

## **The Homewood Schools Family and Medical Leave Policy for Full-time Faculty**

This policy applies to Zanvyl Krieger School of Arts and Sciences and the Whiting School of Engineering (“Homewood Schools”) full-time tenured and tenure-track faculty, research faculty, teaching faculty and other faculty (collectively, the “Homewood Schools Faculty”) as described in the “Academic Council Procedures Manual” of the Homewood Schools Academic Council. This policy is not applicable to Postdoctoral Fellows. This policy is intended to be compliant with applicable Federal and State of Maryland laws including the Family and Medical Leave Act (“FMLA”) and is subject to amendment by the Homewood Schools in their sole discretion. For any questions concerning the interpretation or application of this policy, please contact the Director of Human Resources in your school (either the KSAS or WSE).

### **Eligibility and Qualifying Reasons**

Homewood Schools Faculty who have been employed by JHU for at least 12 months are entitled under the Family and Medical Leave Act (FMLA) to up to 12 weeks of family and medical leave (“FML”) within a rolling 12-month period, provided they have worked 1,250 hours (or a minimum of 50% time) in the preceding 12 months.

Qualifying reasons for FML are:

1. the birth of a child and to care for the faculty member’s child, within one year of birth;
2. the placement with the faculty member of a child for adoption or foster care, within one year of placement
3. the care of the faculty member’s parent, child, spouse, or domestic partner who has a serious health condition;
4. the faculty member’s own serious health condition that prevents him/her from performing the essential functions of his/her position; or
5. any qualifying exigency arising out of the fact that the faculty member’s spouse, son, daughter, domestic partner or parent is a covered service member on active duty (or has been notified of an impending call or order to active duty in the US National Guard or Reserves) in support of a contingency operation. Note: Eligible faculty members may take FML for up to a total of 26 workweeks in a single 12-month period to care for a covered service member with a serious injury or illness if the faculty member is the spouse, son, daughter, parent, or next of kin of the service member.

### **Continuous/Intermittent Leave; Paid/Unpaid Leave; Benefits Continuation**

FML may be taken either as continuous or intermittent leave based on the medical certification provided by the faculty member. Additionally, while qualifying federally-mandated FMLA does

not require paid leave, FML under this policy may be paid leave subject to the approval of the appropriate Dean of the school in which the faculty member holds their primary appointment. Deans of the Homewood Schools will apply a consistent approach to approving requests for paid leave, based upon the details in each written request, relying on any explanatory and/or supporting documentation provided with that request, which makes clear that the faculty member cannot otherwise perform his/her essential duties.

Faculty may request additional leave after FML has expired, with the approval of the same appropriate Dean, beyond the 12 week period or the term of any prior approved leave, if longer. Such extensions will also be based upon the nature of the documented difficulties a faculty member has in returning to his/her essential duties. Faculty may also seek additional leave as an accommodation for disability or medical condition through the Office of Institutional Equity, Disability Services, as described in detail below. Homewood Schools Faculty on nine-month appointments who receive 75% FTE from general funds and no other compensation, and who would otherwise not be in residence during “summer months” are not to be placed on leave during the “summer months” (from May 15 to August 16).

Medical, dental, life, and disability insurance benefits remain in effect during FML, provided the faculty member pays his/her portion of any required premiums.

### **Procedure to apply for FML**

Homewood Schools Faculty who desire to take FML for a qualifying reason shall submit a written request to the appropriate Dean of the School via their Department Chair or Program, Center, or Institute Director. If the need for FML is foreseeable, then the faculty member shall make this request via his/her Department Chair as soon as the need for leave is known, or at least 30 days prior to the beginning of leave, to allow departments to make arrangements for teaching, research, and mentoring. If 30 days advance notice is not possible, the request should be made as soon as possible. The request should make clear whether the faculty member will be applying for Birth Recovery Leave or Parental Leave. If requesting Birth Recovery Leave or Parental Leave, the faculty member must complete the [Family Leave for New Parents Request Form \(https://benefits.jhu.edu/secure/dotnet/flnp\\_client/requestform.aspx\)](https://benefits.jhu.edu/secure/dotnet/flnp_client/requestform.aspx).

