

PURPOSE

The purpose of this policy is to establish the criteria and process regarding accrual of sick leave for employees at Nashville State Community College ("College"). It is the policy of the College, in accordance with TBR policy 5:01:01:07, to protect all regular full-time and part-time employees against loss of earnings due to illness, injury, or incapacity to work including illness or incapacity to work due to pregnancy, and to provide the time off to employees in the event of illness or death of certain family members.

DEFINITIONS

The body of the policy defines terms.

POLICY/GUIDELINE

I. Eligibility to Accrue Sick Leave

- A. Regular full-time employees and academic personnel, regardless of probationary status, shall be eligible to accrue sick leave. All eligible employees (regular full-time and regular part-time) will accrue sick leave after working more than 50% of the month.
- B. Regular part-time employees, including academic personnel scheduled to carry less than a full teaching load or its equivalent, regardless of probationary status, shall be eligible to accrue sick leave on a prorated basis equal to the percentage of their employment to full-time employment.
- C. Temporary employees shall not be eligible to accrue sick leave. Temporary employees who are subsequently appointed as regular employees with no break in service between the temporary assignment and the regular position shall become eligible to accrue sick leave and shall receive sick leave balances accrued retroactively from the date of employment.
- D. All full-time and part-time employees who are employed pursuant to funds available to the institution through grants or contracts are not eligible to accrue sick leave unless the grant or contract involved provides sufficient funds to cover the costs of such leave, or unless eligibility to accrue sick leave is approved by the president of the institution.
- E. Student employees shall not be eligible to accrue sick leave.

II. Eligibility for Rate of Accrual of Sick Leave

- A. Regular full-time personnel and full-time academic personnel, whether employed on a twelve-month or nine-month service basis, shall accrue sick leave at the rate of 7.5 hours (1 day) for each month of actual service
 - 1. A regular full-time employee working 37.5 hours per week earns 90 hours (12 days) of sick leave per year.
 - 2. An employee on a 40 hour per week schedule shall accrue 8 hours (1 day) for each month of actual service or 96 hours of sick leave per year.

- B. Regular part-time personnel and part-time academic personnel, whether employed on a twelve-month or nine-month service basis shall accrue sick leave on a prorated basis equal to the percentage of their employment compared to full-time employment.
- C. Accrued days of sick leave shall be cumulative for all days not used.
- D. Eligible employees shall accrue sick leave from the date of employment. (See Section I, item C, providing for retroactive credit for temporary employees who subsequently become eligible to accrue sick leave.)
- E. Eligible employees earn and accrue sick leave for each month upon completion of service for a major fraction thereof.
- F. All modified fiscal year (MODFY) employees who are employed during the period which would normally be the non-duty period of their appointment shall accrue sick leave at the rate of 7.5 hours for each month of full-time employment. For part-time employment during that period, MODFY employees shall accrue sick leave on a prorated basis in accordance with item B of this section.
- G. Notwithstanding any other provision herein which might be construed to the contrary, regular nine-month academic personnel shall accrue 67.5 hours (9 days) of sick leave for full-time employment for a full academic year and up to 22.5 hours (3 days) of sick leave for full-time employment throughout summer sessions based on hours worked during the summer.
- H. Employees otherwise eligible to earn sick leave do not earn or accrue sick leave while on an unpaid leave of absence.

III. Use of Sick Leave

- A. Sick leave and Family and Medical Leave (FMLA) shall run concurrently in accordance with the provisions of Nashville State Policy 5-02-02 (Note: Unless an employee is on a reduced or intermittent work schedule, periods of less than three days shall not be designated as FMLA leave.)
- B. Sick leave is generally applicable to absences due to illness or injury to an employee, including illness or incapacity to work due to pregnancy, medical examinations and dental appointments. In addition, sick leave may be used for parental leave. Refer to Nashville State Policy 5-02-04
- C. Where an employee must be absent because of illness in the immediate family, sick leave may be granted by the appropriate approving authority.

1. For purposes of this section, "immediate family" shall be deemed to include:

- a. spouse;
 - b. child, step-child, foster child;
 - c. parent, step-parent, foster parent and parent-in-law;
 - d. sibling; and
 - e. other members of the family who reside within the home of the employee.
- D. Sick leave, if available, may be granted at the discretion of the appropriate approving authority in instances of death of a member of the family as follows:

1. Immediate family member as defined in Nashville State Policy 5-02-08 - Bereavement Leave, may be granted for a maximum of two (2) days after the three (3) day bereavement leave has been used for a maximum of five (5) consecutive or non-consecutive regularly scheduled work days.

