

LEAVE

ARTICLE NUMBER: 312

LAST APPROVED: June 2, 2008, May 2, 2016, February 5, 2018, June, 4, 2018, October 1, 2018, June 6, 2022

REFERENCE: Appendix B1, 311.1, Family Medical Leave Act 1993, State of Oregon Family Medical Leave Law

RELATED TO ADMINISTRATIVE RULE NUMBER: AR C002

DEFINITIONS: 312.0

Full-time employee - classified as 1.0 FTE and scheduled to work a minimum of 1992 hours per year.

Part-time employee – classified as at least 0.5 FTE but less than 1.0 FTE and scheduled to work a minimum of 996 hours per year.

Part-time hourly – classified as working 15 hours a week or less.

Accrued leave will begin the first day of employment.

PAID VACATION LEAVE: 312.1

Eligible employees, as described in the Summary of Employee Benefits Chart contained in Appendix B-1, shall earn prorated paid vacation leave each month according to the following schedule:

NON-EXEMPT

First Year	10 Days (80 Hours) Per Year
Second Year	15 Days (120 Hours) Per Year
Third Year and thereafter	20 Days (160 Hours) Max. Per Year

EXEMPT

First Year and each year thereafter	20 Days (160 Hours) Max. Per Year
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A. Eligibility

- a. Eligible part-time employees shall earn prorated paid vacation leave based on FTE.
- b. Full-time employees who work less than a full-time schedule (unpaid leave or professional leave) for a temporary period will earn leave on the basis of FTE.

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- c. Accrued vacation leave may be taken during the introductory period only with permission from the employee's supervisor and the College President.

B. Scheduling

- a. Vacation schedules shall be approved by the employee's supervisor in accordance with the needs of the College, and when feasible, shall be scheduled to prevent the loss of vacation time earned.
- b. In cases of conflict, the supervisor will determine which request will have precedence.

C. Unused Vacation Leave

- a. Employees may accrue an unlimited amount of vacation leave. However, when an employee leaves the employment of the College, unused vacation will be paid up to 20 days (160 hours) at the current salary rate, or at the discretion of the President.
- b. Employees whose compensation is not fully funded by the College's General Fund will be paid all wages due and will be paid for all earned, unused vacation pay if funding for that purpose is provided by the funding entity providing their compensation. Unfunded vacation pay is at the discretion of the President.

HOLIDAYS: 312.2

There shall be twelve paid holidays annually: New Year's Day, Martin Luther King Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, day after Thanksgiving, day before Christmas, Christmas Day, and one floating holiday during the Christmas holiday to be designated by the President.

A. Eligibility

- a. Eligible employees, as described in the Benefits Chart in Appendix B-1, shall earn paid holiday leave.

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- b. Eligible part-time employees shall earn paid holiday leave for the hours they are normally scheduled to work on the day of the week on which the holiday falls

B. Scheduling

- a. In the event that essential College operations require that an employee work on a designated paid holiday, a non-exempt employee shall be compensated overtime wages in accordance with Article 311.1.
- b. In the event that a designated paid holiday falls during a period of an employee's scheduled paid vacation leave, that holiday shall not be charged against the employee's vacation leaves.

PAID SICK LEAVE: 312.3

Tillamook Bay Community College provides paid sick leave to college employees as required under Oregon law. Sick leave hours are provided only for the employee's own illness or injury, or to care for a family member (as defined below).

A. Eligibility

- a. Eligible employees, as described in the Benefits Chart in Appendix B-1, shall earn paid sick leave as outlined in the Benefits Chart.
- b. Eligible part-time employees .5 -.99 shall earn prorated sick leave on the basis of FTE.
- c. Full-time employees who work less than a full-time schedule (unpaid leave or professional leave) for a temporary period will earn prorated sick leave on the basis of FTE.
- d. Effective January 1, 2016; under SB 454, employees less than .5 FTE shall earn sick leave. Sick leave shall be earned as described in the Benefits Chart in Appendix B-1.
- e. Part-time employees less than .5 FTE and adjunct faculty may earn up to a maximum of 40 hours of sick leave a year. Maximum accrual of sick leave is 80 hours. Maximum use of sick leave is 40 hours per year.

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- f. In the event of a change in an employee's FTE, in which the new FTE is .5 or greater, sick leave will be prorated on the basis of the new FTE. Previously accrued sick leave will remain with the employee. In the event of a change in an employee's FTE, in which the new FTE is less than .5 sick leave shall be earned as described in the Benefits Chart in Appendix B-1. Upon termination of employment accrued sick leave shall not be compensated for unless otherwise allowed under ORS.238.350. The College provides regular notification to each employee of the amount of accrued and unused sick leave by written notice in the employee's paycheck.

