

## **SICK TIME**

SIMMONS UNIVERSITY IS COMMITTED TO ENSURING A HEALTHY WORKPLACE AND ADEQUATE SICK TIME WHILE COMPLYING WITH APPLICABLE STATE AND FEDERAL LAW. THIS POLICY OUTLINES THE PROVISIONS FOR ACCRUAL, USE, AND ACCEPTABLE PURPOSES FOR EARNED SICK LEAVE.

### **ELIGIBILITY**

This policy applies to staff and faculty (tenure, contract and adjunct)

- Benefits-eligible staff receive a bank of 12 earned sick days (total of 96 hours for full time employees, prorated for part time employees) on the first day of each fiscal year (i.e., on July 1).
- Faculty, student workers and non benefit-eligible staff accrue earned sick time on all hours worked at a rate of 1 hour of earned sick time for every 30 hours worked, up to a maximum of 40 hours.

New benefit-eligible staff employees receive a prorated number of earned sick days based on their hire date. For example, those employees whose first day of work is September 1 would receive 10 earned sick days (or 80 hours of earned sick time for a full time employee, prorated for a part time employee) added to their time off balance on their date of hire for that fiscal year.

### **USAGE**

Eligible employees may use earned sick time for the purposes listed below:

- To care for the employee's own physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, or preventative medical care; or
- To attend the employee's routine medical appointment or routine medical appointment for the employee's child, spouse, parent or parent of a spouse; or
- To care for themselves or their spouse in the event of pregnancy loss or failed assisted reproduction, adoption, or surrogacy; or
- To address psychological, physical, or legal effects of domestic violence involving the employee or a family member; or
- To care for a child, spouse, parent, or parent of a spouse who is suffering from a physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, or preventative medical care; or
- Travel to or from an appointment, a pharmacy, or other location related to the purpose for which the time was taken; or

- When the employee's workplace or a child's school/place of care is closed due to a public health emergency.

Earned sick time may not be used to supplement working hours when an employee is late for work unless the lateness is related to one of the reasons described above. Employees may not use earned sick time if the employee is not scheduled to be at work during the period of use.

Use of sick time will run concurrently with time off provided under state and federal law including the Family and Medical Leave Act (FMLA), the Massachusetts Parental Leave Act (MA PFML), the Massachusetts Domestic Violence Leave Act, the Massachusetts Small Necessities Leave Act, or time off pursuant to any other applicable law to the extent permitted by law.

Employees are responsible for promptly and accurately recording absences in accordance with the University's time and attendance system (Workday). Non-exempt employees must use sick time in increments of no less than one hour. Full time exempt staff must use sick time in increments of no fewer than four (4) hours.

If an employee exhausts their bank of sick time, accrued vacation time should be applied. If no earned sick time time off is available, that time may be unpaid unless disability or state provided benefits are applied. For the usage of unpaid time for a benefits-eligible employee, please contact the Benefits Department.

If employees have used all of their earned sick and vacation time and need additional time off for an approved reason, the extra time off may be unpaid—unless they are eligible for and apply to receive Short-Term Disability (STD) benefits or other applicable state leave programs. Note that a waiting period may apply before these benefits or leave can begin. Please contact the Benefits Department for additional information on applying for leave.

Use of sick time for any of the reasons listed above or for an approved leave of absence will not result in evaluation, discipline, demotion, suspension, or termination.

## **NOTICE AND DOCUMENTATION**

University employees must comply with the University's attendance policy when providing notice. Employees must make a good faith effort to provide reasonable advance notice of need to use sick time if the need is foreseeable. If an employee anticipates a multi-day absence from work, they should provide notification of the expected duration of the absence, or, if unknown, may be asked to provide notification on a daily basis from the employee or their surrogate, unless the circumstances make such notice unreasonable. If the need for sick time is unforeseeable, notice must be provided as soon as is practicable under the circumstances.

If the need for the use of sick time is in excess of five (5) business days, employees must notify the Benefits Department.

Employees will not be required to explain the nature of the illness or the details of the domestic violence however supporting documentation of the absence may be required as set forth in the regulations, 940 C.M.R. 33-00, *et seq.*

The University may require supporting documentation if an employee's use of earned sick time covers more than twenty-four (24) consecutive scheduled work hours or three (3) consecutive scheduled work days; or occurs after 4 unforeseeable or undocumented absences within a 3 month period. Documentation

must be provided within seven (7) days after the taking of earned sick time for which documentation is required, unless, for good cause shown, the employee requires additional time. If the employee fails to provide documentation for earned sick time, Simmons reserves the right to recoup the sum paid for earned sick time from future pay, as overpayment, and Simmons may deny the future use of an equivalent number of hours of accrued sick time until documentation is provided.

## **PAYMENT**

Earned sick time will be paid at the employee's regular rate of pay at the time it is used.

## **CARRYOVER & PAYOUT**

Benefit-eligible staff may carry over up to 30 days (or 240 hours for full time employees, part time employees pro-rated) of unused earned sick time to the following fiscal year. Faculty and non benefit-eligible employees may carry over up to eighty (80) hours of unused earned sick time to the following fiscal year. Sick time accrual stops once a faculty and non benefit-eligible employees reach the maximum of 40 hours of earned sick time. Accrual will resume only after the employee draws down the bank of earned sick time to below 40 hours.

Unused earned sick time is not payable upon termination of employment. Union affiliated employees should refer to their collective bargaining agreement.

Following a break in service of between 4 and 12 months, an employee shall maintain the right to use any unused earned sick time accrued prior to the break in service.

## **ENFORCEMENT & RETALIATION**

Employees may be subject to disciplinary action for misuse of sick time if they are engaging in fraud or abuse of benefits available under this policy.

The University will not tolerate retaliation against an employee because they lawfully exercise their rights under state or federal law.

For employees covered by a Collective Bargaining Agreement (CBA), the terms of the CBA take precedence over this policy in the event of any discrepancies.

Staff and faculty employees with questions regarding this policy should contact Human Resources at [hr@simmons.edu](mailto:hr@simmons.edu).