



New York City Earned Safe and Sick Time Act Policy

Overview

Four Seasons Nursing & Rehabilitation Center complies with all aspects of the New York City Earned Safe and Sick Time Act (hereinafter “Paid Sick Leave Law”). Enclosed please find a “Notice of Employee Rights and an “Employee Verification Regarding Authorized Use of Earned Safe and Sick Leave” form. Below, please find more information regarding the Paid Sick Leave Law.

Employees are entitled to receive paid sick leave in accordance with the Company’s policy applicable to that person. At a minimum, employees accrue safe and sick leave at the rate of one hour for every 30 hours worked, up to a maximum of 40 hours of sick leave per calendar year. You can begin using safe and sick leave after the satisfactory completion of the probationary period or 120 days after you begin employment, whichever comes first.

Only 40 hours of unused safe/sick time can be carried over to the next calendar year. However, the Company is only required to let you use up to 40 hours of safe/sick leave per calendar year, unless the Company’s policy applicable to a particular person provides for more than 40 hours of sick time. Any sick time above 40 hours must be taken within the year and will not carry over from year to year.

Eligible Employees

All regular full-time, part-time and per-diem/on call employees who work more than 80 hours a calendar year are provided paid safe and sick leave.

- *Please note: Not all employees are eligible for the Safe & Sick Leave.*

These professionals are not covered under the law: Physical therapists, occupational therapists, speech language pathologists, and audiologists who are licensed by the New York State Department of Education

- For further information go to: **nyc.gov/PaidSickLeave**

Usage

Safe and sick leave is to be used only for illness and other acceptable reasons to use safe and sick time under the Paid Sick Leave Law. Please see the accompanying Notice of Employee Rights. Safe and sick leave is **not** to be used as personal days or any other reason other than that required by the Paid Sick Leave Law.

If you find it necessary to call in sick during regular business hours, you are to call your immediate supervisor/Department Head. During the evening and night hours, you are to call _____. If you find it necessary to call in sick, you are not to leave a message but must speak to the appropriate person. You are to give your name, department, shift and reason for your call. If you are to be absent for more than one (1) day, you must indicate same when you first call or call again each day. If you use more than three consecutive workdays as sick leave, you may be required to provide documentation from a licensed health care provider. Documentation from a licensed health care provider may also be required when an employee is sick/absent before or after his/her vacation, and may be required if the circumstances are otherwise suspicious.

Once the total amount of sick time applicable to a particular person is used in a calendar year, which is from January 1 to December 31, the employee will not be paid for additional sick time.

With the exception of providing the requisite amount of notice prior to resignation, four (4) weeks for salaried, exempt workers and two (2) weeks for hourly, non-exempt employees, employees will not be paid for accrued but unused sick time at the time of separation from employment, regardless of the reason for separation (including, but not limited to, quitting, abandonment of position, resignation (without above stated notice), layoff, or discharge, with or without cause).

Evidence of the misuse of sick days may result in disciplinary action up to and including discharge. If misuse is suspected, the Company is not required to request but may request a certification from a medical provider stating that you were not able to work on the day or days in question.

An example of misuse of sick days includes a pattern showing use of sick days to extend a weekend or holiday. If a request for certification from a medical provider is not produced when requested, you will not be paid for the requested sick day and you will forfeit (lose) the sick day.

Another example of misuse of sick days is using sick days to extend a vacation. If a sick day is requested on the day immediately before or after a vacation, you may be requested to provide a certification from a medical provider stating you were not able to work on the day in question.

If a certification by a medical provider is requested and not provided, any days taken off may be treated as unauthorized absences that could lead to further disciplinary action up to and including discharge.

A Four Seasons physician may be asked to evaluate employees who are frequently ill. Refusal to submit to such physical examination may result in disciplinary action up to and including discharge.

Time off that fits within the requirements of the Paid Sick Leave Law shall be counted toward compliance with the law and shall run concurrently with other time off provided by the

other policies or by or law (for example, New York State Paid Family Leave (PFL) Law and/or the Family And Medical Leave Act (FMLA)).¹

PROCEDURE:

1. *Advance notice is required.*

If the need for leave is **foreseeable**, you must give **seven days (7) advance notice** of your intention to use safe or sick leave. If the need is **not foreseeable**, the Company requires you to give notice **at least two hours prior to the start of your shift on each day of your absence** by notifying your immediate Supervisor/Department Head of your intention to be absent and the reason for such absence (i.e., safe or sick leave). If it is determined notice was not given at least two hours prior to the start of your shift or as soon as practicable, you will subject you to disciplinary action.

In cases where safe/sick leave is foreseeable, the Facility may require Employees to fill out and return an ***“Employee Notification of Intention to Use Earned Sick Leave”*** prior to their return to work in order to return to work and receive safe/sick leave pay.

2. *A.) Submit documentation to Human Resources (out for more than 3 days)*

If the Employee uses more than three (3) consecutive workdays as safe or sick leave, the Employee must submit a note from their physician or other licensed health care professional and/or other documentation to the Human Resources Department prior to their return to work in order to return to work and receive safe/sick leave pay.

Employees and their health care providers are never requested or required to specify the medical reasons for sick leave or required to produce sick leave documentation that specifies the details of any act or threat of domestic violence or unwanted physical contact, stalking, or human trafficking. However, disclosure may be required by other laws.

B.) Complete and return requested form to Human Resources (out for less than 3 days)

The Facility can also require employees to fill out and return an ***“Employee Verification Regarding Authorized Use of Earned Sick Leave”*** prior to their return to work in order to return to work and receive safe/sick leave pay when an Employee uses **less than three (3) consecutive safe/sick leave days**.

3. Human Resources will submit all documentation and completed forms for processing to Payroll.

4. Payroll will review all documentation and process earned sick leave pay.

¹ With regard to bargaining unit employees, to the extent the collective bargaining agreement provides additional or conflicting benefits, it shall apply, but time all shall, whenever possible, run concurrently with other leaves provide by the collective bargaining agreement.