

POLICY NAME:	610.01: Leaves with Pay
EFFECTIVE:	July 1, 2025
SUPERSEDES:	Policy 610.01 issued August 14, 2024
SOURCE:	<i>Code of Alabama 16-1-18.1; 16-8-26, Act 97-444</i>
CROSS REFERENCE:	

1. General Rules.

- 1.1 Requests for leave are to be made via the established procedures at the college or entity. Each college or entity is directed to establish local policies and procedures for requests, approvals, and use of leave including maintenance of appropriate records.
- 1.2 The immediate supervisors are responsible for assuring that leave approvals in their areas of responsibility are reported timely and accurately.
- 1.3 All employees engaged in outside employment or other activities during their normal work hours must use accrued compensatory time or request personal, annual, or unpaid leave.
- 1.4 In the event of an emergency where the employee is unable to complete the college's standard procedures for requesting leave, the employee must immediately contact the immediate supervisor or the appropriate supervisory chain of command to request that his/her leave be used. During periods of incapacitation, a designee, to include an immediate family member or a person having unusually strong personal ties to the employee, may request leave on the employee's behalf.
- 1.5 Employees who are in an approved leave status with pay are eligible to continue to receive benefits and leave accruals.
- 1.6 Any accrued leave, excluding compensatory time, must be used concurrently with FMLA leave. All accrued leave, excluding compensatory time, must be exhausted before an employee is entitled to unpaid FMLA leave.
- 1.7 A leave year for earning, accrual, and use of leave by employees is September 1 through August 31. Leave accrual rate changes will only take effect with the beginning of the new leave year, September 1.

2. Annual Leave

- 2.1 Earned annual leave may be taken at appropriate times as approved in advance by the appropriate supervisory chain of command. Annual leave shall be requested and approved prior to its occurrence. Annual leave may be denied if it is not timely requested or hampers the routine operations of the college.

2.2 Employees eligible to accrue annual leave are those compensated from Salary Schedules A, B, C, E, and H (prorated). Employees compensated from Salary Schedule H shall receive annual leave under the same terms and conditions as other eligible employees, except a "day" of annual leave shall be as follows: four (4) hours for employees compensated from Schedule H-20, five (5) hours for employees compensated from Schedule H-25, six (6) hours for employees compensated from Schedule H-30, and seven (7) hours for employees compensated from Schedule H-35.

2.3 Annual Leave is earned based on years of service at the current employing entity:

0-4	1.00 day per month, equivalent to 8 hours
5-9	1.25 days per month, equivalent to 10 hours
10-14	1.50 days per month, equivalent to 12 hours
15-19	1.75 days per month, equivalent to 14 hours
20-above	2.00 days per month, equivalent to 16 hours

A "year of service" shall be a completed year of service at the current employing entity, not based on experience or service at other employers.

- 2.4. All new hires at an ACCS entity will begin accrual of annual leave under this policy at 0 years of service, with one exception: A President, upon request of a new employee within the first 90 days of employment, may award additional years of service for annual leave accrual purposes to an employee who has been hired directly from one ACCS college or the ACCS system office to an ACCS college with no time lapse between dates of employment. The years of service awarded by the President under this exception cannot be more than the number of years that the employee was employed at the ACCS system office or prior ACCS institution. This policy is not applicable to employee hires from any other location or entity. The President is not required to award any additional years of service under this policy.
- 2.5. In order to move to the next year of service for annual leave accrual purposes, an employee must have worked at least nine months of the leave accrual year. As an example, if a new employee is hired on January 2, then that employee will not have worked 9 months by September 1 of the same year (when the annual leave rate changes occur) and will be required to wait until the following year to move to the next year of service).
- 2.6 Employees must be in paid status for a minimum of one-half of the workdays in the month of employment to accrue a day of annual leave (except those under FMLA leave).
- 2.7 A maximum of 60 days of annual leave may be accrued and carried forward into each September. Annual leave may exceed 60 days during a year; however, annual leave exceeding 60 days earned but not taken by September 1 is forfeited.

2.8 Except as stated herein, any employee who leaves employment of an ACCS system college or entity will be paid for the actual number of annual leave days earned and not used up to a maximum of sixty (60) days. Payment of annual leave will be based on the employee's salary in effect at the time of separation. The one-day separation of a current employee transitioning to a contracted position shall not result in an annual leave payout or loss of accrual rate.

2.9 If an employee who is eligible to accrue annual leave assumes a regular (non-temporary) assignment on the D or local salary schedules where annual leave is not earned or accrued, payment for the unused portion of the accrued annual leave will be made at the conclusion of the eligible assignment and will be based on the eligible salary schedule upon request of the employee.

2.10. Annual leave is not provided for Salary Schedule D or L personnel.

3. Sick Leave

3.1. Accumulation of sick leave will be governed by [Section 16-1-18.1, Code of Alabama of 1975](#), as amended. An employee may accumulate an unlimited number of sick leave days in accordance with Alabama [Code 16-1-18.1](#).

3.2. Sick Leave Definition. Sick leave is defined as the absence from regular duty by an employee for one of the following reasons: personal illness; pregnancy, maternity leave, or doctor's quarantine; medical examinations and appointments; personal injury which incapacitates the employee; to provide care for an ill member of the immediate family (husband, wife, father, mother, son, daughter, brother, sister) of the employee or for an individual with a close personal tie to the employee; death of a member of the family of the employee (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, uncle); or illness, injury, or death of an individual not legally related to but having unusually strong personal ties with the employee. For purposes of application of this policy, an individual with a close or unusually strong personal tie is limited to the following: a person standing *in loco parentis*; where unusually strong personal ties exist due to an employee's having been supported or educated by a person; 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; uncle.

