SICK AND SAFE LEAVE POLICY – DISTRICT OF COLUMBIA

New York University (“University”) will provide paid sick and safe leave (hereinafter, “sick leave”) to covered employees (as that term is defined below) working in the District of Columbia (“D.C.”) in accordance with the terms of this policy and the D.C. Accrued Sick and Safe Leave Act. 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 leave.

Coverage

This policy covers full- and part-time Administrators and Professionals, Professional Research Staff, and other employees who are employed by the University in NYU-Washington, D.C. (hereinafter, “covered employees”).

Employees that do not perform work for the University within D.C. 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 (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.

Use of Sick Leave

1. Sick leave can be used for one or more of the following purposes:
   a. An absence resulting from a covered employee’s physical or mental illness, injury or medical condition.
   b. An absence resulting from a covered employee’s need for professional medical diagnosis or care, or preventative medical care.
   c. 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 (a)-(b) of this section.
   d. 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:
      i. 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;
      ii. Obtain services for the employee or the employee’s family member from a victim services organization;
      iii. Obtain psychological or other counseling for the employee or the employee’s family member;
      iv. Temporarily or permanently relocate the employee or the employee’s family member;
      v. 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
      vi. 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.
   e. An absence resulting from a covered employee’s elective surgery, including organ donations.
   f. An absence resulting from closure of the University due to a public health emergency.
   g. An absence resulting from a 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 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 reinstated 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.

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 2nd 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 3rd, 4th, and 5th 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 6th, 7th, and 8th 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 9th and 10th 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 11th 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:

   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 Sick Leave**

1. 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 as early as possible, in advance of using such leave. If the need for sick leave is unforeseeable, 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, please contact his or her supervisor or the appropriate human resource officer. An employee shall make a reasonable effort to schedule sick leave in a manner that does not unduly disrupt the operations of the University.

2. 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 leave, as appropriate. 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 leave, except as required by law. An employee may be asked to confirm the reason for the sick leave and the duration of the leave by logging into MyTime and selecting the reason for such use.

3. A covered employee may be required to provide reasonable certification to H.R. upon the employee’s return to work or within one business day thereafter concerning the employee’s use of sick leave, if the employee used more than 3 consecutive workdays for such leave. Reasonable certification may include: (a) 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; (b) a police report indicating that the covered employee or the employee’s family member was a victim of stalking, domestic violence, or sexual abuse; (c) a court order indicating that the covered employee or the employee’s family member was the victim of stalking, domestic violence, or sexual abuse; (d) 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 (e) 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 (e) 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.
4. 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 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 under this policy 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 or D.C. FMLA leave, as appropriate.

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

7. The misuse of sick leave afforded under this policy may result in discipline (up to and including dismissal).

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 D.C. Accrued Sick and Safe Leave Act, 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.