Policy on Leaves of Absence

I. Purpose and Scope

This policy provides general information on the types of leaves of absence that may be available to university employees. This policy also provides general information about certain terms that apply to each type of leave of absence.

The policy does not apply to absences under workers’ compensation.

II. Definitions

For the purposes of this policy, the university offers the following Leaves of Absence:

1. Family and Medical Leave
2. Paid Leave Program
3. Military Leave
4. Small Necessities Leave
5. Personal Leave
6. Faculty Leave

III. Policy

a. General

i. Pay while on Leave

The university offers eligible employees paid leave for qualifying reasons pursuant to the Policy on Paid Leave Program (PLP).
Any leave provided under the PLP policy will run concurrent with any leave taken under this policy to the extent permitted by law. Other than leave available under the PLP policy, a leave of absence is generally an unpaid absence from employment at the university. Depending on the type of leave, employees may be eligible to use available sick, vacation, or personal time to remain in a paid status during a leave.

If a benefits-eligible employee is absent in excess of five (5) consecutive workdays due to their own medical condition, the employee and/or the employee’s supervisor must notify the HR Leave Management Team (LMT) as the employee may be eligible for leave under the PLP.

ii. Benefits while on Leave

While employees are being paid during a leave of absence, the usual contributions for their health, dental, retirement, and all other benefits will be deducted from their paycheck. While employees are on unpaid leaves of absence, they may continue participating in their health and dental plans, but they must notify HR Benefits in advance that they desire to remain active on these plans and they must continue making their required contributions. There may be circumstances where an employee is required to repay premiums if they do not return from an unpaid leave.

Life insurance and long-term disability insurance may remain in effect during a leave, depending upon its duration. Travel accident, eligibility for workers’ compensation, and vacation accrual will cease when an employees’ unpaid status exceeds 30 days. The tuition waiver program will be limited to covered dependents if an unpaid leave of absence exceeds 30 days.

b. Family and Medical Leave of Absence

i. Description

The university complies with the Family and Medical Leave Act (FMLA). The purpose of this section is to provide employees with a general description of their FMLA rights. Leave under the FMLA will run concurrent with PLP leave in most circumstances and the PLP policy is more generous than the FMLA requires. Please refer to the PLP policy for details about that leave benefit.

Under the FMLA, eligible employees may be entitled to an unpaid, job-protected leave of up to 12 weeks in a 12-month period for the following reasons:

- To bond with a child following the child’s birth or placement for adoption or foster care (leave to bond with a child must be taken within 12 months of the child’s birth or placement);
• To care for the employee’s spouse, child (under age 18 unless incapable of self-care due to disability), or parent who has a qualifying serious health condition;

• For the employee’s own qualifying serious health condition that makes the employee unable to perform the employee’s job; and

• For qualifying exigencies related to the foreign deployment of a military member who is the employee’s spouse, child, or parent.

An eligible employee who is a covered service member’s spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the service member with a serious injury or illness (referred to as “Military Caregiver Leave”). Under this type of FMLA leave, an employee is entitled to a maximum of 26 weeks of leave in the 12-month period beginning on the first day that the employee takes this form of leave and ending 12 months later.

Except for those employees taking Military Caregiver Leave, an eligible employee will be entitled to a maximum of 12 weeks of FMLA leave during any 12-month period.

Northeastern’s method for calculating the 12-month is a look-forward method. Using this method, an employee is entitled to 12 weeks of leave during the year beginning on the first date FMLA is taken and measured forward 12 months. The next 12-month eligibility period would begin the first time FMLA leave is taken after completion of any previous 12-month period. If certified for medical reasons or if otherwise permitted, FMLA leave may be taken intermittently or to reduce the workweek.

If both spouses work for the university, they are entitled to a combined 12 weeks of FMLA leave, during any 12-month period, (1) to bond with their newborn or newly placed child; or (2) to care for a seriously ill parent.

Where applicable, FMLA leave will run concurrently with other available Leaves of Absence.

At the end of FMLA Leave, employees will generally have the right to return to their same position or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. The university will not interfere with an employee’s FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

ii. Eligibility & Application

To be eligible for FMLA leave, an employee must have (1) worked for the university for at least 12 months; and (2) worked a minimum of 1,250 hours during the 12 months preceding the need for leave.
Generally, employees are expected to provide the HR LMT at least 30-days’ advance notice of the need for FMLA leave. If it is not possible to give 30-days’ notice, employees must notify HR LMT as soon as practicable. Employees must complete a Leave of Absence Application, which is available through Workday, and may be required to provide supporting medical documentation to HR LMT. HR LMT may require periodic recertification of the need for leave and it may require certification that the employee is able to resume work at the conclusion of leave, if applicable.

