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Policy Title:	Leave(s) of Absence
Department:	Talent Management
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I. Purpose

MAHEC is an equal opportunity employer and complies with the Family and Medical Leave Act (FMLA). The organization strives to recruit and retain faculty and staff as an employer of choice. MAHEC recognizes that supporting faculty and staff as they balance career and life ultimately benefits the faculty, staff and organization.

This policy applies to employees who are eligible for MAHEC benefits. MAHEC provides Leave(s) of Absence (LOAs) as well as Paid Time Off (PTO) to respond to employee needs.

General topics regarding LOAs covered within this policy may serve as a guide for Residents/Fellows or unbenefited staff with regard to application and interpretation. LOA benefits for Residents/Fellows on contract are determined by their employment contracts and are not addressed in this policy.

II. Scope

This policy applies to all employees at MAHEC who earn paid leave and/or are covered by federal and state laws governing protected leave use as part of their employment.

III. Responsibility

Each employee is responsible for communicating to their Supervisor and Talent Management the need for a LOA. Each Supervisor, in conjunction with Talent Management, are responsible for LOAs based on this policy.

IV. Definitions

A. Serious Health Condition: Section 101(11) of FMLA defines serious health condition as "an illness, injury, impairment, or physical or mental condition that involves:

1. inpatient care in a hospital, hospice, or residential medical care facility; or
2. continuing treatment by a health care provider."

B. Spouse: A husband or wife recognized under state law for purposes of marriage in the State in which the marriage was entered into. This definition includes an individual in a same-sex or common law marriage that was entered into in a State that recognizes such marriages. In the case of a marriage entered into

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outside of any State, the marriage is recognized if the marriage is valid in the place where entered into and could have been entered into in at least one State.

- C. Child: A son or daughter who is under 18 years of age or is 18 years of age or older and incapable of self-care because of a mental or physical disability and who is:
- A biological child,
 - An adopted child,
 - A foster child,
 - A stepchild
 - A legal ward
- D. Parent: A biological, adoptive, step or foster father or mother or an individual who stood in loco parentis (a person who is in the position or place of a parent) to an employee when the employee was a child. This term does not include parents “in-law”.
- E. Qualifying Exigency: For an eligible employee with a covered military member serving in the National Guard, Reserves, or the Regular Armed Forces to manage the service member’s affairs while the member is on covered active duty.
- F. Workday: For the purpose of this policy Workday is defined as the Talent Management Information System designed to track PTO requests, among other Talent Management functions.

V. Leave Types and Administration

A. FAMILY MEDICAL LEAVE ACT (FMLA) LEAVE

The Family Medical Leave Act entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Employees who return to work from family leave of absence on or before the expiration of the twelve weeks are entitled to return to their job or an equivalent position without loss of benefits. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

Eligible employees are entitled to:

Twelve (12) workweeks of leave in a 12-month period for:

- the birth of a child and to care for the newborn child within one year of birth;
- 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;
- to care for the employee’s legal spouse (including same-sex spouse), child, or parent who has a serious health condition;
- a serious health condition that makes the employee unable to perform the essential functions of his or her job;
- a. any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a covered military member on “covered active duty;” or an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. This military

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caregiver leave is available during “a single 12-month period” during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

1. Eligibility

- a. To be eligible for FMLA leave, an employee must have been employed at MAHEC at least 12 months and worked at least 1,250 hours during the preceding 12 months, and work at a location where MAHEC employs 50 or more employees within 75 miles. The 12 months of employment do not have to be consecutive.
- b. If both parents are employed by MAHEC, the combined leave shall not exceed twelve weeks regarding birth or adoption of a child, or to care for a parent as provided above.

2. Application

- a. An eligible employee should notify their Supervisor and Talent Management of the need to take a LOA.
- b. The Talent Management team will provide a LOA “Notice of Eligibility and Rights and Responsibility” form and request the completion of the LOA “Certification of Health Care Provider” form.
- c. Application for leaves of absence should be submitted at least thirty (30) days before the leave is to commence, or as soon as possible if notice is not possible.
- d. An employee requesting LOA leave due to their own serious health condition must provide MAHEC with a physician’s certification substantiating that the employee’s condition renders the employee unable to perform the functions of the employee’s position.
- e. Talent Management will provide the employee with a written response to the request within five business days of receiving the required certification or other documentation.

