



NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY

SEC. II—FACULTY--Benefits 1.0

SERIOUS ILLNESS AND DISABILITY LEAVE FOR FACULTY

ADMINISTRATIVE POLICY

FACULTY HANDBOOK

Appendix C-5

I. Coverage

This policy applies to faculty members who do not accrue sick leave and are eligible to participate in the N.C. Teachers' and State Employees' Retirement System or the UNC Optional Retirement Program (i.e. continuing faculty who are employed at least 75% of full-time). Coverage is limited to those faculty members who are eligible under the provisions of the Family and Medical Leave Act (FMLA) (i.e. those who have been employed at least one year and have worked at least 1,040 hours within the last 12 months).

II. Eligibility

A faculty member covered by this policy is eligible for paid leave under the following conditions, consistent with qualifying conditions under the FMLA:

- The birth of a child and to care for the newborn child after birth. Note: An expectant mother may take leave before the birth of the child for prenatal care or if her condition makes her unable to work or requires a reduced work schedule.
- The placement of or to care for a child placed with the employee for adoption or foster care. Note: Leave may be granted before the actual placement or adoption of a child if an absence from work is required for the placement for adoption or foster care to proceed.

- The serious health condition of the employee's child, spouse, or parent that requires the employee's care;
- The serious health condition of the employee that prevents the employee from performing the essential functions of his or her job.

III. Serious Illness and Disability Leave

- A. A faculty member who is eligible for leave under this policy pursuant to Section II is entitled to a salary continuation for up to sixty calendar days within a single academic semester, starting from the first day of the qualified absence. The faculty member may be entitled to additional unpaid leave under the FMLA or North Carolina Family Illness Act.
- B. A faculty member with a balance of accrued leave from a prior 12-month appointment shall exhaust that leave before receiving leave under this policy.
- C. Employees are eligible for short-term disability benefits under the N.C. Disability Income Plan if they have at least one year of contributing membership service in the N.C. Teachers' and State Employees' Retirement System or the UNC Optional Retirement Program earned within the 36 calendar months preceding the disability. Benefits become payable following a 60-day waiting period from the date of disability onset. Leave under this policy may be exhausted prior to participation in the N.C. Disability Income Plan.

The faculty member may apply to the Benefits Office in the Department of Human Resources at N.C. A&T for salary continuation through the N.C. Disability Income Plan and through the optional disability plan, if eligible.

The UNC System offers, for a premium, a supplemental disability policy to supplement the State's disability program. This may be obtained through N.C. A&T's Benefits Office.

- D. Any unused leave under this policy shall not be
 1. accumulated or carried over to another academic year;
 2. allowable as terminal leave payment when the faculty member leaves the University; or
 3. used to extend years of creditable state service for retirement benefit purposes.

IV. Procedure for Requesting Leave

- A. Faculty members should request leave in writing to the department chair. Requests for leave should be submitted as least 60 days in advance of the leave or as soon as practicable after the need for leave is foreseeable.
- B. The University may request medical verification of the faculty member's illness or disability, including a physician's statement about the probable length of absence from

normal duties, as would be required under the FMLA. If the request is for the purpose of caring for a family member or dependent, the University may also request medical verification of that person's illness or disability and may also inquire about the circumstances which make it impossible or difficult for the faculty member to carry on with normal duties. To facilitate the gathering of necessary verification, the department chair may request the assistance of the Benefits Office in the Department of Human Resources.

- C. The department chair will make a recommendation to the dean concerning whether or not to grant the request for leave.
- D. The dean is responsible for deciding whether or not to approve the request for leave and provides written notification to the department chair and the faculty member. If leave is denied, the written notification should include the grounds for denial.
- E. If the request for leave is denied, the faculty member may appeal the denial to the Provost by forwarding the request for leave and the dean's written notification of denial of the request to the Provost within five (5) business days. Within fifteen (15) business days, the Provost shall make a decision and notify the faculty member, the dean, and the department chair of his or her decision.

V. University Responsibilities

- A. The department chair is responsible for securing, to the extent possible, substitute personnel for the duration of the faculty member's leave. Any adjustments in work schedules within the department are at the discretion of the department chair, with the approval of the dean, and are subject to departmental and institutional needs and resources.
- B. The cost of substitute personnel is the department's responsibility. In recommending approval of a leave request to the dean, the department chair will certify that he or she is prepared to develop a plan to cover the responsibilities of the faculty member for the duration of the leave.
- C. The need for securing and paying the cost of substitute personnel should not be a factor in the decision whether to approve a request for leave under this policy.

VI. Confidentiality

Communications concerning leave requested or granted under this policy are subject to the same confidentiality requirements as other personnel records.

VII. Record Keeping

Since this policy provides an important financial benefit, accurate records on its invocation must be maintained. The Benefits Office of the Department of Human Resources will be

responsible for maintaining medical certifications and other documentation that must accompany requests for leave consistent with the FMLA.

VIII. Coordination with Other Policies

- A. Paid leave provided under this policy has no effect on the faculty member's other employment benefits.
- B. All periods of paid leave under this policy will be construed as family and medical leave under the FMLA. The FMLA entitlement of 12 weeks of leave without pay will run concurrently with any period of paid time off.
- C. 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 a serious illness of a child, spouse, or parent.
- D. At the time a request for leave under this policy is granted, the faculty member, the department head, dean, and the Provost will agree in writing whether time spent on leave will count as probationary service (i.e., whether the tenure clock continues to run). In the absence of an agreement or if the parties fail to reach an agreement, time spent on leave will count as probationary service.

A faculty member granted leave under this policy may have his or her five-year post-tenure review delayed by a period agreed upon by the faculty member, department head, and dean.

- E. Faculty members will not be penalized in their condition of employment because they require time away from work caused by or contributed to by conditions such as pregnancy, miscarriage, childbirth, or recovery. Requests for leave because of these conditions shall be treated the same as a temporary disability.

Approved by the Chancellor

Date revision is effective: upon approval

First approved: February 21, 2007

Revised: August 27, 2018