

## **Paid Sick Leave for Professional Staff**

### **Purpose**

This Paid Sick Leave Policy provides a means for eligible full-time members of the professional staff to receive salary continuation as outlined below when unable to work due to their bona fide non-occupational illness or injury. Earned paid sick days may also be used, as outlined below, when a member of the professional staff needs to care for an ill family member; during the period of disability before or after childbirth; and following childbirth or adoption, to care for the child.

### **Eligibility**

All full-time professional staff members earn paid sick days, as outlined below, effective the 1st of the month coinciding with or following the date of hire or appointment to a full-time position.

### **Annual Paid Sick Days**

Each full-time professional staff member is eligible to use up to twelve (12) "Annual Paid Sick Days" per fiscal year (July 1 through June 30). These days are to be used to cover short-term absences from work (12 work days or less) due to the employee's non-occupational illness or injury. The minimum increment of Annual Paid Sick time that may be taken to cover a period of illness or injury is one-half (1/2) day.

Paid sick days will be prorated for those working less than 1,820 annual hours or less than 12 months per fiscal year (i.e., those working the equivalent of 10 months per year may use up to 10 paid sick days).

Annual Paid Sick Days are only to be used due to bona-fide illness or injury.

During the first year of employment, an employee will earn one (1) Annual Paid Sick Day per full calendar month of employment, effective the 1st of the month coinciding with or following appointment to a full-time position, through June 30 of the fiscal year in which the individual was hired or appointed to a full-time position. As of the beginning of the fiscal year (July 1) coinciding with or following full-time employment, the employee will be entitled to use up to 12 Annual Paid Sick Days per fiscal year for bona fide illness or injury (as noted above, paid sick days are prorated for those on less than 12-month-per-year appointments).

The maximum number of Annual Paid Sick Days a professional staff member may use per fiscal year is 12. Any Annual Paid Sick Days (up to 10 per fiscal year) used due to the need to care for an ill family member, as outlined below, will count against a staff member's total of 12 paid days. If an employee uses all of his/her Annual Paid Sick Days, any additional time away from work due to short-term illness or non-occupational injury will be unpaid.

## Use of Annual Paid Sick Days Due to Family Illness

A full-time member of the professional staff may request to use up to **10** paid sick days from his/her allotment of Annual Paid Sick Days per fiscal year, in order to:

- provide care to an eligible family member who is ill or injured,
- transition his/her parent or in-law or other eligible family member to an assisted living facility, and/or
- attend health care appointments with the staff member's dependent child.

For purposes of this policy, "eligible family members" include the professional staff member's spouse or same-sex domestic partner; children and step or foster children who are under age 18; mother, father, step or foster parent; mother-in-law, and father-in-law. Other family members, such as a sibling or grandchild, may be considered "eligible" **if the professional staff member must provide care for that family member on a regular basis** (i.e. the family member resides with the professional staff member or the professional staff member serves as the regular caregiver to the family member).

### *Key Information:*

- A professional staff member may use up to the *lesser of*: (a) 10 paid sick days, or (b) the number of days the individual has available from his/her allotment of Annual Paid Sick Days for the current fiscal year, in order to care for an ill family member.
- A professional staff member requesting to use up to 10 of his/her Annual Paid Sick Days for family / eldercare purposes may be required to provide a "Certification of Physician or Health Care Practitioner" form to Human Resources, documenting the need to care for the eligible family member. Additionally, this form will be required if the professional staff member will be absent from work 4 or more days, per the College's Family & Medical Leave Policy (see [www.fandm.edu/x14503.xml](http://www.fandm.edu/x14503.xml)).
- **A full-time member of the professional staff may use up to a total of 12 Annual Paid Sick Days per fiscal year per this policy.** Any Annual Paid Sick Days (up to 10 per fiscal year) used due to absence from work to care for an eligible family member who is ill or to attend a child's health care appointments will count against the staff member's total allotment of 12 Annual Paid Sick Days (thereby reducing the number of paid days the professional staff member has available to use due to his/her own illness).
- In cases where two family members are employed by the College, each may request to use up to 10 Annual Paid Sick Days to care for an eligible family member.
- A member of the professional staff may not use both paid maternity / paternity leave (as described below) and Annual Paid Sick Days following birth or adoption. However, once the staff member has returned to work following leave, he/she may use up to 10 Annual Paid Sick Days to care for an eligible family member per this policy.

