



Lehigh University Human Resources Policy

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Effective Date:	circa 2001
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Applicability:	All Faculty Members

FAMILY AND MEDICAL LEAVE FOR FACULTY POLICY

Purpose:

Policy on benefits available for faculty members related to a family medical leave.

Policy:

General Provisions

It is the policy of Lehigh University to grant family and medical leave to eligible faculty members in accordance with the **Family and Medical Leave Act of 1993 (FMLA)**, as amended by the **National Defense Authorization Act for Fiscal Year 2008**. The leave may be for a maximum of either 12 weeks or 26 weeks during any 12-month period, as discussed below.

Eligibility

Upon employment as a member of the faculty at Lehigh University, faculty members are eligible to take family and medical leave under this policy.

Type of Leave Covered

In order to qualify as FMLA leave for up to 12 weeks during any 12-month period under this policy, the faculty member must be taking leave for one of the following reasons:

1. The birth of the faculty member's child and in order to care for that child within 12 months of birth;
2. The placement in the faculty member's home of a child for adoption or foster care within 12 months of placement;
3. The care of the faculty member's spouse or domestic partner, child, or own parent who has a serious health condition;
4. A serious health condition of the faculty member that renders him or her unable to perform the functions of his or her position; or
5. A qualifying exigency arising out of the fact that the employee's spouse or domestic partner, son, daughter, or own parent is on active military duty or has been notified of an impending call or order to active duty in the Armed Forces in support of a contingency operation.

In order to qualify for FMLA leave for up to 26 weeks during any 12-month period under this policy, the faculty member must be taking leave to care for his/her spouse or domestic partner, child, own parent, or next of kin (*i.e.*, nearest blood relative) who is a covered servicemember. A covered servicemember is a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness. A serious injury or illness is one incurred in the line of duty while on active duty and that renders the servicemember unfit to perform the duties of his/her office, grade, rank, or rating.

Use of Paid and Unpaid Leave

Faculty member's own serious health condition. Paid leave is available to faculty members whose leaves are designated FMLA according to the above criteria for the specific period of time (up to 12 weeks) under which the faculty member is certified by his/her medical care provider as unable to work. In cases for natural mothers whose leave is certified as medically necessary prior to the birth, the paid FMLA leave will begin upon certification by her medical care provider.

Primary care after child's birth or placement. Paid FMLA leave for the primary care giver in situations of birth, adoption, or foster care is available without medical certification for up to 12 weeks beginning when the child is born or placed in the home, whichever is later. For the purposes of this policy, "primary care" is defined as the day-to-day principal responsibility for the care of a child, and is not intended to include parents whose child is in the full-time care of a spouse/domestic partner or a professional care provider.

Primary care of family member with serious health condition. Paid FMLA leave is available to faculty members to care for a child, spouse or domestic partner, or family member if the situation meets FMLA medical certification requirements (the certification must include a statement that the patient requires assistance and the faculty member's presence would be necessary or beneficial). If the situation does not meet the FMLA medical certification requirements, he/she is eligible to request a period of unpaid personal leave of up to 12 weeks. Requests for such unpaid leaves not meeting FMLA medical certification requirements must be approved by the faculty member's immediate supervisor (department chair), the Dean of the college, and the Provost. The faculty member and his/her immediate supervisor must mutually agree to the duration of the leave prior to its approval.

Faculty Member Status and Flexible Benefits During Leave

While a faculty member is on leave, the University will continue his/her flexible benefits during the leave period at the same level and under the same conditions as if he/she continued to be at work.

Under the terms of the Flexible Benefits Plan, the faculty member pays a portion of the cost of the medical coverage premium and the full cost of supplemental life insurance, dependent life insurance, and flexible spending accounts. While on paid leave, the University will continue to deduct his/her share of the premium. While on unpaid leave, the faculty member must continue to make these payments. At the faculty member's option, arrangements can be made with Human Resources to prepay the employee contribution or to be billed for the amount due by the Bursar's Office. Payment should be received by the Bursar's due date each month.

Basic life insurance and Long-term Disability (LTD) coverage will continue at the same level and under the same conditions as if the faculty member continued to be at work.

The University will treat the initiation of an unpaid leave under this policy as a qualifying life event for purposes of suspending or reducing flexible spending account balances or dropping plan coverage.

Other Benefits During Leave

The faculty member's entitlement to other benefits during the leave is based on the terms and conditions of those benefits.

In the case of paid FMLA leave, he/she will continue to receive all benefits to which he or she would be entitled if not on leave, including the retirement program, tuition benefits, FSAP access, ID card, and parking hang-tag.

If the faculty member is on an unpaid personal leave not related to his or her own serious health condition, retirement program contributions will cease at the end of the month in which the leave begins and will begin again when the faculty member returns to work. The contribution for the month in which the faculty member returns to work will be prorated based on his/her actual work schedule during that month.

