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Faculty Care Leave Benefit – Summary

Effective August 17, 2015, NMSU will provide regular nine-month faculty with a paid leave benefit that can be used for any qualifying event under the federal Family and Medical Leave Act (FMLA). This benefit will be referred to as “Faculty Care Leave”. All regular nine-month faculty will be eligible to participate in the benefit.

Accrual of Faculty Care Leave

- Regular full-time (defined as 1.0 FTE) nine-month faculty will accrue 9 working days of paid Faculty Care Leave per academic year (4.00 hours per pay period), commencing with the first pay date following 08/17/15.
- Regular nine-month faculty employed at less than 1.0 FTE will accrue Faculty Care Leave on a pro-rata basis commensurate with their job FTE. (For example, a .5 FTE faculty member would accrue 2.00 hours per pay period).
- Faculty Care Leave accrual will be capped at 800 hours (100 days).
- Regular nine-month faculty who were employed at NMSU prior to 08/17/15 of this program will receive Faculty Care Leave accrual credit (creating a balance of available Faculty Care Leave), based on the length of time employed in a regular position with NMSU, for up to 10 years of service.
- Faculty in nine-month positions who transfer into a 12-month leave eligible position will be allowed to maintain their Faculty Care Leave accrued balance for use in their new position.
- Faculty in 12-month positions who transfer into nine-month faculty positions will have accrued sick leave, up to 600 hours, converted to a Faculty Care Leave balance. Excess sick leave balances (above 600 hours) will be paid out according to University policy.
- Once the Faculty Care Leave benefit has been fully implemented, faculty members will be able to view their Faculty Care Leave balances through MyNMSU.

Eligibility for Faculty Care Leave

- Regardless of the availability of accrued Faculty Care Leave, faculty members who experience a FMLA qualifying event are eligible for job-protected FMLA leave of up to twelve work weeks. The FMLA leave will be unpaid to the extent that the amount of leave taken exceeds the available Faculty Care Leave balance.
- A faculty member who is unable to work due to his/her own medical condition will be allowed to use accrued Faculty Care Leave beyond the 12 work weeks allowed under FMLA. Medical documentation will be required in such cases.
- Faculty with health conditions that fall within the definition of “disability” under the Americans with Disabilities Act may be eligible for further leave as a reasonable accommodation of that disability and should consult the Office of Institutional Equity for a determination.

Using Faculty Care Leave

- The Faculty Care Leave benefit may be used only during the nine-month academic employment period.
- Faculty members are required to notify their department head on every occasion during the nine-month academic employment period when they are unavailable to work.
- Department heads/supervisors must notify fmla@nmsu.edu when a faculty member is unavailable to work for more than 3 consecutive working days.
- FMLA will be designated and Faculty Care Leave will be used for qualifying events as of the 6th work day that the faculty member is unavailable to work. (Time off of less than 6 work days will be paid as regular work time.)
- Human Resource Services – Benefits Services (HRS–BS) must review and approve all leave taken for qualifying events under the federal Family and Medical Leave Act and will communicate with the faculty member’s department head regarding approval and usage details.
- Leave without Pay (LWOP) is available for faculty members whose Faculty Care Leave is exhausted to cover the duration of their FMLA leave.
- University administrators shall not discourage faculty from taking advantage of their FMLA rights or the Faculty Care Leave benefit. Faculty members who wish to consider alternative work schedules or alternative work locations, in lieu of taking all or part of the legally protected FMLA leave, may initiate discussion of such options with their department heads. If an agreed upon proposal for such alternative arrangements is approved by the college dean, then upon documentation of the faculty member’s voluntary consent to the alternative arrangements, and final approval by the Provost, the alternative arrangements may be implemented.
- Faculty Care Leave has no cash value. There will be no payout for Faculty Care Leave when a faculty member retires, transfers, or separates from employment.

Managing Faculty Care Leave

- Academic departments will be responsible for making arrangements to cover the workload of any faculty member on FMLA or Faculty Care Leave. Faculty members on FMLA or Faculty Care Leave cannot be asked to perform any work while on leave.
- All paid time off for Faculty Care Leave will be paid from departmental salary budgets (and will not result in salary savings).

Additional Benefit Information

- The Faculty Care Leave benefit replaces leave that was previously available to nine-month faculty under Policy Manual Section 7.20.75(c), which is superseded by this benefit.
- Nine-month faculty will not be eligible to participate in the Sick Leave Bank.

Questions about FMLA or Faculty Care Leave can be directed to Toni Lavor at HRS - Benefit Services 575-646-1546 or fmla@nmsu.edu.