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Jimmy H. Baker
CHANCELLOR

MEMORANDUM #2024-EXE-037

Date: August 15, 2024

To: Presidents, Alabama Community College System

From: Jimmy H. Baker
Chancellor

A handwritten signature in black ink, appearing to read "Jimmy H. Baker". The signature is written in a cursive, flowing style.

Re: Revised Policy 610.01 – Leaves with Pay

At its meeting on August 14, 2024, the Board of Trustees of the Alabama Community College System adopted the Revised Policy 610.01 – Leaves with Pay. Attached for your records are the approved action item and the revised policy.

JHB/mw

Attachments

ALABAMA COMMUNITY COLLEGE SYSTEM

RECOMMENDATION FOR ACTION

August 14, 2024
Date of Board Meeting Action

Action Item Number VIII.A.1
Chief Financial Officer
Source

ACTION ITEM TITLE

ALABAMA COMMUNITY COLLEGE SYSTEM
Recommendation Regarding Adoption of Revised Policy 610.01: Leaves with Pay as shown.

RECOMMENDATION

It is recommended "That the Alabama Community College System Board of Trustees adopt the revised Policy 610.01: Leaves with Pay. It is further recommended that the policy take effect immediately."




FISCAL CONSIDERATION

None

RATIONALE

The purpose of the proposed revision is to clarify Section 2.8 of Policy 610.01 regarding the impact of a one-day separation of a current employee transitioning to a contracted position. The one-day separation will not result in an annual leave payout or loss of accrual rate.

Code/Statute
Policy 610.01


Chief Financial Officer 8/14/24
Date

Legal Counsel 8/14/24
Date

Chancellor 8/14/24
Date

Action by Board:
8-14-24 Tabled
Approved
Disapproved
Amended (describe)
Additional Action Required

POLICY NAME:	610.01: Leaves with Pay
EFFECTIVE:	September 1, 2024
SUPERSEDES:	Policy 610.01 issued May 8, 2024
SOURCE:	<i>Code of Alabama 16-1-18.1; 16-8-26, Act 97-444</i>
CROSS REFERENCE:	

1. General Rules.

- 1.1 Requests for leave are to be made via the established procedures at the college or entity. Each college or entity is directed to establish local policies and procedures for requests, approvals, and use of leave including maintenance of appropriate records.
- 1.2 The immediate supervisors are responsible for assuring that leave approvals in their areas of responsibility are reported timely and accurately.
- 1.3 All employees engaged in outside employment or other activities during their normal work hours must use accrued compensatory time or request personal, annual, or unpaid leave.
- 1.4 In the event of an emergency where the employee is unable to complete the college's standard procedures for requesting leave, the employee must immediately contact the immediate supervisor or the appropriate supervisory chain of command to request that his/her leave be used. During periods of incapacitation, a designee, to include an immediate family member or a person having unusually strong personal ties to the employee, may request leave on the employee's behalf.
- 1.5 Employees who are in an approved leave status with pay are eligible to continue to receive benefits and leave accruals.
- 1.6 Any accrued leave, excluding compensatory time, must be used concurrently with FMLA leave. All accrued leave, excluding compensatory time, must be exhausted before an employee is entitled to unpaid FMLA leave.
- 1.7 A leave year for earning, accrual, and use of leave by employees is September 1 through August 31. Leave accrual rate changes will only take effect with the beginning of the new leave year, September 1.

2. Annual Leave

- 2.1 Earned annual leave may be taken at appropriate times as approved in advance by the appropriate supervisory chain of command. Annual leave shall be requested and approved prior to its occurrence. Annual leave may be denied if it is not timely requested or hampers the routine operations of the college.

2.2 Employees eligible to accrue annual leave are those compensated from Salary Schedules A, B, C, E, and H (prorated). Employees compensated from Salary Schedule H shall receive annual leave under the same terms and conditions as other eligible employees, except a "day" of annual leave shall be as follows: four (4) hours for employees compensated from Schedule H-20, five (5) hours for employees compensated from Schedule H-25, six (6) hours for employees compensated from Schedule H-30, and seven (7) hours for employees compensated from Schedule H-35.

