

EDUCATION SUBCOMMITTEE B – HIGHER EDUCATION

House Judiciary Committee Room
January 10, 2010 @ 6:00 PM

ITEM

- Report on Institutional Faculty Maternity Leave Policies 1



West Virginia
Higher Education
Policy Commission

David K. Hendrickson
Chair



Brian Noland
Chancellor

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MEMORANDUM

TO: Education Subcommittee B – Higher Education

FROM: Kevin Walthers, Vice Chancellor for Administration

DATE: January 8, 2010

RE: Institutional Faculty Maternity Leave Policies

Attached is a summary of faculty maternity leave policies for public higher education institutions. All employees are covered by the West Virginia Parental Leave Act and/or the Family Medical Leave Act (FMLA) which allows for twelve (12) weeks of unpaid leave after an employee has worked at least twelve (12) consecutive months.

A copy is attached of Procedural Rule, Series 38, Employee Leave, which includes sick leave provisions for twelve-month faculty. Faculty who work less than twelve-months are not covered by a state-wide leave policy and the majority of higher education institutions do not have sick leave policies for faculty. Institutions with formalized practices or policies are also attached to the summary.

As you will note in the summary, many of the institutions indicate that faculty members who are absent due to an illness (maternity or otherwise), have classes covered by another faculty member and continue to receive full-pay and benefits.

Attachment

**West Virginia Higher Education Policy Commission
West Virginia Council for Community and Technical College Education**

Maternity Leave Policies

FOUR-YEAR INSTITUTIONS

Fairmont State University

For nine-month faculty, the attached policy applies.

Marshall University

For nine-month faculty, the attached policy applies.

Shepherd University

Does not have a formal policy. Institutional practice is that academic departments cover classes for the absent faculty member when off work for an extended period of time, i.e., surgery, etc.

West Liberty University

Does not have a formal policy. Faculty do not accrue sick leave and the institution does not have any separate policy or administrative procedure relating to maternity leave for faculty. Faculty are afforded paid leave for pregnancy/maternity as requested and supported by a medical statement, which outlines the individual's starting and anticipated ending time for the maternity leave period. Extensions are possible consistent with the Family Medical Leave Act (FMLA) and additional medical evidence that an extended absence is warranted.

West Virginia School of Osteopathic Medicine

Does not have a formal policy. When nine-month faculty are on extended medical leave, whether due to maternity or other health related issues, one of the following must take place: 1) Utilize off-contract time; 2) Schedules are revised; and 3) Colleagues assume responsibilities during that specific timeframe. At this time, nine-month faculty does not have lost wages due to an extended medical leave.

TWO-YEAR INSTITUTIONS

Marshall Community and Technical College

Does not have a formal policy. The institution follows provisions of the WV Parental Leave Act and FMLA. If a faculty member requests provisions of the WV Parental Leave Act and/or FMLA, the institution does not pay the faculty member's salary but does cover the full cost of the employees' benefits while on leave. The faculty member is officially placed on FMLA.

Pierpont Community and Technical College

Twelve-month faculty follow the policy outlined in the PCTC Staff Handbook. Faculty on 9, 10 and 11 month appointments follow the Faculty Sick Leave Policy. The Board of Governor's Faculty Sick Leave Policy and applicable language from the Faculty Handbook and Staff Handbook is attached.

Southern WV Community and Technical College-

The institution provides leave for faculty for maternity reasons; however, it is not specifically called "maternity leave". The policy states faculty who miss work for thirty (30) continuous calendar days will be removed from the payroll. As a condition of employment, they enroll in a disability program which starts paying faculty after thirty-day elimination period. After thirty-days of leave disability benefits begin.

West Virginia Northern Community College

As with all employee types (faculty, non-classified or classified) the institution provides and allows FMLA and/or parental leave if the employee is eligible under those guidelines. FMLA does not require leave to be paid leave which for faculty is determined by how much time they will be off and what type of coverage will be needed.

The following institutions do not have a formal policy but manage faculty maternity leave on a case-by-case basis.

Four-Year Institutions:

Bluefield State College
Concord University
Glennville State College
West Virginia State University
West Virginia University
West Virginia University Institute of Technology
Potomac State College of WVU
Blue Ridge Community and Technical College

Two-Year Institutions:

Bridgemont Community and Technical College
Eastern West Virginia Community and Technical College
Kanawha Valley Community and Technical College
New River Community and Technical College
WVU Parkersburg

**TITLE 133
PROCEDURAL RULE
HIGHER EDUCATION POLICY COMMISSION**

**SERIES 38
EMPLOYEE LEAVE**

SECTION 1. GENERAL

- 1.1 Scope - Rule regarding annual leave, military leave, leave of absence without pay, sick leave, special emergency leave, catastrophic leave, parental leave, and witness and jury leave for employees of the Higher Education Policy Commission.
- 1.2 Authority - West Virginia Code § 18B-1-6
- 1.3 Filing Date - October 20, 1992
- 1.4 Effective Date - November 19, 1992

SECTION 2. GENERAL LEAVE COVERAGE

- 2.1 Eligibility for annual and sick leave shall be based on the following:
 - 2.1.1 Employees working on a regular and continuing basis for no less than 1950 hours within a twelve (12) consecutive month period are considered to be full-time employees and are eligible for leave as specified in this document.
 - 2.1.2 Employees working between 1,040 hours and less than 1,950 on a regular and continuing basis during a twelve (12) consecutive month period shall accumulate leave on a pro rata basis.
 - 2.1.3 Employees working less than 1,040 hours are not eligible for leave benefits.
- 2.2 Faculty members on twelve-month appointments are defined as full-time employees and accrue leave according to the appropriate sections of this rule. The provisions of this rule related to annual leave, sick leave, catastrophic leave, special emergency leave, and managing work time in areas affected by interruption to utility or similar situations do not apply to faculty members on annual appointments of less than twelve months.

- 2.3 Annual and sick leave may not be taken before it is accrued. If an employee works less than a full month, annual and sick leave shall be accumulated on a pro rata basis.
- 2.4 During a terminal leave period, no type of leave may be accrued. Terminal leave is the period following the last day of scheduled work from employment such as resignation, retirement, etc.
- 2.5 Length of service shall be total years of service which includes experience with state institutions of higher education and other state agencies. Continuous service is not required to complete the required term. Annual appointment periods of nine (9) months or more shall be credited for one (1) year of service for annual leave calculation purposes.
- 2.6 A recognized institutional holiday occurring during an employee's leave period shall not be considered as a day of leave, provided the employee is not in a terminal leave period.
- 2.7 Up to fifteen (15) days of annual leave may be transferred from other agencies of state government and state higher education institutions to other higher education institutions. Certification of the balance which existed in the agency or institution from which the employee is transferring must accompany the request for transfer and bear the signature of an officer of that agency. A request for transfer must be made within one (1) year from the last day of employment with the other agency or institution.
- 2.8 When an employee transfers from other agencies of state government or from other state institutions of higher education to another institution, the employee's accumulated sick leave may be transferred. Written verification of the accumulated amount of sick leave to be transferred must be provided by the state agency or institution of higher education wherein the employee accumulated the sick leave within one (1) year of the date of employment with the institution.
- 2.9 An employee is required to notify her/his supervisor immediately if ill or unable to work for any reason and to follow the institution's established procedures for absences from work. The notification shall be given to the immediate supervisor or designee, as determined by established procedures of the institution.
- 2.10 Employees on leave of absence without pay shall not accrue annual or sick leave or years of service credit for any and all full months in which they are off the payroll.
- 2.11 Each institution shall keep on file a record showing current leave status of each employee.

SECTION 3. ANNUAL LEAVE

- 3.1 Full-time non-classified employees and faculty with twelve-month appointments shall be eligible for up to twenty-four (24) days leave per year calculated at the rate of 2.00 days per month from the date of employment. However, upon leaving a non-classified position, the accumulation rates outlined in Section 3.2 shall apply.
- 3.2 Employees occupying full-time classified positions shall be eligible for annual leave on the following basis:
 - 3.2.1 Less than 5 years' service: 1.25 days per month;
 - 3.2.2 5 but less than 10 years' service: 1.50 days per month;
 - 3.2.3 10 but less than 15 years' service: 1.75 days per month;
 - 3.2.4 15 or more years' service: 2.00 days per month.
- 3.3 Employees working at least 1,040 hours per twelve (12) consecutive months on a regular and continuing basis, but less than 1,950 hours shall accumulate annual leave on a pro rata basis.
- 3.4 Accumulated annual leave for continuing employees may be extended beyond that earned during a period of one (1) year by written approval of the president or her/his designee, but in no case shall it exceed twice the amount earned in any twelve-month period.
- 3.5 An employee is entitled to accumulated leave at termination of service, but in no case may this exceed the limits set in 3.4 above.

