

Employee Benefits & Leave Policy

I. Resident Vacation, Sick Leave and Holidays

a. Paid Time Off (PTO)¹

- i. UPRS employees are given **10 days of paid time off (PTO)** that can be used for either vacation, personal or sick leave. Time off may be taken in increments of no less than 0.25 days. To the extent that it is reasonable, planned time off must be requested in at least two (2) weeks in advance and is subject to the approval of the residency program director and/or preceptor of the learning experience during which time off is requested. Any unplanned use of PTO for illness in excess of 3 consecutive business days must be supported by documentation from a healthcare provider. Attendance at and travel to and from professional meetings shall not require the use of paid time off. Please see your individual residency program handbook for additional policies regarding the use of paid time off.

- ii. UPRS employees also are entitled to paid leave on the following **holidays**:

New Year's Day

Memorial Day

Independence Day

Labor Day

Thanksgiving Day

Christmas Day

1. In the event that the employee's practice site is operational on the above holidays and the employee is scheduled to report, the employee will be granted a compensatory day to be used at their discretion.
2. In the event that any of the above holidays fall on a day that is a regular day off, another day may be designated to be observed as a holiday at the discretion of the employee's practice site (example: If Christmas Day

¹ This section (i-iii) applies only to UPRS-paid residents in residency programs sponsored by the University at Buffalo School of Pharmacy and Pharmaceutical Sciences. Residents in non-UB SPPS sponsored programs should reference the appropriate site-based policy regarding PTO and holidays.

falls on a Sunday, a site may be closed Monday in observance of the holiday and the employee should observe that holiday.). If another day is not designated by the practice site to be observed as a holiday, the employee will be granted a compensatory day to be used at their discretion.

- iii. It is the policy of UPRS that employees will not be paid out for unused PTO or holiday time at the end of their residency.
- iv. Timesheets²: Completion of a UPRS timesheet is required on a monthly basis. Use of paid leave should be documented and signatures may be placed electronically. Timesheets should be sent to Mary Kruszynski no later than the 4th day of the following month.

II. Resident Leave Policy

a. Short Term Disability

- i. UPRS purchases short term disability insurance for all residents as required under New York State law.
- ii. UPRS must be notified by the program and/or resident of any disability leave.
- iii. A resident is considered disabled and therefore eligible for NYS short term disability insurance benefits in the event of any qualified medical leave for a continuous period in excess of seven (7) consecutive days. Benefits will be paid for a period determined by the disability insurance carrier not to exceed a maximum of twenty six (26) weeks.
- iv. Residents are required to file a disability claim for all medical leaves in excess of seven (7) consecutive days. UPRS reserves the right to request detailed medical documentation to support a claim.
- v. The first seven (7) days of a disability claim are considered a “waiting period” during which no disability payments are made. Residents must use available paid time off in order to receive pay for this period.
- vi. Following the “waiting period,” residents may use available paid time off order to continue receiving their normal salary amount. Once the resident has exhausted all available sick time, he/she may become eligible to receive disability payments of up to \$170.00 per week.

² Timesheets must be completed by all UPRS residents, whether in a UB SPPS-sponsored or non-UB SPPS-sponsored program.

- vii. UPRS must be notified as of the first day the resident is determined unable to work. Completion of a disability claim is mandatory and must be completed within 30 days of the last day worked in order to protect resident rights. To avoid any hardship to the resident, UPRS will continue the resident's full pay to the extent that available paid time off will allow. Failure to file a claim or to comply with the request of the disability insurance carrier will result in the loss of potential disability reimbursement and future rights to disability benefits.
- viii. Under no circumstance may a resident start their training on disability leave.
- ix. Per accreditation standards and/or program requirements, it may be necessary to extend the residency training period upon the resident's return to work in order for the resident to satisfactorily complete their training program. If a leave will result in an extension of training, program directors must notify the resident in writing, with a copy to UPRS, outlining the educational ramifications of the leave (i.e. delay in completion of residency training, repeat of a learning experience, etc.). A revised employment contract reflecting the necessary extension of the training must be executed upon the resident's return to employment. Such training extensions may occur without additional compensation. All contract extensions must be made in the training year in which the leave was taken.
- x. Leave for Pregnancy/Childbirth: Pregnancy/childbirth is a form of disability leave and all above requirements apply. The period of such disability begins at the time the resident's medical provider determines the resident is medically unable to continue work. The disability time after delivery is determined by the disability insurance carrier based on the time deemed to be medically necessary by the resident's medical provider and supported by appropriate documentation.

