A full time faculty member who becomes a parent and has at least co-equal caregiving responsibilities for an infant or adopted child is entitled, upon request, to a period of modified duties without a reduction in salary. This period is designed to permit the faculty member a period of adjustment to the parenting needs of a newly born or adopted child. Modified duties provide relief from direct teaching responsibilities, or the equivalent thereof, for an academic semester (25% of annual DOE) and must be taken within 12 months of a child joining the family. The faculty member is expected to fulfill his or her other responsibilities. The faculty member may not be employed by another institution during the period of modified duties.

Modified duties are available immediately upon employment in the college. If both parents are employed in the college at a rank eligible for this benefit, only one parent may take a period of modified duties for a particular child at a time (e.g., one parent may take leave in the fall semester and one parent may take leave in the spring semester). A faculty member may take one term of modified duties for each child added to the family (e.g., a faculty member who adds two children to the family at one time may be eligible for two consecutive semesters).

A faculty member who wishes to take a period of modified duties should submit a written request to their department chair, with a copy to the dean one semester prior (if possible). The request should state the reason for a period of modified duties, the term for which modified duties is being requested, and the responsibilities the faculty member will continue to perform. After approval, the DOE should be modified to reflect the change in duties. Specifically, the teaching responsibilities should be moved to Section V.b. “Other Leave or Development” on the DOE. For example, if a faculty member teaches 2 courses each semester, then 25% of their DOE should be allocated to Section V.b. and marked “parental leave” in the description.

The college will provide the faculty member’s department with reasonable resources to replace teaching that is lost through the granting of a term of modified duties, minimally by funding a part time instructor if the department cannot cover the teaching duties amongst themselves.

This policy does not preclude the possibility, in circumstances involving a medically complicated pregnancy, birth, and/or adoption, of a faculty person on the advice of the physician requesting sick leave with pay for an extended period not to exceed six months. The university policy states:

Sick leave may be granted to faculty by the provost or senior vice president of the medical center. Eligible faculty who are totally disabled are entitled to six months’ sick leave with pay after which the Long Term Disability Plan, for which the university pays the full cost, becomes operative. Sick leave with pay for more than six months requires approval by the Board of Trustees.

Sick leave is also requested of the dean through a faculty person’s department chair.

The grant of modified duties due to paternal leave will not have any effect on a faculty member’s right to their sabbatical.

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1 The college recognizes that, especially in adoptive situations, there is little to no notice given to parents. Similarly, a child could be born sooner than expected. In either case, a parent is guaranteed the same provisions for modified duties as spelled out above. In cases such as these (and others we have not listed), it would be appropriate to orally negotiate the details of the modified duty and then confirm them in writing at a later time.
**Automatic Delay of Probationary Period**

A probationary faculty member who becomes a parent of a child or children by birth or adoption or who assumes significant responsibilities with respect to elder or dependent care obligations, or a relative or domestic partner for the purpose of providing care to that person, shall automatically be granted a one-year delay of the probationary period by the dean, upon written notification by the faculty member's department chair to the dean of the college. A faculty member may waive the automatic delay by completing and submitting a Faculty Waiver Form to the chair. The automatic delay shall not be granted more than two (2) times within the probationary period of a faculty member. The faculty member shall be reviewed for tenure under the same academic standards as a candidate who has not extended the probationary period and shall not be penalized or adversely affected by the delay of the probationary period.
University of Kentucky Guidelines on
Modified Duties for Tenure-Eligible Faculty Employees and Lecturers
June 2015

I. Introduction

The University recognizes the need for all full-time faculty employees in the tenure-eligible title series and full-time faculty in the Lecturer Series (hereafter referred to collectively as “Eligible Faculty Employees”) to adjust to the commitments of family and work during and/or after a major life event, such as the birth, adoption or assumption of guardianship of a child(ren). These guidelines are complementary to, yet distinct from, other established policies and legal requirements, such as UK’s policy on Faculty Temporary Disability Leave (http://www.uky.edu/Provost/APFA/Policy_Protocol/Faculty_TDL_Policy.pdf) and UK’s Policy on FMLA (http://www.uky.edu/hr/policies/family-and-medical-leave).

