

**THREE RIVERS COLLEGE
PERSONNEL REGULATION**

Section: 4000 Personnel	
Sub Section: 4300 Leave	
Title: PR 4320 Authorized Types of Leave	Page 1 of 23
Primary Policy: PP 4310 Absences from College	
Associated Policies: PP 4330 Shared Sick Leave; GAP 1107 Disruption in Normal College Operations	
References: 29 USC Ch. 28: Family and Medical Leave; Section 4331(a) of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. 4331(a); Victims Economic Safety and Security Act (VESSA) RSMo 285.625 to 285.670; RSMo 115.639; RSMo 41.1000	
Supersedes: NA	
Responsible Administrator: Director of Human Resources	
Initial Approval: 03-24-2010	Last Revision: 10-20-2021

Three Rivers College permits an employee to be absent from his or her duties for a specified time. The board of trustees authorizes the college president to grant leave as set forth in college policy. Granting of leave shall be determined on the basis of policies and procedures designed to facilitate the operation of the college and the need to ensure leave is granted or denied on a uniform basis. Leave of absence may be granted with pay or without pay.

Paid leave may be granted by the college president to eligible employees for approved absences from duty including, but not limited to, sick, vacation, family medical leave, leave of absence, holiday, civil, military, voting, and Victims of Domestic or Sexual Violence leave. A Request for Leave Form must be completed for each type of absence. Planned absences must be approved in advance using the Request for Leave Form and procedure. In the event of an unplanned absence, an employee should contact his/her supervisor immediately and complete the Request for Leave Form as soon as possible upon return.

I. Sick Leave

Three Rivers College is committed to assisting all regular full-time employees against loss of earnings due to illness, injury, or incapacity to work, which includes an incapacity to work due to short term or disabling conditions, and to provide time-off to employees in the event of illness or death of certain family members; as covered by the provisions of the Family Medical Leave Act (FMLA).

Eligibility to Accrue Sick Leave

- A. Full-time employees shall be eligible to accrue sick leave.
- B. All full-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 college president.

**THREE RIVERS COLLEGE
PERSONNEL REGULATION**

Section: 4000 Personnel	
Sub Section: 4300 Leave	
Title: PR 4320 Authorized Types of Leave	Page 2 of 23
Primary Policy: PP 4310 Absences from College	
Associated Policies: PP 4330 Shared Sick Leave; GAP 1107 Disruption in Normal College Operations	
References: 29 USC Ch. 28: Family and Medical Leave; Section 4331(a) of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. 4331(a); Victims Economic Safety and Security Act (VESSA) RSMo 285.625 to 285.670; RSMo 115.639; RSMo 41.1000	
Supersedes: NA	
Responsible Administrator: Director of Human Resources	
Initial Approval: 03-24-2010	Last Revision: 10-20-2021

Eligibility for and Rate of Accrual of Sick Leave

- A. Regular full-time employees, unless otherwise covered herein, shall accrue sick leave at the rate of 8 hours for each month of actual service. Under no circumstances may a regular full-time employee earn more than 136 hours of sick leave per year.
- B. Regular full-time faculty, employed on a nine-month basis, shall accrue sick leave at the rate of 8.90 hours for each month of actual service. Faculty employed during the summer shall accrue one day (8 hours) per month of service.
- C. Regular full-time faculty, employed on a ten-month basis, shall accrue sick leave at the rate of 8 hours for each month of actual service. Faculty employed during the summer shall accrue one day (8 hours) per month of service.
- D. Accrued hours of sick leave shall be cumulative for all hours not used to a maximum of 480 hours. The employee will not be eligible to accrue additional hours after the maximum number of hours is met until the number of hour's accumulated falls below the maximum number of hours allowed.
- E. Eligible employees shall accrue sick leave from the date of full-time employment.
- F. Eligible employees earn and accrue sick leave for each month during which the employee received compensation.
- G. Employees otherwise eligible to earn sick leave do not earn or accrue sick leave while on leave of absence.

Separation of Employees with Accrued Sick Leave

Upon termination of employment, accumulated sick leave shall not be used as terminal leave, and the employee shall not be entitled to any payment for accumulated sick leave.

**THREE RIVERS COLLEGE
PERSONNEL REGULATION**

Section: 4000 Personnel	
Sub Section: 4300 Leave	
Title: PR 4320 Authorized Types of Leave	Page 3 of 23
Primary Policy: PP 4310 Absences from College	
Associated Policies: PP 4330 Shared Sick Leave; GAP 1107 Disruption in Normal College Operations	
References: 29 USC Ch. 28: Family and Medical Leave; Section 4331(a) of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. 4331(a); Victims Economic Safety and Security Act (VESSA) RSMo 285.625 to 285.670; RSMo 115.639; RSMo 41.1000	
Supersedes: NA	
Responsible Administrator: Director of Human Resources	
Initial Approval: 03-24-2010	Last Revision: 10-20-2021

Use of Sick Leave

Sick leave and Family and Medical Leave Act Leave (FMLA) shall run concurrently. (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.). Sick leave requests must be submitted on the approved college forms for approval. If it is a planned absence eligible for sick leave, the Request for Leave Form should be submitted in advance of the leave. If unplanned sick leave occurs, the Request for Leave Form should be submitted immediately upon return.