3. Use of Paid Time Off

- a. An employee on approved LOA absence must use all available paid time (PTO, Holidays, etc.) concurrently with their LOA.
- b. The Talent Management team will provide the appropriate disability applications to supplement an employee’s pay during absences anticipated to last longer than the Waiting period for those policies.

4. Intermittent FMLA

- a. Depending on the circumstances, FMLA may be taken intermittently in less than 1-day increments.
- b. All employees are paid for their actual hours worked while on Intermittent FMLA.
- c. This includes salaried exempt employees who will be paid on an equivalent hourly basis during FMLA leaves.
- d. In the case of leave for the birth or placement of a child, intermittent leave or working a reduced number of hours is not permitted unless Talent Management has approved the employee’s written request to allow such an arrangement.
- e. In the case of leave for serious health conditions, the leave may be taken intermittently or on a reduced hours basis only if such leave is medically necessary.
- f. If intermittent or reduced hours leave is required, MAHEC may in its sole discretion temporarily transfer the employee to another job with equivalent pay and benefits that better accommodates that type of leave.

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5. Time Keeping

- a. While on an approved continuous LOA, the employee time entry process will be changed to the Talent Management team for approval.
- b. The leader of the employee on continuous LOA shall coordinate with Talent Management the time entry process in Workday to accurately reflect time worked by the employee every pay period.
- c. While on intermittent leave, the employee and their leader will ensure accurate time entry to reflect all time associated with the approved leave.
- d. Exempt employees may be switched to a non-exempt status while on LOA to ensure accurate timekeeping.

6. Benefits Premiums

- a. During an approved LOA, MAHEC will continue to pay its portion of the health insurance premiums and the employee must continue to pay his/her share of the premium.
- b. For that portion of FMLA leave, which is paid, MAHEC will continue the standard practice of collecting these premiums through payroll deduction.
- c. For that portion of FMLA leave which is unpaid, MAHEC will bill the employee for his/her portion of the premiums following the same payment schedule as payments are made under COBRA.
- d. If on FMLA unpaid status such that there are not enough earnings to capture premiums, the Benefits Manager will work with the employee to either pay those premiums via invoice or arrange for make-up payments upon return to work.
- e. Failure of the employee to pay their share of the health insurance premium may result in loss of coverage.
- f. If the employee does not return to work after the expiration of the leave, the employee will be required to reimburse MAHEC for payment of health insurance premiums during the family leave, unless the employee does not return because of the presence of a serious health condition which prevents the employee from performing their job or circumstances beyond the control of the employee.
- g. During unpaid leave, the employee shall not accrue the following employment benefits: holiday leave and employer retirement contributions (basic and/or match) due to loss of income.

7. Intent to Return to Work from FMLA Leave

- a. On a basis that does not discriminate against employees on FMLA leave, MAHEC may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.
- b. Any employee taking any FMLA leave due to their own serious health condition must obtain and present MAHEC with certification from their physician that they are able to resume work.

B. EXTENDED NON-FMLA MEDICAL LEAVE WITHOUT PAY

Extended Medical Leave without Pay is defined as a period of non-FMLA qualifying medical leave for the employee. This policy differentiates from FMLA-qualifying leave.

1. Extended Medical Leave without Pay may be granted by the Talent Management for employees who do not yet qualify for FMLA leave but are protected under state- or federal-law; or, for those employees who have exhausted their 12 weeks of FMLA-qualifying leave period. This extension of

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continued employment is not guaranteed, and all requested for Extended Medical Leave must be approved by Talent Management.

2. This leave does not apply to incidental and/or short-term medical conditions. In addition, the leave is not intended to circumvent the requirement of management to have duties performed, or limit management's right to deny a request for leave without pay.
3. A qualifying employee may be offered up to 52 weeks of leave without pay during a rolling 5-year period.
4. Although this leave is without pay, an employee is required to exhaust all available paid leave options (PTO, holiday, or voluntary shared leave) prior to going on Leave Without Pay.
5. All periods of designated Extended Medical Leave whether paid or unpaid count towards the 52 weeks to which the employee may be offered. This includes leave taken under the Voluntary Shared Leave Policy.
6. Employees on Leave Without Pay during Extended Medical Leave will be required to pay the inactive employee rate for continued benefit coverage (e.g., health, dental).

C. NON-FMLA MEDICAL LEAVE WITHOUT PAY

Non-FMLA Medical Leave without Pay is defined as a period of non-FMLA qualifying medical leave for the employee. This policy differentiates from FMLA-qualifying leave and this leave of absence is not guaranteed, and all requests for non-FMLA Medical Leave must be approved by Talent Management. This leave does not apply to incidental and/or short-term medical conditions. In addition, the leave is not intended to circumvent the requirement of management to have duties performed, or limit management's right to deny a request for leave without pay.

