

30.5 Medical Leave and Leave Without Pay

- **30-5-1 Purpose**

1. Purpose. The Eastern New Mexico University-Roswell (ENMU-Roswell) Faculty Handbook provides general statements regarding medical leave and leave without pay. The purpose of the following is to provide more definition to the statements in the Faculty Handbook.

MEDICAL LEAVE

General Policy

It is recognized that employees will, from time to time, be sick or injured, and that time off with pay must be provided to protect employees during those periods. For the purposes of medical leave, employees who are ill, injured, or pregnant will be treated equally based on their ability or inability to work. It is not the intent, however, that medical leave benefits be used for any purpose other than sickness or injury.

Use of Medical Leave

A. Medical leave is used only for

1. Personal illness or injury.
2. Pregnancy.
3. Quarantine of employee's household.
4. Partial days not worked when an employee, who has been on medical leave, returns to work on part-time basis while recovering from the sickness or injury.
5. Medical examinations and treatment, dental and eye care.
6. Illness of the immediate family including parents, children, grandparents, grandchildren, siblings or spouse.

Accruing Medical Leave

Medical leave, to include maternity leave with pay, shall be authorized to all full-time, nine-month faculty members to accrue at the rate of twelve working days per year up to a maximum of 130 working days, or in cases of long-term disability, until long-term disability insurance benefits available through ENMU-Roswell, shall go into effect. Current faculty at ENMU-Roswell at the time of the adoption of the current medical leave policy will be allowed to use prior service to the institution to establish the amount of accrued medical leave but in no case shall accrued medical leave exceed the maximum of 130 days (as stipulated by the ENMU-Roswell Faculty Handbook). Non-teaching faculty on twelve-month contracts (including but not limited to librarians with faculty rank) shall accrue medical leave at the rate of fourteen (14) hours per month or 168 hours per year. A maximum of 1040 hours (130 working days) can be accrued.

Medical leave is earned during actual time worked, during paid medical leave, holidays and leaves of absence with pay. Medical leave is not earned during unpaid leaves of absence.

Faculty members who are less than full-time but who are half-time or more shall be entitled to medical leave pro-rated on the basis of the proportion of their position to a regular full-time position.

Temporary and adjunct faculty does not accrue medical leave. Temporary or adjunct faculty who become full-time faculty begin accruing medical leave on the day they become full-time faculty. The accrual rate is based on the date the employee was last hired as a temporary faculty, provided there has been no break in employment between the temporary and regular assignment.

Payment for Medical Leave

Payment is made at the employee's current straight time rate of pay for the time lost within the employee's regularly scheduled work period.

Conversions of medical leave accruals to cash are not permitted.

Medical Leave Practices

Notification

Any illness necessitating an absence must be reported as soon as possible to the supervisor, preferably before the start of the work period.

Physician's Statement

When an employee takes medical leave, the supervisor, at his/her discretion, may require a physician's statement. The physician's statement should certify that the employee was under the doctor's care during the period of absence and was unable to work. ENMU-Roswell reserves the right to require a physician's statement that an employee is physically able to return to work.

Time Charged

Time charged to medical leave may not exceed the employee's accruals.

When medical leave is exhausted, the employee may elect to request leave without pay. The employee must submit a written request for leave without pay at least two weeks prior to the actual time taken as LWOP.

When a holiday falls during a time an employee is on medical leave, the holiday will be charged as a holiday and not as medical leave.

Rehire Provisions

All rehired employees will be considered new hires for purposes of computing accrual rate, medical leave and other benefits, including seniority.

Procedures for Calculating Faculty Medical Leave Benefit

Medical leave for full-time, nine-month, faculty members is determined on the basis of a 40-hour work week. If part of the duties of a given work week are missed, a proportionate share of the accrued sick leave shall be charged as medical leave. If all duties in a week are missed, 40 hours medical leave are to be reported.

If a full-time faculty member under contract is given a reduced load due to an illness that is not totally incapacitating, the institution, at its option, may issue a revised contract, if the employee's benefits have been depleted or if the employee requests such a reduction in writing. The revised contract will be pro-rated based on the faculty member's ability to carry out his/her normal activities. The institution has the right to determine that the faculty member who is not able to carry out his/her normal duties as described above is not meeting his/her contractual obligations.

Failure to submit timely and accurate illness reports can be cause for disciplinary action.

LEAVE WITHOUT PAY

General Policy

ENMU-Roswell may grant leaves of absence without pay to faculty in case of illness, injury, for school attendance, sickness in family, personal reasons, and for other bona fide reasons.

In cases of extended illness or injury, leave of absence is taken only after all sick leave time is exhausted.

Eligibility

Full-time or part-time faculty (except adjunct faculty) are eligible. Faculty members who are less than full-time but who are half-time or more shall be entitled to LWOP pro-rated on the basis of the proportion of their position to a regular full-time position.

Length of Leave and Approval Required		
Reason	Maximum Initial Period	Maximum Extension
* Extended illness, personal disability extending beyond medical leave accruals	6 months	6 months***
* Personal	1 month	3 months***
** Illness in employee's family	3 months	3 months***
** School attendance to obtain applicable additional courses or degree	12 months	12 months***
* Must be granted if eligibility and other requirements as outlined in this policy are met. ** May be given at the discretion of ENMU-Roswell. *** Employees who are not reinstated on or before the end of the maximum extension date are terminated as a resignation.		

Approvals must be obtained in order of supervisor, unit Assistant Vice President, Vice President for Academic Affairs, Executive Director of Human Resources, and ENMU-Roswell President.

Procedure for Obtaining Leave Without Pay

Employees are required to submit, in writing, a request for a leave of absence to their supervisor. Requests for leaves must be made at least two (2) weeks in advance except where such notice is impossible or impractical.

A Personnel Action Notice (PAN) should be processed placing the employee on leave for the authorized period of time and should indicate the reason for the leave.

PAN's are not required in those cases where LWOP is taken for a few days, but the employee's absence report to Payroll should clearly indicate LWOP for the days involved.

In those instances where a LWOP is due to unexcused absence or disciplinary suspension, the absence should be documented (in addition to an absence report) by memo to the employee with a copy to Human Resources for record purposes.

Reinstatement

Employees on Leave of Absence for more than thirty (30) calendar days will have their anniversary (date in current position) date adjusted by the number of days spent on Leave of Absence. Salary increases and probationary periods will be based on the adjusted anniversary date.

An employee returning from a leave of absence for extended illness or injury may be required to submit a doctor's statement certifying the employee is able to return to work. S/he will be permitted to return to work only after being cleared for reinstatement by Human Resources. Supervisors will clear employees for reinstatement by processing a Personnel Action Notice.

While a leave of absence is not recommended or granted except with expectation of reinstatement, reinstatement is not guaranteed. Operating conditions or needs may make reinstatement impracticable at the time reinstatement is requested. When practical, ENMU-Roswell will attempt to fill the employee's position with a temporary employee during the leave of absence but reserves the right to eliminate the position or fill it with a regular employee. A thorough effort will be made to reinstate an employee to the same or equivalent job and rate held at the time of leaving. If the employee's previous position is no longer available and he/she is not placed in another similar position within a reasonable period, or if the employee refuses a position offered him/her, ENMU-Roswell has no further reinstatement obligation. The employee is then terminated as a resignation.

An employee returning from a leave of absence must contact Human Resources prior to the expiration of the leave. An employee who fails to request reinstatement as prescribed herein is terminated as a resignation.