SICK LEAVE POLICY – NEW YORK CITY

New York University ("University") will provide paid sick leave to covered employees (as that term is defined below) working in New York City in accordance with the terms of this policy and New York City’s Earned Sick Time Act ("NYCESTA"). The provisions below set forth the coverage of this policy, the requirements for accrual and use of sick leave, and other procedures governing the request for and use of sick time.

Coverage

Subject to the exclusions listed in items (a)-(c) below, this policy covers full- and part-time Administrators and Professionals, Professional Research Staff, and other employees who perform work for the University within the City of New York for more than 80 hours in a year (hereinafter, “covered employees”).

a. This policy does not apply to University employees subject to a collective bargaining agreement ("CBA") that was in effect on April 1, 2014, until that CBA expires. This policy also does not apply to University employees subject to a CBA that expressly waives the provisions of NYCESTA and that provides benefits comparable to those under the NYCESTA. Please review the applicable CBA for more information on sick leave.

b. Full-time faculty should consult with the appropriate chairperson as to the applicable policy on sick leave.

c. Employees that do not perform at least 80 hours of work for the University within New York City should consult with the appropriate Human Resources (“HR”) Officer/HR Business Partner as to the applicable policy on sick leave.

Definitions

Year: For purposes of this policy, a year is the 12 month period running from the anniversary date of the employee’s first day of employment.

Continuous service: as defined this policy, includes continuous service as an employee of the University in any capacity, except that it does not include employment as a student employee. Continuous service includes leave time or other time off taken for any purpose recognized under University policy or applicable law, as well as any break in service recognized as continuous service under University policy or applicable law. Time of service is not counted more than once where an employee works contemporaneously in two or more positions with the University.

Family member:
- Child: Biological, adopted, foster child, step child, legal ward, child of an employee standing in place of a parent
- Grandchild
- Spouse
- Registered domestic partner
- Parent (including step-parent)
- Grandparent
- Child or parent of an employee’s spouse or domestic partner
- Sibling (including a half, adopted or step sibling)

Preventative medical care: Routine health care that includes screenings, checkups, and patient counseling to prevent illness, disease or other health problems.

**Use of Sick Time**

1. Sick leave can be used for one or more of the following purposes:
   a. The covered employee’s mental or physical illness, injury or health condition, or the covered employee’s elective surgery, including organ donations.
   b. The covered employee’s need for preventative medical care or for medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition.
   c. The care of a covered employee’s family member: (i) who needs medical diagnosis, care, or treatment of an illness, injury, or health condition, (ii) who needs preventative medical care, or (iii) who has elective surgery, including organ donations.
   d. Closure of the University due to a public health emergency (as declared by the Commissioner of the New York City Department of Health and Mental Hygiene or the Mayor).
   e. The covered employee’s need to care for a child whose school or child care provider is closed due to a public health emergency.

- Unless otherwise indicated, a covered employee may use sick leave in increments of no less than 4 hours.
- A covered employee can use up to 42 hours (6 days) of sick leave in a year for the care of a family member (assuming the employee has such hours available).
- If a covered employee is transferred to another division or location of the University within New York City, the employee shall be allowed to retain and use all accrued sick leave. If a covered employee separates from the University and is rehired within 6 months of separation, previously accrued unused sick leave shall be reinstated, and the covered employee can use sick days immediately upon rehire.

- Note: If an absence is due to injury sustained while on the job, please also refer to the University’s [Workers’ Compensation policy](#).

**Full-Time Covered Employees’ Amount of Sick Time**
This section applies to full-time covered employees who are not student employees (hereinafter, “full-time covered employees”):

- Beginning on the first day of a full-time covered employee’s (i.e., employees scheduled to work at least 35 hours per week) employment, he or she will receive and can use up to 84 hours (12 days) of sick leave during the year.

- To calculate the sick leave available to a full-time covered employee during each subsequent year:
  - First, determine the maximum allowance of sick leave available to the employee based upon his or her years of continuous service:
    - At the start of his or her 2\textsuperscript{nd} year of continuous service, a full-time covered employee is allotted 140 hours (20 days) of sick leave;
    - At the start of his or her 3\textsuperscript{rd}, 4\textsuperscript{th}, and 5\textsuperscript{th} years of continuous service, a full-time covered employee is allotted 280 hours (40 days) of sick leave;
    - At the start of his or her 6\textsuperscript{th}, 7\textsuperscript{th}, and 8\textsuperscript{th} years of continuous service, a full-time covered employee is allotted 420 hours (60 days) of sick leave;
    - At the start of his or her 9\textsuperscript{th} and 10\textsuperscript{th} years of continuous service, a full-time covered employee is allotted 560 hours (80 days) of sick leave; and
    - At the start of his or her 11\textsuperscript{th} or more years of continuous service, a full-time covered employee is allotted 840 hours (120 days) of sick leave;
  - and-
  - Second, subtract from the employee’s allowance the amount of sick leave he or she had used in the prior 12 month period on a rolling basis.

- If a full-time covered employee does not have at least 40 hours of sick leave available at the start of a given year, then the University will advance the balance of the time needed for the employee to have 40 hours of sick leave available at the start of the year.

- At no time will a covered employee not have at least 40 hours of sick leave available at the beginning of a given year and at no time can the employee receive or use more than the maximum allowance of sick leave available in a given year under this policy.

