

William Paterson University Policy

University Policy

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| SUBJECT: | University Policy | TITLE: | Sick Leave Policy – Unclassified Employees | | |
| CATEGORY: Check One | Board of Trustees <input type="checkbox"/> | University <input checked="" type="checkbox"/> | Functional <input type="checkbox"/> | School/Unit <input type="checkbox"/> | |
| Responsible Executive: | VP for Human Resources | | Responsible Office: | Human Resources | |
| CODING: | 00-01- | ADOPTED: | 2/18/2021 | AMENDED: | |
| | | | | LAST REVIEWED: xx/xx/xx | |

I. PURPOSE

To assist Unclassified University Employees when non-work related illness or injury necessitates their absence from work, the University provides to eligible employees paid sick leave.

The University expects employees to maintain a satisfactory attendance record. Sick leave as detailed in this policy is provided when an employee needs to attend to their own illness or injury and/or for the care of a family member who is ill, as outlined in this policy.

Sick leave may also be used due to a death in the employee’s immediate family as defined in the policy.

II. ACCOUNTABILITY

Human Resources Employee Benefits Office

III. APPLICABILITY

This policy applies to full-time and part-time Faculty and Professional Staff covered under the AFT Collective Bargaining Agreement and non-aligned full time managerial employees.

IV. DEFINITION(S)

“Serious health condition” as defined by the Department of Labor:

The most common serious health conditions that qualify for FMLA leave are:

- conditions requiring an overnight stay in a hospital or other medical care facility;
- conditions that incapacitate you or your family member (for example, unable to work or attend school) for more than three consecutive days and have ongoing medical treatment (either multiple appointments with a health care provider, or a single appointment and follow-up care such as prescription medication);
- chronic conditions that cause occasional periods when you or your family member are incapacitated and require treatment by a health care provider at least twice a year; and
- pregnancy (including prenatal medical appointments, incapacity due to morning sickness, and medically required bed rest).

“Immediate family” as defined by N.J.A.C. 4A:1-1.3

"Immediate family" means an employee's spouse, domestic partner (see section 4 of P.L. 2003, c.246), child, legal ward, grandchild, foster child, father, mother, legal guardian, grandfather, grandmother, brother, sister, father-in-law, mother-in-law, and other relatives residing in the employee's household.

V. ELIGIBILITY FOR SICK LEAVE BENEFITS

Full time twelve month employees accrue 15 sick days per calendar year. Full time ten month employees accrue 12.5 sick days per calendar year. Part-time employees earn sick time at a rate proportionate to their assigned hours. The full allotment of sick leave is granted at the beginning of the applicable benefit year (see definition below), however sick leave is accrued on a monthly basis.

Benefit year:

AFT Faculty and Professional Staff: January 1st

Higher Education Managers: July 1st

Sick leave may be utilized by employees when they are unable to report to work due to personal illness, accident or exposure to contagious disease, and/or for medical appointments when such appointments cannot be scheduled after working hours. Sick leave may also be used to attend to members of the immediate family who are ill and/or in instances of death in the employee's immediate family.

Absences for a serious health condition, as defined in this policy, for an expected duration of five or more days will be charged against annual Family Medical Leave entitlement in accordance with both the Federal and State family leave laws.

For purposes of attending to a family member who is ill, medical documentation must be provided verifying that the employee's assistance was essential to the family member's well-being. Personal doctor visits which can be arranged during non-working hours, taking family members to the doctor for non-emergency tests or check-ups, or serving as a nurse or housekeeper are not considered appropriate uses of sick leave.

All unused sick leave shall accumulate from year to year to be used if and when needed. An employee shall not be reimbursed for accrued sick leave at the time of termination of employment except upon retirement. (Faculty are not eligible for retirement sick leave.)

An employee who has been re-employed shall be credited with the total accrued sick leave at the termination of previous State employment. Documentation of prior sick leave is the responsibility of the employee.

VI. PROCEDURES TO APPLY FOR SICK LEAVE BENEFITS

EMPLOYEE RESPONSIBILITIES

Unanticipated leave:

If it is necessary for an employee to use sick leave, the supervisor shall be notified promptly at the employee's usual reporting time, except in those work situations where notice must be made prior to the employee's starting time.

An employee who is on sick leave absence for five or more consecutive working days must submit to the Payroll and Employee Benefits Office acceptable medical evidence substantiating the illness. Failure to provide acceptable medical documentation may result in unauthorized leave. Unauthorized leaves of absence may lead to disciplinary action up to and including termination in accordance with established procedures and applicable contractual agreements.

Anticipated Leave:

Employees covered under this policy who anticipate to be absent for reasons covered under this policy, five days or more (with or without pay) must make a written request for a leave of absence to the President or the designee. Employees must not include medical documentation in the request. A copy of this request should be provided to the department chairperson, dean or director and Vice President of Human Resources.

Requests for leaves of absence due to illness require that medical documentation be submitted to the Employee Benefits Office **only**. Necessary medical documentation should include a prognosis and expected return to work date. Failure to provide acceptable medical documentation may result in unauthorized leave. Unauthorized leaves of absence may lead to disciplinary action up to and including termination in accordance with established procedures and applicable contractual agreements.

