



**Human Resources
Policy & Procedure Manual**

SECTION: ATTENDANCE AND LEAVE

POLICY: LEAVE OF ABSENCE

POLICY NO.: 2.001 Page 1 of 13

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A handwritten signature in black ink, reading 'Dennis P. McKenna'.

PURPOSE:

Albany Medical Center ("Albany Med") recognizes that employees have many life circumstances outside of the workplace, some that may require an extended absence from work. During these times, Human Resources is here to partner with employees to help them get the time off work they need to care for their own health, the health of a loved one, or deal with other life situations that may require them to be away from work. This policy provides an overview of the Leave of Absence programs available to you at Albany Med and also addresses questions related to Mandatory Leaves, formerly Policy 2.002.

RNs covered by the Collective Bargaining Agreement (CBA) with NYSNA shall follow the Collective Bargaining Agreement details in effect. In the event there is any conflict between the Collective Bargaining Agreement and this policy, the Collective Bargaining Agreement will prevail.

POLICY:

SCOPE:

A leave of absence is a period of time away from work, paid or unpaid, that is approved through our leave of absence request process. Leave may be paid (when an employee requests to use their Earned Time Off (ETO)) or unpaid. An absence can be considered unpaid when the employee is collecting disability benefits (New York Disability Benefits or Albany Med Short-Term Disability) or New York State Paid Family Leave benefits (PFL) as the employee is not being paid by Albany Med.

The following types of leave are covered under this policy:

- 1) Family Medical Leave Act (FMLA)
- 2) New York State Paid Family Leave (PFL)
- 3) New York Disability Benefits Law (DBL)
- 4) Reserve Time (RT)
- 5) Military Leave
- 6) Leaves not covered under FMLA
 - a. Medical Leave (non-FMLA)
 - b. Personal Leave
 - c. Educational Leave
 - d. General Leave
- 7) Other Mandatory Leave Types
 - a. Jury Duty

- b. Elections and Voting
- c. Blood Donation
- d. Nursing Mothers
- e. Bone Marrow Donors
- f. Leave of Absence for Volunteer Emergency Response
- g. Covid-19 Vaccination Leave Time

Leave Requests

1. Employees requesting a leave of absence should inform their manager and contact Human Resources at least 30 days prior to their leave, or as soon as possible, given the circumstances. The 30 days' notice period applies to approved foreseeable intermittent leaves as well. In the case of disability benefits or PFL, it is the employee's responsibility to contact our disability and PFL benefit provider, whose contact information can be provided by Human Resources.
2. Employees are expected to provide notice in accordance with this policy, as well as Albany Med's usual and customary notice requirements, which means that notice of the need for unforeseeable leave should ordinarily be given by the start of their shift in accordance departmental policy, absent unusual circumstances.
3. When requesting leave, employees are expected to provide sufficient information for Albany Med to determine if the leave qualifies for FMLA, PFL or other protection and the anticipated timing and duration of the leave.
4. Employees are responsible for complying with requests for medical certification or any other type of documentation needed to verify the employee's need for leave. If an employee does not return the requested documentation, the leave may be delayed or denied. If that occurs, the absences will be considered unexcused and subject to the Earned Time Off (ETO) policy, as applicable, which may result in corrective action.

Coordination of Leaves

Some leaves will qualify under more than one type of leave (e.g., PFL and FMLA or FMLA and DBL). In these cases, the employee must give appropriate notice and participate in the application procedures under both policies. These leaves will run at the same time regardless of whether or not the employee reports the leave under both policies.

A Leave of Absence is unpaid unless otherwise specified. During the period of Leave of Absence, the employee shall have the option to use the employee's accrued paid leave time where specified in this section for a specific type of leave. Bargaining unit employees must use their ETO to cover leaves of absences however they may retain 60 hours of earned time in their accrual banks.

If an employee requests or obtains a Leave of Absence under a false pretense or, for purposes of working elsewhere while on leave, he/she will be subject to corrective action up to and including termination of employment.

End of Leave

1. If at any time during a leave of absence an employee gives written notice that they will not return to work, the employee will be considered to have voluntarily terminated.

