EXPANDED MINUTES
University of Alabama at Birmingham
Faculty Senate Meeting
October 14, 2008
Administration Building Penthouse CR1
7:30 – 9:30 a.m.

Attending:

Senate Officers Present:

Dr. Warren Martin (Chair), Dr. Mark Lockhart (Chair-Elect), Dr. Pat Greenup (Past-Chair), Ms. Jennifer Long (Secretary)

Ex-Officio Senators:

Dr. Carol Garrison (President), Dr. Eli Capilouto (Provost)

Senators Present:

(Academic Health Center Joint Departments) Dr. Thomas Winokur; (Arts & Humanities) Dr. Danny Siegel, Dr. John Moore; (Business) Dr. Theodore Bos, Dr. Seung-Dong Lee; (Education) Dr. Melanie Shores; (Engineering) Dr. Sally Anne McInerny; (Health Professions) Dr. William Ogard; (Lister Hill Library) Ms. Liz Lorbeer; (Medicine) Dr. Chander Raman, Dr. Robert Holley; (Mervyn Sterne Library) Ms. Brooke Becker; (Natural Sciences & Mathematics) Dr. Jeanne Hutchison; (Nursing) Dr. Linda Reed, Dr. Anthony Roberson; (Optometry) Dr. Michael Loop; (Public Health) Dr. Nianjun Liu, Dr. Sadeep Shrestha; (Social & Behavioral Sciences) Dr. Rex Wright, Dr. Andrew Keitt

Alternates Present:

(Dentistry) Dr. Madelyn Coar [for Dr. Michelle Robinson]; (Health Professions) Dr. Janelle Chiasera, Ms. Kathleen Foley [for Ms. Kay Clements]; (Lister Hill Library) Mr. Gabe Rios; (Medicine) Dr. Baljendra Kapoor; (Nursing) Dr. Ellen Buckner

Guests:

Mr. Brooks Baker (Facilities), Ms. Kristi Lamont Ellis (Internal Communications), Ms. Stacy Gay (Business), Dr. Richard Marchase (Research & Economic Development), Mr. Jason Meier (Student Involvement), Dr. Claire Peel (Faculty Development & Affairs), Mr. Harlan Sands (Administration & Finance), Dr. Philip Way (Undergraduate Programs), Ms. Sallie Wright (Information Technology)
Motions:

1. Motion to approve minutes for September senate meeting as submitted (agenda item 4) – PASSED
2. Motion to approve revisions to section 2.7.1 and section 7 of faculty handbook (agenda item 10) – PASSED

Agenda Items:

1. **Call to Order**
   
   Chair Warren Martin called the meeting to order at 7:35 a.m. A quorum was present.

2. **Recognition of Visitors and Guests**
   
   There were no press persons attending the meeting. All visitors were from the UAB university community.

3. **Recording Declaration**
   
   Chair Warren Martin announced that recording of the senate meeting is not permitted.

4. **Adoption of Minutes of September 9, 2008 Faculty Senate Meeting**
   
   A motion to approve the minutes as submitted was made by Senator Sally Anne McInerny and was seconded by Senator Danny Siegel and was passed by the senate.

5. **Chair Report**
   
   Chair Warren Martin announced the following items: 1) State of the University address by President Garrison is October 16, 2008 (Thursday) from 3:30 to 5:00 p.m. in the Hill University Center Alumni Auditorium. Senators were encouraged to attend and to invite their colleagues and students. 2) Faculty Senate was represented at the new faculty orientation by the chair who gave a presentation on the important functions and activities of the senate. 3) Faculty Senate Chair attended the University of Alabama System Board of Trustees meeting where the board approved all of the awarded degrees from the three campuses, considered resolutions for the approval of endowed chairs and endowed chair appointments, and discussed construction projects and the acceptance of gifts.

6. **President Report**
   
   President Carol Garrison announced the following items: 1) Amendment One will appear on the election ballot for Alabama and if passed would expand the existing rainy day funds for covering shortfalls in the state education budget. Money for the rainy day funds would come from the Alabama Trust Fund and would need to be repaid within six years.
The President read a draft of a letter supporting Amendment One for submission to the local newspaper. Faculty are encouraged to learn more about this amendment and to vote on November 4, 2008. 2) UAB budget is online and transparent so everyone can see the allocations. The President is willing to discuss the reasons for the allocations with faculty. 3) Homecoming is this week and faculty are encouraged to participate in the festivities.

