

TRINITY INTERNATIONAL UNIVERSITY

TIU POLICY: Leave of Absence Policy
TIU POLICY #: P-312
STATUS: Approved, December 2009
Updated, August 2015

I. PURPOSE:

Trinity International University (University) recognizes that circumstances may arise during the course of employment requiring full-time employees to be absent from work for an extended period of time to deal with personal or medical issues. The purpose of the policy is to define the type, length and approval processes for each type of employment leave.

II. SCOPE:

This policy applies to all full-time employees of the University.

III. POLICY:

A. Special Leave

1. If a full-time employee who has worked full-time for the University for at least one year experiences a non-work related injury or illness that requires them to be absent for more than ten work days, the employee may be eligible for Special Leave.
2. An employee who is requesting Special Leave must fill out a Family and Medical Leave Act (FMLA) form. The University will make Special Leave determinations based on similar criteria used for determining a personal Family Medical Leave qualification. However, only an employee's own injury or illness will be considered for Special Leave.
3. Similar to FMLA, medical certification will be required for all Special Leave requests.
4. If an employee qualifies for a Special Leave they will:
 - a. Use ten days of Paid Time Off (PTO). If PTO is not available the days may be taken without pay.
 - b. After using ten days of PTO, the University will provide an additional ten work days at full pay inclusive of any paid holidays.

5. The University will require a doctor's release allowing the employee to return to full duty before an employee may return to their jobs.
6. All regular benefit deductions and payroll taxes will be deducted from Special Leave checks.
7. If a Special Leave also qualifies for FMLA Leave both types of leaves will run concurrently.

B. Family and Medical Leave Act (FMLA)

1. The Family and Medical Leave Act (FMLA) of 1993 requires employers with 50 or more employees to grant unpaid leave of absences of up to twelve (12) weeks during any 12-month period for certain purposes.
2. A serious health condition is defined as a physical or mental condition involving inpatient care in a hospital, hospice, or residential medical care facility; incapacity requiring more than three days absence from routine daily activities; continuing care/treatments for prenatal care or a chronic/long-term condition that is either incurable or likely to result in more than three days of incapacity if left untreated.
3. Employees who have worked full-time for at least twelve (12) months and have worked at least 1,250 hours in the twelve (12) months prior to the requested leave are eligible to apply for an FMLA leave.
4. Employees may request an FMLA Leave for the birth or adoption of a child or for a serious health condition affecting the employee or an immediate family member, (son, daughter, spouse or parent).
5. With the exception of some highly compensated key employees, an employee on an FMLA Leave must be restored to the same or substantially equivalent position, with equivalent benefits, pay, and other terms upon return from the leave.
6. The Family Medical Leave Act of 1993 was amended in 2008 to allow employees to take an FMLA Leave for certain qualifying exigencies that arise because a spouse, child or parent is on active duty status in the military or is notified of an impending call or order to active duty status. The length of this leave may be up to twelve (12) weeks in any 12-month period of time.
7. The Family Medical Leave Act of 1993 was also amended in 2008 to allow an employee to take up to twenty-six (26) weeks of unpaid leave during any 12-month period to care for an immediate family member who sustains a serious injury while on active duty in the military. For purposes of this type of leave an immediate family member is defined as a spouse, child, parent or someone for whom the employee is next of kin. The maximum amount of all combined FMLA Leave time for an employee who takes this type of leave cannot exceed twenty-six (26) weeks in any 12-month period.
8. When necessary and requested an employee may take leave that either reduces the hours worked per week or day, or may take leave that is intermittent when medically necessary.

9. An employee on FMLA leave is entitled to health and dental insurance coverage under the same terms offered to employees not on leave. The employee may choose to pay for their portion of health insurance premiums during their leave or the University can recoup the full amount of the employee's share of the premiums through payroll deductions upon an employee's return. If an employee on FMLA fails to return from the leave, without good cause, the University is entitled to request payment from the employee of the employer's portion of premiums paid during the leave plus any unpaid employee portion.
10. Employees must give at least thirty (30) days advance notice of a foreseeable leave and as soon as practicable for an unforeseen leave ("as soon as practicable" is defined by the Department of Labor as one or two business days after the need for the leave becomes known to the employee).
11. The University calculates the twelve (12) week FMLA eligibility using a rolling 12-month period measuring backward from the date an employee uses any FMLA leave time.
12. The University requires medical certification from the employee's or family member's physician or documentation of military active service prior to determining eligibility for the requested leave. If the leave is for a medical condition the certification must include information on the patient's diagnosis, treatment plan, and anticipated duration of absence.
13. An employee may choose to use Paid Time Off during an FMLA leave but the paid time will count toward the total eligible weeks of leave.
14. In the case of an employee's serious medical condition, the University will require a doctor's release allowing the employee to return to full duty before an employee may return to their job.

C. Bereavement Leave

1. Employees will be allowed five days off with pay if an employee's spouse or child dies (including miscarriage). Employees will be allowed three days off with pay if any other immediate family member dies.
2. Employees will be allowed one day off with pay for the death of other relatives or extended family. Other relatives would include aunt, uncle, niece, nephew, grandparents of spouse, sister-in-law, brother-in-law, aunt or uncle of spouse, niece or nephew of spouse, or cousin.

D. Military Leave

1. Employees who have military duty commitments will be allowed a leave of absence to perform such service commitments as required by law. Military pay, which includes base pay, subsistence and quarters' allowance, will be supplemented by the University to equal the employee's regular pay for a maximum of ten working days each year.

2. Employees who are required to serve in military service are not required to use Paid Time Off to cover the period of that service.
If an employee is required to leave their job for extended military service, a leave of absence will be granted for the duration of their military service. The employee has the right to be rehired under the following USERRA requirements:
 - a. You ensure your employer received advance written or verbal notice of your service requirement.
 - b. You have five years or less of cumulative service in the uniformed services while with that particular employer.
 - c. You return to work or apply for reemployment in a timely manner after conclusion of service.
 - d. You have not been separated from service with a disqualifying discharge or under other than honorable conditions.
3. An employee who is on an extended Military Leave has the right to continue to participate in the University's sponsored health insurance for up to 24 months while on active duty. The employee would be responsible for payment of both the employee and employer portions of the premium while on Military Leave. If the employee does not choose to remain on the University's health plan while on active duty the employee may be reinstated upon reemployment without any waiting periods or exclusions (except for service-connected illnesses or injuries).

E. Jury Duty

1. When an employee receives a legal notice to serve on a jury they will be granted a leave of absence for the necessary period and will be paid at their normal rate of pay for the duration of such duty. In order to qualify for pay under this policy, the employee must submit the jury summons or subpoena to Human Resources.
2. It is the employee's responsibility to notify their supervisor of their summons to appear as far in advance as possible to ensure proper coverage of their job responsibilities. It is also the employee's responsibility to notify their supervisor of their jury status on a daily basis while serving on jury duty. The only exception to this notification provision is if the employee is participating on a sequestered jury where no outside contact is allowed by the court.
3. Any payment received by the employee in payment for their service may be kept by the employee.

F. Other Leave

Other leaves of absences may be requested in writing to Human Resources and the responsible University Leadership Team member for consideration.

