Leaves of Absence D050

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Purpose

To provide Research employees with information and guidelines regarding leaves of absence.

Definitions

<table>
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<tr>
<th>Leave of Absence</th>
<th>An approved period of time during which an employee may be absent from work for reasons other than vacation in excess of 14 days.</th>
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<tbody>
<tr>
<td>Disability</td>
<td>The inability of an employee to perform the essential functions and job duties as a consequence of a medical condition.</td>
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<tr>
<td>Family Member</td>
<td>Spouse, same-sex domestic partners (see Health Insurance Policy D030), child who lives with the employee and for whom the employee permanently assumes and discharges parental responsibility, a parent or grandparent (for whom the employee assumes financial responsibility) as defined for Family Leaves only.</td>
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Policy

All regular Research employees who have worked at the University for at least six months may apply for a leave of absence for Administrative, Mandatory, Educational, Industrial Disability, Military, or Personal reasons using the Request for Leave of Absence Form. All regular full time and part time employees who have worked at least 1,250 hours during the 12-month period preceding the start of the leave may apply for a leave of absence for Medical, Maternity (Pregnancy), or Family reasons using the Request for Leave of Absence Form.

All requests for a leave of absence in excess of 14 calendar days must be in writing and contain all required approvals as indicated on the Request for Leave of Absence Form. All leaves of absence must have beginning and ending dates specified prior to any consideration for approval. The University may deny certain types of leaves of absence and/or requests for the extension of a leave of absence. Most leaves of absence and extensions are without pay and other economic benefits, unless otherwise specified and approved. The University has no obligation to provide work prior to the expiration of leaves except where required by law. However, efforts will be made to accommodate an early return. The seniority date of the employee will remain unchanged during leaves of absence, but certain benefits may not continue to accrue during a leave of absence. Employees anticipating going on leave should contact the Benefits Administration office for information on eligibility for benefits. For approved Administrative, Mandatory, Industrial Disability, Medical, Maternity, or Family leaves, the employee must continue to pay the employee's portion of health care premiums, and the University will continue to contribute its portion of the premium.
Misrepresentation of facts to obtain a leave of absence will result in disciplinary action up to and including termination. Employees who fail to report for work at the designated return date or who fail to secure an extension of the leave prior to the expiration of the initial leave request may be subject to disciplinary action up to and including termination of employment.

**ADMINISTRATIVE LEAVE**

Administrative Leave with pay is used for involuntary court appearances, jury duty, funeral or bereavement, the first day of a job-related injury, work-time lost during the first seven calendar days after the accident if the absence is verified by a health care provider, the first three visits to the Faculty and Staff Assistance Program (FSAP) Office, and special situations as approved by the appropriate Human Resources Office.

**Involuntary Court Appearances:** Administrative leave is granted to an employee who is legally subpoenaed as a witness to appear at a court hearing at which they are not a party. The employee will receive regular pay for time lost due to such services.

**Jury Duty:** Administrative Leave is granted to an employee who is summoned for jury duty. The employee will receive standard pay for the days on which jury duty is required. Any fees, compensation, or expense reimbursement received for jury duty may be retained by the employee. An employee released from jury duty before the end of the normal workday must report to work on that date. The employee is required to contact the supervisor to inform them that they will be returning to work. The supervisor determines whether it is necessary for the employee to report to work for the remainder of the day. Failure to provide the supporting documentation to support jury duty, failure to report to your designated worksite or failure to contact your direct supervisor upon dismissal from jury duty may result in disciplinary action up to and including termination of employment.

**Funeral/Bereavement:** Administrative Leave with pay may be granted to eligible employees for a maximum of three consecutive working days following the death of a member of the immediate family.

**Job Related Injury/Workers’ Compensation:** Administrative Leave with pay will be granted for the first day of a job-related injury and for work-time lost during the first seven calendar days after the accident if the absence is verified by a health care provider.

