

NORTHEAST COMMUNITY COLLEGE

ADMINISTRATIVE PROCEDURE NUMBER: AP-7410.8

FOR POLICY NUMBER: BP – 7410

SICK LEAVE

1. PROCEDURE SUMMARY STATEMENT

The College offers sick leave, which is reserved for full-time employees and will be administered according to the College's procedures and in accordance with all rights afforded to employees consistent with all Federal or State regulations in their most current versions and as amended.

2. DEFINITIONS

- 2.1 Short-term Sick Leave – leave that applies to a personal illness, injury or medical condition(s) of the employee for which the length of absence per occurrence is ninety (90) consecutive calendar days or less.
- 2.2 Long-term Sick/Disability Leave – leave that applies to personal illness, injury or medical condition(s) of the employee for which the length of absence per occurrence extends beyond ninety (90) consecutive calendar days.
- 2.3 Health Care Provider – as defined under regulations issued by the U.S. Department of Labor, or any other health care provider recognized by the College's group health plan benefits manager.

3. PROCEDURE

3.1 General

3.1.1 Sick leave eligibility and duration

- 3.1.1.1 During the employee's first year of full-time employment at the College, each employee will be provided eight (8) hours of sick leave for each month of actual service, up to a maximum accumulation of ninety-six (96) hours. Any short-term sick leave taken by an employee during the first year beyond the employee's accumulation shall be without pay.
- 3.1.1.2 After the full-time employee's first year of employment at the College, the employee shall have up to ninety (90) consecutive calendar days of paid sick leave for each single occurrence of other short-term sick leave.
- 3.1.1.3 Paid sick leave for employees needing extended leave are compensated based on the employee's primary position base salary. Applicable

overload, extension, coop days, overtime, interim stipend etc., are not considered when calculating the paid leave compensation.

3.1.1.4 The College will grant an eligible employee long-term sick/disability leave as follows:

3.1.1.4.1 Once the employee has completed one year of employment or at time of hire provided proof of long-term disability coverage through their previous employer.

3.1.1.4.2 If unable to return to work after using ninety (90) consecutive calendar days of short-term sick leave for a single occurrence, an employee may be eligible for long-term disability benefits on the ninety-first (91st) calendar day. The employee may remain on long-term sick/disability leave for a maximum of twenty-four (24) months or until age sixty-five (65), whichever occurs first. At the expiration of twenty-one (21) months, the College may take such steps as set forth in policy BP-7327 to commence termination proceedings in the event that the individual is not able to return to work because of a physical or mental disability.

3.1.1.4.3 During the time an employee is on long-term sick/disability leave:

3.1.1.4.3.1 The employee does not accrue annual or any other type of leave;

3.1.1.4.3.2 The employee will not receive any Modified Cafeteria Plan (MCP) rebate. To receive the MCP rebate for the month the employee begins long-term disability, the employee must have been eligible for short-term sick leave for ten (10) working days of that month;

3.1.1.4.3.3 The College will continue to pay the employer's portion of the employee's health and dental insurance premiums for the lesser of twenty-four (24) months or until age sixty-five (65);

3.1.1.4.3.4 The employee is responsible to remit to the College any employee-paid premiums and other elected deductions on a monthly basis;

3.1.1.4.3.5 The College will commence the process for the employee's life insurance waiver of premium; and

3.1.1.4.3.6 The employee must apply for temporary or permanent disability insurance benefits from the College's carrier provided the disability is covered

by the disability insurance policy. Monthly long-term disability benefits are paid at sixty percent (60%) of the employee's insured pre-disability earnings to a maximum of \$3,500 per month.

3.1.2 Intermittent Leave

3.1.2.1 An employee taking leave for personal illness need not take such leave continuously and may take it on an intermittent basis, or by reducing the employee's scheduled work hours, if the employee provides certification from the health care provider caring for the employee that leave must be taken in that manner. If leave is not taken continuously, it will be deducted from the employee's entitlement to leave, i.e., ninety (90) consecutive days per an occurrence.

3.1.3 Reasonable Accommodations

3.1.3.1 The College shall make reasonable accommodations for employees under this procedure if the employee has a disability as defined by the ADA, and the employee requests and can be granted a reasonable accommodation as required by the ADA. A case-by-case assessment of the individual employee's situation and the College's duty as to a reasonable accommodation will be considered. Reference the College's ADA policy (BP-7050).

3.2 Procedures for Requesting Leave

3.2.1 All requests for sick leave shall be initiated by contacting the immediate supervisor. For sick leave lasting longer than three (3) days, the employee must notify the Human Resources Office and may be asked to submit a Request for Family/Medical Leave Form, depending on the employee's FMLA eligibility status. This form is found on the Human Resources information site. This will assist the College in working out appropriate schedules, to ensure compliance with Federal and State laws and to ensure the employee's electronic personnel file is accurate. If, for any reason, the employee wishes not to inform their supervisor of the reason for the leave, or if they have any questions about their supervisor's response, the employee may contact the Human Resources Office.

