

University Policy: Sick and Safe Leave Policy

Policy Category: Personnel Policy

Subject: Sick Leave Policy

Office(s) Responsible for Review of this Policy: Office of Human Resources

Related University Policies: Definition of Full Time Employee, Definition of Part Time Employee, Family and Medical Leave Policy, Short-Term Medical Leave Policy

SCOPE

This policy applies to full-time staff, certain part-time staff and library faculty who accrue leave.

POLICY STATEMENT

The university recognizes the importance of employees taking care of their basic health and safety needs and those of their families. The university further recognizes the impact that not addressing such issues may have on the wellness and safety of the university community. Therefore, American University provides paid Sick Leave to Employees as outlined in this policy and consistent with the District of Columbia Accrued Sick and Safe Leave Act of 2008 and the Earned Sick and Safe Leave Amendment Act of 2013, Federal Family and Medical Leave Act (FMLA), District of Columbia Family and Medical Leave Act (DCFMLA), District of Columbia Universal Paid Leave Amendment Act, District of Columbia Accrued Sick and Safe Leave Act of 2008, District of Columbia Earned Sick and Safe Leave Amendment Act of 2013

DEFINITIONS

The following definitions apply for purpose of this policy only:

- A. Break in Service:** A separation from employment, an approved leave of absence, or other absence without pay that is longer than six weeks, and not approved family or medical leave.
- B. District of Columbia Family and Medical Leave Act (“DCFMLA”):** The District of Columbia law that provides eligible employees with unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.

- C. Eligible Student Workers:** A student eligible for Sick Leave pursuant to this policy because they are enrolled full-time and also have a part-time position and work 25 or more hours per week may be eligible for Sick Leave.
- D. Family Medical Leave Act (“FMLA”):** The federal law that provides eligible employees with unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.
- E. Family Member:** One who has the following relationship to an employee:
- Spouse, domestic partner, or other person with whom the employee shares or has shared within the last year a mutual residence and committed relationship,
 - Parent (or a parent of the employee’s spouse),
 - Child (including foster child, grandchild, or other child for whom the employee permanently assumes and discharges parental responsibility) and the child’s spouse (i.e., a daughter- or son-in-law),
 - Sibling (or a sibling’s spouse or domestic partner).
- F. Faculty:** One appointed to a tenured, tenure-track, temporary-faculty position, continuing appointment or adjunct by the Dean of Faculty. Such positions are paid on a salaried basis and according to a contract and does not accrue leave.
- G. Full-Time Staff:** One appointed to a full-time position at the university as identified in and authorized by the personnel budget of the employing department and which requires working at least 28 hours a week for more than three consecutive months.
- H. Full-Time Librarian Faculty:** One appointed to a continuing appointment or continuing appointment track by the Dean of Faculty. Such positions are paid on a salaried basis and according to a contract and accrue leave.
- I. Part-Time Staff:** One not appointed to a full-time position in the personnel budget and works fewer than 28 hours per week or works any number of hours per week for three consecutive months or less. Eligible part-time staff members may be hourly or salaried employees.
- J. Sick Leave:** Paid leave which is taken for one of the following reasons:
- For the employee’s own illness,
 - For the employee’s (or their family member’s) illness, medical or dental appointments, or
 - When an employee or employee’s family member is a victim of stalking, domestic violence, or sexual abuse, to obtain assistance for or with medical services (including psychological or other counseling), victim’s services, legal proceedings associated with the offense, or other reasonable actions related to the victim or their recovery.

- K. Universal Paid Leave Amendment Act of 2016 (“PFL”):** The District of Columbia law that provides the government administered paid leave to employees who work for an employer in the District. The law allows qualifying 8 workweeks of parental leave, 6 workweeks of paid family leave and 2 weeks of paid medical leave, not to exceed a maximum of 8 workweeks within a 52-workweek period that an eligible individual may take PFL within one year of the occurrence of a qualifying eave event. Employee access to leave benefits begins on July 1, 2020. This program for eligible employees is funded fully by a tax paid by American University to the District of Columbia.

POLICY

A. Sick Leave Eligibility & Accrual by Category of Employment

- 1. Full-Time Staff and Full-Time Librarians:** Full-time staff (except for exempt employees hired before July 1, 1975) and full-time librarians accrue Sick Leave upon their date of hire into a designated full-time position at the rate of 12 days per year. Accrual is calculated based on employment classification and the number of hours worked per week. (Persons appointed to exempt positions prior to July 1, 1975 do not accrue Sick Leave. Should they transfer to a non-exempt position a Sick Leave accrual balance will be established on the basis of one day per month for every month of full-time continuous service.) Except as provided in this section, there is no limitation on the amount of Sick Leave which may be accumulated by full-time staff, but no payment will be made for unused sick leave on termination of employment
- 2. Hourly Part-Time Staff and Eligible Student Workers:** Accrue Sick Leave starting on their first day of employment at the rate of one hour of Sick Leave for every thirty-seven hours worked, up to a maximum of seven days per calendar year. They have a 90-day waiting period before they can use Sick Leave. Accumulated but unused Sick Leave may be carried over annually but no payment will be made for unused Sick Leave when employment ends.
- 3. Salaried Part-Time Staff:** Do not accrue Sick Leave but may take up to seven days of leave per calendar year for purposes outlined under this policy.
- 4. Faculty:** Full-time and adjunct faculty do not accrue Sick Leave but may take up to seven days of leave per calendar year for purposes outlined under this policy.

