Leaves of Absence (30.024)

Introduction
Staff members who require time off from work for a period of time in excess of two weeks may be eligible to take a leave of absence. Most leaves of absence are medically related, either for an employee's own serious health condition or for a covered family member if eligible under the Family Medical Leave Act/Rhode Island Parental and Family Medical Leave Act (FMLA/RIPFMLA). There may be other circumstances where employees may request a personal leave of absence. This policy discusses leave of absence options for employees.

Policy Statement
The University makes available unpaid leaves of absence to employees. However, eligible employees may continue to be paid while on leave by using Sick Time, Vacation Time, or Parental Leave time, in accordance with the terms of the applicable policy(ies). Also, employees out for a serious health condition may be eligible to file a claim with Rhode Island Temporary Disability Insurance (TDI). An employee may file a TDI claim concurrently with a leave of absence, regardless of pay status.

In general, employees eligible for FMLA/RIPFML should use that leave type when requesting a leave of absence. If an employee is medically unable to work after FMLA/RIPFML has been exhausted, leave may be requested under Short Term Disability (STD). Under STD, job protection is at the discretion of the respective department. Health, dental and life insurance continue at the active rate for up to 26 weeks, however, employee are still responsible for the employee portion of the cost of coverage.

The University will fully comply with applicable law in the administration of these leave provisions. In view of the complexity and detail in the various statutes, it is impractical to express the entire body of relevant information in policy documents. In situations where this policy does not contain a specific obligation or right, the University will follow applicable state or federal requirements.

Leave Types and Eligibility
Family Medical Leave Act/Rhode Island Parental and Family Leave Act (FMLA/RIPFMLA). In general, employees who have worked at least 1250 hours in the previous 12 months and have worked at the University for at least 1 year are eligible. An eligible employees requesting leave for his or her own serious medical condition or seeking to provide care for a covered family member may request this leave type. Please see the FMLA/RIPFML policy for a more comprehensive overview. The maximum leave duration for FMLA/RIPFML leave is 13 weeks. The leave may be unpaid, paid, or a combination of paid and unpaid depending on the employee's eligibility for paid time off under the other policies referenced.

Short Term Disability (STD). Employees scheduled to work at least 975 hours per year are eligible for a Short-Term Disability leave. STD leave can be requested when an employee has exhausted or is not eligible for FMLA/RIPFML and needs a leave of absence for their own serious health condition (including giving birth). The maximum leave duration for a STD leave is 26 weeks. If an employee has already been granted leave under FMLA/RIPFML, the leave will run concurrently with STD for a combined maximum of 26 weeks. The leave may be unpaid, paid or a combination of paid and unpaid depending on the employee's eligibility for paid time off under the other policies referenced.

Personal Leave. Employees scheduled to work at least 975 hours per year are eligible to request Personal Leave. A personal leave is typically used in circumstances when an employee's need for leave is for personal reasons not covered by FMLA/RIPFML or Short Term Disability. An employee requesting a Personal leave must submit a detailed, formal request to senior management and receive a formal approval in writing from his or her respective department. Employees on a Personal leave are responsible for the full premium cost of medical insurance. The maximum leave duration for Personal leave is 26 weeks. Personal leave is unpaid (although paid vacation time may be used during the leave).
**Administrative Leave.** May only be initiated by Human Resources, often in consultation with the department, for situations where a leave of absence is determined to be in the best interest of the University and the employee. Administrative leave may be approved for time to undertake/complete an investigation into alleged misconduct.

**Responsibilities**

**Employee:**

- Formally initiate a leave request. This should be done in Workday.
- Leave requests must be made at least 30 days in advance of the leave start date when the leave need is foreseeable.
- In rare circumstances when an employee is unable to request a leave in advance, such as a medical leave due to an emergency, the supervisor may initiate the leave request on the employee's behalf.
- The employee should ensure that any documentation, such as the healthcare provider’s certification, is submitted promptly. Failure to provide supporting documentation may result in the designation of FMLA/RIPFMLA status being withdrawn.
- Keeping supervision informed of the anticipated return to work date and any changes in the date or the status of the leave.
- When returning from leave, provide appropriate documentation to the supervisor as the situation warrants:
  - If leave was due to a medical condition, a return to work note from the employee’s healthcare provider should be provided.
  - If leave is not due to a medical condition, there is no requirement for a return to work note.
- Keep supervision informed of the status of the leave as well as any changes that may affect his/her leave status.

**Supervisor:**

- Approve the leave request if it is for an FMLA/RIPFMLA reason and appears complete. Requests for Personal Leaves should be approved only after being reviewed by senior management as described above.
- If any of the leave is paid time off, ensure the appropriate pay is submitted and approved or the employee will not be paid.
- Maintain contact with the employee at reasonable intervals if the leave is for an extended period of time, in order to plan for the return to work date or the date job protection ends if sooner.

**Leave Specialist:**

- Serves as a resource for employees and supervisors with questions about the leave of absence process.
- Review leave requests for eligibility and approval.
- Notify employees and supervisors of the status of leave requests. Requests supporting documentation as necessary to ensure adequate record-keeping under the Family Medical Leave Act/Rhode Island Parental and Family Leave Act (FMLA/RIPFMLA).

**Procedures**

**Leave of Absence:** Employees must request a leave of absence through Workday.
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Published on Policies (https://www.brown.edu/about/administration/policies)

Medical Leave of Absence: Employees requesting leave that is medical in nature must provide a sufficiently completed Certification of Healthcare Provider Form to the Leave Specialist in Human Resources.

Return to work, Medical Leave of Absence: Upon completion of a Medical Leave of Absence, the employee will provide a return to work note to the employee's supervisor with a copy to the Leave Specialist in Human Resources.

Return to work, non-medical Leave of Absence: The employee should maintain communication with their supervisor throughout the Leave of Absence and return upon a mutually agreed upon date, no later than the expiration of the Leave of Absence.

Forms/Instructions
- Certification of Healthcare Provider Form (Employee’s Own Medical Condition)
- Certification of Healthcare Provider Form (Family Member)
Related Policies
- Parental Leave
- Sick Time
- Vacation Time
- Family and Medical Leave Act (FMLA)/Rhode Island Parental Family and Medical Leave (RIPFML)
Related Information
- Long-Term Disability
  Long Term Disability (LTD) is a benefit provided by the University to eligible employees and may be applied for by those who will be medically unable to return to work after 180 days (6 months) of leave. LTD is administered by Lincoln Financial Group and provides up to 60% of pay while on an approved claim. Those on an approved claim may continue health, dental, vision and voluntary life insurance by paying the active rate for an additional six months (6 months while on STD and 6 months while approved for LTD) for a total 12 months. After 12 months, the full premium rate applies for those who wish to continue coverage.

Policy Owner Approved by Vice President for Human Resources

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