

## **Draft 4.25.19**

# **Administrative Policies and Procedures Manual - Policy 3410: Sick Leave**

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Authorized by [RPM 6.3 \("Privileges and Benefits"\)](#)

Process Owner: Vice President for Human Resources

## **1. General**

The University of New Mexico recognizes that staff employees and members of an employee's immediate family may become sick or injured, and that a reasonable period of time off with pay should be granted to employees during such periods. Paid sick leave is a benefit provided by the University to enable staff employees to continue on paid status during an illness or disability or that of an immediate family member. Sick leave can only be used for the specific purposes defined herein and is not to be used the same as earned annual leave. Accrued sick leave should be retained by the employee to ensure continued pay in cases of extended illness or injury. Eligible employees accrue, use, and are paid for sick leave according to the provisions of this policy.

## **2. Eligible Employees**

Only regular full-time and part-time staff employees who work twenty (20) hours or more per week are eligible for paid sick leave.

## **3. Authorized Use of Sick Leave**



Sick leave is used only for the specific purposes defined below.

### **3.1. Personal Illness, Injury, or Medical Treatment**

Time off due to personal illness, injury, or medical treatment (including pregnancy and childbirth), prescheduled doctor and dentist appointments, and other related medical conditions may be charged to sick leave as provided for in [Section 6. ~~herein~~](#). Absence from work to care for an ill or injured member of one's immediate family may also be charged to sick leave as provided for in [Section 6. ~~herein~~](#). Family members may be natural, step, adopted, or foster, and immediate family, for purposes of this policy, is defined as the employee's spouse or domestic partner, children, grandchildren, great-grandchildren, parents, grandparents, great-grandparents, ~~and~~ siblings, niece, nephew, aunt, uncle, or is living in the household of an eligible employee. Proof of relationship or residency in household may be required. Persons affected by pregnancy, childbirth, and related medical conditions must be treated the same as persons affected by other medical conditions.

#### **3.1.1. Extension of Bereavement Leave**

Up to two (2) days of sick leave may be used to extend bereavement leave for the death of immediate family members, who are covered by the definition of "immediate family" in Section 3.4 of [UAP 3415 \("Paid-Leave with Pay"\)](#).

### **3.2 Parental Leave**

Time off for caring for and bonding with a child who has joined the household (by birth or adoption) within the past twelve (12) months may be charged to sick leave. Eligible ~~E~~employees may also take annual leave, paid parental leave, or unpaid FMLA to arrange additional relief - refer to [UAP 3400 \("Annual Leave"\)](#), [UAP 3415 \("Leave with Pay"\)](#), and [UAP 3440 \("Family and Medical Leave"\)](#).

### **3.3. Quarantine**

Time off due to the quarantine of an employee's household may be charged to sick leave.

### **3.4. Partial Work Days Due to Illness or Injury**

Partial days not worked due to an illness or injury may be charged to sick leave.

### **3.5. Workers' Compensation Pay**

If an employee is receiving Workers' Compensation, the employee may use sick leave or annual leave to supplement the partial Workers' Compensation payment. Refer to [UAP 3630 \("Workers' Compensation"\)](#) for information on this subject.

## **4. Alternative Provision for Temporary Disability**

If a temporary disability prevents the performance of an employee's regular duties, taking sick leave is not the only alternative. Instead, the supervisor, in consultation with the University Division of Human Resources and the University Office of Equal Opportunity Programs, may temporarily reassign the employee to other duties which do not affect the disability. The reassignment should be within the same general location with comparable job duties and requirements and should not affect the employee's pay scale. If there is a significant change in job duties, contact the Division of Human Resources. A physician's statement, indicating that the employee is capable of performing the reassigned job without adverse effect on the temporary disability or the safety of others, is required.

## **5. Catastrophic Leave**

Catastrophic Leave requests will not be granted until all minor and major sick leave and annual leave accruals are exhausted.

## **6. Approvals**

Time off requested for non-critical doctor's appointments must be pre-approved by the supervisor and may be denied due to business needs. An employee must report any unplanned absence due to illness or injury to his or her immediate supervisor by the start of the employee's shift. Supervisors have discretion to take emergency situations into account if the employee is unable to call before the start of his or her shift. Departments may have additional specific provisions regarding call-in procedures for their areas. Failure to report an absence and to request sick leave in accordance with departmental procedures may be cause for denial of the leave and/or disciplinary action. Sick Leave may not be taken until the pay period following the date in which it was accrued.

## **7. Documentation of Sick Leave**

Supervisors may request physician's statements for sick leave used for pre-scheduled doctor's appointments or to care for an ill or injured family member. If the request for sick leave is due to an employee's own illness, the supervisor may request documentation certifying whether or not the employee is physically able to return to work, the date the condition commenced, and the expected duration of the condition. The University may also request a second medical opinion at the University's expense. If the request for sick leave is to care for an immediate family member, the supervisor may request documentation on the family member's medical treatment and the expected duration of sick leave.

