FAMILY AND MEDICAL LEAVE FOR FACULTY POLICY

Purpose:

Policy on benefits available for faculty members related to a family medical leave.

Policy:

General Provisions

It is the policy of Lehigh University to grant up to 12 weeks of family and medical leave during any 12-month period to faculty members meeting the requirements of the Family and Medical Leave Act of 1993 (FMLA).

Eligibility

Upon employment as a member of the faculty at Lehigh University, faculty members are eligible to take family and medical leave under this policy.

Type of Leave Covered

Leaves associated with the following events will automatically be designated as FMLA leave under this policy:
1. The birth of the faculty member’s child in order to care for that child within 12 months of birth
2. The placement in the faculty member’s home of a child for adoption or foster care
3. The care of the faculty member’s spouse, child, or own parent who has a serious health condition, or
4. A serious health condition of the faculty member that renders him or her unable to perform the functions of his or her position.

In order to qualify for FMLA leave under this policy, the faculty member must be certified by his/her medical care provider as unable to work due to his/her own medical condition, or in the case of a seriously ill family member, the faculty member’s certification must include a statement that the patient requires assistance and the faculty member’s presence would be necessary or beneficial.

Eligibility for FMLA leave for birth, adoption, or foster care begins when the child is born or placed in the home, whichever is later. Natural mothers whose leave is certified as medically necessary may be eligible for earlier FMLA leave.

**Use of Paid and Unpaid Leave**

Paid leave is available to faculty members whose leaves are designated FMLA according to the above criteria for the specific period of time (up to 12 weeks) under which the faculty member is certified by his/her medical care provider as unable to work. Paid FMLA leave for the primary care giver in situations of birth, adoption, or foster care is available without medical certification for up to 12 weeks beginning when the child is born or placed in the home, whichever is later. For the purposes of this policy, “primary care” is defined as the day-to-day principal responsibility for the care of a child, and is not intended to include parents whose newborn or newly adopted child is in the full-time care of either a spouse or a professional care provider. In cases for natural mothers whose leave is certified as medically necessary prior to the birth, the paid FMLA leave period will begin upon certification by her medical care provider.

If a faculty member requests leave to care for a child, spouse, or family member and does not meet the FMLA medical certification requirements,
he/she is eligible to request a period of unpaid personal leave of up to 12 weeks. Requests for such leaves must be approved by the faculty member’s immediate supervisor (department chair), the dean of the college, and the provost. The faculty member and his/her immediate supervisor must mutually agree to the duration of the leave prior to its approval.

**Faculty Member Status and Flexible Benefits During Leave**

While a faculty member is on leave, the University will continue his/her flexible benefits during the leave period at the same level and under the same conditions as if he/she continued to be at work.

Under the terms of the Flexible Benefits Plan, the faculty member pays a portion of the cost of the medical coverage premium and the full cost of supplemental life insurance, dependent life insurance, and flexible spending accounts. While on paid leave, the University will continue to deduct his/her share of the premium. While on unpaid leave, the faculty member must continue to make these payments. At the faculty member’s option, arrangements can be made with Human Resources to prepay the employee contribution or to be billed for the amount due by the Bursar’s Office. Payment should be received by the Bursar’s due date each month.

Basic life insurance and Long-term Disability (LTD) coverage will continue at the same level and under the same conditions as if the faculty member continued to be at work.

The University will treat the initiation of an unpaid leave under this policy as a qualifying life event for purposes of suspending or reducing flexible spending account balances or dropping plan coverage.

**Other Benefits During Leave**

The faculty member’s entitlement to other benefits during the leave is based on the terms and conditions of those benefits.

In the case of paid FMLA leave, he/she will continue to receive all benefits to which he or she would be entitled if not on leave, including the retirement program, tuition benefits, FSAP access, ID card, and parking hang-tag.

If the faculty member is on an unpaid personal leave not related to his or her own serious health condition, retirement program contributions will cease at
the end of the month in which the leave begins and will begin again when the faculty member returns to work. The contribution for the month in which the faculty member returns to work will be prorated based on his/her actual work schedule during that month.

**Intermittent Leave or a Reduced Work Schedule**

The faculty member may take FMLA leave in 12 consecutive weeks, may use the leave intermittently, or under certain circumstances may use the leave to reduce the work week or work day resulting in a reduced hour schedule. In all cases, the FMLA leave will not exceed a total of 12 weeks over a 12-month period.

