



Responsible Administrator: VP Admin/Finance
Responsible Office: Human Resources
Effective Date: 04/26/2022
Approved by: President
Date of Revision: 06/10/2025

Unclassified Leave Policy

Policy Statement

Southeastern Louisiana University provides eligible employees with leave (time off) in accordance with state and federal laws, UL System policy, and University policy.

Purpose of Policy

To provide employees with information and guidance on the availability of all types of paid and unpaid time off.

Applicability

This policy applies to regular unclassified staff only.

Policy Procedure

ANNUAL AND SICK LEAVE

Annual Leave: Leave with pay granted an employee for the purpose of rehabilitation, restoration and maintenance of work efficiency, or transaction of personal business.

Sick leave: Leave with pay granted an employee who has a medical condition which prevents him/her from performing his/her usual duties and responsibilities and/or who requires medical, dental, or optical consultation or treatment, including annual physical exams.

Earning of Annual and Sick Leave

Annual and sick leave shall be earned by each full-time and part-time employee who has a regular tour of duty, except that no employee shall earn annual or sick leave while serving on an intermittent or temporary appointment.

The earning of such leave shall be based on the equivalent years of full-time state service and shall be creditable at the end of each regular pay period in accordance with the schedule below.

LENGTH OF SERVICE	AMOUNT EARNED PER HOUR WORKED	HRS/PAY PERIOD BASED ON 80 HOURS WORKED	DAYS/YEAR
Less than 3 years	.0461	3.6880	12
3 but less than 5	.0576	4.6080	15
5 but less than 10	.0692	5.5360	18
10 but less than 15	.0807	6.4560	21
15 or more	.0923	7.3840	24

Carrying Leave Forward

Accrued unused annual and sick leave earned by an employee shall be carried forward to succeeding years without limitation.

Use of Annual Leave

Annual leave must be applied for by the employee and may be used only when approved by the supervisor. Leave is requested electronically either on-line or through email. Annual leave must be approved in advance, except in emergent cases, which is subject to the approval of the supervisor. Employees may be required to use annual leave during University closures.

Annual leave shall not be charged for non-work days. The minimum charge to annual leave records shall not be less than fifteen (15) minutes. Annual leave may only be taken in fifteen (15) minute increments.

Payment for Annual Leave upon Separation

Each employee upon separation shall be paid the value of his/her accrued annual leave in a lump sum disregarding any final fraction of an hour; provided, that the privileges of this rule shall not extend to any employee who is dismissed for theft of agency funds or property. The payment for such leave shall be computed by multiplying his/her hourly rate by the number of hours of accrued annual leave.

No terminal payment for annual leave earned under this policy shall exceed the value of three hundred (300) hours, computed on the basis of the employee's hourly rate of pay at the time of separation.

No payment for annual leave under this policy shall operate to continue the payee as an employee beyond the last date of active duty.

Use of Sick Leave

Sick leave may be used by an employee, who has sufficient leave to his/her credit, for a necessary absence from duty due to:

1. Illness or injury which prevents performance of usual duties
2. Medical, dental, or optical consultation or treatment
3. Care for an immediate family member who is ill or injured, "immediate family member" means a spouse, parent, or child of an employee
4. Accompanying an immediate family member to a medical, dental, or optical consultation or treatment.

Sick leave shall not be charged for non-work days. The minimum charge for sick leave shall be fifteen (15) minutes. Sick leave may only be taken in fifteen (15) minutes increments.

Employees may be required to submit a doctor's excuse at the discretion of the supervisor when using sick leave. Employees who are off from work on sick leave for forty (40) hours or more, must provide a doctor's excuse for the time missed. Employees recovering from an injury or illness must provide a release to return to work.

Maternity Leave

Absence from duty caused by maternity is considered to be a temporary disability similar to any other medical disability. Employees may use accumulated sick leave for this purpose. If the employee's sick leave balance is insufficient to cover the entire period of absence, the employee must seek approval from their supervisor to use annual leave, or to use leave without pay. Sick leave may be used only for that period of time during which the employee is unable to perform her duties because of pregnancy. Additional time off must be covered by other types of leave when the employee is discharged by her health care professional, usually six weeks following delivery. Maternity leave will be designated under FMLA. (Louisiana Law R.S. 23:342 allows up to 4-months of leave for pregnancy/childbirth leave.)

