



Managing A Leave of Absence

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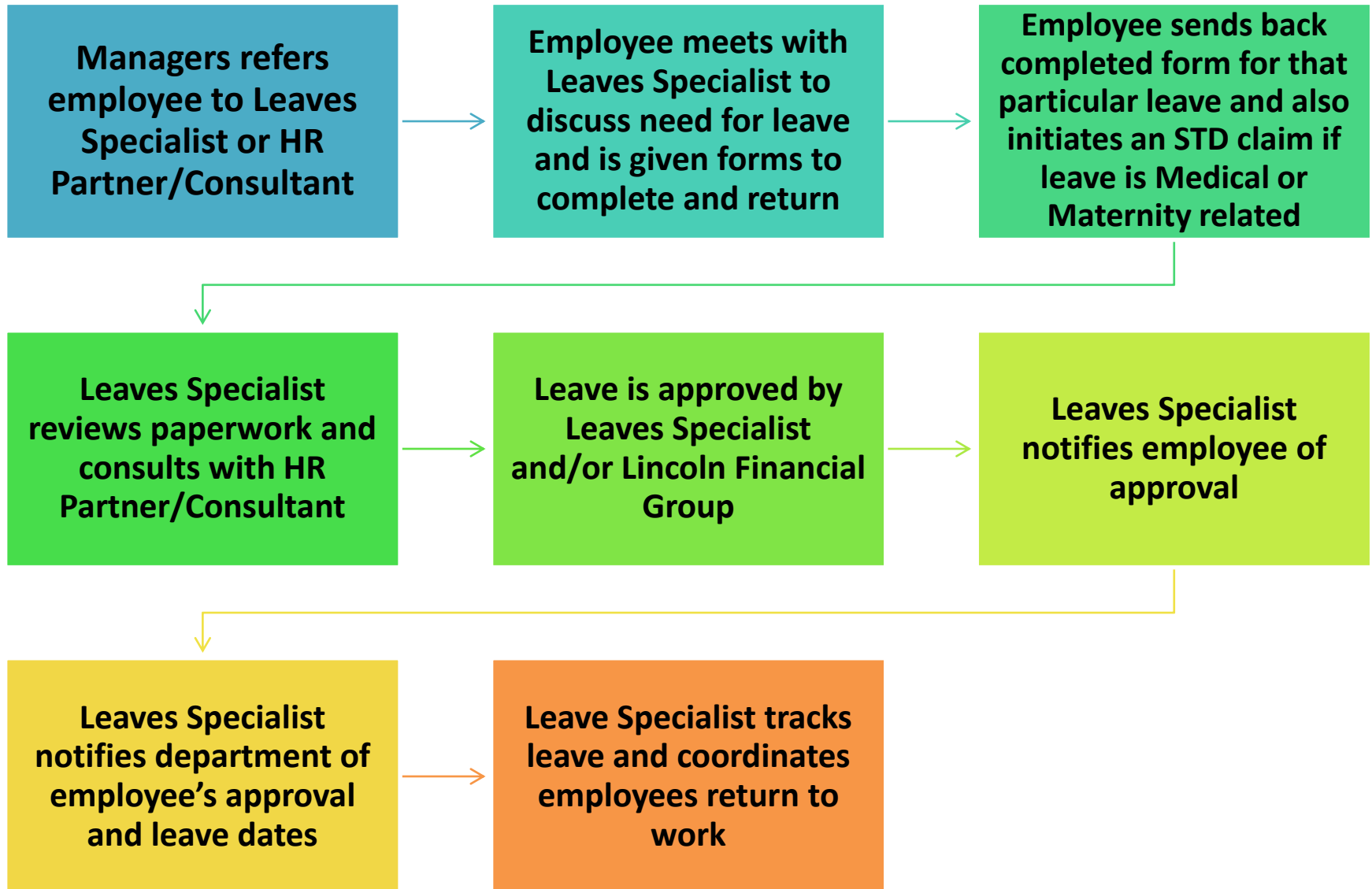
Objectives

- Define Leave Types
- Identify eligibility
- Understand roles & responsibilities
 - Manager
 - Employee
 - Leaves Specialist
- Understand process before, during, and after leave

Leave Types

- Family and Medical Leave Act (FMLA)
- Short-Term Disability
- Long-Term Disability
- Maternity and Parental Leave
- Worker's Compensation
- Personal Leave
- Military Leave
- Domestic Violence Leave
- Reasonable Accommodations

Leave of Absence Process Flow Chart



Required Forms for Each Leave

Family and Medical Leave Act (FMLA)

- Complete the FMLA Medical Certification within 15 calendar days (extension can be granted if requested before 15 day deadline)
- Complete Request for Leave Form

Short Term Disability

- Submit Request for Leave Form & initiate a claim with Lincoln Financial Group

Maternity Leave

- Submit Request for Leave Form & initiate a claim with Lincoln Financial Group

Parental Leave

- Submit Request for Leave Form

Personal Leave

- Submit Unpaid Leave of Absence Form

Military Leave

- Submit military orders and paystub (ASAP)

Reasonable Accommodations

- Submit RA Request form & Reasonable Accommodation HealthCare Provider letter

What is the Family Medical Leave Act?

