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June 2014

4.415 Paid Sick Days

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ANTIOCH UNIVERSITY

Type of Policy <input checked="" type="checkbox"/> University <input type="checkbox"/> <i>Campus</i> <input type="checkbox"/> <i>Department/Unit</i> <input type="checkbox"/> Interim		Paid Sick Days Policy 4.415	
Human Resource Policies		Effective date: June 2, 2014	
Policy History:	Approved by:	Resolution #	Date:
Approved	Board of Governors	6.7.97:18	June 7, 1997
Revised	Chancellor	N/A	May 29, 2014
Responsible Office:	Responsible Administrator:	Contact information:	Applies to:
Office of Human Resources	Chief Human Resources Officer	937-769-1375	All Employees

I. Introduction

A. Purpose

Antioch University (“AU” or the “university”) recognizes the importance of providing a degree of income replacement for employees when they are unable to work due to illness or injury. This policy defines the rights to income replacement in the event of illness or injury, and seeks to promote sick leave conservation for extended illnesses. While this policy is sometimes referred to as "Paid Sick Leave", it is an income replacement policy only and does not address the right to "leave" for medical reasons or the right to return to work thereafter. The right to return to work after an illness is governed by the University's various attendance and leave of absence policies. (See eg., Hours of Work and Attendance Policy 4.401, and Family Medical Leave Policy, 4.419).

B. Application

This policy is applicable to all employees except those represented by a recognized union to the extent that the collective bargaining agreement expressly conflicts with and supersedes these provisions.

II. Eligibility and Accrual

A. Eligibility

Employees who are regularly scheduled to work 30 or more hours per week and are employed to work at least nine (9) consecutive months of the fiscal year (July 1 to June 30) are eligible for paid sick day benefits as described below. Employees begin accruing paid sick days at their most recent date of hire and accrue such time on a pay period basis. Sick days are accrued based on an employee’s regularly scheduled hours of work each pay cycle.

B. Accrual Rates

Eligible full-time employees accrue 12 paid sick days per year. Employees who work less than 100% time earn paid sick days on a prorated basis according to the percentage of time worked.

1. **Exempt Employees.** Eligible exempt employees are paid on a monthly basis and are therefore credited with earned paid sick days after each completed month of service. Paid sick time is expressed in days and is accrued at a monthly rate of 1/12 the employee's annual accrual.

a)

Exempt Employees	Annual Accrual	Monthly Accrual
	12 days per year	1 day per month

2. **Non-Exempt Employees.** Eligible non-exempt employees are paid on a bi-weekly basis and are, therefore, credited with earned paid sick days after each completed bi-weekly pay period. Sick time is expressed in hours and is accrued bi-weekly at the rate of 1/26 the employee's annual accrual.

Non-Exempt Employees	Annual Accrual	Bi-weekly Accrual
40 hour work week	12 days per year	4 hours per pay period
35 hour work week	12 days per year	3.5 hours per pay period

C. Reasons for Non-accrual

Employees do not accrue additional paid sick days while absent from work unless the absence is covered by vacation or paid sick days. Therefore, employees will not accrue paid sick days during any period in which they are on:

1. Unpaid leave of any kind, (including, but not limited to, FMLA/CFRA leave unless it is covered by available paid sick leave or vacation);
2. Workers' Compensation leave covered by workers compensation lost wage benefits, even if those benefits are supplemented with paid sick leave benefits.
3. Leave for which short-term or long-term disability benefits are paid, even if those benefits are supplemented with paid sick leave benefits.
4. Pregnancy disability leave except, and to the extent, it is covered by available paid sick leave or vacation. Employees on PDL insurance benefits in California do not accrue additional sick leave benefits while on such leave, even if those benefits are supplemented with paid sick leave benefits.

D. Accumulation

Employees are expected to be at work on a regular and consistent basis and to use paid sick leave only for legitimate purposes. To encourage good health and wellness, employees are permitted to accumulate unused sick leave from one year to the next up to certain prescribed maximums set forth below.

Maximum Accumulations	
Exempt Employees	65 days
Non-exempt Employees	65 days

III. Allowable Uses. Accrued paid sick leave may be used by eligible employees for the following purposes:

A. Illness or injury of the employee, including incapacity related to pregnancy or child birth;

Care for members of the employee's immediate family who have a serious health condition requiring their care. "Immediate family" and "serious health condition" as used in this policy shall have the same meaning as defined in the university's Family and Medical Leave Policy, 4.419. To use leave for the care of a domestic partner or for the corresponding relative of the partner, a completed Affidavit of Domestic Partnership form must be on file with Human Resources;

B. Medical appointments of the employee including the employee's pregnancy related medical visits.

C. In the event of the death of a family member or close friends not covered by the Bereavement Policy, eligible employees may use one paid sick day to attend the funeral or memorial service of the decedent. Verification may be required. (See Bereavement Leave Policy # 4.425 for further details on permitted use).

D. Paid sick days may be used to supplement short term disability benefits, including CADI up to 100% of daily wages for each day of leave.