2.3 Annual Leave is earned based on years of service at the current employing entity:

0-4	1.00 day per month, equivalent to 8 hours
5-9	1.25 days per month, equivalent to 10 hours
10-14	1.50 days per month, equivalent to 12 hours
15-19	1.75 days per month, equivalent to 14 hours
20-above	2.00 days per month, equivalent to 16 hours

A "year of service" shall be a completed year of service at the current employing entity, not based on experience or service at other employers.

- 2.4. All new hires at an ACCS entity will begin accrual of annual leave under this policy at 0 years of service, with one exception: A President, upon request of a new employee within the first 90 days of employment, may award additional years of service for annual leave accrual purposes to an employee who has been hired directly from one ACCS college or the ACCS system office to an ACCS college with no time lapse between dates of employment. The years of service awarded by the President under this exception cannot be more than the number of years that the employee was employed at the ACCS system office or prior ACCS institution. This policy is not applicable to employee hires from any other location or entity. The President is not required to award any additional years of service under this policy.
- 2.5. In order to move to the next year of service for annual leave accrual purposes, an employee must have worked at least nine months of the leave accrual year. As an example, if a new employee is hired on January 2, then that employee will not have worked 9 months by September 1 of the same year (when the annual leave rate changes occur) and will be required to wait until the following year to move to the next year of service).
- 2.6 Employees must be in paid status for a minimum of one-half of the workdays in the month of employment to accrue a day of annual leave (except those under FMLA leave).
- 2.7 A maximum of 60 days of annual leave may be accrued and carried forward into each September. Annual leave may exceed 60 days during a year; however, annual leave exceeding 60 days earned but not taken by September 1 is forfeited.

- 2.8 Except as stated herein, any employee who leaves employment of an ACCS system college or entity will be paid for the actual number of annual leave days earned and not used up to a maximum of sixty (60) days. Payment of annual leave will be based on the employee's salary in effect at the time of separation. The one-day separation of a current employee transitioning to a contracted position shall not result in an annual leave payout or loss of accrual rate.
- 2.9 If an employee who is eligible to accrue annual leave assumes a regular (non-temporary) assignment on the D or local salary schedules where annual leave is not earned or accrued, payment for the unused portion of the accrued annual leave will be made at the conclusion of the eligible assignment and will be based on the eligible salary schedule upon request of the employee.
- 2.10. Annual leave is not provided for Salary Schedule D or L personnel.

3. Sick Leave

- 3.1. Accumulation of sick leave will be governed by [*Section 16-1-18.1, Code of Alabama of 1975*](#), as amended. An employee may accumulate an unlimited number of sick leave days in accordance with Alabama [*Code 16-1-18.1*](#).
- 3.2. Sick Leave Definition. Sick leave is defined as the absence from regular duty by an employee for one of the following reasons: personal illness; pregnancy, maternity leave, or doctor's quarantine; medical examinations and appointments; personal injury which incapacitates the employee; to provide care for an ill member of the immediate family (husband, wife, father, mother, son, daughter, brother, sister) of the employee or for an individual with a close personal tie to the employee; death of a member of the family of the employee (husband, wife, father, mother, son, daughter, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, nephew, niece, granddaughter, grandson, grandfather, grandmother, aunt, uncle); or illness, injury, or death of an individual not legally related to but having unusually strong personal ties with the employee. For purposes of application of this policy, an individual with a close or unusually strong personal tie is limited to the following: a person standing *in loco parentis*; where unusually strong personal ties exist due to an employee's having been supported or educated by a person; father-in-law; mother-in-law; son-in-law; daughter-in-law; brother-in-law; sister-in-law; nephew; niece; granddaughter; grandson; grandfather; grandmother; aunt; uncle.
- 3.3. Accrual of Sick Leave.
 - 3.3.1. Each full-time employee employed on Salary Schedules A, B, C, and E, shall earn one day of sick leave which is the equivalent of 8 hours per month of employment. They will be required to request 40 hours of sick leave for absences totaling an entire work week.
 - 3.3.2. Each full-time employee employed on Salary Schedule H shall earn one day of sick leave per month of employment with a "day" defined as 4 hours for persons on H-20, 5 hours for persons on H-25, 6 hours for persons on H-30, and 7 hours for persons on H-35. Employees on H will be required to request the amount of

sick leave equal to the normal amount of hours worked each week for absences totaling an entire work week.

