


December 22, 2014

**MEMORANDUM**

**TO:** Kevin Ayotte, Chair  
Academic Senate

**FROM:** Brian Tsukimura, Chair  
University Personnel Committee 

**RE:** APM 361 – Policy on Faculty Leaves of Absences

At its meeting of December 4, 2014, the Personnel Committee discussed the amendments to APM 361 – Policy on Faculty Leaves of Absences. The following motions were made:

**MSC– Edit Part B. ‘Leaves of Absence with Pay’ to be compliant with the new CBA23.6 and 23.19. “An emergency leave with pay may be granted to a faculty unit employee by the President in the event of a natural catastrophe or an emergency situation that places the health and safety of the faculty unit employee in jeopardy. The President may also grant emergency leave to faculty unit employees who require leave due to violent crimes, domestic crimes, violence, and/or sexual assault. Such leaves shall normally be of short duration (CBA Article 23.19)”**

**MSC – to send APM 361 as amended to Executive Committee for Senate approval.**

## **POLICY ON FACULTY LEAVES OF ABSENCE**

This policy spells out the policies and procedures for applying for (a) professional leaves of absence without pay and (b) personal leaves of absence with and without pay. In this document, "application" shall refer to all papers and forms submitted by a faculty member for the purpose of requesting a leave of absence. The Provost and Vice President for Academic Affairs (Provost) are designated by the President to oversee all leave applications by faculty members.

### **PART A. LEAVES OF ABSENCE WITHOUT PAY<sup>1</sup>**

#### **I. GENERAL PROVISIONS**

1. The Provost may approve a leave without pay for a specific purpose for an initial period of one year or less. A request for an extension of the leave for a second year may be made to the Provost. Leaves of absence beyond the initial two years must be approved by the Office of the Chancellor.
2. Leaves of absence without pay are either "personal" or "professional" and must be so identified on the application form.
3. An application for a leave of absence without pay form must be completed. <sup>2</sup> The eligible applicant shall receive a written response from the Provost, which shall state the reasons for granting or denying the leave and any conditions of the leave.
4. A faculty member on a leave of absence without pay shall not return to active pay status prior to the expiration of the leave without the written approval of the Provost.
5. A faculty member on a leave of absence without pay shall notify the Provost with a copy to the dean no later than April 1 of his/her intention to return to duty at the beginning of the academic year or no later than October 1 of his/her intention to return to duty at the beginning of the spring term. A faculty member may request an extension of the leave at this time.
6. A person on a semester's leave of absence without pay will miss six monthly pay warrants and benefits (e.g., an individual on leave of absence during the fall semester will not receive a salary warrant on October 1, November 1, December 1, January 1 and will be off the payroll again during summer August 1 and September 1.
7. In order to continue benefits coverage while off payroll status, arrangements should be made with the University Benefits Coordinator, to continue payments for life insurance, health insurance, organization dues, etc.

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<sup>1</sup> Since individuals on a leave of absence without pay are not contributing to PERS, they are not accruing service credit toward retirement. Individuals should consult with the Benefits Office regarding the possibility of "buying back" service credit toward retirement upon completion of the leave.

<sup>2</sup> Leave application forms are available through the Faculty Affairs website.

## **II. ELIGIBILITY**

1. All faculty members are eligible for leaves of absence without pay within the restrictions found below.
2. Participants in the Faculty Early Retirement Program are not eligible for leaves without pay.
3. Any temporary faculty member who is granted a leave of absence without pay shall maintain any rights under Articles 12.3, 12.7, 12.8 and 12.9 of the Collective Bargaining Agreement in the same manner as if that employee had taught his/her scheduled courses rather than taking a leave. The individual replacing the temporary faculty member during the leave will not accrue rights under Articles 12.3, 12.7, 12.8 and 12.9 of the Collective Bargaining Agreement.
4. Part-time temporary faculty are eligible for a leave of absence without pay not to exceed one semester.
5. The leave of absence of a temporary faculty member shall terminate upon the expiration of that employee's temporary appointment.
6. A leave without pay may be granted to a tenured faculty member who accepts a probationary or temporary position at another university.
7. A leave without pay may be granted to a probationary faculty member who accepts a temporary position, such as visiting professor, at another university.
8. A leave without pay will not be granted to a tenured faculty member who accepts a tenured faculty position at another university.
9. A leave without pay will not be granted to a probationary faculty member who accepts a tenure track or tenured position at another university.

