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PART 337

LEAVE OF ABSENCE FOR EMPLOYEES IN THE PROFESSIONAL SERVICE

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§ 337.1 Definitions.

Whenever used in this Part:

- (a) The term calendar year employee shall mean any employee having a 12-month professional obligation.
- (b) The term academic year employee shall mean any academic employee having an academic year professional obligation.
- (c) The term college year employee shall mean any professional employee, or any academic employee holding a librarian title, having an annual professional obligation of less than 12 months, except an academic employee holding a librarian title having an academic year professional obligation.

TITLE A – VACATION LEAVE:

§ 337.2 Accrual of vacation leave.

(a) Employees not in the Professional Services Negotiating Unit.

(1) Full-time calendar year and college year employees shall be eligible to accrue credits for vacation leave at the rate of one and three-quarters days a month for each month or major fraction thereof during the term of their professional obligation. Part-time calendar year and college year employees shall be eligible to accrue such credits on a pro rata basis. On January 2nd of each year, one vacation day shall be added to the accrual balance of all employees eligible to accrue vacation leave.

(2) To accrue credits for vacation leave during each month, eligible full-time employees must be in full-pay status for such month or major fraction thereof; eligible part-time employees must be in pay status consistent with their part-time service for such month or major fraction thereof.

(b) Employees in the Professional Services Negotiating Unit.

(1) Employees hired prior to July 1, 1982:

(i) Full-time calendar year and college year employees shall be eligible to accrue credits for vacation leave at the rate of one and three-quarters days a month for each month or major fraction thereof during the term of their professional obligation. On January 2nd of each year of the agreement, one vacation day shall be added to the accrual balance of all employees eligible to accrue vacation leave.

(ii) To accrue credits for vacation leave during each month, eligible full- time employees must be in full-pay status for such month, for major fraction thereof.

(2) Employees hired on or after July 1, 1982:

(i) Commencing December 1, 1982 calendar year and college year employees who serve on a full-time basis and are appointed effective on or after July 1, 1982, shall be eligible to accrue credits for vacation leave for each month or major fraction thereof during the term of their professional obligation according to the following schedule. On January 2nd of each year of the agreement, one vacation day shall be added to the accrual balance of all employees eligible to accrue vacation leave.

Years of Service

Vacation Accrual Rates in Days

0 - 1

1 1/4 days per month (15 days)

2

1 1/3 days per month (16 days)

3,4,5

1 1/2 days per month (18 days)

6

1 2/3 days per month (20 days)

7

1 3/4 days per month (21 days)

(ii) To accrue credits for vacation leave during each month, eligible full- time employees must be in full-pay status for such month, or major fraction thereof.

(iii) Part-time calendar year and college year employees shall be eligible to accrue credits for vacation leave as follows:

(a) Academic employees who teach:	Receive:
1 course	1/4 day per month
2 courses	1/2 day per month
3 courses	1 day per month
Effective July 2, 1999 professional employees who earn:	Receive:
Up to \$ 9,104	1/4 day per month

8291 - Board of Trustees Policies - Leave of Absence for Professional Service Employees (8 NYCRR Part 337)

\$ 9,105 to \$13,657	1/2 day per month
\$13,658 to \$18, 210	1 day per month
\$18,211 or higher	1 1/4 day per month

Effective January 1, 2000 professional employees who earn: Receive:

Up to \$ 9,377	1/4 day per month
\$ 9,378 to \$14,067	1/2 day per month
\$14,068 to \$18,756	1 day per month
\$18,757 or higher	1 1/4 day per month

Effective July 1, 2000 professional employees who earn: Receive:

Up to \$ 9,658	1/4 day per month
\$ 9,659 to \$14,489	1/2 day per month
\$14,490 to \$19,319	1 day per month
\$19,320 or higher	1 1/4 day per month

Effective July 1, 2001 professional employees who earn: Receive:

Up to \$ 9,996	1/4 day per month
\$ 9,997 to \$14,996	1/2 day per month
\$14,997 to \$19,995	1 day per month
\$19,996 or higher	1 1/4 day per month

Effective July 1, 2002 professional employees who earn: Receive:

Up to \$10,346	1/4 day per month
\$10,347 to \$15,521	1/2 day per month
\$15,522 to \$20,695	1 day per month
\$20,696 or higher	1 1/4 day per month

(c) To accrue credits for vacation leave during each month, eligible part- time employees must be in pay status consistent with their part-time service for such month, or major fraction thereof.

