



Manual: Human Resources

Section: Benefits

Number: HR220

Policy Procedure

Title: Leaves of Absence

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I. PURPOSE

To advise associates of their rights and responsibilities, as well as CHOC Children’s legal obligations for taking a leave of absence.

II. DEFINITIONS

- A. Associates Own Serious Health Condition:** For purposes of this policy, a "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility or continuing treatment by a health care provider for a condition that prevents the associate from performing the functions of the associate’s job. Continuing treatment is a period of incapacity of more than three (3) consecutive days combined with at least two (2) visits to the health care provider or one visit and a regimen of treatments, or incapacity due to pregnancy or chronic condition.
- B. Serious Health Condition of Family Member:** As certified by a healthcare provider, a spouse, registered domestic partner, child (18 years or younger), or parent’s serious health condition that requires the need for care by an associate.
- C. Health Care Provider:** Doctor of medicine or osteopathy, podiatrists, dentists, clinical psychologists, optometrists, nurse practitioners, nurse-midwives, physician assistants and clinical social workers who are authorized to practice in California. Also included are Christian Scientist practitioners listed with the First Church of Christ, Science in Boston, MA; chiropractors, insofar as the treatment consists of manual manipulation of the spine to correct a subluxation demonstrated by x-ray.
- D. Covered Service Member:** Is a current member of the Armed Forces, including the National Guard and Reserves, who, because of a serious injury or illness incurred in the line of duty on active duty that may render the member medically unfit to perform the duties of the member’s office grade, rank or rating, is either undergoing medical treatment, recuperation

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or therapy; is in outpatient status; or is on a temporary disability retired list for a serious injury or illness.

E. Qualifying Exigency:

A Qualifying Exigency is defined as:

1. Short-notice deployment with seven (7) days or less notice;
2. Attend military-sponsored functions;
3. Arrange childcare or parental care;
4. Attend meetings with school authorities;
5. Make financial and legal arrangements;
6. Attend counseling;
7. Take up to fifteen (15) days of leave to spend time with a covered military member who is on short-term, temporary rest and recuperation leave during the period of deployment; and
8. Attend post-deployment activities.

III. POLICY

The Leave of Absence policy will inform CHOC Children’s associates of their rights, obligations and responsibilities, as well as CHOC Children’s legal obligations and responsibilities, when an associate requests a Leave of Absence (LOA) from work for one of the following reasons:

- A. Family and Medical Leave Act (FMLA) / California Family Rights Act (CFRA)
- B. Pregnancy Disability Leave (PDL)
- C. Worker’s Compensation Personal Leave
- D. Americans with Disabilities Act Leave
- E. Personal Leave
- F. Military Leave
- G. Service Member Family Leave (FMLA)
- H. Qualifying Exigency Family Leave (FMLA)
- I. Time Off Regulated by Law

IV. PROCEDURE:

A. Associates:

Associates should request Leaves of Absence in Workday Absence at least thirty (30) days in advance of a foreseeable leave or as soon as possible in case of emergencies. Failure to provide all the required information within fifteen (15) days of the request for leave may impact the associate's ability to take a leave as requested.

B. Supervisors/Managers:

Supervisors/Managers must immediately notify the Human Resources Department:

1. If an associate was scheduled to work but has been off work for more than three (3) days;
2. If a verbal or written request for a Leave of Absence is received by the associate or extension of a leave;

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3. If the associate returns to work following an approved leave of absence (release from the Health Care Provider is required in most cases).

