

MontanaTech

Procedure: **Annual Leave**

References: 2-18-601, 2-18-611-612, 614-617, M.C.A.; MUS 801.14.1; MOM 3-0305;
Collective Bargaining Agreements

A. DEFINITIONS

As used in this procedure, the following definitions apply:

1. Annual Leave means, as provided in 2-18-601 (19), MCA, "A leave of absence with pay for the purpose of rest, relaxation, or personal business at the request of the employee and with the concurrence of the employer."
2. Break in Service means, as provided in 2-18-601(2), MCA, "a period of time in excess of five working days when the person is not employed and that severs continuous employment." A break in service shall result from a termination or resignation that actually severs the employment relationship between the employee and Montana Tech. Time on approved leave without pay is not considered in defining a break in service.
3. Continuous Employment means, for purposes of the qualifying period, working for Montana Tech without a break in service of more than five (5) working days.
4. Qualifying Period means the six (6) calendar month period an employee must be continuously employed to be eligible to use annual leave credits or to be eligible upon termination for a lump sum payment for unused annual leave credits.
5. Transfer means a change of employment from one department of Montana Tech to another, from one unit of the Montana University System to another, or from a unit of the Montana University System to a State agency without a break in service.
6. Annual Leave Credits means the earned number of annual leave hours an employee is eligible to use upon completion of the qualifying period.

B. ACCRUAL

Eligible employees earn annual leave credits from the first day of employment. Annual leave hours are accrued at the end of each pay period. Leave is available to use only after the applicable qualifying period and after it has accrued. Leave credits cannot be advanced nor may leave be taken retroactively. Annual leave credits are not accrued if an employee is on leave without pay status.

Accrual Rates:

- a. Fiscal-year faculty and academic administrators accrue academic annual leave at the rate of 14 hours per calendar month of continuous employment for which the employee is in a paid status.
- b. Non academic administrators, staff, and temporary employees accrue annual leave in accordance with the following schedule:
 - 1 day through 10 years = 15 working days per year
 - 10 years through 15 years = 18 working days per year
 - 15 years through 20 years = 21 working days per year
 - 20 years + = 24 Working days per year
- c. Previous Service:

If an employee has been previously employed by The Montana University system, State of Montana, or a Montana County or City government, or school district as defined as "Agency" in 2-18-601 (1)(a), MCA, credit for prior service may be used to calculate the employee's rate of accrual. The employee must request such credit in writing and provide adequate documentation to the Personnel Office. Certain military service may also be recognized as credit toward the accrual rate. When such credit is approved, the employee must serve a new qualifying period in order to use accrual annual leave. The employee's leave credit balance and the employee's accrual rate shall not be adjusted retroactively. The employee shall begin earning leave at an adjusted rate, where appropriate, at the beginning of the first pay period after the Personnel Office receives acceptable documentation.

Maximum accrual: Eligible employees may accumulate two times the total number of annual leave credits they are eligible to earn per year. Excess vacation leave credits will be forfeited unless taken by the employee within 90 calendar days from the last day of the calendar year in which the excess credits were earned (March 31) except as further set forth in this section.

The calculation of excess annual leave credits (those credits which must be used within the first 90 days of the next calendar year) will be made as of December 31 of each year.

In accordance with 2-18-617, MCA, if an employee makes a reasonable written request to use excess annual leave before the excess annual leave must be forfeited (March 31) and the supervisor denies the request, the excess annual leave is not forfeited and the supervisor shall ensure that the employee may use the excess annual leave before the end of the calendar year in which the leave would have been forfeited. A copy of the denied request shall be submitted to the Personnel Office to ensure retention of the excess hours.

C. ELIGIBLE EMPLOYEES

1. FACULTY

a. Academic Year Appointments: Faculty members with academic rank who are appointed on an academic year basis shall accrue no annual leave. Faculty members who are appointed for teaching, research and/or public service for summer sessions accrue no annual leave.

b. Fiscal Year Appointments: Full-time faculty members on fiscal year (12-month) appointments shall earn annual leave from the first month of employment at the rate of fourteen (14) hours per month. They are not entitled to use vacation leave with pay until they have been continuously employed for a period of six calendar months. Part-time fiscal year faculty members are entitled to prorated vacation leave credits if appointed for .50 FTE or more.

