ANNUAL AND SICK LEAVE ACCRUAL

1. ANNUAL LEAVE:

a. Except for the employees of the fire and emergency services with the State Military Department, an employee who works in a regular salary position shall accrue annual leave as defined in the timetable below.. Full time employees accrue leave at the rates shown in the timetable listed below. Employees who work less than full time per year accrue annual leave in the same proportion as time worked. For example, employees who work half time would receive half of the annual leave accrual shown on the timetable. Employees must have completed full years of employment before movement to next higher accrual rate. For example, an employee would not move to the second level of annual leave accrual rate until they had completed three (3) full years of employment and starting their fourth (4) year.

b. Annual Leave Accrual Timetable

Years of Employment	Monthly	Annually
Through 3 Years	1 Day	12 Days
4 Through 5 Years	1 Day 2 Hours	15 Days
6 Through 12 Years	1 Day 4 Hours	18 Days
13 Through 20 Years	1 Day 6 Hour	21 Days
Over 20 Years	1 Day 7 Hours	22.5 Days

1) Through 3 years: Employees must have completed three (3) full years of employment before movement to the next higher accrual rate- (1 through 36 months).

2) Four (4) through five (5)years: Employees must have completed three (3) full years of employment and be starting their fourth (4th) year- (37 through 60 months).

3) Six (6) through twelve (12) years: Employees must have completed five (5) full years of employment and be starting their sixth (6th) year- 61 through 144 months).

4) Thirteen (13) through twenty (20) years: Employees must have completed twelve (12) full years of employment and be starting their thirteenth (13th) year-(145 through 240 months).

5) Over twenty (20) years: Employees must have completed twenty (20) full years of employment and be starting their twenty-first (21st) year- (241 months and beyond).

c. Annual Leave is cumulative and no employee shall have over thirty (30) days accumulated on December 31st of each year. Accrued leave may exceed thirty (30) days during the calendar year, but those days in excess of thirty (30) will be forfeited if not used by December 31st of each year. Accrued Birthday and Holidays leave balance do not truncate at the end of the year if the employee has 240 hours of annual leave. Employees who have a balance of over 30 days at the end of the calendar year may donate their time over 30 days to the Catastrophic Leave Bank. (See ADVAP 2-14)

d. Years of employment may be continuous state employment or an accumulation of years of service when the employee was out of State service for a time. (Effective July 1, 1975, prior service is established in <u>completed years</u> of service only. Service prior to July 1, 1975, will be established in <u>completed years</u> and <u>months</u> of service.

e. An employee may not earn annual leave when on leave without pay for ten (10) or more cumulative days within a calendar month.

f. An employee may request to use accrued annual leave at any time. The Agency Director or Institution Head may grant the leave request at such time that will cause the least disruption to the efficient operation of the agency.

g. Annual leave is granted on the basis of work days, not calendar days. Non-work days, such as holidays and weekends, are not charged as annual leave.

h. Annual leave shall be granted to permanent, probationary, provisional, and temporary employees who are working one-half time in a pro rata basis. Annual leave shall not be granted to emergency, hourly, intermittent, or per diem employees. An employee who works a minimum of 1000 hours per year in a regular salary position shall accrue annual leave. Employee who work less than full time, but more than 1000 hours per year, accrue annual leave in the same proportion as time worked. Any employee who works in a regular salary position shall accrue leave in the same proportion as time worked.

i. Annual leave accrued during a calendar month is not considered to be earned by an active employee until the last working day of the month, and the leave must be earned before it can be used. For accrual purposes only, employees will accrue half their monthly accrual of annual leave if

employed on the first (1st) working day of the month and work through the 15th of that month. Employees will accrue half their monthly accrual if employed on the 16th of the month and work through the last working day of that month. (If the 16th falls on a weekend or holiday accrual begins on the first (1st) working day, thereafter.)

Per an Office of Personnel Management memorandum dated September 27, 2012, years of employment may be continuous state employment or an accumulation of years of service when the employee was out of state service for a time.

