Policy on Leaves of Absence

I. Purpose and Scope

This policy provides general information on the types of leaves of absence that may be available to University employees. This policy also provides general information about certain terms that apply to each type of leave of absence.

The policy does not address workers’ compensation.

II. Definitions

For the purposes of this policy, a Leave of Absence is an option offered by the University to faculty and staff who are unable to work due to a medical condition, the medical condition of a qualified family member (as defined by applicable law) or the birth or adoption of a child. Leaves are also designed to cover absences for military and personal reasons.

This University offers the following Leaves of Absence:

1. Maternity/Adoption
2. Family Medical Leave
3. Military Leave
4. Personal and Small Necessities Leave
5. Faculty Leaves

III. Policy

a. General

i. Pay while on Leaves

Leaves of Absence are unpaid absences from employment at the University. Depending on the type of leave, employees may choose to use accrued sick and vacation time to remain in a paid status during a leave.

ii. Benefits while on Leaves

While employees are in a paid status during a Leave of Absence, employees’ contributions for their health, dental, retirement and all other benefits will be deducted from their paycheck. If employees chooses to use unpaid time while on leave but wish to continue to participate in the health and dental plans, employees must make
arrangements in advance with HRM Benefits and continue to make their required contributions. Life insurance and long term disability insurance may remain in effect during a Leave of Absence, depending upon its duration. Travel Accident, eligibility for Workers’ Compensation, Sick Leave Accrual and Vacation Accrual will cease when an employees’ unpaid status exceeds 30 days. The Tuition Waiver program will be limited to covered dependents if a Leave of Absence exceeds 30 days.

b. Maternity/Adoption Leave of Absence
   i. Description
Maternity/adoption leave allows an employee period of time of eight weeks (or, if combined with Family and Medical Leave, twelve weeks) for medical care and treatment preceding and following the birth of a child and/or adoption of a child under age 18, or under age 23 if the child is mentally or physically disabled (as defined by applicable law).

   ii. Eligibility & Application
All benefits eligible employees, regardless of marital status, are eligible for maternity/adoption leave after they have completed their Probationary Period, as defined in the Policy on Probationary Period. Faculty members must also review and comply with all general policies on leaves of absence as outlined in the Faculty Handbook.

During the fifth month of pregnancy or earlier, employees should contact HRM Benefits and schedule a meeting to review the maternity/adoption leave policy and their options for benefit coverage and pay. Employees must also complete both a Leave of Absence form and an Interim Disability Claim Form.

The employee will be reinstated into their former assignment or to a reasonably equivalent assignment upon completion of a maternity/adoption leave and HRM’s receipt from a physician stating the employee is medically able to resume regular duties.

c. Family and Medical Leave of Absence
   i. Description
The Family and Medical Leave Act (“FMLA”) provides that eligible employees are eligible to take up to a maximum of 12 weeks of unpaid absence for the following reasons, consistent with the requirements stated in this policy:

• Birth, adoption or foster care placement of a child;
• Care of a child, spouse or parent of a faculty/staff member who has a serious health condition;
• The faculty/staff member’s own serious health condition and;
• Certain forms of military service and injuries sustained in connection therewith.

Spouses or same sex spousal equivalents (provided a Same Sex Spousal Equivalency Certification is on file with HRM Benefits) who wish to take time off upon the birth or adoption
(or placement of a foster child) are eligible to take up to 12 weeks of unpaid time within the first twelve months following the birth, adoption, or foster care placement of a child. This leave will require the completion of a Leave of Absence Form with supporting documentation.

Eligible employees who request time off to care for an ill child, parent, spouse or same sex spousal equivalent (provided a Same Sex Spousal Equivalency Certification is on file with HRM Benefits), will be eligible to take up to 12 weeks of unpaid time during any 12 month period. If medically necessary, this leave may be taken intermittently. This leave will require the completion of a Leave of Absence Form with accompanying medical documentation.

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use FMLA Leave to address certain situations related to the service member’s call to active duty. These include: attending certain military events; arranging for childcare; addressing certain financial or legal arrangements; attending certain counseling sessions; and attending post-deployment reintegration briefings. FMLA Leave also includes a one-time leave that permits eligible employees to take up to 26 weeks of leave to care for a covered service member who has suffered from a combat-related illness or injury. The employee must be the spouse, child, parent, or “next of kin” and the primary caregiver of the injured service member.