Example of sick leave calculation: A full-time covered employee begins his or her employment with the University on August 25, 2014 and utilizes 7 hours (1 day) of sick leave (on March 14, 2015) during his or her first year. Thus, on August 25, 2015 (at the start of the employee’s second year of employment), the employee will have 133 hours (19 days) of sick leave available. By March 14, 2016 (12 months since the employee took 7 hours (1 day) of sick leave), the employee will have a total of 140 hours (20 days) of sick leave available (assuming the employee has not taken any other sick days during the prior 12 months).

Part-Time Covered Employees’ Amount of Sick Time
This section applies to part-time covered employees who are not student employees (hereinafter, “part-time covered employees”):

A part-time covered employee (i.e., employees scheduled to work less than 35 hours per week) will receive and can use, at the start of his or her employment and each subsequent year of continuous service, a pro-rated share of the sick leave otherwise available to full-time covered employees.

➢ To calculate the sick leave available to a part-time covered employee during each year of continuous service:

  o First, divide the number of hours the employee works each week by 35 (i.e., the standard number of hours per week for a covered full-time employee);

  o Second, multiply that number by the maximum allowance of hours of sick leave available to a full-time covered employee based upon his or her years of continuous service (as set forth above);

- and -

  o Third, subtract from that number the amount of hours of sick leave he or she had used in the prior 12 month period on a rolling basis, as applicable.

➢ If a part-time covered employee does not have at least 40 hours of sick leave available at the start of a year, then the University will provide or advance, as applicable, the balance of the time needed for the employee to have 40 hours of sick leave available at the start of the year.

Student Employees’ Amount of Sick Time

This section applies to student employees only:

At the start of each year of employment, a student employee will receive and can use up to 40 hours of sick leave during the year. Unused time does not carry over into the next year and, thus, at no time may a student employee use more than 40 hours of sick leave in a year.

Procedures for Using and Confirming Sick Leave

1. A covered employee is required to provide his or her supervisor with advance notice (of up to 7 days), orally and/or in writing, of the need to use sick leave for foreseeable reasons. If the need for sick leave is unforeseeable, the covered employee is required to provide his or her supervisor with notice as soon as practicable. Should a covered employee have any questions regarding these notification procedures, please contact his or her supervisor or the appropriate human resource officer.
2. A covered employee may be asked for a date on which he or she is cleared to return to work.

3. A covered employee may be required to provide his or her supervisor with oral and/or written confirmation that the employee took sick leave for a permissible purpose. The covered employee will not be required to disclose the details of his or her family member’s injury, illness, or condition that necessitated the use of sick leave, except as required by law. Unless otherwise indicated by a covered employee’s supervisor, an employee can confirm that he or she used sick leave for a permissible purpose by logging into MyTime and selecting the reason for such use.

4. A covered employee may be required to provide documentation from a licensed health care professional concerning the employee’s use of sick leave, if the employee used more than 3 consecutive workdays for sick time. The documentation can confirm: the need for the amount of sick leave used, and that sick leave was used for a permissible purpose. Should a covered employee fail to provide such documentation (if requested) within 7 days of returning to work, the University can take disciplinary action against the employee, up to and including termination.

5. If a covered employee’s use of sick leave has lasted 4 or more consecutive work days, please contact Liberty Mutual at 888-339-6830 as soon as practicable. In addition, if a covered employee’s sick leave is subject to the provisions of the Family and Medical Leave Act (FMLA), please also contact Liberty Mutual at the number above to request a leave certification.

Miscellaneous

1. When a covered employee uses sick leave under this policy, the University will pay the employee what he or she would have earned for the amount of time and the type of work he or she would have performed at the time the leave was taken. The University will maintain all benefits for the covered employee during the paid sick leave period on the same basis as coverage would have been provided had the employee been working during that time.

2. A covered employee will not be paid for any remaining sick leave balance upon separation from employment.

3. Sick leave may not be used during vacation (as the covered employee was not scheduled to work during that time).

4. A covered employee will not receive sick leave while out on an unpaid leave of absence. When a covered employee returns to work from an unpaid leave of absence, he or she will receive the amount of sick leave to which he or she is otherwise entitled under the terms and conditions of this Policy.
5. Sick leave will run concurrently with any other leave covered and taken under federal or state law or pursuant to University policy, including but not limited to FMLA leave.

6. If a holiday occurs while a covered employee is on paid sick leave, the holiday(s) will not count against his or her sick leave bank.

7. The misuse of sick leave afforded under this policy may result in discipline (up to and including dismissal). Signs of possible misuse of sick leave include, but are not limited to, a pattern of: (i) using unscheduled sick leave on or adjacent to weekends, regularly scheduled days off, holidays, vacation, or pay day; (ii) taking leave on days when other leave has been denied; or (iii) taking leave on days when the employee is scheduled to work a shift or perform duties perceived as undesirable. Evidence that an employee engaged in an activity that is not consistent with the employee being sick or with the employee using sick leave for a preventive medical appointment may also indicate misuse of sick leave.

8. A covered employee cannot be retaliated against for requesting or using sick leave in accordance with this policy. Retaliation includes any threat, discipline, discharge, demotion, suspension, or reduction in an employee’s hours, or any other adverse employment action against an employee who exercises or attempts to exercise any right guaranteed under the policy.

9. The University keeps and maintains records for at least 3 years documenting compliance with the requirements of the NYCESTA, including employment, payroll and timekeeping records. The University will keep these records confidential unless the covered employee permits the University to disclose them or disclosure is required by law.