

Paid Sick Leave for Faculty

This Paid Sick Leave Policy provides a means for eligible full-time faculty members to receive salary continuation as outlined below when unable to work due to their bona fide non-occupational illness or injury. Earned paid sick days may also be used by a faculty member who is unable to work due to her pregnancy and /or following childbirth.

Eligibility

Full-time faculty members, including full-time visiting faculty on a greater than one-year appointment, are eligible for sick leave, with salary continuation, as outlined below.

Paid Sick Leave

Beginning with the first year of employment, a full-time faculty member is eligible for sick leave, with continuation of base salary, based on length of full-time Franklin & Marshall service, according to the following schedule:

Years of Full-time Service	Leave at Full Base Salary
less than 1 year	4 weeks (20 working days)
1 but less than 2 years	8 weeks (40 working days)
2 but less than 4 years	10 weeks (50 working days)
4 but less than 6 years	16 weeks (80 working days)
6 but less than 8 years	21 weeks (105 working days)
8 years or more	26 weeks (130 working days)

If all of a faculty member's paid sick days have been used, eligibility for paid sick leave will be restored, once the faculty member returns to work, at the rate of 30 working days of paid sick leave, at regular base salary, per fiscal year beginning the next July 1.

The maximum number of paid sick days which may be accumulated is 130.

Covered Medical Condition

For purposes of this Paid Sick Leave Policy, a faculty member will be considered to have a covered medical condition if he/she is under the direct care and treatment of a licensed health care provider who certifies that the individual is unable to perform the essential functions of his/her job, or an alternate position the College offers which the individual is otherwise capable of performing, due to non-occupational illness or injury including physical or mental impairment.

Paid sick leave benefits will not be provided due to elective procedures, such as cosmetic surgery, that are not intended to diagnose, treat, or correct a physical or mental impairment.

Applying for Paid Sick Leave

1. Notify the Department Chair & Provost

If a faculty member cannot work because of his/her illness or injury, including pregnancy-related disability, the faculty member is asked to notify his/her department chair and the Provost. The faculty member must provide as much advance notice of a known absence as possible.

2. Notify Human Resources

When a member of the faculty is likely to be absent 4 or more work days or is hospitalized, the individual must notify Human Resources on, or before, the first day absent. In this case, the faculty member may qualify for Family & Medical Leave. The faculty member is asked to provide as much advance notice of a known absence as possible.

3. Submit a Health Certification Form

A faculty member applying for sick leave must sign an authorization allowing his/her health care provider to release medical information to Human Resources, related to the leave request. The faculty member's health care provider must complete a "Certification of Physician or Health Care Practitioner" form (available from the Human Resources web pages and the Human Resources public folder in eDisk). The completed form is to be returned to Human Resources. This form must be completed and returned to Human Resources prior to commencement of extended sick leave whenever possible. Human Resources will supply information and forms necessary to apply for Family & Medical Leave, if applicable.

It is the faculty member's responsibility to assure that the claim form is returned to Human Resources in a timely manner. Salary continuation may be delayed or denied if the necessary documentation is not provided in a timely manner.

The faculty member and/or the treating health care provider may be asked to provide additional information necessary to determine eligibility for paid sick leave. The College reserves the right to require a faculty member to undergo an independent medical examination and/or to obtain a second opinion, at the College's expense, as a part of the process of evaluating a claim for benefits.

In order to continue to be eligible for paid sick leave, a faculty member may be asked periodically to submit an updated Certification of Physician or Health Care Practitioner form to Human Resources. The College may also require the faculty member to undergo an independent medical evaluation, at the College's expense, to verify his/her continuing inability to work. If the employee does not submit the form or does not undergo an independent medical evaluation as requested by Human Resources, salary continuation may be terminated until appropriate documentation is received.

All medical information that a faculty member and his/her health care provider supply to support the claim for paid sick leave will be kept in the faculty member's confidential medical file. Only those with a business need-to-know will receive information regarding an employee's absence.

Family & Medical Leave

Time away from work will be designated as Family & Medical Leave (F&ML) if the faculty member qualifies for such leave based on the College's Family & Medical Leave Policy (www.fandm.edu/x14503.xml). If a faculty member qualifies for both paid sick leave and F&ML, the two benefits will run concurrently. If paid sick leave is exhausted, the faculty member may qualify for additional unpaid time off work per the Family & Medical Leave Policy. Human Resources will supply information and forms necessary to apply for Family & Medical Leave, if applicable.

Compensation and Benefits During a Paid Sick Leave of Absence

A full-time faculty member on an approved paid sick / medical leave for a covered medical condition will receive his/her regular base salary according to the schedule above. A full-time faculty member on approved paid sick leave will continue to be eligible for coverage under the College's fringe benefit plans, providing any applicable employee premiums are paid on a timely basis. Active employee premiums for health insurance coverage will be deducted from the faculty member's pay on a monthly basis.

