

ROCHESTER INSTITUTE OF TECHNOLOGY

Sick Leave

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RIT reserves the right to modify or terminate all or any portion of the employee benefits package at any time with or without notice. Such changes automatically will apply to you and your employment relationship with RIT. Participation in these plans is provided to eligible employees, does not constitute a guarantee of employment, and requires continued employment and eligibility.

Introduction

Continuing your income while you are sick or have a non-work related injury is likely one of your top priorities. It is an RIT priority, too. That's why RIT provides Sick Leave benefits; this summary explains the Sick Leave benefits in detail. Sick Leave benefits are self-insured by RIT and paid from RIT's general assets.

Effective January 1, 2021, New York State introduced Paid Sick Leave to ensure all employees in New York State have access to job-protected paid sick leave. Since RIT had already provided more than the new legally-required amount of paid time for sick leave for regular employees, there is not much that changes.

Important Note About Passwords

Password security is critical due to the confidential, private, and financial data that is available online. The employee/participant/covered family member is responsible for maintaining security of their passwords and adhering to RIT information security policies and standards.

New York State Paid Sick Leave

RIT's Sick Leave benefit is governed by the rules under New York Paid Sick Leave. This Sick Leave is considered job protected time. Employees cannot be threatened, penalized, discriminated or retaliated against for using New York State Paid Sick Leave. Employees must be returned to the same position, pay and terms of employment as they held before the sick leave was used. Employers may not require the disclosure of any confidential information as a requirement of an employee's ability to use Sick Leave.

Who is Covered and When

Regular full-time, regular part-time, adjunct, and student employees are all eligible for New York Paid Sick Leave. This summary describes the Sick Leave benefit for regular employees and adjunct employees. There is a separate summary for student employees.

Allowable Reasons for Sick Leave

The following are the allowable reasons to use New York State Sick Leave, which is expanded from RIT's previous allowable Sick Leave reasons. The employee should notify their supervisor as soon as possible that they will be absent.

1. Any mental or physical illness, injury or health condition of employee or employee's family member, regardless of whether such illness, injury or health condition has been diagnosed or requires medical care at the time an employee requests the leave.
2. For the diagnosis, care or treatment of a mental or physical illness, injury or health condition of, or need for medical diagnosis or preventive care for such employee or employee's family member.
3. Absence from work due to domestic violence, sexual offence, stalking or human trafficking for an employee to avail themselves or a family member of services or assistance including:
 - (a) To obtain services from a domestic violence shelter, rape crisis center or other shelter or services program.
 - (b) To participate in safety planning, temporary or permanent relocation or take other actions to increase the employee's safety or the safety of a family member.
 - (c) To meet with a civil attorney or other social services provider to obtain information and advice on, prepare for or participate in any criminal or civil proceeding.
 - (d) To file a complaint or domestic incident report with law enforcement or meet with a district attorney's office.

- (e) To enroll children in a new school.
- (f) To take other actions as necessary to maintain, improve or restore the physical, psychological or economic health or safety of the employee or the employee's family member, or to protect those who associate or work with the employee.

Definition of Family Member

An eligible family member is defined in the New York State Paid Sick Leave law, as follows:

- the employee's child, spouse, domestic partner, parent, sibling, grandchild or grandparent
- the child or parent of the employee's domestic partner

A parent is the biological, foster, step or adoptive parent, legal guardian or person who stood in loco parentis when the employee was a minor child.

A child is the biological, adopted, foster, legal ward or the child of an employee standing in loco parentis.

Sick Leave for Regular Employees

All regular full-time and part-time employees are eligible for paid Sick Leave upon hire. Sick Leave is calculated and tracked based on RIT's fiscal year, July 1 through June 30. The Sick Leave is calculated based on the individual's scheduled weekly hours and scheduled months/weeks per year. The time is prorated for new hires as well as for those scheduled to work less than 12 months (52 weeks) per fiscal year (except as noted in the *Grandfathered Employees* section below). Annually, at the beginning of the fiscal year, an eligible employee's record will reflect the full annual amount of Sick Leave to which they are entitled for the fiscal year.