- Full-time members of the “non-exempt” staff are also eligible for 3 paid “Family Illness Days” per fiscal year, per the Family Illness Days Policy ([www.fandm.edu/x14556.xml](http://www.fandm.edu/x14556.xml)).
- During the first year of employment, a full-time professional staff member may use up to half his/her earned Annual Paid Sick Days in the event the staff member must care for an eligible family member who is ill and doing so prevents the staff member from working. As of the beginning of the fiscal year (July 1) coinciding with or following full-time employment, the professional staff member will be entitled to use up to 10 of his/her 12 Annual Paid Sick Days per fiscal year if an eligible family member's illness prevents him/her from working.
- Professional staff who work less than a 12-month-per-year schedule (or less than 1,820 annual work hours) and, therefore, receive less than 12 Annual Paid Sick Days per year may use up to *the lesser of*: (a) 10 days due to family illness, or (b) the total number of Annual Paid Sick Days they receive per fiscal year.
- Paid sick leave, including leave to care for an eligible family member, will run concurrently with Family & Medical Leave when the professional staff member is eligible for Family & Medical Leave.

## Notification Requirements

### 1. *Notify Your Supervisor*

A professional staff member must notify his/her supervisor before the start of the work day if the individual will be unable to report to work due to injury or illness (or must provide notification according to established departmental procedures). Medical certification will generally not be required for short-term illnesses or injuries. However, the College reserves the right to require an employee to submit a health care provider's statement verifying the employee cannot perform his/her job due to a medical condition.

A professional staff member who is unable to report to work because he/she must care for an ill family member must notify his/her supervisor before the start of the work day (or provide notification according to established departmental procedures).

### 2. *Notify Human Resources as Applicable*

**If a member of the professional staff is likely to be absent from work 4 or more days, or is hospitalized, the employee must notify Human Resources on, or before, the first day absent (the staff member must also notify his/her supervisor).** If a professional staff member needs to care for an ill family member and will be absent for 4 or more days, Human Resources must be notified by the staff member. Under these circumstances, the staff member may qualify for Family & Medical Leave.

### 3. *Submit a Health Certification Form as Applicable*

Professional staff who may qualify for Family & Medical Leave must submit the proper “Certification of Physician or Health Care Practitioner” form to Human Resources (available from the Human Resources web pages and in the Human Resources public folder in eDisk). The College reserves the right to require a health care provider's

statement verifying the need for the professional staff member to be away from work. Human Resources will let a staff member know if a Health Certification is required.

*The College reserves the right to deny the use of paid leave if proper notice or certification of the need for leave is not provided, in advance whenever possible, or due to excessive absenteeism / excessive use of paid sick leave by the professional staff member.*

## **Health Care Visits**

Health care visits should be scheduled at the convenience of the department whenever possible. With the supervisor's approval, an employee may attend a necessary medical appointment during work hours and then make up work time outside of the normal work schedule to receive full pay. For "non-exempt" employees, the time-off and make-up period must occur within the same pay period, and time sheets should be completed to reflect actual hours worked. Necessary health care visits which cannot be accommodated through a work schedule re-arrangement will be charged against the employee's Annual Paid Sick Days. The minimum charge against Annual Paid Sick Days will be 1/2 day.

## **Unused Annual Paid Sick Days**

Annual Paid Sick Days which are not used during the fiscal year **will be added to the employee's Extended Sick Leave Bank**, as described below.