- A. Sick leave is generally applicable to absences due to illness or injury to an employee, including but not limited to illness or incapacity to work due to pregnancy, medical examinations, vision, and dental appointments. In addition, sick leave may be used for maternity/ paternity leave.
- B. Abuse of sick leave by an employee will result in the withholding of payment of the sick leave and possible additional disciplinary action up to and including termination. Sick leave may not be taken until earned, and may not be advanced. Please note: sick leave may be denied at the discretion of the supervisor.
- C. Where an employee must be absent because of illness in the immediate family, sick leave may be used. For purposes of this section, "immediate family" shall be deemed to include: (1) spouse; (2) children, step-children; (3) parents, step-parents, foster parents and parents-in-law; (4) sibling; and (5) other members of the family who reside within the home of the employee.
- D. Sick leave may not be used by nine-month or ten-month employees for absences due to illness or injury during a summer session unless the employee has been physically present and actually commenced employment for the term in question.
- E. Upon prior approval of the college president, an employee who is injured in the line of

**THREE RIVERS COLLEGE
PERSONNEL REGULATION**

Section: 4000 Personnel	
Sub Section: 4300 Leave	
Title: PR 4320 Authorized Types of Leave	Page 4 of 23
Primary Policy: PP 4310 Absences from College	
Associated Policies: PP 4330 Shared Sick Leave; GAP 1107 Disruption in Normal College Operations	
References: 29 USC Ch. 28: Family and Medical Leave; Section 4331(a) of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. 4331(a); Victims Economic Safety and Security Act (VESSA) RSMo 285.625 to 285.670; RSMo 115.639; RSMo 41.1000	
Supersedes: NA	
Responsible Administrator: Director of Human Resources	
Initial Approval: 03-24-2010	Last Revision: 10-20-2021

duty as a result of the commission of an assault upon him or her which disables the employee from performing his or her 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 his or her regular duties.

Physician's Statement or Other Certification

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 his or her supervisor.

Return to Work

For the employee's protection and the protection of those who work closely with the employee, 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. An employee will be allowed to return to work if he/she is able to perform the essential functions of the position.

Exhaustion of Sick Leave

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. When an employee has exhausted all accumulated sick and annual leave, he or she may request to be placed on leave of absence. If applicable, employees who have exhausted all accumulated sick and annual leave may also reference PP 4330 Shared Sick Leave.

**THREE RIVERS COLLEGE
PERSONNEL REGULATION**

Section: 4000 Personnel	
Sub Section: 4300 Leave	
Title: PR 4320 Authorized Types of Leave	Page 5 of 23
Primary Policy: PP 4310 Absences from College	
Associated Policies: PP 4330 Shared Sick Leave; GAP 1107 Disruption in Normal College Operations	
References: 29 USC Ch. 28: Family and Medical Leave; Section 4331(a) of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. 4331(a); Victims Economic Safety and Security Act (VESSA) RSMo 285.625 to 285.670; RSMo 115.639; RSMo 41.1000	
Supersedes: NA	
Responsible Administrator: Director of Human Resources	
Initial Approval: 03-24-2010	Last Revision: 10-20-2021

Personal Leave

All references to sick leave in college policy or regulation are inclusive of personal leave. Full-time employees of the college may use a maximum of 40 hours of accrued sick leave per year for personal matters that cannot be conducted during non-work time with notification to the appropriate supervisor or administrator. Personal leave is available at the beginning of each fiscal year. During the first year of employment, personal leave will be prorated based on the date of hire. Unused personal leave shall not be cumulative. At the end of the fiscal year, unused personal days will remain in the employee's sick leave balance up to the maximum amount of 480 hours. Upon termination of employment, the employee shall not be entitled to any payment for personal leave. Personal leave requests must be submitted on the approved college forms for approval. If the personal leave request is planned, a request for personal leave should be submitted in advance of the leave. If the need for personal leave is unplanned, the Request for Leave Form should be submitted immediately upon return.

Bereavement Leave

College employees may use up to 24 hours sick leave as bereavement leave in the event of a death an immediate family member. Immediate family shall mean the husband, wife, father, mother, son, daughter, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, nephew, niece, granddaughter, grandson, grandfather, grandmother, aunt, or uncle.

II. Vacation Leave

The time selected for vacation leave shall be subject to approval by the immediate supervisor, whereas it is deemed that the leave time does not jeopardize the operations of the college. Request for vacation leave must be submitted on the approved college forms no less than ten (10) business days prior to the leave occurring. Exceptions may be granted on a case-by-case basis at the discretion of the employee's supervisor.

**THREE RIVERS COLLEGE
PERSONNEL REGULATION**

Section: 4000 Personnel	
Sub Section: 4300 Leave	
Title: PR 4320 Authorized Types of Leave	Page 6 of 23
Primary Policy: PP 4310 Absences from College	
Associated Policies: PP 4330 Shared Sick Leave; GAP 1107 Disruption in Normal College Operations	
References: 29 USC Ch. 28: Family and Medical Leave; Section 4331(a) of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. 4331(a); Victims Economic Safety and Security Act (VESSA) RSMo 285.625 to 285.670; RSMo 115.639; RSMo 41.1000	
Supersedes: NA	
Responsible Administrator: Director of Human Resources	
Initial Approval: 03-24-2010	Last Revision: 10-20-2021

Vacation leave may be used to supplement sick leave in case of extended illness if employee elects to do so and upon approval of the immediate supervisor. In cases of FMLA leave, vacation and FMLA leave shall run concurrently.

Vacation leave shall not accrue beyond the maximum accumulated level as outlined herein.

Eligibility to Accrue Vacation Leave

- A. Regular, full-time administrative, professional and support staff, regardless of probationary status, shall be eligible to accrue vacation leave.
- B. Temporary employees shall not be eligible to accrue vacation leave.
- C. All full-time employees who are employed pursuant to funds available to the institution through grants or contracts are not eligible to accrue vacation leave unless the grant or contract involved provides sufficient funds to cover the costs of such leave, or unless eligibility to accrue vacation leave is approved by the college president.
- D. Faculty members with less than 12-month appointments are not eligible to accrue vacation leave.
- E. Eligible employees earn and accrue vacation leave for each pay period during which the employee received compensation. Staff in positions of less than 12 months prior to January 18, 2017, are eligible to accrue vacation leave based on 12 months of service and years of service as outlined below.

