Earned Sick Time Act Training (ESTA)

Human Resources
Faculty Personnel Services
Student Employment Services
Payroll and Travel Services

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Welcome and Introduction of Presenters

HR:

- Lori Hella| Assoc Vice Pres/Human Resources
- Cali Clark| Director/Employment and Compensation
- Amy Thering| Manager/Student Employment Services

FPS:

- Kendra Huckins | Interim Executive Director/Director of Faculty Employment& Compensation
- Angie Moss| Asst Dir/Faculty Personnel Services

Payroll:

- Sara Yonkey | Manager/Payroll

Agenda

1. Background
2. Purpose
3. Earned Sick Time
4. Accruals/Frontloading
5. Use of Time
6. Definition of Family Member
7. Qualifying Reasons
8. Reasonable Notice
9. Documentation
10. No Retaliation
11. Payroll Procedures
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Background

- Beginning February 21, 2025, Michigan Earned Sick Time Act (ESTA) requires employers to provide paid earned sick time to **all** employees.

- ESTA replaced the Michigan Paid Medical Leave Act (PMLA).

- Now eligible for ESTA: Non-Benefit Eligible employees
  - student employees,
  - temporary staff employees,
  - less than half-time fixed-term faculty,
  - graduate assistants,
  - adjunct faculty, and
  - Less than half-time medical faculty

- For employees represented by a collective bargaining agreement, this Act applies beginning on the stated expiration date in the current agreement.

Purpose

- Generally, the ESTA provides employees, unless otherwise ineligible under the Act, with the right to earn sick time for: personal or family health needs, as well as purposes related to domestic violence and sexual assault and school meetings needed as the result of a child's disability, health issues, or issues due to domestic violence and sexual assault.

Earned Sick Time

- All eligible employees must be provided paid sick time at a rate of at least 1 hour for every 30 hours worked in a 12-month period and may use time earned, up to 72 hours per year.

- CMU's benefit year for earned sick leave is January – December.

- Benefit-eligible employees already accrue more sick time than is required by the Act.
  - Earned sick time is not <u>additional</u> paid sick time.
  - All accrued time may be used for qualifying reasons/family members under ESTA
  - Use of sick time for these employees is not limited to 72 hours, but the first 72 hours used in calendar year will be considered to meet requirements of ESTA

Accrual:

- Newly eligible employee groups include **student employees, temporary staff, adjunct faculty**.
- These employees will accrue paid sick time at a rate of 1 hour for every 30 hours worked in a 12-month period and may use the accrued time, up to 72 hours per year.
- May carry over up to 72 hours of accrued, unused, earned sick time for one benefit year to the next calendar year.

Frontloading:

- Newly eligible employee groups Include **graduate assistants, less than half-time fixed-term faculty, and less than half-time medical faculty.**
- Sick leave will be frontloaded at the beginning of each semester, prorated based on the employee's forecasted work schedule for the semester (i.e., appointment level), proportional to the time they would accrue if they work all expected hours.
- Will receive written notification of projected work hours and earned sick time, each semester.
- If appointment level increases after initial notice, CMU will perform a look back and will provide the employee with any additional earned sick time owed.
- Unused sick time does not carry forward into the next benefit year.

Use

- Earned sick time may only be used when an employee is absent from their assigned work schedule.
- Employees will be required to record the use of earned sick time in 1 hour increments unless otherwise specified in the collective bargaining agreement or handbook applicable to the employee's primary position.
- Unused accrued earned sick time is not paid out upon separation of employment
- If an employee separates employment from the university and is subsequently re-employed by CMU within two months of their separation date, the employee's previous unused accrued sick time will be reinstated, as applicable.

Qualifying Reasons

- For the **diagnosis, care, or treatment** of existing **mental or physical illness, injury, or health condition** of, or **preventative care** for, an **employee** or an employee's **family member**.

- If an **employee** or an employee's **family member** is a victim of **domestic violence or sexual assault**, for the medical care or psychological or other counseling for physical or psychological injury or disability; to obtain services from a victim services organization; to relocate due to domestic violence or sexual assault; to obtain legal services; or, to participate in any civil or criminal proceedings related to or resulting from the domestic violence or sexual assault.

- For **meetings at a child's school or place of care** related to the **child's health or disability**, or the effects of the **domestic violence or sexual assault** on the child.

- For **closure of the employee's place of business by order of a public official due to a public health emergency**; for an employee's **need 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**; or, when it has been **determined by the health authorities** having jurisdiction or by a health care provider that the employee's or employee's family member's presence in the community would jeopardize the health of others because of the **employee's or family member's exposure to a communicable disease**, whether or not the employee or family member has actually contracted the communicable disease.

