

## **Faculty Senate Resolution #16-23**

Approved by the Faculty Senate: March 15, 2016

Received by the Chancellor: March 24, 2016 ([with comment](#))

**BELOW [Revised Policy](#)** Approved by the Board of Trustees: April 8, 2016

Formal faculty advice has been received with comment for the following resolution:

After careful consideration by the Academic Council and the Office of University Counsel, the attached revised draft policy was presented to Executive Council and subsequently approved by Executive Council on March 21, 2016. The attached draft will be presented to the Board of Trustees in April.

### **Leave Policy for Twelve-Month Faculty**

**Authority:** Board of Trustees

**History:** [\[Insert dates the PRR was first enacted and last revised.\]](#)

**Related Policies:** [ECU Faculty Serious Illness and Parental Leave Policy](#); [North Carolina Office of State Human Resources Family and Medical Leave Policy](#); [Voluntary Shared Leave Policy](#); [Civil Leave Policy](#); [Community Service Leave Policy](#); [Military Leave Policy](#); and [Part XI-Section II of the ECU Faculty Manual](#).

**Additional References:** [Federal Family and Medical Leave Act \(FMLA\)](#)

**Contact Information:** Assistant Vice Chancellor for Personnel & Resource Administration, Division of Academic Affairs (328-2587); Associate Vice Chancellor for Health Sciences Human Resources (744-1910); Director of Benefits, Department of Human Resources (328-9825).

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## **1. Introduction**

This Policy summarizes leave guidelines for twelve-month faculty members. This Policy replaces and supersedes any and all unit and/or division-level leave policies and practices applicable to twelve-month faculty. In addition, no future unit or division-level policies for twelve-month faculty leave may be instituted, and no unit or division-level practices for twelve-month faculty leave may be used which contradict the provisions of this Policy.

Please note that this Policy is neither intended nor authorized to supersede other State Leave Policies (e.g. Civil Leave, Community Service Leave, Military Leave, Vacation Bonus Leave, Special Leave).

## **2. Definitions**

2.1. 1.0 FTE – Full-time Equivalent indicates the percentage of time the faculty member is employed.

1.0 FTE is full-time; .50 FTE is half-time, etc.

2.2. Vacation Leave may be used for:

- vacation,
- other periods of absence for personal reasons,
- absences due to adverse weather conditions,
- personal illness (in lieu of sick leave),

- illness in the immediate family, and
- donations in accordance with the Voluntary Shared Leave Policy.

2.3. Sick leave may be used for:

- illness or injury,
- medical appointments,
- temporary disability due to childbirth (including care for mother during temporary disability that resulted from childbirth),
- to care for member of immediate family,
- death in immediate family,
- donations in accordance with the Voluntary Shared Leave Policy, and
- adoption of a child, limited to a maximum of 30 working days for each parent.

### 3. Scope

- 3.1. The Leave Policy for Twelve-Month Faculty at ECU (Policy) applies to all twelve-month faculty who are employed as permanent employees (eligible for benefits) who are 1.0 FTE. Part-time, permanent twelve-month faculty who are employed at a .50 FTE or more will be eligible for appropriate pro-rated vacation and sick leave.
- 3.2. This policy does not apply to faculty on nine-month contracts. Nine-month faculty do not earn vacation leave or sick leave, but are eligible for paid serious illness and parental leave. For more information, see the Faculty Serious Illness and Parental Leave Policy.
- 3.3. Vacation and sick leave will be earned on a monthly basis. Specifically, for each month the employee works, or is on approved leave with pay status, at least half the working days of the month, leave will accrue at the rate of 2 days of vacation leave and 1 day of sick leave per month.

### 4. Vacation Leave

- 4.1. Scheduling planned absences through use of vacation leave will be subject to the approval of the Unit Administrator (Department Chair, Dean or Director) who is authorized to approve leave requests.
- 4.2. The maximum number of vacation leave days that may be accrued and carried forward from one calendar year to the next shall be 30 days.<sup>1</sup> However, unused vacation leave in excess of 30 days shall be converted to sick leave on December 31<sup>st</sup> of each year. For part-time faculty members (.50 FTE or more but less than 1.0 FTE), the thirty-day limit is pro-rated based on the faculty member's part time FTE.
- 4.3. There is no pay out of vacation leave, vacation bonus leave or special leave (unless required by applicable legislation) for twelve-month faculty members when separating from a twelve-month faculty position at East Carolina University. When a faculty member provides adequate notice of separation in accordance with Part IX, Section I of the ECU *Faculty Manual* (i.e., 90 days advance notice, in writing, for fixed-term and probationary-term faculty members, and 120 days advance notice, in writing, for permanently tenured faculty members), good-faith effort will be made for any remaining vacation leave, vacation bonus leave or special leave to be used before separation from employment. Twelve-month faculty members may negotiate the use of any remaining vacation

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<sup>1</sup> State Leave Policies are based on calendar year.

leave, vacation bonus leave or special leave with the Unit Administrator (Department Chair, Dean or Director) prior to separating from the University or unit up to a maximum of 30 days plus any current vacation bonus leave. The Unit Administrator may set the final separation date, taking into account the use of such leave prior to departure; however, this is at the Unit Administrator's discretion based on the budgetary and operational limitations of the department. Any plan by the Unit Administrator denying the use of any earned vacation leave, bonus leave, or special leave before separation must be approved by the appropriate Vice Chancellor. Prior to separation, remaining leave may be donated in accordance with the Voluntary Shared Leave Policy as desired by the faculty member.

