

## POLICY HR29

**SUBJECT:** LEAVES OF ABSENCE

**EFFECTIVE DATE:** SEPTEMBER 1979

**APPLIES TO:** ALL HOUSTON METHODIST  
BUSINESS UNITS

**DATE REVISED:** JULY 2013

**ORIGINATING AREA:** HUMAN RESOURCES

**TARGET REVIEW DATE:** JULY 2016

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### I. POLICY STATEMENT AND RATIONALE

- A. It is the policy of Houston Methodist to provide eligible employees paid or unpaid leaves of absence to attend to family and medical needs, either for self or an immediate family member. Reasons for leaves of absence include personal, family, medical, or military and will commence on the first day of absence.
- B. A leave of absence (LOA) may be granted to employees who provide the appropriate documentation, including supervisor approval. Generally, leaves of absence of any kind when combined should not exceed six (6) months in any rolling twelve (12) month period, measured backward from the date the leave begins.
- C. All employees requesting personal or military leave under this policy must provide the completed [LOA Request form](#) to their management.
- D. LOA will end when the employee is returned to work (including modified work duty) or at six (6) months (whichever occurs first). The maximum amount of time an employee may be in a leave status is six months. LOA and employment will be terminated if the employee fails to return to work at the end of the approved leave period, unless a request for extension is granted as a reasonable accommodation for a disability. See [HR36 – Accommodations for Disabilities Request Procedure](#).
- E. The maximum amount of time an employee may be off (paid or unpaid) without moving to a Leave of Absence status is 31 calendar days. See section [II.D](#) Personal Leave of Absence.
- F. If the employee returns from LOA to find his/her position has been filled or eliminated, the employee will be referred to the Human Resources department at their business unit for instructions on next steps. With the exception of those situations described within the different types of leaves (Section II), these employees will have thirty (30) days to look for an alternative position within Houston Methodist. If an alternative position cannot be located within thirty (30) days, the employee will be terminated. An employee's refusal to accept an appropriate job offer within Houston Methodist will be reviewed by Human Resources and may result in termination prior to 30 days provided all legal requirements have been met. If a position is found within the first thirty (30) days after termination, the employee may be reinstated without a change to his/her [Current Hire Date \(EOD\)](#). Should the employee find a position within Houston Methodist after 30 calendar days from

- termination the employee will be considered a rehire and the employee's EOD and CSD will be adjusted accordingly; see also [Policy HR17 Prior Employment Credit](#).
- G. Failure to follow the guidelines outlined in this policy and accompanying procedure while on leave may result in disciplinary action up to and including termination of employment.

## II. **TYPES OF LEAVE**

### A. FAMILY AND MEDICAL LEAVE (FML)

1. At all times, Houston Methodist complies with federal laws regarding Family and Medical Leaves (FML) are complied with. It is our policy to grant up to 12 weeks of unpaid job protected leave commencing from day one of a qualified event (480 hours if used intermittently) during any 12-month period to eligible employees, in accordance with the Family and Medical Leave Act (FMLA) of 1993 and amended versions. The leave may be paid, unpaid, or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy. The twelve weeks are measured in a "rolling" 12-month period measured backward from the date an employee uses any FML leave
2. To be eligible for FML, an employee must:
  - a. Have been employed by TMHS for at least twelve (12) months; and
  - b. Have worked for at least 1,250 hours during the 12-month period immediately preceding the start of the leave.
3. To qualify for FML, an employee must be taking leave for one of the following reasons:
  - a. Birth of a child and to care for that child
  - b. Placement of a child for adoption or foster care and to care for the newly placed child
  - c. Care for a spouse, child or parent with a serious health condition
  - d. Serious health condition of the employee
  - e. If the employee is the immediate family member (spouse, son, daughter or parent) of military personnel or reservists who have "any qualifying exigency" arising out of the service member's active duty, or if the service member has been notified of an impending call or order to active duty in the Armed Services in support of a contingency operation.
  - f. If the employee is the spouse, son, daughter, parent, or next of kin who is caring for a covered service member who is injured in the line of duty. Covered employers are required to provide up to a combined total of 26 work weeks of unpaid leave during a 12 month period for eligible employees who meet the criteria.
4. The FML Administrator will notify the employee in writing whether or not the leave will be designated as FML or provisionally designated as FML until all requirements are met.

