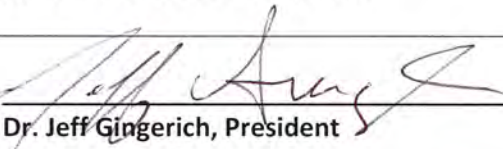




Paid Time Off (PTO) Policy			
Administered By: Office of Human Resources			
Approved By:  Dr. Jeff Gingerich, President			
Policy Number: HR-006	Associated Form:	Associated Procedure: Colleague/NeoEd	Policy Version & Date: Final v18-12/19/2022

Purpose:

In keeping with the Franciscan values and mission of the university, this policy provides eligible employees with Paid Time Off (PTO) for time away from work for a variety of reasons. Time away from work must be approved and recorded in a manner that protects the interests of both the institution and its employees.

Scope and Eligibility:

All full-time, part-time, seasonal, and temporary staff are eligible to receive an allotted amount of PTO to allow for time off in compliance with the NYS Paid Sick Leave law.

Policy Statement:

The university appreciates the work of all employees, and wants employees to understand their rights to time away from work for personal, family, community, and other outside needs and obligations. At the same time, it is necessary to place reasonable limits on time away from work to ensure that each individual's job responsibilities are properly carried out, and that all employees are treated fairly and consistently in dealing with time away from work.

The PTO Policy does not cover scheduled university holidays, time off for jury duty, voting, or bereavement leave. Questions about PTO should be directed to the Office of Human Resources.

PTO may be used for any reason including an employee's own illness, to care for a family member, to attend to personal business, or to enjoy a vacation.

Use of PTO for Qualifying Paid Sick Leave Purposes

This policy is intended to comply with the requirements of the NY Paid Sick Leave Law. Accordingly, employees may use any available PTO time for a qualifying reason recognized under the NY Paid Sick Leave Law including the following:

1. The mental or physical illness, injury, or health condition of the employee, regardless of whether such illness, injury, or health condition has been diagnosed or requires medical care at the time that such employee requests such leave, as well as the diagnosis, care or treatment of the same;
2. The mental or physical illness, injury, or health condition of an employee's family member, regardless of whether such illness, injury, or health condition has been diagnosed or requires medical care at the time that such employee requests such leave, as well as the diagnosis, care or treatment of the same;
3. An absence from work when an employee or an employee's family member has been the victim of domestic violence, a family offense, sexual offense, stalking, or human trafficking, including leave to:
 - a. Obtain services from a domestic violence shelter, rape crisis center, or other services program;
 - b. Participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or the employee's family members;
 - c. Meet with an attorney or social services provider to obtain information and advice on, and prepare for and participate in, any criminal or civil proceeding;
 - d. File a complaint or domestic incident report with law enforcement;
 - e. To enroll children at a new school;
 - f. Meet with a district attorney's office; and
 - g. Take any other actions necessary to ensure the health or safety of the employee or the employee's family member, or to protect those who associate or work with the employee.

****An employee who has committed domestic violence, a family or sexual offense, stalking, or human trafficking is not eligible for leave under 3(a)-(g), nor may this leave be used on behalf of an employee's family member who has engaged in any of these.**

For purposes of this policy, "family member" is defined as an employee's child (including biological child, adopted child, foster child, a legal ward, or a child for whom the employee stands "in loco parentis"), spouse, domestic partner, parent (including biological parent, foster parent, step-parent, adoptive parent, legal guardian, or an individual who stood "in loco parentis" to the employee as a minor child), sibling, grandchild or grandparent, and the child or parent of an employee's spouse or domestic partner.

Use of Voluntary PTO time limits

Employees wishing to use PTO time voluntarily (planned in advance) will be limited to the use of two consecutive weeks of paid time off at any one time, subject to the supervisor's discretion and approval. In the event an employee requests, or needs to use more than two consecutive weeks at one time, permission from the applicable Division Vice President is required in writing. **This time limit does not pertain to employees using the time for medical leave.*

The minimum increment of time that can be used is two (2) PTO hours.

