2.1.7 SICK TIME: REGULAR STAFF EMPLOYEES, REGULAR ACADEMIC STAFF-RESEARCH AND REGULAR ACADEMIC STAFF-PROFESSIONAL LIBRARIANS

Last updated on: 12/09/2016

Formerly Known As Policy Number: 22.6

This Guide Memo describes paid sick time accrual and usage policies for regular staff employees, regular academic staff-research staff, and regular academic staff-professional librarians.

Authority:
Approved by the Vice President for Human Resources.

Applicability:
Applies to regular staff employees not covered by a collective bargaining agreement, regular Academic Staff-Research Staff, and regular Academic Staff-Professional Librarians, as defined in Administrative Guide Memo 2.2.2 [1]: Definitions. For purposes of this Guide Memo, all these types of employees will be referred to as "regular staff employee(s)."

For policies that apply to employees covered by a collective bargaining agreement, refer to the agreements at Labor Relations & Collective Bargaining [2]. Procedures for SLAC employees may vary.

1. Accrual

   a. Eligibility
   Regular staff employees of the University delineated in the Applicability section above accrue and use sick time as described below.

   b. Accrual of Sick Time

      " Regular staff employees accrue sick time as follows:
      " Exempt regular staff employees accrue sick time at the rate of 8 hours per month of full-time pay.
      " Non-exempt regular staff employees accrue sick time at the rate of .046154 hours per hour of straight time. This equates to 96 hours or 12 days a year in an average year of 2,080 straight time hours.
      " For part-time and part-month employment, sick time is credited on a prorated basis for any month a regular staff employee receives any straight-time pay. Straight-time pay for this purpose includes both straight-time pay for work performed and pay for holidays, vacation and sick. Accumulation for an exempt regular staff employee who is employed part-time or part-month is based on the proportion of the regular staff employee with 100% FTE.
      " Unused sick time accumulates from year-to-year, with no maximum limit.
      " When changing positions: When a regular staff employee leaves one position and accepts another position within the university, the employee retains his/her sick time. The employee is subject to any
policies applicable to the new position regarding sick time, including policies regarding sick time use and limits on sick time accruals. If a regular staff employee's acceptance of a new position results in a limit on sick time accruals due to the policy applicable to the new position, any sick time in excess of the limit will be returned to the employee's accruals if the employee returns to a regular staff employee position consistent with the service bridging timelines set out in Section 2 of Administrative Guide Memo 2.1.2 [3]: Recruiting & Hiring of Regular Staff.

- No advance: Sick time must be accrued before it can be used.
- During temporary layoff, sick time accrues as if the laid-off regular staff employee continued to work regular time. (For more information, see Section 2 of Administrative Guide Memo 2.1.17 [4]: Layoffs).
- If a regular staff employee separates from the University in good standing and is rehired by the University into a regular staff employee position within 12 months from the date of separation, previously accrued and unused sick days shall be reinstated. In the case of a layoff, previously accrued and unused sick days shall be reinstated if the regular staff employee is rehired into a regular staff employee position within 24 months from the date of layoff. (For more information about the University's policy regarding bridging of service, see Administrative Guide Memo 2.1.2 [3]: Recruiting & Hiring of Regular Staff.)
- Sick time shall not be paid out upon separation of employment.
- A maximum of 24 hours or three scheduled workdays of protected sick time use per year, whichever is greater, may be used pursuant to the California Paid Sick Leave Law enacted by Assembly Bill 1522. After this amount of sick time has been used, regular staff employees may use remaining sick time pursuant to this Guide Memo 2.1.7, and the remaining sick time is not subject to the protections of the California Paid Sick Leave Law.

c. No Sick Time Accrues

- No sick time accrues during periods of leave with or without pay beginning 8/1/05 or later, including short-term disability, long-term disability, worker's compensation and family temporary disability wage replacement (FTD).
- No sick time accrues during a laid off or retiring regular staff employee's use of terminal vacation. (For more information, see Administrative Guide Memo 2.1.6 [5]: Vacations.)

2. Acceptable and Unacceptable Uses of Sick Time

a. Illness or Injury
Sick time may be used when a regular staff employee's illness or injury prevents the regular staff employee from working.

b. Medical and Dental Appointments
Sick time may be used for all medical and dental appointments. Medical and dental appointments may also be charged to vacation, PTO or floating holiday. Medical and dental appointments include:

- Diagnosis, care or treatment of an existing health condition
- Preventive care
- Appointments associated with a work injury (e.g., physical therapy)

c. Domestic Violence, Sexual Assault or Stalking
Sick time may be used by a regular staff employee who is a victim of domestic violence, sexual assault or stalking in order to:

- Obtain or attempt to obtain any relief, including but not limited to a temporary restraining order, restraining
order or other injunctive relief, to help ensure the health, safety or welfare of the victim or his/her child
- Seek medical attention for injuries caused by domestic violence, sexual assault or stalking
- Obtain services from a domestic violence shelter, program or rape crisis center as a result of domestic violence, sexual assault or stalking
- Obtain psychological counseling related to an experience of domestic violence, sexual assault or stalking
- Participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault or stalking, including a temporary or permanent relocation

d. University Holidays and Sick Time
For holidays that occur on days when a regular staff employee's absence due to illness/injury is fully charged to sick time, and the regular staff employee is not on other leave status, the time off is charged as a paid holiday.

f. During Winter Closure
If a regular staff employee has to use vacation, PTO or floating holiday for certain days during Winter Closure, accrued sick time may be used instead but only in the following limited circumstances:

