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Leaves of Absence, 04001

I. PURPOSE

To recognize the personal needs of employees in special circumstances, by providing guidelines for prolonged absences that meet or exceed the requirements of applicable State and Federal laws.

II. DEFINITIONS

ADA - Americans with Disabilities Act - The Americans with Disabilities Act (ADA) prohibits discrimination against, and seeks to enlarge access for, disabled persons. Under Title I of the ADA, an employer covered by the Act may not discriminate with respect to "job application procedures, advancement, discharge, compensation, job training and other conditions of employment." The ADA requires employers to make reasonable accommodations for the known physical or mental limitations of an otherwise qualified employee, unless the employer can demonstrate that such accommodation would otherwise cause the employer undue hardship.

CFRA – California Family Rights Act 1993 - The Fair Employment and Housing Act (FEHA), enforced by the Department of Fair Employment and Housing (DFEH), contains family care and medical leave provisions for California employees. These leave provisions are known as the California Family Rights Act (CFRA). Under CFRA, eligible employees may take up to 12 workweeks of leave in a 12-month period for one or more of the following reasons: the birth of a child, the placement of a child for adoption or foster care, serious health condition (self or family member) or a "qualifying" exigency arising out of the fact that the employee's family member is on active duty in the Armed Forces. Under the CFRA, medical leave does not include disability as a result of pregnancy (see California Code 12945 in these definitions).

COBRA – Consolidated Omnibus Budget Reconciliation Act - Under the provisions of federal legislation known as COBRA, the employee may elect to continue health insurance coverage (medical, dental, vision) by paying 102% of the total premium (including the employer's former share) for up to an additional eighteen (18) months, or up to twenty-nine (29) or thirty-six (36) months under certain circumstances, with an increase in the premium paid by the employee or dependents.

Disability – A "disability" includes any illness or injury, either physical or mental, that prevents an

employee from performing their regular or customary job duties. It includes elective surgery, pregnancy, childbirth, or related medical conditions.

ESI – Extended Sick Insurance - Time off used from the first day sick of an illness or injury, or for the diagnosis, care or treatment of an

existing health condition or preventive care (i.e. doctor appointments), or for specified purposes for an employee who is a victim of domestic violence, sexual assault or stalking. Full-time and part-time employees may use up to 40 hours per calendar year to care for sick family members. Per diem employees may also use ESI to care for sick family members (not to exceed a total of the 40 hour ESI maximum per plan year). ESI may also be used for treatment associated with a work related illness or injury. For per diem employees total ESI hours used for self or family members cannot exceed 40 hours per plan year.

FMLA – Family and Medical Leave Act of 1993 - The federal Family and Medical Leave Act (FMLA) entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons. Under FMLA, eligible employees may take up to twelve (12) workweeks of leave in a twelve (12)-month period for one or more of the following reasons: the birth of a child, the placement of a child for adoption or foster care, serious health condition (self or family member) or a "qualifying" exigency arising out of the fact that the employee's family member is on active duty in the Armed Forces.

Family Member (FMLA and CFRA) - For purposes of FMLA, the term "family member" includes legal spouse, dependent children, and parents. For purposes of CFRA, the term "family member includes legal spouse, children (regardless of whether they are dependents), parents, registered domestic partner, children of a registered domestic partner (regardless of whether they are dependents), grandparents, grandchildren, and siblings.

Family Member (PFL, Paid Sick Days Law, and Sharp HealthCare's Paid Leave Policy) - For the purposes of PFL, the California Paid Sick Days Law, and Sharp HealthCare's Paid Leave Policy, the term "family member" includes legal spouse, domestic partner, children, parents, grandparents, grandchildren, siblings, and parents-in-law.

Health Care Provider - A "health care provider" includes a medical or osteopathic doctor, physician, or surgeon, licensed in California who directly treats or supervises the treatment of the applicant or employee; or a marriage and family therapist or acupuncturist, licensed in California, or any other persons who meet the definition of "other capable of providing health care services" under FMLA and its implementing regulations.

Health Insurance Coverage - Health insurance coverage will transition to COBRA when an employee is on a leave of absence for 24 weeks or more in a 12 month period. The leave times need not be consecutive to meet the criteria to transition health coverage to COBRA. See **Important Notes** (Contact your Human Resources Representative to determine your leave time usage and possible COBRA Transition).

Intermittent Leave of Absence - Leave is granted for such reasons as chronic serious health conditions or ongoing treatments (i.e., chronic asthma, chemotherapy or dialysis treatments). Intermittent Leave can be taken in quarter hour increments or on a reduced leave schedule. Employees should schedule foreseeable appointments around their normal work schedule and seek department

approval on foreseeable absences. Employees may use accrued ESI/Paid Time Off hours for the intermittent leave hours or may elect to have these hours unpaid by using designated ILV unpaid pay codes based on the approved leave type.

