



# COLLEGE OF THE Holy Cross

[Purpose](#)

[Policy](#)

[Procedures](#)

[Forms](#)

[Related Information](#)

## Policies and Procedures Manual

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Title:	Sick Leave Policy
Policy Administrator:	Chief Human Resources Officer
Effective Date:	January 1, 2022
Approved by:	Office of General Counsel

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### **Purpose**

Employees' consistent adherence to established work schedules is necessary for the successful operation of the College and an essential function for all positions. Other than in cases of certain qualifying absences, employees are expected to be working (whether on campus or remotely when permitted consistent with other applicable College policies) when scheduled or assigned to work.

To prevent income loss in cases of qualifying absences and in compliance with applicable law, the College has instituted a sick leave policy.

### **1.0 Eligibility**

All employees are eligible to receive and use paid sick leave.

Full-time staff and administrative employees (i.e., those who are regularly scheduled to work at least 27.5 hours per week for at least 40 weeks per year) are eligible for sick leave benefits as set forth in section 3.1, below.

Part-time staff and administrative employees (i.e., those who are regularly scheduled to work at least 20 hours per week, but less than 27.5 hours per week, for at least 40 weeks per year) are eligible for sick leave benefits as set forth in section 3.2 below.

All other staff and administrative employees are eligible for sick leave benefits as set forth in section 3.3 below.

### **2.0 Use of Sick Leave**

## **2.1 Reasons for Using Sick Leave**

Except to the extent another College policy or published directive provides for additional permissible uses, employees may use paid sick leave only for the following reasons:

- a. to care for the employee's own physical or mental illness, injury, or other medical condition that requires home, preventative, or professional care;
- b. to care for a child, parent, spouse, or parent of a spouse who is suffering from a physical or mental illness, injury, or other medical condition that requires home, preventative or professional care;
- c. to attend routine medical and dental appointments for themselves or for their child, parent, spouse, or parent of a spouse;
- d. to address the psychological, physical, or legal effects of domestic violence; or
- e. travel to and from an appointment, a pharmacy, or other location related to the purpose for which the time was taken.

Sick leave may not be invoked as an excuse to be late for work unless one of the above reasons applies. Use of sick leave for other purposes is not allowed and may result in disciplinary action.

## **2.2 Documentation Required.**

The College may require an employee to submit a doctor's note or other documentation to support the use of sick time if the absence:

- a. exceeds 24 consecutively scheduled work hours or three consecutive days on which the employee is scheduled to work;
- b. occurs within two weeks prior to an employee's final scheduled day of work (except in the case of temporary employees); or
- c. occurs after four unforeseeable and undocumented absences within a three month period.

When requested, required documentation must be submitted within seven days of the absence. Additional time will be allowed for good cause shown.

If an employee fails to timely comply with the sick time law's documentation requirements, the College may recoup the sick time paid from future wages.

## **2.3 Fitness for Duty and Return to Work**

Before an employee returns to work following an absence occasioned by their own illness or injury, the College may require the employee to provide acceptable documentation to demonstrate that they can safely resume working. In appropriate cases, the College may require a fitness-for-duty certification that addresses the employee's ability to perform the essential functions of his or her job.

## **2.4 Misuse of Sick Leave and Other Violations of this Policy**

Employees who use sick leave for reasons other than those listed in Section 2.1, fail to follow the call-in procedures, have patterned absenteeism, or absenteeism unsupported by medical documentation where documentation has been requested, may be subject to discipline, up to and including discharge. For example, if an employee is exhibiting a clear pattern of taking leave on days just before or after a weekend, vacation, or holiday, the College may discipline the employee for misuse of earned sick time, unless the employee provides verification of authorized use. Supervisors must consult with Human Resources before disciplining employees for violations of this policy or other sick leave abuse.

### **3.0 Sick Leave Allotments and Accruals**

#### **3.1 Full-Time Employees**

Full-time (scheduled to work at least 27.5 hours/week and 40 weeks/year) exempt (salaried) and non-exempt (hourly) staff and administrative employees are allotted and permitted to use at least seven (7) days of paid sick leave in each calendar year. Each such employee will begin each calendar year (beginning January 1st) with the greater of: (i) their existing sick leave balance; or (ii) seven (7) days of sick leave. New employees are allotted a prorated amount of sick time based on the date of hire, pursuant to a schedule established by the College and consistent with applicable law.

#### **3.2 Part-Time Employees Scheduled to Work 20 Hours/Week and 40 Weeks/Year**

Part-time (scheduled to work at least 20 Hours/Week and 40 Weeks/Year, but less than 27.5 hours/week and 40 weeks/year) exempt (salaried) and non-exempt (hourly) staff and administrative employees are allotted and permitted to use at least forty (40) hours of paid sick leave in each calendar year. Each such employee will begin each calendar year (beginning January 1st) with the greater of: (i) their existing sick leave balance; or (ii) forty (40) hours of sick leave. New employees are allotted a prorated amount of sick time based on the date of hire, pursuant to a schedule established by the College and consistent with applicable law.

