COLLEGE OF MICRONESIA-FSM

BOARD POLICY NO. 6010

Leave Policies

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References: Section IX, May 13, 2013, Personnel Policy and Procedure Manual; 2024 FSM Public Service System Regulations

Leave Policy
Leaves of absence from College of Micronesia-FSM are for the benefit of the employee and the college. When leave is granted, it is considered to be for legitimate reasons.

I. Annual Leave

Annual leave with pay may be granted as vacation leave for the purpose of rest or relaxation or may be granted intermittently to allow the employee time off to conduct personal business during working hours. Annual leave request of up to 320 hours or two months shall be approved in advance by the supervisor and campus dean and/or appropriate Vice President.

Limitation: Requests for annual leave beyond two months [320 hours] consecutively require the approval of the President or his designee. Requests for annual leave to attend to ill dependents must be accompanied by a physician's certification.

A. **Coverage:** Annual leave shall apply to all regular employees except instructional faculty members.

B. **Accrual Formula for Classified Employees:** Annual leave is accrued for each year of service in the college as follows:

1. 16-1/4 days per year or 5 hours per pay period for employees with less than three years of service.
2. 19-1/4 days per year or 6 hours per pay period for employees with three but less than seven years of service.
3. 22-1/2 days per year or 7 hours per pay period for employees with seven or more years of service.
4. *Limitation:* An employee must be in full pay status for the entire pay period in order to accrue annual leave. Otherwise, there shall be no accrual for that period.

C. **Accrual for Management and Professional Employees:** Management and Professional employees earn 21 days per year annual leave. It is equivalent to 6.5 hours per pay period.

Limitation: An employee must be in full pay status for the entire pay period in order to accrue annual leave. Otherwise, there shall be no accrual for that period.

D. **Accrued Leave:** A maximum of 320 hours of unused annual leave at the end of the calendar year may be carried over to the subsequent calendar year or contract. Accrued annual leave exceeding the 320-hour threshold will be forfeited at the end of the calendar year. Accrued annual leave may not be converted to cash, i.e.., received annual leave pay while receiving duty pay for the same period of time except as provided for in Section E below (Advance Payment).

E. **Advance Payment:** An employee may, prior to taking annual leave, receive advance lump sum payment for the period of leave authorized, provided that the period of such leave shall be not less than ten (10) consecutive work days. If the employee returns to duty status prior to expiration of the leave period, the unused leave shall be restored to the employee's annual leave account.

F. No leave during the resignation notice period. Annual leave shall not be granted during a notice period of resignation.

G. **Annual Leave Upon Termination:** Up to 240 hours annual leave at the time of termination shall be paid to the employee.

II. Sick Leave

Sick leave request shall be approved by the immediate supervisor provided that certificate is received from a medical physician. Sick leave request of up to 320 hours or two months shall be approved by the supervisor and campus dean and/or appropriate Vice President. Sick leave shall be granted to all regular employees under the following conditions:

- Is incapable of performance of duties because of sickness, injury or confinement for childbirth;
- Receives a medical, dental or optical examination or treatment, or any mental examination, counseling or treatment;
- Has a seriously ill spouse, child, or parent; and
- Becomes sick while on annual leave and the period of sick leave is supported by a certificate issued by a licensed physician.

Limitation: Extended sick leave to attend to ill parents, spouse or child is limited to two months [320 hours] consecutively. Requests for sick leave beyond the limitation require the approval of the President or his designee. All extended sick leave requests must be accompanied by a physician's certification.

A. **Accrual Formula:** Sick leave is accrued for each year of service in the college at 16-1/4 days per year or 5 hours per pay period.

Limitation: An employee must be in full pay status for the entire pay period in order to accrue sick leave. Otherwise, there shall be no accrual for that period.

B. Miscellaneous Provisions

1. Sick leave shall be accrued and carried over from year to year without limitation;
2. Former employees of the college who are re-employed within three years of the date of separation will have their accumulated and unused sick leave at time of separation be restored to their credit; and
3. The supervisor and the President or designee shall approve sick leave.