5. While an employee is on leave, the employee's benefits during the leave period are at the same level and under the same conditions as if the employee had continued to work, as long as any required premium is paid timely.
6. Employees are required to use their Paid Time Off (PTO) while off during FML/LOA events if not covered by Short-Term Disability or Worker's Compensation (for related policies see Section VII. References).
7. The employee's Continuous Service Date (CSD) will not be changed by the number of days the employee is on FML.
8. Any time absent from work while on FML will not result in a proration of any merit increase for the subsequent merit review period. See Section III.C Employee Responsibilities for additional return-to-work responsibilities.
9. An employee who is taking leave because of the employee's own serious health condition must apply for short-term disability benefits. FML will run concurrent with short-term disability. FML will also run concurrently if the employee is taking leave because of an occupational injury or illness (Workers' Compensation). The disability carrier for Houston Methodist requires certification of the serious health condition. The employee is given 15 days from written notification to return completed forms or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of FML.
10. Employees standard hours will be used to determine the amount of intermittent FML hours. Employees with Standard Hours of 40 would receive 480 hours, all other eligibility is prorated based upon Standard Hours. Based upon your Standard Hours you may take FML in 12 consecutive weeks, may use the leave intermittently (480 hours) or under certain circumstances may use the leave to reduce the work week or work day, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 work weeks over a 12-month period. Exempt employees' intermittent use of FML should be tracked to the same extent as non-exempt employees (regardless of impact on pay).
11. If the employee is eligible for FML protection and the employee's previous job is filled the employee must be returned to an equivalent position. An equivalent position must be offered to the employee, unless the employee's position was eliminated as part of a formal workforce restructuring action, or if the employee cannot perform the essential functions of his/her job.
12. Employees who give unequivocal notice that they do not intend to return to work lose their entitlement to FML.

#### B. MEDICAL LEAVE OF ABSENCE

1. Medical leaves of absence are granted in conjunction with claims for short-term disability or workers' compensation/occupational injury or illness claims. Medical leaves may be covered all or in part under FML as described above in Section II.A depending upon eligibility, reason and duration of the leave.
2. Employees who work at other organizations while on Medical LOA are subject to review by the disability administrator and their wage replacement benefits may be impacted.

3. Employee requests for additional time off after recovery and release by a physician will be treated as a request for a [PERSONAL LEAVE OF ABSENCE](#), subject to management approval.
4. All reasonable steps in medical treatment and rehabilitation to regain physical and/or mental capacity to return to work in the regular capacity or in any assigned temporary light duty task must be followed by the employee.
5. The employee's Continuous Service Date (CSD) will be changed by the number of days the employee is on a Leave of Absence (LOA) that exceeds 90 days.

#### C. MILITARY LEAVE OF ABSENCE

1. Military leaves of absence are allowed for in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) to employees who are military reserve and National Guard ordered to active duty in the U.S. Armed Forces as a result of required training, or active duty call-up. Where Military LOA is anticipated to exceed a two week period, leave is allowed for a specific period of time. Copies of active duty orders must be provided to management and HR Disability by the employee prior to the leave. Discharge papers must be provided upon returning from active duty.
2. A special supplement is provided as a benefit to an activated employee's (excluding Military Reserve training – generally 2 weeks active duty) by paying any difference between the Houston Methodist base salary and the total military pay if the military pay is the lesser amount.
3. Employees who are completing Military Reserve training may use Paid Time Off (PTO) or take time off without pay.
4. At the time of making a request for a military leave, including Military Reserve training, employees may select to have their PTO Balance up to applicable payout limits cashed out in a lump sum payment. Employees on an approved military leave are not required to use their PTO. PTO will not accrue or be earned while in a LOA status. Missed PTO accruals will be restored upon return to work from active duty with appropriate military release orders.
5. The employee's Continuous Service Date (CSD) will not be changed by the number of days the employee was on military leave.
6. While on a military leave, employees may continue their current benefits at the active employee rates for the entirety of their active duty. Basic life insurance will remain in force for two years from beginning date of leave. Payment for benefits must be made for continuation of the benefits (i.e. health, optional life, etc.) and payments are due at the first of each month.
7. Time absent from work while on a military leave will not result in a proration of any merit increase for the subsequent merit review period. See Section III.C. Employee Responsibilities for additional return-to-work responsibilities.
8. Upon return from military leave, the employee will be credited with military service time for purposes of participation and vesting in the retirement plans. For the Defined Contribution Plan (DCP), the employer will make additional contributions equal to the contributions to which the employee would have been

entitled to if he/she had been actively at work. Employee contributions to the 403b can be made up when the employee returns to work. The maximum period allowed to make up these contributions is the lesser of (a) 3 times the period of absence due to military leave, or (b) 5 years. If applicable, match contributions will be credited to the employee's account as the employee deferrals are credited.