The Family Medical Leave Act (FMLA) entitles eligible employees to take 12 weeks of unpaid, job-protected leave in a 12 month period.

When should FMLA be used?

- If the employee has a serious health condition
- To care for a family member: spouse, child, or parent with a serious health condition
- Care of a child after birth, adoption or foster care
- To care for a service member with a serious injury or illness (26 weeks)

What is considered a serious health condition?

Qualifying FMLA Reasons

- Inpatient care
- Pregnancy/Prenatal care
- Absences of 3 or more consecutive days plus treatment
- Permanent/long-term conditions.
- Multiple treatments

Non-Qualifying FMLA Reasons

- The common cold
- Flu
- Ear aches
- Upset stomach
- Minor ulcers
- Sore Throat
- Treatment for Acne

Why should an employee apply for FMLA?

- Having the employee apply for FMLA is best practice
- Prevents absence abuse
- Gives employees peace of mind
- Keeps absence policy fair for all
- Prevents issues during departmental changes
- Cannot be factored in during performance reviews

Who is Eligible For FMLA?

HUTCW
Admin/Pro
Non-Union
SEIU

- Must be in a benefits eligible position, scheduled to work at least 17.5 hours a week and have completed the 90 day O&R Period
- SEIU must be benefits eligible and complete O&R Period only

Internal Post
Doc
External Post
Doc (Stipend)

- Must be in a benefits eligible position, scheduled to work at least 17.5 hours a week. No O&R period.

Absences during FMLA Leave

- FMLA can be taken continuously, intermittently, or on a reduced schedule
- Manager is responsible for approving absences if leave is continuous
- Employee may use any amount of sick, vacation, or personal time for their own condition or take the leave as unpaid (Time Off at Own Expense)
- For intermittent & reduced scheduled leaves, employees must report **“FML”** in the comment section of absence requests. Absences are tracked by Leaves Specialist.
- Should the Employee have no accrued time, manager should request Time Off at Own Expense or place the employee on Unpaid Leave

Returning From Medical Leave

- Medical clearance is mandatory for Medical Absences > 3 days
- Department has to reinstate employee within 2 business days, if medical clearance is provided
- Limitations or restrictions must be clearly outlined
- Returns have to be accommodated, unless the department can show that the accommodation would be an undue hardship to the department (see job description)

What is Short-Term Disability?

- Short-term disability (STD) provides income replacement during medical leave for up to 26 weeks due to a medical condition:
 - STD is recommended for medical leaves lasting more than 10 business days and less than 6 months.
 - Can be taken continuously or part-time
 - Runs concurrently with FMLA
 - Up to 26 weeks is paid from the Harvard's Disability Fund
 - Approved by Lincoln Financial Group for up to 2 months at a time
 - Harvard's Practice has been to hold an employees job up to 6 months while the individual is on this medical leave.

Eligibility for Short-Term Disability?

- All employee types must work in a benefits eligible position:
 - HUCTW: Scheduled to work at least 17.5hrs/week
 - Admin Pro's & Non Union: Scheduled to work at least 17.5hrs/week and complete O&R period.
 - SEIU: Complete O&R Period only
 - Post Doc: scheduled to work at least 17.5hrs/week and must be paid by Harvard.
 - Faculty and Other Academics: not eligible for short-term disability through Lincoln Financial Group.

Short-Term Disability Benefit Waiting Period and Spend Down Policy

- Employees must be out of work for two continuous weeks (10 business days) for the STD benefit waiting period.
- The waiting period can be paid with accrued sick, vacation or personal time, or a combination. If the employee has no accrued paid time off, the waiting period will be unpaid.
- If the employee's sick balance exceeds 40 days, they must use up to 25 days of sick time or "spend down" to a balance of 40 days, whichever comes first.
- Any accrued time used after the benefit waiting period or spend down period will be refunded back to the employee .

Short-Term Disability Paid Time Off Accrual

- Accrual of sick time, vacation time and personal time differs as follows:
 - Professional and administrative staff and eligible post-doctorate fellows will not accrue time off during leave.
 - Clerical and technical staff will accrue paid time off during leave.
 - Service and trade staff will accrue benefits as outlined in their collective-bargaining agreements.

