

## 5.4 Leave Benefits

### 5.4.1 Sabbatical Leave

All sabbatical leave at Mines is governed by the Mines Sabbatical Leave Policy, which has been promulgated by the Board and is set forth in Section 10.2.

### 5.4.2 Unpaid Leave

A Benefits-eligible Mines faculty member may request unpaid leave in writing through their department head or equivalent director. Such leave may be granted at the discretion of the Dean, or in the absence of a Dean, the appropriate Vice President. However, unpaid leave of more than twelve months will generally not be granted.

### 5.4.3 Annual Leave

Annual leave is equivalent to personal or vacation leave and may be utilized by a faculty member for any purpose with the approval of their supervisor. Only Benefits-eligible administrative faculty, athletics faculty, library faculty, and research faculty are eligible for annual leave. With the exception of Postdoctoral Fellows, this leave shall be paid according to the following formula:

Total Colorado State Service	Hours Earned Per Month	Maximum Carryover
1st month through 108th month	13 1/3 hours	320 hours
109th month and beyond	16 hours	384

The change in accrual rates will occur beginning with the first day of the month following the month in which employment period reaches the 108th month.

For Postdoctoral Fellows, leave shall be paid according to the following formula:

Total Colorado State Service	Hours Earned Per Month	Maximum Carryover
Any	6 2/3 hours	6 2/3 hours

Full-time Benefits-eligible faculty who work less than one full month and part-time Benefits-eligible faculty will earn annual leave on a pro rata basis. Faculty who wish to use annual leave must submit a request to their supervisor and receive approval. Supervisors may deny use of annual leave. Faculty members who use annual leave must report their usage monthly through the leave reporting system and submit their leave reports to their supervisor within the deadlines established by Payroll. Faculty may take paid annual leave only as earned or accrued. Faculty on paid leave will accrue annual leave at the normal rate. Faculty on unpaid leave will not accrue annual leave. Any leave taken which has not been accrued will be treated as leave without pay. The maximum carryover limits set forth above shall be effective at the end of each fiscal year. A faculty member may accrue annual leave in excess of the applicable limit during the course of a fiscal year, but they must either use all leave accrued in excess of the limit during the fiscal year or forfeit the excess at the earlier of the end of the fiscal year or termination of employment. A faculty member will be paid in full at their current rate of pay for unused hours of annual leave, up to the applicable maximum carryover limit, upon change from twelve-month to nine-month contract

status, upon termination of employment, or at the time of retirement or death. Upon the death of a faculty member, the estate of the deceased faculty member will be paid for the faculty member's accrued annual leave, up to the applicable maximum carryover limit.

### 5.4.4 Sick Leave

Sick leave provides Mines faculty with paid time off from work to attend to their health and medical needs, as well as the health and medical needs of their spouses, parents, minor children, adult children who are incapable of self-care, legal dependents, or persons in the household for whom the employee is the primary caregiver. Faculty are expected to utilize sick leave to cover their time off from work for preventive care and diagnostic medical examinations, receipt of medical treatment, and recovery from mental or physical illnesses, non-work-related injuries, and health conditions. Paid sick leave may be used when the faculty member or the faculty member's spouse, parent, children, legal dependents, or persons for whom the faculty member is the primary caregiver are the victims of domestic abuse, sexual assault, or harassment, and use of the leave is to seek medical attention for the domestic abuse, sexual assault, or harassment, obtain services from a victim services organization, obtain mental health or other counseling, or seek relocation or legal services (including participating in a related civil or criminal proceeding) due to the domestic abuse, sexual assault or harassment. Reasonable documentation for absences greater than four consecutive days may be requested by the supervisor. Paid sick leave may also be used if a public health official has ordered closure of Mines, or if a public health official has ordered closure of the school or place of care for the faculty member's child, and the faculty member needs to be absent from work to care for the child. Documentation may not be requested nor required for absences related to emergency leave. For more information, please contact Mines Benefits (benefits@mines.edu (mybenefits@mines.edu)).

