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June 2014

4.433 Vacation

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ANTIOCH UNIVERSITY

Type of Policy <input checked="" type="checkbox"/> University <input type="checkbox"/> <i>Campus</i> <input type="checkbox"/> <i>Department/Unit</i> <input type="checkbox"/> <i>Interim</i>		Vacation Policy 4.433	
Human Resource Policies		Effective date: June 2, 2014	
Policy History:	Approved by:	Resolution #	Date:
Approved	Board of Governors	6.7.97:18	June 7, 1997
Revised	Chancellor	N/A	May 29, 2014
Responsible Office:	Responsible Administrator:	Contact information:	Applies to:
Office of Human Resources	Chief Human Resources Officer	937-769-1375	All Employees, EXCEPT Faculty

I. Introduction and Purpose

This policy establishes rules for vacation leave eligibility, accrual rates, carryover balances from one year to another, vacation usage, reporting requirements and other aspects of university vacation benefits.

II. Application

This policy is applicable to all benefits eligible employees except faculty and those employees represented by a recognized bargaining unit to the extent that the collective bargaining agreement expressly conflicts with and supersedes these provisions. Because faculty are allowed time off between terms, the university does not provide separate paid vacation benefits.

III. Eligibility

Antioch University (“AU”) provides paid vacation benefits to all non-faculty employees who are normally and regularly scheduled to work thirty (30) or more hours per week.

IV. Accrual of Vacation

A. Accrual Rate

Benefits-eligible employees begin earning or "accruing" vacation time at their most recent date of hire and accrue a fraction of their annual entitlement for each completed pay period. The accrual rate is expressed below in terms of the number of days of vacation earned per pay period. Vacation leave is prorated for part-time employees based on an employee’s regularly scheduled hours of work each pay cycle as noted in detail below. An account of such leave earned and used by each employee shall be maintained annually by the university. The Director of Human Resources (“HR”) and each campus HR department are responsible for maintaining an eligible employee’s record of accrued and used vacation leave.

1. Exempt (Salaried) Employees

Exempt employees, who are all paid on a monthly basis, accrue vacation at the following rate: Vacation leave is expressed in days and is accrued monthly at the rate of 1/12 the employee's annual accrual.

Years of Continuous Service	Annual Accrual	Monthly Accrual
0 – 5	15 days	1.25 days
6 or more	20 days	1.666 days

2. Non-Exempt (Hourly Paid) Employees

Non-Exempt employees, who are all paid on a bi-weekly basis, accrue vacation at the following rate per pay period: Vacation leave is expressed in days and is accrued bi-weekly at the rate of 1/26 the employee's annual accrual.

Years of Continuous Service	Annual Accrual	Bi-weekly Accrual
0 – 2	10 days	0.3846 days
3 – 5	15 days	0.5769 days
6 or more	20	0.7692 days

B. **Vacation Pay Computation**

1. **Exempt (Salaried) Employees.** A day of vacation for salaried employees is equal to the employee's annual salary divided by 260 days. This computation assumes the existence of a 5 day work week.
2. **Non-Exempt employees.** A day of vacation includes paid leave at the employees hourly rate of pay times the average number of hours per day that the employee is normally scheduled to work. For example, a non-exempt employee who is normally scheduled to work 40 hours per week will receive 8 hours pay per day of vacation leave. An employee normally scheduled to work 35 hours per week, will receive 7 hours of pay per day of vacation leave. This computation assumes the existence of a 5 day work week.
3. Pay for vacation time shall be at the eligible employee's regular base rate of pay when vacation time is used. Bonuses and other variable compensation are not included in calculating vacation pay.

C. **Effect of Reduced, Compressed or Alternative Work Schedules.**

1. **Exempt Employees.** Salaried exempt employees who regularly work fewer than 5 days per week will accrue a prorated number of days of vacation. [For example, an employee who regularly works 4 days per week with 6 or more years of service will be eligible for 16 days of vacation ($20 \times .80$). Each day would be compensated at a rate equal to the employee's annual salary divided by the employee's total number of work days per year, in this example, 208 days (4×52)].
2. **Non-Exempt Employees.** Non-exempt employees who normally work a compressed workweek or alternative schedule will be paid vacation pay based upon their individual schedules. For example, an hourly employee who normally works 4 consecutive 10 hour days, Monday through Thursday, and who takes Thursday off, will be paid for 10 hours of vacation pay. Therefore he/she will be charged for 10 hours (1.25 days) of vacation from their vacation accrual. An employee, who works an alternative work schedule of 9 hours Monday through Thursday and 4 hours on Friday, would be paid 4 hours of vacation for taking vacation on a Friday.

V. **Vacation Usage**

A. **General Rule of Usage**

Normally, eligible employees may use vacation time only after it's accrued. The scheduling of vacation time must be approved by the employee's supervisor and should not interfere with university operations. Ordinarily employees must request vacation at least 14 calendar days in advance to allow for proper scheduling of work. Campuses or units may establish other vacation approval guidelines as they feel necessary or appropriate. The employer may, its discretion, require that an employee take vacation leave at the university's convenience.