C. Types of Leave

1. Family Medical Leave

Covered by the Federal Family Medical Leave Act (FMLA) and/or the State of California Family Rights Act (CFRA)

a. Eligibility and Length of Family Leave:

- 1) Family and medical leaves of absence are available to eligible associates where they may take up to twelve (12) weeks of unpaid, job-protected leave in a twelve (12) month period as specified below. In order to qualify for a family leave, an associate must:
 - a) Have been employed for at least twelve (12) months;
 - b) Have worked at least 1,250 hours of service during the twelve (12) month period; and immediately before the leave would begin,
 - c) Work within a 75-mile radius of 50 or more associates of the organization.
- 2) An eligible associate may request up to twelve (12) weeks of leave (based on an associate’s normally scheduled workweeks) in a rolling twelve (12) month period for one of the following reasons:
 - a) to take medical leave when the associate is unable to work and perform one or more essential functions of the job because of a serious health condition;
 - b) for the birth of a newborn child of the associate;
 - c) for placement with the associate of a son or daughter for adoption or foster care;
 - d) to care for an immediate family member (spouse, registered domestic partner, child or parent) with a serious health condition; or
- 3) Leave for the birth or care or placement for adoption or foster care must conclude within twelve (12) months of the birth or placement.

b. Aggregate Amount of Family Leave: When both spouses are employed by CHOC Children’s, the combined amount of Family and Medical Leave available in a twelve (12) month period for childbirth or placement of a child for adoption or foster care is twelve (12) weeks.

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- c. **Effective Date:** The "effective date" of any Leave of Absence is the first day of absence following the last day worked.
- d. **Maximum Length:** The maximum allowable leave period for a FMLA/CFRA Leave of Absence is twelve (12) weeks in a rolling twelve (12) month period measured from the date an associate first takes leave. Associates who return to work from a leave and subsequently require additional time away from work will be subject to the limitations on total leave time applicable to leaves within the rolling twelve (12) month period. If FMLA/CFRA leave time has been exhausted and the associate remains disabled, the associate may be provided with additional leave as per the Americans With Disabilities Act.
- e. **Intermittent and Reduced Leaves of Absence:** Associates may also be eligible for "Intermittent" FMLA/CFRA leave (periodic, short-term absences ranging from an hour to several weeks) or "Reduced" leave (a lesser number of an associate's usual number of working hours per workweek or workday). CFRA leave taken for reason of the birth, adoption, or foster care placement of a child does not have to be taken in one continuous period of time. Any leave(s) taken shall be concluded within one (1) year of the birth or placement of the child in connection with the adoption or foster care of the child by the employee. The minimum duration of the CFRA leave for baby bonding shall be two weeks. However, CFRA leave may be granted for less than two weeks' duration on any two occasions. Certification of fitness for duty to return to work from each intermittent absence may be required. An associate on an intermittent or reduced FMLA/CFRA leave, may, if available, be transferred temporarily to another position for which the associate is qualified, provided that it includes equivalent pay and benefits, and provides a better opportunity to accommodate both the associate's intermittent or reduced schedule and the business needs of CHOC Children's. Intermittent leaves must be requested annually if the Medical Certification duration exceeds a twelve (12) month period. It is the associates responsibility to ensure this occurs.

2. **Pregnancy Disability Leave (PDL)**

- a. **Eligibility and Length of Pregnancy Leave:** Any CHOC Children's associate disabled by pregnancy, childbirth or related medical condition, as determined by a Health Care Provider, is eligible to take up to seventeen and one-third

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(17-1/3) weeks of unpaid, job-protected leave in a twelve (12) month period as specified below.

- b. **Effective Date:** The "effective date" of any leave of absence is the first day of absence following the last day worked. The twelve (12) month period used to apply the leaves consists of the rolling twelve (12) month period measured from the date an associate first takes leave.
- c. **Maximum Length:** The maximum allowable leave period for a Pregnancy Leave of Absence is seventeen and one-third (17-1/3) weeks in a twelve (12) month period measured from the date an associate first takes leave. Associates who return to work from a leave and subsequently require additional time away from work will be subject to the limitations on total leave time applicable to leaves within the rolling twelve (12) month period. If PDL has been exhausted and the associate remains disabled, the associate's leave will be converted to CFRA leave or such other protected leave that may statutorily apply. If CFRA leave or other protected leave is not available, the associate may be provided with additional leave as per the Americans With Disabilities Act.

