POLICY STATEMENT
The University provides paid safe and sick leave annually to ensure continuity of income when employees are absent for reasons covered under the law.

REASON FOR THE POLICY
In compliance with New York City, New York State, Westchester County laws, and other federal, state and local applicable laws, Fordham University offers paid safe and sick leave to its employees.

RESPONSIBLE UNIVERSITY OFFICE/OFFICER
Office of Human Resources Management

APPLICABILITY OF THE POLICY
The University provides paid safe and sick time to employees who work more than 80 hours in a calendar year.

For employees who are eligible for sick/safe leave under the University Statutes, Collective Bargaining Agreements and Handbook for Administrators, this policy applies solely to the extent it provides greater benefits/rights.

This policy applies to all employees of the University: Faculty, Administrators, Clerical, Maintenance, full-time and part-time non-tenure track professors, Hourly and Part-Time employees.

POLICY TEXT
For purposes of this policy, the calendar year is the consecutive 12-month period beginning January 1 and ending on December 31.

Coming Soon - Employees will be able to check the amount of safe and sick leave they have accrued and/or used through the human resources Enterprise Resources Planning (ERP) system or Banner self-service system.
Local 153, Local 810 and hourly employees may currently access their sick/safe time accruals and availability through the Banner self-service system. In the interim, all other employees may refer to their departments' timekeeping administrator to request an account of their sick/safe time accruals and availability.

1. **Tenured, Tenure track Faculty and Full-Time Non-Tenure Track Faculty**

Tenured, Tenure track Faculty and Full-Time Non-Tenure Track Faculty should contact their department Chair or Dean to request sick and safe leave.

2. **Full-Time and Part-Time Benefited Administrators**

All full-time and part-time benefited administrators, working a minimum of 20 hours per week, are entitled to a maximum of 12 paid sick days annually to ensure continuity of income when they are absent due to illness, injury, disability, or other leaves that are protected under the law. Sick days may be used for any of the purposes enumerated in section 5 below. Accrued and unused sick time will not be paid upon separation of employment.

3. **Local 153 and Local 810 members**

Members of Local 153 and Local 810 should refer to their respective Collective Bargaining Agreements to review their sick time accrual. Local 153 Collective Bargaining Agreement can be found [here](#), please refer to “Article VIII – Sick Leave, Family Medical Leave Act and Leaves of Absence”. Members of Local 810 can access their Collective Bargaining Agreement, “under Article 21 – Sick Leave”, [here](#). Local 153 and Local 810 employees in accordance with Section 5 below. Accrued but unused sick and safe leave will be paid at separation, in accordance with the terms and conditions of the Collective Bargaining Agreement.

4. **Full-Time and Part-Time Non-Tenure Track Professors and Hourly/Part-Time Employees**

At the beginning of each semester, Full-Time and Part-Time Non-Tenure Track Professors will be entitled to safe and sick leave based upon the number of credits they are expected to teach, up to a maximum of 56 hours of leave per calendar year. A Full-Time and Part-Time Non-Tenure Track Professor will be considered to have worked 3 hours per week for every credit taught.

Hourly/Part-Time employees will accrue one (1) hour of paid safe and sick leave for every 30 hours worked up to 56 hours in that calendar year.

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1 Other than during the first year of employment where sick days may be used as they accrue.
Full-Time and Part-Time Non-Tenure Track Professors and Hourly/Part-Time employees may carry over up to 56 hours of accrued, unused sick and safe leave to the following calendar year. However, they may only use up to 56 hours of accrued time in any calendar year.

Safe and sick time may be used in no less than four (4) hour increments.

Employees hired after September 30, 2020, but prior to January 1, 2021, accrue safe and sick leave as of September 30, 2020 and can use safe and sick leave as of January 1, 2021. Newly hired employees after January 1, 2021, can use safe and sick leave as it is accrued.

Safe and sick time will be paid no later than the completion of the next regular payroll period beginning after the safe and sick time was used.

5. Absences covered under this policy

Employees may use accrued safe and sick time for absences due to:

1. The employee's mental or physical illness, injury or health condition or need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventative medical care;
2. The care of the employee's family member who needs medical diagnosis, care or treatment of a mental or physical illness, illness, injury or health condition or who needs preventative medical care;
3. The care for employees or their family members when it has been determined by the public health authorities having jurisdiction that the individual's presence in the community may jeopardize the health of others because of exposure to a communicable disease whether or not the individual has actually contracted the communicable disease;
4. The closure of the employee's place of business by order of a public official due to a public health emergency; or
5. The closure of a daycare or elementary or secondary school attended by the employee's child where such closure was due to a public health emergency.
6. The need for safe leave if the employee or a family member is the victim of family offense matters, sexual offenses, stalking or human trafficking:
   - To obtain services from a domestic violence shelter, rape crisis center or other shelter or services program for relief from a family offense matter, sexual offense, stalking or human trafficking;
   - To participate in safety planning, temporarily relocate or take other actions to increase the safety of the employee or employee's family members from future family offense matters, sexual offenses, stalking or human trafficking;
   - To meet with a civil attorney or social services provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding, including but not limited to matters related to a family offense matter, sexual offense, stalking, human trafficking, custody, visitation,
matrimonial issues, orders of protection, immigration, housing, discrimination
in employment, housing or consumer credit;
- To file a complaint or domestic incident report with law enforcement;
- To meet with a district attorney’s office;
- To enroll children in a new school; or
- To take other actions necessary to maintain, improve or restore the physical,
  psychological, or economic health or safety of the employee or employee’s
  family member or to protect those who associate or work with the employee.
- To attend and/or testify in criminal court proceedings relating to domestic
  violence or human trafficking;
- To attend and/or testify in civil court proceedings relating to domestic violence
  or human trafficking; or
- To move to a safe location.