SECTION 4. OTHER CONDITIONS FOR ANNUAL LEAVE

- 4.1 At the request of the employee through established procedures, annual leave may be granted because of illness.
- 4.2 The work requirements of the institution shall take priority over the scheduling of annual leave or other leave for an employee. When operationally possible, the supervisor shall grant earned annual leave at the convenience of the employee. However, departmental needs must be met, and annual leave may not be taken without prior request and approval of the employee's supervisor.
- 4.3 In the event of an employee's death, the value of accumulated annual

leave will be paid to the employee's estate.

SECTION 5. SICK AND EMERGENCY LEAVE

- 5.1 Full-time employees shall accumulate sick leave at the rate of 1.5 days per month. All other employees shall accumulate sick leave in accordance with Section 2.1 of this rule.
- 5.2 Sick leave may be accumulated without limit.
- 5.3 Sick leave may be used by the employee when ill or injured or when in need of medical attention or when death occurs in the immediate family.
- 5.4 An employee may use sick leave for a member of the immediate family who is ill, injured, or in need of medical attention. Immediate family is defined as: father, mother, son, daughter, brother, sister, husband, wife, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandmother, grandfather, granddaughter, grandson, stepmother, stepfather, step children, or others considered to be members of the household and living under the same roof.
- 5.5 Sick leave for more than five (5) consecutive days shall not be granted to an employee for illness without satisfactory proof of illness or injury, as evidenced by a statement of the attending physician or by other proof satisfactory to the institution. An employee having an extended illness or serious injury shall, before returning to duty, obtain satisfactory medical clearance to help ensure adequate protection and shall indicate the employee's ability to perform her/his duties. Such medical clearance shall be presented in writing.
- 5.6 The institution may require evidence from an employee for verification of an illness or other causes for which leave may be granted under this rule, regardless of the duration of the leave.
- 5.7 In cases, except those involving catastrophic sick leave as defined in Section 8.1, where all accumulated sick leave has been used and annual leave is available, it shall be the option of an employee either to use any accumulated annual leave until it has also expired, rather than being removed from the payroll, or to retain the accumulated annual leave for use after return to work, but be taken off the payroll immediately after the accumulated sick leave has expired.
- 5.8 On-the-job injuries or occupational illnesses which involve no more than three (3) days of disability leave or absence from work shall not be charged against the employee's accumulated sick leave as long as they are the next three (3) consecutive working days after injury or illness

occurred. If on-the-job injuries or illnesses require a leave beyond the three-day period, it shall be the option of the employee either to use earned and accumulated sick and annual leave until both may be exhausted or to reserve for future use any earned and accumulated sick and annual leave and receive only Workers' Compensation benefits for which adjudged eligible.

- 5.9 Disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery therefrom shall be, for all job-related purposes, temporary disabilities and shall be treated the same as any other illness or disability would be treated for sick leave entitlement. For this reason, employees shall be entitled to sick leave for their disabilities related to pregnancy and childbirth on the same terms and conditions as they or other employees would be entitled for other illnesses and disabilities. In determining whether an employee is unable to work because of a disability related to pregnancy or childbirth, the same criteria shall be used as would be used in the case of another type of illness or disability.
- 5.10 Sick leave provisions are contingent upon continued employment. When the services of an employee have terminated, all sick leave credited to the employee shall be considered cancelled as of the last working day with the institution, and no reimbursement shall be provided for unused sick leave except in the event of retirement, in which case sick leave may be converted to insurance coverage or for provisions lawfully provided for at that time. Employees who resign in good standing and are later reemployed may have their total accumulated sick leave reinstated, provided the date of termination is one (1) year or less from the date of reemployment. However, if the employee returns to work after more than one (1) year from the date of termination, no more than 30 days of accumulated sick leave may be reinstated.

SECTION 6. MEDICAL LEAVE OF ABSENCE WITHOUT PAY

- 6.1 Any employee requesting a medical leave of absence without pay must provide the institutional president or the president's designee, through established procedures, with satisfactory medical evidence (such as a statement from the attending physician) that he/she is unable to work. The medical statement shall include a diagnosis, prognosis, and expected date that the employee can return to work. If the evidence is satisfactory, the president or her/his designee may authorize a medical leave of absence without pay only for the period of disability specified by the attending physician.
- 6.2 The employee shall be expected to report to work on the first workday following expiration of the disability period. Failure of the employee to report promptly at the expiration of a medical leave of absence without pay, except for satisfactory reasons submitted in advance, shall be cause for termination of employment by the institution. An employee, prior to return to duty, shall obtain satisfactory medical clearance to help ensure adequate protection and which shall indicate the employee's ability to

perform her/his duties. Such medical clearance shall be presented in writing.

- 6.3 A medical leave of absence without pay may be granted for no more than a twelve (12) consecutive month period. Employees who may need an extended medical leave beyond twelve (12) consecutive months may apply for an extension through institutional procedures or may consider other options, such as disability.
- 6.4 After an employee has taken a twelve-month medical leave, the institution shall continue group health insurance coverage provided that the employee pays the institution the full premium cost of such group health plan.
- 6.5 Any employee who is separated from employment following a medical leave of absence of twelve (12) consecutive months and who had chosen to maintain her/his accumulated annual leave will receive payment for such accumulated annual leave in a lump sum payment.

SECTION 7. PARENTAL LEAVE

- 7.1 A full-time employee who has worked at least twelve (12) consecutive weeks for the state may request up to twelve (12) weeks unpaid parental leave.
- 7.2 The request must be due to birth or adoption by the employee or because of a planned medical treatment or care for the employee's spouse, son, daughter, parent, or dependent who has a serious health condition.
- 7.3 The employee must provide her/his supervisor with written notice two (2) weeks prior to the expected birth or adoption; or for the medical treatment; or for the supervision of a dependent. Failure to submit a written request may be cause for denial.
- 7.4 The employee must provide the employer with certification by the treating physician and/or documentation regarding dependency status.
- 7.5 All annual leave must be exhausted before the parental leave begins. No more than a total of twelve (12) weeks of parental leave may be taken in any twelve (12) consecutive month period.
- 7.6 During the parental leave by an employee, the institution shall continue group health insurance coverage provided that the employee pays the employer the full premium cost of such group health plan.

- 7.7 The position held by the employee immediately before the leave is commenced shall be held for a period not to exceed the twelve-week period of the parental leave and the employee shall be returned to that position. However, the institution may employ a temporary employee to fill the position for the period of the parental leave.

SECTION 8. CATASTROPHIC LEAVE

- 8.1 Catastrophic leave is provided for employees and a catastrophic illness is defined as: a medically verified illness or injury which is expected to incapacitate the employee and which creates a financial hardship because the employee has exhausted all leave and other paid time off. Catastrophic illness or injury shall also include an incapacitated immediate family member if this results in the employee being required to take time off from work to care for the family member and the employee has exhausted all leave and other paid time off.
- 8.2 Each institutional president and the Chancellor of the Higher Education Policy Commission will have the option to establish a leave bank and/or a procedure for direct transfer of sick or annual leave to an employee who has requested and been approved to receive leave donations due to a catastrophic illness or injury. The institution may develop procedures which limit the amount of deposits an employee may make in any twelve (12) continuous month period.
- 8.3 A catastrophic leave bank provides for the deposit of sick and annual leave into a "bank" from which employees approved for catastrophic leave may withdraw leave.
- 8.4 A direct transfer provides for sick and annual leave to be donated at the request of the employee upon appropriate medical verification that the individual is unable to work due to the catastrophic illness or injury as determined by the president of the institution or the Chancellor of the Higher Education Policy Commission.
- 8.4.1 Upon approval for an employee to receive direct transfer of catastrophic leave, any employee may, upon written notice to the human resources department, donate sick and/or annual leave in one-day increments. No employee shall be compelled to donate sick leave. Any leave donated by an employee, but not used by the employee to whom it was donated, shall be returned to the donating employee and reflected in her/his leave balance.
- 8.5 An employee receiving the transfer of leave shall have any time which is

donated credited to such employee's leave record in one-day increments and reflected as a day-for-day addition to the leave balance of the receiving employee. The leave record of the donating employee shall have the donated leave reflected as a day-for-day reduction of the leave balance.

