

# DEPAUL UNIVERSITY

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## Sick Time, Short and Long-Term Disability

**Category:** Human Resources

**Responsible Department:** Benefits

**Responsible Officer:** Vice President, Human Resources

**Effective Date:** 12/19/2023

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### Policy Summary

The purpose of this policy is to establish employee protections against loss of income due to illness or disability and provide leave consistent with applicable requirements. This policy coordinates with the provisions of the Family and Medical Leave Act (FMLA), Illinois Workers Compensation Act, Illinois Sick Leave Act, and Paid Secure Leave, and Illinois Paid Leave for All Act. Refer to the [Family and Medical Leave Act \(FMLA\)](#) policy and [Compliance & Risk Management](#) for further details.

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### Scope

This policy affects the following groups of the University:

- Full-Time Staff
- Part-Time Staff
- Full-Time Faculty
- Part-Time Faculty
- Student Employees

This policy affects all of the above groups.

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### Policy

#### Sick Time

Sick time may be used for the following purposes:

- An employee is ill or injured, or is receiving professional care, including preventative care, diagnosis, or treatment, for medical, mental, or behavioral issues, including substance use disorders.

- An employee's family member is ill, injured or ordered to quarantine, or an employee is caring for a family member receiving professional care, including preventative care, diagnosis, or treatment, for medical, or behavioral issues, including substance use disorders.
- An employee or an employee's family member is a victim of domestic violence, a sex offense, or human trafficking.
- The university is closed by order of a public official due to a public health emergency, or an employee needs to care for a family member whose school or place of care has been closed by order of a public official due to a public health emergency.
- An employee obeys an order issued by the Mayor of Chicago, the Governor of Illinois, the Chicago Department of Public Health, or a treating healthcare provider that requires an employee to:
  - (i) stay at home to minimize the transmission of a communicable disease;
  - (ii) remain at home while experiencing symptoms or sick with a communicable disease;
  - (iii) obey a quarantine order issued to the employee; or
  - (iv) obey an isolation order issued to the employee

Preventive medical care may encompass doctor's visits for wellness check-ups, obstetrical appointments for pregnant women, routine medical test procedures, and other preventive care. Employees are not required to use vacation time under this policy as it contributes to overall employee health and wellness.

For full-time and part-time faculty and part-time staff who are not otherwise eligible for vacation time under DePaul's [Vacation](#) policy, up to forty (40) hours of leave during a calendar year may be used for any reason as explained in the Use of Sick Time for Full-Time and Part-Time Faculty and Part-Time Staff section.

## **Eligibility for Sick Time**

### **Exempt Employees (full-time staff and part-time staff)**

Exempt employees may use sick time when necessary. Exempt employees do not accrue sick time; however, sick time use must be recorded in the University Time & Labor system. Pay continues when exempt employees are absent from work due to use of sick time, not otherwise covered by a University policy. In the event an exempt employee is absent from work for more than thirty (30) consecutive days under this policy, the University may choose to discontinue the exempt employee's pay under this policy.

### **Faculty (Full-time and part-time) and student employees paid via stipend**

Full-time faculty, part-time faculty and student employees paid via stipend may use sick time when necessary. They do not accrue sick time and do not record time in the University Time & Labor system but rather re-arrange their schedules to accommodate their illness. Pay continues when they are absent from work. In the event a full-time or part-time faculty member or student employee paid via stipend is absent from work for more than thirty (30) consecutive days under this policy, the University may choose to discontinue pay. For full-time faculty and part-time faculty and student

employees paid via stipend, sick time does not roll over and any unused time is forfeited at the end of the year. Leave is not paid out consistent with Termination of Employment section.

### **Non-Exempt Employees (Full-Time)**

Full-time non-exempt employees accrue sick time up to ten (10) days per calendar year on a biweekly basis. Sick time and vacation time continues to accrue during periods when an employee is receiving sick time. Accrued, unused sick time may be carried over from year to year in an employees' sick time "bank". Employees are allowed to hold onto a maximum of thirty (30) days in a sick time "bank".

