

LEAVES

A9.400 GUIDELINES FOR SABBATICAL LEAVE FOR FACULTY

1. Purpose. To comply with Section 304-11 HRS, Faculty, which authorizes the Board of Regents to adopt rules governing sabbatical leaves and the corresponding Article of the Unit 07 Collective Bargaining Agreement.
2. Objective. To establish a standard form to be used by faculty when applying for sabbatical leave.
3. Applicability/Responsibility. This instruction is applicable to faculty who are eligible or may become eligible to apply for sabbatical leave. The individual BOR employee is responsible for submitting the request for sabbatical leaves, postponements and cancellations thereof. The employing department is responsible for submitting the request to the appropriate Vice President, Chancellor, Dean or Director who has been delegated authority by the President to approve leaves. Upon arrival, the responsible administrator shall report the leave to the Board of Regents via the monthly transacting report.
4. Procedures. Applications will be processed in accordance with the provisions of the corresponding Article of Unit 07 Collective Bargaining Agreement. Eligible faculty members may apply for sabbatical leave in accordance with the eligibility criteria contained in the faculty collective bargaining agreement. A faculty member who wishes to postpone an approved leave must apply in writing to have the dates changed, subject to the concurrence of the University. In the event that a faculty member does not obtain approval of postponement to a specified period or does not proceed on leave as originally approved, the leave is automatically cancelled.

The following guides are to be observed:

- a. A faculty member need not request postponement of leave at the time he/she meets the six year service criterion.

- b. If the University disapproves an application for sabbatical, the individual concerned is not entitled to service credit toward a subsequent sabbatical. Service credit can be earned by an eligible faculty member only after completion of a sabbatical or from date of appointment or promotion as appropriate.
- c. If a sabbatical leave has been approved but cannot be taken by the individual, it may be postponed to a specified period with the concurrence of the University; otherwise it will be cancelled and the faculty member must reapply.

5. Application Forms.

Sabbatical Leave, Other Than Community Colleges -
UH Form 36 (PERS), Attachment A.

Sabbatical Leave, Community Colleges -
UH Form 37A (PERS), Attachment B.

6. Failure to Complete Return Service Obligation. Employees who fail to return to service subsequent to a sabbatical leave or who do not complete one year of service subsequent to a sabbatical leave are required to reimburse the University all compensation received during the leave period.

The following are guidelines in seeking reimbursement of all compensation received during the sabbatical:

- a. Make earnest well-documented recovery attempts on behalf of the University:

Notify the employee in writing of his/her obligation to reimburse the University all compensation received during the sabbatical leave as soon as he/she discloses any intent to resign during the leave, upon completion of the leave, or prior to completion of the return to service commitment. See attached Sample Letter 1.
- b. Should the employee fail to provide reimbursement or return service (one year for faculty), verify with the Payroll Office the exact gross amount owed; then request in writing via certified mail with return receipt requested that the employee reimburse the University the specified amount. Request a response within thirty (30) days. See attached Sample Letter 2.

- c. Should the employee fail to respond within thirty (30) days:
- 1) Request, via the Vice President of Finance and Operations, that the Attorney General immediately file a complaint and issue a prejudgement garnishee summons. See attached Sample Letter 3.
 - 2) If the individual is a member of the contributory retirement plan, request in writing that the Employees' Retirement System office "freeze" the specified amount in the employee's account. ERS can freeze the money for only 60 days. Inform the employee via certified mail with return receipt requested that a freeze has been placed on their account and reiterate the request for payment. See attached Sample Letter 4.
- d. Should an installment plan for reimbursement be necessary, the respective fiscal officer needs to contact the Central Accounting Office to establish a suspense account for deposit of each installment payment. The total repayment period should not exceed one year.

Recommendation*

Chairperson/Unit Head

Date

Approved/Disapproved

Vice Pres./Chancellor/Dean/Director

Date

*Attach explanation of how applicant's duties will be covered. If disapproval is recommended, attach explanation also.

