



## Rowan College of South Jersey

Administrative Procedure: 7107

### LEAVES OF ABSENCE

The College provides various types of leave to all employees to assist in balancing the demands of the workplace and the needs of their families in a manner consistent with the requirements of the College.

The procedures for these leaves are provided below, however, due to associated state and federal laws, collective bargaining agreements, and the benefits associated with various employee classifications, the Human Resources (HR) department should be consulted to answer any questions.

Regardless of category or type of leave, employees are required to complete an attendance report/time card indicating time worked or days absent. Official attendance records are maintained for all employees in the Payroll department. The decision to grant an unpaid leave of absence for personal reasons, donated leave, professional service/leave, advanced study, sabbatical leave, or Fulbright/Exchange programs rests solely with the Board and is not subject to the grievance procedure.

In the event these procedures are in conflict with a collective bargaining agreement, the collective bargaining agreement will govern. If you have any question, please contact HR.

#### Types of Leave

<u>Paid Leave</u>	<u>Unpaid Leave</u>	<u>Paid and Unpaid Leave</u>
<ul style="list-style-type: none"> <li>• Bereavement</li> <li>• Court/Jury Duty</li> <li>• Donated</li> <li>• Floating Holidays</li> <li>• Personal Days</li> <li>• Sabbatical</li> <li>• Sick – FT/Other</li> <li>• Vacation</li> </ul>	<ul style="list-style-type: none"> <li>• Advanced Study</li> <li>• Domestic Violence Sexual Assault (SAFE)</li> <li>• FMLA/NJFLA</li> <li>• Fulbright/Exchange Programs</li> <li>• Personal Leave</li> <li>• Professional Improvement</li> <li>• Professional Service</li> </ul>	<ul style="list-style-type: none"> <li>• Military</li> </ul>

## **PAID LEAVE**

### **Bereavement Leave**

Every full-time and regularly scheduled part-time employee is eligible for bereavement leave due to the death of an immediate family member. The employee must notify his/her supervisor immediately, if taking bereavement leave. For the purpose of this policy, “immediate family” means father, mother, siblings, wife, husband, children, stepchildren, grandchildren, grandparents, mother-in-law, and father-in-law.

Up to a maximum of four (4) days paid bereavement leave will be granted to full-time employees and two (2) days to regular part-time employees to attend the funeral and make any necessary arrangements associated with the death.

Bereavement leave (maximum of four days or two) is granted and to be used for the period up to seven (7) days from the date of death, or for faculty, seven (7) days immediately following the day of the funeral.

In the event of the death of a member of his/her family other than those listed as “immediate family”, employees may be entitled to one full day to attend the funeral. Additional leave may be granted at the discretion of the President or his/her designee.

To be supportive of employees who are experiencing a significant personal loss, absences not covered by paid bereavement leave can be accommodated by use of available vacation time, sick time, and/or unpaid personal leave at the discretion of the responsible administrator/executive.

Bereavement pay is calculated based on the base pay that an employee would otherwise have earned had he/she worked on the day of the absence. Proof of death may be required in order to receive bereavement pay.

### **Court/Jury Duty<sup>1</sup>**

Full-time employees who are eligible and required to be absent from work to serve on jury duty will be paid their regular straight time daily pay. The employee must provide proof of jury duty to his/her supervisor within seven (7) days of jury duty notification. Upon completion of jury duty, the employee is to supply proof of the time served for jury service to his/her supervisor and to HR.

Any employee who is appearing before a court or other legally constituted body in a matter in which the employee is a party may be granted use of his/her vacation or unpaid leave. The employee must provide proof of the court appearance to his/her supervisor within seven (7) days of subpoena notification. Upon completion of court appearance, the employee is to supply proof of the time served to his/her supervisor and to HR.

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<sup>1</sup> N.J.S.A. 2B:20-7

## **Donated Leave**

The Donated Leave Program permits employees to voluntarily donate portions of their earned sick and/or vacation time to another employee who has exhausted his/her own earned leave time and who either a) is suffering from a catastrophic illness or injury that necessitates a prolonged absence from work by the employee or b) must provide care to a member of his/her immediate family who is suffering from a catastrophic health condition or injury.

Medical documentation concerning the nature and anticipated duration of the catastrophic illness or injury must be submitted to HR.