3.3. Accrual of Sick Leave.

3.3.1. Each full-time employee employed on Salary Schedules A, B, C, and E, shall earn one day of sick leave, which is the equivalent of 8 hours per month of employment. They will be required to request 40 hours of sick leave for absences totaling an entire work week.

3.3.2. Each full-time employee employed on Salary Schedule H shall earn one day of

sick leave per month of employment with a “day” defined as 4 hours for persons on H-20, 5 hours for persons on H-25, 6 hours for persons on H-30, and 7 hours for persons on H-35. Employees on H will be required to request the amount of sick leave equal to the normal amount of hours worked each week for absences totaling an entire work week.

- 3.3.3. Each full-time employee employed on Salary Schedule D shall earn one day of sick leave which is equivalent to 7 hours per month of employment to a maximum of nine days or 63 hours during the academic year (fall and spring semesters) and up to a maximum of three days or 21 hours during the summer term. For any full-time Schedule D employee working less than full-time (35 hours per week) during any semester or term, sick leave earned will be pro-rated. See ACCS Fiscal Procedure Manual. Employees on D will be required to request 35 hours of sick leave for absences totaling an entire work week.
- 3.4. Any unused balance of sick leave accumulated at the end of the leave year will be carried forward to the next succeeding year.
- 3.5. Employees must be in paid status for one-half of the workdays in the month of employment to accrue a day of sick leave (except those on FMLA leave).
- 3.6. Sick leave may be utilized during the employment period. However, sick leave may not be utilized to extend the employment period.
- 3.7. The employee's immediate supervisor may request that an employee provide a medical certification by a licensed healthcare provider at the expense of the employee. After three (3) consecutive absences due to illness or after five (5) occurrences due to illness, within a thirty (30) calendar-day period, the president or designee may require that an employee furnish a medical certificate by a licensed healthcare provider. This is to be done at the expense of the employee. Consistent with this provision, colleges will implement local policies and procedures for requiring these medical certifications. When medical certification is required, requests for sick leave may be denied if the medical certification is not provided.
- 3.8. Sick leave will not be paid upon separation of employment.
- 3.9. For purposes of applying accrued sick leave as credit for retirement purposes, an employee is limited to the amount allowed by law and the Teachers Retirement System.
- 3.10. Transfer of Sick Leave: Sick leave earned while employed by an Alabama public school system, higher education public institutions in Alabama, or the Alabama Community College System may be transferred into an ACCS college in accordance with [Alabama Code Section 16-1-18.1](#).

Earned sick leave days which have been accrued by an employee are transferrable between the following: all public city and county school systems; the Board of Trustees of the Alabama Institute for the Deaf and Blind; the Alabama Youth Services Department District Board in its capacity as the Board of Education for the Youth Services Department District; the Board of Directors of the Alabama School of Fine Arts; the Board of Trustees of the Alabama High School of Mathematics and Science; the Alabama State Senate; the Lieutenant Governor; the Office of the Senate President Pro Tempore; The Speaker of the House of Representatives; the Alabama House of Representatives; the Legislative Reference Service; any organization participating in the Teachers' Retirement System (excluding state governmental departments not expressly listed); The Board of Trustees for ACCS; and all public four-year institutions of higher education.

The President may permit sick leave transfers from other Alabama State government departments not listed above who participate in the Retirement System of Alabama at his or her discretion, however the factors taken into consideration in exercising such discretion must be consistently applied.

3.11. Sick Leave Bank

- 3.11.1 A President shall establish, upon the request of 10 percent of its full-time certificated and full-time support personnel, a sick leave bank plan.
- 3.11.2 Any sick leave bank shall be operated, managed, and governed by a Sick Leave Bank Committee pursuant to [*Alabama Code § 16-22-9*](#) and any accompanying procedures in place by the Chancellor.
- 3.11.3 The Alabama Community College System Board of Trustees designates its one representative on any Sick Leave Bank Committee as the President or the President's designee.
- 3.11.4 The purpose of the Sick Leave Bank shall be to provide a loan of sick leave days for its participating members or catastrophic leave after a member's accrued and compensatory leave has been exhausted, if warranted as determined by a Sick Leave Bank Committee.

A. Formation

- 1. A President shall establish, upon the request of 10 percent of its full-time certificated and full-time support personnel, a sick leave bank plan for each of the two groups either jointly or separately. The decision whether to have a joint or separate sick leave bank shall be the exclusive decision of the employees, utilizing a secret balloting process. See [*Alabama Code 16-22-9\(b\)*](#).

2. A Sick Leave Bank Committee, if formed, will be comprised of five persons, one will be the President or President's designee, and four employees will represent the participating members of the sick leave bank. See [Alabama Code 16-22-9\(a\)\(5\)](#).

B. Election of Sick Leave Bank Committee

1. The President shall be responsible for conducting elections in a fair and equitable manner, ensuring the confidentiality of the secret balloting process. See [Alabama Code 16-22-9\(c\)](#).
2. At the beginning of each scholastic year, an election shall be held among the sick leave bank members to determine by secret ballot the four members who are to serve on the sick leave bank committee. See [Alabama Code 16-22-9\(c\)](#). Those four members receiving the most votes shall serve on the Sick Leave Bank Committee.
3. The term of office for these four Committee members shall be one year. See [Alabama Code 16-22-9\(c\)](#). No representative on the Committee shall serve longer than five (5) consecutive years. See [Alabama Code 16-22-9\(f\)](#). If a vacancy occurs during the one-year term which needs to be filled, the remaining Committee members (inclusive of the President) shall vote on a person to fill the vacancy and whoever receives the most votes may fill the seat.
4. The President or President's designee shall be appointed as the Chair of the Committee and shall appoint one of the other Committee members to take minutes of meetings and all Committee action.
5. In the event of any election tie, the President or his designee has the authority to break the tie.
6. Committee meetings may be scheduled as determined by the Committee, or as set by the President, or by the written request of three consenting Committee members to the President.