Eligibility for and Rate of Accrual of Vacation Leave

Administration, Professional Staff, and 12-Month Faculty Appointments

Employees classified as exempt professional staff, administration, or 12-month faculty may accumulate a maximum of 200 hours. The employee will not be eligible to accrue additional hours after the maximum number of hours is met until the number of hour's accumulated falls below the maximum number of hours allowed.

**THREE RIVERS COLLEGE
PERSONNEL REGULATION**

Section: 4000 Personnel	
Sub Section: 4300 Leave	
Title: PR 4320 Authorized Types of Leave	Page 7 of 23
Primary Policy: PP 4310 Absences from College	
Associated Policies: PP 4330 Shared Sick Leave; GAP 1107 Disruption in Normal College Operations	
References: 29 USC Ch. 28: Family and Medical Leave; Section 4331(a) of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. 4331(a); Victims Economic Safety and Security Act (VESSA) RSMo 285.625 to 285.670; RSMo 115.639; RSMo 41.1000	
Supersedes: NA	
Responsible Administrator: Director of Human Resources	
Initial Approval: 03-24-2010	Last Revision: 10-20-2021

For example: During the month of June an employee accrues 10 hours of vacation leave. The employee has a current vacation leave balance of 200 hours. There is no increase to the vacation balance until the employee takes vacation leave, at which time accrual will begin again until the maximum limit of 200 hours is met.

Persons who were employed before July 1, 1999, and who have been employed more than one year shall be entitled to 160 hours vacation earned at 13.34 hours of vacation time per month.

Administration, Professional Staff, and 12-Month Faculty Appointments employed after July 1, 1999, shall earn vacation based on years of service as follows:

Years of Service	Number of Vacation Hours Per 12 Month Period
0 – 1 Year	80
2 – 5 Years	96
6 – 10 Years	120
11 – 15 Years	144
16 – More Years	160

Persons who were classified as exempt prior to November 1, 2016, will continue to accrue at the Administration, Professional Staff, and 12-Month Faculty rate based on years of service. Persons hired after November 1, 2016, will accrue vacation based on position classification of exempt or non-exempt at the time of hire, or at such time their position status may change.

**THREE RIVERS COLLEGE
PERSONNEL REGULATION**

Section: 4000 Personnel	
Sub Section: 4300 Leave	
Title: PR 4320 Authorized Types of Leave	Page 8 of 23
Primary Policy: PP 4310 Absences from College	
Associated Policies: PP 4330 Shared Sick Leave; GAP 1107 Disruption in Normal College Operations	
References: 29 USC Ch. 28: Family and Medical Leave; Section 4331(a) of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. 4331(a); Victims Economic Safety and Security Act (VESSA) RSMo 285.625 to 285.670; RSMo 115.639; RSMo 41.1000	
Supersedes: NA	
Responsible Administrator: Director of Human Resources	
Initial Approval: 03-24-2010	Last Revision: 10-20-2021

Support Staff

Employees classified as support staff (non-exempt) may accumulate a maximum of 160 hours. The employee will not be eligible to accrue additional hours after the maximum number of hours is met until the number of hour's accumulated falls below the maximum number of hours allowed.

For example: During the month of June an employee accrues 10 hours of vacation leave. The employee has a current vacation leave balance of 160 hours. There is no increase to the vacation balance until the employee takes vacation leave, at which time accrual will begin again until the maximum limit of 160 hours is met.

Support staff employed before July 1, 1999, and employed one (1) year or more shall be entitled to 144 hours per year earned at 12 hours vacation time per month.

Support Staff employed after July 1, 1999, shall earn vacation based on years of service as follows:

Years of Service	Number of Vacation Hours Per 12 Month Period
0 – 1 Year	64
2 – 5 Years	80
6 – 10 Years	96
11 – 15 Years	120
16 – More Years	144

**THREE RIVERS COLLEGE
PERSONNEL REGULATION**

Section: 4000 Personnel	
Sub Section: 4300 Leave	
Title: PR 4320 Authorized Types of Leave	Page 9 of 23
Primary Policy: PP 4310 Absences from College	
Associated Policies: PP 4330 Shared Sick Leave; GAP 1107 Disruption in Normal College Operations	
References: 29 USC Ch. 28: Family and Medical Leave; Section 4331(a) of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. 4331(a); Victims Economic Safety and Security Act (VESSA) RSMo 285.625 to 285.670; RSMo 115.639; RSMo 41.1000	
Supersedes: NA	
Responsible Administrator: Director of Human Resources	
Initial Approval: 03-24-2010	Last Revision: 10-20-2021

Persons hired after November 1, 2016, will accrue vacation based on position classification of exempt or non-exempt at the time of hire, or at such time their position status may change.

Separation of Employees with Accrued Vacation Leave

Upon separation of employment the employee will be entitled to any payment for accumulated vacation leave not to exceed 160 hours for Support Staff and 200 hours for Administration, Professional Staff, and 12 Month Faculty.

Closing the College due to Inclement Weather

Three Rivers College alerts employees, students, and others about college closings with Operation Weather-bird. This is the procedure that is followed when weather conditions warrant closing the college. If the college closes due to inclement weather, the President monitors weather conditions and alerts the media as early in the day as possible. The President monitors the weather throughout the day to make a determination on closing a second day.

