

ONEIDA TRIBE OF WISCONSIN STANDARD OPERATING PROCEDURE	TITLE: Leave of Absence Tribal Work Standard	ORIGINATION DATE: March 2009 REVISION DATE: June 3, 2014 EFFECTIVE DATE: After last signature
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1. PURPOSE:

To provide employees and supervisors with work standards and procedures for Leave of Absences in accordance with section IV.D.3 in the Oneida Personnel Policies and Procedures.

2. DEFINITIONS:

- 2.1 Area Manager (AM) - Supervisor's supervisor, unless otherwise designated, and is a function rather than a title within the organization.
- 2.2 General Manager (GM) – the highest level in the chain of command under the Oneida Business Committee.
- 2.3 Human Resources Representative (HRR) - defined as the person designated by the Human Resources Manager to perform Human Resource functions.
- 2.4 Immediate family: Wife, husband, mother-in-law, father-in-law, mother, father, daughter, son, sister, brother, grandparent, grandchild, great grandparent and great grandchild.
 - 2.4.1 Immediate family also includes legally-recognized family members that establish the above relationships, such as step-parent, step-grandparent, adopted child, foster child, etc.
- 2.5 Leave of Absence (LOA) –Approved absence period from work without loss of seniority or other job related prerequisites.
- 2.6 Limited Term: An employee who will be utilized for long term assignments over ninety (90) days, but no longer than two (2) years.
- 2.7 Medical Provider: Physician, Physician Assistant, and Nurse Practitioner.
- 2.8 Reduced Work Schedule: Reduction of work hours.
- 2.9 Rolling year – A twelve (12) month time period which starts the day when an employee begins a LOA.
- 2.10 Serious Health Condition - When an illness or injury affects an employee to the extent that causes them to be absent from work. This does not include the common cold or flu.
- 2.11 Temporary Employees - For the purposes of this work standard, includes the following statuses; emergency/temporary, limited term, youth worker, sub-relief and seasonal employee.
- 2.12 Working Day – Monday through Friday 8a.m. to 4:30p.m., excluding weekends and holidays. Exception to these hours occurs when the program and enterprise hours must vary for the purpose of providing services such as Retail, Gaming, AJNH, Police Department, etc. Shifts will be developed and the shifts will become the regular work day for the employees.

3. WORK STANDARDS

General

- 3.1 Employees who are classified as regular (includes part-time, half-time and full-time) are eligible for a LOA.
 - 3.1.1 Temporary employees are not eligible for a LOA.
- 3.2 When an employee plans to take more than one (1) work week off unpaid or work a reduced schedule, they should contact a HRR to understand how employment or benefits may be affected.
 - 3.2.1 Examples of benefits affected include: insurance premiums, status changes, accruals will stop, payroll deductions stop, holiday pay may be affected; funeral pay may be affected, etc.
 - 3.2.2 HRR will explain how to request donation of time, no retaliation for taking a leave, etc.
- 3.3 LOA requests may be a minimum of five (5) working days and will not exceed ninety (90) calendar days.
- 3.4 A LOA without pay may be taken for personal, educational or medical reasons.
 - 3.4.1 See sections titled "Personal, Medical, Maternity, Paternity, Military and Education for more information.
- 3.5 Supervisors will not adversely affect employees who are on an approved LOA.
 - 3.5.1 Examples of adverse action include, but are not limited to, elimination of shift picks, seniority, bonus, incentives, pay increases, rewards, discipline for attendance, performance review scores, etc.
- 3.6 It is important for the employee and supervisor to maintain communications.
 - 3.6.1 The employee shall not perform any work while on a LOA.
 - 3.6.2 Employees that need a LOA shall submit a completed Leave Form to their supervisor.
- 3.7 Employees will not accrue vacation and personal time or other benefits while on a LOA.
- 3.8 Employees may utilize their vacation, personal, or donated hours while on an approved LOA.