§ 337.3 Maximum accumulation.

(a) Employees not in the Professional Services Negotiating Unit. Accumulations of vacation leave credits by members--of the professional staff not in a negotiating unit established pursuant to article 14 of the Civil Service Law (managerial/confidential employees) may exceed 40 days within any calendar year; provided, however, such

accumulations shall not exceed 40 days as of the first day of any calendar year. In the case of part-time employees who accrue vacation leave credits on a pro rata basis, the maximum accumulation shall also be determined on a pro rata basis. In the event of death, retirement, resignation or other nondisciplinary separation from university service, or change of the period of professional obligation from calendar year or college year to academic year, an employee shall be compensated for such accumulated and unused vacation leave credits not to exceed a maximum of 30 days, such payment to be computed on the basis of the basic annual salary otherwise payable. In the case of death while in service, such payment shall be made to the deceased employees' estate or as provided pursuant to the Estates, Powers and Trusts Law. No payment pursuant to this subdivision shall be made if the employee moves to a position in another State agency which is covered by the attendance rules for employees in the State classified service.

(b) Employees in the Professional Services Negotiating Unit. On January 1st of each calendar year, an employee's accrued vacation leave credits may not exceed 40 days. An employee's total vacation leave credits may exceed 40 days during the calendar year but the employee must use the amount over 40 days or forfeit it on the last day of the calendar year. In the event of death, retirement, resignation or other nondisciplinary separation from university service, or change of the period of professional obligation from calendar year or college year to academic year, an employee shall be compensated for such accumulated and unused vacation leave credits not to exceed a maximum of 30 days, such payment to be computed on the basis of basic annual salary otherwise payable. In the case of death while in service, such payment shall be made to the deceased employees' estate or as provided pursuant to the Estates, Powers and Trusts Law. No payment pursuant to this subdivision shall be made if the employee moves to a position in another State agency which is covered by the attendance rules for employees in the State classified service.

§ 337.4 Authorization for use.

Vacation shall be taken at such times as shall be approved by the chief administrative officer. Where the chief administrative officer, or designee, denies an employee's request for vacation, the employee, upon request, shall be given the reasons for such denial in writing.

§ 337.5 Charges.

When an employee is on vacation, the employee shall not be required to charge vacation leave for any day upon which the employee would not have been required to be available to work had the employee not been on vacation.

TITLE B – VACATION LEAVE: ACADEMIC YEAR EMPLOYEES

§ 337.6 Accrual of vacation credit.

Academic year employees shall not accrue credit for vacation leave and shall not be granted any such leave.

TITLE C – SICK LEAVE

§ 337.7 Accrual.

(a) Employees not in the Professional Services Negotiating Unit. Full-time employees shall be eligible to accrue credits for sick leave at the rate of one and three-quarters days a month for each month, or major fraction thereof, during the term of their professional obligation. Part-time employees shall be eligible to accrue such credits on a pro rata basis. To accrue credit for sick leave during each month, full-time employees must be in full-pay status for such month or major fraction thereof; eligible part-time employees must be in pay status consistent with their part-time service for such month or fraction thereof.

(b) Employees in the Professional Services Negotiating Unit.

(1) Employees hired prior to July 1, 1982. Full-time employees shall be eligible to accrue credits for sick leave at the rate of one and three-quarters days a month for each month, or major fraction thereof, during the term of their professional obligation. To accrue credit for sick leave during each month, full-time employees must be in full-pay status for such month or major fraction thereof.

(2) Employees hired on or after July 1, 1982. Commencing December 1, 1982, employees who serve on a full-time basis and are appointed effective on or after July 1, 1982, shall be eligible to accrue credits for sick leave for each month, or major fraction thereof, during the term of their professional obligation as follows:

Years of Service

Sick Accrual Rate

0 - 1

1 1/4 days per month (15 days)

2

1 1/3 days per month (16 days)

3,4,5

1 1/2 days per month (18 days)

6

1 2/3 days per month (20 days)

7

1 3/4 days per month (21 days)

(3) To accrue credit for sick leave during each month, full-time employees must be in full- pay status for such month or major fraction thereof.

