



Albert Einstein College of Medicine

## Sick Time Policy

### I. Purpose

Albert Einstein College of Medicine recognizes that employees will, from time to time, need to take time off from work to address medical and other protected needs as described below. Albert Einstein College of Medicine's Sick Time Policy incorporates the provisions of New York State's Paid Sick Leave Law and New York City's Earned Safe and Sick Time Act.

### II. Scope

This policy applies to all Albert Einstein College of Medicine full-and part-time employees, including those covered by the New York State Nurses Association (NYSNA) collective bargaining agreement, with exception to sections III A and III F. This policy does not apply to those employees covered by the 1199 SEIU collective bargaining agreement, students who work under Federal Work Study programs, graduate students, or individuals on qualified scholarships.

### III. Policy

#### III.A. Accruing Sick Days

1. The accrual of sick hours begins immediately from date of hire.
2. Full time employees accrue sick hours at the rate of one (1) day per month worked (i.e., maximum of 12 days per year).
3. Part time and temporary employees accrue sick hours on a pro-rated basis but not less than 1 hour for every 30 hours worked.
4. Employees may accumulate up to 900 hours of sick time.

#### III.B. Utilizing Sick Days

1. An employee may use paid sick and safe time as it is accrued. Sick hours may not be used prior to accrual.
2. Accrued sick hours may be used for an employee's own mental or physical illness, injury, or health condition, which requires care, treatment, preventative medical care, or diagnosis.
3. Up to a maximum of 56 hours of accrued sick time per calendar year, in increments not less than one (1) hour, may be used for the following:
  - Employee's own 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 an employee's own diagnosis, care, or treatment of a mental or physical illness, injury or health condition or need for medical diagnosis or preventive care.

- A family member's 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 family members mental or physical illness, injury or health condition or need for medical diagnosis or preventive care. For this purpose, a family member is defined as an employee's child (biological, adopted or foster child, legal ward, child of an employee standing in loco parentis), spouse, domestic partner, parent, sibling (half-, adopted, or step-sibling), grandchild, grandparent, or the child or parent of an employee's spouse or domestic partner; 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.
  - Closure of an employee's place of business by order of a public official due to a public health emergency or the covered employee's need to care for a child whose school or childcare provider has been closed by order of a public official due to a public health emergency.
  - For safe time, when the employee or a family member has been the victim of any act or threat of domestic violence, unwanted sexual contact, stalking, or human trafficking or family offense matter as defined in section 812(1) of the New York Family Court Act, or they need to take actions necessary to restore the physical, psychological, or economic health or safety of themselves or family members, or to protect those who associate or work with the employee, including to:
    - o obtain 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;
    - o participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members, from future family offense matters, sexual offenses, stalking, or human trafficking;
    - o meet with an attorney or other social service provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding on 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;
    - o file a complaint or domestic incident report with law enforcement;
    - o meet with a district attorney's office;
    - o enroll children in a new school; or
    - o take other actions necessary to maintain, improve, or restore the physical, psychological, or economic health or safety of the employee or the employee's family member or to protect those who associate or work with the employee.
4. If, within a calendar year, an employee has utilized 56 hours of their sick time for reasons outlined in section III.B paragraph 3, their remaining sick hours for that calendar year, may only be used for the employee's own illness, injury, or health condition.
  5. Fraud, misuse, or abuse of sick time under this policy may result in disciplinary action up to and including termination of employment.

### III.C. Planned Sick/Safe Days

1. If an employee plans to use sick hours for a planned medical or dental appointment in accordance with this policy, they should inform their supervisor or department at least 7 days in advance verbally or in writing (except when emergency treatment is needed). Failure to provide 7 days' notice may result in denial of the request for paid sick hours.
2. When informing the supervisor or department of the planned need to use sick hours for an absence, the employee must specify whether it is in relation to themselves, or that of a family member. Employees are not required to specify the nature of the injury, illness, health condition, or specify the details of the matter that prompted a need for time off.

### III.D. Unplanned Sick/Safe Time (e.g., Emergency)

1. If sick time is needed due to an unplanned situation (e.g., an emergency or public health emergency), the employee should follow their usual call out protocols and provide notice as soon as practicable.
2. When informing the supervisor of the unplanned sick time, the employee must specify if it is in relation to themselves, that of a family member (or due to a public health emergency). Employees are not required to specify the nature of the injury, illness, or health condition. If the absence is due to safe time, the employee is not required to specify the details of the matter that prompted a need for safe time but should specify whether the leave is for employee safe leave or family member safe leave.

