

1300.1 Paid Time Off (PTO) Program

Purpose To establish the conditions and describe the terms under which employees may accrue and use Paid Time Off.

Definitions The Accrual year, for purposes of calculating the length of service in this policy, is defined as the twelve month period beginning on the date when the employee is eligible for benefits.

Eligible Employees are defined as regular and fixed-term exempt and non-exempt employees who are regularly scheduled to work a minimum of 20 hours per week. Individuals who are designated as Temporary Employees are not eligible for Paid Time Off.

Executive Officers are defined as the President, Provost, Vice Presidents, School Deans, and the Secretary of the Institute.

The Initial Period of Employment (IPE) refers to the time during which staff employees (excluding temporary and fixed-term employees) receive extra feedback during the initial period of the new job. The IPE for exempt staff is six (6) months; for non-exempt staff, three (3) months. However, **All staff employees accrue, but generally are not eligible to use Paid Time Off leave until after the first three (3) months of employment.**

Policy Regular and fixed-term exempt and non-exempt employees who are regularly scheduled to work a minimum of 20 hours per week earn PTO based on years of service. After the completion of three (3) months, PTO time may be taken as accrued and used only with the approval of the employee's supervisor.

PTO is provided to all regular exempt, regular non-exempt, fixed-term exempt and fixed-term non-exempt employees who are regularly scheduled to work a minimum of 20 hours per week. PTO is provided for the exclusive purpose of allowing employees to take time off for vacation, personal or medical reasons. Examples of acceptable medical reasons include the employee's own incapacitating illness or injury; the illness or injury of an employee's child; the serious illness of a parent or spouse; and necessary medical treatment or medically advised rest. Visits to doctors and dentists also are acceptable reasons for PTO use. Unscheduled absences (i.e., time off not approved by the employee's supervisor) may result disciplinary action, up to and including termination of employment.

Procedure Exempt and non-exempt employees regularly scheduled to work 40 hours per week earn PTO according to the following schedules:

Exempt and Non-exempt Staff

Staff – Years of Service	PTO Annual Accrual Rates
1 st Year	144 hours/18 days
2 nd through 3 rd Year	168 hours/21 days
4 th through 6 th Year	200 hours/25 days
7 th through 10 th Year	232 hours/29 days
Over 10 Years	248 hours/31 days

Executive (Non-Cabinet) employees regularly scheduled to work 40 hours per week earn PTO according to the following schedules:

Years of Service	PTO Annual Accrual Rates
1 st through 10 th	232 hours/29 days
Over 10 Years	248 hours/31 days

Exempt and non-exempt employees who are regularly scheduled to work fewer than 40 hours per week but at least 20 hours per week accrue PTO on a pro-rated basis for all hours worked according to the schedules noted above.

As of July 1st each year, regular and fixed-term employees who are regularly scheduled to work 40 hours per week will be allowed to carry over a maximum of 200 Hours (25 days) of accrued and unused PTO. Unused PTO above 200 Hours will be transferred into a **Reserve Time Off** (RTO) bank at the end of each fiscal year. There will be no maximum on the size of the RTO bank. (See Human Resources Policy #1300.2, *Paid Time Off for Sick Leave*, for more information about the RTO leave bank.)

Employees are not eligible for payment upon separation of any accrued and unused PTO.

ACCRUAL

PTO accrues each pay period. A new exempt or non-exempt employee begins to accrue PTO time on the date the employee is first eligible for benefits, but may not use any PTO leave until completion of the Initial Period of Employment. Any change in accrual rates will occur on the anniversary of this day.

Paid absences will not interrupt PTO accrual. Unpaid absences (other than those noted in Human Resources Policy #1300.5,

Leave of Absence) will cause a prorated reduction of PTO accrual. PTO will accrue on a straight time basis.

PTO will continue to accrue during absences for military reserve duty, approved paid leave of absence, illness and/or disability to a maximum of one year with documentation of the disability, or absences covered by workers' compensation until benefits have been received up to a maximum of one year or until the date a permanent award is made, whichever occurs first.

USE OF PTO

After completion of the Initial Period of Employment, PTO may be taken as accrued and used only with the approval of the employee's supervisor.

Rensselaer's business requirements shall take precedence over the scheduling of any employee's PTO.

PTO can be used in increments of one hour for non-exempt and exempt staff. Any fraction of a day used that is less than one hour will be charged as one hour.

All usage of PTO must be recorded on the payroll report and immediate supervisors are expected to ensure accurate and timely reporting of PTO.

PAYMENT OF PTO

PTO pay will be at the pay rate in effect for the employee during the leave, including shift differential, if any.

An employee will receive pay for a holiday, not PTO pay, when an official Rensselaer holiday falls during the employee's PTO leave.

An employee separating from service will **NOT** be eligible to receive a payout of unused accrued PTO leave upon separation

1300.2 Paid Time Off for Sick Leave

Purpose To establish the conditions under which eligible employees are entitled to Paid Time Off for absences from work caused by illness or injury.

Definition Eligible Employees are defined as regular and fixed-term exempt and non-exempt employees regularly scheduled to work a minimum of 20 hours per week for at least 52 weeks. Individuals designated as Temporary Employees are not eligible for paid sick leave.

Policy Paid Time Off (PTO) for sick leave is provided to all regular exempt, regular non-exempt, fixed-term exempt and fixed-term non-exempt staff employees. PTO for sick leave is provided for the exclusive purpose of allowing staff employees to take time off for medical reasons. Examples of acceptable medical reasons include the employee's own incapacitating illness or injury; sickness of an employee's child; serious illness of a parent or spouse; and necessary medical treatment or medically advised rest. Visits to doctors and dentists also are acceptable reasons for taking sick leave. Taking sick leave under false pretenses is a violation of trust that is subject to disciplinary action, up to and including dismissal.

Procedure GENERAL

Staff employees who have accrued Paid Time Off (PTO) will receive sick pay when they are unable to work because of illness or injury.

