	THE JOHNS HOPKINS HOME CARE GROUP HUMAN RESOURCES POLICY MANUAL	<i>Policy Number</i>	II-107
		<i>Effective Date</i>	01/01/03
	<i>Subject:</i> LEAVE OF ABSENCE	Revised	4/1/2009

## POLICY

Johns Hopkins Home Care Group (JHHCG) recognizes that situations arise where employees are unable to work for extended periods of time due to (1) their health, (2) child/dependent care, (3) education and (4) personal reasons. A Leave of Absence is an unpaid, authorized period of absence from work that exceeds 30 days at the request of the employee or management. Employees must use all available accumulated time (i.e., vacation, personal days) prior to going on a leave of absence. A leave of absence should be granted in increments of up to three months duration and will not exceed the maximum duration of 12 months, including any Family Medical Leave (FML) entitlement. Leaves of Absence are not the “right” of an employee. Except where a leave is governed by law or JHHCG policy, they are granted at the discretion of the Department Director and Director of Human Resources. It is therefore the policy of JHHCG to grant a leave of absence when the employee’s absence will not have a negative impact on business operations or patient care.

Decisions for granting a leave of absence will be based on criteria such as the nature of leave, urgency, length of leave, length of service, ability to find temporary replacement, department workload, affect on patient care, previous absences and reasons, job performance, special projects, disciplinary history, department vacancy rate, and others in the department already on leave.


For military leave, please refer to the Military Leave policy.

## ELIGIBILITY

A leave of absence is to be used only in cases where the employee has exhausted all accumulated accrued time and intends to return to work following the leave. Regular full-time, part-time and limited employees consistently scheduled for at least 20 hours or more per week and who have successfully completed their probationary period of employment and whom JHHCG has employed in a regular status for at least 12 months are eligible to request a leave of absence. An employee, who is not eligible for FML, may be eligible for a leave of absence.

## BENEFIT PLAN CONTINUATION

Employees on an approved leave of absence may be eligible for benefit plan continuation. In order for an employee’s medical and dental plans to remain intact, the employee must contact Human Resources about their benefit plan continuation and continue to pay for their benefits on a monthly basis. Once contacted, Human Resources will send a letter to the employee regarding their continuation of benefit coverage and bill the employee for the monthly amount. If the employee fails to pay the monthly premiums on a timely basis or to notify Human Resources of their desire to continue their benefit plans, the employee’s medical and dental benefits will be discontinued at the end of the month in which the employee begins the leave of absence.

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Unless an employee is covered by the Family and Medical Leave Act, an employee's failure to submit prompt payment of premiums (paid directly to JHHCG) due will result in cancellation of their membership in the plan(s). The employee must contact the Department of Human Resources concerning their eligibility for re-enrollment in the benefit plan(s) immediately upon returning to work.

Health – Employees who are placed on a non-FML Health leave of absence are eligible to continue their medical and dental coverage while on an approved leave of absence, as long as they elected coverage prior to their leave commencement.

Child/Dependent, Personal, and Education – Employees who are placed on a Child/Dependent, Personal or Educational leave are also eligible to continue their medical and dental coverage, and are billed at the monthly COBRA rate, as long as they elected coverage prior to their leave commencement.

### BENEFIT ACCRUALS, HOLIDAY PAY AND EVALUATION DATES

Sick leave and vacation credits do not accrue during a leave of absence.


An employee on a leave of absence shall not be entitled to receive increases, holiday pay or any other pay during the period covered by the leave of absence. An employee returning from an unpaid leave of absence will receive the rate of pay last held or the minimum in the classification, whichever is greater. Salary reviews and performance appraisals will be adjusted by the length of unpaid leave.

Information regarding the retirement program may be obtained from the Department of Human Resources.

### PROCEDURE

**Employee** Employees requesting a leave of absence should refer to the Leave of Absence policy to determine the type of leave being requested. The employee submits a written request for a leave of absence to their manager. Requests should be submitted at least two (2) weeks prior to the leave requested.

**Manager** The Manager reviews the leave of absence written notification and requests any documentation necessary to validate the need for the requested leave. Once the leave of absence documentation has been assembled, the Manager meets with the Department's Director and the Director of Human Resources to give them a copy of the request and to review the documentation. This management meeting, a decision of approval or disapproval of the leave request, and the outcome

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communication to the employee should occur within five (5) days of receipt of the request. If the employee is approved for the leave of absence, the Manager completes the “Leave of Absence-JHHS” ISR.

**Human Resources** The Human Resources Generalist will advise the employee regarding benefit continuation and invoices the employee for the continuation of insurance coverage.

**Employee** If applicable, the employee sends their monthly benefit premiums to Human Resources. The employee communicates with their manager regularly while on the leave about expected return to work date and other job-related matters. Once the employee is ready to return to work, reports to Occupational Health to be cleared for work, if the leave was due to personal injury or illness.


**Occupational Health** Occupational Health evaluates the employee to render a decision as to whether the employee may return to work if the leave of absence was due to the employee’s injury or illness. Occupational Health completes a “Return to Duty” slip and gives it to the employee.

**Employee** The employee notifies their manager about their return to work. If available, returns to work to the original or equivalent position and gives the manager the “Return to Duty” slip.

