



OFFICE OF THE
Senior Vice President & Provost

**OU Norman Campus Guidelines for the
Application of FMLA in the Context of Faculty Employment
Office of the Senior Vice President and Provost
4/27/2015**

The University recognizes that the unique nature of the academic calendar may result in circumstances where a full time regular faculty member's need to avail him/herself of leave under the Family Medical Leave Act ("FMLA") in accordance with federal law and University policy results in an extended absence for a significant portion of the semester. In the interest of attracting and retaining the best candidates to join our University community, and in order to retain and care for faculty who represent a major investment of the University's resources, the University seeks to create a cooperative work environment, supporting faculty research, teaching, and service endeavors and the achievement of a sustainable and healthy work-life balance. The purpose of this document is to provide interpretive guidelines for integrating job-protected leave under the FMLA while recognizing the varied and unique obligations and duties of faculty in the areas of research, teaching, and service, all in ways consistent with the needs and mission of the University. The Policy provides for (I) the guaranteed extension of the tenure clock for full time regular faculty and (II) one semester of modified teaching load and relief from very demanding service duties when FMLA is taken under University policy.

(I) Extension of Probationary Period

A tenure-track faculty member who takes FMLA leave and has requested application of this Policy will qualify for a one-year extension of the probationary period for a single extended FMLA event. There is a maximum possible extension of two years due to multiple FMLA events. The request to activate the extension of the probationary period must be made within 12 months of the qualifying event. The request must be submitted to the department chair, who will forward the request along with a letter confirming the faculty member's eligibility to the Dean, who will in turn forward the request to the Provost. It should be noted that any tenure-track faculty member – including those who are expecting the birth of a child or are adopting a child and those experiencing hardship not related to this leave policy - can apply to extend her/his probationary period at any time.

(II) Request for Modified Duties

The University recognizes that, given the nature of faculty employment, maintaining the full complement of teaching, research, and service responsibilities may be impractical during the balance of the semester in which leave is taken. In such instances, this document provides guidance on how the distribution of faculty effort may be modified for a period of time while maintaining full time employment and continuing to serve the mission and needs of the University.

Modified Duties Status

All faculty are subject to all applicable University policies related to application of the FMLA. These guidelines allow a faculty member to work with Chairs, Committees A, and Deans to restructure his/her work responsibilities for all or part of the semester during which the faculty member will take FMLA leave; requests for Modified Duties during a subsequent semester will be considered on a case-by-case basis. Faculty on Modified Duties will be relieved of direct teaching responsibilities and very demanding service requirements (e.g., Committee A), but will be expected to fulfill their other professional responsibilities (e.g., other departmental committee assignments, preparation of course materials, research and preparation of research proposals and publications, and supervision of graduate students), except during the time when such faculty member is actually on FMLA leave. Faculty on Modified Duties status can retain their full-time employment status while not on FMLA leave in one of two fashions:

- (1) Temporary redistribution of effort. Faculty whose normal distribution of effort includes research may work with Chairs, Committees A, and Deans to redistribute a greater portion of their workload to research or service, for the balance of the semester during which Modified Duties status applied. The annual evaluation will make allowances for the period of Modified Duties. The annual evaluation rating and associated salary increases shall not be negatively affected by the period of Modified Duties.
- (2) Redistributed teaching. Faculty whose normal distribution of effort does not include research (for instance, term faculty who teach a 3-3 load) may work with Chairs, Committees A, and Deans to make up teaching effort in later semesters via additional teaching beyond the in-load responsibilities, in the amount equal to the teaching missed during the remainder of the semester after FMLA leave is exhausted. If faculty with a research component in their distribution of effort wish, in agreement with Chairs, Committees A, and Deans, they may request this accommodation rather than (1), above.

Requesting Modified Duties

Faculty members requesting Modified Duties for one semester must submit such a request to the department chair, in writing, immediately upon learning of the need to request Modified Duties to allow time to process the request and identify and secure alternative teaching staff, if necessary. Upon the faculty member's request, the department chair and faculty member will work together in good faith to determine the timing and logistics of the faculty member's Modified Duties status,

which most efficiently serves the needs of the faculty member and the academic mission of the department. The department chair will then notify the Dean of the proposal for Modified Duties, along with the original request, who will forward the proposal to the Provost. After approval by the Dean and Provost, copies of the approval shall be sent to the faculty member and the department chair.

A full time regular faculty member may request Modified Duties during the semester immediately following approved FMLA leave. Requests for subsequent semester Modified Duties will be considered on a case-by-case basis as outlined above, giving full consideration to the needs of the academic department and the faculty member. In instances when faculty are given Modified Duties status in a subsequent semester, they will be expected to redistribute their workload so that their effort remains at the equivalent of a full-time employee during the period of Modified Duties.

Example: a full time regular faculty member gives birth on September 1 and takes continuous FMLA to care for the newborn child. The 12 weeks of leave provided by law and University policy would end in November. Rather than teaching during the first and last two weeks of the semester, the faculty member will receive Modified Duties during the entire portion of the semester not covered by FMLA leave.

Example: a full time regular faculty member takes continuous FMLA for 12 weeks beginning on November 1 to care for his own serious medical condition. The faculty member may request Modified Duties during the following spring semester. Such request will be evaluated by the faculty member's department chair and dean giving full consideration to the needs of the academic department and the faculty member.