7. **Presentation**

Mr. Jason Meier, Assistant Director of Student Involvement, discussed the Alabama Higher Education Partnership. The partnership is a joint undertaking of all public universities in Alabama to better educate the public through advocacy events about the positive impact higher education has on the state. The purpose of the partnership is to take a stand for the faculty and staff of Alabama’s universities to show that their work is important and merits strong state support and to take a stand for students and their families for adequate state funding that keeps tuition affordable. Faculty can encourage their students to help by registering to vote, getting involved with student government associations, writing their Alabama representative, and attending higher education day.

8. **Presentation**

Provost Eli Capilouto presented the UAB budget for fiscal year 2009. Topics covered were vision and mission of the university, strategic goals, budgeting system, general budgeting principles, basic economic rules for distribution of unrestricted funds, taxes and alignment of cost components with respective streams, decentralized budget responsibility, state appropriation history, state operations and maintenance appropriation, state appropriation reductions for fiscal year 2009, strategies for closing the budget gap, proposed changes to distribution indices for fiscal year 2009, student success reward, five year incremental funding history for academic unit distribution model, budget planning for fiscal year 2009, and short term academic pool for fiscal year 2009. The presentation materials are available on the senate page under presentations at [http://www.uab.edu/fsenate/home.html](http://www.uab.edu/fsenate/home.html).

9. **Standing Committee Reports**

a. **Curriculum and Research Committee**

Chair of the Curriculum and Research Committee Sally Anne McInerny reported that the committee will be distributing a survey via email to the senators in the units using the IDEA survey for student evaluation of faculty teaching to gather feedback from faculty. The university is in the second year of a three year pilot program for the evaluation survey.

b. **Faculty Affairs Committee**

No report.
c. Faculty Policies and Procedures Committee

Senate Past-Chair and Chair of the Faculty Policies and Procedures Committee Pat Greenup reported that the committee has formalized the process for the review of the faculty handbook and policies and is continuing its review of these documents.

d. Finance Committee

Chair of the Finance Committee Linda Reed distributed a written report (see page 6) summarizing the topics discussed at the last committee meeting. Topics from last year were reviewed by the previous chair and included salaries in schools that have mixed faculty from different disciplines and specialties, classification of faculty by CIP code for teaching program rather than terminal degree, omission of health care professions in SUG salary data, consultation disclosure, and distribution indices. Committee members were polled for other issues for consideration and the topics included retention of students and the return of money held from an area with documentation of retention efforts, proration, funds available to schools and how they are distributed to each department, percentage of indirect costs that come back to departments, possibility of Roth 403B plan and health savings account at the university, and graduate stipends and enrollment increases and placing students. Feedback about prioritizing the topics or adding other topics may be submitted to Chair Linda Reed at reedl@uab.edu.

e. Governance and Operations Committee

No report.

10. Revisions to Section 2.7.1 and Section 7 of Faculty Handbook

Chair Warren Martin presented the FPPC recommended revisions to section 2.7.1 on resignation and section 7 on holidays, vacation, and leaves of the faculty handbook as the second reading and opened the senate floor for discussion. A motion to approve the revisions was made by Senator Danny Siegel and was seconded by Senator Sally Anne McInerny. A call to question was made by the chair and the motion was passed with one opposed vote and the rest in favor. Chair Warren Martin will forward the senate approved FPPC recommended revisions to section 2.7.1 on resignation and section 7 on holidays, vacation, and leaves of the faculty handbook to the Provost (see page 7).

11. Senate Representatives to University-wide Committees

No reports.

12. Open Forum

No new items were presented.
13. **Announcements**

   a. President Garrison’s State of the University Address – October 16, 2008 (Thursday) from 3:30 to 5:00 p.m. in the Hill University Center Alumni Auditorium
   b. Next FPPC Meeting – Administration Building Penthouse CR1 – October 17, 2008
   c. Next Executive Committee Meeting – October 29, 2008
   d. Next Executive Committee Meeting with President and Provost – November 6, 2008
   e. Next Senate Meeting – Administration Building Penthouse CR1 – November 11, 2008

14. **Adjournment**

   Chair Warren Martin adjourned the meeting at 8:50 a.m.