In an attempt to meet a faculty employee’s need during a time in which a reasonable balance between work and family is difficult to maintain, the University has established a set of guidelines for “Modified Duties.” The purpose is to modify types of work/responsibilities while maintaining workload. Eligible faculty employees may request one term of modified duties for each child added to the family or for each other qualifying event, subject to limits detailed in Section A9 below. For faculty members with direct clinical responsibilities, other modifications may be provided if those modifications will not compromise patient care and safety. These guidelines are not intended for use for faculty employees in the Clinical Title Series or in the other tenure-ineligible title series besides Lecturer.

II. Principles

Since circumstances may vary widely for faculty employees at different stages of their careers and with different family and workload situations, this set of guidelines does not prescribe the exact nature of the modification. In general, the University’s objective is to work with a faculty member to devise a modified plan of work duties and schedule that enables the faculty employee to remain an active and productive member of the University community and of the individual’s unit. The faculty employee on a modified duties plan is expected to maintain a full-time workload, albeit with a set of full-time responsibilities that enables the individual to balance University duties and compelling familial obligations. There is no reduction in salary during an approved period of modified duties.

This set of guidelines is not intended to provide release time from teaching for the purpose of allowing additional time for research or other scholarly activities, but instead provide flexibility that allows the faculty member to address both work and personal needs.

A faculty employee who is unable to perform any of his or her regular duties due to a debilitating medical condition should apply for Temporary Disability Leave as described in Governing Regulation X [GR X.B.2.d(iii)]. Modified duties, as defined herein, may precede or follow Temporary Disability Leave; however, it is important to emphasize that by Federal law, employees may not be assigned work duties during periods of approved Family Medical Leave (FML), whether paid or unpaid. Filing for FML, however, is not required under these guidelines for application for Modified Duties.

III. Guidelines and Procedures

A. Guidelines

Modified Duties Guidelines
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1) Modified duties may be requested by any eligible faculty employee for the purpose of managing family responsibilities or, in exceptional cases, personal health issues not addressed by sick leave. Modified duties for eligible faculty employees may be available immediately upon employment at the University of Kentucky.

2) When an eligible faculty employee believes that he or she may benefit from a set of modified duties in order to cope with personal or familial circumstances that will require a significant portion of the individual’s time and attention, the faculty employee is encouraged to communicate as soon as possible with his or her department chair or school director (hereafter ‘educational unit administrator’) to help ensure the maximum amount of time for personal and University planning.

3) It is recommended that, when possible, the faculty employee will be relieved from direct teaching responsibilities for the length of modified duties. However, the plan must not disadvantage students for whom the faculty employee is responsible, either in instructional or research settings.

4) The educational unit administrator, in consultation with the dean of the college, is responsible for working with the faculty employee to ensure that, to the greatest extent possible, an appropriate plan of modified duties is developed. In general, this plan of modified duties would not involve a complete shift of one’s DOE from instruction to research but likely includes more time for service, professional development, or non-campus based instructional activities (e.g., course development or refinement, conversion to distance learning teaching modality).

5) The period of modified duties is typically 16 weeks or less.

6) A modified duties plan shall not result in additional duties before or after the duty modification period. For example, a faculty employee is not expected to make-up released teaching before or after the semester of modified duties.

7) The faculty employee cannot be employed by another institution during the period of modified duties, nor can the release time be used for extensive professional travel or other increased professional activities (including consulting) that do not meet the goals of the policy. Requests for outside consulting during the period of modified duties are not normally approved.

8) An extension of the probationary period is available to faculty employees on tenure-track appointments. The extension may be sought as a complement to a request for modified duties. However, the semester of modified duties does not automatically affect the tenure probationary period.

B. Procedures

1) An eligible faculty employee should submit a request for modified duties as early as possible so the unit can plan for the adjustment in the faculty employee’s duties. The Modified Duties request form is available on the Provost’s website. The faculty employee and the individual’s educational unit administrator shall jointly develop the plan of proposed activities for the period covered by the modified duties agreement. It is emphasized that this policy is not intended to result in “reduced” duties, but rather
“modified” full-time duties, permitting work activities to be accomplished during periods when the faculty employee cannot routinely be physically on campus to fulfill traditional duties (scheduled teaching, regular faculty meetings, committee service, student advising, etc.). The duties can be unit- or college-level, or a combination thereof. It is also permissible to have University-level duties considered in the modified duties agreement.

2) The faculty employee and educational unit administrator shall sign the completed Modified Duties request form and the unit administrator shall forward it to the dean of the college for review and final approval. Approved Modified Duties requests will be tracked at the college level.

