



## YESHIVA UNIVERSITY'S SAFE AND SICK LEAVE POLICY

Yeshiva University is in compliance with the New York City Earned Safe and Sick Time Act [New York City Paid Safe and Sick Leave Law](#) and the New York State Paid Sick and Safe Time Law [New York State Paid Sick and Safe Leave Act](#) ("Paid Safe and Sick Leave Laws") and provides leave under this policy in accordance with those laws. In accordance with the Paid Safe and Sick Leave Laws, employees can use up to fifty-six (56) hours of safe and sick leave for the reasons described below. For purposes of this policy, a calendar year is defined as January 1 to December 31.

**Accrual:** All eligible employees begin to accrue safe and sick leave on their first day of employment. Eligible student employees, temporary employees and adjunct faculty members accrue safe and sick leave time at the rate of one (1) hour for every thirty (30) hours worked, up to a maximum of fifty-six (56) hours of safe and sick leave per calendar year. All other employees will accrue safe and sick leave time at the rate of one (1) day per month, up to an annual maximum of one hundred-thirty (130) days (it being understood that a maximum of fifty-six (56) hours may be used as described in this policy, and any remaining accrued hours may be used as provided in the University's other leave policies); part-time employees who are eligible to accrue safe and sick leave will accrue safe and sick leave time on a pro-rated basis. Under no circumstances will part time employees accrue safe and sick leave at a rate of less than one (1) hour for every thirty (30) hours worked, up to a maximum of fifty-six (56) hours per calendar year.

All employees may use safe and sick leave as it accrues/is earned without a corresponding waiting period. All earned/accrued and unused safe and sick leave will carry over from one (1) calendar year to the next, in accordance with applicable law. However, no more than fifty-six (56) hours of safe and sick leave can be used in any given calendar year pursuant to this policy (it being understood that additional leave may be available under the University's other leave policies). Please note that for most employee classifications, the University's other leave policies are more generous than that required under the Paid Safe and Sick Leave Laws.



Any paid safe and sick leave earned or used by employees beyond fifty-six (56) hours and pursuant to other University policies is subject to the requirements under those other policies.

**Unpaid Safe and Sick Time.** Employees will receive an additional grant of 32 hours of unpaid safe and sick leave upon hire and thereafter at the start of each calendar year. The unpaid leave is available for immediate use as it is granted and can be used for any of the covered reasons described in this policy and in the manner provided under this policy. Unused unpaid safe and sick time will not carry over into the following year. Paid safe and sick time will be used before unpaid safe and sick time, to the extent the paid benefit is available and the employee has not specifically requested to use their unpaid balance.

Faculty and staff may accrue up to a maximum of fifty-six (56) hours of paid safe and sick leave per calendar year, which can be used for:

1. An employee or employee's family members own mental or physical illness, injury or health condition or need for medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition or need for preventative medical care, regardless of whether such illness, injury, or health condition has been diagnosed or requires medical care at the time that such employee requests such leave.
2. Care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition, or who needs preventative medical care.
3. Closure of the employee's place of business by order of a public official due to a public health emergency or a public disaster, which is defined to include events such as a fire, explosion, terrorist attack, severe weather conditions, or other catastrophe that is declared a public emergency or disaster by the U.S. President, New York Governor, or New York City Mayor.
4. To care for a child whose school or care provider has restricted in-person operations or closed due to a public disaster (see definition above) or public health emergency.



5. Where a public official directs people to remain indoors or avoid travel during a public disaster and the direction results in the employee being unable to report to their worksite.
6. Where an employee or covered family member has been the victim of workplace violence, which is defined as “any act or threat of violence against an employee that occurs in a place of employment”.
7. When an employee or an employee’s family member may be the victim of any act or threat of domestic violence or unwanted sexual contact, a family offense, stalking, or human trafficking, and the employee needs to take actions necessary to restore the physical, psychological, or economic health or safety of the employee or their family members, or to protect those who associate or work with the employee, including to:
  - Obtain services from a domestic violence shelter, rape crisis center, or other services program.
  - Participate in safety planning; relocate, enroll a child in a new school; or take other actions to protect their safety or that of their family members.
  - Meet with an attorney or social service provider to obtain information and advice related to custody; visitation; matrimonial issues; orders of protection; immigration; housing; and discrimination in employment, housing, or consumer credit, and prepare for or participate in any criminal or civil proceeding.
  - File a complaint or domestic incident report with law enforcement, or meet with a district attorney’s office. September 2024
  - Take any other actions necessary to ensure the health or safety of the employee or the employee’s family member, or to protect those who associate or work with the employee.
8. Absences when the employee acts as a caregiver to a minor child or care recipient.
9. Certain absences involving obtaining or legal proceedings related to subsistence benefits or housing for the employee, their covered family member, or their care recipient.
10. Any other reason covered under New York State and New York City law.



