



## Policy

Title:	<b>Non-FMLA Leaves of Absence</b>
Effective Date:	January 24, 2017
Approved By:	President's Council
Responsible Party:	Vice-President for Human Resources and Administrative Services
History:	May 22, 1996
Related Documents: Family and Medical Leaves Policy; Disability Accommodations Policy; Faculty Policies & Procedures;	

### I. PURPOSE

This policy provides general information on the types of Non-Family & Medical Leave Act (Non-FMLA) leaves of absence that may be available to University employees. This policy also provides general information about certain terms that apply to each type of leave of absence. Non-FMLA leaves provide time away from work for employees who do not meet the requirements for a Family & Medical Leave, have exhausted their entitlement, under the Family and Medical Leave Act Policy or who request a leave for other eligible reasons.

### II. DEFINITIONS

**Child** - A biological, adopted, or foster child, legal ward, step-child, or child of a person standing *in loco parentis* ("in place of a parent"), who is either under 18 years of age or is 18 years of age or older and incapable of self-care because of a mental or physical disability at the time the leave is to commence. (Note: There is no requirement that the child live with the employee or be a legal dependent of the employee.)

**Spouse** - A husband or wife who is legally married as defined or recognized in the state in which they were married, or who validly entered into a marriage outside of the United States that could have been entered into in at least one state

**Registered Domestic Partners** - Two individuals of the same or opposite sex who live together and are registered with the Salus University Office of Human Resources as being Spousal Equivalents.

**Parent** - A biological parent, adoptive parent, step-parent, or an individual who stands *in loco parentis* to a child.

***Intermittent Leave*** - Leave taken in separate blocks of time due to a single illness or injury as opposed to a leave taken in one continuous period of time. “Intermittent Leaves” may be taken in hours, days, or weeks.

***Military service*** includes: initial duty for training (e.g. basic training), inactive duty training (e.g. weekend type training), active duty training (the typical two-week summer camp training), and actual military service (active duty).

***Extended Military service*** – leave away from work due to Military service of more than 30 consecutive days.

***Reduced Leave*** - a change in the employee’s normal work schedule (such as from full-time to part-time)

***Rolling Year*** - the 12-month period measured backward from the date that leave begins.

***Serious Health Condition*** (for an employee or family member) - is an illness, injury, impairment or physical or mental condition that causes a period of incapacity involving either inpatient care or continuing treatment by a health care provider.

***Serious Health Condition*** (for a covered service member) - is an illness or injury incurred by the service member while in the line of active duty.

***Health Care Provider*** - A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the state in which the doctor practices or any other person determined by the Secretary of Labor to be capable of providing health care services.

### **III. POLICY**

Upon request of an employee, the following Non-FMLA leaves ***may*** be granted:

- Medical incapacitation of an employee
- Sabbatical
- Military Leave/USERRA
- Domestic Violence Leave
- Personal Reasons

Aside from USERRA, eligibility for all leaves under this policy is based on a "rolling" 12-month period.

### **IV. PROCEDURE**

#### **NON-FMLA MEDICAL LEAVES OF ABSENCE**

##### **Eligibility**

An employee with a serious health condition as defined under the FMLA who does not meet requirements for FMLA or has exhausted leave available under the FMLA may request a leave of absence for a self-qualifying medical event. In order to be eligible to take a Non-FMLA Medical leave, an employee must have been employed for at least 6 months of continuous employment with the University prior to the request for leave.

This leave is only available for an employee to tend to his or her own serious health condition.

### **Requesting a Non-FMLA Medical Leave**

In order to apply for a Non-FMLA Medical Leave, the requesting employee must complete a “Request for Leave Form.” This form can be obtained from the Office of Human Resources. This form must be reviewed and signed by the employee’s supervisor and then forwarded to the Office of Human Resources for review.

Employees requesting a leave should provide their supervisor with no less than 30-days’ notice prior to the date on which the leave is to begin – except in emergency situations and cases in which the date of a birth or adoption placement requires the leave to begin earlier than the 30-day notice. In these instances employees are expected to provide such notice as soon as practical.