### Definitions

- a. With respect to an employee, a “catastrophic health condition or injury” is either:
  - A life-threatening condition or combination of conditions; or
  - A period of disability required by his or her mental or physical health or the health of the employee’s fetus which requires the care of a physician who provides a medical verification of the need for the employee’s absence from work for 60 or more work days.
- b. With respect to an employee’s immediate family member, a “catastrophic health condition or injury” is either:
  - A life-threatening condition or combination of conditions; or
  - A period of disability required by his or her mental or physical health which requires the care of a physician who provides a medical verification of the need for the family member’s care by the employee for 60 or more work days.

### Recipient Eligibility

- The recipient must be a full-time employee who has completed at least one year of continuous College service.
- The recipient or the immediate family member must be suffering from a catastrophic illness or injury which necessitates the employee's prolonged absence from work. (The definition of immediate family member will cover members recognized as such under the Federal Family and Medical Leave Act.)
- The recipient must have exhausted all paid accrued leave time including sick leave, vacation leave, personal leave, floating holidays, and any earned compensatory time.

- An employee receiving donated leave will not receive temporary disability benefits for the same period he/she is paid wages from donated sick and/or vacation leave.

Donor Eligibility Guidelines

- An employee may donate sick or vacation time in whole days only up to fifteen (15) days.
- An employee must have remaining to his/her credit at least 30 days of accrued sick leave, if donating sick leave, and at least 10 days of accrued vacation leave, if donating vacation leave.
- An employee may not solicit nor accept any money, credit, gift and/or gratuity, item of value, or compensation of any kind in exchange for the donation.

Procedures

- Any employee may participate in this program as a leave recipient or donor by contacting HR to complete the required forms.
- Medical verification from a physician or other licensed healthcare provider concerning the nature and anticipated duration of the catastrophic illness or injury must be submitted by the employee. Decisions regarding eligibility will be made on a case-by-case basis by the President or his/her designee.
- Once a recipient is approved for the program and provided written approval, HR will notify the College community. The notification will be done only with the recipient's consent. If the employee is unable to consent, a member of the employee's immediate family, with Power of Attorney, may consent on behalf of the employee.
- The donor and the recipient (or family representative, if the employee is incapacitated) will complete the required form(s).
- No one will directly or indirectly intimidate, threaten or coerce, or attempt to intimidate, threaten or coerce any other employee for the purpose of interfering with any right which such employee may have with respect to contributing, receiving, or using paid leave under this program. The above includes promising to confer or conferring any benefit (such as appointment, promotion, or compensation) or effecting or threatening to effect any reprisal (such as deprivation of an appointment, promotion, or compensation). Any employee who engages in the above prohibited conduct will be subject to disciplinary action.
- The donor's leave time will be reduced permanently by the number of days that are to be donated.

- A leave donor cannot revoke the leave donation. However, if there is any unused donated time for a recipient, the leave time will be returned to the donor(s) on a prorated basis in hours. Any portion that would amount to less than one whole hour will not be returned, but will be forfeited.
- A recipient employee who retires will not be granted supplemental compensation on retirement for any outstanding donated sick days which he or she had received. Similarly, a recipient employee will not be able to “bank” any unused donated time.
- Donations may not be used on retroactive basis.
- The eligible recipient’s leave time will be credited with the donated time. The recipient may receive days from more than one donor, but may not use a total of more than 180 donated days in his/her duration of employment.
- Issues arising out of the administration of this program cannot be grieved nor arbitrated.

### **Floating Holidays**

In recognizing the diversity of employees that comprise the campus community, all twelve month, full-time employees are eligible for three (3) paid holidays in addition to the College-approved Holiday calendar. These days are provided as an opportunity for employees to observe personal holidays that occur throughout the fiscal year. The days are to be used during the current fiscal year and unused days are not carried over to the next fiscal year. The number of floating holidays will be prorated from the date of hire. Floating holidays must be approved and scheduled in advance.

### **Personal Days**

At the beginning of each fiscal year, full-time employees will receive a number of personal days, in accordance with their classification and/or collective bargaining agreement. The use of personal days is for personal business which cannot be addressed outside of the regular workday. Sick leave, as defined in policy and administrative procedure, is not be used for personal business. Therefore, the College may grant personal time off with pay to conduct such business.

Personal days must be used within the current fiscal year issued and may not be carried over to the following fiscal year.