1. Although this leave is without pay, an employee is required to exhaust all available paid leave options (PTO, holiday, or voluntary shared leave) prior to going on Leave Without Pay.
2. All periods of designated non-FMLA Medical Leave, whether paid or unpaid, count towards the total allotment of leave to which the employee may be offered. This includes leave taken under the Voluntary Shared Leave Policy.
3. Employees on Leave Without Pay during non-FMLA Medical Leave will be required to pay the employee rate for continued benefit coverage (e.g., health, dental). If employees do not pay their benefit premiums, employees could experience a lapse or termination in coverage.
4. Application
 - a. An employee should notify their Supervisor and Talent Management of the need to take a LOA.
 - b. The Talent Management team will provide a LOA "Notice of Eligibility and Rights and Responsibility" form and request the completion of the LOA "Certification of Health Care Provider" form.
 - c. Application for leaves of absence should be submitted at least thirty (30) days before the leave is to commence, or as soon as possible if notice is not possible.
 - d. An employee requesting LOA leave due to their own serious health condition must provide MAHEC with a physician's certification substantiating that the employee's condition renders the employee unable to perform the functions of the employee's position.

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- e. Talent Management will provide the employee with a written response to the request within five business days of receiving the required certification or other documentation.

5. Use of Paid Time Off

- a. Although this leave is without pay, an employee is required to exhaust all available paid leave options (PTO, holiday, or voluntary shared leave) prior to going on Leave Without Pay.
- b. The Talent Management team will provide the appropriate disability applications to supplement an employee's pay during absences anticipated to last longer than the Waiting period for those policies.

6. Intermittent non-FMLA

- a. Depending on the circumstances, non-FMLA may be taken intermittently in less than 1 day increments.
- b. All employees are paid for their actual hours worked while on Intermittent non-FMLA.
- c. This includes salaried exempt employees who will be paid on an equivalent hourly basis during non-FMLA leaves.
- d. In the case of leave for the birth or placement of a child, intermittent leave or working a reduced number of hours is not permitted unless Talent Management has approved the employee's written request to allow such an arrangement.
- e. In the case of leave for serious health conditions, the leave may be taken intermittently or on a reduced hours basis only if such leave is medically necessary.
- f. If intermittent or reduced hours leave is required, MAHEC may in its sole discretion temporarily transfer the employee to another job with equivalent pay and benefits that better accommodate that type of leave.

7. Time Keeping

- a. The leader of the employee on continuous Leave of Absence shall coordinate with Talent Management the time entry process in Workday to accurately reflect time worked by the employee every pay period.
- b. While on intermittent leave, the employee and their leader will ensure accurate time entry to reflect all time associated with the approved leave.

D. JURY DUTY

Benefited employees are provided Jury Duty as paid leave time. We regard jury duty as a civic responsibility and encourage our employees to participate when called.

1. Jury Duty Leave

- a. Employees will receive pay at their regular rate during the time selected to serve.
- b. Partial days of jury duty service will not result in full day pay, and employees may be asked to supplement any non-service-related leave of absence with PTO and/or Holiday Use.
- c. Employees are required to submit their Jury Duty absence request to their supervisor in Workday and attached a scanned copy of the jury duty summons with the request. The jury duty summons must be attached to receive approval for jury duty pay.
- d. Leaders/timesheet approvers will process Jury Duty requests in a timely manner.

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- e. Non-exempt (hourly) employees will submit time corrections as needed to their supervisors/timesheet approvers in Workday if their Jury Duty service changes or their service does not result in a full day. Exempt employees will enter any Jury Duty service changes prior to the end of the pay period.

2. Absences resulting from Subpoenas

- a. Employees who are subpoenaed to serve as a witness in a case are not eligible for jury duty pay. PTO and/or Holiday Leave may be used for these situations should they arise.
- b. Employees who are requested or subpoenaed to serve as a witness for a case involving MAHEC may be approved for Administrative Leave.

E. ADMINISTRATIVE LEAVE

Occasionally situations arise in which an employee is placed on Administrative Leave, including: 1) during periods of investigation, 2) periods of negotiation during separation, or 3) other extenuating circumstances.

