



# Human Resource Policy Manual

**Subject: Leave of Absence Policy**

**HR Policy: 440**

**Effective Date: 05/01/05**

**Revision: 0**

**Revision Date:**

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**Board of Directors Approval: 03/12/05**

**MSHS Policy Council Approval: 04/02/05**

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This Policy has been drafted as a guideline for our employees. Final interpretation of the items discussed will be governed by the applicable procedure statements and the Human Resources Department. It shall not be construed to form a contract between our employees and the operating units of Texas Migrant Council, Inc. Texas Migrant Council, Inc. reserves the right to alter, rescind, or change any part or section of this Policy unilaterally and without prior notice.

## **1.0 PURPOSE**

This policy describes the procedure by which leaves of absence are granted for reasons of personal, family or medical necessity, a death in the immediate family, jury duty or military duty.

## **2.0 SCOPE**

Except as specifically provided below, this policy applies to all non-probationary, regular full-time Texas Migrant Council, Inc. employees.

## **3.0 RESPONSIBILITIES**

- 3.1** Human Resources is responsible for administering and communicating this policy and answering any questions that may arise regarding its interpretation and application.
- 3.2** It is the responsibility of the employee to ensure that a Leave of Absence Request form with the required supporting documentation (as applicable) be submitted in a timely fashion and that the required approvals (supervisor, manager, and Human Resources) secured.
- 3.3** It is the responsibility of the employee on an extended leave to remain in contact with Human Resources and supply regular medical updates on their condition as requested by the Company.

## **4.0 POLICY**

- 4.1** A leave of absence is not automatically granted. A Request will be considered only upon the Company's receipt of a completed Leave of Absence Request Form.
- 4.2** With the exception of Funeral Leave, a leave of absence refers to an absence of three (3) or more consecutive days' duration and is unpaid unless indicated otherwise.



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- 4.3 Engaging in other compensable employment while on a leave of absence or failure to report to work upon expiration of a leave of absence without having previously obtained an extension, will subject the employee to termination.
  - 4.4 With the exception of a Family or Medical Leave, an employee is responsible for making arrangements to continue any insurance while on leave of absence. During the first sixty (60) calendar days of a leave of absence the employee must continue to pay their employee portion of the insurance premium(s) to maintain any insurance coverage. After the first sixty (60) calendar days of a leave of absence, the employee is responsible for the full premium costs of any insurance coverage
  - 4.5 Time off from work on an approved leave of absence shall not break the continuity of employment for service related benefits, e.g. vacations, seniority, etc.
  - 4.6 Upon returning to work in accordance with the terms upon which the leave was approved, the employee will be reinstated in his/her former job classification provided that the job classification has not been eliminated in the facility, or in a comparable job classification provided that the employee is qualified and willing to perform the work. If conditions have changed to the extent that such reinstatement is impossible or economically unfeasible, the employee will be terminated. Employees requesting a Family or Medical Leave should refer to Section 4 for information about reinstatement following such a leave.

## **5.0 FAMILY AND MEDICAL LEAVE POLICY**

- 5.1 The Family and Medical Leave Act (FMLA) is covered in detail in Human Resources Policy 610.

## **6.0 PERSONAL LEAVE OF ABSENCE**

- 6.1 The Company will consider any request for a personal leave of absence; however, such a leave will only be granted in cases of extreme hardship.
- 6.2 Personal leaves of absence are limited to thirty (30) calendar days per year. The immediate supervisor has the authority to grant a personal leave of absence up to ten (10) consecutive working days in increments of three (3) days or less. This approval must be in writing. Any personal leave in excess of ten (10) working days must have the approval of the immediate Supervisor/Manager, the Area Manager, and the Human Resources Manager.
- 6.3 Any and all accrued vacation must be used prior to being granted a personal leave. A



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personal leave of absence is unpaid.

## **7.0 FUNERAL LEAVE**

- 7.1** A funeral leave of absence will be granted to eligible employees to make arrangements and attend the funeral of an immediate family member.
- 7.2** Up to three (3) days paid time off will be permitted for employee's immediate family including: spouse, parent, child, sister, brother, grandparent, mother-in-law, and father-in-law, step children, grandchildren, aunt, or uncle.
- 7.3** One (1) day off is permitted for the death of other family members such as son/daughter-in-law and brother/sister-in-law.
- 7.4** Upon return from the funeral leave, the employee must provide documentation of the immediate family member's death and funeral.
- 7.5** The employee must attend the funeral and be scheduled to work on all days paid. Funeral leave pay will not be paid in the following circumstances:
  - a. Employee on vacation
  - b. Company-recognized holiday
  - c. Employee on lay-off
  - d. Employee on another leave of absence
  - e. Employee unable to work due to a work-related injury and eligible for statutory workers' compensation benefits

## **8.0 JURY DUTY**

- 7.1** The Company will grant employees a leave for a period up to two (2) weeks or ten (10) days to fulfill jury duty. The Company will pay employees the difference between jury duty pay and their regular rate of pay while serving on jury duty, based on eight (8) hours per day. The employee must sign over the jury duty check to the Company. Proof of being summoned or subpoenaed for jury duty or to appear in court must be supplied by the employee to his/her Supervisor as far in advance as possible.
- 7.2** Employees excused from serving are expected to return to work and complete their regular shift if a reasonable amount of time exists between the time they were excused and the end of the shift.
- 7.3** The Company will not retaliate against an employee in any manner for serving or being scheduled to serve on jury duty, or for requesting a jury duty leave.



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## **9.0 MILITARY LEAVE**

- 9.1** An employee who enters the United States Armed Services or is activated as a member of a United States military reserve unit or National Guard will have his/her service protected in accordance with the applicable laws of the United States. Upon return from service, the employee may be eligible for re-employment and may be reinstated in the same or substantially similar position so long as he/she meets all other prerequisites of federal law.
- 9.2** Members of the United States Armed Forces Reserves or National Guard will be allowed a military leave of absence to participate in temporary training. An employee must furnish the Company with written notification of the periods of training reasonably in advance of the beginning of actual duty, including a copy of the employee's service orders. For up to two (2) weeks each calendar year, the Company will reimburse the difference between military pay received (not to include expenses paid by the Government) and the regular straight time base pay which includes any shift differential. To receive the differential payment a copy of the military pay voucher will be required.
- 9.3** A military leave will not affect vacation privileges. Group insurances will continue if the employee makes arrangements to pay the applicable premiums.