Personal days are to be used in those situations which require an employee’s presence and which cannot be taken care of during normal work hours. Personal days must be approved and scheduled in advance, except in case of emergency. Personal days for full-

time employees are not to be used in lieu of sick leave or vacation leave. Personal day approval is determined on an individual basis.

### **Sabbatical Leave**

Eligible academic executive, professional, administrative, and non-represented full-time employees are provided opportunities for professional development leaves. Employees may be eligible for sabbatical leave after completion of seven years of continuous service at the College or after seven years since their last sabbatical leave at the College. College administration may, at its discretion, recommend employees not included in the categories listed above for sabbatical. Leaves are not entitlements and require the President's and Board's approval.

Sabbatical leave may be for one or two semesters and may be without pay or at the rate approved by the Board for such leave. Contact HR and/or refer to the collective bargaining agreement, if applicable, for specific timelines and details. Sabbatical leaves are not subject to grievance procedures.

### **Sick Leave**

Full-time and part-time (other) employees are entitled to sick leave annually on July 1 and each full-time employee is credited with the year's sick leave entitlement in accordance with their classification, collective bargaining agreement, and/or NJ State Statute.

#### *Full-time Employees*

Sick leave is prorated from the date of employment. New hires may transfer up to ten sick days accumulated from a previous educational employer to the College as long as there is no employment gap between the previous employer and the College. Sick days cannot be substituted for vacation. Sick leave may accrue from year to year and an accounting of sick leave will be maintained by HR and the Payroll Office. Upon retirement, a sick leave payout will be determined. All sick leave balances must be exhausted at the commencement of a leave under the Family and Medical Leave Act (FMLA).

- Sick Leave for Illness or Injury

An employee is entitled to use accumulated sick leave when incapacitated by illness, injury, or pregnancy; receiving emergency medical treatment; or exposed to a contagious disease that would jeopardize the health of others. Sick leave may also be used when the employee is administering care to an immediate family member (father, mother, spouse, and child) in need of medical attention.

Sick leave for illness or injury cannot normally be scheduled in advance because one never knows when an unexpected illness will prevent an employee from physically performing their duties.

HR must be notified of any sick leave of three consecutive days or more, and the employee must provide a certification from the treating physician to return to work.

- Non-Emergency Sick Leave

Sick leave for medical appointments should be requested in advance so the affected office can plan for the absence. If the employee requests sick leave for non-emergency purposes, the College may deny the employee's request if the employee's services are needed or if extenuating circumstances are insufficient to warrant approval. Therefore, non-emergency sick leave may be granted at the supervisor's discretion.

### Part-time (other) Employees<sup>2</sup>

One (1) hour of sick leave will be earned for every 30 hours worked by employees not already receiving sick leave as part of a contract or collective bargaining agreement. Following are guidelines for this procedure:

- A maximum of forty (40) hours can be accrued and earned within a fiscal year.
- The time accrued can begin to be used 120 calendar days after the employee begins working for the College.
- Accrued time will be used in thirty (30) minute increments and is not to exceed the time of the employee's shift.
- Upon mutual consent, the employee may voluntarily choose to work additional hours in lieu of hours missed, but shall not be required to work.
- Earned time is permitted to be used for medical care for the employee or family member (defined as child, grandchild, sibling, spouse, domestic partner, civil union partner, parent, or grandparent of an employee, or spouse, domestic partner, or civil union partner of a parent or grandparent of the employee, or a sibling of a spouse, domestic partner, or civil union partner of the employee, or any other individual related by blood to the employee or whose close association with the employee is the equivalent of a family relationship); circumstances resulting from the employee or family being a victim of domestic or sexual violence; closure of the employee's workplace, or school or place of care of a child of the employee; or in connection with a child of the employee to attend an event for the child.
- Advance notice may be required when using earned sick time.
- Documentation may be required when using three or more consecutive earned sick time days.

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<sup>2</sup> P.L. 2018, Chapter 10

- Documentation may be required when using earned sick time for circumstances related to domestic or sexual violence. This information will remain confidential and will not be disclosed except to the affected employee or with the written permission of the affected employee.
- At the end of the fiscal year, the employee may carryover a maximum of 40 hours of earned sick time.
- The employee may use up to 40 hours of earned sick leave per benefit year.

## **Vacation Leave**

Vacation leave is accrued by full-time employees on a monthly basis in accordance with their classification and/or collective bargaining agreement. Vacation leave may not be used until it is actually accrued.