When an illness is of a chronic or recurring nature causing occasional absences of one day or less, one proof of illness shall be required for every six month period. The proof of illness must specify the nature of the illness and that it is likely to cause periodic absences from employment.

Human Resources may, in its discretion or upon referral by a supervisor, request a doctor's certificate for illness immediately preceding or immediately following a holiday. In addition, the University may require proof of illness or injury when there is a reason to believe that an employee is abusing sick leave; an employee has been absent on sick leave for five or more consecutive work days; or an employee has been absent on sick leave for an aggregate of more than fifteen days in a twelve month period.

Sick leave may be approved for up to a period of 12 months commencing the first day of leave. For employees who are not eligible or who have exhausted leave entitlements under applicable Federal/State laws (FMLA/NJFLA) additional leave may be considered as part of the accommodation process for an ADA qualifying condition in accordance with the University's Disability Accommodation Policy. After 12 months, the employee must return to work. If the employee's medical condition continues after the 12 month period, they may be eligible for short and/or long term disability insurance after separation from the University. Failure to follow sick leave notification and verification procedures, may result in the denial of sick leave, be considered an abuse of sick leave, and/or constitute cause for disciplinary action.

Employees who are absent for five consecutive days or more, must follow the established leave of absence policy. If supporting documentation has not been received, employees must report to HR upon return to work.

Regardless whether sick leave is anticipated or unanticipated, employees who are absent for five consecutive days or more, must follow the established leave of absence policy and provide medical documentation to the Employee Benefits Office. If supporting documentation is not received, employees must report to HR upon return to work.

Supervisor Responsibilities:

When the Supervisor becomes aware that an employee is or will be absent from work due to illness/injury, Human Resources must be notified as soon as possible. Such notification should be in writing to the Employee Benefits Office (email notification is acceptable).

The Supervisor is responsible for completing the employee's attendance record and ensuring that sick leave is coded appropriately. Please refer to the "TIMESHEET COMPLETION CHART".

Human Resources may require that the employee submit a doctor's certificate when:

1. there is a reason to believe that an employee is abusing sick leave
2. an employee has been absent on sick leave for five or more consecutive work days
3. an employee has been absent on sick leave for an aggregate of more than fifteen days in a twelve month period
4. for illness immediately preceding or immediately following a holiday

Medical documentation must be provided to the Employee Benefits Office and must **not** be provided to the employee's Department or Supervisor.

Following approved sick leave, supervisors must contact Human Resources to verify that the employee has been cleared to return to work.

Human Resources' (HR) Responsibilities:

HR receives medical documentation and determines eligibility for sick and leave benefits based on applicable Federal and State laws (including but not limited to Family Medical Leave Act FMLA, New Jersey Family Leave Act (FLA), New Jersey Temporary Disability Benefits (NJTDI), New Jersey Family Insurance (NJFLI), Americans with Disability Act (ADA) and Reasonable Accommodation Policy), corresponding contractual benefits and/or applicable University policies.

HR notifies supervisor of leave request, obtains supervisor approval, and provides return to work status (if available).

VII. PROCEDURES FOR FACULTY SICK LEAVE

(SUBJECT TO NEGOTIATIONS - TO BE ADDED IN PHASE 2)- University to submit a request to negotiate application of sick leave for faculty, including process on how special sick leave is applied and calculated. Absent negotiation of this section, the current policy and practice in regards to applying faculty sick leave remains in place.

Faculty sick leave should be charged in the following manner:

In instances where the faculty member's period of medical leave includes intermittent days on which classes are and are not scheduled, the leave shall consist of the entire number of days in question. For example: Professor A has classes Mondays, Wednesdays and Fridays. Professor A is ill on Wednesday and Friday during a particular week. Professor A is then charged sick leave for Wednesday, Thursday and Friday. However, if Professor A is only out sick on Wednesday and has no college responsibilities on Tuesday and Thursday, then he is only charged sick leave for Wednesday.

Medical documentation is required excusing the employee from work and returning them to work while on a medical leave of absence.

Faculty leave shall be for one semester or full year unless a request for intermittent or partial leave was submitted and approved in advance of the start of the term. In the event that a faculty member is required to take a medical leave of absence for either a semester or an entire academic year, and he/she has enough earned sick leave for the entire leave period requested, the faculty member will be charged sick time as below:

- a. Current policy and practice in regards to applying faculty sick leave: [Paid Time Off | William Paterson University \(wpunj.edu\)](#)
- b. **Proposed for Phase 2:** One semester: In cases of sick leave for an entire semester, either Spring or Fall, sick leave will be applied to the equivalent of one-half of the number of working days during the fiscal year, in accordance with Payroll guidelines in effect for the applicable fiscal year, regardless of the start/end dates of classes for the specific semester.
- c. **Proposed for Phase 2:** Entire academic year: Sick leave will be applied according to the academic year.