- 3.3.3. Each full-time employee employed on Salary Schedule D shall earn one day of sick leave which is equivalent to 7 hours per month of employment to a maximum of nine days or 63 hours during the academic year (fall and spring semesters) and up to a maximum of three days or 21 hours during the summer term. For any full-time Schedule D employee working less than full-time (35 hours per week) during any semester or term, sick leave earned will be pro-rated. See ACCS Fiscal Procedure Manual. Employees on D will be required to request 35 hours of sick leave for absences totaling an entire work week.
- 3.4. Any unused balance of sick leave accumulated at the end of the leave year will be carried forward to the next succeeding year.
- 3.5. Employees must be in paid status for one-half of the workdays in the month of employment to accrue a day of sick leave (except those on FMLA leave).
- 3.6. Sick leave may be utilized during the employment period. However, sick leave may not be utilized to extend the employment period.
- 3.7. The employee's immediate supervisor may request that an employee provide a medical certification by a licensed healthcare provider at the expense of the employee. After three (3) consecutive absences due to illness or after five (5) occurrences due to illness, within a thirty (30) calendar-day period, the president or designee may require that an employee furnish a medical certificate by a licensed healthcare provider. This is to be done at the expense of the employee. Consistent with this provision, colleges will implement local policies and procedures for requiring these medical certifications. When medical certification is required, requests for sick leave may be denied if the medical certification is not provided.
- 3.8. Sick leave will not be paid upon separation of employment.
- 3.9. For purposes of applying accrued sick leave as credit for retirement purposes, an employee is limited to the amount allowed by law and the Teachers Retirement System.
- 3.10. Transfer of Sick Leave: Sick leave earned while employed by an Alabama public school system, higher education public institutions in Alabama, or the Alabama Community College System may be transferred into an ACCS college in accordance with [*Alabama Code Section 16-1-18.1*](#).

Earned sick leave days which have been accrued by an employee are transferrable between the following: all public city and county school systems; the Board of Trustees of the Alabama Institute for the Deaf and Blind; the Alabama Youth Services Department District Board in its capacity as the Board of Education for the Youth Services Department District; the Board of Directors of the Alabama School of Fine Arts; the Board of Trustees of the Alabama High School of Mathematics and Science; the Alabama State Senate; the Lieutenant Governor; the Office of the Senate President Pro Tempore; The Speaker of the House of Representatives; the Alabama House of Representatives; the Legislative Reference Service; any organization participating in the Teachers' Retirement System (excluding state governmental departments not expressly listed); The Board of Trustees for ACCS; and all public four-year institutions of higher education.

The President may permit sick leave transfers from other Alabama State government departments not listed above who participate in the Retirement System of Alabama at his or her discretion, however the factors taken into consideration in exercising such discretion must be consistently applied.

3.11. Sick Leave Bank

3.11.1. A President shall establish, upon the request of 10 percent of its full-time certificated and full-time support personnel, a sick leave bank plan.

3.11.2 Any sick leave bank shall be operated, managed, and governed by a Sick Leave Bank Committee pursuant to [Alabama Code § 16-22-9](#) and any accompanying procedures in place by the Chancellor.

3.11.3 The Alabama Community College System Board of Trustees designates its one representative on any Sick Leave Bank Committee as the President or the President's designee.

3.11.4 The purpose of the Sick Leave Bank shall be to provide a loan of sick leave days for its participating members or catastrophic leave after a member's accrued and compensatory leave has been exhausted, if warranted as determined by a Sick Leave Bank Committee.

A. Formation

1. A President shall establish, upon the request of 10 percent of its full-time certificated and full-time support personnel, a sick leave bank plan for each of the two groups either jointly or separately. The decision whether to have a joint or separate sick leave bank shall be the exclusive decision of the employees, utilizing a secret balloting process. See [Alabama Code 16-22-9\(b\)](#).
2. A Sick Leave Bank Committee, if formed, will be comprised of five persons, one will be the President or President's designee, and four employees will represent the participating members of the sick leave bank. See [Alabama Code 16-22-9\(a\)\(5\)](#).