C. Duties of the Committee

1. The Committee shall establish procedures providing for the uniform administration of the sick leave bank. [Alabama Code 16-22-9\(d\)\(f\)](#).
2. The Committee shall develop guidelines for the operation of the sick leave bank. [Alabama Code 16-22-9\(d\)\(f\)](#). The guidelines shall be approved by a secret ballot vote of the participating members of the sick leave bank. [Alabama Code 16-22-9\(f\)](#).
3. The Committee shall develop all necessary forms for the orderly operation and administration of the sick leave bank. [Alabama Code 16-22-9\(d\)\(g\)\(2\)](#).

4. The Committee shall maintain copies of its guidelines, administrative procedures, and forms and immediately provide those upon adoption to the President's Office.
5. The Committee shall ensure that accurate records of contributors eligible to participate in the bank are maintained and shall work with the institution to maintain records of all member contributions to the sick leave bank, withdrawals from the bank, and the status of the bank. Reports shall be provided on a timely basis at the request of the Committee, the President, or the Chancellor.
6. The Committee shall review all applications for loans from the sick leave bank and make appropriate decisions on request for approval of such loans. The Committee has the discretion to deny an application for a loan or approve less days than requested. Factors to be considered include, but are not limited to: need, circumstances of the illness or disability, years of service to the institution, availability of days in the bank, the ability of the applicant to repay the loan (if applicable), and prior awards obtained from the sick leave bank.

D. Guidelines of the Committee

1. The sick leave bank plan allows members to deposit an equal number of days (not to exceed five) of earned sick leave into the sick leave bank. The days deposited shall be available to be loaned to any participating member whose leave has been exhausted and who has been granted a loan by the Committee. [Alabama Code 16-22-9\(e\)](#).
2. No member employee is allowed to borrow or obtain catastrophic leave from the sick leave bank unless all accrued and compensatory leave time has been exhausted.
3. A member of the sick leave bank shall not be allowed to accumulate more days than allowed in [Alabama Code 16-1-18.1](#), including days in the sick leave bank. [Alabama Code 16-22-9\(g\)\(4\)](#).
4. Employee membership in the sick leave bank shall be voluntary. [Alabama Code 16-22-9\(g\)\(5\)](#).
5. Any alleged abuse of the bank shall be investigated by the Committee (or its designee). On a finding of wrongdoing, the abusing member shall repay all of the sick leave credits drawn from the sick leave bank and be subject to appropriate disciplinary action as determined by the institution. [Alabama Code 16-22-9\(g\)\(6\)](#).
6. Upon retirement or transfer of a member, days on deposit with the sick leave bank shall be withdrawn and transferred with the employee or made accessible for retirement credit, as allowable. [Alabama Code 16-22-9\(g\)\(7\)](#).

7. At the beginning of each leave year, or upon employment of a new employee, the appropriate number of sick leave days shall, upon application of the employee, be credited to the employee's account, in order to enable the employee to join the sick leave bank if the employee does not have the minimum number of sick leave days to enable the employee to join the sick leave bank. [Alabama Code 16-22-9\(g\)\(9\).](#)
8. The Committee shall have the authority to designate open enrollment periods at least annually to non-participating members. Employees who did not join the sick leave bank will have an option to join upon deposit of the prerequisite number of sick leave days during any open enrollment period established by the Committee. [Alabama Code 16-22-9\(g\)\(9\).](#)
9. Additional guidelines may be adopted by the Committee as deemed appropriate provided they are uniformly applied to all employees and do not conflict with these guidelines and procedures. [Alabama Code 16-22-9\(g\).](#)

E. Sick Leave Bank Loan Procedures

1. An employee must apply for sick leave bank loan in the form required by the Committee and is subject to all applicable procedures and guidelines adopted by ACCS and the Committee. In cases where the member has been incapacitated, a member's agent or representative designated as such in writing, may apply to the Committee on behalf of the member. In case of mental incapacity of a member, the designated agent or representative must be a person who, by law, may serve in such capacity.
2. In order to apply for a sick leave bank loan: (a) an employee must be a member of the sick leave bank and (b) an employee must have exhausted all accrued and compensatory leave available.
3. The Committee determines whether a loan request will be approved or denied and, if approved, for how many days up to a maximum of fifteen (15) days per event. Factors to be considered in making these decisions include, but are not limited to: need, circumstances of the illness or disability, years of service to the institution, availability of days donated, ability to repay the loan, and prior awarded loans.
4. No employee shall be allowed to owe more than fifteen (15) days to the sick leave bank, unless more than fifty percent (50%) of the members of the sick leave bank vote to extend the limit. [Alabama Code 16-22-9\(g\)\(1\).](#)
5. Sick leave days borrowed from the sick leave bank shall be repaid to the sick leave bank monthly as re-earned by the member. [Alabama Code 16-22- 9\(g\)\(3\).](#)
6. Upon the separation of an employee who has an outstanding loan of sick leave days, the value of the loan shall be deducted from the final paycheck at the employee's prevailing rate of pay. If portions of the loan remain outstanding after separation, the employee is responsible for paying the remaining value to the institution. [Alabama Code 16-22-9\(g\)\(3\).](#)

