

Michigan Civil Service Commission

Regulation 5.09

Subject: Annual, Personal, and School and Community Participation Leave		
SPDOC No.: 16-06	Effective Date: January 1, 2017	Replaces: Reg. 5.09 (SPDOC 165-065 , January 1 May 24 , 2017 5)

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1. Purpose

This regulation establishes ~~the standards and procedures~~ for paid annual ~~leave~~, school and community participation ~~leave~~, and personal leave.

2. CSC Rule References

5-10 Paid Holidays and Leave

5-10.2 Paid Leave

(a) Leave accrual and accumulation.

(1) Annual and personal leave.

(A) Initial annual leave grant. Upon entry into the classified service, an eligible employee is credited with an initial annual leave grant of 16 hours, which is immediately available for use, upon approval of the appointing authority. The 16 hours of annual leave cannot be credited to an employee more than once in a calendar year.

(B) Annual leave accrual and accumulation. An eligible employee has annual leave credited in accordance with the following leave table:

1. Years of Service	2. Hours of Annual Leave Accrued (for 80 hours of service)	3. Maximum Accumulation (total hours of annual and personal leave)	4. Maximum Accumulation that may be paid off
Less than 1	4.0	296	256
1 – 5	4.7	296	256
5 – 10	5.3	311	271
10 – 15	5.9	326	286
15 – 20	6.5	341	301
20 – 25	7.1	346	306
25 – 30	7.7	356	316
30 – 35	8.4	356	316
35 – 40	9.0	356	316
40 – 45	9.6	356	316
45 and above	10.2	356	316

(C) Prorated annual leave. An employee paid for less than 80 hours in a biweekly pay period is entitled to a prorated amount of annual leave. Paid service in excess of 80 hours in a biweekly pay period is not counted.

(D) Personal leave. In addition to annual leave, an eligible employee with at least 6 months of continuous satisfactory service on October 1 of each year is credited with 16 hours of personal leave.

(E) Maximum accrual. An employee may accumulate credited annual and personal leave hours up to the combined maximum authorized in column 3 of the leave table in subsection (a)(1)(B). Any annual or personal leave hours earned above the maximum accrual cannot be credited and the hours are lost.

(F) Maximum payoff. If any employee receives a payoff of all accumulated annual and personal leave hours, the maximum amount that may be paid off is the amount authorized in column 4 of the leave table in subsection (a)(1)(B). Any annual or personal leave hours accumulated above the maximum amount authorized in column 4 are lost if not used before payoff.

(2) School and community participation leave. An eligible employee who has completed 1,040 hours of satisfactory service is credited with 8 hours of school and community

participation leave each October 1. School and community participation leave credits not used by the last pay period of the fiscal year are lost.

* * *

(b) Leave use and limitations.

(1) Crediting and use of annual, personal, and school and community participation leave credits. *An employee is credited with annual, personal, and school and community participation leave in accordance with the compensation plan. An employee may use annual, personal, and school and community participation leave when approved by the appointing authority in accordance with the compensation plan.*

* * *

(3) Other limitations. *Annual, personal, school and community participation, and sick leave cannot be authorized, accumulated, or credited in excess of limits established in the compensation plan.*

(4) Special credit for annual leave and longevity. *Solely for the purpose of annual leave and longevity credit, a career employee is allowed state service credit for the following:*

(A) *Service in a nonelective excepted or exempted position in a principal department, the legislature, or the supreme court, that immediately precedes entry or return to the classified service.*

(B) *Up to five years of honorable service in the armed forces of the United States completed before entry into the classified service. When an employee who has received additional annual leave and longevity separates from the classified service and subsequently returns, military service previously credited is recognized as prior service, subject to requalification for the benefits of this rule.*

