

GENERAL INFORMATION for FACULTY EMPLOYEES
on
SICK LEAVE, PARENTAL LEAVE and
RELATED POLICIES

2006-07

A copy of this notice is posted on the Provost's Office home page at:
<http://www.utexas.edu/provost/policies/leave/index.html>

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INTRODUCTION. Sec. 661.201 of the Government Code provides that employees of institutions of higher education are eligible to accrue sick leave provided they are appointed at least half-time or more for a period of four and one-half months or longer. Use of accrued sick leave is subject to compliance with certain reporting requirements. Policy provisions for accrual and use of sick leave by faculty employees are summarized below.

1. SICK LEAVE ENTITLEMENT AND ACCRUAL. Like all regular University employees, benefits eligible faculty members earn sick leave **entitlement** beginning on the first date of their payroll appointment period at the University (e.g., September 1 for most fall appointments and January 16 for most spring appointments) and terminating on the last day of duty. Credit for one month's accrual will be given for each month or fraction of a month of employment with the University and will be posted to each faculty employee's sick leave record effective the first day of their payroll appointment period and on the first day of each succeeding month of employment thereafter.

Accrual. Full-time employees earn sick leave at the rate of eight (8) hours for each month or fraction of a month of employment. Faculty employed part-time (half-time or more but less than full-time) accrue sick leave on a proportionate basis. Sick leave accumulates with the unused amount of leave carried forward each month.

2. ELIGIBILITY. To be eligible to take sick leave, an employee must be on the payroll at the time the condition necessitating such leave occurs. Sick leave with pay may be taken when sickness, injury, or confinement due to pregnancy prevent the employee's performance of duty or when the employee is needed to care for and assist a member of his or her immediate family who is actually ill.

For purposes relating to regular sick leave, **immediate family** is defined as those individuals who reside in the same household and are related by kinship, adoption or marriage, as well as foster children certified by the Texas Department of Protective and Regulatory Services. Minor children of the employee, whether or not living in the same household, will be considered immediate family for purposes of regular sick leave. An employee's use of sick leave for family members not residing in that employee's household is strictly limited to the time necessary to provide care and assistance to a spouse, child or parent of the employee who needs such care and assistance as a direct result of a documented medical condition.

3. REPORT OF FACULTY SICK LEAVE. Faculty members at institutions of higher education must submit the prescribed leave form for all sick leave taken, even though no classes were missed, when an absence occurs during the normal workday for regular employees. For a copy of the form **Monthly Report of Faculty Sick Leave Taken**, faculty members should contact their department chair or download the form at <http://www.utexas.edu/provost/policies/leave/index.html>.

Each month the Office of the Executive Vice President and Provost distributes the automated **Faculty Sick Leave Report for the Month of MM/YYYY** to department chairs/deans. The department chair (dean in a non-departmentalized college/school) is responsible for:

1. reviewing the accuracy of the monthly accruals and for recording any deductions in the column "Sick Leave Deducted Since Last Report"; and
2. certifying that the amount of sick leave accrued and sick leave taken by each member of the faculty under their supervision is correct.

The signed and certified reports are returned to the Provost's Office (G1000), along with any individual Monthly Reports of Sick Leave Taken (Faculty) where applicable. Sick leave use recorded by a faculty employee on the Monthly Report of Sick Leave Taken is deducted by the Provost's Office from the faculty member's sick leave accrual balance and is reflected on the next automated monthly departmental report.

For a copy of the form Report of Faculty Sick Leave Taken, faculty should contact their department chair or download the form for 2006-07 (PDF). Questions about the Report of Faculty Sick Leave should be directed either to **Vicky Godsy** at **232-2427** in the Office of the Executive Vice President and Provost. Questions about the Sick Leave Report (Department) and the Monthly Report of Sick Leave Taken (Faculty) should be directed either to **Vicky Godsy** at **232-2427** in the Office of the Executive Vice President and Provost.

4. REQUIREMENTS FOR NOTIFICATION OF SICK LEAVE. A faculty member who must be absent from duty because of illness should notify his or her department chair/dean or cause him or her to be notified of this fact at the earliest practicable time. According to the provisions of the General Appropriations Act, to be eligible for accumulated sick leave with pay during a continuous period of more than three (3)

working days, an employee who is absent on account of illness is to send to the department chair/dean a doctor's certificate showing the cause or nature of the illness, or some other written statement of the facts concerning the illness. Before an employee returns to work, the University also may require a licensed practitioner's certification that he or she is physically fit to return to duty.