F. Catastrophic Leave Procedures

1. A catastrophic event is defined as any illness, injury, or pregnancy or medical condition related to childbirth certified by a licensed physician which causes the employee to be absent from work for an extended period of time. [Alabama Code 16-22-9\(a\)\(1\)](#).
2. Beginning January 1, 2019, no employee may be awarded more than forty-five (45) workdays of catastrophic leave during any five-year period of employment.
3. An employee must apply for catastrophic leave in the form required by the Committee and is subject to all applicable procedures and guidelines adopted by ACCS and the Committee. In order to apply for Catastrophic Leave: (a) an employee must be a member of the sick leave bank at the time the catastrophic event occurs in order to be considered for catastrophic leave, (b) an employee must have exhausted all accrued and compensatory leave available, (c) the employee must provide certified evidence by a licensed physician of an illness (defined as an unhealthy condition of the body or the mind, a sickness, or disease), or of an injury (defined as physical harm to a person), or of a medical condition related to childbirth that causes the employee to be absent from work for a period greater than fifteen (15) work days, and (d) the employee must have applied, borrowed, and used the maximum number of sick leave days loaned by the Committee.
4. The Committee determines whether a request for catastrophic leave will be approved or denied and, if approved, for how many days up to the maximum. Factors to be considered in making these decisions include, but are not limited to: need, circumstances of the illness or disability, years of service to the institution, availability of days donated, whether it is a personal event to the employee, and prior awards of loans or catastrophic leave.
5. Employees, at their discretion, may donate a specific number of days to the sick leave bank, up to a maximum of 30 days for any one employee, to be designated for a specific employee for use against a catastrophic event. [Alabama Code 16-22-9\(h\)](#).
6. Employees must be a member of the sick leave bank to donate or receive catastrophic leave.
7. A donating employee shall not be required to donate a minimum number of catastrophic days to the sick leave bank.
8. The recipient employee may use catastrophic sick leave days for himself or herself or for other covered persons as provided in [Code of Alabama 16-1-18.1](#). [Alabama Code 16-22-9\(h\)](#).
9. Catastrophic days awarded are not required to be repaid. [Alabama Code 16-22-9\(h\)](#).

10. Donated catastrophic leave days may be used to repay days loaned by the sick leave bank to the credit of the affected member. [Alabama Code 16-22-9\(g\)\(8\)](#).
11. Employees who donate sick leave days to the sick leave bank for a particular employee's catastrophic event are not to be returned to the donor unless the days are not used. [Alabama Code 16-22-9\(h\)](#).
12. If catastrophic leave is approved by the Committee, the Committee shall notify members of the applying employee's request and approval for catastrophic leave one time. The Committee has no further obligation to continue requesting donations on the applying employee's behalf. The Committee may, but is not required, no more than once per month, to communicate by email to the members to advise that the employee is approved for catastrophic leave and could use further donations.
13. There is no guarantee that, if catastrophic leave requests are approved by the Committee, the sick leave bank members will donate any leave or sufficient leave to cover an employee's absence related to a catastrophic event.
14. Catastrophic leave is not available for on-the-job injuries.

4. Personal Leave

- 4.1. Personal Leave is granted for each leave year as shown below and, if not taken, will be converted to sick leave at the end of the leave year.
- 4.2. Personal leave with pay shall be requested and approved prior to its occurrence. Personal leave may be denied if it is not timely requested or hampers the routine operations of the college.
- 4.3. Personal leave will not be paid on separation from employment.
- 4.4. Personal Leave on Salary Schedules A, B, C, E, and H Granted Annually
Up to two (2) regularly scheduled workdays of personal leave with pay will be granted to each full-time employee on the above salary schedules during any leave year. Up to two days per year of personal leave is extended to all support personnel on Salary Schedule H as above, with a "day" defined as four (4) hours for persons paid from Salary Schedule H-20, five (5) hours for persons paid from Salary Schedule H-25, six (6) hours for persons paid from Salary Schedule H-30, and seven (7) hours for persons paid from Salary Schedule H-35.
- 4.5. Personal Leave on Salary Schedule D Granted Annually
Up to five (5) regularly scheduled workdays of personal leave with pay will be granted to each full-time Schedule D employee on the first day of each academic year.

- 4.6. Employees who are not employed at the beginning of the leave year will accrue personal leave on a prorated basis based on their starting date.

5. Court Attendance

- 5.1. Full-time employees and Salary Schedule H employees who are required by a court to attend jury duty will be granted special leave with pay to attend. The jury duty summons must be presented in order to be granted leave with pay.
- 5.2. Any employee who is required by court order, valid subpoena, or by legal counsel representing ACCS or any of its entities, to appear in their capacity as an employee will be expected to attend as part of their normal work duties. Documentation will be required to be presented. This section does not apply to employees who are engaged in suit or charges against ACCS or any of its entities to include hearings, trials, depositions, meetings with lawyers, mediations, EEOC hearings, ethics commission interviews, meetings, or hearings, etc., as such is deemed a personal matter for which appropriate accrued leave must be taken.
- 5.3. Any employee expected to attend court for personal matters or matters unrelated to their employment within ACCS (except jury duty) will not receive paid leave and must request and utilize other forms of accrued leave if applicable. If the employee does not have leave, leave without pay must be requested and approved prior to occurrence.
- 5.4. Any employee receiving leave under this court attendance policy who has been released is required to return to work immediately once the event has concluded.