IV. Notification Procedures

A. Employees should report any absence in accordance with the requirements of Hours of Work and Attendance Policy 4.401. Specifically, the employee should directly notify supervisors by telephone as soon as they know that they will be unable to work, but no later than 30 minutes after the starting time of the employee's scheduled workday. Employees may confirm the absence by email, but the courtesy of a telephone call directly to the supervisor is appreciated and required. The notice should provide the following information:

1. Reason for the absence (e.g., personal illness).
2. Expected return to work date. (If the employee needs additional time beyond that reported, he or she must again notify the supervisor prior to the beginning of the work shift in which the employee was expected back to work).
3. If the employee is absent for reasons related to an approved FMLA or CFRA leave, he or she shall indicate that it is related to the approved serious health condition.

B. Failure to provide proper and timely notice may result in loss of sick pay for the absence and/or disciplinary action up to and including termination as per the Corrective Action and Discipline Procedure Policy # 4.617.

V. Medical Verification

A. Paid sick days are an employer-paid benefit. Therefore, employees may be required, at the sole discretion of the university, to present written certification from an acceptable health care provider regarding the illness or injury and the incapacity to work. The university may also require that the employee submit to a second opinion examination by a health care provider of the university's choosing. Such a second opinion examination would be at the university's expense.

B. Failure to provide required medical certifications upon request will disqualify the employee from paid sick day benefits and may subject the employee to discipline for absenteeism. The university reserves the right not to pay sick leave when it has reason to believe, based on medical evidence and other circumstances, that the privilege is being abused or is not medically warranted.

C. Upon return to work, the employee may be required to provide certification from the treating physician regarding fitness for duty.

VI. Recordkeeping and Time Reporting

- A. Eligible monthly paid (exempt) employees must record sick leave taken on their Monthly Salaried/Exempt Personnel Leave Record in one-half (1/2) day increments. Only half-day absences need to be reported as paid sick leave.
- B. Non-exempt paid employees must record sick leave in one-quarter (1/4) of an hour increments electronically in the university's Web Time Entry system.
- C. Pay for sick leave will be at the eligible employee's regular base rate of pay at the time the sick leave is used. Bonuses and other variable compensation are not included in calculating sick leave pay.
- D. Paid sick leave hours are not considered "hours worked" in calculating overtime pay obligations.

VII. Coordination with Attendance and Leave Policies.

- A. **Attendance.** While occasional illness and injury is inevitable, regular and predictable attendance is an essential function of all jobs at the university. Abuse of sick leave privileges or excessive absenteeism may be cause for discipline or removal from employment. (See Hours of Work and Attendance Policy, 4.401). Again, the fact that an employee has accrued paid sick days available, does not necessarily mean that the employee is immune from disciplinary action for unsatisfactory attendance.
- B. **FMLA/CFRA Leave.** Employees may be entitled to job protection for serious health conditions under the FMLA or California's CFRA. Both of these are unpaid leave programs. However, employees are required to use any available income replacement benefits, (paid sick days and vacation) to convert the FMLA/CFRA leave to paid leave. See the Family and Medical Leave Policy # 4.419 for more information. An employee who is not able to return to work after exhausting paid sick days and accrued vacation benefits will be continued on any approved FMLA/CFRA leave on an unpaid leave basis.
- C. **Transition to Unpaid Leave.** An employee who is not eligible for FMLA/CFRA leave (or who has exhausted FMLA/CFRA leave) must apply for discretionary leave under the Discretionary Leave Policy, 4.423. Otherwise, employment may be terminated for failure to return to work. Employees on discretionary leave must exhaust all income replacement benefits, including paid sick days and vacation before they will be permitted to proceed on an unpaid leave status.

VIII. Coordination with Other Benefit Policies.

- A. **Short-Term Disability Benefits.** Certain absences may qualify for the university's Short-term disability and Pregnancy Disability Benefits ("STD") (Policy 4.717). If so, the employee's paid sick days will not be charged to the extent the absence is covered by STD benefits. However, Employees will be required to use paid sick day accruals to supplement the difference between Short-Term Disability payments and the employee's regular salary up to 100% of the normal daily rate of pay. Under this situation, paid sick day accruals will be deducted for any sick pay benefits received.

B. Sick Leave Donation. The university has generous short-term disability and long-term disability benefits for employees who are unable to work due to an extended illness or injury. Therefore, the university no longer maintains a leave donation program.

IX. Return to Work. An employee's right to return to work after an illness or injury is governed by the University's various attendance and leave policies. An employee who is returned to work after being released by their health care provider, will return without loss of seniority.

X. Sick Leave at Termination. Paid Sick days are a form of income replacement and not a vested form of compensation. Therefore, accrued paid sick days are forfeited upon termination of employment. Employees rehired within six (6) months, or recalled from a temporary layoff, will have their prior paid sick days restored.

XI. Outside Employment Prohibited. Employees using paid sick days are prohibited from working for the university or in any outside employment including self-employment during the duration of the leave. (See Outside Employment Policy #4.205). Violation of this policy may result in disciplinary action.

Policy Cross References

Outside Employment	Policy # 4.205
Termination of Employment	Policy # 4.223
Hours of Work and Attendance	Policy # 4.401
Discretionary Leave	Policy # 4.415
Family and Medical Leave	Policy # 4.419
Bereavement Leave	Policy # 4.425
Vacation	Policy # 4.433
Corrective Action and Discipline Procedures	Policy # 4.617
Short-term Disability and Pregnancy Disability Benefits	Policy # 4.717