Employees will not borrow from anticipated future accruals and may not use annual leave accrued by other employees.

j. Annual, sick, and holiday leave may be accrued in a secondary employment position proportionate to the hours worked in both primary and secondary employment. However, no person concurrently employed by two state agencies shall be allowed to accrue annual, sick, and/or holiday leave or any other fringe benefit which would exceed that allowable by state law for work performed during a regular forty (40) hour work week. Faculty/instructor/adjunct teaching positions at universities, colleges and vo-techs are exempt from this policy.

k. The minimum annual leave amount an employee can use is fifteen (15) minutes. No smaller amounts shall be used.

l. Employees continue to earn annual leave at their normal accrual rate when on annual or sick leave.

m. All compensatory time may be used before the use of annual leave.

n. Employees transferring without a break in service, between state agencies and/or State supported institutions of higher education that are covered by these policies, shall retain all accumulated annual leave.

o. When an employee terminates employment with the state, they are eligible to receive a payout of their annual, as well as birthday and holiday, leave balance; however, the payout may not exceed thirty (30) days or 240 hours.

p. <u>State Military Department Exceptions</u>- Each fire and emergency service employee of the State Military Department who works a regularly scheduled shift of more than forty-seven (47) hours per week is entitled to annual leave with full pay computed on the basis of the following schedule for each complete year of service with the department. Employees must

have completed full years of employment before movement to the next higher accrual rate.

. Annual Leave Accrual Timetable

Years of Employment	Monthly	Annually
Through 3 years	1 Day, 4 hours	18 Days
4 through 5 years	1 Day, 7 hours	22.5 Days
6 through 12 years	2 Days	24 Days
13 through 20 years	2 Days, 3 hours	28.5 Days
Over 20 years	2 Day, 5 hours	31.5 Days

No fire or emergency service employee of the State Military Department shall carry over more than forty-five (45) days of annual leave at the end of each calendar year, except that the 45-day maximum of cumulative annual leave may exceed forty-five days during the calendar year. Those days in excess of 45 will be forfeited if not used by December 31st of each year.

2. SICK LEAVE:

a. Any employee who works in a regular salary positions shall accrue sick leave with pay in the same proportion as time worked. Sick leave with pay shall not be granted to emergency, hourly, intermittent, or per diem employees. Sick leave with pay shall be allowed to provisional and temporary employees on the basis of one (1) day for each completed month of service.

b. Sick leave with pay shall be allowed to permanent, probationary, provisional, and temporary employees who are working one-half (1/2) time or more on a pro rata of the schedule for full-time employees for each complete month of service.

c. Employees accrue sick leave at the rate of one (1) day for each completed month of service; however, no employee shall have over 120 days accumulated on December 31st of each year. Accrued leave may exceed 120 days during the calendar year, but those days in excess of 120 will be forfeited if not used by December 31st of each year. Employees wishing to donate excess leave to the Catastrophic Leave Bank must do so before the end of December. (See ADVAP 2-14)

d. Sick leave accrued during a calendar month is not considered to be earned by an active employee until the last working day of the month, and the leave must be earned before it can be used. For accrual purposes only, employees will accrue half their monthly accrual of sick leave if employed on the first

(1st) working day of the month and work through the 15th of that month. Employees will accrue half their monthly accrual if employed on the 16th of the month and work through the last working day of that month. (If the 16th falls on a weekend or holiday, accrual begins on the first (1st) working day thereafter.) Employees will not borrow from anticipated future accruals.

Sick leave for non-classified employees at institutions of higher education shall accrue at the same rate for classified employees for the purpose of calculations of compensation for accumulated unused sick leave. If non-classified employees accrue sick leave at a different rate than classified employees at institutions of higher education, the non-classified employees will not be able to use their sick leave balance to calculate a payout at time of retirement. All institutions of higher education must submit a plan to the Office of Personnel Management (OPM) regarding the sick leave accrual rate for the non-classified employees on their campuses.

e. An employee may not earn sick leave when on leave without pay for ten (10) or more cumulative days within a calendar month.

f. Sick leave may be used for only the following purposes:

   1) When the employee is unable to work because of sickness, or injury; or for medical, dental, or optical treatment.