### **Non-Exempt Employees (Part-Time)**

Part-time non-exempt employees (including student employees) may use up to sixty (60) hours of paid sick time under this policy per year. Accrual begins on the first day after the start of employment. Part-time non-exempt employees accrue sick time at a rate of one (1) hour for every forty (40) hours work and may begin using the sick time as it accrues. Any accrued but unused paid leave under this policy will be carried forward from year to year; however, in no event may more than sixty (60) hours of accrued sick time be used for any reason as set forth in this policy in any given calendar year.

### **Use of Sick Time to Care for a Family Member**

Employees may use up to sixty (60) hours of sick time each calendar year to care for a family member due to the family member's illness, injury, or medical appointment. For non-exempt employees, these days are charged against accrued sick time. It is the employee's responsibility to track, and report to the employee's manager, the amount of sick time used to care for an employee's family member.

### **Definition of Family Member**

An employee's child (including biological, adopted, step or foster children, or a child to whom the employee stands in loco parentis), legal guardian or ward, spouse under the laws of any state, domestic partner, parent (including biological, foster, adoptive or legal guardian, step, or a person who stood in loco parentis when the employee was a minor child), 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.

### **Use of Sick Time For Full-Time and Part-Time Faculty and Part-Time Staff**

Full-time and part-time faculty and part-time staff who are not eligible for vacation time under DePaul's policy may use up to forty (40) hours of available sick time each calendar year for any reason (not just for illness or injury or medical appointment or for a family member's illness, injury, or medical appointment). For part-time staff employees, these days are charged against accrued sick time, and part-time staff are only eligible to use time they have accrued. It is the employee's responsibility to track, and report to the employee's manager, the amount of time used for any reason.

Documentation for use of leave for any reason is not required. Sick time may be used in any increment as explained in the Use of Leave Section and is subject to the notification provisions in the Notification of Absence section. Leave is not paid out consistent with the Termination of Employment section.

### **Use of Leave**

Employees may take leave in any increments under this policy. No sick time or vacation time will be paid for any period in which an employee receives any payments under Short-term Disability or Workers' Compensation.

### **Notification of Absence**

When the need for sick time is known in advance (for example, scheduled treatments, appointments, etc.), employees must provide at least seven (7) days' notice of the need for leave. If the need for sick time is not foreseeable, employees must provide notice as soon as is practicable via the best method available, including telephone call, text message or email.

If an employee anticipates being absent or is absent due to illness for more than five (5) continuous working days the employee must contact DePaul's leave of absence administrator by following the steps outlined on the HRBenefits website, under Leave of absence > Short-term Disability tab, to initiate the leave of absence process.

### **Certification**

For absences of more than three (3) consecutive work days under this policy, the University may require certification of the need for the amount sick time as follows:

- For absences related to illness, documentation signed by a licensed health care provider. The documentation shall not specify the nature of the employee's or the employee's family member's injury, illness or condition, unless requested in connection with concurrent leave under another applicable University policy.
- For absences related to an incident of domestic violence/sex offense, the employee may certify with a police report, court document, or statement from an attorney, clergy member, victim advocate, or any person with knowledge of the circumstances (including the employee). A single certification is sufficient for leave related to the same incident of violence or the same perpetrator.
- All certification documentation should be emailed to the Human Resources Benefits confidential email address at [hrbenefits@depaul.edu](mailto:hrbenefits@depaul.edu).
- Certification is only required consistent with applicable law including the Illinois Paid Leave for All Act and Paid Secure Leave Act.

### **Time Reporting**

Full-time exempt staff, part-time exempt staff, and full-time and part-time nonexempt employees must report sick time taken in the Time and Labor system. Full-time and part-time faculty and student employees paid via stipend do not report sick time taken in the Time and Labor system.

### **Other Paid Sick Time Policies**

An employee's use of sick time automatically runs concurrently with use of other qualifying leaves under any other applicable University policy.