2. Any employee who does not return from a leave of absence on the expected date and has not contacted their manager or Human Resources about an extension request, will be considered to have voluntarily resigned without notice.
3. When cleared to return to work, an employee who was on any type of leave due to their own serious medical condition or disability must submit a return-to-work release signed by their medical provider that lists any continued restrictions or accommodations necessary for an employee to do the essential functions of their job. This release must be submitted to Human Resources before the employee returns to work. Albany Med may, where appropriate, 1) request additional information; 2) have the employee examined by Employee Health Services; or 3) have the employee cleared to work by another medical care provider, at Albany Med's expense, before clearing the employee to return to work.

4. Policy Definitions

- A. "Serious Health Condition" means an illness, injury, impairment, or physical or mental condition that involves one of the following:
 1. Hospital Care - Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period in which the employee or family member is unable to work due to their own or a family member's (as defined by the requirements of the laws governing each leave type) illness or condition and any treatment related to the inpatient care
 2. Incapacity Plus Treatment – A period during which an employee is unable to work for more than three consecutive calendar days (including any follow up or ongoing treatment), that also involves:
 - a. Treatment by their or their family member's healthcare provider two or more times within 30 days of the first day of incapacity (absent extenuating circumstances) or
 - b. Treatment within 7 days of the first day of incapacity that results in ongoing treatment
 3. Pregnancy – Any time an employee cannot work due to pregnancy or for prenatal care.
 4. Chronic Conditions – Any period during which an employee is unable to work due to a chronic serious health condition which
 - a. Requires treatment by a medical provider at least twice a year
 - b. Continues over an extended period of time
 - c. May cause periods in which the employee cannot work
 5. Permanent or long-term conditions – Any period during which an employee is unable to work due to a condition that is long-term or permanent, but may not need or respond to active treatment
 6. Conditions requiring multiple treatments – any time an employee cannot work because they or a family member is receiving multiple treatments (including any period of recovery therefrom) by their or their family member's healthcare provider for restorative surgery after an accident or other injury or a condition that would likely result in an absence from work of more than three consecutive, full calendar days in the absence of medical intervention or treatment.
- B. Providing Care – providing necessary care, emotional support, visitation, assistance, providing transportation arranging for change in care, assistance with essential daily living matters, and/or personal attendant services to a qualifying family member because of a serious health condition.
- C. Common illnesses – Unless complications arise, the common cold, flu, earaches, upset stomach, minor ulcers, headaches (other than migraine), routine dental care, etc. **do not** typically constitute a serious health condition.

Covered Leaves

Family and Medical Leaves of Absence (FMLA):

Basic Eligibility

To be eligible for FMLA, an employee must have at least 12 months of service at Albany Med and have worked at least 1,250 hours over the past 12 months. Human Resources will inform employees requesting leave whether they are eligible for FMLA job protection. Employees will be notified of their eligibility for FMLA job protection for a particular leave (or a change in eligibility status) within five business days after their request, absent extenuating circumstances.

Certification Requirements

Employees must provide sufficient information so a determination can be made if leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Employees will be required to provide an initial certification (this form will be provided by Human Resources, where applicable) and periodic recertification supporting the qualifications for protection while on leave.

Qualifying Reasons:

1. The birth of a child, the care of a newborn, or the placement with the employee of a child for adoption or foster care;
2. A serious health condition of the **employee** or to care for their **spouse, child** (under the age of 18 unless unable to provide their own care, due to a disability or serious health condition), or **parent with a serious health condition**;
3. A qualifying military exigency arising out of the fact that the employee's spouse, son, daughter or parent is a military member on covered active duty (or has been notified of an impending call or order to active duty status), such as attending events, arranging for childcare, addressing certain financial and legal arrangements, or attending counseling and post-deployment briefings; or
4. The need to care for a covered servicemember who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

Amount of Leave

An employee may take up to 12 weeks of FMLA in a 12-month period. The 12-month period is measured rolling backward from each date that is used (ex, if a day of FMLA is used on May 4, 2018, that day is available to be used again on May 4, 2019, if certification has not expired).

Bonding leave can only take place within the first 12 months following the birth, adoption, or foster care placement of a child. An employee can also take FMLA when participating in pre-adoption or foster care activities, such as court proceedings, home visits, etc.