#### **3.3 All Other Employees**

All other staff and administrative employees (i.e., on-call or seasonal employees who work less than 20 hours per week or 40 weeks per year) earn 1 hour of sick leave for every 30 hours worked, up to a maximum of 40 hours per calendar year. Up to 40 hours of unused sick time may be carried over into the following calendar year. However, once the maximum yearly accrual of 40 hours is reached, no more sick leave is accrued. Once the employee uses sick leave and their balance falls below 40 hours, accruals will recommence.

Notwithstanding the foregoing paragraph, the College retains to discretion to provide lump sum grants of sick time that meet or exceed the requirements of Massachusetts law in lieu of using the accrual formula set forth in the foregoing paragraph.

### **4.0 Concurrency with Other Leaves**

If any time off covered under this policy is also covered under the College's other leave policies (e.g., MA PFML, FMLA, Parental Leave, Domestic Violence Leave, or other leaves provided by policy or law), sick leave shall run concurrently with any such other leave.

Employees may choose, and the College may also require employees, to use earned sick time to receive pay for eligible absences under other leave policies if those absences would otherwise be unpaid.

## **5.0 Accrued and Unused Sick Leave at Termination.**

### **5.1 Sick Leave at Termination**

Unused sick leave is not paid out upon separation from employment. However, because some hourly employees have accrued and retained a significant amount of sick time under College policies previously in effect, the College has preserved the following sick time payout policy as an exception to this rule.

Hourly paid employees who are aged 55 or older and have ten (10) or more years of current consecutive full-time service at termination, will be paid out their accrued and unused sick leave on the following schedule:

<b>Consecutive Years of Service Prior to Retirement Eligible Termination</b>	<b>Sick Leave Payout Up To &amp; Including</b>
10 -14 years	20 days
15-19 years	30 days
20-24 years	40 days
25+ years	60 days

## **6.0 Procedures for Requesting Sick Leave**

### **6.1 How to Request Sick Leave; Employee and Supervisor Responsibilities**

In the case of a scheduled absence, the employee should notify their supervisor or department head as far in advance as possible and, if the employee will be absent from work for multiple days, the employee must also give the expected date of return to work. However, a supervisor may not require more than seven (7) days' notice for a scheduled absence.

In the case of an unscheduled absence, an employee who is absent or late because of illness (or any other reason) must call their immediate supervisor or department head as early as possible prior to the regular scheduled starting time to report the absence, the reason for the absence and the expected date of return to work. If, because of an emergency, the employee cannot call in advance, they must call their immediate supervisor or department head as soon as possible, with the same information and the reason(s) why he or she was not able to give advance notice for the absence. A responsible third party (such as a spouse or relative) may also provide such notice if the employee is incapacitated or otherwise unable to do so personally. Sick leave may not be invoked as an excuse to be late for work or to leave early from work unless one of the reasons in Section 2.1 applies.

In general, the employee must keep their immediate supervisor or department head informed about their status and expected date of return to work. If an employee cannot return to work on their expected date of return, they must notify the supervisor or department head as much in advance as possible, and include a new expected date of return. Employees should explain the reason for the absence (e.g., a medical appointment for the employee, a medical appointment for the employee's child) but are not required to explain the nature of the condition (e.g., the medical condition or

diagnosis necessitating the leave).

In general, immediate supervisors, designated department timekeepers, or department heads must manage the absences of the employees who report to them. This includes ensuring such absences are recorded for payroll purposes and notifying Human Resources if the employee will be out for three (3) or more consecutive days or if the employee does not return to work on their expected date of return or requests a different date of return.

Once an expected date of return is established, if the employee cannot return on the expected date, the employee must call the supervisor or department head, in advance of the expected date, to explain the reason for the continued absence and the new expected date of return.

For scheduled absences, the College's general expectation is that employees will endeavor to arrange scheduled time away (e.g. for medical appointments) during non-working time and, if that is not possible, at such times as are least disruptive to the department and their work colleagues.

## **6.2 On Call Employees and Requesting Leave**

On-call employees who are called and offered work, have accepted the offer, and have been assigned confirmed hours of work, and who thereafter are unable to work for a qualifying reason under this Policy, may request and use accrued paid sick leave pursuant to the procedures set forth in this policy. Accepting an offer to work with the intention of calling out sick for all or part of the hours of the work assignment is an abuse of sick leave for which the employee may be disciplined or discharged.

## **7.0 Use of Sick Leave**

### **7.1 Introductory Period**

Although sick leave is allotted or accrued as of the employee's date of hire, employees are not entitled to use available sick leave until 90 days have elapsed since the first day of employment.

### **7.2 Sick Leave Increments**

Sick leave may be requested and taken in increments of fifteen (15) minutes.

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Date of Last Review     January \_\_, 2022