

Earned Sick Time
Administrative Policy

(for RS, GS, TM, EC/ES, and VF employee classifications only)

This Earned Sick Time Administrative (ESTA) Policy provides earned sick time to certain Eastern Michigan University employees pursuant to Michigan's Earned Sick Time Act, MCL 408.961 *et seq.*, and the requirements described below. This Policy applies only to Eastern Michigan University employees in the employment categories of **RS - Student, GS - Graduate Assistants, TM - Temporary, EC/ES - Employee Consultant, and VF - Visiting Faculty**, who work in the State of Michigan. Provision of earned sick time for all other University employees is described in other University policies or applicable collective bargaining agreements.

Earned Sick Time Accrual

- Earned sick time shall begin to accrue on February 21, 2025, or upon commencement of the employee's employment, whichever is later.
- The accrual will provide 1 hour of earned sick time for every 30 hours worked.
- For a RS, TM, or EC employee, the accrual is based on actual time worked and does not include time not worked, for example, earned sick time used.
- For a ES, GS, or VF employee who does not complete a time card, the accrual is based on the assumed amount of hours worked in a 1 week period.
- Resident Assistants will be provided with 72 hours. This time will be available after 120 days for those Resident Assistants hired after February 21, 2025.
- Graduate Assistants assigned to work 20 hours per week will be provided with 22.67 hours. Graduate Assistants assigned to work 10 hours per week will be provided with 11.33 hours. This time is available after 120 days for those employees hired after February 21, 2025.
- Graduate Assistants who also work in another capacity shall accrue time according to this policy and the time will be totaled together..
- The maximum amount of earned sick time that an employee can accrue in a calendar year is 72 hours.
- The maximum amount of earned sick time hours that an employee can carry over from one calendar year to the next is 72 hours.
- An employee hired prior to February 21, 2025 will have access to any ESTA which is accrued starting from February 21, 2025.
- All other employees must wait 120 calendar days after their date of hire before using accrued earned sick time.
- An employee may only use accrued earned sick time. An employee cannot have a negative earned sick time balance.
- An employee may use their earned sick time as it is accrued.
- An employee whose employment at the University ends, and then who restarts employment at the University with at least a two (2) month break in their employment, shall begin their new University employment period with no accrued earned sick time.

- An employee with at least a two (2) month break in University employment shall have a new 120 day waiting period (before being permitted to use their newly accrued earned sick time) commence on their most recent date of hire.
- An employee shall not receive, and is not owed, any payout of unused earned sick time.
- An employee who moves into another University position, including a position with an employment category not covered by this Policy, retains their earned sick time accrued under this Policy and may use it in their new position in accordance with this Policy.

Earned Sick Time Recording

- An employee may only take and record earned sick time for time they would otherwise be scheduled to work.
- An employee may take and record earned sick time in increments no smaller than 15 minutes.
- An employee may only take and record earned sick time they have already accrued. There are no negative earned sick time balances.
- An employee cannot use more than 72 hours of paid earned sick time in a single calendar year.
- An employee who works multiple positions and takes and records earned sick time across multiple positions will be paid at the hourly rate for the earned sick time recorded against each separate position.

Provide Notice

- If the need for using earned sick time is foreseeable, an employee must provide advance notice of their intention to use the earned sick time and the advance notice may not be more than 7 days prior to the date the earned sick time is to begin.
- If the need for earned sick time is not foreseeable, an employee must provide notice of the intention to use earned sick time as soon as practicable.
- An employee cannot provide notice of using earned sick time when they do not have any accrued earned sick time available to them to be used.
 - Such time will be recorded as unpaid and is not subject to the “Exercise of Rights” provisions noted in this policy.

Earned Sick Time Permitted Uses

An employee is permitted to use the earned sick time accrued for any of the following:

- The employee's or the employee's family member's mental or physical illness, injury, or health condition; medical diagnosis, care, or treatment of the employee's or employee's family member's mental or physical illness, injury, or health condition; or preventative medical care for the employee or family member of the employee.
- If the employee or the employee's family member is a victim of domestic violence or sexual assault, for medical care or psychological or other counseling for physical or psychological injury or disability; to obtain services from a victim services organization; to relocate due to domestic violence or sexual assault; to obtain legal services; or to participate in any civil or criminal proceedings related to or resulting from the domestic violence or sexual assault.
- For meetings at a child's school or place of care related to the child's health or disability, or the effects of domestic violence or sexual assault on the child; or
- For closure of the employee's place of business by order of a public official due to a public health emergency; for an employee's need to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency; or when it has been determined by the health authorities having jurisdiction or by a health care provider that the employee's or employee's family member's presence in the community would jeopardize the health of others because of the employee's or family member's exposure to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease.
- An employer shall not require an employee to search for or secure a replacement worker as a condition for using earned sick time

Documentation

- If an employee uses sick time for a period of more than 3 consecutive days, EMU may request reasonable documentation that the sick time has been used for a permissible purpose.
- Upon request the employee must provide this documentation within 15 days after EMU requests it.
- If EMU requires documentation that sick time has been used for a permissible purpose, it is EMU's responsibility to pay all out-of-pocket expenses the employee incurs in obtaining the documentation. In such a case, EMU will specify the type of reasonable documentation that it will accept.
- EMU will not delay commencement of an employee's use of earned sick time based on a failure to receive documentation.

Exercise of Rights

- EMU will not interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under the Earned Sick Time Act.
- EMU will not take retaliatory personnel action or discriminate against an employee because the employee has exercised a right protected under the Earned Sick Time Act. “Retaliatory personnel action” means any of the following:
 - Denial of any right guaranteed under the Earned Sick Time Act.
 - A threat, discharge, suspension, demotion, reduction of hours, or other adverse action against an employee or former employee for exercise of a right guaranteed under the Earned Sick Time Act.
 - Sanctions against an employee who is a recipient of public benefits for exercise of a right guaranteed under the Earned Sick Time Act.
 - Interference with, or punishment for, an individual’s participation in any manner in an investigation, proceeding, or hearing under the Earned Sick Time Act.
- EMU’s absence control policy does not treat earned sick time taken under the Earned Sick Time Act as an absence that may lead to or result in retaliatory personnel action.
- Unexcused and excessive absenteeism, unexcused tardiness and improper use of sick time are considered violations of EMU policy. Any discipline pursuant to this policy must be issued only after consultation with Human Resources.

Complaint Filing

- An employee affected by an alleged violation of Michigan’s Earned Sick Time Act, at any time within 3 years after the alleged violation, may file a complaint with the Michigan Department of Labor & Economic Opportunity’s Wage & Hour Division.