A full-time employee is able to take vacation leave for any purpose subject to requesting it properly and by permission of the College to schedule leave so that the needs of the office are met. Vacation leave may be used for any reason and is normally scheduled in advance. The only limitation on an employee's use of accumulated leave is adequate office coverage during an absence.

*Absence Request* forms are located on the Human Resources portal. This is to be used for requesting paid time off.

An employee may carry forward up to one year of accrued vacation time into the fiscal year after it is granted. No more than one year of accrued vacation time may be carried forward into any subsequent fiscal year. Any carried over vacation will be used first by an employee taking vacation. In rare instances, an employee may carry forward vacation time in excess of the one year's allocation upon written approval of the President.

Unused vacation that hasn't exceeded the current year's accrual, plus up to one year accrual carryover, shall be paid upon separation of employment only to employees who have resigned in good standing.

Under no circumstances will vacation time be paid out to an active employee.

## **UNPAID LEAVE**

### **Advanced Study**

A full-time represented and non-represented employee, pursuant to the collective bargaining contract, may request an unpaid leave for up to one year to pursue advanced study in their professional field. Leaves are not entitlements and require the President's and Board's approval. Contact HR and/or refer to the collective bargaining agreement, if applicable, for specific timelines and details. Advanced Study leave is not subject to the grievance procedure.



### **Domestic Violence/Sexual Assault (New Jersey SAFE Act)<sup>3</sup>**

The New Jersey Security and Financial Empowerment Act (“NJ SAFE Act”), P.L. 2013, c.82, provides that certain employees are eligible to receive an unpaid leave of absence, for a period not to exceed 20 days in a 12-month period, to address circumstances resulting from domestic violence or a sexually violent offense. Employees are eligible for job-protected SAFE Act leave if, as with the New Jersey Family Leave Act, they have been employed by the College for at least one full year and worked 1,000 or more hours in the previous 12 months.

Leave under the NJ SAFE Act may be taken by an employee who is a victim of domestic violence or sexually violent offense. Leave may also be taken by an employee whose child, parent, spouse, domestic partner, or civil union partner is a victim of domestic violence or a sexually violent offense.

The SAFE Act leave time may be used in no less than full day intervals, including intermittently, within the twelve month period immediately following the incident.

The SAFE Act allows the unpaid, job-protected leave for the following purposes:

- Seeking medical attention or recovering from physical or psychological injuries caused by domestic or sexual violence;
- Obtaining services from a victim’s services organization;
- Obtaining psychological or other counseling;
- Engaging in safety planning, relocation, or other protective actions; or
- Seeking legal assistance or preparing for or participating in civil or criminal court proceedings related to the domestic or sexual violence.

The unpaid leave shall run concurrently with any paid vacation leave, personal leave, or medical or sick leave that the employee elects to use or which is required for the employee to use during any part of the 20-day period of unpaid leave.

Employees taking NJ SAFE Act leave are eligible for NJFLI benefits.

If an employee eligible for leave under the SAFE Act is also eligible for leave under the New Jersey Family Leave Act or the Federal Family and Medical Leave Act, all of the leave time available under each law will run concurrently.

Employees are required to give their employer written notice of the need for leave under the SAFE Act as far in advance as possible, if the need for the leave is foreseeable.

An employee seeking leave under the SAFE Act is required to provide written documentation of the domestic violence or the sexually violent offense which has

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<sup>3</sup> Pub. L. 2013, c.82 (NJ SAFE Act)

necessitated the leave. An employee will produce one of the following items of documentation:

- A domestic violence restraining order or similar documentation issued by a court;
- Documentation from a County or Municipal Prosecutor confirming the incident;
- Proof of the conviction of a perpetrator of the domestic violence or sexual offense;
- Medical documentation substantiating the domestic violence or sexual offense; or
- Certification from a certified Domestic Violence Specialist or the Director of a designated domestic violence agency or Rape Crisis Center verifying that the employee or his/her immediate family member has been a victim of domestic violence or sexually violent act.

Employers are prohibited from discharging, harassing, threatening, discriminating, or retaliating against an employee with respect to the compensation, terms, conditions, or other privileges of employment, including reinstatement, because the employee took or requested NJFLI.