Before being granted leave for maternity purposes the employee is required to furnish a statement from her health care professional to the effect that she can no longer perform the duties required and the expected date of delivery. Before an employee can return to work following leave for pregnancy, the health care professional must certify in writing that the employee is able to return to regular duties. To prepare for possible replacement of an employee who is requesting maternity leave, the employee's written request for leave should be submitted a minimum of two months in advance of the proposed beginning of leave. No later than one month prior to the termination of the approved leave period, the employee should notify the Human Resources Office in writing of her plans to resume duty on the established date.

Payment of Sick Leave upon Retirement or Death

Upon death or retirement (requires that the employee meet the eligibility requirements of the Teachers' Retirement System of Louisiana) of an unclassified employee, sick leave accrued to his/her credit shall be computed and the value thereof shall be paid to the employee or heirs, provided that the sick leave has been accrued under established leave regulations and a daily attendance record has been maintained for the employee by his/her supervisor, except that such payment shall not exceed the value of 200 hours. The rate of pay shall be computed using the base rate the employee is receiving at the time of separation.

CRISIS LEAVE

As allowed by the *Rules* of the University of Louisiana System (System) (Policies and Procedures Memoranda, Chapter III, FS-III.XXII.-1. Southeastern participates in a Crisis Leave Program to be used by fellow faculty and/or unclassified employees. Crisis Leave is leave hours donated by faculty and/or unclassified staff into a Crisis Leave Pool to be used by fellow faculty and/or unclassified staff who are suffering from their own serious health condition which has caused or is likely to cause the employee to take leave without pay or to terminate employment. Donated annual and sick leave to the Crisis Leave Pool is irrevocable.

LEAVES OF ABSENCE

Members of the University faculty or administration may apply for leaves of absence. The President of the University, acting in accordance with regulations of the System, shall determine whether or not individuals are eligible for leaves of absence.

Leaves of absence for the purpose of accepting temporary appointment elsewhere shall not exceed one year. Any additional extensions shall require special justification and must be approved by the System. Leaves granted for the purpose of participating in political campaigns shall not exceed six months.

A Leave of Absence without Pay (LWOP) is time off from work without pay granted by a supervisor or imposed by a supervisor for an unapproved absence. LWOP may be requested by an employee listing the reasons needed, the duration of the leave, and obligations of the employee during the period requested. Employees on LWOP for more than ten (10) working days in any month are responsible for the employer portion of any match on health and life insurance premiums unless they are on FMLA leave. LWOP may be granted for maternity leave or to care for an ill family member under FMLA.

Benefits on extended LWOP

During an extended period of LWOP, benefits associated with pay status are affected unless utilizing FMLA. Insurance coverage may be continued by making advance payments of the full premiums. Tax-sheltered annuities are suspended. Scheduled deductions for reimbursement accounts covered under the premium sheltering plan must be brought up to date by the end of the plan year. If an employee gets behind because of LWOP, deduction amounts may be increased to compensate. Annual and sick leave do not accrue during a period of LWOP. Membership in the retirement system is suspended.

COMPENSATORY LEAVE

The normal business of a university or college campus is not restricted to the normal 40-hour workweek observed by many state agencies. Many functions and activities occur in the evening hours and weekends when certain unclassified

employees are *required* to attend. To compensate unclassified employees for work performed in excess of the normal workweek compensatory leave is utilized. Employees may be exempt or non-exempt from the Fair Labor Standards Act that regulates overtime and compensatory leave.

Non-exempt Full-time Employees: In cases where the Fair Labor Standards Act applies, such leave will be credited to non-exempt employees at the rate of one and one-half hour for each hour worked. For overtime hours worked during weeks when leave is taken (with or without pay), or when holidays are observed, the agency may opt to use straight-time hour-for-hour compensatory leave or straight-time cash payments to compensate non-exempt employees. Accrual of K-time earned at the time-and-one-half rate is capped at 240 hours. Once an employee reaches this FLSA accrual cap, he must be paid cash at the time-and-one-half rate for any additional FLSA overtime worked. A non-exempt employee, who has more than 360 hours of hour-for-hour compensatory leave at the beginning of a new fiscal year, must be paid for any hours over 360 within 90 days of the new fiscal year. Non-exempt employees shall be paid for all time and one-half compensatory leave earned for overtime as required by the Fair Labor Standards Act upon separation. Other straight, hour-for-hour compensatory leave earned in a non-exempt status shall be paid upon separation.

