

Longy Faculty Union Initial Union Proposal Presented 6/29/10

ARTICLE _____

LEAVES OF ABSENCE

All faculty members are eligible for the following types of leaves.

A. Family and/or Medical Leave

1. The School has established the following policy governing Family and Medical Leaves.
2. Faculty members will be granted a maximum of 12 weeks of Family and/or Medical Leave (or a maximum of 26 weeks of leave if required to care for a covered service member with a serious injury or illness).
3. An employee taking Family and/or Medical Leave shall be allowed to voluntarily take the leave on an intermittent, consecutive or reduced schedule basis.
4. An employee who takes Family and/or Medical leave to which he or she is entitled shall accrue seniority for all purposes during the Family and/or Medical leave period.
5. Family and/or Medical Leaves may be taken for one or more of the following reasons:
 - a. Birth and care of a newborn child.
 - b. Adoption or placement in foster care of a child.
 - c. Care for a spouse, child, or parent with a serious health condition.
 - d. Medical leave because of a serious health condition that makes the employee unable to perform the functions of his/her position.
 - e. A qualifying exigency arising out of the fact that a spouse, son, daughter or parent is a covered military member on active duty.
 - f. Care for an injured or ill covered service member, if the employee is a spouse, son, daughter, parent, or next of kin of the covered service member.

In addition to family members, employees shall be permitted up to 12 weeks unpaid leave per year to care for the following relatives suffering from serious health conditions: grandparents, grandchildren, brothers, sisters, parents-in-law or domestic partner.

6. Leave may extend to up to 26 weeks in a single 12-month period for an employee to care for a spouse, son, daughter, parent or next of kin (as legally defined) who is a covered service member with a serious illness or injury

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incurred while on active duty. This leave is provided on per-covered-service member, per-injury basis, but an employee will not be entitled to more than 26 weeks of such leave within 12 months. This leave is calculated on going forward basis. Accordingly, employees are entitled to a combined 26 weeks of leave for any Family and/or Medical Leave qualifying reason beginning when employee first takes military caregiver leave (but still limited to 12 weeks for any Family and Medical Leave qualifying reasons).

B. Employee Requests for Leave

1. Employees are expected to submit a verbal or written request for leave as far in advance as possible to the Director of Human Resources. In instances where Family and Medical Leave is foreseeable, an employee must provide at least 30 days' advance notice to the Director of Human Resources. Where 30 days' advance notice is not practicable (such as because of a lack of knowledge of when leave will begin, or because of a medical emergency) and in the case of any leave due to a qualifying exigency (whether foreseeable or not), then notice must be given as soon as practicable, i.e., within 2 business days of when the employee learns of his/her need for leave. In instances where Family and Medical Leave is unforeseeable, an employee must provide notice as soon as practicable under the facts and circumstances of the particular case, and in no case later than required under the School's usual and customary notice requirements applicable to such leave.
2. An employee must provide notice sufficient to allow the School to understand that he/she potentially needs Family and/or Medical Leave, and must provide notice of the anticipated duration of the leave and expected return to work date (note that the School may require an employee on Family and/or Medical leave to report periodically on their status and intent to return to work).
3. In cases of planned medical treatment, the employee should consult with his/her manager in an attempt to schedule the leave so as to not unduly disrupt School operations.

C. Certifications For Serious Health Conditions

1. The School may require certification from a health care provider regarding an employee's or a family member's Family and/or Medical Leave. An employee must respond to such a request within 15 days of the request, or provide a reasonable explanation for the delay. Failure to provide complete and sufficient certification (including failure to provide any certification at all, and/or failure to cure an incomplete or insufficient certification) may result in a denial of Family and/or Medical Leave.
2. Specified School employees may directly contact an employee's or covered

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family member's health care provider for authentication and clarification purposes. An employee will be given an opportunity to resolve any deficiencies in a medical certification before the School makes such contact (the School will obtain the employee's or covered family member's permission for clarification of individually identifiable health information). If an employee does not authorize the School to obtain authentication or clarification from a healthcare provider, and does not otherwise clarify information for the School as requested, then the School may deny Family and/or Medical Leave.

3. If the School doubts the validity of a medical certification, it may require an employee to obtain a second opinion via an independent medical evaluation, at the School's expense. The School will select the healthcare provider to perform the evaluation. If necessary to resolve a conflict between the original certification and the second opinion, the School may require a third opinion. The School and the employee will mutually select the third doctor, and the School will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under Family and/or Medical Leave pending the second and/or third opinion. The School may deny Family and/or Medical Leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion.

4. The School requires certification of a qualifying exigency for military family leave, and for the serious injury or illness of a covered service member. An employee must respond to such a request within 15 days of the request, or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

5. The School may request recertification for the serious health condition of an employee or employee's covered family member every 30 days. If an employee's medical certification indicates that the minimum duration of the condition is more than 30 days, then the School may request recertification when the duration of such condition expires or every 6 months (whichever is earlier). The School may request recertification more often than every 30 days when circumstances described in a previous certification have changed significantly, when the School receives information casting doubt on the reason given for the absence, or when the employee seeks an extension of leave. The School may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

D. Benefits During Leave

1. If the School pays for any portion of an employee's health insurance, the School will continue to pay its normal share of such costs while the employee is out on Family and/or Medical Leave, on the same terms and conditions as

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coverage would have been provided if the employee was not on Family and/or Medical Leave (for instance, if premium payments are raised or lowered, an employee on Family and/or Medical Leave will be required to pay the new premium rates). Employees will be advised by the Director of Human Resources regarding the amount of time and the method of payment on the employee's portion of the health insurance premium.