**Manager** When the employee returns to work, the Manager completes the “Return From Leave Of Absence-JHHS” ISR, sends a copy of the “Return to Duty” form to Human Resources and files one copy in the employee’s departmental file. If the employee’s leave was for more than 30 days, the performance review date will be adjusted by completing a “Salary Change” ISR. If the employee is unable to return to work at the end of the approved leave of absence, a “Termination” ISR needs to be completed. One of the following reason codes should be used.  
 28 – failure to return from LOA  
 29 – medical inability  
 07- LOA expiration

A leave of absence without pay for 30 days or less may be granted to regular full-time, part-time and limited employees who have successfully completed their probationary period of employment.

PROVISIONS FOR A LEAVE OF ABSENCE

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#### 1. Health

A leave of absence due to health reasons can be for non-work or work related disabilities resulting from illness (physical or mental), injury or pregnancy, or as an accommodation for a disability, and when an employee is not eligible or has exhausted FML.

#### 2. Child or Dependent Care

A leave of absence to care for a child or dependent when FML entitlement has been exhausted.

#### 3. Personal

A leave of absence for personal reasons may be granted in order for the employee to attend to personal needs or emergencies.

#### 4. Educational

A leave of absence may be granted so that an employee may attend an approved accredited educational institution. The courses must be directly related to an employee's job and/or to enhance the skills and knowledge applicable to promotional duties. An educational leave may also be granted to employees who are matriculating into a degree program leading to an Associate or Bachelor Degree.

### DURATION AND EXTENSION

A leave of absence shall not exceed one (1) year. If an employee on leave of absence is unable to return to work on or before the return date set forth in the initial request, he or she must request an extension in the same manner as provided for in the initial request.


### SENIORITY

The provisions of the Employee Retirement Security Act (ERISA) will apply in determining credited service, and a leave of absence granted under this policy will not otherwise affect credited service under the retirement program.

### EMPLOYEMENT DURING A LEAVE OF ABSENCE

An employee on leave of absence must obtain the written consent of the Director of Human Resources, to engage in paid employment of any kind during the period of absence. If the employee misrepresents this, he/she will be terminated as having abandoned their position. The date of termination will be determined by the last day the employee actually worked for JHHCG.

### RETURN TO WORK AND REINSTATEMENT

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Under a leave of absence, there is no guarantee that an employee will be returned to their same or an equivalent position (except to the extent that FML, the Americans with Disability Act (ADA), Uniformed Services Employment and Reemployment Rights Act (USERRA) or to other law and regulations apply). However, an individual who is ready to return to work prior to or at the expiration of 12 months will first be considered by their department for open vacancies for which they are qualified. Therefore, an individual on a leave of absence shall be expected to notify their manager in writing 10 days before the return date as set forth in the request for leave. If there are no vacancies within their department, he/she may be bid on any other vacancy at JHHCG for which they are qualified. If there are no vacancies within JHHCG for which the individual is qualified or the individual does not apply for any open vacancies or the individual accepts a position with another employer, the individual's employment will be terminated. The effective date of the termination will be the last day the employee worked prior to the leave of absence. An individual on a leave of absence will be eligible to bid on vacant positions for the term equal to the maximum period of the leave not to exceed 12 months including FML, If an individual is offered a position and refuses, they are terminated. The effective date of the termination will be the last day the employee worked.

If an employee is on an unpaid leave of absence for health reasons, he or she will be required to provide medical certification of fitness for return to duty.

An employee who is on a leave of absence, which is covered by the FML(see JHHCG Family and Medical Leave policy), will be reinstated to their same or equivalent position as required by the Act, Uniformed Services Employment and Reemployment rights Act (USERRA), or other laws and applicable regulations.


Priority of reinstatement is based first on seniority for the specific JHHCG company in which the employee was employed prior to the commencement of the leave of absence. Secondly, seniority will be based on JHHCG seniority.

#### REGULAR REPLACEMENT OF AN EMPLOYEE ON A LEAVE OF ABSENCE

Except for a leave protected by the Family and Medical Leave Act, JHHCG has the discretion to replace an employee when the employee has been on a leave for 60 consecutive days or more. If the manager deems that the vacant position needs to be filled, the manager will notify the employee on the leave of absence in writing and by certified mail. This notification will be sent to the last known address on file in the Department of Human Resources, must be done prior to the position being filled and must include a copy of this policy as to communicate the reinstatement process.

#### RATE OF PAY

An employee returning from a leave of absence will receive the rate of pay last held or the

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minimum rate of the salary grade for the position in which they are to work, whichever is greater.

Salary reviews and performance appraisals will be adjusted by the length of unpaid leave.

#### FAILURE TO RETURN TO WORK

At the end of the unpaid leave of absence, it is the responsibility of the employee to report to work in accordance with instructions from their manager. An employee, who fails to return to work at the expiration of the leave, unless extenuating circumstances support their inability to do so, will be terminated as having abandoned their position. The date of termination will be the last day worked.

#### REFERENCE

Family Medical Leave Act, Vacation and Sick Leave

#### SPONSOR

Director Human Resources

#### REVIEW CYCLE

3 years