

Section 5000 – Personnel

5355 Michigan Earned Sick Time Act

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Generally

Pursuant to the Michigan Earned Sick Time Act (ESTA), eligible employees may accrue and use paid leave once and only if the ESTA is in effect. Relevant provisions in collective bargaining agreements, individual employment contracts, or employee handbooks that may exceed the rights provided to employees under the ESTA will remain in place until modified.

Any collective bargaining agreement in effect on February 21, 2025, will remain in effect until the collective bargaining agreement's expiration date and will not be influenced by the ESTA. The ESTA does not preempt or override such collective bargaining agreements.

Definitions

1. Benefit Year: the 12 months from July 1 to June 30 each year.
2. All other terms defined in the ESTA apply to this Policy.

Eligibility

Employees are eligible to begin using accrued sick time under the ESTA after 90 calendar days of the employee's start date, unless otherwise provided in a collective bargaining agreement, individual employment contract, employee handbook, or the ESTA. Employees covered by a collective bargaining agreement in effect on February 21, 2025, are not "eligible employees" until the expiration of the collective bargaining agreement.

Accrual of Sick Time

Unless subject to a collective bargaining agreement, an employee will accrue earned sick time beginning February 21, 2025, or the employee's start date, whichever is later.

An eligible employee will receive one (1) hour of accrued sick time for each 30 hours worked. The employee may use up to 72 hours of accrued sick time in a single benefit year. Exempt employees for purposes of the Fair Labor Standards Act are assumed to have worked 40 hours per workweek unless the normal workweek is less than 40 hours. Accrued sick time will carry over from prior benefit years. The District may frontload accrued sick time in increments permitted under the ESTA.

If the ESTA is in effect, leave for circumstances permitted under the ESTA will run concurrently with other accrued paid leave benefits as allowed under the ESTA, including but not limited to paid vacation days, personal business days, and other paid time off. When eligible employees use other accrued paid leave benefits for ESTA qualifying circumstances, the employee's paid leave is first deducted from the accrued ESTA balance. Absences exceeding accrued sick time under the ESTA are governed by applicable collective bargaining agreements, individual employment contracts, employee handbooks, or Board Policy.

Qualifying Circumstances

An eligible employee may use accrued sick time for the following reasons:

1. An employee's or an employee's family member's physical or mental illness, injury, or other health condition; medical diagnoses, care, or treatment of an employee's mental or physical illness, injury, or health condition; or preventative medical care for an employee;
2. If an employee or an employee's family member is a victim of domestic violence or sexual assault, for medical or psychological care; to obtain services from a victim services organization; to relocate due to the domestic violence or assault; and to obtain legal services or participate in any civil or criminal proceedings related to or resulting from the domestic violence or assault;
3. For meetings at an employee's 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
4. For the closure of an employee's place of business or 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 health authorities having jurisdiction or a health care provider have determined that an employee's or an employee's family member's presence in the community would jeopardize the health of others due to exposure to a communicable disease, whether or not that individual has actually contacted the communicable disease.

Use of Leave under the ESTA

When an employee requests use of earned sick time, if the need to use leave is foreseeable, an employee must provide notice to the District of their intent to use accrued sick time at least seven (7) days prior to the leave start date. If the need to use leave is not foreseeable, an employee must provide notice to the District as soon as practicable. Upon District request for a leave of more than 3 consecutive days, an employee must provide the District with documentation that accrued sick time was used for an eligible purpose under the ESTA. The District will be responsible for paying the cost of obtaining the requested documentation.

For cases of domestic violence or sexual assault, sufficient documentation includes:

1. A police report indicating that an employee or employee's family member was a victim of domestic violence or sexual assault;
2. A signed statement from a victim and witness advocate confirmed the employee or employee's family member is receiving victim services organization services; or
3. A court document stating the employee or the employee's family member is involve in legal action related to or resulting from domestic violence or sexual assault.

All information and documentation mentioned above that is received from an employee about accrued sick time remains confidential and will not be disclosed, except to the employee, with the employee's written consent, or to the extent required under law.

Failure to comply with the notice procedures or document request in support of using accrued sick time may result in discipline, up to and including termination.

Unless provided otherwise in an employee's collective bargaining agreement, individual employment contract, or handbook:

1. Accrued sick time must be used in hourly increments;
2. An employee using accrued sick time may not receive overtime pay, holiday pay, or bonuses for the accrued sick time;
3. Upon termination or other separation from employment, an employee will lose accrued sick time unless the employee is rehired within six (6) months of the separation; and
4. Accrued sick time that is not used before an employee's termination or other separation from employment will have no monetary value, subject to the ESTA requirements to reinstate previously accrued and unused sick time if the employee is rehired within six (6) months of separation.

Notice and Recordkeeping

The District will:

1. Provide the Michigan Department of Labor and Economic Opportunity's notice to each eligible employee at hire or according to the timeline under the ESTA;
2. Display in a conspicuous location in each building the Michigan Department of Labor and Economic Opportunity's ESTA poster; and
3. Retain, for not less than three (3) years, records documenting hours worked and accrued sick time taken by employees.

Approved: May 12, 2025

LEGAL REF: MCL 408.934b, 408.961 et seq., *Mothering Justice v Attorney General*, No. 165325, 2024 WL 3610042 (Mich, July 31, 2024), opinion clarified 10 NW 3d 845 (Mich, 2024).

Grand Rapids Public Schools