Definition of Family Member

- A biological, adopted or foster child, stepchild or legal ward, a child of domestic partner, or a child to whom the employee stands in loco parentis.
- A biological parent, foster parent, stepparent, or adoptive parent or a legal guardian of an employee or an employee's spouse or domestic partner or an individual who stood in loco parentis when the employees was a minor child.
- An individual to whom the employee is legally married under the laws of the state or a domestic partner.
- A grandparent.
- A grandchild.
- A biological, foster, or adopted sibling.
- An individual related by blood to the employee.
- An individual whose close association with the employee is the equivalent of a family relationship, including those designated as an Other Eligible Individual under CMU's policies.

Reasonable Notice

Foreseeable need:

- Employee must provide the supervisor with advance notice a minimum of 7 calendar days, or as soon as practicable, if circumstances change or medical emergency.

Unforeseeable need:

- Employee must give notice according to the department's call-in procedure, or as soon as practicable.
- Call-in procedures must be shared with employees **in writing.**
  - Changes in call-in procedures must be shared in writing within 5 days of change.
- Failure to comply with notice or department's call-in procedures may result in disciplinary action, up to including termination.
- An employee shall not be required to search for or secure a replacement worker as a condition for using earned sick time.

Documentation

- For absences of more than three (3) consecutive days, the supervisor *may* require documentation that the earned sick leave been used for a permissible purpose.
- The employee must provide documentation no later than 15 calendar days after the supervisor's request.
- However, the cost of obtaining documentation for purposes of ESTA is at the department's expense.
- Cannot delay commencement of leave based on failure to receive documentation.
- You must contact HR/FPS if there is a need to require documentation.
- Documentation is still required in order for an absence to qualify for FMLA.
- To the extent permitted by law, ESTA will run concurrently with FML, if applicable.

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Confidentiality & Prohibited Retaliation

- Employer must maintain the confidentiality of health, domestic violence, and sexual assault information about an employee or employee's family member and cannot disclose the information to others without the employee's permission.
- Employees cannot be disciplined for the lawful use of earned sick time.
- Retaliatory personnel actions against an employee for requesting or using earned sick time is prohibited.
- If an employee feels that they are being discriminated against or retaliated against the employee has the right to file a complaint with the Michigan Department of Labor and Economic Outlook.
- A form may be requested by calling 1-855-4MI-WAGE

Payroll Procedures

Medical Faculty less than half-time (ML) and Fixed-Term less than half-time (TL) Faculty

- Sick time banks for faculty can be seen in SAP - Managers Desktop on the “Dept Leave Quota Info” Report. Employees will be able to see their sick time balances on their pay statements.

- To record approved sick leave, the department (supervisor or designated individual) must send an email to payroll@cmich.edu with the following information prior to 4:00 PM TimeClock Plus deadline for semimonthly payroll.

    - Employee Name, Campus ID number, Type of leave – Sick, Date of leave, Number of hours (1-hour increments)

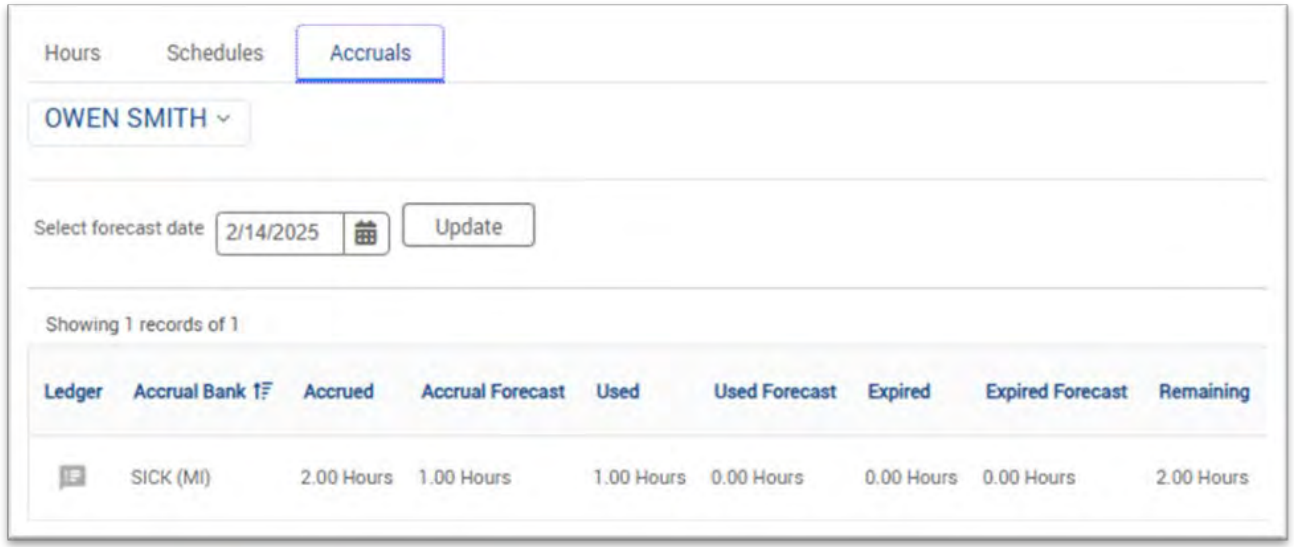
- Payroll will respond confirming that hours have been keyed for processing.