3. Standards

A. Annual Leave.

1. **Initial Leave Grant.** Upon entry ~~into~~^{entering} the classified service, a career employee is credited ~~with~~ 16 hours of annual leave. An employee cannot ~~only~~ be credited ~~with the~~^{an} initial leave grant ~~more than~~ once per calendar year.
2. **Crediting and Accumulation.** A career employee accrues annual leave for each 80~~-~~ hours in full pay status in accordance with the annual~~-~~leave table ~~established~~ in rule 5-10.2(a)(1)(B).
 - a. An employee accrues ~~paid~~ annual leave ~~with pay~~ in accordance with ~~total~~ (both prior and currently continuous) classified service upon completion ~~of~~^g five years (10,400 hours) of currently continuous service. ~~An employee who separates and returns to state service must re-qualify for additional annual leave.~~

- b. Paid service ~~in excess of over~~ 80 hours in a biweekly ~~work-pay~~ period is not counted.
 - c. When paid service does not total 80 hours in a biweekly ~~work-pay~~ period, leave credits are pro-rated based on hours in pay status for that pay period.
 - d. Temporary layoff time is included in ~~the computingation of~~ service hours for annual-leave credits ~~in accordance with rule 2-4.4.~~
 - e. Annual leave is credited at the end of each biweekly ~~work-pay~~ period.
 - f. Career employees eligible for special credit for unclassified or military service for annual leave under rule 5-10.2 ~~are subject to must satisfy~~ the ~~same~~ standards and documentation requirements ~~as used~~ for longevity under regulation 5.05.
 - g. An employee ~~is cannot allowed accumulate~~ annual-leave ~~accumulation in excess of above~~ the maximum accumulation ~~listed in column 3 of the annual-leave table, except under the following conditions for:~~
 - (1) An ~~assaulted~~ employee ~~is assaulted by a resident, client, or member of the general public, if covered by the following public acts:~~ PA 293 of 1975 (~~MCL 791.263a~~) for the Department of Corrections; PA 414 of 1976 (~~MCL 330.1113~~) for the Department of Health and Human Services (formerly Department of Community Health); PA 131 of 1978 (~~MCL 400.1, et seq.~~) for Department of Health and Human Services (formerly Department of Human Services) Institutional Employees; ~~and or~~ PA 452 of 1978 (~~MCL 38.1181~~) for Department of State employees providing direct services to the public.
 - (2) An employee ~~is~~ suspended or dismissed ~~and who~~ is subsequently returned to employment with full service benefits.
3. ~~Use of Annual Leave.~~
- a. An employee may use the initial grant of 16 hours immediately upon hire, with ~~the prior approval of the appointing authority's~~ ~~prior approval.~~
 - b. Annual leave is ~~only~~ available ~~for use only in~~ biweekly ~~work-pay~~ periods ~~subsequent to after~~ the ~~biweekly work~~ period ~~in which when~~ it is earned. Annual leave ~~may can~~ not be credited or used in anticipation of future ~~leave~~ accruals. ~~In the a~~ Absentee of applicable accrued leave, compensation reductions for lost time ~~will be are~~ made for the ~~work-pay~~ period ~~in which when~~ the absence occurred.
 - c. An employee ~~may can only~~ use annual leave ~~only~~ with the ~~prior approval of the appointing authority's~~ ~~prior approval~~, except that an employee ~~may can~~ use accrued annual leave ~~if when an~~ insufficient ~~amount of~~ sick leave exists to cover an absence for which sick leave is normally used. In this circumstance, the standards of regulation 5.10 ~~pertaining to on use of sick-leave~~ ~~use~~ apply.

