OM 8.3.5 Sick Leave – Administrative, Supervisory, and General Staff

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About This Policy

Effective Date: July 1987
Last Updated: 9/30/2020
 Responsible University Office: Human Resources
 Responsible University Administrator: Chief Inclusion and Human Resources Officer

Policy

Clarkson’s overall goal is to improve the health and well-being of employees’ lives through health education and activities that support positive lifestyle changes thereby reinforcing that Clarkson is a great place to live, learn and work. The University recognizes that, at times, employees may be unable to work due to personal illness or injury, or an illness of a family member. During such circumstances, eligible employees may use sick leave. This policy is compliant with the NYS Paid Sick Leave Law that went into effect in September 2020.

Policy Summary

In accordance with the NYS Paid Sick Leave Law, eligible employees may take leave under this policy in 15 minute minimum increments for any of the following reasons:

1. The mental or physical illness, injury, or health condition of the employee or the employee’s family member, regardless of whether such illness, injury, or health condition has been diagnosed or requires medical care at the time that such employee requests such leave, as well as the diagnosis, care or treatment of the same;
2. An absence from work when an employee or an employee’s family member has been the victim of domestic violence, a family offense, sexual offense, stalking, or human trafficking, including leave to:
   a. Obtain services from a domestic violence shelter, rape crisis center, or other services program;
   b. Participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or the employee’s family members;
   c. Meet with an attorney or social services provider to obtain information and advice on, and prepare for and participate in, any criminal or civil proceeding;
   d. File a complaint or domestic incident report with law enforcement;
   e. To enroll children at a new school;
   f. Meet with a district attorney’s office; and
   g. Take any other actions necessary to ensure the health or safety of the employee or the employee’s family member, or to protect those who associate or work with the employee.

*An employee who has committed domestic violence, a family or sexual offense, stalking, or human trafficking is not eligible for leave under 2(a)-(f), nor may this leave be used on behalf of an employee’s family member who has engaged in any of these.

Definition of Terms in Statement

Eligible employees: All individuals employed by the University are eligible for sick leave under this policy, including exempt and non-exempt employees in full-time or part-time, regular, temporary or seasonal positions.

Family member: For purposes of this policy, “family member” is defined as an employee’s child (including biological child, adopted child, foster child, a legal ward, or a child for whom the employee stands “in loco parentis”), spouse, domestic partner, parent (including biological parent, foster parent, step-parent, adoptive parent, legal guardian, or an individual who stood “in loco parentis” to the employee as a minor child), sibling, grandchild or grandparent, and the child or parent of an employee’s spouse or domestic partner.

Confidential Information means individually identifiable health or mental health information, including but not limited to, diagnosis and treatment records from emergency services, health providers, or drug and alcohol abuse prevention or rehabilitation centers. Confidential information also means information that is treated as confidential or for which disclosure is prohibited under another applicable law, rule, or regulation.

Domestic Partner shall have the same meaning as Domestic Partner, as set forth in section 2961(6-a) of the New York Public Health Law.

Family Offense includes any offense enumerated in section 812(1) of the New York Family Court Act, where such acts are between current and former members of the same family or household, as defined therein.

Human Trafficking means an act or threat of an act that may constitute sex trafficking, as defined in section 230.34 of the Penal Law, or labor trafficking, as defined in section 135.35 and 135.36 of the Penal Law.

Mental Illness shall have the same meaning as mental illness, as set forth in section 1.03(20) of the New York Mental Hygiene law.

Net Income shall have the same meaning as entire net income, as set forth in section 208(9) of the New York Tax Law.
Preventative Medical Care means routine health care including but not limited to screenings, checkups, and patient counseling to prevent illnesses, disease, or other health problems.

Sexual Offense means any act, or threat of an act, specified within Article 130 of the New York State Penal Law.

Stalking means any act, or threat of an act, that constitutes the crime of stalking as defined by Article 120 of the New York State Penal Law.

Policy Statement

Regular full-time and part-time employees, other than those noted below will be provided with up to 12 sick days per fiscal year (July 1st to June 30th) on July 1st of each year based on the number of months worked.

- **Regular full-time staff employees:** Receive 12 sick days, which equates to 90 hours for those employees regularly scheduled to work 75 hours bi-weekly and 96 hours for those regularly scheduled to work 80 hours bi-weekly.

- **Regular full-time faculty employees:** Receive 10 sick days, which equates to the number of hours, worked bi-weekly and the number of daily hours of scheduled workweek.

- **Regular part-time faculty employees:** Receive 10 sick days, which equates to the number of hours, worked bi-weekly and the number of daily hours of scheduled workweek and based off a nine (9) month contract.

