RN RTW Without Restrictions

Returning from a paid leave of absence

Yes (Paid)

No (Unpaid)

Is there a position in the same classification title on the employee’s home unit available?

Yes

No

Placed in position on the home unit

Is there any other position where the employee meets the required qualifications in the classification title within the bargaining unit? (¶ 426)

Yes

No

Placed in that position where the required qualifications in the classification title were met.

Is there any other open position in any classification title within the bargaining unit that the employee is qualified for and accepts?

Yes

No

Start RIF process Article 26
*RIF process initiated by and starts on the home unit

Note: During this placement process, paid time continues while the time is available.

Note: Staff returning from a FMLA qualified absence not exceeding 12 weeks will return to the employee’s former unit, position and shift (¶ 426A)

Note: Staff not returning from a LOA in a timely fashion will be terminated unless extraordinary circumstances prevent returning as scheduled. P427 Consult with HR

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**Helpful Hints to consider**
- Managers will assess for # of open hours in their unit
- Evaluate temps. & CSR Hrs.
- Assess for unfilled budgeted position
- Are you aware of any open hours related to anticipated leaves?
- RTW – RN has priority over a transferring RN anytime before the transfer offer has been accepted.
- Contingent external offers are withdrawn if Welcome Letter has not been sent.
How Nursing Recruitment and Retention (NRR) gets involved?

Placement Sequence

- Manager places locally with Director assistance as needed
- Placement within Director’s area with assistance from Nurse Recruitment
- Nursing Recruitment and Retention partners with all Directors to review all positions in the appropriate classification

Definitions and Articles:

1) Placed: The process which a position and placement is achieved with direction/consultation from the Director of the area of the staff in question

2) Classification Titles are:
   - Framework RN = Level A to Level E
   - RSAM (N3) = Specific Titles e.g. Fight Nurse Specialist, Ed. Nurse Coordinator, etc.
   - Pay Grades N4, NP, N5, or N6 = Specific Titles, e.g. Clinical Nurse Specialist, CRNA, Cert. Nurse Midwife, Nurse Practitioner, etc.
   - MVN: See MOU 2010

**ARTICLE 26**
REDUCTION OF THE WORKING FORCE & RECALL PROCEDURES

(See all Paragraphs (243-268) regarding full RIF implementation)

249. A reduction of the work force shall be by and from each classification within a unit in accordance with the following procedure:

250. Probationary employees in an affected classification within a unit shall be removed from the classification before a non-probationary employee, provided that the employees remaining in the classification have the ability to perform the work, which remains or will remain in the unit.

251. Thereafter, employees in the affected classification within a unit shall be removed from the classification in order of seniority, beginning with the employee with the least seniority, provided that the employees remaining in the classification have the ability to perform the work, which remains or will remain in the unit.

252. In the event that a temporary employee is employed in a unit, a non-probationary employee, who is to be removed from any unit, shall have the option of replacing the temporary employee, contingent upon ability to perform the work available. An employee exercising this option does not become a temporary employee.

253. A removed, or about to be removed, non-probationary employee shall receive priority consideration for positions in their own clinical area, including priority over all other employees, for a period of two (2) weeks from the date of notification of reduction in force. Thereafter, the employee will have priority consideration as defined in Paragraph 247 (over applicants for employment). Priority consideration for positions will occur in the following order:

1) Regular job openings in the same classification.
2) Regular job openings in the same pay grade.
3) Regular job openings in each succeeding lower pay grade.

253A. An employee with the required qualifications as defined in Article 27 will be placed in a regular job opening, if any, prior to any other applicant for employment. Prior to placing an employee in a lower pay grade, the University will attempt to place the employee in the same pay grade first.
ARTICLE 30
SHORT TERM DISABILITY

SECTION A. FULL-TIME EMPLOYEE

336. A full-time employee who has at least two (2) full years of continuous service and has eighty (80) hours of continuous sickness and injury absence will be eligible for not more than one thousand forty (1040) hours of short-term disability income, paid at four hundred (400) hours of full pay and six hundred forty (640) at two-thirds (2/3) the employee's rate. An employee with ten (10) or more years of seniority will be paid at his/her normal full pay rate for one thousand forty (1040) hours. The pay rate includes the hourly shift differential for those employees assigned to and working a schedule of straight off shifts at onset of the injury or illness. This does not apply to the weekend differential. It is renewable on the first (1st) of the month following their seventh (7th) anniversary and every five (5) years thereafter. For those employees hired prior to February 2, 1996 the eligibility/renewal date is February 1, 1998 and every five years thereafter. Short-term disability hours do not renew during a leave of absence or any period of absence due to illness or injury covered by this Article. Eligibility for short-term disability income hours, which would have otherwise renewed, is deferred until the employee returns to active employment.

337. This short-term disability income will be available to an eligible employee only after continuous hours of disability absence following an original eighty (80) continuous hours of sickness or injury absence, prorated by appointment fraction. Intermittent absences may count toward the two-week qualifying period if the absences are related to the same illness or injury and with appropriate medical documentation. Thereafter, other accrued hours of PTO income may be used and paid. Each illness or injury shall be independent of any other injury or illness and require completion of the eighty 80-hour period above, except as provided in Section D. of this Article. An employee who returns to work during the qualifying period for a work trial, recommended by the University, and is unsuccessful, will have prior related absences count toward the two-week qualifying period.

