Faculty Serious Illness and Parental Leave

POL06.45.01 Current Version

Authority: Board of Trustees

History: Policy on Serious Illness and Disability Leave for Faculty first approved by ECU Board of Trustees effective May 6, 2005; Last revised: July 22, 2010. THIS POLICY WAS GOVERNED BY THE ECU FACULTY MANUAL THROUGH JUNE 30, 2011; THE EFFECTIVE DATE OF THE AMENDED POLICY WAS JULY 1, 2011.

Related Policies: UNC Policy Manual 300.2.11 Policy on Serious Illness and Disability Leave for Faculty; ECU Faculty Manual, Part XI,Part VIII, Part IX; federal Family and Medical Leave Act; North Carolina Family Illness Leave Act
UNC Policy Manual 300.2.11

Additional Resources: ECU Human Resources Benefits

Contact Information: Director of Benefits, Human Resources (328-9825); Associate Provost for Personnel and Resource Administration or Associate Vice Chancellor for Personnel Administration, Division of Academic Affairs (328-2679 or 328-5442); or Assistant Vice Chancellor for Health Sciences Administration (744-1910)

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1. Purpose

This policy provides leave with pay for eligible faculty (defined in Section 2 below) for cases of a serious health condition and/or parental leave (defined as birth, adoption, and foster care placement of a child). For further explanation, see the federal Family and Medical Leave Act (the ,FMLA) link under additional references above.

2. Eligibility

2.1 This policy applies only to faculty members who meet all of the following conditions:

2.1.1 have been continuously employed by East Carolina University for at least twelve (12) consecutive calendar months, and

2.1.2 have continuously held a permanent appointment of at least 75 percent of full-time, and

2.1.3 who participate in either the Teachers, and State Employees, Retirement System of North Carolina or the Optional Retirement Program, and

2.1.4 who do not accrue sick leave.

2.2 This policy does not apply to faculty members with temporary appointments or to faculty who are employed with less than 75 percent appointments.

2.3 A period of employment in a non-eligible status may not be used to partially meet the requirement for 12 consecutive months in an eligible capacity.

2.4 Leave benefits are available to faculty members who meet the eligibility requirements, and paid leave may be taken during the term of appointment.

2.4.1 For a twelve-month faculty member, the term of appointment is twelve calendar months (usually defined as July 1 through June 30).

2.4.2 For a nine-month faculty member, the term of appointment is the regular academic year that begins with Opening Day Convocation for Fall Semester in August and ends with Commencement at the end of Spring Semester in May.

2.4.2.1 An eligible nine-month faculty member may receive leave with pay for a documented qualifying event that begins during the regular academic term of appointment. If the documented qualifying event begins between Commencement in May and Opening Day Convocation in August, the faculty member may receive leave with pay after Opening Day Convocation up to a maximum of 12 consecutive calendar weeks from the date of the documented qualifying event.

2.4.2.2 Teaching duties in the summer terms by nine-month faculty members are covered under a separate contract, and paid leave under this

policy is not provided for absence during a contracted summer term.

2.5 This policy applies only to faculty and not to other employment categories including, but not limited to, categories of Senior Academic and Administrative Officer (SAAO Tier I or Tier II), EPA Non-faculty (NF-EPA Instructional or Research), SPA/CSS, Postdoctoral Fellows, or student employees.

3. Description of Benefit

3.1 The total maximum leave benefit for an individual faculty member for all leave benefits (with or without pay) under this policy and in accordance with the FMLA is 12 calendar weeks within any consecutive 12 calendar month period regardless of the number of qualifying events that occur, except as stated in section 3.2.3.4 below. Note in section 3.3.1.2 below, under the North Carolina Family Illness Act, a faculty member is entitled to an extension of up to 52 weeks of leave without pay during a five-year period in cases of serious illness of a child, spouse, or parent.

3.1.1 The start date of the first leave sets the clock for the 12-month period for leave with or without pay under this policy. [See section 5.3 regarding use of any accrued leave balance prior to utilizing paid leave benefits under this policy.]

