New York University
UNIVERSITY POLICIES

Title: Temporary Schedule Change Policy and Procedure – New York City
Effective Date: December 5, 2018
Supersedes: N/A
Issuing Authority: Executive Vice President
Responsible Officer: Human Resources

Statement of Policy

New York University (“University”) will provide covered employees with two (2) temporary schedule changes per year to accommodate a personal event, in accordance with the terms of this Policy and New York City’s Temporary Schedule Change Law (hereinafter, “the Law”). As defined below, this Policy sets forth the eligibility requirements for a temporary schedule change, the conditions for making a temporary schedule change, the process for requesting a temporary schedule change, and other related provisions.

To Whom the Policy Applies

This Policy covers employees who: (i) perform work for the University within the City of New York for 80 or more hours in a year and (ii) have been employed by the University for 120 or more days (hereinafter, “covered employees”).

Nothing herein preempts, limits, or otherwise affects the application of any other laws or University policies that provide comparable or superior benefits to employees.

Policy and Procedures

Permissible Purposes

A covered employee may make two (2) temporary schedule changes per year where the employee needs to:

• care for a minor child for whom the employee provides direct and ongoing care;

• care for an individual with a disability: (i) who is a family member or who resides in the employee’s household, and (ii) for whom the employee provides direct and ongoing care to meet the needs of daily living (hereinafter defined as a “care recipient”);

• attend a legal proceeding or hearing for subsistence benefits for the employee, a family member, or the employee’s minor child or care recipient; or

• for a purpose recognized under the New York City Earned Safe and Sick Time Act (“NYCESSTA”). For more information on the NYCESSTA, please visit: nyc.gov/dca.
(Each individually a “personal event,” and collectively “personal events.”)

*Note: A temporary schedule change may last up to one (1) business day per occasion, or alternatively, up to two (2) business days for a single occasion. Where a covered employee receives one (1) temporary schedule change for two (2) days, the University need not grant a subsequent request in that year.

**Types of Temporary Schedule Changes**

A temporary schedule change is a limited alteration in the hours or times that, or locations where, a covered employee is expected to work. A temporary schedule change can include:

- using short-term unpaid leave,
- using paid time off,
- working remotely, or
- swapping or shifting working hours with a coworker.

*Note: Working remotely is approved at the discretion of the University, and is not available for all employees. In addition, a covered employee cannot be required to use paid leave (including leave earned under the NYCESSTA) for a temporary schedule change. However, a covered employee may be required to take unpaid leave instead of the type of temporary schedule change the employee has requested.

**Requesting Temporary Schedule Changes**

As soon as a covered employee becomes aware of the need for a temporary schedule change due to a personal event, the employee should make the request to their direct supervisor, either verbally or in writing. The request should include:

- the date of the temporary schedule change,
- that the change is due to a personal event, and
- the proposed type of change.

If a covered employee made the request verbally (for example, in person or by phone), they must submit a written request, no later than the second business day after they return to work, indicating the date of the temporary schedule change and that the change was due to a personal event.

*Note: The covered employee is not required to submit any other documents with their request or provide proof of the personal event.

**Supervisor Response to Requests**

The supervisor must respond immediately when a covered employee requests a temporary schedule change. A supervisor must either grant unpaid leave or the other type of schedule change requested unless: (1) the employee has exceeded the number of allowable requests under this Policy, or (2) the employee is not otherwise covered under this Policy.

When a covered employee submits a written request, the University must provide a written response
within 14 days with the following information:

- If the request was granted or denied;
- If granted, how the request was accommodated;
- If denied, reason for denial (which may only be for one of the two reasons listed above);
- Number of requests the employee has made for temporary schedule changes in the year; and
- How many business days the employee has left in the year for any remaining temporary schedule changes.

Anti-Retaliation

A covered employee cannot be retaliated against for exercising or attempting to exercise any right provided under this Policy or the Law. This prohibition applies regardless of whether the University is required to grant a requested schedule change.

Record Retention

Unless another law or University policy requires otherwise, the University shall keep and maintain records for at least 3 years documenting compliance with the requirements of the Law and this Policy.

Definitions

Business Day means any 24-hour period during which an employee is required to work for any amount of time.

Family member:

- Child (including biological, adopted, foster child, step child, legal ward, or child of an employee standing in place of a parent)
- Grandchild
- Spouse
- Registered domestic partner
- Parent
- Grandparent
- Child or Parent of an employee’s spouse or domestic partner
- Sibling (including a half, adopted, or step sibling)
- Any other individual related by blood to the employee, and any other individual whose close association with the employee is the equivalent of a family relationship.

Minor child is a person under the age of 18.

Subsistence benefits may include government-provided cash or vouchers that improve the physical welfare of the recipient, including benefits for food, utilities, shelter, and health and disability services, health insurance, access to home healthcare services, heat and utility bill assistance or Social Security Income/ Disability.

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