Nine-Month Personnel:

One (1) semester only - sabbatical leave must start on January 1 or July 1 for a period of six (6) months at full pay.

Academic year - sabbatical leave may start on January 1, June 1, July 1 or August 1 for a period of twelve (12) months at half pay.

Eleven-Month Personnel:

Eleven-month personnel with teaching or academic calendar related duties may go on sabbatical leave during the same periods as nine-month personnel.

Eleven-month personnel whose duties are not affected by academic calendar requirements may start their sabbatical at any time, normally on the first day of a month.

Faculty members serving on eleven-month appointments may alternately be granted sabbatical leaves of shorter duration with full pay at proportionately more frequent intervals, after the initial period of six (6) years of continuous service at the University, provided that the total leave with pay taken within a sabbatical period does not exceed that provided for regular sabbatical leave.

NOTE: Refer to the Faculty Collective Bargaining Agreement for other conditions affecting sabbatical leaves.

COMMUNITY COLLEGES

Name of Applicant: _____

Title: _____

College: _____

Dept./Div. _____

Rank _____

Period of Sabbatical Leave Requested: _____ to _____

Sabbatical Plan

On a separate sheet, please complete your sabbatical leave plan according to the following outline:

- A. Nature of the educational or professional program to be undertaken, including:
- 1) Sabbatical objectives: Knowledge, experience and/or expertise to be gained from the sabbatical for the benefit of the students, colleagues and campus(es).
 - 2) Relationship of objectives to college goals, to anticipated duties, or to any approved projects with which you are or anticipate being involved.
 - 3) Sabbatical activities planned to accomplish the sabbatical objectives. This would include any programs of study, community services, colleges/businesses to be visited, travel, materials development, and an approximate time line for the different activities. Indicate any College-provided materials or facilities support you would require: indicate if planning to attend the University of Hawaii for tuition waiver purposes.
- B. A summary, in outline form, of what you feel are your outstanding contributions to your college.
- C. Indicate any financial remuneration from non-University of Hawaii sources to be received during the sabbatical leave, including grants, fellowships, and outside employment. If no outside funding will be received, indicate NONE.

Statement of Understanding and Compliance

I understand that sabbatical leave is granted in accordance with University policy, and that should I be authorized such leave, I shall carry out my sabbatical plan and, within one semester, submit a written report on my sabbatical activities. I also understand that I am required to return to the University for at least one year of service upon completion of the sabbatical leave upon return within the semester. I agree that if I refuse to return, I shall reimburse the University all compensation received from the University covering the sabbatical leave period.

Signature of Applicant_____
Date

SABBATICAL LEAVE
 CERTIFICATION OF ELIGIBILITY
 COMMUNITY COLLEGES

Faculty Member is Tenured: _____ Yes _____ No

Date of Initial Hire: _____

Date of Previous Sabbaticals: _____ to _____
 _____ to _____
 _____ to _____

Type of Appointment: _____ 9 month _____ 11 month

Semesters of full-time, continuous service since last sabbatical or initial hire:

Dates of any breaks in service: _____

I certify that the faculty member above is eligible to apply for the sabbatical leave requested.

 Signature Date

 Title

To be completed by the Dean/Designee

If approval is recommended, indicate how the duties of the applicant will be covered during the sabbatical leave.

_____¹
 Recommendation Department/Division Chair Date

_____¹
 Recommendation Dean Date

_____¹
 Recommendation Provost Date

 Decision Chancellor Date

Reported to the Board of Regents _____
 Date

¹If disapproval is recommended, please attach a separate sheet of explanation.

INSTRUCTIONS
APPLICATION FOR SABBATICAL LEAVE
COMMUNITY COLLEGES

Introduction

The purpose of the sabbatical leave is to provide faculty members with an opportunity for further professional growth and development so that they may more effectively serve on their campuses and in their field of specialization.

Eligibility

All tenured faculty members at Range 2 or higher are eligible for sabbatical leave after six years (or 12 semesters) of full-time service with the University. Any leave without pay of 30 days or less does not constitute a break in service. Initial appointments before October 1 in the Fall semester or February 1 in the Spring semester allow that semester to be counted in full.