The dean is responsible for notifying the Provost's Office in writing of any periods of extended sick leave needed by a member of their faculty. In addition, the department is responsible for contacting **Leave Management** at **471-4343** to ensure that a FML application form is sent to the faculty member who may qualify for leave under the provisions of the Family and Medical Leave Act. (See Family and Medical Leave Act below.)

5. FAMILY AND MEDICAL LEAVE ACT. As University employees, faculty members may be eligible for leave under the provisions of the Family and Medical Leave Act (FMLA) of 1993. The University will grant family and medical leave (FML) to eligible employees for the following: a serious health condition of the employee, the birth and care of the employee's child, the placement of a child for adoption or foster care with the employee, or the care of the employee's spouse, child, or parent with a serious health condition. Qualifying employees may take up to 12 weeks of job-protected leave during any 12-month period. **Premium sharing continues during FML** even when the employee is on leave without pay.

To be eligible for FML benefits, a University employee must:

- have a total of 12-months of state service; and
- have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of leave.

While taking leave pursuant to the Family and Medical Leave Act, employees must apply any accrued sick leave entitlement to such leave unless they are receiving disability benefits through Workers' Compensation Insurance and provided the employee or a member of their immediate family is actually ill. Under some circumstances, employees may take family medical leave intermittently, that is, take leave in blocks of time. In all circumstances, it is the University's responsibility to designate leave as qualifying for FML, as paid or unpaid, and to give notice of the designation to the employee. In so doing, the University requests certification from a licensed practitioner to support the employee's leave request.

Whenever the department or the employee feels the need for Family and Medical Leave may exist, they should contact Human Resource Services-Leave Management **immediately**. Leave Management will provisionally designate the event as Family and Medical Leave and send the employee the required paperwork. **The employee then has 15 business days to return the paperwork to HRS.**

For additional information about the FMLA, contact **HRS Benefit Services-Leave Management** at **471-4343**. Information about FMLA, including the required forms, is also available on-line at: <http://www.utexas.edu/hr/PDF/#fml>.

6. SICK LEAVE POOL. Regular employees, including faculty, are eligible to apply to use time in the sick leave pool if, because of a catastrophic illness or injury, the employee has exhausted all the accrued sick leave to which that employee is otherwise entitled. An eligible employee may apply to the Pool Administrator in Human Resource Services for permission to draw time from the sick leave pool for his or her own **catastrophic illness** or injury or for the catastrophic illness or injury of a member of his or her immediate family, as defined in the current Appropriations Act. (See page 1 above for a definition of immediate family.)

Employees, including faculty, may **contribute time to the sick leave pool** by submitting a Sick Leave Pool Transfer form, available on the web at <http://www.utexas.edu/hr/PDF/#slp> to Leave Management. Both current and terminating employees may contribute unlimited hours to the sick leave pool; however, employees who anticipate being re-employed by the state within twelve months of termination should take into account that they may be eligible to have their sick leave balance restored under certain conditions.

For additional information about the sick leave pool contact **Benefits Services-Leave Management** at **471-4343**.

7. PARENTAL LEAVE. University policy provides for parental leave for employees for the birth of a natural child, or for the adoption of children under the age of three. Faculty employees with less than a total of 12-months of state service, or who have worked fewer than 1,250 hours in the 12-month period immediately preceding the commencement of leave, are eligible to take a parental leave of absence not to exceed 12 weeks provided that the employee uses all available paid sick leave, if applicable. Where both parents are employed by the University, their total combined parental leave entitlement is 12 weeks.

Temporary disabilities caused or contributed to by pregnancy, childbirth, or related medical conditions shall be treated in the same manner as other temporary medical disabilities, and sick leave accruals must be used in such cases. For parental leave not covered by sick leave accruals, faculty will be placed on leave without pay (LWOP). Under parental leave provisions the father of a child may use sick leave accruals in conjunction with the child's birth only if the child is actually ill or to care for his spouse while she is recovering from labor and delivery.

Parental leave begins with the date of the birth of a natural child or the date of the adoption or foster care placement of a child under three years of age.

