

UNIVERSITY OF PITTSBURGH PROCEDURE 02-11-01

CATEGORY: ACADEMIC AFFAIRS
SECTION: Faculty Leave Programs
SUBJECT: Faculty Medical and Family Leave
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I. PURPOSE

To define the procedures for implementing the Faculty Medical and Family Leave Policy (FMFL Policy) (Policy 02-11-01) and for complying with the Department of Labor's final regulation of the Family and Medical Leave Act of 1993.

II. SCOPE

These procedures are to be used with respect to leaves of absence for faculty for medical, parental, and other family care purposes. It applies to employees classified as faculty or librarians at the University of Pittsburgh.

These procedures are consistent with the Federal Family and Medical Leave Act of 1993 which entitles eligible employees, as defined in the Act, to take unpaid family care and/or medical leaves of up to 12 workweeks in any 12-month period. These procedures provide for paid leave periods which shall be substituted for all or part of the unpaid leave period provided by the Federal Family and Medical Leave Act.

III. DEFINITIONS

A. Eligibility

1. **Eligible Faculty Member:**

- a. Full-time faculty, full-time faculty librarians, part-time tenure-stream faculty (employed half time or more), and part-time faculty librarians (employed half time or more) with at least 24 months or more continuous employment are eligible for any paid leaves outlined in Policy 02-11-01, Faculty Medical and Family Leave, as well as unpaid leaves.
- b. Full-time faculty, full-time faculty librarians, part-time tenure-stream faculty (employed half time or more), and part-time faculty librarians (employed half time or more) with less than 24 months continuous employment are eligible for any paid leave outlined in Policy 02-11-01, Faculty Medical and Family Leave, except leaves taken in connection with a serious health condition or illness of a spouse, biological or adopted child, or parent shall be taken as unpaid family leave.
- c. Any faculty member who does not meet the requirements of (1) or (2) above, must be employed for at least 12 months and have at least 1,250 hours of service for at least 12 months to be eligible for unpaid leave under the Federal Family and Medical Leave Act guidelines.

2. **Spouse:** A husband or wife as defined or recognized under state law for purposes of marriage in the state where the employee resides, including common law marriages in states where it is recognized.

3. **Parent:** A biological parent or an individual who stands or stood in loco parentis to an employee when the employee was a son or daughter.

4. **Son or Daughter:** A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis.

B. **Serious Health Condition:** A serious health condition is defined as an injury, impairment, or physical or mental condition that involves either: 1) inpatient care in a hospital, hospice, or residential care facility; or 2) continuing treatment by a health care provider.

Qualifying categories for continuing treatment by a health care provider:

1. A period of incapacity of more than seven consecutive calendar days.
2. Pregnancy or prenatal care.
3. A chronic serious health condition, defined as one that: a) requires periodic visits; b) continues over an extended period of time; and c) may cause episodic rather than continuing incapacity.
4. A permanent or long-term condition for which treatment may not be elective (e.g., Alzheimer's, severe stroke, or terminal stages of a disease).
5. An absence to receive multiple treatments by a health care provider either for restorative surgery after an accident or injury, or for a condition that likely would result in an incapacity of three (3) or more days in the absence of medical treatment (e.g., cancer, severe arthritis).

C. **Treatment:** Treatment includes, but is not limited to, examination to determine if a serious health condition exists. It does not include: routine physical, eye, or dental examinations. A course of prescription medicine or therapy qualifies as a regimen of continued treatment but over-the-counter medicines do not.

Specific conditions listed that do not qualify for leave under the FMFL policy include: cold, flu, earaches, upset stomach, minor ulcers, headaches other than migraines, routine dental or orthodontic problems, and periodontal disease. Cosmetic treatments are not considered a serious health condition unless medically required or complications arise.

D. **Health Care Provider:** A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices, or others capable of providing health care services (including licensed podiatrists, dentists, nurse practitioners, clinical social workers, midwives, psychologists, optometrists, and Christian Science Practitioners) and any other health care provider that is recognized or accepted by the University's group health plan carriers.

E. **Equivalent Position:** An equivalent position has the same pay, benefits, and working conditions, and involves the same or substantially similar duties and responsibilities.

IV. PROCEDURES

Paid Medical Leave Due to Serious Health Condition or Illness of Eligible Faculty Members

Faculty Member

1. At least 30 days before the intended leave period begins, the faculty member will submit a written request for leave to the Department Chair with a copy to the Dean if the need for the leave is foreseeable, together with a Certification of Physician or Practitioner, FORM 0189 PITT 1517. If the need for leave is not foreseeable, the faculty member is

required to provide as much notice as possible. In the case of normal pregnancy or childbirth, a faculty member need only submit the Certification Form.

2. Salary will be continued only during that period for which the faculty member would normally be on the payroll.
3. Faculty members may request to perform certain responsibilities on a part-time basis and submit this request for leave to the Department Chair with a copy to the Dean, with the health care provider's certificate of fitness to work part-time. Faculty members returning after a leave must submit a health care provider's certificate of fitness to work.
4. If the leave lasts less than four months, the faculty member may request that the year in which the leave is taken not count as a year toward mandatory tenure review. When the leave lasts four calendar months or longer, the academic year in which the leave is taken shall not be counted as a year toward mandatory tenure review. No special request needs to be made to receive this waiver.
5. If a faculty member does not return to the University after a leave, he or she will be required to repay the University for benefits paid on his or her behalf.
6. If the paid leave extends beyond six consecutive months, the faculty member must apply for disability insurance under the University Long-Term Disability Plan or for an unpaid leave of absence not to exceed 12 additional months.

