

Exempt & Non-Exempt Employees Leave Policy	Procedure Number	420.1.1
	Effective Date	May 29, 2025

1.0 PURPOSE

This Administrative Rule sets forth the expectations for the accrual and use of leave by exempt and non-exempt employees.

2.0 REVISION HISTORY

Adopted on: October 2018

Revised on: May 29, 2025

Supersedes: UAPTC policies 420.1.1 and 420.1.1

3.0 PERSONS AFFECTED

Exempt and Non-Exempt Employees

4.0 DEFINITIONS

Exempt employee - one who is exempt from the overtime provisions of the federal Fair Labor Standards Act (FLSA). Exempt employees are typically paid on a salary basis, meet the minimum salary threshold, and perform job duties that fall under exempt categories such as executive, administrative, professional, or certain computer-related roles. Exempt employees are not eligible for overtime pay, regardless of the number of hours worked beyond 40 in a workweek.

Non-exempt employee - one who is covered by the FLSA's minimum wage and overtime requirements. Non-exempt employees must be compensated for all hours worked and are entitled to overtime pay at one and one-half times their regular rate of pay for all hours worked over 40 in a workweek. These positions are typically hourly, but may also include certain salaried roles that do not meet the FLSA's exemption criteria.

5.0 PROCEDURE

1. Sick Leave Policy:

All full-time appointed employees earn sick leave at the rate of eight hours per month with a maximum of 960 hours of accrual. Sick leave accrues only when an employee is in a paid status and does not accrue while an employee is on leave without pay. Paid sick leave is not granted as vacation but is permissible only when illness or injury to the employee causes absence from their work or if conditions require an appointment with a physician, dentist, optometrist, chiropractor, or osteopath. Sick leave may also be granted to an employee due to the death or serious illness of a member of the employee's immediate family. Immediate family shall mean the father, mother, sister, brother, husband, wife, child, grandparents, in-laws, or any individual acting as a parent or guardian of an employee. Employees who are absent from the campus for the entire day should submit eight (8) hours of leave within two days of their return to work.

Absence due to illness or disability, except in the case of maternity leave, is charged in the following order:

1. Earned sick leave

2. Earned annual leave
3. Leave without pay

Employees utilizing sick leave are required to contact their supervisor a minimum of one hour prior to the start of their shift to ensure continuity of business operations. Employees who miss multiple days must contact their supervisor each day or otherwise notify their supervisor of their intent to be out.

Sick leave is not a substitute for annual leave. Employees should work with their supervisors to schedule their foreseeable medical appointments in a manner that will not impede the department's ability to meet their educational mission.

UA-PTC may require a statement from a physician or other acceptable proof that a health condition or medical appointment has rendered the employee unable to work on a specific day or at a particular time. Such documentation will be required whenever an employee uses sick leave under one of the following conditions:

1. When an employee is absent from work for more than three consecutive days;
2. When an employee has a consistent pattern of maintaining a zero or near-zero balance of sick leave without documentation of the need for such relatively high utilization;
3. When an employee has a consistent pattern of using sick leave on Mondays, Fridays, before holidays, or after holidays;
4. When an instructor has a consistent pattern of using a partial day of sick leave and seeking to apply sick leave to those times when the instructor is scheduled to teach, hold office hours, or attend meetings;
5. When an employee has six or more occurrences of undocumented sick leave usage within a 12-month period. Sick leave that is certified in accordance with this policy shall not be considered as an occurrence.

An employee's abuse of sick leave or failure to provide the required documentation under this policy can be grounds for discipline. The medical documentation required under this policy may be limited to the following information: (1) the date on which the employee was seen (if any); (2) whether an absence was medically necessary; (3) whether alternative appointment times, which might accommodate an instructor's teaching schedule and other on-campus duties, were available; (4) the date on which the employee will be able to return to work; and (5) any workplace restrictions that might be medically necessary.

An absence that exceeds three days may be covered under the Family Medical Leave Act (FMLA). The medical documentation required under this sick leave policy is not necessarily identical to the Physician's Certification that is required for qualifying FMLA leave. The medical documentation described in this policy will not be requested when an employee uses FMLA leave (including intermittent leave) following the initial certification process; however, UA-PTC reserves the right to use the FMLA's recertification process. Employees are urged to consult the Employee Handbook or confer with the office of human resources regarding any questions they may have regarding leave under the FMLA or as a reasonable accommodation under the Americans with Disabilities Act.

