Processing a Leave of Absence

Overview

There are many different reasons why an employee may need to take a leave of absence (LOA).

According to the Family and Medical Leave Act, employees can take a job-protected leave because of:

- A serious health condition
- The birth of a child
- Placement of a child for adoption or foster care
- Needing to care for a family member with a serious health condition
- Needing to take time off to deal with issues arising out of a family member’s active duty military status, or notification of an impending call or order to active duty status for National Guard or Reserves.
- Needing to care for a family member in the Armed Forces who is undergoing medical treatment for a serious injury or illness

Other reasons why employees may need to take a leave include:

- Personal reasons that do not qualify for Family and Medical Leave
- Military responsibilities
- On-the-job accident or injury

Depending on the situation, employees may be eligible for one of the following:

- LOA with pay: Employee has sick and/or vacation time available to supplement Short Term Disability benefits, Long Term Disability benefits, or worker’s compensation payments.
- LOA without pay: Employee has exhausted all leave balance and does not receive any salary from Hopkins; may be eligible for Short Term Disability benefits, Long Term Disability benefits, military differential pay, or worker’s compensation.
- LOA with pay while working reduced hours: Employee receives Short Term Disability or Long Term Disability benefits while working a reduced schedule.
Key Questions

When an employee requests a LOA, it’s important to begin by answering certain key questions.

Is the employee eligible for a leave of absence?

- Family and Medical Leave (FML):
  - Employees may be eligible if they’ve been employed for at least 12 months and have worked at least 1,250 hours during the previous 12 month period.
  - Exempt salaried employees who have worked for 12 months are presumed to meet the hourly test.

- Leave of Absence Without Pay:
  - Leaves of absence without pay granted to full-time and part-time staff members employed less than 12 months cannot exceed 30 calendar days.
  - Leaves of absence without pay granted to full-time staff members and part-time staff members who have been continuously employed by the university in a regular status for at least 12 months can exceed 30 calendar days.
  - A department head may grant a leave of absence without pay for a period of 90 calendar days. A leave of up to one year may be granted with the concurrence of the appropriate vice president or dean.

- Maryland Medical Flexible Leave:
  - Provisions of the Maryland Flexible Leave Act apply only to employees working in Maryland.
  - An employee can use earned leave with pay to care for an immediate family member (child, spouse, parent, or same sex domestic partner) with an illness.
• **Military Leave:**
  
  o All regular, full-time and part-time employees are eligible for military leave. Temporary, limited, and casual employees are not eligible for military leave.

  o Military leave will be granted for voluntary or involuntary service in the Army, Air Force, Navy, Marines, the Army National Guard, and the Air National Guard when engaged in active duty for training, or full-time National Guard duty, the commissioned corps of the Public Health Service, and any other category of service designated by the President of the United States in time of war or national emergency.

  o Military leave will be granted to those who serve as an intermittent disaster-response appointee upon activation of the National Disaster Medical System (NDMS) or as a participant in an authorized training program in support of their Federal mission.

• **Employment Related Injury or Accident:**
  
  o In order to determine eligibility, the Report of Incident Form must be submitted by the supervisor to the divisional Occupational Injury Clinic or divisional Occupational Health Services Office.

**Does the employee have sick time or vacation time available?**

The supervisor or timekeeper must check the employee’s time record (or “E210”) to determine whether the employee has any sick or vacation time available. But first, the E210 has to be completed with the appropriate codes, since some leaves are governed by policies that require the use of vacation time rather than sick time. The supervisor or timekeeper should complete the E210 if the employee is unable. It’s imperative to maintain an accurate E210 since this will determine the accuracy of all subsequent ISR and leave transactions.

