SUBJECT: Leave of Absence

PURPOSE: To provide time away from work for family, medical or personal reasons.

POLICY:

I. Types of Leave/Eligibility

A. Family Leave

To care for a child during the first 12 months after birth, adoption, or placement with the employee for foster care.

Full-time and part-time employees are eligible to request a family leave of absence after three months of employment. Employees who do not qualify for family leave may request a personal leave of absence.

B. Medical Leave

To care for an employee’s own serious health condition which limits the employee’s ability to perform the essential functions of her/his job.

To care for a spouse, child, or parent who has a serious health condition.

Full-time and part-time employees are eligible to request a medical leave of absence after three months of employment. Employees who do not qualify for medical leave may request a personal leave of absence.

C. Service Member Family Leave

An eligible employee may take up to 12 weeks of unpaid time in a 12 month period based on “any qualifying exigency” (as the Department of Labor shall define by regulations) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the armed forces in support of a contingency operation.
To care for a spouse, son, daughter, parent or if you are the nearest blood relative providing care for an injured member of the Armed Forces whom suffered an injury or illness while on active duty. An eligible employee who is the spouse, son, daughter, parent or nearest blood relative of a covered servicemember shall be entitled to a total of 26 workweeks of leave during a single 12-month period for each injured service member and each service related illness or injury. A “covered servicemember” means a member of the Armed Forces, including a member of the National Guard or Reserves who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. For purposes of this paragraph only, the term “serious injury or illness” means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member’s office, grade, rank or rating.

D. Personal Leave

A leave for other reasons determined by the hospital to be significant.

Personal leaves are subject to approval by the hospital based on the reason for the leave and the impact the leave would have on staffing and the general operation of the affected department.

E. Public Office Leave

A leave for fulfilling an election or appointment to a major Federal or State Public Office.

MMSC will grant a leave of absence for a maximum period of two (2) years to an employee elected or appointed to a full-time, major Federal or State public office. Such leave of absence may be renewed for an additional period of not more than two (2) years upon written application to MMSC by the employee prior to the expiration of the original leave of absence. Further extensions of such leave may be granted upon mutual agreement between MMSC and the employee.

Full-time and part-time employees are eligible to request a public office leave of absence after three months of employment.

II. Family and Medical Leave Act

A. The Family and Medical Leave Act of 1993 (FMLA) provides certain employees with up to 12 weeks of unpaid, job protected leave during a rolling 12 month period, for certain family and medical reasons. FMLA is intended to allow employees to balance their work and family life.
B. To be eligible for a family or medical leave under the FMLA, the employee must have 12 months of service with MMSC and at least 1250 worked hours in the 12 months prior to the start date of the leave.

C. See section I, A and B above, for leaves that qualify under the FMLA.

III. Definition of a Serious Health Condition

A. An illness, injury, impairment, or physical or mental condition that requires:

1. Inpatient care in a hospital, hospice, or other residential medical care facility, or

2. Continuing treatment by or under the supervision of a health care provider which involves:

   a) The inability to work, attend school, or perform other regular activities for more than three consecutive calendar days, that also involves:

      Treatment two or more times within 30 days of the commencement of the period of incapacity by a health care provider, or by a provider of Healthcare Services (e.g. Physical therapist) under the orders of a health care provider.

         (or)

      Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care providers. (e.g. an antibiotic or oxygen)

      The first visit to the health care provider must be within seven days of the commencement of the period of incapacity.

   b) Any period of absence due to pregnancy or for prenatal care, or

   c) Any period of absence due to a chronic serious health condition (a condition which requires periodic visits for treatment, continues over an extended period of time, and may cause episodic absences). In this situation, the employee must make at least two annual visits to a health care provider or,

3. An absence which is permanent or long-term due to a condition for which treatment may not be effective. In this situation, the employee must make at least two annual visits to a health care provider, or
4. Any period of absence to receive multiple medical treatments.

IV. Family Members Eligible for Care

A. Employees may take a leave to care for the following family members with a serious health condition:

1. Spouse

2. Biological, adopted, or foster children. Stepchildren or children of an employee in loco parentis (those with day to day responsibilities, to care for and support a child)

3. Biological, adoptive, or foster parents; and stepparents, or a person who stood in loco parentis to the employee.

B. It may be necessary for MMSC to require the employee requesting leave to provide reasonable documentation of family relationships.

V. Intervals of Leave

A. Eligible employees may take leave for family or medical reasons in three different ways depending on the need for leave:

1. Regular Leave

   When the need for leave is for a continuous uninterrupted block of time.