2. Annual Leave:

Eligible exempt and non-exempt employees hired on or moved into their positions before January 1, 2025, shall be credited with their eligible time of service and thereafter accrue annual leave as provided in the annual leave schedule found below.

Years of Eligible Employment	Monthly Accrual
Through the first year	10 hours per month
Through the second and third years	12 hours per month
Through the fourth and fifth years	14 hours per month
Upon completion of the fifth years	15 hours per month

An employee whose period of employment is scheduled to be changed from a 12-month basis to a 9-month basis may, within the UA Board Policy 420.1 Section IV guidelines, take all accrued, unused vacation before the end of the 12-month period, or, within the carryover limits, may reserve accrued annual leave hours for payout upon termination of employment. Payment for any reserved accrued hours shall be based upon the lesser of the salary on the date of the last hour accrued immediately prior to the change from a 12-month basis to a 9-month basis or the salary at the time of termination of employment. An employment period shall not be extended for the purpose of paying an employee for unused vacation, and neither shall lump-sum terminal payment be made unless an employee terminates employment with the College.

Annual Leave shall not be taken before it is earned, but must be taken within twelve months after the close of the calendar year in which it is earned. An exception may be made when a vacation is postponed for the convenience of the College.

Annual Leave benefits are granted to all full-time, non-exempt, and exempt employees. Annual leave is cumulative; however, no employee may have in excess of 30 days on December 31 of each year. During the calendar year, accrued leave may exceed 30 days, but those days in excess of 30 will be lost if they are not used prior to December 31 of each year. Use of accrued annual leave may be requested by an employee at any time, but should be completed prior to the employee's absence and coordinated with their supervisor. It is the employee's responsibility to monitor their leave balances to ensure leave is not lost. The appropriate supervisor will grant the leave request when it will least interfere with the efficient operation of the department.

Annual leave may not be accumulated while an employee is on leave without pay.

Upon termination of employment in which a person ceases to be an active employee of the College, the amount due to the employee or the employee's estate from accrued annual leave and holiday leave, shall be included in the final pay to the employee or distributed to the employee's estate upon verification per UA Board Policy 420.1 section VIII.

3. Military Leave:

Twelve-month employees who are members of the National Guard or any of the Reserve branches of the Armed Forces of the United States shall be granted a maximum of two weeks leave annually, plus necessary travel time for annual training requirements. Such leave shall be granted without loss of pay and in addition to regular vacation time. Nine-month academic employees are expected to take any two weeks of military leave during the three months they are not under contract to the College. Each employee who requests military leave shall furnish a copy of their orders to the appropriate vice chancellor. An employee who is drafted or called to active duty in the Armed Forces of the United States or who volunteers for military service shall be placed on extended military leave without pay and upon application within the time period provided in 43 U.S.C. § 4312 shall be reinstated to the position vacated or to an equivalent position at no loss of seniority or any of the other benefits and privileges of employment to the extent required by state and federal law.

Military personnel called to duty in emergencies by the Governor or by the President of the United States shall be granted leave with pay not to exceed 30 working days after which leave without pay will be granted. This leave shall be granted in addition to regular time.

4. Court and Jury Leave:

A. Jury Service

A college employee serving as a juror in state or federal court shall be entitled to full compensation in addition to any fees paid for such services, and such services or necessary appearances in any court shall not be counted as annual leave.

In cases where service as a witness can be handled by having the involved attorney take a deposition or statement, it is preferred. Depositions or statements which involve the College may be taken during duty hours. All others should be handled as off-duty time.

Employees who are accepted by the court as expert witnesses and paid a fee in excess of the normal witness fee shall take annual leave for the time required for such testimony. Where service on a jury would substantially interfere with the execution of the college work schedule, the Chancellor may petition the judge in writing for exemption from service. However, if the exemption is denied or if no response is received prior to the date jury duty is to begin, the individual must report for jury duty.