Employees must monitor the media for college closing notices on the local television, radio stations, and college web site. Exempt and non-exempt employees will be charged equivalent hours of vacation leave if they are absent when the college (or their off-campus site of employment) is open; faculty will be charged equivalent hours of personal leave. If no leave balance exists, the employee will be charged the equivalent hours of unpaid leave.

III. Family and Medical Leave

Three Rivers College provides Family and Medical Leave in accordance with the Federal Family and Medical Leave Act (FMLA) of 1993 and subsequent amendments. FMLA provides eligible employees who work for covered employers the right to take unpaid, job-protected leave for absences due to a qualifying event. In compliance with the Family Leave Act of 1993, Three Rivers College provides eligible male and female employees up to twelve workweeks of unpaid leave during a twelve-month period (defined as a “rolling” period) for specified family and medical

**THREE RIVERS COLLEGE
PERSONNEL REGULATION**

Section: 4000 Personnel	
Sub Section: 4300 Leave	
Title: PR 4320 Authorized Types of Leave	Page 10 of 23
Primary Policy: PP 4310 Absences from College	
Associated Policies: PP 4330 Shared Sick Leave; GAP 1107 Disruption in Normal College Operations	
References: 29 USC Ch. 28: Family and Medical Leave; Section 4331(a) of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. 4331(a); Victims Economic Safety and Security Act (VESSA) RSMo 285.625 to 285.670; RSMo 115.639; RSMo 41.1000	
Supersedes: NA	
Responsible Administrator: Director of Human Resources	
Initial Approval: 03-24-2010	Last Revision: 10-20-2021

reasons, to provide continued health insurance coverage during the leave period and to insure employee reinstatement to the same or an equivalent position following the leave period. This regulation is further contained in informational posters provided by the Department of Labor; see the Human Resources Office.

Employee Eligibility

- A. In order to be considered “eligible” under FMLA guidelines, an employee must (1) have worked for Three Rivers College for at least 12 months (the 12 months do not have to be consecutive in order for an employee to be eligible) and (2) have worked at least 1,250 hours during the year preceding the start of the leave. For purposes of this regulation, full-time faculty satisfies the 1,250 hour test.
- B. The determination of whether an employee meets the eligibility criteria for receiving FMLA leave is based on the amount of service (including prior service) possessed by the employee as of the date the leave actually begins.
- C. Be employed at a worksite where the employer employs at least fifty (50) employees within a 75-mile radius.
- D. This regulation includes both regular and temporary employees. However, Three Rivers College is not obligated to restore an employee hired for a specific term or to complete a project.
- E. Must not have used all available FMLA in the 12 months prior to when the leave will commence.
- F. Must have a qualifying event.
- G. This policy contains no exceptions for “key employees” (e.g., a salaried FMLA-eligible employee who is among the highest paid 10 percent of all the employees of the institution).

**THREE RIVERS COLLEGE
PERSONNEL REGULATION**

Section: 4000 Personnel	
Sub Section: 4300 Leave	
Title: PR 4320 Authorized Types of Leave	Page 11 of 23
Primary Policy: PP 4310 Absences from College	
Associated Policies: PP 4330 Shared Sick Leave; GAP 1107 Disruption in Normal College Operations	
References: 29 USC Ch. 28: Family and Medical Leave; Section 4331(a) of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. 4331(a); Victims Economic Safety and Security Act (VESSA) RSMo 285.625 to 285.670; RSMo 115.639; RSMo 41.1000	
Supersedes: NA	
Responsible Administrator: Director of Human Resources	
Initial Approval: 03-24-2010	Last Revision: 10-20-2021

H. Military caregivers leave can be up to 26 weeks.

Qualifying Event

A qualifying event under FMLA includes:

- A. Birth and care of the employee’s newborn child.
- B. Placement of a child with the employee for adoption, or by the State for foster care.
- C. To care for the employee’s spouse, child or parent with a serious health condition (this does not include in-laws).
- D. The employee’s own serious health condition that prevents him or her from performing the employee’s job.
- E. “Any qualifying exigency” for an employee’s spouse, child, or parent on active military duty or being called to active military duty; or
- F. To care for a spouse, child, parent, or next-of-kin who is a member of the Armed Forces, National Guard or Reserves and who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness suffered in the line of duty on active duty.

Length of Family Medical Leave

An eligible employee is entitled up to twelve (12) workweeks of unpaid leave within a twelve-month period without loss of seniority or benefits. When both spouses in a family work for the College, they will be entitled to a total of twelve (12) weeks of unpaid leave (rather than 12 weeks each) for the birth, adoption, for foster placement of a child, or to care for a parent with a serious health condition.

The 12-month period is defined as the 12 months prior to when the leave will commence. Only military caregiver leave provides an entitlement to 26 weeks.

**THREE RIVERS COLLEGE
PERSONNEL REGULATION**

Section: 4000 Personnel	
Sub Section: 4300 Leave	
Title: PR 4320 Authorized Types of Leave	Page 12 of 23
Primary Policy: PP 4310 Absences from College	
Associated Policies: PP 4330 Shared Sick Leave; GAP 1107 Disruption in Normal College Operations	
References: 29 USC Ch. 28: Family and Medical Leave; Section 4331(a) of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. 4331(a); Victims Economic Safety and Security Act (VESSA) RSMo 285.625 to 285.670; RSMo 115.639; RSMo 41.1000	
Supersedes: NA	
Responsible Administrator: Director of Human Resources	
Initial Approval: 03-24-2010	Last Revision: 10-20-2021

All leave taken under the policy and leave for any other reason that would qualify under FMLA (e.g., worker's compensation leave that qualifies as a serious health condition), will be counted against the employee's leave entitlement under FMLA.

