

### **Regulation on Additional Leave Programs for EHRA Faculty and Staff**

I. Purpose. This regulation provides for the application of leave programs for EHRA faculty and staff in addition to the paid holidays, sick leave, and annual/personal leave provided in Section 300.2.22 of the UNC Policy Manual, *Leave Programs for Faculty and Staff Exempt from the North Carolina Human Resources Act*.

II. State-provided Leave Programs. Unless otherwise defined in this regulation, all Senior Academic and Administrative Officers (SAAO), Exempt Professional Staff (EPS), and 12-month faculty who earn leave shall be subject to policies concerning family and medical leave, paid parental leave, family illness leave, voluntary shared leave, civil leave, military leave, community service leave, special annual bonus leave, personal observance leave, other management approved leave, and any other leave program as may be prescribed for employees subject to the North Carolina Human Resources Act or as otherwise provided by university policy, regulation, or federal or state law. In addition, the following leave provisions are established or modify other applicable leave programs for covered EHRA employees:

A. Leave of Absence Without Pay. Covered employees may request a leave of absence without pay. Granting such a request shall be at the discretion of the employee's supervisor and subject to such institutional procedures as adopted by the chancellor or president (or their designees).

B. Voluntary Shared Leave. Covered employees shall be subject to the same provisions concerning shared leave as are applicable to employees subject to the North Carolina Human Resources Act with the exception that the donation and acceptance of such leave shall be computed on the basis of days rather than hours.

C. Educational Leave. Covered employees are entitled to the same opportunities as other University employees to invoke the privilege of tuition waiver conferred by Section 1000.2.2 of the UNC Policy Manual, *Policy on the Waiver of Tuition and Fees for Faculty and Staff*.

D. Sick Leave for Unscheduled School and Care Facility Closings. Covered employees may use sick leave in addition to annual/personal leave for absences due to unscheduled closures of schools or child/adult care facilities serving immediate family members who are under the employee's direct care at the time of the closure. If management determines an employee's need for leave becomes ongoing or prolonged, employees may be required to provide documentation and/or transition to another applicable leave option.

III. Paid Leave Programs for Faculty Who Do Not Otherwise Earn Leave. Faculty who serve less than 12-month appointments are not ordinarily eligible for leave programs; however, the following programs are established for those faculty:

A. Faculty Military Leave. The Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994 and North Carolina General Statute 127A-116 specify the employment and reinstatement rights of employees called to involuntary active duty in the Uniformed Services.

Each constituent institution shall adopt policies and regulations in accordance with federal and state law and consistent with provisions established in this regulation.

1. Definition of Faculty. "Faculty" means faculty who are appointed for nine months or more and work halftime (50 percent FTE) or more and who are not designated as a Senior Academic and Administrative Officer or as Exempt Professional Staff as defined by Section 300.1.1 of the UNC Policy Manual, *Policy on Employees Exempt from the North Carolina Human Resources Act*. This leave program shall apply to any faculty member called into active military duty status on or after September 1, 2001.
2. Salary. In accordance with federal and state laws, the Board of Governors directs that for each period of involuntary service, a faculty member who is involuntarily called to State or Federal active military duty shall receive up to thirty (30) calendar days of pay.
  - a. For periods in excess of thirty (30) days, the faculty member shall be entitled to receive differential pay for any period of involuntary service. Differential pay is the difference between military basic pay and the faculty member's regular university earnings for that period of time, if military pay is the lesser. If a faculty member is subject to a term contract, the pay or differential will be limited to the term of the contract.
  - b. Upon return to the University, the faculty member's salary shall be reinstated and shall include applicable legislative salary increases and/or cost-of-living adjustments (if any) that were awarded while the faculty member was on military leave. Merit pay or bonuses shall also be awarded upon reinstatement if the faculty member received a performance evaluation for at least one semester during the academic year and would have otherwise been eligible to receive a merit increase or bonus.
3. Benefits. During the period of active military duty, whether receiving full pay, differential pay, or no pay from the university, a faculty member shall not incur any loss of benefits accorded to other faculty who are on a leave of absence. A faculty member covered under an institution's Annual Leave, Personal Leave, and/or Sick Leave policies shall continue to accumulate Annual Leave, Personal Leave, and/or Sick Leave during the period of active duty for use upon return to the University.
4. Reappointment, tenure, and promotion. In advance of leaving work to perform military duty, a faculty member may initiate a request, consistent with institutional policy, for an extension of the time during which an institutional decision must be made regarding reappointment, tenure, or promotion.
5. Other types of military leave. For faculty, institutional policies should be consistent with the military leave policy for employees subject to the North Carolina Human Resources Act providing for:
  - a. Up to a maximum of 120 hours of military leave with pay each Federal fiscal year (October-September) for members of the uniformed services for active duty training and inactive duty training;