2. Reduced Leave

   When medically necessary, employees may alter their work schedules to reduce the number of hours or days worked during a workweek. Leave may not be taken in increments less than one hour.

3. Intermittent Leave

   When medically necessary, employees may take leave in blocks of time. For example, where an employee takes a full day off from work due to a single serious health condition, but then returns to work for a day or two and then again takes a full day off due to the same serious health condition.

B. If the employee requests intermittent or a reduced leave, the employee may be temporarily transferred to a position equal in pay and benefits which better accommodates the employee’s need for recurring periods of leave.
VI. Special Provisions

A. Leave to care for a newborn or newly adopted child or a child placed with the employee for foster care must be taken all at one time.

B. Leave to care for an employee’s own serious health condition or to care for a sick family member may be taken as needed. If planned treatment is necessary, the employee is required to make a reasonable effort to schedule treatment so that disruption to their department is minimal.

C. Maternity leaves will be considered a combination of a medical and family leave not to exceed 12 weeks in duration. Disability benefits are payable only for the medically related portion of the leave.

D. Husbands and wives who are both employed by the hospital may take leave for the birth of a child, adoption or placement of a child not to exceed 12 weeks combined. Each spouse may take up to 12 weeks of leave to care for a sick child, to care for the other spouse, or for the employee’s own serious health condition.

E. Family and medical leaves of absence will not result in an adjustment of the employee’s salary review date during the first 12 weeks of leave. The employee’s salary review date will be adjusted for a period of time equal to the length of leave after the initial 12 weeks absence.

F. Personal leaves of absence will result in an adjustment in an employee’s salary review date for a period of time equal to the length of leave.

G. Personal leaves may only be taken for a continuous uninterrupted block of time. Personal leaves may be approved for up to six months. In unusual circumstances an employee may request an extension for up to an additional six months. Such extensions require the additional approval of the appropriate division head.

H. If the employee does not intend to return to work at the conclusion of a leave of absence, it is expected that the employee will notify her/his department director prior to a planned leave or as soon as possible during an emergency leave. Prompt notification is necessary so the department director may fill the job opening in a timely manner. If an employee intentionally fails to inform their director of her/his plans not to return to work, the employee may not be eligible for rehire.

I. This policy was written to comply with the Family and Medical Leave Act (FMLA). Any legislative changes to the Act will supercede this policy. Any questions not answered by this policy will be governed by the Act itself.
VII. Leave Request Process

A. A Leave Request Form must be completed by the employee needing leave. Forms are available through Human Resources.

1. Foreseeable Leave

When the need for leave is foreseeable, employees are expected to provide their supervisor with 30 days notice of their plans to take a leave. If adequate notice is not given, a delay may occur in the commencement of the leave. Employees should contact the Human Resources Department to make arrangements for a leave.

2. Unforeseeable Leave

If the need for leave is not foreseeable, employees are expected to provide their supervisor with as much notice as is possible and practical. Typically, this notification should occur within two days of the event giving rise to the need for leave. In emergency situations, a telephone call to the department director by the employee will suffice until the employee can provide the necessary information. However, the employee is expected to contact the Human Resources Department as soon as they are able to do so. If the employee fails to notify their director after the need for leave became apparent, the absences could be deemed unexcused and the employee may be subject to corrective action.

B. If the leave is needed for the employee’s own serious health condition or a serious health condition of an eligible family member, the employee must also submit a completed Health Care Provider Certification Form. Forms are available through Human Resources. This form should be completed by the attending health care provider and returned to Human Resources. In emergency situations, a completed Health Care Provider Certification Form should be provided within 15 days or as soon as possible and practical. After review of the information on the Health Care Provider Certification Form, MMSC may require second and/or third opinions from a health care provider of MMSC’s choice in which MMSC will pay for the cost of the second/third opinions. If the Health Care Provider Certification Form is incomplete, the employee will have seven days from the date they receive employer notification that the form is incomplete, to resolve the issue. Failure to complete any insufficiencies may result in denial of FMLA leave. If the Certification Form is ambiguous, the appropriate MMSC agent will contact the employee’s health care provider for clarification.
C. MMSC will notify an employee in writing when a leave, paid or unpaid, qualifies as family and medical leave under the provisions of the Family and Medical Leave Act. A copy of the notification will be provided to the Department Director. If intermittent or reduced leave is necessary for a serious health condition, notification of time used toward family and medical leave will occur approximately every six months.

