

THE UNIVERSITY OF NORTH CAROLINA AT WILMINGTON

FACULTY DISABILITY & FAMILY MEDICAL LEAVE SALARY CONTINUATION POLICY

Responsible Offices: Office of the Provost
Human Resources

Effective: July 1, 2004
Supercedes: August 21, 2001

Forms: FMLA Application

Related Links: FMLA Policy
Family Illness Policy

A. Objectives

To provide for a period of paid leave for faculty members for serious personal disability or eligible family leave purposes under the Family Medical Leave Act of 1993 (FMLA). (See Administrative Procedure HR 2.25)

To ensure equal treatment among faculty who need paid time off related to personal disability, parental leave, or family member illness and to ensure the consistent administration of faculty leaves of absence.

B. General Statement

Under FMLA eligible employees are entitled to a total of 12 workweeks leave, paid or unpaid, during any 12-month period for serious personal disability or eligible family medical leave purposes.

C. Definitions

1. A **serious personal disability** is a health condition that requires either inpatient care or continuing treatment by a health care provider and includes both acute and chronic conditions.
2. **Family members** for purposes of this policy include a spouse or unmarried partner, children, or parents. This policy also covers other dependents living in the employee's household.
 - a. A spouse includes husband or wife or unmarried partner.

Unmarried partners are any two individuals who have a committed relationship with one another and consider themselves life partners;

who maintain a common household and share responsibility for the common necessities of daily living; who have both attained the age of consent and are not so closely related to one another as would preclude marriage in NC; and who are both unmarried and have no other partner. [Adopted by the UNCW Benefits Committee, October 20, 2002.]

b. A child is a son or daughter and may be a biological child, an adopted child, a foster child, a stepchild, the employee's legal ward, or a child of an employee standing in loco parentis.

c. A parent is a biological or adoptive parent or an individual who stood in loco parentis to the employee when the employee was a child.

3. **Eligible family leave purposes** include the following:

a. Birth of a child and care for the child after birth, provided the leave is completed within 12 months of the birth

b. Care for a child placed with the employee for adoption or foster care, provided the leave is completed within 12 months following adoption

c. Care for the employee's spouse, child, parent where that spouse, child, parent has a serious health condition

d. Care for other dependents living in the employee's household where that dependent has a serious health condition

D. Coordination with FMLA and the NC Family Illness Leave Policy

All periods of paid time off under this policy will be construed as family medical leave under the Family & Medical Leave Act. The FMLA entitlement of 12 weeks of leave without pay will run concurrently with any period of paid time off.

The North Carolina Family Illness Act allows for an extension of up to 52 weeks of leave without pay during a five-year period in cases of serious illness of a spouse, child, or parent. Under NC Family Illness Leave an eligible employee is a permanent or time-limited employee (1) who has worked for the State of North Carolina for a minimum of 12 months and (2) has been in a paid status at least 1040 hours during the previous 12-month period (or the equivalent of 50% of full-time equivalent load for faculty). Temporary employees are not eligible for Family Illness Leave.

E. Coordination with Disability Plans

To the extent applicable, salary continuation is paid during the NC-DIP waiting period and does not extend or defer the period for which employees are eligible for short-term disability benefits. Faculty not enrolled in a supplemental program will be at a decided financial disadvantage in the case of serious illness. .

1. NC Disability Income Plan Benefits

All faculty participating in retirement and who have at least one full year of service are covered under the North Carolina Disability Income Plan (NC-DIP) for short-term disability benefits which provide up to one year of disability income at 50% of base salary following a 60-day waiting period. Further, faculty with five years of service are covered under NC-DIP for long-term disability benefits which provide disability income at 65% of salary after the short-term disability period has been exhausted.

2. Supplemental Disability Programs

All faculty participating in retirement are eligible to participate in a supplemental disability income program at their own expense, which provides 66.67% of base salary (after coordination with NC-DIP benefits, if any, and social security benefits) following a 90-day waiting period. Employees who do not enroll in the supplemental disability plan within 30 days of eligibility are required to provide medical evidence of insurability in order to participate.

F. UNCW Salary Continuation for Faculty

1. Exclusive Nature of Policy

Upon its date of implementation, this policy becomes the university's sole faculty disability policy and should be applied in all cases of disability. Informal voluntary agreements whereby faculty teach courses and perform other normally assigned professional duties for disabled colleagues are no longer sanctioned, except in the initial two weeks of a disability as noted below.

2. Eligibility

a. Participation in Retirement Plan

To be eligible for salary continuation, a faculty member must be participating in the Teachers' & State Employees' Retirement System, the UNC Optional Retirement Program, the UNCW Phased Retirement Program or be employed under a three-year half-time reappointment contract.

b. Eligible Appointments Covered Under This Salary Continuation Policy

Tenured and tenure-track faculty, regardless of length of service, full-time lecturers with more than one year of service, and visiting faculty with more than one year of service are covered under this salary continuation policy. Faculty disabled for a period greater than 60 days will be transferred from the university payroll to be compensated through NC-DIP if eligible.

Disability or family leave salary continuation is not available to full-time lecturers with less than one year of service, to visiting faculty with less than one year of service, or to adjunct, temporary, or other faculty in non-benefit earning appointments.

3. Salary Continuation Benefit

UNCW will provide salary continuation at 100% of base salary as follows:

a. Up to 60 days from the onset of the faculty member's personal disability. Faculty disabled for a period greater than 60 days will be transferred from the university payroll to be compensated through NC-DIP if eligible.

b. Up to 60 days for eligible family leave purposes as outlined in C. 3. above.

