

Operational Area:	Employment
Responsible Executive:	Chief Operations Officer
Responsible Office:	Human Resources Office
Effective:	July 1, 2021

Leaves of Absence for Faculty Employment

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I. **Introduction**

- A. **Authority:** C.R.S. § 23-54-102, *et seq.* (2021) authorizes the Trustees of Metropolitan State University of Denver (“MSU Denver” or “University”) to establish rules and regulations to govern and to operate the University and its programs. The MSU Denver Trustees retain authority to approve, to administer, and to interpret policies pertaining to University governance. The MSU Denver Trustees authorize the MSU Denver President to approve, to administer, and to interpret policies pertaining to University operations.
- B. **Purpose:** This policy defines the rights and responsibilities of faculty when on leaves of absence from employment with the University.
- C. **Scope:** This policy applies to MSU Denver faculty.

II. **Roles and Responsibilities**

- A. **Responsible Executive:** Chief Operations Officer
- B. **Responsible Administrator:** Chief Human Resources Officer
- C. **Responsible Office:** Human Resources Office
- D. **Policy Contact:** HR Benefits Manager, 303-605-5321

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III. Policy Statement

A. Family Medical Leave Act (FMLA)

Below is only a brief description of the complex rules concerning leaves under the federal Family Medical Leave Act of 1993 (FMLA). Please contact the Office of Human Resources for more specific information on this subject.

Pursuant to the Family and Medical Leave Act of 1993, as amended, ("FMLA" or the Act), it is the policy of Metropolitan State University of Denver (MSU Denver) to provide eligible faculty up to 12 work weeks of leave during a twelve-month period for family or medical leave, or for a qualifying exigency; or, up to 26 work weeks of leave for military caregiver leave during a twelve-month period for reasons specified in these procedures, to provide continued health insurance coverage during the leave period and to ensure faculty reinstatement to the same or an equivalent position following the leave. FMLA may be paid, unpaid, or a combination of paid and unpaid, depending on the circumstances and as specified in this policy. FMLA leave runs concurrently with other University leave plans, including paid parental leave and medical leave.

1. Types of FMLA Leave:

- a. ***Parental Leave:*** Faculty may take parental leave to care for their children following birth or to care for children placed with them for adoption or foster care. Parental leave must be completed within 12 months of the date of birth or placement of the child. When both spouses are employees of MSU Denver, they are limited to a combined total of 12 workweeks of FMLA leave during a 12-month period, if the leave is

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taken for the birth of a child; an adoptive or foster care placement; or to care for a parent.

- b. ***Family Medical Leave:*** Faculty may take family leave to care for certain family members who have a serious health condition. Family members under the FMLA include: biological children, adopted children, foster children, stepchildren, legal wards, or other children to whom the faculty stands *in loco parentis* if the children are under 18 or, if 18 or over, if the children are incapable of self-care because of mental or physical disabilities; biological parents or persons who stood *in loco parentis* to the faculty when the faculty was an adopted child, foster child, stepchild or ward; and a spouse. In addition, the University may, in its sole discretion, include in the definition of "family member" any other member of the faculty's household who relies on the faculty member as the primary caregiver.
- c. ***Personal Medical Leave:*** Faculty may take personal medical leave if they have serious health conditions that make them unable to perform the functions of their positions. A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either inpatient care in a hospital, hospice or residential medical care facility; or continuing treatment by a health care provider.

2. **Purpose:** To provide faculty with a guaranteed amount of time, job protection, and continued benefits for reasons defined by FMLA.

3. **Eligibility:** Faculty eligible for FMLA leave are those who: (1) have worked for MSU Denver or the State of Colorado for at least 12 months; and (2) have worked at least 1,250 hours during the year preceding the time the leave

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begins. In order to meet the 12-month employment requirement, faculty do not have to work consecutive months, as all intermittent work periods are also counted. Time served by faculty for military service and in meeting military obligations is also counted. For purposes of determining FMLA eligibility, MSU Denver deems that all full-time faculty satisfy the 1250-hour threshold.