A staff employee may use his/her accrued PTO to care for any eligible family member who is ill or injured. This allows staff to use as much PTO as they need to care for eligible family members. Eligible family members are defined in Human Resources Policy #1300.6, *Family and Medical Leave Act (FMLA) Leave of Absence*.

An eligible staff employee will be required to utilize PTO for the first five (5) consecutive business days of an absence for a non-occupational illness, injury or their own serious health condition. Thereafter, Reserved Time Off (RTO) must be utilized. If a staff employee has no RTO accrued, then he/she may elect to use PTO with prior supervisory approval. Therefore, any usage of PTO, RTO or any other leave time in a 12 month period for an employee's non-occupational illness, injury or their own serious health condition constitutes time granted for an FMLA leave of absence and will be counted as part of an eligible employee's 12 week non-paid leave of absence entitlement under the FMLA, assuming the

employee is otherwise eligible for FMLA leave under the law. (See Human Resources Policy #1300.6, *Family and Medical Leave Act (FMLA) Leave of Absence*).

ACCRUAL OF TIME FOR USE WHEN SICK

Staff employees will be considered working and will therefore accrue PTO time during a paid absence for any of the following:

- Holidays
- PTO (Vacation Leave, Sick Leave, Personal Leave)
- RTO (Sick Leave greater than 5 consecutive business days)
- Jury Duty
- Bereavement
- Workers' Compensation (until payments have been received for up to a maximum of one year of the date a permanent disability award is made, whichever occurs first)
- Military Reserve Duty
- FMLA Medical Leave of Absence

If scheduled work hours are not completely covered by the situations listed above, the accrual will be reduced on a prorated basis.

A full time employee who transfers to a part time position that is eligible for PTO will carry forward all accrued PTO time up to the allowable maximum.

Part-time Regular and Fixed-term Employees

An employee who is regularly scheduled to work at least 20 hours per week but fewer than 40 hours per week will accrue prorated PTO for each pay period. The employee will be considered working and will therefore accrue PTO time during a paid absence for any of the following:

- Holidays
- PTO (Vacation Leave, Sick Leave, Personal Leave)
- RTO (Sick Leave greater than 5 consecutive business days)
- Jury Duty
- Bereavement
- Workers' Compensation (until payments have been received for up to a maximum of one year of a permanent disability award is made, whichever occurs first)
- Military Reserve Duty
- FMLA Medical Leave of Absence

If scheduled work hours are not completely covered by the

situations listed above, the accrual will be reduced on a prorated basis.

A part time employee who transfers to a full time position will carry forward all accrued PTO time up to the allowable maximum.

Unpaid Time

An employee who is absent without pay (and not receiving New York State non-occupational Disability benefits, Workers' Compensation benefits, or an FMLA Medical Leave of Absence) will not accrue PTO time during the applicable unpaid time.

Accrual upon Transfer

When an employee transfers to a position with a different PTO time accrual rate, the new accrual rate will become effective at the beginning of the first full pay period following the effective date of transfer.

PAYMENT FOR ABSENCES DUE TO ILLNESS OR INJURY

Employees can use accrued PTO pay for absences due to the employee's illness or injury up to five (5) consecutive business days. When an employee is absent due to an illness or injury and has no accrued, unused PTO time, they will not be paid for the first five (5) consecutive business days of absence.

PTO payments will be at the pay rate in effect during the period of leave, including shift differential wage adjustments, if any.

PTO leave may be taken in units of one hour up to eight hours per day.

On the sixth consecutive business day of absence due to a non-work related injury or illness, the employee may be eligible for short term disability benefits. Short term disability benefits allow an employee to receive RTO benefits that provide 4 hours per day of pay paid by Rensselaer and 4 hours of accrued, unused RTO per day. If an employee has no accrued RTO time, Rensselaer will continue to pay 4 hours per day. Employees, who are regularly scheduled to work fewer than 40 hours per week, but a minimum of 20 hours per week for at least 52 weeks, will receive pro-rata portions of PTO, RTO and Rensselaer paid benefits.

The supervisor and employee must notify the Division of Human Resources when the absence reaches six (6) consecutive business days or is expected to go beyond five consecutive business days. The Division of Human Resources will forward information to the employee to initiate a request for short term disability.

State of New York Employees Only

After seven (7) consecutive days of disability due to a work-related injury or illness, the employee may become eligible for benefits from Workers' Compensation. Workers' Compensation benefits

typically provide two-thirds ($\frac{2}{3}$) of pay up to the scheduled maximum. These payments are provided by the Workers' Compensation insurance carrier and not Rensselaer. (For more information see Human Resources Policy #1400.7, *Workers' Compensation Program*.)

State of Connecticut Employees Only

After the third consecutive business day of absence due to a work-related injury or illness, the employee is eligible for Workers' Compensation benefits. Workers' Compensation benefits generally cover up to a scheduled maximum amount. These payments are paid by the workers' compensation insurance carrier and not Rensselaer. (For more information see Human Resources Policy #1400.7, *Workers' Compensation Program*.)

If an employee does not have PTO time or RTO time to use but needs to take time off because of sickness or illness, time off may be granted without pay in accordance with the Leave of Absence Policy or the FMLA Leave of Absence Policy.

NOTIFICATION AND REPORTING OF ABSENCE

All absences must be coded on payroll as either *scheduled or unscheduled*. Scheduled absences are defined as absences that were scheduled and approved by the employee's supervisor at least 48 hours in advance.

If an illness or injury prevents an employee from reporting to work, the employee must notify the appropriate supervisor 60 minutes in advance of the scheduled start time or in accordance with departmental policy in order to allow the department time to arrange coverage, re-distribute work or make any necessary schedule changes. If an employee fails to notify his/her supervisor as required, the supervisor will consider the employee's explanation of failure to notify in accordance with this policy. The supervisor will make the decision to accept or reject the explanation and will determine pay authorization and/or disciplinary action.

If an employee is unable to notify the appropriate supervisor of the day when the employee will return to work, the employee must notify the supervisor of the absence each morning, unless other arrangements are made with and agreed to by the supervisor.