Payroll Procedures

Graduate Assistants, Student Employees and Temporary Staff

- Sick accrual banks can be seen by employees and supervisors/approvers in TCP.

- The number of hours listed in the "Remaining" column is what is available for the employee to use. This includes hours granted at the beginning of the semester (GA's), hours earned in prior periods and hours earned in the current period.



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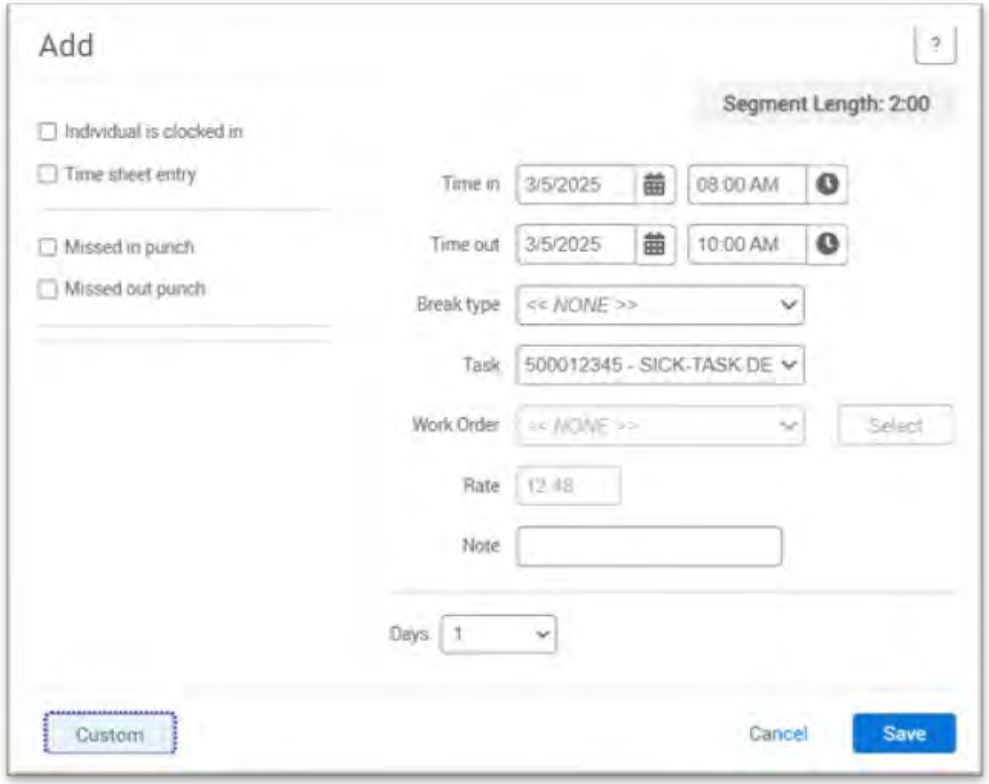
Payroll Procedures

- Sick entries must be created in TCP by the employees supervisor/TCP approver.
  - For student employees and temporary staff, you will use the sick task that correlates to the task the employee would have been working for if they were not absent. For every task number the employee is hired with, there will be a sick task code with a preceding 5000.
  - For Graduate Assistants, select task “500000000 SICK-GRADUATE ASSISTANT”.
- Approve the sick record.



*College Work Study funds cannot be used to pay for time not worked. Therefore, when a student records sick time, the associated cost center linked to the departmental work study account will be used to cover the sick pay. No action is required by the approver.

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FAQs

- If a student doesn't work 3 days in a row, when can we ask for documentation?
  - You can ask for documentation after missing 3 shifts in a row.
  - Expense of acquiring documentation must be paid by department.
  - Need to work with HR prior to proceeding.

- Is a student required to use accrued ESTA time when calling in sick?
  - No, they are not required to use their accrued time. A student may wish to flex their schedule and make up the missed time, or they may wish to use their accrued sick hours to cover the missed time.

FAQs

- Does ESTA time used count toward the work hour limitation?
  - Yes; ESTA is used for absences in lieu of hours worked and counts toward the overall work hour limitation.
  - The combination of paid ESTA time and hours worked must not exceed the work hour limitation.

Questions?