B. Election of Sick Leave Bank Committee

1. The President shall be responsible for conducting elections in a fair and equitable manner, ensuring the confidentiality of the secret balloting process. See [Alabama Code 16-22-9\(c\)](#).
2. At the beginning of each scholastic year, an election shall be held among the sick leave bank members to determine by secret ballot the four members who are to serve on the sick leave bank committee. See [Alabama Code 16-22-9\(c\)](#). Those four members receiving the most votes shall serve on the Sick Leave Bank Committee.
3. The term of office for these four Committee members shall be one year. See [Alabama Code 16-22-9\(c\)](#). No representative on the Committee shall serve longer than five (5) consecutive years. See [Alabama Code 16-22-9\(f\)](#). If a vacancy occurs during the one-year term which needs to be filled, the remaining Committee members (inclusive of the President) shall vote on a person to fill the vacancy and whoever receives the most votes may fill the seat.
4. The President or President's designee shall be appointed as the Chair of the Committee and shall appoint one of the other Committee members to take minutes of meetings and all Committee action.
5. In the event of any election tie, the President or his designee has the authority to break the tie.
6. Committee meetings may be scheduled as determined by the Committee, or as set by the President, or by the written request of three consenting Committee members to the President.

C. Duties of the Committee

1. The Committee shall establish procedures providing for the uniform administration of the sick leave bank. [Alabama Code 16-22-9\(d\)\(f\)](#).
2. The Committee shall develop guidelines for the operation of the sick leave bank. [Alabama Code 16-22-9\(d\)\(f\)](#). The guidelines shall be approved by a secret ballot vote of the participating members of the sick leave bank. [Alabama Code 16-22-9\(f\)](#).
3. The Committee shall develop all necessary forms for the orderly operation and administration of the sick leave bank. [Alabama Code 16-22-9\(d\)\(g\)\(2\)](#).
4. The Committee shall maintain copies of its guidelines, administrative procedures, and forms and immediately provide those upon adoption to the President's Office.

5. The Committee shall ensure that accurate records of contributors eligible to participate in the bank are maintained and shall work with the institution to maintain records of all member contributions to the sick leave bank, withdrawals from the bank, and the status of the bank. Reports shall be provided on a timely basis at the request of the Committee, the President, or the Chancellor.
6. The Committee shall review all applications for loans from the sick leave bank and make appropriate decisions on request for approval of such loans. The Committee has the discretion to deny an application for a loan or approve less days than requested. Factors to be considered include, but are not limited to: need, circumstances of the illness or disability, years of service to the institution, availability of days in the bank, the ability of the applicant to repay the loan (if applicable), and prior awards obtained from the sick leave bank.

D. Guidelines of the Committee

1. The sick leave bank plan allows members to deposit an equal number of days (not to exceed five) of earned sick leave into the sick leave bank. The days deposited shall be available to be loaned to any participating member whose leave has been exhausted and who has been granted a loan by the Committee. [Alabama Code 16-22-9\(e\)](#).
2. No member employee is allowed to borrow or obtain catastrophic leave from the sick leave bank unless all accrued and compensatory leave time has been exhausted.
3. A member of the sick leave bank shall not be allowed to accumulate more days than allowed in [Alabama Code 16-1-18.1](#), including days in the sick leave bank. [Alabama Code 16-22-9\(g\)\(4\)](#).
4. Employee membership in the sick leave bank shall be voluntary. [Alabama Code 16-22-9\(g\)\(5\)](#).
5. Any alleged abuse of the bank shall be investigated by the Committee (or its designee). On a finding of wrongdoing, the abusing member shall repay all of the sick leave credits drawn from the sick leave bank and be subject to appropriate disciplinary action as determined by the institution. [Alabama Code 16-22-9\(g\)\(6\)](#).
6. Upon retirement or transfer of a member, days on deposit with the sick leave bank shall be withdrawn and transferred with the employee or made accessible for retirement credit, as allowable. [Alabama Code 16-22-9\(g\)\(7\)](#).