Exempt Full-time Employees

Compensatory Leave may be granted for required overtime hours worked outside the regular assigned 40-hour work week, or when an employee has not worked in excess of 40 hours due to holidays observed or leave taken. Work undertaken while at home does not constitute the earning of Compensatory Leave unless a part of an approved remote work agreement. Earning of Compensatory Leave must have prior approval of the immediate supervisor and/or the budget unit head, whichever is appropriate. This authority has been delegated from the vice-presidential level per the System Policy. The appropriate vice president must periodically review compensatory leave earned by those employees working within his/her division.

Compensatory Leave Administration for Exempt Employees

1. Not more than 320 hours may be earned during any fiscal year. Compensatory Leave can be used for any purpose with the approval of their immediate supervisor and department head.
2. Not more than 240 hours of accrued unused Compensatory Leave may be carried forward into a new fiscal year.
3. An appointing authority may require employees to use their Compensatory Leave at any time.
4. Employees will not be paid the value of their accrued leave upon separation from their unclassified position. In the event an employee transfers without a break in service to another position within the state service, Compensatory Leave may be credited to the employee at the discretion of the new appointing authority. Southeastern will allow a credit of up to 80 hours of Compensatory Leave earned at another agency.
5. Application for Leave must be approved by the supervisor when Compensatory Leave is to be taken.
6. While on approved travel on a regular university workday, an employee may earn a maximum of five hours of Compensatory Leave for hours worked outside of regular working hours. An employee can earn a maximum of eight hours per day during weekend travel.
7. Employees will not earn Compensatory Leave for routine meals, social events, tours, etc. which are not required by the employer unless specifically approved by the President of the University.
8. Employees cannot earn Compensatory Leave while "on call" status.
9. When an employee has earned a total of 320 hours of Compensatory Leave during any fiscal year, further approval of Compensatory Leave shall cease. Department Heads/supervisors are to take necessary precautions to preclude approval of Compensatory Leave beyond the maximum allowed.

Use of Compensatory Leave

Compensatory leave must be applied for by the employee and may be used only when approved by the appointing authority or his/her designated representative. Leave is requested electronically either on-line or through email. Compensatory leave must be approved in advance, except in cases of an emergency, which is subject to the approval of the supervisor. Employees may be required to use Compensatory leave during University closures; for example, during the Christmas break for days other than State holidays. For this reason, all employees are encouraged to save their compensatory leave.

Compensatory leave shall not be charged for non-work days. The minimum charge to compensatory leave records shall not be less than fifteen (15) minutes. Compensatory leave may only be taken in fifteen (15) minute increments. Compensatory leave earned at one and one-half rate shall be used before hour for hour compensatory leave. All compensatory leave shall be used before annual leave is used.

Positions not eligible to earn Compensatory Leave

Incumbents in the positions listed below do not earn compensatory leave. Exceptions may be made to permit these employees to be exempted from having to take leave when the University is officially closed. Such exceptions shall be included in the appointment letter of the individuals involved. In all events, any employee who is entitled to earn compensatory leave under the Fair Labor Standards Act (FLSA) shall earn such in accordance with the FLSA.

- President
- Provost
- Vice Presidents
- Executive Directors
- Assistant Vice Presidents
- Chief Information Officer
- Deans
- Athletic Director
- Assistant Athletic Director
- Director of the Library
- Strength and Conditioning Coach
- Assistant Coaches
- Head Coaches
- Assistant Athletic Trainers
- Associate Athletic Directors

FUNERAL LEAVE

Regular employees may be granted time off for attending the funeral or burial rites of a parent, step-parent, child, step-child, brother, step-brother, sister, step-sister, spouse, mother-in-law, father-in-law, grandparent, or grandchild, providing that the time off shall not exceed two consecutive days on any one occasion. Part-time employees may be given time off on a pro-rated basis.

If additional time off is needed by the employee, the employee may request to use additional leave as applicable. For payroll purposes, the name of the deceased person, relationship to the employee, the date(s) of the services and the funeral home handling the services should be disclosed.

HOLIDAYS

A holiday is the employee's actual or designated holiday observed; whichever the appointing authority selects for compensation purposes. The University usually provides paid time off to all employees in leave earning status for the holidays listed below.

