

## Options When an Employee Cannot Return From Leave

**Before any action is taken please contact your Human Resource Services Professional**

- If the employee has not exhausted their 12 weeks of FMLA leave, their leave may need to be extended. The employee must provide an updated Health Care Certification form. The employer must allow at least 15 calendar days for the employee to provide the recertification.
- If the employee has exhausted their 12 weeks of FMLA leave but needs additional time, and has a bona fide intent to return to work, additional leave may be available under the Leave of Absence policy (HR408 <http://www.umssystem.edu/ums/rules/hrm/hr400/hr408>). This leave functions outside of the employee protections of FMLA.
  - Leave under this policy is unpaid and may not exceed one year or the ending date of the employee's appointment. Such leave must be requested by the employee and approved by the department chair or administrative head. An updated Health Care Certification form will need to be submitted with this request. Supervisors must allow at least 15 calendar days for the employee to provide the recertification.
- The employee may elect to resign their position due to his/her inability to perform the responsibilities of the position. With this option the employee will lose their benefit coverage.
- For any circumstances that an employee may consider retirement or long term disability options, contact Human Resource Services. They will discuss these options with the employee.
- Termination of an employee due to job abandonment is a final option. This action is the result of an employee's failure or inability to show up for work for three consecutive days after the expected return date with no prior communication. Every attempt should be made by the supervisor to contact the employee by phone or letter prior to considering this action.