6. Institutional Support Leave

- 6.1. Institutional support leave with pay may be approved by the President for any full-time employee based on the availability of funds and if the absence will not hamper the normal routine operations of the college. Institutional support leave is related to the employee's expertise and/or position of employment. Institutional support leave directly benefits the college and the employee's participation is requested by the college.
- 6.2. Examples of institutional support leave include but are not limited to business and industry partnerships with the college, grant-specified training, community partnerships through the college, accreditation activities related to employee's college, etc.
- 6.3. Any activity requiring more than five (5) regularly scheduled workdays of institutional support leave during the leave year will require the Chancellor's written approval.
- 6.4. Approved activities sponsored by ACCS or the employee's college are part of the employee's regularly assigned duties and are not a type of leave.

7. Professional Development Leave

- 7.1. Professional Development leave with pay may be granted to any full-time employee when approved by the President based on the availability of funds, the absence will not hamper the normal routine operations of the college, and the event is directly tied to the employee's current or anticipated job duties.
- 7.2. A maximum of ten workdays per leave year may be approved locally, but more than 10 days shall only be granted upon written approval of the Chancellor.
- 7.3. Professional Development leave is typically a direct personal benefit to the employee. Examples include but are not limited to leadership programs, training and workshops, local, state, and national board positions or assignments, accreditation activities unrelated to the employee's college.
- 7.4. If an employee who was granted professional development leave separates from the college within one year of the professional development event, the employee is required to reimburse the college for any funds expended on behalf of the employee. The College may deduct these amounts from an employee's paycheck. The President may elect not to require reimbursement due to special circumstances, such as separations due to medical reasons or layoffs.
- 7.5. Approved activities sponsored by ACCS or the employee's college are part of the employee's regularly assigned duties and are not a type of leave.

8. Military Leave

- 8.1. All full-time and Schedule H employees (as prorated) are eligible for paid military leave in accordance with applicable state and federal law per calendar year. During the period of paid military leave, the respective employee shall continue to accrue all employment benefits, including sick and annual or personal leave, as well as paid medical insurance benefits. Once available paid military leave is exhausted, the employee may take available annual or personal leave and continue to receive all employment benefits.
- 8.2. ACCS community and technical colleges and entities shall comply with the military leave provision of [Alabama Code § 31-2-13.6](#).
- 8.3. Once the employee has exhausted all available paid leave, the employee may be considered on military leave of absence without pay. Employees on unpaid leave of absence under this section do not accrue benefits but may choose to continue health insurance coverage by paying the designated premiums.
- 8.4. On receipt of military orders, the employee will submit a leave request with a copy of the military orders to the college.

9. Compensatory Time and Leave

- A. **EXEMPT FT EMPLOYEES:** Each President has authority on a local level to award compensatory time to exempt full-time employees when that employee physically works over 45 hours in one week if the President chooses to do so. Physical work hours do not include hours awarded for paid leave. If permitted by the President, exempt full-time employees may be awarded straight compensatory time, meaning for everyone hour physically worked over 45 hours, the employee may receive one hour in compensatory time. The supervisor of the exempt full-time employee must keep track of all compensatory time earned and the exempt employee must use the time with supervisor approval within sixty days of it being accrued, else it is forfeited. Compensatory time is not paid for exempt employees at the time of separation at the College. When exempt full-time employees do not work 40 hours each week, they are required to take compensatory time or appropriate accrued leave to make up for their failure to work 40 hours. Full-time exempt employees are required to work during the institution's regular business hours unless the employee has express permission from the supervisor to work outside regular business hours.
- B. **NON-EXEMPT FT EMPLOYEES:** Non-exempt full-time employees are not permitted to work over 40 hours in one week, unless expressly required and approved by a supervisor. Non-exempt full-time employees who work over 40 hours without the express requirement and approval of their supervisor will be disciplined. Non-exempt full-time employees are entitled to overtime pay unless compensatory time is awarded instead when they physically work over 40 hours in one week (physical work hours do not include any paid leave time). It is the policy of ACCS that all institutions and entities shall award compensatory time rather than overtime to non-exempt full-time employees physically working over 40 hours in one week. Supervisors and non-exempt employees have a duty to work together to ensure that the employee does not work over 40 hours each week, absent emergency. In emergency situations where it is necessary for non-exempt employees to work over 40 hours in one week (and this has been required and approved by the supervisor), non-exempt employees must be given one and one-half hour for every hour physically worked over 40 in compensatory time, meaning if the employee works 44 hours in one week, then the employee receives 6 hours (4 x 1.5) in compensatory time. The supervisor of the non-exempt full-time employee must keep track of compensatory time, and the non-exempt employee must use the time with supervisor approval within a reasonable period of it being accrued (recommend within the next month). Supervisors are responsible for ensuring that compensatory time is being taken by non-exempt full-time employees so that overtime is not required to be paid. Non-exempt full-time employees may not accrue more than 80 hours of compensatory time, and any time over and above 80 hours in compensatory time will be required to be paid as overtime. Compensatory time for full-time non-exempt employees will be converted to overtime and paid at the time of separation at the College.

10. Parental Leave

Beginning July 1, 2025, paid parental leave for eligible employees may be available pursuant to the Alabama Public Employee Paid Parental Leave Act of 2025 in conformance with Alabama Code Section 36-6A-1, et seq., under the terms and conditions set forth in this policy.