III. Donated Leave

This policy applies to full-time regular employees of the college. Appendix J is the application form and is available under appendices section in this policy manual. See procedures for details.

A. **Application/Eligibility Criteria.** To be eligible to receive donated sick leave, the recipient must:

1. Be a full-time regular COM-FSM employee who has completed the first year probationary period.
2. Have exhausted all accumulated sick leave, annual leave, and compensatory time; and
3. Have a continuing catastrophic disability resulting from personal illness or injury that prevents the employee from working**.** Physician certification is required.

B. To be eligible to donate sick leave, the donor must:

1. Have accrued at least 30 sick leave days (240 hours); and
2. Have a balance of at least 10 sick leave days (80 hours) after donating.

C. Limitations:

1. Donated sick leave may only be used by the indicated eligible employee during the specified period requested.
2. The maximum amount of donated sick leave that may be requested by an employee is limited to six months per fiscal year.
3. An employee may donate no more than 30 sick leave days (240 hours) per fiscal year.
4. Only sick leave hours may be donated.
5. Donations of sick leave are non-returnable once donated and officially approved.

D. Definitions:

1. *Catastrophic health condition:* major debilitating illness or accident which requires long-term care or recovery and prevents the employee from working.
2. *Donated sick leave:* sick leave voluntarily donated by an employee to another who has a catastrophic health condition.

IV. Maternity Leave

Maternity leave with pay shall be granted (by the supervisor and campus dean and/or appropriate Vice President) to regular employees who are absent from work due to confinement for childbirth or miscarriage after the first trimester. This leave shall be limited to 40 workdays from date of childbirth or miscarriage after the first trimester and is granted without charge against the employee's accumulated sick leave or annual leave. Any leave of absence taken prior to childbirth or in excess of maternity leave or miscarriage after the first trimester is chargeable against the employee's sick leave and/or annual leave account. See procedures for details.

Limitation: Leave of absence following maternity leave due to childbirth is not to exceed [2 months] 320 working hours.

V. Paternity Leave

Paternity leave with pay shall be granted (by the supervisor and campus dean and/or appropriate Vice President) to regular employee who are absent from work due to confinement for childbirth of spouses. This leave shall be limited to 10 working days from date of childbirth and is granted without charge against the employee's accumulated sick leave or annual leave. See procedures for details.

VI. Administrative Leave

Administrative leave is absence from duty with pay and without charge to the employee's annual or sick leave. Administrative leave may be authorized by the President for the following reasons:

A. **Judicial Duty.** Attendance at a judicial or quasi-judicial proceeding where the employee has been subpoenaed to appear as a witness. However, when the appearance as an expert witness is compensated, it will be treated as leave without pay.

B. **Bereavement Leave.** Bereavement leave for death of a member of the immediate family (spouse or children), parents, parents-in-law, grandparents, grandchildren, siblings, not to exceed two working days per occurrence. If an employee travels out of state they may take up to five working days per occurrence.

C. **Inclement Weather.** Unusual weather condition when hazardous condition is announced by the appropriate government official.

D. **Personal Leave.** One day of personal leave per calendar year for employees who have completed the first year probationary period.

E. **Worker's Compensation.** Leave due to line of duty injury per physician's recommendation.

F. **Voting.** Voting for public elections not to exceed two hours.

G. **Community Service Leave.** Volunteer work to perform a service for a community service organization or when requested to participate in a nation-wide or state-wide civic activity. Community service leave may not be used for any political or religious activity. (Annual leave may be used for such activities once approved).

Community service leave is limited to ten working days per calendar year. Departments must maintain records of the number of hours of community service leave taken by each employee.

VII. Leave for Staff Development

A. **In-service Staff Development.** Upon recommendation of the supervisor and approval of the President, release time may be granted to employees for in-service development programs or classes.

B. **Exchange Teaching.** Upon recommendation of a committee to the President and approval by the President, a leave of absence with or without pay may be granted for exchange teaching not to exceed one year at a time per instructor.

