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Faculty Forum
Faculty Serious Illness and Disability Leave Policy (FSIL)
Wednesday, April 14, 2010
Bate Room 1026
12:00 noon - 1:00 pm

Donna Lillian (FWC) gave overview /history and updates for FSIL to date. Additionally reported other concerns that have been expressed to the FWC:

- Difference between 9 month and 12 month faculty leave, specifically, if a 9 month employee experiences the qualifying event during the summer sessions, their 12 weeks of leave will only be what is left of the remaining time at the beginning of the fall semester rather than the entire 12 weeks being available to the employee during the fall semester. This was discussed at length at FWC last week. A motion was made to allow 9 month faculty to take their leave during the fall semester was made (if the qualifying event occurs during summer session). The motion was defeated.

COMMENT:

Question – has there been discussion of having 2 separate policies, one for 9 month employees and one for 12 month employees? Has not been discussed at length. When discussed is usually dismissed. Vice Chancellor Horns responded: Primary peer institution with med school (UNC-CH) does not have separate policies. (Academic Council) is open to discussing this and will take it back to her colleagues. Do 12 month employees accrue sick leave? 12-month faculty do not, but there are current discussions on that possibly occurring. Should that occur, this policy will no longer apply.

COMMENT:

Concern that there is too much input from HR making “medical decisions” -- HR has too strong a role in the process instead of chair, physician
Confidentiality issue is why HR must decide if employee is eligible

COMMENTS:

Revised policy related to previous policy – whether you have a relationship with someone else employed at ECU – your benefits if you are married may not be equitable to those who are co-habiting and outside of ECU. FMLA is different than offering faculty a benefit. Spouses have different benefits under this revised policy.

D. Lillian and VC Horns responded – it is a medically based policy. The mother delivering has had a medical event and the “secondary caregiver” has not. VC Horns also noted that all policies must go through legal review prior to approval and implementation.

As written in the policy we are opening ourselves up to legal action. We define it as both employees working at ECU – puts faculty under scrutiny for being primary or secondary – develops inequity and is a discriminatory act.

If it's based on a medical event and a man's spouse works elsewhere, then it may that man be considered the primary caregiver and receive the 12 weeks?

The way in which the policy is worded indicates that this could also be a problem in caring for a family member with a serious illness.

Primary and secondary caregiver policy creates a gender tension in the workplace. Dept chairs might keep these distinctions in mind when making personnel decisions.

D. Lillian: Source of language re: primary/secondary caregiver was from the memo from Women's Studies. Am hearing that the language is a problem – is that correct?

Language is not the problem, but as there are differences in allocation of funds, it's about the benefits and not the language.

COMMENT:

The number of joint leaves (at most 4 according to data presented at March Faculty Senate) is very low and therefore not a true monetary savings (esp on East Campus).

COMMENT:

How will the 12 week leave apply given our teaching mission and the length of a semester? It will not create cost savings as a result.

COMMENT:

Comments from Anthropology – documents at end as Attachment 1 and Attachment 2

Policy is being put in the University Policy Manual – up to administration to enact the policy fairly and that all parties clearly understand the policy. Should not be dependent upon resources of unit.

COMMENT:

Can the policy be changed from starting at the event date to what is best for the department and faculty, especially for faculty who experience the qualifying event mid-way through the semester?

COMMENT:

Administrators will have to take to the Board of Trustees (BOT) and the BOT likes to compare ECU to UNC. Anthropology has given us the data that UNC-CH gives 15 weeks. Perhaps there should be a compromise for 9 and 12 month.

Jim Mullen: Parental leave is 15 weeks and serious illness is 60 calendar days at UNC-CH.

COMMENT:

Question re: putting 12 month faculty on a policy to accrue sick leave. When will we know and what will our balance be when this begins?

J. Mullen: Draft has been started but it is currently tabled. You would start with an accrual of leave, it could be banked, etc – not too far into it at this time.

Would this policy then separate East and West campus?

VC Horns – FSIL is because we do not currently have a faculty policy for sick leave/vacation. If faculty start accruing these, then FSIL would not be necessary.

If these policies on sick leave and vacation occur and would separate the two campuses, then why do we need to revise the policy?

COMMENT:

Unclear as to justification for changing the policy based upon data received at Faculty Senate.

VC Horns: Believe we have provided data that we will see real dollar savings while be as generous as possible and being financially sustainable.

