

## Faculty Sick and Dependent Leave: Family Leave

SBHE Policy 607.4 directs campuses to adopt policies governing paid sick or dependent leave for faculty. Mayville State University's policy provides for:

- Short-Term Leave and
- Long-Term Leave which includes:
  - Long-Term Sick Leave
  - Disability Leave
  - Dependent Leave
  - Family Medical Leave.

For the purposes of this policy, "Faculty" refers to benefited employees who are tenured, probationary tenure-track, or on special appointment. <sup>1</sup> A "day" is defined as any business day in which the faculty member has academic obligations, to include class sessions, office hours, or other regularly scheduled university commitments.

Sick leave does not accumulate from appointment period to appointment period and has no cash value upon the employee's separation from the institution.

### Short-Term Leave

When a faculty member becomes briefly incapacitated due to a short-term illness or disability he/she must make reasonable efforts to ensure that his/her work responsibilities are covered and must inform his/her supervisor(s).<sup>2</sup> The supervisor is responsible for informing the Vice President for Academic Affairs (VPAA) office of any absence extending beyond three days; leave extending beyond three days may also require documentation (at the request of the supervisor or VPAA).

### Long-Term Leave

Faculty who must be absent for more than ten consecutive work days should discuss their needs for long-term leave with their department/division chair and the VPAA as early as possible, and assist the chair in assuring continuity of instruction, good communication, and coverage of all faculty obligations.<sup>2</sup>

The four types of long term sick leave are: long-term sick leave, disability leave, dependent leave, and family leave.

### Long-Term Sick Leave

The faculty member, who has been an employee for one year or more, shall submit a request for long-term sick leave to the Vice President for Academic Affairs, which shall be accompanied both by medical documentation and by verification from the Division Chair regarding appropriate planning to cover workload. The documentation provided must verify a serious health condition and include the date of illness / disability onset and probable duration.

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<sup>1</sup> The Faculty Sick Leave Policy applies to coaches classified in the 2000 broadband as defined by NDUS Broadband Policy 14 and NDUS Broadband Classifications.

<sup>2</sup> Coaches who have teaching responsibilities shall inform their Division Chair and VPAA. Coaches who do not have teaching responsibilities shall inform the Athletic Director.

If granted, long-term sick leave will be paid at the rate of 75 percent of the applicant's regular base salary for a period of up to six months or until the end of the contract term, whichever comes first. If medical documentation is not sufficient to grant long-term leave, then the faculty member's pay may be reduced commensurate with workload.

Employees utilizing family leave will be provided all benefits at the same level and coverage as if the employee had not taken leave.

Prior to the end date granted for long term sick leave, the faculty member must notify the VPAA and Division Chair of intent to return to work. Faculty granted long term sick leave must provide medical verification that they are fit to return to work; if special appointments have been made to cover work responsibilities, the faculty member may not return to work earlier than the contract designations of the special appointment. Faculty who do not declare an intent to return to work and provide medical verification that they are fit to do so may be terminated.

Coaches requiring long term sick leave should follow the same process with the Athletic Director; those with teaching duties must report to both the Athletic Director and the VPAA.

Appeals of administrative decisions made under this policy should be directed to the Standing Committee on Faculty Rights.

### **Disability Leave**

A faculty member who cannot return to work after taking long-term sick leave may be eligible for disability benefits under the institution's disability insurance. The faculty member should contact the Human Resource Director to determine eligibility. Faculty are encouraged to start the application process for these benefits during the fourth month of long term sick leave, in order to maintain consistent coverage.

### **Dependent Leave**

Paid dependent leave is not offered on a long-term basis. Faculty may use short-term leave (described above) to accommodate dependent care requiring brief absences of a day or two. Absences required for long-term care of a dependent (as defined in Family Leave, below: "...for the birth, adoption, or foster placement of a child; or for the serious health condition of the employee, the employee's parent, child, or spouse") must be negotiated with the department/division chair and the VPAA, and must provide for continuity of instruction without additional cost to the University, for regular communication with supervisors and students, and for coverage for other University commitments. Absences which cannot be managed in this way must be covered using Family Leave.

### **Family Medical Leave**

Faculty members are entitled to family leave in accordance with SBHE Policy 607.4 and the Family and Medical Leave Act of 1993 (FMLA). Family leave is defined in SBHE Policy 607.4 as "an unpaid leave of absence for the birth, adoption, or foster placement of a child; or for the serious health condition of the employee, the employee's parent, child, or spouse." Any additional FMLA requests may be granted on a case-by case basis.

Employees utilizing family leave will be provided health benefits at the same level and coverage as if the employee had not taken leave.

In order to maintain continuity of instruction, faculty may be required to take family leave in combination with leave without pay (M701.1) to allow special appointment faculty to complete semester contracts.

To obtain family medical leave the faculty member shall submit a request for FMLA to the Division Chair and the Vice President for Academic Affairs. FMLA application materials and information are available from the Human Resources Office.

If a faculty member should become disabled while on Family Medical Leave, he/she may apply for long term sick leave.

**Adopted: June 18, 2012**

**Sponsor: Vice President for Business Affairs**

This policy was previously listed as M701.5-Faculty Sick Leave Policy before being revised.