### **Re-hires**

Part-time nonexempt staff employees and student employees (paid hourly) who terminate and are re-hired within the same calendar year will hold on to any accrued and unused sick time they have earned prior to termination upon re-hire. If either of these employee groups terminate and are re-hired in a subsequent calendar year, they will not hold on to any accrued and unused sick time from previous calendar years. Full-time nonexempt employees who terminate will not retain sick-time upon re-hire. Full-time exempt employees, full-time and part-time faculty and student employees paid via stipend may use sick time as necessary upon re-hire, in accordance with this policy.

### **Promotions/Demotions/Transfers**

Employees in positions that accrue sick time who are transferred or promoted into positions that do not accrue sick time will have their sick time balance reduced to zero upon the date of the job status change. Examples are nonexempt employees (e.g. full-time, part-time and hourly students) who are promoted into exempt positions. Exempt employees do not accrue sick time but instead use sick time as necessary.

Employees in positions that do not accrue sick time (e.g. full-time and part-time exempt staff, faculty (full-time and part-time), students paid on a stipend) who are transferred into positions that have a sick time accrual begin accruing sick time in their new job on the date of transfer and according to the terms set forth in this policy.

Part-time nonexempt employees and student employees paid on an hourly basis who transfer into a full-time nonexempt positions will not lose any accrued sick time but will have their accrued time added to their sick bank. On the transfer date, they will begin accruing sick time at the rate of full-time nonexempt employees as set forth in this policy.

### **Termination of Employment**

Accrued but unused sick time will not be paid out upon termination.

### **Short-Term Disability**

Short-term disability benefits are intended to provide continuation of income and benefits for periods of time when an eligible employee is medically disabled and unable to work. Short-term

disability benefits are subject to the Short-term disability plan. Any contradictions between the Short-term disability plan and this policy will be resolved in favor of the language in the plan.

All full-time faculty and staff members who have completed six (6) months of cumulative full-time service are eligible for short-term disability coverage. Part-time exempt and nonexempt employees are not eligible for short-term (or long-term) disability.

Employees who become ill or injured due to a work related injury or illness may be eligible for Workers' Compensation benefits as determined by Illinois State law. Questions regarding Workers' Compensation at DePaul should be addressed to Compliance & Risk Management. Employees may also refer to the Illinois Workers Compensation Commission for additional information.

Employees are expected to follow the leave of absence procedures described on the Human Resources website.

If Short-Term Disability benefits are approved, benefits are paid biweekly for a maximum of twenty-six (26) weeks of disability according to the following schedule:

- Weeks 1-14: 100 percent of covered base or contract salary
- Weeks 15-26: 60 percent of covered base or contract salary

Covered biweekly salary is 1/26th of annual base or contract salary, exclusive of any additional compensation such as overtime.

Sick time continues to accrue for non-exempt staff employees during short-term disability leave. Vacation time continues to accrue for all staff employees during short-term disability leave. However, no vacation or sick time benefits will be paid for a period in which an employee receives payments under Short-Term Disability or Workers' Compensation.

At such time that short-term disability benefits are reduced to sixty (60) percent of base salary, participants in the 403(b) retirement plan who are receiving university matching contributions at the time the disability commences shall have their minimum five (5) percent employee contribution made by the university in addition to the university matching contribution. The calculation of these contributions will be based on the reduced salary.

### **Returning to Work from Short-Term Disability**

Employees are expected to maintain communication with DePaul's leave administrator regarding the circumstances of their leave. Employees will be contacted prior to the scheduled return to work date to confirm ability to return to work on a full-time or part-time basis. If an employee's physician specifies return to work on a temporary part-time basis due to medical necessity, any remaining short-term disability benefits may be used to supplement pay for part-time hours of work in order to provide full pay. Failure to return to work at the expiration of a leave or failure to notify DePaul's leave administrator and the manager of a needed extension of leave may result in termination of employment.

