

ELIZABETH CITY STATE UNIVERSITY
Policy on Serious Illness and Disability Leave for Faculty

Preamble

This policy provides for a period of paid leave for qualifying faculty members at Elizabeth City State University (ECSU) in cases of extraordinary illness, major disability, or for parental purposes. This policy is adopted pursuant to the requirements of University of North Carolina (UNC) Policy 300.2.11. To the extent that any provision of this policy conflicts with the UNC Policy, the UNC version shall control.

1. Eligibility

Faculty members eligible for leave under this policy are those who do not accrue sick leave and are eligible to participate in the North Carolina Teachers' and State Employees' Retirement System (TSERS) or the UNC Optional Retirement Program (ORP), this includes continuing faculty who are employed at least 75% of full-time. Eligibility is limited to those faculty eligible under the provisions of the Family and Medical Leave Act (FMLA) where the faculty member has been employed at least one year and has worked at least 1,040 hours within the last 12 months.

2. Duration of Leave

A. A qualifying faculty member may be granted paid leave, to include a minimum of 60 calendar days within a single academic semester, and up to a maximum of one academic semester. If the illness or disability requires a longer leave, an extension of up to an additional semester of paid or unpaid leave may be provided upon approval of the Provost/Vice Chancellor for Academic Affairs.

Note: Employees are eligible for short-term disability benefits under the North Carolina Disability Income Plan (NCDIP) if they have at least one year of contributing membership service in TSERS or ORP 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 NCDIP, faculty should consider enrolling in one of the supplemental disability income plans available to ECSU employees.

3. Eligible Conditions

Consistent with qualifying conditions under the Family Medical Leave Act (FMLA), this policy applies to the following eligible conditions:

- A. the birth of a child and to care for the newborn child after birth, provided the leave is taken within a 12-month period following 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.

- B. placement of or to care for a child placed with the employee for adoption or foster care, provided the leave is taken within a 12-month period following placement;

Note: FMLA leave must 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.

- C. for the employee to care for the employee's child, spouse, or parent, where that child, spouse or parent has a serious health condition, (see the Family Illness Leave Policy for extended leave up to an additional 52 weeks for these reasons);
- D. a serious health condition of the employee that prevents the employee from performing one or more essential functions of the position.

4. Coordination With Other Benefits

- A. Paid leave provided for under this policy has no effect on the faculty member's other employment benefits.
- B. All periods of paid leave under this policy will be construed as family and medical leave under FMLA. The FMLA entitlement of 12 weeks of leave without pay will run concurrently with any period of paid time off.
- C. The Family Illness Leave Policy 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.

5. Application and Approval Procedures

- A. Faculty members shall request leave in writing to the Department Chair. Requests for leave shall be submitted at least 60 days in advance of the leave or as soon as practicable after the need for leave is foreseeable.
- B. The Department Chair will make a recommendation to the Dean concerning whether or not to grant the request for leave. The Dean will consult with the Provost/Vice Chancellor for Academic Affairs who is responsible for deciding whether or not to approve the request for leave. The Provost/Vice Chancellor for Academic Affairs will provide written

notification to the Dean, Department Chair, and the faculty member of the decision. If the leave is denied, the written notification should include the grounds for denial.

- C. If the request for leave is denied, a faculty member may appeal to the Chancellor. An appeal must be submitted in writing to the Chancellor within 10 business days of notification of the denial. If a faculty member does not submit a written appeal within 10 business days following notification of denial, the decision of the Provost/Vice Chancellor for Academic Affairs shall be final. If a faculty member appeals, the Chancellor's decision shall be final. Written notification of the Chancellor's decision will be provided to the Provost/Vice Chancellor for Academic Affairs, the Dean, the Department Chair and the faculty member.

6. Medical Certification

ECSU shall 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, ECSU shall also request medical verification of that person's illness or disability and shall also inquire about the circumstances, which make it impossible or difficult for the faculty member to carry on with normal duties.

7. Coverage of Duties

- A. 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.
- B. The cost of substitute personnel is the department's responsibility. In recommending approval of leave to the Provost/Vice Chancellor for Academic Affairs, 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.

8. Unused Leave

- A. Unused leave under the policy shall not be:
1. allowable as terminal leave payment when the faculty member leaves the University,
 2. used to extend years of creditable state service for retirement benefit purposes, or
 3. accumulated or carried over to another academic year.

- B. Employees with a balance of accrued leave from a previous 12-month appointment shall exhaust that leave before receiving leave under this policy.

9. Links to Other Academic Policies

- A. At the time a request for leave is granted, the faculty member, Department Chair, Dean, and Provost/Vice Chancellor for Academic Affairs 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 an agreement, time spent on leave shall count as probationary service.
- B. 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, Dean and Provost/Vice Chancellor for Academic Affairs.
- C. Faculty will not be penalized in their condition of employment because they require time away from work caused by or contributed to conditions such as pregnancy, miscarriage, childbirth, adoption or recovery. Requests for leave because of these conditions shall be treated the same as a temporary disability.

10. Record Maintenance

Human Resources is responsible for maintaining leave records and all documentation under this policy.