b. Short Term Family Sick Leave/Bereavement Leave

- i. Residents may use up to ten (10) days of available paid time off per residency year for death or illness in the immediate family. Immediate family is defined as spouse, domestic partner, father, mother, children, in-laws, siblings or grandparents. Such use is subject to the approval of the program director, but authorization should not be unreasonably denied.
- ii. Per accreditation standards and/or program requirements, it may be necessary to extend the residency training period upon the resident's return to work in order for the resident to satisfactorily complete their training program. If a leave will result in an extension of training, program directors must notify the resident in writing, with a copy to UPRS, outlining the educational ramifications

of the leave (i.e. delay in completion of residency training, repeat of a learning experience, etc.). A revised employment contract reflecting the necessary extension of the training must be executed upon the resident's return to employment. Such training extensions may occur without additional compensation. All contract extensions must be made in the training year in which the leave was taken.

c. Family and Medical Leave Act (FMLA)

- i. In order to be eligible for FMLA, an employee must have been employed by UPRS for at least 12 cumulative months or 52 cumulative weeks of services on the date the FMLA leave will begin. Although the 12 months of employment do not have to be consecutive, employers are not required to count employment prior to a continuous break in service of seven years or more under certain circumstances. An employee must have worked a minimum of 1250 hours during the 52 consecutive weeks immediately preceding the date FMLA leave is to begin in order to be eligible for FMLA leave.
- ii. Eligible employees may receive up to twelve (12) weeks of job-protected leave for certain family and medical reasons (i.e. birth/adoption and/or care of a child; physical/psychological care of a spouse/parent/child). Spouses who are both eligible and work for the same employer may take a combined twelve (12) week leave if the leave is taken for the birth, adoption or placement of a foster child, or to care for a seriously ill child or parent.
- iii. Effective January 28, 2008, a spouse, son, daughter, parent or next of kin can take up to twenty six (26) weeks of leave to care for a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. Substitution of paid leave and notice requirements for standard FMLA leave apply.
- iv. A resident is entitled to take FMLA leave for any qualifying exigency (as the Secretary of Labor shall determine by regulation) arising out of the fact that the spouse, or a son, daughter, or parent of the resident is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.
- v. More information on the FMLA is available at: <http://www.dol.gov/whd/fmla/>.
- vi. **Policy:** All residents who meet eligibility requirements, and who provide the required notice of a qualifying condition shall have access to up to twelve (12) weeks of continuous leave, a reduced schedule leave, or an intermittent leave

per residency year with continuation of health benefits not to exceed twelve (12) weeks.

- vii. Residents who seek FMLA should submit a letter to their program director requesting leave and describing the reason for leave with a copy to UPRS.
- viii. Letters must be submitted at least thirty (30) days in advance for foreseeable leave requests (i.e. extended maternity leave, scheduled surgeries, etc...). Leave requests related to an employee's health or the need to care for a relative requires the employee to demonstrate a serious health condition. In the case of leave to care for a relative, the letter of request must be accompanied by a "Certification of Physician or Practitioner" Form (**Appendix A**) or copy of adoption or foster care papers as relevant to the requested leave. UPRS may designate a resident's leave as a family and medical leave if the resident meets the qualifications regardless of whether the resident has requested such leave. UPRS will notify the program director and resident in writing of the resident's eligibility for FMLA.
- ix. Residents who utilize FMLA benefits must satisfy all residency program training requirements prior to completion of the residency. Per accreditation standards and/or program requirements, it may be necessary to extend the residency training period upon the resident's return to work in order for the resident to satisfactorily complete their training program. If a leave will result in an extension of training, program directors must notify the resident in writing, with a copy to UPRS, outlining the educational ramifications of the leave (i.e. delay in completion of residency training, repeat of a learning experience, etc.). A revised employment contract reflecting the necessary extension of the training must be executed upon the resident's return to employment. Such training extensions may occur without additional compensation. All contract extensions must be made in the training year in which the leave was taken.
- x. In the case of resident medical leave, the resident must use available paid time off in order to receive the normal salary amount. In the case of resident non-medical leave, available paid time off may be used concurrently with FMLA with the mutual consent of the resident and program director.