Sick Leave for New Hires

Upon hire, regular employees would be eligible for Sick Leave based on their scheduled weekly hours and how many months are left in the fiscal year.

Sick Leave When There is a Change in Employee Work Classification or Work Schedule

Employees who change employee work classifications (e.g., part-time to full-time, student employee to regular employee) or if there is a change in the work schedule (weekly hours and/or weeks/months per year), there will be no reduction in the Sick Leave previously front loaded or accrued for that fiscal year. If the sick leave in the new position is higher than previously front-loaded or accrued, the employee will receive an increase to their Sick Leave for the fiscal year in which the change occurred. The following July 1, the front-loaded sick leave will be based on the regular employee's work schedule.

Grandfathered Employees: Employees who were scheduled to work less than 12 months per year (or 52 weeks per year) as of July 31, 2012 will be grandfathered and will not have prorated Sick time in the following scenarios:

- employee remains in the grandfathered position with the same scheduled months/weeks,
- employee remains in the grandfathered position with a decrease in their scheduled months/weeks,
- employee remains in the grandfathered position and has an increase in their scheduled months/weeks, but the schedule remains less than 12 months/52 weeks, or
- employee changes jobs and the schedule for the new job remains less than 12 months/52 weeks (either an increase or decrease in their scheduled months/weeks, but still less than 12 months/52 weeks).

The employee will no longer be grandfathered in the following scenarios:

- employee remains in the same position or changes positions and has a schedule change to 12 months/52 weeks and later has a decrease in their scheduled months/weeks to less than 12 months/52 weeks,

- employee leaves employment and is later rehired into a less than 12 months/52 weeks position; upon rehire, the time would be prorated.

Limited Sick Leave Carry Over to Next Fiscal Year

Under the New York State Paid Sick Leave law, RIT is required to carry over remaining sick leave hours into the next fiscal year for any regular employee who earns less than 56 hours of sick leave each fiscal year.

Therefore, for a regular exempt or nonexempt employee whose new fiscal year's front loaded hours are less than 56 hours and the employee has remaining sick leave hours as of June 30, the carry-over amount is such that the employee would have up to, but no more than, 56 hours of sick leave for the upcoming fiscal year. In other words, the total of the upcoming fiscal year's front loaded amount plus a carry-over amount (if available and if necessary) would be no more than 56 hours.

- Example 1: *On the previous July 1, 30 hours was front-loaded. If the employee used no sick leave, the carry-over would be limited to 26 hours since the new fiscal year's front loaded amount of 30 hours plus the partial carry-over of 26 is 56 hours.*
- Example 2: *On the previous July 1, 30 hours was front-loaded. The employee used 12 hours. The carry-over would be the full balance of 18 hours since the new fiscal year's front loaded amount of 30 hours plus the balance of 18 hours is 48 hours, which is less than 56 hours maximum.*

For employees who are front loaded 56 or more hours of sick leave, carry-over will not be permitted.

New York State Paid Sick Leave for Adjunct Employees

Adjunct employees will accrue New York Paid Sick Leave at a rate of one (1) hour per every thirty (30) hours worked. For adjuncts paid on a salaried basis, your work hours are calculated at a rate of three (3) hours worked for every credit hour taught. If any adjunct paid on a salary basis has a question or concern about this calculation, please contact Human Resources. For adjuncts paid on an hourly basis, actual hours worked are used in the calculation.

New York State Paid Sick Leave will continue to accrue up to a maximum of 56 hours each fiscal year. The maximum amount of time you can use in a fiscal year is 56 hours, if available.

Under the New York State Paid Sick Leave regulations, any remaining Sick Leave will be carried over from year to year. Since an adjunct employee cannot use any more than 56 hours in a fiscal year, the maximum number of hours in the carry-over bank will be 56 hours as of July 1.