The Department of Anthropology
April 12, 2010

Response from Faculty in the Department of Anthropology to Proposed Revisions to Faculty Serious Illness and Disability Policy

At a faculty meeting held on April 12, 2010, faculty members in the Department of Anthropology voted unanimously to recommend reconsideration of the following proposals in the most recent revision to the policy on Serious Illness and Disability Leave for Faculty formulated by the Administrative Council. These recommendations will be submitted to the Faculty Senate for consideration at the April 20th meeting.

Provisions 2.4. and 3.1.1.

Provision 2.4 states that faculty members on 9-month contracts would not be eligible for leave between the date of spring commencement and the opening day convocation of fall semester. None of our peer institutions restricts leaves in this way, which is discriminatory to 9-month faculty. Our 9-month faculty continue to receive health insurance benefits during the summer. Why should this benefit be any different? Faculty do a great deal of work for the university during the summer and also conduct research vital for tenure and promotion. Administrators, including department chairs, by virtue of having 12-month contracts, will qualify for the benefit but the majority of the teaching faculty will be disenfranchised. We recommend this provision be removed from the current version of the policy.

Provision 3.1.1. states that paid leave for illness, birth or adoption must occur at the time of the qualifying event. Many of our peer institutions require that paid leave must be taken "*within 12 months of the event.*" We recommend the latter because it provides greater flexibility to the individual and the unit to arrange leaves with timing in the best interests of unit priorities and the needs of students and faculty members. Second, the current wording disfranchises 9-month faculty since any event that occurs between commencement in May and opening convocation in August would not be covered under the proposed revision. A person could become seriously ill on the day before convocation and not receive any paid leave. That does not seem congruent with the spirit of promoting faculty welfare. We recommend changing the language to state, "leave must be taken within 12 months of the qualifying event."

Provision 3.1.

The benefit of paid leave has been scaled back from the current 15 weeks to a proposed 12 paid weeks. On east campus, unit administrators are still going to have to hire a replacement to cover the full semester or 15 weeks. The replacement cost, therefore, will be the same whether or not the faculty member is accorded 12 or 15 weeks. If the length of leave time is an issue in health sciences and medicine, then we recommend a change of language to accommodate both situations. We recommend adoption of the language found in many of our peer institution policies, "a faculty member subject to these policies shall be granted up to 12 weeks or one academic semester of paid leave." The assumption contained in this statement is that the unit administrator and faculty member would negotiate the appropriate amount of leave time and thus flexibility would be preserved.

Provision 3.2.3.

This provision restricts the primary caregiver of a child to taking paid leave on the date of the qualifying event but allows the secondary caregiver to take it any time within the 12-month period following the documented qualifying event. This is inconsistent. We again recommend, for the same reasons stated above, that the language be changed to state that the primary and secondary caregivers may take leave any time within the 12-month period immediately following the documented qualifying event.

Provision 4.5.1.

This provision marks a significant change from the current policy and shifts the burden of securing replacement personnel and bearing the cost from the office of the appropriate Vice Chancellor to the administrative unit. The existing policy reads:

"The immediate supervisor is responsible for securing, to the extent possible, substitute personnel for the duration of the faculty member's leave. Any adjustments in work schedules within the unit are at the discretion of the immediate supervisor with the approval of the dean and are subject to departmental and institutional needs and resources. In recommending approval of a leave, the immediate supervisor will develop a written plan to cover the responsibilities of the faculty member for the duration of the leave. Funding of substitute personnel is the responsibility of the appropriate vice chancellor (Section V)".

If paid leave for serious illness and disability is a faculty benefit, then it should be covered by the university and not the individual unit. The proposed revision to this practice will discriminate against faculty members in small units with insufficient funds to cover paid leave. Such units will be forced to ask other faculty to cover classes or to drop sections and lose FTE. This provision places an undue burden and an unfunded mandate on individual units and could directly compromise the ability of the individual faculty member to take advantage of a universal benefit. The proposed policy explicitly states in provision 5.2 that *"faculty will not be penalized because they require time away from work caused by or contributed to by conditions such as pregnancy, miscarriage, childbirth or recovery."* Yet the effect of provision 4.5.1. may be to create exactly this kind of penalty. For these reasons, we recommend changing the language of provision 4.5.1. back to the form it has in the current policy, to read, "Funding of substitute personnel is the responsibility of the appropriate vice chancellor."

