

## Michigan Earned Sick Time Act (ESTA)

Title/Subject: **MICHIGAN EARNED SICK TIME ACT (ESTA)**Applies to:  Faculty  Staff  Students  Student Employees  Temporary Staff  Visitors  Contractors

Effective Date of This Revision: February 21, 2025

Contact for More Information: Human Resources, Faculty Personnel Services

 Board Policy  Administrative Policy  Procedure  Guideline**BACKGROUND:**

The Michigan Earned Sick Time Act (ESTA) was signed into effect on February 21, 2025. The Michigan Earned Sick Time Act replaces the Michigan Paid Medical Leave Act (PMLA).

**PURPOSE:**

The ESTA provides employees, unless otherwise ineligible under the Act, with the right to earn sick time for personal or family health needs, as well as purposes related to domestic violence and sexual assault and school meetings needed as the result of a child's disability, health issues, or issues due to domestic violence and sexual assault. For employees represented by a collective bargaining agreement, this Act applies beginning on the stated expiration date in the current agreement.

**DEFINITIONS:**

Family Member:

- A biological, adopted or foster child, stepchild or legal ward, a child of domestic partner, or a child to whom the employee stands in loco parentis.
- A biological parent, foster parent, stepparent, or adoptive parent or a legal guardian of an employee or an employee's spouse or domestic partner or an individual who stood in loco parentis when the employee was a minor child.
- An individual to whom the employee is legally married under the laws of the state or a domestic partner.
- A grandparent.
- A grandchild.
- A biological, foster, or adopted sibling.
- An individual related by blood to the employee.
- An individual whose close association with the employee is the equivalent of a family relationship, including those designated as an Other Eligible Individual under CMU's policies.

Benefit Year:

- A benefit year according to the ESTA is considered a consecutive 12-month period as determined by the employer. For the purposes of this policy, a "year" is based on a calendar year (January – December)

Benefit Eligible:

- Benefit eligible employees are regular and provisional staff employees who work 20 or more hours per week; regular faculty; fixed-term faculty and medical faculty who have a semester contract of 20 or more hours per week; and postdoctoral research fellows appointed on a full-time basis.

Separation from Employment:

- When an individual is no longer employed by CMU whether it is voluntary or involuntary.

Authority: Neil MacKinnon, President

History: New

Last Revisited:

Keywords: Sick Time; Sick Leave; ESTA; Michigan Earned Sick Time; PMLA; Michigan Paid Medical Leave Act

## Michigan Earned Sick Time Act (ESTA)

**POLICY:****Eligibility**

Employees become eligible for earned sick time on their first day of employment. Employees will receive one hour of earned sick time for every 30 hours worked, up to 72 hours per calendar year.

Benefit-Eligible employees accrue sick time at a rate greater than the rate required under the Act, as per the applicable collective bargaining agreement or handbook. Earned sick time under the Act is not additional paid sick time. The first 72 hours of sick time used in any calendar year will be considered sick time as required by ESTA.

All other employees will either accrue earned sick time or their earned sick time will be frontloaded, based on their employee group. In some instances, an employee with multiple assignments may receive earned sick time via both methods, based on the specific employee groups. An employee will be informed which method applies to their employment relationship in their onboarding materials.

For employees under the accrual method, salaried employees will be assumed to work 40 hours per workweek for purposes of this accrual, unless the salaried employee's normal workweek is less than 40 hours. In that case, the employee's earned sick time will accrue based on their normal workweek. Employees under the accrual method may carry over up to 70 hours of accrued, unused, earned sick time for one benefit year to the next but are limited to the use of 72 hours of earned sick time per calendar year.

Employees under the frontloading method will receive a sick time bank at the beginning of each calendar year. The amount of sick time is prorated based on the employee's forecasted work schedule for the year and will be proportional to the time the employee would accrue if they worked all expected hours. Employees under the frontloading method will receive written notice of the estimated hours they are expected to work, and the amount of earned sick time that will be frontloaded. If an employee's appointment level increases after the initial written notice, or if the employee works additional supplemental assignments, CMU will perform a lookback and will provide the employee with any additional earned sick time owed. Unused sick time does not carry forward from one benefit year to the next for employees under the frontloading method.

**Use**

Earned sick time may only be used when an employee is absent from their assigned work schedule. Employees will be required to record the use of earned sick time in one-hour increments unless otherwise specified in the collective bargaining agreement or handbook applicable to the employee's primary position.

Unused accrued sick time is not paid out upon separation of employment; however, if an employee separates employment from the University and is subsequently re-employed by CMU within two months of their separation date, the employee's previous unused accrued sick time will be reinstated, as applicable.

To the extent permitted by law, earned sick time will run concurrently with Family Medical Leave, if applicable.

Earned sick time may be used for any of the following purposes:

- For the diagnosis, care, or treatment of existing mental or physical illness, injury, or health condition of, or preventative care for, an employee or an employee's family member.
- If an employee or an employee's family member is a victim of domestic violence or sexual assault, for the 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.
- For meetings at a child's school or place of care related to the child's health or disability, or the effects of the domestic violence or sexual assault on the child.

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- For 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.

**Reasonable Notice for the Use of Earned Sick Time**

If an employee's need for sick time is foreseeable, the employee must provide the supervisor with advance notice a minimum of seven calendar days before the day the earned sick time is to begin. If this is not practical because of a change in circumstances or medical emergency, then notice shall be given as soon as practicable.

If an employee's need for earned sick time is unforeseeable, then the employee must give notice according to the department's call-in procedure that has been shared with the employee in writing, or as soon as practicable. Failure to comply with notice or the department's call-in procedures may result in disciplinary action, up to and including termination of employment.

An employee shall not be required to search for or secure a replacement worker as a condition for using earned sick time.

**Absence Exceeding Three Consecutive Days**

For absences of more than three (3) consecutive days, the supervisor may require reasonable documentation that the earned sick leave has been used for a permissible purpose. The employee must provide documentation no later than 15 calendar days after the supervisor's request.

The cost of obtaining documentation for this purpose is at the department's expense. Please contact Human Resources/Faculty Personnel Services for assistance with this process.

**Retaliation Prohibited**

Employees will not be disciplined for the lawful use of earned sick time. Retaliatory personnel action against an employee for requesting or using earned sick time for which the employee is eligible or otherwise engaging in activity protected by ESTA, is prohibited. If an employee feels discriminated against for exercising their rights as provided by ESTA, the employee may file a complaint with the Michigan Department of Labor and Economic Opportunity; a form may be requested by calling 1-855-4MI-WAGE.

***Central Michigan University reserves the right to make exceptions to modify or eliminate this policy and or its content. This document supersedes all previous policies, procedures or guidelines relative to this subject.***