**Faculty and Staff Assistance Program (FSAP):** Administrative Leave with pay will be granted for the first three visits to the FSAP Office.

**Other Special Situations:** Administrative Leave may be granted for special situations as approved by the appropriate Human Resources Office.

**MANDATORY LEAVE**

The University reserves the right to place an employee on Mandatory Leave of Absence without pay under the provisions of this policy when it is deemed necessary. The best interests of the employee and the operational liability or operational safety of the University will be the determining factors of this leave. The supervisor must initiate the leave after discussing the issue with the appropriate Human Resources Office and decide the length, terms, and conditions of Mandatory Leave. At the end of a Mandatory Leave, the employee may be reinstated in the previous position.
EDUCATIONAL LEAVE

Educational Leave for a maximum of 12 months may be granted without pay if approval has been given by the supervisor, the department chair and dean/designee. An employee may remain in pay status during the leave if they use their accrued vacation and floating holidays.

The employee must contact the supervisor/department chair two weeks in advance of the expiration date of the leave to discuss intent to return to work or to request an extension “beyond six months.” Failure to contact the department two weeks prior to the expiration of the leave may result in the denial or delay in reviewing an extension request.

At the end of an educational Leave of six months or less, an employee with five or more years of service will be reinstated in the previous position. An employee with fewer than five years of service may be reinstated in the previous position if available. An employee taking an Educational Leave in excess of six months may be reinstated in the previous position if available. If the previous position is not available, the University will seek to place the employee in a similar position. If no position is available, the employee will be placed on layoff (see Layoff and Rehire Policy B080).

Employees anticipating going on unpaid educational leave should contact the Benefits Administration office for information on eligibility for benefits.

INDUSTRIAL DISABILITY LEAVE (WORKERS’ COMPENSATION)

An employee who sustains a job-related disability is eligible for Industrial Disability Leave (see Workers’ Compensation Policy D085). Note: All accidents must be reported to University Risk Management at once. After an employee has been absent for 14 calendar days due to a job-related injury or disability, either the employee or the supervisor must initiate a request for an Industrial Disability Leave on the Request for Leave of Absence Form and forward to the appropriate Human Resources Office.

An employee absent during the first seven calendar days after the on-the-job accident is paid by the employee's department as Administrative Leave if the absence is verified by a health care provider. If the absence extends beyond seven calendar days, pay will be provided by the University insurance carrier based on Florida law, which is 66.67% of the employee’s normal average weekly wage up to the Statewide maximum. An employee may supplement the 66.67% insurance payment by using accrued sick or vacation time in 1/3 of a day increments. When an employee is receiving payment from the University insurance carrier, the department must submit an online document to reduce the regular pay assignment accordingly. The department will be contacted by Risk Management. When an employee is receiving payment from the University insurance carrier, the department must submit sick/vacation time used to remain in pay status to Payroll either electronically or on a Time Report. The department will be contacted by Risk Management. An employee continues to accrue sick and vacation time during an Industrial Disability Leave.

Benefits for medical expenses and lost salary resulting from an Industrial Disability are determined by the University's insurance carrier based on Florida law. To make a claim of industrial disability, the employee must obtain acceptable certification of disability from a health care provider approved by the University's insurance carrier as identified by the Office of Risk Management. Medical certification must provide information relating to the nature and extent of the industrial disability, the approximate duration, and any other pertinent information requested by the insurance carrier. In all cases of industrial disability, the judgment of the health care provider approved by the University's insurance carrier will prevail in determining the fitness of an employee to return to work and perform duties.

At the end of an Industrial Disability Leave of 90 calendar days or less, the employee will be reinstated in the previous position. Upon return to work, the employee must be able to perform the essential duties and functions of the position.
with or without an accommodation. If the employee is medically unable to return to work after 90-days of leave, the employee may be placed on layoff (see Layoff and Rehire Policy B080).

