

## **HOLIDAY BENEFIT**

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New Haven observes several paid holidays (holidays are updated annually and posted each year):

See “CURRENT YEAR HOLIDAY SCHEDULE” in the Appendix

Holiday benefits differ depending on the job classification, your position, and/or the department to which you are assigned. Look for your benefits under your classification and/or department. If you are not certain which benefit applies to you, please check with your supervisor.

### **DIRECT CARE – NON-EXEMPT REGULAR EMPLOYEES**

- Holidays are observed on the day on which the designated holiday occurs. If the employee does not work the holiday and is scheduled for a shift, the holiday benefit is forfeited. Those whose shifts are cancelled within 72 hours of a holiday will be provided with a stipend for remaining available for the shift when approved and communicated in advance by the department director.
- Non-exempt full time and/or part time employees will receive double time pay for any hours of work on the actual holiday regardless of whether it is one or two shifts. However, only hours on the holiday are subject to double time. Shift hours that do not fall on the holiday and/or employee’s who elect (voluntarily) to work on the holiday, with their supervisor’s approval, are paid at the employee’s regular rate of pay (unless eligible for overtime based on hours worked).
- All non-exempt full-time direct care employees working shifts on holidays receive double time regardless of whether or not they are within any wait period for other benefits.

### **ON-CALL / TEMPORARY EMPLOYEES**

- On-Call and/or temporary employees are not eligible for holiday pay benefits.

### **EXEMPT EMPLOYEES & ADMINISTRATIVE SUPPORT STAFF NON-EXEMPTS:**

- To be eligible for holiday pay, you must be regularly scheduled to work on the day on which the holiday is observed and must work your regularly scheduled working days immediately preceding and immediately following the holiday, unless an absence on either day is approved in advance by your supervisor.
- Regular part-time employees will receive compensation, for their regularly scheduled hours not to exceed 8 hours/day, if it is observed on a day on which they are normally scheduled to work.
- When a holiday falls on a Saturday or Sunday, the holiday may be observed on the proceeding Friday or the following Monday. However, New Haven may close on another day or grant compensating time off instead of closing.
- Holiday observances will be announced in advance.
- Non-exempt employee’s eligibility for holiday pay begins the first pay period after completion of the 90-day introductory period.
- Exempt employees have no waiting period for holiday pay. (See exception under Floating Holiday).

Reminder: Holiday pay does not count as “hours worked” for purposes of calculating overtime.

If you are an exempt employee and your job requires that you work on a holiday, you may be eligible for another day off upon scheduling approval by your immediate supervisor

### **TEACHERS (See under Teacher Section, Page 3)**

## **FLOATING HOLIDAY**

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In addition to the observed holidays listed in the Current Year Holiday Schedule, all regular full-time and regular part time staff members (except teachers) are entitled to a floating holiday each year.

- Non-Exempt employees are not eligible to schedule a floating holiday until they have completed their 90-day Introductory Period.
- Part Time employees receive a Floating Holiday on a prorated basis.
- New Hires, both Exempt and Non-Exempt, hired in the months of October – December will not receive a floating holiday in their first year of employment.

You may schedule your floating holiday on any day in the month in which we have designated as available for an additional holiday (see holiday schedule) or for the day in which your birthday or New Haven anniversary occurs. Floating holidays must be scheduled in advance, approved by your supervisor, and used in lieu of one of these events.

If you terminate employment, you will not be compensated for an unused floating holiday.

## **VACATION BENEFIT**

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All New Haven **regular full time and regular part time** employees (except teachers, see Teacher Addendum section) are entitled to vacation based upon their years of active service (see appendix for schedules relative to your status and classification). Because we place a high value on your physical and emotional health; we both encourage and promote that you be sure to take time away from work at least once each year. Vacation time provides you with a benefit to enjoy rest and relaxation away from work without loss of pay. We encourage you to use a minimum of 40 hours of your vacation at one time annually so that you fully benefit from needed rest and relaxation

**Scheduling:** Time off for vacations should be scheduled in at least two weeks in advance to provide adequate coverage of job responsibilities and staffing requirements (unless unforeseen events occur). Your supervisor will make final determinations and approve any vacation requests based on seniority and the needs of the department/facility.

For purposes of vacation eligibility, active service commences with an employee's first day of work and continues thereafter unless broken by an absence without pay, a leave of absence, or termination of employment. Eligible part-time employees accrue time off for vacation on a pro rata basis.

### **Guidelines:**

- Time off, if earned, can be taken any time after the employee's first day of employment, whenever work schedules permit (remember that non-exempt employees do not begin accruing vacation time until the first payroll following a 90 day period of employment).
- An employee whose employment terminates will be paid for accrued, unused vacation time. Vacation does not accrue if you are on an unpaid leave (Leaves of absence are considered unpaid periods of time of more than a full payroll cycle for administration purposes).
- You may not use paid time off, whether vacation or sick, before its accrual. However, should unearned vacation ever be advanced before it is fully earned because of an error or because it is feasible to New Haven to do so and you resign or are terminated, New Haven may recover any vacation, *advanced but unearned, from final wages*.
- Vacation hours are accumulative with no limit on the maximum number of hours an employee may accumulate; however, New Haven reserves the right to require you to take a minimum number of hours per year.
- You will be compensated for unused vacation at the time of termination.

**USE OF VACATION BEFORE / DURING LEAVES**

You are not required to take accrued and unused Vacation Time Off nor any Paid Sick Time before taking an unpaid leave or having unpaid absences. (See Section under Leaves of Absence).

