



Policy: General Leaves	Policy Number: I-4.2
Policy Owner(s): Human Resources	Original Date: 3/10/2006
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- I. **POLICY:** John Carroll University offers a variety of leaves to support employee work-life balance and respect an employee’s need for time away from work.

Leaves Covered in this Policy:

- Funeral
- Jury and Witness
- Military
- Non-FMLA Medical Leave
- Parental Leave
- Unpaid Personal Leave of Absence

Other related Leave Policies:

- Family and Medical Leave Act (see policy I-4.3)
- Mission Leave (see policy I-4.6)
- Personal Time (see policy I-4.7)
- Sick Leave (see policy I-4.1)
- Vacation Leave (see policy I-4.9)

- II. **PURPOSE:** To define the provisions of various types of leave available to eligible employees of John Carroll University.

- III. **SCOPE:** All Staff Employees of John Carroll University

IV. **PROCEDURES:**

- A. Requests for leave must be communicated to the direct supervisor as far in advance of the anticipated leave start date as possible. The request must indicate an estimated date of return, unless not possible based on extenuating circumstances.
- B. Leaves are for an approved period of time and may be paid or unpaid depending upon the specific type of leave.
- C. A leave of absence in all cases shall be measured from the first date that an employee is absent from work, whether in a paid or unpaid status.

- D. All approved leaves must be entered and reported through Banner Web Time Entry (non-exempt) or the Banner Leave Reporting System (exempt).
- E. Employees going on a leave of absence of thirty (30) or more calendar days must contact the Human Resources Department. This is necessary in order that the effect of the leave on health coverage and other benefits can be reviewed with the employee.
- F. If it is found that a leave of absence is not being used for the purpose for which the leave request was granted, the University may, at its discretion, request verifying documentation, revoke the leave approval, direct the employee to return to work, and/or impose corrective action up to and including termination.
- G. An employee who fails to report to work at the expiration or cancellation of a leave of absence, or fails to secure an extension of such leave, shall be deemed absent without leave and subject to corrective action up to and including termination.
- H. Employees must update their leave information with their direct supervisor and, if applicable, Human Resources upon return from any leave of absence if they return on a date that differs from their original Request for Leave.

V. FUNERAL LEAVE:

- A. Employees may request of their direct supervisor, or designee, paid time-off for bereavement in the event of the death of an employee's Family Member.
- B. For purposes of Funeral Leave, "Family Member" is defined as: Spouse, children, parents, sisters, brothers, legal guardians, mother-in-law, father-in-law, grandparent, grandchildren or any other relative living in the employees' household.
- C. Up to three (3) consecutive days shall be granted for each eligible funeral leave.
 - 1. Part-time employees are eligible to take paid funeral leave, not to exceed three (3) consecutive days, on scheduled work days in amounts pro-rated based on the number of hours they were scheduled to work during that time.
- D. At the discretion of the employee's supervisor or department head, additional funeral leave may be granted without pay or with pay using the employee's personal time or accrued vacation time for situations falling outside the guidelines above.

- E. If the funeral of a Family Member occurs while an employee is on a scheduled vacation leave, the University shall convert their vacation status to funeral leave status, upon request, for the appropriate period of time.

VI. JURY OR WITNESS DUTY LEAVE:

- A. An employee called for jury duty will be compensated at their regular rate of pay while serving.
 - 1. The employee must provide advance notice to their supervisor and report the appropriate number of hours served when called for jury duty.
 - 2. During the period of jury duty, an employee is still expected to report to work on those dates that the employee is scheduled to work and the court/jury is not in session.
 - 3. Second and third shift employees may be provided with a day shift schedule on days that they are called for jury duty or are subpoenaed to appear as a witness on behalf of and related to their University work duties.
- B. To be eligible for jury duty pay, an employee must present to their direct supervisor proof of the time served as a juror, along with documentation showing the dates of service.
- C. Employees are able to collect and keep any payment received from the court systems for performing jury duty.
- D. Employees will be paid regular work time when compelled or required to appear as a party or as a witness in a court or administrative proceeding that is on behalf of or related to University work duties.
- E. Paid time will not be granted when an employee is subpoenaed or compelled to appear as a party or as a witness in a court or administrative proceeding that is personal in nature and/or not on behalf of and related to University work duties.
- F. Questions about Jury or Witness Duty Leave should be directed to Human Resources and/or the Office of Legal Affairs.

