

# Sick Leave Policy

## Human Resources

Policy No.: HR. 01-35  
001  
Effective Date: 07/01/2013  
Supersedes: All Previous Versions  
Publication Date: 06/2013

### 1.0 Purpose

The San Jose State University Research Foundation (“Research Foundation”) provides paid sick leave to eligible employees who are absent from work because of their own illness or injury; for medical appointments; and for family illness. The *Sick Leave Policy* explains sick leave eligibility requirements and identifies how sick leave is accumulated.

### 2.0 Responsibility

Under the direction of the Chief Operating Officer, the Human Resources Department and the Finance and Accounting Department are responsible for the implementation and maintenance of the Research Foundation’s sick leave policy. Research Foundation directors, managers, and supervisors are responsible for ensuring that work hours are reported accurately, within the required timeframe, and on official employee timesheets. The Research Foundation Payroll Department is responsible for accurately tracking accumulated sick leave hours in accordance with this policy.

### 3.0 Scope

This policy applies to all SJSU Research Foundation benefited Central Administration employees and benefited Project employees.

### 4.0 Definitions

This table provides definitions for special terms, acronyms, and abbreviations used in this policy.

<b>Term, Acronym, or Abbreviation</b>	<b>Description</b>
Central Administration Employees	Those Research Foundation employees who are not directly funded from a grant, contract, cooperative agreement, or a campus program activity.
Project Employees	Those employed through funds received for a research, training or other sponsored project through a grant, contract, campus program, cooperative agreement, or other discretionary funds managed by the Research Foundation.
Immediate Family Member	As used in this policy, refers to spouse, domestic partner, child, grandchild, parent, person or guardian in lieu of parent, grandparent, sibling, mother-in-law, and father-in-law.
Immediate Household	As used in this policy, refers to a person residing in the immediate household of the employee except domestic help, roomer, landlord, or roommate.

## 5.0 Policy

The Research Foundation provides eligible employees paid sick leave benefits. Unlike vacation leave, which is an earned benefit sick leave can only be used for specified purposes, and may be regulated or otherwise modified as necessary. The Research Foundation reserves the right to adjust sick leave benefits for an employee who continually abuses the benefit. Abuse or misuse of sick leave, failure to return to work following an approved sick leave, or any other violation of the sick leave policy may result in discipline up to and including termination.

### 5.1 Eligibility

Regular full-time and part-time employees who work 50% or more of full-time status, whose length of appointment is six months or longer, and whose positions offer paid benefits are eligible to accumulate sick leave immediately following their start date. Non-benefited employees, including temporary and student employees, are not eligible to accumulate sick leave.

### 5.2 Accumulation of Sick Leave

Benefited employees begin to accumulate sick leave at the start of active service. Active service commences with a benefited employee's first day of work and continues, unless broken by an unpaid leave of absence, or termination of employment.

All benefited employees accumulate sick leave hours consistent with the percentage of time worked. A benefited part-time employee who works at least fifty percent (50%) time accumulates sick leave on a pro-rata basis.

Sick leave for full-time employees is accumulated at the rate of eight (8) hours per month. Part-time employees accumulate sick leave based on the percentage of time they work (i.e., a half-time employee accumulates four hours a month). For non-exempt employees sick leave benefits are available beginning with the first hour away from the job due to illness or injury. Sick leave is not charged for holidays falling within the sick leave period.

**Note:** Unlike vacation leave benefits, which are earned and are therefore payable upon separation from the Research Foundation if not used, sick leave is not an earned benefit; it is a privilege extended by the Research Foundation. Employees do not receive pay for unused sick leave upon separation from the Research Foundation.

### 5.3 Sick Leave Accumulation Limits

Central Administration staff may accumulate sick leave on an ongoing basis year to year. Project employees may accumulate up to a maximum of 96 hours.

### 5.4 Use of Sick Leave

When it becomes necessary for an employee to take sick leave of seven or more consecutive days, the employee must complete the required *Request for Leave of Absence* form available from the HR department. Employees may use sick leave in the following cases:

- Personal illness or injury
- Quarantine for exposure to contagious disease
- Medical or dental treatment
- On-the-job injury or illness
- Childbirth or adoption in the immediate family or household
- Family care (serious illness or injury of a dependent family member)

Sick leave may be granted for other reasons at the discretion of the Chief Operating Officer (or designee). Employees who are unable to report to work due to their own personal illness or due to the illness of an immediate family member must contact their supervisor as soon as possible, and no later than 30 minutes after their normal starting time.

**Note:** Advance use of sick leave is not permitted. Employees may only use sick leave credits that have been accumulated. Employees **may not** “borrow” sick leave credits that have not yet been accumulated.

If an employee is absent from work more than three days due to personal illness or injury, he or she may be required to provide a medical release from a doctor. **Additionally, the employee’s supervisor or the Director of Human Resources may request a medical release at any time regardless of the length of absence.** The medical release should include any information regarding restrictions that may affect the employee’s ability to perform his or her job.

An ill or injured employee who misses seven or more consecutive days, or is hospitalized may be eligible for State Disability. When an employee is eligible for State Disability, the disability benefit will be coordinated with any accumulated sick leave.

## 5.5 Notification of Need for Sick Leave

Employees should notify their supervisors several days in advance, or as soon as possible of planned medical or dental appointments. If an employee becomes sick during the day, the supervisor must be notified before the employee leaves the worksite. Failure to notify the supervisor prior to leaving the worksite can be considered an unexcused (unpaid) absence and can result in disciplinary action.

## 6.0 Related Policy Information

### 6.1 Voluntary Sick Leave Donation

A Research Foundation employee may donate sick leave up to a maximum of 32 hours, on an hour by hour basis to another Research Foundation employee who has exhausted sick and vacation leave due to a catastrophic illness or injury. Donated time cannot exceed four days or 32 hours per fiscal year. See also *Catastrophic Leave and Catastrophic Leave Donation Policy*.

## 7.0 Required Forms

The following forms are referenced in this document.

Form	Description of Use
Employee Timesheet	A record of an employee's time worked for a specific pay period. Timesheets are processed in accordance with the Research Foundation payroll schedule (semi-monthly). The timesheet is completed by the employee, approved by their manager, and submitted to the Payroll Department for processing.
Request for Leave of Absence Form	Form to be completed and submitted when requesting sick leave. Included in the Leave of Absence packet, available from the HR department.

## 8.0 References and Related Information

*Family Medical Leave Act (FMLA) and California Family Rights Act (CFRA) Policy.*

*Pregnancy Disability Leave Policy*

*Catastrophic Leave and Catastrophic Leave Donation Policy.*

## 9.0 Record Retention

All documents and records are maintained in accordance with SJSU Research Foundation *Record Retention* requirements.

Record	Retention
<i>Sick Leave Policy</i>	This document is effective until further revised or updated. Outdated or revised documents will be maintained in accordance with Research Foundation <i>Record Retention</i> requirements. The Research Foundation will maintain the signed original and electronic copies of the approved policy and all updates and replacements.