



## New York City's Earned Sick Time Act – Effective April 1, 2014

### Frequently Asked Questions

- 1. How much sick leave does the University have to give employees?** The University must give eligible employees up to 40 hours of sick leave every calendar year. Employees who were not previously eligible to receive sick leave, including student employees, temporary employees and adjunct faculty members, will now accrue sick leave time at the rate of 1 hour for every 30 hours worked, up to a maximum of 40 hours of sick leave per calendar year. All other employees will continue to accrue sick leave time at the rate of one day per month, up to a maximum of 130 days. Please note that for most employee classifications, the University's existing sick leave policies are more generous than that required under the new law.
- 2. When do employees begin to accrue sick leave?** Employees begin to accrue sick leave on April 1, 2014 or on their first day of employment, whichever is later.
- 3. When can an employee start using sick leave?** Employees can start using accrued sick leave on July 30, 2014 or 120 days after the start of employment, whichever is later. After 120 days, an employee can use sick leave as it is accrued.
- 4. For what reasons can an employee use sick leave?** Employees can use sick leave for absence from work due to:
  1. The employee's mental or physical illness, injury, or health condition; The employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; The employee's need for preventive medical care; Care of a family member who needs medical diagnosis, care, or treatment of an illness, injury, or health condition, or who needs preventive medical care
  2. Closure of an employee's place of business due to a public health emergency (as declared by the Commissioner of the New York City Department of Health and Mental Hygiene or the Mayor)
  3. The employee's need to care for a child whose school or child care provider is closed due to a public health emergency.
- 5. Which employees are covered by the law?** Most employees who work more than 80 hours a calendar year in New York City are covered by the law. The law covers: Full-time employees, Part-time employees, Temporary employees, Transitional jobs program employees, Undocumented employees, Employees who are family members, but not owners, Employees who live outside of New York City but work in New York City



- 6. Which employees are not covered by the law?** The law does not apply to: Employees who work 80 hours or less a calendar year in New York City, Students in federal work study programs, Employees whose work is compensated by qualified scholarship programs, Employees of government agencies, physical therapists, occupational therapists, speech language pathologists, and audiologists who are licensed by the New York State Department of Education, Independent contractors who do not meet the definition of an employee under New York State Labor Law, Participants in Work Experience Programs (WEP), Employees subject to a collective bargaining agreement, i.e. SEIU 1199, NYSNA, APTA, etc.
- 7. Does the law cover employees who are based outside of New York City but work in New York City on an occasional basis?** Only the hours that an employee works in New York City count toward the 80 hours, and the sick leave can only be used when the employee is working in New York City.
- 8. Are independent contractors or consultants covered by the law?** No. The law applies to employees only. Whether someone is an employee or independent contractor depends on several factors. These include how much supervision, direction, and control the University has over the services being provided.
- 9. Is the University required to give employees notice of their right to sick leave?** Yes. The University must give the Notice of Employee Rights created by the Department of Consumer Affairs to new employees when they begin employment and to existing employees by May 1, 2014. Notices are available in English, Spanish, Chinese, French-Creole, Italian, Korean, and Russian. The written notice includes:

  - Accrual and use of sick leave
  - Employer's calendar year
  - Right to be free from retaliation
  - Right to file a complaint
- 10. Who is considered a family member under the law? The law recognizes the following as an employee's family member:** Child, Grandchild, Spouse and/or Domestic partner, Parent, Grandparent, Child or parent of an employee's spouse and/or domestic partner, Sibling (including a half, adopted, or step sibling).
- 11. Can an employee use sick leave for doctor, dentist, or eye doctor appointments?** Yes.
- 12. Can parents use sick leave following the birth of their child?** A mother can use sick leave during any period of sickness or disability following the birth of her child. The other parent can use sick leave to care for the mother during this period. Parents also can use sick leave to care for a child's need for medical diagnosis, care, or treatment of an illness, injury, or health condition, or preventive medical care up to a maximum of 40 hours per calendar year.



- 13. If an employee gets sick in the middle of a scheduled vacation, can the employee use sick leave?** No. The employee cannot claim this time as sick leave because the employee was not scheduled to work during the scheduled vacation.
- 14. Can the University require employees to provide advance notice of the need to use sick leave?** If the need is foreseeable, the University can require up to seven days advance notice of an employee's intention to use sick leave. If the need is unforeseeable, the University may require an employee to give notice as soon as practicable. Whether and when an employee can practicably provide notice depends upon the individual facts and circumstances of the situation.
- 15. Can the University require an employee to disclose the medical reason for using sick leave?** No. The University cannot require 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 sick leave, except as required by law.
- 16. Can the University require an employee to provide documentation from a licensed health care provider?** The University can require the employee to provide a note from a licensed health care provider confirming the need for the amount of sick leave taken. The law prohibits employers from requiring the health care provider to specify the medical reason for sick leave. The University can require documentation if the employee uses more than three consecutive workdays as sick leave. A workday does not need to be a "full" day if the employee works part time.
- 17. Does the University have to keep medical information about employees confidential?** Yes. The University must keep health information about an employee or an employee's family member obtained solely because of this law confidential unless the employee permits disclosure or disclosure is required by law.
- 18. What happens to sick leave that an employee has accrued but hasn't used at the end of the calendar year?** Up to 40 hours of unused sick leave can be carried over to the next calendar year. However, the University is only required to allow employees to use up to 40 hours of sick leave (for the reasons under this law) per calendar year. Anything beyond forty (40) hours is subject to the requirements under the University's current sick leave policies.
- 19. Does the University have to pay unused sick leave to employees who leave the University?** No. If an employee resigns, retires, is terminated, or is otherwise separated from employment, the University is not required to pay the employee for unused sick leave.
- 20. What records does the University have to keep?** University departments must keep and maintain records documenting their compliance with the law for at least three years, unless otherwise required by any law, rule, or regulation. Employers must make the records available to the Department of Consumer Affairs upon notice and at an agreed upon time of day.



Yeshiva University

KRONOS is the system of record for all staff employees and must be used to maintain all time and attendance records. Academic areas that are not using Kronos must track (manually or otherwise) the accrual and use of sick leave reasons, under this law, for all faculty (including adjunct faculty) who meet the eligibility requirements.

The University must keep health information obtained, solely for the purpose of the employee using sick leave, confidential unless disclosed by the employee or required by law.