D. Employees must notify the department director and the Human Resources Department when they are released to return to work. A return to work release may be requested by the department director or the Human Resources Department. When an employee has work restrictions an effort to reasonably accommodate the employee will be made. Additional information about the work restrictions may be requested by the Employee Health department.

VIII. Compensation

A. Leaves of Absence are provided without pay unless an employee is eligible for disability benefits or chooses to utilize accrued time off benefits.

B. To receive disability benefits on an on-going basis, employees must be seen by their health care provider at least every six (6) weeks. Written verification from the health care provider confirming continued treatment will be necessary to extend the certification of the disability. Employees must communicate updated medical information to the Human Resources Department. Medical recertification may be necessary while the employee is on leave.

IX. Accrual and Use of Benefits

A. Accrual of time off benefits will stop on the day that an employee’s status changes from active employment to leave of absence. If a holiday falls during the time an employee is on a leave of absence status, the employee will not be paid for the holiday. For payroll purposes, the employee’s status changes to a leave of absence status four (4) weeks after a family or medical leave commences and immediately upon a personal leave or public office leave.

B. Time off benefits may be utilized to supplement disability benefits while on a medical leave of absence.

C. Employees may not utilize paid time off benefits or days off without pay as a means to extend the 12 weeks of eligible family or medical leave, unless approved by the individual department director approval.

D. If the employee is receiving Workers’ Compensation benefits or short/long term disability benefits, the time away from work will be designated as medical leave. The time away from work will be counted on a concurrent basis as FMLA time.
E. If an employee on Workers' Compensation leave is offered a light-duty position, the employee has the option of accepting the light-duty job or continuing the medical leave of absence. However, if the employee refuses the light-duty position, Worker's Compensation benefits will be discontinued.

F. Please refer to the Health and Safety manual, policy number HS 2.1.3 for further details on the Return to Work Program.

X. Benefit Coverage

A. Family & Medical Leave

During the first 12 weeks of a family or medical leave of absence, MMSC will continue to pay the hospital’s portion of health and dental premiums, life insurance premiums, and short/long term disability premiums. The employee must pay her/his normal premium payments for health and dental insurance in order to continue coverage.

B. Personal Leave and Public Office Leave

During a personal or public office leave of absence, the employee will be offered COBRA continuation coverage for health and dental coverage and conversation paperwork will be provided if they desire to apply for life insurance coverage through the carrier at their own expense.

C. Employees are responsible for contacting the Human Resources Department prior to a planned leave or at the time of an emergency leave to arrange for premium payments if applicable. If the employee is receiving hospital paid disability benefits or paid time off benefits, the premiums will be deducted from the employee’s paycheck. If the leave is unpaid, premiums can be paid to the Human Resources Department in advance of the leave or by the first of the month in which the payment is due. Deductions for dependent care/medical flexible benefits and supplemental life insurance premiums will be handled in the same manner. If the employee fails to make payments within 30 days of the due date her/his coverage will be dropped for the duration of the leave. MMSC will provide 15 days’ notification prior to the employee’s loss of coverage.

D. COBRA benefits will be offered to qualifying employees if the employee is unable to return from leave or he/she exhausts all eligible leave time.
XI. Effect of Leave on Job Assignment

A. The employee returning from family or medical leave of absence is entitled to the same position held before the leave or an equivalent position with equivalent benefits, pay and condition of employment. There is no guarantee of employment continuation during or following a personal leave. There is no effect on job assignment associated with a political leave of absence.

B. An employee taking a political leave of absence may work intermittently if duties associated with the political leave permit. This will be discussed and agreed on by the employee and his or her direct supervisor prior to the leave being granted.

C. An employee’s job and work assignment will be held for a minimum of 12 weeks during a medical or family leave of absence. After the 12 week period the department director may fill the position with another candidate. Department directors may hold jobs open beyond the minimum periods based on the expected duration of the leave and staffing considerations within the department.

D. If an employee is unable to return to work and it is necessary to fill an employee’s position after the 12 week period, the employee may apply for job openings throughout the hospital for which she/he is fully qualified and holds relative seniority. Access to such openings will be subject to the routine hospital transfer process.

E. If an employee is not able to return to work after one year of medical leave of absence, her/his employment will be terminated without prejudice.

XII. Misuse of Leave and/or Disability Benefits

If the employee intentionally provides false information or withholds information, neglects to inform her/his director of her/his capability to return to work, works a second job, or seeks employment elsewhere, the employee will be subject to corrective action up to and including discharge. If the employee does not return to work when released by their health care provider, the employee will be deemed to have voluntarily terminated their position at MMSC.

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