3.2 Leave with pay

3.2.1 For qualifying reasons as defined in the FMLA, leave with pay is available to a faculty member who meets the eligibility criteria defined in section 2 above.

3.2.2 Serious Health Conditions , For documented serious health conditions, as defined in the FMLA, a faculty member is eligible for leave with pay for a maximum of 12 calendar weeks in any consecutive 12-month period. See section 4.3.1 for certification requirements.

3.2.3 Birth, Adoption, or Foster Care Placement of a Child

3.2.3.1 Primary Caregiver , The primary caregiver is eligible for leave with pay for 12 consecutive calendar weeks beginning on the date of the documented qualifying event. See section 4.3.2 for documentation requirements.

3.2.3.2 Secondary Caregiver , Secondary caregiver is the term that applies in instances in which there are two (2) East Carolina University faculty members who are both eligible for leave pursuant to this policy (see section 2, above, for eligibility requirements) for the same birth,

adoption, or foster care placement of a child (hereinafter referred to as ,two eligible employees for the purposes of this section 3.2.3). For such a documented qualifying event, the secondary caregiver is eligible for leave with pay for 21 consecutive calendar days (in addition to the leave with pay for the primary caregiver in section 3.2.3.1) any time within the 12 consecutive calendar month period immediately following the documented qualifying event.

3.2.3.3 Two eligible employees may choose to share the 12 consecutive calendar weeks of leave with pay for the same qualifying event, but in no case may two eligible employees each receive 12 calendar weeks of leave with pay for the same qualifying event. If two eligible employees choose to share the 12 consecutive calendar weeks of leave with pay for the same qualifying event, the secondary caregiver is eligible for the additional 21 calendar days of leave with pay as stated in section 3.2.3.2 above. Also see section 3.3 for maximum leave eligibility in a 12 calendar month period.

3.2.3.4 A faculty member shall not qualify as both primary and secondary caregiver for a single qualifying event. However, the secondary caregiver defined in 3.2.3.2 may be approved for a leave with pay for up to 12 calendar weeks for a separate qualifying event within the same 12 calendar month period.

3.2.4 Health/medical complications arising due to pregnancy and childbirth will be treated as any other serious health condition [see section 3.2.2 above].

3.2.5 Dependent Care or Care for a Family Member , For required care of an FMLA-designated dependent or immediate family member who has an FMLA-qualified serious health condition, the faculty member is eligible for leave with pay for a maximum of 12 calendar weeks in any consecutive 12-month period. See section

3.3.1.2 for additional family illness provisions. See section 4.3.1 for certification requirements.

3.3 Leave without pay

3.3.1 For qualifying reasons defined in the FMLA, leave without pay is available to faculty members who meet the eligibility criteria defined in section 2 above.

3.3.1.1 For qualifying events defined in section 3.2.1 above, after a period of approved leave with pay is exhausted, additional leave (without pay) up to a total maximum of 12 calendar weeks (including leave with

and without pay) may be approved within any consecutive 12-month period. In no case will leave with or without pay under the FMLA be approved beyond a total of 12 calendar weeks within any consecutive 12 calendar month period, except as provided in section

3.2.3.4 above. [See section 4.6.]

3.3.1.2 After exhausting 12 calendar weeks of leave with or without pay pursuant to this policy, a faculty member with twelve (12) months of eligible service is entitled, under the North Carolina Family Illness Act, to an extension of up to 52 weeks of leave without pay during a five-year period in cases of serious illness of a child, spouse, or parent.

3.4 Short-term Disability Benefits

3.4.1 Employees are eligible for short-term disability benefits under the Disability Income Plan of North Carolina after both of the following conditions are met:

3.4.1.1 one year of contributing membership within the past 36 months in the Teachers' and State Employees' Retirement System of North Carolina or the Optional Retirement Program, and

3.4.1.2 a 60 (sixty) calendar-day waiting period from the date of disability onset. More information about disability benefits can be found on the Human Resources Benefits web site [see link in additional references above].

