

WEST VIRGINIA NORTHERN COMMUNITY COLLEGE

Presidential Practice Regarding Full-time Faculty Absence

Instituted March 15, 2010

Principles:

1. The President is charged with administering personnel rules in a lawful, equitable, and efficient manner.
2. While faculty do not earn sick or annual leave, faculty absences occur for many reasons, including personal illness. Policies and practices which regulate faculty absence should be equitable across divisions and disciplines.
3. Without specific statutes and rules governing practices which extend salary and benefits to faculty who are absent, the college should base its practice on comparable laws and policies established for other employees.
4. The College has contracted with enrolled students to provide instruction in classes to which the College has assigned individual faculty members. The College's primary obligation is to the instruction of the students.
5. A faculty member receives an employment notification with the College agreeing to provide instruction and other related duties for a period of one academic year. In return, the College has agreed to provide a salary and specific benefits for fulfilling those duties and responsibilities.
6. Whenever a faculty member requests to be absent or is absent from classes, related duties and/or supplemental duties, then the employment notification with the college is altered and the college has a responsibility and an obligation to determine under what conditions to continue the salary and the specific benefits of the faculty member.

Faculty Responsibilities:

1. All faculty are expected to meet their classes and fulfill instructional and other faculty obligations as outlined in the Faculty Position Description and Responsibilities, plus any supplemental duties as assigned.
2. Emergency absences must be reported prior to start of first class missed to the appropriate division chair or division secretary (Wheeling campus) and shared with campus dean's office with instructions regarding messages to be given to students. Emergency absences for classes held on the New Martinsville or Weirton campus must be reported to the campus dean. Faculty Absence Form must be completed within one week (by faculty or division chair).

3. Planned absences must be approved two weeks in advance by division chairs with arrangements to be made and approved for maintaining continuity of instruction. The Faculty Absence Form is to be completed at the time of the request.
4. Short-term or long term medical leave of absences, as defined by the length of duration, require that the faculty member request, in writing, from the Vice President of Academic Affairs an authorization to be on approved leave from the assigned classes of instruction and other contractual duties. The written request must include, at a minimum, the reason for the leave, and an estimate of the expected duration of the leave, if possible. The appropriate supporting documentation must be submitted to the Human Resource Office. The VPAA will review the request with the Division Chair before making final approval.
5. The Vice President of Academic Affairs shall review recommendations made by the faculty member and Division Chair for coverage of faculty instructional responsibilities or other contractual duties. The Vice President of Academic Affairs reserves the right to make a final decision on approved coverage based on instructional integrity and continuity of instruction. The Vice President of Academic Affairs reserves the right to make a final decision on faculty assignments (instructional or special project) upon return to work. Full faculty compensation resumes upon return to work, regardless of the assignment.

Division Chair Responsibilities:

1. Division Chairs will insure that faculty absence forms for emergency and planned absences are completed and submitted.
2. Approval of the faculty absence form by the Chair includes a review of the continuity of instruction plans and a request for adjustments if the plan is not complete or appropriate.
3. The Chair, or division secretary, will also notify the corresponding campus dean(s) of the faculty absence and plans for continuity of instruction. The division secretary (Wheeling) or the appropriate campus dean (New Martinsville, Weirton) will post and communicate to students.
4. The Chair forwards a copy of the completed faculty absence form to the Office of the Vice President of Academic Affairs.
5. The Chair is required to report medical absences exceeding five working days to the Human Resource Office.

Campus Dean Responsibilities:

1. Campus Deans on the New Martinsville and Weirton campuses will develop and implement a notification process for faculty absences which includes appropriate notification to the corresponding division and student communication procedures.

Human Resource Director Responsibilities:

1. Verify receipt of appropriate satisfactory medical documentation and notify VPAA of eligibility status.
2. The Human Resource Director will communicate directly with the faculty member if additional information is needed.

Presidential Practice:

1. Faculty are herein defined as full-time faculty employed for less than 12 months and specifically for an employment notification period spanning one academic year.
2. Emergency absences, as defined by the length of duration (less than 2 weeks), regardless of the reason, are handled by the division chair and are considered as an excused absence with no effect on the employment notification if the faculty member has appropriately completed all procedures, required forms, and received approval.
3. A Summary Chart is provided to interpret the following leave categories:

Types of Leave: Medical Leave of Absence (personal or family); Leave of Absence (e.g. Witness/Jury Duty, Military Activation).

Continued Coverage: Position, Salary, Benefits and Medical Insurance, Salary Deduction for Coverage (cost of instruction and/or contractual duties), Medical Insurance Only.

Length - Emergency, Short Term, Long Term, Extended, and FMLA period as specified.

4. Any absence due to medical reasons that exceeds five working days must be supported by satisfactory medical documentation and submitted directly to the Human Resource Office.
5. The corresponding time frame for any absence that qualifies under FMLA will serve concurrently with these practices.

Definitions:

(Items 9-13 are defined by Family Medical Leave Act (FMLA) regulations.)