Requesting time off & Tracking of Leave for Exempt Employees

- Requests – planned PTO requests should be submitted to the appropriate supervisor in writing with as much advance notice as possible. A minimum of 5 business days is recommended.
- Approvals - The supervisor will approve or deny the **request for the use of voluntary PTO in writing**, and a copy of the approval provided to the Office of Human Resources. Except in cases of medical need, supervisors may deny PTO requests when PTO balances are at zero or the request causes staffing and scheduling issues.
- Discretion - In the case of multiple staff in the same department requesting PTO for the same day(s), the supervisor may approve and/or deny the requests based on the needs of the department, scheduling conflicts, and/or seniority, etc.
- Reporting and Tracking – For hourly employees, PTO will continue to be reported via the bi-weekly timesheet. For exempt employees, time off must be requested using the "Time Off Request" currently found on My.SBU until such time that the new HRIS system is implemented and time can be recorded using that system.
- Other leave types - If PTO is used for the illness of the employee or family member, the employee may be eligible for other leave options such as short-term disability, Family and Medical Leave (FMLA), and/or NYS Paid Family Leave (NYS PFL). In these circumstances, the employee should contact the Office of Human Resources for guidance with navigating leave options. For absences greater than 3-consecutive days due to illness, a medical note will be required to be submitted to the Office of Human Resources verifying the existence of a need for sick leave, the amount of leave needed, and a date that the employee may return to work. In some circumstances, the employee may be required, prior to the employee's return to work, to provide medical documentation confirming the employee's ability to return to work. If the clearance to return to work includes a request for an accommodation, it is requested that the medical clearance be submitted a minimum of two days prior to the date of return to allow for HR and the employee's supervisor to determine if the accommodations are reasonable and can be provided without creating an undue hardship.

Annual PTO allotment

Annual PTO allotments will be available in full on the first day of each new fiscal year (June 1) for all current employees. The amount of annual PTO awarded is determined by the employee's years of service.

Factors that may affect the PTO allotment

- Date of hire
- Employment status (changing positions, transition from full-time to part-time, work schedule, etc.)
- Number of months position is expected to work (ie. 9, 10, 11, or 12-months)

Annual PTO allotment based upon years of service:

Annual PTO allotments for full-time, 12-month employees

- 0 to <5 years of full-time service – 20 days (4-weeks)
- 5 to <10 years of full-time service – 25 days (5-weeks)
- 10+ years of full-time service – 30 days (6-weeks)

Full-time employees working less than 12-months - the annual PTO allotment for full-time employees working less-than 12-months shall be 56 hours per year. At no time will an employee receive less than 56 hours of PTO per fiscal year.

**PTO is only awarded at the beginning of each fiscal year (June 1). Should an employee reach a milestone anniversary after June 1 that would increase their amount of annual PTO, they will receive the increase at the beginning of the next fiscal year. For example, if an employee reaches their 6-year anniversary on June 2nd, they will receive 20 days (160 hours) of annual PTO until June 1 the following year.*

Part-time, seasonal & temporary employees - In compliance with the NYS Paid Sick Leave Law, part-time, seasonal and temporary employees will be allotted 56 hours of PTO per fiscal year that is available for use for any personal reason, as well as any Paid Sick Leave qualifying reason as defined in the NY Paid Sick Leave Law and summarized above.

90-day probationary period – All newly hired employees will begin accruing paid leave in accordance with the NYS Paid Sick Leave law for the first 90 days of employment. Employees will earn 1 hour of paid leave for every 30 hours worked. Upon the successful completion of 90 days of employment, all newly hired employees will receive an allotment of PTO that will bring their allotment to a minimum of 56 hours of leave (inclusive of the time that was accrued during the first 90 days of employment). For full-time, 12-month employees completing their 90-day probationary period, they will receive an allotment of PTO not to exceed the prorated time detailed below.

Prorated annual allotment for full-time, 12-month employees in their 1st year of employment

90-day probationary period ending in:

- July – 18.5 days (148 hours)
- August – 17 days (136 hours)
- September – 15.5 days (124 hours)
- October – 14 days (112 hours)
- November – 13 days (104 hours)
- December – 12 days (96 hours)
- January – 11 days (88 hours)
- February – 10 days (80 hours)
- March – 9 days (72 hours)
- April – 8 days (64 hours)
- May – 7 days (56 hours)

Unused PTO – At the end of each fiscal year, any unused paid time off will carry-over to the next fiscal year. However, at no time will an employee be allowed to use more than their annual allotment of paid time off plus 56-hours in compliance with the NYS Paid Sick Leave Law.

Separation of Employment - Unused PTO will not be paid out at the time of separation from employment, regardless of the reason for such separation, including retirement.

Franciscan Care Benefit (FCB)

The Franciscan Care Benefit (FCB) has been created to support full-time employees who have worked for the university a minimum of 5 years. The FCB is available to eligible employees in the event of a disability that prevents them from returning to work upon the exhaustion of their annual PTO and that, at the time the employee begins their leave, is expected to last for at least 35 calendar days. If available, the FCB will provide an eligible employee with continued income in an amount which, when added to short-term disability benefits for which they are eligible, will equal their full-time compensation. The FCB is NOT for temporary, short-term conditions. (The FCB will replace the existing sick bank).

The FCB is not intended to be a replacement for short-term disability insurance. Employees who are eligible for short-term disability must file a claim for benefits as a condition for eligibility for FCB benefits. To the extent permitted by applicable law, any use of FCB will run concurrently with any other leave type (i.e., FMLA).

