

## **Policy 1338 Faculty Leave**

**Date of Current Revision: April 2022**  
**Responsible Officer: Director of Human Resources**

### **1. PURPOSE**

This policy provides a uniform method for Administrative & Professional and Instructional faculty members to take leave from work.

### **2. AUTHORITY**

The Board of Visitors has been authorized by the Commonwealth of Virginia to govern James Madison University. See Code of Virginia § 23.1-1600; § 23.1-1301. The Board has delegated the authority to manage the university to the president.

### **3. DEFINITIONS**

#### **10-month Instructional Faculty**

Instructional faculty who are employed on the standard academic year faculty contract.

#### **12-month Instructional Faculty**

Instructional faculty members who are not employed on the standard academic year faculty contract, but instead are contracted on a 12-month basis.

#### **Administrative & Professional (A&P) Faculty**

Administrative faculty and professional faculty are normally referred to collectively, as both require advanced learning acquired by prolonged formal instruction and/or specialized training and work experience; however, the university recognizes administrative faculty and professional faculty as distinct position types.

*Administrative Faculty* positions are generally senior administrators who perform work related to the management of the educational and general activities of the university, for at least fifty percent of their work. Typically, administrative faculty serve in executive leadership roles such as vice president, provost, vice provost, dean, assistant or associate vice president, assistant or associate vice provost, or assistant or associate dean. Other administrative faculty roles can include (1) those responsible for the administrative direction of separately designated divisions or departments of institutional activity; (2) positions whose primary responsibility is to attract external funds; or (3) positions that are characterized by active, continuing involvement in formulating, interpreting and implementing institutional policy and exercise substantial independence, authority and discretion in areas such as program planning, design and allocation of resources. The organizational reporting relationship for administrative faculty is normally not lower than three levels below Executive Council positions. For Academic Affairs, this would include: Vice Provost/Dean (level 1), Academic Unit Head/Director (level 2) and Associate Director (level 3).

*Professional Faculty* require advanced learning and experience acquired by prolonged formal instruction and/or specialized work experience. Typical professional faculty positions are librarians, counselors, coaches, physicians, lawyers, engineers and architects. Other

professional positions may support education, research, university life and other such activities. Professional faculty positions must require the incumbent to regularly exercise professional discretion and judgment and to produce work that is intellectual and varied and is not standardized.

### **Administrative Leave**

Leave granted to serve on a jury or appear in court as a witness under subpoena for testifying, interviewing for other positions, or for other reasons approved in advance by the faculty member's supervisor.

### **Administrative & Professional Faculty Leave**

Leave granted to A&P faculty, which can be taken for any purpose.

### **Compensatory Leave**

For the purposes of this policy, Compensatory Leave is defined as leave granted (up to 8 hours) to a faculty member for hours worked on an official closing day or on a scheduled holiday.

### **Educational Leave**

Leave granted to a faculty member to pursue full-time independent study, graduate/post-graduate study, research or creative activities that will enhance their teaching abilities, professional growth and intellectual renewal.

### **Emergency/Disaster Leave**

Leave granted to employees who are called away from their regular jobs to provide specific kinds of emergency services during defined times of state and/or national disaster.

### **Faculty**

References to "all faculty members" or simply "faculty" in this policy refer to:

- All full-time instructional faculty on 12-month and 10-month contracts
- All full-time administrative & professional faculty members

### **Faculty Family Leave**

Faculty Family Leave provides faculty up to 12 weeks of paid leave to care for an ill or injured family member or birth/adoption of a child, provided all Family Medical Leave Act (FMLA) eligibility requirements are met.

### **Faculty Sickness and Disability Program**

The Faculty Sickness and Disability Program (FSDP) is a university disability plan that provides covered employees with income protection if they become unable to perform normal job duties because of an illness or injury. The program pays an income during periods of short-term disability.

### **Instructional Faculty**

The members of the faculty who have responsibilities that include teaching, research and service as the majority of their duties.

### **Instructional Faculty Leave**

Leave granted to 12-month instructional faculty each fiscal year, which can be taken, upon

supervisors' approval, for any purpose. This leave type is not tracked by Human Resources and there is no payout.

### **Leave as an Accommodation**

Leave granted to an employee who has a qualified, documented disability as an accommodation under the ADAAA (Americans with Disabilities Act Amendments Act) to ensure equal access and equal opportunities with regard to university employment.