If an employee becomes ill during the course of the workday and wishes to leave work, the employee must notify the supervisor before doing so.

An employee who fails to provide notice will be considered to be on an unauthorized leave of absence and will be subject to disciplinary action up to and including termination. Absences must be recorded accurately on the payroll report and immediate supervisors are

expected to ensure accurate and timely reporting of absences.

RETURN TO WORK

When an employee is absent from work for more than five (5) consecutive business days due to a non-occupational illness or injury, or one or more days due to an occupational illness or injury, the employee **must** submit to the Division of Human Resources a written release from an attending physician indicating the date that the employee is able to return to work, with or without reasonable accommodations no later than seven (7) calendar days prior to the anticipated date of return. If the release indicates any limitation on the employee's ability to perform the essential functions of the position, the return to employment will be at Rensselaer's discretion consistent with applicable state and federal law, including but not limited to Rensselaer's obligation to provide reasonable accommodations to individuals with disabilities. An employee will not be returned to work until such release has been submitted to and reviewed by the Division of Human Resources.

The date of return to work for an employee on short-term or long-term disability is subject to the approval of Rensselaer's Medical Contractor or designee.

Once Rensselaer's Medical Contractor or designee approves the employee's return, the Division of Human Resources notifies the employee and the department and follows up with a written confirmation.

If the release is brought in on the first day back at work designated by the employee's attending physician, the employee may experience a delay in receiving approval by the Division of Human Resources to return to work because the approval process may be subject to receipt of further information from the employee's attending physician, a review of the Performance Management Tool and/or a second medical opinion by Rensselaer's Medical Contractor or designee.

CONTINUATION OF BENEFITS

An employee utilizing PTO or RTO leave will generally be eligible for continued receipt of other Rensselaer benefits, subject to the usual conditions of receiving benefits as well as the terms of the plans governing such benefits and provided that all necessary employee contributions have been/are made.

1300.3 Consistent Attendance

Purpose To establish the process to reward non-exempt employees who have perfect attendance.

Policy Regular and temporary non-exempt employees who do not have any recorded unscheduled PTO absences for a six-month period will receive a day off following the end of the six month period.

Procedure The department supervisor will monitor attendance and inform any employee who has perfect attendance for a six-month period that the employee is eligible for a day off with pay to be taken at a mutually agreeable time within the next six-month period.

The time taken will be recorded as "Other Paid Absence."

An employee's use of approved scheduled PTO, holiday, jury duty or bereavement time will not be considered when checking for perfect attendance.

1300.4 Paid Holidays

Purpose To designate paid holidays, define the conditions under which employees will be eligible for holiday pay, and define how employees will be compensated for work performed on a holiday.

Policy Employees will be eligible for holiday pay on the days recognized by Rensselaer as paid holidays.

Procedure In general, Rensselaer provides employees with the following ten paid holidays per fiscal year (July 1 to June 30):

- New Year's Day
- Martin Luther King Jr.'s Birthday
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Day after Thanksgiving Day
- Christmas Day
- Rensselaer will designate the one remaining holiday.

Rensselaer may, at its discretion, close for the annual holiday winter break between the Christmas holiday and the New Year's holiday. However, these are not paid holidays. All staff will need to make arrangements to use accrued Paid-Time Off (PTO). Essential staff will be notified by their departments of the requirements to work during the holiday winter break.

Rensselaer also reserves the right to designate alternate holidays in any given year. The holiday schedule will be announced at the beginning of the fiscal year.

When a paid holiday falls on a Sunday, it will be observed on the following Monday.

When a paid holiday falls on a Saturday, it will be observed on the preceding Friday.

When a paid holiday falls on or during an employee's scheduled PTO, the employee will receive pay for a holiday, and not PTO pay.

A holiday will begin at the end of the third scheduled shift on the day before the holiday and will end with the beginning of the first scheduled shift on the day after the holiday.

Employees seeking time off for religious observances must utilize accrued PTO leave. (See Human Resources Policy #600.6, *Religious Accommodation*.)

ELIGIBILITY

Employees, except temporary employees, will be eligible for designated holiday pay beginning on the date of employment.

To be eligible for holiday pay, an employee must work on the first regularly scheduled workday preceding the holiday and the first regularly scheduled workday following the holiday, or on the holiday itself. When an employee is absent from the last scheduled shift before or after the holiday, or is scheduled to work on the holiday and does not do so, payment for the holiday will be made if the reason for the absence is one of the following:

- Personal illness, injury, surgery or hospitalization and the employee has notified the appropriate supervisor. Medical certification may be required.
- The employee is on approved PTO leave and the holiday occurs during the PTO leave.
- The employee is on military reserve duty (not to exceed eight weeks).
- The employee is on jury duty.
- A member of the employee's immediate family has died.

Employees may utilize sufficient holiday pay to equal a regular day's pay when combined with the following:

- Workers' Compensation benefit.
- State disability pay.
- Not at work some time during the holiday week except for the reasons set forth above.
- On an approved leave of absence.
- Receiving PTO.

PAYMENT

Amount of pay for holidays not worked:

A full-time employee whose normal work schedule includes the day(s) on which a holiday occurs, but who is not required to work on the holiday, will receive pay for up to eight hours of work at his or her hourly rate (including shift differential). A full-time employee whose normal work schedule does not include the day on which a holiday occurs will designate another regularly scheduled day as that holiday. The holiday pay will be prorated based on the number of hours worked per week. As an example, an employee who works 40 hours per week would receive eight hours of pay in lieu of eight hours time off. As another example, an employee who works 30 hours per week would receive six hours of pay in lieu of six hours time off.

A part time employee whose normal work schedule includes the day(s) on which a holiday occurs but is not required to work on a holiday will receive holiday pay based on the average number of hours a day that he/she is regularly scheduled to work during the normal work week. A part time employee whose normal work schedule does not include the day on which a holiday occurs will designate another regularly scheduled day generally within that pay period with supervisory approval for that holiday, if the normal workday schedule includes the workday preceding the holiday and the first regularly scheduled workday following the holiday. If the department is unable to permit the employee to designate another regularly scheduled day as that holiday, the department may pay the employee for that day. The holiday pay will be prorated based on the number of hours worked per week.