Employees who are absent because of their own disability may be eligible for State Disability Insurance (SDI) benefits. SDI payments do not begin until after you have been absent from work for 7 calendar days. If you have accrued sick or vacation time available, either may be used on working days before SDI payments begin and/or to supplement SDI payments. (Absences designated as sick, will be charged to your sick bank first before reductions to vacation time are deducted).

**SICK TIME BENEFIT**

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Sick time (aka salary continuation) is a form of insurance that employees accumulate in order to provide a cushion for incapacitation due to illness. It is intended to be used only when actually required to recover from illness or injury or for illness or injury of kin (see Kin Care policy); sick time is not for "personal" absences. Time off for medical and dental appointments will be treated as sick time.

All regular full-time and part-time employees are eligible to participate in New Haven's sick time plan when absent due to personal illness or disability. Exempt employees are eligible to receive salary continuation immediately upon hire (or on the first payroll payday following the date of becoming exempt) and Non-Exempt employees are eligible to begin accruing salary continuation on the first payroll following 90 days of service).

The following conditions apply to the usage of sick time:

- Each calendar year, all full time employees will be afforded an accrual of hours for sick time for use during the calendar year for their illness (or to care for a the illness/disability of an immediate family member).
- Unused sick time may be banked for use in the event of an extended illness with an annual option during our Open Enrollment period for rollover into vacation as determined by the company. See Appendix for current accrual earnings based on your status/classification and the current end of benefit plan year (Oct 1<sup>st</sup>) rollover options.
- Sick time does not accrue and will not be paid out at termination.
- New Haven will not tolerate abuse or misuse of this sick leave privilege. If you are absent longer than 3 days due to illness, medical evidence of your illness and/or medical certification of your fitness to return to work satisfactory to New Haven may be required before we honor any sick pay requests.
- New Haven may withhold sick pay if it suspects that sick leave has been misused.

**TEACHER BENEFITS - ADDENDUM**

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The New Haven Non-Public School ceases operation from its educational program from time to time. Teachers receive vacation time off in accordance with the New Haven academic calendar. This is communicated upon hire and reviewed annually. There is no accrual.

**VACATION BENEFIT:**

Teachers employed by New Haven and actively working during the vacation recess are entitled to receive vacation pay. New Haven reserves the right to amend these weeks annually on or before the beginning of the calendar year; however, expected periods include winter recess, spring recess, and summer recess in addition all communicated teacher holidays (see Appendix for Current Year's Teacher Holidays). New Haven further reserves the right to substitute planning days during teacher holidays that are not New Haven employee holidays based on New Haven need. Should this occur, teachers will given notice at least 30 days in advance whenever

possible and offered an alternative day off in lieu of the scheduled planning day. A teacher who terminates employment will not be paid for vacation days (recesses) that have not yet occurred.

### **SICK TIME:**

Full time and Part Time Teachers receive paid sick time, designed to provide time off without loss in pay for personal illness, family illness, medical and dental appointments, or other business as follows:

- Sick days will be accrued each pay period of employment according to the Teacher Addendum schedule for use as needed as indicated above.
- Teacher Sick time is not eligible for any vacation benefit rollover that may be afforded non-credentialed positions.
- Teachers will not be paid for any unused sick days at termination or at anytime; however, sick time can be carried over each year with no maximum number of hours.
- Part time teachers receive a prorated share of sick time based on their hours scheduled.

### **SUBSTITUTE TEACHERS**

Substitutes eligible for benefits as defined by the primary status or classification (i.e. non-exempt, regular employee status). Substitutes are not paid for teacher vacations nor are they eligible for the teacher sick time accrual, unless afforded so based on their full or part time status.

### **KIN CARE BENEFIT**

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Employees may use up to one-half of their annual sick time to attend to not only a child but a parent, spouse, domestic partner, or domestic partner's child who is ill. Leave for this purpose may not be taken until it has actually banked for the current year.

For purposes of sick leave use, a "child" is defined as a biological, foster, or adopted child; stepchild; or a legal ward. A "child" also may be someone for whom you have accepted the duties and responsibilities of raising, even if he or she is not your legal child.

- A "parent" is your biological, foster, or adoptive parent; stepparent; or legal guardian.
- A "spouse" is your legal spouse according to the laws of California, which do not recognize "common law" spouses (a union that has not been certified by a civil or religious ceremony). All conditions and restrictions placed on an employee's use of sick time apply also to sick time used for care of a child, parent, or spouse.
- A "domestic partner" is another adult with whom you have chosen to share your life in an intimate and committed relationship of mutual caring, and with whom you have filed a Declaration of Domestic Partnership with the Secretary of State.
- A "domestic partner's child" is the biological, foster, or adopted child; stepchild; or legal ward of your domestic partner. A "domestic partner's child" also may be someone for whom your domestic partner has accepted the duties and responsibilities of raising, even if he or she is not your domestic partner's legal child.

### **BEREAVEMENT TIME**

New Haven grants time off to employees in the event of the death of one of your immediate family members. We define "immediate family" as the employee's current spouse, domestic partner, children (including stepchildren, adopted child or any children for whom the employee has parenting responsibilities), parents (including stepparents, foster parents, parents-in-law and domestic partner's parents), legal guardian, siblings, grandparents, or grandchild; or mother-, father-, sister-, brother-, son- or daughter-in-law.