- 8.6 Use of donated credits may not exceed a maximum of twelve (12) continuous calendar months for any one catastrophic illness or injury. The total amount of leave received by transfer or withdrawn from a bank may not exceed an amount sufficient to ensure the continuance of regular compensation and shall not be used to extend insurance coverage pursuant to Section 13, Article 16, Chapter 5 of the Code, which relates to insurance coverage for state employees. The employee receiving donations of leave shall use any leave personally accrued on a monthly basis prior to receiving additional donated leave.
- 8.7 Direct transfer of leave or deposits into a leave bank may be inter-institutional. The president or her/his designee shall notify in writing other institutional presidents requesting that the institution consider the transfer of leave by either the direct transfer method or from the institution's leave bank. Upon approval of the receiving president, transfer leave will be made through appropriate institutional procedures.
- 8.8 Each institution and the higher education policy commission office shall be responsible for the administration of catastrophic leave and shall develop and disseminate procedures for the administration of this policy.

SECTION 9. PERSONAL LEAVE OF ABSENCE WITHOUT PAY

- 9.1 An employee, upon application in writing and upon written approval by the institutional president or her/his designee, may be granted a continuous leave of absence without pay for a period of time not to exceed twelve (12) consecutive months provided all accrued annual leave has been exhausted.
- 9.2 The president or the president's designee, at her/his discretion, may require the written approval of the supervisor before accepting the written application of an employee for a leave of absence without pay.
- 9.3 The president or the president's designee, at her/his discretion, shall determine if the purpose for which such a leave is requested is proper and within sound administrative policy.
- 9.4 At the expiration of leave of absence without pay, the employee shall be reinstated without loss of any rights, unless the position is no longer available due to a reduction in staff caused by curtailment of funds or a reduced workload. Failure of the employee to report promptly at the expiration of a leave of absence without pay, except for satisfactory reasons submitted in advance, shall be cause for termination of

employment by the institution.

- 9.5 During a personal leave, the institution shall continue group health insurance coverage provided that the employee pays the employer the full premium costs of such group health plan.

SECTION 10. MILITARY LEAVE

- 10.1 An employee who is a member of the National Guard or any reserve component of the armed forces of the United States shall be entitled to and shall receive a leave of absence without loss of pay, status, or efficiency rating, for all days in which engaged in drills or parades ordered by proper authority, or for field training or active service for a maximum period of thirty (30) working days ordered or authorized under provisions of state law in any one (1) calendar year. The term "without loss of pay" shall mean that the employee shall continue to receive normal salary or compensation, notwithstanding the fact that such employee may receive other compensation from federal sources during the same period. Furthermore, such leave of absence shall be considered as time worked in computing seniority, eligibility for salary increased, and experience with the institution. An employee shall be required to submit an order or statement in writing from the appropriate military officer in support of the request for such military leave.
- 10.2 Benefits of this section shall accrue to individuals ordered or called to active duty by the President of the United States for thirty (30) working days after they report for active service.

SECTION 11. SPECIAL EMERGENCY LEAVE WITH PAY

- 11.1 Special emergency leave with pay may be granted by the president of the institution or her/his designee to full-time employees in the event of extreme misfortune to the employee or the immediate family. The leave should be the minimum necessary, and in no case may it exceed five (5) days within any twelve (12) consecutive month period. Typical events which may qualify an employee for such leave are fire, flood, or other events (other than personal illness or injury or serious illness or death in the immediate family) of a nature requiring emergency attention by the employee.

SECTION 12. WITNESS AND JURY LEAVE

- 12.1 Upon application in writing, an employee of the a higher education institution or the Higher Education Policy Commission may be granted

leave as indicated hereinafter in this section provided the employee is not a party to the action. Annual leave will not be charged under the provisions of this section.

- 12.2 When, in obedience to a subpoena or direction by proper authority, an employee appears as a witness for the Federal Government, the State of West Virginia, or a political subdivision thereof, the employee shall be entitled to leave with pay for such duty and for such period of required absence.
- 12.3 When attendance in a court is in connection with an employee's usual official duties, time required in going and returning shall not be considered as absence from duty.
- 12.4 When an employee serves upon a jury, or is subpoenaed in litigation, the employee shall be entitled to leave with pay for such duty and for such period of required absence.
- 12.5 The employee shall report to work if he/she is excused by the court before the end of her/his regular work day. Provisions for employees who work a shift other than day shift shall be made according to institutional policy.

SECTION 13. MANAGING WORK TIME IN AREAS AFFECTED BY INTERRUPTION TO UTILITY SERVICE OR SIMILAR SITUATIONS

- 13.1 Utility Service Interruptions - When extended power and utility service interruptions occur, administrators should make arrangements for employees' usual work routine to be accomplished at alternate work locations, or make affected employees available to other administrators for work in other areas. Also, if an administrator deems it advisable and the employee agrees, time off during the utility service interruption may be granted and charged against an employee's accumulated annual leave. Combinations of the above alternatives may be necessary, but in all cases interruptions of work schedules must be dealt with in accordance with applicable laws, including West Virginia Code 12-3-13. This law is interpreted to mean that if pay is associated with the absence from work, the absence must be charged to accumulated annual leave.
- 13.2 Emergency Situations - In the event that an emergency exists, the president, in conjunction with local or state public safety officials, has the authority to comply with the emergency situation and close the institution. Such a declaration will be transmitted to the chancellor of the Higher Education Policy Commission. The president, working with public safety officials, will determine when the emergency condition no longer exists. Should an employee be required to work by the president or her/his designee during a declared emergency, the time worked shall be

compensated according to the provisions of Series 8. Work time lost by any employee during a declared emergency will be considered regular work time for pay purposes and will not require that the time be charged to annual leave nor will there be a requirement that the time be made up.

- 13.3 Absences from work due to weather conditions other than during a declared emergency must be charged against accumulated annual leave, accumulated compensatory time, or the employee must be removed from the payroll for the time in question. Where institutions employ the "floating holiday" concept, the holiday record may be charged. Sick leave may not be charged for absence due to weather. Time lost from work may be made up in the same work week at the discretion of the employee's supervisor.

Fairmont State University Board of Governors POLICY NO. 38

TITLE: FACULTY SICK LEAVE

EFFECTIVE DATE: November 10, 2005

The purpose of this policy is to clarify faculty rights and responsibilities when a faculty member cannot meet with classes or carry out other official duties because of personal illness; clarify the duties of Deans in such cases; and provide guidelines for requesting short-term disability leave. Since faculty members on a contract of less than twelve months do not earn or accrue sick or annual leave (per HEPC Series 38 and WVCCCTC 135-38), this policy addresses procedures for occasions when personal illness occurs.

This policy is not intended to address all issues surrounding the request for unpaid medical or Family Medical Leave Act (FMLA) leave and is in no way intended to limit or prohibit faculty members from requesting and taking such leave.

State law (§12-3-13) prohibits the payment of wages when work is not performed. This policy is intended to provide a procedure and plan that protects the faculty member and the institution in cases in which faculty members are unable to work due to personal illness.

The Fairmont State University Board of Governors strongly encourages all benefits-eligible faculty members to enroll in a short-term disability plan and directs the administration to make such a plan available.

GENERAL PROVISIONS

Each faculty member is employed to carry out duties which include but are not limited to meeting with each assigned class during its scheduled time frame and performing other related faculty responsibilities.

A faculty member who must miss scheduled work time (class, office, committee, or other) because of personal illness or injury is required to notify his or her immediate supervisor).

A work day is defined as a day on which the faculty member would regularly be scheduled to meet with a class, hold office hours, or perform other duties such as advising or committee work.

A "health care professional" is defined as a person, other than the employee or a member of his or her family who (a) is licensed to practice medicine under the laws of the state in which he or she practices; or (b) is legally qualified as a medical practitioner and required to be recognized by the insurance laws of the state in which he or she practices.

DEAN RESPONSIBILITIES

In the event of the faculty member's absence, it becomes the responsibility of the Dean (or his or her designee such as department chair or program coordinator) to ensure that:

1. Another member of the faculty/staff will meet with the classes affected, or
2. He/she will meet with the classes when a faculty/staff member is unavailable, or
3. Notify the students in advance if it becomes necessary to cancel classes.

In addition, the Dean will develop and maintain a record-keeping system for documenting notification of faculty absences due to illness or injury and notifying Human Resources when a faculty member has been absent five (5) or more work days due to personal illness or injury. Documentation shall include verification of receipt of "Return to Work Authorization/Medical Release" form when absence exceeds six (6) work days.

FACULTY RESPONSIBILITIES

Faculty members have the following responsibilities:

1. A faculty member who must miss scheduled work time (class, office, committee, or other) because of personal illness or injury is required to notify his or her immediate supervisor.

