VIRTUA

MANUAL TITLE HUMAN RESOURCES			POLICY NAME NJ SICK LEAVE	
MANUAL OWNER BENEFITS	**DATE OF ISSUE** OCTOBER 22, 2018	**DATE OF LAST REVIEW** JULY 28, 2022	**DATE OF REVISION** OCTOBER 22, 2018 JULY 28, 2022	**EFFECTIVE DATE** AUGUST 10, 2022
REVIEW INTERVAL 36 MONTHS	**REVIEWED / APPROVED BY: (Committees)** HUMAN RESOURCES			
INDEX NO. BEN-04-09	**RELATED POLICIES** ATTENDANCE & PUNCTUALITY: HOLIDAY PAY; FAMILY AND MEDICAL LEAVE; PERSONAL LEAVE OF ABSENCE; REHIRE OF EMPLOYEES; SEPARATION OF EMPLOYMENT			

THIS POLICY IS APPLICABLE TO: Virtua Health, Inc.
Virtua - Memorial Hospital Burlington County, Inc
Virtua - West Jersey Health System, Inc.
Virtua Memorial Burlington - Psych
Virtua Health and Rehabilitation at Mt. Holly
Virtua Health and Rehabilitation Center at Berlin
Virtua Home Care – Community Nursing Services
Virtua Home Care at West Jersey
Virtua Health Foundation, Inc
Virtua Medical Group
Virtua Our Lady of Lourdes Hospital, Inc. (as of 7/1/19)
Virtua Willingboro Hospital, Inc. (as of 7/1/19)
Health Management Services Organization, Inc. (as of 7/1/19)
Lourdes Medical Assoicates, PA (as of 7/1/19)
Lourdes Cardiology Servcies, P.C. (as of 7/1/19)

POLICY

It is the policy of Virtua to provide paid sick leave to qualified employees in accordance with New Jersey Law.

PROCEDURE

A. Eligibility

1. All employees are eligible to accrue and use paid sick leave in accordance with the following policy with the following exceptions:

   a. Bargaining unit employees are ineligible for paid sick leave as described in this policy unless the appropriate collective bargaining agreement provides for such eligibility. Bargaining unit employees are eligble for leave in accordance with the appropriate collective bargaining agreement.

   b. Per diem health care professionals licensed in their particular fields by the New Jersey Division of Consumer Affairs, or in the process of applying for such a license, are generally ineligible for paid sick leave as described in this policy. *This exception does not apply to per diem home health aides or per diem Virtua Medical Group employees/providers; these employees will accrue paid sick leave*.

c. Per diem paramedics and EMTs are ineligible for paid sick leave as described in this policy.

2. Employees eligible for both paid sick leave under the terms of this policy and for paid time off under the Paid Time Off policy shall have any such time run concurrently when applicable. Employees eligible for paid time off under the terms of the Paid Time Off policy shall only be eligible to take time under this policy when they have earned and unused time available under the terms of the Paid Time Off policy. **Employees eligible for paid time off under the terms of the Paid Time Off policy shall not accrue any additional time off under this policy.**

B. Permissible Uses for Sick Leave

Sick leave accrued under the terms of this policy may be used for the following reasons:

1. Time needed for diagnosis, care, or treatment of, or recovery from an employee's mental or physical illness, injury, or other adverse health condition or for preventative care for the employee;

2. Time needed for the employee to aid or care for a family member for any of the reasons listed in Section B(1) above;

3. Absence necessary due to an employee or a member of the employee's family being a victim of domestic or sexual violence, if the leave is to allow the employee or family member an opportunity to receive medical attention due to an injury (physical or psychological) resulting from the violence, obtain victim services, psychological or other counseling, relocate, obtain legal services, or participate in a legal proceeding related to the violence;

4. Time during which the employee is not able to work because, due to a public health emergency and by order of a public health authority, their normal work place or his or her child's school or childcare provider has closed; or

5. Time needed to attend a school-related conference, meeting, or event regarding the education of the employee's child, or to attend a school-related meeting regarding the child's health.

For purposes of this policy, the following definitions will apply:

1. "Child" means a biological, adopted, or foster child, stepchild, or legal ward of an employee, child of a domestic partner or civil union partner of the employee.

2. "Family member" means a child, grandchild, sibling, spouse, domestic partner, civil union partner, parent, or grandparent of an employee, or a spouse, domestic partner, or civil union partner of a parent or grandparent of the employee, or a

sibling of a spouse, domestic partner, or civil union partner of the employee, or any other individual related by blood to the employee or whose close association with the employee is the equivalent of a family relationship.