An employee, who has completed their 90-day Introductory Period, with such a death in the family may take up to 3 consecutive scheduled workdays off with pay with the approval of your supervisor. Additional unpaid time off may also be considered to arrange for and/or attend funerals, particularly those out-of-state, with supervisory approval (see under leave of absence process).

## **INSURANCE BENEFITS**

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New Haven offers all full-time and part-time employees a wide range of benefits from which to choose - coverage that protects the health and well being of you and your family. At the time of your eligibility, Human Resources will work with you to help to understand the plans available and meet your family's needs. We encourage you to make yourself familiar with the benefits available to you so that you are protected in the event of a personal or family emergency.

New Haven reserves the right to modify or discontinue any of our employee benefits or plans at any time; however, in the event that any changes occur, you would be promptly notified. Our current annual enrollment period for benefit plans is in the month of September with an October 1 effective date, unless otherwise specified. See the Current Year's Benefit Election Form to evaluate the costs of any benefits in which you would like to participate, when eligible. Below is a brief summary of options:

### **MEDICAL BENEFITS** (Medical, Dental, Vision Insurance)

New Haven believes that the health benefit component of our compensation program is an important and critical benefit. We provide you with several comprehensive insurance plans that you may elect for yourself and your dependents. We continue to make it a priority to contribute a substantial portion towards the costs of the medical and/or dental premium for your portion of the insurance premium. Dependent coverage, for eligible dependents, is also available although it is typically paid for by you through a pretax payroll deduction. We also offer these benefits, on a prorated basis, to part time employees (those who are scheduled to work more than 20 hours).

*Eligibility is as follows:*

**Full & Part Time, Exempt and Non-Exempt Employees** –employees are eligible to enroll in medical, dental, and vision plans when first eligible (see Appendix for benefit eligibility timings based on classification and hire date), during our annual Open Enrollment period in September (effective October 01), and/or during any eligible change in status period (i.e. marriage, loss of spouse's coverage, etc.).

**Temporary or On-Call Employees** – are not eligible for benefits, including medical insurance. (If temporary/on-call employees convert to FT/PT they will become eligible on the first of the month in which they have satisfied an equivalent waiting period based on their FT or PT status, based on a 20/hour per week minimum).

Of course, should you terminate from New Haven, you will have the right to continue coverage under the health insurance program for a limited period of time at your own expense. See the section under COBRA.

### **LIFE INSURANCE**

New Haven provides voluntary, non-contributory life insurance, Accidental Death and Dismemberment (AD&D,) and additional Short Term Disability (STD) insurance plans to all FT/PT employees under the same eligibility requirements as indicated above.

You may have the right to continue this voluntary coverage at your own expense if you terminate your employment with us either through portability and/or conversion options. These options must be exercised within 31 days of your termination. Please check with Human Resources if you wish to exercise these rights.

### **RETIREMENT PLAN**

New Haven provides a 403B option for employees to assist you in planning for your retirement. For information regarding eligibility, contributions, benefits, and tax status, contact the Human Resources for an appointment.

**SECTION 125 PLAN (Flexible Benefit Plan)**

New Haven offers a plan that allows you to make contributions towards medical, dental insurance and out-of-pocket medical expenses as well as dependent care expenses on a pre-tax rather than an after tax contribution basis. Although not an “insurance benefit”, we have included this under the topic here because it relates to and helps shelter your health insurance costs as well as your out-of-pocket medical and dependent care expenses.

If you elect to participate in this plan (you will be eligible to complete an election form when you are eligible for your other insurance benefits), you may elect to have your gross pay reduced by a predetermined amount equal to your contributions for out-of-pocket medical or dependent care expenses. Once you have elected to do this, you cannot make any changes to your coverage and/or to your contributions until our annual enrollment period (Unless you are eligible due to a Change in Status. Eligible changes allow you a 30 day time window to make changes as a result of a change in family status such as a marriage, divorce, death of a spouse/child, birth or adoption of a child, or termination of employment). .

If you decide to make contributions towards your medical/dental and/or dependent care costs, you will want to budget carefully. Under Federal law, monies cannot be interchanged between medical/dental and dependent care, and unused monies will be forfeited at the end of the plan year (unless a legally approved extension to our plan is in effect). New Haven's plan year is October 1 – September 30<sup>th</sup>.

**NEW MOTHER “PRIVATE ROOM” BENEFIT**

New Haven will make every effort to reasonably accommodate employees in a private location at or close to your work location for those who wish to express breast milk at work during break and/or lunch times. If additional time is required, please let us know so that we can find a reasonable and safe solution for you, without seriously disruption to our operations.

**DOMESTIC PARTNERS Statement and Policy**

New Haven seeks to promote acceptance of diversity in all its dimensions, including sexual orientation. In light of this goal, the benefits provided to domestic partners are the same benefits as provided to spouses of legally married employees.

