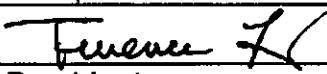


BBCC ADMINISTRATIVE PROCESS

Title: Exempt Employee Leaves	AP 3011	Implementing Board Policy: 3000
Originating Department: Human Resources	Originated: 3/1/14	Effective Date: 9/1/14
Previous Revisions:	Approved:  President	

1.0 PURPOSE

The purpose of this document is to provide guidance to exempt staff and supervisors in addressing employees' time away from work. This procedure is to be used in conjunction with applicable state and federal laws and college policies.

This procedure applies to all Big Bend Community College employees working in exempt positions. Exempt employees are non-faculty employees who are exempt from classified service pursuant to RCW 41.06.070(2). Exempt employees include the categories of professional, managerial, and executive.

2.0 APPROVAL OR DENIAL OF LEAVE

Upon the employee's request for leave, the supervisor shall approve or deny the request for leave per this procedure. Failure to receive prior approval of leave, as described in this document, may be cause for denial of the leave request or designation of the absence as unauthorized. Unauthorized absences may be treated as unauthorized leave and may be grounds for discipline up to and including termination.

When it is not possible for the employee to provide advance notice of the need to be absent and obtain advance approval, the employee shall provide the supervisor a leave request immediately upon their return to work.

3.0 TYPES OF LEAVE

3.1 BEREAVEMENT LEAVE

Up to three (3) days of bereavement leave will be granted for the death of a family member or household member that requires the employee's absence from work.

Family members are defined as spouse, registered domestic partner, siblings, parents, grandparents, children, grandchildren, aunts, uncles, nieces, nephews, or those of the employee's spouse or registered domestic partner, dependents of the employee, or persons living in the same household as the employee.

An employee may request less than three (3) days of paid bereavement leave. In addition to paid bereavement leave, supervisors may approve an employee's request to use additional paid leave (sick leave, vacation leave, or a personal holiday) for the purposes of bereavement.

Additional days of bereavement leave may be approved by the appointing authority.

BBCC may require verification of the family member's or household member's death.

3.2 CIVIL LEAVE

The College will grant a leave of absence with pay when an employee is required to report for jury duty service, to serve as a trial witness, or other subpoenaed civil duties. An employee may keep any compensation received for serving as a jury member or as a trial witness.

Employees will inform their immediate supervisor when notified of a jury summons or subpoenaed civil duties and will cooperate in requesting a postponement of jury duty service if warranted by business demands.

Employees must submit a leave request form to their supervisor for absence due to civil duty leave as soon as possible. The college may require communication and/or verification of civil duty.

3.3 DOMESTIC VIOLENCE LEAVE

See BBCC Administrative Process 3004, Domestic Violence Leave.

3.4 FAMILY CARE EMERGENCY

A family care emergency is a circumstance which causes an employee's inability to report for or continue scheduled work because of a serious situation or occurrence that happens unexpectedly and demands immediate action related to the employee's responsibility to provide care for the employee's family member. Family care emergencies are defined as:

1. Minor/dependent child care emergencies such as the unexpected absence of the regular care provider, unexpected closure of a child's school, or the unexpected need to pick up a child at school earlier than normal.
2. Elder care emergencies such as the unexpected absence of a regular care provider, or the unexpected closure of an assisted living facility.

For the purpose of family care emergency leave, "family member" includes: spouse, registered domestic partner, parent, grandparent, minor/dependent child of the employee or the employee's spouse/registered domestic partner.

No advance approval is required for an employee to take time off for a family care emergency. However, the employee must notify the supervisor at the beginning of the absence. The employee may charge their absence to any accrued paid leave or unpaid leave.

The employee may be required to provide verification of the need to take leave and that the situation was such that advance notice was not possible.

3.5 FAMILY CARE LEAVE

In accordance with Washington State Family Care Act, WAC 296-130 employees may use sick leave, vacation, and/or all or part of a personal holiday, to care for a child of the employee with a health condition, or a spouse, registered domestic partner as defined in RCW 26.60.020 and 26.60.030, parent, parent-in-law, or grandparent who has a serious health condition.

Use of such leave must be in accordance with the request and approval process as outlined in the procedure.