Example Number 1

An employee who works 20 hours per week would receive an extra four hours of pay in lieu of time off.

Example Number 2

If an employee works on a 9-month appointment and the holiday occurs during the 3-month period of time when the employee is not scheduled to work, then the employee will not receive pay for the holiday and will not receive an alternate day off.

Amount of Pay for Work Performed on Holidays

A non-exempt employee whose normal work schedule includes the day(s) on which a holiday occurs, but who is scheduled to work on a paid holiday, will be paid time and

a half for all hours worked in addition to designating another regularly scheduled day generally within that pay period with supervisory approval. If the department is unable to permit the employee to take another day off as the holiday, the department may pay the employee. The hours paid would be the same as those worked on the actual holiday.

A non-exempt employee called into work on a holiday who was not previously scheduled to work will receive time and one-half his/her regular rate of pay for all call-in hours worked and is guaranteed a minimum of four hours' pay. "Previously scheduled" means an employee having been assigned to work for the holiday before the end of the last scheduled shift.

An exempt employee who is scheduled to work on a paid holiday will designate another regularly scheduled day generally within that pay period with supervisory approval as that holiday.

APPLICATION OF HOLIDAY PAY FOR THE PURPOSE OF DETERMINING OVERTIME PAYMENT

For the purpose of computing overtime, a holiday will count as time worked.

GENERAL

If an employee is scheduled to work on a holiday and because of conditions beyond Rensselaer's control work is not available during the holiday, call-in or report-in pay will not be paid.

Normally, pay for a holiday will not be granted in addition to pay granted under other Institute policies. If a holiday falls during scheduled PTO leave, the PTO leave will not be charged for the holiday.

HOLIDAY PAY

Exempt staff scheduled to work the actual or observed holiday will be paid straight time for that day, and will designate another regularly scheduled day, generally within that pay period, with supervisory approval.

Non-exempt staff scheduled to work the holiday, when the observed holiday is the same day as the actual holiday, will be paid time and a half for all hours worked on the holiday, and will designate another regularly scheduled day, generally within that pay period, with supervisory approval.

Holiday on a Saturday or Sunday

Non-exempt staff regularly scheduled to work on the actual holiday (Saturday or Sunday) and scheduled off on the observed holiday (Friday or Monday), will be paid straight time for all hours worked on the actual holiday (Saturday or Sunday) and will receive Holiday pay for the holiday.

Non-exempt staff regularly required to work on the actual holiday (Saturday or Sunday) **and** on the observed holiday (Friday or Monday), will be paid straight time for all hours worked on the actual holiday and paid time and a half of their regular rates of pay for all hours worked on the observed holiday. These employees will designate another regularly scheduled day as the holiday, generally within that pay period, with supervisory approval.

Non-exempt staff regularly scheduled to work on the observed holiday (Friday or Monday), will be paid time and a half for their regular rates of pay all hours worked on the observed holiday. These employees will designate another regularly scheduled day as the holiday, generally within that pay period, with supervisory approval.

1300.5

Leave of Absence

(For leaves of absence under the Family and Medical Leave Act, see Human Resources Policy #1300.6.)

Purpose To define the circumstances under which an employee may be granted a leave of absence outside the scope of the Family and Medical Leave Act (FMLA).

Policy Regular employees are eligible to apply for a leave of absence for a variety of reasons including medical, parental, personal, military, or jury duty.

Procedure Requesting Leaves other than a Military Leave of Absence

When requesting a leave of absence or an extension to any prior approved leave, employees must present a written request to the appropriate supervisor. Approval for a leave of absence will be at the discretion of the supervisor, department head, the Division of Human Resources and the relevant Vice President. Rensselaer reserves the right to ask for documentation to support the request. A transaction form must be submitted by the department for all leaves of absence.

Requesting Military Leaves of Absence

An employee must provide notice of the need for leave as soon as possible. Notice may be an oral notice, but a written request is preferred. Employees taking military leave need not provide a copy of their military orders, but Rensselaer may seek to verify the leave with the employee's military commanding officer. Employees may voluntarily provide Rensselaer with copies of orders showing the need for leave.

Upon consultation, the responsible supervisor(s) and the Division of Human Resources will jointly approve or disapprove the requested leave of absence or extension to a prior approved leave of absence and inform the employee in writing.

All Leaves of Absence

For an approved leave of absence, both a designated start and return date shall be established prior to the commencement of the leave.

If an employee does not return to work at the end of the approved leave, the employee may be terminated by the supervisor in compliance with Human Resources Policy #900.1, *Progressive Discipline*. Rensselaer will evaluate an employee's request for additional leave based on the Americans with Disabilities Act, as amended.

The immediate supervisor is expected to ensure accurate and timely reporting of an employee's leave on the employee's payroll record.

TYPES OF LEAVES OF ABSENCE

Medical Leave Of Absence

When an employee is not eligible or is no longer eligible for PTO leave, RTO leave, Workers' Compensation Leave, New York State Non-occupational Disability or FMLA leave and the employee provides a medical certification (such as a Social Security or long term disability award), a medical leave of absence may be granted at Rensselaer's sole discretion. Normally, the maximum time allowed for a medical leave of absence is six months from the first day out due to illness or injury, although Rensselaer will engage in the interactive process to determine if a longer leave period constitutes a reasonable accommodation to an individual with a disability.

An employee will be restored to the same or a substantially equivalent position following an approved medical leave of absence provided such a position is still available, provided the employee is still qualified for the job as determined by Rensselaer and provided the employee returns to work within 6 months of the initial absence. If an employee is unable to return to work, with or without reasonable accommodations, within 6 months of the initial absence the employee's position may be filled.

