

DEO Workshop Series: Leaves of Absence

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November 22, 2022



Focus for Today

- **The role of DEOs in the leave of absence process for faculty.**
- **This session will cover the following types of leaves:**
 - Educational Leaves (Academic Leave of Absence)
 - Personal Leaves
 - Faculty Development Fellowship (*also known as faculty development leave or sabbatical*)
 - Family Medical Leave Act (FML)
- **Please note - This session supplements information that can be found on the following webpages:**
 - <https://executivevc.unl.edu/policies-bylaws/leaves>
 - <https://nebraska.edu/faculty-and-staff/resources/employee-leave>
 - <https://nebraska.edu/-/media/projects/unca/faculty-staff/resources/employee-policy-manual.pdf#page=8>
 - <https://ianr.unl.edu/policies/faculty-development-fellowship-program-ianr-supplemental-guidelines>
 - <https://hr.unl.edu/policies/leave/>
 - *Provides differences in leave accrual and benefits for Office/Service and Managerial/Professional positions.*



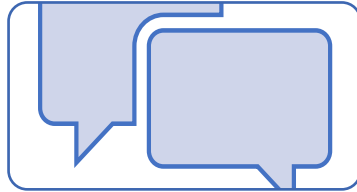
Leave of Absence Forms by Type

Leave Type	Forms
Educational (Academic Leaves of Absence)	Application for Leave of Absence + Appropriate Documentation If receiving pay (even partial pay) from the university to supplement, also complete Leave of Absence with Full or Partial Pay form .
Personal (Generally leave without pay)	Application for Leave of Absence + Appropriate Documentation
Faculty Development Fellowship (also known as Faculty Development Leave)	The Application for Faculty Development Fellowship + Applicant Statement
Family Medical Leave	Application for Leave of Absence FML Request Form Certification of Health Care Provider



Leave of Absence – General Items

Faculty who intend to apply for any type of leave should discuss plans with the *dept. chair* in advance of submitting a formal request.



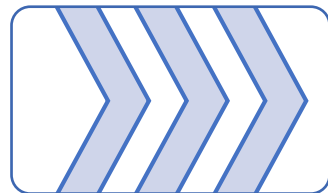
Important to discuss reasons for taking leave.



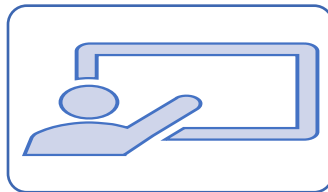
What leave type is appropriate for the intended purpose.



Identify questions/clarifications to be addressed early on and who is point of contact for questions.



Discuss applicable department, college and/or university procedures/deadlines.



Reminders around leaves of absence options – annual evaluation meetings, dept.-wide meetings, regular email communications, other applicable communication opportunities.



Leave of Absence – General Items

It is important that the *chair/head/director* and the faculty member agree ahead of time on what work, if any, is expected during the leave, and how that work will be evaluated.

Discussions/decisions around whether a temporary reapportionment of duties is appropriate.

Section 4.3 BOR Bylaws dictate that any change in apportionment must be by mutual agreement between dept. chair and faculty member; if such agreement cannot be reached, matter should be reviewed by elected faculty committee in faculty member's home college.

Each faculty member must be evaluated annually regardless of whether faculty member is on leave for all or part of the evaluation period.

Description of work to be done during leave (if any) and description of how work will be evaluated.

Any faculty committees performing annual evaluations, salary advice, or P&T recommendations must receive copy of forms so evaluations can be performed according to agreements (e.g., leave of absence; faculty development fellowship).

It is the responsibility of the chair/head/director to ensure that this happens.



Educational Leave – Academic Leaves of Absence

- **Opportunities that may require Educational Leave of Absence (Examples include but not limited to):**
 - Fellowships (*not University Faculty Development Fellowship program*)
 - Prestigious appointments
 - Special awards
 - Agency programs (e.g., NSF, NIH, USDA)
 - Fulbright Scholar Program
 - Visiting Scientist
- **Requests should be made early enough** for department chairs to be able to assess the ability to cover faculty duties for program maintenance.
- **The process agreed upon by the EVC and Chancellor's Office with the President's Office is that leave of absence requests are only sent once a month.**
 - Generally takes at least two weeks to complete the full approval process. Please keep this in mind when submitting leave of absence requests. (FMLA requests do not go to the President's Office and do not take as long to approve).
- **For specific information on policies and requirements regarding academic leaves of absence with full or partial pay, go to:** <https://executivevc.unl.edu/documents/Academic-Leave-of-Absence-with-Full-or-Partial-Pay-Agreement.pdf>



