

ITEM G

Medical, Family and Funeral Leave

BE IT RESOLVED that seven (7) sections of the Code of Policies of the Board of Governors numbered 10.060; 10.060.1; 10.060.2; 10.060.3; 10.060.4; 10.060.5; and 10.060.6, pertaining to sick leave and emergency leave, are hereby repealed in their entirety and six (6) new sections are hereby enacted in lieu thereof, in words and figures as follows, to wit:

10.060 Medical, Family and Funeral Leave - Rationale and Purpose

This policy is intended to coordinate with the existing Federal Legislation entitled the Family and Medical Leave Act (FMLA); to provide Truman State University employees with needed benefits concerning the work-family environment; and to provide contingencies for employees so that they can attend to family emergencies and family events. Any leave granted pursuant to these policies shall run concurrently with any leave available under FMLA. These policies do not extend or enlarge the University's obligations under FMLA. Medical, family and funeral leaves are administered in the following manner:

10.060.1 General - All Employees

Definitions:

1. Child – biological child of the employee or whom the employee adopts or for whom the employee is financially responsible, and whom the employee supervises on a day-to-day basis.
2. Compensation – something given or received as an equivalent or as reparation for a service such as a reduced teaching load for an overload.
3. Parent – employee's biological parents or other individual who assumed day-to-day care and financial responsibility for the employee when the employee was a child.
4. Primary Caregiver – person who provides 50% or more of the care.
5. Serious Health Condition – A health condition which qualifies an employee for benefits under the FMLA.

Medical Leave and Family Leave – medical leave and family leave are provided with the realization that an employee or an employee’s spouse, child or parent may become ill or injured and the employee may need time off to recover or to care for the employee’s spouse, child or parent. Also, an employee may need time off to care for employee’s newborn child or to provide care for a child placed with employee for adoption. Medical and family leave are provided to employees with and without faculty rank, in accordance with the provisions of the Code of Policies as set out below.

Funeral Leave – funeral leave for all employees shall be granted for up to three (3) days, with pay, for the funeral of the employee’s spouse, mother, father, child, brother, sister, grandchild, step-parent or step-child. Funeral leave shall be granted for up to one (1) day, with pay, for the employee for the funeral of the employee’s mother-in-law, father-in-law, sister-in-law, brother-in-law, aunt, uncle, grandparent or the grandparent of the employee’s spouse, great-grandparent or great-grandchild. The employee may, with their supervisor’s permission, use accrued vacation or accrued medical leave to take additional days associated with funeral leave.

Extended Medical Leave – In cases of extended illness or illnesses of the employee or employee’s immediate family member:

- a. the President is authorized, at his or her discretion, to grant extended medical leave, with pay and benefits, for up to 60 days for employees with five or more years of continuous, full-time service who have exhausted all other available leave, including FMLA leave.
- b. for employees who have exhausted their extended medical leave granted under subsection a., above, the President is further authorized, at his or her discretion, to grant additional extended medical leave for up to 120 days, without pay, for employees with five or more years of continuous, full-time service. In this instance, such employees may have continued benefits to the extent that such benefits are available to them from the University’s benefits providers at no additional cost to the University, or to the extent that such benefits are available pursuant to the Consolidated Omnibus Budget Reconciliation Act (COBRA).
- c. for employees who lack five years of continuous, full-time service and are, therefore, ineligible for extended medical leave under subsections a. and b., above, the President is authorized, at his or her discretion, to grant extended medical leave for up to 180 days, without pay, if such employee has exhausted all other available leave, including FMLA leave. In this instance, such employees may have continued benefits to the extent that such benefits are available to them from the University’s benefits providers at no additional cost to the University, or to the extent that such benefits are available pursuant to COBRA.

- d. these provisions for extended medical leave do not extend or enlarge the University's obligations with respect to continuation of health plan coverage under COBRA.

10.060.2 Full-time Employees with Faculty Rank

1. Medical Leave Accumulation

Full-time employees with faculty rank begin employment at the University with sixty (60) days of Medical leave, which is granted by the Board of Governors and is unearned. In addition, nine (9) Medical days per academic year are earned. Unearned and earned Medical Leave taken together shall be considered "accumulated leave" for purposes of the Code sections relating to faculty, and may be used for Medical Leave or Family Leave as defined in Board of Governor's policy.

2. Employee Medical Leave

- a. Full-time employees with faculty rank may request Medical Leave for medical reasons, including pregnancy, for the period of time that the employee is unable to work as determined by his or her healthcare provider. The employee should request such leave through the Division Head, with appropriate paperwork submitted to the Business Office-Human Resources. The University may request appropriate documentation, including a physician's statement. The University reserves the right to a second opinion at its cost.
- b. Medical Leave will be on full pay to the extent of accumulated leave. FMLA leave and leave without pay may be applicable.
- c. Medical Leave related to pregnancy is limited to six weeks' duration unless a physician documents a medical need for additional leave. If a portion of the six-week period takes place between semesters, then only the time taken during the academic contract will be used to reduce accumulated leave balance, however the days between semesters count toward the six week maximum.

3. Family Leave

- a. Family Leave for employees with faculty rank may be granted, with pay, to the extent of accumulated leave for a period not to exceed one semester during any 12-month period of employment under the following circumstances:
 - i. Care for qualifying employee's newborn or placement of a **child** (age 5 years or less unless the **child** is disabled or there are extraordinary circumstances) with the employee for adoption.

Family leave taken in conjunction with the birth or adoption of a child must be taken within one year of such birth or adoption.