**The employee is not to be charged sick leave for the following holidays: Labor Day, Thanksgiving Day, Christmas Day, New Years Day, Martin Luther King's Day, Good Friday and Memorial Day. They also should not be charged during winter and spring breaks.*

VIII. FACULTY SPECIAL SICK LEAVE

In accordance with the AFT Agreement, Article 24.D. Special Sick Leave, an employee who is medically unable to work full time, but is capable of working a reduced load, may be permitted to work at such reduced load, receive full pay, and use prorated earned sick leave to make up the difference between the reduced workload and the regular full-time workload. Earned sick leave used in this manner shall be deemed Special Sick Leave. The President or the designee may require appropriate medical documentation that the employee can work part time but not full time. Additionally, the President or his/her designee may consider operational needs in deciding whether the employee may work on a part-time basis, and may consider whether the employee has complied with the policies related to the use of reporting of sick leave. An employee's request to use Special Sick Leave may be considered on a case-by-case basis and normally shall be for an entire semester. In cases where special sick leave is granted during the course of the semester, the leave shall continue until the end of the semester.

IX. RETURN FROM LEAVE

The University requires medical clearance before an employee returns to work from a medical leave of absence. The documentation should indicate the employee's return to work date, indicate if the employee has any restrictions/limitations. If there are restrictions/limitations, the documentation should indicate the end date for such. The University's Return From Leave of Absence form may be used for this purpose, absent a medical certificate.

In accordance with the Reasonable Accommodation Policy, the University may make a reasonable accommodation for employees to return to work following the interactive process. Examples of an accommodation may include modifications to the employee's work environment, schedule or duties. Such requests should be submitted using the Reasonable Accommodation Request Form (insert link to form).

The University may require an employee who has been absent because of personal illness, as a condition of their return to work, to be examined by a physician designated by the University in accordance with the Independent Medical Examination of Employees policy. Such examination will establish whether the employee is capable of performing his/her normal duties and that his/her return will not jeopardize the health of the employee or other employees. Further, in accordance with the Independent Medical Examination (IME) of Employee Policy, the University may require one or more IME's at any appropriate time as prescribed by the policy.

X. PROCEDURES TO APPLY FOR SICK LEAVE FOR BEREAVEMENT PURPOSES

Sick leave may also be used due to a death in the employee's immediate family as defined in the Definitions section of this policy. Use of sick leave for bereavement purposes shall be limited to three (3) days up to a maximum of five (5) days for out of state funeral services. Employees requiring additional time must use vacation and/or personal time subject to supervisory approval.

Proof of death must be provided to the Payroll and Employee Benefits Office which may be in the form of a Death Certificate or obituary.

XI. SPECIAL CIRCUMSTANCES

In accordance with the FMLA, employees who exhaust the allotted 12 weeks of FMLA leave may be extended additional leave as supported by medical documentation under the Disability Accommodation Policy. Employees who have exhausted leave entitlements and have not returned to work may be evaluated by a University designated physician in accordance with the IME policy.

XII. MEDICAL DOCUMENTATION REQUIREMENTS

All Medical Documentation must be provided to Human Resources via the My Documents Upload secure portal in WP Connect. Medical documentation must not be provided to the employee's Department or Supervisor. If an employee provides medical documentation to the employee's Department, the information must be forwarded to Human Resources.

Employees submitting a medical note should ensure that the note contains the following information:

1. the date the employee was seen by the doctor;
2. the date(s) the employee was out or will be out;
3. the expected date of return;
4. a statement from the doctor that the employee is unable to carry out expected duties and stipulate any period of incapacity or job-related restrictions

In the absence of a medical note, the employee may submit a completed Certification of Health Care Provider for the Employee's own serious health condition or to care for a family member.

In accordance with the FMLA, in cases where insufficient, vague or incomplete medical documentation are provided, the University may require a completed Certification of Health Care Provider for the Employee's own serious health condition or to care for a family member. In addition, an employee applying for Donated Leave shall provide medical documentation, to support the reason for the absence and/or the nature of the illness, to establish program eligibility.

Any medical documentation not containing this information will be returned for the necessary details. Failure to provide the above information may result in denial of sick leave, FMLA designation and/or Donated Leave and/or necessitate an Independent Medical Examination in accordance with applicable University policy.

Medical documentation should be submitted as follows:

For an anticipated leave: as soon as possible or no later than 14 days before a leave commences

For an unanticipated leave: as soon as possible but no later than 5 days after the leave begins

In cases of absences when employee is on medical note status: no later than 5 business days following the employee's return to work

XIII. REFERENCE(S)

Related:

Federal Family Medical Leave Act (FMLA)

New Jersey Family Leave Act (NJFLA)

New Jersey Family Leave Insurance (NJ FLI)

New Jersey Temporary Disability Policy (NJ TDI)

New Jersey Security and Financial Empowerment Act (NJ SAFE ACT)

Reasonable Accommodation Policy

Independent Medical Examination of Employees Policy (IME)

Workers Compensation Policy

Donated Sick Leave

Long Term Disability Policy (LTD)

Leave of Absence policies

XIII. EXHIBIT(S)

Leave process flow chart

Leave of absence Matrix

By Direction of the President and Cabinet:

Date: 02/12/2021

Vice President of Human Resources

(Title of Executive or Vice President(s) whose area of responsibility the policy covers.)