Faculty Serious Illness, Major Disability, and Parental Leave Policy

CONTENTS

I. Faculty Members on Nine Months Service

II. Faculty Members on Twelve Months Service and Tenured or Tenure-Track Faculty Members Holding Senior Academic and Administrative Positions

III. Additional Provisions Governing Leaves for Serious Illness, Major Disability, or Parental Leave Purposes

IV. Interaction of this Leave Policy with Other Employment Matters

V. Leave Approval and Appeals

VI. Effective Date

Policy Administration

Policies At-A-Glance

Related subjects

Related forms

I. Faculty Members on Nine Months Service

Subject to the terms and conditions set forth in Sections III, IV, and V of this Policy:

(a) For serious illness or major disability\(^1\) or for the serious illness of a faculty member's domestic partner\(^2\) that requires the faculty member's care, each faculty member on nine months service shall, upon his/her request, be granted up to sixty calendar days of paid leave in a fifty-two week period.\(^3\)

(b) In addition, for parental purposes,\(^4\) each faculty member on nine months service who functions as the primary caregiver\(^5\) for a child and who carries teaching responsibilities shall, upon his/her request, be granted a full semester of paid leave within twelve months of the birth or adoption of the child. Each faculty member on nine months service who functions as the primary caregiver for a child and who does not carry teaching
responsibilities shall, upon his/her request, be granted up to fifteen weeks of paid leave within twelve months of the birth or adoption of the child.

(c) Faculty members who have been employed by the University for at least twelve months and who, during the previous twelve months, have worked for at least 1040 hours\(^6\) are eligible, under the federal Family and Medical Leave Act,\(^7\) for a total of twelve weeks of unpaid leave in a fifty-two week period for serious illness or major disability,\(^8\) or for parental purposes.\(^9\)

(i) If a faculty member meets the service requirements described in this paragraph (c), then any paid leave taken pursuant to Sections I(a) and/or I(b) for serious illness, major disability, or parental purposes shall count towards the twelve weeks of leave guaranteed under the federal Family and Medical Leave Act.

(ii) If a faculty member does not meet the service requirements described in this paragraph (c), the faculty member shall still be eligible for the paid leave described in Sections I(a) and I(b), but such leave shall not count as leave under the federal Family and Medical Leave Act.

(iii) Any leave taken under the federal Family and Medical Leave Act after exhaustion of the leave available pursuant to Sections I(a) and/or I(b) of this Policy shall be unpaid leave.

(d) The leaves described in this Section I shall not accumulate nor be carried forward from year to year, shall not be allowable as terminal leave when the faculty member leaves the University, and shall not be used to extend years of creditable state service for retirement benefit purposes.

\(^{1}\)For purposes of this policy, the following circumstances will be deemed to justify a leave for serious illness or major disability:

(a) A serious health condition of the employee's child or other dependent living in the employee's household, or the employee's spouse or parent that requires the employee’s care;

(b) A serious health condition of the employee that prevents the employee from performing the essential functions of his or her job.

\(^{2}\)For purposes of this policy, the term "domestic partners" shall be defined as two individuals (regardless of gender) who have reached the age of majority, who live together in the same residence in a long-term relationship of indefinite duration with an exclusive mutual commitment, who are not married or related to the other by blood or marriage, and who are responsible for each other’s welfare and share financial obligations, as evidenced by three of the following types of documentation which should be provided upon request: (a) joint mortgage or lease; (b) designation of domestic partner as beneficiary for life insurance; (c) designation in will of domestic partner as primary beneficiary upon death; (d) domestic partnership agreement; (e) powers of attorney for property and health care; and (f) joint ownership of a motor vehicle, joint checking account, or joint credit account.

\(^{3}\)The applicable fifty-two week period shall be measured forward from the date an employee's leave pursuant to Section I(a) first begins.

\(^{4}\)For purposes of this policy, the following circumstances will be deemed to justify a leave for parental purposes:
(a) The birth of a child and to care for a newborn child after birth;

(b) The need to arrange for the employee’s adoption of or foster parenting of a child or to provide care for a child placed with the employee for adoption or foster care.

For purposes of this policy, the primary caregiver for a child shall be defined as the individual who has primary child-rearing responsibility for his or her child. It is not intended to extend to a parent whose child is primarily in the care of a spouse or other care-giver.

The University deems 1040 hours to be satisfied by a faculty member’s having worked at least (a) one full calendar year at a minimum of 50% effort, (b) thirty-five weeks (approximately two full [Fall/Spring] semesters) at a minimum of 75% effort, or (c) twenty-six weeks (approximately one full [Fall/Spring] semester and two summer sessions) at 100% effort.

Additional information about family/medical leave is found in Section IV(d) of this policy.

See definition in footnote 1.

See definition in footnote 4.