Example 1: *you earned 28 hours in year one and used no time, so 28 hours are carried over. In year two, you earned 30 hours and used no time. Since the current year total remaining hours plus the amount in your carry-over bank is more than 56 hours, your carry-over bank will be 56 hours as of July 1.*

Example 2: *you earned 24 hours in year one and used no time, so 24 hours carried over. In year two, you earned 30 hours and used no time. Since the current year total remaining hours plus the amount in your carry-over bank is less than 56 hours, your carry-over bank will be 54 hours as of July 1.*

Under the New York State Paid Sick Leave law, RIT is required to carry over remaining sick leave hours into the next fiscal year for an adjunct employee. The carry-over will be the June 30 balance, up to 56 hours.

Your earned Sick Leave balance will remain in place during non-work periods (e.g., summers off) until your RIT employment ends. Unused Sick Leave, including carryover Sick Leave, will not be paid out to adjunct employees at termination.

Sick/Personal Leave for Regular Nonexempt Staff Employees

The following information provides details about Sick/Personal Leave for regular nonexempt employees. The amount of Sick/Personal Leave that RIT provides is generally greater than what New York State requires and is intended to fulfill all requirements of and will be applied in compliance with the New York Sick Leave Law.

In addition to the reasons allowed under the New York State Paid Sick Leave law outlined above, nonexempt employees continue to be eligible to use Sick/Personal Leave for the following reasons:

- (a) personal appointments (e.g., teacher conference); or
- (b) other time as needed (e.g., car breaks down on the way to work, there is a flood in their basement)

Other than as described above, the Sick/Personal Leave is not intended to be used as pre-planned, full-day or half-day absences; vacation time should be used for pre-planned absences.

The employee should notify the supervisor as soon as possible that they will be absent. If the employee is scheduling a personal appointment, they should notify the supervisor in advance.

The fiscal year Sick/Personal Leave hours will be “front loaded” each July 1st (or upon hire) with the total fiscal year Sick/Personal Leave hours available to the employee.

Employees Scheduled to Work 52 Weeks Per Fiscal Year

To calculate the annual Sick/Personal Leave, the employee’s scheduled weekly hours are multiplied by a factor of 1.8. This factor is used because a regular full-time employee scheduled to work a standard 5-day work week, 52 weeks per year, receives nine (9) Sick days for the fiscal year (9 days per year divided by 5-day week equals 1.8).

Example 1 (full-time):

Scheduled weekly hours = 40

Sick/Personal Leave = $40 \times 1.8 = 72$ hours per fiscal year

Example 2 (part-time):

Scheduled weekly hours = 20

Sick/Personal Leave = $20 \times 1.8 = 36$ hours per fiscal year

Employees Scheduled to Work Less Than 52 Weeks Per Fiscal Year

Sick/Personal Leave will be prorated for those who are scheduled to work for less than 52 weeks per fiscal year, except as outlined in this summary for those grandfathered as of July 31, 2012.

For example, an employee hired on or after August 1, 2012 who is scheduled to work 40 hours a week, 44 weeks per year, will have 61.2 hours of Sick/Personal Leave as of each future July 1.

$44 \text{ weeks} / 52 \text{ weeks} = .85 \text{ pro-ratio factor}$

$40 \times 1.8 = 72 \text{ hours} \times .85 = 61.2 \text{ hours}$

If an employee has a reduction in their work schedule (i.e., hours per week and/or weeks per year), the current year front loaded sick leave amount would not change. It would be changed on a prospective basis effective the next July 1.

Using Sick/Personal Leave

To use Sick/Personal Leave, the employee enters the hours used in RIT’s timekeeping system, Kronos, and is paid for the hours; if the employee is unable to enter the time, the supervisor can enter the Sick/Personal Leave hours used. The Sick/Personal Leave balance will decrease as Sick/Personal Leave is used. Employees will be able to view the remaining Sick/Personal Leave through Oracle Employee Self-Service on the online payslip.