3. **Medical Leaves of Absence for Occupational Disabilities (Workers Compensation)**

Leaves due to work related injury or illness may be subject to different time-lines and notification requirements.

Effective Date: The "effective date" of any leave of absence is the first day of absence following the last day worked.

4. **Americans with Disabilities Act Leave:**

- a. **Eligibility of ADA Leave:** Medical leaves of absence are available to associates who are disabled due to their own "serious health condition" and are ineligible for the FMLA, or CFRA leave or have exhausted their FMLA, CFRA, or PDL absence and are still medically disabled. A Medical leave of absence does not provide job protection.
- b. **Effective Date:** The "effective date" of any leave of absence is the first day of absence following the last day worked.

5. **Personal Leaves of Absence**

- a. **Eligibility and Length of Personal Leave:** Personal leaves of absence may be available on an unpaid basis for associates who have successfully completed six (6) months of continuous employment. Granting a Personal leave is entirely discretionary. CHOC Children's reserves the right to deny Personal leave requests due to business necessity and other reasons. The Personal leave of absence is available

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at the supervisor's/manager's discretion for up to thirty (30) days, including any time covered by PTO. All available PTO must be utilized prior to commencing any unpaid period of the leave. In evaluating any request, CHOC Children's will consider a combination of factors, including the associate's length of service, performance record, responsibility level, the reason for the request, number of leaves previously granted during the past year, and the potential disruption that the leave would cause. Extensions will not be granted if they would cause the total paid and unpaid period of the leave to exceed thirty (30) days.

- b. **Effective Date:** The "effective date" of any leave of absence is the first day of absence following the last day worked. The twelve (12) month period used to apply the leaves consists of the rolling twelve (12) month period measured from the date an associate first uses leave.
- c. **Maximum Length:** The maximum amount of leave time or combination of personal leave time is thirty (30) days in the twelve (12) month period measured from the date an associate first uses leave.

6. **Military Leaves of Absence**

- a. **Eligibility and Length of Military:** Military leaves of absence are available to associates performing service in the Armed Forces of the United States to take up to five (5) years of unpaid, job-protected leave as specified below.
- b. **Effective Date:** The "effective date" of the Military Leave of absence is the first day of assignment noted on the military order.
- c. **Maximum Length:** The maximum allowable leave period for a Military leave of absence is five (5) years. Associates who return to work from a leave and subsequently require additional time away from work will be subject to the limitations on total leave time applicable to the leave within the rolling five (5) year period.
- d. **Military Order:** An associate who requests a Military Leave must provide evidence of enlistment in military service.
- e. **Associate Updates:** Associates must notify the Human Resources Department of the need to extend the duration of the leave of absence at least seven (7) days prior to their anticipated return date.

- 7. **Reservists:** CHOC Children's will grant associates unpaid time off to meet their weekly or annual training obligations in the Active Reserves. Associates involved in periodic Reserve training are not required to use PTO, but may choose to do so. It is the associate's

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responsibility to report to work at the end of an approved leave. Failure to do so will be considered a voluntary resignation.

