

Guideline on Serious Illness and Disability Leave for Faculty

At its meeting on April 11, 2003, the Board of Governors adopted a "Policy on Serious Illness and Disability Leave for Faculty." The Board's policy mandates that each constituent institution develop a written policy to provide a period of leave for faculty in cases of extraordinary illness, major disability, or for parental purposes. This policy applies to faculty 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 [i.e., continuing faculty who are employed at least 75% of full-time]. Campuses must make their policies available as information to current and prospective faculty members.

Guidelines for assisting campuses in formulating their policies are drawn from the recommendations of the Task Force on Serious Illness and Disability Leave for Faculty, which submitted its final report to the President in March 2003. The following guidelines state which features should be included in campus policies and, in some cases, the minimum benefits and eligibility that should be extended. They also include additional benefits or standards of eligibility which campuses may consider, as well as appropriate sample text drawn from existing campus policies. Those campuses that already have such policies may need to modify them to comply with the minimum benefits and eligibility. However, these campuses do not need to revise any features of their policies that exceed the guidelines below.

1. Campus policies should be approved by the appropriate campus bodies and should be effective no later than fall semester, 2004.
2. The policy must state that faculty members eligible for leave are those 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 [i.e., continuing faculty who are employed at least 75% of full-time]. Eligibility may be limited to those faculty eligible under the provisions of the Family and Medical Leave Act (FMLA) [i.e., who have been employed at least one year and have worked at least 1,040 hours within the last 12 months].
3. The policy should provide for a period of *paid* leave for qualifying faculty members.
4. The policy should define the duration of leave, to include a minimum of 60 calendar days of *paid* leave within a single academic semester, up to a maximum of one academic semester. Campus policies may provide for an extension of up to an additional semester (*paid or unpaid*) if the illness or disability requires a longer leave.

(Note: Employees are eligible for short-term disability benefits under the N.C. Disability Income Plan if they have at least one year of contributing membership service in the N.C. Teachers' and State Employees' Retirement System or the UNC Optional Retirement Program earned within the 36 calendar months preceding the disability. Benefits become payable following a 60-day waiting period from the date of disability onset. In lieu of short-term disability benefits, employees may elect to exhaust any accumulated sick leave, vacation leave, or any other salary continuation as provided by the University. In addition to their eligibility for the N. C.

Disability Income Plan, faculty should consider enrolling in one of the supplemental disability income plans available to UNC employees.)

5. The policy should define eligible conditions to which the policy applies. These conditions should be consistent with qualifying conditions under FMLA:

- the birth of a child and to care for the newborn child after birth;
(Note: An expectant mother may take FMLA leave before the birth of the child for prenatal care or if her condition makes her unable to work or requires a reduced work schedule.)

- placement of or to care for a child placed with the employee for adoption or foster care;
(Note: FMLA leave 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.)

- serious health condition of employee's child, spouse, or parent, that requires the employee's care;
(Note: Campuses may elect to extend this leave to include illnesses of other household members.)

- serious health condition of the employee that prevents the employee from performing the essential functions of his or her job.

6. The policy should be explicitly linked to the provisions of the Family and Medical Leave Act and the N. C. Family Illness Act as stated in federal and state statutes and campus policies and address coordination with other benefits.

Sample text:

Paid Leave provided for under this policy has no effect on the faculty member's other employment benefits.

All periods of paid leave under this policy will be construed as family and medical leave under the FMLA. The FMLA entitlement of 12 weeks of leave without pay will run concurrently with any period of paid time off.

The North Carolina Family Illness Act allows for 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.

7. The policy should include a description of the procedures for application and approval for leave.

Sample text:

Faculty members should request leave in writing to the department chair [or department or division head or dean, as appropriate]. Requests for leave should be submitted at least 60 days in advance of the leave or as soon as practicable after the need for leave is foreseeable.

The department chair will make a recommendation to the dean [or vice chancellor for academic affairs/provost, as appropriate] concerning whether or not to grant the request for leave.

The dean [or vice chancellor for academic affairs/provost, as appropriate] is responsible for deciding whether or not to approve the request for leave and provides written notification to the department chair and the faculty member. If leave is denied, the written notification should include the grounds for denial.

The policy should define an expedited appeals process if the request for leave is denied.

8. The policy should define the medical certification or other documentation that must accompany requests for leave, consistent with FMLA.

Sample text:

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 family member or dependent, 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.

9. The policy should define who is responsible for ensuring coverage of the faculty member's duties and how any costs will be covered. The faculty member should not be responsible for arranging for such coverage. Campuses should be mindful of the burdens that are sometimes placed on departmental faculty members when a colleague takes an extended leave. Whenever possible, campuses should arrange to hire replacement instructors to take on the responsibilities of a faculty member on leave for an extended period.

Sample text:

The department chair is responsible for securing, to the extent possible, substitute personnel for the duration of the faculty member's leave. Any adjustments in work schedules within the department are at the discretion of the department chair with the approval of the dean and are subject to departmental and institutional needs and resources.

The cost of substitute personnel is the department's responsibility. In recommending approval of a leave to the provost, the department chair or dean will certify that he or she is prepared to develop a plan to cover the responsibilities of the faculty member for the duration of the leave.

10. The policy should state that *unused* leave under this policy shall not be
 - accumulated or carried over to another academic year,
 - allowable as terminal leave payment when the faculty member leaves the University, or

- used to extend years of creditable state service for retirement benefit purposes

Employees with a balance of accrued leave from a previous 12-month appointment should be asked to exhaust that leave before receiving sick leave under this policy.

11. The policy should state who is responsible for maintaining leave records (important for documentation under FMLA).

12. The policy should state links to “tenure clock” policies, to faculty evaluation processes such as post-tenure review, and to discrimination and confidentiality policies.

Sample text:

At the time a request for leave is granted, the faculty member, department chair, dean, and provost will agree in writing whether time spent on leave will count as probationary service. In the absence of an agreement or if the parties fail to reach agreement, time spent on leave shall count as probationary service.

A faculty member granted leave under this policy may have his or her five-year post-tenure review delayed by a period agreed upon by the faculty member, department chair, and dean.

Faculty will not be penalized in their condition of employment because they require time away from work caused by or contributed to by conditions such as pregnancy, miscarriage, childbirth, or recovery. Requests for leave because of these conditions shall be treated the same as a temporary disability.