When a leave is to care for an injured or ill servicemember, the employee may take up to 26 weeks of leave during a single 12-month period. When combined with other FMLA qualifying leave, the benefit may not exceed 26 weeks.

An employee may **not** be required to return to work in a "light duty" capacity before their 12-week entitlement is exhausted.

An employee's position will generally be held while they are on approved FMLA, except in the case of a key employee (an employee among the highest paid 10% of all employees). However, employees have no greater

right to reinstatement than if they had been continuously employed rather than on leave. Key employees can be denied job restoration if it could result in substantial and grievous economic injury to Albany Med.

Intermittent FMLA

An employee can take FMLA leave on an intermittent basis or temporarily reduce their work schedule. Intermittent FMLA can be taken in blocks as short as 15 minutes over the span of several weeks or months.

1. During intermittent leave for planned medical treatment, an employee must attempt to schedule their leave so as not to disrupt departmental operations.
2. FMLA entitlement for intermittent leave is determined by calculating the number of hours an employee normally works in a 12-week period.
3. An exempt employee who uses intermittent leave will have their salary reduced by any hours taken if they choose not to use paid leave accruals or once their available paid leave accruals have been exhausted.

Benefits and Protections

During FMLA leave, all group health benefits will continue on the same terms as if the employee had continued to work. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave.

While an employee is using paid leave accruals, the employee continues to accrue paid leave time. An employee on unpaid leave does not accrue leave time.

Employer will maintain the employee's health, dental, vision, retirement and flexible benefit plans if the employee pays the employee's share of the costs prior to the due dates. If an employee is utilizing paid leave accruals while on FMLA, Albany Med will continue to make payroll deductions to collect the employee's share of the premium for group health plans and voluntary benefits.

If the leave is unpaid or if the ETO accruals do not cover the appropriate deduction(s) at any time during the leave, the employee must pay the premiums due, either in person or by mail. It is the responsibility of the employee to make these payments during FMLA by the date that the premium would have otherwise been deducted from the employee's paycheck. If the payment is more than 30 days late, the employee's coverage will be dropped for the duration of the leave. The employee will be provided 15 days' notification prior to their loss of coverage.

Certification

Albany Med will require certification for the employee's own serious health condition, for the serious health condition of a family member, of qualifying exigency for military family leave and for the serious injury or illness of a covered servicemember for military family leave. An employee must respond to such a request within 15 calendar days of receipt of the request or provide a reasonable explanation for the delay. Employer may also require periodic recertification supporting the need for leave.

End of FMLA Leave

Job restoration is dependent upon an employee's ability to perform the essential functions of their job, with or without a reasonable accommodation. If an employee needs a reasonable accommodation to perform the essential functions of their job, a request for accommodation must be certified by the employee's medical provider and submitted to Human Resources. Albany Med and the employee will then participate in an

interactive process to determine what reasonable accommodations may be made so that the employee can return to work.

Protections

Employer, and applicable law, prohibit any interference with, restraint, or denial of the exercise of any right provided under FMLA and prohibit discharge or discrimination against any person for opposing any practice made unlawful by FMLA or for involvement in any proceedings under or relating to FMLA.

Employees are encouraged to bring any concerns or complaints about compliance with the FMLA to the attention of their HR Manager immediately. You may also file a complaint with the U.S. Department of Labor or file a private lawsuit.

New York Paid Family Leave (PFL)

Basic Eligibility

1. An employee who has been employed by Albany Med for 26 weeks and is regularly scheduled to work at least 20 hours per week is eligible. Employees who are regularly scheduled to work less than 20 hours a week are eligible after working 175 total days. Time spent on vacation, personal leave, or sick time will be counted toward eligibility, but time spent on and leave, paid or unpaid, will not.
2. Albany Med Faculty, Vice Presidents and above, are excluded from PFL benefits.
3. Temporary or part-time employees can waive PFL benefits if they meet the following criteria
 - a. Regular schedule is 20 or more hours a week, but the employee is not expected to work 26 consecutive weeks; or
 - b. Regular schedule is less than 20 hours/week, and the employee is not expected to work 175 days in a consecutive 52-week period

If an employee elects to waive PFL coverage, Albany Med will not take PFL payroll deductions from that employee. However, if an employee chooses to waive coverage and their schedule changes so that they are working for 26 weeks or 175 days in a consecutive 52-week period the waiver will be revoked and Albany Med may begin deducting contributions from the employee, including retroactive amounts.