## **Extended Sick Leave Bank**

In addition to Annual Paid Sick Days as described above, effective the first of the month following the date of hire or appointment to a full-time position, each full-time staff employee and administrator will receive a one-time allocation of thirty (30) paid sick days to his/her "Extended Sick Leave Bank" (ESLB). **An employee becomes eligible to use paid sick days from his/her ESLB after the employee has been employed by the College full-time for 12 months.** The purpose of the Extended Sick Leave Bank is to help cover periods of non-occupational illness or injury that are longer than a total of 12 work days in duration. Provided appropriate medical documentation is given, an employee's entire Extended Sick Leave Bank accumulation will be available when the employee has a bona fide illness or injury (i.e., a "covered medical condition") which prevents him/her from working.

At the end of each fiscal year, unused Annual Paid Sick Days (described above) will be added to the individual's Extended Sick Leave Bank. An employee may accumulate a **maximum of 130 paid sick days** (equivalent to 130 work days) in his/her Extended Sick Leave Bank. Days in the ESLB will be prorated for those working less than 1,820 annual hours or less than 12 months per fiscal year.

## **Use of the Extended Sick Leave Bank**

Under the following circumstances, an employee may apply for paid sick leave days from his/her ESLB, up to the current total of his/her accumulated days:

1. The illness or injury (including pregnancy-related disability) requires an absence from work that is greater than a total of 12 work days;

2. The employee has been employed by Franklin & Marshall College for at least 12 months prior to the commencement of the leave, and during the previous 12 month period, worked at least 1,250 hours; and
3. The employee completes and submits all required forms.

If an employee exhausts his/her accumulation in the ESLB, any remaining days of disability will be paid from the employee's unused Annual Paid Sick Days, up to a maximum of 130 paid days. Any additional time away from work, after the ESLB and Annual Paid Sick Days have been exhausted, will be unpaid. For employees classified as "exempt", only full-day absences will be unpaid as permitted by the Fair Labor Standards Act.

If an employee uses his/her total accumulation in the ESLB due to an extended absence, the employee may not use paid sick days from the ESLB for a 12 month period beginning on the date the employee is no longer disabled *and returns to work* from extended illness. Any unused Annual Paid Sick Days, up to 12, will be available for short-term absences. The employee's total accumulation in the ESLB will again be available 12 months from the date the employee is no longer disabled and returns to work.

If the employee does not use his/her total accumulation of paid days in the ESLB, the remaining days, including any unused Annual Paid Sick Days which roll into the employee's ESLB at the beginning of a new fiscal year, will be available for any other qualified extended absences which occur within the same 12 month period. Paid sick days from an employee's Extended Sick Leave Bank may not be used for short-term illness of 12 work days or less.

### **Covered Medical Condition**

For purposes of this Paid Sick Leave Policy, an employee will be considered to have a covered medical condition if he/she is under the direct care and treatment of a licensed health care provider who certifies that the employee is unable to perform the essential functions of his/her job, or an alternate position the College offers which the employee is otherwise capable of performing, due to non-occupational illness or injury including physical or mental impairment.

Paid sick leave benefits will not be provided if an employee misses work due to elective appointments and procedures, such as cosmetic surgery, that are not intended to diagnose, treat, or correct a physical or mental impairment.

### **Use of Extended Sick Leave Following Childbirth or Adoption**

A full-time member of the professional staff (new mother or father) who has at least 12 months of full-time College service may request to use up to *the lesser of*:

- a) 20 earned, paid sick days (4 work weeks) from his/her Extended Sick Leave Bank, *or*
- b) the total number of days available in his/her Extended Sick Leave Bank

following the birth or adoption of the professional staff member's child.

A new mother who gives birth may use up to a **total of 40** paid sick days (8 work weeks) following the birth, providing such days are available in her ESLB. In the event a new mother's period of disability before or following childbirth extends beyond 8 work weeks, additional paid sick days may be used per the standard Paid Sick Leave Policy. For example, if a new mother has pregnancy-related complications and must stop working 2 weeks before giving birth, and then is released by her physician to return to work 6 weeks after giving birth (is no longer considered "disabled" 6 weeks after giving birth), the new mother may take:

- 2 weeks of paid sick leave before giving birth, plus
- 8 weeks of paid leave after giving birth.