## **III. PROCEDURES**

1. Requests for leaves of absence without pay normally shall be reviewed by the department and the dean. The department and the dean shall make recommendations to the Provost. Requests for professional leaves shall be reviewed with particular care because of the service credit involved. The department and dean shall receive a copy of the Provost's response to the leave request.
2. Personal leaves of absence without pay do not require a post leave report.
3. Professional leaves must be followed by a report of the leave activities. The report shall be submitted to the Provost with copies to the department chair and the dean no later than ten (10) weeks after returning to active payroll status. The report shall state whether the objectives of the leave were accomplished and shall include a summary of such accomplishments. The report shall be signed by the faculty member who took the leave.
4. Failure to submit the report after a professional leave of absence without pay shall result in forfeiture of service credit.

#### **IV. TYPES OF LEAVES OF ABSENCE WITHOUT PAY**

##### **A. Professional Leaves of Absence Without Pay**

1. Professional leaves of absence without pay may be for purposes of research, advanced study, professional development, or other purposes of benefit to the University.
2. A faculty member on a leave of absence without pay for professional purposes shall, when otherwise eligible, accrue service credit<sup>3</sup> toward probation, sabbatical eligibility, service salary step increase eligibility, and seniority. Such accrual of service credit toward sabbatical eligibility shall be for a maximum of one year per sabbatical eligibility period. Such accrual of service credit toward service salary step increase eligibility shall be for a maximum of one year per professional leave of absence without pay and extensions thereof.
3. Such accrual of service credit shall be forfeited whenever the Provost has determined the conditions of the leave were not met.

##### **B. Personal Leaves of Absence Without Pay**

1. Personal leaves of absence without pay may be for purposes of unpaid sick leave, outside employment, family care leave, ~~maternity/paternity~~ parental leave, or other purposes of a personal nature.
2. Faculty on a personal leave of absence without pay shall not accrue service credit toward probation, sabbatical eligibility, service salary step increase eligibility, or seniority.
3. The Provost shall determine whether a personal leave of absence without pay constitutes a break in service. The Provost shall inform the faculty member of his/her determination at the time the leave is granted (Exceptions: a family care leave; a medical leave; or a parental leave of absence without pay do not constitute a break in service.).
4. Provisions relating to family care and medical leave shall be consistent with the federal Family Medical Leave Act (FMLA) and the Collective Bargaining Agreement (Article 22 and Article 23).
5. Provision relating to military leave shall be consistent with the National Defense Authorization Act (Article 23.20).

<sup>3</sup> Since individuals on a leave of absence without pay are not contributing to PERS, they are not accruing service credit toward retirement. Individuals should consult with the Benefits Office regarding the possibility of "buying back" service credit toward retirement upon completion of the leave.

**PART B. LEAVES OF ABSENCE WITH PAY**

Provisions relating to leaves of absence with pay shall be consistent with Article 23 of the CBA. Leaves of absence with pay include paid bereavement leave, paid maternity/~~paid paternity~~parental leave, jury duty leave, leave to vote, absence as a witness, emergency leave and military leave. (See also APM 360)

An emergency leave with pay may be granted to a faculty unit employee by the President in the event of a natural catastrophe or an emergency situation that places the health and safety of the faculty unit employee in jeopardy. The President may also grant emergency leave to faculty unit employees who require leave due to violent crimes, domestic violence, and/or sexual assault. Such leaves shall normally be of short duration. (CBA Article 23.19)

**REFERENCES:** CBA Articles 12, 22, 23, 24, 27, 28, 29, 30, 31, 32, 38

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**Recommended by the Academic Senate**

November 1976

September 18, 2013

**Approved/Amended by the President**

December 1976

6/94; 10/95; 1/98; 1/99; 5/08

July 2008

October 11, 2013