B. Scheduling

- a. In the event of illness or injury as applied to this section, the employee shall make a reasonable attempt to notify the employee's supervisor before or at the beginning of each scheduled work day. Each day's absence shall be reported on the monthly time sheet or leave record upon the employee's return to work and shall be applied against any unused sick leave.
- b. In the event of illness or injury of an employee's immediate family which necessitates the employee's absence, unused sick leave may be used to a maximum of three days in any one instance. At the discretion of the College President or those designated by the College President, the three-day period may be extended in exceptional circumstances.
- c. If an illness or injury exhausts unused sick leave, then vacation days, accumulated compensatory time and/or unpaid leave may be taken, only if said leave does not jeopardize the efficient operation of the College as determined by the College President or those designated by the President.
- d. A doctor's note may be required by the employee's supervisor for any sick leave referred to above.

C. Use of Sick Leave

Sick leave may be used for the following purposes:

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- a. For the employee's mental or physical illness, injury or health condition; need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition; or need for preventive medical care;
- b. For care of a family member with a mental or physical illness, injury or health conditions; care of a family member who need medical diagnosis, care or treatment of a mental or physical illness, injury or health condition; or care of a family member who needs preventive medical care;
- c. To care for an infant or newly adopted child under 18, or for a newly placed foster child under 18, or for a child over 18 if the child is incapable of self-care because of mental or physical disability.
- d. To care for a family member with a serious health condition
- e. To recover from or seek treatment for a serious health condition that renders the employee unable to perform at least one of the essential functions of the employee's job.
- f. To care for a child of the employee who is suffering from a non-serious illness, injury or condition.
- g. To deal with the death of a family member by attending the funeral or alternative, making arrangements necessitated by the death of a family member, or grieving the death of a family member.
- h. To seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee's minor child or dependent for proceedings related to domestic violence, harassment, sexual assault, or stalking.
- i. To seek medical treatment, recover from injuries, or obtain services related to domestic violence, sexual assault, harassment or stalking incidents to the employee or employee's minor child or dependent.

UNPAID SICK LEAVE - FAMILY MEDICAL LEAVE: 312.4

The College will comply with all provisions of the Family and Medical Leave Act (FMLA) of 1993 and the Oregon Family Leave Act (OFLA) of 1995.

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RELATED TO ADMINISTRATIVE RULE NUMBER: AR C002

A. Family Medical Leave Act

- a. Unpaid leave for eligible employees will be provided to care for themselves or family members in cases of illness, injury, childbirth and adoption.
- b. "Family members" for the purpose of FMLA leave means a (n): spouse, child of the employee, custodial parent, noncustodial parent, biological parent, adoptive parent, step or foster parent, in loco parentis when the employee was a child.
- c. In order to be eligible for the benefits under FMLA, an employee must have been employed by the College for at least 12 months and have worked at least 1250 hours during the past 12 month period.
- d. Employees who qualify for FMLA leave will have continued health care insurance coverage. Employees shall be responsible for any health insurance premium costs in excess of the current benefit amount paid by the College.

B. Oregon Family Medical Leave Act

- a. Unpaid leave for eligible employees will be provided to care for themselves or family members in cases of illness, injury, death, childbirth and adoption.
- b. "Family members" for the purpose of OFLA leave means a(n): spouse, child of the employee, custodial parent, noncustodial parent, biological parent, adoptive parent, step or foster parent, in loco parentis when the employee was a child, same-gender domestic partner, child of same-gender domestic partner, grandparent, grandchild, parent-in-law or parent of same-gender domestic partner.
- c. In order to be eligible for benefits under OFLA, an employee must work an average of 25 hours per week and have been employed at least 180 days prior to the first day of the family medical leave of absence. However, for parental leave, an employee becomes eligible upon completing 180 days immediately preceding the date on which the parental leave begins. There is no minimum average number of hours worked per week when determining employee eligibility for parental leave.

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C. Public Health Emergency

- a. To qualify for OFLA due to a public emergency an employee must have been employed for 30 days prior to commencing leave and worked an average of 25 hours per week in the 30 days prior to commencing leave. Reference: Appendix B1, 311.1, Family Medical Leave Act 1993, State of Oregon Family Medical Leave Law.
- b. Employees who qualify for OFLA leave will have continued health care insurance coverage. Employees shall be responsible for any health insurance premium costs in excess of the current benefit amount paid by the College.
- c. Under OFLA an eligible employee is entitled to take up to two weeks bereavement leave following the death of a family member as defined by OFLA. The employee must complete the leave within 60 days of learning of the death.
- d. Federal and state leave entitlements generally run concurrently.
- e. Absence beyond the entitlement provided in State and Federal law will be treated as Extended Leave of Absence.

CATASTROPHIC LEAVE: DONATIONS AND REQUEST FOR SICK LEAVE HOURS:
312.5

Tillamook Bay Community College recognizes that employees can experience personal medical situations resulting in the need for additional time off in excess of their available leave. To address this need, eligible employees will be allowed to donate sick leave from their sick leave balance to their co-workers in need. Donation of sick leave hours and requests to receive sick leave hours will be in accordance with AR C002.