**Has the employee elected Short Term Disability benefits? Is the employee eligible to receive Long Term Disability benefits, military differential pay, or worker’s compensation?**

The employee must contact Hartford Insurance Company to complete the required documentation to receive Short Term Disability benefits if he or she elected this benefit. Long Term Disability benefits for an employee on Short Term Disability will be initiated by Hartford Insurance. An employee who has not elected Short Term Disability coverage and has been absent due to a health condition for 90 consecutive
days should contact the Benefits Service Center to initiate a request for Long Term Disability. If the employee will be on military leave, he or she will need to produce the military orders. Worker’s compensation is coordinated through the Occupational Injury Clinic or Occupational Health. Please check with your HR representative for guidance.

**What is the employee’s expected return date?**

It’s important to know the employee’s anticipated return date to complete the E210 accurately and ensure the absence does not exceed the approved leave.

**The Approval Process**

After answering these key questions and gathering the necessary information, you’re ready to proceed. Your next step is to ensure that the employee has permission to take a LOA. The proper procedure is presented below.

- **Family and Medical Leave (FML):** The employee’s supervisor or HR representative sends an FML Transmittal Letter, the Notice of Eligibility and Rights and Responsibilities, and the appropriate Health Care Provider form to the employee, and forwards a copy to the Divisional HR Office. The letter provides the employee with information about FML, and instructs the employee to submit a Health Care Provider form to the Divisional Human Resources office. *The employee’s health care provider is required to complete certain portions of this form.* Upon receipt of the Health Care Provider form, the Divisional Human Resources office forwards it to Occupational Health Services (OHS). OHS determines if the employee qualifies for FML. Once OHS makes the determination, Divisional HR is notified and forwards the determination to the employee and the HR representative who notifies the supervisor.

  Supervisor or HR representative sends FML Transmittal Letter, Notice of Eligibility and Rights and Responsibilities form, and Health Care Provider form to the employee.

  Employee submits a Health Care Provider form to Divisional Human Resources Office, who forwards it to Occupational Health Services.

  Occupational Health Services decides if the employee qualifies for FML and informs Divisional HR.

  Divisional HR informs the supervisor and employee.
• Leave Without Pay Not Covered by Family and Medical Leave Act (FMLA): After speaking with the employee about the leave request, the employee’s supervisor should consider the following:
  o Whether the employee has presented a compelling need for the leave of absence
  o Whether the extended absence of the employee will adversely affect the operation of the department (i.e., department needs)
  o Whether the department has resources to recruit qualified temporary personnel to replace the employee during the period of absence

The request for a leave without pay is made and responded to in writing. If the employee is eligible, the department head makes the final determination of approval for up to 90 days of leave.

• Military Leave: Employees are not required to get their supervisors’ permission to perform service in the military. Employees are only required to give their supervisors notice of pending service and provide a copy of the confirmation orders.

Processing the LOA in SAP
Next steps depend on the type of leave that the employee is taking.

Employee is taking an LOA and is not eligible for supplemental pay
If the employee has accrued sick and vacation time available to cover salary at 100% while on leave, no ISR is required.

If the employee has no sick or vacation time available or exhausts available leave:
  • The HR representative submits an LOA without pay ISR.
  • The LOA percentage field is left blank.

For more information on how to process Leave of Absence ISRs in SAP, navigate to:
http://connect.johnshopkins.edu/p21651657/
Employee is supplementing with Short Term Disability benefits while on LOA

If the employee is eligible, benefits will begin on the 15th calendar day from the 1st day of disability (there is a 14 calendar day elimination period). The employee will receive 60% of weekly earnings paid directly from Hartford Insurance Company.

- The employee contacts Hartford and requests Short Term Disability benefits.
- Hartford makes a determination on the claim, and notifies the employee and the supervisor ("reports to" in SAP). Divisional HR extracts the determination from Hartford’s website.
- Divisional HR notifies the department about the claim status/determination. *Accrued leave must be used to supplement payment received from Hartford*. Leave will continue to accrue at 100% while the employee is on LOA with pay.
- The HR representative works with the supervisor to complete the employee’s E210 and determine pay status.