A. Definitions. Unless stated otherwise herein, terms in this Policy shall have the same definition as provided in Alabama Code § 36-6-1, *et seq.*

1. Base Pay is defined as the eligible employee's current, ordinary rate of pay as reasonably determined by the college. Any supplement/stipend awarded for additional duties (such as \$400 monthly division chair supplement, head librarian supplement, second-in-command pay, or extra duty pay of any kind) will not be considered part of base pay and shall not be paid while the eligible employee is on paid parental leave. Any supplement that is not tied to additional work (such as doctorate degree supplement) will be a part of base pay.
2. Healthcare Professional is defined as a physician, physician assistant, nurse practitioner, or midwife who is licensed to practice in his or her respective field in the State of Alabama.
3. Miscarriage is defined as "[t]he loss of an unborn child at or after 12 weeks gestation and is confirmed in writing by a healthcare professional." The term does not include an abortion as defined in Alabama Code Section 26-23H-3 unless necessary to prevent a serious health risk to the unborn child's mother as permitted under Alabama Code Section 26-23H-4.
4. Qualifying Event is defined as the birth, stillbirth, or miscarriage of an eligible employee's child, or certain adoption placements which meet the requirements for parental leave.
5. Stillbirth is defined as "[t]he loss of an unborn child at or after 20 weeks gestation that is confirmed in writing by a healthcare professional." The term does not include an abortion as defined in Alabama Code Section 26-23H-3 unless necessary to prevent a serious health risk to the unborn child's mother as permitted under Alabama Code Section 26-23H-4.

B. Parental Leave. An eligible employee shall be entitled to the following:

1. 8 weeks of paid parental leave for a mother in connection with the birth, stillbirth, or miscarriage of her child;
2. 2 weeks of paid parental leave for a father in connection with the birth, stillbirth, or miscarriage of his child;
3. 8 weeks of paid parental leave in connection with the placement of a child with an eligible employee for adoption, provided the child is three years of age or younger at the time that he or she is placed with the eligible employee.

If parents who jointly adopt a child are both eligible employees of either ACCS, a community college, a local education agency, or a state agency, one parent shall be entitled to eight weeks of parental leave and one parent shall be entitled to two weeks of parental leave in connection with the adoption. Coordination and documentation between the two employing entities will be required.

C. Eligible Employee

1. An employee is eligible for Parental Leave if the employee is both:
 - a. Full-time with entitlement to leave benefits with the college (such as those on Schedules B, C, D, E, H and some contract employees who earn leave like a Schedule B, C, D, E, H employee) and
 - b. Has been employed with the college in a full-time position with leave benefits for at least 12 consecutive months immediately preceding the occurrence of a qualifying event.
2. An employee is not eligible for Parental Leave if the employee is an adjunct, part-time employee who is not on Schedule H, or an on-call, seasonal, hourly, or temporary employee. In addition, most Schedule L employees and some contract employees also do not meet this definition.

D. Establishing Eligibility

1. Prior to granting parental leave, the college requires the employee to complete a Parental Leave certification form, as provided by the college.
2. In addition to the certification form, the college shall require an employee requesting parental leave to provide acceptable proof in support of the request for parental leave.
 - a. For birth/stillbirth, acceptable forms of proof would include but are not limited to a birth or stillborn certificate with the employee's name listed as parent.
 - b. For stillbirth/miscarriage, acceptable forms of proof would include appropriate healthcare professional certification with employee name listed as parent.
 - c. For adoption placement, acceptable forms of proof include but may not be limited to a birth certificate for adoptee, formal placement documentation such as affidavits or government agency letters, and formal adoption proceeding documentation.
3. An eligible employee may not take parental leave under this policy unless he or she meets all of the following requirements:

- a. Submits a completed certification as set forth in Paragraph (D)(1); and
 - b. At least 30 calendar days prior to the use of the parental leave, the eligible employee shall provide by email to the immediate supervisor and head personnel in Human Resources a written plan regarding his or her intended use of the parental leave and any other leave he or she intends to take in connection with a qualifying event, in conjunction with or on any form required by the college; and
 - c. The eligible employee shall agree in writing that he or she will not separate from employment with the college for a period of at least eight weeks following the conclusion of any leave taken in connection with a qualifying event, in any form or agreement required by the college.
 - i. Any periods of leave, whether paid or unpaid, or other periods of non-duty status (e.g., use of accrued leave balances, use of unpaid leave, compensatory time, college closures, holidays) will not count toward the 8-week work obligation.
 - ii. The 8-week obligation will not start running or being counted and calculated until after all intermittent or reduced schedule leave, as well as any other leave associated with the qualifying event, has been completed.
 - iii. The term “separate from employment” in this subparagraph refers to any form of employment separation, including an involuntary termination.
4. In the event of an emergency that prevents an eligible employee from completing the requirements of paragraph (D)(3) prior to taking parental leave, the eligible employee shall complete the requirements as soon as practicable, and in no event later than 14 calendar days, after the emergency has ended, including providing sufficient documentation to establish a qualifying condition and emergent event.
- E. Leave Prior to Qualifying Event. In the event an employee desires to take paid parental leave prior to the occurrence of a qualifying event, the employee must comply with all of the requirements of Paragraph (D) above, and the employee must provide acceptable proof in support of the early request for parental leave.
- 1. Prior to the qualifying event, “in connection with the birth” shall mean the eligible employee is (a) attending prenatal appointments or other visits to a Healthcare Provider due to the expected birth of a child; (b) has been hospitalized in expectation of the birth of a child or due to a condition caused by or related to the expected birth of a child; or (c) otherwise requires leave due to a Healthcare

Provider's order requiring the mother to limit her physical activity prior to the expected birth of a child.

2. Prior to the qualifying event, "in connection with the placement of a child with an eligible employee for adoption" shall mean the eligible employee is utilizing leave for one of the following: (a) meeting with an attorney regarding the adoption of the child; (b) hosting in-home visits necessary for the completion of the adoption; (c) attending judicial proceedings regarding the adoption of the child; (d) attending counseling sessions regarding the adoption; (e) submitting to a physical examination for adoption purposes; or (f) traveling to another country to complete an adoption.
3. The term "in connection with the placement of a child with an eligible employee for adoption" shall not include foster care or the placement of a child with the employee for any other temporary or non-adoption purpose.