3.6 FAMILY MEDICAL LEAVE

Please refer to BBCC Administrative Process 3005, Family & Medical Leave.

3.7 HOLIDAYS

Exempt employees are entitled to eleven (11) paid holidays as designated by the college as per RCW 1.16.050. One of the paid holidays is a personal holiday and will be scheduled at the convenience of the employing department. Personal holidays may only be taken in full day (8-hour) increments, unless otherwise provided for in this procedure.

3.9 INCLEMENT WEATHER AND SUSPENDED OPERATIONS

Please refer to BBCC Board Policy 4130, Suspended Operation Policy and BBCC Administrative Process 4130, Suspended Operation Policy.

3.10 LEAVE WITHOUT PAY

Unless provided by state or federal law, employees should utilize earned leave before requesting leave without pay.

Leave without pay for a period of no more than one year may be granted upon review by the Human Resources Office and approval of the appointing authority.

3.11 MILITARY LEAVE

Employees will be entitled to military leave with pay not to exceed twenty-one (21) working days during each year, beginning October 1 and ending the following September 30, in order to report for required military duty when called or to take part in training or drills including those in the National Guard or state active status.

Such leave will be in addition to any vacation and sick leave to which an employee is entitled and will not result in any reduction of benefits, performance ratings, privileges or pay.

During military leave, the employee will receive the normal base pay. Employees required to report during working hours for a physical examination to determine physical fitness for military service will receive full pay for the time required to complete the examination.

In addition to twenty-one (21) working days of paid leave granted to employees for active duty or active training, employees must be granted a military leave of absence without pay for service in the uniformed services of the United States or the state, and to reinstatement as provided in RCW 73.16.

3.12 MILITARY FAMILY LEAVE

Pursuant to RCW 49.77, during a period of military conflict, an employee who is the spouse or registered domestic partner of a member of the armed forces of the United States, national guard, or reserves who has been notified of an impending call or order to active duty or has been deployed is entitled to a total of fifteen (15) days of unpaid leave per deployment after the military spouse or registered domestic partner has been notified of an impending call or order to active duty and before deployment or when the military spouse or registered domestic partner is on leave from deployment.

The employee must provide the college notice, within five (5) working days of receiving official notice of an impending call or order to active duty or a leave from deployment, of the employee's intention to take leave under this section.

3.13 MISCELLANEOUS PAID LEAVE

Leave with pay will be granted for the following reasons:

1. To allow an employee to receive assessment from the employee assistance program (EAP).
2. To take an examination or participate in an interview for a position with the college or other Washington State agency or institution during scheduled work hours.
3. When an employee is required to appear during working hours for a physical examination to determine physical fitness for military service.

The employee may be required to provide verification of the examination or interview. No more than four (4) hours of leave of absence with pay per fiscal year for travel and interviews will be approved.

Leave with pay may be granted for the following reasons:

1. To perform unpaid civil duties as a volunteer including but not limited to fire fighting and search and rescue efforts. "Civil duty" is defined as unpaid service provided as a moral obligation of an ordinary citizen to aid with the protection of life or property by performing functions for which the employee has received training.
2. To donate blood.
3. In compliance with Executive Order No. 02-01, employees will receive leave of absence with pay, not to exceed five (5) working days in a two (2) year period for participating in life-giving procedures. "Life-giving procedure" is defined as a medically-supervised procedure involving the testing, sampling, or donation of blood, platelets, organs, fluids, tissues, and other human body components for the purposes of donation, without compensation, to a person or organization for medically necessary treatments. Employees will provide reasonable advance notice and written proof from an accredited medical institution, physician, or other medical professional that the employee participated in a life-giving procedure.

Employees shall submit requests for leave with pay in accordance with this procedure as soon as possible to their supervisor.

Additional time off must be charged to applicable paid leave or leave without pay if no applicable leave is available. Requests for miscellaneous paid leaves may be denied based upon operational necessity.

3.14 PARENTAL LEAVE

During any period of parental leave not covered by Family Medical Leave, parental leave will be granted to an exempt employee because of the birth of a child of the employee and in order to provide care, or because of the placement of a child with the employee for adoption or foster care.