   2) Death or serious illness of a member of the employee's immediate family. Immediate family is defined as the father, mother, sister, brother, spouse, child, grandparents, grandchild, in-laws, or any individual acting as a parent or guardian of an individual.

g. The use of sick leave is contingent upon the occurrence of one of the events listed above. If the event never occurs, the employee is not entitled to the sick leave benefits.

h. Employees are not entitled to payment for accrued and unused sick leave when they terminate their employment except upon retirement. (See Attachment 5 for Sick Leave Incentive Program)

i. Employees continue to earn sick leave at the normal accrual rate when they are on sick leave or annual leave.

j. Sick leave is granted on the basis of work days, not calendar days. Non-work days, such as holidays and weekends, are not charged as sick leave.

k. The minimum sick leave amount an employee can use is fifteen (15) minutes. No smaller amount shall be authorized or used.

l. Absences due to sick leave, except in the case of maternity leave, shall be charged in the following order: (1) earned sick leave; (2) earned annual leave; (3) shared leave; (5) catastrophic leave; and (6) leave without pay.

m. Employees who are on sick leave for five (5) or more consecutive days must furnish a certificate of illness from an attending physician. An agency or institution which has a written procedure to identify patterns of sick leave usage may require an employee to furnish a certificate from an attending physician for any use of sick leave. A certificate from a Christian Science practitioner listed in the Christian Science Journal may be submitted in lieu of a physician's certificate.

n. Accrued sick leave will be restored to an employee's credit if he returns to State employment within six (6) months of termination. This provision shall apply only if the employee was terminated due to budgetary reasons or curtailment of work activities.

o. Requests to use sick leave for purposes of medical, dental or optical examinations, hospital stays, funerals, etc. should be made in advance.

p. Notification of absence due to illness shall be given as soon as possible on the first day of absence to the employee's supervisor.

q. Application for sick leave is to be filed within two (2) days after the employee's return to work.

r. If an employee fails to make proper notification for use of sick leave as provided herein, such absences shall be charged to annual leave or leave without pay. Such determination shall be made at the Agency Director's discretion.

s. Employees transferring without a break in service between State agencies and/or State supported institutions of higher education which are covered by these policies shall retain all accumulated sick leave.

3. OTHER TYPES OF LEAVE:

a. Military Leave: Permanent full-time state employees who are members of the Arkansas National Guard or any of the reserve branches of the United States Armed Forces will be granted leave at the rate of fifteen (15)

working days per calendar year, plus necessary travel time for annual training purposes. A maximum of fifteen (15) days may be carried forward to the succeeding calendar year. Personnel called to duty in emergency situations, by the Governor or the President, shall be granted Leave With Pay not to exceed thirty (30) working days after which Leave Without Pay will be granted. This leave shall be granted in addition to regular Vacation Time. Military orders shall state “Active Duty”.

b. Court and Jury Leave: Any employee who serves as a witness, juror, or party litigant in any civil or criminal court proceeding is entitled to receive normal and full compensation. Employees shall be paid for court and jury leave only in cases where he/she is serving as jurors or if subpoenaed as a witness to give deposition in a court or hearing. If the employee provides reasonable notice to the agency/institution of the required proceedings, the employee shall not be subject to discharge from employment, loss of annual or sick leave days or accrual rates, or any other form of penalty.

   Court and jury leave will not be considered annual leave.

   Employees who work night shifts and are required to serve in court during the day shall be allowed to take court and jury leave on the night shift of the day on which they served.

c. Leave Without Pay (LWOP): Leave Without Pay can only be granted to an employee when approved by the agency director. It may only be granted for maternity cases and for other employees when accumulated Sick Leave and Annual Leave is exhausted. The Director may at his discretion, grant LWOP during inclement weather conditions and/or budget reductions efforts.

d. Disciplinary Leave: Employees who violate the work rules outlined in the ADVAP Disciplinary Rules and Procedures may be placed on Disciplinary Leave Without Pay by Agency Director or in his absence the Assistant Director. They will be the only Agency Personnel authorized to issue Disciplinary Leave Without Pay. Supervisors/Managers, when appropriate, may recommend Disciplinary Leave Without Pay. Intermediate Supervisor/Managers will endorse the recommendation to the Director. Employees may be placed on Disciplinary Leave Without Pay even though the employees may have accrued Annual Leave.

e. Workers’ Compensation: Employees, who are absent from work due to an occupational injury or illness and who are entitled to Workers’ Compensation benefits, may, upon proper application, utilize their accrued Sick Leave as a supplement to such benefits. The combination of Workers’ Compensation benefits and Sick Leave pay shall not exceed the employee’s normal pay period salary. Also see ADVAP 2-7.

f. Human Organ and Bone Marrow Donors: Additional leave with pay up to thirty (30) days per calendar year to state and school employees serving as human organ donors and up to seven (7) days per calendar year for bone marrow donors without any loss or reduction in employee's regular pay, leaves, or credited service time was authorized by Act 546 of 2003.

g. Disaster Service Volunteer Leave: Employees who are trained and certified as disaster service volunteers by the American Red Cross may be granted leave from work with pay for not more than 15 working days in any calendar year to participate in specialized disaster relief. For employees to qualify, the Red Cross must request the specialized disaster relief services in connection with a disaster occurring within Arkansas or contiguous states, and consent must be obtained from the ADVA Director. The Red Cross will provide pertinent information to ADVA regarding certified volunteers.