3.4.2 Employees may purchase supplemental disability insurance coverage offered by plans approved and available through the Human Resources Benefits Office. [see HR Benefits web link above]

4. Administration of Benefit

4.1 The faculty member's request for leave with pay must be made in writing to the Human Resources Benefits Office by completing the form entitled ,Request for Faculty Serious Illness and Parental Leave located on the Human Resources Benefits web site.

4.2 It is the faculty member,s responsibility to inform the unit administrator in writing of the anticipated absence under this policy at least sixty (60) calendar days in advance of the leave or as soon as practicable after the need for leave is foreseeable so that qualified substitute personnel can be secured by the unit administrator as early as possible.

4.2.1 The unit administrator is responsible for securing, to the extent

possible, substitute personnel for the duration of the faculty member,s approved leave (with or without pay). Cost of substitute personnel will be supported by the academic unit when funds are available within the unit. When the academic unit is unable to provide the funds to support substitute personnel, the unit administrator will submit a written justification to request funding from the next higher administrator up to the appropriate vice chancellor. Any adjustments in work schedules within the unit are at the discretion of the unit administrator, with the approval of the next higher administrator, and are subject to unit and institutional needs and resources.

4.2.2 Upon the faculty member,s return to work after a period of approved leave (with or without pay) under this policy, the unit administrator and the faculty member will jointly determine the completion of assigned responsibilities during the remainder of the academic term. Similarly, when a faculty member will begin a period of approved leave (with or without pay) after the academic term has begun, the unit administrator and the faculty member will jointly determine the faculty member,s assigned responsibilities for the period of the academic term not covered by approved leave (with or without pay).

4.3 Certification and Documentation Requirements for Qualifying Events

4.3.1 Serious Health Conditions , Medical certification of the faculty member,s serious health condition, including a statement from an eligible health care provider (as defined under the FMLA) about the probable length of absence from normal duties, is required. If the request is for the purpose of caring for a family member or dependent, the University also requires medical certification of that person,s illness or disability and documentation of the circumstances which make it impossible or difficult for the faculty member to carry on with normal duties.

4.3.2 Birth, Adoption, or Foster Care Placement of a Child , Documentation of the qualifying event is required. Note that a faculty member who meets the eligibility requirements in section 2 above and who is an expectant mother may take leave pursuant to this policy before the birth of a child for prenatal care or if her condition makes her unable to work or requires a reduced work schedule in accordance with section 3.2.2. Also, leave pursuant to this policy may be granted before the actual placement or adoption of a child if an absence from work is required for the placement for adoption or foster care to proceed.

4.3.3 Forms for certification and documentation of each category of qualifying event are located on the Human Resources Benefits web site

and must be submitted by the faculty member within 15 calendar days after submitting the request for leave benefits.

4.4 The Human Resources Benefits Counselor will review the certification or documentation of the qualifying event and determine the eligibility of the faculty member for leave with pay under this policy. If the Human Resources Benefits Counselor determines that the employee is not eligible for leave with pay benefits under this policy, the Human Resources Benefits Counselor will notify the faculty member of the decision in writing, including the grounds for denial of the requested leave benefit. The faculty member may appeal this decision to the Director of Benefits. The decision of the Director of Benefits is final.

4.5 The Human Resources Benefits Counselor will provide the appropriate vice chancellor with written notification of the faculty member,s eligibility for leave with pay under this policy. For approved leave with pay, the appropriate vice chancellor will issue a letter to the faculty member informing him or her of the beginning and ending dates of authorized leave with pay, with copies to appropriate unit administrators.

4.6 The FMLA entitlement of 12 weeks of leave without pay will run concurrently with any period of leave with pay under this policy. The period of leave with pay will also be designated as family medical leave under the FMLA.

4.7 Leave (with or without pay) applies to the faculty member,s employment during a regular term of appointment as defined in section 2.4 above.

4.7.1 If the illness or disability requires an absence from faculty duties longer than 12 (twelve) calendar weeks within a 12 consecutive calendar month period, the faculty member may apply in writing to his or her unit administrator for a leave of absence without pay in accordance with provisions of the ECU Faculty Manual.