   1. Sick time may be used for days during Winter Closure that occur within an approved medical leave period, provided the regular staff employee was on the approved medical leave immediately prior to Winter Closure.
   2. Sick time may be used for days during Winter Closure for which Liberty Mutual approved or approves disability or family temporary disability payments and for which days the regular staff employee needs to use paid sick time in order to maintain base pay. (For more information, see Administrative Guide Memo 2.3.5[6]: Disability and Family Leaves.)

f. During Winter Closure
If a regular staff employee has to use vacation, PTO or floating holiday for certain days during Winter Closure, accrued sick time may be used instead but only in the following limited circumstances:

   1. Sick time may be used for days during Winter Closure that occur within an approved medical leave period, provided the regular staff employee was on the approved medical leave immediately prior to Winter Closure.
   2. Sick time may be used for days during Winter Closure for which Liberty Mutual approved or approves disability or family temporary disability payments and for which days the regular staff employee needs to use paid sick time in order to maintain base pay. (For more information, see Administrative Guide Memo 2.3.5[6]: Disability and Family Leaves.)

g. Family Sick Time

(1) Family Sick Time
Regular staff employees may use a maximum of 15 sick days during a calendar year of service (January 1 to December 31) for diagnosis, care or treatment of an existing health condition of, or preventive care for, a regular staff employee's family member. For the purpose of this policy, family member includes only the regular staff employee's:

   ▪ Spouse or registered domestic partner
   ▪ Children of the regular staff employee or spouse or registered domestic partner (including a biological, adopted or foster child, stepchild, legal ward or a child to whom the regular staff employees stands in loco parentis, regardless of the child's age or dependency status
   ▪ Parents and parents-in-law (including a biological, adoptive or foster parent, stepparent, or legal guardian of a regular staff employee or the regular staff employee's spouse or registered domestic partner, or a person who stood in loco parentis when the regular staff employee was a minor)
   ▪ Brothers and sisters
   ▪ Grandparents or grandchildren
   ▪ Other family member dependent on the regular staff employee and living in the regular staff employee's household
h. Use of Sick Time to Maintain Pay during Disability
Unless the regular staff employee applies to his/her department in writing for an exception, which is approved, the university uses a regular staff employee's accrued sick time to maintain the regular staff employee's base pay during times when the regular staff employee is receiving disability benefits payments. (For more information, see Administrative Guide Memo 2.3.5 [6]: Disability and Family Leaves.)

j. Unacceptable Use of Sick Time:
Unless otherwise specifically allowed by this Guide Memo 2.1.7, sick time may only be used for an absence that a regular staff employee has during scheduled work hours.

3. Administration

a. Notification of Absence
The regular staff employee reports the absence (or planned absence) to the supervisor. The department is responsible for establishing and communicating rules on how regular staff employees notify the department of absences. If the need for sick time use is foreseeable, the regular staff employee shall provide reasonable advance notice. If the need for sick time use is unforeseeable, the regular staff employee shall provide notice of the need for sick time use as soon as practicable. The first 24 hours or three scheduled workdays of accrued sick time use per year of employment, whichever is greater, shall not be denied for a regular staff employee's failure to provide details about the sick time use. Regular staff employees may be asked to schedule appointments at a time convenient for the department. Where flexible schedules are possible for the department, supervisors are encouraged to accommodate appointments by flexing a regular staff employee's work hours.

b. Recording and Reporting Sick Time Accumulation and Use
The University uses the human resources management system (Axess/PeopleSoft HRMS) to record sick time credited, used and accumulated for all regular staff employees. Records must be updated each pay period for all employees who used sick time. (For more information, see Administrative Guide Memo 2.1.5 [7]: Compensation of Staff Employees. For information about Axess see the Time & Leave System [8] overview.)

c. Sick Time Credit Date
Sick time is credited at the beginning of each month of service. An adjustment is made at the beginning of the following month when the actual accrual is different than anticipated.

d. Tax Status
Sick time is taxable income. Federal, state, and FICA taxes are deducted.

e. Medical Confirmation

(1) Medical Confirmation Related to Use of Sick Time
Acceptable medical evidence may be required for the use of sick time. However, for a regular staff employee's use of the first 24 hours of sick time (or three scheduled work days, whichever is greater) during each year of employment, excepting circumstances involving abuse or misuse of sick time as stated in subpart (2) below, supervisors may not require acceptable medical evidence, and supervisors should not deny sick time use based on a regular staff employee's failure to provide details about the
sick time use. The supervisor who approves the use of sick time is responsible for confirming that the conditions for use of sick time are met.

(2) Medical Confirmation Related to Possible Abuse or Misuse of Sick Time
If the University has reasonable basis to believe that a regular staff employee may have engaged in abuse or misuse of sick time at any time (even during the first 24 hours or three scheduled workdays of sick time use during each year of employment), the University may ask for acceptable medical evidence or other proof showing that a regular staff employee has not engaged in abuse or misuse of sick time. Abuse or misuse of sick time, failure to follow sick time notification procedures (e.g., failing to provide reasonable advance notice for foreseeable sick time use, not providing requested medical information when abuse or misuse is suspected, or not giving notice as soon as practicable for unforeseeable sick time use) may be a basis for discipline, up to and including termination of employment. Also, use of sick time may be denied if there is abuse or misuse of sick time.

(3) Acceptable Medical Evidence
Acceptable medical evidence includes, but is not limited to, a healthcare practitioner's statement that certifies a medical need for sick time, the expected duration of absence and anticipated return to work date, and any work-related limitations or restrictions (including the duration of those limitations or restrictions) when a regular staff employee is released to return to work.

f. Applying for Disability
A regular staff employee must apply for disability benefits if using sick time for more than 5 consecutive working or 7 consecutive calendar days for the same illness or injury.