

## **Pace University Paid Sick Leave Policy**

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**.01 Policy Statement**

The purpose of this policy is to explain the application of the Pace University Paid Sick Leave Policy as it complies with the New York State Paid Sick Leave Law and New York City Paid Safe and Sick Leave to Pace University's employees. This policy assists these groups in understanding their eligibility for paid sick leave by defining eligibility and other criteria associated with its use.

**.02 Eligibility**

Individuals who receive an IRS Form W-2 from the University and who are not otherwise covered under full-time benefits coverage, or a collective bargaining agreement, are eligible to accrue paid sick leave under this policy. New York State Paid Sick Leave Law and New York City Paid Safe and Sick Leave applies to temporary, casual, and academic employees. Students, undergraduate and graduate, who receive a W-2 from the University are covered under this statute.

Full-time staff employees will continue to utilize the current vacation or paid sick time off for their own personal illnesses.

Full-time staff employees who require time off to care for family members or who need time off for any of the safety provisions stated below may utilize their vacation days for such purposes.

Full-time faculty should consult with Pace University Faculty Handbook.

***This policy does NOT apply to independent contractors, consultants, and other non-employees.***

**.03 Collective Bargaining**

This policy will not apply to employees subject to a collective bargaining agreement in effect prior to September 30, 2020, until the date of the termination of the agreement.

For employees covered by a valid collective bargaining agreement that came into effect on or after September 30, 2020 the policy does not apply if the collective agreement expressly waives the law's provisions and the agreement provides a comparable benefit for the employees.

This policy is not intended to, nor shall it be interpreted to, conflict with any portion of a collective bargaining agreement. Employees are referred to the terms of their collective bargaining agreements for usage and exceptions to the Paid Sick Leave Policy.

**.04 Effective Date**

Eligible employees accrue sick leave at a rate of 1 hour for every 30 hours worked, effective September 30, 2020. Accrued sick time may be utilized on or after January 1, 2021.

**.05 Accrual**

**Full-time employees that receive paid time off (vacation time) or are not subject to a reduction in salary due to time off taken for reasons in section .06 will not accrue sick time.**

Eligible employees accrue one hour of paid sick time for every 30 hours actually worked by the employee (accrual does not occur during paid or unpaid time off), up to a maximum of 56 hours paid sick time at their regular rate of pay per calendar year. For purposes of this policy, "calendar year" is defined as a regular and consecutive twelve-month period from January 1 through December 31 of each year.

**Accrual Carry-Over:** All paid sick leave hours not used in the previous calendar year may be carried into the next calendar year. Usage per calendar year is capped at 56 hours.

#### **.06 Use**

Eligible employees may use up to 56 hours of accrued, paid sick time for absences from work during any single calendar year (January 1 – December 31) for any of the following reasons:

- For a mental or physical illness, injury, or health condition of the individual or the individual's family member, regardless of whether the illness, injury, or health condition has been diagnosed or requires medical care at the time that the individual requests such leave;
- For the diagnosis, care, or treatment of a mental or physical illness, injury, or health condition of, or need for medical diagnosis of, or preventive care for, the individual or the individual's family member;
- When the individual or the individual's family member has been the victim of domestic violence, a family offense, sexual offense, stalking, or human trafficking, for the individual to avail themselves or a family member of services or assistance including, but not limited to:
  - Obtaining services from a domestic violence shelter, rape crisis center, or other shelter or services program for relief from a family offense matter, sexual offense, stalking, or human trafficking;
  - Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the individual or individual's family members from future family offense matters, sexual offenses, stalking, or human trafficking;
  - Meeting with a civil attorney or other social services provider to obtain information and advice on, and to prepare for or participate in any criminal or civil proceeding, including, but not limited to, matters related to a family offense matter, sexual offense, stalking, human trafficking, custody, visitation, matrimonial issues, orders of protection, immigration, housing, discrimination in employment, housing, or consumer credit;
  - Filing a domestic violence complaint or domestic incident report with law enforcement;
  - Meeting with a district attorney's office about domestic violence, family offense, sexual offense, stalking, or human trafficking;
  - Enrolling children in a new school because of domestic violence, a family offense, sexual offense, stalking, or human trafficking; or
  - Taking other actions necessary to maintain, improve, or restore the physical, psychological, or economic health or safety of the individual or the individual's family member to protect those who associate or work with the individual.

An eligible employee may determine how much accrued sick time they need to use for any of the reasons listed above, but an employee must use a minimum of 4 hours of accrued sick time during any qualified absence.

Absence for illness exceeding the amount of accrued sick leave will be considered leave without pay. Persons who have leave without pay status do not accumulate sick leave while in that status. With prior approval from supervisors, employees needing to use sick leave may offset the length of their absence by a temporary change in the employee's work schedule within the same work week. An eligible adjunct professor may work such additional credit hours at any time during the applicable academic term.

An eligible employee who uses paid sick time for any reason other than one of the reasons listed above may be subject to appropriate disciplinary action.

**Written Documentation:** When an eligible employee uses paid sick time for any of the reasons set forth above, the employee must provide their supervisor with written confirmation that the employee used sick time pursuant to this policy, which must include how many accrued hours were used. It is the employee's responsibility to indicate that eligible sick time is being used.

**Reasonable Notice:** Supervisors may establish procedures in their departments regarding notification of need for sick leave consistent with this policy and employees are expected to comply with those requirements. An eligible employee must give their supervisor 7 calendar days' notice of the absence where the need for sick leave is foreseeable. If the need for the sick leave is not foreseeable, the employee must promptly notify their supervisor as soon as the need for the leave arises. Eligible employees should ensure that their supervisor is notified each day the employee will be absent.

**Medical Documentation:** Where an eligible employee is absent for more than three consecutive work days due to their own injury, illness or medical condition or for the treatment, or the injury, illness, or medical condition or treatment of a family member, the employee must provide their manager documentation from a licensed health care provider indicating the need for, and amount of sick time taken. (An employee is not required to specify the nature of the employee or family member's injury, illness or condition, unless otherwise required by law.)

**Coordination with Other Leaves:** Paid sick leave may also be used in conjunction with various medical and family leaves available to qualified employees, including, but not limited to federal Family and Medical Leave, New York State Paid Family Leave, and New York State Workers' Compensation.

**Termination:** Upon termination of employment, paid sick leave balances are canceled. There is no payout for unused time.

**Record Keeping and Access to Leave Balance:** The payroll system is the official record. Supervisors/Managers should inform individuals who are eligible for paid sick leave how to record the use of paid sick leave and how to access their paid sick leave balance information. Management and individuals are both responsible for periodically reviewing this information as needed to verify that balances are correct.

**.07 Non-Retaliation**

The University will not in any way retaliate against an employee for exercising or attempting to exercise his/her rights under this policy. These rights include (but are not limited to):

- Using paid sick leave.
- Informing an employer, union or legal counsel about alleged violations of the Act.
- Filing a complaint about alleged violations of the Act.
- Participating in an investigation of alleged violations of the Act.
- Informing other employees of their rights under the Act.

**.08 Contact**

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(914) 923-2730

This policy may be amended periodically as determined by the University.