4.7.1.1 The faculty member may also apply to the Human Resources Benefits Office for salary continuation through the Disability Income Plan of North Carolina and through any other optional disability program(s) in which he or she may be enrolled.

4.8 In cases of serious illness of a child, spouse, or parent, the North Carolina Family Illness Act allows the faculty member to apply in writing for extension of up to 52 weeks of leave without pay during a five-year period. Application is made through the Department of Human Resources Benefits Office.

4.9 Any unused leave pursuant to this policy is not eligible for terminal leave payment when the faculty member leaves the employment of the University, and it may not be used to extend years of creditable state service for retirement benefits. However, it must be exhausted prior to participation in the Disability Income Plan of North Carolina available to eligible employees.

5. Use of Leave with Pay

5.1 Leave with pay provided under this policy may be used for serious health conditions, pregnancy, birth, adoption, or foster care placement of a child as defined in section 3.2 above. A faculty member who anticipates an absence from duties for longer than three (3) days for qualifying reasons as defined by the FMLA shall inform the unit administrator at least sixty (60) calendar days in advance of the leave or as soon as practicable after the need for leave is foreseeable. (See section 4.2 above.)

5.2 A faculty member will not be penalized because she requires time away from work caused by or contributed to by conditions such as pregnancy, miscarriage, childbirth, or recovery. Disabilities resulting from pregnancy shall be treated the same as any other covered disability. The type and nature of the faculty member's duties during pregnancy will be determined by the unit administrator in consultation with the faculty member and upon advice the faculty member receives from her eligible health care provider. Revisions to the faculty member,s assignments will be documented in a written agreement signed by the unit administrator and the faculty member.

5.3 A faculty member who has an accrued balance of sick leave from a previous leave-earning employment status must exhaust this accumulated sick leave balance prior to utilizing the benefit of leave with pay provided by this policy. Sick leave that has accrued will be considered as part of the maximum 12 (twelve) calendar-week eligibility for leave with pay under this policy.

6. Record-Keeping

6.1 This policy provides an important financial benefit; therefore, accurate records must be maintained. The Human Resources Benefits Office and the appropriate vice chancellor will maintain all official records, and the vice chancellor will make an annual report on the use of leave under this policy to the Chancellor and to the Chair of the Faculty

no later than August 1 each calendar year.

7. Coordination with Other Policies

7.1 Partial leaves of absence are not permitted under this policy. However, at the faculty member,s discretion and with approval of his or her health care provider, where health conditions suggest that the faculty member may continue to perform some but not all of his or her assigned faculty responsibilities during an academic term, the relative weights among teaching, research, service, and clinical care may be revised [see Part VIII of the Faculty Manual] so long as the reassignment of responsibilities is completed in a manner that minimizes the impact on academic program quality.

7.2 Consistent with Part IX of the Faculty Manual, an untenured, probationary term (tenure-track) faculty member who is granted leave under this policy may be eligible for an extension of the probationary term. If the faculty member wishes to request an extension of the probationary term on the basis of leave granted under this policy, he/she must submit a written request to the unit administrator, subject to approval by the Chancellor, at the time the paid leave is granted.

7.3 The leave with pay provided under this policy shall have no effect on the faculty member's other employment benefits.

7.4 Consistent with the Faculty Manual, Part XI and Part VIII, the faculty member may not engage in other employment or compensated arrangements during the period of leave with or without pay under this policy.

7.5 If a faculty member granted leave under this policy wishes to request that his or her five-year post-tenure review be delayed, he/she must submit a written request to the unit administrator. The terms of such an agreement will be stated in writing, signed by the faculty member, and approved by the unit administrator, dean (or other appropriate administrator), and the appropriate vice chancellor.

8. Confidentiality

Communications and documentation concerning leave requested or approved pursuant to this policy shall constitute confidential records in accordance with North Carolina law.

9. Effective Date

This policy is effective July 1, 2011, and shall supersede any previous policies granting leave to faculty members for qualifying events as

defined by the FMLA. A faculty member who is absent on approved leave at the time this policy becomes effective will continue to receive the leave benefits approved for that absence until the period of approved leave expires.