2. If physically able, offer assistance or suggestions to the Dean or his or her designee in arranging for another faculty or staff member to meet with affected classes.
3. Faculty members are strongly encouraged to enroll in short-term disability coverage.
4. Faculty members must notify the Benefits Office and request a claim form to file for disability income benefits (short-term disability benefits currently available through the Benefits Office become effective on the eighth day and provide a percentage of salary for up to six months. For purposes of the disability coverage, the eight day period begins with documentation from the treating health care professional).
5. Before returning to work after a period of absence of six (6) or more work days, the faculty member must obtain a "Return to Work Authorization/Medical Release" form from the treating health care professional.

Faculty members whose illness or injury prevent them from carrying out their assigned duties for fourteen (14) consecutive calendar days will be placed on unpaid medical leave until able to return to work. The administration will work with those faculty members enrolled in short-term disability to initiate the receipt of disability benefits as defined by the plan.

While this policy addresses the procedures for short-term illness leave and encourages faculty members to enroll in a short-term disability plan, the Board also encourages all faculty members to enroll in some form of long-term disability coverage.

In order to provide a transition period, this policy will not apply to any faculty member who has enrolled in short-term disability but is denied benefits based on a pre-existing condition between November 1, 2005 and October 31, 2006.

LEAVE

Annual Leave

All full-time employees in classified, non-classified, and 12-month faculty positions shall be eligible for annual leave with pay on the following basis:

Less than 5 years service (classified)	1.25 days accrual per month
5-10 years service (classified)	1.50 days accrual per month
10-15 years service (classified)	1.75 days accrual per month
15 or more years service (classified)	2.00 days accrual per month
Non-Classified and 12-month faculty	2.00 days accrual per month

NOTE: Full-time regular employees working between 1,040 hours and 1,950 hours over at least nine (9) months of a twelve (12) month period shall accumulate annual leave on a prorated basis.

Annual leave shall not be granted to casual, temporary, or part-time employees.

Accumulation Limits – Accumulated annual leave for continuing employees may not exceed twice the amount earned in any twelve (12) month period. An employee is entitled to compensation for accumulated leave at termination of service, but in no case may this exceed twice the amount earned in any twelve (12) month period.

Calculation Based on Years of Service to the State of West Virginia – Annual leave accrual rate shall be based on years of service to the recognized agencies of the State of West Virginia.

Crediting Years of Service – An annual appointment period of nine (9) months or more shall be credited for one year of service for annual accrual rate determination.

Illness During Annual Leave – Illness which occurs during scheduled annual leave is counted as annual leave.

Scheduling and Use of Annual Leave – Annual leave must be approved in advance by the supervisor. Annual leave shall be arranged to fit operating schedules; however, consideration shall be given to an employee's request. Seniority may not be considered by the supervisor when arranging vacation schedules. An employee may not take leave before it is earned.

Transfer of Annual Leave – Up to fifteen (15) days of accumulated annual leave may be transferred from other agencies of the West Virginia State Government to institutions of Higher Education. Certification of the employee's annual leave balance, which existed at the state agency, must accompany the request for transfer and bear the signature of an officer of that agency. A request for transfer must be made within one (1) year from the last day of employment with the other state agency.

Procedures for Reporting Unscheduled Absences

Notification of an unscheduled absence, prior to an employee's scheduled start time, is of the utmost importance. If, for any reason, an employee is unable to report to work as scheduled, the employee must notify their supervisor prior to their scheduled start time with the reason and expected duration of the absence. Failure to notify an immediate supervisor concerning an absence can result in discipline to the employee, including termination. It is the obligation of the employee to make certain that the immediate supervisor or designee is notified of an absence prior to the employee's scheduled start time.

Sick Leave

All full-time employees in classified, non-classified, and 12-month faculty positions shall accumulate sick leave at the rate of 1.5 days per month.

Accumulation Limits – Sick leave may be accumulated without limit and may be used by the employee when ill or injured or when in need of medical attention or when death occurs in the immediate family.

For purposes of this policy, definition of immediate family member is as follows: Father, mother, son, daughter, brother, sister, husband, wife, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandmother, grandfather, granddaughter, grandson, stepmother, stepfather, stepchildren, or others considered members of the household and living under the same roof.

Sick Leave for More Than Five (5) Consecutive Days – Requires satisfactory proof of illness or injury, as evidenced by a statement of the attending physician or by other proof satisfactory to the institution. An employee having an extended illness or serious injury shall, before returning to duty, obtain satisfactory medical clearance to help ensure adequate protection and shall indicate the employee's ability to perform her/his duties. Such medical clearance shall be presented in writing. Also refer to page 28; Medical Leave Verification/assessment is required.

Reinstatement of Sick Leave Upon Re-Employment – When an employee terminates employment for reasons other than retirement, all sick leave credited to that employee shall be considered ended as of the last working day with the institution, and no reimbursement shall be provided for unused sick leave. If an employee resigns in good standing and is later re-employed, he/she may have his/her accumulated sick leave reinstated if the date of termination is less than one (1) year from re-employment. If the employee returns to work after more than one (1) year from the date terminated, no more than 30 days of accumulated sick leave may be reinstated.

Sick Leave Conversion Upon Retirement – Upon meeting certain requirements, individuals retiring from Fairmont State may be eligible to apply unused sick leave as a credit toward the premium for the West Virginia Public Employees Insurance Plan. Call the Benefits Office for additional information (Ext. 4113).

Medical Leave Verification – Medical leave verification/assessment is a signed statement from the treating health care provider to validate the illness or other cause for which sick leave or medical leave of absence may be granted. The health care provider signing the medical assessment must be current and appropriately licensed. The document must provide information regarding the individual's medical condition, diagnosis, prognosis, functional limitations, including duration and treatment plan, if any. Based upon the medical assessment, employability and/or accommodation determinations will be made by Fairmont State.

Medical leave verification/assessment is required:

- To validate a sick leave absence of more than five (5) consecutive days under the terms of the sick leave policy;
- To return to work following a sick leave absence of more than five (5) consecutive days, or a medical leave of absence;
- If requested of the employee by the supervisor following a sick leave absence, regardless of duration, as a condition of returning to work;
- To apply for and sustain catastrophic leave eligibility;
- To apply for and sustain a medical leave of absence; and/or
- To assure continued access to benefit coverage while on medical leave of absence.

It is the employee's responsibility to pursue and obtain the necessary medical assessment from the treating health care provider, and present the completed evaluation to the College in a timely manner.

Provision of incomplete, unacceptable, or untimely medical information may result in:

- Prohibition to charge time absent from work to accrued sick leave;
- Prohibition to return to work if one's capacity to perform essential duties is in question;
- Ineligibility for catastrophic leave;
- Disallowed or discontinued medical leave of absence;
- Discontinuation of benefit access; and/or
- Disciplinary action, up to and including termination of one's employment with Fairmont State.

For additional information, refer to the Higher Education Policy Commission Series No. 38 or contact the Office of Human Resources (Ext. 4383).

Emergency Leave – Emergency leave of up to five (5) days within any fiscal year, with pay, may be granted by the President of Fairmont State or designee in the event of extreme misfortune to the employee or his/her immediate family, provided that all accrued annual leave has been exhausted.

Typical events, which may qualify an employee for such leave, include fire, flood, or other occurrences (other than personal illness or injury, or serious illness or death in the immediate family) of a nature requiring emergency attention by the employee.

Funeral Leave – When a death occurs in the immediate family, a reasonable amount of time may be charged to accrued sick leave as required for the employee to arrange for and attend the funeral and related services, including travel time. For the purpose of administering this leave policy, the immediate family is defined as parent, child, grandparent, grandchild, brother, sister, husband, wife, step-parent, step-child, brother-in-law, sister-in-law, or others considered to be members of the household and living under the same roof. “Reasonable” amount of time is determined at the discretion of the supervisor, and is based upon geographic distance, workload and similar factors.

The Family and Medical Leave Act (“FMLA”) – provides certain employees with up to twelve (12) workweeks of unpaid, job-protected leave a year, and requires group health benefits to be maintained during the leave as if employee continued to work instead of taking leave.

Pregnancy-Related Illness or Disabilities – Disabilities which may be caused by pregnancy shall be treated the same as any other off-the-job illness or disability would be treated for sick leave entitlement. Pregnancy-related illness shall include pregnancy, miscarriage, abortion, childbirth, and recovery. In determining if an employee is unable to work because of a pregnancy related illness, the same criteria shall be used as for any other disability.