Types of Leaves:

Medical LOA

- 3.9 Supervisors must approve the employee's Medical LOA Request(s) for a total of up to ninety (90) calendar days with a medical provider's recommendation to be off work due to a physical or behavioral condition.
 - 3.9.1 Supervisors have the discretion to deny the employee's request for a Medical LOA, after ninety (90) days of Medical Leave(s) has been exhausted and based upon the department's staffing needs.
- 3.10 When an employee is on a LOA for their own serious health condition or for an immediate family member's serious health condition, the Oneida Tribe may continue the employees' insurance benefits.
 - 3.10.1 A medical provider must confirm that a serious health condition exists and this documentation must be attached to the completed LOA Form
 - 3.10.2 Employee may contact an HRR for more explanation on continuation of insurance benefits.
- 3.11 An employee must provide their supervisor with a medical provider's release to return to work prior to or on the day the employee reports to work.
 - 3.11.1 Supervisor will remove the employee from the work schedule until the employee provides the Supervisor and HR with a doctor's release to return to work.

- 3.12 Employees may utilize their vacation, personal or donated hours to cover hours during this time period with the approval of their supervisor and/or may elect to utilize their disability benefits if the employee has taken this benefit.

Maternity Leave

- 3.13 Supervisors are required to approve maternity leave for a period of six (6) weeks.
- 3.13.1 Employees may utilize their vacation, personal or donated hours to cover hours during this period with the approval of their supervisor and/or may elect to utilize their short term disability if the employee has taken this benefit.
- 3.13.1.1 Employee must complete a disability packet in order to apply for the disability benefit.
- 3.14 Employer will continue existing health care benefits to employee while employee is on a medical LOA.
- 3.15 Employee may request a LOA for additional time off after the six (6) week period following the six (6) week maternity leave.
- 3.15.1 Employer will continue existing health care benefits to employee while employee is on Maternity Leave for a maximum of twelve (12) weeks.

Paternity Leave

- 3.16 Employee may request paternity leave for a period of six (6) weeks to care for their newborn child.
- 3.16.1 Employee may take this leave without pay or may utilize their vacation, personal or donated hours to cover hours during this time period with the approval of their supervisor.
- 3.17 Employee may request a personal LOA after the six (6) week period.
- 3.18 Employer may continue existing health care benefits to employee while employee is on Paternity Leave for a maximum of twelve (12) weeks.

Military Leave

- 3.19 Employee must notify immediate supervisor upon notification of being called to active duty in writing and provide a copy of any military notice to the supervisor.
- 3.20 Employer will continue existing health care benefits to employee and families for a period of three (3) pay periods after the pay period of the effective date of activation.
- 3.21 See Military Leave Work Standards for more information.

Personal

- 3.22 Employee may request a LOA for personal reasons. Reasons may include, but are not limited to:
- 3.22.1 The placement, with the employee, of a child for adoption or foster care and to care for a newly placed child within one year of placement
- 3.22.2 Care for the employee's spouse, child, or parent who has a serious health condition;
- 3.22.3 Any qualifying emergency arising out of the fact the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty."
- 3.23 Employer will continue to pay for the employee's medical insurance if the employee is currently enrolled in the medical insurance for the above reasons stated in section 3.22.1 through 3.22.3. of this work standard
- 3.24 Employer will not pay for an employee's medical insurance for other reasons not listed above for Personal leave requests.

- 3.24.1 Insurances are cancelled on the employee's last working day.
- 3.24.2 Insurances will be re-instated on the day the employee returns to work.
- 3.24.3 Employee will be offered COBRA while on an approved personal LOA

Educational LOA

- 3.25 A leave of absence for education purposes will not exceed one (1) year.
- 3.26 Employer will not pay for the employee's benefits while on an Educational LOA
 - 3.26.1 Insurances are cancelled on the employee's last working day.
 - 3.26.2 Insurances will be re-instated on the day the employee returns to work.
 - 3.26.3 Employee will be offered COBRA while on an approved personal LOA

LOA Form:

- 3.27 Employees who need a LOA shall submit a completed LOA Form to their supervisor.
 - 3.27.1 In case the employee is not able to complete the LOA form, the supervisor may complete the LOA Form to initiate the LOA for their employee.
 - 3.27.2 The employee or supervisor must fill out this form completely to include the section of their intent to return to work with the date the employee will return to work. The supervisor may call the employee or their family if the employee is unable to communicate to complete the date the employee intends to return to work.
- 3.28 LOA's must be approved by the supervisor, AM, HRD Area Manager (or designee) and GM.

Reduced Work Schedule

- 3.29 When an employee is able to return to work less than full time, the employee may request a reduced work schedule.
- 3.30 The supervisor must attempt to accommodate the employee's reduced work schedule.