b. Up to a maximum of 120 hours of military leave with pay during any calendar year, for members of the Civil Air Patrol while performing missions or encampments for the U.S. Air Force or emergency missions for the State at the request of the Governor or the Secretary of the Department of Public Safety;

c. Up to 120 hours of military leave with pay during any calendar year for members of the State Defense Militia when called up by the Governor for infrequent special activities in the interest of the State, usually not exceeding one day, and State duty for missions related to disasters, search and rescue, etc.;

d. Military leave with pay for a required physical examination relating to membership in the uniformed services; and,

e. Military leave without pay for all uniformed service duty that is not covered by military leave with pay.

6. Notice. Institutions must ensure that all faculty members receive information about their rights under this regulation and USERRA.

B. Serious Illness and Disability Leave. Each constituent institution must establish a written Serious Illness and Disability Leave for Faculty policy to provide a period of leave for faculty in cases of extraordinary illness, major disability, or for parental purposes. Nine-month faculty at UNC System institutions do not accrue sick leave. However, institutions should anticipate situations in which faculty members, because of serious illness, disability, or family responsibilities, will be unable to perform their duties for an extended period.

1. Under the federal Family and Medical Leave Act (FMLA), employees are eligible to take paid or unpaid leave up to a total of 12 weeks per year. The North Carolina Family Illness Leave Act allows for up to 52 weeks of leave without pay during a five-year period in cases of serious illness of a child, spouse, or parent. The North Carolina Paid Parental Leave Policy provides up to four weeks of paid leave for the recuperation from giving birth and up to four weeks of paid leave for the bonding period with a newborn child or newly adopted, foster, or otherwise legally placed child. UNC constituent institutions must establish written leave policies for faculty that can be coordinated with these policies and with the North Carolina Disability Income Plan.

2. Serious illness and disability leave policies will apply to faculty members who do not accrue sick leave and are eligible to participate in the N.C. Teachers' and State Employees' Retirement System or the UNC Optional Retirement Program.

3. Individuals employed at the North Carolina School of Science and Mathematics pursuant to its Regulations on Faculty Employment who work at least 75 percent FTE earn sick leave and are not subject to this provision.

C. Emergency Services: Each institution must establish a policy to provide time off with pay to faculty who are appointed for nine months or more and work halftime (50 percent FTE) or more and who are participating in volunteer emergency and rescue services if a bona fide need for such

services exists within a given area. A bona fide need is defined as real or imminent danger to life or property. Each policy should require sufficient proof of the faculty member's membership in an emergency volunteer organization and that the performance of such emergency services will not unreasonably hinder university activity for which the faculty member is responsible. In emergency situations, which are not covered by an emergency volunteer organization, an institution may determine whether the emergency service to be provided can justifiably be designated as a work assignment, based on the expertise of the faculty member. If so, short-term work assignments may be authorized when requested by an official party requesting the assistance.

D. American Red Cross Disaster Service Leave: A constituent institution may grant leave with pay not to exceed 15 workdays in any 12-month period to participate in specialized disaster relief services. To qualify for leave, the faculty member must be appointed for nine months or more and work halftime (50 percent FTE) or more, be a disaster service volunteer of the American Red Cross, and be requested by the American Red Cross to participate. The decision to grant leave rests in the sole discretion of the constituent institution based on the work needs of that institution. Leave shall be granted only for services related to a disaster occurring within the United States. While on disaster leave, the faculty member shall not incur any loss of pay and, if the faculty member is covered under campus annual/personal and sick leave policies, will continue to accumulate annual/personal and sick leave.

#### IV. Other Matters

A. Effective Date. The requirements of this regulation shall be effective on the date of adoption of this regulation by the president.

B. Relation to State and Federal Laws. The foregoing regulation as adopted by the President is meant to supplement, and does not purport to supplant or modify, those statutory enactments which may govern or relate to the subject matter of this regulation. Nothing in this regulation is intended to limit or deny any other leave or rights as required by state or federal law.