An employee will continue to accrue Rensselaer service while on an approved leave of absence provided the employee returns to their normal work schedule by the approved return date. Benefit plan coverage will be determined according to the provisions of the appropriate plans provided appropriate employee contributions are made. For leaves of fewer than 60 days, employee benefit contributions will be deducted from the first check upon return to work. For leaves of 60 days or more, an

employee must pay contributions to Rensselaer by the first of each month. An employee will also receive detailed information from the Division of Human Resources on continuing benefit plan coverage. Benefits will continue provided the employee's contributions are received on a monthly basis. It is not possible to contribute to a Rensselaer Retirement Plan during a leave without pay. However, employees should refer to plan documents for further information.

Return from Medical Leave of Absence

When an employee is absent from work for more than five (5) consecutive business days due to a non-occupational illness or injury, or one or more days due to an occupational illness or injury, the employee **must** submit to the Division of Human Resources a written release from an attending physician indicating the date that the employee is able to return to work, with or without reasonable accommodations, no later than seven (7) calendar days prior to the anticipated date of return. If the release indicates any limitation on the employee's ability to perform the essential functions of the position, the return to employment will be at Rensselaer's discretion consistent with applicable state and federal law, including but not limited to Rensselaer's obligation to provide reasonable accommodations to individuals with disabilities. An employee will not be returned to work until such release has been submitted to and reviewed by the Division of Human Resources.

The date of return to work for an employee on short or long-term disability may be subject to the approval of Rensselaer's Medical Contractor or designee.

Employees absent from work due to an occupational illness or injury-related leave of absence will not be returned to work until he/she obtains a written release from Rensselaer's Medical Contractor or designee.

Once Rensselaer's Medical Contractor or designee approves the employee's return, the Division of Human Resources notifies the employee and the department and follows up with a written confirmation.

If the release is brought in on the first day back at work designated by the employee's attending physician, the employee may experience a delay in receiving approval by the Division of Human Resources to return to work because the approval process may involve: a call to the employee's attending physician; a review of the Performance Management Tool; and/or a second medical opinion by

Rensselaer's Medical Contractor or designee.

Parental Leave

In addition to an FMLA Leave of Absence (see Human Resources Policy #1300.6, *Family and Medical Leave Act (FMLA) Leave of Absence*), an employee may request permission to work a minimum of halftime and receive up to halftime unpaid leave for up to 8 weeks of parental leave. Parental leave under the policy is defined as leave to give birth to a child, to adopt a child, or to care for a newborn or newly adopted child. All parental leaves of absence under this policy must be taken and completed within twelve months of the date of birth or adoption.

An employee who requests a parental leave must provide 30 days advance notice to the supervisor and the Division of Human Resources where the need for the leave is foreseeable. In the event it is not possible to provide 30 days notice, an employee should provide notice as soon as practicable, but within one to two business days before the leave is to begin. Requests must be in writing and must be approved in writing. The request should contain the reason for the leave, the anticipated length of the leave and the anticipated start date of the leave. Medical certification of the birth of a child or documentation of an adoption must be provided to the Division of Human Resources at the time of the request.

Benefit plan coverage will be determined according to the provisions of the appropriate plans. Benefits will continue provided the appropriate employee contributions are made.

Break Times for Nursing Mothers

Upon request, Rensselaer will provide reasonable break time for an employee to express breast milk for her nursing child for up to three (3) years after the child's birth each time the employee has the need to express milk. Where feasible, Rensselaer will provide nursing employees with a room or other location, other than a restroom stall, in close proximity to the nursing employee's work area where they may express breast milk in private. Employees should contact the Division of Human Resources regarding such requests.

Personal Leave Of Absence

Personal leaves of absence will be granted only for documented, compelling reasons, at the discretion of the responsible supervisor, department head and the Division of Human Resources. Normally the maximum time allowed for a personal leave of absence is six months.

An employee will be restored to the same or a substantially equivalent position following an approved personal leave provided such a position is still available, provided the employee is still qualified for the job as determined by Rensselaer and provided the employee returns to their normal work schedule within the time approved for the personal leave. If an employee is unable to return to work within the time approved for the personal leave, the employee's position may be filled.

During a personal leave, benefit plan coverage will be determined according to the provisions of the appropriate plans provided appropriate employee contributions are made. For leaves of less than 60 days, employee benefit contributions will be deducted from the first check upon return to work. For leaves of 60 days or more, an employee must pay contributions to Rensselaer by the first of each month. An employee will also receive detailed information from the Division of Human Resources on continuing benefit plan coverage. Benefits will continue provided the employee contributions are received on a monthly basis. It is not possible to contribute to a Rensselaer Retirement Plan during a leave without pay. However, employees should refer to plan documents for further information.

Jury Duty Leave Of Absence

An employee, regardless of length of service, who is summoned to jury duty, shall be granted a leave of absence for the duration of such jury duty. An employee must provide the supervisor with a copy of the jury duty summons prior to the jury duty sessions.

The employee must secure from the court a statement of time of service and present this report to the appropriate supervisor upon return to work.

The employee's pay continues uninterrupted during the jury duty leave of absence. NOTE: Temporary employees will be paid only for the first three days of jury duty leave.

An employee who is able to report for work, during the period of jury duty, for a minimum of four hours during the regular shift, is expected to do so. However, such work should not interfere with obtaining proper rest or conflict with court sessions.

All Rensselaer benefit plan coverage is continued uninterrupted during an approved jury duty leave of absence.

An employee may retain any reimbursement received for

jury duty.

Military Leave Of Absence

As required by state or federal law, a military leave of absence will be granted to a Rensselaer employee in any covered position who receives orders to report for active duty, initial active duty for training, or other required service in any branch of the United States Armed Forces (e.g., the Army, the Navy, the Marine Corps, the Air Force, the Coast Guard and their Reserve components, including the National Guard), the Public Health Service, or as otherwise designated by the President of the United States.

Employees who wish to request Military Leave must present a copy of their official orders specifying the military obligation to the Division of Human Resources and to their supervisors within forty-eight (48) hours of receipt of such documents. A Division of Human Resources' representative will work with the affected employee(s) to prepare any documentation necessary to implement the Military Leave.