Early Return to Work Policy

- 3.31 A supervisor may allow an employee to return to work under the Early Return to Work Policy (BC 11-13-13-A)
- 3.32 Time spent by an employee performing light duty or in a modified duty position is not counted as a LOA.
- 3.33 Employee wage or salary will be paid from the employee's regular department's budget.

Unable to Return to Work after a LOA

- 3.34 When an employee is unable to return to work at the end of their leave, the employee may use these options:
 - 3.34.1 Request a new leave.
 - 3.34.2 Request personal, vacation or donated time.
 - 3.34.2.1 Time off requests must be approved or denied by the immediate supervisor based on business needs.
 - 3.34.3 Voluntarily resign.
- 3.35 Supervisors have the discretion to approve or deny a LOA beyond ninety (90) cumulative calendar days. Disposition of request will be made on the basis of staffing requirements.
- 3.36 Medical insurances will be paid, for those eligible as defined by the type of LOA, for a maximum period of one-hundred and eighty (180) days.
- 3.37 If the employee does not return to work or communicate with the supervisor, the supervisor shall notify an HR EEO staff member to separate the employee within five (5) working days.

- 3.37.1 The supervisor's failure to notify HRR within five (5) working days may result in disciplinary action.

4. PROCEDURES

Employee Responsibility

- 4.1 Complete a LOA request form with supporting documentation and give to immediate supervisor and HR Employee Insurances staff member.
- 4.1.1 If the leave is Medical, medical documentation is required.
- 4.1.2 If the leave is for Maternity, medical documentation is required.
- 4.1.3 If the leave is for Paternity, medical documentation is required.
- 4.1.4 If the leave is Personal or for Educational purposes, a short explanation is required.
- 4.1.5 If the leave is Military, the Military notice of being called to active duty is required.
- 4.2 The Leave Request Form will serve as the required notification of the date the employee intends to return to work.
- 4.2.1 If unable to return, see 3.34 for options and complete appropriate form if applicable.
- 4.3 Maintain communications with supervisor.
- 4.4 For Medical or Maternity LOA, provide a doctor's release and/or work restrictions to immediate supervisor and HR Employee Insurances staff member prior to returning to work for a medical related LOA.
- 4.5 For Paternity, Personal or Educational Purposes, communicate with supervisor prior to LOA end date. NOTE: The intent to return to work date is on the Leave Form
- 4.6 For Military LOA after the completion of service, notify supervisor and HR of intent to return to work depending upon the duration of service.
- 4.6.1 30 days or less, the first day upon return.
- 4.6.2 31 – 180 days, not later than 14 days after completion of service.
- 4.6.3 181 days or more, not later than 90 days after completion of service.

Supervisor's Responsibility

- 4.7 May complete the LOA request form for employee if employee is not available.
- 4.8 Maintain communication with employee.
- 4.9 Review the LOA request:
- 4.9.1 If approved, forward the LOA request to the Area Manager (AM) level.
- 4.9.1.1 Ensure medically-related documentation is included in the request.
- 4.10 Notify HRR of employee resignation if employee is unable to return to work.
- 4.11 Track and retain leave requests, amount of time off and return to work date(s).
- 4.12 Notifies HR EEO staff member, if employee does not return to work on the intended return to work date on the Leave Form, to discuss options.

Area Manager (or designee) Responsibility

- 4.13 Review the LOA request.
- 4.13.1 If approved, forward the LOA request to the General Manager (GM) level.
- 4.13.2 If denied, document on LOA form and return to supervisor.

General Manager (or designee) Responsibility

- 4.14 Review the LOA request.
- 4.14.1 If approved, forward the LOA request to the HRD Manager level.

4.14.2 If denied, document on LOA form and return to Area Manager (AM) level.

HRD Manager (or designee) Responsibility

4.15 Review the LOA request.

4.15.1 If approved, forwards the LOA request to HRR for processing.

4.15.2 If denied, notifies the General Manager (GM) level.

5. REFERENCES

5.1 Oneida Personnel Policies and Procedures

5.2 Leave of Absence Request Form

5.3 Early Return to Work Policy (BC 11-13-13-A)

5.4 Military Leave Standard Operating Procedures and Work Standards

5.4.1 Uniformed Services Employment and Re-Employment Rights Act (USERRA)