Types of Leave Available

For 9-month faculty members, leaves may be taken for one semester with full pay, or one academic year at half pay.

For 11-month faculty members, leaves may be taken as for 9-month faculty members with the additional options that:

- a) For faculty members without teaching responsibilities the leave may begin at any mutually agreed upon date;
- b) After the initial six-year period, leaves of less than six months may be taken proportionately at the rate of: one (1) month of leave at full pay for each year of service.

Application Procedures

- a) Complete the top portion of the application. Nine (9) month faculty taking one semester (6 months) leave with full pay must start on January 1 or July 1. Nine (9) month faculty members taking one year (12 months) leave at half pay must start on January 1, June 1, July 1, or August 1.

The period of sabbatical leave for 11-month faculty members with teaching or academic calendar related duties may go on sabbatical leave during the same periods as nine-month faculty members. Eleven-month faculty members whose duties are not affected by academic calendar requirements may start their sabbatical at any time, normally on the first day of a month.

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Note: Refer to the Faculty Collective Bargaining Agreement for other conditions regarding leaves of absence with pay--sabbatical leaves.

- b) Confirm your eligibility with the campus Personnel Office. The campus Personnel Office will complete the top portion of page 2.
- c) Develop a narrative plan following the outline given on page 1 of the Application form. If you have questions, please consult with your Dean of Instruction or designee.

Applications for sabbatical leaves shall be considered based on:

- 1) The nature of the educational or professional program to be undertaken.
 - 2) The effect of the applicant's absence on the work of the department or unit and on the operations of the University.
- d) Submit the application to the Department/Division Chair by the campus deadline. This will normally be December 31 for leaves beginning on July 1 and June 30 for leaves beginning on January 1.
 - e) You will generally be notified by your Provost by April 30 or October 30, respectively, of the outcome of your leave application.
 - f) If your leave plan is approved but the leave is not granted because of lack of funds or inability to find replacements, you may resubmit the leave request in future semesters where it will be given priority consideration over new applications.

Sample Letter 1

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

July 1, 1988

Dr. John Doe
4444 Halfpenny Lane
Meadow Park, TX 76310

Dear Dr. Doe:

I am in receipt of your letter indicating your intent to resign from the University of Hawaii without fulfilling the one-year return service obligation stipulated in the BU 07 collective bargaining agreement and the signed statement of understanding and compliance on the Application for Sabbatical Leave, copies of which are attached for your reference. I am saddened by your decision to not return to UH and ask that you reconsider.

In the event that your decision is final, I regret to inform you that you must reimburse the University of Hawaii the full salary received while on sabbatical leave. Should you decide to execute a resignation, please forward to me a check payable to the University of Hawaii for the gross salary received while on sabbatical leave.

Sincerely,

Jack O'Hara
Dean

Attachments (Attachments 1 and 2)

cc: Payroll Office

ARTICLE V. LEAVES OF ABSENCE WITH PAY**A. SABBATICAL LEAVES**

1. The purpose of the sabbatical leave is to provide the Faculty with an opportunity for further professional growth and development so that they may serve more effectively on their campuses and in their field of specialization.
2. Only tenured Faculty Members at Rank or Range 2 or above may be eligible for a sabbatical leave after six years of full-time creditable service with the University. Any leave of up to thirty (30) days will not constitute a break in service. Credit toward sabbatical leave is computed in units of not less than a full semester for instructional Faculty and from the effective date of appointment in all other classifications provided that an instructional Faculty Member appointed effective on October 1 or February 1 of the respective semesters or prior to that shall have such semester count as a full semester. Full-time creditable service refers to full-time active duty service in the University.
3. The term of a sabbatical leave shall be for a period of twelve months (usually an academic year) at half the pay that would have been received had the leave not been taken or six months (a semester) at the same pay that would have been received had the leave not been taken.

