

**St. Louis College of Pharmacy**  
**Pharmacy Residency Programs**  
**Extended Absence Leave & Family Medical Leave Policy**

The St Louis College of Pharmacy recognizes that employees occasionally need to take time away from work to care for important family and medical needs, for personal reasons, or for military service. To meet these needs in a manner beneficial to the employee, their families, and St Louis College of Pharmacy, employees may consider several types of leave plans.

Any pharmacy resident request for extended absence will be individually assessed by the residency program director, Associate Dean for Post-Graduate Education, and a representative from any institution which serves as the primary employer of the pharmacy resident. More than **60** calendar days of leave of absence may result in dismissal of the pharmacy resident from the program. Missed time less than or equal to **60** calendar days may be rescheduled or extended in order to ensure satisfactory completion of the pharmacy residency program. The residency year may be adjusted to accommodate resident needs (ex. December used as rotation month or extension into the following summer months beyond the June 30<sup>th</sup> date of completion). Missed work must be rescheduled or extended when a preceptor is readily available for precepting (Monday – Friday).

Failure to comply may result in dismissal of the pharmacy resident from the program as determined by the residency program director (RPD), Associate Dean for Post-Graduate Education, and a representative from any institution which serves as the primary employer of the pharmacy resident. Any resident that is dismissed from the program will forfeit the completion certificate for the residency program. *For additional information, contact Human Resources and refer to the residency handbook regarding Resident Dismissal.*

The pharmacy resident is not eligible for Family Medical Leave Act (FMLA) benefits if he/she has been employed by the St Louis College of Pharmacy for less than 12 months.

If the pharmacy resident qualifies for FMLA, the resident must comply with the following policy of the St Louis College of Pharmacy Faculty and Staff Handbook.

**Family and Medical Leave Act (FMLA)**

1. **Basic FMLA Leave and Active Duty Leave:** Provided certain requirements are met, those employees who have been employed for at least 12 months **and** for at least 1,250 hours during the previous 12 month period may be entitled to up to 12 weeks of leave ***during a rolling twelve month period measured backward from the date leave first begins***, under the following circumstances:
  - i. The birth of a child and to care for such child or placement for adoption or foster care of a child;
  - ii. To care for an immediate family member (spouse, child under 18 years old or 18 or over that is incapable of self-care, or parent) with a serious health condition;
  - iii. Because of a serious health condition which renders the employee unable to work; or
  - iv. Because of any qualifying exigency arising out of the fact that your spouse, son (of any age), daughter (of any age) or parent, defined as a covered military member, is on active duty (or has been notified of an impending call or order to active duty) in the National Guard or Reserves or is a retired member of Armed Forces or Reserves and has been notified of an impending call or order to active duty in support of a contingency operation. Please note certain exigencies are limited to a certain number of days of leave.

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2. **Military Caregiver Leave:** An employee also may take Military Caregiver Leave to care for a spouse, son (of any age), daughter (of any age), parent or next of kin (as defined) who is a current member of the Armed Forces, including 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. A covered service member incurs a serious illness or injury for purposes of this paragraph when he or she is medically unfit to perform the duties of his or her office, grade, rank or rating.

Eligible employees are entitled to a total of 26 weeks of unpaid Military Caregiver Leave during a single 12-month period. This single 12-month period begins on the first day an eligible employee takes Military Caregiver Leave and ends 12 months after that date.

The leave entitlement described in this Section applies on a per-covered service member, per injury basis. However, no more than 26 weeks of leave may be taken within a single 12-month period by any covered employee. Even in circumstances where an employee takes other leave covered by the federal FMLA under numbers 1-4 in the Basic FMLA Leave and Active Duty Leave section above, the combined leave shall not exceed 26 weeks during that 12-month period.

