

## Sick Leave Plan

**This policy applies to:** Full-time, part-time, time as reported (TAR) and temporary, faculty, residents, fellows, postdoctoral appointees, <sup>(1)</sup> Strong Staffing temporary employees, student employees (undergraduate students employed through Student Employment and graduate students not paid a stipend or fellowship in furtherance of their degree), Professional Administrative and Supervisory (PAS) staff (including those paid hourly), Part-time and full-time staff in a non-exempt job classification whose primary job is in divisions **10** (Central Administration), **20** (River Campus), **21** (College of Arts and Sciences), **22** (College of Engineering and Applied Science), **23** (Simon School), **24** (Warner School of Education), **30** (Eastman School of Music) or **70** (Memorial Art Gallery) <sup>(2)</sup>, and all TAR staff regardless of division, who work in New York State <sup>(3)</sup>.

*<sup>(1)</sup> Faculty, residents, graduate students and postdoctoral appointees should refer to their respective policy manuals for information about leaves in addition to this sick leave plan that may pertain to their specific appointments.*

*<sup>(2)</sup> To find your division go to HRMS<Main Menu<Self Service<Benefits< Benefits Eligibility Key. The first two numbers in the department number is your division.*

*<sup>(3)</sup> Employees working outside of New York State should contact Leave Administration to determine eligibility for sick time in accordance with the laws of the state where they work.*

*Full-time and Part-time Staff in non-exempt job classifications who work in Medical Center divisions should reference Policy 340: Paid Time Off (PTO) (<https://www.rochester.edu/policies/policy/pto/>).*

*Individuals represented by collective bargaining agreements receive benefits in accordance with those agreements.*

# I. Policy

In accordance with the New York State Sick Leave Law (NYSSL), effective January 1, 2021, all eligible employees will be provided protected time off to address mental or physical illness, injury, medical/preventative care or to address issues related to domestic violence for one's self or for a qualified family member, and for other purposes as may be permitted by the Law.

A "qualified family member" is defined as child, spouse/domestic partner, parent, sibling, grandchild, grandparent and child or parent of the employee's spouse/domestic partner. Child or parent relationships include: biological, foster, step/adoptive, legal guardian/ward and loco parentis.

Employees listed above will be eligible for a minimum of 1 hour of sick time for every 30 hours worked in a "calendar year" <sup>(4)</sup>, in accordance with the law. Specific sick time entitlements are listed below and are dependent upon job classification and job status (FT, PT, TAR).

*<sup>(4)</sup> Calendar Year for the sick time plan begins at the employee's anniversary date of benefit eligible status (for FT and PT nonexempt employees) or date of entry into TAR status.*

## II. Guidelines

### A. Sick time for Employees in Full-Time or Part-Time Non-Exempt Positions

Regular full-time and part-time staff in non-medical center divisions (as listed above) will receive 10 days of sick pay protection immediately upon appointment and at the start of each anniversary year provided they are actively at work in a benefit-eligible position. Unused sick time remaining at the end of an anniversary year may carry over and be combined with the 10 days of sick time available at the beginning of the subsequent anniversary year, up to a total accumulation of 20 days of sick time. For staff who remain a University employee but are not at work at the start of their anniversary year, the sick days will replenish upon return to active duty.

- a. **A Day of Sick Time:** Equals one-fifth of the staff member's standard weekly work hours. Sick days provide pay at the employee's regular rate of pay (including shift differential where applicable) for scheduled hours missed when the employee is unable to work due

to illness. Sick pay does not apply to bonus hours.

- b. **Reporting Sick Time:** Sick time (SIC) must be logged into the HRMS time and labor panel to allow for accurate administration of sick time balances and allow for mandated reporting for employees as required by law. See instructions for HRMS time and labor ([https://www.rochester.edu/human-resources/wp-content/uploads/2020/11/PST TL Guide Recording Sick PTO.pdf](https://www.rochester.edu/human-resources/wp-content/uploads/2020/11/PST_TL_Guide_Recording_Sick_PTO.pdf)).
- c. **Sick time use for Short Term Disability:** If an employee is unable to work due to illness for more than 7 calendar days, the employee shall apply for short term disability (see Policy 339: Short-Term Disability (<https://www.rochester.edu/policies/policy/short-term-disability/>)). Sick time can be used for the first seven calendar day elimination period.
- d. **Sick time use for a Job-Related Disability (Workers Compensation):** In the case of a job-related disability, days of sick pay may be used to supplement workers' compensation payments during the first seven calendar days of the work-related disability.

## **B. Sick Time for Hourly Paid TAR Staff and Faculty, students (including graduate students in add-on positions) and Strong Staffing Employees**

These faculty, staff and students will earn sick time through an accrual process based on actual hours worked in the amount of 1 hour of sick time for every 30 hours worked.

