Sick Leave Policy

Bracketed items are choices to set for your organization. Where a state or local paid sick leave law gives employees more generous terms than this policy, employees receive the more generous terms. Have counsel check the policy against the law in every location where you have employees.

1. PURPOSE

[Company Name] provides paid sick leave so employees can stay home when they or their family members are sick, get medical care, and recover without losing pay. We would rather an employee take a sick day than come to work ill and spread it to colleagues or customers.

2. WHO IS ELIGIBLE

All employees, including full-time, part-time, temporary and seasonal employees, accrue paid sick leave from their first day of employment. Employees may begin using accrued sick leave on their [90th] calendar day of employment, or sooner where local law requires.

3. HOW SICK LEAVE IS EARNED

Employees accrue [1] hour of paid sick leave for every [30] hours worked, including overtime hours, up to [56] hours per year. Exempt employees are treated as working 40 hours per workweek for accrual, unless their normal workweek is shorter, in which case accrual is based on that normal workweek. [Alternative, front-loading: On January 1 each year, and on the date of hire for new employees prorated for the rest of the year, employees receive [40] hours of paid sick leave.] The leave year runs from [January 1 to December 31].

4. REASONS EMPLOYEES MAY USE SICK LEAVE

Paid sick leave may be used for: the employee's own physical or mental illness, injury or health condition; medical diagnosis, care, treatment or preventive care such as checkups and vaccinations; the same needs for a family member, meaning a child, parent, spouse, domestic partner, sibling, grandparent, grandchild, [parent-in-law] or any other individual covered by applicable law; closure of the employee's workplace or a child's school or place of care by public health order; and absences related to domestic violence, sexual assault or stalking affecting the employee or a family member, including seeking medical attention, counseling, legal help or relocation.

5. HOW TO USE SICK LEAVE

Sick leave may be used in increments of [1 hour / the smallest increment the payroll system tracks / 2 hours, or the full shift]. When the need is foreseeable, such as a scheduled appointment, employees should give [7] days' notice where possible. When it is not foreseeable, employees should notify [their supervisor / the attendance line at Phone Number / the scheduling app] as soon as practical and, where possible, at least [1] hour before the start of the shift. Employees do not need to describe their medical condition, only that the absence is for a reason covered by this policy. Employees are not required to find a replacement worker to cover their shift.

6. DOCUMENTATION (SICK NOTES)

For absences of [3] or fewer consecutive scheduled workdays, no documentation is required. For absences of more than [3] consecutive scheduled workdays, the Company may ask for reasonable documentation that the leave was for a covered reason, such as a note from a health care provider confirming the need for leave. The note does not need to state the diagnosis or medical condition. For domestic violence related absences, documentation may include a police report, court document or a signed statement from the employee or an advocate. The Company does not require documentation where local law prohibits it, and will not delay pay while documentation is pending.

7. PAY DURING SICK LEAVE

Sick leave is paid at the employee's regular rate of pay for the hours the employee was scheduled to work, [including shift differentials normally earned]. Sick leave hours are not counted as hours worked for overtime. Sick leave is paid on the regular payday for the pay period in which it was used.

8. CARRYOVER, CAP AND CASH-OUT

Unused accrued sick leave carries over to the next year, up to a maximum balance of [80] hours. Employees may use up to [56] hours in a leave year. [If front-loaded, unused hours do not carry over.] Unused sick leave is not paid out when employment ends, unless state law or a separate PTO policy requires it. If an employee leaves and is rehired within [12] months, their previous unused balance is restored and they may use it immediately.

9. NO RETALIATION

The Company will not count protected sick leave as an absence that leads to discipline, attendance points, loss of a bonus or any other adverse action, and will not retaliate against an employee for requesting or using sick leave, filing a complaint or taking part in an investigation. Misuse of sick leave, such as a pattern of using it for non-covered reasons, may be addressed under the [attendance / disciplinary] policy after a fair review of the facts.

10. RELATIONSHIP TO OTHER LEAVE

Sick leave may run at the same time as leave under the Family and Medical Leave Act, state family or medical leave laws, workers' compensation or disability benefits, as permitted by law. Employees absent for more than [3] days because of a serious health condition, or for a pregnancy-related condition, should contact HR, who will explain any job-protected leave or accommodation available. [If the Company has a combined PTO policy, state here whether that policy satisfies paid sick leave requirements.]

11. BALANCE AND RECORDS

Employees can see their accrued, used and available sick leave on [each pay statement / the HR portal]. The Company keeps records of hours worked and sick leave accrued and used for at least [3] years, or longer where law requires. Medical information provided with any request is kept confidential and separate from the personnel file.

EMPLOYEE ACKNOWLEDGMENT

☐ I have received and read the Sick Leave Policy and know how to report an absence.

Employee name

Employee signature

Date

Date