3. **Definitions:** A “serious health condition” referenced in numbers (2) and (3) of the Basic FMLA Leave and Active Duty Leave section above means an illness, injury, impairment, or physical or mental condition that involves:
- i. In-patient care (i.e., an overnight stay) in a hospital or other medical care facility (including any period of incapacity or any subsequent treatment in connection with such in-patient care);
  - ii. Period of incapacity of more than 3 consecutive full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also involves (i) treatment 2 or more times by a health care provider or under the supervision of a health care provider within 30 days of the start of the incapacity, or (ii) treatment by a health care provider on at least one (1) occasion within 7 days of the start of the incapacity which results in a regimen of continuing treatment under the supervision of a health care provider;
  - iii. Any period of incapacity due to pregnancy, or for prenatal care;
  - iv. Any period of incapacity due to a chronic serious health condition requiring periodic visits of at least twice a year for treatment by a health care provider;
  - v. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, during which the employee (or family member) must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider; or
  - vi. Any period of absence to receive multiple treatments by a health care provider or under the supervision of a health care provider, either for restorative surgery after an accident or other injury, or for a condition that will likely result in a period of incapacity of more than 3 consecutive calendar days in the absence of medical intervention or treatment.

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A “qualifying exigency” referenced in number (4) of the Basic FMLA and Active Duty Leave section above refers to the following circumstances:

- i. Short-term deployment: to address issues arising when the notification of a call or order to active duty is seven (7) days or less;
  - ii. Military events and related activities: to attend official military events or family assistance programs or briefings;
  - iii. Childcare and school activities: for qualifying childcare and school related reasons for a child, legal ward or stepchild of a covered military member;
  - iv. Financial and legal arrangements: to make or update financial or legal affairs to address the absence of a covered military member;
  - v. Counseling: to attend counseling provided by someone other than a health care provider for oneself, for the covered military member, or child, legal ward, or stepchild of the covered military member;
  - vi. Rest and recuperation: to spend up to five (5) days for each period in which a covered military member is on a short-term rest leave period during a period of deployment;
  - vii. Post-deployment activities: to attend official ceremonies or programs sponsored by the military for up to 90 days after a covered military member’s active duty terminates or to address issues arising from the death of a covered military member while on active duty;
  - viii. Additional activities: for other events where the College and the employee agree on the time and duration of the leave.
4. **When spouses work together:** Eligible employees who are husband and wife are limited to a combined total of 12 weeks of leave during any 12 month period, if the leave is taken (1) for birth of a child; (2) for placement and care of a child; or (3) to care for a parent (but not “parent-in-law”) with a serious health condition. Where the husband and wife both have used a portion of the 12 week entitlement for one of the above purposes, each are entitled to the difference between the amount he or she has taken individually and 12 weeks to care for a child with a serious health condition or to treat their own serious health condition.
5. **Notice of need for FMLA Leave:** If the leave is foreseeable (e.g., birth or placement, planned medical care, leave due to active duty of immediate family member), the employee must provide at least 30 days advance notice to their immediate supervisor, who will advise the Human Resources Department. If circumstances prevent providing the 30 days advance notice, then the employee should provide as much notice as possible (ordinarily the same or next business day). If an employee fails to give the required notice for foreseeable leave with no reasonable excuse, the employee may be denied the taking of the leave until the employee provides adequate notice of the need for the leave. Employees must make every reasonable effort to schedule medical treatments so as not to disrupt the ongoing operations of the department.

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6. **Intermittent FMLA Leave:** Intermittent leave also may be available depending upon an employee's serious health condition or an employee's immediate family member's serious health condition. Intermittent or reduced schedule leave for the birth or placement of a child for adoption or foster care may only be taken with approval from Human Resources. Military Caregiver Leave may be taken intermittently or on a reduced leave schedule when medically necessary. Employees taking intermittent leave must follow the College's standard call-in procedures absent unusual circumstance. Employees must specify if the reason for the call-in is related to an FMLA intermittent leave as opposed to a non-FMLA illness. The employee must, however, make a reasonable effort to schedule medical treatment so as not to disrupt unduly College operations. Further, if the need for leave is foreseeable based on planned medical treatment, the employer reserves the right to transfer the affected employee temporarily to an alternate position with equivalent pay and benefits for which the employee is qualified, if the transfer better accommodates the requested leave.

