

FACULTY TEMPORARY DISABILITY LEAVE

Taken During the Assignment Period

Revised November 2009

Preface

Faculty members are independent professionals without prescribed working hours. For some, the work period fits a conventional work day, five days a week. For most, the work day is more flexible but complex. Faculty members apportion their time among a variety of duties, some of which, like teaching, typically require prescribed hours on campus, albeit time in the classroom and office that vary considerably from semester to semester. Other faculty duties, among them scholarly, service and clinical duties, may require long periods of time away from campus or irregular hours in laboratory, clinic or hospital. Under these circumstances, where the work day is ill-defined and most of the assigned duties are self-directed, the University policy on Temporary Disability Leave (TDL) for staff would not work for faculty.

Unlike staff, faculty do not accrue sick days as a function of time served. There is no “bank of sick days” into which faculty members deposit sick days for time served and to which they may turn in times of illness. Instead, under the terms of Governing Regulation X [GR X.B.2(ii), page 13]:

Temporary Disability Leave (TDL) may be granted to faculty members by the Provost. Eligible faculty members who are totally disabled are entitled to six (6) months' TDL with pay. TDL with pay for more than six (6) months requires approval by the Board of Trustees.

~~Faculty academic assignments are made on an academic year on a 9-month, 10-month, 11-month or 12-month basis. According to Governing Regulation X, “Temporary Disability Leave (TDL) may be granted to faculty by the Provost. Eligible faculty who are totally disabled are entitled to six (6)-months TDL with pay; more than six (6) months requires approval by the Board of Trustees.”~~

All this said, it is important that faculty members report their periods of sickness and have TDL officially approved, in the manner enumerated below, to ensure that they may be eligible for Long-Term Disability in that event that an illness, however mild at its onset, proves catastrophic. Of course, reporting illness is also that faculty responsibilities, notably teaching, are covered.

Report of Illness and Granting of Temporary Disability Leave

To ensure that faculty responsibilities are covered and TDL is granted during periods of illness, faculty members must notify their unit administrator at the onset of an illness. ~~In cases of short-term illnesses during an assignment period, it is important to notify your appropriate college administrator to ensure all faculty responsibilities are covered.~~ In order to make the granting of TDL more efficient/practical, the Provost has delegated the authority of granting TDL to deans and unit administrators, as described below, for short-term in the manner outlined below. Thus, this policy provides guidance during these short-term situations (up to four weeks).

1. If you become ill for a time period of one day to two weeks (10 week days), notify your department chair/director; s/he will ensure that this paid leave is documented in the appropriate file.

2. If you ~~remain become~~ ill beyond two weeks, notify your department chair/director, who will notify the dean of the college on your behalf. The dean for a time period of more than two weeks and up to four weeks (11-20 week days), notify your dean; s/he will ensure that this paid leave is documented in the appropriate file.

3. TDL for illness over four weeks (21 week days), may only be is granted by the Provost upon the recommendation of the dean.

~~3.4. Faculty members whose illness prevents them from fulfilling their duties beyond six months from the onset of the illness, and who have been on approved sick leave with pay for a six-month period, are eligible to apply for Long-Term Disability. -Note: employees who believe they are totally and permanently disabled from all work must file for long-term disability within six months of their last day of work.~~

4.5. Leave for childbearing purposes shall be treated as any other paid TDL. Approved leaves for childbearing purposes may begin at the time that the appropriate health care provider advises the faculty member to cease working, and usually do not exceed 30 working days or six calendar weeks.

5.6. Family Medical Leave* -- Any faculty employee who has been a University employee for 12 months (not necessarily consecutive months, but within the last 7 years) and has worked at least 1,250 hours during the previous 12 month period may take up to 12 weeks of unpaid leave for a serious health condition involving the employee or a qualified family member during any 12 month period for any or all of the following reasons:

- a. Because of the birth of a child of the employee and in order to care for that child;
- b. Because of the placement of a child with the employee for adoption or foster care;
- c. In order to care for a spouse, child, or parent of the employee who has a serious health condition;
- d. Because of a serious health condition that makes the employee unable to perform the functions of his/her job; or
- e. In order to care for a service member with a serious illness or injury if the employee is the spouse, son, daughter, parent, or next of kin of the service member.
- f. Because of a qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty in the National Guard or Reserves (or has been notified of an impending call or order to active duty) in support of a contingency operation.

6.7. A faculty member's available paid leaves shall be used concurrently with FMLA. The available leave shall be used as applicable under [Governing Regulation \(GR\) X: Regulations Affecting Employment](#) and [Administrative Regulation II-1.1-7: Faculty Assignment and Vacation Leave Policy](#). Tenure-eligible faculty employees approved for FMLA may be eligible for a delay in the probationary period in accordance with [GR X.B.1\(b\)](#).

- a. Balances of TDL and vacation leave, as applicable, shall be used prior to the employee being placed on FMLA without pay.
- b. Workers' Compensation shall be designated as FMLA, as applicable, and shall run concurrently with FMLA.
- c. There is a cumulative 30-day annual limit for the amount of TDL an employee may take for qualified family members.

* Notes apply to FML:

The 12 month period begins on the first day of the approved FMLA leave.

The Family and Medical Leave Act has been amended to provide an eligible employee who is the spouse, son, daughter, parent, or next of kin the ability to take up to 26 workweeks during a 12 month period to care for a covered service member with a serious illness or injury. The leave shall only be available during a single 12-month period.

After the establishment of a qualifying event, the dean must designate whether the FML days are paid or unpaid. The number of paid days depends on the available vacation leave and/or the applicable temporary disability leave days. If the faculty member is eligible for vacation leave or temporary disability leave, either or both of these paid leaves must be used, if the qualifying event is an applicable use of that leave.

Requesting and granting FML is applicable only during the actual assignment period for faculty who are on 9-, 10-, and 11-month contracts.

Non-tenured faculty may apply for an extension of the probationary period of 26 weeks (six months) beyond the date given on the original Notice of Primary Academic Appointment and Assignment Form if they take FML of 6 weeks or more. If the total FML, during the probationary period, exceeds ~~26~~¹² weeks, the faculty may apply for an extension of one year beyond the date given in the original Notice of Primary Academic Appointment and Assignment.

See additional details about FMLA in the UK [Human Resources Policy and Procedures: 88.0: Temporary Disability Leave and 82.0](#) or online at: <http://www.uky.edu/HR/policies/>

| ~~October 19~~December, 2009

M E M O R A N D U M

TO: Deans

FROM: Kumble Subbaswamy, Provost

RE: Revised Faculty Temporary Disability Leave Policy

I am enclosing a copy of the revised Faculty Temporary Disability Leave (TDL or sick leave) Policy. Please distribute a copy of this policy to the appropriate individuals within your College.

Please note, faculty TDL that is granted by the Provost must be recorded in the Faculty Data Base.

enclosure