


<b>HUMAN RESOURCES POLICY AND PROCEDURE MANUAL</b>	<b>SUBJECT: Absent – Sick Leave House Staff</b>
<b>APPROVED:</b>   <b>DAVID BRODSKY</b>	<b>POLICY NUMBER: III-3a</b>
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	<b>DATE ISSUED: 10/01/1971</b>
	<b>DATE REVIEWED/REVISED: 6/21/18</b>

**GENERAL POLICY:**


It is the policy of Montefiore Medical Center to provide sick leave benefits to eligible House Staff.

**POLICY APPLICABLE TO:**

All House Staff


**PROCEDURE:**

1. House Staff accrue paid sick leave at the rate of one (1) day per month. Pursuant to New York City’s Earned Safe and Sick Time Act (“ESSTA”), House Staff can use up to 5 of those days for safe or sick purposes.
2. A House Officer may be advanced sick time of up to one (1) year’s entitlement during a period of continuous disability.
3. A House Officer is responsible for notifying the Program Director, Residency Coordinator, or his/her Chief Resident (as determined by each program), when the House Officer is unable to report for duty on account of illness.
4. The Program Director or Residency Coordinator will keep records, in writing, of sick and safe time used by a House Officer.
5. House Staff who have been absent from work due to illness for more than five (5) consecutive days, must report to OHS for medical clearance before returning to work.
6. A House Officer who is absent for more than seven (7) consecutive calendar days due to illness or injury unrelated to his/her employment, must have the appropriate Disability Benefits Claim form completed by his/her physician.
7. If a House Officer becomes ill, or is injured on the job, the House Officer should report to OHS or the Emergency Department, if OHS is closed.

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8. Each House Officer is responsible for:

- a. Communicating the date he/she expects to return to work to his/her Program Director when the absence will continue for an extended period. A House Officer who is absent for a prolonged period of time must inform his/her Program Director of his/her status at least once per week.
- b. Providing proof that the illness or injury is bona fide when requested by the Department Head or Program Director.
  - i. However, medical documentation will not be required if a House Officer uses paid time off accrued under ESSTA unless a House Officer uses more than three consecutive workdays as sick leave under ESSTA. If the House Officer uses more than three consecutive workdays as sick leave under ESSTA, the following rules apply: (i) the House Officer will not have to disclose the nature of the illness, injury, or health condition; (ii) the House Officer will only be required to provide documentation from one licensed health care provider; (iii) the Medical Center will not specify that certain health care providers provide the documentation; and (iv) the House Officer will have at least seven days from the date he/she returns to work to submit such documentation.
  - ii. Safe leave documentation will not be required if a House Officer uses paid time off accrued under ESSTA unless a House Officer uses more than three consecutive workdays as safe leave under ESSTA. If the House Officer uses more than three consecutive workdays as safe leave under ESSTA, the House Officer will: (1) not have to specify the details of any act or threat of domestic violence or unwanted sexual contact, stalking, or human trafficking; and (2) the House Officer will have at least seven days from the date he/she returns to work to submit such documentation. Documentation signed by an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional service provider from whom the individual or that individual's family or household member has sought assistance in addressing family offense matters, sex offenses or stalking and their effects; a police or court record; or a notarized letter from the employee explaining the need for leave shall be considered reasonable documentation.
- c. Requesting for a disability form to be completed by his/her physician for all absences exceeding seven (7) consecutive calendar days and providing additional disability forms as required.
- d. Insuring that paid sick leave is used for bona fide injury or illness, e.g., paid sick time is

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granted only for the disability portion of a maternity leave (except as provided herein in compliance with ESSTA), additional leave may be taken as either personal holiday or unpaid leave of absence and will be administered by the Central Leave Administration Office.

