

Fairmont State University Board of Governors

POLICY NO. 38

TITLE: FACULTY SICK LEAVE

EFFECTIVE DATE: November 10, 2005

The purpose of this policy is to clarify faculty rights and responsibilities when a faculty member cannot meet with classes or carry out other official duties because of personal illness; clarify the duties of Deans in such cases; and provide guidelines for requesting short-term disability leave. Since faculty members on a contract of less than twelve months do not earn or accrue sick or annual leave (per HEPC Series 38 and WVCCCTC 135-38), this policy addresses procedures for occasions when personal illness occurs.

This policy is not intended to address all issues surrounding the request for unpaid medical or Family Medical Leave Act (FMLA) leave and is in no way intended to limit or prohibit faculty members from requesting and taking such leave.

State law (§12-3-13) prohibits the payment of wages when work is not performed. This policy is intended to provide a procedure and plan that protects the faculty member and the institution in cases in which faculty members are unable to work due to personal illness.

The Fairmont State University Board of Governors strongly encourages all benefits-eligible faculty members to enroll in a short-term disability plan and directs the administration to make such a plan available.

GENERAL PROVISIONS

Each faculty member is employed to carry out duties which include but are not limited to meeting with each assigned class during its scheduled time frame and performing other related faculty responsibilities.

A faculty member who must miss scheduled work time (class, office, committee, or other) because of personal illness or injury is required to notify his or her immediate supervisor).

A work day is defined as a day on which the faculty member would regularly be scheduled to meet with a class, hold office hours, or perform other duties such as advising or committee work.

A "health care professional" is defined as a person, other than the employee or a member of his or her family who (a) is licensed to practice medicine under the laws of the state in which he or she practices; or (b) is legally qualified as a medical practitioner and required to be recognized by the insurance laws of the state in which he or she practices.

DEAN RESPONSIBILITIES

In the event of the faculty member's absence, it becomes the responsibility of the Dean (or his or her designee such as department chair or program coordinator) to ensure that:

1. Another member of the faculty/staff will meet with the classes affected, or
2. He/she will meet with the classes when a faculty/staff member is unavailable, or
3. Notify the students in advance if it becomes necessary to cancel classes.

In addition, the Dean will develop and maintain a record-keeping system for documenting notification of faculty absences due to illness or injury and notifying Human Resources when a faculty member has been absent five (5) or more work days due to personal illness or injury. Documentation shall include verification of receipt of "Return to Work Authorization/Medical Release" form when absence exceeds six (6) work days.

FACULTY RESPONSIBILITIES

Faculty members have the following responsibilities:

1. A faculty member who must miss scheduled work time (class, office, committee, or other) because of personal illness or injury is required to notify his or her immediate supervisor.

2. If physically able, offer assistance or suggestions to the Dean or his or her designee in arranging for another faculty or staff member to meet with affected classes.
3. Faculty members are strongly encouraged to enroll in short-term disability coverage.
4. Faculty members must notify the Benefits Office and request a claim form to file for disability income benefits (short-term disability benefits currently available through the Benefits Office become effective on the eighth day and provide a percentage of salary for up to six months. For purposes of the disability coverage, the eight day period begins with documentation from the treating health care professional).
5. Before returning to work after a period of absence of six (6) or more work days, the faculty member must obtain a "Return to Work Authorization/Medical Release" form from the treating health care professional.

Faculty members whose illness or injury prevent them from carrying out their assigned duties for fourteen (14) consecutive calendar days will be placed on unpaid medical leave until able to return to work. The administration will work with those faculty members enrolled in short-term disability to initiate the receipt of disability benefits as defined by the plan.

While this policy addresses the procedures for short-term illness leave and encourages faculty members to enroll in a short-term disability plan, the Board also encourages all faculty members to enroll in some form of long-term disability coverage.

In order to provide a transition period, this policy will not apply to any faculty member who has enrolled in short-term disability but is denied benefits based on a pre-existing condition between November 1, 2005 and October 31, 2006.