

UPP 4-03: Leaves of Absence University Policies & Procedures

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WHY DO WE HAVE THIS POLICY:

A leave of absence is approved time off from the employee's job for valid medical, personal, military, or other circumstances, in accordance with university guidelines, and as required by State and Federal regulations. It is the goal of the university to administer and provide leaves of absence to its employees, for legitimate purposes, and to accommodate the needs of employees, while assuring adequate staffing levels for university departments and divisions.

WHAT IS THE POLICY:

All regular full-time and regular part-time faculty, staff, and administrators, who have been employed by the university for a minimum of six months, are eligible to apply for a leave of absence. In addition, temporary full-time employees, who have been employed for a minimum of one year, also are eligible. For purposes of the [Federal Family and Medical Leave Act \(FMLA\)](#), an employee is eligible for leave if he/she is employed for 12 months and has worked 1,250 hours or more during the twelve months before leave is requested. Under the Wisconsin FMLA, an employee must work 1,000 or more hours during the 12 months before a leave is requested.

An employee's record of continuous service will not be broken by a leave of absence of six months or less, whether with or without pay. Employees returning from a leave of absence within six months, either to their former position or to a different position, will be credited with no break in service. After six consecutive months on a leave of absence, an employee's leave time will not be counted toward the calculation of length of service. The employee will receive credit toward length of service for all time accrued up to the six-month time limit.

All medical, personal, or parental/caretaking family leaves, granted under the university's Leaves of Absence Policy, shall comply with the legal provisions of the [Wisconsin Family and Medical Leave Act](#) of 1988, the Federal Family and Medical Leave Act of 1993, and any current/updated rulings made in conjunction with either of these acts, and shall run concurrently. Marquette University also will run all approved Worker's Compensation cases concurrently with the previously mentioned Federal and Wisconsin Family and Medical Leave Act. When considering request for leaves, the operational needs and requirements of the university will be a contributing factor in the decision to grant a leave of absence, as well as any subsequent extensions.

I. Family Medical Leave Act

The university will provide the mandated total of 12 weeks of unpaid leave per calendar year of job protection entitlement afforded to its employees by Federal and State Law.

A. Parental Leave

The university will provide an employee up to a total of 12 weeks of unpaid leave in any calendar year to care for a child after childbirth, or as a result of the placement of a child for adoption or foster care, within the first twelve months after childbirth or the placement of the adoptive/foster child. When both spouses are employed at Marquette University, total combined leave may not exceed 12 weeks. Employees may choose to substitute, or may be required to substitute, accrued paid leave time, e.g., vacation or sick, for part or all of the statutory unpaid period up to a total of 12 weeks per year for birth, adoption, the recovery of the mother following childbirth, or any combination of these events. The employee must notify his/her supervisor and the Department of Human Resources prior to the official start date of the leave.

B. Parental Leave (faculty)

In the event of a need for a maternity/paternity leave for a Marquette faculty member, any part of which falls in the midst of an academic semester or session, the faculty member may invoke all leave rights under the university Family and Medical Leave policy, and nothing in this policy shall preclude any faculty members from taking full advantage of such rights. The university recognizes, however, the unique situation presented by the teaching role of faculty and the need of our students to have a positive and effective educational experience. To that end, the university affords the following options to full-time regular faculty with respect to their teaching role as related to maternity/paternity leaves:

Plan 1: A full-time regular faculty member may opt to take a medical leave as required and return to full duties, including teaching, with only a minimal disruption in schedule as determined by the dean of the college. Under such circumstances, any period of leave, if any, will be compensated as provided under the university Family and Medical Leave policy and the faculty member will be fully compensated upon return to full duties, including teaching.

Plan 2: A full-time regular faculty member may opt to take a medical leave as required and assume alternative duties for the remainder of the semester, with no teaching duties for any part of the semester. Such alternative duties, which may include research, service, advising and/or administrative assignments, shall be sufficient to constitute a full-time workload. Since the nature of academic activity varies so greatly across campus, it is the prerogative of each dean to establish guidelines for such alternative duties under this policy, as well as to make individualized arrangements with a particular faculty member selecting this option. Under such circumstances, any period of leave will be compensated as provided under the university Family and Medical Leave policy and the faculty member will be fully compensated upon assumption of such alternative duties.

Plan 3: A full-time regular faculty member may opt to be relieved of all duties for the full semester. Under such circumstances, this leave shall be compensated to the extent allowed by the university Family and Medical Leave policy and any remainder of the semester shall constitute unpaid leave.

In the context of collegial leave management, the dean and the faculty member requesting leave should work together to minimize the impact of the leave and any alternative duty arrangements on students and to minimize the need for replacement costs. All such costs shall be handled by the college.