**MEDICAL LEAVE**

An employee may request a leave of absence for medical reasons (with or without pay) for an anticipated or unanticipated period of time exceeding 14 calendar days. This leave must be applied for on a Request for Leave of Absence Form. Absences of 14 calendar days or less do not require a Request for Leave of Absence Form.

The effective beginning date of the leave will be the first working day following the last day worked. Initial requests for medical leaves of absence can be requested for a maximum of 90 calendar days. Leaves can be taken continuously or on an intermittent basis. Extensions for Medical Leaves, if approved, cannot exceed three months.

Extensions for medical leaves of absences will be reviewed and approved on a case-by-case basis in consultation with the appropriate Human Resources Office. An extension of leave does not guarantee reinstatement to the same position if the leave extends beyond 90 calendar days. The total number of days for medical leaves, including extensions, cannot exceed 180 in any twelve-month period. However, medical leaves taken on an intermittent basis cannot exceed 60 working days in a twelve-month period. When applicable, FMLA (Family and Medical Leave Act) leave time will be concurrently applied to any time taken under this policy.

An employee may, however, be required to submit a Request for Leave of Absence Form in cases of recurring absences, regardless of duration including intermittent leave of absences requests for a medical leave, extensions, or the return to work certification must have a statement from the employee's health care provider acceptable to the University. The health care provider’s statement should note the nature of the medical condition and the beginning and ending dates. This must be done 30 days in advance of the effective date of this leave except when medical conditions do not allow. The University reserves the right, at its own expense, to obtain the advice of a health care provider designated by the University (but not necessarily regularly employed by the University) with regard to the granting of an initial Medical Leave, extensions of the leave, or the return to work of an employee at the end of the leave.

The employee on a Medical Leave must first use accrued sick time and then may use accrued vacation time and floating holidays during this leave. Sick time may only be used while the employee is actually disabled or sick as determined by the health care provider. In the event all accrued sick, vacation and floating holiday time is exhausted and the employee is in unpaid leave status, the Benefits Administration office must be contacted by the employee as benefits may be affected. The employee participating in University insurance plans must make arrangements to pay the employee's portion of insurance premium(s). The University will continue to contribute its portion of the health and dental care premium in order to continue coverage during this period.

The employee must contact the supervisor/department chair two weeks in advance of the expiration date of the leave to discuss intent to return to work or to request and extension. A request for an extension of a Medical Leave must be applied for in writing to the supervisor at least two weeks prior to the original expiration date with an accompanying health care provider's statement acceptable to the University. Failure to submit the required documents prior to the expiration of the leave may result in the denial of the extension request. For medical conditions continuing longer than 180 days (see Long-Term Disability/Salary Continuation Plan Policy D025).

The University shall have no obligation to provide work prior to the established expiration date of the approved leave. However, at the discretion of the department, efforts may be made to accommodate an early return. At the end of a leave of 90 calendar days or less, the employee will be reinstated in the previous position. Upon return from a leave of absence of more than 90 calendar days, the employee may be reinstated in the previous position, or equivalent, if available. In the event that the position has been eliminated, reclassified or the employee no longer qualifies, the
department may place the employee in a comparable position if available. If no position is available, the employee will be placed on layoff after consultation with the Human Resources Office. If the previous position still exists, is vacant and available, and it has been determined that the employee is unable to perform the essential duties of the position, the employee will be placed on layoff and may be eligible for long-term disability coverage (see Layoff and Rehire Policy B080 and Long-Term Disability/Salary Continuation Plan Policy D025).

**MATERNITY (PREGNANCY) LEAVE**

An employee may request a leave of absence for maternity reasons (with or without pay) for an anticipated period of time exceeding 14 calendar days. This leave must be applied for on a Request for Leave of Absence Form. The effective beginning date of the leave will be the first working day following the last day worked. Initial requests for maternity leave can be requested for a maximum of 90 calendar days. Personal leaves may be considered for additional time off (see Personal Leave section).

