

SECTION: BENEFITS AND AMENITIES

POLICY NO: 1.3

SUBJECT: HOUSESTAFF LEAVE OF ABSENCE

POLICY

It is the policy of SPUH to offer eligible employees a leave of absence (LOA) provided all criteria are met, including those of any applicable federal and state laws. Please see the attached matrix (Form EB-4A) for a summary of each.

OVERALL PROCEDURES

1. All employees must initiate their request for LOA by contacting Absolve at **1-800- 401-2691** at least one (1) month prior to the start of the leave or as required by applicable law. In cases where the employee is unable to submit the request (i.e. hospitalization), the department manager will contact Absolve as soon as they are notified and arrange to have the LOA paperwork sent to the employee.
2. Absolve will communicate what type of payment options are available to the employee, whether it be Short Term Disability (STD) for their own illness or New Jersey Paid Family Leave Insurance (NJFLI). Please refer to the payment policies (Temporary Disability Insurance (TDI), EB-5 or the New Jersey Family Leave Insurance Policy, EB-12).
3. Accrued Sick and Vacation hours will be used to supplement pay while the employee is on a Federal Family Medical Leave Act (FMLA) LOA for their own illness, beginning with Sick. If an employee is out on leave for anything other than their own illness, they may supplement with Vacation only, but it is not required. The employee should communicate their desire to use their Vacation time if out for a reason other than their own illness, or whether they will receive NJFLI benefits, directly to their manager.
4. If an employee supplements with Sick or Vacation while on leave they will still accrue time off based on the time used to supplement. They will not accrue time off based on payment received from STD or NJFLI. If an employee does not or cannot supplement his/her pay, they will not accrue hours while on leave.
5. Employees must communicate with their managers and with Absolve if they are not going to return to work as scheduled and will need to request additional time off. Employees who exceed their leave without extension(s) approved under appropriate leave provisions, may be subject to termination of employment, pursuant to the Attendance policy.
6. Employees on a leave of absence are entitled to maintain coverage under Saint Peter's group health plan, under the same terms and conditions as employees who are not on leave. Saint Peter's reserves the right to recover from the employee any group health plan

premium payments made by Saint Peter's during any unpaid portion of the employee's FMLA leave if the employee fails to return to work at the end of the planned leave period, unless the employee's failure to return to work was due to circumstances beyond the employee's control.

7. An employee on an approved LOA for medical reasons (except maternity disability) must present a release and "fit for duty" certification by their physician before a return to work is approved. This certification must be presented to Employee Health Services. Employee Health Services may require the individual to have an additional physical or psychological examination before certifying his/her return to work.
8. Employees returning from baby bonding, care of family member leave or maternity disability do not need to be cleared by Employee Health. Their manager must contact the HR4U Service Center by email or phone indicating their return date. The HR4U Service Center will return the employee to "Active" status.
9. At the end of the LOA, if an employee would like to request a reasonable accommodation under the ADA, that employee should contact Absolve. Please note that not all accommodation requests can be honored and that requests will be reviewed on a case by case basis. The ADA interactive process will take place as necessary. If the employee is unable to return to work and/or their department cannot accommodate their request, and the employee is receiving short-term disability benefits through Saint Peter's, the employee will remain on the payroll until their short-term disability benefits end. If the employee has benefits coverage through Saint Peter's, this will enable their coverage to continue until the end of the month in which their disability benefits end. At this time, the employee's employment will be terminated. If the employee is able to return prior to the disability end date, the employee will have the opportunity to work with a Talent Acquisition Partner for a period of two weeks to try to secure another position. If the employee is unable to secure a position, their employment will be terminated. If the employee is not receiving short-term disability benefits, the employee's employment may be terminated. If an employee is terminated and in good standing, they would be eligible to re-apply once fully recovered. However, there will be no guarantee that a position will be available at that time. If the employee's break in service is one year or less, the employee's service will be bridged (Policy E-14).
10. This policy is intended to provide the basic provisions of leave under each Act. It is not intended to address all situations which may arise under these Acts. Employees should address specific questions to Human Resources.
11. Employees on a leave of absence are entitled to maintain coverage under Saint Peter's group health plan, under the same terms and conditions as employees who are not on leave. Saint Peter's reserves the right to recover from the employee any group health plan premium payments made by Saint Peter's during any unpaid portion of the employee's

FMLA leave if the employee fails to return to work at the end of the planned leave period, unless the employee's failure to return to work was due to circumstances beyond the employee's control.

12. An employee on an approved LOA for medical reasons (except maternity disability) must present a release and "fit for duty" certification by their physician before a return to work is approved. This certification must be presented to Employee Health Services. Employee Health Services may require the individual to have an additional physical or psychological examination before certifying his/her return to work.