For example, full-time employee works 40 hours a week 52 weeks per year, so receives 72 hours of Sick/Personal Leave as of July 1. If the employee is out sick on July 25 for eight (8) hours, the Sick/Personal Leave amount will show 64 hours remaining on the next online payslip (72 hours less 8 hours).

An employee cannot use more than 56 hours of continuous Sick/Personal Leave, unless the Sick/Personal Leave is being used to supplement pay to bring to 100% of pay when approved for short-term disability, Workers Compensation, FMLA, or NYS Paid Family Leave.

Cash-Out of Sick/Personal Leave for Nonexempt Staff Employees After Fiscal Year End

RIT provides a Sick/Personal Leave Cash-Out provision, subject to the University's annual review and approval. In no event will RIT require any nonexempt employee to forgo any Sick/Personal leave required to be carried over in accordance with New York State law.

If a nonexempt employee does not use all of their Sick/Personal Leave hours by the end of the fiscal year and the annual program has been approved, the cash-out would be as follows:

Employees will receive a cash-out of a portion of the current year's unused Sick/Personal Leave hours. The cash-out will be automatically contributed as an employee contribution to the RIT Retirement Savings Plan, unless the employee elects to receive the cash-out as additional taxable pay.

If contributed to the employee's retirement account, the cash-out would be pre-tax and equal to three-quarters ($\frac{3}{4}$) of the value of the employee unused Sick/Personal Leave hours. If taken as taxable pay, the cash-out would be one-half ($\frac{1}{2}$) of the value of the employee's unused Sick/Personal Leave hours. If the employee does not have an account under the Retirement Savings Plan, the cash-out would be a taxable payment equal to one-half ($\frac{1}{2}$) of the value of the employee's unused Sick/Personal Leave hours.

The retirement plan contribution is subject to FICA tax. To avoid the confusion, and in some cases financial hardship, we will minimize the impact of the required tax withholding. We will set the cash-out up as follows:

- 90% of the cash-out amount will be contributed to the retirement plan;
- 10% of the cash-out will be paid in cash. This 10% will cover the 7.65% FICA tax as well as the additional Federal and state income tax on the cash portion.

Example: Mary is full-time and works 8 hours a day for a total of 40 hours per week, 52 weeks per year at an hourly rate of \$15; she is eligible for 72 hours of Sick/Personal Leave each fiscal year. She used only three (3) Sick days (24 hours) so she has 48 hours remaining, with a total value of \$720.

The total value of the $\frac{3}{4}$ cash-out amount to the retirement plan is \$540. To cover the FICA taxes that are required on the contribution, the retirement plan contribution will be 90% of this amount or \$486. The remaining \$54 would be as taxable pay to cover the \$41.31 of FICA tax. If Mary elected the cash-out in taxable pay, the amount would be \$360 before Federal, FICA, and state taxes are withheld.

Employees who would like the cash-out as taxable pay would make their election in [Oracle Employee Self-Service](#). The functionality will be available from early May through June 30 each year. The cash-out is generally paid in mid-August.

In order to qualify for that year's cash-out, an employee must be employed on June 30th. If June 30th falls on a weekend, the employee must be employed on the last business day of June. Employees who retire on June 30 (or the last business day of June if June 30 falls on a weekend) are eligible for the cash-out. An employee who transfers from their regular nonexempt position to a different position that is not a regular nonexempt position

(e.g., exempt position) during the year will not qualify for a cash-out. In addition, there will not be a cash-out in the event of termination of employment, including retirement, during the year.

NOTE: If the regular nonexempt employee had been a student worker or adjunct as of July 1 and had remaining sick leave that transferred to the regular nonexempt new position, the time transferred would not be eligible for the sick cash-out.