If the employee is unable due to the emergent nature of the leave to complete the required forms prior to their absence from work, the forms will be provided to the employee at their home address or another address requested by the employee, and should be returned as soon as practicable. Some leaves may be conditionally approved without having the required forms prior to the commencement of the leave based on individual circumstances.

### **Certifications of Leave**

Salus University requires written certification for all Medical leaves. In addition to the Request for Leave Form completed by the employee, medical certification must also be submitted. This documentation is to be obtained from the employee’s health care provider and returned directly to the Office of Human Resources to support the request for leave.

The Office of Human Resources will receive all (medical) certifications. The employee must respond to the request for certification within 15 calendar days of the notice of conditional eligibility. Failure to comply with the above mentioned requirements may result in delay or denial of leave or reinstatement from leave, in which case the employee's leave of absence would be unauthorized, subjecting the employee to discipline up to and including termination.

A statement from a health care provider verifying the current status of an employee’s serious health condition may be required at any time during a non-FMLA medical leave.

### **Incomplete Certifications**

If an incomplete medical certification is received, the Office of Human Resources will provide the employee with the opportunity to either have the health care provider correct the certification or provide a written release so the Office of Human Resources can contact the health care provider directly. The employee will have seven (7) calendar days to resolve any deficiencies in the medical certification. If, after seven (7) calendar days the identified deficiencies have not been resolved, the request for leave will be denied.

### **Approval/Denial of Non-FMLA Medical Leave**

Once the Office of Human Resources receives a completed medical certification and the Request for Leave Form signed by the employee and their supervisor, the employee will be notified within five (5) business days whether or not the leave is approved or denied.

### **Duration of Non-FMLA Medical Leave**

Non-FMLA Medical leave may be approved for a period of up to one year (with the 12 weeks of FMLA leave included in that year time frame if applicable). Exception: Military Leave

**Job Protection**

Employees who take a non-FMLA Medical Leave do not have job restoration rights. Determination of reinstatement will depend upon length of the leave, academic or administrative efficiencies and other University needs.

**Reduced Schedule/Intermittent Leave**

Intermittent leave under Non-FMLA medical leave is not permitted unless such leave has been approved as a reasonable disability-related accommodation pursuant to the Americans with Disabilities Act, as amended.

**Benefits during Non-FMLA Medical Leave**

<b>Benefit</b>	<b>What occurs during a Non-FMLA Medical Leave</b>
Compensation	Employees must exhaust all available sick/personal time before leave is unpaid.
Vacation, Sick & Personal Time	Do not accrue during an unpaid leave. Award is pro-rated upon return to work for remainder of new award year.
Voluntary Benefits	As long as employee share of premiums are paid, the University will continue to pay its share of the premiums.
University Retirement Contribution	Will be made by the University during paid and unpaid leave
Employee Retirement Contribution	May continue to be made as long as the employee is in paid status during the leave
Tuition Remission	Will continue during leave if approved prior to the commencement of the leave.
Life Insurance & AD&D	Will continue during paid and unpaid approved leave. Voluntary Life Insurance will continue as long as employee share of premiums are paid by the employee.
Long Term Disability	Employees on approved leave longer than 90 days may apply for this benefit directly with the insurer.

**Return to Work from Non-FMLA Medical Leave**

Prior to returning from leave for a personal medical condition, the employee must obtain a release from his or her healthcare provider that confirms the employee is fit to return to work to perform regular duties. The release to return to work notice must be submitted to the employee's supervisor at least two (2) days in advance of the expected date of return reflected on the Request for Leave form. After the supervisor has reviewed the form, it should be forwarded to the Office of Human Resources where it will be retained.

If the employee is released to return to work with restrictions or requested accommodations the return to work note must detail the requested restrictions. The employee's department/program, in consultation with the Office of Human Resources, will determine whether the restriction can be reasonably accommodated.

Employees who fail to provide a Fitness for Duty note are not permitted to return to work.

If the employee is not medically released to return to work at the end of his or her approved leave and the employee has exhausted the maximum leave time or the employee not been granted any additional leave, employment terminates as "unable to return from leave" effective the last day of the approved leave.

