Sick Leave Policy Frequently Asked Questions (FAQs)[1]

June 22, 2017

Effective July 1, 2017, the University of Chicago will implement a new Sick Leave Policy, HR Policy 512, which has been revised to comply with the Chicago Paid Sick Leave Ordinance. The new Sick Leave Policy will make paid sick leave (PSL) available to some employees who have not previously had it, including non-benefits-eligible staff employees and non-benefits-eligible academic appointees, temporary employees, seasonal employees and student employees. The new policy will also expand the permissible uses of PSL for employees, including benefits-eligible employees who already have PSL.

For information about leave benefits applicable to faculty, benefits-eligible academic appointees and postdoctoral researchers, please see the Handbook for Faculty and Other Academic Appointees and the Postdoctoral Researcher Policy Manual.

If you have questions about the new Sick Leave Policy not answered here, please contact Employee & Labor Relations at elrelations@uchicago.edu.

Overview of the Chicago Paid Sick Leave Ordinance

The Chicago Paid Sick Leave (PSL) Ordinance, which takes effect on July 1, 2017, requires employers in Chicago to grant "Covered Employees" (as defined in the PSL Ordinance) at least one hour of paid sick leave for every forty hours worked. The PSL Ordinance also permits employees to use sick leave for illnesses or medical appointments for themselves or family members, including anyone related by blood or those whose relationship with the employee is "the equivalent" of a family relationship.

To read a press release on the PSL Ordinance from the City of Chicago, click here.
To read the PSL Ordinance, click here.

General Questions

Q1: **What is the Chicago PSL Ordinance?**

A1: The text of the PSL Ordinance is available at the City of Chicago Office of the City Clerk's website, here.

[1] These FAQs are for clarification and illustration purposes only. In the event of a conflict between FAQs and the University Sick Leave Policy or applicable Handbook, the applicable Policy will control. These FAQs are subject to change by the University. In the event that the City of Chicago or a court delays enforcement of the Chicago PSL Ordinance, the University reserves the right to delay implementation of the new policies.

Questions About Eligibility and Accrual

Q2: **Who will become eligible for PSL under the new Sick Leave Policy?**

A2: Most non-benefits-eligible staff employees, non-benefits-eligible academic appointees, temporary and seasonal employees and student employees will become eligible for paid sick leave under the new policy. Benefits-eligible staff employees will continue to accrue paid sick leave as they have in the past.

Q3: **When do employees begin to earn PSL?**

A3: Individuals not previously eligible for PSL who are employed at the University of Chicago on July 1, 2017 will begin to accrue PSL on that day. Employees hired after July 1, 2017 will begin to accrue PSL on their date of hire.

Q4: **How much PSL will employees earn?**

A4: See below:

A. Hourly-paid (FLSA nonexempt) non-benefits-eligible staff employees, temporary employees, seasonal employees or student employees: one hour of PSL for every 40 hours actually worked.
B. Monthly-paid (FLSA exempt) non-benefits-eligible staff employees, temporary employees, seasonal employees or student employees: one hour of PSL for every 40 hours worked, based on their regular weekly schedule in the University's HR Information System (Workday).
C. Non-benefits-eligible academic appointees: five hours of PSL in every month in which they work or are paid by the University.

Note that benefits-eligible staff employees will continue to accrue 10 days of sick leave per year under the University's Sick Leave Policy. The PSL Ordinance does not change this accrual rate.

Q5: **What is the maximum amount of PSL an employee can accrue?**

A5: Sick leave accrual for non-benefits eligible staff, temporary staff, seasonal staff, and student employees is not capped, but such an employee can earn no more than 40 hours of PSL per year, and can carry over no more than 60 hours of PSL from one year to the next.

Q6: **Can an employee carry PSL over from one year to the next?**

A6: Yes.

Benefits-eligible staff: may carry over PSL from year-to-year without limitation.

Non-benefits eligible staff, non-benefits eligible academic appointees, temporary staff, seasonal staff, and student employees: may carry over up to 60 hours of PSL from one year to the next. The year for PSL purposes is each January through December.

Q7: **When an employee leaves the University, will she or he be paid for accrued, unused PSL?**

A7: No, employees will not receive pay for accrued, unused PSL when their University employment. There is one exception: if an employee is re-hired by the University within 30 days of leaving University employment, s/he will have her/his PSL bank restored.

Q8: **When an employee changes from one University job to another, will her or his PSL be available to use in the new job?**

A8: Yes, an employee who changes from one University position to another without a break in University employment will be able to use PSL earned in the prior position, subject to accrual limits applicable to the new position, if any. For example, a benefits eligible staff employee who transfers to a non-benefits-eligible, temporary, seasonal or student employee position may retain a maximum of 60 hours of her or his accrued, unused sick leave.