2. Employees are expected to make monthly payments of their contribution portion for medical or other insurance coverage (if on unpaid leave, via a personal check written to the School; if on paid leave, via regular payroll deductions). If an employee fails to provide such payments on a monthly basis, the School will provide him/her with notice and the opportunity to bring any outstanding amounts current. If an employee's premium payments are more than 30 days late, however, the School retains the right to cease its obligations to maintain health insurance coverage for such employee. In the event the employee does not return to work after his/her leave, the employee must reimburse the School for any health insurance payments the School made for the employee's benefit while the employee was on unpaid leave, unless such failure to return is due to a continuation, recurrence or onset of a serious health condition that would otherwise have entitled the employee to Family and/or Medical leave, or due to other circumstances beyond the employee's control.

E. Returning to Work

1. If an employee is able to return to work (with or without a reasonable accommodation) and returns to work within the time allowed by Family and/or Medical Leave, the employee will be returned to his/her same or an equivalent position.

2. If an employee's Family and/or Medical Leave is a result of the employee's own serious health condition, the employee may be required, prior to returning to work, to submit to the Director of Human Resources a certification from the employee's health care provider that the employee's medical condition is sufficiently resolved to permit the employee to return to work and that the employee can perform the essential functions of his or her job. Also, an employee may be required to be cleared by the School and may be required to be evaluated by a health care provider engaged and paid for by the School prior to resuming work.

3. An employee failing to return to work on the scheduled return date after Family and/or Medical Leave may be subject to disciplinary action, up to and including termination of employment. Additionally, subject to limited exceptions, the School will be entitled to recover from the employee certain costs (including, without limitation, benefits, premiums and salary paid during Family and/or Medical Leave) incurred by the School, and the employee must so agree by completing and submitting an appropriate form regarding the same.

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However, there may be limited circumstances where an employee will not be obligated to provide such reimbursement.

F. Coordination with Other Laws

1. The School's Family and/or Medical Leave does not supersede any provision of any state law that provides greater family or medical leave rights than the rights established under the federal law. Leave entitlements under state law and the School's Family and/or Medical Leave run concurrently where both laws cover the same type of leave.

G. Small Necessities Leave

1. The school has established the following Small Necessities Leave, and guaranteeing faculty Family and/or Medical Leave for purposes of accompanying family members to routine medical appointments and participation in children's activities.

2. Faculty members are entitled to up to 24 hours of unpaid leave in any twelve-month period for certain family-related purposes consistent with Family and/or Medical Leave, Small Necessities leave may be taken intermittently or all at once.

3. Small Necessities Leave is available for the following reasons:

a. Participation in school activities directly related to the educational advancement of a son or daughter (defined as a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in *loco parentis*) such as parent-teacher conferences or interviewing for a new school.

b. Accompanying a son or daughter to routine medical or dental appointments, such as check-ups or vaccinations.

c. Accompanying an elderly relative (defined as an individual at least sixty years of age, related to the employee by blood or marriage) to routine medical or dental appointments or appointments for other professional services related to the elder's care, such as interviewing at nursing or group homes.

3. Employees are required to give at least seven days notice of their needs for "foreseeable" Small Necessities Leaves, or as much notice as is practical if not foreseeable. Longy may require employees to provide certification of the need for the leaves.

H. Jury Duty/Court Appearance Leave

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Faculty who are required to report to court in person in response to an involuntary subpoena or in response to a jury duty summons, or who are required to report for jury examination or qualifications, or who are required to serve on a jury must provide his/her supervisor with a copy of the court notice. Employees should also inform their supervisor at least two weeks in advance that they were called for jury duty. Employees are expected to return to work on any day or portion of any day when court attendance is not required.

I. Military Leave

1. A faculty member who is a member of the Armed Forces is entitled to a military leave of absence to perform training or service in the Armed Forces. Generally, military leave may not exceed five (5) years.

A. Employees on a leave for less than thirty-one (31) days for purposes of military service or for taking an examination to determine fitness for service must report to the School for work upon the first calendar workday following completion of service and the expiration of eight (8) hours for safe travel home, unless otherwise impossible or unreasonable because of circumstances outside the employee's control.

B. Those employees, who are on leave for thirty-one (31) days or more, but for less than one hundred and eighty-one (181) days, must provide the Director of Human Resources with written notification of their intent to work within fourteen (14) days following completion of the service. For service over one hundred and eighty (180) days, the employee must submit such written notification not later than ninety (90) days after completion of service.

2. Employees on military leave shall continue their medical and dental insurance coverage at their own cost for up to eighteen (18) months.

J. Bereavement Leave

All faculty members who wish to take time off due to the death of an immediate family member should notify the Director of Human Resources immediately.

K. Paid Parental Leave

1. Eligible employees are entitled to up to four (4) weeks of paid parental leave in any twelve month for the purpose of the birth of a child or adoption or placement for foster care of a child under eighteen (18) years of age or under twenty-three (23) years of age if the child is mentally ill or physically disabled.

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2. An eligible employee is one who has been employed by the School for at least the last twelve months (not necessarily consecutive) and worked at least 1,250 hours in the 12 months immediately preceding the leave.

3. Paid Parental Leave runs concurrently with any unpaid leave available to an employee under the School's Family and/or Medical Leave policy or the School's Maternity Leave policy.

4. Requests for leave should be made in writing to the employee's supervisor and the Director of Human Resources as far in advance as possible.

5. If an employee is able to return to work (with or without a reasonable accommodation) and returns to work within the time allowed by Maternity Leave, the employee will be returned to his/her same or an equivalent position.

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