Mines benefits-eligible faculty shall accrue sick leave at the rate of ten hours for each calendar month worked. The maximum annual carryover limit of paid sick leave shall be 720 hours. Full-time benefits-eligible faculty who work less than one full month and part-time faculty will earn sick leave on a *pro rata* basis. Benefits-eligible faculty on paid leave will accrue sick leave at the normal rate. Benefits-eligible faculty on unpaid leave will not accrue sick leave. Benefits-eligible faculty may take paid sick leave only as earned or accrued. Any leave taken which has not been accrued will be treated as leave without pay. The maximum carryover limit set forth above shall be effective at the end of each fiscal year. A benefits-eligible faculty member may accrue sick leave in excess of the limit during the course of a fiscal year, but they must either use all leave accrued in excess of the limit during the fiscal year or forfeit the excess at the end of the fiscal year.

Non-benefits-eligible faculty shall accrue paid sick leave at a rate of one hour for each thirty-hours worked, and shall not earn or use more than 48 hours of paid sick leave each fiscal year. Up to 48 hours of sick leave may carry over into a subsequent fiscal year, but a non-benefits-eligible faculty member may not use more than 48 hours of paid sick leave in a single year. Faculty may take paid sick leave only as earned or accrued. A full-time, non-benefits-eligible faculty member who is exempt from overtime accrues sick leave based on the assumption that the faculty member works 40 hours per week. If the faculty member works less than 40 hours per week, they will accrue sick leave based upon the number of hours that comprise a normal work week.

Sick leave shall be reported for any time away from Mines duties due to illness or medical or other appointments as set forth above. It is improper to use sick leave for the sole purpose of extending available funds from

research or other externally funded accounts. Department Heads or equivalent directors may require a physician's certificate for the use of sick leave. Faculty members who use sick leave must report their usage monthly through the leave reporting system and submit their leave reports to their supervisor within the deadlines established by Payroll.

A benefits-eligible faculty member who is actively participating in the PERA Defined Benefit Plan at the time of separation from Mines service, after becoming eligible to receive a full or reduced retirement annuity pursuant to PERA guidelines, shall be paid for one-fourth of their unused sick leave at their current rate of pay, up to the maximum carryover limit set forth above. A faculty member is only eligible to receive this sick leave payout once, upon the original retirement event.

If a benefits-eligible faculty member dies prior to retirement or separation from Mines service, the estate of the deceased faculty member will be paid one-fourth of the faculty member's unused sick leave at the time of the faculty member's death, within the limits set forth in this paragraph.

Mines faculty who separate and are rehired by Mines within six months after separation will have any accrued but unused paid sick leave reinstated. If a benefits-eligible faculty member has been paid for one-fourth of their unused sick leave as set forth above, they shall only be entitled to reinstatement of three-fourths of any accrued but unused sick leave.

### 5.4.5 Family Medical Leave

After one year of Mines service, a faculty member working 1250 hours over the prior 12 months may be eligible for up to 520 hours of unpaid Family Medical Leave, taken either continuously or intermittently, for the following purposes: (1) the birth and care of a child within one year of the birth; (2) the placement and care of an adopted child within one year of the placement; (3) the faculty member's treatment for and recovery from a serious health condition; (4) the faculty member's care for the serious health condition of his or her child, parent, or spouse; (5) when a faculty member's child, parent, or spouse experiences a qualifying exigency directly related to being called to or on active duty for a contingency operation during a declared war or; (6) when a faculty member is a military caregiver for a child, parent, spouse, or next of kin who suffers a serious injury or illness in the line of duty while on active duty in support of a contingency operation. Family Medical Leave is prorated for part-time work. Benefits eligibility does not affect leave eligibility. The faculty member will be required to utilize all of their accumulated paid leave—in accordance with the applicable rules governing such usage set forth in other Mines leave policies—before they will be placed on unpaid family medical leave, but the use of paid leave will not extend the total period of time to which the employee is entitled to under this paragraph. The above is only a brief description of the complex rules concerning Family Medical Leave. Please contact the Human Resources Office for more specific information on this subject.

### 5.4.6 Holiday Leave

Mines observes Labor Day, Thanksgiving Day, Christmas Day, New Year's Day, Martin Luther King Day, Memorial Day, and Independence Day as holidays. Other days will be designated annually by the President as school holidays.

### 5.4.7 Administrative Leave

The President may grant administrative leave with pay to a Benefits-eligible faculty member for any purpose deemed by the President to be in

the best interests of Mines, as long as the granting of administrative leave for such purpose is not prohibited by law.

