AMERICAN UNIVERSITY WASHINGTON, D.C.

Subject: Accrued Sick and Safe Leave Policy ("Sick Leave Policy")

Office Responsible for Annual Review of this Policy: Human Resources

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

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I. SCOPE

This policy applies to all full-time faculty, full-time staff, and eligible part-time staff (collectively "Employees").

II. 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, in accordance with the District of Columbia Accrued Sick and Safe Leave Act of 2008, American University provides paid Sick Leave to Employees as outlined in this policy.

III. DEFINITIONS

For the purposes of this policy only,

Sick Leave –Paid leave which is taken for the following circumstances: 1) for the employee's own illness, 2) for the employee's medical or dental appointments which cannot be made outside working hours, 3) for the illness or medical or dental appointments of the employee's family member which cannot be made outside working hours, or 4) if an employee or employee's family member is a victim of stalking, domestic violence, or sexual abuse, paid sick leave may be used to obtain a) medical services, b) assistance from a victim services organization, c) psychological or other counseling, d) legal action associated with these offenses, e) or take certain other actions concerning the matter.

Full-Time Staff – one who is appointed to a position which is formally identified as an authorized full-time position in the personnel budget of the employing office and is scheduled to work at least 28 hours a week for more than three consecutive months.

Full-Time Faculty– one who is appointed to a tenured, tenure-track, or temporary-faculty position by the Dean of Academic Affairs. Such positions are paid on a salaried basis according to the terms of their contract.

Part-Time Staff – one who is not assigned to a full-time position in the personnel budget and meets one of the following conditions: 1) works fewer than 28 hours per week, 2) works any number of hours per week for three consecutive months or less. Eligible part-time staff members may be hourly or salaried employees.

Eligible Students – Full-time students who hold part-time positions and work 25 or more hours per week may be eligible for Sick Leave.

Family Member – a family member means: 1) a spouse or domestic partner, 2) parents of a spouse, 3) children (including foster children and grandchildren), 4) spouses of children, 5) parents, 6) brothers and sisters, 7) spouses of brothers and sisters, 8) a child for whom the employee permanently assumes and discharges parental responsibility; or 9) a person with whom the employee shares or has shared within the last year a mutual residence and maintains a committed relationship.

Break in Service - a separation from employment, an approved leave of absence, or other absence without pay that is longer than six weeks and is not approved family or medical leave.

IV. 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. Part-Time Staff

a. Hourly Part-time Staff

To be eligible to accrue Sick Leave, part-time staff must have been employed with the university for at least 12 months and worked at least 1,000 hours during the last 12 months without a break in service.

Eligible part-time staff accrue one hour of sick leave for every thirty-seven hours they work, up to a maximum of seven days per year. Once a part-time employee is eligible to accrue sick leave, there is a 90 day waiting period before they can use the leave. For the purposes of this policy only, the number of hours that constitutes a day of leave is 5.4 hours.

Eligible part-time staff may only accumulate seven days of sick leave during a calendar year. Accumulated but unused leave may be carried over annually. No payment will be made for unused sick leave on termination of employment.

b. Part-Time Salaried Staff

To be eligible for Sick Leave, part-time staff must have been employed with the university for at least 12 months and worked at least 1,000 hours during the last 12 months without a break in service.

Eligible part-time salaried staff do not accrue Sick Leave but may take up to seven days of leave per calendar year for purposes outlined under this policy.

3. Full-Time Faculty

Full-time 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

Absence for illness exceeding the amount of 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

Supervisors may establish procedures in their departments regarding notification of need for Sick Leave consistent with this policy and employees are expected to comply with those requirements. 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 and/or safe leave and to assure that it is used appropriately.

D. Documentation, Length of Absence, Coordination of Leave

1. Documentation

The university may require reasonable certification for any sick leave of 3 or more days or in the case of frequent absences to assure the university that the use of leave is valid and the employee is able to return to work. 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 stocking, domestic violence or sexual abuse matter, or 4) a signed statement from a victim and 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.

2. *Short-term Disability and Family or Medical Leave*

For medical conditions resulting in an absence or an expected absence of longer than two weeks or on a continuing intermittent basis, employees should notify the Benefits Office for information regarding short-term disability, family medical leave or other benefits. The

university will make every effort to hold the position of a person on extended sick leave open for a reasonable period, but usually not more than six months. It may, however, be necessary to change the office assignment, duties, and working schedule of an employee whose position is such that it cannot be held for his or her return from a protracted illness.

3. Sick Leave and Family Leave for New Parents

Parents (mothers, fathers and same-sex domestic partners) may use up to 35 days of accrued sick leave while on approved family leave following the birth or adoption of a child. Following the birth of a child, mothers are eligible for short term disability benefits (See *Faculty/Staff Benefits Manual.*) Under these circumstances, the use of sick leave during a period of approved family leave is limited to the 16-week period following the birth or adoption. During that time, the leave may be taken on a continuous or intermittent basis. In order to use sick leave following the birth or adoption of a child, the employee must have applied for leave through the family medical leave application process administered by human resources.

4. Coordination of Sick Leave, Family and Medical Leave, Short-Term Disability Leave, or Leave Related to Reasonable Accommodations under the Americans With Disability Act

Sick Leave under this policy will run concurrently with any needed leave under the university's policies for family and medical leave, short-term disability, and as reasonable accommodation under the Americans With Disabilities Act.

E. Rights for Former Employees

Employees who separate from the university and are rehired within one year will have restored all sick leave forfeited at the time of termination. They will begin accruing sick leave immediately and will not have a waiting period before they can access their accrued sick leave. Full-time staff who separate from the university involuntarily as a result of position elimination due to reorganization or funding termination and who are re-hired within three years will have restored the sick leave forfeited at the time of their separation.

F. Collective Bargaining

This policy will not apply to employees subject to a collective bargaining agreement until the date of the termination of the agreement or November 13, 2009, whichever comes first.

V. RESPONSIBILITIES

Several groups have responsibility for implementation and compliance with the paid sick and safe leave 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 leave accrual and deductions based on time worked and leave recorded on bi-weekly timesheets and monthly leave reports.

Supervisors are responsible for explaining the accrued sick and safe leave policy to their employees, approving requests for leave made by their employees, for monitoring the use of leave, and coordinating with Human Resources any requests for documentation supporting sick leave.

Employees are responsible for requesting 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.

VI. EFFECTIVE DATE AND APPROVAL

The policies herein are effective November 13, 2008. This policy shall be reviewed and revised, if necessary, to comply with the law, changes in policy, or on an annual basis, whichever is earlier.

Approved: _____

Vice President: Vice President of Finance

Date approved: 11/11/08