The Department Chair then forwards request, either to the appropriate Dean with a request for approval of Teaching Relief for New Parents, or, for all other leave requests, to the appropriate Director of Human Resources in the Krieger or Whiting School as appropriate.

For other than Birth Recovery Leave and Parental Leave, the Office of Human Resources will provide the faculty member a provisional approval letter with any required certification forms and/or other relevant information. A copy of the provisional letter will be provided to the Department Chair and administrator.

The faculty member must complete and return any required certification forms and/or other requested documentation in a timely manner as required by the Office of Human Resources, or the University reserves discretion to begin subtracting the faculty member’s leave time from the 12 week allotment of FML for that rolling 12 month period.

If the faculty member is not eligible for FMLA leave (does not have 12 months of service, has not completed 1250 hours of work in the 12 months prior to the need for the leave, or has utilized 12 weeks of FMLA leave in the last 12 months), the Office of Human Resources will notify the faculty member in writing of his/her ineligibility.

If you have been approved for continuous leave for your own serious health condition, you will need to present a release from your health care provider to Occupational Health Services (OHS), **before** returning to work. You must provide your supervisor with the Occupational Health Services Return to Duty form received from OHS. Please call OHS at 443-997-1700 to schedule an appointment.

### **Birth Recovery Leave and Parental Leave**

Eligible faculty members may be eligible for benefits under the University's [Family Leave for New Parents Policy](#) which runs concurrently with the 12-weeks of job protection under the FMLA. The Family Leave for New Parents Policy encompasses both Birth Recovery Leave, which provides eligible parents six weeks or more (depending on medical necessity, as determined by the University's administrator) of fully-paid leave following the birth of a child and Parental Leave, which provides four weeks of fully-paid leave after birth or adoption, and can be taken in conjunction with Teaching Relief for New Parents. View the [Family Leave for New Parents Policy](#) for more information. To learn how to apply, please contact the Human Resources Manager .

### **Short Term Disability**

Homewood Schools Faculty are encouraged to elect coverage under the University's short-term disability plan. If the faculty member is covered by the short-term disability plan, then FML will be paid at 100% for the first two weeks (14 days) of the approved leave. After short-term disability becomes effective, as determined by the University's insurer, the Homewood School where the faculty member has their primary appointment will cover 40% of the semi-monthly salary. The short-term disability plan will cover the remaining 60% of the faculty member's semi-monthly salary, not to exceed the limit stipulated under the short-term disability plan.

If the faculty member did not elect coverage under the short-term disability plan, FML will be unpaid unless paid support is approved by the appropriate Dean of the school on the basis of a written request, providing any explanatory and/or supporting documentation which makes clear why the faculty member requires paid support. Long-term disability benefits begin after 90 consecutive days of absence and will continue according to the long-term disability plan as determined and administered by the University's insurer.

### **Teaching Relief for New Parents**

Homewood Schools Faculty who are birth mothers, fathers, same-sex spouses/partners, adoptive parents of children under age 12 and parents of children born via surrogate may request paid teaching relief from formal classroom duties for a semester to supplement the four weeks of

Parental Leave where teaching relief and Parental Leave is taken during the course of a single semester. Although the faculty member is relieved of classroom teaching, he/she will be expected to remain in residence and to continue his/her research and scholarship, departmental service and advising on those days when not otherwise taking the four weeks of Parental Leave. A period of parental teaching relief will not affect the normal sabbatical leave schedule.

### **Procedure to apply for Teaching Relief**

This procedure is identical to the procedure for applying for FML and both applications should be made simultaneously. Faculty eligible for Teaching Relief for New Parents should submit a written request to the appropriate Dean of the School via their Department Chair or Program, Center, or Institute Director. The faculty member shall normally make this request via his/her Department Chair as soon as the need for leave is known, or at least 30 days prior to the beginning of leave, to allow departments to make arrangements for teaching, research, and mentoring. If 30 days advance notice is not possible, the request should be made as soon as possible. The request should make clear whether that the faculty member is applying for Teaching Relief for New Parents.

The Department Chair then forwards request, either to the appropriate Dean with a request for approval of Teaching Relief for New Parents, or, for all other leave requests, to the appropriate Director of Human Resources.