Dean

7. After receiving a recommendation from the Chair of the faculty member's department, the Dean will make a recommendation and forward the Certification Form to the Provost.
8. If the leave extends for more than six consecutive months, the Dean must notify the faculty member to apply for a leave without pay or for disability insurance under the University Long-Term Disability Plan. This should be done four months into the leave.

Provost

9. The Provost will notify the faculty member if the request is in accord with the FMFL Policy and is approved and, if applicable, whether the request to take prorated part-time leave is approved. Also, the Provost will notify the faculty member that if the leave lasts four calendar months or longer, the academic year in which the leave is taken shall not be counted as a year toward mandatory tenure review. If the leave lasts less than four months, the Provost will review the faculty member's request that the year not count toward the mandatory

tenure review period and will so inform the faculty member. An extension under this policy shall be made solely for the purpose of enabling the individual concerned to have an opportunity for evaluation substantially equivalent to that of persons not taking leave. Faculty Records will record this in the faculty member's file and forward a copy to Human Resources. Human Resources

10. If a faculty member does not return to the University after a leave, Human Resources will inform him or her of the amount owed to cover benefits paid by the University during his or her leave.

Paid Medical Leave in the Event of a Serious Health Condition or Illness of a Spouse, Child, or Parent

Faculty Member

1. At least 30 days before the intended leave period begins, a faculty member eligible for the four week paid leave will submit a written request for leave to the Department Chair, together with a Certification of Physician or Practitioner, FORM 0189 PITT 1517. If the need is not foreseeable, the faculty member is required to provide as much notice as possible.
2. The faculty member will discuss the request with the Department Chair to determine how the impact of the leave can be minimized.
3. The faculty member may request that the year in which the leave is taken not count as a year toward mandatory tenure review.

Department Chair

4. After receiving the request from the faculty member and after discussion to determine how the impact of the leave can be minimized, the Department Chair will forward the request and Certification Form to the Dean.

Dean

5. After receiving the recommendation of the Department Chair, the Dean will notify the faculty member if the request is in accord with the FMFL Policy and is approved with a copy to Faculty Records, who records this in the faculty member's file and forwards a copy to Human Resources. If applicable, the Dean will review the faculty member's request that the year not count toward the mandatory tenure review period and forward the recommendation and Certification Form to the Provost.

Provost

6. The Provost will review the faculty member's request that the year not count toward the mandatory tenure review period and will so inform the faculty member. An extension under this policy shall be made solely for the purpose of enabling the individual concerned to have an opportunity for evaluation substantially equivalent to that of

persons not taking leave. Faculty Records will record this in the faculty member's file.

Paid Parental Leave

Faculty member

1. As far in advance as possible before the expected need for a paid parental leave, the faculty member will submit a written request for a paid leave of two weeks to the Chair of his or her department. Leave is to be taken within one calendar year after the birth or adoption of a child. The faculty member will discuss with the Department Chair whether the leave will be taken as full-time or equivalent prorated part-time.
2. Any faculty member who becomes a parent by birth or adoption may request that the year in which the leave is taken or parenthood occurs not count as a year toward mandatory tenure review.

Department Chair

3. Together with the faculty member the Department Chair will determine whether the leave is taken as full-time or equivalent prorated part-time leave and forward the request to the Dean.

Dean

4. After receiving the recommendation of the Department Chair, the Dean will notify the faculty member if the request is in accord with the FMFL Policy and is approved and will send a copy to Faculty Records for recording in the faculty member's file. Faculty Records will forward a copy to Human Resources.

Provost

5. The Provost will review the faculty member's request that the year not count toward the mandatory tenure review period and will so inform the faculty member. An extension under this policy shall be made solely for the purpose of enabling the individual concerned to have an opportunity for evaluation substantially equivalent to that of persons not taking leave. Faculty Records will record this in the faculty member's file.

Unpaid Medical and Family Leave

Faculty Member

1. As far in advance as possible before the expected need, the eligible faculty member will submit a written request for an unpaid family or medical leave to the Dean with a copy to the Department Chair.
2. If the leave lasts less than four months, the faculty member may request that the year in which the leave is taken or parenthood occurs not count as a year toward mandatory tenure review. When the leave lasts four calendar months or longer, the academic year in which

the leave is taken shall not be counted as a year toward mandatory tenure review. No special request needs to be made to receive this waiver.

3. If the faculty member does not return to the University after a leave, he or she will be required to repay the University for benefits paid on his or her behalf.
4. When unpaid medical leave extends beyond 12 months, the faculty member should apply for disability insurance under the University Long-Term Disability Plan.
5. Faculty members returning to work after a medical leave must submit a health care provider's certification of fitness to work.

Dean

6. The Dean will review the request and submit his or her recommendation to the Provost.

Provost

7. The Provost will notify the faculty member if the request for unpaid leave is in accord with FMFL Policy and is approved and will include the extent of the leave, taking into consideration that combined paid and unpaid family leave and combined paid medical leave in the event of a serious health condition or illness of a spouse, child, or parent and unpaid family leave shall not exceed 12 months. Also, the Provost will notify the faculty member that if the leave lasts four calendar months or longer, the academic year in which the leave is taken shall not be counted as a year toward mandatory tenure review. If the leave lasts less than four months, the Provost will review the faculty member's request that the year not count toward the mandatory tenure review period and will so inform the faculty member. An extension under this policy shall be made solely for the purpose of enabling the individual concerned to have an opportunity for evaluation substantially equivalent to that of persons not taking leave. Faculty Records will record this in the faculty member's file and forward a copy to Human Resources.

Human Resources

8. Human Resources will contact the faculty member to set up direct payments for benefit plan continuation when the leave is unpaid. If a faculty member does not return to the University after a leave, Human Resources will inform him or her of the amount owed to cover benefits paid by the University during his or her leave.

V. REFERENCE

[Policy 02-11-01, Faculty Medical and Family Leave](#)