Definitions:

- A. "Eligible Employee" means a full-time employee who has worked for the university for at least 5 years. All full-time employees become eligible employees upon reaching their 5-year service anniversary.
- B. "Full-time Compensation" means for salaried employees, their regular base salary, and for hourly paid employees, their hourly rate times their regular weekly hours of service.

- C. "Full-time Employee" means a university employee expected to work 30 or more hours per week on a regular basis for at least 9-months out of the calendar year.
- D. "Long-Term Disability (LTD) Insurance" refers to an insurance product that replaces one's income for an extended period of time in the event of a disability.
- E. "Short-Term Disability (DBL) Insurance" refers to an insurance product that supplements or replaces one's income for a short period of time in the event of a disability.

Approved Uses and Exclusions

- The FCB is only available to eligible employees who experience a disability that prevents them from returning to work upon the exhaustion of their annual PTO and that, at the time the employee begins their leave, is expected to last for at least 35 calendar days, as supported by written certification from a licensed medical professional.
- In no event will FCB benefits exceed an amount that, when added to the short-term disability benefits for which an employee is eligible, equals their full-time compensation.
- FCB leave is only available to eligible employees and is not available for an illness, injury or disability of an employee's family member or to care for or assist other persons who are ill or disabled. Employee's needing leave for the purpose of caring for family members should speak to the Office of Human Resources to determine eligibility for other leaves such as the NYS Paid Family Leave.
- FCB benefits are not available for any condition or disability that is covered under Worker's Compensation laws.
- All annual PTO leave must be exhausted before an eligible employee may receive paid leave under the FCB.
- If an employee is using FCB leave hours at the end of a fiscal year (May 31), they will not be eligible for the annual renewal of PTO until they are medically cleared and have returned to work. In such a case, the amount of annual PTO awarded at the conclusion of the FCB leave will be prorated based upon the month in the fiscal year in which they return.
- Once an employee becomes eligible for long-term disability (LTD) insurance benefits, no additional leave days will be granted under the FCB, whether or not the employee files a claim for LTD.
- Employees may only use leave under the FCB policy a maximum of 2 times in a 15-year period of employment. Any use of the FCB will count even if the employee does not use the full benefit. For example, if an employee uses 1 month of FCB, this usage will count as 1 of 2 possible FCB usages during a fifteen (15) year period.

Requesting Use of the Franciscan Care Benefit (FCB)

Employees wishing to request leave under the FCB should reach out to the Office of Human Resources a minimum of 2-weeks prior to the exhaustion of their annual PTO to review and discuss their eligibility.

The FCB shall provide full-time employees with the following amount of paid leave:

- 0 to <5 years of service = no benefit
- 5 to <10 years of service = up to 3 months (13 weeks) paid leave
- 10+ years of service = up to 6 months (26 weeks) paid leave or until the employee is eligible for Long-term disability (LTD) insurance benefits, whichever comes first. LTD coverage is provided to all full-time employees of SBU.

This policy does not apply to bereavement leaves, voting leaves, or leaves necessary for jury duty. For information concerning these leave types please refer to the Staff Handbook.

Example Scenario 1:

Jane Doe has worked for SBU for 7-years. Recently she had to have surgery that required her to be out of work for approximately 6-weeks. Jane has not used any of her PTO yet this year (5-weeks) and plans to use this time to cover her time away from work. After surgery, Jane needs additional time for recovery and she will not be cleared to return to work until 8-weeks following her surgery. Jane will have the option to request compensation under the Franciscan Care Benefit (FCB) to provide her with full-income for the 3-weeks she will need to be out-of-work after her PTO has been exhausted. HR has determined that Jane is eligible for up to 3 months of paid leave under the FCB and the requested use is granted. This will count as 1 of the 2 possible opportunities that Jane may use the FCB in a period of 15 yrs of employment with SBU.

Example Scenario 2:

Joe Smith has worked for SBU for 15 yrs. Joe is involved in an automobile accident over the weekend. He is hospitalized and is expected to remain inpatient for at least 4-months. Joe has used 22 of the 30-days of PTO he has been allotted this year, prior to the date of the accident. Joe is unable to request use of the FCB due to his incapacitation. HR speaks with his family to explain the options available to Joe and it is decided that after the 8 remaining PTO days are exhausted, SBU will continue to pay Joe his salary using the FCB for a maximum of 6-months, or until Joe becomes eligible for Long Term Disability, whichever comes first.

The University's Human Resources Office will have full discretion to make all decisions and determinations under the FCB policy, including determinations as to the existence of a qualifying disability, an employee's years of service, an employee's eligibility for STD or LTD insurance benefits, and the availability and amount of any FCB benefits.

Related Policies:

Staff Handbook

