

FACULTY ~~SICK~~TEMPORARY DISABILITY LEAVE POLICY

Revised October 2009

1. Approval of paid Temporary Disability Leave (TDL or sick leave) for up to two weeks (10 days) [MB1][smg2] is delegated to the department chair/director.
2. Approval of paid ~~sick leave~~TDL between two weeks and four weeks (11-20 days) [MB3][smg4] is delegated to the college dean.
3. All paid ~~sick leave~~TDL over four weeks (21 days) and for up to six months [MB5][smg6] must be approved by the Provost. Note employees who believe they are totally and permanently disabled from all work must file for long-term disability within six months of their last day of work.
4. Leave for childbearing purposes shall be treated as any other paid ~~sick leave~~TDL. Approved leaves for childbearing purposes may begin at the time that the physician-appropriate health care provider advises the faculty member to cease working [smg7], and usually do not exceed 30 working days or six calendar weeks; however, in some cases, eight weeks may be needed.
5. Family Medical Leave* -- Any faculty employee who has been a University employee for 12 months (not necessarily consecutive months, but within the last 7 years) and has worked at least 1,250 hours during the previous 12 month period may take up to 12 weeks of unpaid leave for a serious health condition involving the employee or a qualified family member during any 12 month period for any or all of the following reasons:
 - a. Because of the birth of a child of the employee and in order to care for that child;
 - b. Because of the placement of a child with the employee for adoption or foster care;
 - c. In order to care for a spouse, child, or parent of the employee who has a serious health condition;
 - d. Because of a serious health condition that makes the employee unable to perform the functions of his/her job; or
 - e. In order to care for a service member with a serious illness or injury if the employee is the spouse, son, daughter, parent, or next of kin of the service member.
 - f. Because of a qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty in the National Guard or Reserves (or has been notified of an impending call or order to active duty) in support of a contingency operation.
6. A faculty member's available paid ~~leaves~~balances [MB8] shall be used concurrently with FMLA. The available leave ~~balances~~ shall be used as applicable under [Governing Regulation \(GR\) X: Regulations Affecting Employment](#) and [Administrative Regulation II-1.1-7: Faculty Assignment and Vacation Leave Policy](#). Tenure-eligible faculty employees approved for FMLA may be eligible for a delay in the probationary period in accordance with [GR X.B.1\(b\)](#).
 - a. Balances of TDL and vacation leave, as applicable, shall be used prior to the employee being placed on FMLA without pay.
 - b. Workers' Compensation shall be designated as FMLA, as applicable, and shall run concurrently with FMLA.
 - c. There is a cumulative 30-day annual limit for the amount of TDL an employee may take for qualified family members.

* Notes:

The 12 month period begins on the first day of the approved FMLA leave.

The Family and Medical Leave Act has been amended to provide an eligible employee whose ~~se~~ is the spouse, son, daughter, parent, or next of kin the ability to take up to 26 workweeks during a 12 month period to care for a covered service member with a serious illness or injury. The leave shall only be available during a single 12-month period.

After the establishment of a qualifying event, the dean must designate whether the FML days are paid or unpaid. The number of paid days depends on the available vacation leave and/or the applicable sick-temporary disability leave days. If the faculty member is eligible for vacation leave or sick-temporary disability leave, either or both of these paid leaves must be used, if the qualifying event is an applicable use of that leave.

[smg9] Requesting and granting FML is applicable only during the actual assignment period for faculty who are on 9-, 10-, and 11-month contracts.

Non-tenured faculty may apply for an extension of the probationary period of 26 weeks (six months) beyond the date given on the original Notice of Primary Academic Appointment and Assignment Form if they take FML of 6 weeks or more. If the total FML, during the probationary period, exceeds 26 weeks, the faculty may apply for an extension of one year beyond the date given in the original Notice of Primary Academic Appointment and Assignment.

[MB10]

See additional details about FMLA in the UK [Human Resources Policy and Procedures: 88.0: Temporary Disability Leave and 82.0](#) or online at: <http://www.uky.edu/HR/policies/>

October 19, 2009

M E M O R A N D U M

TO: Deans

FROM: Kumble Subbaswamy, Provost

RE: Revised Faculty ~~Sick~~Temporary Disability Leave Policy

I am enclosing a copy of the revised Faculty ~~Sick~~Temporary Disability Leave (TDL or sick leave) Policy. Please distribute a copy of this policy to the appropriate individuals within your College.

Please note, all faculty ~~sick leave~~TDL must be recorded in the Faculty Data Base. [MB11]

enclosure