

## **Proposed Revisions to Faculty Handbook, Sections 6.6.6 and 6.6.7**

### **6.6.6 Faculty Sick Leave**

All full-time faculty members are eligible to accrue paid sick leave at the rate of eight (8) hours per pay period (i.e., one (1) day per month, times 12 months, for a total of 12 days of paid sick leave per year). For purposes of this Section 6.6.6, “full-time faculty” includes 12-month faculty, 9-month faculty, and clinical faculty. This benefit accords the faculty member with sick leave hours for professional service rendered to the University during the summer, regardless of the nature of the service. Professional service includes not only teaching activities, but also advising, mentoring, committee work, theses/research, and all other service rendered on behalf of the University.

Sick leave may be used for an illness, pregnancy, injury, or for medical/dental appointments. Faculty are not required to use sick leave when they have a medical appointment or seek medical treatment at one of the University's on-campus healthcare providers (e.g., the Taylor Health and Wellness Center, the Physical Therapy clinic, the Speech Language clinic), including filling or re-filling a prescription at the Taylor pharmacy. If the treatment or appointment at one of the University's on-campus healthcare providers results in a referral to another healthcare provider who is located off campus and the employee wants the time away from work for that subsequent appointment off campus to be paid, then sick leave can be used within the parameters of this Section 6.6.6.

Faculty may also use sick leave due to an illness or injury of the faculty member's spouse, sponsored dependent, children, parents, mother-in-law, father-in-law, or other family members who require the faculty member's personal care and attention.

As noted in Section 8.3, each department has procedures for handling and covering faculty absences. Accordingly, faculty members must notify their Department Heads in the event that they will be utilizing sick leave under this Section 6.6.6. Additionally, all sick leave taken by a faculty member shall be recorded on the faculty member's leave report. The leave report is available at the faculty member's account at <http://my.missouristate.edu>. The Office of Human Resources maintains leave records for all employees, including faculty members.

There is no limit on the number of sick leave hours that may be accrued or carried forward during a faculty member's years of service. This system allows employees the opportunity to accumulate a substantial amount of paid sick leave in the event of an accident or long-term illness. For faculty members who are vested in the Missouri State Employees' Retirement System (“MOSERS”) upon bona fide retirement from the University, Missouri state law requires that the University report the number of unused sick hours that a faculty member has accrued at the time the faculty member terminates employment with the University.

If the faculty member is vested in MOSERS at the time of termination of employment, MOSERS will convert the reported accrued, unused sick leave hours into retirement service credit. (Note: 168 hours equals one (1) month of service credit). When the faculty member applies for retirement at some future date when he/she is qualified to retired, MOSERS will include those months of service in the calculation of the retirement benefit amount.

### **6.6.7 Faculty Leave under the Family Medical Leave Act (“FMLA”)**

#### **6.6.7.1 Unpaid FMLA Leave.**

In accordance with federal law, the University provides leave to eligible employees in accordance with the Family Medical Leave Act of 1993, as amended (“FMLA”). FMLA provides eligible employees who work for covered employers the right to take up to 12 weeks of unpaid, job-protected leave during a rolling 12-month period for absences due to a qualifying event. (NOTE: The FMLA provides up to 26 weeks of unpaid, job-protected Military Caregiver Leave, as defined below, to eligible employees.)

In order to be eligible for leave under the FMLA, an employee must:

- (a) have worked for the University for at least 12 months;
- (b) worked at least 1,250 hours during the 12 months prior to when the leave will commence;
- (c) have not already exhausted all FMLA leave in the 12 months prior to when the leave will commence; and
- (d) experience a qualifying event as defined by the FMLA.

Under the FMLA, a qualifying event includes:

- (a) The birth of a child and to care for the newborn child within one year of birth;
- (b) The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- (c) To care for the employee’s spouse, sponsored dependent, child, or parent who has a serious health condition;
- (d) A serious health condition that makes the employee unable to perform the essential functions of his or her job; or

(e) Any qualifying exigency for an employee's spouse, sponsored dependent, child, or parent on active military duty or being called to active military duty

(f) To care for a spouse, sponsored dependent, child, parent, or next-of-kin who is a member of the Armed Forces and who is undergoing medical treatment, recuperation or therapy for serious injury or illness suffered in the line of duty on activity duty ("Military Caregiver Leave").