- a. **Reporting Sick Time:** Sick time (SIC) must be logged into the HRMS time and labor panel when an employee is unable to work his or her scheduled hours. This will allow for accurate administration of sick time balances and allow for mandated reporting for employees as required by law. See instructions for HRMS time and labor. ([https://www.rochester.edu/human-resources/wp-content/uploads/2020/11/PST TL Guide Recording Sick PTO.pdf](https://www.rochester.edu/human-resources/wp-content/uploads/2020/11/PST_TL_Guide_Recording_Sick_PTO.pdf))
- b. **Sick time use for Short Term Disability:** If an employee is unable to work due to illness for more than 7 calendar days, the employee shall apply for short term disability (see Policy 339: Short-Term Disability (<https://www.rochester.edu/policies/policy/short-term-disability/>)). Sick time should be used for the first seven calendar day elimination period.

- c. **Sick time use for a Job-Related Disability (Workers Compensation):** In the case of a job-related disability, days of sick pay may be used to supplement workers' compensation payments during the first seven calendar days of the work-related disability.

### **C. Sick Time for Employees in Exempt Positions**

Full-time, part-time and TAR (paid a salary) in the job classifications of faculty, resident, fellow, postdoctoral appointee and staff in PAS positions (including PAS paid hourly) will have sick time available to them as needed. Individual days missed for reasons under the sick leave plan will not impact pay.

- a. **Reporting Sick Time:** Sick time (SIK) must be logged into the HRMS time and labor panel to allow for mandated reporting for employees as required by law. See instructions for HRMS time and labor guide. Residents and Fellows will log time into Med Hub.
- b. **Sick Time Use for Short Term Disability:** If an employee is unable to work due to illness for more than 7 consecutive calendar days, the employee shall apply for short term disability (see [Policy 339: Short-Term Disability](https://www.rochester.edu/policies/policy/short-term-disability/) (<https://www.rochester.edu/policies/policy/short-term-disability/>)). Sick time should be used for the first seven calendar day elimination period.
- c. **Sick time use for a Job-Related Disability (Workers Compensation):** In the case of a job-related disability, days of sick pay may be used to supplement workers' compensation payments during the first seven calendar days of the work-related disability.

### **D. Terminations/Status Changes/Transfers**

- a. Any eligible employee (as listed above) who separates from the University will not receive a payout of sick time. Sick time balance will be purged and any employee rehired will earn sick time as a newly hired employee.
- b. Employees who transfer or change their standard hours and enter into a new sick plan

(i.e. PTO or TAR sick time) will keep their existing balance upon transfer into their new status and sick time going forward will be administered in accordance to the new sick time entitlements of that status (see Section II. A, B, and C above).

### **III. Procedures**

**A.** All eligible employees must follow departmental procedures for reporting scheduled and unscheduled sick time. However, a supervisor may not require the employee to disclose the confidential medical information for the employee or their family member.

**B.** All sick time must be recorded in HRMS time and labor using codes listed above (except for Residents/Fellows as noted above).

**C.** All sick time up to 56 hours (if earned) under NYSSL purposes is protected time under the law. Departmental procedures must reflect this protection. Protections under other federal and state regulations may also exist. Supervisors should consult with their HR Business Partner before taking corrective actions due to the use of sick time.

**D.** Employees may access a summary of sick time earned and used in HRMS.

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*The University reserves the right to interpret, modify, amend, or terminate any or all of the benefit plans at any time, including actions that may affect coverage, cost-sharing, or covered benefits. A paper copy of this information is available for free from Leave Administration.*

## **ABOUT THIS POLICY**

### **Policy Number**

337

### **Policy Group**

Human Resources

### **Issuing Authority**

Human Resources

### **Responsible Officer**

Kathy Miner

### **Contact Information**

[kathy.miner@rochester.edu](mailto:kathy.miner@rochester.edu) (mailto: [kathy.miner@rochester.edu](mailto:kathy.miner@rochester.edu))

## **ADDITIONAL RESOURCES**

**[Human Resources: Leave and Disability \(https://www.rochester.edu/human-resources/benefits/leave-disability/paid-sick-leave/\)](https://www.rochester.edu/human-resources/benefits/leave-disability/paid-sick-leave/)**

## **RELATED POLICIES**

**[Long-Term Disability Plan \(https://www.rochester.edu/policies/policy/long-term-disability-plan/\)](https://www.rochester.edu/policies/policy/long-term-disability-plan/)**

**[Short-Term Disability Plan \(https://www.rochester.edu/policies/policy/short-term-disability/\)](https://www.rochester.edu/policies/policy/short-term-disability/)**

**[Paid Time Off \(PTO\) \(Effective 01/01/2021\) \(https://www.rochester.edu/policies/policy/pto/\)](https://www.rochester.edu/policies/policy/pto/)**