Safe and sick leave is not to be used to extend vacation or holidays. Misuse of safe and sick leave may result in disciplinary action up to and including termination.

Family members are defined as an employee's child (biological, adopted or foster child, a legal ward, or a child of an employee standing in loco parentis), spouse, domestic partner, parent (biological, foster, step- or adoptive parent, or a legal guardian of an employee, or a person who stood in loco parentis when the employee was a minor child), sibling (half, adopted, or step sibling), grandchild, grandparent, the child or parent of an employee's spouse or domestic partner, any other individual related by blood to the employee, or any other individual whose close association with the employee is equivalent of a family relationship.

**Increments of Usage:** Employees must use safe and sick leave in minimum increments of one (1) hour, and then in 30-minute increments thereafter.

**Who is governed by this Policy:** All University employees who work in New York State, including full-time, part-time, temporary, and per-diem employees. For purposes of this policy, the benefit year is the calendar year measured from January 1 through December 31.

**Exclusions:** This policy does not apply to individuals excluded from coverage by the Paid Safe and Sick Leave Laws, such as students who work under Federal Work Study programs and individuals for hours worked by or through qualified scholarships.

**Documentation:** Employees who use more than three (3) consecutive days of safe and sick leave are required to provide reasonable documentation to verify that the time was used for a covered reason under this policy. Reasonable documentation, however, does not need to explain the nature of the reason for leave. Requests for documentation may include the following:

- o For absences due to sick leave reasons, documentation signed by a licensed health care provider, licensed clinical social worker, or licensed mental health counselor indicating that leave is required, the amount of leave needed, and a date that the employee may return to work.



- o For absences relating to safe leave reasons, documentation signed by an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional service provider from September 2024 2 whom the employee or that employee's family member has sought assistance in addressing family offense matters, sex offenses, stalking, or human trafficking and their effects; a police or court record; or a notarized letter from the employee explaining the need for such time.

Reasonable documentation should be provided within seven (7) days of the employee's return to work following a covered absence, unless otherwise required by applicable law. Employees should provide the reasonable documentation to Human Resources.

An employee may be subject to disciplinary action, up to and including termination, for failure or delay in providing the required reasonable documentation.

In no event shall anything herein be construed as requiring an employee or an employee's health care provider to disclose details of the employee's or employee's family member's injury, illness, or condition that required the use of safe or sick leave, except as may be required by law.

**Notice Requirements:** For safe and sick leave that is foreseeable (i.e. the employee is aware of the needed absence 7 or more days in advance of the absence) reasonable advance notice (oral or written) must be provided by the employee to their supervisor or department head. Employees are not required to provide notice more than seven (7) days in advance. If the need is unforeseeable (e.g., sudden illness), the University requests that employees give notice (oral or written) via telephone call, email, or text message as soon as practicable.

**Termination of Employment:** Any accrued but unused safe and sick leave under this policy will not be paid out upon termination, resignation, retirement, or other separation from employment. Terminated employees are not entitled to a reimbursement of unused accrued safe and sick leave. If an employee separates from the University and is rehired within six (6) months, previously accrued unused safe and sick leave will be reinstated, and the employee is entitled to use such reinstated safe and sick leave and



accrue additional safe and sick leave (as provided in this policy) immediately upon rehire.

**No Retaliation/Discrimination:** An employer cannot retaliate against employees for requesting or using safe and sick leave. All employees have the right to take safe and sick leave, and the University prohibits discrimination or retaliation based on employees' good faith exercise of their right to take safe and sick leave. Any employee who believes that they have been subject to such discrimination or retaliation must immediately report the incident to Human Resources.

**Record Keeping:** As required by law, University departments must keep and maintain records for at least six (6) years documenting the accrual and use of safe and sick leave under this policy, including the reason for any use. When an employee enters time in the time entry system, they should use the pay code, 'Family Safe/Sick Day' when using safe and sick leave under this policy. Academic areas that are not using the Time Entry System must track (manually or otherwise) the accrual and use of safe and sick leave under this policy, including the reason for any use, for all faculty (including adjunct) who meet the eligibility requirements.

**Confidentiality:** The University will not require the disclosure of details relating to an employee or their family member's illness, injury, or health condition or require the disclosure of details relating to an employee's or their family member's status as a victim of domestic violence, family offenses, sexual offenses, stalking or human trafficking as a condition of using time off for a covered reason as set forth above. Any information obtained for the purposes of utilizing or verifying safe and sick leave shall be treated as confidential and shall not be disclosed except by the affected employee, with the written permission of the affected employee, or as required by law. All records must be made available to any city or state agency that has responsibility for enforcing the Paid Safe and Sick Leave Laws.