PFL – California Paid Family Leave Program - Senate Bill 1661 created a paid family leave benefit for employees covered under State Disability Insurance to provide care for a parent, parent-in-law, child, spouse, domestic partner, grandparent, grandchild, sibling, or to bond with a new child or placement of a child in connection with foster care or adoption. Employees with qualifying absences are eligible to receive benefits (based on their level of earnings before the leave commences) up to 60% or 70% of lost wages (up to a specified cap) for up to eight (8) weeks. This benefit is a partial wage replacement benefit program administered by the State of California and is separate from the Family Medical Leave Act and the California Family Rights Act. California's Paid Family Leave Program does not entitle an employee to job-protected leave.

PTO – Paid Time Off – Paid Time Off (PTO can be used for scheduled time off such as vacations, holidays, and sick leave. For full-time and part-time employees, it is also used for hours in excess of 40 hours in a calendar year to care for sick family members.

PDL – Pregnancy Disability Leave - Leave provided to a female employee for which a health care provider has documented the employee as actually disabled for reasons due to pregnancy, childbirth or related medical conditions. An employee is "actually disabled" when she cannot work at all or is unable to perform one or more of the essential functions of her job, or to perform them without undue risk to herself, the successful completion of her pregnancy, or to other persons. This term also applies to severe morning sickness and the need for time off for prenatal care. California Law provides four (4) months leave for pregnancy disability (See Sharp HealthCare Leave page 6).

Reasonable Accommodation - A "reasonable accommodation" involves adjustments to the job or worksite relative to the limitations and restrictions of an employee who is otherwise qualified to safely perform the essential functions of their position, which do not cause an undue hardship to Sharp HealthCare.

Reinstatement – Reinstatement pertains to employees who go on leave while in a full-time and/or part-time status position, with the restoration of service credit, benefit eligibility, and accrued unused Extended Sick Insurance (ESI).

Same or Similar Position – A "same or a substantially similar position" related to being the same or similar in terms of pay, benefits, location, and opportunities for advancement.

Serious Health Condition – A "serious health condition" is any illness, injury, impairment, or physical or mental condition that involves:

- i. Inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity (that is inability to work, attend school or perform other regular daily activities) or any subsequent treatment in connection with this inpatient care; or
- ii. "Continuing treatment" by a "Health Care Provider" that includes one or more of the following:
 - A period of incapacity of more than three (3) consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition;

- Any period of incapacity or treatment for incapacity due to a "chronic" serious health condition;
- A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, such as Alzheimer's, a severe stroke, and the terminal stages of a disease; or
- Any period of absence to receive multiple treatments (including any period of recovery) by a health care provider either for (i) restorative surgery after an accident or other injury, or (ii) a condition that would likely result in a period of incapacity of more than three (3) consecutive calendar days in the absence of medical intervention or treatment.

Service Credit - An employee's service credit will be based on the length of uninterrupted employment as a full-time or part-time employee with Sharp HealthCare, based on date of hire.

Twelve-Month Period - Sharp HealthCare will use the "Rolling 12-Month Period Method" to determine the 12-month measurement period.

SDI – State Disability Insurance - California State Disability Insurance benefits are designed to partially replace lost wages because of non-work related disability which includes California Paid Family Leave to care for a family member with a serious medical condition or to bond with a new child.

Veterans Reemployment Rights Act (VRRRA) - This Act imposes affirmative obligations on public and private employers in California to provide their employees with leave for the purposes of military service. The Act also requires employers to rehire returning employees into their former or similar positions and provide the employees with adjustments (i.e. certain raises, promotions) they would have received had they not been on leave. Finally the Act requires that employers not discriminate against employees because they will be taking or have taken such leave.

III. TEXT

It is Sharp HealthCare's policy to grant leaves of absence to all eligible employees on a non-discriminatory basis. Any ambiguity or contradiction between Sharp HealthCare policy and pertinent state or federal law, will be resolved by following the content of the law. Sharp HealthCare reserves the right to deny any leave of absence or return to employment from a leave, for reasons of business necessity or undue hardship.

TYPES OF LEAVE OF ABSENCE:

Leave Pursuant to the FMLA and CFRA

In compliance with the federal FMLA and state CFRA leave laws, Sharp HealthCare will grant an unpaid leave of absence of up to twelve (12) weeks - twenty-six (26) weeks in the case of Military Caregiver Leave - of unpaid leave in a twelve (12) month period to an eligible employee for qualifying reasons. In situations where the reason for the leave qualifies under both FMLA and CFRA, the leaves will run concurrently, and Sharp HealthCare will grant a leave of absence of up to twelve (12) weeks in a twelve (12)-month period under FMLA and CFRA. In situations where the reason for the leave qualifies only under one statute but not the other, the leaves will not run concurrently and employees will be entitled to up to twelve (12) weeks of leave under the applicable statute, without affecting leave

entitlement under the other, as noted in this policy.

Employees requesting a FMLA/CFRA leave will need to meet the eligibility requirement of having worked for Sharp HealthCare for at least twelve (12) months, and having worked at least one thousand two hundred fifty (1,250) hours during the twelve (12)-month period immediately preceding the date the leave begins. Sharp HealthCare uses the "rolling twelve (12)-month period method" to determine the twelve (12)-month measurement period. Under the rolling twelve (12)-month period method, each time a family/medical leave, including Intermittent Leave, is taken, the remaining leave entitlement would be any balance of the twelve (12) weeks of leave which has not been used during the immediately preceding twelve (12) months.

