

# New York University

## UNIVERSITY POLICIES

**Title:** Sick and Safe Leave Policy and Procedure – District of Columbia  
**Effective Date:** May 14, 2021  
**Supersedes:** March 9, 2020  
**Issuing Authority:** Executive Vice President  
**Responsible Officer:** Human Resources

### **Statement of Policy**

New York University in Washington, D.C. (hereinafter, “NYU-DC” or “the University”) will provide paid sick and safe leave (collectively, “sick leave”) to covered employees (as that term is defined below) working in D.C. in accordance with the terms of this Policy and the D.C. Accrued Sick and Safe Leave Act. As detailed below, this Policy sets forth the eligibility requirements for sick leave, the conditions for earning and using sick leave, the process for requesting leave, and other related provisions.

### **To Whom the Policy Applies**

This Policy covers full- and part-time Administrators and Professionals, Professional Research Staff, and other employees of NYU-D.C. (hereinafter, “covered employees”).

Employees should consult with the appropriate Human Resources Officer/Business Partner (“HRO”) as to any questions regarding the applicable policy on sick leave.

### **Policy and Procedures**

#### **Permissible Purposes**

Sick leave can be used for one or more of the following purposes:

1. An absence resulting from a covered employee’s: (i) physical or mental illness, injury or medical condition, or elective surgery, including organ donations; or (ii) need for professional medical diagnosis or care, or preventative medical care (hereinafter defined as, “Sick Leave – Employee”);
2. An absence for the purpose of caring for a covered employee’s family member who has any of the conditions or needs for diagnosis or care described in (1) above (hereinafter defined as, “Sick Leave – Family Member”);
3. An absence if a covered employee or the family member of a covered employee is a victim of stalking, domestic violence or sexual abuse; provided, that the absence is directly related to social or legal services pertaining to the stalking, domestic violence, or sexual abuse to:

- a. Seek medical attention for the employee or the employee's family member to recover from physical or psychological injury or disability caused by domestic violence or sexual abuse;
- b. Obtain services for the employee or the employee's family member from a victim services organization;
- c. Obtain psychological or other counseling for the employee or the employee's family member;
- d. Temporarily or permanently relocate the employee or the employee's family member;
- e. Take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from the domestic violence or sexual abuse; or
- f. Take other actions to enhance the physical, psychological, or economic health or safety of the employee or the employee's family member or to enhance the safety of those who associate or work with the employee.

(Hereinafter defined as, "Safe Leave – Employee" or "Safe Leave – Family Member," as applicable).

4. An absence resulting from: (i) closure of the University due to a public health emergency (as defined by public authorities), or (ii) a covered employee's need to care for a child whose school or child care provider is closed due to a public health emergency (hereinafter defined as, "Sick Leave – Public Health Emergency").

**Note:** Unless otherwise indicated, a covered employee may use sick leave in hourly increments.

**Note:** A covered employee may not use more than 40 hours for Sick Leave – Public Health Emergency in a year (assuming the employee has such hours available).

**Note:** A covered employee may not use more than a combined total of 42 hours (6 days) of Sick Leave - Family and Safe Leave - Family in a year (assuming the employee has such hours available).

**Note:** If a covered employee is transferred to a separate division, entity, or location of the University within D.C., or transferred out of D.C. and then transferred back to D.C., but remains employed by the University, the employee shall be allowed to retain and use all of the unused sick leave accrued at the prior division, entity or location in accordance with the terms of this Policy. If a covered employee separates from the University and is rehired within 1 year of separation, previously accrued unused sick leave shall be reinstated, and the employee can use the leave immediately upon rehire in accordance with the terms of this Policy.

## Amount of Sick Time

### 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 employment, a full-time covered employee (*i.e.*, an employee scheduled to work at least 35 hours per week) 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<sup>nd</sup> 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<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> 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<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> 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<sup>th</sup> and 10<sup>th</sup> 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<sup>th</sup> 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 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 leave 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:
  - 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);
  - 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-*

  - 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.

### **Covered Student Employees' Amount of Sick Time**

*This section applies to covered student employees only:*

**Accrual.** A covered student employee will accrue 1 hour of sick leave for every 30 hours worked, up to a maximum of 40 hours of sick leave per academic year.

**Use.** A covered student employee may use up to a maximum of 40 hours of accrued sick leave in an academic year. A covered student employee may not begin to use their accrued sick leave until ninety days following commencement of their employment with the University.

**Carryover.** A covered student employee may carry over their unused, accrued sick leave into the next academic year. As noted above, at no time, however, may a covered student employee use more than 40 hours of sick leave in an academic year.

## **Requesting Sick Leave**

A covered employee is required to provide his or her supervisor with advance notice, orally or in writing, of the need to use sick leave for foreseeable reasons at least 7 days (or otherwise as early as possible) in advance of using such leave. If the need for sick leave is not foreseeable, the covered employee is required to provide his or her supervisor with an oral request for leave as soon as possible, preferably prior to the start of the work shift for which the leave is requested. In the case of an emergency, the covered employee is to notify his or her supervisor of the request as soon as practicable, preferably prior to the start of the next work shift or within 24 hours of the onset of the emergency, whichever occurs sooner.

Should a covered employee have any questions regarding these notification procedures, the employee should contact his or her supervisor or the appropriate HRO. An employee shall make a reasonable effort to schedule sick leave in a manner that does not unduly disrupt the operations of the University.

**Note:** If a covered employee's use of sick leave has lasted 4 or more consecutive work days, the employee should contact Lincoln Financial 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 \(FMLA\)](#) and/or the [D.C. FMLA](#), the employee should also contact Lincoln Financial at the number above to request a leave certification.