STD: Roles & Responsibilities (During STD Leave)

Employee

- Submit documentation to the Lincoln Financial Group for approval or recertification
- Keep line of communication open
- Schedule evaluation appointments with doctor(s) for returning to work or STD recertification
- Provide Leaves Specialist with medical clearance in order to return to work

Department

- Absences during the benefit waiting period are approved by the Supervisor
- If the STD approval/recertification is delayed, continue to approve absences
- Disabilities Payroll handles STD pay during the approved period
- Any PTO used after the benefit-waiting period is refunded back to the employee

STD: Roles & Responsibilities (During STD Leave)

Leaves Specialist (HR)

- Disabilities Payroll will have control of the employee's record for the STD approved period and will **RETURN** the record.
- Upon end of STD approved period, Leaves Specialist will notify department:
 - Return to work date
 - Next evaluation date
 - If the employee plans to apply for recertification, Partial STD return or Reasonable Accommodations.
- HR will draft an ***Intent to Return Letter***
 - If after 5 months the employee has not been cleared to return.
- If STD has exhausted, the employee will automatically roll over to Long Term Disability (if benefit is elected).

Long-Term Disability (LTD)

- Long-Term Disability: refers to Disability over 6 months and pays up to 60% of their salary. (This Benefit must be elected)
- Employee must work at least 17.5 hrs or make 15k annually
- Job is not guaranteed during LTD.
- Long Term Disability Maximum benefit period is determined by age and when disability begins. Varies from claim to claim.

Maternity & Parental Leave

Maternity Leave

- Birth parents are eligible for 12 weeks of paid maternity leave benefits.
- Initial 8 weeks of maternity can be paid using STD or can be substituted with employees own PTO.
- Maternity STD is only for birth mothers and paid by Harvard's disability fund.

Paid Parental Leave (Birth and Non-Birth Parents)

- 20 days of paid leave must be used within 13 weeks from date of birth.
- Taken both consecutively or intermittently.
- Parental leave is funded by the Department for Admin/Pro and non-exempts. Faculty and Post Docs may differ.
- Eligibility: Work 17.5hrs/week

Employee Type/ Years of Service	2 weeks pre-due date	8 Weeks STD	4 Weeks Parental Leave	13th Week
HUCTW <7	Option of using sick, vacation, personal time OR take unpaid	70% pay, no option to supplement. PTO accrues during STD.	70 % pay, remaining 30% may be supplemented with vacation or personal time OR May take 1 week at 100%	Use vacation or personal time OR take unpaid.
Admin/Prof <7	Option of using sick, vacation, personal time OR take unpaid	75% pay, no option to supplement. PTO does not accrue during STD.	75% pay, remaining 25% may be supplemented with vacation or personal time OR May take 1 week at 100%	Use vacation or personal time OR take unpaid.
SEIU <7	Option of using sick or vacation time OR take unpaid	75% pay, no option to supplement. PTO accrues during STD.	75% pay, remaining 25% may be supplemented with vacation or personal time OR May take 1 week at 100%	Use vacation time or personal time OR take unpaid.
PostDocs <7	Department funds w/ approval	75% pay, no option to supplement	100% pay	n/a (no PTO)
All Admin/Prof and non-Exempt >7	Option of using sick or vacation time OR take unpaid	100% pay	100% pay	Use vacation time or personal time OR take unpaid.
HMS HSDM Faculty	Department funds w/ approval	100% pay, requires Dept. review	100% pay, requires Dept. review	n/a (no PTO)

Maternity/Parental: Roles & Responsibilities

Employee

- Submit Request for Leave form.
- Initiate a claim with Lincoln Financial Group (birth mothers only).
- Notify Leaves Specialist and Lincoln Financial Group of date of birth (birth mothers only).
- Call Benefits Office to add baby to your benefits. You have 30 days from the date of birth.
- Confirm scheduled return date.

Manager/Department

- All Maternity STD pay: Handled by Disabilities Payroll
- SPH Parental Leave: Department will need to submit a Wasabi form to place employee on parental leave
- SPH Parental Leave: Department Admin handles time entry, supplements, and returns employee from parental leave
- HMS|HSDM: HR handles time entry, places and returns employee from parental leave

Maternity Leave: Roles & Responsibilities

Leaves Specialist and Disabilities Payroll

- Leave Specialist will send a Tentative Timeline based on due date
- Upon confirmation of baby's birth, Leaves Specialist will send confirmed timeline to the following:
 - Administrators, Manager, HR & Disabilities Payroll
- SPH-Department will be notified when record is returned and sent instructions on Parental Leave

Leave Type: Workers Compensation (WC)

- ❑ Workers Compensation is salary replacement for employees injured on the job
- ❑ Workers Compensation can run concurrently with FMLA
- ❑ Accident Report should be reported within 24hrs.
Managers should always complete the accident report. Employees should not complete their own report.