### **Military Leave**

Leave for federally funded military duty.

### **Parental Leave**

Eligible full-time employees receive eight weeks or 320 hours of paid parental leave to be used within six (6) months of the birth of an infant or adoptive, foster, or custodial placement of a child under the age of eighteen (18).

### **Political Activity Leave**

Unpaid leave granted to serve on an election campaign or to serve a term of office.

### **Service Recognition Leave (SRL)**

Forty hours of leave awarded to classified staff and Administrative & Professional faculty upon completion of cumulative state service totaling one year, three years, five years, and every subsequent five-year anniversary. SRL must be used within 12 months from the date awarded. Employees who separate employment are eligible for a leave payout of any unused SRL hours.

### **Short-Term Disability Leave**

Leave granted for a short-term disability such as an illness, injury or other condition, such as surgery, pregnancy, and complications from pregnancy or a catastrophic or major chronic condition that prevents an employee from performing the full duties of their job. The disability may be non-work-related or work-related. A work-related disability is the result of an occupational illness or injury that occurs on the job and the cause is determined to be compensable under the Virginia Workers' Compensation Act.

### **Virginia Sickness and Disability Program**

The Virginia Sickness and Disability Program (VSDP) is a state disability plan that provides covered employees with income protection if they become unable to perform normal job duties because of an illness or injury. The program pays an income during periods of short and/or long-term disability. In addition to disability income, VSDP provides sick leave and family/personal leave that may be taken for short-term absences throughout the year. Employees electing VRS are automatically enrolled in VSDP unless they opt out upon hire, then the Faculty Sickness and Disability Program is the short-term disability option.

### **Workers Compensation**

Leave granted to an employee for a certified approved job-related illness or injury.

## **4. APPLICABILITY**

This policy applies to all faculty members, as well as those who supervise them.

## 5. POLICY

| Classification                                      | Short-Term Disability Leave | Annual Leave                | Service Recognition Leave      |
|---|-----------------------------|-----------------------------|--------------------------------|
| 10-month Instructional Faculty enrolled in VSDP     | VSDP supplemented by FSDP   | None                        | None                           |
| 12-month Instructional Faculty enrolled in VSDP     | VSDP supplemented by FSDP   | Instructional Faculty Leave | None                           |
| 10-month Instructional Faculty not enrolled in VSDP | FSDP                        | None                        | None                           |
| 12-month Instructional Faculty not enrolled in VSDP | FSDP                        | Instructional Faculty Leave | None                           |
| A&P Faculty enrolled in VSDP                        | VSDP supplemented by FSDP   | A&P Faculty Leave           | 40 hours upon meeting criteria |
| A&P Faculty not enrolled in VSDP                    | FSDP                        | A&P Faculty Leave           | 40 hours upon meeting criteria |
| Less-than-12-month A&P Faculty                      | FSDP                        | A&P Faculty Leave           | 40 hours upon meeting criteria |

Also see [leave types for full-time faculty](#).

### 5.1 Supervisor Approval

All leave, paid or unpaid, must be approved in advance (unless an emergency makes an advance request for leave impossible) by the supervisor.

### 5.2 A&P Faculty Leave

Full-time A&P faculty receive 24 days (192 hours) of A&P Faculty Leave per fiscal year (July 1 – June 30) to be taken for any purpose. A&P faculty with contracts of less than 12 months or those hired during the academic year receive a prorated amount of A&P Faculty Leave. A&P faculty may carry over up to 15 days (120 hours) of leave from one fiscal year to the next. The employee must request permission to take annual leave from his or her supervisor and leave must be approved in advance. A&P Faculty Leave must be requested and tracked through MyMadison. Refer to [frequently asked questions](#).

### 5.3 Compensation for Unused A&P Faculty Leave

A&P faculty members with 10 or more years of state service will receive a payout of unused A&P Faculty Leave hours when separating from the university or when transferring from an A&P faculty position to a classified position. This payout will be capped at 20 days (160 hours).

#### **5.4 Annual Leave for 12-month Instructional Faculty Members**

All 12-month instructional faculty members are eligible to receive 24 days of annual leave to be used through the approval of their supervisor. Fifteen days of any unused leave in any one fiscal year can be rolled over to the following year. The maximum number of annual leave days available for 12-month instructional faculty members in any one fiscal year (July 1 –June 30) is 39 days. Human Resources does not track this leave. The employee must request permission to take Annual Leave from his or her supervisor and leave must be approved in advance. There is no payout of unused leave upon separation.