Qualifying Reasons

1. To provide care for a child (including stepchild or other child the employee has legal guardianship or for whom the employee stands *in loco parentis*) regardless of age; parent (including parent-in-law or stepparent); grandparent; grandchild; spouse and/or domestic partner with a "serious health condition."
2. To bond with a new child following birth, adoption, or placement in foster care
3. To attend to a qualifying exigency arising out of the fact that the employee's spouse, domestic partner, child or parent has been called to active military duty.

Amount of Leave Available

Beginning January 1, 2021, the maximum amount of leave available in a 52-week period is twelve (12) weeks.

The 52-week period is counted by measuring backwards from each day for which PFL is taken. PFL may be taken in weekly or daily increments. In the event an employee also collects State DBL for his/her own disability within the 52-week period, the maximum amount of time that can be taken under state law for both DBL and PFL within the 52-week period is 26 weeks.

PFL Benefit

Beginning in 2021, the PFL benefit amount is 67% of an employee's average weekly wage. In 2021, PFL benefits will be capped at \$971.61 or, in the case of intermittent leave, \$194.32 per day. The benefit cap will change annually on January 1.

The partial wage replacement benefit is paid directly by our insurance carrier after the employee files a claim with the carrier. Benefit levels are set by state law. If a continuous PFL leave spans across calendar years, the employee's benefit is set at the start of the leave and does not increase during the leave.

PFL can be taken intermittently in full day increments only.

Whenever possible the employee is expected to schedule PFL time in a manner that minimizes disruptions to the department and operations of Albany Med.

Use of Earned Time Off (ETO)

Employees on PFL leave who wish to be paid in full, may elect to supplement their PFL benefit with ETO in an amount necessary to bring their pay to 100% of normal wages. In no case can an employee use paid leave accruals in a way to bring his/her pay above 100% of their normal wages. Employees are expected to notify their manager of this decision in writing before the beginning of their leave.

Maintenance of Health Benefits

While on an approved PFL leave, Albany Med will maintain the employee's health coverage under any group health plan (medical, dental, vision) on the same conditions as coverage would have been provided if the employee had been continuously employed during the entire leave period.

If the employee is using paid leave accruals while on PFL, the employee's share of the group health plan premium will be made through payroll deductions. If the employee is on unpaid leave or if the paid leave accruals do not cover the appropriate deduction(s) at any time during the leave, the employee must pay the premiums due, either in person or by mail. It is the responsibility of the employee to make these payments by the date that the premium would have otherwise been deducted from the employee's paycheck. If the payment is more than 30 days late, the employee's coverage will be dropped for the duration of the leave. The employee will be provided 15 days' notification prior to their loss of coverage.

If the employee does not retain group health plan coverage during a PFL leave, upon return from leave, the employee's group health plan coverage will be reinstated on the same terms as prior to taking the leave. Reinstated group health plan coverage will be effective the date the employee returns from leave.

Cost

PFL is funded by employees through payroll contributions. Contributions begin on the employee's first day of employment.

The 2021 payroll deduction is 0.511% of an employee's earnings (max deduction of \$384.34 per year). This rate will be updated on an annual basis by the NY State Department of Financial Services.

Applying for Leave Benefits

In addition to notifying Human Resources of the need for leave, in order to receive income replacement benefits while on PFL, a claim form with supporting documentation must be submitted to Albany Med's carrier using the Request for PFL and Certification form. This claim form is provided by our third-party insurance carrier once a

claim has been created. An employee will not receive benefit payments until the claim is fully submitted to the carrier and approved.

If an employee is seeking payment for previously taken time off (for example, in the case of a medical emergency that was not foreseeable), the claim must be made within 30 days of the leave. However, employees are encouraged to file claims as quickly as possible to ensure prompt payment of benefits for qualifying leaves.

The carrier will make the final determination of whether the employee is eligible for PFL, whether the reason for the leave qualifies under the law, and whether the employee has provided sufficient documentation to support the need for leave. This determination is not made by Albany Med.