7. **Documentation supporting FMLA leave:** Your reason for the leave must be covered under FMLA and you must provide a completed FMLA Certification Form supporting the need for the leave for any event other than birth of a child. Human Resources will provide employees with the appropriate form to certify a serious health condition. A request for reasonable documentation of family relationship verifying the legitimacy of FMLA Leave may also be required. The employee will have 15 days in which to return a completed Certification form following receipt of the form from the College. If the employee fails to provide timely certification after being required to do so, the employee may be denied the taking of the leave under FMLA. If the Certification form is incomplete or insufficient, an employee will be given written notification of the information needed and will have 7 days after receiving such written notice to provide the necessary information. If the form is complete but unclear the College reserves the right to have Human Resources contact the health care provider with the employee's permission and release. If there is reason to doubt the validity of the medical certification, a second opinion, at the expense of the College, related to the health condition may be required. If the original certification and second opinion differ, a third opinion, at the expense of the College, may be required. The opinion of the third health care provider, which the College and employee jointly select, will be the final and binding decision.

A request for Active Duty Leave must be supported by the Certification of Qualifying Exigency for Military Family Leave form as well as appropriate documentation, including the covered military member's active duty orders. A request for military Caregiver leave must be supported by the Certification for Serious Injury or Illness of Covered Service member form as well as any necessary supporting documentation.

8. **Recertification:** Under certain circumstances as provided by the law, including (but not limited to) situations in which the need or nature of the approved leave changes, the College may, in its sole discretion, require recertification of your serious health condition. The Company may also request recertification every year in which FMLA Leave is taken for any serious health condition that lasts longer than 1 year. In these situations you will have 15 days in which to provide, at your expense, a completed recertification form.

9. **Substitution of paid leave:** Employees are required to substitute and exhaust sick pay and vacation pay for leave requested. Such substituted paid time will run concurrently with, and be applied against, the 12

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week maximum. Use of sick and vacation time will follow the established rules for each benefit. For birth of a child sick leave may only be used for the period of disability associated with the birth with the remainder of FMLA using other types of paid time off. Employees do not continue to accrue time off while off leave. Holidays falling during an entire week of FMLA leave will be counted towards FMLA leave. For a partial week of leave the holiday will not count as FMLA leave. After paid leave finishes running the remainder of the leave will be unpaid. If an employee takes paid sick leave for a condition that progresses into a serious health condition the College may designate all or some portion of related leave taken under this policy as FMLA, to the extent that the earlier leave meets the necessary qualifications.

- 10. Benefits under FMLA leave:** During the 12 week maximum leave period, coverage under group health, dental, and voluntary life insurance plans, if any, will be maintained at the level and under the conditions coverage would have been provided had leave not been taken. Employees will be required to continue to pay their portion of any applicable premiums as if they had not taken leave and failure to do so may result in loss of coverage pursuant to the law. See Human Resources to make payment arrangements. If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the College will require the employee to reimburse the College the amount it paid for the employee's health insurance premium during the leave period.
- 11. Return to Work:** As a condition of returning to work from a leave granted pursuant to (3) above, the employee must timely present a certification from his/her health care provider that the employee is able to perform the essential functions of his or her position. Restoration will be denied until the certification is presented. An employee returning from leave under this Policy, who has complied with its terms, generally will be restored to the same (or equivalent) position the employee held prior to leave. A returning employee does not, however, have a greater right to restoration or other benefits than if the employee had been continuously employed during the leave period. Employees are to notify their supervisor and/or Human Resources of their intent to return to work at least two weeks prior to the anticipated date of return.

Date: April 15, 2014