- A. Domestic partners are persons who:
- Are at least 18 years of age, and of the same gender.
  - Are competent to contract at the time the domestic partnership statement is completed.
  - Are not legally married to any person and not related in any way that would prohibit marriage in our state of operation.
  - Are each other's sole domestic partner.
  - Share permanent residence.
- B. Domestic partners must have at least three of the following:
- Joint lease, mortgage or deed.
  - Joint ownership of vehicle.
  - Joint ownership of a checking account or credit account.
  - Designation of the domestic partner as beneficiary for the employee's life insurance or retirement benefits.
  - Shared household expenses.
- C. A declaration of a domestic partnership will be required for coverage under the group health, dental, and/or dependent life/ADD. An employee who wishes to register a domestic partnership needs to contact the Human Resources Department for information and the registration form. Upon receipt of a properly completed form, the Department will consider the partnership registered as of the date on the signature on the form.
- D. Children of domestic partners are eligible for benefits under the same conditions as are the children of employees' legal spouses.
- E. Enrollment of domestic partners and eligible dependent children are subject to the same rules as enrollment of other dependents.
- F. Domestic partners and their enrolled dependents receive the same or equivalent benefits as spouses and their enrolled dependents receive for group continuation health coverage through COBRA and/or individual conversion.
- G. An employee may terminate a domestic partnership by notifying Human Resources in writing of the termination of the domestic partnership within thirty days of its termination. (The same guideline exists for married couples that divorce.) The employee must then wait six months from the date of the notice before registering another domestic partnership, except in either of the following cases:
- The employee is registering the same domestic partnership within thirty days notification of the termination of that domestic partnership, or
  - The employee's former domestic partnership was dissolved through the death of the employee's domestic partner.

The tax consequences of a domestic partnership are the responsibility of the employee, not New Haven. Under the Internal Revenue Code, an employee is not taxed on the value of benefits provided by an employer to an employee's spouse or dependent. However, the IRS has ruled that a domestic partner does not qualify as a spouse for tax purposes.

Questions regarding this policy should be directed to the Human Resources Department.

**STATE DISABILITY INSURANCE (SDI)**

Each employee contributes to the State of California to provide disability insurance mandated by the California Unemployment Insurance Code. Contributions are made through a payroll deduction. Disability insurance is payable when you cannot work because of illness or injury not caused by employment here at New Haven or when you are entitled to temporary workers' compensation at a rate less than the daily disability benefit amount. Specific rules and regulations governing disability are available from the Human Resources Department.

State of California Paid Family Leave may be available for employees who cannot work to care for a family member who is seriously ill or to bond with a new child.

Additional disability coverage may be offered to you at your own expense as part of our benefit products.

**UNEMPLOYMENT**

New Haven contributes thousands of dollars each year to the California Unemployment Insurance Fund on behalf of its employees.

**SOCIAL SECURITY**

Social Security is an important part of every employee's retirement benefit. New Haven pays a matching contribution to each employee's Social Security taxes.

**WORKER'S COMPENSATION**

You are protected by the Company's workers' compensation insurance policy while employed by New Haven, at no cost to you. The policy covers you in case of occupational injury or illness. Please review our policies and procedures regarding reporting occupational injury or illness or workplace hazards under Standards of Conduct, Safety.

**BENEFITS**

Employees who have a work-related illness or injury are covered by workers' compensation insurance (which may include medical treatment, loss of wages, and/or vocational retraining). However, workers' compensation benefits usually do not cover absences for medical treatment. When you report a work-related illness or injury, you will be sent for medical treatment, if treatment is necessary. You will be paid your regular wages for the time you spend seeking *initial* medical treatment. Any further medical treatment will be under the direction of the health care provider. Any absences from work for follow-up treatment, physical therapy or other prescribed appointments will not be paid as time worked. If you have accrued and unused sick time, the additional absences from work will be paid with the use of sick leave. If you do not have accrued, paid sick leave, or if you have used all of your sick leave, you may choose to substitute paid time off for further absences from work related to your injury or illness.

To ensure that you receive any workers' compensation benefits to which you may be entitled, you will need to:

- Immediately report any work-related injury to your supervisor and Human Resources;
- Seek medical treatment through our medical provider network (unless you have exercised your right to predesignate a doctor of your choosing) and follow-up care if required (see section under Health and Safety for specific procedures);
- Provide New Haven with a certification from the health care provider regarding the need for workers' compensation disability leave, as well as your eventual ability to return to work from the leave.

Upon submission of a medical certification that an employee is able to return to work after a workers' compensation leave, the employee under most circumstances will be reinstated to his or her same position held at the time the leave began, or to an equivalent position, if available. An employee returning from a workers' compensation leave has no greater right to reinstatement than if the employee had been continuously employed rather than on leave. For example, if you

were on workers' compensation leave, yet would have been laid off had you not gone on leave; or if the your position had been eliminated or filled in order to avoid undermining our ability to service resident's safely and efficiently during the leave, and no equivalent or comparable positions are available, then you would not be entitled to reinstatement. An employee's return depends on his or her qualifications for any existing openings. If, after returning from a workers' compensation disability leave, an employee is unable to perform the essential functions of his or her job because of a physical or mental disability, New Haven's obligations to the employee may include reasonable accommodation, as governed by the Americans with Disabilities Act.

**DOMESTIC PARTNERS Statement and Policy**

New Haven seeks to promote acceptance of diversity in all its dimensions, including sexual orientation. In light of this goal, the benefits provided to domestic partners are the same benefits as provided to spouses of legally married employees.