Employees who exceed their approved leave time without obtaining approval of extension may be subject to termination of employment. In addition, any benefit-eligible employee who does not return from leave is responsible for reimbursing the University for all medical benefit premiums paid on his or her behalf during the leave.

## **SABBATICAL LEAVE**

### **Eligibility**

Sabbatical leaves are available to full-time, tenured faculty members for the express purpose of academic and/or professional improvement, which enriches Salus University's academic and research programs. The granting of sabbatical leaves is contingent on the availability of University resources.

See Faculty Policies and Procedures for more information.

## **MILITARY LEAVE (USERRA)**

### **Eligibility**

Employees who are members of the United States Uniformed Services are entitled to special workplace protections under federal law. The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) seeks to ensure that those who serve their country can retain their civilian employment and benefits, and can seek employment free from discrimination because of their service. USERRA provides protections to members of the Uniformed Services who must leave their civilian employment for a period of time due to activation of military service. USERRA distinguishes military leave from other types of personal leave and thus military leave is governed under federal standards rather than employer based policies.

Uniformed service includes active duty, active duty for training, inactive duty training (such as drills), initial active duty training, and funeral honors duty (performed by the National Guard and reserve members), as well as the period for which an employee is absent from Salus University employment for the purpose of an examination to determine fitness to perform any such duty.

### **Request for Leave/Notification of Leave**

In order to apply for a Military Leave, the requesting employee must complete a "Request for Leave Form." This form must be reviewed and signed by the employee's supervisor and then forwarded to the Office of Human Resources. The employee requesting the leave must attach written documentation of the reason for the leave to the Request for Leave Form.

Documentation from the Department of Defense must be attached to the Request for Leave Form.

Employees requesting military leave must provide reasonable advance notice (ordinarily at least 30 days) to their supervisor, unless the giving of such notice is precluded by military necessity or is otherwise impossible or unreasonable. Once the supervisor has reviewed the documentation provided by the employee, the supervisor is to forward the documentation to the Office of Human Resources for formal approval/denial.

### **Duration**

#### **Annual 30-Day Military Leave Benefit**

Full Time employees who are a member of the Reserves (National Guard, State Defense Force, or any other military reserve), can take up to 30 working days of leave per year to cover absences related to active or inactive duty. Eligible employees may use 15 calendar days per year for applicable Military service. Military leave will be prorated for regular part-time employees based upon on the number of

hours in the employee's regularly scheduled pay period. This leave is not granted for absences that are less than three days.

Military leave should be credited to a full-time employee on the basis of a 7-hour workday. The minimum charge to leave is one hour. An employee may be charged military leave only for the hours that the employee would otherwise have worked and received pay.

An employee who receives notification to report for a pre-induction military physical may be granted up to two days off. Such time may be charged to sick leave, vacation or personal time off.

**5-Year Maximum Accumulation**

If an employee is a member of the reserve component of the U.S. armed forces and is called to active duty from a reserve status, he/she is eligible for a maximum of five years of military leave during which, the employee is eligible for re-employment.

**Job Protection**

Provided an employee returning from Military leave, reapplied for employment within certain deadlines specified in the USERRA, and has taken less than five years total of military leave the returning employee shall be reemployed in a position that the employee would have attained if employment had not been interrupted by military service or a position of like seniority, status and pay, the duties of which the employee is qualified to perform. Note: If the University's circumstances have so changed that reemployment is impossible or unreasonable (for example, if the employee's job was legally eliminated in a reduction in force process) re-employment may not be possible. See Return to Work section in this policy.