Return to Work

Before a faculty member returns to work from a period of extended sick leave (more than 12 work days), he/she must provide a written statement to Human Resources from his/her attending health care provider, on a form approved by Human Resources ("Return to Work Certification") which includes:

- a. the date the faculty member is released to return to work, and
- b. any work limitation imposed due to the medical condition

Such documentation is also required from faculty returning from medical leave designated as Family & Medical Leave.

The College may require a second opinion, at its expense, if there is a question as to whether the faculty member can safely and effectively perform the essential functions of his/her position following leave. The faculty member will be required to provide the results of the second medical opinion to Human Resources prior to returning to work.

If a faculty member does *not* return to work following paid extended sick leave, the last day of approved paid extended sick leave will be considered the individual's termination date, unless the employee qualifies for additional leave under the Family & Medical Leave Act.

Use of Paid Sick Leave Due to Family Illness

A full-time member of the faculty may request to use up to **10** paid sick days per fiscal year from his/her allotment of paid sick leave, in order to:

- provide care to an eligible family member who is ill or injured, or
- transition his/her parent or in-law or other eligible family member to an assisted living facility.

For purposes of this policy, “eligible family members” include the faculty member's spouse or same-sex domestic partner; children and step or foster children who are under age 18; mother, father, step or foster parent; mother-in-law, and father-in-law. Other family members, such as a sibling or grandchild, may be considered “eligible” **if the faculty member must provide care for that family member on a regular basis** (i.e. the family member resides with the faculty member or the faculty member serves as the regular caregiver to the family member).

Key Information:

- A faculty member may use up to the *lesser of*: (a) 10 paid sick days, or (b) the number of paid sick days the individual has available from his/her allotment of paid sick leave for the current fiscal year, in order to care for an ill family member.
- A faculty member requesting to use up to 10 of his/her paid sick days for family / eldercare purposes may be required to provide a “Certification of Physician or Health Care Practitioner” form to Human Resources, documenting the need to care for the eligible family member. Additionally, this form will be required if the faculty member will be absent from work 4 or more days, per the College’s Family & Medical Leave Policy (see www.fandm.edu/x14503.xml).
- Any paid sick days (up to 10 per fiscal year) used to care for an eligible family member who is ill will count against the faculty member's total allotment of paid sick days (thereby reducing the number of paid days the faculty member has available to use due to his/her own illness).
- In cases where two family members are employed by the College, each may request to use up to 10 paid sick days per fiscal year to care for an eligible family member.
- Paid sick leave, including leave to care for an eligible family member, will run concurrently with Family & Medical Leave when the faculty member is eligible for Family & Medical Leave.

Additional Information

- Based on the current practice of the College, faculty members are not charged with use of a paid sick day during normal College break periods (fall, winter, spring, and summer breaks), providing the faculty member is not scheduled to teach during the break period.
- Salary continuation under this Paid Sick Leave Policy is limited to amounts and periods of regular base wages, and in no case will paid sick leave benefits

duplicate any other payments from the College. In no event will all benefits available exceed 100% of the employee's base wages. Base wages, or base salary, excludes all additional compensation such as overtime pay, stipends, bonuses, or other special payments.

- A faculty member may not use paid sick days on any day(s) when Workers' Compensation benefits are payable.
- If a paid College holiday falls while a faculty member is on paid sick leave, the employee will receive holiday pay in lieu of a paid sick day and will not be charged with the use of a paid sick day, as long as the faculty member remains eligible for paid sick leave.
- Salary continuation payments will be reduced by any amount payable from state or federal disability funds (including Social Security), or from any other programs funded in whole or in part by the College, which the faculty member is eligible to receive or would be eligible to receive if he/she applied for benefits.
- Extended sick leave will not be granted during any period when a faculty member is not under the care of a licensed physician or other health care provider.
- Salary continuation will not apply for medical conditions resulting from injuries or illnesses contracted during commission of a felony crime by the employee.
- Salary continuation will not apply for any medical condition arising as a result of an act of war (declared or undeclared) occurring while covered.
- No paid sick leave will be granted for any medical condition resulting from work performed for another employer for wage or profit.
- Paid days may be used to cover intermittent absences from work due to chronic conditions (such as cancer and chemotherapy treatment).
- Eligibility for paid sick leave ceases upon employment termination, including retirement. Upon employment termination (including retirement), payment is not made for any unused sick days.
- For employees classified as "exempt" (those who do not complete time sheets) and who exhaust all paid sick days and take unpaid time off work, only full-day absences will be unpaid as required by the federal Fair Labor Standards Act.
- In the event an illness or injury occurs after a faculty member has given notice of his/her intent to resign, the last actual working day will be considered the termination date. In no case will the termination date be later than the original intended termination date. Paid sick days will not be granted beyond the last actual working day. For faculty on a terminal appointment, paid sick leave will not be granted after the last day of the appointment.
- An employee taking paid sick leave may not engage in other employment during the leave period, unless approved in advance by the College.

- The College reserves the right to deny the use of paid leave if proper notice or certification of the need for leave is not provided, in advance whenever possible.

This policy may be modified or revoked at the sole discretion of the College.

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