Sick leave during the first year will be prorated from an annual base allocation of 12 days based on hire date and will be available for use on their first day of employment.

Effective September 30, 2020, employees in the following positions or job classifications will accrue paid sick leave at a rate of one (1) hour for every thirty (30) hours worked up to a maximum of fifty-six (56) hours of sick leave in a fiscal year:

- **Temporary full-time or part-time employees:** Adjuncts, Visiting Faculty, Students, Per Diem, Seasonal

For individuals hired into these positions or job classifications on or after September 30, 2020, sick leave will begin to accrue on the first day of employment and will be available for use on or after January 1, 2021.

Union employees should refer to their applicable collective bargaining agreement for details regarding sick leave.

**Carryover:** Unused sick leave will carryover from one fiscal year to the next at a maximum of fifty-six (56) hours. The carryover time allows employees to have available time to use prior to new accruals. Employees will not be permitted to use more than:

- **Staff:** Twelve (12) days of sick leave per fiscal year (June-July)
- **Faculty:** Ten (10) days of sick leave per nine (9) month contract per fiscal year (June-July)
- **Temporary:** Accrued sick time earned per fiscal year (June-July)

Sick leave has no cash value and will not be paid out upon separation or termination from the University.

Upon return from sick leave, employees will return to the same position as held before the leave with the same pay, terms and conditions.

Depending on the reason for taking sick leave, for the employee’s own illness or the illness of a family member, absences exceeding five (5), consecutive workdays may qualify as Family and Medical Leave (FMLA), Short Term Disability (STD) and New York State Paid Family Leave (NYS PFL). Please refer to these policies or contact Human Resources for additional information.

Family Medical Leave Act (FMLA)
https://confluence.clarkson.edu/display/UPR/OM+8.1.13+Family%2C+Medical+and+Military+Leave+Act

Short-Term Disability (STD)
https://confluence.clarkson.edu/pages/viewpage.action?pageId=80609625

NYS Paid Family Leave (PFL)
https://confluence.clarkson.edu/display/UPR/OM+8.1.18+Paid+Family+Leave

All staff with scheduled work hours will notify their manager or designee each absent day at least one hour prior to their start time. Sick time will be tracked by department managers. Depending on University needs, departments may establish notification requirements for up to three hours prior to start time. Managers will communicate the appropriate time periods and methods of notification to employees at the beginning of each fiscal year.

All faculty should follow departmental procedures for canceling or rescheduling a class or office hours.

Sick leave beyond three (3) consecutive workdays may require a note from a licensed medical provider prior to returning to work. Contact Human Resources for more direction clarksonhr@clarkson.edu.

Employers shall not require an employee to pay any costs or fees associated with obtaining medical or other verification of eligibility for use of sick leave.
Employers shall not require an employee to provide confidential information, including the nature of an illness, its prognosis, treatment, or other related information, nor shall any employer require any details or information regarding leave taken pursuant to Section 196-b(4)(a)(iii) of the Labor Law (otherwise known as safe leave). An employer may not require that the attestation explain the nature of the illness or details related to domestic violence, sexual offense, family offense, human trafficking, or stalking that necessitates the use of safe leave.

Except where prohibited by law, an employer may request documentation from an employee confirming their eligibility to take sick leave under Section 196-b of the Labor Law where the employee uses leave for three or more consecutive and previously scheduled workdays or shifts. An employer cannot require an employee or the person providing documentation, including medical professionals, to disclose the reason for leave, except as required by law. Requests for documentation shall be limited to the following:

1. An attestation from a licensed medical provider supporting the existence of a need for sick leave, the amount of leave needed, and a date that the employee may return to work, or
2. An attestation from an employee of their eligibility to leave

Sick leave will be maintained in Kronos and PeopleSoft for all employees.

If a holiday occurs while out on sick leave, sick leave will not be deducted from your sick bank and you will receive holiday pay.

On Call or Travel Time does not count as hours worked and does not accrue sick time.

The University may take disciplinary action, up to and including termination, against an employee who uses leave for purposes other than those provided for under the law, or who lies to their employer in connection with taking such leave.

Any form of intimidation, retaliation, or discrimination against any individual for requesting or taking sick leave or filing a complaint for violations of this policy is strictly prohibited. The University is committed to enforcing this policy and prohibiting retaliation against employees who request or take sick leave under this policy, or who file a related complaint. If employees feel that they or someone else may have been subjected to conduct that violates this policy, they should report it immediately to Human Resources.

The University must provide employees with their accrual records within three (3) days of an employee submitting a request. All data must be kept on file and retained for six (6) years.