

 Prescott College	Policy Number: 245	
	Policy Category: <i>Personnel</i>	
	<i>Leave of Absences</i>	
	Policy Summary: <i>This policy outlines to the various types of leaves available to employees.</i>	
	Approval Date: 06/06/2022	Effective Date: 06/06/2022
Policy Owner: <i>Vice President, Finance and Administration</i>	Scheduled for Review: <i>Spring 2027</i>	

Policy Statement

Prescott College recognizes the need for employees to take reasonable leaves of absence in a variety of circumstances. The policy below outlines the types of leave that may be approved and the procedures followed. Sections of this policy include:

- General procedures
- Benefit eligibility while on leave
- Bereavement and Funeral Leave of Absence
- Employee Education Leave of Absence
- Family Medical Leave of Absence
 - Parental Leave for Faculty
- Jury Duty Leave of Absence
- Military Duty Leave of Absence
- Personal Leave of Absence

General Procedures for all Leaves of Absence

1. Employees should initiate the leave of absence approval as soon as practicable after learning they need to request the leave through discussion with their direct supervisor, and when applicable, submit a written request.
2. The department head, human resources, or members of the administration often need to be consulted on and involved in the approval process. A written response from the supervisor or Human Resources to the initial request occurs within three working days, and may include an approval, denial or request for further information or documentation.
3. Approvals shall outline all available details including type of leave, anticipated duration, documentation needed, and whether it is a paid, unpaid, combination of paid and unpaid time, and if vacation or sick time is to be used during the leave.
4. Employees are expected to provide relevant documentation as described in each type of leave and keep the supervisor abreast of any changes or developments, including contact information while on leave.

5. A Leave Request form is completed by the employee or supervisor to document the leave of absence. After approval and while on leave, the supervisor will maintain the employee's time sheet with notation of the type of leave of absence the employee is taking.
6. Employees shall return to work on the first scheduled workday at the conclusion of the approved leave. If the employee does not return to work as scheduled for three consecutive work days (i.e., scheduled date of return and the following two work days), the College's policy and procedure relative to position abandonment will apply (refer to HR Policy 217).
7. For all leaves of absence that are approved with an open-ended timeframe, the employee will make reasonable effort to regularly update the supervisor about an anticipated return to work timeframe. Employees shall notify their supervisor three days before their first day back to work.
8. Personnel who are still in their introductory period may be granted an unpaid leave at the discretion of their supervisor.

Benefit Eligibility While on Leave

1. Employees with existing benefits remain eligible for those benefits while on paid status during select types of approved leave.
2. During any approved Leave of Absence that is entirely or partially unpaid, basic benefits continue for the duration of the authorized leave. The receipt of short-term disability payments constitutes unpaid status.
3. Employees on an unpaid leave who desire for their existing insurance coverage to continue while on leave are required to pay their portion of the insurance premium for the benefit plan they have selected. Premiums must be paid at the same time normal payroll deductions would have been made if the employee was not on leave. Payments more than thirty days late may result in termination of coverage. The College can recover the premiums paid for maintaining the employee's coverage if the employee 1) fails to return from the leave after it has expired and 2) fails to return to work for reasons other than the continuation, recurrence or onset of a serious health condition or other circumstances beyond the employee's control.
4. During any approved Leave of Absence that is unpaid, the employee does not receive holiday pay, tuition assistance, nor accrue vacation or sick leave.

Bereavement and Funeral Leave of Absence

1. In the event of a death in an employee's immediate family, Prescott College allows for a paid Leave of Absence for up to three (3) calendar days including the day of the funeral.
 - a. For purposes of this policy, an employee's "immediate family" consists of the employee's spouse, children, parents, brothers, sisters, mother-in-law, father-in-law, children-in-law, grandchildren and grandchildren by marriage, grandparents and grandparents by marriage, and domestic partners, as defined in the Employee Benefits Policy, and their immediate relatives.