- d. Annual leave cannot be used to extend employment, ~~except that during November and December of 2010 up to three days of annual leave can be used to extend employment. An appointing authority may request that the State Personnel Director authorize an employee to use more than three days of leave to extend employment during November and December of 2010.~~
- e. An employee allowed annual ~~leave~~ accumulation ~~in excess of~~ above the maximums ~~listed in the annual leave table under the exception in § 3.A.2.g,~~ is allowed ~~has up to~~ one year ~~from the date of~~ after returning to employment to reduce ~~liquidate~~ the balance ~~amount of annual leave above~~ below the maximum ~~by use of paid time off work. After one year, any excess accrual is lost.~~
- f. Consistent with operational needs, an appointing authority shall honor a seniority-based vacation for 2019 using annual leave approved under contractual provisions in 2018.
4. **Transfer of Leave.** An employee who moves from one state agency to another may transfer up to 80 hours of accrued annual leave. Annual leave ~~in excess of~~ above 80 hours ~~up to the maximum~~ may be transferred with the ~~approval of the~~ new appointing authority's approval ~~to whose service the employee moves.~~ An employee is paid ~~in cash~~ at the current pay rate ~~of pay~~ for unused annual leave that is not transferred. This section does not apply to transfers ~~resulting from an~~ executive reorganizations.
5. **Layoff.** An employee separated by layoff, other than a temporary layoff ~~under rule 2-4.4,~~ may freeze annual leave up to the accrued balance at ~~time of~~ layoff or be paid off ~~for it~~ up to the appropriate maximum pay-off ~~limitation contained in column 4 of~~ the annual ~~leave~~ table.
- a. If the employee freezes annual leave, the ~~leave~~ balance is retained until the employee elects to be paid off ~~for the balance~~ or until the employee's recall rights expire, whichever occurs first. The payoff amount is calculated at the employee's last pay rate ~~of pay~~.
- b. ~~If a~~ An employee who elects ~~to be paid~~ yoff for annual leave ~~at the time of~~ when separated ~~ion~~ by layoff, ~~the employee upon recall~~ may buy back annual leave upon recall, subject to the following conditions:
- (1) An employee recalled to the agency from which laid off may buy back any portion of annual leave up to the amount paid off.
 - (2) An employee recalled to a permanent position in a different agency may buy back up to 80 hours of any portion of annual leave that had been paid off, ~~up to 80 hours.~~

- (3) An employee ~~electing this option must~~ buys back the annual leave at the returning pay rate ~~of pay~~.
- (4) ~~Such~~ Any payment is made to the agency that made the original payoff.
- (5) This option may be exercised only once per recall, and must be exercised during the first 13 pay periods of the recall.

6. **Payoff on Retirement, Death, or Separation.**

- a. When employment is terminated for any reason, the employee or beneficiary is paid ~~for~~ the balance of unused annual leave ~~and the balance of any unused hours of the initial 16 hour grant~~ at the employee's last pay rate ~~of pay~~.
 - b. Payment for unused annual leave is limited to the applicable maximum ~~listed~~ in the annual leave table ~~of unused credited annual leave~~. This includes employees ~~who, under the exceptions in § 3.A.2.g, were~~ permitted to accrue ~~more than above~~ the maximum under § 3.A.2.g.
 - ~~c. Payment for unused annual leave in excess of 240 hours at retirement is not included in final average compensation for calculating the level of retirement benefits.~~
 - ~~d. An employee retiring under a normal retirement, while otherwise eligible for an incentivized retirement under MCL 38.19j, shall receive leave balance payoffs only after rights to retire under the incentivized retirement program end. An employee electing incentivized retirement shall receive leave balance payoffs as provided in MCL 38.19j.~~
7. **Deferred Hours.** Deferred hour credits are administered in the same manner as annual leave.
8. **Annual Leave Transfer.** A direct leave transfer process and a central leave bank are available ~~to assist for~~ nonexclusively represented employees (NEREs) facing financial hardship due to serious injury or prolonged illness of the employee or the employee's dependent spouse, child, or parent.

a. **General Provisions.**

- (1) An employee may receive a direct transfer of annual leave from employees ~~within their~~ same employing agency, or through the central leave bank administered by DTMB Financial Services, ~~subject to the following conditions:~~
 - ~~(a) If~~ the receiving employee ~~must have~~ (a) successfully completed the initial probationary period.
 - ~~(b) The receiving employee must have,~~ (b) exhausted all leave credits.