1. **Academic Year** - Employment Notification Period.
2. **Emergency** – less than two weeks.
3. **Short term** – 2 to 16 weeks.

4. **Long Term** - Remainder of current academic year.
5. **Extended** – Up to 12 months past the current academic year.
6. **Planned Absences** - Approved absence, which may include professional development activities or medical absence.
7. **Cost of Coverage** - Includes cost of wages and benefits.
8. **Compensation Period** – Faculty election of 9 or 12 months.
9. **Family Medical Leave Act (FMLA)** - FMLA entitles eligible employees of covered employers to take up to 12 weeks of unpaid leave per 12-month period (1) for the birth, adoption, or placement for foster care of a child and to care for such child; (2) to care for an eligible family member (spouse, parent or child) with a serious health condition; (3) to care for their own serious health condition; or (4) for employees with eligible family members who are called into active federal military service to handle exigent circumstances that are related to this service. To be eligible for FMLA the employee must have been employed for at least a total of 12 months and worked at least 1,250 hours in the 12 months immediately preceding the leave.
10. **Family Member** - *Spouse* is a husband or wife as defined by the law of the state in which the employee lives. This includes common law spouses who live in states that recognize such unions.

Child is a biological or legally adopted child under the age of 18. The term child may also cover foster children, stepchildren and legal wards who are under the age of 18. Persons over the age of 18 may also be covered by child if they are incapable of self-care due to a disability as defined under the Americans with Disabilities Act (ADA).

Parent is the employee's biological, foster, adoptive or stepparent.
11. **Serious Health Condition** - Physical or mental conditions qualify as "serious health conditions" if they fit into one of the following six categories:
 - a. Inpatient care.
 - b. Incapacity for more than three full, consecutive calendar days.
 - c. Chronic serious health condition.
 - d. Long-term incapacity.
 - e. Treatment to prevent incapacitation or restorative surgery.
 - f. Pregnancy

12. **Health Care Provider** - The following are considered a health care provider:

- a. Doctors of medicine or osteopathy authorized to practice medicine or surgery by the state in which the doctor practices.
- b. State-licensed professionals:
 - 1) podiatrists
 - 2) dentists
 - 3) clinical psychologists
 - 4) clinical social workers
 - 5) optometrists
 - 6) chiropractors (limited to certain types of spinal manipulations supported by x-rays)
 - 7) nurse practitioners
 - 8) nurse-midwives
 - 9) clinical social worker
 - 10) physician's assistant (if functioning within the scope of their licensed practice)
 - 11) others as determined by the FMLA regulations.

13. **Satisfactory Medical Documentation** - Medical documentation is to include at the minimum:

- a. The name, address, telephone number, and fax number of the health care provider and type of medical practice/specialization
- b. Approximate date on which the serious health condition commenced and its probable duration
- c. Statement or description of appropriate medical facts regarding the patient's health condition for which FMLA leave is requested
- d. If the employee is the patient, information sufficient to establish that the employee cannot perform the essential functions of the employee's job as well as the nature of any other work restrictions and the likely duration of such inability
- e. If the patient is a covered family member information sufficient to establish that the family member is in need of care and an estimate of the frequency and duration of the leave required to care for the family member

Presidential Approval

President

3-15-2010

Date

Summary Chart

Type of Leave	Length					Position & Compensation Impact				
	Personal Illness			Family Illness Only		Position	Salary, Medical Insurance, Benefits	Deduction from Salary for Coverage Cost (if appropriate)	Medical Insurance Coverage Only	Medical Insurance Coverage Available (if eligible)
	Emergency (less than 2 weeks)	Short Term (2 to 16 wks)	Long Term (16 wks to end of current academic year)	Extended (Up to 12 months past the end of the current academic year)	FMLA Period (Up to 12 weeks)	FMLA Period (More than 12 weeks up to end of current academic year)				
Medical Leave of Absence -- Personal Illness	X						X			
May be granted for serious personal illness, supported by satisfactory medical documentation (Form WH-380E) from a "health care provider". <i>Medical documentation is to be submitted to the Human Resources Director.</i>		X					X	X		
			X				X	X		
				X						X
Medical Leave of Absence -- Family Illness	X						X			
May be granted for a family member as defined by FMLA of spouse, son or daughter, or parent with a serious illness and the employee is needed to care for the family member and supported by satisfactory medical documentation (Form WH-380F). <i>Medical documentation is submitted to the Human Resources Director.</i>					X		X	X		
						X			X	
										X
Leave of Absence						X				
May be granted for specific reasons supported by evidence documenting the reasons beyond the control of the faculty member or reasons deemed to be in the best interest of the college, and expected date of employee's return to full assignment of duties. In general, approval granted only for short term absences for such reason as jury duty or military activation defined by: <i>The Uniform Serviced Employment and Reemployment Rights Act of 1994 (USERRA 38 U.S.C. 4301-4335)</i>										
Example: Jury Duty	X	X	X				X			
Example: Military Activation	X	X	X						X	

See Leave of Absence examples below.