



Earned Sick Time

POLICIES AND GUIDELINES

Policy Statement

This policy is based upon the premise that the University and employees share a common concern for both the work that needs to be done and the wellbeing of those who perform the work. Accordingly, employees are expected to come to work when they are well and to remain at home when they are ill, and where eligible under this policy, to care for family members, and for any other reason required by applicable paid sick leave laws.

Reason for Policy

Harvard's earned sick time policy has been designed to provide protection against loss of pay due to absences from work necessitated by illness or injury.

Who Must Comply

All Harvard employees, including regular employees, less than half time employees, temporary employees, co-op student employees, and paid interns are eligible for earned sick time under this policy, as described below and as required by applicable law(s). Bargaining unit workers should consult their collective bargaining agreement.

Responsibilities and Procedures

Earned Sick Time Accrual and Use

1) Accrual for Regular Employees

Regular employees begin to accrue earned sick time upon commencement of employment. Each employee who is regularly scheduled to work 17.5 hours or more per week accrues earned sick time at the rate of one day per month of completed service. Part-time employees accrue earned sick time on a prorated basis as described in the "[Accrual Rates](#)" policy. Accrued days that are not used are "banked" for future use, and are not to exceed a total of 130 days or as permitted by law.

2) Accrual for Less Than Half Time and Temporary Employees, Including Co-op Student Employees and Paid Interns

Less Than Half Time (LHT) employees, temporary employees, co-op student employees, and paid interns begin to accrue earned sick time upon commencement of employment. Employees accrue one hour of earned sick time for every 30 hours worked, up to a maximum accrual of 40 hours of earned sick time each fiscal year (July 1 – June 30). Earned sick time shall be based only on actual

hours worked. Accrued earned sick time that is not used is “banked” for use in the next fiscal year, and is not to exceed a total of 40 hours or as permitted by law.

Certain student employment (federal work-study, financial aid, scholarship programs; residential support services in exchange for reduced/waived education related expenses; students exempt from Federal Insurance Contributions Act tax pursuant to 26 U.S.C. § 3121(b)(10)) may not be covered by earned sick time law. (See example 940 CMR 33.02 student employee exceptions)

3) Using Earned Sick Time

Employees can use earned sick time to care for their own physical or mental illness, injury or medical condition, or for a physical or mental illness, injury or medical condition affecting the employee or the employee’s child, spouse, parent, or parent of a spouse; to attend routine medical appointments (including travel time) for the employee or these individuals; for other purposes covered by applicable law, or to address the psychological, physical or legal effects of domestic violence on the employee or the employee’s family member, as defined in Harvard’s Domestic Violence Leave policy. More information may be found in the [“Domestic Violence Leave”](#) policy under the [Time Away From Work](#) section.

Earned sick time may run concurrently with time off provided under the Family and Medical Leave Act, the Massachusetts Parental Leave Act, the Massachusetts Domestic Violence Leave Act, MA Paid Family and Medical Leave Act, and any other leave laws that allow employees to use leave for these same purposes.

Employees must provide reasonable advance notice to their supervisor of the need for use of earned sick time, except in emergencies. In the case of a pre-scheduled or foreseeable absence, the employee ordinarily should provide seven days’ advance notice. If the employee’s need for sick time is unforeseeable, the employee should provide as much notice as is reasonable under the circumstances.

a. Use by Less Than Half Time and Temporary Employees, Including Co-op Student Employees and Paid Interns

LHT and Temporary Employees may begin to use earned sick time when they have been employed for 90 days. Those who have been employed for at least 90 days as of July 1, 2015, may use earned sick time as it accrues. LHT and Temporary Employees may use up to 40 hours of earned sick time per fiscal year. The smallest amount of earned sick time that may be used is one hour. For uses beyond one hour, employees may use earned sick time in hourly increments or in the smallest increment used to account for absences or use of other time. Please note that in operations where an employee’s use of earned sick time requires the department to hire a replacement or call in another employee to perform the absent employee’s work, Harvard may require the absent employee to utilize an equal number of hours of earned sick time as those worked by the replacement or call-in employee. See 940 CMR 33.03(18).

b. Use for Family Care

When the illness of someone in the employee’s immediate family or household requires the employee’s absence from work, the employee may charge up to 12 days or up to 40 hours, whichever is more, of such absence in any fiscal year (July 1 - June 30) to accrued earned sick time. For purposes of this policy, “immediate family” includes children, step-children, spouses, parents, step-parents, parents-in-law, qualified domestic partners and court appointed wards;



and household includes individuals currently living at the employee's residence. Harvard permits employees to use sick time for additional family members as permitted by local applicable paid sick leave laws.

c. Extended Personal Illness

A regular employee who is unable to work due to illness or injury for longer than two consecutive calendar weeks may be eligible for benefits under the [Short Term Disability Program](#) for up to 26 weeks (including the two week waiting period). After six months of absence due to illness or injury, a regular employee may be eligible for benefits under the [Long Term Disability Plan](#), provided the employee has elected to participate in this plan.

d. Work-Related Injury/Illness

If you have a work-related injury/illness, please refer to the [Workers' Compensation policy](#) information.