8. EXTENSION OF THE PROBATIONARY PERIOD. A tenure-track faculty member who determines that certain personal circumstances may impede his or her progress toward achieving demonstration of eligibility for recommendation of the award of tenure may make a written request for extension of the probationary period specifying

the reasons for the requested extension. Personal circumstances that may justify the extension include but are not restricted to: disability or illness of the faculty member; status of the faculty member as the principal caregiver of a pre-school child; or, status of the faculty member as a principal caregiver of a disabled, elderly, or ill member of the family of the faculty member. Extension of the probationary period is automatic for reasons of childbirth and/or adoption upon notification of the department chair (or dean in non-departmentalized colleges/schools) and the Office of the Executive Vice President and Provost. For personal circumstances unrelated to childbirth and/or adoption, it is the responsibility of the faculty member to provide appropriate documentation to adequately demonstrate why the request should be granted, including substantiation of why the circumstance place an unreasonable burden upon the ability of the faculty member to meet progress expectations.

Please see the following for the full text of the procedure for filing an extension request:

- *Handbook of Operating Procedures* Part 5.C.1, Extension of the Tenure-Track Probationary Period
<http://www.utexas.edu/policies/hoppm/tochop2.html>

Questions about the extension of the tenure-track probationary period policy should be directed to the **Office of the Provost at 232-3320**.

9. MODIFIED INSTRUCTIONAL RESPONSIBILITIES. It is the policy of the University to modify classroom instructional responsibilities of full-time faculty members and allow for equivalent academic service when certain personal circumstances prevent them from being able to perform their classroom teaching duties; and when such modifications are found to be in the best interest of the University's instructional programs.

Faculty members who may apply for modified instructional responsibilities are those who are the principal caregiver of a healthy pre-school child, or who are required to care for or assist a member of their immediate family, who although not ill or disabled, needs the help and attention of the faculty member. This policy is not intended to apply to situations where use of sick leave is appropriate for all or part of the semester in which a faculty member is approved for modified instructional duties.

Faculty members must submit a request for modification of instructional responsibilities in writing to their department chair (dean in non-departmentalized colleges/schools). The application must include (1) a statement explaining the need for modified instructional responsibilities; and (2) a written proposal describing in detail what work the faculty member will do in place of the applicant's normal classroom responsibilities. This work may involve significant scholarly research, new course development, curriculum development, or other work done in the best interest of the University's instructional program. The proposal must define a work product and must propose a method for evaluation of the work by the department chair or dean during the semester.

Modifications of instructional duties shall be for a period of one long session semester. Faculty members whose requests for modified instructional responsibilities are granted by the department chair, dean and provost are not removed from the instructional budget and are expected to continue to fulfill all of their other duties as members of the faculty during the period of modification.

For the full text of the policy on modified instructional duties see the following:

- *Handbook of Operating Procedures Part 5.B.1, Modified Instructional Duties*
<http://www.utexas.edu/policies/hoppm/05.B.01.html>

Questions about the modified instructional duties policy should be directed to the **Office of the Provost at 232-3320**.

The information provided herein is intended as a summary only of employee sick leave, family medical leave, and parental leave benefits. For additional information on the University's policies in these areas, please refer to the following:

- *Handbook of Operating Procedures Part 7.F.11, Sick Leave*
<http://www.utexas.edu/policies/hoppm/07.F.11.html>
- *Handbook of Operating Procedures Part 7.F.12, Sick Leave Pool*
<http://www.utexas.edu/policies/hoppm/07.F.12.html>
- *Handbook of Operating Procedures Part 7.F.10, Parental Leave for Birth or Adoption of a Child*
<http://www.utexas.edu/policies/hoppm/07.F.10.html>
- *Handbook of Operating Procedures Part 7.F.5, Foster Parent Leave*
<http://www.utexas.edu/policies/hoppm/07.F.05.html>

Faculty members are strongly encouraged to consult with the HRS-Leave Management regarding the details of the above programs and policies and with the Office of the Executive Vice President and Provost concerning extension of the probationary period and modified instructional duties. A table summarizing all faculty leave and related policies, including their effect on the probationary clock, is available at <http://www.utexas.edu/provost/faculty/index.html> under the heading Leaves and Outside Employment.