1.0  **Policy Purpose**

Brown University supports employees in need of requesting extended time out of work for medical and personal reasons. This policy explains the various leave of absence types available to staff.

2.0  **To Whom the Policy Applies**

All full-time and part-time staff who work more than 50 Percent Time are eligible for a leave of absence after completion of their probationary period. Federal and State leave laws may have additional eligibility criteria.

3.0  **Policy Statement**

A leave of absence is an employment status for an employee who is approved for extended time away from work for medical or personal reasons. Requests for a leave of absence are required to be submitted when a medical or personal absence is expected to last more than five business days.

Leaves of absence can be requested for any of the reasons below:

- An employee’s own serious health condition
- An employee’s family member who has a serious health condition
- Birth and care of an employee’s newborn child
- Adoption or foster care placement with an employee
- Personal reasons not covered by federal or state laws that are not a pre-approved vacation

The University will fully comply with applicable federal or state laws to administer leaves of absence. In situations where this policy does not contain a specific obligation or right, the University will follow applicable state or federal requirements.

3.1  **Family Medical Leave Act/Rhode Island Parental and Family Medical Leave (FMLA/RIPFML)**

An eligible employee requesting leave for their own Serious Health Condition or seeking to provide care for a covered family member may be eligible for job protection under FMLA and/or RIPFML.

- The maximum leave duration for FMLA leave is twelve weeks, and the maximum leave time for RIPFML leave is thirteen weeks. When applicable, these leaves will run concurrently with each other (e.g., an employee cannot take twelve weeks of FMLA and then an additional thirteen weeks of leave under RIPFML.)
- FMLA/RIPFML leave is unpaid. Employees may use time off to receive pay while on this leave.
There is no disruption in an employee’s benefit coverage during an approved FMLA or RIPFML leave of absence. Employees are responsible for paying the employee portion of their benefit premiums during their approved leave period.

### 3.2 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.
- Personal leaves of absence are subject to approval at the University’s discretion.
- The maximum leave duration for Personal leave is 26 weeks. Personal Leave is unpaid (vacation time may be used to receive pay during this leave).
- Employees are responsible for the full premium cost for their benefits while on an approved Personal Leave.

### 3.3 Parental Leave

Biological and adoptive parents that have one continuous year of employment at Brown and have worked at least 975 hours in the previous year are eligible to be absent for up to six weeks of parental leave with full pay.
- This leave is available as of the date of birth of the child or date of placement for adoption.
- This leave can be taken any time within the twelve-week period after the date of birth or placement for adoption, and the leave time away from work must be consecutive.
- In the event that both parents work at Brown and meet the eligibility requirements, both are eligible for this leave.
- Parental Leave may run concurrently with federal and state leave laws.

### 3.4 Administrative Leave

This leave of absence is permitted when it is in the best interest of the University and the employee. Administrative leaves may be approved when an investigation is necessary to address misconduct allegations.

### 3.5 Special Assignment

Up to three months at full pay or six months at half pay may be granted to the staff member to perform such duty.
- Approval for this leave is at the discretion of the department leader with additional approval required from the department’s senior officer, and approval from the President, Provost, or Executive Vice President for Finance and Administration.
- This leave may only be granted when the assignment will be of value to Brown (e.g., the accomplishment of a particular project or completion of a specific training program).
- Employees approved for this leave will establish work expectations with the department (e.g., reports due) and will remain at Brown for at least one year at the end of this leave.
- Departments are responsible for the coverage of duties normally performed by the employee on this leave.
There is no disruption in an employee’s benefits coverage during this leave of absence. Employees are responsible for paying the employee portion of their benefit premiums during their approved leave period.

4.0 Definitions

For the purpose of this policy, the terms below have the following definitions:

Percent Time: Employee’s scheduled hours and months divided by the employer’s standard hours and months for a full-time work schedule.

Leave of absence process: Procedure for documenting a leave of absence, which includes required documentation to receive approval for a leave of absence.

Serious Health Condition: Illness, injury, impairment, or a physical or mental condition that involves inpatient care or continuing treatment by a health care provider.

Americans with Disabilities Act (ADA): federal law prohibiting discrimination on the basis of a disability in employment, state and local government, public accommodations, commercial facilities, transportation, and telecommunications.

Family Medical Leave Act (FMLA): federal law that provides up to twelve weeks of job-protected leave for an employee’s own serious medical condition or to care for a covered family member who has a serious medical condition.

Rhode Island Parental and Family Medical Leave (RIPFML): state law providing up to thirteen weeks of job-protected leave for an employee’s own serious medical condition or to care for a covered family member who has a serious medical condition.