F. Compensation. Parental leave under this policy shall be paid at 100 percent of the eligible employee's base pay and shall remain at 100 percent of the employee's base pay as if the eligible employee worked continuously from the date that parental leave commenced until the eligible employee's return to work.

G. Duration

1. Parental leave under this policy is available for use only during the 365 days following the commencement of a qualifying event or within 365 days of the eligible employee taking parental leave, whichever occurs sooner.
2. Parental leave under this policy may be used continuously, intermittently, or on a reduced scheduled basis. Eligible employees utilizing intermittent or reduced schedule leave under this rule shall be subject to the following limitations:
 - a. Eligible employee shall maintain a continuing parental role with any child whose birth or adoption was a qualifying event (this means that intermittent leave is reserved only for time spent bonding with, caring for, or fulfilling a parenting role and it is a violation to use parental leave in birth or adoption context to work second jobs, vacation without the child, or otherwise not parent); and
 - b. Any intermittent or reduced scheduled leave must be agreed to by the college prior to the start of the leave.

H. Restoration to Position. Upon the expiration of parental leave, the college shall restore the eligible employee to the position that he or she held at the time of the qualifying event or to an equivalent position with equivalent seniority, status, employment benefits, pay, and other terms and conditions of employment, including fringe benefits and service

credits, that the eligible employee received or was entitled to prior to the commencement of his or her parental leave.

- I. Failure to Comply. Any failure of the employee to abide by this policy may result in the college denying paid Parental Leave. The college may recover any improperly granted paid Parental Leave, whether it be through the substitution of other available leave, leave without pay, offset, or otherwise. Specifically, if an employee fails to comply with any return-to-work agreement, the College shall recover from the employee, by offset or otherwise, an amount equal to the eligible employee's hourly rate of pay multiplied by the number of hours the eligible employee failed to work in compliance with the return-to-work agreement. Any such recovery shall comply with the federal Fair Labor Standards Act, as applicable.

J. Limitations

1. Approved parental leave does not require the employee to exhaust his or her sick leave, annual leave, or any other leave or paid time off.
2. An eligible employee may only use parental leave in connection with one qualifying event during a 365-day period, even if more than one qualifying event occurs.
3. After an eligible employee exhausts all available parental leave, any additional leave an employee wishes to take shall be taken in accordance with college policies.
4. Eligible employees using parental leave under this policy shall follow the college's customary leave practices that are not contradicted by this policy.
5. Any leave taken under this policy shall run concurrently with any leave granted under Alabama Code § 25-1-61 and the Family and Medical Leave Act of 1993.
6. Parental leave has no cash value. Any unused parental leave may not be used to calculate an eligible employee's retirement benefits. Unused parental leave shall not roll over, be reserved for use during a subsequent qualifying event, or be paid to the eligible employee.
7. The President of the college may waive the return-to-work agreement set forth in paragraph (D)(3)(c) in circumstances where the eligible employee is unable to return to work due to their own serious health condition or a serious health condition of an immediate family member. However, the college has no obligation to do so.
8. This parental leave policy is not effective until July 1, 2025. If a qualifying event occurs prior to this date, the employee will not be eligible for parental leave under this policy.



Employee Name: _____

Paid Parental Leave Certification Form

All information requested below is required to be filled out.

Salary Schedule/Job Title _____

Work Email Address: _____

Work Telephone Number: _____

Social Security Number: _____

Immed. Supervisor's Name: _____

Date of Qualifying Event: _____

Date of This Request: _____

Is your request being made at least 30 calendar days in advance of qualifying event? _____

Have you been employed in a position with leave and benefits for at least 12 consecutive months immediately preceding the qualifying event date listed above? _____

Are you currently paid any supplements or stipends over and above your stated salary schedule amount? If so, list amount & reason _____

Are you male or female? _____

Reason Parental Leave Requested (Check One):

- ☐ I am requesting up to eight weeks of paid parental leave in connection with the birth, stillbirth, or miscarriage of a child.
- ☐ I am requesting up to two weeks of paid parental leave in connection with the birth, stillbirth, or miscarriage of my child.
- ☐ I am the legal parent of a child three years of age or younger that has been legally placed with me for adoption or I have begun the adoption process of a child three years of age or younger.

(Eligible state employees are entitled to eight weeks of parental leave. If both parents work for the State, then only **one** state employee is eligible for eight weeks of parental leave).

Anticipated Duration of Parental Leave:

Anticipated or Actual Date of Birth,
Stillbirth, Miscarriage, or Placement: _____

Date Parental Leave begins: _____

Date Parental Leave concludes: _____

Requested method of Parental Leave: ☐ Continuous Use ☐ Intermittent use*

*Reason(s) intermittent leave is being
requested: _____

*How do you intend to utilize
intermittent leave: _____

What is the proposed intermittent leave schedule? _____

(must be agreed to by College)

For birth or adoption, do you understand that leave taken intermittently is reserved for time spent with the child either bonding or fulfilling a parenting role with the child? _____

Prior Paid Parental Leave Use

Employee Check One:

- ☐ I have not used any paid parental leave in the 365 days preceding this request or for the qualifying event indicated on this form.
- ☐ I have used paid parental leave in the 365 days preceding this request or for the qualifying event indicated on this request form. If yes, please provide the information below.