If a faculty member is taking leave for a serious health condition or because of the serious health condition of a family member covered under this policy, the faculty member should when possible try to reach an agreement with his or her immediate supervisor before taking intermittent leave or working a reduced schedule. If this is not possible, the faculty member must provide medical certification that the use of the leave in this manner is medically necessary.

If the need for intermittent leave or a reduced work schedule is foreseeable, faculty may be transferred to alternate teaching schedules or assignments which better accommodate the future intermittent leave or reduced work schedule. Intermittent or reduced work leave will be paid or unpaid as determined under the policies outlined above.

Intermittent or reduced work schedule leave for the birth, adoption, or foster care of a child without medical certification is available only if the faculty member and his/her immediate supervisor mutually agree to the schedule before the faculty member begins the leave. All FMLA leave for birth, adoption, or foster care of a child must be taken within one year of the birth or placement of the child.

**Impact of Leave on Probationary and Review Periods**

Consistent with Section 2.2.5.6.2 of the *Rules and Procedures of the Faculty*, “semesters on leave of absence for impaired health, maternity, or other personal reasons” may be excluded from the pre-tenure probationary period. If a faculty member utilizes FMLA rights during the summer, the time spent on FMLA leave of absence may be excluded from the pre-tenure probationary
period. These provisions are also extended to tenured associate professors who are being reviewed for promotion. The amount of additional time extended must be approved by the provost.

**Certification of Serious Health Condition**

The University will ask for certification of a serious health condition. The faculty member should respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a delay or denial of the leave. Medical certification may be provided by using the “Leave Request Form.”

Certification of the serious health condition shall include the date when the condition began, its expected duration, diagnosis, and a brief statement of treatment. For medical leave for the faculty member’s own medical condition, the certification must also include a statement that the faculty member is unable to perform the essential functions of his/her position. For a seriously ill family member, the certification must include a statement that the patient requires assistance and that the faculty member’s presence would be necessary or beneficial.

The University has the right to ask for a second opinion if there is a question concerning the need for, or duration of, the leave, or other information contained in the certification. The University will pay for the faculty member to get a certification from a second doctor of the University’s choice.

If it is necessary to resolve a conflict between the original certification and the second opinion, the University will require the opinion of the third doctor. The University and the faculty member will jointly select the third doctor and the University will pay for the opinion. This third opinion will be considered final.

**Procedures for Requesting Leave**

Except where leave is not foreseeable, all faculty members requesting leave under this policy must submit a “Leave Request Form” to their immediate supervisor for approval. The department chair shall then forward the requests to the Dean’s Office for consideration. The Dean’s Office will forward approved requests onto the Provost’s Office for review and processing. The Provost’s Office will notify the faculty member via letter regarding official approval of the leave.
If a faculty member is taking FMLA leave, he/she should inform the appropriate department chair and dean as soon as possible to permit them the maximum amount of time to address instructional issues and faculty assignments for the leave period. If the leave is for the birth of a child, the faculty member should inform the appropriate department chair and dean of the pregnancy and the anticipated leave dates necessary as soon after the first trimester as possible.

When possible, faculty members should provide at least 30 days advance notice of their plans to take leave. If it is not possible to give 30 days notice, the faculty member should provide as much notice as possible. A faculty member undergoing planned medical treatment is expected to make a reasonable effort to schedule the treatment to minimize disruptions to departmental operations.

If a faculty member fails to provide 30 days notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least 30 days from the date the University receives notice. Where the faculty member is unable to provide 30 days notice because of unforeseeable circumstances, the faculty member is required to provide notice of the need as soon as it becomes known.

FMLA leaves that fall within the semester will be handled in such a way that ensures minimum disruption to the instructional mission of the university. To ensure continuity in instruction in such cases, the faculty member may be assigned to work in a capacity other than teaching for the period immediately prior to and/or following the FMLA leave. Such assignments will be made by the department chair, pending the approval of the dean. The faculty member will be required to report back to the chair and dean regarding his/her accomplishments during the period in which other work assignments replaced teaching to accommodate the FMLA leave.

While on FMLA leave, faculty members are to report every 30 days regarding the status of the medical condition and their intent to return to work.

**Returning to Work after a Leave**

If the faculty member is on a leave related to the faculty member’s own serious health condition, permission to return to work must be provided by the
faculty member’s attending medical care provider.

**Keywords:** Illness, STD, FMLA