8. **Leave for Military Spouses:** CHOC Children’s will grant any associate whose spouse is on leave from military deployment up to ten (10) unpaid days off. In order to qualify for the leave, the associate must work for the employer for more than twenty (20) hours per week and have a spouse who is a member of the Armed Forces, National Guard or Military Reserves and has been deployed to a combat zone during a period of military conflict. To take the leave, an associate must provide documentation that the spouse will be on leave from deployment and must provide the employer with notice that he or she wishes to take leave within at least two (2) business days of receiving official notice that the spouse will be on a leave from deployment.
9. **Service Member Family Leave - Covered by the Federal Family Medical Leave Act (FMLA)**
 - a. **Eligibility and Length of Service Member Family Leave:** The service member family leave of absence is available to eligible associates to take up to twenty-six (26) weeks of unpaid, job-protected leave in a twelve (12) month period to care for a “Covered Service Member”. Eligible associates may take this leave if they are the spouse, child, parent, or next of kin (nearest blood relative) of a Covered Service Member as defined in Section II Part D. In order to qualify for a Covered Service Member Family leave, an associate must:
 - 1) Have been employed for at least twelve (12) months,
 - 2) Have worked at least 1,250 hours of service during the twelve (12) month period immediately before the leave would begin,
 - 3) Work within a 75-mile radius of 50 or more associates of the organization.
 - b. **Aggregate Amount of Family Leave:** When both spouses are employed by CHOC Children’s, the combined amount of Covered Service Member Family leave available in a twelve (12) month period is twenty-six (26) weeks.
 - c. **Effective Date:** The "effective date" of any leave of absence is the first day of absence following the last day worked. The twelve (12) month period used to apply the leaves consists of the rolling twelve (12) month period measured from the date an associate first takes leave.
 - d. **Maximum Length:** The maximum allowable leave period for a Covered Service Member leave of Absence is twenty-six (26) weeks in a twelve (12) month period measured from the date an associate first uses leave. Associates who

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return to work from a leave and subsequently require additional time away from work will be subject to the limitations on total leave time applicable to leaves within the rolling twelve (12) month period. The maximum amount of leave time or combination of any leave is twenty-six (26) weeks in the twelve (12) month period measured from the date an associate first takes leave unless additional time is statutorily required.

- e. **Intermittent and Reduced Leaves of Absence:** Associates may also be eligible for "Intermittent" Service Member Family leave (periodic, short-term absences ranging from an hour to several weeks) or "Reduced" leave (a lesser number of an associate's usual working hours per workweek or workday). Intermittent leaves must be requested annually if the Medical certification duration exceeds a twelve (12) month period. It is the associate's responsibility to see that this occurs.

10. **Qualifying Exigency Family Leave - Covered by Family Medical Leave Act (FMLA)**

- a. **Eligibility and Length of Qualifying Exigency Family Leave:** The qualifying exigency family leave of absence is available to eligible associates to take up to twelve (12) weeks of unpaid, job-protected leave in a twelve (12) month period due to a spouse, son, daughter, or parent who is a member of the Regular Armed Forces, National Guard or Reserves and is on covered active duty or has been ordered to active duty as defined in Section II Part E. In order to qualify for a qualifying exigency family leave, an associate must:
 - 1) Have been employed for at least twelve (12) months,
 - 2) Have worked at least 1,250 hours of service during the twelve (12) month period immediately before the leave would begin,
 - 3) Work within a 75-mile radius of 50 or more associates of the organization.
- b. **Aggregate Amount of Family Leave:** When both spouses are employed by CHOC Children's, the combined amount of Family leave available in a twelve (12) month period is twelve (12) weeks.
- c. **Effective Date:** The "effective date" of any leave of absence is the first day of absence following the last day worked. The twelve (12) month period used to apply the leaves consists of the rolling twelve (12) month period measured from the date an associate first uses leave.
- d. **Maximum Length:** The maximum allowable leave period for a Qualifying Exigency Family leave of absence for is

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twelve (12) weeks in a twelve (12) month period measured from the date an associate first uses leave. Associates who return to work from a leave and subsequently require additional time away from work will be subject to the limitations on total leave time applicable to leaves within the rolling twelve (12) month period. The maximum amount of leave time or combination of any leave is twelve (12) weeks in the twelve (12) month period measured from the date an associate first uses leave unless additional time is statutorily required.