3.2.2 Foreseeable Non-Emergency Leave

3.2.2.1 If the need for sick leave is foreseeable, the employee must provide advance notice to the Human Resources Office no less than thirty (30) days prior to the need for leave. Leave will be denied unless there is a reasonable excuse for the delay. If leave is denied for lack of notice, the employee may designate leave to start thirty (30) days after notice is given.

3.2.2.2 Failure to report to work when sick leave has been denied will be treated as an unexcused absence and will be unpaid.

3.2.3 Scheduling

3.2.3.1 If the sick leave is for the planned medical treatment of the employee, or requires intermittent or reduced schedule leave, employees shall discuss with their supervisor and attempt to minimize the disruption to the College. Employees shall be reasonably required by their supervisor to arrange a particular schedule or to reschedule appointments or treatments, subject to the consent of the health care provider.

3.2.4 Unforeseeable Leave

3.2.4.1 If the need for sick leave is not foreseeable, notice must be given by the employee as soon as possible and practical. Employees are expected to promptly notify their supervisor as soon as they learn of the need for leave. If the employee's supervisor is unavailable, contact the next highest supervisor or the Human Resource Office. Except in the case of medical emergencies, employees are expected to call to advise their supervisor as soon as they know of the need for an expected duration of leave. In emergencies, the employee or a family member shall contact the Human Resources Office and give the same information and a number where they can be reached.

3.2.5 Additional Information

3.2.5.1 After receiving a request for leave, the Human Resources Office shall provide additional information regarding the procedures for obtaining leave, including any additional documents that may be required.

3.2.6 Proof

3.2.6.1 The College reserves the right to request doctor notes to ensure the utilization of sick leave is appropriate.

3.2.6.1.1 The College, at any time during or after sick leave, whether short-term or long-term, may request that the employee provide proof of necessity and duration of the sick leave by a health care provider at the expense of the employee. The requested information shall include:

3.2.6.1.1.1 The date on which the health condition commenced;

3.2.6.1.1.2 The probable duration of the condition;

3.2.6.1.1.3 Appropriate sufficient medical facts within the knowledge of the health care provider that would necessitate the employee to take sick leave;

3.2.6.1.1.4 An explanation of the extent to which the employee is unable to perform the function of the employee's position;

3.2.6.1.1.5 Certifications shall be submitted within fifteen (15) days of the date requested by the College; and,

3.2.6.1.1.6 The contact information for the employee's healthcare provider and, if the College deems necessary, a release or authorization for the employee's healthcare provider to communicate with the College about the employee.

3.2.6.1.2 Failure to provide timely, appropriate proof of the necessity for sick leave (as described above) may result in disciplinary action up to and including termination of employment.

3.2.6.2 Second Opinions

3.2.6.2.1 The College has the option of requiring the employee to get a second opinion from an independent medical provider selected by the College. The College will pay for the second opinion. If the two opinions conflict, the conflict may be resolved by a third opinion by a provider agreed to by the College and the employee which shall be considered final and binding. The College will pay for the third opinion.

3.2.6.3 Medical Certification

3.2.6.3.1 Medical certification is a component of the administration of the Family and Medical Leave Act (FMLA).

3.2.6.3.2 The College will follow all applicable Federal or State regulation in their most current version and as amended.

3.2.7 Leave is Contingent on Eligibility

3.2.7.1 All employee requests for sick leave are contingent upon a determination by the College that the employee is eligible for sick leave. Eligibility determinations may take considerable time, so it is possible that a final determination may not be made until after the employee is out or has returned to work. In instances where eligibility is not granted and an abuse of the leave, in the reasonable opinion of the College, is determined, the employee may be subject to discipline up to and including termination of employment.

3.2.8 Transfer to Alternative Position

3.2.8.1 In all cases of intermittent and reduced schedule sick leave, the employer reserves the right to require the employee to temporarily transfer to another position, with equivalent pay and benefits that better accommodates the employee's need for leave and/or the employer's operations. This decision is in the sole discretion of the College.

3.2.8.2 The College reserves the right to transfer an employee to another position whenever an employee's use of leave is so frequent and intermittent that it is impossible to predict and schedule for coverage.

3.2.9 Confidentiality

3.2.9.1 The College will keep confidential all information relating to requests for sick leave. This information will be used only to make decisions in regard to the provisions of this procedure. Supervisors must submit all records to the Human Resources Office and will not retain any copies in their files.

3.3 Benefits

3.3.1 Health Benefits

3.3.1.1 During the short-term sick leave, the College will maintain the employee's benefits and their elected payroll deductions.

During long-term sick/disability leave, the College will maintain the employer's portion of the employee's applicable benefits as set forth in this procedure. If the employee is required or normally pays for benefit premiums, the employee must tender a check payable to the College and forward it to the College Business Office each month for such benefits. If the employee fails to make the required payments for applicable benefit premiums within thirty (30) days of the date that such payments are due, the benefits may be discontinued.