Next steps:

- If the employee is within the 14-day elimination period:
  - No action is required if the employee is using accrued leave.
  - If the employee exhausts accrued leave during the elimination period, the HR representative submits an LOA without pay ISR effective the first day without leave.
- If the employee is no longer within the 14-day elimination period:
  - If the employee has accrued leave, the HR representative reduces the pay by submitting an LOA with pay ISR. The HR representative uses the appropriate percentage of salary, as instructed by Divisional HR. The Expected Return date is either the day after the Short Term Disability period ends or the day after the accrued leave is exhausted, whichever comes first. Salary is pro-rated from the first day of the Short Term Disability period through the last day of the pay period that contains the Expected Return from Leave date indicated on the ISR.
  - If the employee has exhausted accrued leave but remains on LOA, the HR representative submits an LOA without pay ISR.
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Employee is approved to work a reduced schedule for health reasons while supplementing pay with Short Term Disability benefits

- The employee notifies the supervisor of a need to work a reduced schedule. The employee must be cleared by OHS to return to work on a reduced schedule. If the employee is not on Family and Medical Leave, the supervisor must approve the reduced work schedule.
- After getting OHS clearance, the employee contacts Hartford and requests partial Short Term Disability benefits.
- Hartford notifies the employee and supervisor of the determination.
- The supervisor then notifies the HR representative that the employee will be working reduced hours. The employee must use accrued leave to supplement the Short Term Disability benefit.
- The HR representative notifies Divisional HR that the employee is working reduced hours. Divisional HR calculates the percentage of pay to be entered on the LOA with pay ISR. The HR representative completes the LOA with pay ISR, using that calculation.

Employee is cleared to work a reduced schedule but is not supplementing his/her pay with Short Term or Long Term Disability benefits and has exhausted accrued leave

- The employee notifies the supervisor of a need to work a reduced schedule. The employee must be cleared by OHS to return to work on a reduced schedule. If the employee is not on Family and Medical Leave, the supervisor must approve the reduced work schedule.
- After getting OHS clearance, the supervisor notifies the HR representative that the employee will be working reduced hours.
- The HR representative notifies Divisional HR that the employee is working reduced hours.
- The HR representative completes a LOA with pay ISR at 100%.
- The HR representative submits an Hours Change ISR.
  - Indicates the reduced hours and new semi-monthly rate of pay in the body of the ISR.
  - In the Comments section, indicates the following: “Employee on LOA with reduced hours. Employee group change is not required.”
  - Employee can return to work at reduced hours without jeopardizing benefits eligibility.
  - The Hours Change ISR requires second approval from the Divisional HR Office.
When the employee returns to regular status, the HR representative completes a Return from Leave ISR to return the employee to regular hours and salary.

**Employee is taking a Military Leave and is eligible for military differential pay**
- The HR representative initiates an LOA without pay ISR using “reason 01.”
- Supplemental earnings (Differential Pay) are processed via a Bonus/Supplemental Pay ISR, using wage type 3076.
- The HR representative contacts Benefits Administration to prevent billing during this LOA without pay.
- For more information, please contact your Divisional HR Office.

**Employee is taking a Military Leave and is ineligible for military differential pay**
- The HR representative initiates an LOA without pay ISR using “reason 01.”
- For more information about military leave policies, please contact your Divisional HR Office.

**Employee is taking an LOA due to a work injury and is eligible for worker’s compensation**
The supervisor contacts Divisional HR and follows the policy that is available online at [http://hrnt.jhu.edu/elr/pol-man/section16.cfm](http://hrnt.jhu.edu/elr/pol-man/section16.cfm). Additional information and necessary forms are available at [http://www.hopkinsmedicine.org/hse](http://www.hopkinsmedicine.org/hse).
- The employee presents the Occupational Injury form completed by Occupational Health or the Occupational Injury Clinic.
- The employee’s E210 is completed to reflect the proper code(s).

**Returning from a Leave of Absence**
In order for an employee to return to work after a leave of absence, he or she must contact the supervisor with the expected return date. If the Leave of Absence was for a serious health condition or birth of a child, the employee must obtain clearance to return to work from Occupational Health. At that time, the HR representative submits a Return from LOA ISR.