



# Sick Leave

Guideline: HR025  
 Responsible Executive: Vice President  
 for Human Resources  
 Responsible Office: Office of Human  
 Resources  
 Approved by: Vice President of  
 Human Resources  
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## Policy Statement

Johns Hopkins University (“JHU” or “University”) recognizes the importance of balancing family, professional, and academic responsibilities faced by members of the University community and promoting the well-being of their families. Effectively integrating the professional and personal lives of University staff is essential to maintaining a vibrant, healthy, and productive community. The University is supportive of accommodating members of the University community who must take time away from work to care for or treat a mental or physical illness, injury, or condition for themselves or a covered family member.

## Who Is Governed By This Policy

All non-represented University full and part-time staff.

## Exceptions/Exclusions

Casual, limited and senior staff appointed and faculty are excluded from this policy. The use of sick leave is not considered protected leave unless it is protected by a federal or state law/regulation such as the Family and Medical Leave Act (FMLA), Maryland Flexible Leave, the Maryland Healthy Working Families Act, etc.

## Policy Purpose

Sick leave is absence with pay for time lost due to an illness or injury, pregnancy, dental or medical appointments of eligible staff members and covered dependents. The reason for taking sick leave may qualify as a 'serious health condition' under FMLA. If the staff member qualifies and the reason for taking the sick leave qualifies, the Family and Medical Leave (FML) policy must be followed. This policy is to cover self, child, parent, spouse and domestic partner relationships.

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**Definitions**

<b>Administrative transfer</b>	An involuntary movement of an employee from one organization's payroll to another which is initiated by one of the covered organizations following a determination using the employment-based criteria guidelines as established between JHU and JHHS. Generally, the primary functions of the employee's position will not change as the result of an administrative transfer. The staff member will be terminated from one organization and hired into another with no loss of service. Vacation leave is paid out and sick leave is transferred to the receiving organization.
<b>Benefits eligible status</b>	A staff member employed in either a full or part-time position. Individuals in senior staff appointed positions are not eligible for sick leave accrual.
<b>Child</b>	<ol style="list-style-type: none"> <li>1. A biological child, an adopted child, a foster child, or a stepchild of the staff member;</li> <li>2. A child for whom the staff member has legal or physical custody or guardianship; or</li> <li>3. A child for whom the staff member stands in loco parentis, regardless of the child's age.</li> </ol>
<b>Domestic Partner</b>	A domestic partner is a non-related adult with whom you are in a committed relationship. Both you and your domestic partner must be at least 18 years old, committed as a family in a long-term relationship of indefinite duration and are socially, emotionally, and financially interdependent in an exclusive mutual commitment in which you agree to be responsible for each other's common welfare and share financial obligations.
<b>Full time position</b>	A regular position planned to last longer than six months requiring a minimum of 28 hours per week to be worked on a regularly scheduled basis or an actual salary of 75% or more of the full-time equivalent annual salary. Refer to the <a href="#">Position Categories Policy</a> for additional details.
<b>In loco parentis</b>	A relationship in which a person puts himself or herself in the situation of a parent by assuming and discharging the obligations of a parent to a child. The <i>in loco parentis</i> relationship exists when an individual intends to take on the role of a parent to a child who is under 18 or 18 years of age or older and incapable of self-care because of a mental or physical disability.
<b>Immediate family member</b>	Spouse, domestic partner, child and parent which includes parent-in-law.