d. Paid Family Leave

- i. New York State's Paid Family Leave provides job-protected, paid time off so you can:
 - Bond with a newly born, adopted, or fostered child,
 - Care for a close relative with a serious health condition, or

- Assist with family situations when a family member is deployed abroad on active military service.
- ii. Eligible employees can take PFL for up to 8 weeks in 2018, 10 weeks in 2019, and 12 weeks in 2021. Leave can be taken either all at once or in full-day increments. You may take the maximum time-off benefit in any given 52-week period.
- iii. During PFL, pay would be a percentage of your average weekly wage, capped at that same percentage of the NYS Average Weekly Wage, as calculated annually by the NYS Department of Labor. These benefits are 50% of your average weekly wage for 2018, 55% in 2019, 60% in 2020, and 67% in 2021.
- iv. Paid Family Leave is funded through employee payroll contributions that are set each year to match the cost of coverage. The rate of employee contributions is reviewed annually, and is subject to change by the NYS Department of Financial Services. You can use the calculator at ny.gov/PFLcalculator to get an estimate of your weekly deduction. In 2018, the maximum deduction per employee is \$85.56.
- v. You can continue your health insurance while on leave and are guaranteed the same or comparable job/position after your leave ends. If you contribute to the cost of your health insurance, you must continue to pay your portion of the premium cost while on Paid Family Leave.
- vi. Employees may supplement PFL with unused PTO in order to receive full pay during a portion of their absence. Employees need not have exhausted all of their PTO prior to using PFL.
- vii. Eligibility
 - Full-time employees who work a regular schedule of 20 or more hours per week are eligible after 26 consecutive weeks of employment (including time taken as PTO).
 - Part-time employees who work a regular schedule of less than 20 hours per week are eligible after working 175 days, which do not need to be consecutive (including time taken as PTO).
 - Employees are eligible regardless of citizenship and/or immigration status.
- viii. Relationship with other types of leave
 - Paid Family Leave can be taken by employees who are eligible for time off under the provisions of the FMLA. PFL will run concurrently with designated FMLA leave when the reason for leave qualifies under both

PFL and FMLA. Eligible employees must then apply for both PFL and FMLA.

- You may not receive short-term disability and PFL benefits at the same time. You may not take more than 26 combined weeks of short-term disability and PFL in a 52-week period.
 - If you are unable to work and qualify for Workers' Compensation Benefits, you may not use the PFL benefits at the same time as you are receiving Workers' Compensation benefits. If you are receiving reduced earnings, you may be eligible for PFL.
- ix. The Paid Family Leave benefit through UPRS, Inc., is administered through ShelterPoint Insurance. Employees should notify UPRS at least 30 days in advance of their intention to use PFL. If the event was not foreseeable, the employee must notify UPRS as soon as practical. An employee should submit a completed claim package to the UPRS PFL insurance carrier within 30 days of their first day of paid leave. The insurance carrier must process the claim and issue a determination within 18 days. Please contact UPRS for a claim form.
- x. Per accreditation standards and/or program requirements, it may be necessary to extend the residency training period upon the resident's return to work in order for the resident to satisfactorily complete their training program. If a leave will result in an extension of training, program directors must notify the resident in writing, with a copy to UPRS, outlining the educational ramifications of the leave (i.e. delay in completion of residency training, repeat of a learning experience, etc.). A revised employment contract reflecting the necessary extension of the training must be executed upon the resident's return to employment. Such training extensions may occur without additional compensation. All contract extensions must be made in the training year in which the leave was taken.

e. Unpaid Leave of Absence

- i. Program directors may, at their discretion, approve a resident's request for leave *without* pay. All leave of absence requests must be communicated in advance and in writing to the program director with a copy to UPRS.
- ii. Program directors must consider the applicable accreditation and program training requirements in determining whether such leave may be granted. Per accreditation standards and/or program requirements, it may be necessary to extend the residency training period upon the resident's return to work in order for the resident to satisfactorily complete their training program. If a leave will result in an extension of training, program directors must notify the resident in writing, with a copy to UPRS, outlining the educational ramifications of the leave