When an employee is not required to report for work for one or more weeks (e.g., employees who do not report for work during Christmas/New Year holiday, or during the summer) such days do not count against the employee's FMLA leave.

Family and Medical Leave Information

The foregoing regulation presents the pertinent provisions of the Family and Medical Leave Act of 1993 and complies with the requirements of the Act. If any employee desires additional information or explanation of the procedures and provisions of the Act, he/she is encouraged to seek additional information by obtaining a copy of the Act, fact sheet, or certification forms through the Human Resources office or arranging a conference with the Director of Human Resources/designee.

The Department of Labor informational poster is displayed in each building on campus as well as each external location.

Coordination with Existing Leave Policies

During a qualified leave, the employee shall exhaust all accumulated leave before continuing leave on an unpaid basis. All college leave is to run concurrently.

While on unpaid FMLA leave, employees will not accrue sick or vacation time during a month in which they have not been paid. Additionally, employees on unpaid FMLA will not be paid for a holiday that occurs during the period that they are on unpaid FMLA leave.

FMLA leave will be counted against the employee's leave entitlement from qualifying approved sick bank leave. If an employee elects to apply for and is approved for an extended

**THREE RIVERS COLLEGE
PERSONNEL REGULATION**

Section: 4000 Personnel	
Sub Section: 4300 Leave	
Title: PR 4320 Authorized Types of Leave	Page 13 of 23
Primary Policy: PP 4310 Absences from College	
Associated Policies: PP 4330 Shared Sick Leave; GAP 1107 Disruption in Normal College Operations	
References: 29 USC Ch. 28: Family and Medical Leave; Section 4331(a) of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. 4331(a); Victims Economic Safety and Security Act (VESSA) RSMo 285.625 to 285.670; RSMo 115.639; RSMo 41.1000	
Supersedes: NA	
Responsible Administrator: Director of Human Resources	
Initial Approval: 03-24-2010	Last Revision: 10-20-2021

leave of absence, the amount of time taken for FMLA leave will be deducted from the period of leave available. Once the FMLA portion of the employee's leave has ended, and the employee has elected to continue on leave pursuant to another Board policy or regulation, the remaining portion of the leave will be governed by the provisions of the other policy or regulation with respect to compensation, benefits, reinstatement, and all other terms and conditions of employment as set forth associated policy.

Notification

An employee who requests leave under this procedure shall receive written notice of the specific expectations and obligations of the employee, and the consequences for failure to meet these obligations. Such written notice shall be provided within a reasonable time after the employee gives notice of the need for leave under this procedure, usually within five (5) business days.

Before returning to work, an employee who is on leave of absence due to his/her own serious health condition must submit to the Director of Human Resources/designee, a health care provider's written certification form that the employee is able to return to work. Failure to provide such certification may result in the delay or denial of job restoration.

NOTE: An employee who requests leave that qualifies as family or medical leave under this regulation, and who does not specifically request the type of leave, shall be notified herein that the college reserves the right to designate the leave type, and it will be counted as FMLA leave. Such notification shall occur promptly, usually within five (5) business days after the college has become aware that the leave qualifies as FMLA leave. The notification may be oral or in writing; however, oral notification that the leave has been designated as FMLA leave will be confirmed in writing within five (5) business days.

**THREE RIVERS COLLEGE
PERSONNEL REGULATION**

Section: 4000 Personnel	
Sub Section: 4300 Leave	
Title: PR 4320 Authorized Types of Leave	Page 14 of 23
Primary Policy: PP 4310 Absences from College	
Associated Policies: PP 4330 Shared Sick Leave; GAP 1107 Disruption in Normal College Operations	
References: 29 USC Ch. 28: Family and Medical Leave; Section 4331(a) of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. 4331(a); Victims Economic Safety and Security Act (VESSA) RSMo 285.625 to 285.670; RSMo 115.639; RSMo 41.1000	
Supersedes: NA	
Responsible Administrator: Director of Human Resources	
Initial Approval: 03-24-2010	Last Revision: 10-20-2021

IV. Leave of Absence

Leave of absence without pay, requires both the recommendation of the appropriate cabinet member and the approval of the college president. A leave of absence not to exceed ninety (90) days may be granted for justifiable absences wherein it is not desirable to terminate the employee. Factors considered in determining whether it is desirable to not terminate the employee and to approve leave of absence without pay include whether:

- a) There are extraordinary circumstances present that justify keeping a position open or vacant and preserving it for that employee,
- b) it is, objectively and from a business standpoint, in the institution's best interest to retain the employee because of demonstrated contributions,
- c) the employee performs a unique service or has unique qualifications that are required for the position. Such leave must be approved by the college president or his/her designee, and
- d) there is minimal harm to students' education.

Employees who request an unpaid leave of absence due to a Family and Medical Leave Act (FMLA) qualifying event shall have their leaves processed in accordance with the provisions of FMLA leave regarding eligibility, continuation of insurance coverages, and maximum leave period for parents who are both college employees, etc.

If an employee is not eligible for FMLA leave or the period of the leave exceeds the FMLA maximum, the remaining balance of the leave shall be processed in accordance with the provisions of this policy. An employee who is on an unpaid leave of absence which does not qualify as FMLA leave shall be responsible for paying both the employee and employer portion of insurance premiums.

