



NEW YORK MEDICAL COLLEGE

A M E M B E R O F T O U R O U N I V E R S I T Y

POLICY ON SICK LEAVE AND SAFE LEAVE

Issue Date: July 1, 2023

Supersedes: None

Last Review: September 12, 2023

I. PURPOSE

This Policy and its accompanying procedures and processes sets forth the procedures for regulating paid leave time for sick leave at New York Medical College (“NYMC” or “College”).

II. POLICY

It is the policy of the College to provide full time and part time employees with paid sick leave in accordance with the guidelines set forth. To the extent that the terms of any other NYMC policy relating to paid time off benefits or attendance are inconsistent with the terms of this Policy, the terms of this Policy shall prevail. NYMC will not, and will not allow anyone else to, retaliate against anyone requesting the use of Sick Leave or Safe Leave. Upon separation of employment from NYMC, unused Sick Leave and Sick Leave Rollover will not be paid to the employee.

III. SCOPE

This Policy applies to all College employees, faculty, staff; both full time and part time¹.

IV. DEFINITIONS

Sick Leave is defined as leave that may be utilized for mental or physical illness, injury, or health condition, regardless of whether it has been diagnosed or requires medical care at the time of the request for leave or for the diagnosis, care, or treatment of a mental or physical illness, injury or health condition; or need for medical diagnosis or preventive care.

¹ [Employees governed by the provisions of a collective bargaining agreement must refer to their respective contract.](#)

Safe Leave is defined as an absence from work when the employee or employee's family member has been the victim of domestic violence as defined by the State Human Rights Law, a family offense, sexual offense, stalking, or human trafficking due to any of the following as it relates to the domestic violence, family offense, sexual offense, stalking, or human trafficking. Safe Leave may be taken in order to perform any of the following:

- to obtain services from a domestic violence shelter, rape crisis center, or other services program;
- to participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members;
- to meet with an attorney or other social services provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding;
- to file a complaint or domestic incident report with law enforcement;
- to meet with a district attorney's office;
- to enroll children in a new school; or
- to take any other actions necessary to ensure the health or safety of the employee or the employee's family member or to protect those who associate or work with the employee.

Sick Leave Rollover is defined as a leave that may be utilized for eligible employees who exhaust Sick Leave, for the same purposes as Sick Leave and Safe Leave.

Leave is defined as Sick Leave and Safe Leave

Immediate Family Member is defined as an employee's child, spouse, domestic partner, parent, sibling, grandchild, or grandparent; and the child or parent of an employee's spouse or domestic partner.

Parent is defined as a biological, foster, step, or adoptive parent, or a legal guardian of an employee, or a person who stood in loco parentis when the employee was a minor child.

Child is defined as a biological, adopted or foster child, a legal ward, or a child of an employee standing *in loco parentis*.

Fiscal Year is defined as July 1 through June 30

Frontloaded Employees is defined as an employee for whom the College may, but is not required to, allow use of paid Sick Leave in advance of accrual.

Accruing Employees is defined as an employee who may only use Sick Leave time as it accrues.

V. PROCEDURE

A. Leave

1. All employees are eligible for Leave.
2. Frontloaded Employees
 - a. Full-time employees will be created with fifty-six (56) hours of Leave per year at the beginning of each Fiscal Year. If the full-time employee is on a leave of absence on July 1, then the full-time employee will be credited with the fifty-six (56) hours of Leave upon his or her return to work.
 - b. New full-time employees who commence employment on or after October 1 will be credited with forty-two (42) hours of Leave for that Fiscal Year.
 - c. New full-time employees who commence employment on or after January 1 will be credited with twenty-eight (28) hours of Leave for that Fiscal Year.
 - d. New full-time employees who commence employment on or after April 1 will be credited with fourteen (14) hours of Leave for that Fiscal Year.
3. Accruing Employees
 - a. Part-time and *per diem* employees and fellows will earn one (1) hour of Sick Leave for every thirty (30) hours worked, with an accrual cap of fifty-six (56) hours per fiscal year.
 - b. Part-time Faculty and Adjunct (non-voluntary) worked are calculated at the rate of 2.5 hours per week per credit taught.
 - c. The maximum amount of usable Sick Leave in a given Fiscal Year is limited to fifty-six (56) hours.
 - d. Sick Leave will begin to accrue upon commencement of employment.

B. Sick Leave Usage

1. Employees must provide notice, to their direct supervisor, of the need to use Sick Leave as soon as practicable.
2. NYMC may request reasonable documentation if the employee uses more than three (3) consecutive workdays as Sick Leave, requiring a note

signed by a licensed health care provider, for Sick Leave or a Return to Work evaluation from NYMC Health Services; or documentation from a social service provider, legal service provider, or a member of the clergy justifying the need for Safe Leave.

3. Immediate Family Exceptions recognizes an employee's obligation to Immediate Family Members; therefore, Sick Leave may be used to take care of an Immediate Family Member.
4. Serious Health Conditions, Pregnancy and Disabilities. Absences due to serious health conditions, pregnancy or disability (as defined by the "ADA") should be addressed through the College's Family Medical Leave Act ("FMLA"), Paid Family Leave ("PFL") or Americans with Disabilities Act ("ADA") Reasonable Accommodations protocol, respectively.

C. Sick Leave Rollover

1. Frontloaded Employees may rollover unused Sick Leave at the close of each Fiscal Year to their Sick Leave Rollover Bank.
 - a. No more than fourteen (14) hours of Sick Leave Rollover may be used in a Fiscal Year once an employee has exhausted his or her available Sick Leave.
 - b. No more than seventy (70) hours of Sick Leave in any Fiscal Year.
2. Accruing Employees may rollover unused Sick Leave at the close of each Fiscal Year to their Sick Leave Rollover Bank.
 - a. Accruing Employees will only be permitted to use no more than seventy (70) hours of Sick Leave, regarding of which bank the provided time resides in (*i.e.*, the total amount is calculated by adding the use of time from the Accruing Employees' Sick Leave bank and Sick Leave Rollover Bank, the use of which may not exceed seventy (70) hours total.)

VI. EFFECTIVE DATE

This policy is effective immediately.

VII. POLICY MANAGEMENT

Executive Stakeholder	Director of Human Resources
Oversight Office:	Human Resources