



# Paid Sick Leave Policy for Personal Assistants

New York State

## PAID SICK LEAVE POLICY FOR PERSONAL ASSISTANTS

**Coverage:** This policy applies to all Personal Assistants utilizing the Fiscal Intermediary's services.

**Purpose of Policy:** The benefits described herein will be used to satisfy the requirements under the New York State Paid Sick Time Law. To the extent there is any contradiction between this policy and any laws, the law will govern.

**Effective Date of Policy:** September 30, 2020

Accrual: Personal Assistants will accrue one (1) hour of paid time off ("Sick Time") for every 30 hours worked, with a maximum annual accrual of 56 hours.

Personal Assistants will begin to accrue Sick Time under this policy upon hire and/or on September 30, 2020, whichever comes first. However, any Sick Time earned under this policy cannot be used as Sick Time until January 1, 2021.

**Definitions:** For purposes of this policy,

1. "Year" means the 12-month period beginning on the date of a Personal Assistant's hire, for the first year of employment. Thereafter, year will be based on the calendar year.
2. "Sick Time" means paid time off that is granted to the Personal Assistant in accordance with the State Paid Sick Time Law.
3. "Family Member" includes an Personal Assistant's child, grandchild, current or former spouse, current or former domestic partner, parent, sibling, or grandparent, a child or parent of an Personal Assistant's spouse or domestic partner, any other individual related by blood to the Personal Assistant, and any other individual whose close association with the Personal Assistant is the equivalent of a family relationship.
4. "Parent" means a biological, foster, step or adoptive parent or a legal guardian of a Personal Assistant or a person who stood in loco parents when the Personal Assistant was a minor child.
5. "Child" means a biological, adopted, or foster child, a legal ward, or a child of a Personal Assistant standing in loco parentis.

**Permitted Uses of Sick Time:** Time accrued under this policy may be

used for the following reasons:

1. The Personal Assistant's own mental or physical illness, injury, or health condition need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition, or need for preventive medical care.
2. Care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition or needs preventive medical care (also referred to as "Sick Time").
3. An absence due to any of the following reasons when the Personal Assistant or the Personal Assistant's family member has been the victim of a family offense matter, sexual offense, stalking, or human trafficking (referred to as "Safe Time"):
  - a. to obtain services from a domestic violence shelter, rape crisis center, or other shelter or services program for relief from a family offense matter, sexual offense, stalking or human trafficking.
  - b. to participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the Personal Assistant or Personal Assistant's family members from future family offense matters, sexual offenses, stalking or human trafficking.
  - c. to meet with a civil attorney or other social service provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding, including but not limited to, matters related to a family offense matter, sexual offense, stalking, human trafficking, custody, visitation, matrimonial issues, orders of protection, immigration, housing, discrimination in employment, housing or consumer credit;
  - d. to file a complaint or domestic incident report with law enforcement.
  - e. to meet with a district attorney's office.
  - f. to enroll children in a new school; or
  - g. to take other actions necessary to maintain, improve, or restore the physical, psychological, or economic health or safety of the Personal Assistant or the Personal Assistant's family member or to protect those who associate or work with the Personal Assistant.

**Increments of Leave:** Sick Time accrued and used under this policy may be used in increments of four hours or higher.

**Notice of Leave Related to Sick Time Only:** Personal Assistants must

give as much notice as practical under the circumstances for use of Sick Time (but no less than 7 calendar days' notice) for foreseeable or pre-scheduled absence. However, where it is not feasible to give advance notice, the Personal Assistant must notify his or her coordinator as soon as practicable in the circumstances. Failure to give proper notice, where notice is possible, may result in denial of the leave or disciplinary action.

**Documentation Related to Safe and Sick Time Leave Only:** Personal Assistants who use more than three (3) consecutive workdays as Sick Time will be asked to provide documentation confirming that leave was taken for a reason enumerated in this policy.

To the extent Sick Time is used for more than 3 consecutive days of Safe Time, the Company may require documentation signed by an Personal Assistant, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional service provider from whom the Personal Assistant or that Personal Assistant's family member has sought assistance in addressing family offense matters, sex offenses, stalking, or human trafficking and their effects; a police or court record; or a notarized letter from the Personal Assistant explaining the need for such time. The Personal Assistant will not be required that the documentation specify the details of the family offense matter, sexual offense, stalking, or human trafficking. Subject to the above exceptions, documentation must be submitted to the Company no more than seven (7) days upon return to work and must confirm the need for use of Sick Time in accordance with the above permitted uses.

Delay or failure to provide such documentation can lead to disciplinary action up to an including termination.

**Confidentiality Related to Safe and Sick Time:** The Company will not require the disclosure of details relating to an Personal Assistant's or his or her family member's medical condition or require the disclosure of details relating to an Personal Assistant's or his or her family member's status as a victim of family offenses, sexual offenses, stalking, or human trafficking as a condition of providing Sick Time.

Health information about an Personal Assistant or an Personal

Assistant's family member, and information concerning an Personal Assistant's or his or her family member's status or perceived status as a victim of family offenses, sexual offenses, stalking or human trafficking obtained solely for the purposes of utilizing leave under this policy will be treated as confidential and will not be disclosed except by the affected Personal Assistant, with the written permission of the affected Personal Assistant or as required by law.

**Carry-Over and Forfeiture at Termination:** Accrued and unused Sick Time will not be paid out at the end of the Year. Notwithstanding the preceding sentence, Personal Assistants will be permitted to carry over accrued and unused Safe and Sick Time from one Year to the next, but will not be permitted to use more than 56 hours of Safe and Sick Time in any given Year.

All accrued and unused Sick Time will not be paid out upon termination of employment, regardless of the reasons for said termination. Therefore, Personal Assistants are strongly encouraged to use up their Sick Time benefit while employed.

**Discipline:** Failure to adhere to the terms of this policy may result in discipline, including termination. Each case of suspected violations will be investigated by the Company. Personal Assistants, where appropriate, will be given an opportunity to provide a statement related to their adherence to this policy. The Company will make a determination on the proper course of action with respect to each Personal Assistant, based on the totality of circumstances.

**Relationship to Other Leaves:** Personal Assistants on a leave of absence pursuant to federal, state, or local law may be required to use any accrued Sick Time for such absences. Sick Time will not accrue for any Personal Assistant who is on an unpaid leave of absence.

Name of Caregiver \_\_\_\_\_

Signature of Caregiver \_\_\_\_\_ Date \_\_\_\_\_



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