The employee must contact the supervisor/department chair two weeks in advance of the expiration date of the leave to discuss intent to return to work or to request and extension. Failure to contact the department two weeks prior to the expiration of a leave may result in the denial or delay in reviewing the extension request.

A request for an extension of the Maternity Leave must be applied for in writing to the supervisor at least two weeks prior to the original expiration date with and accompanying health care provider’s statement acceptable to the University. Failure to submit the required documents prior to the expiration of the leave may result in the denial of the extension request. Extensions for Maternity Leaves, if approved, cannot exceed 90 days.

Extensions for Maternity Leaves beyond 90 days will be reviewed and approved on a case-by-case basis in consultation with the appropriate Human Resources Office. This extension will be considered a Personal Leave (see Personal Leave section) and does not guarantee reinstatement into the same position. The total leave, for maternity and personal, cannot exceed 180 days in any twelve-month period.

Leave time pursuant to the University’s FMLA policy applies to any time taken under this policy. Requests for a maternity leave, extensions, or the return to work certification must have a statement for the employee’s health care provider acceptable to the University. The health care provider’s statement should note the nature of the care and the beginning and ending dates (generally a six- to eight-week recovery period). Sick time can only be used during the period of time the employee or new born is sick as documented by the health care provider. Leaves should be requested 30 days in advance of the effective date of this leave except when medical conditions do not allow. The employee on a Maternity Leave must first use accrued sick time and then may use accrued vacation time and floating holidays during this leave.

In the event all accrued sick and vacation time is exhausted and the employee is in unpaid leave status, the Benefits Administration office must be contacted by the employee as benefits may be affected. The employee participating in University insurance plans must make arrangements to pay the employee’s portion of insurance premium(s). The University will continue to contribute to its portion of the health and dental care premium in order to continue coverage during this period.

After an absence of four months the department must notify the Benefits Administration office in writing of the employee’s continuing medical condition. For medical conditions continuing longer than 180 days (see Long-Term Disability/Salary Continuation Plan Policy D025).

The University shall have no obligation to provide work prior to the established expiration date of the leave. However, at the discretion of the department, with concurrence with appropriate Human Resources Office, efforts may be made to accommodate an early return.
At the end of a leave of 90 calendar days or less, the employee will be reinstated in the previous position. Upon return from a leave of absence of more than 90 calendar days, the employee may be reinstated in the previous position, or equivalent position, if available. In the event the previous position has been eliminated or reclassified and the employee no longer qualifies, the department may consider the employee for placement in a comparable position if available. If no position is available, the employee may be placed on layoff after consultation with the Human Resources Office. If the previous position still exists, is vacant and available and it has been determined that the employee is unable to perform the essential duties of the position, the employee will be placed on layoff and may be eligible for long-term disability coverage (see Layoff and Rehire Policy B080 and Long-Term Disability/Salary Continuation Plan Policy D025).

NOTE: Paternity leave is covered under the provisions of the Family and Medical Leave Act; birth and adoption/foster care sections.

FAMILY AND MEDICAL LEAVE (FMLA)

A leave of absence for qualifying family or medical reason (with or without pay) for an anticipated or unanticipated period of time. FMLA can also be used for time off associated with Domestic Violence per Dade County Ordinance for a maximum of 30 work days during a 12-month period. This leave must be applied for on a Request for Leave of Absence Form if the absence exceeds 14 calendar days. If the absence is less than 14 calendar days, a Request for Leave of Absence form is not required; however, a written request must be submitted to the supervisor accompanied by the required appropriate certification. The effective beginning date of the leave will be the first working day following the last day worked.

A Family Leave, including extensions, cannot exceed 90 calendar days in a 12-month period measured retroactively from the date an employee uses any FMLA related leave. However, leaves taken to care for an eligible recovering service member can extend up to 26 weeks during a single 12 month period. Leave can be taken continuously or on an intermittent basis, however an intermittent leave cannot exceed 60 working days in a twelve month period. The employee must contact the supervisor/department chair two weeks in advance of the expiration date of a continuous leave to discuss intent to return to work or to request an extension. Failure to contact the department two weeks prior to the expiration of the leave may result in the denial or delay in reviewing the extension request. Questions regarding eligibility should be addressed to the appropriate Human Resources Office.