2. In instances of death of one of the following relatives, sick leave may be granted for a maximum of 22.5 hours (3 days):

- a. sons-in-law and daughters-in-law;
- b. brothers-in-law and sisters-in-law;
- c. foster brothers and foster sisters.

E. Abuse of sick leave by an employee will result in the withholding of payment of the sick leave and possible additional disciplinary action. Sick leave may not be taken until earned and available, and may not be advanced.

F. Sick leave may not be used by nine-month academic personnel for absences due to illness or injury during a summer or other inter-session unless the employee has been physically present and actually commenced employment for the term in question.

G. Upon prior approval of the Chancellor, an employee who is injured in the line of duty as a result of the commission of an assault upon them which disables the employee from performing their regular duties, may be retained on the regular payroll for a period not to exceed twenty-eight (28) calendar days without being required to use any accrued sick leave. The length of time for such retention on the payroll shall be based upon a written statement from the attending physician that the employee is unable to perform their regular duties.

H. Subject to the conditions outlined in Transfer of Sick Leave between Employees Policy 5-02-09, sick leave may be transferred to members of the College's Sick Leave Bank(s).

IV. Physician's State or Other Certification

A. An employee may be required to present evidence in the form of personal affidavits, physician's certificates, or other testimonials in support of the reason for sick leave upon request of their supervisor or an appropriate approving authority.

B. Sick leave may not be denied where an employee furnishes an acceptable statement from a licensed physician or accredited Christian Science practitioner or other healthcare provider, provided that the supervisor or approving authority may require additional documentation or statements from other physicians or accredited practitioners.

V. Return to Work

A. An employee may be required to present a written release to return to work, including any restrictions that may apply, from a licensed physician or other accredited practitioner prior to resuming employment.

B. An employee will be allowed to return to work if the release certifies that he/she is able to perform the essential functions of the position with or without a reasonable accommodation.

VI. Exhaustion of Sick Leave

- A. When the illness, injury, or disability of an employee continues beyond the period of accumulated sick leave, the employee shall use any accumulated annual leave for continued absence.
- B. However, in cases of workers' compensation, an employee may choose to be placed on an unpaid leave of absence and retain sick and/or annual leave.
- C. When an employee has exhausted all accumulated sick and annual leave, they may be placed on leave of absence, if requested and found to be justifiable. (See Nashville State Policy 5-02-03)

VII. Separation of Employees with Accrued Sick Leave

- A. Upon termination of employment, accumulated sick leave shall not be used as terminal leave, and the employee shall not be entitled to any lump sum payment for accumulated sick leave.
- B. If an employee is transferring to another state agency, accumulated sick leave shall be transferred according to Leave Transfer between TBR Institutions and State Agencies. (See Nashville State Policy 5-02-09)
- C. If an employee leaves the System or any other state service in good standing after having worked on a full-time continuous basis for at least one (1) full year and thereafter returns to service with the System on a full-time basis, the employee shall immediately be credited with all sick leave to which they were entitled at the time of the previous termination.
 - 1. Certification of such entitlement must be received from the previous employer if other than the new employer;
 - 2. If the employee has had interim employment with the System or any other agency of the State of Tennessee of less than one (1) year, they shall not be disqualified from receiving credit for sick leave to which they are otherwise entitled.
- D. Notwithstanding the above paragraph, if any state employee or teacher employed by a local school board in Tennessee leaves the employment of the state or of that board in good standing and becomes a full-time employee within six (6) months of the date of termination, the employee shall immediately be credited with all sick leave to which they were entitled at the time of the previous termination.
- E. TCRS member employees who terminate due to retirement shall have all unused accumulated sick leave credited toward retirement. ORP member employees who terminate due to retirement shall have all unused accumulated sick leave credited toward retirement service for insurance purposes.

VIII. Death of Employee with Accrued Sick Leave

- A. The estate or designated beneficiary of any employee, upon the employee's death, shall be paid for the employee's unused and accrued sick leave in the same manner as the estates of deceased employees are paid for annual leave.

SOURCES

T.C.A. § 49-8-203

RELATED POLICIES

Nashville State Policies 05-02-03, 05-02-09, 05-02-04, 05-02-08, 05-02-02 and TBR Policies 5.01.01.07 and 5.01.01.15 and TBR Guideline P-062

Approved by President's Cabinet 1/10/22