Rationale and Concluding Remarks

To date, the data furnished to justify the proposed changes to the policy are incomplete. There is no calculation of what real replacement costs have been for faculty members taking paid leave on the east campus. In addition, many faculty have taken partial leaves which are treated for cost purposes as full leaves. In the absence of justification, the faculty can only conclude this revision is being undertaken for other reasons. If the real driving rationale is lost clinical revenue, then the obvious solution is separate policies for clinical and non-clinical faculty. There is justification for such a solution as clinical faculty members have superior health care coverage and, when involved in the practice plan at Pitt Memorial Hospital, also have access to childcare. These are not benefits available to the non-clinical faculty. We find it objectionable that the administration's answer to the potential hardships caused by changes to this policy is to urge faculty to buy supplementary disability insurance.

Given that faculty have not received raises for the past two years while health insurance costs have increased and benefits decreased, the idea that they should go out and buy more insurance to cover benefits the university wishes to remove for no apparent financial reason is appalling and reinforces the perception among faculty that the administration is not interested in improving faculty welfare or fostering the recruitment and retention of talented individuals.

Comparison of Faculty Serious Illness and Disability Policy Provisions at other UNC Institutions

<u>Institution:</u>	<u>Parental Paid Leave</u>	<u>Paid Leave for Serious Illness</u>	<u>Timing of Leave</u>	<u>Time available to 9-month faculty</u>	<u>Responsibility for funding leave</u>
UNC-CH	Full Semester (15 weeks)	60 calendar days	"within 12 months"	year-round, not restricted (http://hr.unc.edu/EPA-Data/Faculty/facserillness)	Not specified
ASU	12 weeks	same as parental	"within a 12-month following birth/placement"	not restricted (www.hrs.appstate.edu/benefits/leave/fmla.php)	Not specified
UNC-W	12 weeks	same as parental	"completed within 12 months of birth/adoption"	not restricted	Dean (http://www.uncwil.edu/policies/documents/08.227_Faculty_Disability_and_Family_Medical_Leave_Salary_Continuation_PolicyAug07.pdf)
UNC-C	Up to 12 weeks or one academic semester	same as parental	"immediately following birth or placement"	not restricted (http://legal.uncc.edu/policies/ps-46.html)	Provost
UNC-Asheville	Up to one semester	same as parental	"leave period begins with first day of absence"	not restricted (http://www2.unca.edu/aa/handbook/4.htm#4.2.1.2)	VC for Academic Affairs
NCSU	60 calendar days	same as parental	not specified	not restricted (http://www.ncsu.edu/policies/employment/leave/POL05.30.1.php)	Dept Chair/Dean
UNC-G	60 calendar days	same as parental	"during first year of care following birth/placement"	not restricted (http://provost.uncg.edu/documents/personnel/extillness.pdf)	Dept Chair/Dean
Western Carolina	60 calendar days	same as parental	not specified	not restricted	Provost (http://www.wcu.edu/25363.asp)
<u>*Proposed for ECU</u>	12 weeks	same as	"day of qualifying event"	restricted to period	Dept. Chair

parental

of 9-month contract

Observations:

- *We are in line with most at 12 weeks, although UNC provides 15 and UNCC and UNCA provide up to a semester. We are the only institution to grant additional 21 paid days to secondary caregiver.
- *However, we will be the only university proposing to prohibit 9-month faculty from taking leaves for events occurring in the summer
- *ECU and UNC will be the only university restricting timing of leave to date of qualifying event or birth/adoption although UNCC allows up to one semester.
- *We will be the only university placing the full financial responsibility for funding leaves on the department/unit chair

The preamble to the policy at UNC-A is the best statement of a positive philosophy to guide a generous benefit policy. We should consider similar language as an indication of similar philosophies:

Members of the UNCA faculty entitled to benefits may apply under this policy for up to a semester off with full pay. While brief absences from faculty duties, including teaching, can usually be accommodated informally, those that involve prolonged illness and/or disability can result in significant burdens to colleagues, especially in small departments. Furthermore, the faculty person who must call upon that assistance may face uncertainties and discomforts concerning the employment situation at a time of great personal stress. This policy is designed to overcome these difficulties in a manner consistent with The Family Leave and Medical Act, The Code of The University of North Carolina and The Regulations on Academic Freedom, Tenure and Due Process of The University of North Carolina at Asheville