VII. MILITARY LEAVE:

- A. The University provides military leave to employees who have an annual commitment to active duty or a call to active duty, in accordance with the Uniformed Service Employment and Re-employment Act of 1994 (USERRA). USERRA provides guidelines for the prompt re-employment of employees who left employment to perform military

training or service in one of the uniformed services and who have completed such service under honorable conditions.

- B. During the military leave, the employee will be on unpaid leave from the University, unless the employee chooses to use vacation time.
- C. At the request of any employee who is called to active duty as specified in paragraph A above, or at the request of the spouse or dependent of that person, John Carroll University shall continue or reactivate the health, dental, vision, and other applicable benefit coverages of that person for the applicable period specified below. For any military leave of less than 31 days, the employee will be responsible for only the employee's contribution to medical and dental coverage. For any military leave of more than 31 days, the employee, spouse, or dependent who requests the continuation or reactivation of the coverage is liable for payment for the coverage as if the employee were covered under COBRA.
 - 1. Continuation or reactivation of the insurance may be for a duration of no more than 24 months and may be extended to 36 months under Ohio Revised Code Section 1751.54 under certain circumstances.
 - 2. The employee's insurance coverage will be reinstated immediately upon return to work from active duty status without a waiting period.
- D. The employee shall be required to submit the published order authorizing the military duty, a written statement from the appropriate military commander, or a comparable verbal notice authorizing such duty, prior to being credited with military leave. Approximate dates for the return from leave are acceptable.
 - 1. Generally, the University will reinstate employees who have been on authorized military leave to the same or equivalent position if the return to work occurs within five (5) years of the completion of service and application for return to work occurs in a timely manner as provided under applicable law. Exceptions to this time frame for reinstatement may be extended as provided by law. The employee must return to work within the time limits and requirements outlined under Veterans' Reemployment Rights Act (VRR) and USERRA. These vary according to the length of leave time and include restrictions on when dismissal may occur.
 - 2. Upon return to work, the employee is entitled to prompt reinstatement to the same position or to a position of like seniority, status, and pay that the employee is qualified to perform as if the employee had never been on leave.

3. An employee on Military Leave forfeits reinstatement rights if he/she re-enlists or voluntarily extends the original tour of active duty.

VIII. NON-FMLA MEDICAL LEAVE:

- A. Following the exhaustion of Family and Medical Leave Act (FMLA) leave or if an employee is not eligible for FMLA leave, an employee may request a Non-FMLA Medical Extension Leave as a reasonable accommodation for a documented disability under the Americans with Disability Act as Amended (ADAA).
- B. An employee requesting a non-FMLA medical leave will be required to provide medical certification and may be required to complete appropriate documentation, provide updated health care provider statements regarding the ability to return to work, submit to additional medical evaluations, and/or provide access to medical records.
 1. This non-FMLA personal medical leave may be paid or unpaid, and may be granted when the employee requests a leave extension as an accommodation following an FMLA leave or when an employee is not eligible for FMLA leave.
 2. Human Resources, in consultation with the Divisional Vice President and the department head, will consider whether a non-FMLA personal medical leave request should be granted based on the submitted request, the documentation, and the business needs of the department and the University.
- C. ADAA requests shall be made in writing to Human Resources. Human Resources will review the request and supporting medical documentation to determine whether leave or leave extension will be granted as a reasonable accommodation.

IX. PARENTAL LEAVE:

- A. Within one (1) year following the birth of a child, an FMLA and benefits-eligible staff employee who is the child's parent and who resides in the same household as the child and will be the child's primary caregiver shall receive six (6) weeks of paid Parental Leave, upon request.
- B. Within one (1) year following the placement for adoption or gaining permanent guardianship of a child, an FMLA and benefits-eligible staff employee who is the child's parent or guardian and who resides in the same household as the child and will be the child's primary caregiver is eligible to receive the following benefits upon request:
 1. An employee who is the parent or guardian of a child under six (6) years of age will receive six (6) weeks of paid parental leave.