15. **Review of Action Items from October 14, 2008 Senate Meeting**

   a. Chair Warren Martin will forward the senate approved FPPC recommended revisions to section 2.7.1 on resignation and section 7 on holidays, vacation, and leaves of the faculty handbook to Provost Capilouto. [10] (page 7)

16. **Review of Action Items from September 9, 2008 Senate Meeting**

   All action items listed in the September 9, 2008 minutes have been completed.

17. **Materials Distributed Electronically Prior to the Senate Meeting**

   a. Agenda for October 14, 2008 senate meeting
   b. Draft version of expanded minutes for September 9, 2008 senate meeting
   c. FPPC memorandum to senate on recommended revisions to section 2.7.1 on resignation and section 7 on holidays, vacation, and leaves of faculty handbook – dated 07/11/2008 [page 8]
   d. FPPC recommended revisions to section 2.7.1 on resignation of faculty handbook (tracking version) – dated 07/11/2008 [page 10]
   e. FPPC recommended revisions to section 7 on holidays, vacation, and leaves of faculty handbook with revisions to section 7.5.2 (tracking version) – dated 10/09/2008 [page 11]

18. **Materials Distributed at the Senate Meeting**

   a. Handout and membership form for Alabama Higher Education Partnership

Secretary Jennifer Long prepared this expanded DRAFT of the minutes on October 17, 2008. After approval at the November senate meeting, these minutes will appear on the senate page at [http://www.uab.edu/fsenate/home.html](http://www.uab.edu/fsenate/home.html). The minutes of the FPPC meetings are also posted on the senate page.
The Finance Committee met Tuesday, October 7th, 9:00-10:30 a.m.
Members present were: Helen Kim, Jeanne Hutchison, Kathleen Foley, Liz Lorbeer, Robert Holley, Joe Walker, Linda Reed, and Stephen Mennemeyer, Former Finance Chair

Stephen Mennemeyer met with the Committee to summarize the business of the Committee last year, and to answer questions regarding Finance Committee issues. The following topics from last year were discussed:

1) Salaries in Schools: Some schools have mixed faculty. For example, the School of Medicine might also employ in addition to physicians an engineer, and the School of Nursing may employ statisticians making it difficult to know the salaries of different specialty faculty across areas. Many faculty are classified by UAB according to the Classification of Instructional Programs (CIP) code of the program in which they teach rather than the discipline corresponding to their terminal degree. UAB could improve the precision of its salary information by reviewing and revising these CIP codes. We also discussed that the SUG data does not include health care professions in the salary data.

2) Consultation: There was discussion last year as to whether it is advisable to reveal consultation income if it is not a service, product, or an area that is in conflict with UAB.

3) Distribution Indices: How monies are distributed across the University.

Committee members were polled for other issues that might be considered by the Committee this year. The topics are listed below:

1) Distribution Indices: How monies are distributed across the University.

2) Retention of students in areas where money held from an area and with documentation of retention efforts can be returned.

3) Proration - How will this be managed at the University level?

4) Monies available to Schools - How are they distributed to each department?

5) What percent of indirect costs come back to departments?

6) Look into the possibility of Roth 403B Plan as well as a Health Savings Account at UAB.

7) Graduate stipends and enrollment are increasing - How going to place students?

We welcome your input on prioritizing these or adding others that you feel are important.

Respectfully submitted,
Linda Reed, Finance Chair
reedl@uab.edu
From: Warren S Martin  
Sent: Thursday, October 23, 2008 1:55 PM  
To: Eli I Capilouto  
Subject: Revisions to Section 2.7.1; 7.1-7.3; 7.5.1-7.5.2m  

Eli,

The attached material was updated by the Faculty Policy and Procedures Committee and sent to the Faculty Senate. It deals with the Policies and Procedures sections 2.7.1 on Resignations; 7.1-7.3 on Holidays, Vacation Policy, and Sick Leave; and 7.5.1-7.5.2 on Personal Leave and Family and Medical leave of Absence. The Faculty Senate concurred with the changes at the October 14th meeting.

Essentially the changes enhanced readability, added material clarifying the content and deleted some material where the situation had changed in a Human Resource supplier. All of the changes were important and helpful, specific changes of the procedure for requesting personal holidays or vacations in the final pay period are presented in 7.1 and 7.2 and the termination of tenure track or tenure earning faculty after a medical or sick leave in 7.5.2 seem to have the most potential impact on policy and processes.