(The above is contingent on the new mother having sufficient days in her ESLB.)

***Key Information:***

- Earned, paid sick days from a professional staff member's Extended Sick Leave Bank (ESLB) may be used following childbirth or adoption so that the staff member may care for his/her newborn or newly adopted child.
- Maternity or paternity leave must be taken within one (1) year of the birth or adoption.
- Paid maternity / paternity leave days must be taken consecutively; days may not be taken intermittently except in unusual circumstances and when approved in advance by the professional staff member's supervisor.
- **Days from the ESLB taken for maternity or paternity leave will then not be available to the professional staff member in the event of his/her illness or injury.** However, paid days return to the staff member's ESLB 12 months from the date of his/her *return* from maternity or paternity leave.
- In cases where both the mother and father, or both same-sex domestic partners, are employed by the College, each may request to use paid maternity / paternity leave within 1 year of birth or adoption. (Both mother and father are also each eligible for up to 12 weeks of unpaid leave per the College's Family & Medical Leave Policy.)
- Paid maternity or paternity leave will run concurrently with Family & Medical Leave.
- A new mother or father who exhausts paid maternity / paternity leave may take additional unpaid leave via the College's Family & Medical Leave Policy ([www.fandm.edu/x14503.xml](http://www.fandm.edu/x14503.xml)), or may use any earned vacation days in conjunction with maternity / paternity leave.
- All other provisions of this Paid Sick Leave Policy and the Family & Medical Leave Policy apply.

## Applying for Use of Extended Sick Leave

### 1. Notify Your Supervisor

If an employee cannot work because of an illness or injury, including pregnancy-related disability, the employee must notify his/her supervisor in accordance with departmental policy (but no later than the start of the work day on the first day absent). The employee must provide as much advance notice of a known absence as possible. The employee must keep his/her supervisor informed of the expected duration of the absence. If the employee's medical condition prevents him/her from notifying the supervisor, someone acting on behalf of the employee must do so.

### 2. Notify Human Resources

**When an employee will be absent 4 or more work days, the employee must notify Human Resources on, or before, the first day absent.** The employee must provide as much advance notice of a known absence as possible.

A member of the professional staff who wishes to take maternity or paternity leave as outlined above is asked to provide as much advance notice to his/her supervisor as practical; a minimum of one month advance notice is required. Human Resources must also be notified in advance of the commencement of leave.

### 3. Submit a Health Certification Form

An employee applying for extended sick leave must sign an authorization allowing his/her health care provider to release medical information to the College, related to the leave request. The staff member's health care provider must complete a "Certification of Physician or Health Care Practitioner" form (available on the Human Resources web pages and through eDisk, in the Human Resources public folder). The completed form is to be returned to Human Resources. This form must be completed and returned to Human Resources prior to commencement of extended sick leave whenever possible. Approval of a claim and salary continuation may be delayed or denied if the necessary documentation is not provided to Human Resources in a timely manner. Human Resources will supply information and forms necessary to apply for Family & Medical Leave, as applicable. Health-related information will be handled in strict confidence by Human Resources.

Human Resources will evaluate the claim and approve or deny it, based on medical documentation. The employee and/or the employee's treating health care provider may be asked to provide additional information necessary to determine eligibility for benefits. The College reserves the right to require the employee to undergo an independent medical examination and/or to obtain a second opinion, at the College's expense, as a part of the process of evaluating the claim for benefits.

#### *a. If the Claim is Approved:*

If a claim is approved, the professional staff member will receive salary continuation (full base pay) while absent due to the covered medical condition, up to the total number of days currently available in the employee's ESLB (maximum of 130 days). If an employee uses his/her total accumulation in the ESLB for an extended illness or injury, any additional days off work will be paid from the employee's remaining Annual Paid Sick

Days, for a total of 130 paid sick days. If an employee has received paid sick leave from his/her ESLB during the 12 month period prior to commencement of the current absence, the number of days already paid from the ESLB will be deducted from those available from the ESLB for the current absence.