Definitions as stated in the Family and Medical Leave Act (FMLA) of 1993 are generally meant to include:

- **Child**: biological, adopted, foster, stepchild or legal ward (or a child for which the employee is standing in loco parentis) under 18 years of age or over 18 years of age and incapable of self-care because of mental or physical disability.
  Note: Employees with documented dependents attending college full-time, up to the age of 26 are covered under this policy.

- **Family Member**: a spouse, same-sex domestic partners (See Health Insurance policyD030), child who lives with the employee and for whom the employee permanently assumes and discharges parental responsibility, a parent or grandparent (for whom the employee assumes financial responsibility).
  Note: The University of Miami extends this definition to include domestic partners.

- **Health Care Provider**: persons licensed under federal or Florida law or local ordinance to provide health care services.

- **Serious Health Condition**: a physical or mental illness or disability, injury or impairment that involves inpatient care in a hospital, hospice, residential health care facility or continuing treatment or continuing supervision by a health care provider, including ongoing pregnancy, childbirth and recovery from childbirth which prevents the employee from being able to perform job duties or a family member from being able to care for themselves.
A FMLA leave may be requested for the following conditions:

A. **Birth**: The birth of a child of the employee. This leave must be utilized within 12 months of the date of birth, adoption or placement. (Provisions of the Maternity (Pregnancy) Leave section of the LOA policy are applicable to the mother).

B. **Serious Health Condition**: A condition that makes the employee unable to perform functions of the position. (Provisions of the Medical Leave section of the LOA policy may apply).

C. **Care for Family Member**: Employee required to provide care to a family member who has a serious health condition. Leave is limited to a maximum of 90 calendar days. NOTE: under University of Miami policy, domestic partners are considered family members. (Provisions of the Sick Pay/Time Policy—D060—may apply).

D. **Adoption or Foster Care**: The placement of a child with employee for adoption or foster care. Leave is limited to a maximum of 90 calendar days. The employee may use accrued vacation time and floating holidays to remain in pay status during this period (female employees are permitted to use up to six weeks of accrued sick time).

E. **Domestic Violence**: A pattern of coercive behavior used by one person to control another, such as but not limited to, physical, sexual, emotional, and psychological violence and abuse; threats, intimidation, verbal abuse, economic control and stalking. Leave is limited to a maximum of 30 workdays.

F. **Call to Active Duty**: A This leave is due to a spouse, son, daughter, or parent being on active duty or having been notified of an impending call or order to active duty in the Armed Forces.

G. **Caregiver Leave for an Injured Service Member**: This leave provides 26 weeks of leave during a single 12 month period for a spouse, son, daughter, parent, or nearest blood relative to care for a recovering service member who suffered an injury or illness while on active duty that renders the service member unable to perform the duties of the service member’s position.

Application for a Family Leave must be requested 30 days in advance of the effective date of this leave except when medical conditions do not allow. Appropriate certifications must be supplied by the employee and be acceptable to the University. Spouses and same-sex domestic partners, employed by the University are entitled to a combined maximum of 90 calendar days during any 12-month period if leave is requested under sections A, C, or D. If pay status is not addressed by an applicable policy in sections A, B, C, D or E the employee on a Family Leave may use accrued vacation time and floating holidays to remain in pay status during this period.

At the end of a leave of 90 calendar days or less, excluding E from above, the employee will be reinstated in the previous position. Upon return from a leave of absence of more than 90 calendar days, the employee may be reinstated into the previous position, or equivalent position, if available. In the event the previous position has been eliminated or reclassified and the employee no longer qualifies, the department may consider the employee for placement in a comparable position if available. If no position is available, the employee may be placed on layoff after consultation with the Human Resources Office. If the previous position still exists, is vacant and available and it has been determined that the employee is unable to perform the essential duties of the position, the employee will be placed on layoff and may be eligible for long-term disability coverage (see Layoff and Rehire Policy B080 and Long-Term Disability/Salary Continuation Plan Policy D025).