While on leave of absence for justifiable personal reasons other than non-qualifying FMLA leave,

**THREE RIVERS COLLEGE
PERSONNEL REGULATION**

Section: 4000 Personnel	
Sub Section: 4300 Leave	
Title: PR 4320 Authorized Types of Leave	Page 15 of 23
Primary Policy: PP 4310 Absences from College	
Associated Policies: PP 4330 Shared Sick Leave; GAP 1107 Disruption in Normal College Operations	
References: 29 USC Ch. 28: Family and Medical Leave; Section 4331(a) of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. 4331(a); Victims Economic Safety and Security Act (VESSA) RSMo 285.625 to 285.670; RSMo 115.639; RSMo 41.1000	
Supersedes: NA	
Responsible Administrator: Director of Human Resources	
Initial Approval: 03-24-2010	Last Revision: 10-20-2021

illness, injury, or disability, an employee retains accumulated annual and sick leave, but does not earn or accrue additional annual or sick leave.

An employee on leave of absence is not entitled to compensation for official holidays occurring within the leave period.

NOTE: All leave of absence requests shall require the written approval of the college president, and the recommendation of appropriate cabinet member and is at the complete discretion of the college.

V. Holiday Leave

Annually, upon recommendation of the President, the Board of Trustees approves certain holidays, duty days and non-duty days. A list of holiday leave days which will recognize paid holidays for full-time employees will be provided annually. Employees will not receive additional compensation for holidays. Employees must be on paid status the working day prior to a holiday to be compensated for the holiday.

VI. Civil Leave

Jury Duty and Court Related Leave

A full-time employee summoned to serve as a member of a jury panel shall be granted administrative leave with pay and the employee shall retain jury fees. The college shall not reimburse the employee for meals, lodging, or travel expenses while serving as a juror.

A full-time employee subpoenaed in the line of duty to represent the college as a witness or defendant shall not be granted administrative leave, and his or her appearance in such cases shall be considered a part of the job assignment. An employee, who is involved in litigation as a result of action related to carrying out the official college duties and responsibilities, may be granted administrative leave with pay for court attendance upon the approval of the college president.

**THREE RIVERS COLLEGE
PERSONNEL REGULATION**

Section: 4000 Personnel	
Sub Section: 4300 Leave	
Title: PR 4320 Authorized Types of Leave	Page 16 of 23
Primary Policy: PP 4310 Absences from College	
Associated Policies: PP 4330 Shared Sick Leave; GAP 1107 Disruption in Normal College Operations	
References: 29 USC Ch. 28: Family and Medical Leave; Section 4331(a) of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. 4331(a); Victims Economic Safety and Security Act (VESSA) RSMo 285.625 to 285.670; RSMo 115.639; RSMo 41.1000	
Supersedes: NA	
Responsible Administrator: Director of Human Resources	
Initial Approval: 03-24-2010	Last Revision: 10-20-2021

A full-time employee subpoenaed as a witness, not involving litigation in which he or she is a principal, shall be granted administrative leave with pay, and any witness fees shall be retainable by the employee. The college shall not reimburse the employee for meals, lodging, or travel expenses while serving as a witness.

In no case shall pay be granted for court attendance when an employee is engaged in personal litigation in which the employee is a principal; however, an employee may be granted vacation, personal, or emergency leave in such cases with the approval of the college president, or designee.

An employee shall promptly notify the immediate supervisor of the receipt of a jury summons or witness subpoena. The Request for Leave Form should be completed and submitted to the supervisor at the conclusion of the court service. A copy of the summons or witness subpoena must accompany the Request for Leave Form.

Employees released prior to the end of the workday are required to return to work. A copy of the "work excuse" provided by the court, indicating the dates of service and time of release from service is required. NOTE – the employee must request a work release from the court as one is not provided automatically.

Civil Air Patrol

With proper documentation, an employee of the college who is a member of the United States Air Force Auxiliary Civil Air Patrol who participates in a training program for the civil air patrol, or in emergency and disaster services, shall be entitled to a leave of absence with pay for a period of not more than fifteen (15) days during a calendar year for such purposes if the leave of absence is at the request of the employee's wing commander or the wing commander's designated representative. Any leave of absence pursuant to this section shall be in addition to any other leave of the employee. The employee is expected to submit the appropriate documentation and file with the college human resources office. All other rights and benefits of the employee,

**THREE RIVERS COLLEGE
PERSONNEL REGULATION**

Section: 4000 Personnel	
Sub Section: 4300 Leave	
Title: PR 4320 Authorized Types of Leave	Page 17 of 23
Primary Policy: PP 4310 Absences from College	
Associated Policies: PP 4330 Shared Sick Leave; GAP 1107 Disruption in Normal College Operations	
References: 29 USC Ch. 28: Family and Medical Leave; Section 4331(a) of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. 4331(a); Victims Economic Safety and Security Act (VESSA) RSMo 285.625 to 285.670; RSMo 115.639; RSMo 41.1000	
Supersedes: NA	
Responsible Administrator: Director of Human Resources	
Initial Approval: 03-24-2010	Last Revision: 10-20-2021

including seniority rights, insurance benefits, health insurance benefits, creditable service and all other such rights and benefits, shall continue.

VII. Military Leave

Three Rivers College supports the men and women of the armed forces of the United States and shall grant leave to those employees called to service.

The college intends that employees on Military Leave [Section 4331(a) of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. 4331(a)] be compensated to the greatest extent allowed by sound fiscal management. The college does not discriminate in hiring, firing, promotion, training, or any other benefit or advantage of employment for the past, present, or future participation in uniformed services. The college president, or designee, may grant extended military leave based on these considerations.

Full time College employees shall be granted military leave with pay and appropriate benefits as follows:

Requesting Leave

- A. A full-time employee called to military service should provide written notice to his or her supervisor as soon as possible.
- B. The employee must submit a copy of his or her official orders to the human resources office and complete a Request for Leave Form.
- C. The employee must designate a depository for direct deposit of any monies received from the college.