- New Year's Day
- Martin Luther King's Birthday
- Mardi Gras
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Acadian Day
- Christmas Eve
- Christmas Day

In addition to these paid holidays usually observed, the President may designate three additional holidays to be observed during the year for a total of 14 paid holidays.

Employees are notified prior to the beginning of each calendar year; which holidays will be observed. The holiday schedule is subject to change at the discretion of the President of the University. Overtime on a designated holiday is paid the appropriate overtime compensation.

Holidays will be observed based upon the university's approved holiday schedule.

Holidays for employees, such as University Police Officers, whose work schedule differs from the standard university schedule, will be determined based upon the following criteria. If the designated holiday occurs on the employee's scheduled workday then the employee's holiday, will be the designated holiday. If the employee is scheduled to be off on the designated holiday, but is scheduled to work on the actual holiday, then the actual holiday will be the employee's holiday. If the designated holiday and actual holiday falls on an employee's schedule day off then the holiday for this employee will be moved to the employee's closest scheduled workday that occurs during the same calendar year when compared to the actual holiday. Overtime on a designated or actual holiday is paid at the appropriate OT or KSE according to the university's approved holiday schedule.

If a supervisor determines that there is a business need, and an employee works a schedule that differs from the standard university schedule, a supervisor may request approval to move an employee's holiday to a day that differs from the university's designated holiday or from the actual holiday. This action requires approval from the appropriate Vice-President and the Vice-President for Administration and Finance.

Flex schedules will not be observed during the Thanksgiving or Christmas holiday periods.

To be eligible to receive holiday pay, an employee must be in pay status a minimum of 4-hours the day before or the day following the holiday. In other words, hours worked must touch the holiday. Approved paid leave is considered a day worked for holiday pay eligibility.

MILITARY LEAVE

An unclassified employee serving in a position that earns annual and sick leave who is a member of a reserve component of the armed forces of the United States and called to duty for military purposes, or who is a member of a National Guard unit called to active duty as a result of a non-local or non-state emergency, shall be granted a leave of absence from a state position without loss of pay or deduction of leave for a period not to exceed fifteen (15) working days per calendar year. In addition, an appointing authority may grant annual leave, compensatory leave, or leave without pay or any combination thereof, for a period in excess of fifteen (15) working days per calendar year.

An unclassified employee serving in a position that earns annual and sick leave ordered and/or called to active military duty who is on leave without pay after exhausting military leave with pay, and whose military base pay is less than the employee's state base pay, shall be paid the difference between their military base pay and their state base pay. Payment of this pay differential shall be made at the same frequency and in the same manner as the employee's state pay.

1. An unclassified employee on military leave shall provide all documentation necessary and appropriate for correct calculation of pay differential.
2. While on leave without pay, an unclassified employee on military service shall accrue annual and sick leave as if the employee were in full time state service. Leave earned during military service shall be promptly credited at the cessation of military service.
3. If military service extends beyond one (1) year, the unclassified employee shall be entitled to receive military leave with pay for fifteen (15) days per calendar year for each year of military service. The pay differential shall be suspended while the employee is on military leave with pay and until the employee returns to leave without pay.
4. During military service, an unclassified employee on annual leave is not eligible to receive the pay differential.
5. The provisions of this section shall not apply to unclassified employees on inactive military duty for training, annual field training, and/or weekend drills.

An unclassified employee who is a member of a reserve component of the armed forces of the United States or a National Guard unit, ordered and/or called to duty for military purposes, shall give prompt notice of the duty to their supervisor.

Parental Leave

- A. Eligible unclassified employees and appointees are entitled to up to 240 hours of paid parental leave without deduction to their annual, sick, or compensatory leave balances. Such leave shall be for a qualifying purpose related to the unclassified employee's or appointee's child born or placed with such individual for adoption or foster care.

- B. Qualifying Events:
 - 1. Birth of a child;
 - 2. Placement of a child under the age of eighteen (18) with the unclassified employee or appointee for adoption; or
 - 3. Placement of a child under the age of eighteen (18) with the unclassified employee or appointee for foster care.