(4) Part-time academic year, calendar year and college year employees shall be eligible to accrue credits for sick leave as follows:

(i) Academic employees who teach:

1 course

2 courses

3 courses

Receive:

1/4 day per month

1/2 day per month

1 day per month

(ii) Effective July 2, 1999 professional employees who earn:

Up to \$ 9,104

\$ 9,105 to \$13,657

\$13,658 to \$18, 210

\$18,211 or higher

Receive:

1/4 day per month

1/2 day per month

1 day per month

1 1/4 day per month

Effective January 1, 2000 professional employees who earn

Up to \$ 9,377

\$ 9,378 to \$14,067

Receive:

1/4 day per month

1/2 day per month

\$14,068 to \$18,756	1 day per month
\$18,757 or higher	1 1/4 day per month

Effective July 1, 2000 professional employees who earn:

Receive:

Up to \$ 9,658	1/4 day per month
\$ 9,659 to \$14,489	1/2 day per month
\$14,490 to \$19,319	1 day per month
\$19,320 or higher	1 1/4 day per month

Effective July 1, 2001 professional employees who earn:

Receive:

Up to \$ 9,996	1/4 day per month
\$ 9,997 to \$14,996	1/2 day per month
\$14,997 to \$19,995	1 day per month
\$19,996 or higher	1 1/4 day per month

Effective July 1, 2002 professional employees who earn:

Receive:

Up to \$10,346	1/4 day per month
\$10,347 to \$15,521	1/2 day per month
\$15,522 to \$20,695	1 day per month
\$20,696 or higher	1 1/4 day per month

(iii) To accrue credit for such leave during each month, eligible part-time employees must be in pay status consistent with their part-time service for such month, or major fraction thereof.

§ 337.8 Other sick leave credit.

Upon appointment to a position in the unclassified service, an employee shall be credited with any sick leave credits accrued pursuant to the attendance rules for the classified service.

§ 337.9 Maximum accumulation.

Accumulation of sick leave credits pursuant to sections 337.7 and 337.8 of this Part shall not exceed 200 days; provided, however, in the case of part-time employees who accrue sick leave on a pro rata basis, the maximum accumulation shall also be determined on a pro rata basis.

§ 337.10 Authorization for use.

(a) For purposes of this section, temporary disability shall be defined as any temporary mental or physical impairment of health, including such an impairment resulting from pregnancy, which disables an employee from the full performance of duty.

(b) The chief administrative officer shall permit employees who are unable to perform their duties because of claimed temporary disability to use any and all sick leave credits which they have accumulated pursuant to sections 337.7 and 337.8 of this Part.

(c) The chief administrative officer may at any time require an employee to furnish suitable medical evidence from the employee's physician to substantiate a claimed temporary disability. In the absence of such suitable medical evidence, the chief administrative officer may require an employee to be examined by a physician selected by the college at its expense. In the event medical evidence does not substantiate a claimed temporary disability, the use of sick leave credits shall be disallowed and the employee shall be placed on leave without pay.

(d) Subject to prior approval of the chief administrative officer, an employee shall be allowed to use up to a maximum of 15 days of sick leave from July 2nd of each year to July 1st of the succeeding year accumulated pursuant to sections 337.7 and 337.8 of this Part for absences from work necessitated by a death or illness in the employee's immediate family. The chief administrative officer's approval of requests for sick leave for purposes described in this subdivision shall not be unreasonably withheld.

(e) The chief administrative officer may require an employee who has been absent due to a temporary disability, prior to and as a condition of return to work, to be examined, at the expense of the college, by a physician selected by the college, to establish that the employee is no longer disabled and that a return to work will not jeopardize the health of other employees. Such examination may not be regularly required.

(f) Subject to prior approval of the chief administrative officer, an employee certified as visually handicapped by the New York State Commission for the Blind and Visually Handicapped shall be allowed to use, up to a maximum of 26 days in any one calendar year, sick leave accumulated, pursuant to sections 337.7 and 337.8 of this Part, for the purpose of obtaining a guide dog and required training related thereto. Upon written request, the chief administrative officer also may, in the chief administrative officer's discretion, advance up to 26 days of sick leave for the purposes described in this subdivision to such certified employee who has exhausted accumulated leave credits, provided the cumulative total of sick leave credits charged and/or advanced for this purpose does not exceed 26 days in any one calendar year. Such advanced sick leave credits shall be repaid, as soon as practicable after the employee's return to duty, from subsequent accumulations of time credits. The outstanding unrepaid sick leave credits advanced to an employee under the provisions of this subdivision shall not at any time exceed a total of 26 days. The chief administrative officer's approval of requests for sick leave for purposes described in this subdivision shall not be unreasonably withheld.

§ 337.11 Additional sick leave.