#### **6.6.7.2. Request for Unpaid Family and Medical Leave**

A faculty member requesting family leave under this leave provision should complete a standard Request for Leave form or letter and submit it to his/her Department Head. When leave is foreseeable, an employee must give the University 30 calendar days' advance notice. In addition, when foreseeable leave is for planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt the University's operations. If it is not possible to provide 30 calendar days' notice, as much notice as is practicable must be provided. The Department Head will forward the request to the Office of Human Resources. Upon receipt of the request, the Office of Human Resources will provide the faculty member with the Family and Medical Leave Provisions and a leave questionnaire for him or her to complete. FMLA regulations require documentation from a medical provider.

#### **6.6.7.3 Paid FMLA Leave**

While the FMLA only requires that covered employers provide eligible employees with unpaid, job-protected leave, as a matter of University policy, all full-time faculty members (as defined by Section 6.6.6) are eligible for up to one (1) semester of paid leave, contingent upon recommendation by the faculty member's Department Head and college Dean, and approval by the Provost. (For information regarding the procedure for requesting this benefit, please refer to the Office of the Provost website: <https://www.missouristate.edu/provost/medleave.htm>. In the event that a semester of paid leave is granted to a faculty member, the faculty member's accrued, unused sick leave (up to the total number of hours of the granted period of paid FMLA) will be applied against the period of absence.

Faculty members may also use paid FMLA due to an illness or injury of the employee's spouse, sponsored dependent, child(ren), parents, mother-in-law, father-in-law, or other family members who require the employee's personal care and attention. Subject to University discretion and approval, a faculty member may also be granted up to one (1) semester of paid sick leave in order to provide care to a family member who requires the faculty member's personal care and attention due to illness, injury, childbirth or adoption. A proposal for such paid leave must be made by the college Dean, who should give due consideration to the fiscal constraints of the college and the staffing needs of the department.

All requests for paid leave must be approved by the Provost, whose determination is final.

#### **6.6.7.4 Status during Paid or Unpaid FMLA Leave**

During paid or unpaid FMLA leave, the faculty member is required to report regularly on his/her status and intent to return to work. The University shall continue to pay for the faculty member's individual insurance coverages, including medical, dental, life, long-term disability, and accidental death and dismemberment during FMLA and or paid leave on the same basis as if the individual had been actively at work. The University shall return the faculty member to the same or an equivalent position and employment benefits upon return from approved family leave.

#### **6.6.7.5 No Right to both Paid and Unpaid FMLA Leave**

As noted in Section 6.6.7.1, the FMLA only requires that covered employers provide eligible employees with a period of unpaid, job-protected leave. As delineated in Section 6.6.7.3, the University has established a process whereby faculty members may be granted paid leave which is more generous than the requirements of the FMLA. Faculty members are not, however, entitled to combine unpaid FMLA leave and paid FMLA leave within a rolling 12-month period for the same qualifying event. If continued leave is necessary after a faculty member has been granted a semester of FMLA leave, the faculty member will be referred to the Office of Resources in order to pursue long-term disability or other unpaid leave options as outlined in the Faculty Handbook.

## Senate Resolution on Guiding Principles for Budgetary Priorities

### Background Information

The mission of Missouri State is first and foremost “offering undergraduate and graduate programs” according to the 2016-2021 Long-Range Plan. Faculty activities are central to the mission of Missouri State University. The Office of the Provost has overseen historically high faculty hires recently but has not been able to meaningfully alter the disproportionate burden bore by faculty during the fiscal challenges of the last 25 years (See Figure 1). If ranked faculty numbers had kept pace with student enrollment there would be now 787 ranked faculty FTE; instead there are the same exact number as in 1993 (580). The total budgeted dollars for personnel by Job Category has decreased disproportionately for ranked faculty in comparison to all other job classes over approximately the last two decades, especially in the past decade (see Figure 2). The percentage of the University’s budget allocated to ranked faculty decreased from 50.6% in 1993 to 35.4% in 2015, showing a shift away from expenditures that are central to the core mission (See Figure 3). Such personnel shifts away from the academic mission of the university are consistent with the membership of the University’s Administrative Council; no faculty members and only two academic administrators out of 17 representatives disproportionately represent interests not directly tied to the University’s core mission of offering academic programs. There is no economic cost to the university to have a faculty representative on the Administrative Council and a correlation with faculty satisfaction in lieu of compensation with such shared governance actions was documented in the last economic downturn (Test & Cornelius-White, 2009).

