

V:02:07 SICK LEAVE

It is the policy of Volunteer State Community College to protect all regular full-time and part-time employees against loss of earnings due to illness, injury, or incapacity to work including illness or incapacity to work due to pregnancy, and to provide the time off to employees in the event of serious illness or death of certain family members.

1. Eligibility to Accrue Sick Leave

- A. Regular full-time employees and academic personnel, regardless of probationary status, shall be eligible to accrue sick leave.
- B. Regular part-time employees, including academic personnel scheduled to carry less than a full teaching load or its equivalent, regardless of probationary status, shall be eligible to accrue sick leave on a prorated basis equal to the percentage of their employment to full-time employment.
- C. Temporary employees shall not be eligible to accrue sick leave. Temporary employees who are subsequently appointed as regular employees with no break in service shall become eligible to accrue sick leave and shall receive sick leave balances accrued retroactively from the date of employment.
- D. All full-time and part-time employees who are employed pursuant to funds available to the institution or technology center through grants or contracts are not eligible to accrue sick leave unless the grant or contract involved provides sufficient funds to cover the costs of such leave, or unless eligibility to accrue sick leave is approved by the President of the institution or director of the technology center.

2. Eligibility for and Rate of Accrual of Sick Leave

- A. Regular full-time personnel and full-time academic personnel, whether on a twelve-month or nine-month basis, shall accrue sick leave at the rate of 7.5 hours (1 day) for each month of actual service. Under no circumstances may a regular full-time employee earn more than 90 hours (12 days) of sick leave per year.
- B. Regular part-time personnel and part-time academic personnel, whether on a twelve-month or nine-month basis, shall accrue sick leave on a prorated basis equal to the percentage of their employment compared to full-time employment.
- C. Accrued days of sick leave shall be cumulative for all days not used.
- D. Eligible employees shall accrue sick leave from the date of employment. (See Section 1, item C, providing for retroactive credit for temporary employees who subsequently become eligible to accrue sick leave.)

- E. Eligible employees earn and accrue sick leave for each month upon completion of service for a major fraction thereof.
- F. MODFY employees who are employed during the period which would normally be the non-duty period of their appointment shall accrue sick leave at the rate of 7.5 hours for each month of full-time employment. For part-time employment during that period, MODFY employees shall accrue sick leave on a prorated basis in accordance with item B of this section.
- G. Notwithstanding any other provision herein which might be construed to the contrary, regular nine-month academic personnel shall accrue 67.5 hours (9 days) of sick leave for full-time employment for a full academic year and 22.5 hours (3 days) of sick leave for full-time employment throughout summer sessions.
- H. Employees otherwise eligible to earn sick leave do not earn or accrue sick leave while on leave of absence.

3. Use of Sick Leave

Sick leave and Family and Medical Leave Act Leave (FMLA) shall run concurrently in accordance with the provisions of TBR Policy 5:01:01:14. (Note: Unless an employee is on a reduced or intermittent work schedule, periods of less than three days shall not be designated as FMLA leave.)

- A. Sick leave is generally applicable to absences due to illness or injury to an employee, including illness or incapacity to work due to pregnancy, medical examinations and dental appointments. In addition, sick leave may be used for paternity leave (Refer to TBR Policies 5:01:01:08).
- B. Where an employee must be absent because of serious illness in the immediate family, sick leave may be granted by the appropriate approving authority. For purposes of this section, "immediate family" shall be deemed to include: (1) spouse; (2) children, step-children; (3) parents, step-parents, foster parents and parents-in-law; (4) sibling; and (5) other members of the family who reside within the home of the employee.
- C. In instances of death of a member of the immediate family as defined in TBR Policy No. 5:01:01:09 – Bereavement Leave, sick leave may be granted at the discretion of the appropriate approving authority for a maximum of 15 hours (2 days) after the three (3) day bereavement leave has been used. In instances of death of one of the following relatives, sick leave may be granted at the discretion of the appropriate approving authority for a maximum of 22.5 hours (3 days): (1) sons and daughters-in-law; (2) brothers and sisters-in-law; (3) foster brothers and sisters; and (4) other members of the family who reside within the home.

- D. Abuse of sick leave by an employee will result in the withholding of payment of the sick leave and possible additional disciplinary action. Sick leave may not be taken until earned and may not be advanced.
- E. Sick leave may not be used by nine-month academic personnel for absences due to illness or injury during a summer session unless the employee has been physically present and actually commenced employment for the term in question.
- F. Upon prior approval of the Chancellor, an employee who is injured in the line of duty as a result of the commission of an assault upon him or her which disables the employee from performing his or her regular duties, may be retained on the regular payroll for a period not to exceed fourteen (14) days without being required to use any accrued sick leave. The length of time for such retention on the payroll shall be based upon a written statement from the attending physician that the employee is unable to perform his or her regular duties.
- G. Subject to the conditions outlined in Transfer of Sick leave between Employees Policy 5:01:01:15, sick leave may be transferred to members of the institution/school's Sick Leave Bank(s).