- e. **Certification of Qualifying Exigencies:** An Associate who requests a Qualifying Exigency Family Leave must provide certification of Qualifying Exigency for Military Family leave. This certification must be provided by the associate within fifteen (15) days of the request for a leave, unless an associate is not able to do so. Failure to provide all the required information in a timely manner may impact the associate's ability to take a leave as requested, and may lead to disciplinary action up to and including termination. Recertification may be required every thirty (30) days.
- f. **Intermittent and Reduced Leaves of Absence:** Associates may also be eligible for "Intermittent" leave for qualifying exigencies (periodic, short-term absences ranging from an hour to several weeks) or "Reduced" leave (a lesser number of an associate's usual working hours per workweek or workday).

- 11. **Additional Time Off from Work - Absences Regulated By Law**
Additional unpaid time off may be granted in accordance with state and Federal laws and regulations for the following types of leave:
 - a. Alcohol and Drug Rehabilitation
 - b. Jury Duty
 - c. Witness Duty
 - d. Crime Victims Court Appearances
 - e. Victims of Domestic Violence
 - f. Victims of Sexual Assault or Stalking
 - g. Volunteer Firefighters, Peace Offices and Rescue Personnel
 - h. Visit School Authorities
 - i. Participation in child's school related activities
 - j. Adult Literacy Education Assistance
 - k. Voting Time
 - l. Organ & Bone Marrow Donation

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D. Leave Procedures

1. **Medical Certifications:** An associate who requests a leave due to his/her own or an eligible family member's serious health condition must provide certification by a health care provider that justifies the leave. This certification must be provided by the associate within fifteen (15) days of the request for a leave, unless an associate is not able to do so. Failure to provide all the required information in a timely manner may impact the associate's ability to take a leave as requested, and may lead to disciplinary action up to and including termination. Recertification may be required every thirty (30) days but not more than every six (6) months even where the prior certification states a longer period of duration. It is the associate's responsibility to ensure this occurs.
2. **Associate Updates:** Associates provide the Human Resources Department with periodic updates at least every thirty (30) days and provide any address or phone number changes, certification of health status, expected date of return, and intent to return to work upon recovery from the disability when applicable. Associates must provide the Human Resources Department with notice of the need to extend the duration of the leave of absence at least seven (7) days prior to their anticipated return date.
3. **Continuation of Insurance and COBRA Coverage:** An associate with CHOC Children's benefits plan coverage may remain on the plans while paying the same cost of coverage as if he/she were working up to the Maximum Length of the Federal and/or State job-protected leave. The associate must pay his/her share of the premiums either through payroll deductions (if the associate is receiving PTO) or through separate payments to WageWorks, CHOC Children's Direct Bill Vendor. Nonpayment within thirty (30) days of the date payment is due may result in termination of applicable benefits coverage. Once the Maximum Length of the Federal and/or State job-protected leave has been reached, all benefits plan coverage will be terminated. For those associated whose leave is not eligible for or pursuant to a Federal and/or State job-protected leave, benefits plan coverage will be terminated the first of the month following the leave start date. COBRA coverage can be elected by those associates that were enrolled in the medical, dental or vision plans. For the coverages that were terminated, the associates may re-enroll in coverages once they return from their leave of absence.
4. **Paid Time Off (PTO):** Associates on PDL, Workers Compensation Leave or Military Leave may elect to use PTO for time not worked while on leave. Associates must use accrued PTO for time not worked while on any other leave type. PTO payments will be

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coordinated with any eligible State disability or Paid Family Leave payments until accrued PTO is exhausted.

5. **Release to Return to Work:** Following a Leave of Absence for the associate's own serious medical condition, the associate must provide a release to return to work from his/her Health Care Provider. If an associate does not return to work on the first scheduled day following the expiration date of the leave without receiving prior written approval of an extension beyond such date, the associate will be considered to have voluntarily resigned as of the last date of the approved leave. In addition, any required certifications, licenses, vaccinations and trainings must be up to date prior to returning to work. If any of these have expired, the associate must complete these outstanding requirements on or before her/his first day at work.