Cash-Out of Sick/Personal Leave for Nonexempt Staff Employees Whose Annual Sick Hours are Less than 56

Beginning with the fiscal year ending June 30, 2023, if the employee's fiscal year front-loaded Sick/Personal Leave hours are less than 56 hours *and* the employee has remaining Sick/Personal Leave hours at the end of the fiscal year, any unused Sick/Personal Leave hours for that fiscal year, up to the difference between the employee's Sick/Personal Leave hours front loaded for the subsequent fiscal year and 56, will carry over to the new fiscal year. The cash-out for the current fiscal year, if approved, would be based on any remaining Sick/Personal Leave hours that remain after the carry-over.

Below are a few examples to help you understand how this would work.

#	Category	Example 1	Example 2	Example 3	Example 4	Example 5
1	Annual Sick Leave	30	30	30	54	36
2	Plus: Prior Year Carry-Over	0	26	0	0	10
3	Total Available (#1 + #2)	30	56	30	54	46
4	Less: Used	0	0	10	0	40
5	Remaining (#3 – #4)	30	56	20	54	6
6	Required Carry-Over (56 hours – #1, maximum of #5)	26	26	20	2	6
7	New Fiscal Year Sick Total (#1 + #6)	56	56	50	56	42
8	Cash-Out (#5 – #6)	4	30	0	52	0

Sick Leave for Regular Exempt Staff and Faculty (Salaried)

The following information provides details about Sick Leave for exempt employees. This time was formerly called Salary Continuation. We have changed the name to be consistent with the New York Sick Leave law's terminology. The amount of Sick Leave that RIT provides is greater than what New York State requires.

The fiscal year Sick Leave hours will be "front loaded" each July 1st (or upon hire) with the total fiscal year Sick Leave hours available to the employee.

Employee is Scheduled to Work 12 Months Per Fiscal Year

To calculate the annual Sick Leave, the employee's scheduled weekly hours are multiplied by a factor of 2.4. This factor is used because a regular full-time employee scheduled to work a standard 5-day work week, 12 months per year, receives 12 Sick days for the fiscal year (12 days per year divided by 5-day week equals 2.4).

Example 1 (full-time):

Scheduled weekly hours = 40
Sick Leave = 40 x 2.4 = 96 hours per fiscal year

Example 2 (part-time):

Scheduled weekly hours = 20
Sick Leave = 20 x 2.4 = 48 hours per fiscal year

Employee is Scheduled to Work Less Than 12 Months Per Fiscal Year

Sick Leave will be prorated for those who are scheduled to work for less than 12 months per fiscal year, except as outlined above for those grandfathered as of July 31, 2012.

For example, an employee hired on or after August 1, 2012 who is scheduled to work 40 hours a week, 10 months per year, will have 61.2 hours of Sick Leave as of each future July 1.

10 months / 12 months = .83 pro-ratio factor

40 x 2.4 = 96 hours x .83 = 79.68 hours

If an employee has a reduction in their work schedule (i.e., hours per week and/or months per year), the current year front loaded sick leave amount would not change. It would be changed on a prospective basis effective the next July 1.

Using and Tracking Sick Leave

When an exempt employee is not working due to an eligible sick leave reason, there is no impact on pay; regular pay continues when an exempt employee is absent from work due to an eligible reason.

Sick Leave is tracked in [Oracle Employee Self-Service](#) with the absence type called *Ex Illness Accrual*. Exempt employees must submit their time in order for RIT to comply with the law. Sick Leave absences are tracked in hours and the absence is entered in the same manner as vacation absences. The minimum increment of time that can be taken is four (4) hours or one-half the employee's scheduled shift, whichever is less. For help with entering time, refer to the [Employee User Guide](#) found on the HR website.

An employee cannot use more than 56 hours of continuous sick leave, unless the sick leave is being used to supplement pay to bring to 100% of pay when approved for short-term disability, Workers Compensation, FMLA, or NYS Paid Family Leave.

Unused Sick Leave, including carryover Sick Leave, will not be paid out to exempt employees at termination.