The Missouri State University Fall Semester Headcount Enrollment shows students increased from 19,141 to 26,000 since 1993, an increase of 36%, stressing the primary mission of offering academic programs, and execution of tenurable faculty’s responsibilities of teaching, research, and service. Non-tenurable and part time faculty increased 81% and 47% respectively while tenurable faculty decreased 14.7% during the period from 1993 to 2013 showing that the tenurable faculty personnel group has disproportionately born the weight of hires and cutbacks (SR 8-14/15). Likewise, Missouri State was 11 out of 12 in Student to Full Time Faculty ratios and 9 out of 12 in student to total faculty ratio in comparison to benchmark institutions according to Senate Resolution on Tenurable Faculty (SR 8-14/15). Moreover, the Student Government Association at Missouri State University passed a resolution this academic year that eloquently reasoned and resolved to support “the continued expansion and retention of more full-time faculty” (GB Fall 2016-02).

The exigency policy laid out in the Faculty Handbook (14.7.1) makes specific reference that “The Faculty must not bear a disproportion of the budgetary cutbacks” and that ranked faculty should be considered after unranked faculty for termination, including by implication functional terminations due to retirements and hiring freezes. Finally, the 2015-2016 CUPA Faculty survey shows that equity remains an ongoing problem for faculty in some departments, particularly for ranks above assistant professor.

**Whereas**, in light of the information presented,

**Be it resolved** that the Faculty Senate of Missouri State University recognizes that full-time ranked MSU faculty has borne the brunt of university cuts in the past in terms of budgeted dollars and number of personnel, as evidenced by the data provided in support of this resolution.

**Be it further resolved** that, while the faculty is grateful for efforts of the Provost's and President's Offices to maintain instructional resources, the faculty is concerned that long-term trends pertaining to the disproportionate reduction of ranked faculty lines will continue in times of budgetary crisis if deliberate attention to personnel proportions is not increased.

**Be it further resolved** that the resources allocated to the Office of the Provost and the Academic Cost Centers be preserved and protected to the highest degree to continue to remedy longer-term drift from the centrality of ranked faculty and the core mission of the university—

“offering undergraduate and graduate programs”— and their importance to retention and graduation.

**Be it further resolved** that the President add one faculty member or academic administrator to the Administrative Council so that the upper administration better considers and advocates for the core mission of the university and shows commitment to shared governance and faculty morale during financial hardship.

**Be it further resolved** that the Senate requests President Smart to directly provide information about the circumstances and rationale for any University-level decisions made that adversely impacts the proportion and absolute amount of the university budget dedicated to full-time ranked faculty.

