

# Medical, Parental, and Military Family Leave

(December, 2011)

## Draft of the New Policy

This would replace Chapter 5, Section VII Sick Leave (pages 54-55) of the Faculty Handbook (2009).

## VII. Medical, Parental, and Military Family Leave

The Family and Medical Leave Act (FMLA) of 1993, and subsequent amendments, entitles employees who have worked at least 1,250 hours during the previous twelve months to a total of twelve workweeks of leave each calendar year for:

1. Medical leave when the employee has a serious health condition,
2. Medical leave so the employee may care for a spouse, child, or parent who has a serious health condition,
3. Leave for the birth and care of the employee's newborn child,
4. Leave for the placement of the employee's child through adoption or foster care, or
5. Military family leave for any qualifying exigency relating to the employee's spouse, child, or parent.

The employer must maintain coverage for the employee under any group health plan for the duration of the leave at the level and under the conditions of coverage that would have been provided if the employee had continued employment.

Upon return from family and medical leave, an employee is entitled to be restored to:

1. The position formerly occupied, or
2. An equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

UCA proposes to meet the requirements of this act for faculty with the following:

All leave eligible under FMLA will run concurrently with leave approved under this policy even if such leave is longer than the 12 weeks allowed under FMLA. Additionally, appropriate medical or legal certification may need to be provided to document the requested leave.

When medical, parental or military family leave is required, faculty members are expected to notify the department chair so that appropriate arrangements may be made for class meetings and

any other obligations for which the faculty member may have made a commitment. If possible, notification to the University should occur at least thirty (30) days prior to the requested leave. Under cases of emergency, faculty should notify the University as soon as practical, typically within 24 hours.

As needed, colleagues will be asked to assume class responsibilities, or part-time instructors may be hired in consultation with the dean. If the faculty member will be taking leave for longer than 2 weeks, colleague(s) assuming responsibilities for classes will be compensated on a prorated basis at the current overload rate of \$2600 per three-credit course. The hiring of a part-time instructor will also follow the current rate of \$2600 per three-credit course and will be prorated for the amount of time covered during the semester.

The following apply to the distinctions in the Family and Medical Leave Act of 1993.

**A. Medical Leave (#1)**

In the case of medical leave by a nine-month faculty member, the limit will be six consecutive months leave with pay according to the typical appointment period (August 15-May 15). This, then, provides a bridge to disability coverage for the ill employee if necessary.

**B. Leave to Care for Relatives with Serious Medical Conditions (#2)**

In the case of leave to care for a spouse, child or parent who has a serious medical condition, the faculty member will be limited to 12 workweeks with pay from the start of the leave period under the typical appointment period (August 15-May 15).

**C. Parental Leave (#3 and #4)**

Paid parental leave for a nine-month faculty member will be limited to 12 workweeks from the start of the leave period according to the typical appointment period (August 15-May 15).

**D. Military Family Leave (#5)**

Numerous activities fall under the heading of “qualifying exigency” for military family leave (for example, short notice deployment, military events, childcare activities, counseling, and financial and legal arrangements related to the covered military member). Faculty are encouraged to review the list through the Department of Labor website or to contact someone in the Human Resources office. Paid military family leave for a nine-month faculty member will be limited to a total of 12 workweeks under the leave period according to the typical appointment period (August 15-May 15).

For all types of leave, additional unpaid leave may be granted at the discretion of the university president upon recommendation of the provost. Faculty should initiate the request for additional unpaid leave with the department chair.

All twelve-month administrative personnel with faculty rank who assume administrative positions after January 1, 1989, will accumulate leave at the rate of eight hours per month with a maximum accrued leave of 960 hours. Employees who leave university employment are not entitled to be paid for accrued leave.

All twelve-month administrative personnel holding faculty rank in the employment of the university before January 1, 1989, will be allowed leave not to exceed six consecutive months.