2. An employee who is the parent or guardian of a child six (6) years of age or older will receive two (2) weeks of paid parental leave.
- C. To be considered a primary caregiver, there cannot be another parent taking concurrent parental leave from the University or another employer.
- D. One parent (Parent A) can qualify as a primary caregiver if the second parent (Parent B) is returning to work and Parent A will be responsible for caring for the child during the majority of the leave period.
- E. If both parents are employees at JCU, one must be designated as the primary caregiver and the other as secondary caregiver.
- F. Following the birth, adoption, or inception of permanent legal guardianship of a child, a benefits-eligible employee who resides in the same household as the child and will be the child's secondary caregiver may request a parental leave for a concurrent or consecutive two-week period.
1. Such leave is intended to be for the purpose of assisting in the care of the child.
 2. Requests for this leave shall be made as soon as the employee recognizes her/his need, preferably at least two weeks before the leave is to be taken.
- G. Leaves pursuant to this policy and other related accommodations are intended to promote bonding with and caring for the child. Therefore, the employee may not engage in additional employment during such a leave.
- H. A request for parental leave should be made in writing and provided to the immediate supervisor to be reviewed and approved by Human Resources.
- I. In order to receive a paid parental leave benefit pursuant to this policy, the leave must be designated as a Family and Medical Leave Act (FMLA) qualifying leave. Parents or guardians will be required to complete and submit to Human Resources all required FMLA paperwork and associated medical documentation.
1. All FMLA leave requests will be handled in accordance with the University's FMLA Policy and practices.
 2. The paid Parental Leave benefit runs concurrent with the designated FMLA leave.

- J. During the parental leave period, the employee will continue to be eligible to receive regular benefits that the employee receives when not on parental leave.
 - K. Employees may receive up to two (2) weeks of paid Parental Leave for stillbirth where there was labor and delivery or a surgical procedure similar to a c-section. Additional time may be requested under Family Medical Leave Act (FMLA) or Disability Accommodation under Americans with Disabilities Act. Further, employees are encouraged to discuss leave availability with Human Resources in the case of complications due to childbirth including miscarriage.
 - L. Paid parental leave is not available until the baby is born. For absences related to pregnancy or prenatal care, you may use other types of time off for which you are eligible, such as short-term disability, sick time, vacation, or personal time.
 - M. Parental leave only provides salary replacement during periods when the staff member would ordinarily receive pay. Staff with 10-month assignments may not request parental leave over the summer because there is no work expectation from June through July.
 - N. For those who are not eligible for FMLA, the University will allow for leave time away from work, in time increments similar to what is described above, (i.e. six weeks for the primary caretaker or two weeks for the secondary caretaker, within one year of the birth of a child), however the time will not be eligible for paid Parental Leave.
 - 1. Any available vacation, personal, or sick leave benefit must be used prior to going into an unpaid status.
 - 2. Non-FMLA employees, during the six weeks for the primary caretaker or two weeks for the secondary caretaker, within one year of the birth of a child, will continue to be eligible for benefits during leave, however they will be responsible for the employee monthly contributions.
- X. UNPAID PERSONAL LEAVE OF ABSENCE:**
- A. Employees not otherwise eligible for FMLA leave, or other leaves or time off (i.e., vacation, sick leave) may request an unpaid personal leave of absence, typically of thirty (30) calendar days or less.
 - B. All appropriate earned and/or qualifying leave or time must be used before the employee requests an unpaid personal leave of absence.

- C. Unpaid leave is discretionary and must be reviewed and approved in advance by the employee's supervisor, the divisional Vice President and Human Resources.
 - 1. The unpaid personal leave must not seriously disrupt the University's operations and may be cancelled at any time for business necessity.
 - 2. Requests for unpaid personal leave must be made in writing to the immediate supervisor, no less than two (2) weeks before the requested leave is to begin.

- D. Employees requesting leave under this policy must contact the Human Resources Department to discuss benefit implications and arrange for continuation of benefits. Leaves granted under this policy may affect benefits and the accrual of vacation, sick time, etc. In addition, employees may be required to make additional payments to continue medical coverage and other benefits.

XI. CROSS REFERENCES:

Family and Medical Leave Act Policy
Mission Leave Policy
Personal Time Policy
Sick Leave Policy
Vacation Leave Policy