PROCEDURES REGARDING HOUSESTAFF

1. Housestaff will be provided with a minimum of six weeks of approved medical, parental, and caregiver leave(s) of absence for qualifying reasons that are consistent with applicable laws at least once and at any time during an ACGME-accredited program, starting the day the resident/fellow is required to report by either utilizing a specific Resident leave or, if they qualify, a FMLA or NJFLA protected leave as detailed below under "Types of Leaves of Absence."
2. Housestaff will be provided with the equivalent of 100 percent of their salary for the first six weeks of the first approved medical, parental, or caregiver leave(s) of absence taken.
3. Housestaff will be provided with a minimum of one week of paid time off reserved for use outside of the first six weeks of the first approved medical, parental, or caregiver leave(s) of absence taken.
4. Health and disability insurance benefits for housestaff and their eligible dependents will continue during any approved medical, parental, or caregiver leave(s) of absence.
5. Housestaff will submit leave of absence requests and these requests will be evaluated through the process described within this policy, specific to the leave of absence they are taking. This policy will be posted to the hospital's Intranet and available for review by housestaff at all times.
6. Each ACGME-accredited training program must provide its residents/fellows with accurate information regarding the impact of an extended leave of absence upon the criteria for satisfactory completion of the program and upon a resident's/fellow's eligibility to participate in examinations by the relevant certifying board(s).

TYPES OF LEAVES OF ABSENCE

Saint Peter's is a covered employer under the Federal Family and Medical Leave Act of 1993 (FMLA), the New Jersey Family Leave Act (NJFLA), and the New Jersey SAFE Act. Each of

these statutes entitles eligible employees to take unpaid leave for specific qualifying reasons. Saint Peter's employees may be eligible under one or all of these leave plans.

If an employee is eligible under two or more leave Acts, Saint Peter's, to the extent permitted by law, will deduct the leave time taken from the employee's entitlement under each Act for which the reason for the leave is a qualifying reason. In some circumstances, for example, NJFLA could provide greater or additional benefits than the FMLA or vice versa. If an employee is eligible under one or more leave Acts, Saint Peter's will comply with the provision(s) of the Act that gives the employee the greater benefit. No Act may diminish the provisions of the other.

All employees of Saint Peter's are covered by private Temporary Disability Insurance. This program provides financial assistance during period of personal illness or injury (see Policy EB-5). Employees should contact AmeriHealth at 888-879-5435 to apply for this benefit.

A. The Family and Medical Leave Act of 1993

Saint Peter's is a covered employer under the Family and Medical Leave Act of 1993 ("FMLA"). The FMLA entitles eligible employees of a covered employer to a maximum of 12 weeks per year of unpaid leave for specific FMLA qualifying reasons, or 26 weeks in the event the leave is taken to care for a covered service member, as defined below.

Employees who have worked for Saint Peter's for a total of twelve (12) months and have worked for Saint Peter's at least 1,250 hours during the twelve (12) months immediately preceding their leave date are eligible for FMLA leave. The 12-month period is a rolling 12-month period, measured backwards from the date the employee's requested leave would commence.

Eligible employees may take FMLA leave for any of the following qualifying reasons:

1. The care of a child following the birth or adoption of a child, or within one year of the event, or within one year of the placement of a foster child;
2. The care of a parent, child, or spouse with a "serious health condition"; or
3. The employee's own serious health condition which makes the employee unable to perform the essential function of his or her job; or
4. The care of a "covered service member," which is defined as: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or (2) a veteran who was discharged or released under

conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness

5. Any qualifying exigency (as defined by the Department of Labor) arising out of the fact that the employee's parent, child, or spouse is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of contingency operation.

6. A "Serious Health Condition" is an illness, injury, impairment, or physical or mental condition that involves either:

- Inpatient care (*i.e.*, an overnight stay) in a hospital, hospice, or residential medical-care facility, including any period of incapacity (*i.e.*, inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care; **or**
- Continuing treatment by a health care provider, which includes:
 - (1) A period of incapacity lasting more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that **also** includes:
 - treatment two or more times by or under the supervision of a health care provider (*i.e.*, in-person visits, the first within 7 days and both within 30 days of the first day of incapacity); **or**
 - one treatment by a health care provider (*i.e.*, an in-person visit within 7 days of the first day of incapacity) with a continuing regimen of treatment (*e.g.*, prescription medication, physical therapy); **or**
 - (2) Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence; **or**
 - (3) Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence; **or**
 - (4) A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by health care provider is required, rather than active treatment; **or**

- (5) Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.