B. Advancing Vacation Leave

Employees may be "credited" with vacation leave before it is actually earned or "accrued". The purpose for allowing employees to use vacation before it is earned (negative balance) is in response to the cyclical work of many offices around the university that may dictate when an employee can conveniently be away on vacation, sometimes before they have earned it. Like other aspects of the vacation policy, supervisor approval is required before an employee can use unearned vacation time. This practice will continue to be prescribed by local campus procedures. However, employees shall reimburse the university for all used, but un-earned vacation leave upon termination from employment and will be deemed to have authorized the university to withhold such amounts from the final paycheck as a condition of the vacation advance. For example, if an employee is advanced the entire annual vacation accrual and then quits after only 6 months of the year, the university will be entitled to reimbursement for half of the vacation pay. Employees may never be credited with more than the balance of their annual accrual.

C. Record keeping

1. Eligible monthly paid (exempt) employees must record vacation time taken on the Monthly Salaried / Exempt Personal Leave record in one-half (1/2) day increments.
2. Eligible bi-weekly (non-exempt) employees will have vacation accruals deducted on an hour-for-hour basis in all cases in quarter-hour (1/4) increments. Bi-weekly paid employees must record vacation leave taken electronically in the university's Web Time-Entry system.
3. Vacation hours are not considered "hours worked" in calculating overtime.

VI. Accumulation and Carryover

A. Maximum Accumulation

1. While it is intended that employees use their vacation leave in the year it is earned, the university realizes that at times it will be necessary for employees to carry forward vacation time from one fiscal year to another as long as it is done in such a manner as to comply with applicable labor laws and the provisions contained herein.
2. Employees cannot accumulate more than (1.25) times their annual vacation accrual. For example, an employee who has worked 6 years and who therefore accrues 20 days of vacation each year may accumulate a maximum of 25 days of vacation.

3. Once an employee reaches the maximum accumulation, he/she is no longer eligible under this policy to accrue vacation until their balance drops below the maximum accumulation. Thereafter, they may again be eligible to accrue additional vacation provided that they do not exceed the maximum accumulation.

4. **Exempt (Salaried) Maximum Accumulations are as follows:**

Years of Continuous Service	Annual Accrual	Maximum Accumulation
0-5 years	3 weeks	18.75 days
6 or more years	4 weeks	25 days

5. **Non-Exempt (Hourly paid) Maximum Accumulations are as follows:**

Years of Continuous Service	Annual Accrual	Maximum Accumulation
0-2 years	2 weeks	12.5 days
3-5 years	3 weeks	18.75 days
6 or more years	4 weeks	25 days

VII. FMLA/CFRA Leave

Eligible employees granted time off under the Family and Medical Leave Act (FMLA) or California Family Rights Act (CFRA) may use vacation leave to convert the unpaid leave to paid leave. Similarly, the university may require that vacation leave be used as part of the FMLA leave. (See Family and Medical Leave Policy #4.419).

VIII. Reasons for Non-accrual. Employees do not accrue additional vacation leave benefits while absent from work unless the absence is covered by vacation or paid sick leave. Therefore, Employees will not accrue vacation during any period in which they are on:

1. Unpaid leave, (including, but not limited to, FMLA/CFRA leave unless it is covered by available paid sick leave or vacation);
2. Workers' Compensation leave covered by workers compensation lost wage benefits, even if those benefits are supplemented with paid sick leave benefits.
3. Leave for which short-term or long-term disability benefits are paid, even if those benefits are supplemented with paid sick leave benefits.
4. Pregnancy disability leave except, and to the extent, it is covered by available paid sick leave or vacation. Employees on PDL insurance benefits in California do not accrue additional sick leave benefits while on such leave, even if those benefits are supplemented with paid sick leave benefits.

IX. Miscellaneous

- A. Eligible exempt employees leave of less than one-half (1/2) day are not to be charged to accumulated vacation time, nor deducted from pay.
- B. Eligible non-exempt employees will have accruals deducted in quarter-hour (15 minute) increments. This applies to both hourly non-exempt and salaried non-exempt employees. Accrued vacation time cannot be used in increments of less **than 15 minutes**.
- C. If an authorized university holiday falls within an employee's vacation period, and the employee is eligible for paid holiday allowance for that particular day, it shall be counted as a holiday rather than a vacation day.
- D. At an eligible employee's request, and upon the exhaustion of all paid sick leave, absences due to non-work-related illness or injury may be covered by accrued vacation time. The university will not advance unearned vacation time for an employee illness or injury. (See the Paid Sick Days Policy # 4.415 for further information)
- E. **Campuses may grant paid or unpaid time-off as part of a newly hired employee's job offer after consultation with HR.** This time-off can only be for a one-time arrangement within the first year of employment, (e.g., if the employee has predetermined travel plans prior to accepting the position); it cannot be made into an on-going arrangement, and it may be recorded as an excused absence in lieu of vacation time.
- F. **Vacation Leave at Termination or Resignation.** Upon layoff, termination or resignation of employment, employees will be paid for any accrued but unused vacation. Final paychecks will also reflect deductions for any unearned vacation taken.

X. Exceptions

Any exceptions to this policy must be approved by campus presidents, and HR; or the Vice Chancellor/CFO and HR in writing. Exceptions will be made very rarely, for example for a senior-level hire to maintain competitiveness with current vacation accrual rates.

Policy Cross References

Paid Sick Days	Policy # 4.415
Family and Medical Leave	Policy # 4.419
Discretionary Leave	Policy # 4.423