Catastrophic Leave

A classified, non-classified, or 12-month faculty employee experiencing a catastrophic illness or injury as defined by the West Virginia Code and Fairmont State policy may request approval to receive paid leave time donated by other employees. Within established limits, employees may voluntarily donate accumulated sick or annual leave directly to an approved recipient. For information, contact the Office of Human Resources (Ext. 4383). Upon approval of catastrophic leave, an employee’s status will be changed to hourly and arrears payment will be in effect upon returning to work.

Medical Leave of Absence without Pay

An employee requesting a medical leave of absence without pay must provide the Office of Human Resources satisfactory medical evidence (such as a statement from the attending physician) that she/he is unable to work. The medical statement shall include a diagnosis, prognosis, and expected date that the employee can return to work. If the evidence is satisfactory, the medical leave of absence may be authorized without pay only for the period of disability specified by the attending physician. The employee is expected to report to work on the first workday following expiration of the disability period. Failure to do so, except for satisfactory reasons submitted in advance, is cause for termination of employment by the institution. An employee, prior to return to duty, needs to obtain satisfactory written medical clearance to help ensure adequate protection and the medical clearance also needs to indicate the employee's ability to perform his/her duties. A medical leave of absence without pay may be granted for no more than twelve (12) months. An employee must exhaust all sick leave, but may choose to maintain accumulated annual leave. Employee must pay employee portion of health insurance.

Military Leave

An employee who is a member of the National Guard or any reserve component of the armed forces of the United States shall be entitled to and shall receive a leave of absence without loss of pay, status, or efficiency rating, for all days in which engaged in drills or parades ordered by proper authority, or for field training or active service for a maximum period of thirty (30) working days ordered or authorized under provisions of state law in any one (1) calendar year. The term "without loss of pay" shall mean that the employee shall continue to receive normal salary or compensation, notwithstanding the fact that such employee may receive other compensation from federal sources during the same period. Furthermore, such leave of absence shall be considered as time worked in computing seniority, eligibility for salary increases, and experience with the institution. An employee shall be required to submit an order or statement in writing from the appropriate military officer in support of the request for such military leave.

Benefits of this section shall accrue to individuals ordered or called to active duty by the President of the United States for thirty (30) working days after they report for active service.

Parental Leave

A full-time employee who has worked at last twelve (12) consecutive weeks for the state may request up to twelve (12) weeks unpaid parental leave. The request may be due to birth or adoption by the employee or because of a planned medical treatment or care for the employee's spouse, son, daughter, parent, or dependent who has a serious health condition. The employee must provide her/his supervisor with written notice two (2) weeks prior to the expected birth or adoption; or for the medical treatment; or for the supervision of a dependent. Failure to submit a written request may be cause for denial. The employee must provide the employer with certification by the treating physician and/or documentation regarding dependence status. All annual leave must be exhausted before the parental leave begins. No more than a total of twelve (12) weeks of parental leave may be taken in any twelve (12) consecutive month period. The institution shall continue group health insurance coverage provided that the employee pays the employer the full premium cost of such group health plan.

Personal Leave of Absence without Pay

An employee must provide request in writing to the Office of Human Resources. Upon written approval, the employee may be granted a continuous leave of absence without pay for a period of time not to exceed twelve (12) consecutive months provided all accrued annual leave has been exhausted. The president or the president's designee, at her/his discretion, may require the written approval of the supervisor before accepting the written application of an employee for a leave of absence without pay. The institution shall continue group health insurance coverage provided that the employee pays the employer the full premium costs of such group health plan.

MARSHALL UNIVERSITY BOARD OF GOVERNORS

Policy No. AA-43

MODIFIED DUTIES FOR NINE-MONTH FACULTY

1 General Information.

- 1.1 Scope: This policy allows for the modification of job responsibilities in special circumstances for certain faculty at Marshall University.
- 1.2 Authority: WV Code §18B-1-6.
- 1.3 Passage Date: _____.
- 1.4 Effective Date: _____.
- 1.5 Controlling Over: Marshall University.
- 1.6 History:
 - 1.6.1 This is the first formal policy implemented at Marshall University for modification of duties for faculty in the event of catastrophic or other unexpected situations. The policy on the following pages is from a faculty-senate resolution approved by the president.
- 1.7 Purpose:
 - 1.7.1 Marshall University recognizes that personal-life situations may arise that could cause nine-month faculty, who do not accrue sick leave or annual leave, to request short-term modification of assigned duties. Such situations would include parental responsibilities for a newborn or newly-adopted child, care for an elderly parent, illness of the faculty member or someone in the immediate family, or other identified catastrophic situations. To allow the faculty member the flexibility to attend to these situations, he or she may request a modification of assigned duties for one semester with no reduction in salary or benefits. Further, upon consultation with the department chair and college dean, and depending on individual circumstances, a nine-month tenure track faculty member may request an extension of the probationary period by one academic year.
 - 1.7.2 The exact nature of the modified duties would be agreed upon among the faculty member, his/her chair or division head and dean, and the Provost. If the department/division will need additional funds to cover some part of the faculty member's original duties, the chair or division head may request those funds through the dean and the Provost/Senior Vice President for Academic Affairs.
 - 1.7.3 This policy is not intended to cover all situations, including those involving disability, reassigned time for research or administrative duties, or change from full-time to part-time status.

MODIFIED DUTIES FOR NINE-MONTH FACULTY

DESCRIPTION:

Marshall University recognizes that personal-life situations may arise that could cause nine-month faculty, who do not accrue sick leave or annual leave, to request short-term modification of assigned duties. Such situations would include parental responsibilities for a newborn or newly adopted child, care for an elderly parent, illness of the faculty member or someone in the immediate family, or other identified catastrophic situations. To allow the faculty member the flexibility to attend to these situations, he or she may request a modification of assigned duties for one semester with no reduction in salary or benefits. Further, upon consultation with the department chair and college dean, and depending on individual circumstances, a nine-month tenure track faculty member may request an extension of the probationary period by one academic year.

The exact nature of the modified duties would be agreed upon among the faculty member, his/her chair or division head and dean, and the Provost. If the department/division will need additional funds to cover some part of the faculty member's original duties, the chair or division head may request those funds through the dean and the Provost/Senior Vice President for Academic Affairs.

This policy is not intended to cover all situations, including those involving disability, reassigned time for research or administrative duties, or change from fulltime to part-time status.

PROCESS:

To initiate the modified duties process, a faculty member should consult with the department chair/division head and complete the Request for Modified Duties form (attached).

A faculty member may request an extension of the modified duties status for one additional semester with the same process as the initial request.

ELIGIBILITY:

All nine-month tenured, tenure-track, clinical or library faculty are eligible to apply for Modified Duties. All such requests must include documentation to substantiate the necessity of the modified duties status.

APPEALS:

A faculty member whose request for Modified Duties is denied may appeal to the Provost/Senior Vice President for Academic Affairs. The decision of the Provost is final.

MARSHALL UNIVERSITY

REQUEST FOR MODIFIED DUTIES

Marshall University recognizes that personal-life situations may arise that could cause nine-month faculty, who do not accrue sick leave or annual leave, to request short-term modification of assigned duties. Such situations would include parental responsibilities for a newborn or newly adopted child, care for an elderly parent, illness of the faculty member or someone in the immediate family, or other identified catastrophic situations. To allow the faculty member the flexibility to attend to these situations, he or she may request a modification of assigned duties for one semester with no reduction in salary or benefits. Further, upon consultation with the department chair and college dean, and depending on individual circumstances, a nine-month tenure track faculty member may request an extension of the probationary period by one academic year.

Faculty Member: _____

Department: _____

Requested period of modified duties: _____

Please attach a plan of proposed activities, developed in consultation with the chair/division head and the dean.

Reason(s) for modified duties:

Funding requested by Department Head to support this request: Amount: \$ _____

Proposed use of funds:

Amount approved by Provost: \$ _____

Faculty Member

Date

Approved Chair/Division Head Date
 Not Approved *

 Approved Dean Date
 *Not Approved**

 Approved Provost Date
 Not Approved

*If the chair/division head does not support this request, the reasons for denial shall be provided in writing, and the request automatically forwarded to the dean for further review. If the dean does not support this request, the reasons for denial shall be provided in writing, and the request automatically forwarded to the provost for further review.

