



ASA COLLEGE SICK LEAVE POLICY - NEW YORK

ASA College's Calendar Year is from January 1st to December 31st

1. ASA provides its New York City employees with Paid Sick Leave in accordance with the New York City Paid Sick Leave Law, as detailed below:
2. ASA College employees are prohibited from taking sick leave until it has actually accrued and from taking paid sick leave until they have completed 120 calendar days of employment.
3. No sick leave accrues during an employee's leave of absence.
4. When foreseeable, employees should request sick time online via the TIMEFORCE time & attendance system, or complete a leave request form, indicating their intention to use sick leave and submit to their supervisor for approval.
5. ASA College reserves the right to discipline an employee who misuses sick leave if an employee uses sick leave for a purpose other than those set forth in the law. Indications of using sick leave for purposes other than those described by the law include, but are not limited to:
 - Using unscheduled sick leave on or adjacent to weekends, regularly scheduled days off, holidays, vacation days or pay day;
 - Taking sick leave on days when other leave requests have been denied; and,
 - Taking leave on days when the employee is scheduled to work a shift or perform duties perceived as undesirable.

Other evidence that an employee engaged in an activity that is not consistent with the employee being sick or with the employee using sick leave for a preventative medical appointment may also indicate misuse of sick leave.

NEW YORK SICK LEAVE POLICY (Effective December 1, 2017) Eligibility:

1. All NYC employees are eligible for 40 (forty) hours of paid sick leave per calendar year, provided they work more than 80 (eighty) hours in a calendar year.

Accrual and usage:

2. ASA College employees will accrue sick leave at the rate of one hour of sick leave for every 30 (thirty) hours worked, up to 40 (forty) hours of sick leave in a calendar year.
3. ASA College employees may use sick leave as it is accrued.
4. ASA College employees may donate their accrued and unused sick leave hours to other ASA College employees ONLY in crucial situations. Pre-approval of such donations will be decided based upon whether the situation falls under the definition of a "Crucial Situation" by ASA management.
5. ASA College employees are prohibited from using any accrued sick leave until they have completed 120 calendar days of employment. If a newly hired employee commences employment at ASA College at time when there are fewer than 120 days left in the calendar year, the employee's accrued sick leave will be carried over into the next calendar year. The employee can then start using the accrued sick leave after 120 days.
6. ASA College employees may carry over up to 40 hours of accrued unused sick time from one calendar year to the next; however no employee may take over 40 (forty) hours of paid sick time in a calendar year.
7. ASA College full-time employees may take sick leave in half or full-day increments. Fulltime instructors who normally work 7 hours daily can take a full day off at 7 (seven) hour increments or half day at 3.5 (three and a half) hour increments. All other full-time employees who normally work 8 hours daily can take a full day off at 8 (eight) hour increments or half day at 4 (four) hour increments.
8. ASA College part-time and full-time equivalent ("FTE") employees may take sick leave hours that are equivalent to the employees' scheduled hours.
9. ASA College employees will be paid for used sick leave no later than the payday for the next regular payroll period beginning after the sick time was used by the employee.
10. ASA College employees may use sick leave for all authorized uses under the New York City Paid Sick Leave Law, including but not limited to:



- i. The employee's care of treatment of a mental or physical illness, injury or health condition;
- ii. The employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury or condition;
- iii. The employee's need for preventative medical care;
- iv. The employee's elective surgery, including organ donations;
- v. Care of a family member who needs medical diagnosis, care, or treatment of an illness, injury, or health condition, or who needs preventative medical care;
- vi. Care of a family member who has elective surgery, including organ donations;
- vii. Closure of ASA College due to a public health emergency (as declared by the commissioner of the New York City Department of Health and Mental Hygiene or the Mayor); and,
- viii. The employee's need to care for a child whose school or child care provider is closed due to a public health emergency.

11. The New York City Paid Sick Leave Law recognizes the following as an employee's family member:

- i. Child (biological, adopted, or foster child; legal ward; child of an employee standing in loco parentis);
- ii. Grandchild;
- iii. Spouse;
- iv. Domestic Partner;
- v. Grandparent;
- vi. Child or parent of an employee's spouse or domestic partner; and,
- vii. Sibling (including a half, adopted, or step sibling).

Documentation:

12. ASA College may require medical documentation for absences of more than three (3) consecutive days for which sick leave is used. Any requirement that an employee provide documentation from a licensed health care provider in order to be paid for sick leave shall:

- i. Be limited to circumstances in which the employee uses sick leave on more than 3 (three) consecutive work days;
- ii. Not require the employee to disclose the nature of the illness, injury or health condition;
- iii. Require documentation from only one licensed health care provider; and,
- iv. Allow the employee at least 7 (seven) days from the date of the employee's return to work to submit such documentation.

Notice requirements:

13. ASA College requires employees to provide written notice of the employee's foreseeable need to use sick leave, at least a minimum of 4 (four) days in advance. This written notice is to be provided to the employee's supervisor and Human Resources Department. If sick leave use is unforeseeable, the employee must notify his/her supervisor as soon as possible via email and/or phone call.

14. A foreseeable use of sick leave occurs when the employee is able to predict or know in advance that he or she will need to use sick leave, such as a doctor's visit, or a regular psychotherapy appointment.

15. An unforeseeable use of sick leave occurs when an employee requires time to care for, or obtain medical treatment for themselves or a family member that was not reasonably anticipated.

Sick leave rights post resignation or termination:

16. Upon separation of employment by resignation, termination or for any other reason, all accrued and unused sick time will be forfeited. However, if an employee is re-hired within 6 (six) months of separation from ASA College, that employee's accrued and used hours will be reinstated.

Notice of employee rights:

17. Employee rights under the New York City Paid Sick Leave Law are not waivable.

18. It is a violation of the New York City Paid Sick Leave Law for any employer to take an adverse action against an employee for exercising his or her rights under the law. Any employee whose rights may have been violated may contact or file a complaint with the New York City Department of Consumer Affairs.

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