C. **Educational Leave.** Upon recommendation of a committee and approval by the President a leave of absence with pay and benefits may be granted for professional growth to further the employee's educational background, not to exceed two years at a time per employee. The employee shall return to the college for two times the amount of time spent on the professional growth program or reimburse the college for all costs incurred during such leave of absence. See procedures for details.

1. **Restriction**. If the employee withdraws from the program/conference for reasons other than prolonged illness or a death in the immediate family, the employee shall be obligated to reimburse the college for all staff development expenses incurred.

    a. Withdrawal from the program/conference due to illness or medical reasons must be substantiated by a physician's statement of the employee's inability to complete the program, and by verification of official withdrawal from the college, if applicable. Failure to comply with the above shall obligate the employee to reimburse the college for expenses incurred.
    b. An employee who does not fulfill his/her responsibility in completing a long-term training will lose his/her contract with the college.
    c. An employee who resigns from the college while on or during professional development shall reimburse the college for all expenses incurred.

D. **Sabbatical Leave.** Upon the recommendation of a committee and approval by the President sabbatical leave will be submitted to the board of regents for final approval. Eligible employees include members of the full-time management and faculty members. The purpose of sabbatical leave is to carry out programs contributing to the benefit or improvement of the college, the students, and the individual. All eligible employees are expected to make full use of their sabbatical leave. Such leave is not granted as a reward for work already performed but rather as a means of preparing for improved service in the future.

1. Only regular employees with six continuous years of actual service are eligible for such leave.
2. The leave must be at the convenience of the college.
3. The program to be completed during the leave shall be determined jointly by the applicant and the President or designee and shall reflect the results of the applicant's most recent evaluation.
4. Each semester spent on leave shall count as a semester of service in completing eligibility for the next leave.
5. An individual granted sabbatical leave shall continue to receive all college benefits.
6. Each semester spent on leave is considered regular service relative to qualifying for advancement on the salary schedule.

7. Persons receiving grants, fellowships or fees for professional services provided as part of a sabbatical leave program will not normally receive funds from the college which, when combined with the sabbatical salary, exceed the anticipated amount they would have received from the college during that period. Sabbatical stipends may be reduced to a point where the combination of stipend and that portion of grants or other outside fees designated solely for salary equals full salary, and this prorated amount to apply only to the semester on formal sabbatical leave. The board of regents may grant exceptions on a case by case basis.
8. All work developed as a result of the sabbatical leave program belongs to and is the property of the college unless prohibited by the terms of any of the alternative funding sources listed in section 7.d.7 above.
9. A time frame shall be developed by the administration providing for leave submission dates and review procedures. This time frame shall provide for final approval by the beginning of the spring semester of the year proceeding the year of the leave except in cases where, by agreement between the college and the individual, the date may be extended.
10. Reports of experiences and/or accomplishments shall be submitted to the President before the ninth week of the semester following the return from leave.
11. Individuals granted leave must agree to return to the college for a minimum of one contract year after completion of their leave or reimburse the college all costs incurred during the leave.
12. The committee on sabbatical leave shall consist of the various sectors of the professional staff.

VIII. Definition

A. **Spouse** is either a man or woman who is of opposite sex from the employee who are legally married to each other or not legally married to each other but are cohabiting in a relationship of some permanence.

IX. Restrictions

Annual leave, sick leave in excess of three days, maternity leave or paternity leave, administrative leave, or staff development leave must all be sought from the relevant supervisor/authority in writing in advance and approved by the supervisor/authority prior to the leave being taken.

Any extensions of such leave must be sought from the relevant supervisor/authority in writing in advance and approved by the supervisor/authority prior to the extension of leave being taken. If an employee seeks to switch from one type of leave to another, while out on any other existing approved leave, the request must be made in writing to the relevant supervisor/authority and approved in advance before the previous leave expires.

The employee is expected to return to duty, once a leave is terminated or expires. Failure to comply with any of these procedures may result in termination procedures being implemented under the termination policy.

See Administrative Procedure 6010.