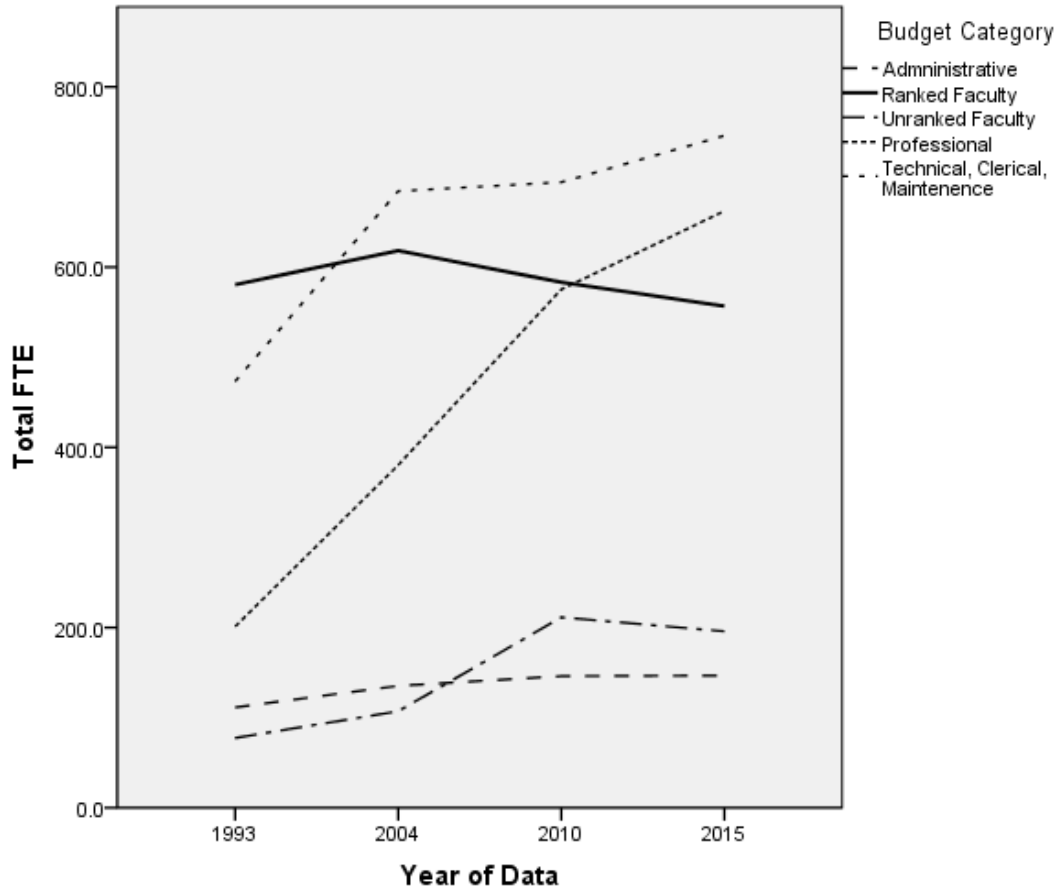


Figure 1. Total FTE by Job Category in Personnel Funds, 1993 through 2015.