7. At the beginning of each leave year, or upon employment of a new employee, the appropriate number of sick leave days shall, upon application of the employee, be credited to the employee's account, in order to enable the employee to join the sick leave bank if the employee does not have the minimum number of sick leave days to enable the employee to join the sick leave bank. [*Alabama Code 16-22-9\(g\)\(9\)*](#).
8. The Committee shall have the authority to designate open enrollment periods at least annually to non-participating members. Employees who did not join the sick leave bank will have an option to join upon deposit of the prerequisite number of sick leave days during any open enrollment period established by the Committee. [*Alabama Code 16-22-9\(g\)\(9\)*](#).
9. Additional guidelines may be adopted by the Committee as deemed appropriate provided they are uniformly applied to all employees and do not conflict with these guidelines and procedures. [*Alabama Code 16-22-9\(g\)*](#).

E. Sick Leave Bank Loan Procedures

1. An employee must apply for sick leave bank loan in the form required by the Committee and is subject to all applicable procedures and guidelines adopted by ACCS and the Committee. In cases where the member has been incapacitated, a member's agent or representative designated as such in writing, may apply to the Committee on behalf of the member. In case of mental incapacity of a member, the designated agent or representative must be a person who, by law, may serve in such capacity.
2. In order to apply for a sick leave bank loan: (a) an employee must be a member of the sick leave bank and (b) an employee must have exhausted all accrued and compensatory leave available.
3. The Committee determines whether a loan request will be approved or denied and, if approved, for how many days up to a maximum of fifteen (15) days per event. Factors to be considered in making these decisions include, but are not limited to: need, circumstances of the illness or disability, years of service to the institution, availability of days donated, ability to repay the loan, and prior awarded loans.
4. No employee shall be allowed to owe more than fifteen (15) days to the sick leave bank, unless more than fifty percent (50%) of the members of the sick leave bank vote to extend the limit. [*Alabama Code 16-22-9\(g\)\(1\)*](#).
5. Sick leave days borrowed from the sick leave bank shall be repaid to the sick leave bank monthly as re-earned by the member. [*Alabama Code 16-22- 9\(g\)\(3\)*](#).
6. Upon the separation of an employee who has an outstanding loan of sick leave days, the value of the loan shall be deducted from the final paycheck at the employee's prevailing rate of pay. If portions of the loan remain outstanding after separation, the employee is responsible for paying the remaining value to the institution. [*Alabama Code 16-22-9\(g\)\(3\)*](#).

F. Catastrophic Leave Procedures

1. A catastrophic event is defined as any illness, injury, or pregnancy or medical condition related to childbirth certified by a licensed physician which causes the employee to be absent from work for an extended period of time. [Alabama Code 16-22-9\(a\)\(1\)](#).
2. Beginning January 1, 2019, no employee may be awarded more than forty-five (45) workdays of catastrophic leave during any five-year period of employment.
3. An employee must apply for catastrophic leave in the form required by the Committee and is subject to all applicable procedures and guidelines adopted by ACCS and the Committee. In order to apply for Catastrophic Leave: (a) an employee must be a member of the sick leave bank at the time the catastrophic event occurs in order to be considered for catastrophic leave, (b) an employee must have exhausted all accrued and compensatory leave available, (c) the employee must provide certified evidence by a licensed physician of an illness (defined as an unhealthy condition of the body or the mind, a sickness, or disease), or of an injury (defined as physical harm to a person), or of a medical condition related to childbirth that causes the employee to be absent from work for a period greater than fifteen (15) work days, and (d) the employee must have applied, borrowed, and used the maximum number of sick leave days loaned by the Committee.
4. The Committee determines whether a request for catastrophic leave will be approved or denied and, if approved, for how many days up to the maximum. Factors to be considered in making these decisions include, but are not limited to: need, circumstances of the illness or disability, years of service to the institution, availability of days donated, whether it is a personal event to the employee, and prior awards of loans or catastrophic leave.
5. Employees, at their discretion, may donate a specific number of days to the sick leave bank, up to a maximum of 30 days for any one employee, to be designated for a specific employee for use against a catastrophic event. [Alabama Code 16-22-9\(h\)](#).
6. Employees must be a member of the sick leave bank to donate or receive catastrophic leave.
7. A donating employee shall not be required to donate a minimum number of catastrophic days to the sick leave bank.
8. The recipient employee may use catastrophic sick leave days for himself or herself or for other covered persons as provided in [Code of Alabama 16-1-18.1](#). [Alabama Code 16-22-9\(h\)](#).
9. Catastrophic days awarded are not required to be repaid. [Alabama Code 16-22-9\(h\)](#).