(i.e. delay in completion of residency training, repeat of a learning experience, etc.). A revised employment contract reflecting the necessary extension of the training must be executed upon the resident's return to employment. Such training extensions may occur without additional compensation. All contract extensions must be made in the training year in which the leave was taken.

iii. Leave without pay will result in termination of resident benefits according to standard practice for termination of benefits. Residents have the option to continue health benefits under the appropriate COBRA rules, and solely at the resident's expense. Notice of COBRA eligibility and cost will be sent to the resident by UPRS and/or the benefit provider upon receipt of the notice that a leave has been approved by the program director.

f. Maximum allowable leave: A residency requires intensive training that is cumulative in nature and each learning experience builds upon previous experiences. As such, an extended leave may render it difficult for a resident to achieve program objectives and requirements. Therefore, any leave in excess of three (3) months (cumulative) may require the resident to withdraw from the training program and reapply to the program the following year. Reapplication to the program does not guarantee the resident will again be matched with the program, as they will be evaluated and ranked in light of other candidates.

III. Employee Benefits

a. Health (Medical) Insurance

- i. All residents employed by UPRS are offered health insurance with a small (~10%) contribution by the resident (payroll deduction). Coverage for health insurance is effective on the first day of employment, provided all documentation has been completed in a timely manner as requested. The medical insurance plan is administered by Independent Health and includes prescription and some vision coverage. Residents may opt out of the UPRS health coverage and will not be subject to the payroll deduction. Any residents opting out must provide proof of existing health coverage to UPRS.
- ii. Residents must notify UPRS of any qualifying life event (i.e. marriage, birth, gain or loss of spouse insurance coverage) in accordance with notification requirements of the plan in order to make appropriate changes to health insurance coverage. Failure to do so will result in a delay in coverage.
- iii. Upon completion of the residency training program, health coverage will be terminated effective the next day (i.e. Resident will not be covered on July 1st if their program completion date is June 30th). For any resident terminated at any

time other than upon program completion, coverage will be terminated at the end of the month in which termination of employment occurs.

- iv. Residents and their dependents are permitted to continue health insurance coverage, typically for up to eighteen (18) months following loss of eligibility under the group plan, at their own expense, through COBRA Continuation Coverage. Plans are available for both out-of-area and local (Western NY) coverage.

b. University Privileges

- i. Upon receipt of all necessary paperwork, each resident will receive the faculty title of Clinical Assistant Instructor at the State University of New York, University at Buffalo School of Pharmacy and Pharmaceutical Sciences. As such, residents are granted permission to use all campus facilities, such as libraries, gymnasium and parking according to University faculty guidelines. Residents may also attend University at Buffalo events at the faculty rate. After all employment requirements have been met, the resident can obtain a faculty ID card.

**Appendix A: Certification of Physician or Practitioner
(Family and Medical Leave Act of 1993)**

1. Employee Name: _____
2. Patient Name (If other than employee): _____
3. Diagnosis: _____
4. Date condition commenced: _____
5. Probably duration of condition: _____

IF THIS CERTIFICATION RELATES TO CARE FOR THE EMPLOYEE'S SERIOUSLY ILL FAMILY MEMBER, SKIP ITEM 6, 7 AND 8 AND PROCEED TO ITEMS 9 AND 10. OTHERWISE, CONTINUE BELOW.

6. Is inpatient hospitalization of the employee required? Yes No
7. Signature of Physician or Practitioner: _____
8. Print Name of Physician or Practitioner: _____
9. Date: _____

ITEMS 9 AND 10 ARE TO BE COMPLETED BY THE EMPLOYEE NEEDING FAMILY LEAVE.

10. When Family Leave is needed to care for a seriously ill family member, the employee shall state the care he or she will provide and an estimate of the time period during which this care will be provided, including a schedule if leave is to be taken intermittently or on a reduced leave schedule: _____

 11. Estimate the period of time care is needed or the employee's presence would be beneficial:

- Employee signature: _____
- Date: _____

*Adapted from form WH-380
U.S. Department of Labor Employment Standards Administration Wage and Hour Division*