The screenshot shows the 'Workers' Compensation' report form for PMA Companies. The form is titled 'PMA Loss Reporting' and includes a 'Submit' button and a 'Cancel' button. The form is divided into several sections: 'Employee Information', 'Occurrence Information', and a large text area for 'Accident Description'. The 'Occurrence Information' section contains various fields for reporting an injury or illness, including date of occurrence, accident state (Massachusetts), accident cause, injury nature, body part, and side of body. It also includes fields for time of occurrence, date employer notified, date expected to return to work, hours worked per day, payment frequency, and date of death. There are also checkboxes for 'Did Injury or Illness occur on Employer's Premises?' and 'Were Safeguards or Safety Equipment Provided?'. The form is designed to be user-friendly with dropdown menus and radio buttons for selection.

Customer Service Center: **1-888-476-2669**
PMA Web Portal:
www.pmacompanies.com/generic_reportclaim

Workers Compensation Eligibility

To be eligible, employee must have a Harvard ID and be:

1. Performing a service for the University (Department)
2. Receiving compensation (wages/stipend from University)
 - The Service provided must be benefiting the University/Department not a Third Party.
 - The Stipend must be paid by the University not a third Party.

All the above conditions have to be met.

Note: Unpaid Employees, Students, Interns, etc. of Harvard are not covered by Workers compensation program.

During Workers Compensation

- After an accident occurs, employee should seek medical attention ASAP. Benefits start only after seeing a doctors or emergency room visit.
- First 21 Days of Workers Compensation will be paid at 100% by Harvard (Disabilities Payroll). Claims beyond 21 days are paid directly by the vendor at 60% of the employee's salary.
- Medical clearance is required to return to work. Time sheet is also required for partial returns.
- WC is not required to cover lost time due to physical therapy or MD appointments during the normal work day, if employee is still working.

Unpaid Leaves

- Short Term Personal Leaves are from 31 to 90 days
- Long Term Personal Leaves are from 91 days to 1 year (must have 5 years of service)
- Career Development Leaves are from 3 months to 1 year (must have 3 years of service)
- Extended Parental Leave can be taken up to one year
- Personal Leaves are unpaid, and must be approved by Manager and HR Partner/Consultant
- Employees on Personal leave must be reinstated for unpaid leaves less than 90 days
- No guarantee of reinstatement after 90 days
- Employee may not work a benefits eligible position during leave

Processing a Personal leave

- Employee will need to submit their leave of absence form signed by both their manager and HR Partner/Consultant.
- Leaves Specialist will send out e-mail notification of approved leave and instructions.
- Department Admin must submit an eTad or Wasabi form
 - Action is “LOA” and Reason is “PER”
- Department Admin is responsible for submitting a an eTad or Wasabi Form to return employee from leave
 - Action is “RFL” Reason is “UNP” upon employees return

Military Leave

Employee

- Notify supervisor of need to take leave.
- Employee will need to provide HR with a copy of military orders and paystub showing base pay.
- Submit a Leave of Absence form to HR signed by manager and HR Partner/Consultant.

Manager/Administrator

- Department will need to pay the difference between Harvard pay and verified Military Pay during the first 90 days of leave
- Leave after 90 days will be unpaid.
- Department Admin will need to submit an Etad or Wasabi form to place the employee on leave and return the employee

Domestic Violence Leave

- Harvard must provide up to 15 days of domestic violence leave in a 12-month period for an employee.
- Employee or (covered family member) must be a victim of domestic abuse.
- Leave must be for issues directly related to the abuse, i.e., seeking/obtaining medical attention, counseling, attending court proceedings or meeting law enforcement and other related appointments.
- All staff and faculty including terms, temps and LHTs are eligible
- Employee may use sick, vacation, or comp time to be paid.

Reasonable Accommodations

- Harvard University implements exploration of possible workplace reasonable accommodations for employees with disabilities who request them under the guidelines of the Americans with Disabilities Act (ADA).
- A reasonable accommodation may include, but is not limited to:
 - acquiring or modifying equipment/devices
 - job restructuring
 - modified work schedules
- Our office explores reasonable accommodations with the employee, HR Partner/Consultant, manager, and Harvard University Disability Resources.

Thank you!

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For Checklist, Eligibility Grids, and Accident Report Forms:

<https://hlc.harvard.edu/home/taking-a-leave/>