**Benefits during Military Leave**

<b>Benefit</b>	<b>What occurs during a Military Leave</b>
Compensation	The University will pay the first 30 days of military leave. Employees have the option of using available paid time off. Employees are eligible (retroactively) for any pay increases that would have normally been earned had the employee had not been interrupted by military service.
Vacation, Sick & Personal Time	Will accrue during paid leave. Award is pro-rated upon return to work for remainder of new award year.
Voluntary Benefits	As long as employee share of premiums are paid, the University will continue to pay its share of the premiums for a period of twelve (12) months. COBRA election available after the 12 months.
University Retirement Contribution	Upon return to active duty, contributions will be made by the University for entire leave period.
Employee Retirement Contribution	May continue to be made as long as the employee is in paid status during the leave. Returning employees permitted to make up missed deferrals per IRS code.
Tuition Remission	Will continue during leave if approved prior to the commencement of the leave.
Life Insurance	Will continue during paid and unpaid approved leave. Voluntary Life Insurance will continue as long as employee share of premiums are paid by the employee.
AD&D	Benefits suspended during military leave. Reinstated upon return to work.
Long Term Disability	N/A during Military leave.

**Return to Work**

Employees returning from military service of 30 days or fewer must report for reemployment by the beginning of the first full regularly scheduled work period on the first full calendar day following the completion of the period of service, provided that such reporting time is at least eight hours after the completion of the service period. If reporting within this time period is impossible or unreasonable through no fault of the employee, he or she must report as soon as possible upon expiration of the eight-hour period.

Employees returning from military service of 31 to 180 days must submit an application for reemployment (written or verbal) no later than 14 days after completing service. If it is impossible or unreasonable to apply within that time period through no fault of the employee, he or she must submit an application by the next full calendar day after it becomes possible to do so.

Employees returning from military service of 181 days or more must submit an application for reemployment no later than 90 days after completing service. An employee's failure to report to work or to apply for reemployment within these time limits does not automatically forfeit the employee's reemployment rights, but does subject the employee to applicable policies and practices governing absence from scheduled work.

Each of the above deadlines may also be extended if the employee is recovering from a service-related illness or injury

**DOMESTIC VIOLENCE or SEXUAL ASSAULT LEAVE (DSV)**

In accordance with the provisions of City of Philadelphia Ordinance Bill Number 080468-A, as amended by Bill Number 090660-A ("Ordinance"), Chapter 9-4100 of The Philadelphia Code, and includes the application, certification and approval processes, Philadelphia Victim of Domestic Violence or Sexual Assault (DSV) leave is for an employee who is a victim of domestic violence, dating violence, sexual assault, or stalking, or for someone who has a family or household member who is a victim of domestic or sexual violence.

Under this law, employees can take a leave of absence from work so that the employee, or someone in their family or household, can get medical attention, legal assistance, social services or other help in dealing with domestic or sexual violence.

Family or household member means:

1. Spouse or persons who have been spouses
2. Persons living as spouses or who lived as spouses
3. Parents and children
4. Other persons related by consanguinity or affinity, including persons who share biological parenthood
5. Current or former sexual or intimate partners and life partners, as that term is defined in the Philadelphia Code

**Eligibility**

The University will grant DSV leave to an eligible employee who is a victim of domestic or sexual violence, or who has a family or household member who has been a victim, in order that the employee might obtain or that the employee might assist the victim in obtaining:

- Medical attention needed to recover from physical or psychological injury or disability caused by domestic or sexual violence or stalking;

- Services from a victim services organization;
- Psychological or other counseling;
- Relocation or safety planning to increase the safety of the victim or ensure economic security due to domestic or sexual violence or stalking; or
- Legal services or remedies, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic or sexual violence or stalking.

An eligible employee is defined as one who has worked more than 6 months in the 12-month period immediately preceding the request for leave.

### **Request for Leave**

In order to apply for DSV Leave, the requesting employee must complete a “Request for Leave Form.” This form must be reviewed and signed by the employee’s supervisor and then forwarded to the Office of Human Resources. The employee requesting the leave must attach documentation as stated below.

The employee shall provide the employer with at least 48 hours advance notice of DSV leave, unless providing such notice is impracticable. Any employee with an unscheduled absence due to one of the qualified leave reasons listed above must provide certification, as defined below, to the Office of Human Resources within forty-five (45) calendar days.

Failure to provide the required certification within forty-five (45) calendar days may result in the delay or denial of DSV leave.