Grandfathered Sick Bank

An employee who was a regular RIT employee and who had unused Sick Leave as of June 30, 2005 had a Grandfathered Sick Bank. An employee who still has a remaining Grandfathered Sick Bank can use it for the purposes outlined below.

- Nonexempt employees can use the Grandfathered Sick Bank as sick time if they are absent after they use the current year's Sick Leave.
- Nonexempt and exempt employees can use the Grandfathered Sick Bank to supplement the 80% short-term disability (STD) benefit if STD is longer than eight (8) weeks to bring them to 100% of base pay.
- A nonexempt or exempt employee on Workers Compensation for more than eight (8) weeks can use the Grandfathered Sick Bank to supplement the statutory Workers Compensation benefit to bring them to 100% of base pay.
- Nonexempt and exempt employees may use the Grandfathered Sick Bank when absent for their own serious health condition when approved under FMLA but not approved for STD.
- Nonexempt and exempt employees may use the Grandfathered Sick Bank when taking care of a qualified family member with a serious health condition when approved under FMLA.
- Nonexempt and exempt employees may use the Grandfathered Sick Bank to supplement New York State Paid Family Leave to bring them to 100% of base pay.

An employee must use the current year's Sick Leave before using the Grandfathered Sick Bank. Any time from the Grandfathered Sick Bank is used "1-for-1" meaning that you will use one day to supplement any portion of a day absent from work. For example, if you are receiving the 80% STD benefit and supplement with the

Grandfathered Sick Bank, you will use one Grandfathered Sick Bank day for each day you supplement the 80% STD benefit.

Grandfathered Sick Bank is not cashed out upon termination of employment or retirement and is not reinstated if you are rehired at a later time.

Other Information Regarding Absences

Absence Reporting

Employees who are unable to report to work should notify (or have someone else notify, if unable) their immediate supervisor prior to the start of their scheduled reporting time and, to the extent feasible, provide as much notice as possible.. You do not need to give details about your medical condition, just let your supervisor know that you are unable to work.

Sick Leave During University/Building Closing

If the university closes or a building closes for the day, opens late, or closes early (e.g., weather-related, power outage in a building) when an employee is not at work using Sick Leave, the time due to the closing will be counted as Sick Leave.

Extended Illness

When an employee's non-work-related illness or injury extends beyond seven (7) consecutive calendar days, the employee must apply for Short Term Disability benefits (refer to Short Term Disability summary).

Other Absence Benefits Related to Family Members

In addition to Sick Leave, there are other family-related absence benefits available. The employee may qualify for leave under the Family and Medical Leave Act (FMLA) and/or New York State Paid Family Leave (NYS PFL). Refer to those [summaries](#) for more details. Please note that the definition of eligible family member differs under FMLA, NYS PFL and the New York State Paid Sick Leave benefit.

Sick Leave and Retirement Transition Program

Employees participating in the Retirement Transition Program continue to be eligible for Sick Leave. The amount of Sick Leave will be prorated beginning the July 1 on or after the Retirement Transition start date based on the work schedule while on Retirement Transition.

Sick Leave While on Approved Leave of Absence

Sick Leave is not available while on an approved leave of absence, other than as a supplement to NYS Paid Family Leave or Federal Family Medical Leave. When a leave of absence crosses over into a new fiscal year, the employee may not use the new fiscal year's Sick Leave until they physically return to work, except as required by applicable law.

If You Have Questions

If you have any questions about Sick Leave or the Grandfathered Sick Bank, contact the RIT Service Center (RSC). To get answers to your questions, please

- Visit the RIT Service Center portal at help.rit.edu where you can ask questions and find answers immediately.
- If you cannot find what you are looking for, you can
 - chat online with a representative through the [RSC portal](#),
 - click on Report Issue / Ask Question to submit your question, or
 - call the RSC at 585-475-5000.

You can access the RSC online portal 24 hours a day. The RSC staff is available for online chats and by phone Monday through Friday 7:30 a.m. to 5:00 p.m. Eastern Time.