II. Faculty Members on Twelve Months Service and Tenured or Tenure-Track Faculty Members Holding Senior Academic and Administrative Positions

Subject to the terms and conditions set forth in Sections III, IV, and V of this Policy:

(a) Faculty members on twelve months service and tenured or tenure-track faculty members classified as Senior Administrators Tier II earn twenty-four days of vacation leave per year and twelve days of sick leave per year under current University leave policy. Tenured or tenure-track faculty members classified as Senior Administrators Tier I earn twenty-six days of vacation leave per year and twelve days of sick leave per year.

(b) For serious illness or major disability or for the serious illness of a faculty member's domestic partner that requires the faculty member's care, each faculty member covered under this Section II shall, upon his/her request, be granted up to sixty calendar days of paid leave in a fifty-two week period. A faculty member granted leave under this Section II(b) is not required to use accumulated sick leave or vacation leave.

(c) In addition, for parental purposes, each faculty member covered under this Section II who functions as the primary caregiver for a child and who carries teaching responsibilities shall, upon his/her request, be granted a full semester of leave within twelve months of the birth or adoption of the child. Each faculty member covered under this Section II who functions as the primary caregiver for a child and who does not carry teaching responsibilities shall, upon his/her request, be granted up to fifteen weeks of leave within
twelve months of the birth or adoption of the child. Such leave shall be paid leave to the extent the faculty member has not previously drawn on the sixty days of paid leave allotted under Section II(b). Such leave shall also be paid leave to the extent the faculty member elects to use his/her accrued sick leave and vacation leave.

(d) Faculty members who have been employed by the University for at least twelve months and who, during the previous twelve months, have worked for at least 1040 hours\(^{15}\) are eligible, under the federal Family and Medical Leave Act,\(^{16}\) for a total of twelve weeks of unpaid leave in a fifty-two week period for serious illness or major disability,\(^{17}\) or for parental purposes.\(^{18}\)

(i) If a faculty member meets the service requirements described in this paragraph (d), then any paid leave taken pursuant to Sections II(b) and/or II(c) for serious illness, major disability, or parental purposes shall count towards the twelve weeks of leave guaranteed under the federal Family and Medical Leave Act.

(ii) If a faculty member does not meet the service requirements described in this paragraph (d), the faculty member shall still be eligible for the paid leave described in Sections II(b) and II(c), but such leave shall not count as leave under the federal Family and Medical Leave Act.

(iii) Any leave taken under the federal Family and Medical Leave Act after exhaustion of the leave available pursuant to Sections II(b) and/or II(c) of this Policy shall be paid leave to the extent the faculty member elects to use his/her accrued sick leave and vacation leave and otherwise shall be unpaid leave.

(e) The leaves described in this Section II shall not accumulate nor be carried forward from year to year, shall not be allowable as terminal leave when the faculty member leaves the University, and shall not be used to extend years of creditable state service for retirement benefit purposes.

\(^{10}\)See definition in footnote 1.

\(^{11}\)See definition in footnote 2.

\(^{12}\)The applicable fifty-two week period shall be measured forward from the date an employee's leave pursuant to Section II(b) first begins.

\(^{13}\)See definition in footnote 4.

\(^{14}\)See definition in footnote 5.

\(^{15}\)See definition in footnote 6.

\(^{16}\)Additional information about family/medical leave is found in Section IV(d) of this policy.

\(^{17}\)See definition in footnote 1.
III. Additional Provisions Governing Leaves for Serious Illness, Major Disability, or Parental Leave Purposes

(a) Specific Notice Requirements

(i) Notice of Need for Leave

A faculty member who expects to require a leave provided by this policy shall notify in writing his or her Department Chair\(^9\) and Dean of the anticipated need for such leave at least thirty calendar days in advance of the requested leave or as soon as practicable after the need for such leave is foreseeable. In order to assist the University in meeting its obligations, a faculty member knowing that the need for leave is likely should provide as much advance written notice to his/her Department Chair and Dean as possible. Especially in the case of parental leave, a faculty member is strongly encouraged to provide his/her Department Chair with at least ninety days advance written notice.

(ii) Notice of Return from Leave

A faculty member shall notify his or her Department Chair and Dean in writing if he/she will not be returning from leave as planned. Failure to report back to work at the end of the scheduled leave may be considered a voluntary resignation by the faculty member.

(b) Medical Verification

In the case of leave for serious illness or major disability, the University may request medical verification of the faculty member's illness or disability, including a physician's statement about the probable length of absence from normal duties. If the request is for the purpose of caring for a faculty member's child or other dependent living in his/her household, or the faculty member's spouse, domestic partner, or parent, the University may also request medical verification of that person's illness or disability and may also inquire about the circumstances which make it impossible or difficult for the faculty member to carry on with normal duties.

Any information provided to the University to establish the illness or disability will be treated as confidential medical information and maintained as such by the University.

