ARTICLE 7 - LEAVES OF ABSENCE

A. Leaves of absence without pay may be granted to regular clinicians, who have been continuously employed for at least six (6) months, at the option of Home Health and Hospice PHHH for good cause shown when applied for in writing in advance, except that no leaves of absence other than for health (including parental leave) or extended professional study purposes will be granted between June 1 and September 1 each year. Leaves of absence will be granted only in writing. However, a clinician will be deemed to be on a leave of absence from the beginning of any approved period of unpaid absence, other than layoff, regardless of the completion of paperwork under this section.

B. Protected Leave. Paid Leave Oregon (PLO), Family Medical Leave Act (FMLA), Oregon Family Leave Act (OFLA), and workers' compensation leaves of absence will be granted in accordance with applicable law. Home Health and Hospice PHHH will permit a clinician who is approved for such leave to use accrued PTO for all hours taken for such leave that are not otherwise compensated to care for themself and/or qualifying family members, as outlined in the provisions of applicable law and this Agreement.

C. Regardless of eligibility for leave under PLO, FMLA, or OFLA, clinicians who have completed the first six months of employment are eligible for up to six months of leave to care for their own serious health condition and parental leave. This leave will be available on an intermittent basis, as long as the clinician also qualifies under PLO, FMLA, or OFLA; if the clinician does not qualify under PLO, FMLA, or OFLA, such leave will not be available on an intermittent basis. Time taken under PLO, FMLA, OFLA will count toward the six-month maximum. Benefits continue as required under PLO, FMLA, or OFLA, or as long as the clinician is using PTO or Short Term Disability (STD). Clinicians are not guaranteed reinstatement while on non-PLO, FMLA, or OFLA leave to the same position except (a) as required by law or (b) as stated in Sections J and K below.
D. **Armed Services Leave:** Leaves of absence for service in the Armed Forces of the United States will be granted in accordance with federal law. An employee on an Armed Forces Leave may use available PTO during such leave or may choose to take the leave unpaid.

E. A clinician will not lose previously accrued benefits as provided in this Agreement but will not accrue additional benefits during the term of a properly authorized leave of absence. A clinician’s anniversary date for purposes of wage increases and vacation accrual rates shall not be changed because of being on a leave for 30 days or less.

F. A clinician who continues to be absent following the expiration of a written leave of absence, or emergency extension thereof granted by Home Health and Hospice PHHH, is may be subject to discipline, suspension or discharge.

G. **Bereavement Leave:** A clinician who has a death in the clinician’s immediate family will be granted up to 3 (three) days’ time off with pay. A member of the clinician’s immediate family for this purpose is defined as the parent, grandparent, parent-in-law, spouse, child (including foster child), grandchild, sibling of the clinician; parent, child, or sibling of the clinician’s spouse; spouse of the clinician’s child; or other person whose association with the clinician was, at the time of death, equivalent to any of these relationships (including legal guardianships). Consistent with OFLA, clinicians may be off work for up to two (2) weeks to make funeral arrangements, attend the funeral, or to grieve a family member who has passed away. Such leave will be taken within sixty (60) days of the clinician learning of the death of the family member. Clinicians may use accrued leave to cover time off work beyond the three (3) days referenced in this section or if they have 40 or fewer hours of accrued leave they may elect to take additional time off unpaid.
H. **Jury Duty:** Clinicians who are required to perform jury duty will, if they request, be rescheduled to a comparable schedule on day shift during the Monday through Friday period and be permitted the necessary time off from such new schedule to perform such service, for a period not to exceed two (2) calendar weeks per year. A clinician who is required to perform jury duty will be paid the clinician’s regular straight-time pay for the scheduled workdays missed, provided that they have made arrangements with the clinician’s supervisor manager in advance. If the clinician receives $100 or more per day in remuneration for serving jury duty, then the clinician will be paid the difference between the clinician’s regular straight-time pay for the scheduled workdays missed, and the jury duty pay. The clinician must furnish a signed statement from a responsible officer of the court as proof of jury service.

I. **Clinicians** who are subpoenaed to appear as a witness in a court case, in which neither clinicians nor the Association is making a claim against Home Health and Hospice PHHH, involving their duties at Home Health and Hospice PHHH, during their normal time off duty will be compensated for the time spent in connection with such an appearance as follows: They will be paid their straight-time rate of pay, not including shift differential, provided that the subpoenaed clinician notifies Home Health and Hospice PHHH immediately upon receipt of the subpoena. Such pay will not be deemed to be for hours worked. They will also be given, if they so request, equivalent time off from work in their scheduled shift immediately before or their scheduled shift immediately after such an appearance, provided that the subpoenaed clinician makes the request immediately upon receipt of the subpoena.

J. **Return from non-PLO, FMLA, or OFLA leave in 60 days or less:** Upon completion of a leave of absence of 60 days (180 days where the leave is for a compensable injury/illness under Oregon’s Workers’ Compensation Law, or more if required by that law) or less, the clinician will be reinstated in the clinician’s former job (including position, assignment/territory, unit, shift and schedule).
K. **Return from non-PLO, FMLA, or OFLA leave of 61 days or longer:** Upon completion of a leave of absence of over 60 days (180 days where the leave is for a compensable injury/illness under Oregon’s Workers’ Compensation Law, or more if required by that law), the clinician will be offered reinstatement to the clinician’s former job (including position (but not necessarily the same assignment/territory), unit, shift and schedule), if such job has not been filled. If such job has been filled, the clinician will be given preference for a vacancy for which the clinician applies in the same or a lower position on the clinician’s former shift which the clinician is qualified to fill and, if the former job thereafter becomes available within 150 days of commencement of such leave (210 days where the leave is for a compensable injury/illness under Oregon’s Workers’ Compensation Law, or more if required by that law), preference upon application for the clinician’s former job (including position (but not necessarily the same assignment/territory), unit, shift and schedule). The layoff provisions of Article 16 of this Agreement are not applicable to a clinician who is eligible for reinstatement, but has not yet been reinstated, under the preceding two sentences; except for purposes of the recall provision. Under the recall provision, such a clinician’s position for recall from among the clinicians eligible for recall will be determined as if the clinician was laid off in accordance with their seniority.

(Leaves of absence for educational purposes are also referred to in the Professional Development article of this Agreement.)