The University grants reasonable accommodations to employees with disabilities. For more

information on reasonable accommodations, refer to the [Accommodation Policy; Disability and Pregnancy](#).

### **Recurring Disabilities**

It is the intention of this policy that the maximum duration of short-term disability benefits will be consistent with the elimination period of twenty-six (26) weeks as specified in the university's group long-term disability (LTD) insurance certificate. Short-term disability benefits may continue for up to twenty-six (26) weeks during a twelve (12) month period beginning with the on-set of the qualifying leave.

In the event of recurring disabilities, benefits can continue beyond the twelve (12) month period specified above, if necessary, to coordinate with the elimination period for long-term disability benefits as specified in the university's group LTD insurance certificate.

### **Relapse**

If an employee goes out on short-term disability leave within sixty (60) calendar days of returning to active work due to the same or a related disability, the leave will be considered a continuation of the prior short-term disability leave of absence. If an employee returns to work for sixty (60) calendar or more days, any subsequent absence due to the same or related disability is considered a new disability.

### **Exhaustion of Short-Term Disability, Long-Term Disability, and Benefits Continuation**

Once an employee exhausts short-term disability, the individual may qualify for long-term disability (LTD) as determined by the long-term disability carrier. For information concerning long-term disability coverage and benefits, refer to the [Insured Programs summary plan description](#).

If an employee exhausts short-term disability, all active employee benefits will end. If the LTD carrier determines that the disability qualifies, LTD benefits may be available.

If an employee begins receiving LTD benefits under the university LTD plan and has at least five (5) years of cumulative full-time service with the university at the time that the long-term disability began, the employee will continue to be eligible for medical benefits. These medical benefits will continue only as long as the employee continues to 1) receive LTD benefits from the University's LTD carrier and 2) pays the appropriate premiums. Additionally, the disabled employee must apply for Medicare benefits within two years of becoming disabled in order to be eligible to continue in the university's medical plan. All other employee benefits will end at the time the individual exhausts short-term disability.

The university may provide a reasonable accommodation for qualified individuals with disabilities in accordance with applicable law, including the Americans with Disabilities Act (ADA). For additional information refer to the [Accommodation Policy; Disability and Pregnancy](#).

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## Procedures

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### **Reporting an Illness or Injury Absence and Applying For Short-Term Disability Leave of Absence**

Specific procedures for reporting a work absence and applying for a Short-Term disability leave are posted on the [Human Resources website](#).

#### Employee Responsibilities

1. The employee should provide the manager a minimum of thirty (30) days advance notice for leave requests when the need is foreseeable. In case of emergency, the employee should notify the manager as soon as possible, preferably within four (4) hours of the start of the work day on which the first absence occurs. In most cases this means that the employee should be able to provide notice of the need for leave either the same day or the next business day after the need for leave becomes known.
2. The employee must contact DePaul's leave of absence administrator by following the steps outlined on the HR-Benefits website, under the Leave of Absence > Short-term Disability tab, to initiate the leave of absence process.
3. The employee must submit all required paperwork to DePaul's leave administrator within twenty-one (21) calendar days from the first date of absence. This may include additional documentation from a health care provider that certifies the employee is temporarily disabled and unable to perform the job duties short-term. Failure to provide this documentation on a timely basis may result in denial of the leave request which may affect compensation and employment.
4. While an employee's short term disability is pending approval, payroll will issue only one full paycheck (2 weeks) until the employee's leave is approved. It is the employee's responsibility to ensure a doctor submits the necessary documents to DePaul's leave administrator for approval.

#### Manager Responsibilities

An employee's manager is responsible for complying with DePaul's sick, short and long-term disability policy and applicable federal, state, and local laws. The manager will also be responsible for informing eligible employees of the availability of leave, instructing employees to contact DePaul's leave administrator to initiate the leave of absence process. Managers are not to solicit medical information from the employee.

#### Human Resources' Responsibilities

Human Resources is responsible for assisting employees and managers through the leave of absence process, notifying employees of any impact to benefits (if applicable), and assisting with coordination of any other applicable time off the employee may receive during an approved short-term disability

leave (e.g. FMLA).