The decision to approve a request for modified duties rests with the college’s dean. This set of guidelines is not intended to create an entitlement. Compelling reasons should accompany a denied request for modified duties. If the dean is unable to support a faculty employee’s request, the dean shall notify in writing the faculty employee and unit administrator. A faculty employee may present a denied request to the Provost through the Associate Provost for Faculty Advancement & Institutional Effectiveness, who will hear the request and render a ruling. This Provost-level review authority encompasses possible procedural irregularities in the dean’s denial and substantive determinations as to what constitutes the compelling reasons for the dean’s denial of a request for modified duties. Tracking of approved cases of Modified Duties is a college responsibility.
What are the guidelines for 'Modified Duties' intended to address?

These guidelines are intended to address a faculty employee’s needs during a period of time in which a reasonable balance between work and family is difficult to maintain due to a major life event. The faculty workload is still the same, but timing and types of work are modified.

What are some examples of major life events?

The birth, adoption, or assumption of guardianship of a child or children are examples of major life events. Another example is the call to assume primary caregiver duties for an aging parent or a seriously ill child.

Who is eligible?

All full-time faculty employees in the tenure-eligible title series (Regular, Special, Extension, and Librarian) and full-time faculty in the Lecturer Series are eligible to apply for modified duties under the terms of this guideline. For faculty members with direct clinical responsibilities, other modifications may be provided if those modifications will not compromise patient care and safety.

Does this set of guidelines replace UK’s policy on faculty sick leave with pay?

No, a faculty employee who is unable to perform any of his or her regular duties due a debilitating medical condition may apply for Temporary Disability Leave as described in Governing Regulation X [GR X.B.2.d(iii)]. Furthermore, under the terms of the University’s implementation of the Family and Medical Leave Act (FMLA), a faculty employee may request paid Temporary Disability Leave to care for a family member⁴, sponsored adult dependent⁵ of the employee or sponsored child dependent⁶ of the employee who has a debilitating medical condition. For full detail concerning definitions of terms, see: http://www.uky.edu/hr/benefits/about-sponsored-dependent-coverage.

Against the background of the University’s Temporary Disability Policy, which provides for paid leave in instances of personal or familial illness, the Modified Duties Set of Guidelines covers major events in a faculty employee’s life, other than personal illness, that significantly hinder the individual’s ability to balance the demands of work and family over an extended period of time - up to sixteen (16) weeks.

How does the set of guidelines work?

In general, the University’s objective is to work with a faculty member to devise a modification of work in terms of types and schedule that enables the faculty employee to remain an active and productive member of the University community. The faculty employee on a modified duties plan is expected to maintain a full-time workload, albeit with a set of full-time responsibilities that enables the individual to balance University duties and compelling familial

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Obligations. There is no reduction in salary/benefits during an approved period of modified
duties; however, an adjustment in one’s DOE will likely be required to reflect the modified
assignment.

How does a faculty employee begin the process?

When an eligible faculty employee believes that he or she may benefit from a set of modified
duties in order to cope with personal or familial circumstances that will require a significant
portion of the individual’s time and attention, the faculty employee is encouraged to
communicate as soon as possible with his or her department chair or school director (hereafter
“educational unit administrator”) to help ensure the maximum amount of time for personal and
University planning.

An eligible faculty employee should submit a request for modified duties as early as possible so
the unit can plan for the adjustment in the faculty employee’s duties. The Modified Duties
request form is available on the Provost’s website. The faculty employee and the individual’s
educational unit administrator shall jointly develop the plan of proposed activities for the period
covered by the modified duties agreement.

What are the salient terms of a Modified Duties’ plan?

The period of modified duties is typically 16 weeks or less.

A modified duties plan shall not result in additional duties before or after the duty modification
period. For example, a faculty employee is not expected to make-up released teaching before or
after the semester of modified duties.

This policy is not intended to result in “reduced” duties, but rather “modified” full-time duties,
permitting work activities to be accomplished during periods when the faculty employee cannot
routinely be physically on campus to fulfill traditional duties (scheduled teaching, faculty
meetings, committee service, student advising, etc.).

The faculty employee cannot be employed by another institution during the period of modified
duties, nor can the release time be used for extensive professional travel or other increased
professional activities (including consulting) that do not meet the goals of the policy. Requests
for outside consulting during the period of modified duties are not normally approved.

If both parents are UK faculty members, can they each request up to 16 weeks of modified
duties?