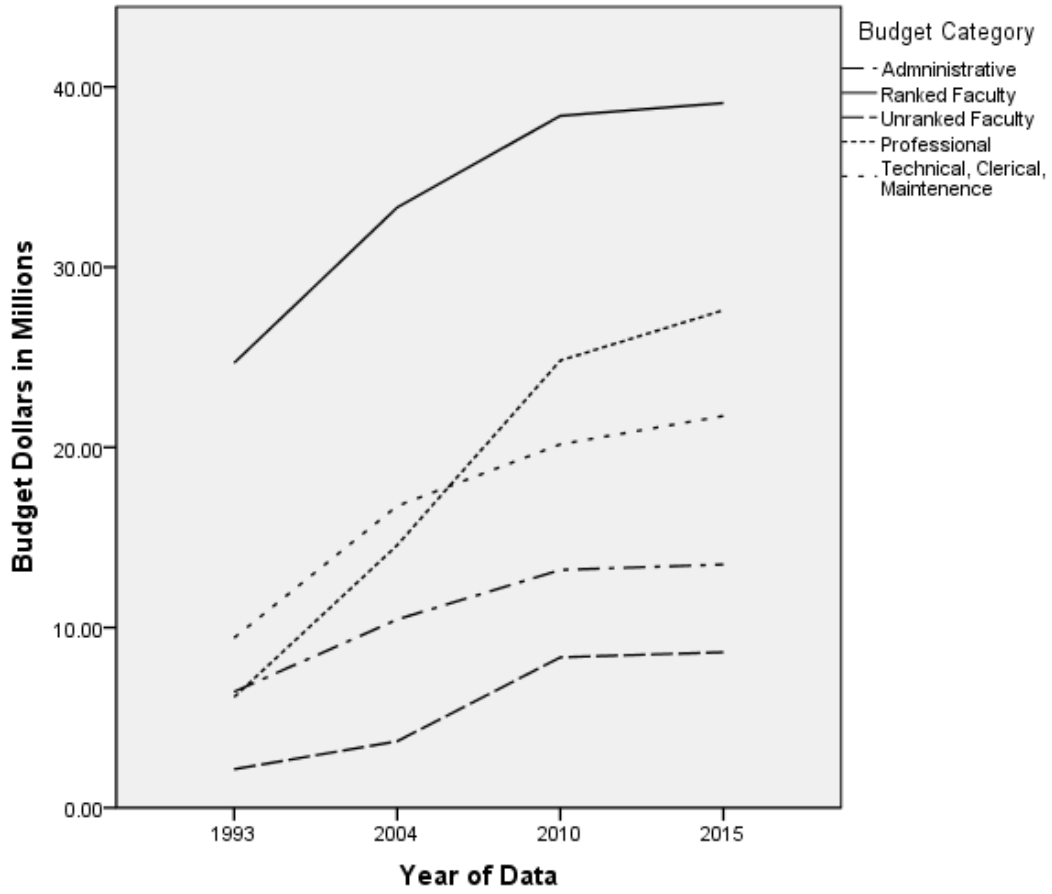


Figure 2. Total Budget Dollars for Personnel by Job Category, 1993 through 2015.

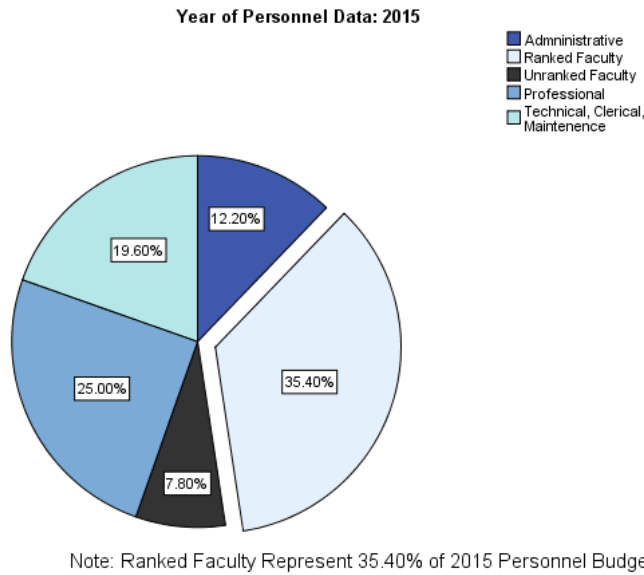
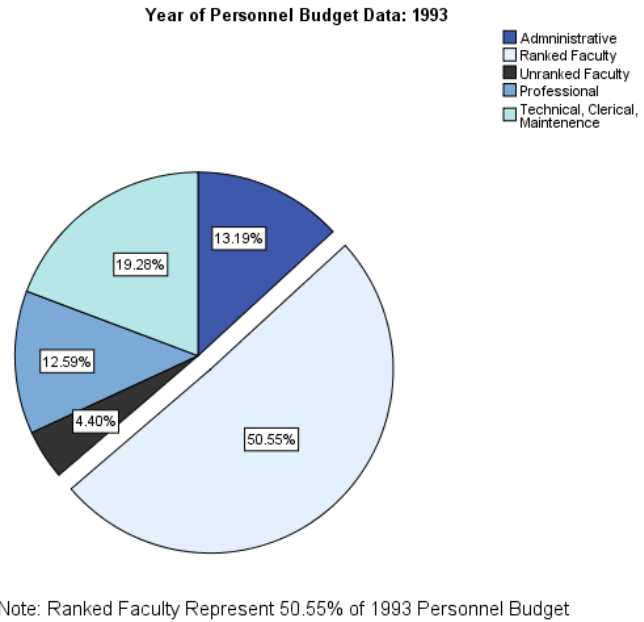


Figure 3. Pie Charts of Personnel Funds Allocation by Job Category, 1993 and 2015

**References:**

Missouri State University FTE and Salary Budget Study 2004-2010, May 2011, Budget and Priorities Committee, MSU Faculty Senate

Missouri State University FTE and Salary Budget Study: Trends from 2010 to 2015, May 2016, Budget and  
Priorities Committee, MSU Faculty Senate

Test, J., & Cornelius-White, J. H. D. (2009). Governance and faculty satisfaction. *Academe*, 95 (6). Retrieved from  
<https://www.aaup.org/article/governance-and-faculty-satisfaction#.WIo5VzZQq-I>