

Refer to Section {B}
{Personnel}Unit

Procedure for {B 31– Leave of Absence (Leave without pay)}



Midway College will grant employees extended leave of absence under certain circumstances. Employees generally are eligible for leave of absence if they have completed at least one year of service, or as specified by law. Extended leave of absence is understood to be a leave without pay. (Refer to Family Medical Leave Act policy in this section, B-8.)

1. The granting and duration of each leave of absence will be determined by the employee's immediate supervisor, the senior officer over the supervisor, with final approval by the president of the college. All approved requests for leave of absence will be processed by the vice president for business affairs. The following types of leaves will be considered:
 - a. **SICK LEAVE OF ABSENCE:** Employees who are unable to work because of a serious health condition or disability, and who need to take leave beyond the coverage of the college's sick leave policy, may request sick leave of absence. This type of leave covers disabilities caused by pregnancy, childbirth, or other related medical conditions. Midway College will require certification of an employee's need for sick leave, both before the leave begins and on a periodic basis thereafter, by the employee's health care provider.
 - b. **PARENTAL LEAVE OF ABSENCE:** Female employees, when not disabled by pregnancy or childbirth (see above), and male employees may be granted a parental leave of absence to care for a child upon birth or upon placement for adoption or foster care.
 - c. **FAMILY CARE LEAVE OF ABSENCE:** Employees may be granted a family care leave of absence for the purpose of caring for a child, spouse, or parent who has a serious health condition. Midway College will require certification of the family member's serious health condition, both before the leave begins and on a periodic basis, by the family member's health care provider.
 - d. **PERSONAL LEAVE OF ABSENCE:** Employees may be granted a leave of absence to attend to personal matters in cases in which the college determines that an extended period of time away from the job will be in the best interests of the employee and the college.
 - e. **MILITARY LEAVE OF ABSENCE:** A military leave of absence will be granted if a full-time employee is inducted or is recalled to active duty in the armed forces of the United States for a period of up to four years (plus any involuntary extension for not more than one year). The college will operate under the laws of Title 38 United States Code, Veterans Benefits, and the Veterans Reemployment Rights (VRR) law.

A Midway College student that is inducted or is recalled to active duty in the armed forces of the United States, with written proof, will receive a full refund of all college-related costs including fees and unused room and board. Tuition refunds involving financial aid will be handled in accordance with Federal and State regulations.

Employees returning from military service may be restored to the same position or to a position similar to the one they last held when they meet the minimum requirements of the position and make application for reinstatement within a reasonable time after release from military duty. The employee must have received a discharge other than

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dishonorable in order to be eligible for reinstatement. Employees will receive credit for length of service during the time they serve in the armed forces.

Military Training: Employees with one year or more of service will be protected against a loss of income as a result of participation in annual encampment or training duty in the U.S. military reserves or national guard. Requests for leave for military training are to be made in writing thirty (30) in advance to your department director. The official military order must be provided to the director, then written approval can be given after consultation with the President.

In these circumstances, the college will pay the difference between what an employee earns from the government for military service and what the employee would have earned as normal straight-time earnings on the job. This difference will be paid for up to two weeks in a calendar year.

- f. **EDUCATIONAL LEAVE OF ABSENCE:** Employees who want to continue their education in preparation for added responsibilities with the college may be granted an educational leave of absence.
 - g. **PUBLIC SERVICE LEAVE OF ABSENCE:** Employees who want to accept temporary employment in federal, state, or local government or with an organization devoted to community service may be granted a public service leave of absence.
2. Request for leave of absence or any extension of a leave should be submitted in writing to the employee's immediate supervisor and appropriate officials, thirty (30) days prior to commencement of the leave period, or as soon as practicable. Request should state: Type of leave, starting and ending date of leave request, and reasons for request.
 3. After the appropriate officials have conferred, a final decision concerning the request will be sent by the director of human resources.
 4. All employees on approved leave are expected to report any change of status in their need for a leave or their intention to return to work to their immediate supervisor and to the director of administrative services. A two-week notice is preferred.
 5. Employees who are on an approved leave of absence may not perform work for any other employer during that leave, except when the leave is for military or public service.
 6. Every employee on a sick leave or family care leave of absence will be required to utilize all accrued personal, vacation, and up to 90 days of accrued sick days prior to commencement of leave. Employees covered by the college's disability or worker's compensation insurance, and therefore already receiving compensation, may not use paid sick leave.

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7. Under the Family Medical Leave Act, the college will continue health insurance benefits under the same terms and conditions as when the employee is at work and as required by law. Benefits that accrue according to length of service, such as paid vacation, holiday, and sick leave days, do not accrue during periods of leave without pay.
8. Employees returning from a leave of absence under the Family Medical Leave Act will be reinstated to their same job or to an equivalent job with equivalent status and pay, as required by law. If the same job or one of equivalent status and pay is not available as a result of a reduction in force, the employee will be treated in the same manner as though he were not on leave at the time of the reduction in force.
9. Employees returning from a sick leave must provide certification of their ability to perform the essential functions of their job.
10. Time on leave will not be considered as a break in service; however, it will not count as experience for tenure or promotion in rank or service awards. Employment tenure calculation will be resumed when the employee returns from the leave of absence.
11. If an employee fails to return to work at the conclusion of an approved leave of absence, including any extension of such leave, the employee will be considered to have voluntarily terminated employment.
12. Employees on leave without pay will not be allowed to work out of their homes for college pay during the approved leave.
13. Military reservists and national guard members must apply for reemployment with the employer within 31 days after separation from active duty. If one stays on active duty for longer than 90 days, the reservists or guard members may apply for reemployment within 90 days after separation from active duty.