Educational Leave (Academic Leaves of Absence) - Leave of Absence Form

- **General Information**

- Request for leave will be (with pay*, with partial pay*, or without pay)

**Need to fill out Academic Leave of Absence with Full or Partial Pay Agreement Form*

- Attach appropriate documentation - *Do not use this form for leave associated with a Faculty Development Fellowship. Instead, use the Application for Faculty Development Fellowship Coversheet.*

- **Evaluation Considerations:**

- Apportionment information:
 - In some cases, a temporary reapportionment of duties may be appropriate, for the duration of the leave.
 - In cases of leaves without pay, no work should be expected of the faculty member during the period of leave, and apportionment should be set to "0" in every category.
 - If a temporary reapportionment is appropriate, or if leave is taken without pay or with partial pay, then method for completing overall evaluation when the period of evaluation overlaps with the dates of leave should also be clarified.
 - Description of work to be done during leave (if any) and how work will be evaluated.



Personal Leave of Absence

- Any leave that does not fall within the other categories of leave – this could encompass many situations.
- **Generally Leave of Absence without pay:**
 - Regular employees may be granted leave of absence without pay for maximum of 1 year.
 - *For professional staff leave of absence may be extended one (1) additional year as granted by BOR.*
 - Upon return from leave, the employee shall be entitled to the same or comparable position subject to budgetary limitations.
 - A leave of absence shall be granted only when it is in the best interest of the University.
 - Sick leave and vacation leave shall not accrue during a leave of absence. All unused vacation leave shall be used prior to the effective date of the leave of absence. All unused accrued sick leave shall be carried forward upon return from the leave of absence.
 - For the purpose of service award recognition, an employee's service date is adjusted for leave of absence without pay.

Personal Leave of Absence - Application for Leave of Absence

- ***It is important that the chair/head/director and the faculty member agree ahead of time on what work, if any, is expected during the leave, and how that work will be evaluated.***
 - In cases of leaves without pay, no work should be expected of the faculty member during the period of the leave, and the apportionment should be set to "0" in every category for temporary reapportionment of duties.
 - Method for completing overall evaluation when the period of evaluation overlaps with the dates of leave should also be clarified.
- **In cases of unplanned/emergency leaves:**
 - Faculty should write "TBD by (date)" in space at end of this section, leave the remainder of this section blank, and plan to submit a second copy by date indicated.

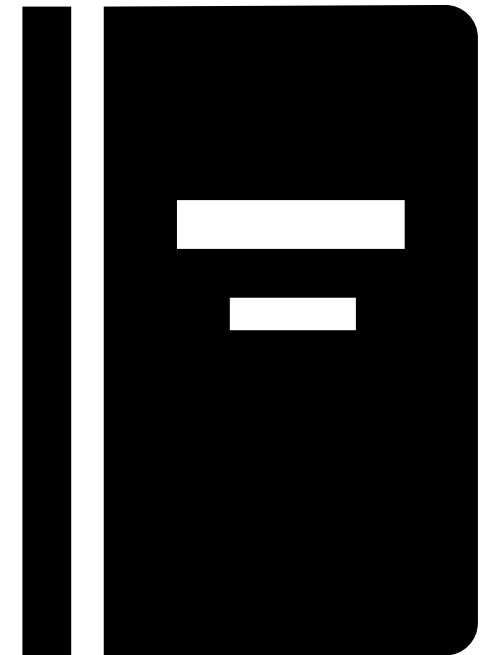




Faculty Development Fellowship (FDF)

- General expectations, requirements, and guidelines
- Policies and procedures
- Common questions/issues

*Faculty should consult with their **department chair** early in the planning process regarding appropriate timing and activities for their FDF and any unit-specific information and/or deadlines that may apply.*





FDF Program - General Overview

- **Eligibility:**

- Faculty who have held full-time appointments within the University of Nebraska for six years or more at the rank of assistant, associate, or full professor, or at the rank of assistant, associate, or full professor of practice.

- **Purpose:**

- Engage in scholarly research (study, research, and/or writing), creative/artistic activity, study of teaching (curriculum development or improvements in instructional practice) or professional innovations. *The program cannot be used for the purpose of pursuing an advanced degree.*

- **Availability:**

- Awarded on a competitive basis rather than as an automatic reward for years of service: each year university wide, there is one FDF available for every 10 eligible faculty members.

- **Timing between FDFs:**

- Faculty are encouraged to take advantage of this opportunity throughout their careers, and six full years of service must elapse between FDFs (*This means 6 full years from the end of one FDF to the start date of the next FDF*).