Your consideration of these changes is requested.

Sincerely,

Warren

Attachments: memorandum, section 2.7.1, revised section 7

Warren S. Martin, PhD  
Professor  
Department of Marketing and Industrial Distribution  
School of Business  
University of Alabama at Birmingham  
Birmingham, Alabama 35294-4460  
205 934 8851
At the March 21, 2008 meeting of the FPPC, the FPPC approved recommendations listed below by section and the attached files are the current Handbook sections along with the tracking document containing the recommended changes.

a. Section 2.7.1 Resignation – Rationale for Recommendation – Clarification of current Section 2.7.1 to include reference to information related to notification time period and to address implications to service and retirement implications.

b. Section 7.1 – Holidays – Rationale for Recommendation – Clarification of use of personal holidays related to resignation notice.

c. Section 7.2 – Vacation Policy – Rationale for Recommendation – Clarification of accrual of vacation for part-time faculty and inclusion of clarification for vacation within final pay period following resignation notification.

d. Section 7.3 – Sick Leave – Rationale for Recommendation – Clarification of number of sick days that may count toward retirement.

f. Section 7.5.1 – Personal Leave – Rationale for Recommendation – Clarification that a full-time tenured faculty member on an approved leave of absence will not relinquish his or her tenure.

g. Section 7.5.2 – Family and Medical Leave of Absence – Rationale for Recommendation – Clarification of medical personal leave approval process and for statements pertaining to long term disability.
These recommendations for revisions to the *UAB Faculty Handbook and Policies* document are being submitted to the Faculty Senate with the request that the Senate after review forward these recommendations to Provost Capilouto. During the discussions by the FPPC, consultation with Human Resources did occur.

The rationale for the following recommendations is to request that relevant sections of the *You and UAB Handbook* be revised to support the above recommendations seeking clarification of practices by faculty. Additionally, in association with the recommendations listed above (and in attached documents) the following recommendations are made by the FPPC to be submitted to Provost Capilouto for transmittal to Human Resources for consideration as revisions to the *You and UAB Handbook*:

1. **Section 3.3.1 Vacation – Paragraph 2**
   - Recommendation: Vacation time may be taken during the final pay period following submission of the 30 calendar days’ written resignation notice only with the approval of the department head, dean, or library director.

2. **Section 3.3.2 Holidays – Paragraph 2 – Regular employees and part-time regular employees**
   - Recommendation: Personal holiday time may be taken during the final pay period following submission of the 30 calendar days’ written resignation notice only with the approval of the department head, dean, or library director.

3. **Section 6.1 Termination of Employment – Resignation – Paragraph 2**
   - Recommendation: Vacation and personal holiday time may be taken during the final pay period following submission of the 30 calendar days’ written resignation notice only with the approval of the department head, dean, or library director.

Additionally, the FPPC recommends that a memorandum be communicated to department heads, deans, library directors and faculty reminding them that the 12 days per year cap on sick leave days applying to retirement can be used to ease the loss of accruals for faculty with nine-month appointments who did not accrue sick time prior to September 1993 and do not have sufficient time to meet legitimate needs for sick leave. This cap can be used to provide paid sick time.

The above recommendations are submitted to the Faculty Senate with the request that such recommendations be forwarded to the Provost for approval consideration. These topics were reviewed for several months by the FPPC and input from various administrators including Human Resources was part of the extensive deliberations to clarify questions/concerns that had been identified by faculty.

Please contact me if you have questions pertaining to this memorandum and the attachments.

Cc: Nicole Mitchell; Donna Handley; Joan Grant; Stephanie Belcher
2.7.1 Resignation
Acceptance of a full-time faculty appointment is a commitment to the scheduled academic year. When circumstances do not permit the completion of such a commitment, UAB may agree to an earlier resignation with a written notice.

