



The College at Brockport  
State University of New York

**Policy Title:**  
Sick Leave Abuse

**Responsible Office: Human Resources**

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### **Policy:**

Unlike vacation, personal and compensatory leave accruals, sick leave accruals are NOT an entitlement. The use of sick leave accruals is limited to times when employees are ill or in specific cases where the rules of attendance permit their use (e.g., death in the family). An employee who uses accruals as they are earned or misuses their leave credits can be subjected to discipline or further monitoring. These could range from counseling memos (sick watch), which would require a physician's statement upon absences, to disciplinary action that could lead to loss of pay, suspension and/or discharge from state service. Employees may be required to submit to a fitness for duty medical examination from the New York State Employees Health Service.

Sick leave accruals are a valuable asset. They protect employees from economic losses during illness. Upon retirement, unused sick leave can be converted to defray the cost of your health insurance. It is to your advantage to accumulate sick leave accruals as insurance for the future.

It is very important to maintain a good attendance record. The campus attaches considerable importance to reliable attendance and it is a significant factor in appointment and promotion decisions and daily operation.

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### **Procedure:**

#### **Usage of Sick Accruals:**

- Employees are eligible to accrue up to a maximum of 200 sick days.
- Sick leave accruals can be used for medical and dental appointments, sick related absences and periods of disability supported by medical documentation.
- Employees may not use sick accruals when they are no longer sick/disabled.
- Absences due to illness must be reported to the supervisor as soon as possible.
- Sick related absences of 5 days or more require medical documentation to be submitted upon return to work.
- Classified employees may use up to a maximum of 15 days per calendar year of their accumulated sick leave, for absences necessitated by a death or illness in the employee's immediate family.
- Professional Staff and Faculty may use up to a maximum of 30 days per calendar year of their accumulated sick leave, for absences necessitated by a death or illness in the employee's immediate family.
- FMLA leave should be requested for sick related absences extending 10 days or more.
- Absences attributed to approved FMLA leave (Family Medical Leave Act) must be documented as such on an employee's time sheet.
- Employees on a sick related medical leave for a period of 10 days or more must submit medical documentation to Human Resources. Employees on a related medical leave for an extended period of time must submit medical documentation to Human Resources periodically. When an employee is able to return to work, they must submit medical documentation to Human Resources (48 hours before the scheduled return to work date), which clears the employee to return to full duty.

**Review of time records:**

Accurate time records are essential in monitoring the use of paid leave. Regular review by supervisory staff helps to ensure against and detect excessive or inappropriate use, and will allow for intervention and corrective action when abuse is suspected. Supervisors should pay particular attention to the usage of sick leave accruals when authorizing timesheets.

**Indications of Possible Abuse:**

- Frequent use of sick leave accruals, unusually low accrual balance, and/or usage of sick leave accruals as they are earned
- Usage of sick leave to extend weekends, excessive absenteeism on Mondays and Fridays
- Usage of sick leave to extend holidays, absenteeism on the day before or after a holiday
- Usage of sick leave on days previously requested and denied as vacation
- Failure to produce requested medical documentation
- Employees use an average of 8 days of sick leave per year, usage above this average may be an indication of abuse

**Corrective Action:**

Identification of abuse of sick time requires good judgment and discretion on the part of the supervisor. If abuse of sick time is suspected the supervisor is encouraged to have an informal discussion regarding the suspected abuse with the employee. If during this discussion a legitimate use of sick time is not discovered, the supervisor is encouraged to follow departmental procedures or consult with Human Resources for further direction.

Further action may include:

- Counseling memos
- Requirement of medical documentation
- State doctor's examination
- Loss of pay
- Suspension or discharge from state service

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Reference(s):

SUNY Brockport: Summary of Attendance Guidelines: <http://www.brockport.edu/hr/payroll/attendance.html>

'Agreement between United University Profession and the State of New York' –Article 23.4 Sick Leave

State University of New York Classified Employment and Benefit Handbook:

<http://www.brockport.edu/hr/resources/documents/Classified%20Handbook.doc>