FDF Program - General Overview Cont.

- **Faculty Pay/University contributions:**

- FDF provides full pay for one-half of normal annual appointment period, or 50% of regular pay for all of normal annual appointment period.
- In the latter, faculty member may accept outside funds as a supplement, up to the level of the faculty member's normal full-time compensation.
 - *The BOR policy allows supplementing the fellowship stipend with outside funds as long as total monthly compensation does not exceed the level established by the BOR at the beginning of the fiscal year.*
 - *State appropriated, tuition, federal formula, revolving, grant or contract funds are not considered outside funds. However, grant or contract funds can be used as supplemental salary/fringe benefit funding if award letter specifically identifies that funds are to be used for this purpose.*
- During the FDF, University will continue to make its full contribution to the various employee benefit programs in which the individual is enrolled.

- **Employment Requirements/Policies:**

- It is required that faculty member spend at least one year in the employment of the University after completing the FDF or reimburse the University for the full amount, including benefits.
- Faculty member full FTE still resides at the university during the time of a FDF and all normal university policies and procedures apply (e.g., Interest and Outside Activity Reporting Form (IOARF), travel policies, etc.).





FDF Program - General Overview Cont.

- **Reporting requirements:**

- Upon return to normal academic duties (*EVC office specifies within 30 days of returning to normal academic duties*), the faculty member is required to file a written report on the activities of the FDF.
- The faculty member should submit this report to their **chair/head/director**, who will forward it to the relevant dean, who will forward it to the EVC or VC-IANR, as appropriate.

- **If FDF cannot be implemented:**

- If, after a FDF is awarded, it becomes apparent that the specific proposal for the fellowship cannot be implemented, the award may be continued on the basis of an alternative proposal, or deferred, or withdrawn, upon mutual agreement by the faculty member, **the dept. chair**, the dean, and the appropriate Vice Chancellor (Vice Chancellor for IANR, and the Executive Vice Chancellor for all other faculty).

FDF Application Process

- **Each college/department should follow processes for developing/approving requests.**
 - *In CEHS have an internal review process that involves Dean, Assistant Dean for Business and Finance, Associate Dean for Faculty Affairs, and Business Manager*
 - *Work as a team with Dept. Chair and faculty member regarding needed revisions and have EVC office contacts pre-review to help with questions/clarifications prior to officially routing through DocuSign for signatures.*
- **Application processes and guidelines depending on majority appointment:**
 - [Office of the Executive Vice Chancellor \(EVC Office\)](#)
 - Faculty that have majority Academic Affairs appointment
 - Applications will be processed by Faculty Affairs in the EVC Office as they are received.
 - *However, it is recommended that applications for fall or academic year leaves be received by March 1 and applications for spring leaves be received by September 1. Colleges and departments may have additional deadlines.*
 - [Institute of Agriculture and Natural Resources \(IANR\)](#)
 - Faculty that have majority IANR appointment (Extension and/or ARD Research)
 - It is expected that these requests be submitted ahead of time – 12-month leaves or academic year leaves need to be through the process and in Varner Hall by April 15 and the second semester leaves need to be in Varner Hall by October 15th.





FDF – Application Considerations

- **For those that have taken previous leaves**, identify whether enough time has elapsed between them
 - This means 6 full years from the end of one FDF to the start date of the next FDF
- **Statement of how applicant's duties will be covered during leave**
 - Make sure to include enough details on this (courses, student advising, service-related, etc.)
- **Temporary Reapportionment of Duties – typically faculty will select no, when should have selected yes based on their proposal**
 - In many FDF situations, a temporary reapportionment of duties may be appropriate.
 - The focus of the FDF will determine how the temporary reapportionment is structured
- **Evaluation Considerations – Often evaluation either isn't covered or needs more details**
 - Important that chair/head/director and faculty member agree ahead of time on how work performed during FDF will be evaluated.
 - Provide brief summary of the work to be done and a description of how that work will be evaluated.
 - Include statement of how overall evaluation will be completed when period of evaluation overlaps with dates of the leave.
 - *In CEHS – we developed an evaluation template that covers any temporary changes in apportionment, what is required from the College, and allows for tailoring/adding department specific information regarding annual evaluation considerations.*



Family Medical Leave Act (FMLA)

- **Eligibility:**

- UNL and the Federal Family and Medical Leave Act of 1993 (FMLA) provide eligible employees with up to twelve weeks of unpaid* leave for certain family and medical reasons.