9. Military LOA will end as of the date specified on military discharge orders, or other appropriate military document but not to exceed 5 years. Reasonable travel time back to Houston after release from active duty will be allowed.
10. An employee returning from Military LOA is entitled to be returned to the employee's former position or to an equivalent position. If an employee's former position was eliminated as part of a formal workforce-restructuring plan or if the employee can no longer perform the essential functions of the job, management and/or the employee should contact the Human Resources Department.
11. Employees who fail to return to work or secure a leave extension at the end of the approved military leave period will be assumed to have resigned as of the date discharged from active duty. Failure to follow this policy may result in loss of supplemental salary benefit and the returning to the same or an equivalent position, up to and including, termination of employment.

#### D. PERSONAL LEAVE OF ABSENCE

1. A Personal LOA may be granted to employees for time off (paid or unpaid) to pursue education or training considered to be valuable to Houston Methodist and the employee, or for other extenuating circumstances including extended vacations. Duration of leave must be approved by management prior to the first day of leave. Any request for an extension must also be approved by management but cannot exceed the policy limit of six months.
2. Personal time away from work that exceeds 31 calendar days and that is not covered by other Leave categories must be classified as a Personal LOA. The leave period will be effective on the first day absent.
3. If the employee's previous job is filled or eliminated, the employee will be referred to the HR department at their business unit for assistance. See Section [I.F](#) for more information.
4. The employee's Continuous Service Date (CSD) will be changed by the number of days the employee is on Leave of Absence (LOA) that exceeds 90 days.

#### E. EXCEPTION FOR PERSONAL LEAVES OF ABSENCE

If HR, in conjunction with Business Practices, verifies that a current employee has been excluded from participation in federal and/or state funded programs and that the term of the employee's exclusion has ended but the employee cannot produce written evidence of reinstatement, the employee may be placed on a leave of absence without salary and benefits until the employee can produce such written evidence and that evidence can be verified. This leave

without salary and benefits is described in Corporate Procedures BP10 and HR42. The following apply:

- a. The employee may not use accrued or banked PTO to continue his/her pay.
- b. The employee is not eligible for re-classification as an “active employee” until producing written evidence of reinstatement to federal and state funded programs and this written evidence has been verified by Corporate Business Practices.
- c. An employee whose period of exclusion has not ended and who is not eligible for reinstatement may not be put on leave and must be terminated.

### **III. EMPLOYEE RESPONSIBILITIES**

#### **A. BEFORE TAKING AND/OR WHEN INITIATING A LEAVE OF ABSENCE:**

1. Discuss leave of absence plans with department management and contact HR regarding any questions.
2. Report all Requests for Leave of Absences, FML or Intermittent FML to CIGNA by calling 1-888-842-4462. If Intermittent FML, report each absence to your manager in accordance with your department’s call in procedure. Advise your manager that the absence is related to your Intermittent FML. Also report same absence(s) to CIGNA within 24 hours.
3. Complete the appropriate forms provided by CIGNA and return them within 15 days from date of written notification to provide required completed forms/documentation.
4. Complete “Request for LOA” (non-FML) form with specific duration approved by management Form available on the [HR Forms page under Leave of Absence/Disability](#) or available on [mymethodistbenefits.com](http://mymethodistbenefits.com) under [Benefits Library](#).

#### **B. WHILE ON LOA**

1. Employees must contact management on a weekly basis (or as arranged) regarding current work status.
2. If an employee’s expected Return to Work is modified, notify management immediately to apply for an extension.
3. Employees are required to pay the active employee premium to continue their employee benefits for the duration of the leave. Benefits will be cancelled if premium payments are not received by the pre-determined due date.
  - a. If benefits are cancelled for non-payment of premiums, the employee will not be able to enroll for pre-tax benefits until the next open enrollment period unless the employee has a qualified change in family status.
  - b. The employee may re-enroll for cancelled post-tax benefits upon return to work though evidence of insurability may be required for some optional life benefits.