#### **5.5 No Annual Leave for Less-than-12-month Instructional Faculty Members**

Less-than-12-month instructional faculty members are not eligible to receive annual leave.

#### **5.6 Faculty Sickness and Disability Program**

The Faculty Sickness and Disability Program (FSDP), as defined by short-term disability, provides faculty members not enrolled in the Virginia Sickness and Disability Program (VSDP) with 26 weeks (6 months or 1,040 hours) of paid leave for the faculty member's medical inability to work. The hours for FSDP will reset each state leave year (January 10).

After ten working days, in the case where the faculty member's medical inability to work arises, a physician's statement verifying inability to work (including the date when return to work is expected) must be presented to Human Resources.

Upon separation or retirement, there will be no payment to faculty for unused FSDP hours.

#### **5.7 Faculty Sickness and Disability Credit (FSDC)**

Faculty members employed by the university prior to January 10, 2020 and who are not enrolled in VSDP will receive a **one-time** allotment of one week (40 hour) of leave for each year of state service. These additional hours will reside in a reserve/bank and may be used to extend the 26 weeks of the faculty member's medical leave. The 26 weeks would be used first. Reserve/bank hours are not reset each year (one-time allotment), and the hours can be used until they are exhausted.

Upon separation or retirement, there will be no payment to the faculty for unused FSDC hours.

#### **5.8 The Virginia Sickness and Disability Program (VSDP)**

VSDP as defined by short-term disability, provides faculty enrolled in VSDP with leave and disability-related benefits as provided by the VSDP provisions. Faculty enrolled in VSDP who receive less than full income replacement will be able to utilize FSDP hours to supplement their income to restore their pay to 100%. See DHRM Policy [4.57](#) - Virginia Sickness and Disability Program.

#### **5.9 Family and Medical Leave**

Faculty members may be eligible for 12 workweeks of paid or unpaid leave for:

- the birth and care of a newborn child within one year of birth
- the legal placement of a child with the employee for adoption or foster care within one year of placement
- the care of an immediate family member: child, spouse or parent with a serious health condition

- the employee's own serious health condition, including an on-the-job injury or occupational disease covered by Workers' Compensation, which causes the employee to be unable to perform the essential functions of his or her job
- a child, spouse or parent being on active duty or having been notified of an impending call or order to active duty in the Armed Forces. Leave may be used for any qualifying exigency (as defined by the Department of Labor) arising out of the service member's current tour of active duty or because the service member is notified of an impending call to duty in support of a contingency operation.

Faculty members may be eligible for 26 workweeks of paid or unpaid leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin.

Departments are responsible for notifying Human Resources of any faculty member's request to use FMLA qualifying leave. For details, see Policy [1308](#) – Family and Medical Leave.

### **5.10 Faculty Family Leave**

All faculty (both FSDP and VSDP participants) will receive up to 12 weeks of paid Faculty Family Leave to care for an ill or injured family member or birth/adoption of a child, provided all Family Medical Leave Act (FMLA) eligibility requirements are met. In the case of birth/adoption, Parental Leave will run concurrently with Faculty Family Leave.

### **5.11 Parental Leave**

Eligible employees receive eight weeks or 320 hours of paid parental leave to be used within six (6) months of the birth of an infant or adoptive, foster, or custodial placement of a child under the age of eighteen (18). Eligibility determinations are made as of the date that the child is born or placed via adoption or foster or custodial care. For details, see Policy [2108](#) – Paid Parental Leave.

### **5.12 Leave as an Accommodation**

Faculty members who have a qualifying, documented disability may be eligible for paid or unpaid leave as an accommodation to ensure equal access and equal opportunities with regard to university employment. For details, see Policy [1331](#) – Disabilities and Reasonable Accommodations.

### **5.13 Educational Leave**

Grants of education leave provide opportunities for faculty members to pursue full-time independent study, graduate/post-graduate study, research or creative activities that will enhance their teaching abilities, professional growth and intellectual renewal. For details, see [Faculty Handbook, Sections III.J.1.a and III.J.1.h.](#)

### **5.14 Emergency/Disaster Leave**

Faculty members may qualify for paid leave if they are called away from their regular jobs to provide specific kinds of emergency services during defined times of state and/or national disaster. For details, see Policy [1113](#) – Emergency/Disaster Leave.

