

To: All Faculty and Staff

From: Regina Sherwood, Vice President of Talent and Human Capital Strategy and Title IX Coordinator
Kavita Jayachandran, Director of Benefits
Kathy Rogers, Vice President and General Counsel

Date: July 1, 2015

Re: New Massachusetts Earned Sick Time Law

Dear Colleagues:

This memo contains important information about paid sick days for faculty and staff at Simmons. We invite you to take a few moments to read it to understand your benefits and to learn about a new benefit for faculty and some staff members.

The New Law in Massachusetts

Many of you may recall that, on November 4th of last year, voters in Massachusetts overwhelmingly approved a ballot measure entitling employees to sick leave. Many workers in Massachusetts have no sick days to draw upon when they or an immediate family member becomes ill, and they have no protection against termination when they are too ill to report to work.

This new law will permit employees up to **40 hours of sick leave**, often *with pay*, and always *without job loss*. This new law goes into effect today, July 1, 2015, and it will be one of our nation's most generous sick leave laws, benefiting millions of our fellow citizens.

Staff and sick days

Simmons has a long tradition of providing paid sick days to staff. Full-time Simmons staff who regularly work 12 months are granted 12 paid sick days (the equivalent of between 84 to 96 hours) on July 1st of each year to be used through June 30th of the following year. Given that our Simmons sick leave policy, in conjunction with other leaves offered at Simmons, already exceeds the requirements of the new law, there will be no change to our sick leave policy for most staff. We will offer the same generous sick leave benefit in FY16 that we offered in FY15.

Benefits-eligible staff working less than full-time will continue to be granted sick days that reflect their less than full-time status. Non-benefits eligible staff will now receive sick days as highlighted in the chart below.

Full-time faculty and sick days

Faculty will see some change, mostly in how they track days when they need to be absent from campus due to illness or to attend to a sick family member. For many decades now, Simmons faculty who experienced a short-term illness, typically notified another colleague, his/her department chair, or Dean of their illness and made alternative arrangements to cover their class(es) or responsibilities during the

days they would be absent. Because Simmons faculty are paid on the first day of the month in advance for the entire month, there was no impact on their pay for missing classes or days of work. Although Simmons faculty had no specific number of “sick days,” the traditions in place permitted faculty to miss days due to illness and be paid for those days when they could not work.

Our traditional approach for faculty with short-term illness will no longer meet the requirements of the new law, however. Although Simmons faculty could call-in sick when they needed to, and be paid when they did, the new state regulations require a more established policy with more record keeping for *all* employees – staff *and* faculty. The language in the law uses the broader term “employees” – and does not recognize the unique employment arrangements of university faculty.

This means that, starting July 1, 2015, full-time Simmons faculty (tenured track and contract) and proportional faculty will be granted up to 40 hours of paid sick time (the equivalent of five work days) during FY16.

THCS is working with Technology to incorporate the sick time benefit into Workday and will update you when the feature is available. Until then, if you need to avail of sick time, please email your Dean/Manager so they can record this information and communicate to THCS. Please note that timely recording of this time will keep us compliant.

Part-time/Adjunct faculty and sick time

Part-time and Adjunct faculty will also earn paid sick time under this new law. Part-time/Adjunct faculty members will accrue one hour of sick time for every 30 hours worked. Consistent with the regulations providing guidance on this new law, Part-time/Adjunct faculty members will be deemed to have worked three hours for each classroom hour worked.

The chart below summarizes the sick leave policy for July 1, 2015 through June 30, 2016:

Employee Roles		Currently Eligible for sick time	Newly Eligible for sick time effective July 1, 2015	Sick Time
Staff				
	Full-time	Y		12 days (full-time 10-month staff receive 10 days and full-time 9-month staff receive 9 days). This can translate from 63 to 96 hours based on the defined work-week schedule.
	Part-time benefits eligible	Y		Regular part-time staff will receive pro-rated sick time with a minimum of 1 hour for every 30 hours worked, up to 40 hours per fiscal year.
	Part-time non-benefits eligible	N	Y	Part-time staff will accrue 1 hour for every 30 hours worked, up to 40 hours per fiscal year.
Faculty				
	Full-time	N	Y	5 days (40 hours).

Employee Roles		Currently Eligible for sick time	Newly Eligible for sick time effective July 1, 2015	Sick Time
	Proportional/Part-time benefits eligible	N	Y	Regular proportional faculty will accrue 1 hour for every 30 hours worked, up to 40 hours per fiscal year.
	Part-time non-benefits eligible	N	Y	Part-time faculty will accrue 1 hour for every 30 hours worked, up to 40 hours per fiscal year.
Adjunct Faculty		N	Y	Adjunct faculty will accrue 1 hour for every 30 hours worked, up to 40 hours per fiscal year.
Temporary (on Simmons Payroll)		N	Y	Temporary staff will accrue 1 hour for every 30 hours worked, up to 40 hours per fiscal year.

Regular, part-time staff and adjunct faculty members may carry over up to forty (40) hours of accrued, unused earned sick time under this policy to the following fiscal year, but regular part-time staff and adjunct faculty are subject to an accrual cap of forty (40) hours. Once the accrual cap is reached, earned sick time will stop accruing until some earned sick time is used, at which point accrual will resume, subject to the maximum annual accrual of forty (40) hours and the accrual cap of forty (40) hours. Full-time staff, full-time faculty and proportional faculty do not carry over any unused sick time into the following fiscal year.

The attached Notice gives more information including when sick time, as offered under this law, can be used.

Please note that the final regulations for this law were just released (June 19, 2015). Our intent is to more thoroughly review, with campus leaders, these new regulations and our current time off policies. This review will help to ensure our policies meet the dynamic business needs of both faculty and staff across our community. In the interim, if you are a faculty member and have questions about how the earned sick time leave applies to you, please contact your Dean or the Provost’s Office. If you are a staff member and have questions on these changes or the College’s current sick time policy, please contact THCS at x2084 or thcs@simmons.edu.