



# University of New Haven

## *Human Resources Policy/Procedure*

<b>Policy / Procedure Title</b>	<b>Applicability / Scope</b>	<b>Purpose</b>	<b>Effective Date</b>	<b>Responsible Party</b>	<b>Pages</b>
Medical Leave of Absence Policy & Procedure	Administrative Employees & Eligible Faculty	Provide applicable administrative employees and eligible faculty members with information regarding paid time off when unable to perform the essential functions of their job due to a non-work-related illness or injury.	7/1/2022	Associate Vice President Human Resources & Organizational Development	4

**Eligibility for Administrative Employees:** This policy is available to all regular full-time and part-time administrative employees, both exempt and non-exempt. Employees who are out on Workers' Compensation are **not** eligible for coverage under this policy. This policy does not cover employees covered by a collective bargaining agreement, however, the process of requesting a leave will be the same as non-union employees and will be managed by MedLeave Solutions.

**Eligibility for Faculty:** Eligibility for benefits under this leave is based on the faculty member's classification as defined in the Faculty Handbook and the Provost's Compensation Guidelines. If there is any discrepancy between this Policy and the Faculty Handbook, the Faculty Handbook governs and is the final authority.

**Leave Commencement:** An employee who is absent from work for more than **five (5) consecutive** workdays will be eligible for payment under this policy on the 6<sup>th</sup> business day. The leave will be made retroactive to the first day of employee's absence. **The employee must apply for FML as indicated in the FML Policy to be eligible for salary continuation. Failure to apply for FML for absences greater than 5 days will compromise salary continuation.**

**Notification of Need for Leave:** It is the responsibility of the employee and the employee's supervisor to notify MedLeave Absence Management Solutions when an employee has been out for more than five (5) consecutive workdays. If an employee has advance knowledge that they will need to be out for more than 5 consecutive days due to a disabling medical condition, then they should notify their supervisor and MedLeave as soon as possible.

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**How to Contact MedLeave:** To contact MedLeave, employees and or their supervisor can call MedLeave at 1-844-438-3652 or email MedLeave at [fmla@medleavesolutions.com](mailto:fmla@medleavesolutions.com).

**Medical Documentation:** To be eligible for payment under this policy, the employee's physician must be able to medically substantiate that the employee has a **non-work**-related illness or injury that prevents them from being able to perform the essential functions of their job with or without accommodation.

- MedLeave will provide employees with the specific forms that need to be completed by them and their physician. MedLeave will determine the employee's eligibility for paid leave based on the medical documentation provided and the provisions of the Medical Leave of Absence Policy.
- MedLeave will also determine your eligibility for job protected FMLA.
- An employee has **15** days from the day they go out on leave to provide their medical documentation.
- The length of the employee's disability period under this Policy will be determined solely by the medical information provided by the employee's physician and as determined by MedLeave Solutions.
- If medical documentation is not submitted or if the medical information is incomplete or not sufficient, it may result in the employee being denied leave. Salary continuation will not be provided in these situations.

**Utilization of Paid Leave Time to Care for a Family Member with a Serious Health Condition:** In conjunction with the provisions and requirements of the FMLA, employees may utilize up to 15 days (or 105 hours) of paid time under this policy to care for a family member with a serious health condition. Employees must first apply for FMLA by contacting MedLeave and submitting the appropriate medical documentation. The request will be reviewed by MedLeave and dispositioned based on the documentation provided.

If an employee is not yet eligible for FMLA based on their hire date, they may still be eligible for income replacement under this policy. All time utilized for this purpose will be deducted from their allotment of paid time under this policy, provided they are eligible. Employees who qualify for this provision may use these 15 days, or 105 hours, on a continuous basis or on an intermittent basis. Utilization of this provision of the policy must be approved and coordinated with MedLeave. Any time taken under this policy will be deducted from your FMLA allotment provided you are eligible for FMLA.

An employee taking paid time under this policy must do so within the fiscal year. Employees who are utilizing this time in an intermittent manner must follow their department's call out procedures and identify for their supervisor that this is an absence under the Medical Leave Policy for the purpose of caring for a sick family member. In addition, employees taking intermittent leave to care for a family member must also report any time missed from work to MedLeave.

**Payment while on Leave:** The continuation of an employee's full salary while on a Medical Leave will be based upon the employee's continuous full-time service with the University and will be predicated upon approved FML as determined by MedLeave Solutions at the time the medical leave commences. If Med/Leave Solutions denies the claim, the provisions for pay listed below will not occur.

