



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 time begins immediately from date of hire.
2. Full time employees accrue sick time 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 time on a pro-rated basis but not less than 1 hour for every 30 hours worked.
4. Employees may accumulate up to 120 days of sick time.

III.B. Utilizing Sick Days

1. An employee may use paid sick and safe time (collectively, "Sick Time") as it is accrued. Sick Time may not be used prior to accrual.
2. Accrued sick time 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 (hereinafter defined as "**Sick - Regular**").
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 (hereinafter defined as “**Sick Leave – Employee**”).

- 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 (hereinafter defined as “**Sick Leave – Family Member**”)
 - 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 (hereinafter defined as “**Sick Leave – 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 To 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 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, from future family offense matters, sexual offenses, stalking, or human trafficking;
 - o To 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 To file a complaint or domestic incident report with law enforcement;
 - o To meet with a district attorney’s office;
 - o To enroll children in a new school; or
 - o To 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 (hereinafter defined as “**Safe Leave – Employee**” or “**Safe Leave – Family Member**”).
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, (Sick Leave – Employee; Sick Leave - Family Member; Sick Leave -

Public Health Emergency; Safe Leave – Employee; or, Safe Leave – Family Member) their remaining sick time for that calendar year, may only be for the employee’s own illness, injury or health condition (Sick – Regular) as outlined in section III.B. paragraph 2.

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 time 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 time.
2. When informing the supervisor or department of the planned sick time absence, the employee must specify whether it is in relation to themselves (Sick Leave - Employee), or that of a family member (Sick Leave - Family Member) (as defined in section III.B paragraph 3). 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., Unexpected Emergency)

1. If sick time is needed due to an unplanned situation (e.g. an unexpected 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 (Sick – Regular or Sick Leave - Employee), that of a family member (Sick Leave - Family) or due to a public health emergency (Sick Leave – Public Health Emergency), as defined in section III.B paragraph 3. 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 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 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 Days

1. Accrued but unused sick time will carry over from one calendar year to the next and may be accrued to a maximum of 120 days. 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 time will not be paid out upon termination. Terminated employees are not entitled to a reimbursement of unused accrued sick time.

III.G. Documentation for Sick Days

1. For sick time absences of 3 or more consecutive work days under this policy, Albert Einstein College of Medicine may require reasonable documentation signed by a licensed health care provider

indicating the need for the amount of sick time taken. 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 concurrent leave under another applicable policy, e.g. FMLA. 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 (Safe Leave - Employee or Safe Leave - Family Member), 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 time 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.
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 time 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 the appropriate pay code as outlined in section III.B paragraph 3. Departments and Academic areas that are not using Kronos for timekeeping, must track (manually or otherwise) the accrual and use of sick time reasons, 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.org

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.

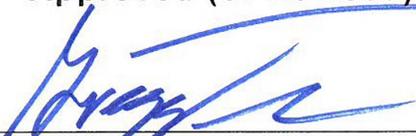
V. Effective Date

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: 1/7/21