6. **Return to Work:**

- a. Associates returning from an approved FMLA, CFRA, PDL or Military Leave and complied with the provisions of this policy may be returned to the same or an equivalent position as that which he/she held prior to beginning the leave, as required by law. If an associate's Health Care Provider releases the associate to return to work on a date beyond the specified Federal or state protected leave policy limits and neither the associate's former position, nor one with comparable duties and pay, is available, CHOC Children's may terminate the associate's employment. Employment may also be terminated at the end of a leave if a reduction in force or reorganization took place during the leave and resulted in the elimination of the position or a layoff. Additionally, termination may occur for reasons that substantially undermine the organization's ability to operate safely, efficiently, and ethically. If an associate's former position is not available when he/she is released to return from a leave, the associate may be granted up to thirty (30) days of Personal Leave to seek other available positions for which he/she is qualified, provided the associate has not already used thirty (30) days of Personal Leave in the last rolling twelve (12) month period. Failure to locate a position within the allotted timeframe will result in an administrative separation from CHOC Children's. CHOC Children's will honor additional periods to these timeframes where the associate has a legally protected return period that exceeds the timeframe stated in this policy.
- b. A Personal Leave does not provide job protection. Associates may return based on job availability. Before returning to work following a Personal leave of absence, the

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associate must contact the Human Resources Department to ascertain if a suitable position is available and, if so, to arrange for a return to work date. Associates who do not immediately return to work on the expected return to work date will be considered to have voluntarily resigned his/her employment with CHOC Children's. Employment may also be terminated at the end of a leave if a reduction in force or reorganization took place during the leave, and resulted in the elimination of the position or a layoff.

- c. Following a Military leave of absence, the associate must:
- 1) Provide evidence of satisfactory completion of service.
 - 2) Apply within ninety (90) days after release from active duty which exceeded one hundred eighty (180) days or within such extended period, if any, where their rights are protected by law, and are qualified to fill their former position. Associates who perform military duties for a period of less than one hundred eighty (180) days must request reemployment within the time established by law based on the length and nature of their military duties.
 - 3) Be qualified to fill their former position.
 - 4) If an associate does not return to work on the first scheduled day following the expiration date of the leave without receiving prior written approval of an extension beyond such date, the associate will be considered to have voluntarily resigned as of the last date of the approved leave.

7. **Reasonable Accommodation:** CHOC Children's will attempt to reasonably accommodate associates who are released for partial/or modified duty to the extent required by law (refer to Human Resources Policy 409: Transitional Duty Program). If CHOC Children's cannot reasonably accommodate the associate, the associate may apply for available positions for which he/she is qualified.
8. **Concurrent Leave Clause:** To the extent possible, all Leaves will run concurrently with any applicable leave as allowed by law and/or governed by the Leave of Absence policy.
9. **Additional Time Off from Work - Absences Regulated by Law**
Additional unpaid time off may be granted in accordance with state and Federal laws and regulations for the following types of leave:
 - a. Alcohol and Drug Rehabilitation
 - b. Jury Duty
 - c. Witness Duty
 - d. Crime Victims Court Appearances

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- e. Victims of Domestic Violence
- f. Victims of Sexual Assault or Stalking
- g. Volunteer Firefighters, Peace Offices and Rescue Personnel
- h. Visit School Authorities
- i. Participation in child's school related activities
- j. Adult Literacy Education Assistance
- k. Voting Time
- l. Organ & Bone Marrow Donation

E. Offset Provision

CHOC Children's intends to administer its leave of absence policy in accordance with the requirements of all applicable state and federal laws. Instances may exist where two or more leave of absence policies provide overlapping protections for an eligible associate. However, it is the general intention of CHOC Children's policies to limit associates to the time available under the single most favorable leave of absence policy and to prevent associates from exceeding the limitations of that policy. Accordingly, any leave of absence that is taken by an associate under any policy or based upon any request for time off that could have been taken under any other policy of CHOC Children's (if the associate had requested the opportunity to do so) shall be credited against the maximum limit on leaves established in each of the policies that provided the associate a basis to request a leave.