Pierpont Community & Technical College Board of Governors POLICY NO. 38

TITLE: FACULTY SICK LEAVE

EFFECTIVE DATE: November 10, 2005

The purpose of this policy is to clarify faculty rights and responsibilities when a faculty member cannot meet with classes or carry out other official duties because of personal illness; clarify the duties of Deans in such cases; and provide guidelines for requesting short-term disability leave. Since faculty members on a contract of less than twelve months do not earn or accrue sick or annual leave (per HEPC Series 38 and WVCCCTC 135-38), this policy addresses procedures for occasions when personal illness occurs.

This policy is not intended to address all issues surrounding the request for unpaid medical or Family Medical Leave Act (FMLA) leave and is in no way intended to limit or prohibit faculty members from requesting and taking such leave.

State law (§12-3-13) prohibits the payment of wages when work is not performed. This policy is intended to provide a procedure and plan that protects the faculty member and the institution in cases in which faculty members are unable to work due to personal illness.

The Pierpont Community & Technical College Board of Governors strongly encourages all benefits-eligible faculty members to enroll in a short-term disability plan and directs the administration to make such a plan available.

GENERAL PROVISIONS

Each faculty member is employed to carry out duties which include but are not limited to meeting with each assigned class during its scheduled time frame and performing other related faculty responsibilities.

A faculty member who must miss scheduled work time (class, office, committee, or other) because of personal illness or injury is required to notify his or her immediate supervisor).

A work day is defined as a day on which the faculty member would regularly be scheduled to meet with a class, hold office hours, or perform other duties such as advising or committee work.

A "health care professional" is defined as a person, other than the employee or a member of his or her family who (a) is licensed to practice medicine under the laws of the state in which he or she practices; or (b) is legally qualified as a medical practitioner and required to be recognized by the insurance laws of the state in which he or she practices.

DEAN RESPONSIBILITIES

In the event of the faculty member's absence, it becomes the responsibility of the Dean (or his or her designee such as department chair or program coordinator) to ensure that:

1. Another member of the faculty/staff will meet with the classes affected, or
2. He/she will meet with the classes when a faculty/staff member is unavailable, or
3. Notify the students in advance if it becomes necessary to cancel classes.

In addition, the Dean will develop and maintain a record-keeping system for documenting notification of faculty absences due to illness or injury and notifying Human Resources when a faculty member has been absent five (5) or more work days due to personal illness or injury. Documentation shall include verification of receipt of "Return to Work Authorization/Medical Release" form when absence exceeds six (6) work days.

FACULTY RESPONSIBILITIES

Faculty members have the following responsibilities:

1. A faculty member who must miss scheduled work time (class, office, committee, or other) because of personal illness or injury is required to notify his or her immediate supervisor.

2. If physically able, offer assistance or suggestions to the Dean or his or her designee in arranging for another faculty or staff member to meet with affected classes.
3. Faculty members are strongly encouraged to enroll in short-term disability coverage.
4. Faculty members must notify the Benefits Office and request a claim form to file for disability income benefits (short-term disability benefits currently available through the Benefits Office become effective on the eighth day and provide a percentage of salary for up to six months. For purposes of the disability coverage, the eight day period begins with documentation from the treating health care professional).
5. Before returning to work after a period of absence of six (6) or more work days, the faculty member must obtain a "Return to Work Authorization/Medical Release" form from the treating health care professional.

Faculty members whose illness or injury prevent them from carrying out their assigned duties for fourteen (14) consecutive calendar days will be placed on unpaid medical leave until able to return to work. The administration will work with those faculty members enrolled in short-term disability to initiate the receipt of disability benefits as defined by the plan.

While this policy addresses the procedures for short-term illness leave and encourages faculty members to enroll in a short-term disability plan, the Board also encourages all faculty members to enroll in some form of long-term disability coverage.

In order to provide a transition period, this policy will not apply to any faculty member who has enrolled in short-term disability but is denied benefits based on a pre-existing condition between November 1, 2005 and October 31, 2006.

**PIERPONT COMMUNITY
AND TECHNICAL COLLEGE**

FACULTY HANDBOOK

2007-2008

FAIRMONT, WEST VIRGINIA

Twelve Month Faculty hired July 1, 2001 and thereafter, are not eligible to use leave accrued for a premium credit benefit.

Expiration of PEIA Credit:

Retirees will be billed for the health insurance premium based on years of service. See the PEIA Shopper's Guide for retiree health and optional life monthly premiums.

Surviving Dependent Rights

If the policyholder dies, the accrued sick leave benefit terminates. The surviving dependent may continue health coverage, but will pay the premium.

All plan rules and regulations are subject to change. Please visit the Human Resources Benefits website for links to various vendors.

Leaves of Absence Coverage:

Medical Leave of Absence

Health insurance and other optional plan coverage shall continue while an employee is on an approved medical leave of absence provided a doctor's statement is provided. The faculty member is required to pay his portion of the health premium, and FS will continue to pay the employer portion. Faculty members will pay the full premiums for optional plans (life insurance, disability, etc) on the same basis as an active employee by remitted payment to the Benefits Office.

Personal Leave Of Absence

The faculty member may be granted a continuous leave of absence without pay for a period of time not to exceed twelve (12) consecutive months provided all accrued annual leave has been exhausted. The employee is required to pay the full cost (employee and employer share) of the health insurance and basic life insurance premium during the leave, as well as any other optional benefit plan premiums.

Sabbatical

Benefit plans will continue the same as during active service during an approved "paid" sabbatical. Unpaid sabbaticals require the employee to pay the full amount of health (employee and employer) premium costs, as well as other optional benefit premiums to the Benefits Office on a monthly basis. The application procedure for sabbatical leave can be found below.

Termination of Benefits

Employee and dependent coverage shall terminate at the end of the month in which the employee ceases employment or goes off payroll. Nine-month employees whose contract ends in May will only have benefit coverage through May 31 (any escrow paid will be refunded). In addition, if pay is spread, it will be paid in a lump sum at the end of the appointment.

COBRA

Employees and their enrolled dependents may be eligible to continue current health coverage for a limited time under the federal Consolidated Omnibus Budget Reconciliation Act (COBRA). An election to continue coverage under COBRA must be made within 60 days of the end of coverage.

Payroll

Arrears Pay

New hires will be paid two weeks in arrears. Employees hired on August 15 will receive their first pay September 15.

Pay dates are the 15 and 30 or 16 and 31 of each month. Pay stubs are available on line.

Direct Deposit of your FS pay is **required** for new employees. Deposits to checking, savings, and credit union accounts are available.

Social Security

All employees must contribute to Social Security. Fairmont State matches employee contributions. Social Security questions should be directed to the Social Security Office 1-800-772-1213 or www.ssa.gov

Workers' Compensation

FS employees are covered against job-related injuries by the WV Workers' Compensation Fund. If an employee is injured on the job, he/she must report the injury to his/her supervisor within 24 hours. All accidents/injuries must also be reported to the Department of Public Safety 367-4277 within 24 hours.

Medicare

Medicare is available at the beginning of the month you turn age 65, whether you are retired or still working. As long as you are a full time active employee with health coverage under your name and social security number, you need to enroll for Medicare Part A only. When you prepare to retire, you must enroll for Medicare Part B. For current information contact Social Security at 1-800-772-1213 or www.ssa.gov

Change of Name, Address, Beneficiaries, or Exemptions

A new social security card is required to change your name on payroll and benefit plans. A change in address should be reported in writing to the Benefits or Payroll Office. It is important that this information be kept current in order to ensure that W-2 Wage and Tax Statements and other important mail reach the faculty member. To change beneficiaries, contact the Benefits Office for the necessary forms. Tax changes can be made in the Payroll Office.

Supplemental Retirement Annuities

An agreement with the College provides employees the opportunity to save additional retirement dollars via Supplemental Retirement Annuities (SRA's). The employee's contributions are tax sheltered and remitted to the vendor through payroll reduction. Employees may choose among vendors who offer investment opportunities.

Credit Unions

Credit union membership is available to Pierpont Community and Technical College employees with the convenience of payroll deductions. The participating credit unions are Fairmont Federal Credit Union, Marion County School Employees Federal Credit Union, and West Virginia Public Employees Credit Union. The wide range of services includes share/savings account and installment loans.

Leave of Absence

The Higher Education Policy Commission, upon the recommendation of the President and Provost of the Community and Technical College, will grant leaves of absence, without pay, to employees for:

1. Study of advanced degrees,
2. Experience designed to improve teaching ability to include:
 - a. Travel
 - b. Teaching and/or consulting in another institution
 - c. Government service
 - d. Other experience designed to benefit the institution,
3. Illness,
4. Involuntary service in the Armed Forces of the United States.