If the leave is also for an FMLA-qualifying reason, and the employee is an FMLA-covered employee, the employee must also apply for FMLA leave pursuant to the FMLA policy.

An employee who is absent from work and whose PFL claim is not fully submitted to or approved by the insurance carrier may be authorized for leave, if eligible, under other leave policies. However, if the employee does not qualify under those policies, or has no paid leave accruals available, the absence may be treated as unexcused and subject to the Earned Time Off Policy 2.008, as applicable.

Restoration to Employment

Employees who return to work at the conclusion of an approved PFL leave will be restored to the same or to a comparable position (with comparable employment benefits, pay and other terms and conditions of employment) upon their return from leave.

Appeal Rights

An employee whose claim for PFL benefits has been denied by the carrier has the right to appeal the determination through an arbitration proceeding. Appeal information is available from the carrier.

Protection from Retaliation

Albany Med will not discriminate and/or retaliate against any employee for inquiring about, applying for or using PFL benefits. Employees who believe they have experienced discrimination and/or retaliation should immediately notify Human Resources.

Fraud

An employee who fraudulently obtains PFL leave, or who uses PFL leave in an improper manner, is subject to disciplinary action, up to and including termination.

New York Disability Benefits Law (DBL)

Basic Eligibility

Disability benefits are temporary benefits for an employee who is disabled due to an off-the-job illness or injury. All employees of Albany Med who have worked for Albany Med for four weeks or more are eligible for DBL with the exception of

- 1) Daytime students in elementary or secondary school, who work part-time during the school year or during their regular vacation period(s)
- 2) Students of regular Center schools even though they may be paid a stipend or food allowance (i.e., School of Anesthesiology, Medical Technologists, etc.)
- 3) Corporate Officers/Senior Administrators
- 4) Faculty

- 5) Any individual who is not considered an employee of Albany Med

Employees remain eligible for DBL benefits for four weeks after their last day worked or date of termination or until they are covered by another employer.

Qualifying Reasons

An employee is eligible for DBL when they are unable to work due to an off-the-job injury or illness. The employee must be under the care of a medical provider who will certify their inability to work. If an employee knows in advance that they will become disabled, they should contact Human Resources 30 days prior or as soon as possible.

Employees must call our DBL carrier in order to initiate a DBL claim. Contact information can be obtained by contacting Human Resources.

Benefit

Waiting Period

There is a 7-day waiting period during which the employee will not be paid. On the 8th day of disability, the benefit begins. Employees can use earned leave accruals during the waiting period.

Benefit

Benefits are 50% of an employee's average weekly wage, with a maximum benefit of \$170/week.

Maximum Duration of Benefit

Benefits are payable for a maximum of 26 weeks in a 52-week period.

If an employee also collects PFL benefits during the same 52-week period, the maximum amount of combined DBL and PFL that can be taken in a 52-week period is 26 weeks.

Cost

Albany Med and the employee contribute toward the cost of DBL. A payroll deduction of 1% of the first \$120 in weekly wages (up to a max of \$.60/week) is deducted from each employee's paycheck.

Reserve Time (RT)

Effective December 31, 2010, the Reserve Time conversion component of this program ended. Staff with less than 80 hours (10 days) of RT automatically had their RT converted to CLT (2:1) January 7, 2011. Staff with 80 or more hours (10 days) of RT were offered a one-time option to retain their RT, or convert their RT back to CLT (2:1).

1. Reserve Time may be taken and paid only after seven (7) continuous calendar days of absence due to personal illness, with the exception of a verified Workers' Compensation injury/illness. Reserve Time may be used beginning on the eighth day as income for long-term personal illness.
2. Exceptions to the above seven (7) calendar day policy for payment of RT may be made with the approval of the Department Head and Divisional Vice President after evaluation of:
 - a. The reason and circumstances for the request (including the employee's length of service and overall performance);
 - b. The current amount of CLT and RT that the employee has available;
 - c. The employee's earning rate of CLT per pay period;

- d. Patterns of CLT usage (examination of scheduled vs unscheduled) including dates CLT was paid during the twelve-month period prior to the request.

