



Operating Policy and Procedure

OP 12.005 Earned Sick Time Act Policy

DATE: May 11, 2025

PURPOSE: To ensure compliance with Michigan's Earned Sick Time Act signed into law effective February 21, 2025. Legislation states that employees will accrue one hour of earned sick time for every 30 hours worked.

REVIEW: This policy will be reviewed by Human Resources in February each year or when finalized state regulations warrant review.

POLICY/PROCEDURE

1. Policy

It is Kellogg Community College's ("KCC") policy to comply with state and federal law. This policy outlines an employee's benefits and rights under Michigan's Earned Sick Time Act ("ESTA").

The function of this policy is to provide employees with a general description of their ESTA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all the rights required by law. Nothing in this policy, however, gives the employee greater rights than what is required by law, including greater rights to continued employment than the employee would have had if the employee had not taken ESTA leave. In the event of a conflict between this policy and an applicable collective bargaining agreement, the collective bargaining agreement will govern the extent of the conflict. The ESTA and its implementing regulations are very detailed. Specific questions should be directed to the Chief Human Resources Officer.

a. Eligibility

All staff who are employed by Kellogg Community College, including salaried, hourly, full-time, part-time, specialized professionals, student employees, and coaches.

b. Accrual Rate

Employees shall accrue 1 hour of sick time for every 30 hours actually worked. For adjunct faculty, hours are defined as contact hours. A Fair Labor Standards Act (FLSA) exempt employee is assumed to work 40 hours per week unless the employee's regular work week is less than 40 hours. Paid, but non-working time, is not counted for purposes of ESTA accrual.

c. Usage

- i. Under the ESTA, the maximum leave that can be used in one year is 72 hours.
- ii. Newly hired employees may not use ESTA hours until after they have been employed for 120 calendar days.
- iii. It is important to note that ESTA hours are not in addition to the College's current paid sick leave accrual. Current staff who already receive paid vacation or sick leave will not receive additional time off through this law.

- iv. ESTA hours will be applied as sick leave for other applicable leave policies and procedures. However, notwithstanding anything conflicting in such a policy or procedure, ESTA hours may be used for any ESTA purpose and under the same conditions provided in ESTA.
- v. ESTA hours shall not be used in less than one-hour increments.
- vi. Unused ESTA hours will not be paid out upon separation of employment.
- vii. If an employee is rehired within two months of separation from employment, their ESTA hours will be reinstated upon rehire.

d. Carryover

Unused ESTA hours will carry over into the next benefit year and will be capped according to current ESTA regulations. Unused ESTA hours above the carryover limit will not be paid out at the end of the year.

e. Benefit Year

KCC's ESTA benefit year is defined as July 1 – June 30. However, the first ESTA benefit year will be defined as February 21, 2025 – June 30, 2025.

f. Qualifying Reasons

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

- i. 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.
- ii. 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 member's mental or physical illness, injury, or health condition; or preventative medical care for a family member of the employee.
- iii. 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.
- iv. 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.
- v. 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.

g. Qualifying Family Member

- i. 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.
- ii. Biological parent, foster parent, stepparent, adoptive parent, or legal guardian of an employee or employee's spouse or domestic partner, or a person who stood in loco parentis when the employee was a minor child.
- iii. A person to whom the employee is legally married under the laws of any state or a domestic partner.
- iv. A grandparent.
- v. A grandchild.
- vi. A biological, foster, or adopted sibling.
- vii. Any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship, which can include a "domestic partner" or a person in a "committed relationship".

h. Recording ESTA Absence on Timesheet

- i. Employees must enter their ESTA hours using the Sick Leave time code on their timesheet in Self-Service. Salaried employees must enter Leave Requests in the Bruin Portal.
- ii. For student employees, specialized professionals, coaches, and adjunct faculty, ESTA leave usage will reduce the available leave time from the ESTA leave bank that has been earned.
- iii. For all other employees who receive sick or vacation leave, an ESTA absence will reduce the existing leave hours available, starting with sick leave.

2. Definitions

- a. "Retaliatory personnel action" means any of the following:
 - i. Denial of any right guaranteed under ESTA.
 - ii. A threat, discharge, suspension, demotion, reduction of hours, or other adverse action against an employee or former employee for exercise of a right guaranteed under ESTA.
 - iii. Sanctions against an employee who is a recipient of public benefits for the exercise of a right guaranteed under ESTA.
 - iv. Interference with, or punishment for, an individual's participation in any manner in an investigation, proceeding, or hearing under ESTA.
- b. "Domestic partner" means an adult in a committed relationship with another adult, including both same-sex and different-sex relationships.
- c. "Committed relationship" means one in which the employee and another individual share responsibility for a significant measure of each other's common welfare, such as any relationship between individuals of the same or different sex that is granted legal recognition by a state, political subdivision, or the District of Columbia as a marriage or analogous relationship, including, but not limited to, a civil union.

3. Roles and Responsibilities.

- a. Employees must contact their direct supervisor at least 7 days in advance for foreseeable leave and as soon as possible for unforeseeable leave. Where the need for leave is not foreseeable at least 7 days in advance, employees must always comply with their department's normal call-in rules unless exceptional circumstances exist that are deemed acceptable to KCC.
- b. If absent from work for more than 3 consecutive days, employees must provide timely documentation that their ESTA hours were used for a qualifying ESTA purpose. This documentation must only be submitted when requested by the Human Resources department.
- c. Failure to comply with document requests, notice requirements, or procedures to support the use of ESTA hours may result in denial of paid sick leave as well as discipline, including up to termination.

4. **Persons/Departments Affected:** All KCC departments are impacted by this policy.

5. Forms

- a. [KCC Earned Sick Time Form](#)
- b. [KCC Earned Sick Time – Required Poster](#)

6. Related Information

- a. [Earned Sick Time FAQs](#)
- b. [Overview of Earned Sick Time Act Brochure](#)

7. **Right to Change Policy.** The College reserves the right to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time, without prior notice or the consent of the employee.

8. **Approval Date:** August 20, 2025

9. **Past Revisions:**