Parental leave will not total more than six months, and will run concurrently with the leave granted under the federal Family and Medical Leave Act (FMLA) or the Washington Family Leave Act (WFLA), and any pregnancy disability leave following the birth or placement of a child.

Requests for parental leave that exceed the provisions of the FMLA may be denied on the basis of operational necessity.

Parental leave must be taken during the first year following the child's birth or placement of the child with the employee for adoption or foster care.

Only employees who have worked for the state for at least 12 months and for at least 1250 hours during the previous 12-month period qualify for parental leave.

The employee will submit a written request for parental leave to their supervisor and must receive the approval prior to taking parental leave. The employee will provide not less than thirty (30) days' notice, except that if the child's birth or placement requires leave to begin in less than thirty (30) days, the employee will provide notice as is practicable.

Parental leave may be a combination of the employee's accrued vacation leave, sick leave for pregnancy disability or other qualifying events, personal holiday, or leave without pay.

3.15 SHARED LEAVE

Refer to BBCC Board Policy 3001, Leave Sharing Rules and BBCC Administrative Process 3001, Leave Sharing Rules.

3.16 SICK LEAVE

Exempt employees will earn eight (8) hours of sick leave per month up to a maximum of ninety-six (96) hours per year. Part-time employees earn sick leave on the same pro-rata basis that their appointment bears to a full-time appointment. Employees are not entitled to use sick leave in advance of its accrual.

Full-time and part-time employees with more than ten (10) working days of leave without pay in a month do not earn a monthly accrual of sick leave. For purposes of this procedure, a "working day" is defined as eight (8) hours (pro-rated for part-time employees).

Use of sick leave is subject to the supervisor's approval. Sick leave may be used for the following:

1. Because of and during illness, disability, or injury which has incapacitated the employee from performing required duties, including conditions associated with childbearing.
2. By reason of attendance on duty would jeopardize the health of fellow employees or the public.
3. To care for a minor/dependent child or an older child who is incapable of self-care, if the child has a health condition that requires treatment or supervision. This includes any medical condition requiring treatment or medication that the child cannot self-administer; any medical or mental health condition which would endanger the child's safety or recovery without the presence of a parent or guardian; or any condition warranting treatment or preventative health care such as physical, dental, optical, or immunization services, when a parent must be present to authorize and when sick leave may otherwise be used for the employee's preventive health care.
4. To care for the employee's spouse, registered domestic partner, parent, or grandparent, or the parent of the employee's spouse or registered domestic partner, in the event of a serious health condition or an emergency condition. A "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves any period of incapacity or treatment connected with inpatient care (i.e. an overnight stay) in a hospital, hospice, or residential medical care facility, and any period of incapacity or

subsequent treatment or recovery in connection with such inpatient care; or that involves continuing treatment by or under the supervision of a health care provider or a provider of health care services and which includes any period of incapacity (i.e. inability to work, attend school or perform other regular daily activities). An "emergency condition" means a health condition that is a sudden, generally unexpected occurrence or set of circumstances related to one's health demanding immediate action, and is typically very short term in nature.

5. For the purpose of medical, dental, or optical appointments, if arranged in advance with the supervisor.
6. For the purpose of bereavement in addition to leave provided by this procedure.
7. For domestic violence leave.
8. For military family leave.
9. When an employee is unable to report to work due to inclement weather in accordance with BBCC Board Policy 4130, Suspended Operation Policy and BBCC Administrative Process 4130, Suspended Operation Policy.
10. To donate as shared leave in accordance with BBCC Board Policy 3001, Leave Sharing Rules and BBCC Administrative Process 3001, Leave Sharing Rules.

The college may require a written medical certificate for any sick leave absence. The medical certificate should state the nature of the illness, duration of the illness, and the treatment.

An employee returning to work after any sick leave absence may be required to provide written certification from his or her health care provider that the employee is able to return to work and perform the essential functions of the job with or without reasonable accommodations.

Leave forms must be completed and approved in advance when an employee wishes to take time off for pre-arranged absences such as medical or dental appointments.