The intent of allowing an employee immediate use of RT is not a reward for excellent overall performance. Rather, it is a means to provide an employee with compensation when unusual circumstances would leave the employee without pay during the first seven calendar days of the illness. Department Heads and Managers should encourage their employees to always retain a portion of their CLT for illness, particularly for the first week of an extended illness when RT may not be applied.

3. As Reserve Time is a means of assuring income protection for long-term personal illness, a physician's report must accompany the request to use RT.
4. Employees may be required to provide periodic reports from their medical care provider.
5. Employees do not have to use CLT before using RT (employee's option).
6. Combined Leave Time and Reserve Time cannot be paid simultaneously.
7. Employees may use RT until it is exhausted or until they are no longer disabled due to personal illness.
8. Employees may use CLT after RT is exhausted.
9. Reserve Time may not be used while receiving AMC short term disability, DBL, or Workers' Compensation payments

Military Leave of Absence

Qualifying Reason

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) grants rights to civilian employees whose employment is interrupted by military service or training.

USERRA applies to all type of uniformed service in all branches of the US Military and Reserves. Employees ordered to active duty, training, initial active-duty training, and full time National Guard Duty are all qualifying reasons for taking a Military Leave of Absence. Any employee is immediately eligible for Military Leave upon employment.

Employee Responsibilities

An employee must be returned to their civilian job after their return from active duty if they have met the following criteria:

1. They gave advance notice of the need for leave, unless such notice was precluded by military necessity or otherwise impossible or unreasonable;
2. Their cumulative service is not more than 5 years with the same employer (excluding certain active duty, training, and other types of obligated service);
3. They return to work or reapply for employment within the guidelines prescribed by USERRA;
4. They did not receive a dishonorable discharge; and
5. Their pre-service position was not temporary.

Benefit

Employees are entitled to a leave of absence for up to 5 years for authorized service and military training. Employees must generally be returned to the position they would have been in had no leave been taken.

Upon return from leave, employees will be paid the difference between their full pay and military pay for all hours regularly scheduled to work (including observed holidays, if any) up to 80 hours/10 days in any calendar year. If an employee is required to report for active military service because an emergency has been declared, upon return from leave they will be paid the difference between their full pay and military pay for all regular

scheduled days/hours for up to 30 calendar days. Employees must submit their military pay stubs to Human resources in order to receive this pay.

Employees may elect, but are not required to, use their earned leave accruals rather than collect military pay upon their return to work. Employees who elect to be paid ETO during their annual training period may also keep their pay from the military.

Other Leaves of Absence

Medical Leave (non-FMLA)

Under the Americans with Disabilities Act (ADA) and the NY Human Rights Law (NYHRL), employees may be entitled to absences related to their own disability, even if they are not otherwise eligible for FMLA leave.

If an employee is not able to return to work after 12 weeks of FMLA leave due to their own serious medical condition, or the employee is not eligible for FMLA leave, Albany Med will determine, through an interactive process, if an employee is eligible for a Medical Leave of Absence as an accommodation. Medical Leaves must be approved by Human Resources.

When a Medical Leave of Absence is granted as an accommodation, the employee is entitled to return to their same position, if they can perform the essential functions of their job, with or without accommodations, unless holding the position open would impose an undue hardship to Albany Med. Albany Med is not obligated to provide leaves of indefinite length.

Personal Leave of Absence

An employee who has worked for Albany Med for at least one year and regularly works more than 20 hours per week may request a personal leave, which may be granted for continuous periods of four to fifty-two weeks, when the department elects to hold the employee's position.

Educational Leave of Absence

An employee who has worked for Albany Med for at least one year and regularly works more than 20 hours per week may be eligible for up to one year of leave (at the manager's discretion) when they are returning to school as a full-time student to pursue or complete an accredited education program. In approving the request for leave, the manager will consider the relevance of the education program to the employee's current job, current profession, or the healthcare field. Educational leaves are not granted so that an employee can pursue other employment.

General Leave

An employee may request a General Leave of Absence when:

1. the employee does not meet the eligibility requirements for a FMLA Leave or PFL;
2. the employee has exhausted their FMLA and PFL entitlements; or
3. the employee's request for Non-FMLA Leave is denied

If granted, the leave will be for a continuous period of time, starting on a specific date and concluding on a specific date.