### 5.4.8 Bereavement Leave

A benefits-eligible faculty member may request bereavement leave through their immediate supervisor. A benefits-eligible faculty member will be eligible for up to five business days of paid Bereavement Leave for the death of an immediate family member. Time off in excess of five business days is available upon the approval of the faculty member's immediate supervisor and shall be subject to the current Annual Leave rules, as applicable. Bereavement Leave pay shall not be used in the calculation of overtime pay. For the purposes of the Bereavement Leave, Mines defines "immediate family" as the following: spouse/domestic partner, parent, child, sibling, grandparent, or grandchild; and the parent, child, sibling, grandparent or grandchild of the employee's spouse or domestic partner.

### 5.4.9 Jury or Court Leave

Upon request and presentation of a jury summons or a subpoena to appear in court, a faculty member shall be granted leave for the purpose of fulfilling jury or other court obligations. If the faculty member is excused from jury duty during their regular work hours, they are expected to report to work promptly. Upon receipt of notification from the state or federal courts of an obligation to serve on a jury or appear in court, the faculty member must notify their supervisor and provide them with a copy of the jury summons or subpoena.

### 5.4.10 Election Leave

Faculty who are eligible to vote in an election are entitled to use up to two (2) hours of paid election leave for the purpose of voting during the time the polls are open, if a faculty member's work hours on the day of an election are such that there are less than three (3) hours between the time of opening and the time of closing of the polls during which the employee is not required to be on the job. Faculty must request and receive approval for the leave prior to the election day. The appointing authority may specify the hours during which the faculty member may be absent, except that the faculty member shall be allowed to take the election leave at the beginning or end of the work shift if requested.

### 5.4.11 Military Leave

Upon request, Mines shall grant appropriate leave to its faculty for military service as mandated by U.S. and Colorado law. Supporting documentation may be requested by their direct supervisor.

The [Uniformed Services Employment and Reemployment Rights Act of 1994 \(USERRA\)](#) is a federal law that establishes various rights and benefits for employees and applicants for employment who have served in the military or have engaged in other forms of protected governmental service. USERRA requires employers to provide leaves of absence and to re-employ workers who enter military service while employed.

It is irrelevant whether the reason for military service is voluntarily requested by the employee or required service when determining protection under USERRA. Therefore, a reservist who volunteers for extra training or additional reserve duty is still protected from discrimination or retaliation in relation to initial hiring, retention, promotion, reemployment, termination and any benefit of employment.

An employer cannot refuse to grant an employee a leave of absence because the employer finds the duration, timing, or frequency of an employee's military obligations to be unreasonable. Nor is Mines permitted to veto a request of military leave. Employees are only required

to give a manager notice, not to obtain a manager's permission. Please contact the Office of Human Resources for more specific information on this subject.

### 5.4.12 Injury Leave

Mines shall grant up to 480 hours of paid injury leave to a benefits-eligible faculty member who has suffered a job-related injury, subject to the following conditions:

1. The faculty member must file a timely First Report of Injury form for workers' compensation purposes with the Office of Human Resources;
2. Mines workers compensation insurer must certify that the injury is job-related or "compensable"; and
3. The faculty member must agree to assign their right to receive salary payments from the workers compensation insurer to Mines during the period when the employee is receiving paid injury leave.

### 5.4.13 Medical Disability Leave

Mines may grant up to six weeks of paid medical disability leave to a Benefits-eligible faculty member for the purpose of childbirth and medical recovery therefrom, or for the treatment of a disabling medical condition or non-work-related injury, subject to the following limitations:

1. The "disabling medical condition" may not be the result of elective surgery or a non-medically-necessary procedure;
2. The conditions or injury must necessitate the faculty member's continuous absence from work for a period in excess of two weeks;
3. The faculty member must present to the Office of Human Resources a medical certification from the attending health care provider attesting to the disabling nature and the anticipated duration of the medical condition;
4. Prior to receiving any paid medical disability leave, the faculty member must first exhaust 80% of their accrued sick leave;
5. In the case of a foreseeable event such as childbirth, the faculty member must give her immediate supervisor and the Office of Human Resources written notice of the anticipated need for this leave three months in advance of the date the leave is expected to begin, or as much notice as is practicable and reasonable in the faculty member's circumstances;
6. The aggregate usage of the faculty member's sick leave and medical disability leave granted hereunder shall not exceed three months; and
7. Only that period of the disability leave that falls within the faculty member's term of appointment shall be paid.