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<b>JHU Retirement Eligibility</b>	To qualify as a JHU retiree, you must meet one of these conditions: <ul style="list-style-type: none"> <li>• Be at least 55 years old and have completed 10 or more years of continuous full-time services immediately prior to termination, or</li> <li>• Have completed 30 more years of continuous full-time services immediately prior to termination, regardless of age.</li> </ul> More information on retirement eligibility can be found on the Benefits website: <a href="https://hr.jhu.edu/benefits-worklife/retirement/prospective-retiree/">https://hr.jhu.edu/benefits-worklife/retirement/prospective-retiree/</a>
<b>Non-standard work schedule</b>	A weekly work schedule that does not evenly distribute the scheduled weekly hours over five (5) days. It is also referred to as an alternate work schedule.
<b>Parent</b>	Biological, adoptive or foster parent, a stepparent, a legal guardian, a person standing in loco parentis or a parent-in-law.
<b>Part-time position</b>	A regular position planned to last longer than six (6) months requiring fewer than 28 hours per week, but at least 19 hours per week, to be worked on a regularly scheduled basis. The actual annual salary for a part-time position must be less than 75% but at least 51% of the full-time equivalent annual salary. Refer to the <a href="#">Position Categories Policy</a> for additional details.
<b>RIF Retirement</b>	Staff members involuntarily terminated due to a reduction in force who meet the JHU retirement criteria as described in the JHU Retirement Status definition above.
<b>SAIS</b>	School of Advanced International Studies is a division of Johns Hopkins University based in Washington, D.C. with campuses in Bologna, Italy; and Nanjing, China.
<b>Senior staff appointed</b>	Staff members who receive an official appointment letter. They are not required to maintain time and attendance records. Staff members classified as senior staff appointed are eligible for all senior staff benefits with the exception of sick and vacation leave and conversely are not paid out leave when they terminate or retire from active duty.  <i>Note: While clinical associates are classified as senior staff appointed, time and attendance records are maintained for them in the e210 system.</i>
<b>Spouse</b>	Husband or wife.
<b>Work schedule</b>	The number of hours the staff member is scheduled to work on a weekly basis.
<b>Work schedule rule</b>	The work schedule rule determines the amount of leave a staff member accrues in conjunction with their weekly work schedule. Individuals can have either a 35 (SAIS only), 37.5 or 40 hour per week work schedule rule. The work schedule rule is determined based on a combination of position, campus and/or the department. The work schedule rule determines the accrual of leave and pro-ration of leave for individuals who do not work at least 35, 37.5 or 40 hours per week.

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**Policy**

The University provides a maximum of 90 days of sick leave for eligible staff members who normally and customarily work at least 19 hours per week at an accrual rate of up to one (1) day per month. Sick leave is to be used while the staff member is actively employed.

**Procedures****Earning Sick Leave**

Full and part-time staff members accrue sick leave at the rate of up to one (1) day per month to a maximum of 90 days. Sick leave is accrued on a pro-rata basis for individuals whose weekly work schedule falls below the full time maximums of 35 (SAIS only), 37.5 or 40 hours per week. A staff member accrues sick leave in the same month that they begin employment in either a full or part-time capacity. The leave is available for use in the same month that it is earned.

Staff members on a paid leave will continue to accrue sick leave. Staff members on continuous unpaid leave at the end of the month, will not have access to any accrued sick leave in the upcoming month until they are returned from unpaid leave. Holiday codes must be removed if a holiday occurs during any period of unpaid leave.

Staff members whose weekly working hours is equivalent to their work schedule rule, earn the maximum sick leave of one (1) day per month. Individuals who work less than their work schedule rule, will receive sick leave on a pro-rata basis. To determine the staff member's full time percentage, divide the weekly work schedule by the work schedule rule. To determine the corresponding leave accrual, multiply the leave maximum (1 day) by the full time percentage. See examples below:

Work Schedule Rule	Work Schedule (hours per week)	FTE Percentage	Monthly Accrual of Sick (in days)
35.0	30.0	85.7%	0.857
37.5	30.0	80.0%	0.80
40.0	30.0	75.0%	0.75

**Taking Sick Leave**Recording Sick Leave

- Non-exempt staff may take sick leave in 15 minute increments, if available. Exempt staff must take sick leave in increments of not less than one-half day, if available, unless the leave qualifies under FML.
- Paid sick leave cannot be taken in advance of being earned. If paid sick leave is exhausted, non-exempt staff must charge absence to accrued vacation leave (if available) or leave without pay. Exempt staff must charge absences to vacation or, if one day or more, to leave without pay. If the staff member and the reason for taking sick leave qualify under the FML policy, pay for exempt staff members may be reduced for intermittent leave of less than one day. Otherwise, the pay for an exempt employee cannot be reduced for less than a full day even if no accrued leave is available.

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Taking Sick Leave with other Protected Leave

- A staff member who must be absent due to the illness or injury of a qualified family member or to accompany a qualified family member to a dental or medical appointment, may charge the absence to accrued sick leave or to sick and safe leave under the Maryland Healthy Working Families Act. Leave for these purposes can also be charged as sick, vacation or floating holiday under the guidelines of the Maryland Flexible Leave Act. Refer to the [Sick and Safe Leave Policy](#) and [Procedures for Administering Maryland's Flexible Leave Act](#) for more details.
- Staff members must use accrued sick leave, if available, when the absence qualifies under FML. Vacation leave may be used in lieu of sick leave if vacation leave balances are maxed out or close to the vacation limit.

Reporting an Absence

- A staff member must follow departmental procedures for reporting an absence. When requesting leave, the staff member needs to identify if the leave is for self or an immediate family member, the relationship (if applicable) and the leave to be charged. Confirmation of the relationship may be required (examples: birth certificate, marriage certificate, adoption document, benefits domestic partner document, etc.).
- A written statement from the attending physician may be required. If the absence is three or more consecutive workdays or parts of three consecutive workdays, a medical certificate is required and must be presented to Occupational Health prior to returning to active duty.

