**Independence, Inc.**

***Human Resources Policy Manual***

**Policy No.: 604**

**Date Adopted:**

**Date Revised: 7/16**

**LEAVES OF ABSENCE**

***Policy:*** The overall well-being of employees is important to the Agency and it is recognized that situations may arise that require an employee's absence from scheduled work. This policy outlines the eligibility requirements and conditions under which an employee may take a leave of absence.

A leave of absence is defined as an authorized absence from work for a specified period of time for medical, parental, military or personal reasons. (See each Leave of Absence category below for a more complete definition of each type of leave.) The provisions of the FMLA have been incorporated into the LOA policies below. If an employee finds that he/she must be out of work for more than three days, they should contact the Human Resources Department to determine if a LOA may be necessary.

The maximum amount of LOA time an employee is allowed to take in any combination is 12 weeks in a 12-month period; this12-month period is a rolling period, measured backward from the date an employee begins a leave of absence except in the event the employee is caring for an injured service member, then the maximum leave benefit is 26 weeks.

Leaves of Absence may be paid, unpaid or a combination thereof, depending on the availability of accrued benefit hours. LOA’s will start on the date of request or date of need; not after the accrued paid benefit time is exhausted. While on LOA, an employee must contact the Human Resources Department every 30 days. Failure to maintain contact with HR every 30 days may result in voluntary termination. Failure to return to work upon the expiration of LOA will result in voluntary termination of employment.

***Eligibility***: An employee must be employed for at least 12 months and have worked 1,250 hours over the previous 12 month period to be eligible for family, medical, military, caregiver, educational and personal leave. Generally, no more than one leave will be granted during any 12 month period.

***Required Documentation:*** All requests for a Leave of Absence must be made on a “Request for Leave” form and submitted to the immediate supervisor. An employee must provide 30 days advance notice when the need for the leave of absence is foreseeable. If the leave is not foreseeable, the employee must provide notice to the supervisor as soon as practicable.

Physician’s certification supporting the need for Medical Leaves of Absence is required within 14 days of the date of request or as soon as practicable for all medical and some parental leaves of absence. For an extension of a leave of absence, recertification is required. Certifications of Health Care Provider and Request for Leave forms are available from the Human Resources Department.

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Medical certification is also required if the leave of absence is for the purpose of caring for a family member.

***Approval:*** Both the immediate supervisor and the Human Resources Director will review the request. The Human Resources Department will provide written notice if the leave is being designated as FMLA leave. A leave of absence will not be granted to allow an employee time off to seek employment elsewhere or to work for another employer. Employees who begin employment elsewhere while on LOA, except military reserve duty, are considered to have quit voluntarily.

**Types of Leaves**

**Family or Medical Leaves**

These are provided for one or more of the following reasons:

◆ birth, or placement of a child for adoption or foster care (leave must conclude within 12 months of the birth or placement);

◆ care of a spouse, child or parent with a serious health condition; or

◆ a serious health condition that causes the employee to be unable to work.

Serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves:

◆ any period of incapacity or treatment connected with inpatient care in a hospital, hospice or residential medical care facility;

◆ any period of incapacity requiring absence of more than three calendar days from work, school, or other regular daily activities that also involves continuing treatment by or supervision of a health care provider; or

◆ continuing treatment by or under the supervision of a health care provider for a chronic or long-term health condition that is incurable and for prenatal care.

Employees seeking leave due to a serious medical condition are required to provide medical certification to support the request regardless of whether the condition applies to the employee or a family member. The employee may also be required to provide second opinions and periodic re-certification during the leave, at the employer's expense.

**Military Leave**

Absence for military obligations applies to voluntary or involuntary service, on active duty or for training in response to federal government orders.

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**Qualifying Exigency Leave**

Absence due to a spouse, son, daughter or parent being on active duty or having been notified of an impending call or order to active duty in all the Armed Forces or Reserves. Leave may be used for any “qualifying exigency” arising out of the service member’s current tour of active duty or because the service member is notified of an impending call to duty in support of a contingency operation and to spend time with such service member on a short-term leave of absence. Qualifying Exigency Leaves are defined as:

* Short-notice deployment
* Military events and related activities
* Childcare and school activities
* Financial and legal arrangements
* Counseling
* Rest and recuperation
* Post –deployment activities
* Additional activities not encompassed in the other categories, but agreed to by employer and employee

**Caregiver Leave – for Injured Service Member**

This benefit provides up to 26 weeks of FMLA leave during a single 12 month period for a spouse, son, daughter, parent or next of kin caring for a recovering service member within the preceding 5 years of service. A recovering service member is defined as any member of the Armed Forces, including the National Guard or Reserves, who suffered an injury or illness while on active duty that may render that person unable to perform the duties of the member’s office, grade, rank or rating.