- A. Domestic partners are persons who:
  - Are at least 18 years of age, and of the same gender.
  - Are competent to contract at the time the domestic partnership statement is completed.
  - Are not legally married to any person and not related in any way that would prohibit marriage in our state of operation.
  - Are each other's sole domestic partner.
  - Share permanent residence.
- B. Domestic partners must have at least three of the following:
  - Joint lease, mortgage or deed.
  - Joint ownership of vehicle.
  - Joint ownership of a checking account or credit account.
  - Designation of the domestic partner as beneficiary for the employee's life insurance or retirement benefits.
  - Shared household expenses.
- C. A declaration of a domestic partnership will be required for coverage under the group health, dental, and/or dependent life/ADD. An employee who wishes to register a domestic partnership needs to contact the Human Resources Department for information and the registration form. Upon receipt of a properly completed form, the Department will consider the partnership registered as of the date on the signature on the form.
- D. Children of domestic partners are eligible for benefits under the same conditions as are the children of employees' legal spouses.
- E. Enrollment of domestic partners and eligible dependent children are subject to the same rules as enrollment of other dependents.
- F. Domestic partners and their enrolled dependents receive the same or equivalent benefits as spouses and their enrolled dependents receive for group continuation health coverage through COBRA and/or individual conversion.
- G. An employee may terminate a domestic partnership by notifying Human Resources in writing of the termination of the domestic partnership within thirty days of its termination. (The same guideline exists for married couples that divorce.) The employee must then wait six months from the date of the notice before registering another domestic partnership, except in either of the following cases:
  - The employee is registering the same domestic partnership within thirty days notification of the termination of that domestic partnership, or
  - The employee's former domestic partnership was dissolved through the death of the employee's domestic partner.

The tax consequences of a domestic partnership are the responsibility of the employee, not New Haven. Under the Internal Revenue Code, an employee is not taxed on the value of benefits provided by an employer to an employee's spouse or dependent. However, the IRS has ruled that a domestic partner does not qualify as a spouse for tax purposes.

Questions regarding this policy should be directed to the Human Resources Department.

## **LEAVES OF ABSENCE – WITHOUT PAY**

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### *Types of Leaves:*

Various types of Leaves of Absences are discussed below. Leaves are without pay, unless noted below, and will be restricted to the following:

**Family Medical Leave (FMLA & CFRA)**  
**Jury Duty & Witness Leave**  
**Military Leave**  
**Personal Leave**  
**Pregnancy Disability Leave**  
**Worker's Compensation Leave**  
**Misc. Other Mandated Leaves**

While regular attendance is critical to the care of our residents and our overall operation, New Haven recognizes that situations occur that may require you to need time off from work in addition to those times afforded by vacation and/or sick time.

There are a number of leaves available to all regular full-time and part-time employees. Some are governed by law and others are discretionary. Leaves are granted (or declined) on an impartial basis for specified periods under conditions agreed upon at the time the leave is granted. Unless specifically provided otherwise, all leaves of absence are available only on an unpaid basis (unless you choose to use paid sick time and/or available vacation hours). Every consideration will be given to your leave request based on your length of service, performance, responsibility level, and our ability to find a replacement during your absence, in addition to leaves governed by specific legal restrictions and obligations.

### **Combining of Leaves**

Under normal circumstances, it is not New Haven's policy to combine several leaves without pay consecutively (with the exception of those rights afforded under FMLA/PDL/CFRA). However, if an employee does request to combine several leaves consecutively, prior to approving or denying a request, supervisors should discuss with Human Resources.

### **Reinstatement/Resignations:**

The intent of an approved leave is to protect your seniority and benefits while you are on an inactive status. We will make effort to return you all aspects of your employment status that existed prior to the start of your leave when you are able to return and, in many cases, we are required to do that. However, due to our business needs, there will be times when we are not required to do so and your positions cannot be held open. In such cases, it may not be possible to guarantee you reinstatement to the same position and/or the same work schedule. If that happens, we will make every effort to find a suitable position for you; however, should you not accept any alternative work offered, we may consider that a voluntary termination of your employment.

Should you give notice of intent to resign voluntarily, accept other employment, falsify the purpose of the leave request, not maintain conduct, as agreed during your leave, and/or fail to return from an approved and/or extended leave, you may be deemed voluntarily resigned and be taken off the payroll.

### *Vacation, Holiday, & Seniority Benefits;*

The time that you are on an approved leave of absence is not considered time worked; therefore, certain benefits such as vacation/sick time will not accrue. If a paid holiday falls during your leave time, you will not receive holiday pay benefits. Unpaid absences within a pay period will be reported via your time sheet.

The timing of any salary and performance reviews may also be adjusted by the leave of absence period.

#### **REQUEST FOR LEAVE PROCEDURE:**

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During an approved leave, your service with New Haven is not interrupted. If you find that you need to be absent from work, you should do the following:

- Submit a Request for Leave *in writing* as far in advance as possible and be sure that you understand if your leave has been approved, the conditions of the leave, and/or understand any responsibilities you may have for continuation of any current benefits.
- Provide any documentation required by the leave and for any extension requested (depends on the leave – see specific types below.).
- Approvals and/or Denials of request for leaves of absence must be approved by the Human Resources Director and/or the Chief Executive Officer.
- Keep in touch with your supervisor or the Human Resources Director during your leave as indicated on the leave paperwork.
- Give prompt notice of any change in your anticipated return date.

#### **Required Use of Paid Sick Leave Before Unpaid Leave**

You are not required to take accrued and unused paid sick leave before taking unpaid leave, or having unpaid absences. Family and Medical Leave (under both state and federal law) is included in this requirement.

If you are absent for a reason that qualifies you for Paid Family Leave (PFL) payments, and you have not yet accrued or have no vacation available, you are not required to use any accrued and unused sick leave during the 7-day waiting period before PFL benefits begin.

PFL benefits do not replace all of your usual wages. Your PFL benefits will be supplemented with any accrued and unused sick leave if you so desire. If you have no sick leave, or once you exhaust your sick leave, accrued and unused vacation may be used to supplement your PFL benefits.