**If other leave is available can be paid*

- All regular academic/administrative, managerial/professional and office/service employees of the University of Nebraska with an FTE of .50 or greater, are eligible for family/medical leaves of absence.
- Other employees (including graduate student and temporary employees) who have worked for at least 1,250 hours during the year preceding the start of the requested leave are also eligible according to the provisions.

Forms and Links

- [FMLA Poster](#)
- [FML Request Form](#)
- [Certification of Health Care Provider](#)
- [Family/Medical Leave Policy](#)

Learning Resources available at:

<https://hr.unl.edu/er/fmla/>

- Watch the Family Medical Leave Overview video - This is a 7-minute video useful for any employee who needs basic information about Family Medical Leave.
- Take the 35-minute self-paced e-learning module for Supervisors and HR/Business Partners. It provides detailed information for supervisors along with employees who are responsible for administering Family Medical Leave.

<https://hr.unl.edu/er/fmla/>



Reasons for Taking FML

1. To address maternal/paternal concerns related to the birth or adoption of a child, or the placement of a child with the employee for foster care;
2. To address a serious health condition of the employee's spouse, child* or parent**; A serious health condition shall mean a disabling physical or mental illness, injury, or impairment which requires any of the following:

- a. In-patient care in a hospital, nursing home, or hospice; or
- b. Constant in-home care; or
- c. Continuing treatment by a health care provider.

**Child shall mean a biological, adopted or foster child, a stepchild, a legal ward, or other child for whom the employee has day-to-day responsibility to care for and financially support.*

***Parent shall mean a biological parent or other individual who has day-to-day responsibility to care for and financially support the employee when the employee was a child, or a person bearing the same relationship to the employee's spouse.*

3. To address the employee's own serious health condition that renders the employee unable to perform essential functions of the job; or
4. In association with a death in the immediate family.
 - a. "Immediate family" shall mean spouse, children, parents, grandchildren, grandparents, or persons bearing the same relationship to the spouse. The term shall also include brothers, sisters, brothers-in-law, and sisters-in-law.

Substituting Paid Leave for Unpaid FML

- In such cases, paid leave time will apply toward FML leave period as defined in [Section D.1](#).
 - Total use of FML by employee may not exceed 12 workweeks in any rolling 12-month period, measured backward from date an employee uses any FML.
 - Under exceptional circumstances if leave for a longer period is needed, employee may request personal leave of absence for a total period of time which, when combined with the FML and other paid or unpaid leaves, does not exceed 1 year.
 - Employee may request paid leave balance (i.e., [sick leave](#), [vacation leave](#), or [funeral leave](#)) be charged for all or part of FML, if such paid leave would otherwise be granted based on the reason for the absence.
 - **3.4.3.3 Leaves of Absence Due to Disability.** Whenever a member of the managerial professional staff designated in accordance with policy adopted by the Board or any member of the full-time permanent academic-administrative staff is temporarily disabled due to illness or accident, such staff member upon approval of their supervising administrator shall be paid their regular salary during the period of such disability, but in no event exceeding a period of six months, less...
 - **3.4.3.7 Coordination with Family and Medical Leave.** Under the federal Family and Medical Leave Act (FMLA), eligible faculty and staff have a right to take leave for qualifying events under FMLA, including birth of an employee's child or the placement of a child through adoption, and care of the child upon birth or placement through adoption. Any leaves taken pursuant to Sections 3.4.3.4 (Medical Maternity Leave), 3.4.3.5 (Paternal Leave Upon the Birth of a Child) and 3.4.3.6 (Adoption Leave) of these Bylaws are considered to be qualifying events under FMLA, and will therefore be considered part of the leave period provided by FMLA.
 - FML may be taken on an intermittent (rather than uninterrupted) basis or on a reduced schedule if medically necessary as a result of an employee's serious health condition or that of a spouse, child, or parent or when the reason for the leave is the birth of a child or the placement of a child for adoption or foster care.
- Any paid leave of 5 consecutive days or longer taken for any of the reasons listed will be credited against the 12-week FML entitlement.





FML Advance Notice and Medical Certification

- The following applies to planned medical treatments or procedures.
 - The employee may be required to provide advance leave notice and medical certification.
 - FML leave may be denied if these requirements are not met.
 - The employee ordinarily must provide 30 days of advance notice when the leave is foreseeable.
- UNL may require medical certification to support a request for leave due to a serious health condition.
- Additional medical opinions may be required at UNL's expense.
- UNL may also require a fitness for duty report prior to a return to work.