2.7.1 Resignation (Note: Bold and underlined is the recommended addition.)

Acceptance of a full-time faculty appointment is a commitment to the scheduled academic year. When circumstances do not permit the completion of such a commitment, UAB may agree to an earlier resignation with a written notice. **Full-time faculty are required to give at least a 30 calendar days’ written resignation notice. A notice period greater than 30 days is encouraged if at all possible.**

**Full-time faculty who resign may lose their original service date unless they apply for and obtain another position within 60 days. If less than 10 years of service in the State Teachers Retirement System, these employees may leave their investment in the Retirement System for 5 years in case they obtain another position within the system to allow for the vestment opportunity at 10 years to occur.**
7. Holidays, Vacation, and Leaves

7.1 Holidays

UAB recognizes eleven holidays. The eight officially designated holidays are New Year's Day, Dr. Martin Luther King Jr.'s Birthday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day after Thanksgiving, and Christmas Day. In addition to these designated holidays, each year the UAB President may designate two additional holidays for the Christmas-New Year's period. When an officially designated holiday falls on Saturday, it will be observed by UAB the following Friday. When an officially designated holiday falls on Sunday, it will be observed by UAB on the following Monday.

In addition to the eight officially designated holidays listed above, three additional holidays, termed as "personal holidays," are allowed for full-time regular employees. For part-time regular employees, personal holidays are allowed on a prorated basis of percent of FTE. The holidays must be taken between July 1 and June 30 each year, and must be taken prior to termination. Personal holidays will not be paid as part of terminal leave.

Personal holiday time may be taken during the final pay period following submission of the 30 calendar days' written resignation notice only with the approval of the department head, dean, or library director. Holiday time, including personal holidays, may not be accumulated. Faculty members are not required to complete their initial six months of employment before being allowed to take personal days.

In scheduling holidays, it is understood that essential services of UAB must be provided at all times.

7.2 Vacation Policy

Vacation credit for full-time faculty is earned at the rate of 1.833 days per month. Faculty members on twelve-month appointments accrue 22 working days of vacation per year. Faculty members on nine-month appointments accrue 18.5 working days of vacation during the nine-month period of their regular appointment (beginning September 1, 1993) and may accrue an additional 5.5 days of vacation leave if they work under a full-time contract with UAB during the summer or, if they work under less than a full-time contract with UAB during the summer, may accrue fewer than 5.5 days of vacation leave but at the same rate of 1.833 days per month. It is the responsibility of each dean and library director (a) to define "full-time contract with UAB during the summer" in writing as it applies to his or her school or library and (b) to determine what portion of the 5.5 days may be credited toward accrued vacation time for each faculty member working less than full-time during the summer. (Accrual of summer vacation time was initiated in June 1995 for full-time summer employment, and accrual of vacation time for part-time summer employment was initiated in June 1994.)
FPCC Recommended Changes

A maximum of 44 days' vacation credit may be accumulated by both full-time twelve-month faculty and full-time nine-month faculty. Once the 44 days' credit has been accumulated, the faculty member may continue to accrue non-reimbursable vacation credit, which will be transferred to sick leave credit if not taken during the calendar year of accumulation. (Effective July 1, 1995)

Part-time faculty who are part-time regular employees earn and accrue vacation on a prorated basis of percent of FTE. Part-time faculty who are part-time irregular employees do not earn or accrue vacation.

Faculty members are not required to complete their initial six months of employment before being allowed to take accrued vacation.

Vacation records for all faculty who are eligible to accrue vacation are maintained by their department or school or library, as determined by school or library policy. Each school and library shall have written policies describing the mechanisms by which faculty account for their use of vacation time.

Upon termination or retirement, a nine-month or a twelve-month faculty member may receive pay for unused accrued vacation which does not exceed the maximum of 44 days. Terminal vacation pay is paid by special check. The vacation accrual record must be attached to the termination paper and must indicate the number of unused vacation days for which the faculty member is to be paid. Vacation time may be taken during the final pay period following submission of the 30 calendar days’ written resignation notice only with the approval of the department head, dean, or library director.

7.3 Sick Leave

Sick leave credit for full-time faculty is accrued at the rate of 0.83 days per month. Faculty members on twelve-month appointments accrue 10 working days of sick leave per year. Faculty members on nine-month appointments accrue 7.5 working days of sick leave during the nine-month period of their regular appointment (beginning September 1, 1993) and may accrue an additional 2.5 days of sick leave if they work under a full-time contract with UAB during the summer or, if they work less than a full-time contract with UAB during the summer, may accrue fewer than 2.5 days of sick leave but at the same rate of 0.83 days per month. It is the responsibility of each dean and library director (1) to define “full-time contract with UAB during the summer” in writing as it applies to his or her school or library and (2) to determine what portion of the 2.5 days may be credited toward accrued sick leave for each faculty member working less than full-time during the summer. (Accrual of summer sick leave was initiated in June 1995 for full-time summer employment, and accrual of sick leave for part-time summer employment was initiated in June 1996.)
Prior to August 1, 2001, the maximum amount of sick leave an employee (including faculty) could accrue was 225 days. Effective August 1, 2001, State Senate Bill 91 removed the 225 days cap on sick leave. **Please refer to The Teachers’ Retirement System of Alabama cap on eligible sick days that may count toward retirement.**