5.0 Responsibilities

All individuals to whom this policy applies are responsible for becoming familiar with and following this policy. University supervisors are responsible for promoting the understanding of this policy and for taking appropriate steps to help ensure compliance with it.

Employee: Communicate a leave of absence request to their manager. Provide documentation timely and communicate updates to their manager as needed. Responsible for entering applicable information in Workday.

Manager: Identify the need for a leave and guide the employee to appropriate resources and processes. Remain as primary contact for the employee throughout the process.

Absence Partner: This employee receives leave of absence notifications in Workday and absence-related communications for all leaves of absence within their department. Serves as a department resource for absence policy and procedural information.
**HR Business Partner (HRBP):** This employee provides guidance on procedures & policies to managers and employees throughout the leave of absence process.

**Absence Administrator** - This employee processes, designates, and manages leaves of absences. They provide leave of absence guidance to HRBP’s, managers, and absence partners.

### 6.0 Consequences for Violating this Policy

Failure to comply with this and related policies is subject to disciplinary action, up to and including suspension without pay, or termination of employment or association with the University, in accordance with applicable (e.g., staff, faculty, student) disciplinary procedures.

If an employee fails to properly notify Brown University of the need for leave, provide timely and sufficient medical certification, or properly keep the department notified of his or her expected return to work date or need for additional leave, the leave designation may be withdrawn.

The employee requesting leave is responsible for meeting the requirements of taking a leave and keeping respective parties up to date on any changes to his or her leave status. Failure to comply with the University’s application process despite submission of documents outside of the process does not constitute a valid application.

### 7.0 Related Information

This policy is not a legal document. This policy does not confer a term of employment, nor is the language intended to establish a contract of employment, express or implied, between any employee and Brown University. The University reserves the right to change, amend or terminate any of its human resources policies at any time for any reason.

Brown University is a community in which employees are encouraged to share workplace concerns with University leadership. Additionally, Brown’s Anonymous Reporting Hotline allows anonymous and confidential reporting on matters of concern online or by phone (877-318-9184).

The following information complements and supplements this document. The information is intended to help explain this policy and is not an all-inclusive list of policies, procedures, laws and requirements.

#### 7.1 Related Policies:
- Paid Time Off Policy
- FMLA/RIPFML Policy
- Military Leave Policy
- Employment Accommodations for Persons with Disabilities

#### 7.2 Related Procedures:
- Leaves of Absence SOP
- Paid Time Off SOP
- Employment Accommodations for Persons with Disabilities SOP

#### 7.3 Related Forms:
- Certification of Health Care Provider (Own Medical Condition)
7.4 **Frequently Asked Questions (FAQs):**

- **I have enough sick/vacation time off for my absence, do I need to request a leave of absence?**
  
  If your absence extends for more than 5 days you will be required to initiate a leave of absence. This ensures that you receive the appropriate protections under the respective laws and/or under the terms of a collective bargaining agreement.

- **Is my leave of absence paid?**
  
  A leave of absence is not a pay status. You may choose to use accrued time off, in accordance with the respective policy(ies), to receive pay. You may also be able to file a claim for Temporary Disability Insurance (TDI)/Temporary Caregiver Insurance (TCI). New York based employees may be eligible for New York State Disability Insurance and/or Paid Family Leave benefits. California based employees may be eligible for California State Disability Insurance Program benefits.

7.5 **Other Related Information:**

- If an employee is not eligible for or upon exhaustion of job protected time under applicable state and federal leave laws, employees unable to return to work as a result of a disability may be considered for a reasonable workplace accommodation under the Americans with Disabilities Act (ADA).

- Employees who are not eligible for an approved leave of absence in accordance with the Americans with Disabilities Act (ADA) may remain eligible for a non-job protected unpaid short-term administrative leave of absence for up to 26 weeks.

- Employees on a leave of absence for a specific period of time cannot perform work during their approved leave of absence period.

8.0 **Policy Owner and Contact**

8.1 **Policy Owner:** Vice President of Human Resources

8.2 **Policy Approved by:** Executive Vice President for Finance and Administration

8.3 **Subject Matter Contact:** Leave and Accommodation Manager

- Telephone: 401-863-1790
- Email: Leave_Admin@brown.edu

9.0 **Policy History**

9.1 **Policy Effective Date:** November 1, 2020

9.2 **Policy Last Reviewed:** November 1, 2020

9.3 **Policy Update/Review Summary:** Policy updated to include additional federal leave law requirements. Policy revisions include updates to leave types. Policy version superseded by this policy:

- Leaves of Absence (30.024), Revision Date: January 18, 2019