An employee who is summoned to serve on jury duty shall not be subject to discharge from employment, loss of sick leave or vacation time, or any other form of penalty as a result of their absence from employment due to such jury duty, upon giving 24 hour written notice to their supervisor and Human Resources.

B. Service as a witness

If a College employee is subpoenaed as a witness to give deposition testimony in a state or federal court, at a hearing, or before a body with subpoena authority, the following applies:

1. An employee is entitled to their regular salary and is not required to take leave if the matter is determined by the administrative chain in consultation with the Office of General Counsel to be within the scope of the employee's College employment.
2. If the matter is outside the scope of College employment, the employee is required to take annual leave if: the employee is serving as a paid expert witness, or the employee is a party to the matter.
3. Employees may retain any witness fees offered under state or federal law or court rules only if: The testimony is outside the scope of College employment, or the employee is a party to the matter other than as a representative of the College.
4. Employees may retain mileage fees under state or federal law or court rules: if the matter is within the scope of College employment, the employee uses a personal vehicle, and the College does not reimburse travel expenses, or if the matter is outside the scope of College employment and the employee uses a personal vehicle to comply with the subpoena.
5. Employees subpoenaed to appear on a non-workday may retain any witness and mileage fees tendered to them.
6. If a campus law enforcement officer is subpoenaed to appear when not scheduled for regular duty, they may retain any mileage fees provided.
7. Employees on night shifts who are required to testify during the day or give depositions (not related to personal litigation or paid testimony outside the scope of employment) shall be allowed to use court and jury leave for their night shift on the day they served.
8. Any employee intending to serve as an expert witness must comply with conflict of interest and

outside employment policies, including prior approval in accordance with Board of Trustees Policy 450.1. If retained and compensated beyond standard witness fees, the employee must take annual leave for the time used in testimony. Employees not accruing leave must coordinate with their administrative chain to prevent disruption to College duties.

5. Leave Without Pay (LWOP):

The Chancellor may grant an employee's written request for a leave-of-absence without pay not to exceed one year unless granted in accordance with the provision for military leave. In appropriate cases, additional unpaid leave will be considered as a form of reasonable accommodation for qualified individuals with disabilities on a case-by-case basis.

Employees who do not report to work because of inclement weather conditions may elect to use "leave without pay" in lieu of "annual leave" with approval from their supervisor. Absences due to inclement weather will be treated as an "excused absence."

The employee must use all of their accumulated annual leave before taking leave without pay, except when the leave qualifies as maternity leave, certain types of military leave, when the leave is for disciplinary purposes, or for absences due to inclement weather. The employee will not earn annual leave or sick leave if they are on leave without pay for ten or more days during a calendar month. The employee will not be paid for official University holidays while on leave without pay.

When the employee is on leave without pay, they may continue to participate in the University's group insurance programs. However, the employee must make arrangements with Human Resources to pay the total cost (the individual's part and the University's matching part) of their coverage for any month when they are on leave without pay for ten or more consecutive days. For those benefits provided by the University, with no employee contribution (basic life insurance and long-term disability insurance), they must pay the amount of the University's contribution or risk loss of coverage, except when those benefits are protected by FMLA regulations.

If the employee fails to report to work promptly at the end of an agreed-upon period of leave without pay, employment with the college may be terminated. If there is a good reason for the delay, the College may extend your period of approved leave. The Chancellor and the UA System President must approve the extension if it causes your total leave to exceed one year.

Leave Without Pay (LWOP) Payroll Adjustment

When an employee enters a Leave Without Pay (LWOP) status, regular payroll processing will be temporarily modified to ensure accurate compensation and prevent potential overpayment. The following procedures will apply:

- **Manual Payroll Calculation:** During the LWOP period, payroll will be processed manually to reflect the employee's actual time worked or leave status.
- **Payment Timing:** Due to manual processing, paycheck issuance may be delayed by 1–2 business days.
- **Overpayment Prevention:** These adjustments are necessary to avoid overpayments, which could result in required repayment by the employee and potential administrative inconvenience.

6. Maternity and Paternity Leave

The following guidelines are in furtherance of UA System Board Policy 420.2 Paid Parental Leave (Parental Leave), which provides eligibility rules and procedures for the use of Parental Leave for employees of the campuses, divisions, and units of the University of Arkansas System.