If the request for sick leave is for caring for and bonding with a child who has recently joined the household, the supervisor may request documentation on the birth, adoption, or placement of the child.

Employees generally will be required to provide documentation for all absences longer than ten (10) working days.

## **7.1. Sick Leave Abuse**

The University may refuse to pay sick leave if it is determined that the claim for sick leave was fraudulent and may take disciplinary action for sick leave abuse. Abuse of sick leave may be cause for denial of catastrophic leave. Examples of sick leave abuse include, but are not limited to, the following:

- Reporting sick leave when annual leave has been denied or exhausted;
- Exhibiting a pattern of reporting sick leave to avoid completing undesirable work;
- Reporting sick leave to extend a weekend or holiday;
- Failing to provide a physician's statement, according to the parameters described in Section 7 of this policy;
- Using sick leave for any purpose other than the intended purposes described in this policy.

## **8. Types of Sick Leave Banks**

There are two (2) types of sick leave: minor bank sick leave and major bank sick leave.

### **8.1. Minor Bank Sick Leave**

Minor sick leave can be used for either long-term or short-term illnesses or injuries as defined in this policy. Employees hired on or after July 1, 1984 only accrue minor sick leave.

### **8.2. Major Bank Sick Leave**

Major bank sick leave is used only for absences due to long-term illness as defined below:

- absence of fifteen (15) or more consecutive work days due to illness,
- absence of fifteen (15) or more nonconsecutive work days in a calendar year for treatment of a chronic illness, such as kidney disease requiring dialysis, and
- absences that would normally qualify for catastrophic leave.

There may be other extremely unusual circumstances where the use of major bank sick leave is justified. All exceptions must be approved by the Division of Human Resources. Employees hired prior to July 1, 1984 accrue both minor and major bank sick leave. Major bank sick leave may be used by an employee to care for an immediate family member only after minor bank sick leave is exhausted.

## **9. Sick Leave Accrual**

### **9.1. Accrual Period**

Sick leave is accrued only during time actually worked and during paid sick leave, annual leave, holidays, and paid leaves of absence. The exception to this is catastrophic leave during which an employee does not accrue sick leave.

## **9.2. Accrual Rate**

Eligible exempt employees who were hired on or after July 1, 1984, accrue up to a maximum of eight (8) minor bank hours each month based on expected work hours per month and in accordance with [Section 8.1](#), herein. Eligible exempt employees hired before July 1, 1984, accrue additional sick leave up to a maximum of six (6) major bank hours each month based on the expected work hours per month and in accordance with Section 8.1. If an exempt employee work less than full-time, leave accruals will be prorated based on the employee's work schedule including any paid leave of absence.

Eligible non-exempt employees who were hired on or after July 1, 1984, accrue up to a maximum of 3.7 minor bank hours every two (2) weeks based on hours worked in the pay period in accordance with [Section 8.1](#), herein. Eligible non-exempt employees who were hired before July 1, 1984, accrue additional sick leave up to a maximum of 2.77 major bank hours every two (2) weeks based on hours worked in the pay period in accordance with [Section 8.1](#), herein. If non-exempt employees work less than full time, leave accruals will be prorated based on actual hours worked and any paid leave of absence.

## **9.3. Maximum Allowable Balance**

The balance of unused sick leave hours in each bank may not at any point in time exceed 1040 hours.

# **10. Time Charged to Sick Leave**

Time off may be charged to an employee's sick leave bank in accordance with the authorized uses and practices described in this policy, including the provisions listed below.

## **10.1. Time Off in Excess of Sick Leave Balance**

Unless otherwise specified by the employee, absence due to illness will automatically be charged to accrued annual leave after sick leave banks have been exhausted. Employees who require sick leave in excess of their sick leave balance should refer to the following policies:

- [UAP 3400 \("Annual Leave"\)](#)
- [UAP 3430 \("Catastrophic Leave Program"\)](#)
- [UAP 3440 \("Family and Medical Leave"\)](#)
- [UAP 3420 \("Leave Without Pay"\)](#)

## **10.2. While on Annual Leave**

An illness which occurs during an employee's annual leave may be charged to sick leave. In this case, a physician's statement verifying the period of illness is required.

### **10.3. While on Holiday**

When a holiday falls during the time an employee is on sick leave, the holiday will be charged to holiday pay and not to sick leave.

## **11. Shift Workers**

Only employees whose normal work schedule is eligible for shift differential are paid for sick leave at their shift differential pay amount in accordance with [UAP 3500 \("Wage and Salary Administration"\)](#).