Intermittent Leave or a Reduced Work Schedule

The faculty member may take FMLA leave in consecutive weeks, may use the leave intermittently, or under certain circumstances may use the leave to reduce the work week or work day resulting in a reduced hour schedule. In all cases, the FMLA leave will not exceed a total of 12 or 26 weeks over a 12-month period.

If a faculty member is taking leave for a serious health condition, because of the serious health condition or qualifying exigency of a family member covered under this policy, or to care for a qualifying servicemember, the faculty member should try to reach an agreement with his or her immediate supervisor before taking intermittent leave or working a reduced schedule. If this is not possible, the faculty member must provide medical certification that the use of the leave in this manner is medically necessary.

If the need for intermittent leave or a reduced work schedule is foreseeable, faculty may be transferred to alternate teaching schedules or assignments which better accommodate the future intermittent leave or reduced work schedule. Intermittent or reduced work leave will be paid or unpaid as determined under the policies outlined above.

Intermittent or reduced work schedule leave for the birth, adoption, or foster care of a child without medical certification is available only if the faculty member and his/her immediate supervisor mutually agree to the schedule before the faculty member begins the leave. All FMLA leave for birth, adoption, or foster care of a child must be taken within one year of the birth or placement of the child.

Impact of Leave on Probationary and Review Periods

Consistent with Section 2.2.5.6.2 of the *Rules and Procedures of the Faculty*, "semesters on leave of absence granted due to disability, family and medical leave, or personal reason" may be excluded from the pre-tenure probationary period. If a faculty member utilizes FMLA rights during the summer, the time spent on FMLA leave of absence may be excluded from the pre-tenure probationary period. These provisions are also extended to tenured associate professors who are being reviewed for promotion. The amount of additional time extended must be approved by the Provost. See also *R&P 2.2.5.7* on extension of probationary period for parenthood.

Certification of Serious Health Condition

The University will ask for certification of a serious health condition. The faculty member should

respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a delay or denial of the leave. Medical certification may be provided by using the "[FMLA Certification of Health Care Provider](#)" form.

Certification of the serious health condition shall include the date when the condition began, its expected duration, diagnosis, and a brief statement of treatment. For medical leave for the faculty member's own medical condition, the certification must also include a statement that the faculty member is unable to perform the essential functions of his/her position. For a seriously ill family member, the certification must include a statement that the patient requires assistance and that the faculty member's presence would be necessary or beneficial.

The University has the right to ask for a second opinion if there is a question concerning the need for, or duration of, the leave, or other information contained in the certification. The University will pay for the faculty member to get a certification from a second doctor of the University's choice.

If it is necessary to resolve a conflict between the original certification and the second opinion, the University will require the opinion of the third doctor. The University and the faculty member will jointly select the third doctor and the University will pay for the opinion. This third opinion will be considered final.

Procedures for Requesting Leave

All faculty members requesting leave under this policy must submit a "[Faculty and Staff FML Request Form](#)" directly to Human Resources. Faculty members must also submit the Provost's Office "[FML Accommodation Form for Faculty](#)" to their department chair, who shall then forward the form to the Dean's Office for consideration. The purpose of this form is for academic planning, including tenure-clock extension. The Dean's Office will forward the approved accommodation requests to the Provost, who will notify the faculty member regarding tenure-clock extension.

If a faculty member is taking FMLA leave, he/she should inform the appropriate department chair and dean as soon as possible to permit them the maximum amount of time to address instructional issues and faculty assignments for the leave period. If the leave is for the birth of a child, the faculty member should inform the appropriate department chair and dean of the pregnancy and the anticipated leave dates as soon after the first trimester as possible.

When possible, faculty members should provide at least 30 days advance notice of their plans to take leave. If it is not possible to give 30 days notice, the faculty member should provide as much notice as possible. A faculty member undergoing planned medical treatment is expected to make a reasonable effort to schedule the treatment to minimize disruptions to departmental operations.

If a faculty member fails to provide 30 days notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least 30 days from the date the University receives notice. Where the faculty member is unable to provide 30 days notice because of unforeseeable circumstances, the faculty member is required to provide notice of the need as soon as it becomes known.

FMLA leaves that fall within the semester will be handled in such a way that ensures minimum disruption to the instructional mission of the University. To ensure continuity in instruction in such cases, the faculty member may be assigned to work in a capacity other than teaching for the remainder of the semester. Such assignments will be made by the department chair, pending the approval of the dean. These assignments may include such activities as committee work, research and scholarship, and supervision of graduate and undergraduate independent study and research. The faculty member will

report to the department chair and dean on his/her activities during this time.

While on FMLA leave, faculty members are to report every 30 days regarding the status of the medical condition and their intent to return to work.

Returning to Work after a Leave

If the faculty member is on a leave related to the faculty member's own serious health condition, permission to return to work must be provided by the faculty member's attending medical care provider.

Keywords: Illness, STD, FMLA