Eligible employees may take up to **twelve (12) weeks** of leave during a twelve (12)-month rolling calendar year under this section for any of the following reasons:

- Because an employee's "serious health condition" as defined by law makes the employee unable to work at all or to perform one or more of the essential functions of their position (for ongoing therapies or visits associated with a serious health condition, medical leave can be taken in increments of .25 to 8 hour segments or on a reduced leave schedule);
- In order to care for a child under 18, an adult child incapable of self-care, parent or a spouse, and, under CFRA, a registered domestic partner, adult child (whether dependent or not), grandparent, grandchild or sibling who has a "serious health condition;"
- Because of the birth of an employee's child and in order to care for the newborn child, provided any such leave concludes within twelve (12) months of the birth of the child;
- Because of the placement of the child with the employee in connection with the adoption or foster care of the child, provided any such leave concludes within twelve (12) months of the placement of the child; or
- For any "qualifying exigency" arising out of the fact that an employee's spouse, registered domestic partner son (under CFRA), daughter, or parent is on "active duty," or has been notified of an impending "call or order to active duty," in support of a contingency operation.
 - Qualifying exigency leave is available to a family member of a member of the National Guard or Reserves and certain retired military personnel who are under a call or order to active duty (or have been notified of an impending call or order to active duty) in support of a contingency operation. Family members of service members in the regular Armed Forces are not eligible for qualifying exigency leave.
 - "Qualifying exigencies" include the following: (1) short-notice deployment; (2) military events and related activities; (3) childcare and school activities; (4) financial and legal arrangements; (5) counseling; (6) rest and recuperation; (7) post-deployment activities; and (8) additional activities not addressed in the other categories provided that both the employer and the employee agree to the timing and duration of such leave.
 - Employees have the option of using up to 40 hours of ESI FAMILY for the first week of absence, applying for PFL benefits through the SDI Program, and supplementing PFL payments with PTO hours.
- In order to care for a "covered service member" with a "serious injury or illness," provided that the caregiver is a spouse, son, daughter, parent, or next of kin of the covered service member, (under the FMLA, referred to as "Military Caregiver Leave").

Leave taken because of the birth, adoption or foster care placement of a child does not have to be taken in one (1) continuous period of time but must be completed within one (1) year of the birth or placement. Baby bonding leave taken for the birth or placement of a child will be granted in minimum

amounts of two (2) weeks. However, Sharp HealthCare will grant a request for baby bonding leave of less than two (2) weeks' duration on any two (2) occasions.

Under the FMLA, spouses employed by the same employer are limited to a combined total of twelve (12) weeks in a single twelve (12)-month period if the leave is to care for a newborn child, or to care for a child placed with the employee for adoption or foster care. Under the CFRA, when both parents are employed by the same employer, they are each individually entitled to a total of twelve (12) weeks in a single twelve (12)-month period if the leave is to care for a newborn child, or to care for a child placed with the employee for adoption or foster care. Under the FMLA, spouses employed by the same employer are also limited to a combined total of twenty-six (26) workweeks in a single twelve (12)-month period if the leave is to care for a covered service member with a serious injury or illness.

FMLA and CFRA contain similar provisions and as noted above, where they overlap, leaves run concurrently. When they do not run concurrently, employees will be able to take up to **twelve (12) weeks** of leave during a twelve (12)-month rolling calendar year under each statute, respectively. For purposes of leave provided under this section, they will run concurrently for all purposes other than the following situations:

- Leave to care for a serious health condition of a registered domestic partner, an adult child who is not incapable of self-care, child of a registered domestic partner, grandparent, grandchild, or sibling (CFRA only).
- Leave because of a qualifying exigency related to the covered active duty or call to covered active duty of an employee's registered domestic partner in the United States Armed Forces (CFRA only).
- Leave due to pregnancy-related disability (FMLA only).
 - Pursuant to CFRA, an employee's own serious health condition does not include the employee's disability caused by pregnancy, childbirth, or related medical conditions. . Thus, CFRA leave is not exhausted during any period of pregnancy-related disability and the entire twelve (12) weeks of CFRA leave can be used to care for the newborn child (unless some portion of the twelve (12) weeks was used for another CFRA-qualifying reason). Employees disabled by pregnancy may be entitled to Pregnancy Disability Leave (see section below regarding Pregnancy Disability Leave).
- Leave to care for an employee's parent, child, spouse or "next of kin" who is a "covered service member" with a serious injury or illness (FMLA only). (Employees eligible for this leave can take up to 26 weeks of leave under FMLA (although, CFRA leave may run concurrently to the extent such leave also qualifies as leave to care for a parent, child or spouse with a serious health condition, in which case, an employee who take such leave will have exhausted their FMLA and CFRA leave entitlement.)
 - A "covered service member" is a current member of the Armed Forces, including a member of the National Guard or Reserves, who, for a serious injury or illness: (1) is on the temporary disability retired list; or (2) is undergoing medical treatment, recuperation or therapy, or (3) is otherwise on outpatient status.
 - A "serious injury or illness" is "an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating."
 - Employees have the option of using up to 40 hours of ESI FAMILY for the first week of absence applying for PFL benefits through the SDI Program, and supplementing PFL payments with PTO hours.