(a) The chief administrative officer may grant an employee sick leave in addition to that provided by sections 337.7 and 337.8 of this Part. Such additional sick leave may be at full salary, or such part thereof as the chief administrative officer may determine, or without salary. Additional sick leave at full or partial salary, together with use of any sick leave provided by sections 337.7 and 337.8 of this Part, shall not exceed a total of six calendar months. Additional sick leave without salary shall not exceed one calendar year. Additional sick leave at full or partial salary pursuant to this subdivision shall not be approved until all sick leave credits accumulated pursuant to sections 337.7 and 337.8 of this Part have been exhausted.

(b) The chief administrative officer may grant an employee sick leave in addition to that provided by subdivision (a) of this section. Such additional sick leave may be at full salary, or such part thereof as the chief administrative officer may determine, or without salary. The chancellor may require submission of such leave requests by an institution for his approval when he deems it in the best interest of the university.

(c) Prior to being granted additional sick leave provided by this section, an employee may be required to furnish such medical evidence from the employee's physician as may be requested or submit to medical examination by a physician selected by the college or university at its expense.

§ 337.12 Charges.

When an employee is on sick leave, the employee shall not be required to charge sick leave credit for any day upon which the employee would not have been required to be available to work had the employee not been on sick leave.

TITLE D – HOLIDAY LEAVE

§ 337.13 Holiday leave.

(a) A calendar year or college year employee shall be eligible to observe the following days prescribed by law as holidays: New Year's Day, Martin Luther King Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Election Day, Veterans' Day, Thanksgiving Day and Christmas Day. The college chief administrative officer may designate two holidays as floating holidays in lieu of the holidays set forth above. The college chief administrative officer may designate an alternate date on which one of the holidays is to be observed. If a second holiday is designated the employee may select a date on which to observe the second

holiday, with the approval of the employee's supervisor and consistent with the operating needs of the campus. The employee must observe such second holiday before the beginning of the next academic year. The college chief administrative officer's designation shall be announced following consultation with the certified representative of employees in the professional service in September of the academic year.

(b) An employee who is eligible to observe holidays shall be granted a compensatory day off when any holiday specified in subdivision (a) of this section falls on a Saturday, a Sunday, or a pass day.

(c) An employee who is eligible to observe holidays who is required to work on a holiday shall be granted a compensatory day off. An employee who is eligible to observe Thanksgiving or Christmas, and who is required to work on such holiday, shall be granted one and one-half compensatory days off.

(d) Compensatory days off shall be scheduled at times mutually convenient to the employee and the university and used within one year of accrual or forfeited.

§ 337.14 [Repealed]

TITLE E – SABBATICAL LEAVE

§ 337.20 Policy.

Sabbatical leaves for professional development may be made available to members of the professional staff who meet the requirements set forth in this Title. The objective of such leave is to increase an employee's value to the university and thereby improve and enrich its program. Such leave shall not be regarded as a reward for service nor as a vacation or rest period occurring automatically at stated intervals.

§ 337.21 Purpose.

Sabbatical leave may be granted for planned travel, study, formal education, research, writing or other experience of professional value.

§ 337.22 Eligibility.

Academic employees having continuing appointments and college administrative officers not in a negotiating unit established pursuant to article XIV of the Civil Service Law who have completed at least six consecutive years of service within the university or who, if they previously have had a sabbatical leave, have completed at least six consecutive years of service within the university from the date of return from their last sabbatical leave, shall be eligible for sabbatical leave. In computing consecutive years of service for the purpose of this section, periods of vacation leave and periods of sick leave with salary shall be included; periods of leave of absence, other than vacation and sick leave with salary, and periods of part-time service shall not be included, but shall not be deemed an interruption of otherwise consecutive service.

§ 337.23 Terms and conditions.

Sabbatical leaves may be granted for periods of one year at rates not to exceed one-half basic annual salary, or for periods of one-half year at rates not to exceed full basic annual salary. Eligible employees on sabbatical leave may, with the prior approval of the chief administrative officer, accept fellowships, grant-in-aid, or earned income to assist in accomplishing the purposes of their leaves. In such cases, the chief administrative officer may adjust the sabbatical leave salaries to reflect such income, either prior to or during the periods of such leaves; provided, however, that in no case shall sabbatical leave salary be reduced if total earnings are less than full salary.

§ 337.24 Applications.