Returning from Sick Leave

- Staff members who return to work following sick leave or authorized leave of absence for health reasons are granted full reinstatement rights. Refer to the Health Screening Policy for more details.
- Staff members who have been absent due to serious illness must provide statements from their licensed health care provider stating that they are able to return to work before being allowed to return. Individuals must notify their supervisors immediately upon release from their licensed health care provider in order to arrange for an appropriate reporting back to work date. Refer to the Health Screening Policy for more details.
- Staff members are expected to comply with department procedures related to notifying their department if/when they are able to return to work. If an employee believes that they require accommodation(s) in order to be able to perform the essential functions of their position upon their return, then the employee should notify their department [or the Office of Institutional Equity] in order to discuss their particular situation and explore available options.
- If a staff member does not expect to return to work following sick leave and/or leave of absence, the individual must submit a written resignation to be effective at the end of the authorized sick leave/leave of absence period.

University Holidays and University Closures while using Sick Leave

- University holidays occurring during a paid leave are not charged against the staff member's sick balance. If the University officially closes while the staff member is on a paid leave, the time the University is officially closed will not be charged to accrued sick leave. However, the University must be officially closed for at least

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one-half day. Staff in unpaid status are not eligible for holidays or university closures that occur while on unpaid leave.

Unauthorized Use of Sick Leave

- Sick leave cannot be used for non-health related absences for self or covered dependents.

**Sick Leave Usage and Accrual with Short Term Disability, Long Term Disability and Worker's Compensation Benefits**

A staff member who is approved for Short Term Disability (STD) benefits must use accrued sick or vacation leave to cover the portion of leave not paid by the disability benefit provider, if the leave is available. The combination of accrued leave and STD payments from the disability benefit provider cannot exceed 100% of the staff member's pre-disability income. If you receive more than 100% of your pay, you will be required to return any overpayment that you receive. The staff member's leave accrual remains the same during the short term disability period.

A staff member who is approved for Long Term Disability (LTD) benefits cannot use sick time to cover the portion of leave not paid by the disability benefit provider. Vacation leave may be used for this purpose but must be requested in writing and submitted to your supervisor or department HR contact. Sick leave accrual is pro-rated based on the number of hours the staff member works and/or the amount of paid leave used during LTD.

A staff member who is approved for Worker's Compensation benefits for lost wages and who is unable to work can elect, in writing, to supplement the benefit first with accrued sick leave and then with vacation leave, if available.

The request must be submitted to your supervisor or departmental HR contact. Sick leave accrual is pro-rated based on the number of hours the staff member works and/or the amount of paid leave used during the disability period.

**Sick Leave Usage and Accrual for Staff Working Non-Standard Schedules**

Staff members who work a non-standard work schedule accrue sick leave based on their scheduled weekly hours and the work schedule rule assigned to their position.

When using sick leave, the amount of time reduced from the staff member's sick balance is calculated by dividing the scheduled daily hours by the standard day (7, 7.5 or 8). The daily usage of sick leave will vary based on the number of hours scheduled on the day the sick leave is utilized. See examples below:

Standard Day	Weekly Working Hours	Work Schedule (days)	Scheduled Daily Hours	Daily Usage of Sick time (in days)
7.5	37.5	5	7.5	1.0
7.5	37.5	4	9.38*	1.25
8.0	40.0	5	8.0	1.0
8.0	40.0	4	10.0	1.25

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*\*The schedule must equal 37.5 so there will be one day that will be represented as 9.37 hours.*

Exempt staff working a non-standard schedule are to manage their time off as an exempt employee even though the e210 appears in hours instead of days. Leave is to be charged/taken in full and half day increments except when the absence qualifies under FML. A half day is calculated by dividing the total hours scheduled that day by two (2).

**Position Transfers**

Staff members transferring between departments within the University retain their accrued sick leave as long as they remain in a full or part-time position that is eligible for leave accrual. Individuals classified as senior staff appointed do not accrue sick leave.

Staff members transferring from faculty or appointed positions to full or part-time positions that are eligible for leave accrual will be credited with 1/2 day of sick leave for each complete month of prior full-time service not to exceed the maximum staff accrual of 90 days. Clinical associates are excluded. Contact [HRComplianceSvcs@jhu.edu](mailto:HRComplianceSvcs@jhu.edu) for assistance with crediting the leave.