Compensation and Benefits

FMLA/CFRA leave is unpaid. Employees may substitute accrued ESI/PTO to the extent available, in place of unpaid leave. Substitution of ESI/PTO for unpaid leave will not extend the length of the leave to which an employee is otherwise entitled. If an employee takes a leave because of their own serious health condition, they should apply for California State Disability Insurance (SDI) benefits. SDI forms are available from the Employment Development Department. Any SDI benefits for which an employee is eligible will be integrated with any accrued paid sick leave so that they do not receive over one hundred percent (100%) of their regular pay.

During an approved FMLA and/or CFRA leave, for full-time and part-time employees, health benefits coverage for the employee and their dependents will be maintained, at the level and under the conditions coverage would have been provided if the employee had not taken such leave, for up to 24 weeks in a twelve (12)-month period for leaves covered under this policy, except with regard to situations where additional time may be allotted under applicable law **(though this time is included with the aforementioned 24 weeks when applicable)**: (1) a Pregnancy Disability Leave, in which case Sharp HealthCare will maintain coverage for the duration of the Pregnancy Disability Leave up to a period of four (4) months; or (2) in the case of Military Caregiver Leave, in which case Sharp HealthCare will maintain coverage for the duration of the Military Caregiver Leave up to twenty-six (26) weeks. Thereafter, the employee may elect to continue coverage under COBRA by paying the cost of such coverage as provided under COBRA. **While employees on an approved leave will be eligible to maintain their group health benefits in accordance with applicable laws as detailed above, an employee's eligibility for benefits maintenance is not a guarantee or statement of eligibility or approval for a leave of absence.**

During the entire period of an employee's leave, the employee will remain responsible for the payment of their standard portion of the insurance premium. For the period of time when an employee is receiving a paycheck, regular deductions will be taken from their paycheck to cover their portion of the insurance premium. For any period of time when an employee is not receiving a paycheck, they must make arrangements with the Benefits Department to submit a check on or before the first of each month to cover their share of the premium. If an employee fails to pay their share of the premium, their insurance coverage may be cancelled.

If an employee does not return to work at the conclusion of their approved FMLA/CFRA leave, the employee may be responsible for the repayment of the health plan premiums paid by Sharp HealthCare during their FMLA/CFRA. However, the employee will not be responsible for repayment if their failure to return to work is for the continuation, recurrence, or onset of a serious health or medical condition or for other circumstances beyond the employee's control.

Reinstatement

Before returning to work from a FMLA/CFRA leave, an employee must provide a release from their health care provider which states the employee is able to return to work and perform the essential functions of the employee's regular position, with or without reasonable accommodation. Generally, the employee shall be reinstated to the position the employee held when the leave commenced (or if the position is no longer available, an equivalent available position for which the employee is qualified), a modified position, or an alternative available position for which the employee is qualified, in accordance with California law. Employees have no greater right to reinstatement, or to other benefits and conditions of employment, than if they had been continuously employed during the leave. For example, if an employee's employment would have otherwise ceased or been modified independent of the family

medical leave (e.g. as a result of layoff, reduction in hours or disciplinary action unrelated to the leave), the employee would not be entitled to reinstatement. If an employee is laid off during leave, their employment will be terminated and Sharp HealthCare's responsibility to continue their leave, to maintain their group medical plan benefits, and to reinstate them will cease at the time of layoff.

In addition, Sharp HealthCare may refuse to reinstate you from *FMLA* leave in certain limited circumstances following a leave of absence if you are a salaried employee who is among the highest paid ten percent (10%) of all employees (both salaried and unsalaried) employed at or within seventy-five (75) miles of your worksite (a "*key employee*"). Sharp HealthCare will advise employees if they are a key employee.

If an employee's serious health condition becomes a disability as defined by law, the employee may be reasonably accommodated with additional leave time. Employees who cannot be reasonably accommodated, either with additional leave time or some other accommodation, or whose accommodation creates an undue hardship, will be separated from employment.

Due the complexities of leave of absence eligibility and the interplay/concurrence of FMLA and CFRA, each employee's specific eligibility for a leave and their leave entitlements will be determined by Human Resources in accordance with applicable state and federal laws and Sharp HealthCare policy. Employees who have any questions or concerns regarding their leave entitlements should contact Human Resources.