### **5.15 Compensatory and Overtime Leave**

Faculty members may qualify for compensatory leave for hours worked on a scheduled holiday (up to 8 hours). If the faculty member is considered a "designated employee" they may also earn compensatory leave for an inclement weather closing. Faculty who are considered non-

exempt under the overtime provisions of the federal Fair Labor Standards Act (FLSA) are also eligible for compensatory leave for holidays (up to 8 hours) and for hours worked outside of their regular workweek but haven't physically worked more than 40 hours. They may also earn Compensatory Leave for an inclement weather closing if considered a "designated employee."

Non-exempt faculty may earn overtime pay, or if offered, overtime leave at one and one-half times the regular rate of pay/leave when physically working more than 40 hours within a workweek. For details on overtime pay and overtime leave, see Policy [1303](#) – Provisions for Granting Overtime and Compensatory Leave.

#### **5.16 Workers Compensation Leave**

Faculty members may be eligible for Workers Compensation if they suffer a work-related illness or injury. For details, see Policy [1312](#) – Workers Compensation/Return to Work.

#### **5.17 Administrative Leave**

Faculty members may be eligible for administrative leave to serve on a jury or appear in court as a witness under subpoena, for testing or interviewing for other positions, or for other reasons approved in advance by the faculty member's supervisor. Such leave may be paid or unpaid, depending on the circumstances. For details, see [Faculty Handbook, Section III.J.1.b.](#)

#### **5.18 Military Duty Leave**

Faculty members may be eligible for military duty leave for federally funded military duty. For details, see [Faculty Handbook, Section III.J.1.e.](#)

#### **5.19 Political Activity Leave**

Faculty members may be eligible for unpaid leave for political activity on an individually negotiated basis. For details, see [Faculty Handbook, Section III.J.1.f.](#)

#### **5.20 Additional Educational or Personal Leave**

A faculty member may also request a period of unpaid leave for an educational leave beyond the allowable leave with pay or for personal reasons. Such a request may be granted at the discretion of the Academic Unit Head (AUH) or supervisor and requires the approval of the dean and appropriate vice president. For details, see [Faculty Handbook, Section III.J.1.h.](#)

#### **5.21 Service Recognition Leave**

Administrative & Professional Faculty are awarded 40 hours of Service Recognition Leave upon completion of cumulative state service totaling one year, three years, five years, and every subsequent five-year anniversary. SRL must be used within 12 months from the date awarded. Employees who separate employment are eligible for a leave payout of any unused SRL hours.

## **6. PROCEDURES**

### **6.1 Leave Tracking**

Human Resources will track Disability Leave and Faculty Family Leave for FSDP and VSDP participants after 10 workdays or 14 calendar days of absence as defined under Short-Term Disability Leave.

All Administrative & Professional faculty must track A&P Faculty Leave using MyMadison to ensure accurate carryover and payout amounts.

## **6.2 Requests for Leave**

A faculty member who is requesting leave must make the request in a timely manner to allow the faculty member's supervisor an opportunity to arrange for coverage of the faculty member's duties and obligations during the term of the leave. If an emergency prohibits a timely request, the supervisor must be notified as soon as possible of the request for leave.

The employee or supervisor must notify Human Resources of the faculty member's request for use of Family and Medical Leave or Parental Leave. Human Resources will determine whether the faculty member meets the eligibility criteria.

If the faculty member is not eligible for the leave requested or if the leave is not approved, the faculty member shall be notified as soon as possible. Any absence of the faculty member from regular duties that is not pursuant to approved leave may be considered a disciplinary matter.

## **7. RESPONSIBILITIES**

Supervisors are responsible for approving and overseeing their employee's use of leave under the provisions of this policy.

Faculty members are responsible for complying with this policy, including reporting and tracking leave as described in this policy. They are also responsible for requesting leave in a timely manner, unless an emergency makes a timely request impossible.

All departments, offices and employees that generate, receive or maintain public records under the terms of this policy are also responsible for compliance with Policy [1109](#) - Records Management.

## **8. SANCTIONS**

Sanctions will be commensurate with the severity and/or frequency of the offense and may include termination of employment.

## **9. EXCLUSIONS**

This policy does not apply to adjunct faculty, graduate assistants, classified employees, or wage employees.

## **10. INTERPRETATION**

The interpretation of this policy is the responsibility of the president and is normally delegated to the director of human resources.

**Previous version:** February 2020

**Approved by the president:** July 2011