10. Donated catastrophic leave days may be used to repay days loaned by the sick leave bank to the credit of the affected member. [Alabama Code 16-22-9\(g\)\(8\)](#).
11. Employees who donate sick leave days to the sick leave bank for a particular employee's catastrophic event are not to be returned to the donor unless the days are not used. [Alabama Code 16-22-9\(h\)](#).
12. If catastrophic leave is approved by the Committee, the Committee shall notify members of the applying employee's request and approval for catastrophic leave one time. The Committee has no further obligation to continue requesting donations on the applying employee's behalf. The Committee may but is not required, no more than once per month, to communicate by email to the members to advise that the employee is approved for catastrophic leave and could use further donations.
13. There is no guarantee that, if catastrophic leave requests are approved by the Committee, the sick leave bank members will donate any leave or sufficient leave to cover an employee's absence related to a catastrophic event.
14. Catastrophic leave is not available for on-the-job injuries.

4. Personal Leave

- 4.1. Personal Leave is granted for each leave year as shown below and, if not taken, will be converted to sick leave at the end of the leave year.
- 4.2. Personal leave with pay shall be requested and approved prior to its occurrence. Personal leave may be denied if it is not timely requested or hampers the routine operations of the college.
- 4.3. Personal leave will not be paid on separation from employment.
- 4.4. Personal Leave on Salary Schedules A, B, C, E, and H Granted Annually
Up to two (2) regularly scheduled workdays of personal leave with pay will be granted to each full-time employee on the above salary schedules during any leave year. Up to two days per year of personal leave is extended to all support personnel on Salary Schedule H as above, with a "day" defined as four (4) hours for persons paid from Salary Schedule H-20, five (5) hours for persons paid from Salary Schedule H-25, six (6) hours for persons paid from Salary Schedule H-30, and seven (7) hours for persons paid from Salary Schedule H-35.
- 4.5. Personal Leave on Salary Schedule D Granted Annually
Up to five (5) regularly scheduled workdays of personal leave with pay will be granted to each full-time Schedule D employee on the first day of each academic year.

- 4.6. Employees who are not employed at the beginning of the leave year will accrue personal leave on a prorated basis based on their starting date.

5. Court Attendance

- 5.1. Full-time employees and Salary Schedule H employees who are required by a court to attend jury duty will be granted special leave with pay to attend. The jury duty summons must be presented in order to be granted leave with pay.
- 5.2. Any employee who is required by court order, valid subpoena, or by legal counsel representing ACCS or any of its entities, to appear in their capacity as an employee will be expected to attend as part of their normal work duties. Documentation will be required to be presented. This section does not apply to employees who are engaged in suit or charges against ACCS or any of its entities to include hearings, trials, depositions, meetings with lawyers, mediations, EEOC hearings, ethics commission interviews, meetings, or hearings, etc., as such is deemed a personal matter for which appropriate accrued leave must be taken.
- 5.3. Any employee expected to attend court for personal matters or matters unrelated to their employment within ACCS (except jury duty) will not receive paid leave and must request and utilize other forms of accrued leave if applicable. If the employee does not have leave, leave without pay must be requested and approved prior to occurrence.
- 5.4. Any employee receiving leave under this court attendance policy who has been released is required to return to work immediately once the event has concluded.

6. Institutional Support Leave

- 6.1. Institutional support leave with pay may be approved by the President for any full-time employee based on the availability of funds and if the absence will not hamper the normal routine operations of the college. Institutional support leave is related to the employee's expertise and/or position of employment. Institutional support leave directly benefits the college and the employee's participation is requested by the college.
- 6.2. Examples of institutional support leave include but are not limited to business and industry partnerships with the college, grant-specified training, community partnerships through the college, accreditation activities related to employee's college, etc.
- 6.3. Any activity requiring more than five (5) regularly scheduled workdays of institutional support leave during the leave year will require the Chancellor's written approval.
- 6.4. Approved activities sponsored by ACCS or the employee's college are part of the employee's regularly assigned duties and are not a type of leave.