**Personal Leaves**

Absence due to unusual or unavoidable circumstances necessitating that the individual be away from work for a short period of time, for reasons other than family, medical, or military circumstances.

**Length of Leaves**

1. Up to 12 work weeks of leave may be taken for medical or family leave. Part-time staff meeting the hour and length of service requirements for a leave, who are requesting intermittent leave will be prorated against the 12 work weeks to determine the amount of leave for which they are eligible. For approved medical and family leaves, the employee must use all available personal, sick and vacation hours at the beginning of the leave, and these hours will count towards the maximum leave of 12 weeks.

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2 Requests for intermittent leave due to the birth, foster care or adoption of a child are subject to the approval of administration.

3. Leaves requested as a result of a serious health condition of the employee or a family member may be taken intermittently or on a reduced leave schedule when medically necessary. In these instances the employee may be required to transfer temporarily to an available, comparable alternative position for which the employee is qualified that better accommodates the requested leave.

4. Up to a maximum of four (4) weeks of leave may be provided for a personal leave of absence. Approval for a personal leave will be based on the needs of the Agency.

5. A five (5) year limit on the cumulative amount of military service is allowable. Exceptions to this time limit include active duty during a war or declared national emergency, or active duty in support of a critical mission.

6. With the exception of military leaves and caregiver leaves for injured service members, the maximum period of time away may not exceed a total of 12 weeks in a 12 month period.

**Requesting a Leave of Absence**

1. The employee is responsible for completing a "Request For Leave of Absence" form clearly specifying the reason for the leave and submitting the request to their supervisor. "Certification of Physician or Practitioner" form should accompany the request when the leave request is due to a serious health condition of a family member or self (forms follow).

2. In the case of a leave for a serious medical condition, if the leave is foreseeable based on planned medical treatment, an employee is required to make a reasonable effort to schedule treatment so as not to disrupt the flow of services.

3. The employee is responsible for maintaining regular (at least every 30 days) contact with HR during the leave regarding his/her status. (This requirement does not apply to military leaves of absence.)

**Benefits During Leave**

1. An Employee who contributes to the Health, Dental and other Insurance coverages, will continue making their contributions while employee is on a paid leave. If employee is on an unpaid leave, they will need to make arrangements to pay the employee premium portions. If this payment is more than 30 days late, the employee’s coverage will be cancelled. If coverage is cancelled, when an employee returns from leave, coverage shall commence following a continuous 90 day waiting period.

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Health care benefits during a military leave are available for a maximum period of 18 months on an employee pay basis, when the leave duration will exceed 31 days. Health care benefits may be continued during a personal leave of absence on an employee pay basis.

A. Premium payments for continued insurance coverage’s are to be made monthly to Independence, or the employee may make arrangements for the entire amount to be deducted on the last pay preceding the leave, if feasible.

2. If the employee fails to return from the leave, except for the continuation, recurrence, or onset of a serious health condition, or something else beyond the employee's control, the employee will be required to pay the organization for the insurance premiums paid on his/her behalf.

3. During the unpaid portion of the leave, the employee will be placed on inactive status and will not accrue vacation or sick hours and will be ineligible for holidays.

4. Employees on an unpaid leave are not eligible for pay increases until their return to active status.

**Employment Status Following a Leave**

1. An employee returning from a family or medical leave will be returned to the position held by the individual at the commencement of the leave or to an equivalent position with equivalent benefits, pay and other conditions of employment. Employees who would have been laid off or otherwise had their employment terminated, had they continued to work during the leave period, are not required to be reinstated.

2. Upon discharge from the military service, a service member is entitled to be restored to his or her prior employment position or a position of like seniority, status and pay, providing the equivalent to an honorable discharge was received.

3. An employee returning from a personal leave is not guaranteed a position. Return to work will be based on position availability and organizational needs.

A. If the employee has not been placed in a position within three months following conclusion of a leave, the employment relationship will be terminated.

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**Return to Work Following a Leave**

1. The employee is responsible for notifying the Director of Human Resources of his/her desire to return to work at least two weeks in advance of the anticipated return date.

2. An employee who has been on leave for medical reasons is required to provide documentation of fitness for duty.

3. Employees returning from military duty must apply to return to work no later than 90 days after release from active military service, when the period of military service is more than 180 days. If the period of service is more than 30 days but less than 181 days, the service member must apply for re-employment not later than 14 days after service is completed. Periods of military service less than 31 days, require that the service member report no later than the beginning of the first full regularly scheduled work period on the first full calendar day following completion of the period of service plus eight hours, after a period allowing for safe transportation from the place of service to the residence.

**Failure to Return from Leave**

1. An employee who fails to return to work by the date indicated on the leave request will be presumed to have resigned his/her position.

2. Staff expressing an interest in returning to work past the date indicated on the leave request, or past the dates specified for military reinstatement will be considered based upon position availability and organizational needs.