A “serious injury or illness” in the case of a covered servicemember means an injury or illness that was incurred in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank, or rating.

Eligible employees may take FMLA leave in full week increments, an intermittent schedule, or a reduced schedule. If an employee takes intermittent or reduced scheduled FMLA leave, Saint Peter's may require that the employee transfer temporarily to an alternative position so as not to unduly disrupt Saint Peter's operations while the employee is on the reduced or intermittent schedule. Intermittent or reduced schedule FMLA leave may not be taken in increments of less than one (1) hour. Leave time taken by an employee on reduced schedule or intermittent leave is calculated as a percentage of the employee's normal work week.

Under STD, an employee who is on leave for their own serious health condition may receive partial disability if they return to work on a part-time basis (reduced leave or intermittent leave). See Temporary Disability Insurance (EB-5).

If Saint Peter's employs both spouses, the aggregate FMLA leave taken by both spouses for the same qualifying reason may not exceed 12 weeks, or 26 weeks in the event the leave is taken to care for a covered service member.

Upon return from FMLA leave, most employees will be entitled to reinstatement in the same or equivalent position with equivalent pay, benefits and terms and conditions of employment. In some cases, reinstatement may be denied.

Reinstatement may be denied if:

1. Saint Peter’s eliminates the employee’s position while the employee is on leave and would have eliminated the position even if the employee had not been on leave; or
2. The employee is a "key employee" (one of the highest paid 10% of all employees) and reinstatement of the employee would cause substantial and grievous economic harm to Saint Peter's operations; or

3. The employee fails to provide Saint Peter's with the required post-leave fitness for duty certification, as described in the procedures section of this policy.

Employees requesting FMLA leave must give 30 days' written notice if the need for the leave is foreseeable or, where the need for leave is foreseeable due to the active duty or impending call or order to active duty of a parent, child, or spouse in support of a contingency operation, employees must give such notice as is reasonable and practicable. Failure to do so will result in denial of leave until proper notice is given. If the need for the leave is not foreseeable, employees must give notice as soon as is practicable under all the circumstances.

Employees requesting leave may be required to provide medical certification from a health care provider, or such other certification as the Department of Labor permits to support a request for leave related to the active duty or call to active duty in support of a contingency operation. Saint Peter's may, at its sole discretion, require second or third opinions of medical certifications at Saint Peter's expense. Failure to provide the required pre-leave medical certification may result in denial of leave until such certification is provided. Employees also may be required to provide recertification on a reasonable basis and/or certification of fitness to return to work.

B. The New Jersey Family Leave Act

Saint Peter's is a covered employer under the New Jersey's Family Leave Act ("NJFLA"). The NJFLA entitles eligible employees of a covered employer to a maximum of 12 weeks per 24-month period of unpaid leave for specific NJFLA qualifying reasons.

Employees who have worked for Saint Peter's for at least 12 months and have worked for Saint Peter's at least 1,000 hours during the twelve (12) months immediately preceding their leave date are eligible for NJFLA leave. Eligible employees may take up to 12 weeks of unpaid leave in a 24-month period. The 24-month period is measured backwards from the date the employee intends to commence an NJFLA leave. Employees may take a bonding leave within 12 months of the child's birth or placement with adoptive or foster parents.

Leave may be taken to bond with a newborn, newly adopted, newly placed foster child, a newborn child conceived through an agreement with a gestational carrier and placed with the employee: to care for a family member with a serious health condition: or if, due to a state of emergency or when indicated by a public health official, and epidemic of a communicable disease, a known or suspected exposure to the communicable disease, or efforts to prevent the spread of a communicable disease, requires the employee:

- To care for their child whose school or place of care is closed by order of a public official due to the epidemic or other public health emergency:

- To care for a family member that is subject to any declaration by a public authority, including a mandatory quarantine order, as a result of illness caused by the communicable disease or known or suspected exposure to the communicable disease: or
- To care for a family member who, under the recommendation of a health care provider or public health authority, voluntarily self-quarantines as a result of suspected exposure to a communicable disease.

Saint Peter's may request certification issued by a school, place of care for children, public health authority, public official, or health care provider for any school or childcare, mandatory quarantine, or other prophylactic measure, or voluntary self-quarantine that gives rise to the leave. Specifically, Saint Peter's may require a certification with the following information:

- School child care closures: the date of and reason for the closure.
- Mandatory quarantine or other responsive prophylactic measures of a family member: the date the public health authority issued the determination and the probable duration of the determination.
- Voluntary self-quarantine of a family member based on a recommendation of a health care provider/public health authority: the date of the recommendation, the probable duration of the condition, and the medical or other facts within the health care provider or public health authority's knowledge regarding the condition.