- 4.4. While on an approved unpaid Leave of Absence (LOA), vacation leave balance is retained, however vacation leave does not accrue while on unpaid LOA.
- 4.5. This Policy officially designates all twelve-month faculty as leave earning which means faculty covered under this Policy will be eligible for any future awards of vacation bonus leave and/or special leave.

## **5. Sick Leave**

- 5.1. Unused sick leave may be accumulated and carried forward from year to year on an unlimited basis.
- 5.2. While on an approved unpaid Leave of Absence (LOA), sick leave balance is retained, however sick leave does not accrue while on unpaid LOA.
- 5.3. Members of the Teachers and State Employees Retirement System (TSERS) are eligible to have sick leave credit converted to creditable service upon retirement.
- 5.4. For Optional Retirement Plan (ORP) participants, any unused sick leave balance at separation or retirement is forfeited.
- 5.5. There is no pay out of sick leave for twelve-month faculty members when separating from a twelve-month faculty position at East Carolina University. Sick leave may be restored to an employee's leave record when the employee is reinstated to State service within five years of any type of separation if the agency or institution for which the employee is working upon reinstatement allows for such restoration of leave, except for retirement as noted above in Sections 5.3. and 5.4. Prior to separation, remaining leave may be donated in accordance with the Voluntary Shared Leave Policy as desired by the faculty member.

## **6. Faculty Serious Illness and Parental Leave**

Twelve-month faculty must have one year of service and meet all other eligibility requirements defined in the Faculty Serious Illness and Parental Leave Policy ("FSIL"), except for any provision denying eligibility based on sick leave accrual status, in order to qualify for 60 calendar days of paid leave under FSIL. This provision shall supersede FSIL to the extent it provides twelve-month faculty more than 60 calendar days of paid leave within any twelve (12) consecutive calendar month period. For additional paid leave after the first 60 calendar days, twelve-month faculty may exhaust sick leave, vacation leave, bonus leave or apply for voluntary shared leave. (Please see Section 12.2.1 regarding Transitions.)

## **7. Holiday Leave**

Twelve-month faculty members generally observe the same holidays as other University employees except that, when classes are scheduled during a normal university holiday, faculty members are expected to work when assigned teaching duties.

Please refer to the University Holiday Schedule for the most current holiday schedule. Please note that certain clinical departments of the Brody School of Medicine have a modified holiday schedule for their employees. Clinical departments will communicate any such modified holiday schedule directly to their twelve-month faculty members.

## **8. Phased Retirement**

8.1. Faculty entering the Phased Retirement Program are not eligible for a payout or transfer of vacation leave, vacation bonus leave or sick leave. Upon entering the Phased Retirement contract, faculty members will earn pro-rated leave based on the .50 FTE appointment.

8.2. Twelve-month faculty members may negotiate the use of any remaining vacation leave, vacation bonus leave or special leave with the Unit Administrator (Department Chair, Dean or Director) prior to entry into the Phased Retirement Program at the Unit Administrator's discretion based on the budgetary and operational limitations of the department.

8.3. Any remaining vacation or bonus leave not used prior to separation is forfeited. Prior to separation, remaining leave may be donated in accordance with the Voluntary Shared Leave Policy as desired by the faculty member.

## **9. Payout of Leave in the Event of Death**

In the event of the death of an active twelve-month faculty member or a faculty member on a paid leave status with the University, vacation leave earned but not taken, up to a maximum of 240 hours, as well as any vacation bonus leave or special leave earned but not taken (if it is required to be paid out by applicable legislation), will be paid to the estate of the faculty member.

## **10. Advancement of Leave**

A twelve-month faculty member may request an advancement in sick and/or vacation leave not to exceed the amount the faculty member can accumulate during the current calendar year. Since leave can only be used once, faculty members are advised to use caution when requesting advanced leave.

## **11. Record Keeping**

All University Units are required to keep accurate and timely records of vacation leave, sick leave and/or vacation bonus leave or special leave. Leave records will be submitted to HR and will be subject to review by Internal Audit.

## **12. Effective Date**

12.1 The effective date of this Policy is July 1, 2016.

12.2 Transitions

12.2.1 For those twelve-month faculty hired on or before June 30, 2016, there will be a two-year transition period. Specifically, from July 1, 2016 through June 30, 2018, the university shall

provide to a twelve-month faculty member who is eligible to take paid leave based on a qualifying event under both FSIL and this Policy the difference, if any, between the paid sick leave the twelve-month faculty member has earned and is entitled to take under this Policy and the paid leave the twelve-month faculty member would have been entitled to take had the qualifying event occurred on June 30, 2016.

12.2.2 Those twelve-month faculty who were granted leave under a unit and/or division-level leave policy and/or practice prior to July 1, 2016 will be permitted to carry forward unused vacation leave, as of June 30, 2016, up to a maximum of twelve (12) days, beginning July 1, 2016 and ending December 31, 2016. Separate accounting for this leave must be maintained. Any remaining unused balance on December 31, 2016 will be forfeited.