



## **POLICY & PROCEDURE DOCUMENT**

NUMBER: 4.6201

DIVISION: Finance and Administration

TITLE: Medical Leave

DATE: January 3, 2000

REVISED: November 1, 2005

Policy for: All Non-Faculty Employees

Authorized by: Director, Human Resources

### **I. Purpose and Scope**

Medical leave with pay is earned by all regular full-time employees except for faculty and athletic coaches. (Note: Although they are generally recognized as “faculty”, twelve-month academic department heads earn medical leave because of their administrative appointments; leave is not earned by academic department heads whose appointments are for periods of less than twelve months.)

Medical leave may be used for illness or injury of the employee or illness or injury of the employee's immediate family or for death of a member of the employee's immediate family (please refer to *Bereavement* policy). The accumulation of earned medical leave under this policy does not provide employees with the absolute right to use paid leave as described herein. Rather, the use of medical leave with pay shall be granted for legitimate absences as described in this policy. Medical leave which meets certain criteria should be recorded as Family and Medical Leave as defined by the Family and Medical Leave Act of 1993 (please refer to the *Family and Medical Leave* policy).

### **II. Policy**

#### **A. General**

1. There is no limit to the accumulation of medical leave.
2. Medical leave shall be used by the employee for all qualifying medical absences. In the absence of medical leave, any accumulated vacation leave will be used. Employees are

required to use on a continuous basis all accumulated medical leave (and vacation leave if applicable) for qualifying medical absences prior to being placed on leave without pay.

3. An employee must notify his/her supervisor in a timely manner if unable to report to work due to a medical condition associated with himself/herself or an immediate family member. Failure to properly report an absence may result in denial of the requested medical leave and/or other disciplinary action. It is the employee's responsibility to ensure proper notification.
4. Approved medical leave may be terminated by the University upon receipt of written notification from a physician that the employee is able to return to work. The University must attempt to notify the employee in writing of the pending action.
5. Employees are required to submit a written physician's statement as a condition of returning to work for continuous absences of ten (10) or more working days. A physician's statement may be required earlier than ten (10) days or at any time at the option of the supervisor/department head.
6. Employees who transfer or otherwise change from one University department to another shall retain his/her accrued medical leave in the new department.
7. Employees who transfer to a non-covered position (for example, transfer from an administrative position to a nine-month faculty position) shall have their medical leave balance frozen.
8. Employees who are absent from work because of medical reasons are required to keep his/her supervisor/department head advised on a regular basis concerning his/her ability to return to work.
9. Any unused medical leave balance shall be forfeited and not paid to the employee upon separation of employment. Any unused balance shall be reported to the appropriate retirement system for additional service credit, according to retirement system regulations. Sick leave service credit for KERS covered employees is unlimited. Sick leave service credit for KTRS covered employees is limited to six (6) months.
10. Employees who separate from employment with Western Kentucky University and who are re-employed within one calendar year, shall have his/her prior unused medical leave balance reinstated.
11. Western Kentucky University does not accept transfers of medical leave balances from other employers.

#### B. Definition

For purposes of this policy, immediate family is defined as spouse, child, step-child, brother, sister, step-brother, step-sister, parent, step-parent, grandchild, grandparent, son-in-law, daughter-in-law, mother-in-law, father-in-law, sister-in-law, or brother-in-law.

### C. Extended Medical Leave

1. Employees who are unable to work for an extended period of time due to medically documented reasons for his/her own illness shall retain rights to his/her former position or a substantially equivalent position for a period up to twelve (12) months. The twelve (12) month period shall include days paid as medical and vacation leave and unpaid leave. Employees who have exhausted all accumulated medical and vacation leave shall be placed on an unpaid leave of absence for any remaining days up to the twelve (12) month limit. Should an employee have less than five (5) years of continuous full-time employment immediately preceding the disabling condition, his/her rights to return to his/her former position or a substantially equivalent position shall be limited to six (6) months.
2. Employment with Western Kentucky University will be terminated at the earlier of 1) the expiration of the applicable twelve (12) month or six (6) month period, or 2) when an employee presents medical evidence that his/her health conditions are such that he/she can no longer work in any capacity with the University.
3. The Department of Human Resources will assist individuals having disabling conditions in filing for any University-sponsored long-term disability benefits and/or disability retirement benefits.
4. During any unpaid period of leave occurring within the specified twelve (12) months or six (6) months as applicable, the University will continue to pay its share of costs associated with benefits. The employee will be responsible for paying in a timely manner his/her share of elected benefits.

### III. Procedure

1. Medical leave accrues at the rate of 7.5 hours (one day) per month of service. Medical leave is earned on the 15th calendar day of each month. Employees who are hired on or before the 15th shall receive an accrual for that month. Employees who terminate employment prior to the 15th shall not accrue medical leave for that month. Employees who are in an unpaid leave of absence status as of the 15th do not earn medical leave for that month. For purposes of this policy, a leave of absence is defined as an unpaid period lasting 15 or more working days and inclusive of the 15th.
2. Medical leave shall be reported in hours rounded to the nearest quarter hour increment.
3. Employees who work in 9, 10, or 11 month positions may only accrue and use accumulated medical leave during their employment period.
4. Employees may not take or be granted medical leave *with pay* in an amount greater than earned and accumulated.
5. Employees are charged with medical leave only for days which they would otherwise work and receive pay. Should a University holiday be observed while an employee is using approved medical leave, he/she will not be charged medical leave for the holiday.

## **IV. Exclusions**

### **A. Special Provisions Pertaining to Grant-Funded Positions**

1. Employees who hold positions that are wholly grant funded shall accrue medical leave according to the same policies that apply to employees holding positions that are *not* grant-funded. Certain unique provisions do apply.
2. Employees in wholly or partially grant-funded positions who transfer to positions that are not grant-funded, or vice versa, shall have their medical leave balances transferred to their new positions except for cases in which the new position is in an ineligible category. The general University policies that govern non-grant transfers shall apply to such transfers.
3. Employees in some wholly grant-funded units may not be allowed to carry over medical leave balances from one grant year to the next, according to grant regulations.
4. Principal Investigators/Project Directors of grant-funded units are expected to communicate leave usage rules to each new employee and to provide notice to all affected employees at the commencement of each grant per

## **V. Related Policies**

See also: University Policy; 4.6251 - Shared Medical Leave (Medical Leave Bank)

## **VI. Reason for Revision**

Appendices: