

**POLICY****Reserved Sick Leave****EFFECTIVE****January 31, 2021****PURPOSE**

The purpose of this policy is to establish a “reserved sick leave bank” for employees who transitioned from having separate leave banks to PTO, and to provide rules for how reserved sick leave can be used.

SCOPE

This policy applies to all employees who are assigned to a 0.5 or greater FTE (full-time equivalent) who were transitioned from separate leave banks to PTO, effective DATE.

This policy may not apply to employees who are covered under a collective bargaining agreement. Employees working under a collective bargaining agreement should refer to that document for information regarding paid sick leave.

POLICY

Effective October 25, 2020, employees who had separate leave banks (for example, sick, vacation, personal, holiday) will be transitioned to a PTO plan. For these employees, accrued but unused sick leave hours will be transferred to a “reserved sick leave bank.” Once a reserved sick leave bank is established, employees do not accrue any additional sick leave into the reserved sick leave bank.

I. Use of Reserved Sick Leave

- A.** Reserved sick leave may only be used for medical absences that would qualify for leave under the Family and Medical Leave Act (“FMLA”), regardless of whether the employee is eligible for leave under the FMLA. For example, an employee who has exhausted their FMLA leave may use reserve sick leave for medical reasons that would otherwise be covered by FMLA if the employee had not exhausted that leave.

1. Reserved sick leave must be used:

- i. Concurrently with otherwise unpaid leave taken under the FMLA, except as provided in paragraph I(A)(3), below.
- ii. For approved absences that would otherwise qualify for FMLA if the employee were eligible (i.e. if the employee has not worked the requisite number of hours, or the employee was eligible but exhausted FMLA-covered leave).
- iii. In these circumstances, an employee must first exhaust Sick and Safe Leave and then must use their reserved sick leave.



2. Reserved sick leave may be used:
 - i. To supplement short term disability benefits.
3. Reserved sick leave may not be used for:
 - i. Wellness appointments, except for prenatal visits covered by the FMLA, see above;
 - ii. Qualifying exigencies arising out of the fact that a covered military member is on active duty or has been notified of an impending call or order to active duty in support of a contingency operation.
 - iii. Occasional absences that may be related to an illness or injury that would not be covered under the FMLA;
 - iv. The bonding period related to the birth or adoption of a child;
 - v. Work-related injuries that are deemed eligible for workers' compensation benefits; or
 - vi. To supplement long-term disability benefits.
4. Relationship to SSL and PTO
 - i. An employee is not required to exhaust accrued PTO before using their reserved sick leave. However, once an employee has exhausted their reserved sick leave bank, they must then use PTO for any additional period of approved absence. When SSL, reserved sick leave, and PTO are exhausted, the employee may be approved for an unpaid leave of absence.

II. How to Access Reserved Sick Leave

To access reserved sick leave, an employee must contact the organization's leave management vendor and properly follow their established department procedure regarding call-outs or absences.

III. Compensation for Reserved Sick Leave

Reserved sick leave is paid at the employee's regular base rate of pay. It does not include shift differentials, overtime rates, or other forms of premium pay.

IV. Intra-System Hires between UMMS Facilities

Eligible employees who terminate employment at one UMMS member organization and are immediately hired at another UMMS member organization will carry their unused reserved sick leave balance to the new UMMS facility.

V. Donation of Reserved Sick Leave Prohibited

Employees may not donate reserved sick leave hours to other employees. Please refer to the Human Resources Policy, Donation of PTO, for additional information regarding the donation of PTO or use of donated PTO.

VI. Status Change Resulting in Ineligibility

An employee will be ineligible to utilize reserved sick leave when an employee's assigned FTE changes to below 0.5 FTE. The reserved sick bank balance will be reinstated if the FTE changes to 0.5 or higher.

VII. No Payment Upon Separation of Employment.

Reserved sick leave hours are forfeited upon separation from employment for any reason, meaning that it is not paid out upon separation from employment.



FAQ

Reserved Sick Leave

Q**What is “reserved sick leave”?****A**

Currently across the System, some employees have separate sick leave banks. We are now transitioning to one combined Paid Time Off (PTO) bank, but want to be sure that sick leave hours are not lost. Our Reserve Sick Leave policy allows employees with unused sick leave to retain these hours in a Reserved Sick Leave Bank.

Q**Will employees be able to continue to accrue sick time?****A**

No. Once the Reserved Sick Leave Bank is established after the transition to the new PTO program, employees do not accrue more additional sick leave into the reserve sick leave bank. Future accruals of leave will be added to the employee’s PTO bank.

Q**How can an employee use their Reserved Sick Leave time?****A**

Reserved Sick Leave may only be used for the same type of absences that would typically qualify for leave under the Family and Medical Leave Act (FMLA). However, an employee can access this Reserved Sick Leave time regardless of whether they are eligible for leave under the FMLA. Employees also can use Reserved Sick Leave in the following situations:

- they are taking otherwise unpaid leave under the FMLA
- they need to supplement short term disability benefits
- they are on an employer-approved medical leave of absence that would have otherwise been approved under the FMLA or that would qualify for FMLA.

Like any absence, use of Reserve Sick Leave must follow the department’s established procedures for call-outs or absences.

Q**Are there limitations on when Reserve Sick Leave can be used?****A**

Yes. Employees may not use this leave for occasional absences related to an illness or injury not covered under FMLA, bonding period related to the birth or adoption of a child, or for wellness appointments (except for prenatal visits covered by FMLA).

Q**What if an employee needs to use more time than what’s in their Reserved Sick Leave bank?****A**

Once an employee has exhausted their Reserved Sick Leave bank and other approved forms of absence with pay, the employee would then be on leave without pay until additional paid time off hours are accrued.

**Q At what rate is Reserved Sick Leave paid?****A** Reserved sick leave is paid at the employee's regular base rate of pay. It does not include shift differentials, overtime rates or other forms of premium pay.**Q Are employees permitted to donate their Reserved Sick Leave?****A** No. Employees cannot donate time from their Reserved Sick Leave bank, but employees can donate PTO. Contact Human Resources or refer to the Donation of PTO Policy for more information about how to donate PTO.**Q If I transfer to a job at another UMMS facility, will my Reserved Sick Leave bank carry with me?****A** Yes. One of the benefits of standard policies across the System is that you can carry your unused Reserved Sick Leave balance to any UMMS facility.**Q If I leave my job at UMMS, may I cash out my Reserved Sick Leave bank?****A** No. While your Reserved Sick Leave hours will not expire throughout the duration of your employment with UMMS, they are not eligible to be paid out upon separation from the System and are no longer available, even if you are later re-hired within UMMS.

Note: The Reserve Sick Leave Policy may not apply to UMMS employees governed under a collective bargaining agreement. Such employees should refer to their labor contract's rules.