

Procedure Type: District Procedure

Procedure Title: Michigan’s Earned Sick Time Act - ESTA

Procedure Affects: Part-Time Staff

Purpose: To establish guidelines for providing appropriate sick time hour accrual for staff, in compliance with the Michigan Earned Sick Time Act – ESTA.

Procedure:

Part-Time staff, Adjunct Faculty and student employees (over the age of 18) will accrue 1 hour of sick time for every 30 hours worked. The maximum sick leave that can be accrued or used in one year is 72 hours. They also may carry over a maximum of 72 hours from one year to the next. For the purpose of this procedure a year is defined as the college fiscal year, July 1 – June 30. Employees will not accrue sick hours during time off work. Effective February 21, 2025, all newly eligible employees (not including full-time) will begin accruing sick leave and can use it 120 days after hire. The sick hour accrual for full-time staff exceeds ESTA requirements.

Sick leave will be paid at the normal hourly pay rate for all employees and must be used in no less than one-hour increments. Employees will not be paid out their unused sick leave upon termination, resignation, retirement or other separation of employment.

An employee may use earned sick time for any of the following:

- A. The employee’s mental or physical illness, injury or health condition; medical diagnosis, care or treatment of the employee’s mental or physical illness, injury, or health condition; or preventative medical care for the employee.
- B. For the employee’s family member’s mental or physical illness, injury, or health condition; medical diagnosis, care or treatment of the employee’s family members’ mental or physical illness, injury or health condition; or preventive medical care for a family member of the employee.
- C. If the employee or the employee’s family member is a victim of domestic violence or sexual assault, for medical care or psychological or other counseling for physical or psychological injury or disability; to obtain services from a victim services organization; to relocate due to domestic violence or sexual assault; to obtain legal services; or to participate in any civil or criminal proceedings related to or resulting from the domestic violence or sexual assault.
- D. For meetings at a child’s school or place of care related to the child’s health or disability, or the effects of domestic violence or sexual assault on the child; or
- E. For the closure of the employee’s place of business by order of a public official due to a public health emergency; for an employee’s need to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency; or when it has been determined by the health authorities having jurisdiction or by a health care provider that the employee’s or employee’s family member’s presence in the community would jeopardize the health of others because of the employee’s or family member’s exposure to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease.

Qualifying family members include:

- A. Biological, adopted or foster child, stepchild, or legal ward, a child of a domestic partner, or a child to whom the employee stands in loco parentis.

- B. Biological parent, foster parent, stepparent, or adoptive parent or a legal guardian of an employee or an employee's spouse or domestic partner or a person who stood in loco parentis when the employee was a minor child.
- C. A person to whom the employee is legally married under the laws of any state or a domestic partner.
- D. A grandparent.
- E. A grandchild.
- F. A biological, foster or adopted sibling.

The use of sick leave must be approved by the supervisor and reported through a time off request or the employee's time card to Payroll.

ESTA hours will be front-loaded for our Adjunct staff based on hours worked in each term, which is determined by the VP of Instruction and included in their contract. ESTA hours will also be front-loaded for salaried part-time Professional staff.

ESTA hours are not in addition to current paid sick leave provided by the College. Meaning, for full-time employees receiving paid sick leave, the College is using that paid sick leave to satisfy its ESTA earned sick time obligation. For example, before this Procedure went into effect, a full-time employee working 40 hours per week receives 96 hours of sick leave annually. Now, such an employee will still receive 96 hours of leave annually, but part of it would consist of earned sick time (i.e., ESTA hours) and part of it would consist of sick leave.

When returning to work after three (3) or more consecutive days, the employee must provide the College Human Resources Office with documentation that ESTA hours were used for an ESTA purpose, within 15 days. If an employer chooses to require documentation for earned sick time, the employer is responsible for paying all out-of-pocket expenses the employee incurs in obtaining the documentation.

If an employee is rehired within two months of separation of employment, their ESTA hours will be reinstated upon rehire.

Employees will not be penalized or retaliated against in any way for requesting to use accrued paid sick time. Eligible employees have the right to file a complaint with the Michigan Department of Labor and Economic Opportunity with concerns regarding any of these rights being violated.

If any provision(s) of this policy or set of bylaws conflicts with laws applicable to Northwestern Michigan College, including the Community College Act of 1966, the Freedom of Information Act, or the Open Meetings Act, as each may be amended from time to time, such laws shall control and supersede such provision(s).