Employees must report illness or injury to their immediate supervisor at the beginning of any period of sick leave and daily thereafter unless prearranged. If the employee cannot contact their supervisor, they should call the Human Resources Office to report the absence. Upon returning to work, the employee must complete a leave form and submit to his/her supervisor for signature. The form must be submitted to the Human Resources Office within two (2) days of the return to work. The employee may be required to submit a physician's statement or medical certification explaining the nature of the absence.

In the event an employee is injured or becomes ill while on vacation leave, the employee may submit a written request to the Human Resources Office to use sick leave and have the equivalent amount of vacation leave restored. Written verification of the illness or injury may be required in order to determine the validity of the request.

An employee may receive compensation for unused sick leave in accordance with AP 4602, Unused Sick Leave Compensation.

Former state employees who are re-employed within five (5) years of leaving state service will be granted all unused sick leave credits they had at separation.

For employees paid in full from grant funds, the following applies:

1. Sick leave earned within the terms of the contract shall be "front-loaded" at the start of each contract period. Unused sick leave will be carried-over from one contract period to the next.
2. Unused sick leave shall not be paid-out upon separation from service. Unused sick leave may transfer to another state agency as provided by state law. Grant employees who retire may receive compensation for unused sick leave in accordance with BBCC Board Policy 4602, Unused Sick Leave Compensation and BBCC Administrative Process 4602, Unused Sick Leave Compensation, provided the grant includes funds for the payoff amount.

3.17 UNPAID HOLIDAYS FOR REASONS OF FAITH OR CONSCIENCE

In accordance with WAC 82-56-010, admin/exempt employees are entitled to two (2) unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization.

The employee may select the days on which he or she desires to take the two (2) unpaid holidays after consultation with his or her supervisor. If an employee prefers to take the two (2) unpaid holidays on specific days, then the employee will be allowed to take the unpaid holidays on the days he or she has selected unless the absence would unduly disrupt operations, impose an undue hardship, or the employee is necessary to maintain public safety.

A written request to take the unpaid holiday(s) should be submitted as outlined in this procedure. The request shall not be deemed approved unless it has been authorized in writing by the employee's supervisor.

The supervisor shall evaluate requests by considering the desires of the employee, scheduled work, anticipated peak workloads, response to unexpected emergencies, the availability, if any, of a qualified substitute, and consideration of the meaning of "undue hardship" as defined by the Office of Financial Management.

The two (2) unpaid holidays must be taken during a calendar year, if at all, and must be taken in full-day increments. The unpaid holidays do not carry over from one year to the next.

3.18 VACATION

Twelve (12) month contracted exempt employees will earn sixteen (16) hours of vacation leave for each full month of service, to be accrued after the last day of each calendar month. Exempt employees contracted for less than twelve (12) months earn vacation on a pro-rata basis.

When a new exempt employee is hired, all vacation accruals for the term of the first contract period shall be "front-loaded" at the beginning of the contract period.

Exempt employees are expected to utilize their vacation allowance. Each exempt employee shall be entitled under his/her contract of employment to accrue unused vacation leave not to exceed two hundred forty (240) hours except in the following circumstances:

1. An employee may accumulate vacation leave days in excess of the 240-hour maximum provided the employee uses the excess balance prior to September 1 or each year. Any leave in excess of the maximum that is not deferred in advance of its accrual as described above, will be forfeit.
2. Unused vacation leave earned within the current contract year (in addition to the 240-hour maximum previously accumulated) which is not used by September 1, may be deferred to the end of the fiscal year (June 30) only if advance written authorization from the president is received by August 1. A copy of the president's authorization must be sent to the Human Resources Office for documentation purposes.
 - a. Unused vacation leave (in excess of the 240-hour maximum) that has been previously deferred will be forfeit if not used by June 30.

An employee who has completed six continuous months of employment, who resigns, retires, is laid-off, or is terminated by the college, will be entitled to be paid for unused vacation leave. In addition, the estate of a deceased employee will be entitled to payment for unused vacation leave.

For employees paid in full from grant funds, the following applies:

1. Vacation earned within the terms of the contract shall be "front-loaded" at the start of each contract period with the following restrictions:
 - a. Identification by the supervisor of days when vacation leave cannot be used.
 - b. Carry-over of any vacation leave will not be allowed from one contract period to the next.
2. Any payoff for vacation will be made only when the grant includes funds for these payoff amounts.