Provisions of the FMLA policy will be coordinated with the Medical or Maternity (Pregnancy) Leave policies. Leave time under the various policies will apply concurrently.
MILITARY LEAVE

A leave of absence without pay for military service in any branch of the U.S. Military, including Coast Guard and National Guard, will be granted for a period of not more than five years (plus any involuntary extension for not more than one year). The employee is to complete a Request for Leave of Absence Form and submit it with supporting military document(s) to the immediate supervisor at the time of notice of military service and prior to the effective date of leave.

Leave for military service of 14 days or less that occurs during the employee’s regular work schedule need not be requested on a Request for Leave of Absence form; however, such a leave, with supporting documentation from the military, must be presented to the supervisor before the effective date of leave. Accrued vacation, if applicable, may be used for this short-term period of absence.

Compensation received from the military belongs to the individual. Certain University benefits may be continued during the leave of absence if arranged in advance through the Benefits Administration office. Reinstatement to employment at the end of a military leave requires the employee to notify the University of intent to return to work. There are three separate reporting criteria:

1. Reservists or members of the National Guard whose period of military service is less than three months are required to report for work within three days after the date of military release.

2. Reservists or members of the National Guard whose period of military service is more than three months are required to report for work within 31 days after the date of military release.

3. Volunteers or inductees into regular active military duty for a period of not more than four years (plus any involuntary extension for not more than one year), those recalled to active duty, or Reservists/National Guard who have been called to active duty are required to report for work within 91 days after date of military release.

Reinstatement will be afforded to employees returning from Military/members of the National Guard Service in accordance with current law. The reinstated employee will be allowed to participate in applicable benefits to the same extent as prior to the interruption of military service.

For retirement purposes, the reinstated employee may return to the Retirement Plan with their original date of participation. Credited service is earned during a Military Leave for a plan year (June 1 through May 31). The Retirement Plan provisions apply in all cases of breaks in service. The department may temporarily fill the vacant position during the employee’s military leave of absence. However, upon the employee’s return from Military leave, the department must reinstate the employee in the previous position.

PERSONAL LEAVE

A Personal Leave of Absence is without pay and requires approval by the supervisor. A Personal Leave of Absence for 14 calendar days or less need not be applied for on a Request for Leave of Absence Form. A leave of absence for personal reasons exceeding 14 calendar days must be requested by the employee on the Request for Leave of Absence Form and submitted to the supervisor. A Personal Leave of Absence cannot exceed 90 days and cannot be extended.

Upon return from a Personal Leave of Absence of 30 days or less, the employee will be reinstated in the previous position. Upon return from a Personal Leave of more than 30 days, the employee will be eligible for reinstatement in the previous position or a similar position if available, if the employee qualifies. If no position is available, the employee will be placed on layoff (see Layoff and Rehire Policy B080).
PROCEDURE

For a Leave of Absence under this policy, a completed Request for Leave of Absence Form must be signed by the employee, supervisor, and others as designated on the form. The form must be attached to appropriate documentation substantiating the basis for the leave. A leave of absence and an extension are to be requested and approved before they become effective except as noted in applicable leaves.

To reinstate an employee, the department must complete and forward a copy of the Return to Work Certification, if applicable, and submit an online document to the appropriate Human Resources Office.

If it is determined that an employee will not return to work at the end of a leave of absence, a Clearance Checklist must be completed and submitted to the Check Distribution Office (see Clearance Checklist Policy B095) and an online document submitted to the appropriate Human Resources Office.

Employees must be instructed by the supervisor to contact the Benefits Administration office for review of benefits before beginning leave and before returning to work.