In order to continue to be eligible for paid sick leave, the employee may be asked periodically to submit an updated "Medical Leave Certification of Physician or Health Care Practitioner" to Human Resources. The College may also require the employee to undergo an independent medical evaluation, at the College's expense, to verify the employee's continuing inability to work. If the employee does not submit the form or does not undergo an independent medical evaluation as requested by Human Resources, paid sick leave may be terminated until appropriate documentation is received.

*b. If a Claim Is Denied:*

If a claim is denied, Human Resources will provide the employee with a written explanation. The employee may then file an appeal. The employee must present his/her appeal in writing to Human Resources within 45 days of the initial claim decision. The appeal will be reviewed by the Vice President for Finance, and the employee will be provided with a written response within 45 days.

*All medical information that the employee and his/her health care provider supply to support the claim for benefits will be kept in the employee's confidential medical file. Only those with a business need-to-know will receive information regarding an employee's absence.*

## **Family & Medical Leave**

Time away from work will be designated as Family & Medical Leave (F&ML) if the employee qualifies for such leave based on the Family & Medical Leave Act. If an employee qualifies for both paid sick leave and F&ML, the two benefits will run concurrently. If paid sick leave is exhausted, the employee may qualify for additional unpaid time off work per the Family & Medical Leave Policy. Human Resources will supply information and forms necessary to apply for Family & Medical Leave, if applicable. The College's Family & Medical Leave Policy ([www.fandm.edu/x14503](http://www.fandm.edu/x14503)) contains additional information.

## **Compensation and Benefits During a Paid Sick Leave of Absence**

A full-time member of the professional staff using Annual Paid Sick Days or days from his/her Extended Sick Leave Bank during an approved absence for a covered medical condition will receive regular base wages. A full-time employee on approved paid sick leave will retain coverage under the College's fringe benefit plans, providing any applicable employee premiums are paid on a timely basis. Active employee premiums for health insurance coverage and dental insurance coverage will be deducted, as applicable, from the employee's pay on a monthly or bi-weekly basis.

If a paid College holiday falls while an employee is on paid sick leave, the employee will receive holiday pay in lieu of a paid sick day and will not be charged with the use of a paid sick day.

## **Return to Work**

A member of the professional staff will be expected to return to work from sick leave as soon as he/she is medically capable of doing so. Before the employee returns to work from a period of extended sick leave, the employee must provide a written statement to Human Resources from his/her attending health care provider on a form approved by Human Resources ("Return to Work Certification") which includes:

- a. the date the employee is released to return to work, and
- b. any work limitation imposed due to the medical condition

An employee should promptly notify Human Resources of his/her return to work date.

The College may require a second opinion, at its expense, if there is a question as to whether the employee can safely and effectively perform the essential functions of his/her position following leave. The employee will be required to provide the results of the second medical opinion to Human Resources prior to returning to work.

If a professional staff member does *not* return to work following paid sick leave, the last day of approved paid sick leave will be considered the employee's termination date, unless the employee qualifies for additional leave under the Family & Medical Leave Act.

## **Recordkeeping**

For "non-exempt" employees, all paid sick days taken must be recorded on time sheets. Any paid sick days which are used due to an eligible family member's illness, to attend health care appointments, or due to maternity or paternity leave as described above, are to be recorded as sick days ("SD") on time sheets, with a notation such as "family illness" or "maternity leave".

For exempt employees, a "Paid Sick Leave Recordkeeping Form" must be completed and forwarded to Human Resources by the supervisor, or a designee, at the end of the calendar month in which the leave was taken (this form is available on the Human Resources web pages and through eDisk, in the Human Resources public folder). Any Annual Paid Sick Days used due to a family member's illness or maternity/ paternity leave are to be noted on this form.