The NJFLA's provisions allowing employers to deny family leave to key employees under certain conditions do not apply to employees taking leave for the above reasons.

The New Jersey Family Leave Act considers "family member" to include children, foster children, parents, step parents, foster parents, parents-in-law, grandparents, grandchildren, spouses and civil union partner, domestic partners, siblings, and any other individual related by blood to the employee and anyone else with whom the employee can show he or she has a close association which is the equivalent of a family relationship.

A "serious health condition" is an illness, injury, impairment, or physical or mental condition which requires continuing medical treatment or continuing supervision by a healthcare provider, or inpatient care in a hospital, hospice, or residential medical care facility. Illness, isolation, and or quarantine due to an epidemic is also considered a "serious health condition."

Eligible employees may take leave on a consecutive, reduced, or intermittent basis. If the intermittent leave is for child bonding, the employee should give a minimum of 15 days' notice to their manager, unless an emergency or unforeseen circumstance precludes prior notice. If the intermittent leave is due to an epidemic of a communicable disease, a known or suspected exposure to the communicable disease, or efforts to prevent the spread of the communicable disease, the employee should provide notice to their manager as soon as practicable, and a reasonable effort should be made to schedule leave so as not to unduly disrupt the operations of the department and, if possible, before leave is taken, provide the manager with a regular schedule of the day(s) when intermittent leave will be taken. The maximum period an employee may take a family leave on a reduced or intermittent schedule is 12 consecutive months.

Upon return from NJFLA leave, most employees will be entitled to reinstatement to the same or equivalent position with equivalent seniority, status, benefits, pay and other terms and conditions of employment.

Employees requesting NJFLA leave to care for a newly born or adopted or foster child must give 30 days' notice. If an employee requires an intermittent leave for childbirth, adoption or foster care, the employee must provide 15 days of advanced notice unless there is an emergency or unforeseen circumstance. To the extent that emergency circumstances only permit a shorter notice, such shorter notice will normally be accepted by Saint Peter's. Saint Peter's requires that employees contact Absolve for the job protection. Failure to provide the required notice will result in denial of leave until proper notice is given. Leave notice must be provided by the employee to Absolve.

Employees requesting NJFLA leave because of a serious health condition of their child, parent, or spouse will be required to provide medical certification from a health care provider. Saint Peter's reserves the right to require second and third opinions at Saint Peter's expense.

Employees also may be required to sign a certification stating that a particular event has occurred that qualifies the employee for the NJFLA leave. Failure to sign such a certification can result in a denial of the requested leave, and falsely certifying can result in constructive performance feedback, up to and including discharge.

Individuals requesting NJFLA leave are not required to, but may, use any unused accrued Vacation hours (but not Holiday or Sick).

For further information regarding payment during a New Jersey Family Leave see Policy EB-12, New Jersey Family Leave Insurance.

C. Personal Leave

Saint Peter's recognizes that circumstances may arise that require an employee to request an unpaid leave of absence. Unpaid personal leaves of absence will be granted only to employees who have completed introductory period and are approved by their Manager. This leave may be no longer than 30 days in duration in a 12-month period. The employee is required to use accrued Vacation hours (cannot use Sick or Holiday).

D. New Jersey SAFE Act

Effective October 1, 2013, The New Jersey Security and Financial Empowerment Act ("NJ SAFE Act"), P.L. 2013, c.82, provides that certain employees are eligible to receive an unpaid leave of absence, for a period not to exceed 20 days in a 12-month period, to address circumstances resulting from domestic violence or a sexually violent offense. To be eligible, the employee must have worked at least 1,000 hours during the immediately preceding 12-month period.

Leave under the NJ SAFE Act may be taken by an employee who is a victim of domestic violence, as that term is defined in N.J.S.A. 2C:25-19, or a victim of a sexually violent offense, as that term is defined in N.J.S.A. 30:4-27.6. Leave may also be taken by an employee whose child under 19 or of any age incapable of self-care), parent, spouse, domestic partner, civil union partner, parent-in-law, sibling, grandparent, grandchild, and individual related by blood or any other individual with a close association equivalent of a family relationship is a victim of domestic violence or a sexually violent offense.

Leave under the NJ SAFE Act may be taken for the purpose of engaging in any of the following activities as they relate to an incident of domestic violence or a sexually violent offense:

- (1) Seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's child, parent, spouse, domestic partner or civil union partner
- (2) Obtaining services from a victim services organization for the employee or the employee's child, parent, spouse, domestic partner, or civil union partner
- (3) Obtaining psychological or other counseling for the employee or the employee's child, parent, spouse, domestic partner or civil union partner
- (4) Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety from future domestic violence or sexual violence or to ensure the economic security of the employee or other covered individual.