An employee in a military reserve unit who is called to serve in the armed forces or for training will receive make-up pay for the difference between the pay received for the tour of duty and the employee's regular Rensselaer daily earnings, not to exceed eight hours per day, for a maximum of eight work weeks per year. (A work week is defined as five working days.) This differential compensation will be provided only when the employee's pay for the military service in question is less than the employee's regular Rensselaer daily earnings. Differential compensation will be calculated and obtained as described below.

The total pay by the government, exclusive of travel and similar allowances, divided by the total number of days of active duty will be calculated to obtain a daily rate for military pay.

Differential compensation will be determined by subtracting the daily rate from the employee's normal earnings per day and then multiplying the result by the number of work days during the leave, up to a maximum of eight work weeks.

The employee must obtain a report from the commanding officer showing the number of days on military leave and present the report to the appropriate supervisor upon return to work. The report should show the total amount of earnings for the employee to be eligible for differential

compensation, if applicable. Differential compensation will be paid once the employee returns to full-time service at Rensselaer.

An employee on military leave may choose to use his or her accrued, but unused, PTO while on leave. If an employee chooses to use PTO while on leave, the employee will not be eligible for differential compensation for the same dates on which he or she receives PTO.

If military service for which differential compensation is permitted under this policy is scheduled during a period in which the employee was already scheduled for PTO, the employee may choose to receive the PTO or the differential compensation, but not both. If the employee chooses PTO for such a period, no differential compensation will be paid.

If a holiday falls during a period of military leave, the employee will be paid for the holiday if the employee's military pay for that holiday is less than his or her holiday pay. This holiday pay will be calculated in the same fashion as differential compensation, meaning that the employee receives the difference between the holiday pay and the military pay for the date in question, assuming the holiday pay exceeds the military pay.

Benefit plan coverage will be determined according to provisions of each plan for up to one year provided appropriate employee contributions are made. For leaves of less than 60 days, employee benefit contributions will be deducted from the first check upon return to work. For leaves of 60 days or more, an employee must pay contributions to Rensselaer by the first of each month. An employee will also receive detailed information from the Division of Human Resources on continuing benefit plan coverage. Benefits will continue provided the employee's contributions are received on a monthly basis. It is not possible to contribute to a Rensselaer Retirement Plan during a leave without pay. However, employees may have the right to make up missed contributions upon proper return from military leave and should refer to the applicable plan documents for further information.

An employee will accrue service during the time spent in military service provided the employee properly returns to work after release from service.

An employee returning from a military leave of absence must notify the Division of Human Resources of the intent to return to work by applying for reemployment within the period specified by federal law.

A return to work date will be given to eligible and qualified returning employees by the Division of Human Resources.

Employees who fail properly to return from military leave on a timely basis may be subject to the Institute's normal work rules for absences from employment.

Military Spouse Leave

A New York employee working an average of twenty or more hours per week, who is the spouse of a member of the United States armed forces, national guard, or reserves who has been deployed during a period of military conflict (to a combat zone of operations or a combat theater) may be allowed up to ten days unpaid leave to be used when the employee's spouse is on leave. An employee who seeks leave under this section may be required to provide documentation to support their request for leave.

For purposes of this policy, "period of military conflict" means a period of war declared by the U.S. Congress, or in which a member of a reserve component of the armed forces is ordered to active duty. The Company will not retaliate or tolerate retaliation against an employee for requesting or taking military spouse leave.

Time-off to Vote

We encourage all employees to fulfill their civic responsibilities and to vote in public elections. Most employees' schedules provide sufficient time to vote either before or after working hours. Employees who do not have sufficient time outside of their working hours to vote will be provided time to do so during the workday as follows:

- New York Employees
Up to two hours time off for this purpose will be without loss of pay. However, if the polls are open for at least four (4) consecutive hours before or after your scheduled workday, you are deemed to have sufficient time outside of work hours to vote.
- Connecticut and District of Columbia Employees
Will be provided reasonable time to vote if the employee is unable to do so outside of working hours.

Blood Donation

New York State law permits employees who work an average of 20 or more hours per week a leave period of up to three hours per calendar year during their regular work schedule, for off- premise blood donation. This leave may be paid or unpaid according to the Institute's policies.

Employees seeking leave to donate blood must give reasonable notice to their supervisors of at least three working days prior to taking leave for blood donation, and employees must provide documentation to their supervisors immediately after such leave is taken. The Institute will not retaliate nor tolerate retaliation against an employee for requesting or taking blood donation leave.

Bone Marrow Donation

New York employees will be granted leaves of absence if they seek to undergo a medical procedure to donate bone marrow. Such leave is not required to be paid. Only employees who work for the Institute for an average of twenty (20) or more hours per week are eligible for leave under this policy. The total length of the leave for each employee will be determined by the physician, but may not be longer than twenty-four work hours without Institute approval.

An employee who seeks leave under this section must provide verification from a physician of the purpose and length of the leave. The Institute will not retaliate nor tolerate retaliation against an employee for requesting or taking bone marrow donation leaves.

Other Legally Required Leaves

Employees will be granted a leave of absence for other purposes as required by law.

1300.6 Family and Medical Leave Act (FMLA) Leave of Absence

Purpose To define the circumstances under which eligible employees who comply with the requirements of the Family and Medical Leave Act (FMLA) may be granted a leave of absence under the Act.

Definitions Serious Health Condition under FMLA is defined as an illness, injury, impairment, or physical or mental condition that involves either inpatient care or continuing treatment by a health care provider.

Inpatient Care means any period of incapacity or treatment in connection with or consequent to inpatient care, i.e., an overnight stay in a hospital, hospice or residential medical care facility.