Part-time faculty who are part-time regular employees earn and accrue sick leave on a prorated basis of percent of FTE. Part-time faculty who are part-time irregular employees do not earn or accrue sick leave.

Faculty members are not required to complete their initial six months of employment before being allowed to take accrued sick leave.

Sick leave records for all faculty who are eligible to accrue sick leave are maintained by their department or school or library, as determined by school or library policy. Each school or library shall have written policies describing the mechanisms by which faculty account for their use of sick leave.

Upon separation from UAB, faculty may not receive pay for accumulated sick leave. However, faculty members retiring on service or disability or who are otherwise eligible for service retirement (age 60 with 10 years of service, or 25 years regardless of age) may apply unused accrued sick leave toward additional creditable service with the Teachers’ Retirement System of Alabama. Accrued sick leave may be used to satisfy the 10-year or 25-year service requirement for a member to begin receiving a retirement benefit. Sick leave accrual may not be used to attain vesting for a member not eligible to begin receiving a monthly benefit, nor may it be used to attain eligibility for disability retirement or to add service credit to one who is retiring on disability unless the member is otherwise eligible for service retirement.

Note: Faculty with nine-month appointments did not accrue sick leave prior to September 1993. It is not the intent of the policy change to allow sick leave to adversely affect such faculty who remain employed by UAB after September 1993 and who have legitimate needs for sick leave. Therefore, when such faculty do not have sufficient sick leave accrued to meet the needs of their illness, their chair and/or dean shall make reasonable efforts to assure coverage of the faculty member’s classes. The institution’s obligation to provide such sick leave coverage, however, shall not exceed ten days per year of service prior to September 1993. Further, the maximum accrued eligibility prior and post-September 1993 shall not exceed that defined elsewhere in this section.
**FPPC Recommended Changes**

**Note: No FPPC recommended changes to Section 7.4**

### 7.4 Sabbatical Leave

Members of the tenure-earning or tenured faculty may apply for sabbatical leave.

#### 7.4.1 Eligibility

For each six academic years of full-time service, as defined by the faculty member’s department and school of primary appointment, a member of the tenure-earning or tenured faculty is eligible to apply for paid sabbatical leave for a period of one-half such year at full pay or one such year at half pay. Sabbatical leave credits may not be accumulated (for example, leave will not be granted for one year at full pay after twelve years of full-time service). Sabbaticals are not awarded automatically after six years service, but are awarded on the basis of individual merit.

#### 7.4.2 Plan of Activities During Sabbatical Leave

Applicants will be required to submit a plan of activities for the period of leave to consist of professional development, a program of investigation, creative writing or artistry, and the like. Sabbatical leave may be spent on campus or off campus, depending on the type of activity to be undertaken. A faculty member shall not be expected to carry on committee assignments or special administrative functions during a period of leave.

#### 7.4.3 When Requests Should Be Submitted

Sabbatical leave applications for any part of the school year should be submitted at least six months, and preferably one year, in advance of the start of the leave. Applications are to be submitted to the Department Chair or directly to the appropriate Dean or Library Director in the absence of departmental organization. Sabbatical leaves are subject to approval by the appropriate Dean(s) or Library Director(s), Provost, and the President. It may be necessary to make special readjustments in sabbatical leave dates when leave is requested by more than one person in a department for the same period of time due to teaching, scholarship, and service obligations of the department.

#### 7.4.4 Accrual of Vacation and Sick Leave While on Sabbatical Leave

Full-time nine-month and twelve-month faculty members, while on sabbatical leave, accrue vacation and sick leave at the regular rate if on one-half year sabbatical leave at full pay and at one-half the regular rate if on a one-year sabbatical leave at half pay.