- c. NOTE: The Department of Labor Regulations *under FML* require that an employee on FML who has not made required premium payments, upon return from FML, must have their coverage/benefits restored equivalent to those the employee would have had if the leave had not been taken and the premium payment(s) had not been missed, including family or dependent coverage. The employee is not required to meet any qualification requirements including any new pre-existing condition waiting period, to wait for open enrollment, or to pass a medical examination to obtain reinstatement of coverage).
- 4. Employees should be aware the following conditions apply:
  - a. Paid Time Off will not accrue or be earned. Employees on military leave will have missed PTO accruals restored upon return to work from active duty with appropriate military release orders.
  - b. The employee's Continuous Service Date (CSD) will be adjusted by the number of days the employee was on leave, unless such leave is protected under FMLA or USERRA.
  - c. Time absent from work will result in a pro-ration of any merit increase for subsequent merit review period unless the leave is protected by FMLA and USERRA. In order to receive a timely merit increase that may have been due while on leave, employees must meet all responsibilities in Section III.C below.

#### C. RETURNING FROM LOA

- 1. Employees are required to submit appropriate and required documentation to HR Disability and/or management in order to return to work, as outlined above. Refer to the applicable Leave Type (above sections) for the specific documentation that is required.
- 2. Upon return from LOA, employees have 14 calendar days to complete required safety in-services and medical testing examinations (i.e. TB skin test). Failure to do so will result in a delay of any applicable merit increase that may have been due during the leave period, and/or may subject the employee to disciplinary counseling.

#### D. ADDITIONAL RESPONSIBILITIES

- 1. Read and comply with all sections of this policy and follow instructions on related forms and documents used to support the activities supported by this policy.
- 2. If, as a result of a routine Excluded Parties Screening, an employee is notified that his/her name has shown up as a match, the employee immediately must provide written documentation proving that s/he has been reinstated for participation in federal and state funded programs in accordance with Section II.E of this policy.

#### **IV. MANAGEMENT RESPONSIBILITIES**

- A. Have a pre-LOA discussion with the employee to set expectations that the employee should contact management weekly (or as is appropriate) while out on a leave of absence.
- B. Advise employee to call in claims to the disability carrier to report Short-Term Disability, Leaves of Absence and/or Family Medical Leave (continuous) 30 days in advance of planned leave or no later than the 4<sup>th</sup> day of absence for an unexpected or emergency leave. Initial Intermittent FML events must be called in and all associated absences must be reported in accordance with department call in procedure and to disability carrier within 24 hours of each absence.
- C. Remind the employee to 1) complete and return any forms sent to them by the insurance carrier and 2) communicate with the insurance carrier representative on a regular basis.
- D. Reply to insurance carrier's "Verification and Return to Work" emails promptly.
- E. Accurately and timely enter appropriate PTO, STD, and FML codes in API LaborWorkx.
- F. Identify light duty opportunities within the department that will allow employees to return to work prior to their regular duty release when applicable.  
Review email notifications from the insurance carrier advising of upcoming leave exhaustion dates for LOA (6 months in a rolling 12 month period) and contact the HR Generalist to assist with sending "Notice of Termination" letters to employees when required. Submit terminations under these circumstances through Management Toolbox as reason code 86. Collect all Houston Methodist Property in accordance with the Management Checklist for Employee Terminations on the employee's last day of work.
- G. In the case of employees being placed on Personal LOA as a result of a routine Excluded Parties Screening, Human Resources, Business Practices, as well as the employee's manager/director will be involved in determining the appropriate action(s) taken.
- H. See also: [Management Checklist for STD, LOA and FML](#)

#### **V. HUMAN RESOURCES RESPONSIBILITIES**

Provide guidance, support, and direction to both staff and management employees regarding the administration and procedures involved with any Leave of Absence.

#### **VI. REFERENCES**

[POLICY HR17 PRIOR EMPLOYMENT CREDIT](#)  
[POLICY HR18 OCCUPATIONAL INJURY AND ILLNESS](#)  
[POLICY HR25 PAID TIME OFF](#)  
[POLICY HR26 SHORT-TERM AND LONG-TERM DISABILITY](#)  
[POLICY HR42 EMPLOYMENT](#)



[PROCEDURE BP10 EXCLUDED PARTIES](#)  
[PROCEDURE HR36 ACCOMMODATIONS FOR DISABILITIES REQUEST](#)  
[PROCEDURE](#)  
[HR FORMS – LEAVE OF ABSENCE /](#)  
[DISABILITY HR FORMS – ADA REQUEST](#)  
[FORM](#)

**VII. SIGNATURE OF APPROVING EXECUTIVE**

Signed Original on File  
 Lauren P. Rykert  
 Senior Vice President, Human Resources

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 Date Signed

Revision	Date	Changed by	Revision Summary
8	July 2013	Janay Andrade	Updated language in accordance with new HR System implementation (MARS) and associated processes and updated name to Houston Methodist.