The "Continuing Treatment" requirement may be met by (i) any period of incapacity requiring absence from work, school or other regular daily activities of more than three (3) full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves: (a) treatment two or more times by a health care provider within thirty (30) days of the start of the incapacity, absent extenuating circumstances; or (b) a visit to a healthcare provider which results in a regimen of continuing treatment under the supervision of the healthcare provider. The first visit to a health care professional must occur within seven (7) days of the initial incapacity; (ii) any period of incapacity or treatment for such incapacity due to a chronic serious health condition that requires periodic visits (at least two (2) per year) for treatment by a health care provider, continues over an extended period of time, and may cause episodic incapacity; or (iii) any period of incapacity due to pregnancy or prenatal care.

An Eligible Family Member includes a spouse as defined by federal or state law, parents, and natural, adopted, foster children, stepchildren, legal wards, or children of a person standing in loco parentis, who is either under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability" at the time that FMLA leave is to commence.

Policy All Employees

To be **eligible** for FMLA leave and benefits, an employee must have worked:

1. for the Institute for at least a total of 12 months (which need not be consecutive, but employment prior to a continuous break in service of seven (7) years or more will generally not be counted); and

2. at least 1,250 hours during the previous 12 months. The 12-month eligibility period is measured on a rolling basis.

Entitlement

Under the federal Family and Medical Leave Act, eligible employees are entitled to take up to 12 weeks of unpaid leave of absence each rolling 12-month period for one or more of the following reasons:

- To care for the employee's child after birth, or placement for adoption or foster care ("**Bonding Leave**");
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition ("**Family Care Leave**");
- For the employee's own serious health condition that makes the employee unable to perform the employee's job ("**Serious Health Condition Leave**");
- For a "**Qualifying Exigency Leave**" arising out of the employee's spouse, parent or child's "covered active duty," if the spouse, parent or child is:
 - (a) A military member of the National Guard, Reserves or the Regular Armed Forces; and
 - (b) On "covered active duty" and deployed to a foreign country;

Eligible employees may take leave to care for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty. Such care may include arranging for alternative care, providing care on an immediate need basis, admitting or transferring the parent to a care facility, or attending meetings with staff at a care facility.

- For a "**Military Caregiver Leave**" to care for a spouse, child, parent or next of kin (defined as the nearest blood relative) who is a "covered service member" and who is:
 - (a) A military member of the National Guard, Reserves or the Regular Armed Forces undergoing medical treatment, recuperation, or therapy, is otherwise in an outpatient status, or is otherwise on the temporary disability retired list—with a serious injury or illness incurred or aggravated in the line of duty while on active duty that may render the family member medically unfit to perform his or her military duties; or
 - (b) A person who has a serious injury or illness that existed before the beginning of the member's active duty and were aggravated by service in the line of duty on active duty in the Armed Forces; or

- (c) A serious injury or illness for a covered veteran means an injury or illness that was incurred or aggravated by the member in the line of duty on active duty in the Armed Forces and manifested itself before or after the member became a veteran, and is:
- (1) A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; or
 - (2) A physical or mental condition for which the covered veteran has received a VA Service Related Disability Rating (VASRD) of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for caregiver leave; or
 - (3) A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment; or
 - (4) An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

Amount of Leave and Leave Year

Eligible employees may take up to twelve (12) weeks of unpaid, job-protected leave over any 12-month period for Bonding Leave, Family Care Leave, Serious Health Condition Leave, and/or Military Exigency. FMLA leave for these reasons is limited to a maximum of twelve (12) workweeks and runs concurrently with Military Caregiver Leave, as set forth below.

Eligible employees may take up to twenty six (26) weeks of unpaid, job-protected leave over a 12-month period for Military Caregiver Leave. Military Caregiver Leave runs concurrently with other FMLA leave and other leave entitlements provided under federal, state and local law. Military Caregiver Leave, when combined with other FMLA-qualifying leave, may not exceed twenty six (26) weeks in a single 12-month period.

For purposes of Bonding Leave, Family Care Leave, Serious Health Condition Leave, and/or Military Exigency Leave, the twelve (12) month period is measured backward from the last date an employee used FMLA leave (a "rolling 12-month period").

For the purpose of Military Caregiver Leave, the twelve (12) month period shall be measured forward from the date the employee first

uses FMLA leave (i.e., the period will begin on the date of the employee's first use of such leave and end twelve (12) months after that date).

Intermittent and Reduced Schedule Leave

FMLA leave time may be taken intermittently (or on a reduced schedule basis) whenever the leave is medically necessary to care for a seriously ill family member, or because the employee has a serious health condition and is unable to work. Intermittent leave cannot be granted for the birth or placement of a child. If the need for intermittent leave is foreseeable, based on planned medical treatment, the employee is responsible for scheduling the treatment in a manner that does not unduly disrupt the Institute's operations.

When an employee requests intermittent leave or reduced schedule leave, the Institute reserves the right to transfer the employee temporarily to an alternate position which better accommodates recurring periods of absence. The position to which the employee is transferred will be equivalent in pay and benefits to the one that the employee held prior to the transfer.

Pay and Benefits While on Leave

FMLA Leave is generally unpaid leave (although you may be eligible for short-term disability payments and/or workers' compensation benefits under those insurance plans.) An eligible employee must utilize Paid Time Off (PTO) for the first five (5) consecutive business days and Reserved Time Off (RTO) thereafter as part of an FMLA medical leave of absence. An eligible employee's FMLA leave runs concurrently with other types of leave (i.e., paid vacation, sick or personal leave, leave taken pursuant to the Connecticut Family and Medical Leave Act ("CT-FMLA") or the District of Columbia Family and Medical Leave Act ("DC-FMLA"), etc.)

The use of PTO and/or RTO for unpaid leave time does not extend the 12-week applicable FMLA leave period.

In addition to leave rights, all eligible employees receive job protection and health benefit continuation eligibility.

