

# Part-time Hourly & Student Employees Paid Sick Leave Law FAQ

- **The annual carryover of sick leave balances will be capped at 40 hours. Can part-time employees have a sick leave balance greater than 40 hours throughout the year?**

Yes. There is no cap during the year. At the end of the year (December), an employee would lose all hours in excess of 40 in January.

- **If one of my student employees misses work and uses 3 hours of sick leave, can they still work 19 hours that week for a total of 22 including the 3 hours of sick leave?**

No. Hours worked plus hours of sick leave cannot exceed 19 hours per week during the weeks that classes are in session. However, during breaks, hours worked plus hours of sick leave can be up to 40 hours if budgets can support extra hours during breaks.

- **If my part-time hourly employee misses time and uses sick leave throughout the month, can they still work their 75 hours?**

No. Hours worked plus hours of sick leave must be at 75 hours or below per month for part-time hourly employees.

- **Can I request a doctor's note from my employees for sick leave absences?**

The college can request a doctor's note if the employee misses three or more days of work and the employee uses sick leave for all three days. Contact HR if you wish to request medical verification of sick leave greater than 3 consecutive days.

- **Do I still have to wait three consecutive days to request a medical note even if an employee misses two days of work and they only have enough sick leave to cover one day?**

In this case, one of the days is LWO so the three consecutive absences rule does not apply. We could request a note after two consecutive days. It's only if they have sick leave available to use for all the absences that we'd have to wait the three days.

- **An employee takes 2.5 hours of sick leave on Friday, 1 hour on Monday, and 1 hour on Tuesday. Does this count as three consecutive days even if the sick leave use is for partial days?**

Yes, even partial days count as a day. Therefore, we could request a note after they've indicated they're using 1 hour on Tuesday.

- **Is it okay to ask the reason for a paid sick leave request up front?**

Yes, it's okay as long as you don't dig too deep. Refer to HR as needed.

- **Since leave balances are updated monthly, are employees able to use leave they have accrued in that month for absences later in the month?**

No. Sick leave will be available the first of the following month in which it is accrued.

- **If my part-time hourly employee works 75 hours in the month, how much leave will they have available the following month?**

Part-time employees accrue leave in increments of .25 (15 minutes). For 75 hours/month, they will have 1.75 hours available for use the following month.

- **Are part-time hourly and student employees eligible for the shared leave program?**

No. Part-time employees are not able to request shared leave. They also do not meet the requirements to donate sick leave to other employees.

- **Can an employee use paid sick leave when the College their child's school or place of care has been closed by order of a public official for any health-related reason?**

Yes. However, a closure due to weather conditions is not an authorized purpose for use of paid sick leave.

- **May you use paid sick leave for an absence covered by workers' compensation?**

Yes. Workers' compensation benefits and paid sick leave are separate statutory rights that can be used concurrently if the employee meets the requirements to be entitled to both.

- **For substitute teachers, what is considered "required to work" in which cases the sub could use paid sick leave?**

Consider this example: A Head Start employee has a list of 10 substitute teachers to call every time a teacher becomes ill. Such substitutes are free to decline an offer to substitute when called without repercussion, and the employer is free to move down

the list and call other available substitutes to fill an absent teacher's shift. If a substitute declines the assignment when first called, then such substitute is not "required" to work, as the substitute has not created a reasonable expectation of attendance. **If, however, the substitute accepts the position (for whatever term of time), creating a reasonable expectation of attendance, then the substitute would be "required" to work and is therefore entitled to the use of accrued, unused paid sick leave should the need for the use of paid sick leave later arise after the substitute accepts the teaching assignment.**