3. "Parent" means a biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or of the employee's spouse, domestic partner, or civil union partner, or a person who stood in loco parentis of the employee or the employee's spouse, domestic partner, or civil union partner when the employee, spouse, or partner was a minor child.

4. A "public health emergency" means that there is an emergency need for health care or medical services to respond to a disaster, significant outbreak of an infectious disease, bioterrorist attack or other significant or catastrophic event. In order for an employee to use sick leave for this reason, there must be a published **order by a local, state, or Federal public health authority** to close the workplace, school, or childcare provider. Closures due to snow and weather events generally will not qualify.

In certain circumstances (described below), an employee may be required to present documentation demonstrating the need for leave. An employee who fails to provide such documentation, when requested, may be subject to discipline. Fraudulently obtaining leave under the terms of this policy will likewise constitute grounds for discipline, up to and including possible termination of employment.

C. Accrual of Sick Leave

Employees eligible to accrue sick leave under the terms of this policy shall accrue one (1) hour of available sick time for every thirty (30) hours worked, up to a maximum of forty (40) hours of available sick time each calendar year (the "leave year").

Employees may carry over accrued and unused sick leave from leave year to leave year, but at no point shall any employee have more than forty (40) hours of sick leave available.

NOTE: *Employees eligible for paid time off under the terms of the Paid Time Off policy shall only be eligible to take time under this policy, up to a maximum of 40 hours per leave year, when they have earned and unused time available under the terms of the Paid Time Off policy.* ***Employees eligible for paid time off under the terms of the Paid Time Off policy shall <u>not</u> accrue any additional time off under this policy.***

D. Sick Time Scheduling

1. Sick leave available under this policy must be taken in increments of an employee's entire shift, as scheduled. For example:

a. If an employee wants to use sick leave for a medical appointment, he or she must take off the entire shift, as originally scheduled. If the employee only wants to take off a partial shift for a reason covered by this policy, the Department's normal PTO scheduling procedures would apply, and the time will not be counted as sick time under this policy.

b. If an employee is scheduled for a twelve-hour (12-hour) shift and cannot come to work due to illness, the employee must have twelve (12) hours of sick leave accrued to take a sick leave day under this policy. If the employee has fewer hours in his or her bank than needed to cover the full shift, the time will count as an unscheduled absence pursuant to the Attendance and Punctuality policy. However, employees may be able to take other available paid time off, such as PTO, if available and applicable to the specific situation.

c. Sick leave available under this policy may not be used for employees who arrive late for their shift or who leave early. Late arrivals/early departures will be handled pursuant to the Attendance and Punctuality policy, and employees will be eligible to take PTO, if available.

2. Scheduling and using **forseeable** sick leave.

a. Whenever the need for sick leave is foreseeable (e.g., for preventative medical care, recurring medical appointments such as physical therapy or a school conference), employees who intend to use sick time must notify their immediate Department Director/Supervisor in writing as soon as the need for leave is known, but no later than seven (7) days prior to the use of leave. Such notice must include the date the leave is to begin, the reason (without providing details of any medical condition or sexual or domestic violence matter), and the leave's expected duration.

b. *Employees are expected to make a reasonable effort to to schedule their usage of sick leave so as not to unduly disrupt their Department's operations*. When sick leave is requested for a **planned meeting or medical treatment**, the employee must consult with his or her supervisor and try to schedule the meeting/treatment at a time that minimizes the disruption to the unit/department. The employee should consult with his or her supervisor prior to scheduling the meeting/treatment in order to arrange a schedule that best suits the needs of both the employee and the unit/department.

3. Using **unforeseeable** sick leave.

a. If the reason for leave is not foreseeable (i.e., unexpected), an employee must follow applicable department/unit procedures for calling out, unless the

employee is unable to do so (for example, if the employee is receiving emergency medical care).

b. Employees who call out of work must provide a reason for the call out at the time of the call out. Employees should not provide details of any medical condition (unless requested due to infection prevention or patient care issues) or provide details of any sexual or domestic violence matter.

c. If the reason provided by the employee is for one of the permissible uses for sick leave under this policy, and sick leave is available to be used per the terms of this policy, the leader is responsible for designating the time as sick leave for payroll purposes. Employees do not need to affirmatively "request" to use sick leave for unexpected call outs.

d. If the employee does not want to use sick leave for a qualifying absence, the employee must notify their leader in writing via e-mail within 48 hours of the unscheduled absence, or before the end of the payroll period, whichever is sooner. In this case, sick leave will not be used and the time will count as an unscheduled absence pursuant to the Attendance and Punctuality policy.

e. If a reason for the call out is not provided by the employee, the leader should ask. If the employees refuses to provide a reason, the time will not be counted as sick leave under this policy and the time will count as an unscheduled absence pursuant to the Attendance and Punctuality policy.