A General Leave of Absence from Albany Med does not guarantee the employee a job at the end of the leave or that the employee will return to the same department, work unit, position, shift or rate of pay (or some combination of these factors). Employees who do not return from their General Leave on the expected date will be considered to have voluntarily resigned without notice.

Other Mandatory Leave Types

Jury Duty

See HR Policy 3.002 regarding pay policies and procedures for jury duty.

Elections and Voting

New York State Election Law, section 3-110, requires employers to ensure that employees have sufficient time off to vote in statewide elections.

If an employee has four consecutive hours to vote, either between the opening of the polls and the beginning of the workday, or between the end of the workday and the closing of the polls, then that employee is deemed to have sufficient time to vote, and no time off will be granted.

However, if an employee does not have the four consecutive required hours to vote either before or after work, then the employer must provide the employee with sufficient time off to vote, up to a maximum of two (2) hours, without loss of pay. The employee, who must be a registered voter, must then notify the employer not more than ten but no less than two working days before the election that time off from work will be needed.

An employee who has less than the four consecutive hours required may take off enough working time that will, when added to the voting time outside the working hours, equal the four-hour requirement. The employer will be required to provide pay for a maximum of two (2) hours missed even if more work hours are needed to meet the four-hour requirement.

Blood Donations

Section 202-j of the New York State Labor Law requires public and private employers of 20 or more employees to provide time off for blood donation. Employees are eligible for this leave if they work on average 20 or more hours each week.

At least **one unpaid leave for up to 3 hours** is to be given in a 12-month period to an eligible employee who seeks to give blood at an offsite location. The employee may be required to give 3 days' advance notice to their manager and may be requested to provide proof of their donation activity.

The law provides that employees may give blood **twice each calendar year on paid time if the event is sponsored by Albany Med**; ETO accruals are not to be charged.

Nursing Mothers

Section 206-c of the New York State Labor Law requires an employer to provide reasonable/sufficient unpaid break time or mealtime (20-30 minutes) once every 3 hours each day to allow an employee to express breast milk for her nursing child for up to three years following the birth of the child.

Employees who want to pump breast milk at work must notify their manager in advance before they return from leave.

An employee may elect to have unpaid break time run simultaneously with paid break time, and to add time to their normal shift (before or after) to make up any unpaid time while expressing breast milk. Managers may ask employees to postpone break times for this purpose by no more than 30 minutes while securing replacement coverage.

Employers must provide a private room or other location for this purpose within walking distance of the employees work area, with a chair and a desk, table, or some other flat surface. The location cannot be a restroom or toilet stall and must have a functional lock. Access to AMC's designated lactation room on main campus is arranged by the employee through Security Services. Access to other AMC designated locations is arranged by the employee's manager.

Bone Marrow Donors

Section 202-a of the New York State Labor Law requires public and private employers of 20 or more employees to provide up to a combined length of 24 hours of unpaid time off for bone marrow donation. Employees are eligible for this leave if they work on average 20 or more hours each week.

Volunteer Emergency Responders

Section 202-1 of the New York State Labor Law states that following a governmental declaration of an emergency, employers are required to grant a leave of absence to an employee, upon request, and subject to certain criteria if the employee is engaged in the actual performance of his or her duties as a volunteer firefighter or an enrolled member of a volunteer ambulance service. The leave of absence would be unpaid excused leave or charged against other leave. An employee who has been granted a leave of absence shall provide a statement from the head of the volunteer fire department or volunteer ambulance service certifying the period of time, or times which the employee had responded to an emergency.

COVID-19 Vaccinations

Effective March 12, 2021, all employees will be granted sufficient time to receive doses of COVID-19 vaccinations, not to exceed four (4) hours per injection. This includes two dosages of vaccine, if necessary, and any subsequent boosters.

This earned time off is not deducted from an employee's ETO or Paid Sick leave benefit.

Employees must submit a request for time off under this policy to their department Manager. The request for time off must include proof of appointment, which includes the location of the vaccination clinic and the time of appointment. Employees must all provide proof of vaccination upon return to work.