Intermittent Family/Medical Leave. To take intermittent leave or leave on a reduced leave schedule under the FMLA and/or CFRA, there must be a medical need for leave (as distinguished from voluntary treatments and procedures) and it must be that such medical need can be best accommodated through an intermittent or reduced leave schedule. The treatment regimen and other information described in the medical certification of a serious health condition (see Definitions above) must meet the requirement for certification of the medical necessity of intermittent leave or leave on a reduced leave schedule. Employees needing intermittent family/medical leave or leave on a reduced leave schedule must attempt to schedule their leave so as not to disrupt Sharp HealthCare's operations. In addition, Sharp HealthCare may assign an employee to an alternative position with equivalent pay and benefits that better accommodates the employee's intermittent or reduced leave schedule. Intermittent leave recertification is required every six (6) months. Employees may use accrued ESI/PTO for the intermittent hours. For a full-time or part-time employee taking leave for an ill family member, if the ESI bank is exhausted or the employee has used forty (40) hours of ESI FAMILY in the calendar year, API will automatically convert ESI FAMILY into PTO if available. For per diem employees, if the ESI bank is exhausted, or the employee has met the forty (40)-hour ESI maximum per plan year, API will automatically convert ESI PD FAM into unpaid hours. Employees may elect to have these hours unpaid by using pay code ILVU for full-time and part-time employees and pay code ILVU PD for per diem employees.

Pregnancy Disability Leave. Pursuant to California law, Sharp HealthCare provides female employees with an unpaid pregnancy disability leave (PDL) for up to four (4) months when they are actually disabled by pregnancy, childbirth, or related medical conditions. PDL runs concurrently with FMLA as applicable under the law but does not run concurrently with CFRA.

PDL is available for all disabilities related to pregnancy and does not need to be taken in one continuous period of time. A woman is "*actually disabled*" when she cannot work at all or is unable to

perform one or more of the essential functions of her job, or to perform them without undue risk to herself, the successful completion of her pregnancy, or to other persons. This term also applies to severe morning sickness and the need for time off for prenatal care.

Employees must submit a written request for PDL as far in advance as possible and should indicate their expected return date so that Sharp HealthCare can arrange adequate staffing during and after their absence. Employees must also submit a health care provider's written certification of the employee's inability to work due to pregnancy-related disability, the delivery date, and expected end of any disability.

Bereavement Leave. An employee who experiences the death of an "immediate family member" will be granted up to 24 hours (scheduled time) of time off with pay as a Bereavement Leave. The following individuals constitute immediate family members under this section: parents and step parents, grandparents, spouse, domestic partner, children and step children, sibling, in-laws (including parent, sibling, children and grandparents).

A request for a Bereavement Leave will identify the member of the immediate family having passed and the date of death. Reasonable proof of death may be required. The expansion of the family member definition to include relationships not listed must be approved at the director level on a case-by-case basis.

Employees must specify in advance the total amount of Bereavement Leave they wish to take. Time off will be subject to review and approval by management.

Employees may extend their Bereavement Leave an additional thirty-six (36) hours (scheduled time) by utilizing ESI, provided that sufficient accrued time is available to the employee and use is approved in advance.

Work-Related Illness or Injury Leave. Leave for a verified work-related condition will be extended for the duration of the disability. An employee on workers' compensation leave who has been released from their position due to a reorganization is eligible for reinstatement for up to six (6) months from the date they become eligible to return to work.

Catastrophic Leave An employee who is disabled because of an illness or injury, and who has exhausted all leave offered by Sharp HealthCare, and/or as an accommodation under applicable state and federal law, and who is still in active treatment/therapy for their condition, shall be eligible to apply for an extended catastrophic leave of absence. Such leave shall continue ongoing until the employee is released back to work, provided that the employee provides documentation of continuing treatment/therapy every quarter during the course of the leave. The need for catastrophic leave will be evaluated and granted on a case-by-case basis. Generally, the total combination of leave time shall not exceed twelve (12) months. For employees with disabilities, Sharp HealthCare may provide additional leave time as a reasonable accommodation so long as the leave does not present an undue hardship.

Leave for Alcohol or Drug Rehabilitation. Employees who wish to voluntarily enter and participate in an alcohol or drug rehabilitation program, and need time off work for to participate in the program, Sharp HealthCare will provide an unpaid leave of absence if a leave of absence is a reasonable accommodation and does not impose an undue hardship on Sharp HealthCare.

To request leave for alcohol or drug rehabilitation, employees must provide reasonable advance notice to Sharp HealthCare whenever possible, and must provide proof of enrollment and/or participation in or completion of a rehabilitation program. Sharp HealthCare will make reasonable efforts to safeguard employee privacy regarding enrollment in an alcohol or drug rehabilitation program.

Be advised that this does not prevent Sharp HealthCare from refusing to hire, or discharging an employee who, because of the employee's current use of alcohol or drugs, is unable to perform his or her duties, or cannot perform the duties in a manner which would not endanger his or her health or safety or the health or safety of others.

Generally, leave for alcohol or drug rehabilitation will be unpaid, although employees may use any ESI or PTO in place of unpaid leave.

Leave for School Activities. An employee who is a parent, guardian, stepparent, grandparent, foster parent of, or person who stands *in loco parentis* to a child in a licensed daycare center, pre-school or Kindergarten through 12th grade (collectively referred to as "school") may, upon reasonable notice, take up to forty (40) hours of unpaid leave each school year, per child, to find, enroll, or reenroll your child in school, to participate in activities of the school, or to address a school emergency.

Generally, leave for school activities will be unpaid, although employees must use any PTO in place of unpaid leave.

