Sick Time for Full-time Administrators

<table>
<thead>
<tr>
<th>Section: Time Off</th>
<th>Policy Number: 402A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible Office: HR/HR Services</td>
<td>Effective Date: 04/01/14</td>
</tr>
<tr>
<td></td>
<td>Adapted from #402, revised: 06/30/02; 11/20/03; 02/20/08</td>
</tr>
</tbody>
</table>

**Scope**
This policy applies to full-time administrators. Administrators on a Reduced Schedule are eligible for paid sick time on a prorated basis, depending on their schedule. Part-time administrators should refer to policy #402C.

**Use of Sick Time for Personal Illness or Disability**
Administrators are not entitled to a specific number of sick days for personal illness or disability. It is expected that the administrator's sense of professionalism and personal commitment will result in a good attendance record. It is the responsibility of supervisors to maintain a record of absences for their employees.

During a full-time administrator's first year of full-time employment, paid sick time shall be limited to a maximum of one month. No more than five days of paid sick time may be taken during the first three months of employment (Orientation Period).

After the first year of full-time employment, an administrator who, by reason of personal illness or disability, is incapable of performing the regular duties of his or her job, shall be entitled to paid sick time up to a maximum of six (6) months, provided there is compliance with the requirements of this policy. In no event, however, shall the University's payment for sick time exceed one-half (1/2) of the administrator's annual base salary. An administrator's use of paid sick time may be continuous or intermittent, as necessary, but shall not exceed a total of six (6) months in any 12-month period.

If the administrator receives governmental disability or any similar benefits during any such period of absence, the administrator shall be paid the difference between the benefits received and the benefits provided above. Upon separation from employment unused sick time shall have no monetary value.

Pregnancy-related medical care or disability is treated the same as any other temporary disability and is covered by this policy. See also policy #502, Family and Medical Leave, which addresses qualifying family and medical conditions; policy #810, Pregnant Workers Fairness, which addresses employees’ needs for reasonable accommodations due to pregnancy or childbirth recovery; and policy #103, Disabilities in the Workplace.

**Procedures - Medical Certification**
An administrator who requires sick time because of personal illness or disability for more than five (5) days or has demonstrated a pattern of frequent absences using more than five (5) days of sick time may be required to submit to the Benefits Office a medical certificate from his or her physician setting forth the nature of the illness or disability, the diagnosis and prognosis, and the expected return to work date. After the administrator submits such a certificate, the University may request that a physician of its choice examine the administrator at the University’s expense. If the physician selected by the University and the

---

*S. John's University*  
*New York*  
*Human Resources Policy Manual*
employee’s physician disagree as to the ability of the administrator to return to work, the University may request that the administrator submit to an examination by a third physician, paid for by the University, whose name shall be submitted by an impartial medical panel of the Queens County or New York County Medical Society. The panel’s physician’s decision regarding the administrator’s ability to return to work shall be binding on both the administrator and the University.

If the administrator fails or refuses to submit such a certificate, or refuses to be examined by a physician selected by the University or a panel physician, the administrator’s sick time compensation from the University shall cease. In such an event, a determination as to the administrator’s continued employment by the University shall be presented to the supervising vice president, whose decision shall be subject to review by the Executive Vice President and Senior Vice President for Human Resources. Failure to return without proper medical certificate may be viewed as a voluntary termination.

Each month after the submission of the medical certificate or after any medical examination as set forth above, the administrator, upon request by the University, shall be required to submit a further certificate from his or her treating physician. The University may request the administrator to submit to a further examination by a physician of its choice and, where appropriate, by a panel physician. It is expected that such medical examination by the University’s physician and/or panel physician shall not occur more frequently than at one month intervals.

If the administrator fails to return to work after a fitness for work examination performed by the treating physician or a panel physician finds that he or she is able to work with or without reasonable accommodation, the administrator’s employment at the University shall be considered a voluntary termination.

Procedures – Continuation of Benefits

Performance evaluations, awards and merit adjustments shall be determined on the basis of time actually worked. An administrator taking sick time shall be eligible for any prorated salary increase and any increase in fringe benefits that are granted to administrators as a whole. During the period of sick time, the regular deductions, including those for fringe benefits, shall continue to be taken from the administrator’s salary.

Paid sick time provides continuation of an administrator’s salary and benefits during periods of personal illness or disability. For information concerning paid time off from work for purposes other than the administrator’s own illness or disability, please see policies #401 Vacation Time, and #403 Personal Time.

Paid sick time does not guarantee that the administrator’s position will be held open during the period of absence or that the administrator will be reinstated to active employment when the administrator is medically cleared to return to work. When an administrator on paid sick time has exhausted leave under the FMLA, the University may recruit to fill the position or eliminate or restructure the position as the needs of the University dictate. (See policies #502 for Family and Medical Leave Act and #103, Disabilities in the Workplace.) If the administrator’s position has been filled or eliminated, or restructured so that the administrator is no longer qualified for the position, the administrator will be placed on a general leave of absence. An administrator may continue to receive the balance of paid sick time during a general leave of absence, but the total of paid sick time and general leave of absence shall not exceed six (6) months. When the administrator receives medical
certification to return to work, the administrator may apply for any available position for which he or she is qualified. If the administrator is unable to obtain a position at the end of the general leave of absence, his or her employment with the University will terminate.

**Non-Retaliation**
Retaliation against any employee for appropriate use of paid sick time is unacceptable and strictly prohibited. Any employee who feels he or she has been retaliated against should immediately report the matter to Human Resources. Employees also have the right to file a complaint with the NYC Department of Consumer Affairs.