- (5) Seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's child, parent, spouse, domestic partner, or civil union partner, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic violence or sexual violence; or
- (6) Attending, participating in or preparing for a criminal or civil court proceeding relating to an incident of domestic or sexual violence of which the employee or the employee's child, parent, spouse, domestic partner, or civil union partner, was a victim.

Employees are not required to use accrued paid leave and may apply for NJ family leave insurance benefits.

Leave under the NJ SAFE Act must be used in the 12-month period immediately following an instance of domestic violence or a sexually violent offense. Employees taking this leave are eligible for Family Leave Insurance benefits. (See Policy EB-12, New Jersey Family Leave Insurance). The leave may be taken intermittently in intervals of no less than one day. The leave shall run concurrently with any paid vacation leave, personal leave, or medical or sick leave that the employee elects to use or which the employer requires the employee to use during any part of the 20-day period of unpaid leave. If the employee requests leave for a reason covered by both the NJ SAFE Act and the Family Leave Act,

N.J.S.A. 34:11B-1 et seq., or the federal Family and Medical Leave Act, 20 U.S.C. 2601 et seq., the leave shall count simultaneously against the employee's entitlement under each respective law. If you are not eligible under the Family Medical Leave Act, please contact the HR4U Service Center at 732-745-8600 extension 4748 to request a personal leave of absence.

E. Military Leave

Employees seeking a Military leave of absence should refer to the Military Leave and Re-employment of Veterans policy (E-15).

F. Resident Leave

Saint Peter's sponsored residents/fellows covered under the ACGME are entitled to a minimum of six weeks of approved medical, parental, and caregiver leave(s) of absence for qualifying reasons that are consistent with applicable laws at least once and at any time during an ACGME-accredited program, starting the day the resident/fellow is required to report. For covered residents/fellows, a Resident leave of absence is provided for any resident/fellow not yet covered under FMLA/NJFLA. Covered residents/fellows will be paid the equivalent of 100 percent of their salary for the first six (6) weeks of the first approved medical, parental, or caregiver leave(s) of absence taken.

ATTACHMENT EB-4A

TYPE OF LEAVE	ELIGIBILITY	DURATION	BENEFIT & COMPENSATION
<p>Federal Family & Medical Leave Act 1993 (FMLA)</p> <p>NJ Family Leave Act 1990 (NJFLA)</p>	<p>12 months service and must have worked:</p> <p>1250 hours (FMLA)</p> <p>1000 hours (NJFLA)</p>	<p>Up to 12 weeks in a 12-month period (FMLA)</p> <p>Up to 12 weeks in a 24-month period (NJFLA)</p>	<p>FMLA (own illness) - Sick will be used to supplement STD including during the “waiting week” at the outset of the leave. Accrued Vacation will be used to supplement when there is no Sick remaining. Holiday cannot be used.</p>
			<p>If the leave is intermittent, partial STD will be used and sick will be used to supplement, when exhausted. Vacation. Holiday cannot be used.</p> <p>FMLA/NJFLA care of family member or NJFLA baby bonding - Employees should apply for NJ Family Leave Insurance (NJFLI) through the state of NJ. This is NOT handled by Absolve. (See Policy EB-12 New Jersey Family Leave Insurance) Vacation may be used to supplement NJFLI but is not required. Sick and Holiday cannot be used.</p> <p>If the leave is intermittent, the employee can apply for the NJ FLI paid benefits through the State of NJ. This is NOT handled by Absolve. Vacation may be used to supplement but is not required. Sick and Holiday cannot be used.</p>

Military Leave (See Policy E-15)	No service time required	For length of time to fulfill an employee's commitment obligation - also see Military Leave Policy (E-15)	Employees will be paid the difference between their regular wages and military pay of up to two weeks of their leave.
Personal Leave	3 months of service required	Not to exceed 30 days in a 12-month period	Employee is required to use accrued Vacation hours and then go unpaid if no Vacation remains. Sick and Holiday cannot be used.
NJ SAFE Act	12 months service and must have worked at least 1000 hours	Not to exceed 20 days in a 12-month period	Employees are eligible to apply for NJ FLI benefits. (See Policy EB-12, New Jersey Family Leave Insurance). Vacation may be used to supplement but is not required. Sick and Holiday cannot be used.
Resident Leave	Eligibility from hire date	Not to exceed 6 weeks at least once during time employed	Employee will be paid the equivalent of 100 percent of their salary.

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