Leave for School Conferences Involving Suspension. An employee who is a parent or guardian of a child who has been suspended from school and who receives a notice from the child's school requesting that they attend a conference involving the possible suspension of the child or attend a portion of a school day in the child's classroom may take unpaid time off to appear at school upon providing reasonable advance notice. When the employee returns to work, they must provide documentation from the school verifying the date and time of the visit(s).

Generally, leave for school conferences involving suspension will be unpaid, although employees may use any PTO in place of unpaid leave.

Civic Duty Leave. Employees will be granted a leave of absence for civic duty including voting, juror or witness duty. Employees who do not have sufficient time outside of working hours to vote will be granted sufficient time away to include travel time to and from the polling place. When requesting time away from work to vote, a ballot receipt will be required upon return to work.

A legal obligation arises when an employee receives a jury summons or a subpoena to appear in a court, or hearing, or to give a deposition. An employee must notify the supervisor immediately upon receipt of summons or subpoena. Verification of jury duty attendance as provided by the court will be required upon return to work.

The amount of leave granted will be directly related to the time required to serve. Employees who have served four (4) or more hours in a day in jury or witness duty are not required to report to work that day. When an employee is on telephone alert they are expected to report to work on that day. In a 12-month period, employees will receive up to eighty (80) hours of pay at their base rate for hours spent in jury duty.

When employees are required or requested to participate in legal proceedings involving Sharp

HealthCare, unless they are the plaintiff(s), they will receive base rate compensation for time spent outside their regular work hours. During regular work hours, an employee will receive their regular rate of pay.

Leave for Crime Victims. Employees who are victims of domestic violence, sexual assault, stalking, or a crime that caused physical injury or that caused mental injury and a threat of physical injury, or a person whose immediate family member is deceased as a result of a crime are eligible for unpaid leave.

An employee may take an unpaid leave of absence for the following reasons:

- To take legal action as a victim of domestic violence, sexual assault, or stalking. This includes, but is not limited to, court appearances, preparing documents, or meeting with advocates pertaining to the granting or removal of restraining orders, or to obtain other kinds of relief to ensure their health, safety, or welfare, or that of their child.
- To seek medical attention for injuries caused by domestic violence, sexual assault, or stalking.
- To obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking.
- To obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking.
- To participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation.

In addition to providing a leave of absence, Sharp HealthCare will make reasonable accommodations for victims of domestic violence, sexual assault, or stalking who requests an accommodation for their own safety while at work. Such accommodations may include the implementation of safety measures, such as a transfer, reassignment, modified schedule, changed work telephone, changed work station, installed lock, assistance in documenting domestic violence, sexual assault, or stalking that occurs in the workplace, an implemented safety procedure, or another adjustment to a job structure, workplace facility, or work requirement.

To request a leave of absence or another accommodation under this policy, employees must provide Sharp HealthCare with reasonable advance notice of the intention to take time off, unless the advance notice is not feasible. In order for the leave to be protected, the employee can provide any of the following for certification purposes:

- A police report indicating that the employee was a victim.
- A court order protecting or separating the employee from the perpetrator of the crime or abuse, or other evidence from the court or prosecuting attorney that the employee has appeared in court.
- Documentation from a licensed medical professional, domestic violence counselor, sexual assault counselor, victim advocate, licensed health care provider, or counselor that the employee was undergoing treatment or receiving services for physical or mental injuries or abuse resulting in victimization from the crime or abuse.

Any other form of documentation that reasonably verifies that the crime or abuse occurred, including but not limited to a written statement signed by the employee, or an individual acting on the employee's behalf, certifying that the absence is for a purpose authorized under this policy.

Generally, leave for crime victims will be unpaid, although employees may use any ESI or PTO in place of unpaid leave.

Leave for Victims of Crimes and Their Family Members to Attend Judicial Proceedings. If an employee is a victim of a crime, or a spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, stepfather, or registered domestic partner of a victim, or the child of a registered domestic partner of a victim, and needs to take time off in order to attend judicial proceedings related to that crime, the employee may take an unpaid leave of absence. For purposes of this leave, "victim of a crime" means someone against whom a "violent felony," "serious felony," or a "felony provision of law proscribing theft or embezzlement" has been committed.

As a condition of taking time off, the employee must, prior to the planned absence, provide reasonable advance notice and certification of the need for the absence to Sharp HealthCare. If an employee needs to take an unscheduled absence for the above reason, they must, within a reasonable time after the leave of absence, provide certification of the need for the absence to Sharp HealthCare.

Generally, leave for victims of crimes and their family members to attend judicial proceedings will be unpaid, although employees may use any PTO in place of unpaid leave.

Military Duty Leaves of Absence. Leave will be granted to employees who wish to serve in the military. Employees are entitled to reinstatement upon completion of military service, provided they return or apply for reinstatement within the time allowed by law.

Military Spouse Leave of Absence. Military and Veterans Code section 395.10 provides for ten (10) days of unpaid leave to eligible employees whose spouse or register domestic partner is a member of the United States Armed Forces, National Guard, or Reserves and is on leave from a period of deployment in an area of military conflict. Employees qualified for this leave must give notice of the request for leave at least two (2) business days after receiving official notice that their spouse or registered domestic partner will be on leave from deployment. Employees must work at least twenty (20) hours per week in order to qualify for this leave.