7. Professional Development Leave

- 7.1. Professional Development leave with pay may be granted to any full-time employee when approved by the President based on the availability of funds, the absence will not hamper the normal routine operations of the college, and the event is directly tied to the employee's current or anticipated job duties.
- 7.2. A maximum of ten workdays per leave year may be approved locally, but more than 10 days shall only be granted upon written approval of the Chancellor.
- 7.3. Professional Development leave is typically a direct personal benefit to the employee. Examples include but are not limited to leadership programs, training and workshops, local, state, and national board positions or assignments, accreditation activities unrelated to the employee's college.
- 7.4. If an employee who was granted professional development leave separates from the college within one year of the professional development event, the employee is required to reimburse the college for any funds expended on behalf of the employee. The College may deduct these amounts from an employee's paycheck. The President may elect not to require reimbursement due to special circumstances, such as separations due to medical reasons or layoffs.
- 7.5. Approved activities sponsored by ACCS or the employee's college are part of the employee's regularly assigned duties and are not a type of leave.

8. Military Leave

- 8.1. All full-time and Schedule H employees (as prorated) are eligible for paid military leave in accordance with applicable state and federal law per calendar year. During the period of paid military leave, the respective employee shall continue to accrue all employment benefits, including sick and annual or personal leave, as well as paid medical insurance benefits. Once available paid military leave is exhausted, the employee may take available annual or personal leave and continue to receive all employment benefits.
- 8.2. ACCS community and technical colleges and entities shall comply with the military leave provision of [*Alabama Code § 31-2-13.6*](#).
- 8.3. Once the employee has exhausted all available paid leave, the employee may be considered on military leave of absence without pay. Employees on unpaid leave of absence under this section do not accrue benefits but may choose to continue health insurance coverage by paying the designated premiums.
- 8.4. On receipt of military orders, the employee will submit a leave request with a copy of the military orders to the college.

9. Compensatory Time and Leave.

- A. **EXEMPT FT EMPLOYEES:** Each President has authority on a local level to award compensatory time to exempt full-time employees when that employee physically works over 45 hours in one week if the President chooses to do so. Physical work hours do not include hours awarded for paid leave. If permitted by the President, exempt full-time employees may be awarded straight compensatory time, meaning for every one hour physically worked over 45 hours, the employee may receive one hour in compensatory time. The supervisor of the exempt full-time employee must keep track of all compensatory time earned and the exempt employee must use the time with supervisor approval within sixty days of it being accrued, else it is forfeited. Compensatory time is not paid for exempt employees at the time of separation at the College. When exempt full-time employees do not work 40 hours each week, they are required to take compensatory time or appropriate accrued leave to make up for their failure to work 40 hours. Full-time exempt employees are required to work during the institution's regular business hours unless the employee has express permission from the supervisor to work outside regular business hours.
- B. **NON-EXEMPT FT EMPLOYEES:** Non-exempt full-time employees are not permitted to work over 40 hours in one week, unless expressly required and approved by a supervisor. Non-exempt full-time employees who work over 40 hours without the express requirement and approval of their supervisor will be disciplined. Non-exempt full-time employees are entitled to overtime pay unless compensatory time is awarded instead when they physically work over 40 hours in one week (physical work hours do not include any paid leave time). It is the policy of ACCS that all institutions and entities shall award compensatory time rather than overtime to non-exempt full-time employees physically working over 40 hours in one week. Supervisors and non-exempt employees have a duty to work together to ensure that the employee does not work over 40 hours each week, absent emergency. In emergency situations where it is necessary for non-exempt employees to work over 40 hours in one week (and this has been required and approved by the supervisor), non-exempt employees must be given one and one-half hour for every hour physically worked over 40 in compensatory time, meaning if the employee works 44 hours in one week, then the employee receives 6 hours (4×1.5) in compensatory time. The supervisor of the non-exempt full-time employee must keep track of compensatory time and the non-exempt employee must use the time with supervisor approval within a reasonable period of it being accrued (recommend within the next month). Supervisors are responsible for ensuring that compensatory time is being taken by non-exempt full-time employees so that overtime is not required to be paid. Non-exempt full-time employees may not accrue more than 80 hours of compensatory time, and any time over and above 80 hours in compensatory time will be required to be paid as overtime. Compensatory time for full-time non-exempt employees will be converted to overtime and paid at the time of separation at the College.