



**Governed by:** Human Resources

**Approval Date:** October 10, 2023

**Last Updated:** 10/10/2023

**Policy:** New York State Paid Sick Leave (PSL) Policy

***Overview of Purpose:***

New York Paid Sick Leave Law (PSL) requires employers to provide paid sick leave for employees, if they meet specific criteria.

***Paid Sick Leave For Full- and Part-Time Employees Working 20 or More Hours Per Week:***

Full-time and part-time employees regularly scheduled to work 20 or more hours per week, are eligible to receive Paid Sick leave hours based on years of service following PSL and CEO policy. Allocation of time is based on the employee's program option. Please see [PTO Sick Leave All Staff Charts on the Human Resources page of the Intranet](#) for the amount of PSL you are eligible for.

Employees who are rehired will be treated as new employees and will not be eligible for years of service credit.

***Paid Sick Leave for All Other Employees:***

All other employees, including part-time, substitute, temporary, and seasonal employees will accrue Paid Sick Leave 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. Paid Sick Leave will begin to accrue on an employee's first day of employment. Leave under this section is available for use only for NY PSL purposes, as set forth below.

***NY PSL Purposes:***

Employees may use up to fifty-six (56) hours per calendar year of available Paid Sick Leave, for the reasons set forth by the NY PSL, which include:

- 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, including preventative medical care;
- 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, including preventative medical care;

- 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:
  - Obtain services from a domestic violence shelter, rape crisis center, or other services program;
  - 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;
  - 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;
  - File a complaint or domestic incident report with law enforcement;
  - Meet with a district attorney’s office;
  - To enroll children at a new school; and
  - 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 paid leave for purposes of this policy, nor may this leave be used on behalf of an employee’s family member who has engaged in any such conduct.

Employees may use Paid Sick Leave in increments of 15 minutes.

**NY PSL Definitions:**

For purposes of employees’ use of Paid Sick Leave, the following definitions shall apply:

- *Confidential Information* means individually identifiable health or mental health information, including but not limited to, diagnosis and treatment records from emergency services, health providers, or drug and alcohol abuse prevention or rehabilitation centers. Confidential information also means information that is treated as confidential or for which disclosure is prohibited under another applicable law, rule, or regulation.
- *Domestic Partner* shall have the same meaning as Domestic Partner, as set forth in section 2961(6-a) of the New York Public Health Law.
- *Family Member* means 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.
- *Family Offense* includes any offense enumerated in section 812(1) of the New York Family Court Act, where such acts are between current and former members of the same family or household, as defined therein.

- *Human Trafficking* means an act or threat of an act that may constitute sex trafficking, as defined in section 230.34 of the Penal Law, or labor trafficking, as defined in section 135.35 and 135.36 of the Penal Law.
- *Mental Illness* shall have the same meaning as mental illness, as set forth in section 1.03(20) of the New York Mental Hygiene law.
- *Preventative Medical Care* means routine health care including but not limited to screenings, checkups, and patient counseling to prevent illnesses, disease, or other health problems.
- *Sexual Offense* means any act, or threat of an act, specified within Article 130 of the New York State Penal Law.
- *Stalking* means any act, or threat of an act, that constitutes the crime of stalking as defined by Article 120 of the New York State Penal Law.

***Documentation Requirements:***

The organization may require an employee to provide documentation supporting their need for Paid Sick leave for a NY PSL reason, the amount of leave needed, and return date when absent for three (3) or more consecutive days. The documentation required in such instances will be limited to that permitted by applicable law.

Employees will not be required to disclose Confidential Information to use Paid Sick Leave.

***Notice Requirements:***

CEO requires notice of employee's need to use Paid Sick Leave for NY PSL reasons as soon as possible, but in all cases, notice must be given prior to taking Paid Sick Leave. Notice can be given, orally or in writing, to an employee's direct supervisor.

***Carry Forward:***

Employees may carry forward unused Sick Leave from one program option year to the next, but will remain subject to the purposes and maximum hours outlined above under NYS PSL annually.

Employees are not eligible to be paid cash in lieu of unused Paid Sick Leave credits.

***Interaction with Other Types of Leave:***

Paid Sick Leave taken for NY PSL purposes will run concurrently with leave under the Family and Medical Leave Act. The organization will also allow employees to elect to use Paid Sick Leave concurrently with leave under the New York Paid Family Leave Act when applicable.

Any employee who is on an approved FMLA or medical leave of absence may be required to use accumulated Paid Sick Leave prior to taking any unpaid leave of absence (see Sections 706 and 707 of the Employee Handbook). Exempt employees who are required to use accumulated Paid Sick Leave while on an approved FMLA or medical leave of absence may use Paid Sick Leave when warranted by the nature of the leave and to supplement Workers' Compensation or New York State disability benefits.

In the event the use of Paid Sick Leave exceeds seven calendar days, the employee must also complete the required disability forms as requested by the Agency or insurance carrier.

***Restoration to Employment:***

At the conclusion of an employee's Paid Sick Leave for NY PSL reasons, the employee will be returned to the employee's previously held position.

***Separation from Employment:***

Any accumulated Paid Sick Leave hours remaining upon separation of employment will be forfeited, except as outlined in the [Health Reimbursement Account section below](#).

***Health Reimbursement Account (HRA):***

An employee who meets the definition of retirement per CEO's pension plan document will be eligible to utilize their accrued, unused Paid Sick Leave to fund their Health Reimbursement Account (HRA). This account will provide reimbursement for health insurance premiums or medical expenses, subject to availability of Agency funds and in compliance with federal and state regulations upon retirement. Eligible employees hired in 1993 or later may fund their HRA with a maximum of 1,040 hours of accrued, unused Paid Sick Leave. Eligible employees hired prior to 1993 may fund their HRA with a maximum of 1,440 hours of accrued, unused Paid Sick Leave.

***Retaliation:***

Any form of discipline, reprisal, intimidation, retaliation, or discrimination against any individual for requesting Paid Sick Leave or filing a complaint for violations of this policy as it relates to NY PSL is strictly prohibited.

The organization is committed to enforcing this policy and prohibiting retaliation against employees who request Paid 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.