



UNIVERSITY OF GUAM
UNIBETSEDAT GUAHAN
BOARD OF REGENTS

RESOLUTION NO. 16-28

RELATIVE TO AMENDING THE SICK LEAVE POLICY FOR NON-TENURE TRACK
FULL-TIME FACULTY EMPLOYEES WHOSE APPOINTMENTS
ARE FOR LESS THAN ONE ACADEMIC YEAR

WHEREAS, the University of Guam (UOG) is the primary U.S. Land Grant institution accredited by the WASC Senior College and University Commission (WSCUC) serving the post-secondary needs of the people of Guam and the region; and

WHEREAS, the governance and well-being of UOG is vested in the Board of Regents (BOR); and

WHEREAS, Article IV.D.3 of the UOG Rules, Regulations, and Procedures Manual regarding Sick Leave policy for faculty prohibits non-tenure track full-time employees whose appointments are for less than one academic year from earning sick leave with pay, unless authorized by the appropriate administrator; and

WHEREAS, the academic administrators have proposed to extend sick leave with pay to non-tenure track full-time faculty whose appointments are for less than one academic year; and

WHEREAS, the Administrative Council and the UOG Faculty Union have been consulted and have endorsed the proposed amendment; and

WHEREAS, the administration, together with the Academic, Personnel and Tenure Committee and the Budget Finance Investments and Audit Committee, jointly recommend to the BOR for approval the amendment of the sick leave policy.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Regents hereby authorizes the Sick Leave policy to be amended to read "Non-tenure track full-time faculty employee whose appointments are for less than one academic year shall accrue sick leave with pay at the rate of four hours each bi-weekly pay period in which they are on pay status."

Adopted this of 22nd day of September 2016.

Antoinette D. Sanford, Chairperson

ATTESTED:

Dr. Robert A. Underwood, Executive Secretary

6/2008

**UNIVERSITY OF GUAM
POLICIES AND REGULATIONS CHANGE REQUEST FORM**

1. Subject: Sick leave for full-time short term faculty employees
2. Purpose: To revise the RRPM Article IV, D. 3 Sick leave
3. **Attach Complete Statement** of Policy or Regulation (photocopy) and New /Amended Policy (complete), specifying exactly what the changed wording and where it should be inserted in the policy document.
4. Requested Effective Date: Fall 2016
5. Publication Document (Reference section and/or page number):

_____ Undergraduate Catalog page _____
 Year _____

Year _____ Graduate Bulletin Page _____
2001 RRPM Article IV. D. 3. Sick leave ✓
 Rules, Regulations and Procedures Manual (section and page)
 _____ Organization/Governance (Article II)
 _____ Administrative/Operational Policies (Articles IV/ VII)
 _____ Faculty Policies (Article V)
 _____ Common Policies (Article VI)
 _____ Student Policies (Article III)

UNIT	SIGNATURE (use BLUE pen please)	DATE
Originating Organizational Unit	<u>CLASS Dean DeLlano</u>	<u>5-4-16</u>
Appropriate Administrator	<u>NA</u>	_____
Appropriate Governing Council(s)	<u>NA</u>	_____
Administrative Council	<u>Sony P. Perez</u>	<u>5/4/16</u>

APPROVED/DISAPPROVED:

SENIOR VICE PRESIDENT, Academic and Student Affairs	<u>5/9/16</u> DATE	_____ PRESIDENT	_____ DATE
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 CHAIR, BOARD OF REGENTS (WHEN APPLICABLE) DATE

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Approved by the Board of Regents February 17, 2000

- a. Sabbatical Leave - It is the policy of the Board of Regents to restrict the number of employees on sabbatical leave if to do otherwise would adversely affect university programs, administrative units, the instructional needs of students, or the financial condition of the University.
- b. Leave Under The Family and Medical Leave Act - An employee of the University of Guam is eligible for a Family and Medical Leave Act (FMLA) leave. The provisions of the policy are intended to comply with the Family and Medical Leave Act of 1993, and any terms used from the FMLA will be as defined in the Act. To the extent that the University's regulations are ambiguous or contradict the Act or U.S. Department of Labor regulations, the language of the Act or regulations will prevail.