An employee serving in this capacity will be compensated at the employee's regular rate of pay for those regular hours during which the employee is absent from work.

Additionally, the employee will not have a loss of seniority, annual or sick leave, compensatory time, or overtime wages. An employee serving in this capacity will not be deemed to be an employee of the State for the purposes of workers' compensation. Time sheets and leave request forms will reflect this type of leave if utilized.

h. Children's Educational Activity Leave: Act 1028 of 2007 and amends from Act 294 of 2015 allows full-time state employees up to eight (8) hours of leave, regardless of the number of children during any one (1) calendar year to engage in and travel to and from the educational activities. Children are defined as persons enrolled in prekindergarten through grade 12 and are related to the state employee as a natural child, adopted child, stepchild, foster child, grandchild, ward of the state employee by virtue of the state employee's having been appointed the person's legal guardian or custodial or any other legal capacity where the state employee is acting as a parent for the child. Child includes a person who meets the criteria above but is over eighteen(18) years of age and:

(1) Has a development disability - Development Disability is defined as a disability of a person that is attributable to mental retardation, cerebral palsy, spina bifida, Down syndrome, epilepsy, or autism
(2) Is declared legally incompetent - Is attributable to any other condition of a person found to be closely related to mental retardation because the condition results in an impairment of general intellectual functioning or adaptive behavior similar to that of a person with mental

retardation or requires treatment and services similar to that required for a person with mental retardation

(3) is attributable to dyslexia resulting from a disability described in (A) (1) or (A) (2).

(B).Originates before the person attains the age of twenty-two (22) years;

(C) Has continued or can be expected to continue indefinitely; and

(D)Constitutes a substantial handicap to the person's ability to function without appropriate support services, including, but not limited to, planned recreational activities, medical services such as physical therapy and speech therapy, and possibilities for sheltered employment or job training.

Educational activity means any school-sponsored activity including without limitations:

1) Attending a parent-teacher conference;
2) Participating in school-sponsored tutoring of the child;
3) Participating in a volunteer program sponsored by the school in which the child is enrolled;
4) Attending a field trip with the child;
5) Attending a school-sponsored program or ceremony in which the child is participating;
6) Attending a graduation or homecoming ceremony in which the child is participating;
7) Attending an awards or scholarship presentation in which the child is participating;
8) Attending a parents' or grandparents' breakfast in which the child is participating;
9) Attending a classroom party in which the child is participating;
10) Attending a school committee meeting of the school in which the child is enrolled;
11) Attending an academic competition in which the child is participating;
12) Attending an athletic, music, or theater program in which the child is enrolled; and
13) Engaging in any of the activities listed above that are connected with a prekindergarten program.

Prekindergarten means an educational and child development program that is designed to prepare children who are at least three (3) years of age for an academic kindergarten program. State Agency is an agency, bureau, board or commission of any branch of state government and all state-supported institutions of higher education. State employee is a full time employee of the State of Arkansas or any branch, department, board, bureau, commission, or state-supported institution of higher education.

Children's Educational Activities Leave that is unused may not be carried over to the next year. Children's Educational Activities Leave is not compensable to the state employee at the time of retirement.

i. Administrative Leave: Administrative leave may be granted for various reasons at the discretion of the division/office administrator or the agency director or designee.

Administrative leave for the purpose of utilizing the Employee Assistance Program (EAP) is available to all ADVA employees. If an employee chooses to use the benefits offered by the state, appointments with an EAP counselor **can** be covered by administrative leave, up to a maximum of eight (8) sessions per issue per calendar year. The employee may choose to request accrued leave for the appointments, or may request, through his/her supervisor, the use of administrative leave. The administrative leave provided will be one (1) hour, plus reasonable travel time to and from the appointment. If administrative leave is used, the employee must obtain a "Work Absence Verification" slip from the EAP and provide it to the supervisor to document attendance. All other information will be kept confidential by EAP, and is not shared with the supervisor or any other ADVA representative.