1. Talent Management will review and may approve reasons for such leave for up to thirty (30) days. For administrative leave requested beyond thirty days, approval will be needed by the CEO.
2. During periods of Administrative Leave, employees may receive Holiday pay and will remain on active status for benefit purposes.

F. VOLUNTARY LEAVES OF ABSENCE

Voluntary LOAs may be granted for a specified period of time.

1. Eligibility

- a. A leader may authorize an individual to take in any calendar year unpaid leave of a duration not to exceed the individual's normal bi-weekly pay period.
- b. Requests for voluntary LOAs of more than the normal pay period but less than four (4) weeks, must be approved by the leader, the Department Chair, and Talent Management.
- c. The granting of a voluntary LOA requires an assurance of reemployment by the department upon the conclusion of the leave, unless specifically authorized otherwise by Talent Management, or unless the position has been eliminated by reduction in the work force or operational change under circumstances applying equally to other similar jobs in the department.
- d. Voluntary LOAs similarly require the employee's intention to return to work at the end of the approved leave period.

2. Short-term Training Leave

- a. The Department Chair, in conjunction with Talent Management, may grant short-term leave to take advanced or supplementary training that cannot be provided at MAHEC or through granted CME.
- b. The leave will be based on present and future job requirements and on individual qualifications.
- c. Leave may be granted if:

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- The employee's skills have become technically obsolete and the employee needs retraining to carry out their work satisfactorily; or
- the courses are required for employee to keep abreast of new knowledge and techniques in their field of work or to maintain certification; or
- qualified people cannot be recruited to carry out essential work or
- the Leader requires employees to take the training.

3. Benefit Coverage during Voluntary Leave of Absence

Employees on approved voluntary LOAs may maintain employer-provided benefits coverage.

G. MILITARY LEAVE

1. In compliance with the Uniformed Services Employment and Reemployment Rights Act (USERRA), MAHEC does not discriminate on the basis of past, current, or future military obligations. In addition, employees who are called to active military duty are eligible for a military leave of absence.
2. Employees are required to provide MAHEC's Talent Management Department with advance written or oral notice of their service obligations in order to be eligible for reemployment rights and benefits. This notice, however, may be waived when military necessity precludes providing it.
3. The duration of the leave will be the term of enlistment plus any additional time that may be required by law. It will include a reasonable allowance of time for travel and adjustment. With some exceptions, the cumulative length of service that causes a person's absences from a position may not exceed five years.
4. On return from military leave of absence, the employee will be reinstated as required by law, subject to the following conditions:
 - The employee must apply for reinstatement within the time required by law.
 - If the employee's former job is not available, MAHEC will provide a job of similar status and pay.
5. Although military leave is not paid time, employees may choose to use any accrued PTO and/or Holiday time.
6. During a military leave of absence of 30 days or less, MAHEC will continue to pay its portion of the health insurance premiums and the employee must continue to pay their share of the premium. Employees taking a military leave of absence greater than 30 days are eligible to continue any health/dental coverage through COBRA for up to 24 months.
7. In addition, USSERA requires that a person reemployed under its provisions be given credit for any months and hours of service they would have been employed but for the military service in determining eligibility for Family and Medical Leave Act (FMLA) leave.

H. BEREAVEMENT LEAVE

1. This policy establishes uniform guidelines employees seeking to take Bereavement Leave for absences related to the death of family members, including the employee's spouse, domestic partner, child (including pregnancy loss), stepchild, parent, stepparent, father-in-law, mother, mother-in-law, son-in-law, daughter-in-law, brother, sister, stepbrother, stepsister, brother-in-law, sister-in-law, aunt, uncle, grandparent, grandchild or spouse's grandparent, or an adult who stood in loco parentis to the employee during childhood.

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2. All employees shall receive 24 hours of paid Bereavement Leave in a calendar year.
 - a. Unused Bereavement Leave will not roll over to the next calendar year.
 - b. All Bereavement Leave balances from the previous year will revert to zero (0) after December 31 of each year.
 - c. Unused Bereavement Leave time will not be paid out upon separation of employment.
3. An employee who wishes to take time off due to the death of a family member should notify their supervisor as soon as possible.
4. In addition to bereavement leave, an employee may, with his or her supervisor's approval, use any available paid time off for additional approved time as necessary. Employees under corrective action for attendance issues may be required to provide documentation with regard to their bereavement leave.
5. Bereavement pay is calculated based on FTE at the time of absence, and it will not include any special forms of compensation, such as incentives, commissions, bonuses, overtime or shift differential.