Documenting Earned Sick Time Use and Abuse

Normal use of earned sick time will not interfere with the overall productivity of the department and will not be used as a negative factor in any employment action. However, it is appropriate to take corrective steps if an employee abuses earned sick time (e.g., calls in sick when in fact the employee is absent for a reason that is not consistent with allowable purposes for use of sick time) or if an employee has a pattern of misuse (e.g., absences just before or after a weekend, vacation, personal day, recess, or holiday). These corrective steps may include informal or formal disciplinary warnings. In some cases, the eventual action may be termination.

Documentation may be required when an employee's use of earned sick time results in an absence of more than three consecutive scheduled work days or more than 24 consecutive scheduled work hours, or occurs after four unforeseeable and undocumented absences within a three-month period. Documentation may include a signed statement by a health care provider indicating the need for the earned sick time taken. Ordinarily employees must submit such documentation within seven days after taking earned sick time. If an employee fails to comply with documentation requirements, the amount paid for earned sick time may be deducted from future pay as an overpayment.

Other Earned Sick Time Practices

1) Accruals During a Leave of Absence

Earned sick time does not accrue while an employee is on a leave of absence without pay.

2) Using Earned Sick Time During a Vacation

If a serious illness or injury, such as one requiring hospitalization, effectively prevents the use of part or all of a vacation period as such, employees may have the period of time during which they are seriously ill charged to any accrued earned sick time rather than to vacation pay. It is



the employee's responsibility to notify their supervisor when this occurs. Documentation may be required.

3) Earned Sick Time Use During a Holiday or Winter Recess

A regular employee who is sick on a holiday or during Winter Recess receives regular holiday pay or Winter Recess pay for that day and the day is not subtracted from the employee's accrued earned sick time balance.

4) Unused Accrued Earned Sick Time

An employee will not be paid for any unused accrued earned sick time upon termination of employment, but may be credited with previously accrued sick time upon reemployment, as follows:

a. Regular Employees

When a regular employee terminates Harvard employment, the total number of accrued sick days should be noted on the form to process the termination. A former employee who returns to regular Harvard employment will be credited with previously accrued sick time. If the break in service is longer than twelve months, the employee will be credited with previously accrued sick time after completing the orientation and review period. No more than 24 accrued sick days can be carried over from prior service.

b. Less Than Half Time and Temporary Employees, Including Co-op Student Employees and Paid Interns

Following a break in service of up to twelve months, LHT and Temporary Employees may use any unused earned sick time accrued before the break, and do not need to restart the 90-day vesting period in section (3)(a) above, Using Earned Sick Time. LHT and Temporary employees do not retain unused accrued earned sick time following a break in service of more than twelve months.

c. LHTs / Temps and Regular Employees Transferring Classifications

An eligible LHT/Temp who transfers to a regular employment classification may carry over as many as 40 accrued hours from prior LHT/Temp service. A regular employee who transfers to a LHT/Temp classification may carry over up to the maximum 40 accrued hours.

5) Defer to Local Law

This policy provides for coverage under local laws as required to allow any applicable additional benefits.



Contact

[Local Human Resources Offices](#)

[Office of Labor and Employee Relations](#)

Related Resources

[Massachusetts Attorney General – Earned Sick Time information](#)

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Harvard University Human Resources (“HHR”) provides this and other personnel related policies and procedures to provide general guidelines for employment, benefits, salary administration, and services available to covered staff members. This and other personnel related policies and procedures do not constitute a contract of employment or promise of any kind, and the University may change these policies and procedures unilaterally and without notice. HHR also reserves the right to determine the applicability of any policy or procedure to a particular situation and to depart from the guidelines contained in any policy procedure in a given case. Non bargaining unit staff members covered by these policies and procedures are employed on an at-will basis, meaning that either the employee or Harvard University may end the employment relationship at any time or for any or no reason.

Revision Notes

07/15/23 reformatted; clarified Who Must Comply; included accrual during paid leave (STD and WC); provided coverage under local laws.

10/12/23 added clarifying language for transferring employment classification and accrual carry over