Tenured Faculty Members serving on eleven-month appointments may alternatively be granted sabbatical leaves of shorter duration with full pay at proportionately more frequent intervals after the initial period of six years of full-time creditable service at the University, provided that the total leave with pay taken within a sabbatical leave period does not exceed that provided for regular sabbatical leave.
4. Each person who receives a sabbatical leave shall agree to return to the University-System for service for a period of not less than one year.

Sample Letter 1
Attachment 2

APPLICATION FOR SABBATICAL LEAVE
OTHER THAN COMMUNITY COLLEGES

Name of Applicant: John Doe

Title: Professor Rank: 1 5

College: Fine Arts Dept./Div.: Ethnomusicology

Period of Sabbatical Leave Requested August 1, 1987 to July 30, 1988

Date of Initial Full Time Hire at the University of Hawaii: August 1, 1969

Are you tenured? Y

List all breaks in service and all periods of less than full time service:

Dates of Last Sabbatical Leave: None to

Attach Separate Sheet(s) Showing:

1. An outline of the project, research or study program proposed.
2. Statement of financial remuneration expected from non-University of Hawaii sources.

Statement of Understanding and Compliance

I understand that sabbatical leave is granted in accordance with University rules, and that should I be authorized such leave, I shall carry out my sabbatical plan and submit a written report on my sabbatical activities. I also understand that I am required to return to the University of Hawaii for at least one year of service upon completion of the sabbatical leave or upon completion of any other approved leave granted in conjunction with the sabbatical leave. I agree that if I do not return or do not fulfill my return service obligation, I shall reimburse the University all compensation received from the University during the sabbatical leave period.

	<u>John Doe</u> Signature	<u>12-2-86</u> Date
Recommend Approval Recommendation*	<u>Jan Smith</u> Chairperson/Unit Head	<u>DEC -9 1986</u> Date
APPROVED Approved/Disapproved	<u>Jack O'hara</u> Vice Pres./Chancellor/Dean/Director	<u>DEC 12 1986</u> Date

*Attach explanation of how applicant's duties will be covered. If disapproval is recommended, attach explanation also.

Sample Letter 2

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

July 30, 1988

Dr. John Doe
 444 Halfpenny Lane
 Meadow Park, TX 76310

Dear Dr. Doe:

As stated in our letter to you dated July 1, 1988, your decision to resign while on sabbatical leave requires a full reimbursement of the salary paid to you retroactive to August 1, 1987. The reimbursement requirement is in accordance with the collective bargaining agreement and the sabbatical leave agreement signed by you on December 2, 1986.

The following is a brief summary of how the reimbursement amount of _____ was calculated:

Gross Payroll During the Period of
 08-01-87 to 07-31-88
 _____ x 12 months = _____
 (Monthly salary)

The Retirement System contributions and the voluntary deductions (medical, service dues, credit union, employee organization, and University Foundation, etc.) have been paid by the University and are not reversible.

If you are unable to make the reimbursement at this time, you may wish to have your sabbatical leave pay deducted from your retirement contribution. If this is the case, the following enclosed documents are necessary:

1. A letter to the Employees' Retirement System asking that a check in the amount of _____ be issued in your name and forwarded to my office, (see Attachment 1 for sample) and
2. A limited power of attorney authorizing me to deposit (cash) the check to satisfy your obligation to the University. Please be sure to have this form notarized. (Attachment 2)

It is requested that you return both documents to this office. We will ensure that they receive proper distribution.

* **DELETE PARAGRAPHS IF EMPLOYEE HAS ALREADY WITHDRAWN CONTRIBUTIONS OR IS IN THE NON-CONTRIBUTORY RETIREMENT PLAN.**

A9.400

Dr. John Doe
July 30, 1988
Page 2

Please remit the amount of the indebtedness via a cashier's check or money order to this office made payable to the University of Hawaii.

Please remember if the indebtedness is not satisfied within thirty (30) days from the date of this letter, we will refer this matter to the Department of the Attorney General of the State of Hawaii for legal action [and request that the State of Hawaii Employees' Retirement System place a hold on your retirement account].

