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June 2014

4.423 Discretionary Leave

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ANTIOCH UNIVERSITY

Type of Policy <input checked="" type="checkbox"/> University <input type="checkbox"/> Campus <input type="checkbox"/> Department/Unit <input type="checkbox"/> Interim		Discretionary Leave Policy 4.423	
Human Resource Policies		Effective date: June 2, 2014	
Policy History:	Approved by:	Resolution #	Date:
Approved	Chancellor	N/A	March 21, 2014
Revised	Chancellor	N/A	May 29, 2014
Revised (Non-substantive)	Office of University Counsel	N/A	May 16, 2017
Responsible Office:	Responsible Administrator:	Contact information:	Applies to:
Office of Human Resources	Chief Human Resources Officer	937-769-1375	All Employees , Except employees in a recognized bargaining unit

I. Introduction

A. Purpose

Antioch University ("AU" or the "University") recognizes that its other leave policies may not always be sufficient to meet the needs of all employees in all circumstances and that additional leave may be needed. Discretionary leave, including discretionary medical leave, may be used for reasons that are not covered by another leave policy at AU. This policy sets forth guidelines as to when and how discretionary leave might be permitted. This policy is separate from and in addition to any other leave policies such as Family and Medical Leave.

This is a "leave" policy not an income replacement policy. It only defines and delimits the right of employees to return to work from an extended absence. Whether the discretionary leave is unpaid or paid is determined by the availability of income replacement benefits such as paid sick days, (policy, 4.415), and short-term disability benefits, (policy, 4.717). Employees should consult with HR about the availability of income replacement benefits when applying for discretionary leave.

B. Application

This policy applies to all regular part-time and regular full-time employees except those employees who are members of a recognized bargaining unit to the extent the collective bargaining agreement conflicts with and expressly supersedes this policy.

II. Policy

The University may provide leave under certain circumstances to eligible employees, at the discretion of the supervisor or unit head. Leave requests covered by other University policies shall first be considered pursuant to those policies. For example, employees eligible for medical leaves of absence under the Family Medical Leave Policy (or California Family Rights Act) # 4.419, shall follow the procedures of those policies for making a leave request.

III. General Guidelines

A. Eligibility

All employees are eligible to apply for a medical leave of absence for illness or injury that incapacitates the employee from work. For any other discretionary leave, only individuals who have been employed by the University for at least 12 months (measuring from the most recent date of hire) are eligible to request one discretionary leave of absence in a 12 month period. All discretionary leave is granted at the discretion of the supervisor or unit head after consultation with the Director of Human Resources ("HR").

B. Reasons for Discretionary leave

Usually, discretionary leaves under this policy may be considered for:

1. Serious health conditions that incapacitate the employee for more than three days or to care for a family member who is incapacitated. For purposes of this policy, the terms "incapacity" and "family member" will generally have that meaning used in the Family and Medical Leave Policy.
2. Educational pursuits to continue full time undergraduate or graduate studies at an accredited college or University, or professional development opportunities
3. Public service to participate in a civic, community, or governmental program on a full-time basis; or
4. Personal emergencies to take care of matters such as serious personal or family problems that do not qualify for other types of available leave.

C. Length of Discretionary leave

1. The length of discretionary leave for serious health conditions will be determined on a case-by-case basis taking into consideration the needs of both the employee and the University.
2. Generally, other discretionary leaves are granted for 5 work days up to 90 work days for personal reasons; or for 5 work days up to 260 work days (12 months) for educational reasons.
3. Non-medical related discretionary leave will not be authorized for a period of more than 12 months for any reason.

D. Approval Process

1. Discretionary leave must be requested in writing and submitted to the direct supervisor as indicated in paragraphs D.2 and D.3 below, specifying the specific length and reason for the request. Use **Form 4.423:01 Request for Discretionary Leave** for all discretionary leave requests.
2. A request by an employee for 15 workdays or less of discretionary leave ordinarily requires ten (10) days prior written notice to the employee's supervisor and unit head.
3. A request by an employee for 16 workdays or more of discretionary leave requires thirty (30) days prior written notice to the employee's supervisor and unit head, and the Campus Provost or the Chancellor as appropriate.
4. Requests for leave for serious health conditions of the employee or his/her immediate family member may not allow for the advance notice required above. In that case, the employee should provide notice of his/her request as soon as practical after the health conditions arise.
5. The employer may require medical certification of the serious health condition from an approved health care provider to substantiate the need for leave. Recertification may be required periodically at the University's discretion. The University may also require a second opinion from a health care provider of the University's choosing, the cost of which will be paid by the University.

E. Coordination with Income Replacement Benefits

Employees on an approved discretionary leave of absence will be required to use any available paid sick days and vacation as part of the leave before being permitted to proceed on an unpaid leave basis. Employees may also be eligible for short-term disability benefits for all or part of the discretionary leave pursuant to the University's Short-term Disability Policy, 4.717.

F. Return to Work Following Leave

1. Failure to return to work immediately after an approved discretionary leave will result in termination of employment with an effective date of the first day of the discretionary leave. Employees unable to return to work on the scheduled date, should notify their supervisor as soon as practical about the need for a discretionary extension, in no event later than the day preceding the expected return to work date.
2. An employee returning from an approved leave is ordinarily returned to the same position if the leave is 20 working days or less. If the leave is longer than 20 working days, the employee may be returned to the same or comparable position.
3. Employees on leave for serious health conditions may be required to provide fitness for duty certification from their health care provider before returning to work.

G. Accepting Other Employment or Engaging in Self-employment While on Discretionary Leave

Employees on leave related to their own serious health condition may not engage in any outside employment or substantial self-employment. Employees who violate this prohibition will be deemed to have voluntarily resigned from employment with AU as of the day on which they began their discretionary leave of absence.

H. Benefits While on Leave

1. Employees who wish to continue personnel benefit coverage while on discretionary leave must make arrangements with HR to pay the full cost (employee and the employer share) of health and other insured benefits prior to the commencement of the leave.
2. Employees do not accrue paid sick days or vacation during periods of discretionary leave.

I. Responsibilities

1. Supervisors and unit heads after consultation with HR are responsible for administration of discretionary leave. Decisions about granting discretionary leave may be based on the work needs of the unit balanced against the needs of the employee.
2. Employees on discretionary leave are responsible for returning from leave on the date agreed upon with the supervisor or they will be terminated for failing to return from an approved leave of absence. The effective date of the termination will be the first day of the approved leave of absence.

J. Resources

Employees, supervisors, and unit heads should contact HR concerning any questions on discretionary leave.

Policy Cross References

Outside Employment Policy	Policy # 4.205
Paid Sick Days	Policy # 4.415
Family and Medical Leave Policy	Policy # 4.419
Short-term Disability Benefits	Policy # 4.717

Forms Cross Reference

Request for Discretionary leave	Form # 4.423:01
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