Employee Education Leave of Absence

1. The College supports necessary and reasonable leaves of absence for the purpose of furthering an employee's education. A written proposal is required.
2. An Employee Education Leave of Absence is unpaid, but can be offset with the use of available vacation leave.

3. The employee is expected to provide documentation in support of their studies (e.g., CEUs, grades, reports, theses). Human Resources will file this documentation in the employee's personnel file, thus becoming a part of the employee's educational/skills record.
4. Employee Education Leaves of Absence require the approval of the supervisor, department director, Human Resources, and the Chief Operating Officer.

Family Medical Leave of Absence

1. Consistent with the Family Medical Leave Act, it is the policy of Prescott College to grant necessary and reasonable leaves of absence (LOAs) for medical, family, and personal reasons. Leaves of absence may be granted in connection with a serious personal health condition; with the birth, adoption, or placement of a child with the employee; or for the care of a child, parent, spouse, or domestic partner who has a serious health condition.
2. Relative to the care of a child for medical reasons, the policy includes biological, adopted, foster, or step child, or legal ward, who is under 18 years of age, or older if the child is incapable of self-care due to physical or mental disability.
3. A serious health condition is defined as an illness, injury, impairment, or mental condition that renders the employee incapable of performing job functions.
4. These LOAs may be with or without pay (e.g., the employee may request use of Vacation or Sick Time Off and/or receive a disability benefit concurrent with the leave).
5. These LOAs are granted in accordance with the provisions of the Family and Medical Leave Act (FMLA) for a maximum of twelve (12) weeks per year. A "year" for the purpose of this policy is defined as calendar year. To be eligible for a leave of absence (LOA), an employee must have been employed with Prescott College for twelve (12) months and have worked at least 1,250 hours during the last six (6) month period.
6. Employees must submit a written request for a Family Medical LOA to the supervisor AND to Human Resources, and include the reasons for the request, and the anticipated duration of the LOA. Supporting documentation is also required as follows:
 - a. MEDICAL: A medical provider's note that includes general information regarding the condition and the anticipated duration of the absence is also required. The employee has the option of directing the medical provider's note to Human Resources to confirm the medical basis for the leave. Confidentiality must be strictly maintained relative to medical information and documentation.
 - b. If the anticipated duration of the absence or the employee's ability to return to work is subject to change, the employee may be required to provide additional statements from the medical provider.
 - c. The employee has the obligation to attempt to schedule the treatments so as to cause minimal impact on the work schedule.
 - d. To assist the medical provider in determining the employee's ability to return to work, the employee should provide a copy of one's current job description.
 - e. A LOA can be conditionally approved without the provider's (doctor's) note. However, the employee must provide the required documentation within fifteen (15) working days of receiving conditional approval of the leave request.
 - f. CARETAKERS: Supporting documentation is also required if the reason is birth or adoption of a child or a foster home placement situation, or the employee is caring for a parent, spouse, or domestic partner who has a serious health condition.
7. All requests for leave covered under FMLA must be accepted if the employee provides complete and valid documentation and is otherwise eligible.

8. Approvals specify whether the Family Medical Leave is paid or unpaid. The Payroll Office will apply all available paid leave first and then place the employee on unpaid status unless directed otherwise. If an employee is receiving a disability benefit, vacation and sick leave may be used in supplementing the payment up to the employee's full rate of regular pay (i.e., excludes stipends). No employee (including faculty) will receive more than their full rate of regular pay during a LOA.
9. If the employee would like to extend the LOA, the employee must submit a written request for an extension with supporting documentation ten (10) working days prior to the scheduled return to work date.
10. Prior to returning to work from an approved leave, the employee must obtain a "release to return to work" note from the medical provider.
11. An employee returning from an extended LOA covered under FMLA, must be allowed to return to the same or a comparable position within the College.

Alternative Assignments for Faculty

In addition to the benefits provided by a Family Medical Leave, this section provides eligible faculty flexibility in work arrangements in recognition of the unique role that teaching requires and the importance of early bonding with a new child in the home. This provision applies to only Full Faculty and Associate Faculty over 75% time with teaching responsibilities.