4. **Approval:** Office of Human Resources
5. **Amount:** 480 hours (12 weeks) per fiscal year. FMLA runs on a "rolling" 12-month period measured backward from the date a faculty member uses any FMLA leave. Under the "rolling" 12-month period, each time a faculty member takes FMLA leave, the remaining leave entitlement would be the balance of the 12-weeks which has not been used during the immediately preceding 12-months.
6. **Other:** The University may require faculty on leave to report periodically on their status and intentions regarding their return to work. The University requires that faculty returning from FMLA leave for their own serious health condition must provide certification from their health care provider(s) that such faculty are able to return to work before being allowed back on the job.

B. Parental Leave

1. **Purpose:** To provide faculty with paid leave, paid at the faculty's regular base rate of pay, to care for and nurturing their newborn, newly adopted child, or a child placed in foster care as a pre-adoption requirement.
2. **Eligibility:** Faculty are eligible for Parental Leave on date of hire. Faculty are not subject to meet the eligibility requirements of the FMLA.
3. **Approval:** Human Resources
 - a. Faculty members are encouraged to meet with their department chair and a member of the benefits team to collaborate and develop a plan

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for the faculty members parental leave period. We recognize and understand each situation is different and are here to assist in planning.

4. **Amount:** Up to a maximum of 6-weeks of paid leave.
5. **Other:**
 - a. Upon conclusion of paid leave, the faculty member must return to work for at least 6 weeks at the conclusion of leave. A faculty member who does not fulfill this condition may be required to repay the full amount of compensation received from MSU Denver during the paid parental leave period, unless the faculty member cannot return for circumstances beyond their control.
 - b. Once starting paid leave, it must be taken consecutively and without interruption; paid parental leave may not be used on an intermittent basis. Use of parental leave must occur and be completed within the twelve months immediately following the birth or adoption of a newborn or child. If parental leave is not taken at the time of birth, faculty are required to give 30-days' notice in writing to their supervisor and Human Resources Representative of their plans to take the leave.
 - c. Faculty members who have a newborn, newly adopted child, or a child placed in foster care as a pre-adoption requirement during the summer months when faculty are not required to report, may observe their 6-weeks of paid parental leave starting with the first day of classes of the upcoming fall semester.
 - d. Eligible spouses who work for the same employer are limited to a combined total of 12 workweeks of leave in a 12-month period.

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C. Medical Leave

1. **Purpose:** To provide faculty members with paid leave paid at the faculty member's regular base rate of pay, while unable to perform the essential functions of their job while experiencing a serious medical condition.
2. **Eligibility:** Benefit eligible, professional and administrative staff. Faculty are eligible for Medical Leave on date of hire. Faculty are not subject to meet the eligibility requirements of the FMLA.
3. **Approval:** Office of Human Resources
4. **Amount:** Up to a maximum of 12-weeks of paid leave. The amount of time is determined based on the physician-imposed recovery period designated on the medical certification.
5. **Other:** Upon conclusion of paid leave, the faculty member must return to work for at least 6 weeks at the conclusion of leave. A faculty member who does not fulfill this condition may be required to repay the full amount of compensation received from MSU Denver during the paid parental leave period, unless the faculty member cannot return for circumstances beyond their control.

D. FMLA for Family Member

1. **Purpose:** To provide care for the faculty member's spouse, son, daughter, or parent who has a serious health condition.
2. **Eligibility:** Benefit-eligible, professional and administrative staff. FMLA eligibility requirements apply.
3. **Approval:** Office of Human Resources
4. **Amount:** Up to a maximum of 24-days. A medical certification form from the impacted family member's physician is required.

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IV. Policy History

- A. **Effective:** July 1, 2021
- B. **Revised:** July 1, 2018
- C. **Enacted:** 2005
- D. **Review:** This policy will be reviewed every three years or as deemed necessary by University leadership.

V. Policy Approval



Janine Davidson, Ph.D.
President, Metropolitan State University of Denver

N/A

Chair, Board of Trustees, Metropolitan State University of Denver