#### **CONTINUATION OF EMPLOYEE BENEFITS:**

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##### **Health Insurance**

Group health insurance coverage may be continued during a leave of absence, except as specified in various leave policies discussed below. New Haven will continue to pay the employer's share of the health insurance for employees on leaves of absence up to a maximum of 2 full months (during the month in which the leave began plus one full month) and/or through the expiration of your FMLA/CRFA leave, whichever is longer. You may continue your leave under COBRA if your leave time extends beyond that period.

- You must arrange for payment of your portion of the benefit costs during any leave time in excess of a full payroll cycle. It is your responsibility to arrange for payments during your absence before your leave commences. Payments of your portion of the benefit costs should be received by New Haven on or before each payday during your leave unless otherwise arranged in advance. Failure to do so can result in the lapse of insurance coverage. In some instances, New Haven retains the option to recover New Haven's contribution to the premiums, when legally allowed to do so; for example, if you fail to return to work following the leave and/or misrepresent the reasons for applying for a leave. Should you wish to discontinue medical coverage during a leave, see HR.
- An employee who converts to COBRA and then returns from leave of absence, no second waiting period is required.

## **LEAVE OF ABSENCE DESCRIPTIONS**

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### **ADMINISTRATIVE LEAVES**

Should you be the subject of an investigation that warrants your removal from your assigned responsibilities and/or the workplace, you will be placed on an unpaid Administrative Leave pending the results of an investigation. All efforts will be made to expedite the process as quickly, confidentially, and fairly as possible. Should it be determined that the investigation regarding any complaint and/or issue is not substantiated, management will review their ability to return you to your duties as long as they can do so without compromise to New Haven policies, program, and practices.

### **PERSONAL (EMERGENCY) LEAVE**

Personal time off without pay may be granted for a period not to exceed two weeks by the supervisor when circumstances warrant. Such time off may be for periods when an employee requires extra time away from work to care for family business matters that cannot be handled after working hours, marriage, bereavement, or for other personal reasons. Such time off is subject to the organization's ability to accommodate without undue disruptions and/or expense.

Emergency leaves exceeding two weeks must be approved by Human Resources and/or the Executive Director. Factors which will be considered prior to granting such time off are: urgency of the need, seniority, past attendance, frequency of occurrence, total time away from the organization, and New Haven operational needs. Extended personal leaves require that the employee be responsible for reimbursing New Haven for their share of the health care coverage during their absence and/or may require that the employee elect COBRA to retain health care coverage depending on the time approved (see Continuation of Health Care Premiums). All other employee benefits, i.e. vacation/sick accruals, holidays, etc. are discontinued during a personal leave.

### **MILITARY SERVICE LEAVE**

Employees called to service are eligible for certain benefits and job reinstatement. A copy of the USERRA Notice is included in our employment posters in the Training Room and in each of the Residential Facilities. All employees must provide advance written or verbal notice of the need for military leave, unless prevented from doing so by military necessity or if providing notice would be impossible or unreasonable. Should you be called to military service, contact Human Resources to determine needed information to process your leave request and determine notice requirements relative to your return to work after serving in the military.

### **JURY OR WITNESS DUTY LEAVE**

You may take time off work, without pay, to serve on a jury or as a witness as required by law, provided you give reasonable notice of the need for such time off. Although New Haven does not compensate employees for time off to serve as a juror or witness, accrued PTO benefits may be used during such absences.

## **FAMILY MEDICAL LEAVE ACT (FMLA)**

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The Family Medical Leave Act (“FMLA”) and California Family Rights Act (“CFRA”) provides up to 12 workweeks of unpaid family/medical leave within a 12-month period. You may be eligible if you have more than 12 months of service (or have worked at least 1,250 hours during the previous 12-month period before the need for leave) and seek leave for one or more of the following reasons:

- *The birth of the your child, or placement of a child with the you for adoption or foster care;*
- *To care for the your spouse, domestic partner, child, or parent who has a serious health condition; or*
  - *For a serious health condition of your own that makes you unable to perform your job.*

For purposes of calculating the 12-month period during which 12 weeks of leave may be taken, New Haven uses the 12-month period beginning from date in which leave period first begins.

Under most circumstances, leave under federal and state law will run at the same time and the eligible employee will be entitled to a total of 12 weeks of family and medical leave in the designated 12-month period. However, leave because of the employee’s disability for pregnancy, childbirth or related medical condition is not counted as time used under California law (CFRA). Time off because of pregnancy disability, childbirth or related medical condition does count as family and medical leave under federal law (FMLA). Employees who take time off for pregnancy disability and who are eligible for family and medical leave will also be placed on family and medical leave that runs at the same time as their pregnancy disability leave. Once the pregnant employee is no longer disabled, she may apply for up to 12 weeks leave under the California Family Rights Act, for purposes of baby bonding.

Any leave taken for the birth, adoption, or foster care placement of a child does not have to be taken in one continuous period of time. California Family Rights Act leave taken for the birth or placement of a child will be granted in minimum amounts of two weeks. However, New Haven will grant a request for a California Family Rights Act leave (for birth/placement of a child) of less than two weeks’ duration on any two occasions. Any leave taken must be concluded within one year of the birth or placement of the child with the employee.