Applications for sabbatical leaves shall be submitted to the chief administrative officer as far in advance as possible of the requested effective date of the leave, but in no event later than six months in advance of such date unless such requirement is expressly waived by the chief administrative officer. Each application shall include a statement outlining the program to be followed while on sabbatical leave, indicating any prospective income, stating that the applicant will continue as a member of the professional staff for a minimum of one year upon return, and stating that upon return the applicant will submit to the chief administrative officer a detailed report of professional activities and accomplishments while on sabbatical leave.

§ 337.25 Approval.

Consistent with provisions of section 337.23 of this Part, the chief administrative officer may approve such sabbatical leave as he or she deems appropriate, and such leave shall be reported to the chancellor.

§ 337.26 Leave credits.

Vacation leave and sick leave credits shall not be accrued or used during sabbatical leave.

TITLE F – OTHER LEAVES

§ 337.27 Approval.

(a) Other leaves for academic employees. The chief administrative officer may grant other leaves of absence for employees at full salary or reduced salary, or without salary, for the purpose of professional development, acceptance of assignments of limited duration with other universities and colleges, governmental agencies, foreign nations, private foundations, corporations and similar agencies, as a faculty member, expert, consultant or in a similar capacity, or for other appropriate purposes consistent with the needs and interests of the university. Leave of absence without salary may also be granted under appropriate circumstances, for the purpose of child care. Leaves of absence at full or reduced salary pursuant to the provisions of this section shall be reported to the chancellor. The chancellor may require submission of such leave requests by an institution for his approval when he deems it in the best interest of the university.

(b) Leaves of absence for professional employees and other professional staff. The chief administrative officer may grant other leaves of absence for employees at full salary or reduced salary, or without salary, for the purpose of professional development, acceptance of assignments of limited duration with other universities and colleges, governmental agencies, foreign nations, private foundations, corporations and similar agencies, as a faculty member, expert, consultant or in a similar capacity, or for other appropriate purposes consistent with the needs and interests of the university. Leave of absence without salary may also be granted under appropriate circumstances, for the purpose of child care. Leaves of absence at full or reduced salary pursuant to provisions of this section shall be reported to the chancellor. The chancellor may require submission of such leave requests by an institution for his approval when he deems it in the best interest of the university.

§ 337.28 Application.

Applications for such leaves of absence shall be made to the chief administrative officer. Each such application shall include a statement of the purpose for which the leave is requested, its anticipated duration and its value to the applicant and the university.

§ 337.29 Leave credits.

Vacation leave and sick leave credits shall not be accrued or used during a period of leave pursuant to provisions of this section.

TITLE G – DISABILITY LEAVE

§ 337.30 Disability leave.

(a) Upon being discontinued from service in accordance with provisions of the State University Group Disability Insurance Program, an employee shall be granted a leave without pay for disability and shall be continued on such leave without pay until the disability ceases, the employee reaches age 65, or death, whichever event occurs first. Notwithstanding the foregoing, after five calendar years on such leave, an employee shall not have any right or entitlement to be restored to regular employment status. For purposes of the State University Group Disability Insurance Program, the chief administrative officer may require an employee to be examined by a physician selected by the college at its expense. Determination that a disability exists may be made by the chief administrative officer upon the advice of the college's examining physician. Notwithstanding the failure of an employee to cooperate with the college's examining physician, a determination that a disability exists may be made by the chief administrative officer upon advice of the college's examining physician that there are reasonable grounds to assume that a disability benefit would be payable in accordance with the State University Group Disability Insurance Program. If the chief administrative officer determines, in accordance with the provisions of this section, that a disability exists, the employee must apply for disability benefits under the State University Group Disability Insurance Program. In the event the employee does not apply for disability benefits, the employee shall be placed on disability leave without pay. If, upon a finding that an employee is not disabled, the disability insurance carrier disapproves an employee's application for benefits, the employee shall be restored to regular employment status.

(b) Discontinuation from service of employees not covered by the State University Group Disability Insurance Program. Upon being discontinued from service as a result of a disability which prevents performance of the employee's duties, an employee shall be granted a leave without pay until the disability ceases, the employee reaches age 65, or death, whichever event occurs first. Notwithstanding the foregoing, after five calendar years on such leave, an employee shall not have any right or entitlement to be restored to regular employment status. For purposes of determining the existence of such a disability, the chief administrative officer may require an employee to be examined by a physician selected by the college at its expense. Determination that a disability exists may be