**THREE RIVERS COLLEGE
PERSONNEL REGULATION**

Section: 4000 Personnel	
Sub Section: 4300 Leave	
Title: PR 4320 Authorized Types of Leave	Page 18 of 23
Primary Policy: PP 4310 Absences from College	
Associated Policies: PP 4330 Shared Sick Leave; GAP 1107 Disruption in Normal College Operations	
References: 29 USC Ch. 28: Family and Medical Leave; Section 4331(a) of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. 4331(a); Victims Economic Safety and Security Act (VESSA) RSMo 285.625 to 285.670; RSMo 115.639; RSMo 41.1000	
Supersedes: NA	
Responsible Administrator: Director of Human Resources	
Initial Approval: 03-24-2010	Last Revision: 10-20-2021

Salary and Benefits during Leave

- A. A full-time employee granted military leave for normal training or reserve obligations shall receive full pay and benefits for the first seventeen (17) days of leave each calendar year. Leave beyond 17 days shall be without pay.
- B. A full-time employee who enlists or is called to extended military service during a time of war, or national or state emergency declared by the President, Congress, or the Governor shall be granted leave of absence from his or her position. The first thirty (30) days shall be with full pay and benefits. Additional pay and/or benefits beyond thirty (30) days may be granted to an employee as allowed by current budget and fiscal conditions. Beyond 30 days, the service member will be able to maintain coverage under the group sponsored health plan for up to 24 months; however, they may be required to pay up to 102 percent of the full premium as provided under COBRA. An employee on military leave from the College will not lose accrued leave when engaged in active status duty.

Re-instatement

- A. Upon return from extended active duty, a previous employee shall be reinstated to the same, or a position of like seniority, status and pay, as that which he or she left prior to the extended leave, in accordance with USERRA requirements.
- B. Employees shall retain all unused leave benefits and shall have balances credited to their records upon return to their positions.
- C. Vacation and sick leave accrue while the employee remains on paid leave status.
- D. Employees occupying positions funded by grants or other temporary sources shall be eligible for military leave and reinstatement rights during the term established for their positions by the grant or other source.
- E. Employees must return to work within a certain amount of time after military service

**THREE RIVERS COLLEGE
PERSONNEL REGULATION**

Section: 4000 Personnel	
Sub Section: 4300 Leave	
Title: PR 4320 Authorized Types of Leave	Page 19 of 23
Primary Policy: PP 4310 Absences from College	
Associated Policies: PP 4330 Shared Sick Leave; GAP 1107 Disruption in Normal College Operations	
References: 29 USC Ch. 28: Family and Medical Leave; Section 4331(a) of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. 4331(a); Victims Economic Safety and Security Act (VESSA) RSMo 285.625 to 285.670; RSMo 115.639; RSMo 41.1000	
Supersedes: NA	
Responsible Administrator: Director of Human Resources	
Initial Approval: 03-24-2010	Last Revision: 10-20-2021

ends, depending on the length of service. Employees do not need to decide until the end of their military service whether they will seek reemployment.

Service up to 30 days

The employee must return at the beginning of the next regularly scheduled work period on the first full day after release from service, with safe travel home plus an eight-hour rest period.

Service of 31-180 days

The employee must return no later than 14 days completing military service.

Service of 181 days or more

The employee must return to work no later than 90 days after completing military service.

Service-related injury or illness

The reemployment of an employee who has incurred a disability during service shall be according to USERRA guidelines.

Employees are protected from being discharged without cause for six months after the date of reemployment after military service lasting 31-180 days and for one year after reemployment for any longer service period.

Other Information

The college will not reinstate an employee who has been dishonorably discharged. The college will not hold positions for temporary employees.

VIII. Voting Leave

If a full-time employee is eligible to vote in any local, state, or national election in the state of Missouri, the employee will normally be able to vote before or after work. If an employee does

**THREE RIVERS COLLEGE
PERSONNEL REGULATION**

Section: 4000 Personnel	
Sub Section: 4300 Leave	
Title: PR 4320 Authorized Types of Leave	Page 20 of 23
Primary Policy: PP 4310 Absences from College	
Associated Policies: PP 4330 Shared Sick Leave; GAP 1107 Disruption in Normal College Operations	
References: 29 USC Ch. 28: Family and Medical Leave; Section 4331(a) of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. 4331(a); Victims Economic Safety and Security Act (VESSA) RSMo 285.625 to 285.670; RSMo 115.639; RSMo 41.1000	
Supersedes: NA	
Responsible Administrator: Director of Human Resources	
Initial Approval: 03-24-2010	Last Revision: 10-20-2021

not have three successive hours between the opening and closing of the polls on election day when he/she is not scheduled to work, the employee will be excused from work for the purpose of voting. Employees will be expected to notify the supervisor prior to election day and will be required to use personal or vacation leave time for the absence. This shall not apply to a voter on the day of election if there are three successive hours while the polls are open in which the employee is not in the service of the college. The college may specify any three hours between the time of opening and the time of closing the polls during which such employee may be absent. (RSMo 115.639)

IX. Victims of Domestic or Sexual Violence Leave

Effective August 28, 2021, the college will provide employees (full-time or part-time) who themselves are victims of domestic or sexual violence, or who have a family or household member who has been the victim of domestic or sexual violence, with unpaid leave from work in accordance with the requirements of Section 285.630, RSMo. For the purposes of this type of leave, a “family or household member” means a “spouse, parent, son, daughter, other person related by blood or by present or prior marriage, other person who shares a relationship through a son or daughter, and persons jointly residing in the same household.”

An employee who qualifies for this leave is entitled to a total of two (2) workweeks of leave (i.e., 10 days) during any twelve-month period. Sections 285.625 to 285.670 shall not create a right for an employee to take unpaid leave that exceeds the amount of unpaid leave time allowed under the federal Family and Medical Leave Act.

