leave must be requested on a separate application submitted at least one month before the end of your original one-year leave. During your unpaid personal leave, you may continue your UVM insurance plans as long as you pay the full cost of your coverage.

To apply for a Personal Leave of Absence, submit a request to your supervisor stating the length and purpose of your leave. If the request is for two weeks or less, your request may be made verbally. If it is for more than two weeks, complete a [Leave Request](#) form, available on the HRS web site. Submit the form to your supervisor for approval. Generally, a personal leave may not be taken during probation, but if such a leave is granted, probation may be extended by the length of your leave.

## Bereavement Leave

If an immediate family member dies, you may take paid bereavement leave. For the purpose of this policy, "immediate family member" includes your spouse or civil union partner and all of the following individuals:

- Child\* / Stepchild\* / Foster child\*
- Individuals living in your household
- Parent\*\* / Stepparent\*\* / Parent of your children\*\*
- Aunt\*\* / Uncle\*\* / Niece\*\* / Nephew\*\*
- (Step)sister or (step)sister-in-law\*\* / (step)brother or (step)brother-in-law\*\*
- Grandparent\*\* / Grandchild\*\*

\* or their spouse/civil union partner

\*\* of either you or your spouse/civil union partner

Typically, an employee may take up to three paid bereavement days. However, upon the loss of a spouse, partner in civil union, (step)son, (step)daughter, (step)parent, or brother or sister, two additional days of paid bereavement leave will be granted to make funeral arrangements, settle the estate, or for other personal reasons. Your supervisor should be advised of the total number of days you will need. Up to five days may also be granted for all family members upon consultation and approval of your immediate supervisor. If bereavement leave is used during your probationary period, probation may be extended by the length of your leave.

If the death in your immediate family occurs while you are on vacation or other paid leave, the one to three days' leave will be charged as bereavement leave, not as other paid time off.

## ***Use of Medical Leave to Extend Paid Time Off Following the Use of Bereavement Leave***

It is understandable that in certain instances the loss of a family member may so emotionally or physically affect a staff member as to make it difficult or impossible to return to work and satisfactorily perform the duties of his/her job immediately following the bereavement leave. In this case, an employee may use accumulated medical leave to supplement bereavement leave. When more than three days of medical leave are used, documentation of the physical or emotional disability will be required, as described in the University's medical leave policy.

## Jury Duty

You will receive full UVM pay when responding to a summons to serve as a juror or on a jury selection panel during your normal work schedule. Compensation received as a result of jury duty will not affect your pay. If you are called to jury duty while on probation, however, your probationary period may be extended by the length of your absence. Your benefits will not be affected.

Upon completion of jury duty, you must submit evidence of your service and its duration to your supervisor.

If you are called for jury duty but are not chosen to serve as a juror, you must report to work immediately after being excused. Failure to do so will be considered an unauthorized absence for which you will not be paid.

## Town Meeting

If your community holds an annual Town Meeting during your normal work schedule, you may be granted time off without loss of pay to attend. You must, however, obtain permission from your supervisor. This authorized paid absence is granted on an individual basis and is not considered a holiday. Your supervisor may ask you to present documentation of your attendance at the meeting upon your return to work.

## Blood Drive

Each year, UVM hosts blood drives conducted by the Red Cross on campus. Although the UVM blood drives are scheduled as group activities, you may donate blood locally at any time mutually agreed upon by you and your supervisor. If you donate blood, either as part of a campus blood drive or during other times of the year, you will receive your regular rate of pay for the time off required to make your blood donation, provided your absence is authorized by your immediate supervisor. The entire donation process usually takes about 1-1/2 hours, the normal authorized absence for which you'll be paid. If you need more than 1-1/2 hours, it must be approved by your supervisor. When you return to work, show evidence of your blood donation to your supervisor.

## Volunteer Emergency Service

If you serve as a community fire fighter, rescue squad member or work with the police in an auxiliary role and are called from or delayed in reporting to work because of an emergency, you will be paid your straight-time hourly rate or salary rate while absent. It is important to notify your immediate supervisor if you are, or intend to become, a member of such an emergency organization so that lateness or absence due to emergency is no surprise. Your supervisor has the authority to deny your volunteer emergency service at his/her discretion if it conflicts with the requirements of your UVM employment.

If you are in a position which requires your presence for campus emergencies, or where continuous attendance is critical to your department's operation, you may be asked by the appropriate dean, director, or administrative officer to relinquish voluntary community service.

## Time Release Policy for Community and Professional Service

The University recognizes the importance of volunteerism and values the time its employees spend in service to UVM and surrounding communities. Volunteer work performed to support the University's mission and enhance community relations is encouraged. **We recognize several different types of volunteer service:**

1. UVM committees, governance groups such as Staff Council, the Traffic Board of Appeals, the Board of Trustees, etc.

2. Professional service such as non-partisan service to the community, or one's professional organization, that is directly related to your job at UVM and your expertise in your job.
3. Community Volunteer. Service to the community that is not directly related to your job such as blood donor, volunteering at schools or non-profit organizations, etc.

Supervisors are encouraged to provide reasonable, paid release time for employees to serve in ways outlined in #1 and #2 above. Flexibility in scheduling is also encouraged for service in the third category. Volunteerism should be encouraged and supported at all levels.