Upon completing and submitting to the Office of the Provost the [Parental Extension Form](#), a tenure track faculty member who becomes the parent of a child (either by birth or adoption), shall be eligible for an automatic one-year extension of the time period for conferral of tenure. This automatic extension, however, may be waived if the faculty member so desires and so indicates by selecting the appropriate block on the Parental Extension form.

No more than two extension requests will be granted, however, the second extension request (for the birth or adoption of a subsequent child) must be submitted in writing to the Office of the Provost. Such request will not be automatically granted but rather is subject to approval of the Provost.

The [Parental Extension Form](#) for the automatic extension of the time period for conferral of tenure may be downloaded from the Provost web page and must be filed with the Office of the Provost no later than the beginning of the academic year following the date of the birth/adoption. No request may be made after June 15 preceding the time-bound year.

C. Caretaker Family Leave

The university will provide an employee up to a total of 12 weeks of unpaid leave in any 12-month calendar period to care for the employee's child, spouse, or parent who has a "serious health condition." Such condition is defined as a

disabling physical or mental illness, injury, impairment, or condition involving either in-patient care or out-patient care that requires continuing treatment by a health care provider. The requested leave may be taken all at one time or intermittently, i.e., by working fewer days in a week, or fewer hours in a day. Employees may elect to substitute, or may be required to substitute, accrued sick days, or short-term disability (where applicable), for part or all of the statutory unpaid period. Accrued vacation may also be used to extend the leave, if necessary.

D. Medical Leave

The university will provide an employee up to a total of 12 weeks of unpaid leave in any 12 month calendar period, or paid leave, to the extent the employee has accrued such time, for the employee's own serious health condition (defined as an illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility; or continuing treatment by a health care provider) where the employee is unable to perform his/her job. This requested leave may be taken all at one time or, in isolated instances, intermittently, i.e., on a reduced time basis, if medically necessary to do so. A medical leave of absence may be approved for extension, but in no case may it exceed a 21-month period.

E. Military Leave

The university will provide an employee military pay for annual military service, such as annual reserve training, for up to two weeks. Since the military pay from the government is normally less than the full pay employees earn, the university will make up the difference so that the employee's pay will be kept whole. In order to be eligible for military pay from the university, advance notice to the Human Resources Department and documentation are necessary. For other active military service, the university will provide an employee his/her pay, without any offsets, for the first two weeks of active call-up duty. In addition, the university will provide an employee unpaid leave time, in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA), and all other applicable Federal laws. The above leave provisions shall not apply to those employees who terminate employment to voluntarily enlist in the U.S. military.

F. Personal Leave

The university may provide an employee an unpaid leave of absence, up to but not exceeding 12 months, for personal reasons. Such a request must be for a specific period of time, be accompanied by a letter of explanation, and may or may not be approved by the university, depending upon the operational needs of the department.

G. Academic/Professional

The university may provide employees access to professional leaves of absences, i.e., sabbatical, academic, etc. Examples of this type of leave will include sabbaticals, professional development, etc. The employee's dean and the university provost, or respective vice president and the senior vice president, must approve all such leaves in advance. The university reserves the right to approve or deny such leaves, and to define benefit eligibility and premium arrangements, for individuals granted such leaves.

H. Spiritual Development

The university may grant two days per year for any non-faculty employee who wishes to make a spiritual retreat. Retreats of more than one day must be taken in a one-to-one match with vacation or personal days. Thus, if a person wants four days off to make a retreat, he or she may be granted two retreat days, and must take two vacation days, or one vacation day and one personal day. Retreat leave of one day may be granted, without matching vacation or personal days, if a person wishes to take a one day retreat. In all cases, in order to ensure that important services do not lapse because of absences from the university, a person must receive the advance approval from his or her supervisor for the time away from the university.

HOW DO I IMPLEMENT THIS POLICY:

Employees, seeking a leave of absence under this policy, must submit a written leave request to their department head or Human Resources at least two weeks prior to the start of any such leave, unless it is determined to be an emergency situation, in which case the leave request must be submitted as soon as practical. The department head then will forward the request, with their recommendation, to the Department of Human Resources for processing. This request must include all appropriate documentation, including complete doctor's certification, in the case of a medical leave, parental family leave and caretaker family leave, and official military leave orders, in the case of military leave. In all cases of requests for a leave of absence, the university reserves the right to request complete, timely (at least 15 calendar days after the employer's request), and periodic documentation substantiating the reasons for the leave. In the event that satisfactory, timely medical certification is not provided to the employer in the case of medical leaves the university may or may not grant approval for the leave.