*It is the responsibility of each professional staff member to assure he/she does not use more Annual Paid Sick Days or Extended Sick Leave than the amount for which he/she is eligible.*

## **Additional Information**

- Annual Paid Sick Days will be prorated for full-time employees who are scheduled to work less than 12 months or 1,820 hours per year.
- Salary continuation under this Paid Sick Leave Policy is limited to amounts and periods of regular base wages, and in no case will paid sick leave benefits duplicate any other payments from the College. In no event will all benefits available exceed 100% of the employee's base wages. Base wages, or base salary,

excludes all additional compensation such as overtime pay, stipends, bonuses, or other special payments.

- An employee may not use paid sick days on any day(s) when Workers' Compensation benefits are payable.
- If a paid College holiday falls while an employee is on paid sick leave, the employee will receive holiday pay in lieu of a paid sick day and will not be charged with the use of a paid sick day, as long as the employee remains eligible for paid sick leave.
- Salary continuation payments will be reduced by any amount payable from state or federal disability funds (including Social Security), or from any other programs funded in whole or in part by the College, which the employee is eligible to receive or would be eligible to receive if he/she applied for benefits.
- Extended sick leave will not be granted during any period when an employee is not under the care of a licensed physician or other health care provider except in the case of maternity or paternity leave following childbirth or adoption.
- Salary continuation will not apply for medical conditions resulting from injuries or illnesses contracted during commission of a felony crime by the employee.
- Salary continuation will not apply for any medical condition arising as a result of an act of war (declared or undeclared) occurring while covered.
- No paid sick leave will be granted for any medical condition resulting from work performed for another employer for wage or profit.
- Paid days from an employee's Extended Sick Leave Bank may, at the College's discretion, be used to cover intermittent absences from work due to chronic conditions (such as cancer and chemotherapy treatment).
- Unused Annual Paid Sick Days may not be carried over from year to year (except unused days that roll into the Extended Sick Leave Bank at fiscal year-end, as described above). There is no payment made for unused sick days.
- Eligibility for paid sick leave ceases upon employment termination, including retirement. Upon employment termination (including retirement), payment is not made for any unused Annual Paid Sick Days or days from his/her Extended Sick Leave Bank.
- For employees classified as "exempt" (those who do not complete time sheets) and who exhaust all paid sick days and take unpaid time off work, only full-day absences will be unpaid as required by the federal Fair Labor Standards Act.
- In the event an illness or injury occurs after an employee has given notice of his/her intent to resign, the last actual working day will be considered the termination date. In no case will the termination date be later than the original intended termination date. Paid sick days will not be granted beyond the last actual working day. For employees on a terminal appointment, paid sick leave will not be granted after the last day of the appointment.

- Use of paid sick days for which an employee is not eligible will be grounds for disciplinary action. Professional staff members are responsible for accurately tracking their eligibility for and use of paid sick days.
- An employee who engages in other employment during a period of sick leave may be subject to disciplinary action, up to and including termination of employment, and/or denial of paid sick leave benefits. Any outside employment during a leave of absence must be approved in advance by the College.
- The College reserves the right to deny a paid leave if proper notice or certification of the need for leave is not provided, in advance whenever possible, or due to excessive absenteeism / excessive use of paid sick leave by the professional staff member.
- Excessive absenteeism and/or inappropriate use of sick leave will be cause for adverse employment actions, up to and including dismissal.
- Continued employment with the College is not guaranteed during a period of paid or unpaid sick leave, except as required by the Family & Medical Leave Act.
- Implementation for full-time employees hired prior to 1/1/00: Paid sick leave accumulated, and unused, prior to 1/1/00 has been added to each full-time employee's Extended Sick Leave Bank, up to 130 days. As of the policy implementation date, each full-time Staff and Administrative employee also received a one-time allocation of 30 paid sick days in his/her ESLB. The maximum accumulation in any employee's ESLB is 130 days.

*This policy may be modified or revoked at the sole discretion of the College.*

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