Religious Leave. Employees will be reasonably accommodated in requests for leaves for religious observances and practices. Notice of the leave must be requested when the employee knows the leave is needed (i.e., notice in advance of a known day of observance). Generally, religious leave is unpaid, although employees may use any PTO in place of unpaid leave.

Leave for Firefighters, Reserve Peace Officers, and Emergency Rescue Personnel. Employees who perform emergency duty as a volunteer firefighter, reserve peace officer, or emergency rescue personnel will be permitted to take an unpaid leave of absence to perform emergency duty. Employees who are volunteer firefighters, reserve peace officers, or emergency rescue personnel will be permitted to take up to fourteen (14) days off per year to engage in fire, law enforcement, or rescue training. Employees who serve as volunteer firefighters, reserve peace officers, or emergency rescue personnel should inform Sharp HealthCare of their status and of the fact that they may need time off for emergency duty. An employee is required to notify the supervisor of their schedule as much in advance as possible and must provide documentation of their service upon returning to work.

Generally, emergency duty and training leave is unpaid, although employees may use any PTO in place of unpaid leave.

Civic Air Patrol Leave. After ninety (90) days of service, employees who are Civil Air Patrol volunteers will be permitted to take an unpaid leave of absence to perform emergency

duty. Specifically, employees may take up to ten (10) days of leave for duty each year. However, leave for a single emergency mission cannot exceed three (3) days, unless the emergency is extended by the entity in charge of the operation and the extension of leave is approved by Sharp HealthCare. Employees who serve as Civil Air Patrol volunteers should inform Sharp HealthCare of their status and of the fact that they may need time off for emergency duty. An employee is required to notify the supervisor of their schedule as much in advance as possible and must provide documentation of their service upon returning to work.

Generally, Civil Air Patrol leave is unpaid, although employees may use any PTO in place of unpaid leave.

Leave for Literacy Assistance. For employees who reveal to Sharp HealthCare that they have a problem reading and/or writing and request assistance enrolling in an adult literacy program, Sharp HealthCare will attempt to assist. This assistance may, depending on the circumstances, include providing you with the locations of local literacy education programs or arranging for a literacy education provider to visit you at work. Sharp HealthCare will also provide reasonable accommodations, which may include unpaid time off, provided the accommodations do not impose an undue hardship on Sharp HealthCare.

To request literacy assistance leave, employees must provide reasonable advance notice to Sharp HealthCare. Any employee who reveals a problem with illiteracy and who satisfactorily performs their work will not be subject to termination of employment because of the disclosure. Moreover, Sharp HealthCare will make all reasonable efforts to safeguard the privacy of the employee about their problem with literacy.

Generally, leave for literacy assistance is unpaid, although employees may use any PTO in place of unpaid leave.

Organ and Bone Marrow Donor Leave. Employees serving as organ or bone marrow donors are entitled to paid leave, provided they have been employed for at least ninety (90) days immediately preceding the commencement of leave.

An employee who is serving as an **organ donor** is eligible to receive up to thirty (30) days of paid leave plus up to thirty (30) days of unpaid leave in any one (1)-year period for the purpose of donating their organ to another person, but they must first take up to two (2) weeks of accrued ESI or PTO before receiving paid leave from Sharp HealthCare.

An employee who is serving as a **bone marrow donor** is eligible to receive up to five (5) days of paid leave in any one (1)-year period for the purpose of donating bone marrow to another person, but they must first take up to five (5) days of accrued ESI or PTO before receiving paid leave from the Sharp HealthCare.

Employees requesting organ or bone marrow donor leave must provide reasonable advance notice to Sharp HealthCare. They must also provide written verification to Sharp HealthCare that they are an organ or bone marrow donor and that there is a medical necessity for the donation.

During any period that an employee is on paid leave for organ and bone marrow donation, Sharp HealthCare will maintain and pay for coverage under any group health plan for the full duration of their

leave at the level and under the conditions coverage would have been provided if they were actively at work during the leave period. They are not considered to have a break in their continuous service for the purpose of their right to salary adjustments, sick leave, vacation, paid time off, annual leave, or seniority.

Organ and bone marrow donor leave does not run currently with leave taken under FMLA or CFRA.

Personal Leaves of Absence. A personal leave of absence may be granted at the sole discretion of Sharp HealthCare and will not exceed thirty (30) days per twelve (12)-month period. An employee must use all accrued PTO before a personal leave of absence is granted. Personal leave of absence is only available to full-time and part-time employees.

Administrative Leave of Absence. Under circumstances not listed above, at the discretion of management, an employee may be placed on a designated paid or unpaid administrative leave of absence. Regardless of the length of such a leave, the conditions on accrual of time off benefits, insurance premiums, service credit, and performance review dates are the same as stated above.