#### 7.4.5 Upon Conclusion of Sabbatical Leave

Recipients of paid sabbatical leave are expected to return to the full-time service of UAS for at least one academic year and must submit a concise report of the activities during the sabbatical to the Dean or Library Director and Department Chair.
7.5 Other Leaves of Absence

7.5.1 Personal Leave

After a faculty member has completed one year of continuous service, a leave of absence without pay of up to one year may be granted for justifiable reason. This leave may be renewed for a second year. In other case, approval must be given by the department chair and by the appropriate dean or library director and the Provost. Any renewal of leave of absence beyond two years must be approved by the President.

An employee applying for a leave of absence should contact the Office of Human Resource Management Benefits regarding the continuation of insurance and other benefits. The total cost of benefits is borne by the person on leave. Vacation and sick leave do not accrue during such a non-paid leave of absence, but earned credits may be carried forward.

Return to UAB service following an approved leave of absence shall be without prejudice to the faculty status of the individual prior to taking leave. All other considerations being equal, time spent on a personal leave of absence of any duration shall not affect an individual’s promotion, tenure status, or eligibility for sabbatical leave. A full-time tenured faculty member on an approved leave of absence will not relinquish his or her tenure.

Because very short leaves of absence are unlikely to negatively affect the tenure decision, only personal leaves of 30 or more calendar days normally will be considered for extending the maximum length of time a tenure-seeking faculty member has to earn tenure. At the option of the Provost and with recommendation from the department head and dean or library director, an extension may be granted for a personal leave that was shorter than 30 days. See section 2.6.6.4 for additional information concerning extension of the tenure-seeking period during leaves of absence.

Leave of absence requests for additional time beyond the 12 work weeks allowed for family-related leave of absence or beyond the 16 work weeks allowed for employee health condition leave of absence must meet the requirements of personal leave, including one-year’s continuous service and approval of the appropriate dean or library director or administrator.

7.5.2 Family and Medical Leave of Absence

Eligible employees (including eligible faculty members) may take up to 16 work weeks of Family and Medical Leave of Absence for a qualifying serious health condition of the employee. Eligible employees may take 12 work weeks per year for the birth, adoption, or foster care placement of a child or to care for a spouse, parent, or child with a serious health condition. For purposes of this policy, the amount of leave allowed per year for family-related reasons is based on a “rolling” twelve-month period measured.
FPPC Recommended Changes

backwards from the date an employee uses any family-related leave under the Act. Any family and medical leave of absence time used (both for the employee’s health condition and for family-related reasons) counts toward the total available for use by the employee for family-related reasons during that twelve-month period.

This policy does not replace the sick leave policy. The Family and Medical Leave Act of 1993 generally requires an employer to restore an eligible employee to the same job or position (or to an equivalent job or position) which he or she held before the leave began.

An employee must apply for the leave of absence through his or her department/unit head using a form provided for that purpose and must provide appropriate documentation such as a certification from a health-care provider or documentation related to adoption or foster care placement. In the case of a health condition of the employee or of family members, leave will be approved only for the length of time certified in writing by the person’s health-care provider to a maximum of 12 work weeks per year for family-related health conditions and to a maximum of 16 work weeks for each employee serious health condition. In the case of leave for a health condition of the employee, upon return to work, the employee must submit a health-care provider’s statement certifying the employee’s physical ability to perform, with or without accommodation, the duties of the position previously held.

During a family and medical leave of absence that is being taken for family-related reasons, accrued sick leave, vacation, and personal holiday time must be used at the beginning of the leave of absence before entering a “non-paid status.” Sick leave may be used only for qualified members residing in the same household as the employee. Accrued sick leave, in addition to accrued vacation and personal holiday time, must be used before beginning the unpaid portion of leave for a health condition of the employee. Accrued time must be used at the beginning of a leave of absence before entering a “non-paid status.” Use of accrued time will not extend the length of time away from the job beyond the maximum for each type of leave of absence.

Vacation time, personal holidays, sick time, and holiday time are not accrued during the unpaid portion of a family and medical leave of absence, but unused earned credit is carried forward. The employee’s service date is retained.

In cases of childbirth, adoption, or foster care placement, employees should give, whenever possible, a thirty-day advance notice of their intent to take a family and medical leave of absence. The thirty-day notice also applies to medical leaves resulting from planned health treatments for the employee or for members of his or her family.