#### **Family and Medical Leaves of Absence<sup>4</sup>**

In compliance with the Federal Family and Medical Leave Act (“FMLA”), it is the policy of the College to provide unpaid, job-protected leave to eligible employees to care for:

1. The birth of a son or daughter and to bond with the newborn child within one year of birth;
2. The placement of a son or daughter for adoption or foster care and to care for a child during the first 12 months following placement with the employee for adoption or foster care;
3. To care for a spouse, son, daughter, or parent with a serious health condition;
4. For incapacity due to the employee’s pregnancy, parental medical or childbirth;
5. Because of the employee’s own serious health condition that renders the employee unable to perform the essential functions of his or her position.

In cases where both spouses are employed by the College, the spouses may together take a combined total of 12 weeks leave during a 12-month period for reasons 1 and 2 (care for a new child) or to care for the same individual pursuant to reason 3 (above).

For taking a leave under New Jersey Family Leave Act (NJFLA) as amended, the following protections are provided:

1. To care for any child age 18 or older, a sibling, grandparent, grandchild, domestic partner, foster parent, and individual related by blood, or any other individual with a close association equivalent to family relationship;
2. To care for a newborn child, a child conceived through a gestational carrier agreement, or with a newly placed foster child or adoption. At least 30 days’ notice is required;

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<sup>4</sup>N.J.S.A. 34:11 B-1 et seq. (NJFLA)

3. To care for a family member with a serious health condition; and
4. In the event of a state of emergency such as an epidemic declared by the Governor or state public health authority which:
  - requires in-home care or treatment of a child of the employee;
  - requires care of a family member because of a mandatory quarantine; or
  - requires that a family member in need of care by the employee voluntarily undergo self-quarantine as a result of suspected exposure to a communicable disease.

In regard to item 4 above, the College will provide up to 12 weeks of unpaid leave in a **24 month** period.

The College will provide an unpaid leave to full-time employees (represented and non-represented) concurrent with the federal and state family leave programs so that an employee may receive a maximum of one year of unpaid leave for the care of a newborn child under one hundred twenty (120) days of age at the time the leave commences or for an adopted child less than five (5) years of age.

Sick leave will be granted for maternity purposes on the same basis as leave is granted for other medical conditions.

#### Eligible Employees

FMLA covers employees who have been with the College for at least one (1) year, and have worked one thousand two hundred fifty (1,250) hours in the twelve (12) months immediately preceding the requested leave.

NJFLA covers employees who have been with the College for one (1) year and have worked at least one thousand (1,000) base (non-overtime) hours in the prior twelve (12) months.

Not all of the College's employees are eligible for this leave benefit. New hires and some part-time employees are not covered by this policy. Some executives may not be subject to reinstatement under the law.

#### Leave Provided

The FMLA provides for an unpaid leave of absence for up to twelve (12) weeks in any twelve (12) month period.

The NJFLA entitles covered employees to an unpaid leave of absence for a period not to exceed twelve (12) weeks in a twenty four (24) month period.

The College will measure leave entitlement by using a rolling twelve (12) month period, beginning on the date of the commencement of the leave and looking back through the preceding twelve (12) months. An employee may only take the maximum twelve (12) weeks during this rolling period. (Under the NJFLA, the rolling period will be measured by the twenty-four (24) months prior to the commencement of the covered leave.)

Where leave is requested for a reason which qualifies under both laws, FMLA and NJFLA leaves run concurrently. In certain special circumstances, employees may be able to add NJFLA time to leave provided under the FMLA.

Guidelines

Serious Health Condition: A serious health condition will exist when there has been a period of incapacity due to an illness, injury, or impairment of physical or mental condition which involves one of the following:

1. Inpatient hospital care;
  2. Incapacity/Absence of more than three (3) consecutive calendar days that also involves:
    - a. treatment two or more times by a healthcare provider, or
    - b. treatment by a healthcare provider on one occasion which results in a regimen of continuing treatment under the supervision of a healthcare provider/practitioner.
  3. Pregnancy/Prenatal care;
  4. Chronic conditions which may be episodic, require periodic treatment, and/or continue over an extended period of time;
  5. Long term conditions that cannot be effectively treated; or
  6. Conditions or injuries which require multiple treatments.
- ◆ Note: Conditions such as the common cold, the flu, ear aches, upset stomach, minor ulcers, non-migraine headaches, and routine dental problems are not ordinarily considered serious health conditions.

A family/medical leave under this policy will not be granted if an employee is not eligible for such leave, fails to provide requested certification from a healthcare provider, or has exhausted the maximum leave entitlement.