### **Benefits Continuation during Periods of Sick Time or Short-Term Disability**

Coverage under the university benefit plans may continue during a period in which the employee is paid sick time and/or while an employee is on approved short-term disability leave as long as employee contributions (where applicable) are paid with the exception of the Dependent Care Flexible Spending Account (DCFSA). The DCFSA will automatically cease as of the date the leave of absence begins. To re-enroll in the DCFSA upon return from leave, the employee must notify the Benefits Department of Human Resources within thirty-one (31) days of returning from the leave.

An employee has the option of terminating participation in any of the benefit plans at the beginning of the leave and reinstating coverage upon return from the leave.

If an employee discontinues coverage during a leave and wishes to resume coverage upon return, the employee must re-enroll within thirty-one (31) days of returning from the leave. Otherwise, the employee must experience a qualifying event or wait until the open enrollment period to re-enroll. If an employee experiences a qualifying event during the leave of absence, the employee may increase or decrease coverage in accordance with that event.

Vacation and sick time continues to accrue during periods of sick time or short-term disability. However, while an employee is on approved short-term disability, any absence from work resulting from the condition for which the short-term disability was approved must be applied to short-term disability, not sick time or vacation time.

All regular payroll deductions continue as well as applicable benefit plan contributions. However, an employee can change or stop contributions to the 403(b) retirement plan, transportation plans and health savings account during the paid leave.

### **Performance Appraisals and Merit Increases**

While on continuous short-term disability leave, scheduled performance review and merit salary increase (if any) will be postponed until the employee has returned to active work and will be effective prospectively.

### **Short-Term Disability Appeals**

If the claim for short-term disability is denied, a notice of an adverse benefit determination will be provided in writing. This notification will include:

- Specific reason(s) for the determination;
- Reference to specific provision(s) on which the determination is based;
- Description of additional material or information necessary to complete the claim and why such information is necessary;
- Description of plan procedures and time limits for appealing the determination;
- Right to obtain information about those appeal procedures and the right to sue in federal court;

- Disclosure of any internal rule, guidelines, protocol or similar criterion relied on in making the adverse determination (or state that such information will be provided free of charge upon request).

A written request for an appeal must be submitted to DePaul's leave administrator within thirty (30) calendar days from the receipt of notice of an adverse benefit determination. The appeal should include any written comments, documents, or other information in support of the appeal. Reasonable access to copies of all documents, records or other information relevant to the determination will be provided. Any requests for appeal received after thirty (30) calendar days will not be accepted. Requests for appeals should be sent to the address specified in the denial letter. A decision on review will be made no later than forty-five (45) days following receipt of the written request for review. If the administrator determines that special circumstances require an extension of time for a decision on review, the review period may be extended by an additional forty-five (45) days (90 days in total). The administrator will provide written notification if an additional forty-five (45) day extension is needed.

The review of the adverse benefit determination will take into account all new information, whether or not presented or available at the initial determination. The appeal decision will be determined independently of the initial determination. In the case of an adverse benefit determination based on medical judgment the administrator will consult with a health professional with appropriate training and experience.

If the appeal is denied, a written notice will be sent that will contain the specific reason(s) for the determination, provision(s) on which the determination is based, a statement disclosing any internal rule, guidelines, protocol or similar criterion relied on in making the adverse determination (or a statement that such information will be provided free of charge upon request), and a statement describing the right to bring a civil suit under federal law.

Unless there are special circumstances, this administrative appeal process must be completed before any legal action can be taken regarding the claim.

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## **Divisional Collaborations**

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Compliance & Risk Management

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## **Contact Information**

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### **Office of Human Resources**

14 East Jackson Boulevard  
13th Floor  
Chicago, Illinois 60604

(312) 362-8500

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## **Appendices**

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[DePaul University Leave of Absence website](#)

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## **History/Revisions**

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Origination Date: 12/09/1996

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