9. House Staff Office is responsible for:
  - a. Completing Notification of Start and Return from Leave Form - DBL 1050 and submitting it to the Central Leave Administration Office if the absence exceeds seven (7) calendar days.
  - b. Requiring the House Officer to obtain clearance from OHS to return to training if the House Officer has been absent in excess of five (5) consecutive days.
  - c. Retaining the proof of illness.
  - d. Retaining documentation from a licensed health care provider when a House Officer uses more than three consecutive workdays under ESSTA as leave under ESSTA.
  - e. Retaining the safe leave documentation when a House Officer uses more than three consecutive workdays under ESSTA as safe leave.
10. A House Officer will be eligible for New York State Statutory Disability benefits after sick time is exhausted. The Medical Center will supplement the disability with a payment to bring the combination of disability and supplemental payment to two-thirds (2/3) of the House Officer's stipend up to the maximum benefits allowed under the plan during the approved disability period
11. A House Officer will be eligible to apply for Long-Term Disability benefits after 6 months of continued disability.
12. The Central Leave Administration Office will manage the leave for the duration of the leave.
13. When a House Officer's employment with Montefiore ends, any accrued but unused safe and sick time hours and vacation hours are forfeited.


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## Interplay with ESSTA

It is the Medical Center’s intent that House Staff entitled to safe and sick leave under this policy be able to use forty hours of safe and sick leave in a manner that is compliant with ESSTA. Accordingly, the following non-exclusive list of ESSTA requirements will be applied:

1. All House Staff will begin to accrue safe and sick time to use for ESSTA purposes on their first day of work and will be eligible to begin using safe and sick time 120 calendar days after the start of their employment.
2. House Staff may use sick time under ESSTA when:
  - a. The House Officer has a mental or physical illness, injury, or health condition; the House Officer needs to get a medical diagnosis, care, or treatment of a mental or physical illness, injury, or condition; the House Officer needs to get preventive medical care.
  - b. The House Officer must care for a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition, or who needs preventive medical care. Family member for ESSTA is defined as an employee’s child, grandchild, spouse, domestic partner, parent, grandparent, child or parent of an employee’s spouse or domestic partner, or sibling, or any individual whose close association with the employee is the equivalent of a family relationship.
  - c. The House Officer’s place of work closes due to a public health emergency or the House Officer needs to care for a child whose school or child care provider closed due to a public health emergency.
3. House Staff can use safe time under ESSTA when the House Officer or a family member may be the victim of any act or threat of domestic violence or unwanted sexual contact, stalking, or human trafficking and the House Officer needs to take actions necessary to restore the physical, psychological, or economic health or safety of the House Officer or the House Officer’s family members or to protect those who associate or work with the House Officer, including to:
  - a. Obtain services from a domestic violence shelter, rape crisis center, or other services program.
  - b. Participate in safety planning, relocate, or take other actions to protect the House Officer’s safety or that of the House Officer’s family members, including enrolling children in a new school.

# Montefiore

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- c. Meet with an attorney or social service provider to obtain information and advice related to custody; visitation; matrimonial issues; orders of protection; immigration; housing; discrimination in employment, housing or consumer credit.
  - d. File a domestic incident report with law enforcement or meet with a district attorney’s office.
4. Requirements regarding documentation when a House Officer uses safe and sick time under ESSTA is discussed above.

The Medical Center will not retaliate, nor tolerate retaliation, against House Staff who seek or obtain safe and sick leave that is protected by ESSTA. In particular, taking an adverse action against House Staff for exercising rights under ESSTA is not permitted. House Staff who have a good faith belief that their rights may have been violated may call the Compliance Hotline at (800) 662-8595. Any other questions about ESSTA may be directed to Labor & Employment Compliance Officer Ricardo Tapia, 3450 Wayne Avenue, Bronx NY 10467, tel: (718)-920-4998, email: [estaquestions@montefiore.org](mailto:estaquestions@montefiore.org).

*All Medical Center Human Resources policies and practices are guidelines and may be changed, modified or discontinued at any time by the Medical Center’s Senior Vice President of Human Resources, or designee, with or without notice. Exceptions do not invalidate the policy.*