SECTION B. PART-TIME EMPLOYEES

338. A part-time employee appointed to work eight (8) or more hours per calendar week and who has at least two (2) full years of continuous service shall be eligible for short-term disability income providing the employee meets the eligibility requirements of Section A on a pro-rata basis dependent on the employee's appointment hours which shall be directly proportionate to the eligibility requirements of a full-time employee. The number of hours of short-term disability income payable as provided in Section A. shall be directly proportionate to the maximum hours of short-term disability income for which a full-time employee is eligible.

SECTION C. ELIGIBILITY FOR SHORT-TERM DISABILITY INCOME

338A. The University reserves the right to request a second medical opinion and abide by that opinion when determining eligibility for short-term disability income. The University and the employee will mutually agree upon the physician to perform the evaluation and to abide by the second opinion. An employee, who is asked to see a physician for a second
medical opinion, will be informed of their rights to contact the Association. The examination and report will be without cost to the employee. Until the second opinion is received, the employee's physician statement will prevail in determining eligibility for short-term disability income. If the University requests that the employee provide any medical records from the employee's health care provider(s) or from institutions or facilities providing care, the employee may request reimbursement for the cost, if any, of copying the requested records.

338B. Arbitrary failure or refusal to follow accepted medical practice in treating a sickness or injury shall be reason for discontinuing or withholding short-term disability income.

338C. Nothing in this Article requires an employee to disregard the medical care plan of the employee's physician. Eligibility for short-term disability incomes will be determined as provided in Paragraph 338A.

338D. An evaluation for LTD eligibility will be completed before the STD benefit is exhausted. It is understood that not all evaluations can be initiated without some notice from the employee.
ARTICLE 38
LEAVES OF ABSENCE

FAMILY MEDICAL LEAVE ACT (FMLA)

410A. The Family Medical Leave Act (FMLA) refers to a Federal law which provides for benefit continuation and the ability return to work in the same position for employees with twelve (12) or more months of service who are absent for up to twelve (12) weeks due to a qualifying event. The benefit begins at the first day of paid or unpaid absence related to a qualifying event. The absence does not need to be consecutive and the benefit is limited to twelve (12) weeks in a twelve (12) month period.

410B. Qualifying events are consistent with those events, which would qualify an employee for a personal medical, childcare or family medical leave of absence, as described in this Article.

410C. In addition to FMLA coverage as outlined in Paragraph 410A, the University and the Association have agreed that health benefits will be extended for the first twelve (12) weeks of an unpaid personal medical leave or childcare leave of absence following the use of Short Term Disability.

410D. The employee will be required to provide appropriate notice and documentation to support an FMLA qualifying absence. Written notice will be provided to an employee that an FMLA qualifying absence will be counted toward the employee’s twelve weeks of eligibility.

410E. Medical reports and records made or obtained by the University and other medical information are confidential and shared only on a need-to-know basis. Such records are kept in a separate file and are not part of the employee personnel file.

SECTION J. RETURN TO ACTIVE EMPLOYMENT

424. In addition, and in order to be eligible to return to active employment, an employee returning from a military leave of absence must have a certificate of satisfactory service and apply for re-employment within ninety (90) calendar days after release from duty. Employees who are hospitalized and simultaneously released from the military must apply for re-employment within ninety (90) calendar days following release from the hospital.

424A. An employee eligible to return from a military leave of absence will be placed in the same position, shift, unit and schedule. In addition, time while on active duty will count in placement on the salary grid.

425. In addition, and in order to be eligible to return to active employment, an employee returning from a personal medical or childcare leave of absence must provide, at least fourteen (14) calendar days prior to the end of the leave, a statement from the employee's physician releasing the employee to return to work, except that this shall not apply in the case of a childcare leave of absence granted for an adoption, fostering or custody.
426. At the conclusion of a leave of absence an employee eligible to return will be placed in an available open position in the employee's former classification title, assuming the ability to perform the work available. Except as provided in Paragraph 426A, if the employee does not have the ability to perform work or if there are no available positions in the employee’s former classification, the employee will be placed on reduction-in-force and placed in accordance with Article 26.

426A. An employee returning from a paid or unpaid absence related to an FMLA qualifying event (including short term disability, PTO, personal medical, childcare or family medical leave of absence) not exceeding twelve (12) weeks from the first day of paid or unpaid absence will be returned to the employee's former position.

427. If the leave was for a fixed period of time, and the return is timely, the employee's placement will be within seven (7) calendar days after the end of the date. If the return is not timely, the employee will be terminated unless extraordinary circumstances beyond the control of the employee prevented the employee from returning as scheduled, except that continuation of the reasons that the employee was granted a leave shall not be an extraordinary circumstance. If the employee was able to (1) seek a leave extension prior to the leave expiration or (2) notify the University that the return would not be timely, but did not, this exception to termination shall not apply.