If you have any questions, please feel free to contact me. Your cooperation in this matter will be appreciated.

Sincerely,

Jack O'Hara
Dean, College of Fine Arts

Attachments

cc: Payroll Office

[use this statement only if the employee is a member of the contributory plan]

Sample Letter 2
Attachment 1

Mr. Stanley Y. H. Siu
Administrator
Employees' Retirement System
888 Mililani Street, Suite 502
Honolulu, Hawaii 96813

Re: _____ (Employee's Name) _____, SSN _____ (Soc. Sec. No.) _____

Dear Mr. Siu:

I have agreed to reimburse the University of Hawaii the amount of _____
for failure to return to service following completion of my sabbatical leave.

Enclosed please find the Acknowledgement of Indebtedness And Power of Attorney
for Collection which I have executed to liquidate my indebtedness. I am
requesting that your office issue a check in the above-stated amount from my
retirement contributions account and forward this check to the following
address:

University of Hawaii
Attention: Dean O'Hara
College of _____
(Address)

Sincerely,

(Employee's Signature)

Enclosure

cc: Payroll Office

Sample Letter 2
Attachment 2

ACKNOWLEDGEMENT OF INDEBTEDNESS
AND POWER OF ATTORNEY FOR COLLECTION

Know All Men by These Presents:

1. That the undersigned, _____, SS# _____, formerly employed by the University of Hawaii acknowledges indebtedness to the University of Hawaii for failure to return to service following sabbatical leave in the amount of \$ _____ for the period _____ through _____ and agrees to reimburse the University therefor.

2. That in order to liquidate the aforesaid indebtedness, the undersigned hereby appoints and authorizes _____ of the University of Hawaii _____ as his attorney for a period of six (6) months from the date hereof to receive, endorse and collect a check drawn on the State of Hawaii to the order of the undersigned in the amount of \$ _____.

3. That the undersigned further acknowledges and agrees that if the University fails to collect the within indebtedness pursuant to and in exercise of the limited power of attorney aforesaid due to (a) its revocation by the death of the undersigned, the indebtedness shall be a valid claim collectible against his estate; or due to (b) its revocation by the passage of time, the undersigned agrees immediately to execute a new power of attorney covering the indebtedness or immediately reimburse the University therefore by cash or check.

Witness the signature and seal of the undersigned this _____ day of _____ 19____.

* * * * *

Personally appeared before me that above named _____ known or proved to me to be the same person who executed the foregoing instrument, and acknowledged to me that he executed the same as his free act and deed.

Witness my signature, official designation, and seal.

Attesting Officer/Notary Public, State of _____

Subscribed and sworn to before me this _____ day of _____, 19____.

Notary Public, _____ Circuit
State of Hawaii

My commission expires: _____

Sample Letter 3

TYPE IN DRAFT FOR OVPFO REVIEW AND FINALIZATION

October 31, 1988

The Honorable Warren Price, III
 Attorney General
 405 Hawaii State Capitol
 415 South Beretania Street
 Honolulu, HI 96813

Dear Mr. Price:

Re: _____, SSN _____

During the period _____, to _____,
 _____ was granted sabbatical leave. By letter of
 _____, resigned effective
 _____, without returning to duty.

University policy requires a faculty member to return for at least one year of service following a sabbatical leave. This obligation has not been fulfilled.

Internal correspondence was generated to effect the recovery of the sabbatical leave pay. _____ was advised of the amount to be repaid but did not remit the amount due.

We are referring this matter to your office for immediate filing of a complaint and issuance of a prejudgment garnishee summons, or whatever action deemed appropriate. Attached are copies of the correspondence and documents related to the case. The amount which should be recovered is _____.

Your staff may contact _____ (specify name) of the _____ (specify college or institute) who will serve as the University representative in this case.

Sincerely,

Ralph T. Horii, Jr.
 Vice President for Finance
 and Operations

Attachments

cc: Payroll Office
 Dean/Director _____
 Employees' Retirement System

