Texas Woman's University
University Regulation and Procedure

Regulation and Procedure Name:	**Extended Leave**
Regulation and Procedure Number:	**URP: 05.540**
Policy Owner:	**Finance and Administration**

POLICY STATEMENT

Texas Woman's University realizes that leaves of absence from work may occur for various and different reasons; many of which are related to medical treatment and recovery. There are several federal and state laws that address the rights of employees to take leaves of absence including the Family Medical Leave Act ("FMLA"), Americans with Disabilities Act Amendments Act ("ADAAA"), and Workers' Compensation.

The purpose of this policy is to identify and determine the course of action that is appropriate for each employee faced with the situation of an extended medical leave and the return to work options available to them. It is generally agreed that indefinite leave is not a reasonable expectation or a reasonable accommodation under the ADAAA. Beyond that generalization, however, each situation must be assessed individually considering all the relevant aspects of the employee's job and the university's interests.

APPLICABILITY

This policy is applicable to TWU Employees.

DEFINITIONS

None

REGULATION AND PROCEDURE

I. Individual Assessment

It is the policy of Texas Woman's University to assess each employee's situation on an individual basis and engage in an interactive process to determine whether there is a reasonable accommodation, including, but not limited to, extended leave that will allow the employee to resume his or her job.

II. Procedure

A. There are no fixed limits on medical or disability leave beyond which termination is automatically imposed. This includes FMLA polices that provide for job protection for either 12 or 26 weeks of leave dependent upon the specific leave granted. Currently employees are allowed to return to work for light duty following the guidelines of URP 05.470: Return to Work Non Workers' Compensation Injury or Illness and URP 05.474: Return to Work Workers' Compensation Injury or Illness.

B. TWU engages in a case-by-case, interactive process with the employee requesting leave to determine if the period of requested leave is "reasonable" given the circumstances while undertaking a "good faith" evaluation of any requests for additional leave.

C. To determine the reasonableness of granting further leave, the following will be considered:

1. The employee's position and its impact on the university's or department's operations.

2. The length of time the employee is seeking to be on leave.

3. Whether the employee's duties have been, and can continue to be, absorbed by another employee.

4. Efforts that have been made to return the employee to a light duty position.

5. The employee's physician's evaluation of when and if the employee will be able to return to work and perform the essential functions of the position.

6. The employee's commitment and intention to return to work.

7. The employee's work performance prior to the leave of absence.

D. No one factor is determinative; the University must balance these factors and consider the totality of the circumstances to determine whether it is reasonable to extend the leave beyond the leave times covered under federal and state law.

III. Steps to Determine the Continuation of Leave

A. Unfortunately, there is no guidance on how to reach a fair and equitable conclusion for every situation, but the following steps will be taken to assure that each situation is considered on an individual basis.

1. Document the employee's request for an extended leave with specifics of why the extension is being requested.

2. Document the medical treatment, recovery progress, or circumstance that will be improved and that will allow the employee to return to work and perform the essential functions of the position in the near future.

3. Document the specific time that is being requested. An indefinite extension cannot be approved.

4. Interview supervisory staff to determine how the employee's work has been absorbed and may continue to be performed.

5. Document the various alternatives the employer has examined to extend leave.

B. Employees will be informed of the result of the decision and allowed a reasonable length of time to appeal any decision that denies the extension of leave.

IV. Reasonable Limit

It has been determined that a twelve month limit will be applied in any circumstances where enforcement will be allowed by law. The application of this policy and any limit is determined on a case-by-case basis.

REVIEW

This policy will remain in effect and published until it is reviewed, updated, or archived. This policy is to be reviewed once every six years. Interim review may be required as a result of updates to federal and state law or regulations, Board of Regents policies, or internal processes or procedures.

REFERENCES

URP 05.470: Return to Work Non Workers' Compensation Injury or Illness

URP 05.474: Return to Work Workers' Compensation Injury or Illness

FORMS AND TOOLS

Extended LWOP Request Form

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