During the period of such leave, tenure will remain in effect. If the employee is without tenure, such leave of absence shall not preclude the extension of the leave for an additional year when special conditions warrant such an extension. The applicant is expected to furnish adequate notice of the decision to return or not by January 15, for the fall semester and by September 15 for the spring semester. Application for a leave should be made by January 15 or September 15. This policy is in compliance with Series 35 included in this Handbook.

Sabbatical Leave

In addition to Series 10, the following Sabbatical Leave Policy applies to Pierpont Community and Technical College personnel. This policy was adopted by the Fairmont State College Faculty Senate Personnel Committee during the spring, 1980.

Eligibility. Anyone holding faculty rank is eligible for sabbatical leave after the completion of at least six years of full-time employment at Fairmont State University and/or Pierpont Community and Technical College. The award of sabbatical leave is not automatic, but depends on the merits of the request and on conditions prevailing at the College at the time. After completing a sabbatical leave, the individual will not again be eligible until the seventh subsequent year.

Purpose. Sabbatical leave may be granted for the purpose of research, writing, study, or other activity designed to improve teaching and usefulness to the College.

Procedures and Criteria. Applicants for sabbatical leave will initiate the procedure by obtaining application forms from the School Dean. Applications will include: 1) personal professional data; 2) a typewritten proposal detailing the activity to be pursued; and 3) relevant supporting documents. Completed application forms will be submitted by applicants to the Dean on or before December 1 for a sabbatical leave to begin the fall or spring semester of the following academic year.

The Dean, in recommending the applicant for sabbatical, will verify that:

1. The applicant's professional performance merits this award, the benefits to be derived from the sabbatical are of value to the academic program and/or to the Community and Technical College, and the applicant meets the eligibility requirements.
2. The teaching load of the applicant will be provided by the following: appointment of part-time personnel, temporary suspension of one or more classes and/or coverage by colleagues.

3. It is possible to replace the applicant without additional cost to Pierpont Community and Technical College and without modifications of scheduling that would adversely affect students' normal progress toward degrees.

Sabbatical leave applications, recommendations and supporting documents will be presented by the Dean to the President of the Community and Technical College on or before December 15 for a sabbatical leave to begin the fall or spring semester of the following academic year. The President of the Community and Technical College will forward the sabbatical leave file to the Faculty Assembly Personnel Committee. After thorough review, the Committee will make its recommendations through the President of the Community and Technical College to the President for final approval.

Duration and Compensation. Sabbatical leaves at Pierpont Community and Technical College may be granted for a period of one semester or two consecutive semesters. A person on sabbatical leave will receive full salary for one semester (4 1/2 months) or half salary for two semesters (9 months).

Obligations of Recipient

1. The recipient of a sabbatical will sign a statement agreeing to all conditions of the leave, including the repayment provision.
2. While on sabbatical leave, the recipient will not accept remunerative employment without the written consent of the President of Pierpont Community & Technical College. (Fellowships, assistantships, and similar institutional stipends will not be considered remunerative employment).
3. After completing a sabbatical leave, the recipient will file with the President of the College a written report of activities while on leave.
4. The recipient will return to full-time employment at Pierpont Community and Technical College for one year immediately after the sabbatical or repay the compensation received during the leave. If the period of employment after the sabbatical leave is less than one year, repayment will be prorated accordingly.⁹

Other

Annual Employee Benefits and Health Fair

The Benefits Health Fair offers health screenings, wellness information, and benefit plan information. The Fair is held each April during the PEIA Open Enrollment period.

Pre-Tax Parking Deduction saves taxes on FICA, Federal and WV state tax.

Picture Identification Cards are issued to employees for access to the Library, parking garage, sporting and other events.

Childcare

Fairmont State offers a part time Laboratory Preschool for three and four year old children of students, faculty and staff. The preschool is located in the Education Building. For more information call (304) 367-4846.

⁹ Employee's obligation changed to one year by legislation and revised Policy Bulletin No. 10 dated May 7, 1985.

LEAVE

Annual Leave

All full-time employees in classified, non-classified, and 12-month faculty positions shall be eligible for annual leave with pay on the following basis:

Less than 5 years service (classified)	1.25 days accrual per month
5-10 years service (classified)	1.50 days accrual per month
10-15 years service (classified)	1.75 days accrual per month
15 or more years service (classified)	2.00 days accrual per month
Non-Classified and 12-month faculty	2.00 days accrual per month

NOTE: Full-time regular employees working between 1,040 hours and 1,950 hours over at least nine (9) months of a twelve (12) month period shall accumulate annual leave on a prorated basis.

Annual leave shall not be granted to casual, temporary, or part-time employees.

Accumulation Limits – Accumulated annual leave for continuing employees may not exceed twice the amount earned in any twelve (12) month period. An employee is entitled to compensation for accumulated leave at termination of service, but in no case may this exceed twice the amount earned in any twelve (12) month period.

Calculation Based on Years of Service to the State of West Virginia – Annual leave accrual rate shall be based on years of service to the recognized agencies of the State of West Virginia.

Crediting Years of Service – An annual appointment period of nine (9) months or more shall be credited for one year of service for annual accrual rate determination.

Illness During Annual Leave – Illness which occurs during scheduled annual leave is counted as annual leave.

Scheduling and Use of Annual Leave – Annual leave must be approved in advance by the supervisor. Annual leave shall be arranged to fit operating schedules; however, consideration shall be given to an employee's request. Seniority may not be considered by the supervisor when arranging vacation schedules. An employee may not take leave before it is earned.

Transfer of Annual Leave – Up to fifteen (15) days of accumulated annual leave may be transferred from other agencies of the West Virginia State Government to institutions of Higher Education. Certification of the employee's annual leave balance, which existed at the state agency, must accompany the request for transfer and bear the signature of an officer of that agency. A request for transfer must be made within one (1) year from the last day of employment with the other state agency.

Procedures for Reporting Unscheduled Absences

Notification of an unscheduled absence, prior to an employee's scheduled start time, is of the utmost importance. If, for any reason, an employee is unable to report to work as scheduled, the employee must notify their supervisor prior to their scheduled start time with the reason and expected duration of the absence. Failure to notify an immediate supervisor concerning an absence can result in discipline to the employee, including termination. It is the obligation of the employee to make certain that the immediate supervisor or designee is notified of an absence prior to the employee's scheduled start time.

Sick Leave

All full-time employees in classified, non-classified, and 12-month faculty positions shall accumulate sick leave at the rate of 1.5 days per month.

Accumulation Limits – Sick leave may be accumulated without limit and may be used by the employee when ill or injured or when in need of medical attention or when death occurs in the immediate family.

For purposes of this policy, definition of immediate family member is as follows: Father, mother, son, daughter, brother, sister, husband, wife, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandmother, grandfather, granddaughter, grandson, stepmother, stepfather, stepchildren, or others considered members of the household and living under the same roof.

Sick Leave for More Than Five (5) Consecutive Days – Requires satisfactory proof of illness or injury, as evidenced by a statement of the attending physician or by other proof satisfactory to the institution. An employee having an extended illness or serious injury shall, before returning to duty, obtain satisfactory medical clearance to help ensure adequate protection and shall indicate the employee's ability to perform her/his duties. Such medical clearance shall be presented in writing. Also refer to page 28; Medical Leave Verification/assessment is required.

Reinstatement of Sick Leave Upon Re-Employment – When an employee terminates employment for reasons other than retirement, all sick leave credited to that employee shall be considered ended as of the last working day with the institution, and no reimbursement shall be provided for unused sick leave. If an employee resigns in good standing and is later re-employed, he/she may have his/her accumulated sick leave reinstated if the date of termination is less than one (1) year from re-employment. If the employee returns to work after more than one (1) year from the date terminated, no more than 30 days of accumulated sick leave may be reinstated.

Sick Leave Conversion Upon Retirement – Upon meeting certain requirements, individuals retiring from Fairmont State may be eligible to apply unused sick leave as a credit toward the premium for the West Virginia Public Employees Insurance Plan. Call the Benefits Office for additional information (Ext. 4113).

Medical Leave Verification – Medical leave verification/assessment is a signed statement from the treating health care provider to validate the illness or other cause for which sick leave or medical leave of absence may be granted. The health care provider signing the medical assessment must be current and appropriately licensed. The document must provide information regarding the individual's medical condition, diagnosis, prognosis, functional limitations, including duration and treatment plan, if any. Based upon the medical assessment, employability and/or accommodation determinations will be made by Fairmont State.