- ii. Care of the employee's spouse, **child**, or **parent** with a **serious health condition**.
- b. Family Leave may be taken as paid leave only if the employee meets the following criteria:
- i. Tenured or tenure eligible and has completed at least one year of service;
or
 - ii. Temporary employees who have completed at least three years of full-time service
- c. FMLA leave and leave without pay may be applicable.
- d. An employee requesting paid Family Leave must certify that he or she is a **primary caregiver**. In the case of Family Leave related to childcare, if the University employs both parents, then the combined leave of both parents will not exceed 16 weeks, using accumulated leave and leave without pay if applicable.
- e. An employee requesting paid Family Leave for the care of a spouse, **child** or **parent** due to a **serious health condition** may be asked to provide a physician's documentation of the medical condition, and the employee will need to certify that he or she is a **primary caregiver**.
- f. Employees requesting paid Family Leave should work with their Division Heads at the earliest opportunity to develop plans that may consist of alternate work schedules, substitution of duties, project-specific work and/or transportable work and if applicable, time without pay. The goal would be to find a plan that is acceptable for all parties involved. The University will make reasonable efforts to accommodate the needs of employees to the greatest possible extent and in a manner consistent with the effective and efficient operation of the University. When faculty members assist in accommodation of a colleague's leave plan, every effort will be made to recognize and compensate those people for extra services provided. The Division Head should forward the proposed plan to the Vice President for Academic Affairs for approval, then to the Business Office-Human Resources, to be processed pursuant to Section 10.060.4 of this Code.

10.060.3 Employees without Faculty Rank1. Medical Leave Accumulation

Full-time employees without faculty rank earn one day of leave for each month of service. Employees who are at least half-time receive prorated leave accumulation.

2. Medical Leave

- a. Employees may request Medical Leave for medical reasons, including pregnancy, for the period of time that the employee is unable to work as determined by his or her healthcare provider. The employee should request such leave through his or her Supervisor, with appropriate paperwork approved by the appropriate member of the President's Staff and submitted to the Business Office-Human Resources. The University may request appropriate documentation, including a physician's statement. The University reserves the right to a second opinion at its cost.
- b. Medical Leave will be on full pay to the extent of the accumulated leave. FMLA leave and leave without pay may be applicable.
- c. Medical Leave related to pregnancy is limited to six weeks' duration unless a physician documents a medical need for additional leave.

3. Family Leave

- a. Family Leave may be granted for a period of up to 16 weeks during any 12-month period of employment under the following circumstances:
 - i. Care for qualifying employee's newborn or placement of a **child** (age 5 years or less unless the **child** is disabled or there are extraordinary circumstances) with the employee for adoption. Family leave taken in conjunction with the birth or adoption of a child must be taken within one year of such birth or adoption.
 - ii. Care of the employee's spouse, **child**, or **parent** with a **serious health condition**.
- b. Family Leave may be taken as paid leave to the extent the employee has leave accumulated to cover the 16-week period.
- c. FMLA leave and leave without pay may also be applicable.
- d. An employee requesting paid Family Leave must certify that he or she is a **primary caregiver**. In the case of Family Leave related to childcare, if the University employs both parents, then the combined leave of both parents will not exceed 16 weeks, using accumulated leave and leave without pay if applicable.
- e. An employee requesting paid Family Leave for the care of a spouse, **child**, or **parent** due to a **serious health condition** may be asked to provide a physician's documentation of the **serious health condition** and the employee will need to certify that he or she is a **primary caregiver**.

- f. Employees requesting paid Family Leave should work with their Supervisors at the earliest opportunity to discuss alternate work schedules, reduced duties, project-specific work and/or transportable work. The goal would be to find an arrangement that is acceptable for all parties involved. The University will make reasonable efforts to accommodate the needs of employees to the greatest possible extent and in a manner consistent with the effective and efficient operation of the University. The Supervisor should forward the proposed plan to the appropriate President's Staff for approval, then to the Business Office-Human Resources to be processed pursuant to Section 10.060.4 of the Code.

10.060.4 Implementation and Management

1. Personnel Responsible/Administration

- a. Employees: responsible on an ongoing basis for submitting timely reports of Medical Leave taken to their Supervisor or Division Head. Communicate with Division Head at earliest opportunity when leave is anticipated.
- b. Division Heads: faculty should speak with their Division Head first about seeking Medical and Family Leaves.
- c. Supervisor: employees with non-faculty status should speak to their immediate Supervisor first about seeking Medical and Family Leaves.
- d. Vice President for Academic Affairs: the VPAA is consulted by the Division Head and approves or does not approve the recommended leave for academic employees.
- e. Appropriate President's Staff: the Supervisor of non-academic employees consults with the appropriate President's Staff member who approves or does not approve the recommended leave.
- f. Members of the Business Office, benefits coordinator and controller: Business Office personnel verify leave approvals for compliance with the policy, verify calculation of paid leave available and keep records of leaves. The VPAA and appropriate President's Staff member will consult with Human Resources prior to approving leave.

2. Discipline/Enforcement

- a. If an employee believes his or her Supervisor or Division Head or appropriate President's Staff member is not correctly applying this policy, a written appeal may be submitted to the Human Resources office by non-faculty status employees or to the Vice President for Academic Affairs by faculty employees.

b. If it is determined that an employee has violated the terms and/or criteria of Medical Leave and/or Family Leave, then consequences will be enforced from among the following, but not limited to:

1. Employee may be required to reimburse the University for any paid leave which was granted improperly due to any misconduct or misrepresentation on the part of the employee.
2. Termination of employment, if circumstances warrant.

10.060.5 Medical Leave Covered by Workers' Compensation

Medical leave shall be granted to persons who are covered by Workers' Compensation or other forms of insurance to which the University contributes, only to the extent to which these medical leave provisions exceed income from Workers' Compensation or insurance to which the University contributes or provides matching funds.