B. Absence in Excess of Accrued Sick Leave

Absences which exceed an employee’s accrued Sick Leave will be charged against accrued annual leave (if applicable) until leave is exhausted and will then be leave without pay. Persons who have leave without pay status do not accumulate Sick Leave while in that status. Staff members receiving Workers’ Compensation Benefits, however, will continue to accrue Sick Leave. With the prior approval of their supervisor, staff needing to use Sick Leave may offset the length of their absence by a temporary change in the employee’s work schedule within the same work week. If an employee is regularly absent due to a medical issue, the supervisor should refer them to human resources to apply for

intermittent family or medical leave.

C. Notification

Consistent with this policy, supervisors may establish procedures in their departments regarding notifications about Sick Leave use and employees are expected to comply with those procedures. Whenever the need for Sick Leave is foreseeable, employees should request leave to their supervisor 10 days, or as early as possible, in advance of the absence. In cases of emergency, employees must notify their supervisor as far in advance of work starting time as possible, or within 24 hours of taking leave, whichever is sooner and should ensure that his or her supervisor is notified each day the employee will be absent. Employees should make a reasonable effort to not unduly disrupt the operations of their unit when scheduling sick leave. It is the supervisor's responsibility to explain the use of Sick Leave to employees and ensure it is used appropriately.

D. Documentation

To help ensure the validity of Sick Leave and confirm an employee is able to return to work, the university may require reasonable certification when Sick Leave is used for three or more consecutive days or requires frequent absences. Reasonable certification may include: 1) a signed document from a health care provider; 2) a police report indicating that the employee or a family member is a victim of stalking, domestic violence, or sexual abuse; 3) a court order related to the stalking, domestic violence or sexual abuse matter; or 4) a signed statement from a victim, witness advocate, or domestic violence counselor affirming that the employee is involved in legal action relating to stalking, domestic violence, or sexual abuse. When documentation is requested by the supervisor, employees may submit such certification to Human Resources. The confidentiality of all certifications related to Sick Leave will be maintained and will only be disclosed if requested or consented to by the employee, ordered to do so by a court or administrative order, or otherwise required to do so by law.

E. Coordination with Short Term Medical Leave

Sick Leave can be used to cover the one week waiting period for Short Term Medical Leave. Eligible employees should notify the HR Benefits Team of medical conditions resulting in an absence or an expected absence of longer than two weeks, or those occurring on a continuing intermittent basis. The HR Benefits Office will assist employees with the application for Short Term Medical Leave. Please refer to the Short-Term Medical Leave Policy for more information.

F. Coordination with Parental Leave and Family Leave

Employees may use accrued sick leave on a continuous or intermittent basis to extend a period of parental or family leave, subject to the terms of the Parental Leave and the Family Medical Leave Policies. Sick Leave will run concurrently with the leave under these policies as applicable.

G. Coordination with DC Paid Family Leave (PFL) or Leave Related to Reasonable Accommodations under the Americans With Disability Act

Sick Leave under this policy will run concurrently with leave taken under the university's Family Medical Leave and DC Paid Family Leave, or as part of an accommodation under the American with Disabilities Act.

H. Rights for Former Employees

If an employee separates from the university and is rehired within one year, or if a full-time staff member separates involuntarily due to a position elimination, reorganization or funding termination and is re-hired within three years, the university will restore all Sick Leave previously forfeited by the employee, allow them to begin accruing Sick Leave immediately, and waive the waiting period requirement prior for use of Sick Leave.

I. Responsibilities

Several groups have responsibility for implementation and compliance with this policy. Those responsible and their duties are defined below:

- The Office of Human Resources is responsible for administration including communication and advising supervisors and employees in compliance with DC law.
- The payroll department is responsible for administering sick leave accrual and deductions based on time worked and leave recorded on bi-weekly timesheets and monthly leave reports.
- Supervisors are responsible for explaining this policy to their employees, approving requests for sick leave and monitoring the use of such leave, as well as coordinating with Human Resources any requests for documentation (e.g., reasonable certifications regarding Sick Leave).
- Employees are responsible for requesting sick leave as far in advance as possible and following the appropriate leave request procedures established by their departments. Employees are also responsible for providing requested medical documentation or reasonable certification to Human Resources upon the request of their supervisor.

EFFECTIVE DATE

This policy is effective as of November 13, 2008. It was last updated July 1, 2020.