4. Physician's Statement or Other Certification

An employee may be required to present evidence in the form of personal affidavits, physician's certificates, or other testimonials in support of the reason for sick leave upon request of his/her supervisor or an appropriate approving authority. Sick leave may not be denied where an employee furnishes an acceptable statement from a licensed physician or accredited Christian Science practitioner, provided that the supervisor or approving authority may require additional documentation or statements from other physicians or accredited practitioners.

5. Exhaustion of Sick Leave

When the illness, injury, or disability of an employee continues beyond the period of accumulated sick leave, the employee shall use any accumulated annual leave for continued absence. However, in cases of worker's compensation, an employee may choose to be placed on leave of absence and retain sick and/or annual leave. When an employee has exhausted all accumulated sick and annual leave, he or she may be placed on leave of absence, if requested and found to be justifiable. (See TBR Policy No. 5:01:01:03.)

6. Separation of Employees with Accrued Sick Leave

Upon termination of employment, accumulated sick leave shall not be used as terminal leave, and the employee shall not be entitled to any lump sum payment for accumulated sick leave. If an employee is transferring to another state agency, his or her accumulated sick leave shall be transferred according to Leave Transfer between SBR Institutions and State Agencies. (See TBR Policy No 5:01:01:06.)

If an employee leaves the System or any other state service in good standing after having worked on a full-time continuous basis for at least one (1) full year and thereafter returns to service with the System on a full-time basis, the employee shall immediately be credited with all sick leave to which he or she was entitled at the time of the previous termination, provided certification of such entitlement is received from the previous employer if other than the new employer; provided further that if the employee has had interim employment with the system or any other agency of the State of Tennessee of less than one (1) year, he or she shall not be disqualified from receiving credit for sick leave to which he or she is otherwise entitled because of his or her prior employment with the state.

Notwithstanding the above paragraph, if any state employee or teacher employed by a local school board in Tennessee leaves the employment of the state or of that board in good standing and becomes a full-time employee within six (6) months of the date of termination, the employee shall immediately be credited with all sick leave to which he or she was entitled at the time of the previous termination. TCRS member employees who terminate due to retirement shall have all unused accumulated sick leave credited toward retirement.

7. Death of Employees with Accrued Sick Leave

Effective June 3, 1981, the estate or designated beneficiary of any employee, upon the employee's death, shall be paid for the employee's unused and accrued sick leave in the same manner as the estates of deceased employees are paid for annual leave.

TBR Source: 5:01:01:03: TBR Meetings, August 15, 1975; June 25, 1976; December 2, 1977; June 30, 1978; June 29, 1979; June 26, 1981; September 18, 1981; September 24, 1982; June 24, 1983; September 30, 1983; June 28, 1985; June 26, 1987; December 4, 1987; September 22, 1989; December 15, 1995; March 15, 2002 (Finance and Administration approved April 11, 2002); September 25, 2008. Note: The provisions of this policy adopted at the August 15, 1975 meeting, became effective on January 1, 1976, and changes in eligibility to earn leave or in the amount of leave earned for period of service were prospective only. 5:01:01:06: TBR Meetings: August 15, 1975; June 25, 1976; December 2, 1977; June 30, 1978; June 29, 1979; June 26, 1981; September 18, 1981; September 24, 1983; September 30, 1983; June 28, 1985; June 2, 1987; September 16, 1988; September 22, 1989. The provisions of this policy adopted at the August 15, 1975 meeting, became effective on January 1, 1976, and changes in eligibility to earn leave or in the amount of leave earned for a period of service were prospective only. 5:01:01:07: SBR Meetings, August 15, 1975; June 25, 1976; December 2, 1977; June 30, 1978; June 29, 1979; June 26, 1981; September 18, 1981; September 24, 1982; June 24, 1983; September 30, 1983; June 28, 1985; June 26, 1987; December 4, 1987; September

16, 1988; March 17, 1989; June 30, 1989; December 15, 1995; March 29, 1996 (Finance and Administration approval November 13, 1996); September 20, 1996 (Finance and Administration approval December 4, 1996), June 25, 1999 (Finance and Administration approval November 1999), October 24, 2001 (Finance and Administration approval December 18, 2001) Note: The provisions of this policy adopted at the August 15, 1975 meeting, became effective on January 1, 1976, and changes in eligibility to earn leave or in the amount of leave earned for period of service were prospective only. 5:01:01:08: TBR Board Mtg. December 2, 2005: 5:01:01:09: TBR Meetings: September 16, 1988; June 30, 1989; September 25, 1995; March 7, 1997; December 7, 2007 (Approved by Finance and Administration, January 23, 2008 5:01:01:14: TBR Meeting, June 25, 1995 (Finance and Administration approval January 17, 1996); TBR Meeting, March 29, 1996 (Finance and Administration approval November 13, 1996); TBR Meeting June 26, 2008. 5:01:01:15: TBR Meeting, December 9, 1994; TBR Meeting, March 29, 1996 (Finance and Administration approval November 13, 1996); TBR Meeting, June 19, 1998; March 28, 2008.

VSCC Source: November 11, 1987, President; March 22, 1999, President; January 8, 2009, President's Cabinet.