

EXPLANATION OF ACADEMIC ADMINISTRATIVE PROCEDURES FOR SICK/MEDICAL LEAVE FOR REGULAR, FULL-TIME FACULTY MEMBERS

Faculty members have the right to invoke the provisions of the Family Medical Leave Act (FMLA) for personal or family medical emergencies or other qualified reasons as defined by University policy. The FMLA permits up to twelve weeks of unpaid leave and ensures that the faculty member's position will be held for them during the leave. Applications for FMLA are available through the Department of Human Resources.

As an alternative to FMLA, the academic division of Western Kentucky University has historically pursued informal arrangements and practices which enabled student needs to be met or essential faculty services to be provided when individual faculty members are unable to fulfill assigned duties and responsibilities due to the faculty member's own illness or incapacity. While the majority of these informal practices and arrangements have proven satisfactory, there are basic constraints that exist for faculty who need such informal leave and are unable to fulfill their instructional, service, and research duties. This document identifies important elements related to faculty leave and circumstances, which relate to absence or inability to fulfill instructional and professorial duties due to medical or health related causes.

- Ordinarily, faculty members absent due to their own medical or health related causes, as certified by a qualified health care provider, would be continued on full salary for a period of up to one semester. Cases that extend beyond one semester will normally require the faculty member involved to apply for the university's long-term disability insurance coverage and/or other means of income protection for the faculty member (such as KTRS Disability Retirement). Faculty members are not continued in a paid status for leaves due to medical conditions of a spouse or qualified dependent.
- Units and departments are encouraged to develop responses that address each faculty member's situation to insure that program needs are met, the welfare of the individual faculty member is considered, that undue burden is not placed upon other faculty and staff within the unit or department, and that university and state regulations or requirements are fulfilled. The Associate Vice President for Academic Programs and Faculty Personnel must be informed of and included in the development and approval of these planned responses.
- Faculty members utilizing the alternative, informal procedure and who continue in paid status will have the first twelve weeks of such paid leave designated as FMLA leave for the purpose of record keeping.

Special Provisions Pertaining to Pregnancy/Maternity Leave

Absences related to childbirth and adoption are qualified under FMLA leave as stated above. FMLA leave shall run concurrently with any paid time authorized under these provisions.

Faculty members are eligible for uninterrupted pay continuance for absences associated with pregnancy/maternity. The intent is to treat pregnancy/maternity absences in a manner similar to those for medical or health related causes (of the faculty member) unrelated to pregnancy/maternity. Faculty members shall continue to be paid their regular salary and corresponding benefits for a period of six weeks (traditional period of medical disability associated with pregnancy). In situations where a temporary medical disability extends beyond six weeks,

affected faculty members shall continue to receive their regular salary and benefits up to a maximum of one academic semester, as certified by a qualified health care provider. In cases where a faculty member may request time off beyond the initial six weeks for reasons unrelated to the faculty member's own health status, time off without pay will be granted within the provisions of the University's FMLA policy.

In cases of adoption, faculty members shall continue to be paid their regular salary and corresponding benefits for a period of six weeks. In situations where both spouses are faculty members, the six weeks of paid time may be allocated between the spouses as desired.

Legal spouses (employed by the University) of faculty members who are on leave for pregnancy/maternity purposes are eligible for time off without pay as provided under the University's FMLA policy. Time off may be allocated between spouses as desired up to the maximum of 12 weeks. The use of FMLA leave by both spouses does not limit provisions for paid time off for medical purposes as described above.

Requirement to Report

Faculty members who are absence from work for FMLA qualifying reasons, are required to complete FMLA documentation through the Department of Human Resources. Employing departments/units are responsible for preparing customary personnel action documentation for formal approval of FMLA leave requests. The Office of Academic Affairs and the Department of Human Resources are available to assist faculty members and department/unit heads in implementing these provisions.

Reviewed and revised:
Council of Academic Deans
Department of Human Resources
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