Upon return from FMLA Leave, employees will return to their same or reasonably-equivalent positions, provided the leave is not longer than 12 weeks.

ii. Eligibility & Application
All employees, who have been employed for a minimum of twelve months and worked a minimum of 1,250 hours in the last twelve months, are eligible to take leave as long as it does not exceed 12 weeks in any 12-month period. The University uses a “12-month rolling back” counting method to calculate these 12 weeks. For example, if an employee takes maternity/adoption leave for 8 weeks, the employee would have used 8 weeks of FMLA leave and would have 4 weeks remaining within the 12-month period.

Employees should notify HRM of their intent to take FMLA leave when the need for such Leave of Absence is foreseeable. Employees must make a reasonable effort to accommodate the University's needs, if possible, when scheduling a leave.

Employees must request FMLA Leave through their supervisors and complete a Leave of Absence Application with HRM Benefits. Depending upon the type of leave being requested, you may be required to provide medical documentation to HRM in order for the leave to be approved.

d. Military Leave of Absence
   i. Description
If an employee is ordered to active duty for a period of two weeks or less, the University will make up the difference, if any, between your military pay and your regular wages.
If an employee voluntarily goes on military duty (for training, etc.), the employee may request a personal leave of absence, as described herein.

If an employee is drafted into the armed forces, or is a reservist ordered to active duty, the employee must submit an Application for Leave of Absence form through his or her department head. This leave will extend for the period of involuntary active duty. Upon completion of involuntary active duty, the employee will be reinstated to his or her former or a reasonably equivalent position without loss of seniority or status. The employee must receive a discharge certificate of satisfactory completion of service and forward it to the University within 90 days after release from active duty.

ii. Eligibility and Application

Individuals seeking to take military leave should submit an Application for Leave of Absence, together with a copy of the orders to report for duty, to their department heads and HRM.

All University arrangements governing military duty are subject to modification caused by any special circumstances that may exist during an emergency period and any government regulations that may be in effect.

e. Small Necessities and Personal Leave of Absence

i. Description

Employees may take up to 24 hours of unpaid leave during a twelve-month period to attend activities directly related to the education of a dependent child (e.g. parent-teacher conferences), and/or to accompany a dependent child or elderly relative to a routine medical, dental or other professional services appointment (e.g. annual physical, vaccination appointment, nursing home interview/intake).

Subject to the discretion of the employee’s department head and approval by HRM, staff members may seek a Personal Leave of Absence.

Absences for less than five days must be approved by and are administered directly by an employee’s department head. Personal Leaves of Absence for more than five days must also be approved by HRM Benefits. Personal Leaves of Absence of more than one month are permitted only under extenuating circumstances. Such leaves require approval by your department head, your academic dean or vice president and HRM Benefits.

During a Personal Leave of Absence that is one month or longer in duration:

• Vacation and sick time will not accrue;
• Group medical and dental will continue, provided the employee continues to make the required contribution to these plans;
• University contributions to the employee’s retirement plan will cease and;
• Tuition waiver benefits will cease.
ii. Eligibility and Application

To apply for the leave, employees must complete an Application for Leave of Absence form, obtain their department head's approval for the leave, and return both the form and the approval to HRM Benefits for final approval.

f. Faculty Leaves

Faculty leaves, such as sabbaticals and leaves for academic study, are covered in the Faculty Handbook. Any questions regarding faculty leaves should be addressed to the Provost's Office. It is important that faculty let HRM Benefits know when they are going on one of the faculty leaves. Faculty must meet with HRM Benefits if they are entitled to continuation of benefits during their leave. As with any other type of leave, faculty must continue contributions to the health and dental plans and any other benefits if coverage is to continue during the leave.

IV. Additional Information

When the need for leave is foreseeable, the employee must apply for and be approved in advance of the leave begin date. In this case, thirty days’ notice, or as much notice as is practical, must be given.

Leaves of absence are unpaid; however, employees may be eligible to receive pay for their leave using accrued sick time if on an approved medical leave. If eligibility requirements have been met, interim disability benefits are available. Approved leaves may also use accrued vacation time if available.

Please refer to the Human Resources website for complete guidelines on these related programs:

• Disability Benefits Program
• Sick Leave
• Vacation Time

V. Contact Information

HRM Customer Service Center: 250 Columbus Place; 617-373-2230; HRMInfo@neu.edu