An employee requiring DSV leave must provide certification within forty-five (45) calendar days that the employee or a family or household member is a victim of domestic or sexual violence and that the leave is required for one of the purposes listed above.

Certification must consist of a sworn statement by the employee, plus at least one of the following documents: (1) documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a clergy member, or medical or other professional from whom the victim has sought assistance; (2) a police or court record; or (3) other corroborating evidence.

The University will keep the information provided confidential.

### **Duration**

Eligible employees may be entitled to up to eight (8) weeks of DSV leave during any 12-month period (measured backward from the date an employee uses the leave). However, this leave is not in addition to the twelve (12) weeks of available Family and Medical Leave Act (FMLA) leave in any 12-month period. Thus, any employee who already has used more than four (4) weeks of FMLA leave in the preceding twelve (12) months shall have his or her available DSV leave reduced by the amount of time used for FMLA leave in excess of four (4) weeks.

For employees taking DSV leave due to their own serious health condition, Family and Medical Leave Act (FMLA) leave will run concurrently.

Employees may take DSV leave consecutively, intermittently, or on a reduced leave schedule.

Employees who take DSV on a continuous leave basis will be required to provide the Office of Human Resources with periodic reports every 30 days of leave status and intent to return to work.

**Job Protection**

Employees returning from DSV leave will be reinstated to the same or equivalent position, with equivalent pay, benefits, and other terms and conditions of employment.

Failure to return to work may result in discipline or termination of employment.

**Benefits during a DSV Leave**

<b>Benefit</b>	<b>What occurs during a DSV Leave</b>
Compensation	Employees requiring DSV leave for their own serious health condition may elect to use available paid time off. Employees using DSV leave to care for a family or household member may use up to five (5) days of sick leave, if eligible, and any amount of available paid time off, if eligible. DSV leave otherwise is unpaid.
Vacation, Sick & Personal Time	Will accrue during paid leave. Accruals not affected by intermittent leave. Award is pro-rated upon return to work for remainder of new award year.
Voluntary Benefits	As long as employee share of premiums are paid, the University will continue to pay its share of the premiums.
University Retirement Contribution	Will be made by the University during paid and unpaid leave.
Employee Retirement Contribution	May continue to be made as long as the employee is in paid status during the leave
Tuition Remission	Will continue during leave if approved prior to the commencement of the leave.
Life Insurance & AD&D	Will continue during paid and unpaid approved leave. Voluntary Life Insurance will continue as long as employee share of premiums are paid by the employee.
Long Term Disability	Will continue to be available to employee during approved DSV leave.

**Return to Work**

Employees are expected to be able to return to work by the end of their approved leave. Any employee who is unable to return to work at the end of the leave must notify the Office of Human Resources and his or her immediate supervisor as soon as possible.

An employee returning from DSV will be reinstated to the same or equivalent position, with equivalent pay, benefits, and other terms and conditions of employment.

Failure to return to work following the completion of the leave will be considered voluntary resignation from employment. In addition, any benefit-eligible employee who does not return from leave is responsible for reimbursing the University for all medical benefit premiums paid on his or her behalf during the leave.

All persons to whom this policy applies who returns from DSV leave that was taken as a result of his or her own Serious Health Condition must provide Human Resources with a certification from a health care provider documenting his or her fitness to return to work prior to being permitted to return to work.

If the employee is released to return to work with restrictions or requested accommodations the return to work note must detail the requested restrictions. The employee's department/program, in consultation with the Office of Human Resources, will determine whether the restriction can be reasonably accommodated.

Employees who fail to provide a Fitness for Duty note are not permitted to return to work.

If the employee is not medically released to return to work at the end of his or her approved leave and the employee has exhausted the maximum leave time or the employee not been granted any additional leave, employment terminates as "unable to return from leave" effective the last day of the approved leave.

Employees who exceed their approved leave time without obtaining approval of extension may be subject to termination of employment.

## **PERSONAL LEAVE OF ABSENCE**

Occasionally, employees have unique opportunities for personal and professional development which conflict with their availability to perform their jobs for a period of time. The University recognizes the related value of personal growth for legitimate purposes such as: education, travel, journalism, civic responsibilities, retreat, and other career planning situations or family-related situations. Personal leaves of absence may also be taken to care for an ill family member of an employee or other reasons.