D. TYPES OF LEAVE

1. Annual Leave With Pay

- a. All unclassified calendar year employees who are entitled to earn annual leave with pay under the University's Policies shall accrue 26 days of paid annual leave per year irrespective of the number of years of continuous service in their respective positions at the University of Guam.
- b. No annual leave in excess of 480 hours may be carried forward from one fiscal year to the next. Provided, however, that up to 100 hours beyond the 480 shall be automatically credited to the employee's sick leave balance.
- c. The President of the University of Guam shall be exempt from the policies regarding Annual Leave with Pay, thus, providing the Board of Regents flexibility in the awarded amount and the disposition of accrued Annual Leave with Pay benefits that can be offered to the President.
- d. Requests for annual leave shall be submitted on the prescribed form and approved at least 48 hours in advance of the requested leave.
- e. It shall be the policy of the University to permit the taking of annual leave to avoid loss or forfeiture of leave. However, leave may be denied when the services of the employee are required.
- f. Payment of lump sum salary for unused accrued annual leave shall be authorized for either of the following reasons:
 - (1) When an employee is separated from the University or when a nine-month employee who had become a twelve-month employee reverts to nine-month status; and in lieu of being granted annual leave earned, he or she shall be given a lump sum payment for any accrued and unused annual leave as of the date of separation. In computing such lump sum payment, "leave on leave" shall not be allowed.
 - (2) At the request of an employee who has been authorized annual leave, a lump sum advance payment may be made for the period of leave authorized provided that the leave period shall be not less than ten consecutive days (i.e., one full pay period). If the employee returns to work status prior to the expiration of the leave period for which he or she received lump sum payment in advance, he or she shall reimburse the University for any portion of such period which shall not have expired and he or she shall be credited with leave for future use.

2. Leave Without Pay

Leave without pay for not more than one academic year for faculty members on academic year appointment and not more than one calendar year for administrators or faculty members on a calendar year appointment may be granted for valid reasons.

The period of leave taken without pay (except educational leave) shall not count for the purpose of salary increments and for the service time required toward promotion and tenure unless specifically approved in advance in writing by the Vice President for Academic Affairs. Leave without pay may not be denied for:



Approved by the Board of Regents February 17, 2000

- a. Disabled veterans, if necessary for medical treatment.
- b. Members of Reserve Components of the U.S. or Territorial Armed forces, if necessary to perform military training duties.

3. Sick Leave

Regular full-time employees shall accrue sick leave with pay at the rate of four hours each biweekly period in which they are on pay status.

Annual leave earned in excess of 480 hours up to 100 hours is also automatically credited to sick leave.

Unused sick leave may be accumulated and carried over to succeeding leave years without limitation but is not convertible to cash at any time.

Non-tenure track full-time employees whose appointments are for less than one academic year do not earn sick leave with pay, unless authorized by the appropriate administrator.

Normally sick leave taken by faculty shall not require a physician's certification. In specific cases where a supervisor believes that an employee's pattern of sick leave indicates a possible misuse of leave, the supervisor may require the faculty member to provide a physician's certification of illness. In such cases, the supervisor shall give the employee prior notice, in writing, that such certification will be subsequently required.

Falsification of an illness report shall be considered sufficient cause for disciplinary action, including dismissal.

In appropriate circumstances, sick leave with pay may be granted in advance of earning such leave. However, if an employee is separated from the University without having earned all of the sick leave allowed and taken, the University shall, in addition to any other rights which it may exercise, deduct from any money due him or her at the time of separation an amount equal to his or her salary for the period of unearned sick leave allowed and taken.

Sick leave with pay is allowed whenever:

- a. The employee is compelled to be absent from duty on account of physical or mental illness; injury; mental health examination, counseling or treatment; pregnancy; childbirth; medical, dental or optical examination or treatment; or because of quarantine due to his own or another's illness.
- b. The employee is compelled to be absent from duty to provide health care for a member of the employee's immediate family as a result of serious illness or injury and the employee has exhausted all annual leave and compensatory time available.

4. Emergency Leave

Emergency leave with pay may be authorized for the convenience of an employee in an emergency situation involving the illness or death of the employee's parent, spouse, child, brother or sister. Emergency leave shall be for not more than five (5) business days. For the purpose of this section, travel time shall not be included in the computation of off-island emergency leave. In extraordinary circumstances, emergency leave may also be granted for an emergency situation involving the illness or death of someone other than the employee's parent, spouse, child, brother or sister when approved by the appropriate administrator. University employees may extend emergency leave by choosing to use either accrued annually sick leave or leave without pay.

5. Jury Duty Leave

An employee who has been summoned for jury duty shall submit a jury duty leave request. Upon completion of jury service, the employee shall submit a signed attendance certificate from the Clerk of Court, showing the time devoted to the jury service, and he or she shall pay to the University a sum equal to the fees (excluding allowance for mileage and subsistence) allowed him or her for jury service during the pay period concerned.

Jury Duty Leave shall normally be paid but if the employee fails to submit the certificate of attendance or to pay the University the jury service fees received, the jury duty leave shall be charged as annual leave.