In most circumstances, both faculty can, together, request a total of up to 16 weeks of modified
duties. As an example, one faculty member may be the primary caregiver and request 12 weeks
of modified duties; the other faculty member may then choose to request up to 4 weeks of
modified duties. The decision to approve a request for modified duties rests with the dean of
each faculty member’s college. In situations where both parents are faculty members of the
same department, the period of modified duties cannot occur at the same time. At the college’s
discretion, a college may permit both UK parents (whether in the same college or department or
not) a period of modified duties (up to 16 weeks), but the above is offered as a guideline only.

Who approves requests for Modified Duties?

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The decision to approve a request for modified duties rests with the college dean. This policy is not intended to create an entitlement. There may be compelling reasons for denying a request for modified duties. If the dean is unable to support a faculty employee’s request, the dean shall notify the faculty employee and unit administrator in writing. A faculty employee may present a denied request to the Provost through the Associate Provost for Faculty Advancement & Institutional Effectiveness, who will hear the request and render a ruling. This Provost-level review authority encompasses possible procedural irregularities in the dean’s denial and substantive determinations as to what constitutes the “compelling reasons” for the dean’s denial of the request. Tracking of approved cases of Modified Duties is a college responsibility.

Can you provide examples of how Modified Duties might be implemented in real-life situations?

A Special-Title Series faculty member on a 9-month assignment (at 70% teaching) is expected to give birth on about July 1. If Modified Duties are approved, the faculty employee could be relieved of teaching for the Fall semester, with their 35% teaching DOE in Fall reassigned to new-course development, professional development, and/or activity directed toward new teaching pedagogy. The faculty member may be on modified duties for up to 16 weeks during the Fall semester. Another faculty employee, this time a 12-month Regular Title Series male faculty member who is to obtaining guardianship of a child on about March 1, with formal adoption to follow, might request Modified Duties for the Spring semester for up to 16 weeks. In a third example, perhaps a female faculty employee in Lecturer Title Series, on a 9-month assignment at 75% teaching (typically 3/3 load), might seek approval for Modified Duties for a 1- or 2-course teaching reduction in the semester during which she is suddenly called upon to be a caregiver for a parent in deteriorating health. The faculty member would engage in other instruction-related activities (course development, distance learning conversions, etc.) as a modification to her assigned duties.

These examples are provided to show that Modified Duties are just that, “modified,” and need not reduce one’s academic responsibilities to no on-campus engagement in the semester in which duties are adjusted. The success of the modified duties hinges on a frank dialogue between the faculty employee and the unit administrator, with consideration both to the familial obligations of the employee and the necessity for the University and unit to fulfill their respective missions.

How does time on an approved Modified Duties plan affect a faculty employee’s tenure clock?

An extension of the probationary period is available to faculty employees on tenure-track appointments. The extension may be requested as a complement to a request for modified duties. However, the semester of modified duties does not automatically affect the tenure probationary period. UK’s policy on extension of the probationary period may be found at: http://www.uky.edu/Provost/APFA/Promotion_Tenure/Automatic_delay.php.

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1 For the purposes of this policy, a family member is defined as:

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a. Spouse,
b. Sponsored adult dependent,
c. Child,
d. Sponsored child dependent,
e. Grandchild,
f. Mother/Father,
g. Grandmother/Grandfather,
h. Brother/Sister,
  (Note: b. - g. include steps, halves and in-laws of the same relationship)
i. Aunt/Uncle,
j. Niece/Nephew,
  (Note: i. - j. include relationships created by marriage)
k. Legal dependent of the employee,
l. Other persons with whom the employee has a "loco parentis" relationship.

2 Sponsored Adult Dependent Eligibility
   • Shares primary residence with covered UK employee, and has lived with UK employee at least twelve months prior to effective date of coverage
   • Is at least the age of majority
   • Is not a relative. Definition of relatives for sponsored adult dependent: Parents, children, husbands, wives, brothers, sisters, brothers- and sisters-in law, mothers- and fathers- in law, uncles, aunts, cousins, nieces, great nieces, nephews, great nephews, grandmothers, grandfathers, great grandmothers, great grandfathers, sons- and daughters-in law and half- or step-relatives of the same relationships.

3 Sponsored Child Dependent Eligibility
   • Shares primary residence with UK-covered employee and sponsored adult dependent and has lived with UK employee at least twelve months prior to effective date of coverage
   • Is under the age of 18
   • Is the natural born or adopted child of sponsored adult dependent
   • Is not a relative of the covered UK employee (see the definition of relative for sponsored adult dependent above)