4. Blackout Dates. Virtua may establish (1) dates on which employees will be prohibited from using foreseeable sick leave and (2) on which employees must provide documentation justifying the need to take unforeseen sick leave.

a. In addition to any dates Virtua may set in the future, employees may not take **foreseeable** sick leave on Blackout Dates, which are defined below as weekends, holidays, and special days. Employees who take **unforeseeable** sick leave on Blackout Dates must provide written documentation justifying the need to do so.

b. The following are referred to as "Blackout Dates" for purposes of this policy:

Weekends
Super Bowl (Sunday and Monday after)
Valentine's Day
Easter (Friday before through the Monday after)
Mother's Day
Memorial Day
Father's Day
Independence Day (Day before through day after)

Labor Day (and day after)
Halloween
Thanksgiving (Day before through the day after)
Christmas Eve through the day after New Year's Day, inclusive

c. For purposes of this policy, Blackout Dates are defined as the twenty-four (24) hour period beginning at midnight (0000) on the eve of the holiday/special day and ending midnight (0000) on the night of the holiday/special day.

5. Employees taking three (3) or more consecutive days of sick leave must provide reasonable docoumentation of the need for leave prior to taking leave or as soon as possible upon their return. A doctor's note, indicating the ability to resume full duty is required for any absence of three (3) or more days related to the employee's own illness or injury. Absences of three (3) consecutive calendar days or more generally requires a request for leave of absence (LOA) consistent with Virtua's Leaves of Absence policies (Section 5 of the Policy and Procedure Manual). Virtua also reserves the right the request documentation of the need for leave in other circumstances, such when the timing of an employee's request for leave raises a reasonable inference of fraud or abuse or when required under the Family/Medical Leave policy.

6. New employees eligible to accrue sick leave under the terms of this policy will begin accruing sick leave upon their date of hire, and may schedule and take sick leave after completing one hundred and twenty (120) calendar days of service.

7. Employees eligible for PTO under the terms of the Paid Time off policy will continue to accrue and use PTO as scheduled under the terms of that policy. Up to a maximum of 40 hours of earned and unused PTO per leave year may be designated as sick time under this policy, beginning on October 29, 2018.

E. Pay During Sick Leave

Employees will be paid during the Leave in accordance with Virtua policies [See BEN-04-04, Extended Sick Time (EST); BEN-04-07, Paid Time Off (PTO); and LOA-05-01, Family and Medical Leave (FMLA)].

F. Termination

Accrued and used sick time will not be paid out upon termination of employment from Virtua for any reason.

G. Enforcement/ Non-Retaliation

Time taken under the terms of this policy – up to a maximum of 40 hours in a leave year – is protected time and will not count as an occurrence under the Attendance and Punctuality policy.

Employees shall not be required to find their own coverage to take time off pursuant to this policy.

Retaliation against employees for exercising rights available under the terms of this policy is strictly prohibited. Any employee who believes that he or she has been subjected to retaliation for requesting or taking sick time as described by the terms of this policy, or who has questions related to this policy should:

1. Notify Human Resources immediately. Employees may contact their local Human Resources representative or call the HR Solutions Center at 856-761-3900 or extension 13900.
2. If the employee is uncomfortable in notifying his or her Human Resources representative or is not satisfied with the action or resolution after notifying a Human Resources representative, he or she should notify the next level of Human Resources Management.
3. The employee also may notify his or her direct supervisor or the next level supervisor using the chain of command.
4. Employees also always have the option of reporting issues/concerns to Virtua's Corporate Compliance Hotline: 800-268-0502.

Employees will be provided with a notice describing their rights to sick leave under the New Jersey Paid Sick Leave Law and a copy of the notice will be posted on the VINE, under the Compliance Corner. Employees who would like a copy of the notice should contact the HR Solutions Center at 856-761-3900 or extension 13900.