1. Flexible Faculty Parental Leave arrangements are limited to one semester per child, up to once per year and are without reduction of regular pay. Parental Leave for Faculty must be taken within one year after the birth, adoption, foster or guardianship placement.
2. Alternate assignments are negotiated with the dean. Examples of alternate assignments include projects, self-study, planning or research for the department, committee or College.
3. This policy does not replace Family Medical Leave, or short-term disability leave provisions and may run concurrently with other types of leave taken for the parental leave.
4. A written agreement is drafted to include details of the agreed upon flexible work assignment. The agreement includes: a description of the flexible work assignment, semester affected, when participation in Departmental or College activities will resume (i.e.: attendance at department meetings) if expected before the end of the affected semester, other types of leave that will be taken, and any other relevant stipulations discussed. The written agreement is routed to Human Resources once detailed.

Jury Duty Leave of Absence

In the event an employee is required to serve as a member of a jury, Prescott College allows a necessary and reasonable leave of absence (LOA), without loss of pay. An employee required to perform jury duty in a court of law will be paid regular straight time pay for those regular working hours during which the employee is absent from work for the purpose of jury duty for a period of up to two (2) weeks. The employee must remit payment of fees received in connection with jury duty to Human Resources with the exception of reimbursement for mileage. The employee shall notify their supervisor as soon as possible after the notice to appear (subpoena) as well as provide the supervisor with a copy of the notice.

Military Leave of Absence

The College allows necessary and reasonable leaves of absence (LOA) for military service to the extent required by law. Prescott College is committed to assisting employees with a smooth re-entry into the workforce after up to five years of voluntary or involuntary service in the uniformed services. See the "Procedures" section of this policy.

Personal Leave of Absence

Requests for personal leaves which are based on circumstances that are not covered by the provisions of the Family and Medical Leave Act (FMLA) or the family/medical provisions of this policy are subject to the approval of the immediate supervisor, and the Human Resources Director. Approvals of such requests are subject to the discretion of the institution and will include consideration of the employee's circumstances as well as the operational needs of the College. Generally, such Leaves are unpaid.

Definitions

Reason for Policy

To establish the various types of leaves available to employees.

Responsibilities

For following policy:	All employees
For enforcement of policy:	Director, Human Resources
For oversight of policy:	Director, Human Resources
For procedures implementing the policy:	Director, Human Resources
For notification:	Policy Librarian

Procedures

Military Leave of Absence

TEMPORARY MILITARY LOA with pay differential: Employees whose active reserve status in the Armed Forces of the U.S. requires participation in annual or emergency service activities will be given temporary military LOA as outlined below:

1. For summer military encampment, leave will be granted for the full period (up to 2 weeks) of service required.
2. For employees who are required to perform military service at the call and under the pay of the Governmental agencies in connection with any civil service disorders, fire, storm, flood, earthquake, or similar states of emergencies shall be considered to be on a temporary (up to 2 weeks) military LOA.
3. In the event the employee's military pay (for a & b above) is less than their College pay, at the regular straight time rate, the College will pay the DIFFERENCE between the employee's normal rate

and the military pay. The employee must provide documentation (pay stubs, etc.) which specifies the amount of military pay received and the time periods served.

4. If the period of military service was less than 91 days, the returning employee is entitled to the job he/she left or the job he/she would have attained if he/she had not left, whichever is better. Qualifications count in determining the entitlement, but the College will make reasonable efforts to help the employee qualify for the better job first, then the other job.
5. Employees will not be required to use vacation or sick leave during this period of temporary military LOA.