The university will inform employees who request FMLA leave whether they are eligible. If eligible, the university will notify the employee of their rights and responsibilities under the FMLA. If they are not eligible, the university will tell the employee why they are ineligible. The university will also notify employees whether and what portion of their Leave of Absence will be designated as FMLA leave.

FMLA leave is unpaid, but employees may use available vacation, personal, or sick time, depending on the type of leave, to continue to receive their pay while on leave. During an FMLA leave, the university will continue the employee’s medical and dental insurance coverage as usual, provided the employee remains eligible for such coverage and continues to pay their premiums.

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against the university to enforce their rights under the FMLA. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

c. Military Leave of Absence

   i. Description

It is the university’s policy to comply with all applicable laws that protect the rights of employees serving in the uniformed services, the Armed Forces, the Reserves, and the National Guard, including the Uniformed Services Employment and Reemployment Rights Act (“USERRA”).

There are two situations in which military leave is granted: temporary military duty and active duty. In any calendar year, if an employee is ordered to temporary military duty for a period of two weeks or less, the university will make up the difference, if any, between the employee’s military pay and the employee’s regular wages. For active duty or enlistment that exceeds two weeks, employees should request an unpaid Military Leave.
Upon an employee’s return from military service, they will be eligible for reinstatement as provided in the USERRA. The employee must report to work and provide the university with a discharge certificate of satisfactory completion of service within the time period dictated by the USERRA.

ii. Eligibility and Application

Individuals seeking to take military leave should complete and submit an application for Leave of Absence through Workday and include a copy of the orders to report for duty.

All university arrangements governing military duty are subject to modification caused by any special circumstances that may exist during an emergency period and any government regulations that may then be in effect.

d. Small Necessities Leave

i. Description

Pursuant to the Small Necessities Leave Act, eligible employees may take up to 24 hours of unpaid leave during a twelve-month period to attend activities directly related to the education of a dependent child (e.g. parent-teacher conferences), and/or to accompany a dependent child or elderly relative to a routine medical, dental or other professional services appointment (e.g. annual physical, vaccination appointment, nursing home interview/intake). This leave is referred to as "Small Necessities Leave."

ii. Eligibility and Application

To be eligible for Small Necessities Leave, an employee must have worked (1) for the university for at least 12 months; and (2) worked a minimum of 1,250 hours during the 12 months preceding the need for leave. Eligible employees should coordinate this leave with their supervisor. Such leave time shall be charged to an employee’s available vacation or personal days, if any. Where none exists, the time will be unpaid.

e. Personal Leave of Absence

i. Description

Staff and faculty may seek a Personal Leave of Absence for reasons not covered by another leave option or to extend their available leave. Such leaves will be granted solely at the university’s discretion.

During an unpaid Personal Leave of Absence that is one month or longer in duration:
• Vacation time will not accrue;
• Group medical and dental will continue, provided the employee continues to make the required contribution to these plans;
• University contributions to the employee’s retirement plan will cease; and
• Tuition waiver benefits will cease.

ii. Eligibility and Application

Absences for less than five days must be approved by and are administered directly by an employee’s supervisor. To apply for a Personal Leave of Absence beyond 5 days, employees must complete an Application for Leave of Absence through Workday. Supervisor approval is required. For leaves over a month, approval from their academic dean or vice president is required.

f. Faculty Leave

Faculty leaves, such as sabbaticals and leaves for academic study, are covered by the Faculty Handbook in the Sabbatical and Leaves of Absence and Vacation modules. Any questions regarding faculty leaves should be addressed to the Provost's Office. It is important that faculty let HR Benefits know when they are going on one of the unpaid faculty leaves. Faculty must meet with HR Benefits if they are entitled to continuation of benefits during their leave. As with any other type of leave, faculty must continue contributions to the health and dental plans and any other benefits if coverage is to continue during the leave.

IV. Additional Information

Unless otherwise stated in this policy, when the need for leave is foreseeable, the employee must apply for and be approved in advance of the leave begin date. Typically, thirty days’ notice, or as much notice as is practical, must be given.

V. Contact Information

For questions about this policy, please contact the HR Service Center.
HR Customer Service Center: 250 Columbus Place; 617-373-2230