### **Eligibility**

An employee who has completed at least one (1) year of service and who is in good standing (has not received a Performance Improvement Plan or Progressive Discipline Action within the six (6) months preceding the leave request) may request a personal leave of absence for reasons not covered by the other leaves noted in this policy.

### **Request for Leave**

In order to apply for Personal Leave, the requesting employee must complete a "Request for Leave Form." This form must be reviewed and signed by the employee's supervisor and then forwarded to the Office of Human Resources for review. The employee requesting the leave must attach written documentation explaining the reason for the leave to the Request for Leave Form.

### **Approval/Denial**

Approval for Personal Leave is at the discretion of the employee's department/program and the Office of Human Resources. Personal leaves are not granted for engaging in employment outside of Salus, pursuing an independent business venture or as additional leave extending the maximum amount of time for any other approved leave.

### **Duration**

The University may provide unpaid personal leaves of absence for up to twelve (12) months for faculty and administrative/professional staff. Employees who are members of a bargaining unit should refer to their current collective bargaining agreement for information on Personal Leaves, if applicable. The University reserves the right to approve or deny Personal leaves.

The University may provide an extension of such leaves on rare occasions.

### **Job Protection**

Employees who take a Personal Leave do not have job restoration rights. Determination of reinstatement will depend upon length of the leave, academic or administrative efficiencies and other University needs.

### **Intermittent Leave**

Intermittent leave is not available for Personal Leaves.

### **Benefits during Personal Leave**

<b>Benefit</b>	<b>What occurs during a Personal Leave</b>
Compensation	Employees on Personal leave must exhaust all available paid time off (except sick time) before leave goes into unpaid status.
Vacation, Sick & Personal Time	Will not accrue during unpaid leave. Award is pro-rated upon return to work for remainder of new award year.
Voluntary Benefits	The University will continue its share of monthly premiums for the first 6 weeks of leave. Benefits will remain available to an employee beyond 6 weeks provided that employee pays the full cost of the entire monthly premiums.
University Retirement Contribution	Will be made by the University during paid and unpaid leave.
Employee Retirement Contribution	May continue to be made as long as the employee is in paid status during the leave
Tuition Remission	Will continue during leave if approved prior to the commencement of the leave.
Life Insurance & AD&D	Will continue during paid and unpaid approved leave. Voluntary Life Insurance will continue as long as employee share of premiums are paid by the employee.
Long Term Disability	Will continue to be available to employee during approved personal leave.

### **Return to Work**

An employee who has been granted a personal leave of absence shall give his or her supervisor reasonable notification of his/her intent to return to work (at least 2 weeks prior to the return date).

Upon receiving notification of the employee's availability, the supervisor or department head will attempt to have the employee resume his/her previous position, if the leave was 6 weeks or less in duration.

If the previous position is no longer available, the employee may be considered for other open positions which he/she may be qualified. If such an opening does not occur within a 60-day period, any obligation to reinstate the employee is discontinued and the employee's leave status is changed to a voluntary termination. Future reemployment would be as a rehire with only legally required reinstatement of applicable benefits.

Failure to return to work following the completion of a personal leave on the agreed-upon date will be considered voluntary resignation from employment. In addition, any benefit-eligible employee who does not return from leave is responsible for reimbursing the University for all medical and dental insurance premiums paid on his or her behalf during the leave.

Employees who exceed their approved leave time without obtaining approval of extension may be subject to termination of employment.

### **COORDINATION WITH OTHER POLICIES**

#### **Attendance and Non-FMLA Medical/Personal Leave**

Absences covered under any approved Non-FMLA Leave will not be considered detrimental to an employee in terms of performance. However, employees may be subject to discipline up to and including employment termination if, during their leave, they engage in activities inconsistent with the stated purpose for the leave. Misrepresentations or any act of dishonesty related to leave will also be grounds for discipline, up to and including employment termination.