### **Procedures:**

The following procedures shall apply when an employee requests family leave:

1. Please contact the Human Resources Director as soon as you realize the need for family/medical leave. (If the employee cannot provide 30 days’ notice, New Haven should be informed as soon as is practical.)
2. If the leave is based on the expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition for yourself or a family member, you must notify the New Haven at least 30 days before leave is to begin. Consult with your supervisor regarding scheduling of any planned medical treatment or supervision in order to minimize disruption to our operations. Any such scheduling is subject to the approval of your health care provider or the health care provider of the your child, parent, or spouse.
3. If the Family and Medical Leave Act/California Family Rights Act request is made because of the your own serious health condition, New Haven may require, at its expense, a second opinion from a health care provider that we choose. The health care provider designated to give a second opinion will not be one who is employed on a regular basis by us. If the second opinion differs from the first opinion, New Haven may require, at its expense, the employee to obtain the opinion of a third health care provider designated or approved jointly by both you and New Haven. The opinion of the third health care provider shall be considered final and binding on New Haven and you (employee).
4. New Haven requires you to provide certification within 15 days of any request for family and medical leave under state and federal law, unless it is not practicable to do so. We may require re-certification from the health care provider if additional leave is required.

5. If the leave is needed for to care for a sick child, spouse, domestic partner, or parent, you must provide a certification from the health care provider stating:
  - *Date of commencement of the serious health condition;*
  - *Probable duration of the condition;*
  - *Estimated amount of time for care by the health care provider; and*
  - *Confirmation that the serious health condition warrants your participation.*

If both the parents of a newborn or newly placed adopted or foster child are employed by New Haven, and request simultaneous leave for the birth or placement for adoption or foster care of a child, New Haven will not grant more than 12 workweeks total of family/medical leave (cumulatively) to the parents.

If you cite your own serious health condition as a reason for leave, you must provide a certification from the health care provider stating:

- *Date of commencement of the serious health condition;*
  - *Probable duration of the condition; and*
  - *Inability for you to work at all or perform any one or more of the essential functions of your position because of the serious health condition.*
7. New Haven will require certification by your health care provider that you are fit to return to your job. If you fail to provide certification of your fitness to return to work, your reinstatement may be denied until the certificate is obtained.

### **How Your Benefits are Affected**

When you take Family Medical Leave you will be allowed to continue participating in any health and welfare benefit plans in which you were enrolled in before the first day of the leave (for a maximum of 12 workweeks), at the level and under the conditions of coverage as if you had continued in employment for the duration of such leave. New Haven will continue to make the same premium contribution as if you had continued working. You must continue making your co-payments during this time. Payment is due on or before each payroll date (10<sup>th</sup> and 25<sup>th</sup>) for that month's coverage. so be sure to make arrangements with Human Resources before you go on leave. The continued participation in health benefits begins on the date leave first begins under Family and Medical Leave Act (e.g., for pregnancy disability leaves) or under the Family and Medical Leave Act/California Family Rights Act (e.g., for all other family care and medical leaves). In some instances, New Haven may recover from you premiums paid to maintain health coverage if you fail to return to work following family/medical leave.

Should your leave be extended for any reason beyond the State maximum, and/or you are no longer eligible for continued paid coverage, you may continue your group health insurance coverage through New Haven in conjunction with the federal COBRA guidelines. In that case you will make monthly payments to New Haven, or the health insurance provider, as designated on the COBRA election form for the account of the applicable premium. Employees should contact Human Resources for further information.

### **Vacation/Sick Time**

Paid leave *may be* substituted for unpaid leave at your discretion, regardless of whether the leave is for your own serious health condition, for the care of a family member, and/or for the birth or placement for adoptions or foster care of a child.

Employees on Family and Medical Leave Act/California Family Rights Act leave will not continue to accrue vacation/sick time during unpaid Family and Medical Leave Act/California Family Rights Act leave.

### **Your Return from Family Medical Leave**

Under most circumstances, upon return from family/medical leave, you will be reinstated to your original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. Essentially, your use of family/medical leave will not result in the loss of any employment benefit that you earned before using family/medical leave. However, you have no greater right to reinstatement than if you had been continuously employed rather than on leave. (For example, if an employee on family/medical leave would have been laid off had he or she not gone on leave, or if the employee's job is eliminated during the leave and no equivalent or comparable job is available, then the employee would not be entitled to reinstatement).

Reinstatement after family/medical leave may be denied to certain salaried "key" employees under the following conditions:

- *An employee requesting reinstatement was among the highest-paid 10 percent of salaried employees employed within 75 miles of the work site at which the employee worked at the time of the leave request;*
- *The refusal to reinstate is necessary because reinstatement would cause substantial and grievous economic injury to New Haven's operations;*
- *The employee is notified of our intent to refuse reinstatement at the time the Company determines the refusal is necessary; and*
- *If leave has already begun, the Company gives the employee a reasonable opportunity to return to work following the notice described previously.*

For additional information about eligibility for family/medical leave, contact our Human Resources Director.

### **Carryover**

Leave granted under any of the reasons provided by state and federal law will be counted as family/medical leave and will be considered as part of the 12-workweek entitlement in a 12-month period. The 12-month period is measured forward from the date any employee's first FMLA/CFRA leave begins. Successive 12-month periods commence on the date of an employee's first use of such leave after the preceding 12-month period has ended. No carryover of unused leave from one 12-month period to the next 12-month period is permitted.

### **Intermittent Leave**

You may take Family and Medical Leave Act / California Family Rights Act leave intermittently (in blocks of time, or by reducing their normal weekly or daily work schedule) if the leave is for the serious health condition of your child, parent, or spouse, domestic partner, or you, and the reduced leave schedule is medically necessary as determined by the health care provider of the person with the serious health condition. The smallest increment of time that can be used for such leave is 1 hour for non-exempt employees and 4-hour increments for exempt employees.