Unless the employee advises their Supervisor and/or Sr. Manager of Labor/Employee Relations
in HR otherwise, the University will consider an employees’ absence as time off for reasons
covered by the policy and the employee will be paid for such absences to the extent they have
paid safe and sick time leave available.

6. Notice and Documentation

Employees may make verbal or written requests to use safe and sick leave. Employees must
provide reasonable advance notice to their supervisors or department chairs of the need to use
sick and safe leave when possible. Where advance notice unforeseeable, employee should
provide notice as early as possible.

The University will require supporting documentation if the employee uses accrued safe and sick
time for absences of more than three (3) consecutive workdays.

For absences that last more than five (5) consecutive workdays due to illness, injury, medical
condition or disability, employees must contact the Office of Human Resources Management at
718.817.4933 or via email at dlugo@fordham.edu regarding short-term disability eligibility.

The University will not require disclosure of confidential information relating to a mental or
physical illness, injury or health condition or information relating to absence from work due to
domestic violence, a sexual offense, stalking or human trafficking, as a condition of providing sick
and safe leave. The University will keep information about an employee or an employee’s family
member obtained solely because of use of safe and sick leave confidential unless the employee
consents to disclosure in writing or disclosure is required by law.

The University will reimburse the employee for fees charged to the employee by the health care
provider relating to producing requested documentation. The University will also reimburse
employees for fees charged to produce documentation requested to support “safe time” leaves,
such as domestic violence, stalking, or sexual offenses. For instance, if a health care provider
charges an employee a fee for the documentation, Fordham will reimburse the employee for that fee.

The University may take disciplinary action, up to and including termination, against an employee who uses safe and sick time for purposes other than those described above. Indications of abuse of safe and sick time may include, but are not limited to, a pattern of: use of unscheduled safe and sick time on or adjacent to weekends, regularly scheduled days off, holidays, vacation or pay day; taking scheduled sick time on days when other leave has been denied; or taking safe and sick time on days when the employee is scheduled to work a shift or perform duties perceived as undesirable.

7. Payment

Sick and safe leave will be paid at the employee’s regular rate of pay or the applicable state minimum wage, whichever is greater.

8. Enforcement and Retaliation

Employees will not be discharged, threatened, penalized, or in any manner unlawfully discriminated against, or retaliated against because they have exercised their rights to request and use safe and sick leave under this policy and applicable law.

Employees who primarily work in Westchester have the right to file an online complaint with the Department of Consumer Protection or by calling (914) 995-2155 if they believe they have been denied safe time leave, retaliated against, or that their rights to safe time leave has been otherwise interfered with or restrained; or they may bring a civil action in the event of retaliation.

Employees whose primary location is New York City, may file a complaint for alleged violations of this policy with the New York City Department of Consumer Affairs online at nyc.gov/dca or by calling 311.

Any employee may file a complaint with New York State Department of Labor by calling 888-469-7365.

If employees have questions regarding this policy, they should contact the Sr. Manager of Labor/Employee Relations in Human Resources at siouzios@fordham.edu.

DEFINITIONS

*Family member:*

For purposes of this policy, family member means: a child, spouse, domestic partner, parent, (including foster, step- or adoptive parent, legal guardian of an employee, or a person who stood in loco parentis when an employee was a minor child), sibling (including half-siblings, step-siblings or siblings related through adoption), grandchild, grandparent, the child or parent of the employee's spouse or domestic partner or a member of the covered employee’s household.
Additionally, under NYC law (Earned Safe and Sick Time Act “ESSTA”), a family member is any other individual related by blood to the employee, and any other individual whose close association with the employee is the equivalent of a family relationship.

*Household member:*

Under NYC law, household member means a person related by consanguinity or affinity or:

- Formerly married to or in a domestic partnership with one another regardless of whether they still reside in the same household;
- Who have a child in common, regardless of whether such persons have been married or are domestic partners or have lived together at any time;
- Who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time.

**CONTACTS**

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**CROSS-REFERENCE TO RELATED POLICIES**

University Statutes  
Handbook for Administrators  
Collective Bargaining Agreement Local 153  
Collective Bargaining Agreement Local 810

**EXCLUSIONS & SPECIAL SITUATIONS**

This policy does not apply to students working through the Federal Work Study program, independent contractors, vendors, and workers hired through a temporary agency. This policy does not apply to employees whose work is compensated by qualified scholarship programs as defined by law.

**REVISION HISTORY**

Not available