3.3.2 Reinstatement of Benefits

3.3.2.1 The College has the right, upon the employee's return from leave, to refuse to reinstate any benefit or condition of employment that has been discontinued for the College's employees.

3.3.3 There is no compensation for sick leave unused at the end of the employment year or at the termination of employment.

3.4 Reinstatement of Employment

3.4.1 General - An employee taking leave under this procedure will be returned to the employee's same position or to an equivalent position, at the election of the College unless the employee would have been terminated in the absence of any leave (e.g., layoff, downsizing, or termination of a temporary job). Taking of leave will not result in any loss of benefits or conditions of

employment accrued prior to the beginning of the leave period, except that if the employee is unable to use annual leave because of procedure restriction, the College has the option of setting a new deadline for use of accrued annual leave.

3.4.2 Key Employee Exception

3.4.2.1 If an employee has gross income that is within the top (10) percent of the College's employees within seventy-five (75) miles of the College's primary work site during the calendar year in which leave is taken, the College reserves the right not to restore the employee to their prior position with the College if the College will suffer substantial and grievous economic injury to its operations because of the restoration. At the time that leave is granted under this procedure, the College will inform the employee that the employee is within the top ten (10) percent and also explain the possible consequence that restoration may be denied.

3.4.2.2 If the College determines during the employee's leave that the employee is not to be restored to employment, the employee will be notified immediately and given the opportunity to return from leave and be restored to their position. If the employee does not return from leave, the employee can petition for reinstatement at the end of the leave period and will be notified, by certified mail, whether the employee will not be restored because doing so would cause the College substantial and grievous harm.

3.4.3 Periodic Reporting

3.4.3.1 During leave, the College shall require that an employee inform the College of their expected return to work and the College also may require that an employee or the employee's physician recertify the medical condition that caused the employee to take leave when the College obtains information that casts doubt on the continuing validity of the employee's original certification, when the employee requests an extension of leave, or when circumstances have changed.

3.4.4 COBRA

3.4.4.1 When an employee notifies the College that they are not returning from leave, the College shall terminate the employee's applicable benefits and they shall no longer have a right to restoration to the same or equivalent position. The employee shall be entitled to continuation of applicable benefits only in accordance with the Consolidated Omnibus Budget Reconciliation Act ("COBRA") and the provisions of the applicable benefit plans provided

3.4.5 Repayment of Premiums

- 3.4.5.1 Employees who return to work and who did not follow the provisions of section 3.3.1.2 will meet with the Human Resource Office to work out an appropriate repayment schedule for any employee premiums or co-payments made by the College during leave.
- 3.4.5.2 Upon receiving notice that the employee is not returning to employment with the College, or should the employee simply fail to return to work or return to employment with the College, the employee shall owe the College the cost of the employee's portion of premiums for benefits provided during leave.
- 3.4.5.3 No such amount shall be owed if the leave is long-term sick or disability leave or if there is a recurrence or onset of a serious health condition, or in the opinion of the College, there is a change of circumstances beyond the employee's control. The benefits of a key employee who is not restored shall not be terminated prior to the end of leave and the employee shall not be responsible to the College for such benefits other than the normal employee premium contributions.
- 3.4.5.4 If an employee does not return to work and repayment is required, the employee shall repay all premiums within thirty (30) days after receiving notice from the College of the amount owed. After that time, the matter will be turned over to collections as a debt, which could result in legal action.

3.4.6 Failure to Return to Work

- 3.6.6.1 Employees who fail to return to work after sick leave and FMLA leave are exhausted shall be treated as having voluntarily terminated their employment, unless the employee qualifies for long-term sick/disability leave, per the College's procedure herein, or the inability to return is due to a disability covered under the Americans with Disabilities Act (ADA) and the employee requests and can reasonably be granted a reasonable accommodation as required by the ADA. A case-by-case assessment of the individual employee's situation and the College's duty as to a reasonable accommodation will be considered. Reference the College's ADA policy and procedures.

3.5 General Provisions

3.5.1 Administrator

- 3.5.1.1 The College is the sole administrator of this procedure and, as such, is the exclusive interpreter of its terms. All provisions of this procedure shall be interpreted consistent applicable Federal and State laws and regulations.

3.5.2 Changes

3.5.2.1 The College reserves the right to modify or terminate this procedure at any time.

3.5.3 No Employment Rights

3.5.3.1 This procedure does not create any employment rights to any individual other than specifically stated in this procedure.

3.5.4 Limitations

3.5.4.1 Except as otherwise stated, this procedure is not intended to create any rights greater than that conferred on employees by applicable Federal and State laws and regulations.

3.5.5 Rights and Obligations

3.5.5.1 Employees and the College have various rights and obligations under this procedure and under applicable Federal and State laws and regulations. For further information, contact the Human Resources Office.

4. APPLICABILITY

N/A

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DIVISIONS/DEPARTMENT RESPONSIBLE FOR REVIEW & UPDATE: Human Resources

SPONSORING DIVISION/DEPARTMENT: Human Resources

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