REGULAR MILITARY LOA

1. For longer periods of military service, the employee is entitled to the job he/she left, the job he/she would have attained, or a job of like seniority, status and pay to the job left or the job that would have been attained, whichever is best. Qualifications count in determining the entitlement, the College will make reasonable efforts to help the employee qualify for the best job first, then the other job(s).
2. An employee is eligible for reemployment rights, if he/she meets five criteria:
 - a. The employee must hold a position that has a reasonable expectation of continuation indefinitely or for a significant period. Temporary positions and positions with pre-determined not-to-exceed dates, provided that the employment period is not significant, fall outside this criterion. The "at-will" basis of a position is a nonissue for this criterion.
 - b. The employee must give notice to the employer that he/she will be leaving for military service. Notice need not be written. There is no requirement for published orders. The law does not specify the advance notice required; it cannot because, in some cases, employees will get only a few days notice or less.
 - c. The employee must not exceed the five-year statutory limit on cumulative periods of service. The statutory limit applies to the employee for each employer; there is no limit on the employee across two or more employers during their work life. The five-year period begins with military service after December 12, 1994. Duty performed prior to that date counts against the five-year limit if it counted against the limits in the old law. There are exceptions, too. For example, annual training and monthly drills are not counted against the cumulative total. Further, the five-year limit itself does not apply under certain conditions or to certain covered persons. The employee must be released from service under "honorable conditions."
3. The employee must report back to the civilian job in a timely manner or submit a timely application for reemployment. The following general rules apply:
 - a. for periods of military service up to 30 consecutive days, the employee must report back to work for the first full regularly scheduled work period on the 3 day following the completion of the period of service and safe transportation home, plus an 8-hour period of rest.
 - b. after a period of military service of 31 - 180 days, the employee is to submit to the employer an oral or written application for reemployment not later than 14 days after completion of the period of service.
 - c. after a military service period of 181 days or more, the employee must submit an application for reemployment not later than 90 days after completion of the period of service.
 - d. These deadlines (a-c above) can be extended up to two years to accommodate a period during which the employee was hospitalized for or convalescing from a service-connected injury or illness. If the employee is late in reporting back to work, they do not automatically forfeit the right to reemployment. Instead, the employee is subject to the conduct rules, established policy, and general practices of the employer with respect to absence from scheduled work.

4. A returning employee is entitled to all pay increases, promotions and other benefits that would have been awarded or earned had the employee not been away for military service.
5. Right to Training, Retraining and Accommodation
 - a. The College will make "reasonable efforts" to help returning employees qualify for their old jobs. Specifically, refresher training to renew prior skills and additional training to gain new skills required by new technology.
 - b. The College will make reasonable efforts to accommodate a returning employee with a military service-connected permanent disability or temporary injury. For temporary injuries, such as a broken leg, the employer would have an obligation to reasonably accommodate the employee until the leg healed.
6. Special Protection Against Termination, Except for Cause
 - a. The period of protection is six months following periods of military service of 30 - 181 days. The period of protection is one year for periods of military service of 181 days or more. Employees who have been away for military service for 30 days or less are not afforded this special protection. Instead, they are protected by the more general prohibition of discrimination.
7. The employee receives pay earned through the "effective date" of the LOA (i.e., pay due for hours worked). Employees will not be required to use vacation or sick leave during this period of temporary military LOA.

Employees requesting a Military LOA should follow the general LOA request procedures and provide a copy of the notification/orders to their supervisor.

Employees that wish to return to work from a temporary military LOA should notify their supervisor of the return date and provide the necessary paperwork (military pay stubs, etc.) to the supervisor.

Additional benefit stipulations apply to Military Leaves of Absence consistent with the Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994.

1. Full benefit coverage will continue through the end of the month in which the employee last worked. Employees that are returning to work from military leave must re-enroll in the insurance plan.
2. For periods of military service up to 30 days, the employee will pay only the established employee share, if any, of the cost of such coverage. For periods longer than 30 days of military service, the employee will be notified of their rights to elect coverage under COBRA.
3. When the employee returns to the civilian job, the employer must immediately reinstate the employee's health insurance coverage. There is no waiting period and there may be no exclusion of preexisting conditions other than those determined to be military service-connected. This right applies whether or not the employee elected to continue coverage during military service.
4. Time away for a Military Leave of Absence counts toward both the 12 months of employment and the 1,250 hours worked Family and Medical Leave Act (FMLA) eligibility requirement.

Cross Referenced Policies

Revision History
