

FAMILY CARE LEAVE POLICY

Draft Presented: 28 September 2000 (latest changes in italics)

Samford University Faculty Senate

Committee on Business Affairs and Faculty Welfare



1. Conditions for Family Care Leave

- a. In a twelve-month period, faculty and staff members employed by the university for at least one academic year, and who have worked for the university for at least 9 of the last 12 months, are permitted paid leave of up to 16 *five-day work weeks* (one semester). The twelve-month period is defined as a rolling twelve-month period measured backward from the date the faculty or staff member uses any Family Care Leave. Each time a faculty or staff member uses Family Care Leave the remaining entitlement is the balance of the sixteen weeks that has not been used during the immediately preceding twelve months. For nine-month or ten-month employees, the weeks not worked in the summer will not count toward the 16 weeks of leave.

- b. An employee's family care absences will be covered by accrued sick days until ten sick days have been used in a twelve-month period. After the tenth sick day the employee's family care absences will be covered under the Family Care Leave policy. *If insufficient sick days exist, options include:*
 - 1) *Sick leave donations, in accordance with Samford University policy;*

 - or*

 - 2) *Sick leave loan from the University, which will be repaid at a rate of 4 hours per month, commencing as soon as the employee returns to work.*

Samford University may require the employee to use any remaining accrued sick leave over 28 days before Family Care Leave becomes effective.

c. Family Care Leave may be taken for any of the following reasons:

- 3) the birth of (a) child(ren) and in order to care for this/these infant(s);
 - 4) the placement of (a) child(ren) with the employee for adoption;
 - 5) the care for a spouse or a family member with a “serious health condition”;
- or
- 6) the “serious health condition” of an employee, which results in an inability to perform the essential functions of his or her position.

A “serious health condition” is defined as an illness, injury, impairment or physical or mental condition that involves:

- 1) any period of incapacity or treatment involving inpatient care in a hospital, hospice, or residential health facility; or
- 2) continuing treatment or supervision by a health care provider.

Family Care Leave for the birth or placement of (a) child(ren) must be completed within the twelve- month period beginning with that birth or placement.

- d. If additional time beyond paid Family Care Leave is required, unpaid Leave may be requested, and must be approved in advance by the University. Staff employees may request an additional 36 weeks of unpaid leave per twelve-month period. Faculty members may request an additional semester of unpaid leave per twelve-month period.
- e. If both spouses are employed by Samford University, they are limited to a combined total of 16 weeks of paid Family Care Leave for the birth or adoption

of (a) child(ren) or to care for a sick family member. If the Family Care Leave is requested for the care of a sick child or of the other spouse, each spouse is entitled to 16 weeks of Leave.

2. Benefits during Family Care Leave

- a. Employees accrue no vacation or sick leave during absences covered by the Family Care Leave policy.
- b. For paid Family Care Leave, all benefits, including but not limited to health insurance and pension contributions, will be maintained as long as the employee continues to pay his or her portion of the premium.
- c. For approved unpaid Family Care Leave, all benefits, including but not limited to health insurance, will be maintained as long as the employee continues to pay his or her portion of the premium. The full premium must be paid by the first of the month. *The employee may arrange in advance for deferred payment of premiums, which will be paid back incrementally over the first 24 months after the employee returns to full time status. If the employee leaves the University before the premiums are paid in full, the complete balance becomes due.*
- d. If the employee elects not to return to work at the end of the Leave period, he or she will be required to reimburse Samford University for the cost of health insurance premiums providing coverage during the Leave. Any employee, however, who is unable to return to work because of a serious health condition or circumstance beyond his or her control, will not be responsible for reimbursing Samford University for health insurance premiums. *The employee is responsible for providing medical certification establishing his or her inability to return to work 30 days before the end of the Family Care Leave, except in extraordinary circumstances. Samford University, at its expense,*

may require an examination by a second health care provider designated by the University

- e. Tenure-track faculty with absences of a semester or more covered by the Family Care Leave policy shall be eligible for an additional year to qualify for tenure for each twelve-month period that the employee had absences covered by the Family Care Leave policy.

Advance Notice and Medical Certification

- a. If the need for Family Care Leave is foreseeable (such as birth, adoption, planned medical treatment), the employee must provide Human Resources with 30-day advance written notice. Failure to give a 30-day advance notice for a foreseeable Family Care Leave may result in a 30-day delay in the Leave. If the need for Family Care Leave is unforeseen, the employee must notify Human Resources within 3 working days of learning of the need for Leave except in extraordinary circumstances.
- b. The employee must provide medical certification from a health care provider to support any request for Family Care Leave. Medical Certification Forms will be provided by Samford University and must be returned within 15 working days.
- c. Samford University, at its expense, may require an examination by a second health care provider designated by the University. If the second health care provider's opinion conflicts with the original medical certification, Samford University, at its expense, may require a third, mutually agreed-upon healthcare provider to conduct an examination and provide a final and binding opinion.

3. Reporting while on Family Care Leave

- a. During Family Care Leave taken for an employee's or family member's serious health condition, the employee must *provide written medical recertification* of the status of the health condition to Samford University once a month. Faculty members must report to the chairperson of their departments and the *Office of the Dean of their School*, while staff members report to their immediate supervisor and *to Human Resources*.

- b. Planned Family Care Leave taken for a foreseeable event does not require monthly reporting, unless there is a change in the expected date of return to work. A change in expected date of return must be reported to the appropriate chairperson or supervisor immediately, not less than 30 days before the projected date of return to work.

4. Returning from Family Care Leave

- a. An employee returning from Family Care Leave will be restored to his or her same or an equivalent position. There is, however, no greater right to reinstatement or other benefits of employment than if the employee had been continuously employed during that period.

- b. An employee returning from Family Care Leave due to his or her own serious medical condition must provide medical certification verifying his or her fitness to return to work and listing any applicable restrictions. Faculty members must provide certification to the chairperson of their departments, and staff members to their immediate supervisor.

- c. Faculty members returning to work after a 16-week Family Care Leave, but not an extended unpaid Leave, may request a one-semester reduction in teaching load with a concomitant reduction in pay. Staff members may also request a part-time position for up to 16-weeks after the initial Family Care Leave. Such reduced work loads will be considered subject to the needs of Samford University.

(Current Samford University policy requires Faculty and Staff to work full time to retain benefits. Either employees would lose benefits if they took option 4c, or the benefits would have to be re-negotiated to cover special cases like 4c.)