Salary continuation payments are equivalent to the faculty member's 12-month disbursement schedule and are not calculated based on the number of academic work days lost.-

Eligible employees are entitled to a total of 12 weeks leave during any 12-month period.

Appointment Type	Leave Purpose	Salary Continuation
Tenured and tenure-track faculty regardless of length of service (including tenured faculty with 12-month appointments)	<ul style="list-style-type: none"> ● Employee's serious disability ● Birth or adoption of child ● Family member illness 	<ul style="list-style-type: none"> ● 60 days ● 60 days ● 60 days
Full-time lecturers with more than one year of service	<ul style="list-style-type: none"> ● Employee's serious disability ● Birth or adoption of child ● Family member illness 	<ul style="list-style-type: none"> ● 60 days ● 60 days ● 60 days
Full-time visiting faculty with more than one year of service	<ul style="list-style-type: none"> ● Employee's serious disability ● Birth of adoption of child ● Family member illness 	<ul style="list-style-type: none"> ● 60 days ● 60 days ● 60 days

4. Successive Disabilities

Salary continuation may be afforded more than once during an individual's employment with the university, but only once for a given disability period for the same medical condition (as determined by Human Resources under NC-DIP guidelines).

G. Coordination with Other Leave Programs

1. No Impact on Other Leave Options

This policy shall not be construed as reducing or eliminating any leave with pay, off campus scholarly assignment, research reassignment, or leave without pay option presently available to faculty and administrators for other than disability purposes.

2. No Change to Incidental Sick Time Off Policy

This policy does not change the practice of colleagues covering classes during periods of incidental sick time off of less than two weeks. Salary continuation covers only those absences in excess of two weeks, but will be charged from the beginning of an extended absence.

3. Coordination with Sick Leave

Faculty members who hold EPA 12-month administrative positions at the time of their disability must first exhaust any accrued sick, vacation, or bonus leave and then will be eligible for any remaining period of salary continuation applicable to their faculty status (if greater).

Faculty who have accrued *sick*, vacation, or bonus leave from a previous EPA 12-month administrative appointment must first exhaust any accrued sick, vacation, or bonus leave and then will be eligible for any remaining period of salary continuation.

If sick leave is used, it will run concurrently with and not in addition to disability salary continuation.

4. No Formal Leave Accrual

Disability salary continuation under this policy does not constitute "sick leave" as this term is used in State and university policy. Allowances for salary continuation have no cash equivalency; are not transferable through the university's shared leave program for EPA 12-month & SPA employees; may not be credited to retirement under the Teachers' and State Employees' Retirement System; and are not relevant under the Optional Retirement Program.

H. Processing Guidelines

1. *Mandatory Notification to Dean & Human Resources*

Department chairs must notify their respective dean and Human Resources in any circumstance in which a faculty member is absent due to personal disability or family leave in excess of two consecutive weeks.

2. *Application, Approvals, & Funding*

Faculty members must apply for salary continuation on such forms as may be adopted by Human Resources. Upon certifying eligibility, Human Resources will notify the appropriate department chair and dean that the faculty member qualifies for disability or family leave salary continuation under this policy.

Department chairs and deans remain responsible for approving all faculty leaves of absence, including disability-related leaves of absence. The department chair is responsible for securing, to the extent possible, substitute personnel for the duration of the faculty member's leave. Any adjustments in work schedules within the department are at the discretion of the department chair with the approval of the dean and are subject to departmental and institutional needs and resources.

Disability salary continuation will automatically be charged to the employee's home department. However, upon certification of a faculty member's disability, the dean will immediately provide funding to the faculty member's department for a temporary or interim replacement. This funding will continue for the duration of the faculty member's disability or family leave.

3. *Verification of Disability / Medical Confidentiality*

The university (through Human Resources) may require the faculty member to provide medical verification of the nature and expected duration of any disability from the employee's or family member's physician or a physician specializing in the area of the diagnosis. The university may request a second or third opinion at its own expense.

Human Resources certifies to the academic chain of command whether the condition constitutes a disability or eligible family leave but does not provide personal medical information to the employee's immediate supervisor without the employee's permission.

4. *Record Keeping*

Human Resources will maintain records of disability and family leave salary continuation in the employee's official personnel file. On the effective date of this policy, all prior service at UNC Wilmington for non-tenure track faculty will contribute to eligibility.

I. Appeals

A decision by the dean not to grant a request for leave under this policy may be appealed to the Provost.

J. Effect on Tenure

An untenured, tenure-track faculty member who is granted leave under this policy is eligible for an extension of the time period for the permanent tenure decision if the faculty member so chooses. He or she should apply for that extension through the department head and dean to the provost at the time the paid leave is granted. This extension shall be for the time required as governed by the nature of the situation.

A tenured faculty member granted leave under this policy may have his or her five-year post-tenure review delayed by a period agreed upon by the faculty member, the department head, and the dean.

Faculty will not be penalized in their condition of employment because they require time away from work caused by or contributed to by conditions covered by this policy.

Effective Date

This policy shall become effective upon approval by the Chancellor.

Rosemary DePaolo
Chancellor

Original Policy Adopted: November 13, 1998
Revised to include Phased Retirees: August 21, 2001
Revised to include Family Medical Leave: July 1, 2004