made by the chief administrative officer upon the advice of the college's examining physician. Notwithstanding the failure of an employee to cooperate with the college's examining physician, a determination that a disability exists may be made by the chief administrative officer upon advice of the college's examining physician that there are reasonable grounds to assume that a disability exists which would prevent an employee from performing the employee's duties. If the chief administrative officer determines, in accordance with the provisions of this section, that such a disability exists, the employee shall be placed on a disability leave without pay. Where appropriate, the chief administrative officer, after consulting with the college's examining physician, may refer the employee to an employee assistance program or to other service agencies. The employee, however, shall be permitted to use any and all sick leave credits which have been accumulated pursuant to sections 337.7 and 337.8 of this Part and may request additional sick leave pursuant to section 337.11 of this Part. An employee who has been placed on disability leave without pay pursuant to this section may subsequently request to be restored to regular employment status. Such request must be submitted in writing to the chief administrative officer accompanied by suitable medical evidence from the employee's physician that the employee no longer has a disability which would prevent performance of the employee's duties. Following receipt of such submissions, the chief administrative officer may require the employee to be examined by a physician selected by the college at its expense prior to making a determination whether to restore the employee to regular employment status. Upon a finding by the college's examining physician that the employee no longer has a disability which would prevent performance of the employee's duties, the employee shall be restored to regular employment status. Upon a finding by the college's examining physician that the employee continues to have a disability which prevents performance of the employee's duties, the chief administrative officer may require the employee to be examined by a physician from the New York State Department of Civil Service Employee Health Service at the college's expense prior to making a determination whether to restore the employee to regular employment status. The determination of whether to restore the employment status may be made by the chief administrative officer upon the advice of the physician from the employee health service concerning the existence of a disability which would prevent the employee from performing the employee's duties.

TITLE H – STUDY LEAVES FOR THE CHANCELLOR AND CHIEF ADMINISTRATIVE OFFICERS

§ 337.31 Third year of service.

The board of trustees may grant the chancellor and the chief administrative officer of each college a two-month study leave at full salary during every third year of service subsequent to the date of initial appointment or the date of the last leave taken pursuant to this Title. Vacation leave accrued for the third year of service shall be credited toward the study leave. Such leave shall be for the specific purpose of improving the administrative and academic performance of the chancellor and of the chief administrative officer.

§ 337.32 Five years of service.

The board of trustees may grant the chancellor and the chief administrative officer of each college a one-semester study leave or equivalent at full salary at the end of a period of five years of service subsequent to the date of initial appointment or the date of the last leave taken pursuant to this Title. Vacation leave accrued during the fifth year of service shall be credited toward the study leave. Such leave shall be for the specific purpose of improving the administrative and academic performance of the chancellor and of the chief administrative officer.

TITLE I – ATTENDANCE RECORDS

§ 337.33 Attendance records.

Employees shall be required to certify their presence and record any absences on forms to be provided by the State. Employees shall also be required to record on such forms any charges to or accruals of vacation or sick leave credits. Such forms shall be submitted to the chief administrative officer, or designee, for review on a monthly basis.

TITLE J – OTHER ABSENCES

§ 337.34 Unauthorized absence.

(a) Any employee absent from work without authorization shall be placed on leave without pay. In the event an employee's unauthorized absence continues for 10 consecutive workdays and the employee has not provided a written explanation for such absence to the chief administrative officer by the close of business of the 10th workday following the commencement of such unauthorized absence, the employee's leave-without-pay status shall continue for the remainder of the semester in effect on the 10th consecutive workday of absence where the college has hired a replacement for the employee.

(b) If the unauthorized absence without written explanation continues for a total of 30 consecutive workdays, the employee shall be deemed to have resigned.

(c) If, prior to being deemed to have resigned, an employee provides suitable medical evidence in accordance with section 337.10(c) of this Part which substantiates a claim of temporary disability, the employee may be placed on sick leave. Any sick leave under this subdivision shall commence upon substantiation of a claim of temporary disability by suitable medical evidence.

§ 337.35 Absence--extraordinary circumstances.

An employee who has reported for work and, because of extraordinary circumstances beyond the employee's control, e.g., extreme weather conditions or physical plant breakdown, is directed by the chief administrative officer, or designee, to leave work, shall not be required to charge such directed absence during such day against leave accruals. Any such release of employees shall not create any right to equivalent time off by employees who are not directed to leave work.

TITLE K - LIMITATIONS

§ 337.36 Term appointments.

Nothing contained herein shall be deemed to extend the term of appointment of employees, and all leaves of absence shall, in any event, terminate upon the expiration of such appointment.