Upon receipt of the employee request for leave under the FMLA, Marquette, specifically the Department of Human Resources, will provide the employee with written notice detailing the specific expectations, rights and obligations of the employee and explaining the consequences of a failure to meet these obligations. This written notice shall be provided within a reasonable and timely fashion after notice of the need for leave is given by the employee—within one or two business days if feasible.

I. Return to Work

Employees must return to work on the first workday following the expiration of the leave of absence. Employees who do not do so will be considered to have resigned their employment. Employees on a medical leave, prior to returning to work, must present a physician's statement that they are physically capable of resuming their assigned duties,

otherwise they would not be allowed to return to work. In this scenario, the employee would be subject to the university's policies on attendance.

For Parental/Caretaker Family Leave, Medical Leaves, and Military Leaves, up to a 12-week period, a returning employee will be placed in his or her prior position, if vacant. If not vacant, the returning employee will be placed in an "equivalent" position (one having equivalent compensation, benefits, hours, and other terms and conditions of employment). For employees returning from a personal leave and for all other leaves that extend beyond a 12-week period, the university will make every effort to return the employee to his/her prior position, if vacant. If not vacant, the university will make a good faith effort to place the employee in the first available "equivalent" position. However, such placement shall not be guaranteed.

II. Effects on Benefits

A. Non-insurance benefits, such as vacation and sick days, do not accrue during an unpaid leave of absence, except in the case of active military call-up where vacation shall continue to accrue up to the end of the fiscal year in which the call-up occurs. In addition, employees on a leave of absence, or who are off due to a compensable worker's compensation incident, who are in an unpaid status during a scheduled holiday, will not be eligible to receive holiday pay. University policy requires employees to work, both the day before and the day after a scheduled holiday.

B. Group Insurance Benefits

The following group insurance benefits may be continued during a leave of absence:

1. Medical Insurance
2. Dental Insurance
3. Life Insurance
4. Long-Term Disability Insurance
5. [TIAA-CREF](#) Retirement Plan: The university does not make contributions on behalf of the employee if the employee is in an unpaid status. The employee can remit his/her portion only, or both university and employee portions, on an after-tax basis.
6. Flexible Spending Account (FSA) Dependent and/or Medical (may be continued, only if employee is in a paid status)

C. During an approved medical leave of absence, including an approved worker's compensation claim and covering the 12-week FMLA period, the university will continue to pay its portion of the premiums for medical, dental, life and long-term disability insurance for a period not to exceed six months. The employee also must continue his/her monthly contribution. Employees may continue group insurance for an approved leave of absence beyond six months, by paying the

entire premium and must elect the COBRA health care continuation when offered by the employer following the 12-week FMLA period. Upon the COBRA election, the employer will continue to pay its portion of the monthly medical premium for the 3-month period immediately following the 12-week FMLA period. Employees, who terminate employment during their leave of absence or prior to 2 weeks after their return to work, may be responsible for the repayment of the university's portion of all active benefits during said leave of absence.

- D. If an employee elects to continue insurance beyond a six-month leave of absence period, he/she must have elected the COBRA health care continuation following the 12-week FMLA period, and must remit the entire monthly premium, both employee and university portion. Payments must be received by the 15th of the month prior to the month to which the premium applies. In no case may an employee on a leave of absence continue group insurance beyond a twenty-one month period.
- E. During a personal leave of absence, the employee will be responsible for the **FULL** portion of all applicable benefits. This benefit applies to employees who have worked a minimum of 1,000 hours during the preceding 52-week period with the university.
- F. The university will continue to pay its portion of the premium for all group insurance coverages during annual military training duty (maximum of two weeks). While on an extended active military service leave, such as the 1991 U.S. Military Operation Desert Storm, employees shall be eligible for continued university service accrual for a period of up to six months, and job reinstatement rights in accordance with USERRA. Employees may continue medical/dental coverage, as if actually at work, for up to three months while on active duty. All group benefits will be reinstated immediately upon return to active employment, provided all requirements under the USERRA are met.
- G. Marquette's contribution to the Retirement Plan may be resumed if 1,000 hours of service are performed within the employee's anniversary year, and if employee continued to contribute 5% of his/her gross pay during the paid leave (either before or after taxes).
- H. While in a paid status, vacation and sick time do accrue. However, any accruals during a leave of absence are not eligible for use during the leave of absence it is accrued in.

ADDITIONAL RESOURCES AND FORMS:

Employee Handbook: <http://www.marquette.edu/hr/handbook/index.html>

Human Resources Benefits: <http://www.marquette.edu/hr/benefits.html>

Wisconsin's Family and Medical Leave Act:

http://www.dwd.state.wi.us/er/family_and_medical_leave/default.htm

Parental Extension Form:

<http://www.marquette.edu/provost/forms/documents/AcademicDivisionPolicy-ParentalLeave.doc>