~~and (c) — The receiving employee's had the absence must have been approved.~~

(2) An employee may receive a combined maximum donation of 240 hours per calendar year.

(3) Donations of annual leave ~~(either by direct transfer or to the central leave bank)~~ are irrevocable and ~~are~~ limited to a combined maximum of 40 hours ~~in a per~~ calendar year. Donations must be in ~~whole hour~~ increments of one hour.

(4) Donation to and receipt from direct leave leave transfer or the central leave bank require the appointing authority's approval on an OSE form.

(5) Unused donated annual leave must be is forwarded to the central leave bank.

b. Direct Leave Transfer.

(1) Direct leave transfers must be made before or ~~concurrent with~~ while the employee ~~is absent~~ tee.

(2) The right to donate and receive hours through direct transfer is not limited to ~~nonexclusively represented employees when~~ NEREs if a collective bargaining agreement ~~provision~~ allows for similar ~~direct transfer donation of annual leave~~.

~~(3) Direct leave transfer requires a completed direct leave transfer form approved by the appointing authority.~~

~~**c. Central Leave Bank.**~~

~~(1) The central leave bank is administered by the Department of Technology, Management and Budget, Financial Services.~~

~~(2) Donations of leave to the bank and requests for annual leave from the bank require a completed central leave bank transfer form approved by the appointing authority.~~

B. Personal Leave.

On Each October 1 ~~of each year~~, full-time career employees with at least ~~6~~ six months' ~~of~~ continuous satisfactory service are credited with 16 personal annual leave. ~~These leave hours are credited to an employee's annual leave balance and may be used in accordance with normal requirements for annual leave.~~

~~1. A full time employee receives 16 hours.~~ A less than full-time employee receives proportionate credit based on the average hours in pay status during the six full biweekly work pay periods preceding October 1.

- ~~2. An employee covered by other paid personal leave credit provisions under a collective bargaining agreement who subsequently moves to a position that is excluded from representation or not covered by a bargained agreement receives appropriate paid personal leave credit immediately upon transfer out of the unit, unless a similar grant was received in the same fiscal year under the bargained agreement.~~
- ~~31.~~ A full-time employee on a leave of absence on October 1 receives the full grant ~~as described in B.1 above~~, upon return to active employment status. A less than full-time employee on a leave of absence on October 1 who has completed less than six biweekly ~~work-pay~~ periods receives a partial grant based on the average hours in pay status since return from leave. ~~Any leave grant must be manually added when the employee returns.~~
- ~~42.~~ An employee recalled from layoff ~~is credited with~~ receives the a personal ~~paid~~ leave credit prorated on a prorated basis for the balance of the fiscal year after recall.

C. School and Community Participation Leave.

- A career nonexclusively represented career employee-NERE who has completed 1,040 hours of satisfactory service ~~is credited annually with~~ receives eight hours of school and community participation leave ~~to be used in accordance with the following provisions:~~
1. An employee may use the leave to participate in any school-~~sponsored~~ activity including, ~~but not limited to,~~ tutoring, field trips, classroom programs, school committees, assisting ~~with~~ athletic or music-arts programs, ~~theater~~ and school clubs. The leave may also be used ~~for to~~ actively participate in any structured secular community activity sponsored by a governmental ~~agency,~~ or a ~~non-profit~~ community ~~organization or agency,~~ and but not for mere attendance at school or community events.
 2. ~~School and community participation-The~~ leave may only be used ~~only~~ in increments of one hour, and only for qualifying events occurring during an employee's scheduled work-time.
 3. An employee must obtain the appointing authority's prior written approval ~~to use school and community participation leave on a form provided by the appointing authority.~~
 4. ~~School and community participation-The~~ leave is credited to employees ~~on~~ each October 1 and ~~will~~ does not carry forward beyond the fiscal year.

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CONTACT

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