

Fort Hudson Health System  
Administrative Policy  
Policy # 00-200-03

**Title:** Sick Leave – NYS Paid Sick Leave (PSL)

**Effective:** January 1, 2021

**Policy:** Fort Hudson Health System will provide paid sick leave in accordance with NYS Law, as may be amended, at accrual rates at or greater than the minimum required. Time accrued under NYS PSL will be subject to the rules and regulations specific to this accrued time; hours accrued in excess of NYS PSL will be subject to policies and practices in place for Unscheduled Benefit Time prior to January 1, 2021.

As of January 1, 2021, employees will accrue and may use sick leave in accordance with the following policy.

**Accrual of Leave**

Leave (PSL) will begin to accrue on the later of September 30, 2020 or the employee's first day of employment. PSL will be used prior to sick time accrued which is in excess of PSL requirements.

Full-Time Employees

For full-time employees, sick leave will accrue at a rate of 2.88 hours per pay period OR one (1) hour per every thirty (30) hours worked by the employee (whichever is greater), up to a maximum of seventy-five (75) hours in each calendar year (January 1 – December 31). PSL accruals will begin on the later of September 30, 2020 or the employee's first day of employment.

Part-Time Employees

For part-time and per diem employees, sick leave will accrue at a rate of one (1) hour per every thirty (30) hours worked by the employee, up to a maximum of fifty-six (56) hours in each calendar year (January 1 – December 31). Part Time employees with an FTE 0.8 status for a full calendar year may exceed 56 hours based on Fort Hudson accrual rate.

**Rate of Pay**

Leave will be paid at the employee's regular rate of pay.

**Reasons for Leave**

An eligible employee may take leave under this policy for the following reasons:

1. The mental or physical illness, injury, or health condition of the employee, regardless of whether such illness, injury, or health condition has been diagnosed or requires medical care at the time that such employee requests such leave, as well as the diagnosis, care or treatment of the same;

Fort Hudson Health System  
Administrative Policy  
Policy # 00-200-03

2. The mental or physical illness, injury, or health condition of an employee's family member, regardless of whether such illness, injury, or health condition has been diagnosed or requires medical care at the time that such employee requests such leave, as well as the diagnosis, care or treatment of the same;
3. An absence from work when an employee or an employee's family member has been the victim of domestic violence, a family offense, sexual offense, stalking, or human trafficking, including leave to:
  - a. Obtain services from a domestic violence shelter, rape crisis center, or other services program;
  - b. Participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or the employee's family members;
  - c. Meet with an attorney or social services provider to obtain information and advice on, and prepare for and participate in, any criminal or civil proceeding;
  - d. File a complaint or domestic incident report with law enforcement;
  - e. Meet with a district attorney's office;
  - f. To enroll children at a new school; and
  - g. Take any other actions necessary to ensure the health or safety of the employee or the employee's family member, or to protect those who associate or work with the employee.

**\*\*An employee who has committed domestic violence, a family or sexual offense, stalking, or human trafficking is not eligible for leave under 3(a)-(f), nor may this leave be used on behalf of an employee's family member who has engaged in any such acts.**

For purposes of this policy, "family member" is defined as an employee's child (including biological child, adopted child, foster child, a legal ward, or a child for whom the employee stands "in loco parentis"), spouse, domestic partner, parent (including biological parent, foster parent, step-parent, adoptive parent, legal guardian, or an individual who stood "in loco parentis" to the employee as a minor child), sibling, grandchild or grandparent, and the child or parent of an employee's spouse or domestic partner.

### **Notice Requirements**

Fort Hudson requires notice of the need for sick leave as soon as possible, but in all cases, notice must be given prior to taking sick leave. Notice can be given orally or in writing. Employees should contact their department supervisor at the contact numbers provided to you, or the facility (518-747-2811) if they need to use leave. Advanced notice of at least 2 hours prior use of sick time is requested but not required in order to provide sufficient time to arrange for appropriate coverage.

### **Documentation Requirements**

An employee may be required to provide medical documentation supporting their need for use of sick leave, amount of leave needed, and return date when they are absent for 3 or more consecutively scheduled shifts. Alternatively, employees may be required to submit an attestation verifying that their use of leave complies with this policy. If an employee is charged a fee for

Fort Hudson Health System  
Administrative Policy  
Policy # 00-200-03

required paperwork by a medical provider, the employee will be reimbursed for that amount by informing Human Resources of the expense.

Employees will not be required to disclose confidential information to use paid sick leave.

### **Carryover of Leave**

An employee's unused sick leave will be carried over to the next calendar year. However, employees will not be permitted to use more than fifty-six (56) hours of sick leave in any calendar year (as defined in PSL regulation); unless such use is taken during approved leave of absences. Sick leave may not exceed the amount of accrued time; other benefit time will be used when sick time is exhausted.

### **Interaction with Other Types of Leave**

In addition to leave provided under the policy, employees may also be entitled to leave under other applicable Fort Hudson policies.

Leave taken under this policy will run concurrently with leave under the Family and Medical Leave Act. Fort Hudson will also allow employees to elect to use accrued, unused sick leave concurrently with leave taken under the New York Paid Family Leave Act when applicable.

### **Restoration to Employment**

At the conclusion of an employee's use of sick leave, the employee will be returned to the employee's previously held position; unless other pertinent rules and regulations apply.

### **Separation from Employment**

An employee will not be paid for accrued, unused sick leave upon an employee's separation from employment. Time taken during any notice period will not be considered 'work time' for purposes of maintaining good standing.

### **Retaliation**

Any form of discipline, reprisal, intimidation, retaliation, or discrimination against any individual for requesting or taking sick leave (PSL) or filing a complaint for violations of this policy is strictly prohibited. Fort Hudson reserves the right to advise an employee of the impact of excessive sick time on care and services, as determined appropriate for employee educational and development purposes. Time used in excess of 56 hours (maximum PSL accrual per year) will be subject to existing Fort Hudson sick leave requirements and limitations; including disciplinary actions where appropriate for excess use of sick time, pattern of use, tardiness, and all other related policy requirements.

Fort Hudson Health System  
Administrative Policy  
Policy # 00-200-03

Fort Hudson is committed to enforcing this policy and prohibiting retaliation against employees who request or take sick leave under this policy, or who file a related complaint. If employees feel that they or someone else may have been subjected to conduct that violates this policy, they should report it immediately to Human Resources.

**Previous Unscheduled Benefit Time**

Consistent with Fort Hudson's previous Unscheduled Benefit Time policy in effect prior to January 1, 2021, employees who have Unscheduled Benefit Time remaining may use such time in accordance with Fort Hudson's previous Unscheduled Benefit Time policy.

Approved: \_\_\_\_\_



Date: \_\_\_\_\_

1-1-2021