Medical leave verification/assessment is required:

- To validate a sick leave absence of more than five (5) consecutive days under the terms of the sick leave policy;
- To return to work following a sick leave absence of more than five (5) consecutive days, or a medical leave of absence;
- If requested of the employee by the supervisor following a sick leave absence, regardless of duration, as a condition of returning to work;
- To apply for and sustain catastrophic leave eligibility;
- To apply for and sustain a medical leave of absence; and/or
- To assure continued access to benefit coverage while on medical leave of absence.

It is the employee's responsibility to pursue and obtain the necessary medical assessment from the treating health care provider, and present the completed evaluation to the College in a timely manner.

Provision of incomplete, unacceptable, or untimely medical information may result in:

- Prohibition to charge time absent from work to accrued sick leave;
- Prohibition to return to work if one's capacity to perform essential duties is in question;
- Ineligibility for catastrophic leave;
- Disallowed or discontinued medical leave of absence;
- Discontinuation of benefit access; and/or
- Disciplinary action, up to and including termination of one's employment with Fairmont State.

For additional information, refer to the Higher Education Policy Commission Series No. 38 or contact the Office of Human Resources (Ext. 4383).

Emergency Leave – Emergency leave of up to five (5) days within any fiscal year, with pay, may be granted by the President of Fairmont State or designee in the event of extreme misfortune to the employee or his/her immediate family, provided that all accrued annual leave has been exhausted.

Typical events, which may qualify an employee for such leave, include fire, flood, or other occurrences (other than personal illness or injury, or serious illness or death in the immediate family) of a nature requiring emergency attention by the employee.

Funeral Leave – When a death occurs in the immediate family, a reasonable amount of time may be charged to accrued sick leave as required for the employee to arrange for and attend the funeral and related services, including travel time. For the purpose of administering this leave policy, the immediate family is defined as parent, child, grandparent, grandchild, brother, sister, husband, wife, step-parent, step-child, brother-in-law, sister-in-law, or others considered to be members of the household and living under the same roof. “Reasonable” amount of time is determined at the discretion of the supervisor, and is based upon geographic distance, workload and similar factors.

The Family and Medical Leave Act (“FMLA”) – provides certain employees with up to twelve (12) workweeks of unpaid, job-protected leave a year, and requires group health benefits to be maintained during the leave as if employee continued to work instead of taking leave.

Pregnancy-Related Illness or Disabilities – Disabilities which may be caused by pregnancy shall be treated the same as any other off-the-job illness or disability would be treated for sick leave entitlement. Pregnancy-related illness shall include pregnancy, miscarriage, abortion, childbirth, and recovery. In determining if an employee is unable to work because of a pregnancy related illness, the same criteria shall be used as for any other disability.

Catastrophic Leave

A classified, non-classified, or 12-month faculty employee experiencing a catastrophic illness or injury as defined by the West Virginia Code and Fairmont State policy may request approval to receive paid leave time donated by other employees. Within established limits, employees may voluntarily donate accumulated sick or annual leave directly to an approved recipient. For information, contact the Office of Human Resources (Ext. 4383). Upon approval of catastrophic leave, an employee’s status will be changed to hourly and arrears payment will be in effect upon returning to work.

Medical Leave of Absence without Pay

An employee requesting a medical leave of absence without pay must provide the Office of Human Resources satisfactory medical evidence (such as a statement from the attending physician) that she/he is unable to work. The medical statement shall include a diagnosis, prognosis, and expected date that the employee can return to work. If the evidence is satisfactory, the medical leave of absence may be authorized without pay only for the period of disability specified by the attending physician. The employee is expected to report to work on the first workday following expiration of the disability period. Failure to do so, except for satisfactory reasons submitted in advance, is cause for termination of employment by the institution. An employee, prior to return to duty, needs to obtain satisfactory written medical clearance to help ensure adequate protection and the medical clearance also needs to indicate the employee's ability to perform his/her duties. A medical leave of absence without pay may be granted for no more than twelve (12) months. An employee must exhaust all sick leave, but may choose to maintain accumulated annual leave. Employee must pay employee portion of health insurance.

Military Leave

An employee who is a member of the National Guard or any reserve component of the armed forces of the United States shall be entitled to and shall receive a leave of absence without loss of pay, status, or efficiency rating, for all days in which engaged in drills or parades ordered by proper authority, or for field training or active service for a maximum period of thirty (30) working days ordered or authorized under provisions of state law in any one (1) calendar year. The term "without loss of pay" shall mean that the employee shall continue to receive normal salary or compensation, notwithstanding the fact that such employee may receive other compensation from federal sources during the same period. Furthermore, such leave of absence shall be considered as time worked in computing seniority, eligibility for salary increases, and experience with the institution. An employee shall be required to submit an order or statement in writing from the appropriate military officer in support of the request for such military leave.

Benefits of this section shall accrue to individuals ordered or called to active duty by the President of the United States for thirty (30) working days after they report for active service.

Parental Leave

A full-time employee who has worked at last twelve (12) consecutive weeks for the state may request up to twelve (12) weeks unpaid parental leave. The request may be due to birth or adoption by the employee or because of a planned medical treatment or care for the employee's spouse, son, daughter, parent, or dependent who has a serious health condition. The employee must provide her/his supervisor with written notice two (2) weeks prior to the expected birth or adoption; or for the medical treatment; or for the supervision of a dependent. Failure to submit a written request may be cause for denial. The employee must provide the employer with certification by the treating physician and/or documentation regarding dependence status. All annual leave must be exhausted before the parental leave begins. No more than a total of twelve (12) weeks of parental leave may be taken in any twelve (12) consecutive month period. The institution shall continue group health insurance coverage provided that the employee pays the employer the full premium cost of such group health plan.

Personal Leave of Absence without Pay

An employee must provide request in writing to the Office of Human Resources. Upon written approval, the employee may be granted a continuous leave of absence without pay for a period of time not to exceed twelve (12) consecutive months provided all accrued annual leave has been exhausted. The president or the president's designee, at her/his discretion, may require the written approval of the supervisor before accepting the written application of an employee for a leave of absence without pay. The institution shall continue group health insurance coverage provided that the employee pays the employer the full premium costs of such group health plan.



SUBJECT: **Illness of Faculty Member, Responsibilities for Meeting Affected Classes, and Requests for Leave Due to Illness**

REFERENCE: SAA-2000 C#1-9900, 9/8/99 and Faculty Handbook

1. PURPOSE

To clarify faculty responsibility regarding absences.

2. SCOPE AND APPLICABILITY

All faculty, full time and part time.

3. DEFINITIONS

4. POLICY

- A. Each member of the faculty is employed to carry out the classroom teaching responsibilities normally expected which includes meeting each assigned class during its scheduled time frame.
- B. A faculty member who must miss scheduled work time (class, office, committee, or other) is required to complete a faculty absence form.
- C. A full-time faculty member may request a leave of absence because of illness pursuant to SCP 2484.

5. BACKGROUND OR EXCLUSIONS

6. GENERAL PROVISIONS

7. RESPONSIBILITIES AND PROCEDURES

- A. It is recognized that situations may arise when the faculty member cannot meet his/her classes because of the following reasons:
 - 1. Illness or injury,
 - 2. Serious illness of a family member,



3. Death in the immediate family,
 4. Pregnancy and/or birth/adoption of a child.
 5. Temporary disabilities, or
 6. Other unusual circumstances.
- B. Division Chair Responsibilities
1. In the event of the faculty member's absence, it becomes the responsibility of the Division Chair to ensure that:
 - a. Another member of the Division's faculty/staff will meet the classes affected; or
 - b. He/she will meet the classes when a faculty/staff member is unavailable;
 - c. Students are notified in advance by the Division Chair if it becomes necessary to cancel classes.
 - d. Faculty absence forms are completed appropriately, signed, and sent to the Human Resources Department for filing.
- C. Faculty Responsibilities
1. Faculty members who must miss scheduled work time (class, office, committee, or other) are required to complete a faculty absence form.
 2. Faculty members who miss more than ten (10) consecutive work days are required to have a physician's statement completed per SCP 2484.
 3. Faculty members are strongly encouraged to enroll in TIAA disability coverage. Faculty employed after September 1999 are required to enroll.
 4. Faculty who miss work for thirty (30) continuous calendar days will be removed from the payroll. At this time, benefits from disability coverage should begin.
 5. Before returning to work after a period of absence for ten (10) or more days, the faculty member must obtain a "Return to Work Authorization/Medical Release" form from the treating physician.



8. CANCELLATION

9. SIGNATURE

President

Date

Attachments

Faculty Absence Request/Report Form SCP 2406.A

Distribution

All faculty members

Revision Date

September 1, 2000