- c. Fiscal year faculty on paid sabbatical leaves shall receive pro-rated annual leave in accordance with the sabbatical terms.

2. ACADEMIC ADMINISTRATORS

Full-time academic administrators holding academic rank on fiscal year appointments accumulate annual leave at the rate of fourteen (14) hours per month. If an academic administrator's status is changed from a fiscal year to an academic year appointment, the administrator shall be compensated for accrued vacation leave credits at the time of the status change or may elect to retain the accrued leave until such time as the individual terminates employment or returns to a fiscal year appointment.

3. NON-ACADEMIC ADMINISTRATORS AND STAFF

Accrual is prorated according to hours worked and based on years of continuous service. Hours in a pay status paid at the regular rate will be used to calculate leave accrual. Vacation leave credits will not accrue for those hours that are paid as overtime or recorded as compensatory time earned.

An individual simultaneously employed in two or more positions at Montana Tech will accrue vacation leave in each position according to the number of hours worked. Vacation leave credits will be used only from the position in which the credits are earned and with approval of the supervisor of that position.

4. TEMPORARY EMPLOYEES

Temporary employees accrue and are eligible to use annual leave in accordance with their employment status, as defined in these procedures.

D. QUALIFYING PERIOD

All employees must be continuously employed by Montana Tech or another unit of the Montana University System for the qualifying period of six calendar months to be eligible to use accrued vacation leave. Unless there is a break in service, an employee is only required to serve the qualifying period once. After a break in service, an employee must again complete the qualifying period to be eligible to use annual vacation leave.

E. USE OF ANNUAL LEAVE

The dates when employees' annual leaves shall be granted are determined by agreement between each employee and the employee's supervisor, with regard to the best interests of the University and the best interests of each employee. In no case may the number of hours of annual leave taken exceed the number of hours the employee is regularly scheduled to work.

Vacation leave taken over a legal holiday will not be charged to an employee's vacation leave for the holiday.

At an employee's request, and with the approval of the supervisor, an absence due to illness may be charged to annual leave after all sick leave benefits have been exhausted.

With prior approval of the supervisor, leave without pay may be used to extend regular vacation leave. Leave without pay provisions set forth in the applicable Personnel Policy shall apply.

F. TERMINATION OF EMPLOYMENT/TRANSFER/LAYOFF

With the approval of the employee's supervisor and department head, annual leave may be used to extend or delay the effective date of a voluntary termination. The last day that the employee is in a pay status is the date of termination. An employee who has worked the qualifying period and who terminates employment with the University shall receive cash compensation for unused annual leave unless such termination is for reasons reflecting discredit upon the employee (2-18-617, MCA). Unused vacation leave is compensated at the employee's rate of pay at the time of termination.

If an employee transfers from one department to another, no cash payment is made at the time of transfer. The receiving department assumes the liability for the accrued vacation leave credits transferred with the employee. If an individual transfers from one unit of the Montana University System to a state agency, the receiving unit/agency has the option to assume the liability for the accrued vacation leave unless a break in service of more than five days occurs. If a break in service occurs, the employee shall receive a lump sum payment and must begin again the qualifying period for use of leave at the new unit/agency.

When an employee transfers from one unit of the University system to another without a break in service, the employee shall not receive cash compensation for accrued annual leave. The receiving unit shall assume liability for the accrued leave.

When an employee works in more than one department, upon termination from one position the employee may, at the remaining department's discretion, transfer leave credits to the remaining position. If the remaining department will not accept the transfer of credits, it is the responsibility of the department from which the employee is terminating to fund the pro-rated amount of annual leave payout to the employee.

In the event of a reduction in force, the employee shall have the option of receiving a lump sum payoff at the time of layoff or maintaining the annual leave credits for a period not to exceed one year from date of layoff. The election must occur at the time of layoff. The employee may request payoff for accrued annual leave and sick leave at any time after the initial request to maintain the accruals. Such request will be processed as soon as reasonably possible. The employee's choice to receive a lump sum payoff or maintain the accrual will also apply to the employee's sick leave accruals.