

POL 05.35.01

Serious Illness and Disability Leave for Faculty Policy for the University of North Carolina at Pembroke

Authority: Board of Trustees

History:

- First Issued: Prior to 2013
- Last Revised: June 4, 2013
- Revised: August 5, 2013

Related Policies:

- [UNC Policy Manual 300.2.11 - Serious Illness and Disability Leave for Faculty](#)
- [United States Department of Labor – Family Medical Leave Act](#)
- [North Carolina Family Illness Act](#)

Additional References:

- [FMLA Forms](#)
- [N. C. Teachers’ and State Employees’ Retirement System](#)
- [UNC Optional Retirement Program](#)
- [UNCP Office of Human Resources](#)
- [Serious Illness and Disability Leave for Faculty form](#)

Contact Information: Provost and Vice Chancellor for Academic Affairs, (910) 521-6211

1. PURPOSE

1.1 There may be times when a faculty member finds it necessary to be absent full-time or part-time for an extended period. In such cases, leave with pay will be considered (for up to one semester) subject to the following conditions and procedures, including the completion of a [Serious Illness and Disability Leave for Faculty form](#) available at the website for the Office of Human Resources.

2. ELIGIBILITY

2.1 Eligibility for consideration is limited to those faculty who: (1) do not accrue sick leave, (2) are eligible to participate in the [N. C. Teachers’ and State Employees’ Retirement System](#) or the [UNC Optional Retirement Program](#) and (3) have been employed a minimum of halftime at The University of North Carolina at Pembroke for at least one year.

2.2 All eligible faculty members are covered in accordance with the Family Medical Leave Act (FMLA), which provides unpaid leave.

3. PROCEDURE FOR FILING A LEAVE OF ABSENCE

3.1 When a faculty member finds it necessary to take such leave, a request in writing will be submitted to the department chair stating the reason for the request and the expected length of time (not to exceed one semester) the absence or reduced work load will last. The request for leave should be submitted at least 60 days in advance of the leave or as soon as practical after the need for the leave is foreseen.

3.2 The chair will discuss the request with the dean who will in turn notify the provost and vice chancellor for Academic Affairs of what has been requested and what is recommended. If the request for leave is from a chair, then the dean will assume or delegate the responsibilities of the chair listed below.

3.3 The provost and vice chancellor for Academic Affairs will make the final decision and will so notify the faculty member in writing.

3.4 After the leave of absence or other adjustment of employment obligations, the university may require that the faculty member have a health care provider certify that the faculty member is fit to resume duties. The university makes the ultimate decision as to the faculty member's fitness to resume duties.

3.5 The department chair is responsible for arranging coverage of the faculty member's duties. Whenever feasible, replacement instructors should be hired to assume the duties of a faculty member on extended leave. Responsibility for covering the cost of replacement instructors will be determined through consultations among the department chair, dean, and provost.

3.6 At the time a probationary faculty member's request for leave is granted, the faculty member, department chair, dean, and provost will agree in writing whether time spent on the 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 will count as probationary service.

3.7 Paid leave provided for under this policy has no effect on the faculty member's other employment benefits. However, all periods of paid leave under this policy shall be construed as family and medical leave under the [Family Medical Leave Act](#), and the FMLA entitlement of 12 weeks without pay shall run concurrently with any period of paid time off. The [North Carolina Family Illness Act](#) 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. Faculty with a balance of accrued leave from a previous 12-month appointment will be requested to exhaust that leave before receiving paid sick leave under this policy.

3.8 Unused leave under this policy will not be accumulated or carried over to another academic year; allowable as terminal leave payment when the faculty member leaves the university; or used to extend years of creditable service for retirement benefit purposes.

3.9 Responsibility for maintaining faculty leave records rests with the Office of Academic Affairs. Copies of all such records should also be maintained in the offices of the appropriate department chair and dean. There may be occasions when a one-semester leave is not sufficient. When this is the case, a request for an extension of the leave may be made subject to the

procedures and conditions stated above. Should time in excess of one semester be required, it will be necessary to consider a leave of absence without pay or a medical disability leave.

4. CONSIDERATIONS FOR LEAVE OF ABSENCE

4.1 Leave with pay for up to one semester will be considered for any of the following reasons:

4.1.1. to exercise primary responsibility for the care of an infant during the semester of birth or in the following fall or spring academic semester;

4.1.2. to exercise primary responsibility for the care of a child placed with the faculty member for adoption or foster care during the semester of placement or in the following fall or spring academic semester;

4.1.3. because the faculty member has a serious health condition and is unable to perform the essential functions of the position; or

4.1.4. to exercise primary responsibility for the care of the faculty member's child, spouse, domestic partner, or parent when that child, spouse, domestic partner or parent has a serious health condition.

4.1.4.1. A domestic partner is an adult person living with, but not married to, another adult person in a committed, intimate relationship. Thus, a university faculty member and the domestic partner of the faculty member:

4.1.4.1.1 are each other's sole domestic partner and intend to remain so indefinitely;

4.1.4.1.2 have a common residence and intend to continue the arrangement;

4.1.4.1.3 are at least 18 years of age and mentally competent to consent to a contract;

4.1.4.1.4 share responsibility for a significant measure of each other's common welfare and financial obligations;

4.1.4.1.5 are not married to or domestic partners with anyone else; and

4.1.4.1.6 are same-sex domestic partners and not related in a way that, if the two were of opposite sex, would prohibit legal marriage in the state in which they reside or are opposite-sex domestic partners and are not related in a way that would prohibit legal marriage in the state in which they reside.

4.2 Understand that willful falsification of information may lead to disciplinary action and the recovery of the cost of benefits received related to such falsification.