(c) Limitations on Parental Leave

(i) Leave for parental purposes must be taken within twelve months of the birth or adoption of a child.
(ii) In any case in which both parents work for the University and are eligible for leave under this Policy for parental purposes, then the aggregate amount of parental leave to which both parents may be entitled in connection with the birth or adoption of a child is limited to one semester or fifteen weeks, whichever is applicable to the primary caregiver. Such leave shall be taken by the primary caregiver.

(d) Adjustments to Work Schedules or Work Responsibilities

(i) Any adjustments in work schedules, in addition to the leaves provided in Sections I and II above, are within the discretion of the Department Chair with the approval of the Dean and the Provost (or his or her designee) and are subject to departmental and institutional needs and resources. Department Chairs are encouraged to accommodate, to the extent feasible, the special circumstances of faculty members.

(ii) The Department Chair is responsible for securing, to the extent necessary, substitute personnel for the duration of the faculty member's leave. The cost of such arrangements, if any, shall be the Department's responsibility.

(iii) Where consistent with Departmental needs, and on the recommendation of the Department Chair with the approval of the Dean and the Provost (or his or her designee), both male and female faculty members, as appropriate, may be authorized to assume on a temporary basis part-time status or to secure relief from all duties for purposes of providing care for a child or other dependent living in the same household as the faculty member or for the faculty member's spouse, domestic partner, or parent. Any such arrangements shall be accompanied by appropriate adjustments in compensation.

(e) Leave Records

Leave records shall be maintained by the applicable Department or School.

19"Department Chair" is used as a generic term for department chairs, deans, and any other heads of academic units to which faculty appointments are made.

IV. Interaction of this Leave Policy with Other Employment Matters

(a) The leaves specified herein have no effect on the timing of any review for permanent tenure or promotion or on the timing of any post-tenure review provided for by the Trustee Policies and Regulations Governing Academic Tenure. The only circumstances and procedures under which the duration of a probationary appointment may be extended are specified in Sections 2.c.(6)(ii), (iii), and (iv) of the Trustee Policies. Formal requests for reductions in full-time employment or revisions to employment contracts must be made in addition to the request for leave. Permission for extension of a probationary period or
amendment of an appointment letter must be approved by the faculty member's Department Chair, Dean, and the Chancellor (or his or her designee).

(b) Paid leaves have no effect on a faculty member's benefits. For leaves taken pursuant to the federal Family and Medical Leave Act, the University's contribution to the employee's health insurance is maintained, regardless of whether the leave is with or without pay. For leaves without pay that are not taken pursuant to the federal Family and Medical Leave Act, insurance coverage already in effect may be continued by the faculty member's payment of the total amount due. Retirement system membership continues, but during any period of less than full-time service, or any period of leave without pay, contributions and service credit are suspended. Further information is available from Benefits Program Administration.

(c) Except as otherwise provided in this Policy or described in related University policies, a faculty member's use of serious illness, major disability, and/or parental leave will not affect the terms and conditions of his or her employment. The University will not discriminate in any manner against a faculty member on the basis of that faculty member having exercised his or her rights to a leave under the terms and conditions set forth in this Policy.

(d) Faculty members who meet the eligibility requirements for federal Family and Medical Leave described in Section I(c) and Section II(d) above may be eligible for unpaid leave in addition to that described in Sections I and II, as follows: Under North Carolina law, an employee who qualifies for federal Family and Medical Leave shall be entitled to up to fifty-two weeks of unpaid leave during a five-year period in order to care for the employee's child, spouse, or parent where that child, spouse, or parent has a serious health condition. Such leave is in addition to the twelve weeks of leave per year available under the federal Family and Medical Leave Act. Further information is available from Benefits Program Administration.

V. Leave Approval and Appeals

(a) The award of leave provided by this policy pursuant to Section I and II is granted on the recommendation of the Department Chair, with the approval of the Dean. The decision shall be communicated in writing to the faculty member. If the request for leave is denied, the written notification will explain the reasons for denial.

(b) If the request for leave is denied, the faculty member may appeal to the Provost within ten calendar days of the denial. The decision by the Provost (or his or her designee) will be communicated in writing to the faculty member no later than ten calendar days from the date of appeal. The decision of the Provost (or his or her designee) is final.

VI. Effective Date

This Policy shall be effective August 19, 2004.
Policy Administration

This policy is administered by Benefits & Employees Services in the Office of Human Resources. If you have any questions about this policy and its application, please contact Benefits Administration at (919) 962-3071.

Policies At-A-Glance

The following documents are summaries of both the Faculty Serious Illness Leave policy and the Faculty Parental Leave policy:

- Faculty Serious Illness Policy at a Glance
- Faculty Parental Leave Policy at a Glance

Related subjects

- 300.2.11 Policy on Serious Illness and Disability Leave for Faculty
- 300.2.11[G] Guidelines for Serious Illness and Disability Leave for Faculty Policy

Related forms

- Medical Leave - Request Form [Word]
- Medical Leave - Medical Certification Form [Word]
- Medical Leave - Return to Work Form [Word]