If the employee and the employee’s spouse both work at UAB, in cases of childbirth, adoption, foster care placement, or care of a son, daughter, or spouse, the total amount of annual family and medical leave of absence available is 12 work weeks for each employee.
**FPCC Recommended Changes**

During a family and medical leave of absence, employees enrolled in one of UAB’s health insurance plans at the time their leave of absence begins may continue their health insurance coverage. (See the full text of the policy for additional stipulations concerning health insurance during the leave of absence.)

If an employee requests additional leave of absence time beyond the limits allowed for Family and Medical Leave of Absence, the additional time must be taken as a personal leave of absence, and the employee must meet the requirements for personal leave.

> **With physician approval, accrued sick time and a medical personal leave up to two years can be used if an illness exceeds 16 weeks (FMLA). The medical personal leave also must be approved by the department head, dean, or library director. Tenured faculty on an approved leave of absence retain their tenure during this leave.**

> **If not approved, then employees have the option to apply for long term disability. Disability is determined between an employee, physician, and long term disability carrier. The employee’s primary physician recommends disability in writing. Employees should consider applying for long term disability if the illness is expected to last longer than 90 days prior to the 90th day. This is recommended since the determination period could take some time and result in a break of pay.**

**10-9-08 Revised to address question identified by Senator at September meeting of Senate:**

**Original FPCC wording:**

Tenure-earning, tenured, and non-tenure track faculty who are terminated due to long-term disability who wish to return to work after 60 days because an improvement occurs but a job is not available are terminated by UAB.

**Revised based on 9-9-08 suggestion:**

Tenure-earning, tenured, and non-tenure track faculty who are terminated due to long-term disability, but then wish to return to work because of an improvement in their condition, only have the option of doing so if a job is still available. If no job is available, they must remain terminated.
Other regulations relating to faculty members and to instructional programs of colleges and universities are included in stipulations in the federal Family and Medical Leave Act of 1993 and may be included in additional clarifications and definitions as promulgated by agencies of the federal government. Deans or department heads who have questions concerning administering the Family and Medical Leave of Absence Policy relative to faculty members and academic programs should contact the UAB Human Resource Management Benefits Office.

The full text of the UAB Family and Medical Leave of Absence Policy is included in Section 8 of this document.

Note: No FPPC Recommended Changes to 7.5.3

7.5.3 Military Leave

Faculty members who are ordered to active duty will receive full pay for a maximum of 21 days per calendar year. This 21 working days per calendar year includes weekend drills as well as summer training and any other type of military duty. Faculty will be paid only for the time for which they ordinarily would be scheduled to work for UAB. In no case will faculty be paid for a period in excess of the time for which they are ordered to military duty. A copy of the orders or other satisfactory documentation of attendance must be provided to the Department Chair or Dean or Library Director as soon as received.

Except as noted below concerning additional military service covered by Alabama Code Section 31-12-1, et seq., after the first 21 days of military leave per calendar year, any additional military leave will be without pay or may be charged to vacation or personal holiday time.

In case of a major military call-up, the UAB President may alter these regulations (such as the calendar year rule), but any changes must apply to all affected employees, not just to individual cases.

Alabama law, Alabama Code Section 31-12-1, et seq. (the Act), extends military protections and rights under the Soldier’s and Sailors’ Civil Relief Act and the Uniformed Services Employment and Reemployment Rights Act to active members of the Alabama National Guard and other military reserve forces called to duty in time of war, armed conflict, or emergencies, proclaimed by the Governor or the President of the United States, and called or ordered to state active duty for a period of 30 consecutive days or more or to federally funded duty, other than training. This law does not apply to normal National Guard and reserve weekend drills, annual training, and required schools.

Retroactive to September 11, 2001, eligible employees, as defined in the Act, are eligible for the difference in pay between lower active military duty pay and a higher public salary for the duration of the active military service. This provision applies only to
employees called into active service during the war on terrorism, which commenced on September 11, 2001.

Any public employee who was required to use annual or sick leave as a result of being called to active service during the war on terrorism shall have his/her leave restored. Also, health insurance benefits may be continued at the election of the employee called to active military service.

Any employee serving in the active military service during the war on terrorism, which commenced on September 11, 2001, shall continue to be considered an active participant in the Retirement Systems of Alabama throughout such service.

Contact the Human Resource Management Benefits Office for additional information and clarification.