### 5.4.14 Parental Leave

Benefits-eligible faculty members are eligible for the parental leave outlined below. A faculty member on paid parental leave must return to employment at Mines for at least six weeks after the conclusion of the parental leave period. A faculty member who does not fulfill this condition will be required to repay the full amount of compensation (salary plus employer-provided benefits) received from Mines during the paid parental leave period. During any paid portion of parental leave, benefit coverage under Mines' group health, dental, life, and long-term disability insurance plans shall continue in effect, consistent with the terms of the applicable insurance contracts and Mines policies regarding such benefits. During the unpaid portion of a parental leave, benefit coverage under Mines' group health, dental, life and long-term disability insurance plans shall continue in effect, consistent with the terms of the applicable insurance

contracts and Mines policies regarding such benefits, provided that the premiums, including any amount normally contributed by Mines, are paid monthly by the faculty member.

The provisions of paragraph 5.4.13 (medical disability leave) and paragraph 5.4.14 (parental leave) are intended to be interpreted in conjunction with paragraph 5.4.5 (family medical leave). Family medical leave runs concurrently with other Mines-sponsored leave plans and may be with pay, unpaid, or a combination of both, depending on the circumstances. For a complete description of family medical leave and its relation to other Mines leave policies, please contact the Human Resources Office.

#### A. Paid Leave Following the Birth or Adoption of a Child

This paid leave will run concurrently with family medical leave, if applicable. A benefits-eligible faculty member may take up to six weeks of paid parental leave for the purpose of caring for and nurturing their newborn, newly adopted child, or a child placed in foster care as a pre-adoption requirement. The leave will be paid at the faculty member's regular base rate of pay. Once starting paid leave, it must be taken consecutively and without interruption; paid parental leave may not be used on an intermittent basis. Use of parental leave must occur and be completed within the twelve months immediately following the birth or adoption of a newborn or child.

For uses of parental leave due to the birth of a child, a faculty member's leave requests must be made to his or her immediate supervisor, with copy to the Benefits Office, at least sixty (60) days prior to the start of the anticipated leave period. Leave requests given with less than sixty (60) days notice will not be granted absent extraordinary circumstances. For uses of parental leave due to the adoption of a child, leave requests should be made to the immediate supervisor, copy sent to the Mines' Benefits Office, with as much notice as possible. Only that period of the leave that falls within the faculty member's term of appointment shall be paid.

If the requested leave interrupts, or is expected to interrupt a semester in which the faculty member is normally scheduled to teach, the faculty member may choose to request relief from teaching for one entire semester, which shall be granted. Such request must be made to the faculty member's immediate supervisor, in writing, at the same time as the request for Parental Leave. For the period of the semester that the faculty member is not on medical disability or parental leave (paid or unpaid), the faculty member is expected to resume non-teaching duties, such as committee work, administrative work, and academic advising. Paid Holidays will not extend the length of paid leave. Paid leave from all sources shall not exceed 13 weeks per occurrence.

#### B. Unpaid Leave Following the Birth or Adoption of a Child

This unpaid leave will run concurrently with family medical leave. A benefits-eligible faculty member may request unpaid parental leave (in addition to paid parental leave) for the purpose of caring for a newborn or newly adopted child to be used immediately following the paid parental leave provided for in Section 5.4.14 A above. Such request must be submitted, in writing, to the faculty member's immediate supervisor and the Mines' Benefits Office as part of the request for paid Parental Leave. Taking into consideration the faculty member's needs and those of the departments or offices most affected by their absence, the employee and their supervisor may negotiate a mutually acceptable length of time for the unpaid leave.

If the employee qualifies for leave under the Family and Medical Leave Act, they shall be entitled to take up to the amount of leave still available to the employee for the relevant twelve-month period.

**C. Unpaid Parental Leave for Temporary Faculty (adjuncts, administrative, athletics, and research faculty)**

While leave benefits are not normally part of a temporary faculty member's employment with Mines, recognizing the special needs and circumstances attendant to the birth or adoption of a new family member, faculty members may request unpaid parental leave for the purpose of caring for a newborn or a child placed in foster care as a pre-adoption requirement. Such leave, if granted, is to be used immediately following the birth or adoption (including a child placed in foster care as a pre-adoption requirement). To be granted this leave, the temporary faculty member must make their request in the same manner as required of benefits eligible faculty outlined in Section 5.4.14 A above.