Intermittent Leave

Eligible employees may take leave on an intermittent or reduced schedule basis, where medically indicated, in the event of their own serious health condition or that of their parent, spouse, or child. For each serious health condition, the intermittent leave must be taken within a 12-month period and will be equivalent to the same number of days or hours as a regular family/medical leave (12 multiplied by the regular number of work days or work hours in the employee's work week). The employee must:

1. Give notice to HR of the care, medical treatment, or continuing medical supervision necessitated by the condition;

2. Under NJFLA, employees must provide advance notice of 15 days.
3. Provide certification of the medical necessity for leave; and
4. Make a reasonable effort to schedule that leave not to unduly disrupt the College's operation.

Intermittent or reduced schedule leave may be taken for the birth, adoption, or foster-placement of a child.

#### Employee Notification Requirements

In cases of serious health conditions, employees must submit a certification on a form approved by the College which substantiates the need for leave. The College may also require, at its own expense, an independent second medical exam and/or opinion. If the two opinions conflict, a third opinion may be requested, at the College's expense, from a physician approved jointly by the employee and the College. The results of the third opinion will be binding upon both parties.

In cases of birth, adoption, or foster-placement of a child, the employee may commence the leave at any time within one year of the date of the birth, adoption, or foster-placement.

#### Failure to Return from Leave

In the event an employee cannot return to work following the expiration of the family/medical leave of absence, the employee may:

1. Voluntarily resign their employment and may be eligible for reinstatement; or
2. Request a personal leave of absence, subject to approval.

The College will not discriminate against or discharge any employee for exercising their rights under the Federal Family and Medical Leave Act of 1993.

#### Procedure to Request Leave

To request a leave of absence, an eligible employee should complete a *Leave Request Form*, which is available through HR, as soon as practicable after becoming aware of the need for leave. Where written notice is impractical, employees should provide verbal notice, and later confirm the notice in writing. The following notice guidelines will apply, depending on the reason for leave:

- For the employee's own serious health, this notice should be no less than 30 days prior to the requested leave or as soon as practicable.
- To care for a family member with a serious health condition, at least 15 days prior to the date the requested leave is to commence, if possible.

- For the birth or adoption of a child, at least 30 days prior to the commencement of the leave, or if this is not possible, as soon as practicable. NJFLA requires 15 days of advance notice except for continuous bonding leave which requires 30 days' notice.

This notice must be provided to HR. The College may also require, at the College's expense, a second or third opinion concerning the need for leave.

All FMLA/NJFLA leave of absence requests must be submitted to HR for review and approval. Immediate supervisors and department heads, upon becoming aware of an employee's need for medical leave, should immediately forward such request to HR. Employees are requested to sign a form and return it to HR as soon as possible.

Once the employee requests a leave, the College must determine eligibility and notify the employee within five days as to whether the leave is covered by FMLA/NJFLA.

### Medical Certification

Leave requests must be supported by a proper certification for the need for leave. The failure to provide such certification may result in the denial of leave. The appropriate certification will vary as follows, depending on the reason for the leave:

- For serious health condition of employee or family member, a completed certification on a form provided by HR by the licensed healthcare provider or practitioner for the individual with the condition, provided within 15 days of request for leave.
- The College may require periodic recertification for longer leaves.
- For birth, adoption, or foster placement of a child, certification of the birth, adoption, or placement.

Once an employee requests a leave, the College must determine eligibility and notify the employee verbally within five days as to whether the leave is covered by the FMLA and/or NJFLA, followed by written confirmation. Employees are requested to sign a form and return it to HR as soon as possible.

### Benefits

If an employee is provided group health insurance, the employee is entitled to the continuation of the group health insurance coverage during FMLA and NJFLA leaves on the same terms as if he/she had continued to work during the leave period. Employees on leave will be responsible for their premium contributions and other insurance costs as if they had remained working. Billing arrangements for medical deduction contributions and/or other insurance costs will be made. However, an employee who fails to return from leave will be required to reimburse the College for the costs of benefits continued during leave unless the failure to return to work was caused by the continuation, recurrence, or the onset of a serious health condition or certain other circumstances beyond the employee's control.

Available unused sick leave must be used prior to the commencement of a family medical leave for the employee's serious health condition only. Other paid time off may be used at the commencement of a family/medical leave.

