

Job-Protected Medical Leave for Faculty

Policy Statement

Full-time faculty members on appointments probationary for tenure or on contract without tenure

If a faculty member, with an appointment probationary for tenure or with a contract appointment without tenure, remains disabled after completing 180 days under Marywood University's *Short-term Disability* policy, the University will hold open the person's position for the remainder of that academic year.

- For faculty members with appointments probationary for tenure and for clinical faculty members, the University will continue to hold open the position for an additional two academic years or the completion of the probationary period for tenure, whichever is less. The University will hire faculty members on interim appointments for the duration as needed.
- For faculty members with contract appointments without tenure who are not clinical faculty members, the University will continue to hold open the position, if necessary to comply with the University's non-reappointment policies.
 - For faculty members with contract appointments without tenure who are not clinical faculty members, and whose contracts have been renewed for three consecutive years, the University will continue to hold open the position for an additional two academic years.

In all cases the University will comply with the notice requirements in analogous policies,

Full-time Faculty Members with Tenure

If a faculty member with tenure remains disabled after completing 180 days under Marywood University's *Short-term Disability* policy, the University will hold open the person's position for the remainder of that academic year plus two additional years. The University will hire faculty on interim appointments for the duration as needed.

If at the end of the second additional academic year the faculty member remains disabled and has not been reinstated, the position will no longer be held open, and the faculty member's employment will be terminated.

If at the end of the second additional academic year the faculty member is not capable of resuming the assigned duties of his or her tenured position but is capable of assuming another full-time position commensurate with his or her education, training, and experience, consideration will be given to place the individual in such a position if one is available.

If at any point beyond the end of the second additional academic year the faculty member asks to return to service at Marywood and provides medical documentation indicating he or she is capable of performing the responsibilities, the University will give strong consideration to the re-employment of the individual when an opening occurs in the area of his or her education, training, and experience.

EXTENDED JOB-PROTECTED MEDICAL LEAVE

Faculty members who remain unable to work due to injury, illness, pregnancy, childbirth or related medical conditions and either (i) are not eligible for leave under federal and/or state law or (ii) have exhausted all time available to them under Marywood University's *Job- Protected Medical Leave For Faculty* policy, may apply for an additional period of job-protected medical leave. The intent of this policy is to provide any additional period of job-protected leave required as a reasonable accommodation under the Americans with Disabilities Act or an analogous state disability discrimination law.

Marywood University will decide the appropriateness of granting extended job-protected medical leave, individually assessing each situation, considering among other things whether a faculty member will be able to return to work within a defined period of time and the operational hardship caused by any additional period of job-protected leave. To assist the University in evaluating the appropriateness of granting extended job-protected medical leave, faculty members generally will be asked to provide documentation from their health care providers.

During any period of additional job-protected leave, the University may take action to fill the employee's position, should the employee be unable to return to work at the end of the leave extension or any additional period that may be required by law. Such action might include, for example, advertising the position and interviewing candidates.

The University's decision concerning an employee's right to an extended period of job-protected leave does not affect an employee's right to short or long term disability or workers' compensation benefits. An employee's eligibility for such compensation and benefits is based on an independent determination pursuant to the terms of the University's applicable benefit plans and/or the laws governing such benefits.

History of the Policy

2/18/11 - Approved by the President of the University as recommended by the Policy Committee of the University.

MARYWOOD UNIVERSITY POLICIES AND PROCEDURES MANUAL

Mary Theresa Gardier Paterson, Esquire
Secretary of the University