Questions About Use of PSL

Q9: **When can an employee begin to use PSL?**

A9: Nonexempt employees: A nonexempt employee may use PSL once she or he has accrued at least 1/2 hour of PSL.

Exempt employees: An exempt employee may use PSL once she or he has accrued at least one full day of PSL.

Please refer to the minimum use increments in question 14 below.

Q10: **For what purposes can an employee use PSL?**

A10: In summary, an employee may use PSL when:

A. He or she is ill or injured and wishes to receive medical care, treatment, diagnosis, or preventive medical care;
B. A member of his or her family is ill or injured, or to care for a family member receiving medical care, treatment, diagnosis, or preventive medical care;
C. He or she, or a member of his or her family, is the victim of domestic violence or a sex offense (as defined by Illinois law); or
D. The University is closed by order of a public official due to a public health emergency or he or she needs 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.

Q11: **Who is a "family member" for whom an employee may use PSL?**

A11: An employee's child, legal guardian or ward, spouse under the laws of any state, domestic partner, parent, spouse or domestic partner's parent, sibling, grandparent, grandchild, or any other individual related by blood or whose close association with the employee is the equivalent of a family relationship. A child includes not only a biological relationship, but also a relationship resulting from an adoption, step-relationship, and/or foster care relationship, or a child to whom the employee stands *in loco parentis*. A parent includes a biological, foster, stepparent or adoptive parent or legal guardian of an employee, or a person who stood *in loco parentis* when the employee was a minor child.

Please note that this definition of "family member" applies only to Sick Leave Policy 512, the Handbook for Faculty and Other Academic Appointees and the Postdoctoral Researcher Handbook and not to other University policies or benefits referencing Family Members or similar terminology.

Q12: **How much advance notice must an employee provide before using PSL?**

A12: Employees are responsible for following their unit's sick leave rules, including rules about calling in sick. When the need is foreseeable, the employee should notify their unit seven days in advance when possible.

Q13: **Can the University require an employee who uses PSL to provide a doctor's note?**

A13: Yes, if an employee is absent for more than three consecutive work days, the University may require the employee to provide certification from a licensed health care provider who treated the employee or the employee's family member.

Note that different rules regarding doctor's notes may apply to employees subject to a collective bargaining agreement (CBA). Please consult the appropriate CBA before requiring a doctor's note.

Q14: **What is the minimum increment of PSL an employee may use?**

A14: Nonexempt employees: Accrued sick leave must be used in increments of at least 30 minutes. A non-exempt employee will have accruals deducted on an hour-for-hour basis.

Exempt employees: absences of less than one full day are neither to be charged to accumulated PSL, nor to be deducted from pay. Exempt employees who use PSL to be paid while granted time off under FMLA may have sick leave accruals deducted on an hour-for-hour basis. Sick leave use for an exempt employee is based on the employee's average scheduled hours per day. An exempt employee who takes a full-day absence will have accruals deducted at a rate equal to the employee's average scheduled hours per day for each day of sick leave taken (*e.g.*, for an employee who is regularly scheduled to work 37.5 hours per week, a PSL day equals 7 hours, 30 minutes).

Q15: **What is the most PSL an employee can use in a year?**

A15: An employee may use up to 60 hours of PSL in one year. This limitation does not apply to benefits-eligible employees.

Q16: **Does the new Sick Leave policy apply to University employees who work outside of Chicago?**

A16: Yes. Work location will not affect eligibility for paid sick leave under University policy.

Q17: **If an employee holds more than one job, can she or he use PSL accrued in one job to take PSL on another job?**

A17: Yes, employees with more than one PSL-eligible job may use accrued PSL in any of their PSL-eligible jobs.

Academic Appointee-Specific Questions

Q18: **How much PSL will non-benefits-eligible academic appointees earn?**

A18: Non-benefits-eligible academic appointees will earn five hours of PSL in every month in which they perform compensable duties or are paid by the University.

Q19: **If an academic appointee teaches two courses in a given quarter, will she or he earn additional PSL for each course taught?**

A19: No. Non-benefits-eligible academic appointees earn five hours of PSL in each month in which they perform compensable duties or are paid by the University regardless of the number of courses taught.

Questions for Benefits-Eligible Staff Employees

Q20: **Does the new Sick Leave Policy affect benefits-eligible staff employees?**

A20: Because benefits-eligible staff employees already accrue more sick leave than required by the PSL Ordinance, the new policy will not affect their sick leave accruals. However, in accordance with the PSL Ordinance, the new policy expands the allowable uses for sick leave as noted in question/answer 10 above.