- C. Eligibility:
 - 1. Parental leave is only available to unclassified employees and appointees in leave-earning positions on the date of the qualifying event.
 - 2. Parental leave is only available to unclassified employees and appointees who, on the date of the qualifying event, have been employed by the State for at least twelve (12) months and who have actually worked at least 1250 hours in the twelve (12) months preceding the parental leave request.
 - 3. Parental leave is only available to the legal parents, adoptive parents or foster parents of the child for whom parental leave is taken when said parents have an active and ongoing role in parenting the child and are taking leave for one of the qualifying purposes set forth below. For purposes of this Order, a legal parent is a person having a genetic relationship to the child or filiated to the child through legal presumption or assisted reproductive technology.

- D. Qualifying Purposes:
 - 1. For a legal, adoptive or foster parent to bond with the child for whom leave is taken. A need to bond with the child exists when there is a new relationship between the parent and child and the unclassified employee or appointee will spend time with the child to create an ongoing mutual attachment. This rule is not intended to apply where a relationship resembling parent-child already exists and the primary change is the legal nature of the relationship. (Examples: foster parent to adoptive parent and intra-family adoptions such as adoptions by step-parents); or
 - 2. For adoptive or foster parents to attend post-placement court proceedings or mandatory meetings related to adoption or foster placement.

- E. Duration:
 - 1. Parental leave is available for use only during the twelve (12) weeks (84 calendar days) immediately following the occurrence of the qualifying event.
 - 2. Parental leave is available for use commencing on the first date of a qualifying event and for only as much of the parental leave period as the unclassified employee or appointee is engaged in a qualifying purpose.
 - 3. Parental leave may be used continuously or intermittently, in accordance with the need therefor.
 - 4. Unless the appointing authority determines that an unclassified employee or appointee is utilizing parental leave in violation of this Order, the appointing authority shall not reduce the authorized parental leave period nor interfere with the unclassified employee's or appointee's use of parent leave.

- F. Compensation:
 - 1. Full-time unclassified employees and appointees shall be compensated at the rate of 100% of their base pay for a period not to exceed 240 hours during the applicable twelve (12) week period.
 - 2. Part-time unclassified employees and appointees shall be compensated at the rate of 100% of their base pay for a period not to exceed six (6) weeks based upon the average number of hours worked per week in the six

(6) months immediately preceding the commencement of parental leave. (Example: if an individual works an average of twenty-five (25) hours per week during the six (6) month look-back period, the employee shall be paid their base pay for twenty-five (25) hours per week for six (6) weeks).

G. Limitations:

1. Parental leave shall not be donated to another employee or leave pool.
2. Unused parental leave shall not be reserved for use during a subsequent qualifying event nor paid to the unclassified employee or appointee.
3. This Order is not intended to provide any form of unpaid leave after exhaustion of 240 hours (or the appropriate part-time allotment) of paid parental leave. Additional leave, if any, shall be taken in accordance with this Order or other applicable law.
4. At least twelve (12) months shall elapse from the beginning of one parental leave period until an unclassified employee or appointee is eligible for another parental leave period. For a new parental leave period, there shall be a new qualifying event on or after the 12-month waiting period and the eligibility requirements of Section C shall be satisfied as of the date of the new qualifying event.
5. Eligible unclassified employees and appointees utilizing parental leave for occurrences also qualifying under the Family and Medical Leave Act ("FMLA") shall use FMLA leave concurrently with parental leave.
6. When both parents of the child for whom parental leave is used are employed in state service, each is entitled to utilize a full 240-hour (or appropriate part-time allotment) parental leave period.
7. In using parental leave, unclassified employees and appointees shall comply with their agency's customary leave practices. That is, as practicable, advance notice of leave needs shall be provided and leave requests approved prior to use.
8. An unclassified employee's and appointee's use of parental leave in accordance with this Order and agency policy shall not have a negative impact upon their employment relationship. Unclassified employees and appointees not utilizing parental leave in accordance with this Order and /or in violation of agency policy may be disciplined, including the possibility of termination.

H. Establishing Eligibility for Parental Leave:

1. Prior to granting parental leave, an appointing authority shall have the requesting unclassified employee or appointee complete the request form developed by State Civil Service.
2. In addition to this request form, an appointing authority may require an unclassified employee or appointee requesting parent leave to produce acceptable proof in support of their request, such as a birth certificate or insurance certificate confirming their relationship to the child for whom parental leave is requested, or proof of attendance at court proceedings or other mandated meetings related to adoption or foster placement. An appointing authority shall not require that an unclassified employee or appointee produce medical records or scientific evidence to prove paternity.