Employees on a leave of absence will not be eligible for holiday pay or bereavement pay. Employee review dates will not be adjusted as a result of a leave of absence.

Employees must continue to make any normal contributions to the cost of the health insurance premiums. Once all FMLA/NJFLA leave has been exhausted, group health benefits will be offered in accordance with the Consolidated Omnibus Budget Reconciliation Act (COBRA).

### Return from Leave

Employees returning from leave are required to provide at least two (2) business days' notice prior to the intended return date. Employees returning from leave for their own serious health condition, which lasts three (3) days or more, will be required to present a physician's certification allowing the employee to return to work with no restrictions. Failure to furnish such certification will result in a delay of return to work until the certification is provided.

An employee returning from a family/medical leave will be reinstated to the same or equivalent position he/she held at the commencement of the leave with the same or equivalent seniority, status, benefits, wages, and other terms and conditions that existed prior to the leave.

If an employee fails to report to work at the expiration of the approved leave period, the employee will be terminated due to voluntary resignation. An employee requesting an extension of leave must give at least two (2) business days' notice.

### **Fulbright/Exchange Programs**

A one year unpaid leave may be granted, upon application, to an employee for the purpose of participating in a Fulbright or other education exchange program. Leaves are not entitlements and require the President's and Board's approval. Contact HR and/or refer to the collective bargaining agreement, if applicable, for specific timelines and details.

### **Personal Leave of Absence**

The College may offer unpaid personal leave to eligible employees that may need additional time off from an approved FMLA. While on an unpaid leave, the employee is not guaranteed his/her job back. The employee on leave will not accrue seniority during the period of absence, but may be given preference in returning to fill a vacant position, which he/she is qualified to perform. Paid benefits are not provided; however, group health benefits will be offered to eligible employees.

## **Professional Improvement Leave**

The Board and Administration recognize the value that can benefit the College by providing opportunity for continued professional growth and development of staff members who may profit from a leave of absence that will increase professional competence and contribute to the mission of the College.

A Professional Improvement Leave of Absence is not to exceed a period of one year and will be granted, without pay, to eligible staff members who have completed five continuous years of service at the College subject to the following conditions:

1. Requests for Professional Improvement Leave must state the intended purpose of the leave and how such leave will improve the individual's professional effectiveness and contribute to the development of the total College program. Activities such as attendance at school to complete a relevant degree; research or writing; related work experience, or educational travel will be considered appropriate endeavors for Professional Improvement Leave;
2. Application for Professional Improvement Leave shall be made to the President through the respective executive administrator at least six months prior to the effective date of the leave;
3. Individuals who are granted a leave will be returned to the same position at the current salary for the position; and
5. Course work taken during the period of the leave will be reimbursed at the rate approved by the Board for the comparable classification.

The President shall make his recommendation to the Board. Final decision on granting Professional Improvement Leave, without pay, shall rest with the Board.

## **Professional Service**

Upon application, an unpaid leave up to one year may be granted to serve in an academic professional organization. Leaves are not entitlements and require the President's and Board's approval. Contact HR and/or refer to the collective bargaining agreement, if applicable, for specific timelines and details.

## **PAID AND UNPAID LEAVE**

### **Military Leave<sup>5</sup>**

The College is aware of the sacrifices of the citizen-soldier and will ensure full compliance with state and federal laws.

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<sup>5</sup> FMLA as amended by Pub. L. 110-181



Military leaves of absence will be provided to full-time and regular part-time employees in accordance with federal and state laws that protect individuals with military commitments. Military leaves of absence may be paid or unpaid leaves in accordance with state and federal laws.

Paid leave will be provided to employee members of the National Guard or Reserves in accordance with state law. Drill weekends are not considered active duty for purposes of paid military leave.

Contact HR and/or refer to the collective bargaining agreement, if applicable, for specific timelines and details.

Area: Human Resources  
Approved: 07/01/19  
Revised: 04/14/20

President's Authorization:  \_\_\_\_\_

References:

- Rowan College of South Jersey Board of Trustees Policy Manual, *7107 Leaves of Absence*
- Rowan College of South Jersey Administrative Procedure, *6009 Payroll*
- The Family Medical Leave Act of 1993 (FMLA)
- New Jersey Security and Financial Empowerment (SAFE) Act
- Earned Sick Leave Act - NJ P.L. 2018, Chapter 10