Leave may be taken either consecutively or intermittently in order to address the incident of violence by:

- a. Seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee’s family or household member.

**THREE RIVERS COLLEGE
PERSONNEL REGULATION**

Section: 4000 Personnel	
Sub Section: 4300 Leave	
Title: PR 4320 Authorized Types of Leave	Page 21 of 23
Primary Policy: PP 4310 Absences from College	
Associated Policies: PP 4330 Shared Sick Leave; GAP 1107 Disruption in Normal College Operations	
References: 29 USC Ch. 28: Family and Medical Leave; Section 4331(a) of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. 4331(a); Victims Economic Safety and Security Act (VESSA) RSMo 285.625 to 285.670; RSMo 115.639; RSMo 41.1000	
Supersedes: NA	
Responsible Administrator: Director of Human Resources	
Initial Approval: 03-24-2010	Last Revision: 10-20-2021

- b. Obtaining services from a victim services organization for the employee or the employee's family or household member.
- c. Obtaining psychological or other counseling for the employee or the employee's family or household member.
- d. Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or employee's family or household member from future domestic or sexual violence or to ensure economic security.
- e. Seeking legal assistance or remedies to ensure health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence.

The College may require the following:

- a. May request certification that the employee or member of family or household is a victim as described above.
- b. Must restore the employee to the position of employment held prior to reporting of domestic or sexual violence or an equivalent position.
- c. Must maintain coverage for the employee and any family or household member under any group health plan for the duration of such leave at the level and under the conditions coverage would have been provided had the employee continued in the employment previously held.
- d. May, under many circumstances, recover from the employee the premium paid for maintaining coverage if the employee fails to return from leave after the leave period has expired.
- e. May request a written statement signed by the employee or an individual acting on the employee's behalf for certifying a reasonable safety accommodation request.

An employee who wishes to apply for leave under this section must contact the Office of Human Resources.

**THREE RIVERS COLLEGE
PERSONNEL REGULATION**

Section: 4000 Personnel	
Sub Section: 4300 Leave	
Title: PR 4320 Authorized Types of Leave	Page 22 of 23
Primary Policy: PP 4310 Absences from College	
Associated Policies: PP 4330 Shared Sick Leave; GAP 1107 Disruption in Normal College Operations	
References: 29 USC Ch. 28: Family and Medical Leave; Section 4331(a) of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. 4331(a); Victims Economic Safety and Security Act (VESSA) RSMo 285.625 to 285.670; RSMo 115.639; RSMo 41.1000	
Supersedes: NA	
Responsible Administrator: Director of Human Resources	
Initial Approval: 03-24-2010	Last Revision: 10-20-2021

DOCUMENT HISTORY:

- 03-24-2010:** Initial approval of regulation PR 4320 Authorized Types of Leave.
- 07-07-2010:** “Personal leave is available at the beginning of each fiscal year.”
- 07-14-2011:** “Employees released prior to the end of the workday are required to return to work. A copy of the “work excuse” provided by the court, indicating the dates of service and time of release from service is required. NOTE – the employee must request a work release from the court as one is not provided automatically.” Added to section on jury leave.
- 08-15-2011:** Changed accrual values from days to hours as reflected on employee information in the college data system.
- 12-19-2012:** Revised the sick leave accrual hours to remove the sick and personal leave combined totals.
- Under Personal Leave – added “During the first year of employment, personal leave will be prorated based on the date of hire” and “At the end of the fiscal year unused personal days will remain in the employees sick leave balance up to the maximum amount of 480 hours.”
- Replaced “for the days not used after the maximum has been reached” with “to accrue additional hours after the maximum number of hours is met until the number of hours accumulated falls below the maximum number of hours allowed. For example: During the month of June an employee accrues 10 hours of vacation leave. The employee has a current vacation leave balance of 200 hours. There is no increase to the vacation balance until the employee takes vacation leave, at which time accrual will begin again until the maximum limit of 200 hours is met.”

**THREE RIVERS COLLEGE
PERSONNEL REGULATION**

Section: 4000 Personnel	
Sub Section: 4300 Leave	
Title: PR 4320 Authorized Types of Leave	Page 23 of 23
Primary Policy: PP 4310 Absences from College	
Associated Policies: PP 4330 Shared Sick Leave; GAP 1107 Disruption in Normal College Operations	
References: 29 USC Ch. 28: Family and Medical Leave; Section 4331(a) of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. 4331(a); Victims Economic Safety and Security Act (VESSA) RSMo 285.625 to 285.670; RSMo 115.639; RSMo 41.1000	
Supersedes: NA	
Responsible Administrator: Director of Human Resources	
Initial Approval: 03-24-2010	Last Revision: 10-20-2021

- 09-21-2016:** The College Board of Trustees approved the name change of the college from Three Rivers Community College to Three Rivers College. TRC revised to Three Rivers College.
- 01-18-2017:** Addition of eligibility for and rate of accrual of vacation leave for 12-Month Faculty Appointments, exempt and non-exempt status changes, minor language edits, and statement "If applicable, employees who have exhausted all accumulated sick and annual leave may also reference PP 4330 Shared Sick Leave" under Exhaustion of Sick Leave section.
- 02-20-2019:** Clarification of requirements for employee leave forms to be submitted prior to leave, direction for use of personal, sick and vacation leave, and guidelines for accrual of leave during said periods when on unpaid FMLA.
- 10-20-2021:** Added Victims of Domestic or Sexual Violence and Voting Leave Rulings, inclusion of References Grid and revised primary policy to be included in PP 4310 Absences from the College, as well as other minor edits.