SPECIAL LEAVE FOR CIVIL AND NATIONAL SERVICE

An unclassified employee shall be given time off without loss of pay, annual, or sick leave for civil and national services listed below.

1. For performing jury duty.
2. When summoned to appear as a witness before a court, grand jury, or other public body or commission.
3. For performing emergency civilian duty in relation to national defense.
4. For voting in a primary, general, or special election which falls on his scheduled working day, provided that not more than two (2) hours of leave shall be allowed an employee to vote in the parish where he is employed, and not more than one (1) day to vote in a parish other than the one where he is employed.
5. When the appointing authority determines that employees are prevented from performing their duties by an Act of God.
6. When the appointing authority shall determine that local conditions or celebrations make it impractical for employees to work.

FAMILY AND MEDICAL LEAVE (FMLA)

As per the Family and Medical Leave Act (FMLA) of 1993, Southeastern will grant a leave of absence to regular full-time and regular part-time employees (who meet the requirements described below) for the care of a child after birth or adoption or placement with the employee for foster care, for the care of a covered family member (spouse, child, or parent) with a serious health condition, or in the event of an employee's own serious condition. Employees may also utilize FMLA to care for a military member injured in the line of duty or for a military member who has been notified of an impending call or order to active duty in support of a contingency operation. A covered employee is entitled to twelve weeks of leave in a "year." The State of Louisiana has designated that all agencies use a "first usage" year. This 12-month period begins with an employee's first usage of FMLA leave.

Employees must meet the eligibility requirements below:

1. One must have been employed for 12 months by the state and for at least 1250 hours during the 12 months preceding the start of FMLA leave. The employee must have actually worked 1250 hours. Leave time is excluded.
2. The 12-month period required for employment need not be continuous. If an employee has worked any part of each of 52 weeks, the 12-month employment requirement is considered met. These 52 weeks must have been within a reasonable time period.

Guidelines

1. An employee may request to utilize FMLA or the University can place an employee on FMLA (paid or unpaid) even if the employee has not requested leave under FMLA. In either case, whether requested or designated, the University must advise the employee in writing with notice of employee's rights and obligations when such a designation is made.
2. When an employee cannot work because of their own illness or injury, after sick leave is exhausted, the employee must use their accrued annual or compensatory leave.
3. The University requires the employee to use paid leave first. If an employee goes into leave without pay status and is unable to pay insurance premiums through payroll deduction, then they will be required to pay their portion directly to the Controller's Office.
4. When the employee cannot work because they are caring for a qualifying family member, the employee may request to use appropriate annual, compensatory, or sick paid leave.
5. The employee must give 30 days' notice of the need for FMLA leave, or, if not practicable, as much notice as is practicable.
6. FMLA is a twelve (12) week entitlement.
7. All medical records submitted to the employer for verification of leave are confidential.
8. Certification from a health care provider shall be required.
9. If re-certification by a health care provider is requested, it will not be more often than once every thirty (30) days. Re-certification may be required if:
 - a. The employee requests an extension of leave;
 - b. The employer receives information that casts doubt on the continuing validity of the original certification;
 - c. Circumstances described on the original certificate have changed significantly; or
 - d. The employee does not return to work for medical reasons that would prevent the collection of premiums paid by the employer.
10. In personal illness cases, an employee must provide a medical release to either full-time or part-time duty. If the employee is released to part-time duty, he/she must provide a release to full-time duty when their health care provider releases them.
11. If an employee is released to either full-time or part-time duty with restrictions, the employee may or may not be allowed to return to work. The decision to allow the return to work with restrictions will be based on a case-by-case basis, depending on the employee's job duties and location of work. In all cases, the employee must be

able to perform the essential functions of the job as established by the employee's official position description on file in the Human Resources Office, with or without a reasonable accommodation.

12. If an employee would have been laid off had he/she not taken leave, there is no obligation to return the employee to work at the end of the leave. The employer's obligation to maintain the employee's group health plan benefits and restore the employee at the end of the schedule leave period cease when the layoff occurs, unless a collective bargaining agreement provides otherwise. The employer must be able to prove that the worker would have been laid off regardless of FMLA status.
13. The "key employee" provision of the federal act does not apply.

[End of Policy]