FML Job Benefits and Protection

- For the duration of approved FML, the University will maintain the employee's health coverage under any University-sponsored group health plan.
- Upon return from FML, employee will return to the same employment status as if the employee had been continuously employed.
- As such, employees will usually be restored to their original or equivalent positions with equivalent pay, benefits, and other employment items.
- The use of approved FML will not result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

An employee who does not return to work following the permitted leave shall be considered to have resigned from the university effective the last day worked, unless other arrangements have been made.



FML Guidelines

- **Employee requests information about FML.**
 - *NOTE: Employees requesting FML are entitled to the leave, provided it is for one of the purposes noted on the Request for FML form.*
- **Department provides Request for FML to employee and gives needed assistance in completing. *Issues to discuss:***
 - Primary issue is whether the leave is being requested for a qualifying event under the FML Policy.
 - Whether leave will be paid, unpaid, or a combination of both.
 - University's continuing contribution to insurance coverage, even during unpaid leave; questions about insurance may be directed to Benefits, 402-472-2600.
 - Employee's current leave balances.
 - Whether medical documentation will be required and whether a medical release will be required when employee returns to work.
 - *It is usually advisable to request medical documentation; it is sometimes helpful to provide the employee's job description to the medical provider.*



FML Process

1. **Any eligible employee** (as described in the [Family/Medical Leave Policy](#)) completes Request for FML, supplying all requested information. **Upcoming slide covers forms.**
2. **Employee** gives the request to the immediate supervisor or unit administrator.
3. **Supervisor either:** (a) approves and signs the leave request and forwards the form to the dean or director; or (b) denies the request and returns the form to the employee. *(If denied, the employee may forward the leave request form directly to the dean or director for a decision.)*
 - **Note:** It is beneficial for the EVC Office to review the leave packet (knowing that the Dean has reviewed/is supportive of the leave) before officially routing through DocuSign. This prevents requests for signature multiple times if there are revisions needed to the leave packet.
4. **Dean or director either:** (a) approves and signs the request (sends original to Human Resources and copy to the dept.) and then dept. notifies the employee; or (b) denies the request and returns the form to the dept., and dept. notifies the employee.
 - If denied by dean or director, employee may appeal the decision. An employee who wishes to appeal the decision bears the responsibility for taking the request to the appropriate administrator.
 - Employees with admin, managerial/professional, and office/service appointments appeal through the Office of Human Resources.
 - ***Employees holding academic appointments including chairs, deans, and directors with partial academic appointments appeal through the appropriate vice chancellor in consultation with the Director of Human Resources.***
 - All decisions regarding FML for faculty or staff are grievable under existing staff and faculty grievance systems.



Maternity, Medical, and Adoption Leave for Faculty

- Specifically regarding FMLA, any untenured but tenure-line female faculty member who has been granted a paid or unpaid leave of absence related to giving birth, and that the primary caregiver of a newly adopted child who has been granted a paid or unpaid leave of absence related to the adoption, has the option of requesting an extension of the tenure probationary period and that this request ordinarily must be granted.
- This policy provides any woman with the option of delaying the tenure clock due to the birth of a child and provides a primary caregiver of a newly adopted child the same option.
- Ordinarily, such a request will result in deferral of the required tenure review by one full year, although in every case a specific plan for extension must be formally proposed and officially approved, as per the guidelines already in place.
- The request for an extension of the probationary period must be made not later than one year after the birth of the child.
 - *The tenure clock extension for birth of a child is unrelated to maternity leave and is routinely taken by both male and female faculty members.*
- *Extensions in the Pre-Tenure Probationary Period information located at:*
<https://executivevc.unl.edu/faculty/pre-tenure-extensions>



Forms for FML

- **Application for Leave of Absence**

- *General Information section*

- Requested leave will be - Make sure matches what is on FML request form (with pay, with partial pay, or without pay)
 - Dates of Requested Leave – double check dates match what is on other forms

- *Evaluation Considerations section*

- Apportionment information: In some cases, a temporary reapportionment of duties may be appropriate, for duration of leave. In cases of leaves without pay, no work should be expected of the faculty member during the period of the leave, and the apportionment should be set to "0" in every category.
 - Provide a description of the work to be done during the leave (if any) and description of how that work will be evaluated. Include also a statement of how the overall evaluation will be completed when the period of evaluation overlaps with the dates of the leave. Attach additional documentation if appropriate.

- **FML Request Form**

- Make sure FML Request (beginning and continuing through dates) matches up with what is listed in the certification of health care provider form (estimated time care is needed or employee's presence is needed) and this information corresponds with total hours of anticipated absence.

- **Certification of Health Care Provider Form**

- Need information about treatment, duration, etc. – need some details from medical provider

Questions/Discussion