Date leave commenced: _____

Date leave ended (if applicable): _____

Agency/Department where parental leave was used: _____

Hours of paid parental leave used (if applicable): _____

ADOPTION
Parental Leave Eligibility

Complete this section for adoptions only.

Employee Check One:

- ☐ Neither my spouse nor any other parent of the minor child that I am adopting are employed with the State of Alabama in any capacity (such employment includes but is not limited to: the State Executive Branch, the Legislative Branch, the Judicial Branch, or any State, local, or post-secondary educational institution).
- ☐ The child that I am adopting is also being adopted by an individual that is employed with the State of Alabama.

If you checked the second box, please provide the following information related to the other adopting parent:

Name of Other Parent: _____

Employing Entity of Other Parent: _____

Telephone Number of HR Office at Employing Entity: _____

Employee Certification (<u>initial</u> each box)	
	I certify paid parental leave is being taken because of the birth, miscarriage, or stillbirth of a child, or placement of a child with me for adoption and will be used in accordance with the law.
	I understand and agree that I am required to present sufficient documentation to establish my eligibility for paid parental leave. Such documentation may include birth certificate, letters from my doctor, or legal documentation establishing my intent to adopt.
	If I provide an anticipated date of a qualifying event, I shall notify the college as soon as practicable of the actual date of the qualifying event.
	I understand and agree utilizing parental leave in violation of the law and/or college policy may result in disciplinary action, up to and including my termination.
	I understand and agree that the college will deduct any leave fraudulently claimed or erroneously provided under the Alabama Public Employee Paid Parental Leave Act of 2025.
	I understand and agree that the college may remove any fraudulently or improperly granted leave from my paycheck, without any additional prior permission.
	I understand and agree that I am required to return to work for a minimum of 8-weeks following my use of paid parental leave and any failure to comply with the return-to-work agreement may result in the recovery of the value of paid parental leave.
	I understand that any eligible leave under the Family and Medical Leave Act (FMLA) available to me shall run concurrently with the use of parental leave and that I am still required to comply with the FMLA, even if I qualify for paid parental leave.

RETURN-TO-WORK AGREEMENT

(must be filled in and signed by employee to be eligible for parental leave)

In exchange for any paid parental leave provided by the College, I, _____, understand, acknowledge, and agree that (1) I will not separate from the College for a period of at least eight weeks (as calculated by the college) following the conclusion of any leave I take in connection with a qualifying event, and (2) if I do separate from the College for any reason (including involuntary reasons such as termination) before working at least eight weeks following the conclusion of any leave I take in connection with a qualifying event, the College is entitled and shall recover from me, by offset or otherwise and in compliance with the Fair Labor Standards Act, an amount equal to my hourly rate of pay multiplied by the number of hours I failed to work in compliance with this return-to-work agreement.

EMPLOYEE SIGNATURE

DATE

I hereby certify under penalty of perjury that, to the best of my knowledge, all information provided in this Certification is true, correct, and complete. I further agree and understand that any false or deceptive information provided herein, regardless of time of discovery, may cause forfeiture of any leave obtained and recovery of the value of any leave improperly received either from my future pay or by legal action. I further agree and understand that any false or deceptive information may result in discipline, up to and including termination.

Signature: _____

Date: _____

Required Documentation:

Qualifying Event	Required Documentation
The birth, stillbirth, or miscarriage of a child.	<ul style="list-style-type: none">• Completed ACCS Certification Form and• Additional Documentation (Select One):<ul style="list-style-type: none">○ Birth Certificate Naming Parent;○ Proof of Birth (letter from HCP confirming birth and parent);○ Proof of Death (letter from HCP confirming death or death certificate with parent named). Other Documentation may be required.
Adoption of child three years of age or younger	<ul style="list-style-type: none">• Paperwork indicating the initiating of adoption process or court filing initiating the adoption process• Adoption Order• Agreement confirming the initial date of placement• Child Birth Certificate or confirmation of birth Other Documentation may be required.

TO BE COMPLETED BY COLLEGE PERSONNEL**Parental Leave Eligibility**

Has the employee been employed with college in a leave/benefit position for at least 12-consecutive months?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
What dates are utilized to determine the lookback period, if any, for use of prior parental leave?	Start Date: _____ End Date: _____	
Does employee's request meet the definition of a qualifying event?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is employee eligible for FMLA leave?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	If no, indicate when the employee will become eligible: _____	
Did the employee provide a completed, signed Certification Form?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Did the employee provide the required documentation?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Did the employee complete and sign the return-to-work agreement?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Select documents received:

- ☐ Birth certificate
☐ Proof of Birth (letter from HCP confirming birth)
☐ Adoption Order
☐ Agreement confirming initial date of placement
☐ Other: _____

Checklist:

- ☐ Determine dates of leave eligibility based on event.
Start Date: _____
End Date: _____
- ☐ Verify paid parental leave not taken in previous 365 days.
- ☐ Parental Leave Approved
- ☐ Parental Leave Denied
Reason: _____

Signature of College Personnel**Date**

Important Reminders:

- PPL is only available if the qualifying event occurs on or after July 1, 2025.
- PPL for birth, stillbirth, miscarriage, and adoption may be used intermittently, on a reduced schedule, or continuously.
- PPL must run concurrently with FMLA, if available.
- Employees are eligible for PPL once they have 12 consecutive months of service with a leave/benefit position.
- Employees are not required to use other leave before using PPL, but may do so if they choose.
- PPL must be taken within 365 days of the qualifying event. Any PPL available to the employee after 365 days is forfeited.
- PPL is paid at 100% of the eligible state employee's base rate of pay, as determined by the college.
- The College's policy on paid parental leave will govern this benefit.