REQUESTS FOR LEAVE

It is the employee's responsibility to provide the immediate supervisor with reasonable notice in writing as soon as they become aware of the need for a leave of absence. Generally, and except in cases of emergencies, an employee must submit the request for a leave at least two (2) weeks prior to the date they wish the leave to begin.

Requests should include the reason for the requested leave of absence and anticipated length of the leave, and, if appropriate, a health care provider's certificate or other proof acceptable to Sharp HealthCare verifying the need for the leave.

During the leave, the employee should provide periodic updates to their supervisor regarding their status, including expected dates of return and continued intent to return to work upon expiration of the leave.

BENEFITS WHILE ON LEAVE

All leaves of absence constitute non-productive time. Employees may qualify for certain benefits or utilize accrued time off benefits as specified below.

Employees will stop accruing PTO and ESI benefits after the pay period that includes their first day of leave. Accrual begins again on the pay period the employee returns to work. The employee's service credit based on date of hire and the performance review date will remain the same.

A leave of absence will be coordinated with available benefits appropriate to the reason for the leave. These may include Workers' Compensation disability benefits, State Disability benefits, accrued ESI and/or PTO.

IMPORTANT NOTE ON BENEFIT COVERAGE: FOR ALL LEAVES

For full-time and part-time employees, the employer's share of insurance premiums will continue to be paid by Sharp HealthCare for up to one hundred sixty-eight (168) days or twenty-four (24) weeks of leave in one twelve (12)-month period, **as long as the employee continues to pay their share of premiums.** Nonpayment of the employee's share of premiums may result in discontinuation of

coverage.

On the first of the month following one hundred sixty-eight (168) days or twenty-four (24) weeks, Sharp HealthCare's payment of premiums will cease. The employee can choose to continue coverage by paying the full premiums under COBRA. In situations where the leave is extended beyond one hundred sixty-eight (168) days, benefits will end after twenty-four (24) weeks or date of termination, whichever comes first. Employees with more than one (1) leave of absence in a twelve (12)-month period will be subject to the COBRA transition when the total leave time exceeds one hundred sixty-eight (168) days in the preceding twelve (12) months. (Please contact your Human Resources Representative if you have questions and for assistance.)

RETURNING TO WORK

When an employee exhausts the amount of available leave time and fails to return to work, they may be separated from employment. If another position within SHC is accepted within three hundred and sixty five days (365) days of separation from employment with Sharp HealthCare, the employee's service credit, benefit eligibility, and accrued unused ESI will be reinstated (see definition of Reinstatement).

Eligibility for returning to the same or similar position varies according to the reason for the leave and applicable laws. When the position has been eliminated due to business necessity, Sharp HealthCare will attempt to return the employee to an alternative position for which they are qualified.

If an employee on leave of absence accepts similar employment outside Sharp HealthCare, the employee will be separated from employment with Sharp HealthCare. An employee on leave of absence who accepts other employment with Sharp HealthCare must notify their supervisor immediately.

When an employee returns from a leave for pregnancy disability, alcohol or drug rehabilitation (voluntary), medical condition, or a work-related injury or illness, a health care provider's certification of the ability to return to work, including any restrictions on resuming normal duties, will be required. When the employee's ability to perform the essential functions of the job is in question, Employee & Occupational Health Department will be consulted.

IV. REFERENCES

None

V. ORIGINATOR:

Human Resources

VI. LEGAL REFERENCES

- A. FMLA
- B. CFRA
- C. California Fair Employment and Housing Act (FEHA)
- D. California Labor Code

VII. ACCREDITATION

A. TJC

VIII. APPROVALS

- A. System Policy & Procedure Steering Cmte-9/95
- B. SHC ExecutiveTeam - 04/94; 02/00; 04/02; 06/05; 12/05; 08/07
- C. Human Resources Division: 12/07, 01/08, 02/08; 04/09, 12/11 7/14; 10/15; 08/17; 09/18; 03/21

IX. REPLACES

- A. SHC #2072; originally dated: 2/80; Revised: 02/88; Revised: 04/94 - SDHA; Implemented as system

X. HISTORY:

System #04001; originally dated: 04/95
Revised/Reviewed: 09/99; 02/00; 12/00; 04/02; 06/05; 12/05, 08/07; 12/07-added Military Spouse Leave; 03/08- added Military Leave time; 07/08; 04/09-expanded serious medical condition, military leave, part time proration (DOL Federal Register 29 CFR Part 825 Family Medical Leave Act 1993-Final Rule Vol 73 #222 11/17/2008) 12/11-Update text on leave time; 07/14 – Updated expanded coverage under PFL and updated HealthCare Provider language; 10/15-revised benefits while on leave; 09/18 - Grammatical clarification. Expanded Military Leave; 03/19 - Eligibility period language added; 12/20; 04/21

A. Attachments

None

Attachments

No Attachments

Approval Signatures

Step Description	Approver	Date
Administrator		4/1/2021
		4/1/2021

Applicability

Chula Vista, Copley, Coronado, Grossmont, HLA Lab, HealthPlan, Mary Birch, McDonald Center, Memorial, Mesa Vista, Sharp HealthCare, Sharp Rees Stealy, SharpCare, System Services

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