### III.E. Sick Time & FMLA

1. Extended sick leave for employee absences of more than five (5) consecutive workdays runs concurrently with leave taken under the Family and Medical Leave Act. Please refer to the [FMLA Policy](#) for further information.

### III.F. Unused Sick Hours

1. Accrued but unused sick hours will carry over from one calendar year to the next and may be accrued to a maximum of 900 hours. However, employees may only use a maximum of 56 hours of sick time per calendar year for reasons specified in section III.B paragraph 3.
2. If an employee ceases active employment, any accrued but unused sick hours will not be paid out upon termination.

### III.G. Documentation for Sick Days

1. For sick time absences of 3 or more consecutive workdays under this policy, Albert Einstein College of Medicine may require reasonable documentation signed by a licensed health care provider indicating the need for and the amount of sick time taken. For absences of 5 or more consecutive workdays an employee is required to notify the Benefits Office as outlined in the FMLA policy. Employees are not required to specify the nature of their own or their family member's injury, illness, or health condition, unless requested in connection with leave that runs concurrently with leave under FMLA, PFL or other applicable policies. Albert Einstein College of Medicine will reimburse the

employee for any fee charged to the employee by the health care provider relating to producing documentation for absences specified only in section III.B. paragraph 3.

2. For sick time absences of 3 or more consecutive work days for safe time, Albert Einstein College of Medicine may require reasonable documentation signed by an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional service provider from whom the employee or that employee's family member has sought assistance in addressing family offense matters, sex offenses, stalking, or human trafficking and their effects; a police or court record; or a notarized letter from the employee explaining the need for such time shall be considered reasonable documentation. The documentation is not required to specify the details of the matter that prompted a need for safe time.
3. Failure to provide requested documentation may result in denial of the employee's request for paid sick hours and such absence may be considered unauthorized.

### **III.H. Retaliation**

1. Albert Einstein College of Medicine and its supervisors cannot retaliate against employees for requesting or using Sick Time or NYC ESSTA.
2. If an employee feels that retaliation has occurred, they should contact the Human Resources Department immediately to report the matter.

### **III.I. Record Keeping**

1. Employee use of sick hours is documented and retained by the employee's department.
2. When an employee takes sick time, the department will document the reason as sick time either for (1) the employee, or (2) the employee's family (as outlined in section III.B paragraph 3). These records will be retained for at least 6 years, in compliance with the law.
3. All health-related information must be kept confidential unless the employee permits disclosure of their information or disclosure is required by law.
4. Departments using the Kronos timekeeping system must use NYC Sick ESSTA Sick Family. Departments and Academic areas that are not using Kronos for timekeeping, must track (manually or otherwise) the accrual and use of sick hours under this law for all faculty (including adjunct) who meet the eligibility requirements. These records will be retained for at least 3 years, in compliance with the law.

### **III.J. Contact & Additional Information**

Benefits Office:

(718) 430-2547

[benefits@einsteinmed.edu](mailto:benefits@einsteinmed.edu)

## **IV. Definitions**

**Family Member** – For the purposes of the Sick Time Policy, a family member is defined as an employee's child, spouse, domestic partner, parent, sibling, grandchild or grandparent, or the child or parent of an

employee's spouse or domestic partner; 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.

**V. Effective Date**

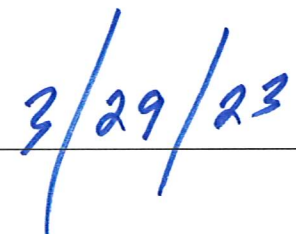
Effective as of: 1 January 2021

**VI. Policy Management and Responsibilities**

Einstein's Human Resources department is the Responsible Office under this Policy. Einstein's Associate Dean for Finance and Administration is the Responsible Executive, and Einstein's Vice President for Human Resources and Diversity is the Responsible Officer for the management of this policy.

**VII. Approved (or Revised)**

  
\_\_\_\_\_  
Responsible Executive

  
\_\_\_\_\_  
Date