## **12. Payment for Accumulated Sick Leave**

An employee who has accumulated unused minor bank sick leave which has remained unused is entitled to receive cash payment for excess unused sick leave as described herein. For the purposes of this section, an employee's "hourly wage" is defined as the employee's straight-time pay rate.

### **12.1. Minor Bank Sick Leave**

**12.1.1.** Employees hired prior to August 1, 2017 may convert minor bank sick leave hours to cash, based on the following accrual thresholds and FTEs:

- Over 600 hours for full-time (1 FTE) employees
- Over 450 hours for employees whose FTEs are equal to or greater than .75 and less than 1 FTE
- Over 300 hours for employees whose FTEs are equal to or greater than .5 and less than .75

Up to 120 hours may be converted per fiscal year. These excess sick leave hours are converted to cash at a rate equal to 50 percent (50%) of the employee's hourly wage, multiplied by the number of hours converted. Application for such payment must be made to the University Payroll Department in December. Employees hired after July 31, 2017 do not have the option to convert any minor bank sick leave hours to cash.

**12.1.2.** Upon retirement or death, employees are paid for minor bank sick leave hours, based on the following accrual thresholds and FTEs:

- Over 600 hours for full-time (1 FTE) employees
- Over 450 hours for employees whose FTEs are equal to or greater than .75 and less than 1 FTE

- Over 300 hours for employees whose FTEs are equal to or greater than .5 and less than .75

The payouts are paid at a rate equal to 50 percent (50%) of the employee's hourly wage multiplied by the number of hours of unused sick leave over the limit, not to exceed 440 hours of such sick leave.

## **12.2. Major Bank Sick Leave**

Upon retirement or death, an employee or his or her estate is entitled to receive cash payment for all hours of unused major bank sick leave at a rate equal to 28.5 percent (28.5%) of his or her hourly wage multiplied by the number of hours of major bank sick leave, not to exceed 1040 hours.

**12.2.1.** For those employees not covered by ERA, retirement shall mean termination of employment after having met the retirement eligibility requirements of that Act.

## **13. Reinstatement of Sick Leave Balance**

In the following situations, an employee's sick leave balance may be reinstated. In addition an employee who was originally hired before 1984 with no break in service who is rehired or reinstated into a position that is eligible to accrue sick leave may resume the rate of accrual that was previously in effect.

### **13.1. Reinstatement After Lay-Off**

The unused sick leave balance as of the date the employee is separated will be reinstated upon request for those employees who are recalled from layoff within six (6) months of the date of the action.

### **13.2. Reinstatement After Leave Without Pay**

Unused sick leave credits as of the start date of an approved leave of absence will be reinstated upon request if the employee returns within the period of the authorized leave.

### **13.3. Rehire**

In accordance with [Section 10](#), above, employees rehired within 120 days of separation will resume sick leave accrual at the rate in effect at the time of separation, but will not be given credit for unused sick leave at the time of their separation. Employees rehired or reinstated after the expiration of time limits specified in this section are considered as new hires for sick leave purposes.

## **14. Job Reinstatement**

An employee returning from approved sick leave, annual leave, family and medical leave, or catastrophic leave may return to his or her job or an equivalent position. Employees whose injury or illness is covered under the Workers' Compensation Program should contact University Safety and Risk Services Department for information concerning job reinstatement.

Employees returning from at least a ten (10) working day absence for medical issues must provide a medical provider's statement certifying that they are physically able to return to work with or without limitations. If limitations are identified, employees must have their medical provider list the specific limitations. If there is a concern regarding whether the employee is medically able to work, the employee may be required to obtain a clearance to return to work by Employee and Occupational Health Services (EOHS). In addition, if there is a concern regarding whether an employee is medically able to return to work after an injury or illness of less than ten (10) working days, a supervisor may request a return-to-work statement from the medical provider and may require that the employee is cleared by EOHS.

## **15. Confidentiality**

Department must keep medical information separate from the Employee File and such information will only be communicated on a need-to-know basis.

## **16. Record Keeping**

Departments must maintain documentation for each employee of hours worked, leave hours taken, and other information submitted on-line into the HR Banner System for four (4) years or in accordance with grant requirements, whichever is greater. Employees may view their leave banks, including leave hours by going to [Banner Self Service](#).

## **17. References**

[UAP 3400 \("Annual Leave"\)](#)

[UAP 3415 \("Leave with Pay"\)](#)

[UAP 3420 \("Leave without Pay"\)](#)

[UAP 3430 \("Catastrophic Leave Program"\)](#)

[UAP 3440 \("Family and Medical Leave"\)](#)

[UAP 3500 \("Wage and Salary Administration"\)](#)

[UAP 3630 \("Workers' Compensation"\)](#)