Staff members transferring from a benefits eligible position to a non-benefits eligible position (includes hourly student positions), will have their sick and safe leave balance transferred to the new position. Staff transferring to a faculty, executive or appointed position will forfeit their accrued sick leave balance. Refer to the [Sick and Safe Leave Policy](#) for details.

Current staff members that transfer from a non-benefits eligible position to a benefits eligible position may have their entire sick balance reinstated if the transfer occurs within six months of the change to a casual, limited or student position if they meet JHU reinstatement eligibility requirements.

**Administrative Transfers**

Individuals who administratively transfer to one of the eligible Johns Hopkins entities, will have unused sick leave available at the time of transfer transferred to the receiving organization. Their University years of service will be used to calculate their leave accrual at the receiving organization.

**Termination**

Sick leave accrual continues through the month of termination provided the staff member works or is in a paid status for at least one day in the month of termination.

Sick leave is not paid out at termination unless the staff member qualifies for JHU retiree status. Part-time staff are not eligible for JHU retiree status but can receive payout for unused sick leave if they satisfy the JHU retiree status (age and/or year of service). See Retirement/RIF Retirement section below.

A staff member who has been employed for one continuous year in a benefits eligible position will have unused sick leave outstanding at the time of termination reinstated if the staff member returns to a benefits eligible position within six (6) months of the termination date.



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Staff members terminated for lack of funds or abolishment of position who are rehired within a twelve (12) month period will have unused sick leave outstanding at the time of termination reinstated. Staff members terminated using the completion of contract reason code do not qualify for 12 month reinstatement.

A staff member who returns to employment within 37 weeks or 259 calendar days from termination of all active assignments and does not meet the six (6) or twelve (12) month JHU reinstatement criteria listed above, will have unused Maryland sick and safe leave reinstated up to a maximum of 80 hours.

**Retirement/RIF Retirement**

Staff who retire after completing 30 or more years of continuous full-time University service immediately prior to retirement or who retire at 55 years of age or older and have at least 10 years of continuous full-time University service immediately prior to retirement, will be paid out unused sick leave in excess of 45 days at the time of retirement.

Part-time employees with the same age and years of service as full-time employees will also receive payment for unused sick leave in excess of 45 days but are not eligible for JHU retiree status.

Staff who retire and return to active full or part-time employment are not eligible for reinstatement of unused sick leave unless they return to employment within 37 weeks of termination and had unused sick and safe leave available at retirement. Only the Maryland sick and safe leave balance will be reinstated.

**Policy Enforcement**

<b>Enforcement</b>	<p>The Office of Human Resources is responsible for enforcing this Policy.</p> <p>The Office of Human Resources is responsible for investigating suspected violations, and may recommend disciplinary action, up to and including termination or dismissal in accordance with any applicable University policy or process.</p>
<b>Reporting Violations</b>	<p>Suspected violations of this Policy should be reported to the Office of Human Resources, or to the Speak2Us Compliance Hotline at 844-SPEAK2US (844-773-2528) or via the <a href="#">online form</a>.</p>



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**Related Resources**

<b>University Policies and Documents</b>
<a href="#">Health Screening Policy</a>
<a href="#">Holiday Policy</a>
<a href="#">Procedures for Administering Family and Medical Leave</a>
<a href="#">Procedures for Administering Maryland's Flexible Leave Act</a>
<a href="#">Maryland Sick and Safe Leave Policy</a>
<a href="#">Vacation Policy</a>
<b>External Documentation</b>
<a href="#">E210 Code Definitions</a>
<b>University Forms and Systems</b>
<a href="#">The E210 System</a>

**Contacts**

Subject Matter	Office Name	Telephone Number	E-mail/Web Address
Confidential Counseling and Referral Services	mySupport	443-997-7000	<a href="https://www.resourcesforliving.com/login">https:// www.resourcesforliving.com/ login</a>  Username and Password: JHU
Disability Services and Accommodations Requests	Office of Institutional Equity	410-516-8075	<a href="mailto:oiedisability@jhu.edu">oiedisability@jhu.edu</a>

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Subject Matter	Office Name	Telephone Number	E-mail/Web Address
Health and Occupational Safety	Occupational Health Services	East Baltimore: 410-955-6211  Eastern: 443-997-1700	<a href="https://www.hopkinsmedicine.org/hse/occupational_health/">https:// www.hopkinsmedicine.org/hse/ occupational_health/</a>
Policy Clarification and Interpretation	HR Compliance Services	443-997-2157	<a href="mailto:HRCComplianceSvcs@jhu.edu">HRCComplianceSvcs@jhu.edu</a>  <a href="mailto:HealthSciencesLeave@jhu.edu">HealthSciencesLeave@jhu.edu</a>