### PREGNANCY DISABILITY LEAVE (PDL)

Pregnancy, childbirth, or related medical conditions will be treated like any other disability, and an employee on leave will be eligible for temporary disability benefits in the same amount and degree as any other employee on leave.

Any female employee planning to take pregnancy disability leave should advise the Human Resources as early as possible. The individual should make an appointment with the HR representative to discuss the following conditions:

- Employees who need to take pregnancy disability must inform New Haven when a leave is expected to begin and how long it will likely last. If the need for a leave or transfer is foreseeable, employees must provide notification at least 30 days before the pregnancy disability leave or transfer is to begin. Employees must consult with the HR Director regarding the scheduling of any planned medical treatment or supervision in order to minimize disruption to our operations. Any such scheduling is subject to the approval of the employee's health care provider. If 30 days' advance notice is not possible, notice must be given as soon as practical;
- Upon the request of an employee and recommendation of the employee's physician, the employee's work assignment may be changed if necessary to protect the health and safety of the employee and her child;
- Requests for transfers of job duties will be reasonably accommodated if the job and security rights of others are not breached;
- Temporary transfers due to health considerations will be granted when possible. However, the transferred employee will receive the pay that accompanies the job, as is the case with any other temporary transfers due to temporary health reasons;
- Pregnancy leave usually begins when ordered by the employee's physician. The employee must provide New Haven with a certification from a health care provider. The certification indicating disability should contain:
  - The date on which the employee became disabled due to pregnancy;
  - The probable duration of the period or periods of disability; and
  - A statement that, due to the disability, the employee is unable to perform one or more of the essential functions of her position without undue risk to herself, the successful completion of her pregnancy, or to other persons.
- Leave returns will be allowed only when the employee's physician sends a release;
- An employee will be allowed to use accrued sick time (if otherwise eligible to take the time) during a pregnancy disability leave. An employee will be allowed to use accrued vacation (if otherwise eligible to take the time) during a pregnancy disability leave; and  
The duration of the leave will be determined by the advice of the employee's physician, but employees disabled by pregnancy may take up to four months. Part-time employees are entitled to leave on a pro rata basis. The four months of leave includes any period of time for actual disability caused by the employee's pregnancy, childbirth, or related medical condition. This includes leave for severe morning sickness and for prenatal care.

Leave does not need to be taken in one continuous period of time and may be taken intermittently, as needed. Leave may be taken in increments of 1 hour for non-exempt employees and 4-hour increments for exempt employees (the shortest period of time that the payroll system uses to account for absences or use of leave).

Under most circumstances, upon submission of a medical certification that an employee is able to return to work from a pregnancy disability leave, an employee will be reinstated to her same position held at the time the leave began or to an equivalent position, if available. An employee returning from a pregnancy disability leave has no greater right to reinstatement than if the employee had been continuously employee.

### **TIME OFF FOR VOTING**

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Employees not having sufficient time outside of working hours to vote in a statewide election, may, without loss of pay, take off up to two hours of working time to vote. Such time must be at the beginning or end of the regular working shift, whichever allows the most free time for voting and the least time off from working, unless otherwise mutually agreed. You must notify us at least two working days in advance to arrange a voting time.<sup>1</sup> Should you wish to serve as an election official on election day, you must notify us in advance of the request and we will work with you to honor it, on an unpaid basis

### **TIME OFF FOR SCHOOL**

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If you are the parent or guardian of a child who has been suspended from school, you may request time off if he/she needs to appear at the school in connection with that suspension. The time off may will be unpaid. You must give reasonable notice of the need for time off.

You may also be eligible for time off to attend activities at the school or licensed daycare of your child. If you have vacation time available, you may be required to use it for these purposes. If no vacation time is available, time off will be unpaid. There are limits to the hours allowed and documentation of your participation in the activity on a specific time and date will be required.

**RELIGIOUS ACCOMMODATION LEAVE**

It is New Haven's policy to make reasonable accommodations to the religious needs of employees and prospective employees. All leave requests for religious purposes must be discussed and approved by Human Resources and/or the Executive Director.

**VOLUNTEER CIVIL SERVICE LEAVE**

If you are a volunteer firefighters and other emergency personnel, you may take time off for certain purposes, as a temporary leaves of absence, up to a total of 14 days per calendar year, to engage in fire or law enforcement training. Again, this time is uncompensated by New Haven, although you may use accrued vacation time, if desired.

**CRIME VICTIMS LEAVE**

You will be allowed to be absent from work on an unpaid basis in order to attend judicial proceedings related to a crime committed against you. You must give New Haven appropriate documentation before the absence (unless not feasible).

**DOMESTIC VIOLENCE and SEXUAL ASSAULT VICTIM LEAVE**

If you are a victim of domestic violence or sexual assault you may also be eligible to take unpaid time off for certain purposes. Unless notice is not feasible, you must give reasonable advance notice of your intention to take time off. You will be asked to provide documentation. See HR for details.

**WORKER'S COMPENSATION and FMLA/CFRA**

Employees who are ill or injured as a result of a work-related incident, and who are eligible for family and medical leave under federal and state law (FMLA and CFRA), may be placed on FMLA/CFRA during the time they are disabled and not released to return to work. The leaves under these laws runs concurrently and eligible employees can take FMLA/CFRA for a maximum of 12 weeks off in a 12-month period beginning from date in which leave period first begins.

Employees will remain on worker's comp leave while disabled as a result of their work-related incident until they are able to return to work or are declared permanent and stationary by the insurance carrier.