If an EAP counselor refers the employee to a counselor or provider outside the EAP, the appointments will not be covered by administrative leave and are the responsibility of the employee to handle with accrued leave.

j. Compensatory Time/Overtime Pay: Compensatory (comp) time is defined as time off earned for work performed in excess of 40 hours in a workweek, and is used as time off in lieu of cash payment for these hours. Timekeepers are required to maintain complete and accurate records regarding compensatory time earned and used.

In accordance with Act 820 of 1985, Section 1, Subsection (H): Overtime. It is hereby declared to be the Policy of the State of Arkansas that overtime pay for State employees is the least desirable method of compensation for overtime work.

However, this Act further says that the State may pay overtime to its employees under the rules and regulations set out by the federal Fair Labor Standards Act (FLSA). Any overtime work necessary to the continued effective operations of the State will be managed in the most efficient and economic manner possible.

Earning compensatory time: Only non-exempt regular and extra help employees are eligible to earn comp time.

Note: Effective July 1, 1996, each office administrator may request a uniform determination regarding whether or not exempt employees within his/her office will be eligible for comp time at straight time.

Requests for determinations or any revisions will be made in writing to the ADVA Assistant Director, copy to ADVA Human Resources. If exempt employees are determined to be eligible for comp time, those employees must follow the same procedures established for non-exempt employees.

Time worked will be recorded in 15 minute increments. When it is necessary to retain a non-exempt employee past his/her routine work schedule, it becomes comp time only when the time she/he is retained exceeds the standard 40 hour workweek. Comp time will be multiplied by the 1½ rate only for the number of hours (or partial hours) exceeding 40 that are physically worked in the week.

Time worked will be recorded as follows: for every 1 to 7 minutes, round back to the nearest quarter hour; for every 8 to 15 minutes, round up to the nearest quarter hour.

NOTE: The 7- 8 minute rule only applies for timekeeping purposes; if an employee is tardy, disciplinary action should be applied.

Time worked in excess of the routine work schedule in any one day of a workweek may be offset by scheduling the employee to work a lesser work schedule on a day during the same workweek. This does not constitute comp time, only a readjustment in the employee's work schedule.

Comp time may be used in lieu of sick leave, annual leave, or holiday leave when requested by the employee or when required by the supervisor.

Non-exempt employees, including extra-help, may accrue no more than 240 hours of comp time at time and one-half and 100 hours of comp time at straight time. Any nonexempt employee who exceeds 240 hours of comp time at time and one-half will be paid overtime compensation. Any non-exempt employee who exceeds 100 hours of comp time at straight time will be paid overtime compensation.

Comp time will be calculated at the rate of time and one-half and/or straight time on the employee's time sheet during the week it is earned. Timekeepers are required to record comp time accrued and used by the employee on the comp time chart. The chart should be maintained in the employee's official leave file.

Utilization of compensatory time: It is usually the choice of the employee how and when comp time is requested. However, supervisors may request or direct employees to use their comp time during a period of time that has minimal impact on the work unit's operations. This action may be taken to reduce the accrued comp time balance and avoid cash payments. Employees who use comp time will need to complete the leave request form. The approved form will be attached to the employee's time sheet. Comp time will be shown as paid leave taken on the employee's time sheet.

The minimum charge for use of comp time is 15 minutes. Comp time must be requested and approved in advance, unless it is in lieu of sick leave.

Lump sum payments will be made for unused comp time whenever a non-exempt employee is separated from the agency.

It is the responsibility of each agency to compensate employees for accumulated comp time prior to their transfer to another agency or institution. If it is not financially feasible to do so, the agency may request an exception from the Office of Personnel Management. ADVA will accept the transfer of comp time from another agency/institution only when notified by the Office of Personnel Management regarding its approval of the exception.

An eligible employee who transfers anywhere within ADVA will carry forward unused comp time, unless the employee transfers from a non-exempt position to an exempt position. In this case, a lump sum payment will be issued to the employee.

k. Catastrophic Leave: See ADVAP 2-14.

l. Family and Medical Leave: See ADVAP 2-16.