State of Connecticut Employees

Eligible employees in the State of Connecticut are entitled to take up to 16 weeks of unpaid leave each rolling 24-month period, but not more than 24 weeks in any rolling 24-month period for Bonding Leave, Family Care Leave, Serious Health Condition Leave, or to serve as an organ or bone marrow donor. An eligible Connecticut employee wishing to take Military Caregiver Leave under the CT-FMLA may take a maximum of 26 workweeks in a single 12-month period for each armed forces member per serious injury or illness incurred in the line of duty. The 12-month period begins on the

date of the employee's first day of leave taken to care for a covered armed services member and ends 12 months after that first day of leave.

To be eligible for leave under the CT-FMLA, employees must have been employed by Rensselaer for at least 12 months (in aggregate), and have worked at least 1000 hours during the 12-month period preceding the leave. Where both the FMLA and CT-FMLA apply, the leave provided by each will count against the employee's entitlement under both laws and must be taken concurrently. An employee who is eligible for leave under only one of these laws will receive benefits in accordance with that law only.

Washington D.C. Employees

Eligible employees in the District of Columbia (Washington D.C.) are entitled to take up to 16 weeks of unpaid leave each rolling 24-month period for either Family Care Leave or Serious Health Condition Leave. To be eligible for leave under the DC-FMLA, an employee must have (1) been employed by the employer for at least one year without a break in service and (2) worked for at least 1,000 hours (an average of 19 hours per week) during the 12-month period immediately preceding the requested medical leave.

Procedure REQUESTING AND CERTIFYING FMLA LEAVE

An eligible employee requiring Serious Health Condition Leave or Family Care Leave who provides certification of that condition from a health care provider will be granted a medical leave of absence under the FMLA. An eligible employee must utilize Paid Time Off (PTO) for the first five consecutive business days and Reserved Time Off (RTO) thereafter as part of an FMLA medical leave of absence. Medical certification must accompany the request on the "Certification of Healthcare Provider" form.

An eligible employee who does not have a serious health condition may request a leave under Rensselaer's Leave of Absence Policy and at Rensselaer's discretion.

For Military Emergency Leave, employees are required to provide a copy of the covered military member's active duty orders when the employee requests leave, and a completed certification within fifteen (15) calendar days of requesting leave, unless unusual circumstances exist to justify providing the form at a later date.

An employee who requests an FMLA leave of absence must provide 30 days advance notice to the Division of Human Resources where the need for the leave is foreseeable. In the event it is not possible to provide 30 days notice, an employee should provide notice as soon as practicable, either personally or through an

authorized designee. Requests for medical leaves of absence not already documented with the Division of Human Resources for periods of total disability must be in writing and must be approved in writing by the Division of Human Resources. The request should contain the reason for the leave, the anticipated length of the leave and the anticipated start date of the leave.

Designation of Leave

Once the Institute has received a completed medical certification or other information for it to determine that the employee has requested leave for an FMLA-qualifying reason, the Institute will provide a written "Notice of Eligibility and Rights & Responsibilities" to the employee. This notice details the specific expectations and obligations of the employee and the consequences of not meeting those terms.

The Institute will notify the employee that leave has been designated as FMLA leave and of the amount of leave to be counted against the employee's entitlement. The Institute will also notify the employee if the leave is not designated as FMLA leave due to insufficient information or a non-qualifying reason.

An employee will continue to accrue Rensselaer service while on an approved leave of absence provided the employee returns to work by the approved return date. An employee will accrue PTO during that portion of FMLA leave when an employee is utilizing PTO leave. Benefit plan service and coverage will be determined according to the provisions of the appropriate plans provided appropriate employee contributions are made. For leaves of less than 60 days, employee benefit contributions will be deducted from the first paycheck upon return to work. For leaves of 60 days or more, an employee must make contributions to Rensselaer by the first of each month. An employee will also receive detailed information from the Division of Human Resources on continuing benefit plan coverage. Benefits will continue provided the employee's contributions are received on a monthly basis. It is not possible to contribute to a Rensselaer Retirement Plan during leave without pay. However, employees should refer to plan document for further information.

RETURN FROM AN FMLA MEDICAL LEAVE OF ABSENCE

The employee will be restored to the same or a substantially equivalent position at the end of an FMLA leave of absence as required or permitted by Federal, State and local laws. However, the Institute may refuse to reinstate a key employee (*i.e.*, a salaried, eligible employee who is among the highest paid ten (10) percent of employees of the Institute) after using FMLA leave if it determines that substantial and grievous economic injury would result from such reinstatement. If this determination is made, the

key employee will be notified in writing and given an opportunity to end the leave and return to work.

An employee who is returning from a medical leave of absence must notify the Division of Human Resources of the intent to return to work no later than seven calendar days prior to the anticipated date of return.

For a Serious Health Condition leave of more than 30 days, the employee must provide the Division of Human Resources with a written release from an attending physician or health care provider, as defined by FMLA, indicating the return date.

If the release indicates any limitations on the employee's ability to perform the essential functions of the position, return to active employment will be at Rensselaer's discretion consistent with applicable state and federal laws and legal obligation to provide reasonable accommodations.

1300.7 Bereavement Leave

Purpose To establish the circumstances for granting employees bereavement leave.

Definition Immediate Family is defined as an employee's spouse, parent, child, brother, sister, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, grandparent, grandparent-in-law, grandchild, or another individual living in the employee's residence.

Policy Rensselaer allows eligible employees limited paid time off for deaths of immediate family members, other relatives, or co-workers.

Procedure In the case of a death in the immediate family, employees will be eligible to receive a maximum of five (5) days, not necessarily in succession, with pay for bereavement.

In the case of a death of another relative, employees will be allowed one (1) day with pay for bereavement.

An employee scheduled for PTO leave, not including a medical leave of absence or RTO leave, will receive bereavement pay in lieu of either when a death in the immediate family occurs. For extenuating circumstances, additional paid or unpaid time off may be granted by the supervisor.

Employees will be allowed a half (½) day with pay to attend the funeral of a co-worker with supervisor's permission.

An employee is required to notify the appropriate supervisor, as soon as possible, when not reporting to work due to a death in the family.

Supervisors are responsible for maintaining employee absence records and should ensure that bereavement time off with pay is accurately reported on the payroll reports.