Eligibility

Eligibility for up to six weeks of Parental Leave, as established in Board Policy 420.2, requires all the following:

1. Approval of Family Medical Leave (FML). Parental Leave is not available if the employee is not also approved for the same or longer period of FML.
2. Employment in a benefits-eligible position for the consecutive 24-months immediately prior to the birth, adoption, or foster placement and continued employment in a benefits- eligible position for the dates of leave requested.
3. The birth, adoption, or foster placement event must occur on or after July 1, 2024, the implementation date of Board Policy 420.2.

An employee – even if requesting Parental Leave beginning later than the date of the birth, adoption, or foster placement – must be eligible on the date of the birth, adoption, or foster placement and on the dates requested for parental leave. For example, an employee with 20 consecutive months of employment on the date of birth will not qualify for Parental Leave for that child upon completion of 24 months of employment. In determining 24 months of consecutive employment, a break in service of 31 calendar days or less will not be counted against eligibility. An employee, for example, transferring between UA System campuses, divisions, and units with a break in service of three weeks may still qualify for Parental Leave. Likewise, any period of leave while on Family Medical Leave, whether paid or unpaid, will not constitute a break in service.

An employee is not eligible for Parental Leave for any periods during which the employee would not otherwise be on active payroll. A nine-month faculty member, for example, would not be eligible for the paid Parental Leave benefit outside the faculty member's appointment period.

Use of Parental Leave

Parental Leave does not extend or create an additional period of leave beyond that available to the employee under FML. Employees may qualify for FML without eligibility for Parental Leave but may use Parental Leave only concurrent with FML. An employee, for example, qualifying for FML and for Parental Leave but having only three weeks of remaining FML eligibility (used nine weeks within the previous 12 months) will qualify for not more than three weeks of Parental Leave.

Parental Leave is available during the 12-month period beginning on the date of birth, adoption, or foster placement. No portion of parental leave is available in advance of the event date or later than 12 months after the event date.

Parental Leave may be used only in a continuous block of time and may not be used intermittently. It may not be used on a part-time basis (other than proportionally for someone employed 50-99% of the time).

Parental Leave is not available in the loss of a child or the loss of a pregnancy in any form, although other forms of leave may be available.

Benefit

If approved for the use of Parental Leave, the employee's base salary and benefits, including leave accrual, continue without interruption for the period of approved Parental Leave.

When both parents are employees eligible for Parental Leave, the leave availability is limited to a combined total of six weeks (240 hours). The six weeks will be shared between the employees in the manner they choose. If the employees are unable to agree on the allocation (e.g., divorce in process) the six weeks will be

equally divided between the employees if both qualify for the same amount of Parental Leave. Employees may use Parental Leave for no more than three events total regardless of the length of Parental Leave approved in each case. Each event is limited to a maximum of six weeks (240 hours). Someone using three weeks with their first child cannot use nine weeks with their second child.

For employees employed less than 100% time, the Parental Leave will be pro-rated based upon the percent time employed. An employee, for example, employed 75% time would be eligible for up to 180 hours Parental Leave, not 240 hours. In the case of multiple births (i.e., twins), the births are treated as a single event. The birth of twins would not qualify an employee for up to 12 weeks (480 hours) of Parental Leave.


Employee Application Process

Employees apply for paid Parental Leave through their campus, division, or unit Human Resources Office in accordance with the campus, division, or unit process.

An employee requesting leave for a serious medical condition, for the care of a seriously ill family member, or for other purposes, should contact the campus, division, or unit Human Resource Office for additional assistance.

Miscellaneous

Parental Leave may not be used concurrently with short-term disability or with annual or other paid leave. Short-term disability, when used for childbirth, is available only after completion of any available Parental Leave.

REQUIRED APPROVALS	NAME/SIGNATURE	DATE
Originator(s):	UA-PTC Policy Review	Oct, 2018
Ratified by:	Joint Operations	
Recommended by Chancellor (Signature)		9/29/25
UA Policy Alignment:	UA Board Policy 420.2, 420.5, & BOT Policy 450.1	