## **Confirming Use of Sick Leave and Returning to Work**

1. ***Confirmation of Purpose.*** When providing the notice described above, the covered employee may be asked to provide the reason for the absence and the expected duration of the sick or safe leave, as appropriate. An employee may be asked to confirm the reason for the sick or safe leave and the duration of the leave by logging into PeopleSync Time and Absence and selecting the applicable code.
2. ***Confirming Certification.*** Where a covered employee has used more than three (3) consecutive workdays for such leave, the employee may also be required to provide reasonable certification to H.R. upon the employee's return to work or within one business day thereafter as follows:

*For Sick Leave – Employee and Sick Leave – Family Member*, reasonable certification may include a signed document from a health care provider, as defined by applicable law, affirming the illness of the covered employee or the employee's family member. Documentation is not required to disclose the details of the employee's or his or her family member's injury, illness, or condition that necessitated the use of leave, except as required by law.

*For Safe Leave – Employee and Safe Leave – Family Member*, reasonable certification may include: (a) a police report indicating that the covered employee or the employee's family member was a victim of stalking, domestic violence, or sexual abuse; (b) a court order indicating that the covered employee or the employee's family member was the victim of stalking, domestic violence, or sexual abuse; (c) a signed written statement from a victim and witness advocate, or domestic violence counselor affirming the covered employee or the employee's family member

sought services to enhance the physical, psychological, economic health or safety of the employee or the employee's family member; or (d) a signed written statement from a victim and witness advocate, or domestic violence counselor, as defined by applicable law, affirming that the covered employee or the employee's family member is involved in legal action relating to stalking, domestic violence or sexual abuse. The signed statement under subsection (d) shall only include the name of the covered employee or the employee's family member who is a victim and the date on which services were sought.

### **Additional Terms and Conditions Regarding Sick Leave**

1. ***Payment.*** 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.
2. ***Health Benefits.*** The University will maintain all benefits for the covered employee during the sick leave period on the same basis as coverage would have been provided had the employee been working during that time.
3. ***Separation.*** A covered employee will not be paid for any remaining sick leave balance upon separation from employment.
4. ***Confidentiality and Non-Disclosure.*** The University will keep records confidential unless the covered employee permits the University to disclose them or disclosure is required by law.
5. ***Misuse.*** The misuse of sick leave afforded under this Policy may result in discipline (up to and including dismissal).
6. ***Anti-Retaliation.*** 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.
7. ***Record Retention.*** The University keeps and maintains records for at least 3 years in compliance with the requirements of the D.C. Accrued Sick and Safe Leave Act, including employment, payroll and timekeeping records.

### **Other University Leaves**

Sick leave shall interplay with leave taken under other applicable laws or University policies in the manner set forth below:

**D.C. FMLA Leave.** When taken for the same purpose, sick leave shall interplay with leave taken under the D.C. FMLA, in accordance with the University's D.C. FMLA Policy & Procedure.

**D.C. Paid Family Leave.** When taken for the same purpose, sick leave shall run concurrently with leave benefits received under the DCPFL law. Sick leave pay will be integrated with any DCPFL benefits that the employee receives, so that the employee's sick leave pay will be offset by any DCPFL benefits the employee receives. At no point while on sick leave shall the employee receive more than one hundred percent (100%) of their regular pay. The employee must timely apply to the D.C. Department of Employment Services (DOES) for DCPFL benefits. If DOES approves the employee's application for DCPFL benefits, the employee must promptly provide the University with a copy of the benefit amount notification provided to the employee by DOES.

**Disability Accommodation Leave.** When taken for the same purpose, sick leave shall run concurrently with leave taken as a disability accommodation under the Americans with Disabilities Act (ADA) and equivalent federal, state, and local laws.

**FMLA Leave.** When taken for the same purpose, sick leave shall run concurrently with leave taken under the FMLA, in accordance with the University's Federal FMLA Policy & Procedure.

**Long-Term Disability Benefits.** A covered employee who has exhausted his or her available sick leave may be eligible for long-term disability benefits in accordance with the terms of the applicable plan.

**Scheduled Holidays/University Closures.** If a scheduled holiday or university closure occurs while a covered employee is on sick leave, the day(s) will count as a scheduled holiday/university closure, not as sick leave.

**Vacation/Personal Days.** Sick leave may not be used during vacation or personal days (as the covered employee was not scheduled to work during that time).

**Workers' Compensation Benefits.** A covered employee will not begin to receive workers' compensation benefits (on-the-job injuries or illnesses) for which the employee is eligible until the employee has exhausted his or her available sick leave.

**\*Note on Unpaid Leaves of Absence:** During an unpaid leave of absence, where a covered employee has exhausted all available sick leave, further sick leave under this Policy will not be available to the employee until the employee has returned to work. Upon returning to work from an unpaid leave of absence, the employee will receive the amount of sick leave to which the employee is otherwise entitled under the terms and conditions of this Policy.

## **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 (including biological child, step-child, adopted child, foster child, legal ward, child of a covered employee standing in place of a parent, or a child who lives with a covered employee and for whom the employee permanently assumes and discharges parental responsibility)
- Grandchild
- Spouse (including domestic partner, as defined by applicable law) or spouse of a child
- Parent (including step-parents) or parent of a spouse
- Grandparent
- Sibling (including a half, adopted or step sibling) or spouse of a sibling
- Person with whom the covered employee shares or has shared, for not less than the preceding 12 months, a mutual residence with whom the employee maintains a committed relationship, as defined by applicable law

*Preventative medical care:* Routine health care that includes, but is not necessarily limited to, screenings, checkups, and patient counseling to prevent illness, disease or other health problems.