

# VANDERBILT UNIVERSITY AND MEDICAL CENTER

## HUMAN RESOURCES POLICIES AND PROCEDURES

### SUBJECT: (NON-FMLA) MEDICAL AND PERSONAL LEAVE OF ABSENCE

#### **Policy # HR-012**

**EFFECTIVE DATE: March 1, 1999,**

#### **POLICY**

The policy of Vanderbilt University is to provide staff members a Leave of Absence in accordance with guidelines set forth below. Any leave or combination of leaves may not exceed six months in any 12-month period unless otherwise required by law. All leaves of absence are concurrent and count towards the six-month maximum. The 12-month period is a rolling 12-month period.

#### **DEFINITIONS**

**Leave of Absence** is defined as an excused absence due to medical, personal or administrative reasons. A leave of absence will be granted as required by law or at the discretion of management to a regular or term staff member who has an intent to return to work after a defined period of time.

**Family Member** for the purpose of this policy, a family member is defined to include spouse, parent or biological child, stepchild, adopted child, foster child, and child(ren) for which you have legal and/or daily responsibility, as defined under the Family and Medical Leave Act of 1993 (FMLA). Spouse and parent are also defined consistent with the FMLA.

#### **I. Family Medical Leave of Absence (FMLA) - See Statutory Leaves of Absence Policy # HR-012A**

Staff who may have a qualifying event as defined by the FMLA should request a leave under FMLA before applying for a Non-FMLA or Personal Leave of Absence.

<http://hr.vanderbilt.edu/policies/hr-012a.pdf>

## **II. Non-Family Medical Leave of Absence (Non-FMLA)**

### **A. Staff in First Year<sup>1</sup> of Employment**

Staff members who do not meet the eligibility requirements for a leave under FMLA may request a leave of absence for a self qualifying medical event. Such a leave is granted at the discretion of the supervisor and has no guarantee of job protection. No leave can be denied without consulting Employee Relations. The staff member must submit medical certification in support of the request if more than five days of consecutive absence is anticipated. Time away from work may not exceed six weeks in their first 12 months of service at Vanderbilt. This leave period for staff in their first 12 months of service is to be taken as continuous leave only. After 12 months of service, the maximum of six months combined leave applies.

### **B. Staff Who Have Exhausted FMLA Leave**

A staff member with a serious medical condition who has exhausted leave available under the FMLA may request an extended medical leave, subject to the maximum leave period.

1. A staff member who has a medical leave that may extend six months or longer may be eligible to apply for Long Term Disability (LTD) benefits. Staff members who anticipate being on medical leave should contact the Benefits Office in the Human Resources department as soon as possible for more information if the staff member believes that he/she is eligible for LTD.
2. If a staff member is injured while at work or develops an occupational disease he/she may be eligible to receive medical leave for time away from work. All leaves run concurrently. Appropriate documentation must be submitted. For more detailed understanding, please consult Employee Relations.

## **III. Personal Leave**

An eligible staff member who has completed at least 12 months of service and who is in good standing (has not been involved in PIC within the last 6 months) may request personal time off for reasons such as educational opportunities, travel or to care for a family member or to spend time with a new baby or child placed in the home within the first 12 months in situations not covered by the FMLA. Such leave approval is at the discretion of the staff members department. A supervisor who is considering denying a leave

---

<sup>1</sup> Staff must have completed the initial orientation period to qualify for Non-FMLA leave.

should consult Employee Relations. However, personal leaves are not granted for engaging in employment outside of Vanderbilt or pursuing an independent business venture. Leave time under this provision cannot exceed the six-month maximum time available under any combination of leaves granted in any rolling 12-month period.

#### **IV. Requesting a Leave of Absence**

A staff member who plans to take a leave must discuss the leave with his/her supervisor at least 30 days prior to beginning the leave or as soon as practical. If the need for a leave is not foreseeable the supervisor should consult Employee Relations before denying leave.

#### **V. Pay Status While on Leave of Absence**

A. If a Leave of Absence is granted, the staff member must utilize all accrued paid time available to him/her based on the type of leave prior to taking any portion of the time away as unpaid leave. In cases of medical leave, accrued time should be used in the following order: sick, vacation, personal and holiday time. In case of personal leave, accrued time should be used in the following order: vacation, personal and holiday time.

**Note:** When a personal leave is granted to care for a family member covered under the sick time policy, sick accruals should be exhausted first.

- B. All accruals cease when a staff member moves to an unpaid status. Accruals restart subsequent to the staff member's return to paid status.
- C. If the staff member wants to continue receiving full salary and benefits while on leave after a Worker's Compensation injury or illness, he or she may supplement any Workers' Compensation benefit that is available to them up to their full weekly wages.

#### **VI. Holding a Position While on Leave**

##### **A. Non-FMLA Medical**

1. A staff member who has exhausted his/her leave under the FMLA (medical or personal) and continues to require time away from work beyond 12 weeks is not guaranteed a return to employment. Such staff member can re-apply for positions for which they are interested and qualified when he/she has been released to return to work.

2. A staff member who has not met the eligibility requirements for a leave under the FMLA is entitled to a maximum of six weeks of leave for a medical reason. In most instances, the position is held during the six week leave. However, there is no obligation to do so.

## B. Personal

A staff member who has completed at least 1 year of service and have worked at least 1250 hours within the year in which they request a leave may request up to six months of leave for personal reasons. However, such leave cannot be in pursuit of employment outside of Vanderbilt, and there is no guarantee that a position will be available at the end of the leave.

## VII. Health Care Coverage During Leave

### A. Non-FMLA

Any staff member who is on an approved leave may continue to receive benefits coverage under Vanderbilt's group health care plan. Staff members who are on a paid leave will have the premiums paid through payroll deduction as long as the staff member has accrued time available to keep the staff member on a paid status. If the staff member is on an unpaid leave, the staff member will need to submit monthly premium payments to the Payroll Office for Vanderbilt to cover his/her portion of the premium in the same amount as if the staff member was working. If neither of these applies, staff members have the option to apply for COBRA benefits through the Benefits Office of Human Resources.

### B. Workers' Compensation

If a staff member's medical absence is due to a compensable work-related injury or occupational disease, he/she will be eligible to receive workers' compensation (work-comp) benefits that will cover part of their income. The staff member may also use accumulated sick, vacation and personal time to supplement work-comp benefits so that he/she can maintain their full weekly wages as long as possible during their medical leave.

## VIII. Return from Leave of Absence

- A. Staff members are expected to be available for work by the end of their approved leave time.
- B. Any staff member on a Leave of Absence for their personal medical condition must obtain certification from his/her health care provider prior to returning to work. The certification must address when the

staff member can return to work and perform his/her regular duties or set forth the restrictions that prevent the staff member from resuming his/her regular duties.

- C. If the staff member is released to return to work with restrictions, the department in consultation with Employee Relations and the Opportunity Development Center will consider whether an accommodation is appropriate. Medical restrictions are those that prevent him/her from performing his/her regular duties at the end of the approved leave due to a continuing medical condition.
- D. If the staff member does not return to work and the staff member is not granted any additional leave, employment ends as a resignation effective the last day of the approved leave.

**Approved by Darlene Lewis, Associate Vice Chancellor, Human Resources**  
**Approved William A. Jenkins, Vice Chancellor, Administration**  
**Approved by Harry Jacobson, M.D. Vice Chancellor, Health Affairs**

Other Related Links:

[Frequently Asked Questions - Non-FMLA related](#)

[Certification of Health Care Provider](#)

[VU Notification of FMLA Status Form](#)