For those leaves which are appropriately approved by Med/Leave Solutions, the amount of paid leave time an employee is eligible for is based on the schedule below:

Length of Continuous Service with the University	Period An Employee is Eligible to Receive Full Pay
2 months but less than 6 months of completed service	1 month
6 months but less than 12 months of completed service	2 months
12 months but less than 16 months of completed service	3 months
16 months but less than 20 months of completed service	4 months
20 months but less than 24 months of completed service	5 months
24 months and over of completed service	6 months

**Returning to Work After Medical Leave:** An employee may **not** return to work from a Medical Leave of Absence unless they provide documentation from their physician to MedLeave Solutions that they have been released to work with or without an accommodation. If an accommodation is needed, the University will determine through an interactive process with the employee whether it can reasonably accommodate the request. If there is more than one way to reasonably accommodate an employee, the University will select the method which best meets its operational needs.

**Returning to work and becoming disabled again, and the disability is approved by Med/Leave Solutions, the following applies:**

- If the employee returns to work **after exhausting** their medical leave entitlement, the employee is eligible to start earning leave entitlement again based on the schedule identified in the table above.
- If the employee returns to work and has only used a **portion** of their medical leave entitlement under this policy, the employee is eligible to start earning additional leave time on top of the **remaining leave balance** provided the employee works the stated length of continuous service identified in the table above without significant periods of absence. Under no circumstances may an employee earn more than 6 months of leave time under this policy.

**Partial Disability:** Employees who are deemed partially disabled by their physician due to a nonwork-related illness or injury and can only work half a day are eligible for paid medical leave based on the table listed above. Medical documentation to substantiate the employee’s need for partial medical leave must be submitted to MedLeave Solutions. The length of time during which an employee is eligible to receive either full-pay or partial-pay under this Policy begins with the employee’s first day of absence and may not exceed six (6) calendar months and must be approved by MedLeave Solutions.

**How Does FML Work While Out on Leave:** State and Federal FML run concurrently with the employee’s approved Medical Leave of Absence if the employee is eligible for FML and has FML time available. FML protection will be made retroactive to the first five (5) days of absence that preceded the start of the medical leave.

**Benefit Coverage While on Approved Leave: Medical/Dental/ Vision Coverage:** An individual’s medical coverage, which was in effect at the time that the medical leave commenced, shall remain in effect

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while the employee is out on leave. Deductions will automatically be deducted from the employee's pay while on leave. If the leave is unpaid, employees are required to make the same contributions toward medical coverage that they were making while at work. Employees will be billed for their share of the benefit cost while they are out on an unpaid leave.

If an employee exhausts their leave and is unable to return to work with or without accommodation, they will be terminated from the payroll and shall be offered the option to continue their group health coverage under the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA).

The cost of COBRA coverage is the sole responsibility of the employee.

**Life Insurance (Employee, Spouse & Dependent):** University provided life insurance coverage will remain in effect during the leave period. In the event an employee exhausts their leave and is terminated, the employee shall be offered the right to convert their life insurance based on the terms and condition of the University's Life Insurance Policy.

**Retirement Savings Plan:** If the employee continues to make their contribution to the 403b plan in the same manner they made when they were actively at work and not disabled, the University will make their contributions during an approved paid leave period, If the employee ceases to make their contribution, then the University will cease making its matching contribution to the Plan. If an employee wishes to stop making contributions to their 403b while they are out on Leave, the employee must contact Fidelity at 1-800-343-0860.

**Notification to Supervisor: MedLeave** will not share an employees' personal medical information with supervision. MedLeave will provide information to the supervisor regarding the disposition of the claim, duration of the leave, expected date of return, job restrictions or the need for accommodated duty.

**Exhausting Leave:** If an employee remains disabled after being on medical leave and unable to perform the essential functions of the job with or without reasonable accommodation, then the employee's employment with the University will be terminated. An employee who exhausts six (6) months of leave and is unable to return to work, may be eligible for Long Term Disability Benefits (LTD). The determination regarding LTD benefits is made solely by the University's LTD vendor based on the terms and conditions of the LTD Plan. The Human Resources Department and/or the LTD vendor will reach out to the employee approximately two months before the expiration of their medical leave and provide the employee with information about LTD and the LTD application process.

The University will maintain the employee's medical benefits for a period of up to two years after transitioning to LTD. This provision will end two years from the transition date to LTD, or upon securing employment elsewhere, or becoming eligible for Medicare/Medicaid, whichever occurs first. The LTD provision of this policy as it relates to maintaining the employee's medical benefits is applicable to bargaining unit employees, however, the other provisions do not apply.

**Note:** A tenured faculty employee shall retain their tenure position for a period of two years following the expiration of the University's Medical Leave of Absence as outlined in the Faculty Handbook.