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. Parental Leave
2. Family and Medical Leave
3. Military Leave
4. Small Necessities Leave
5. Personal Leave
6. Faculty Leave

III. Policy

a. General

i. Pay while on Leave
A Leave of Absence is generally an unpaid absence from employment at the university. Parental Leave, which is partially paid, is the exception to this general rule. Depending on the type of leave, employees may use accrued sick and vacation time to remain in a paid status during a leave.

ii. Benefits while on Leave

While employees are being paid during a Leave of Absence, the usual contributions for their health, dental, retirement, and all other benefits will be deducted from their paycheck. While employees are on unpaid Leaves of Absence, they may continue participating in their health and dental plans, but they should notify HRM Benefits in advance that they desire to remain active on these plans and they must continue making 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. Parental Leave of Absence

Please refer to the Policy on Paid Parental Leave.

c. Family and Medical Leave of Absence

i. Description

This policy outlines the basic procedures governing Leaves of Absence under the Family and Medical Leave Act (the “FMLA”). Under the FMLA, eligible employees may be entitled to a Leave of Absence of up to 12 weeks for the following reasons:

- The bond with their child following the child’s birth or placement for adoption or foster care (leave to bond with a child must be taken within 12 months of the child's birth or placement);
- To care for the employee’s spouse, child (under age 18 unless incapable of self-care due to disability), or parent who has a qualifying serious health condition;
- For the employee’s own qualifying serious health condition that makes the employee unable to perform the employee’s job; and
- For qualifying exigencies related to the foreign deployment of a military member who is the employee’s spouse, child, or parent.
An eligible employee who is a covered service member’s spouse, child, or parent may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the service member while they suffer from a serious injury or illness (referred to as “Military Caregiver Leave”). Under this type of FMLA leave, an employee is entitled to a maximum of 26 weeks of leave in the 12-month period beginning on the first day that the employee takes this form of leave and ending 12 months later.

Except for those employees taking Military Caregiver Leave, an eligible employee will be entitled to a maximum of 12 weeks of FMLA leave during any 12-month period. The 12-month period is a rolling period measured backward from the date an employee uses any leave under this policy. Each time an employee takes any FMLA leave, the remaining leave entitlement will be any balance of the 12 weeks that has not been used during the immediately preceding 12 months. If certified for medical reasons or if otherwise permitted, FMLA leave may be taken intermittently.

In the event that both spouses work for the university, they are entitled to a combined 12 weeks of FMLA leave, during any 12-month period, (1) to bond with their newborn or newly placed child; or (2) to care for a seriously ill parent.

Where applicable, FMLA leave will run concurrently with other available Leaves of Absence.

At the end of FMLA Leave, employees will generally have the right to return to their same position or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. The university will not interfere with an employee’s FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

ii. Eligibility & Application

To be eligible for FMLA leave, an employee must have (1) worked for the university for at least 12 months; and (2) worked a minimum of 1,250 hours during the 12 months preceding the need for leave.

Generally, employees should give HRM Benefits 30-days’ advance notice of the need for FMLA leave. If it is not possible to give 30-days’ notice, employees must notify HRM Benefits as soon as practicable. Employees must complete a Leave of Absence Application. Depending upon the type of leave being requested, employees may be required to provide medical documentation with sufficient information to support the need for leave to HRM Benefits in order for the leave to be approved. HRM Benefits
may require periodic recertification of the need for leave and it may require certification that the employee is able to resume work at the conclusion of leave, if applicable.

The university will inform employees who request FMLA leave whether they are eligible. If they are, the university will notify the employee of their rights and responsibilities under the FMLA. If they are not eligible, the university will tell the employee why they are ineligible. The university will also notify employees whether and what portion of their Leave of Absence will be designated as FMLA leave.

FMLA leave is unpaid, but employees may use accrued vacation or sick time, depending on the type of leave, to continue to receive their pay while on leave. During an FMLA leave, the university will continue the employee’s medical and dental insurance coverage as usual, provided the employee remains eligible for such coverage and continues to pay their premiums.

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against the university to enforce their rights under the FMLA. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

d. Military Leave of Absence

i. Description

It is the university’s policy to comply with all applicable laws that afford protection rights to employees serving duty with the military, the Reserve, and the National Guard, including the Uniformed Services Employment and Reemployment Rights Act (“USERRA”).

There are two situations in which military leave is granted: temporary military duty and active duty. In any calendar year, if an employee is ordered to temporary military duty for a period of two weeks or less, the university will make up the difference, if any, between the employee’s military pay and the employee’s regular wages. For active duty or enlistment that exceeds two weeks, employees should request an unpaid personal Leave of Absence.

Upon an employee’s return from military service, they will be eligible for reinstatement as provided in the USERRA. The employee must report to work and provide the university with a discharge certificate of satisfactory completion of service within the time period dictated by the USERRA.
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 then be in effect.

e. Small Necessities Leave

i. Description

Pursuant to the Small Necessities Leave Act, eligible 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). This leave is referred to as "Small Necessities Leave."

ii. Eligibility and Application

To be eligible for Small Necessities Leave, an employee must have worked (1) for the university for at least 12 months; and (2) worked a minimum of 1,250 hours during the 12 months preceding the need for leave. Eligible employees should coordinate this leave with their department head. Such leave time shall be charged to an employee’s accrued vacation, or personal days, if any. Where none exists, the time will be unpaid.

f. Personal Leave of Absence

i. Description

Staff members may seek a Personal Leave of Absence for reasons not covered by another leave option or to extend their available leave. Such leaves will be granted solely at the university’s discretion.

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

Absences for less than five days must be approved by and are administered directly by an employee’s department head. To apply for the a Personal Leave of Absence beyond 5 days, 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. For leaves over a month, employees should also obtain approval from their academic dean or vice president.

g. Faculty Leave

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

Unless otherwise stated in this policy, when the need for leave is foreseeable, the employee must apply for and be approved in advance of the leave begin date. Typically, thirty days’ notice, or as much notice as is practical, must be given.

For approved leaves of absence that are unpaid, employees may be eligible to use accrued vacation or sick time (depending on the type of leave) to receive pay. If eligibility requirements have been met, interim disability benefits are 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