### **Own Serious Health Condition**

FML for a faculty member's own serious physical or mental illness will be paid as follows:

**Tenured, Tenure-track and Teaching Faculty:** Faculty may receive paid FML for up to 90 days. Beyond 90 days, the faculty member may apply for long-term disability (LTD) insurance benefits through the University's LTD insurance carrier. The insurance carrier determines eligibility for benefits. LTD benefits are not supplemented by additional payments from the University.

**Research, and Other Faculty; Appointed Positions:** The Dean and/or department may elect to continue full salary (at the rate prior to FML) for the first 14 calendar days of FML. Beyond 14 days and if the faculty member elected to purchase short-term disability coverage during the open enrollment period, the faculty member may apply for disability benefits (60% of salary prior to going on FML) through the University's short-term disability insurance carrier. The insurance carrier determines eligibility for short-term disability benefits.

In special circumstances, the Dean may elect to pay up to 40% of salary (40% of the rate prior to FML) for the remaining period of short-term disability. Payment from general funds is usually contingent on the faculty member having short-term disability insurance and being approved for those benefits.

If the faculty member does not have short-term disability insurance, FML will be unpaid leave.

### **Family Member's Serious Health Condition**

**Tenured, Tenure-track and Teaching Faculty:** FML to care for a family member with a serious health condition will be paid by approval of the appropriate Dean of the school, and should be applied for by means of the procedure specified above (p. X)

**Research Faculty:** FML to care for a family member with a serious health condition will be paid if the supporting grants will cover that leave. A maximum of 8 weeks of FML per effort reporting period can be charged to sponsored funds

### **Military Family Leave**

FML for military family leave reasons will be unpaid.

### **Salary Support for Faculty during FML**

Homewood Schools Faculty approved for paid FML who receive their academic base salary (ABS), or 75% FTE, from only general funds will receive continued salary support while on FML leave at their full ABS rate prior to FML. Faculty members approved for paid FML who receive their ABS from both general funds and from grant or contract support may be paid at the rate at which they were receiving salary prior to their FML if permitted under the applicable funding agency's rules and restrictions. When the agency does not allow for paid leave, faculty may direct that their salaries be continued from their discretionary funds such as RoR, "banking" and gift funding. It is the responsibility of the faculty member to contact Research Projects Administration (RPA)/ Business and Research Administration (BARA) as soon as practicable about the upcoming leave. RPA/BARA will contact the funding agency for approval of the leave being charged to sponsored funds. A maximum of 8 weeks per effort reporting period can be charged to any sponsored funds.

Tenure track faculty should refer to the document entitled, [The Johns Hopkins University Zanvyl Krieger School of Arts and Sciences/ Whiting School of Engineering Tenure Regulations](#), to determine the effect of leave on the tenure clock.

### **Request for Reasonable Accommodation (after exhausting 12 weeks of FML; or ineligible for FML)**

The JHU Office of Institutional Equity (OIE) oversees the coordination of reasonable accommodations for faculty and staff members with disabilities and serves as the central point of contact for information. Homewood Schools Faculty who have exhausted 12 weeks of FML may request a leave of absence for his/her own serious health condition which qualifies as a disability as a reasonable accommodation under the Americans with Disabilities Act, as amended. Information regarding an accommodation can be obtained from the Office of Institutional Equity, Disability Services.

Upon receiving an accommodation request for an extension of leave, the Disability Services Director will work with the Office of Human Resources, the Department, and the Dean to determine if the requested extension of leave will be approved.

### **Administration of Policy**

In the event of a conflict between the application of this policy and legal requirements (under federal, state or local family and medical leave laws), the protection or benefits that are more favorable to the faculty member as provided by such laws, will apply. Notwithstanding the foregoing, this policy is subject to all University benefit plan documents, descriptions, insurance contracts, and policies, including, but not limited to the Family Leave for New Parents Policy, short-term disability insurance, and long-term disability insurance), and in the event of any conflict, such plan documents, descriptions, insurance contracts, and policies will control. Copies of the Family and Medical Leave Act may be obtained from the Office of Human Resources.