

Category: 300

Number: 368

Subject: Earned Sick Time Act Policy

1. Purpose: It is the purpose of this policy to establish uniform guidelines and rules for employees regarding the use of sick time in accordance with the Earned Sick Time Act (State of Michigan Public Act 338 of 2018, as amended.)
2. Authority: The Saginaw County Board of Commissioners
3. Application: The rules and regulations herein set forth apply to all employees paid by Saginaw County, pursuant to Policy #301.
4. Responsibility: The Saginaw County Administrator and/or their designee shall be responsible for the implementation of this policy. It shall be the responsibility of the Administrator's Office and Department Heads to administer this policy.
5. Definitions: None.
6. Preliminary Statement: Saginaw County shall administer this policy in accordance with the Earned Sick Time Act and its accompanying regulations, set forth in State of Michigan Public Act 338 of 2018, as amended. . Thus, although this policy sets forth a summary of the requirements, process and procedure regarding employees' use of such leave time under applicable circumstances, Saginaw County shall administer this policy in accordance with the Act and its regulations. Any provisions of this policy that are in conflict with the Earned Sick Time Act shall be superseded thereby.
7. Policy:

All employees are eligible for sick time in accordance with the Earned Sick Time Act (ESTA), regardless of employment status or hours worked. This includes full-time, regular part-time, part-time, temporary, on-call and seasonal employees of Saginaw County. Unpaid interns or trainees and individuals covered under the Youth Employment Standards Act are not covered. Employees will accrue one (1) hour of paid sick time for every thirty (30) hours worked. For the purpose of calculating 'hours worked', non-worked paid time such as holidays, paid time off (PTO), building closure and leaves of absence will not be included. There is no cap on the amount of sick time an employee can earn in a week, month or year. Sick time will begin to accrue on an employee's first day of employment but cannot be accessed until the first day of the month following thirty (30) days of service. Earned sick time may be used in 15-minute increments.

Carry-over/Payout: A maximum of 72 hours of unused accrued earned sick time will be carried over to the next year. A maximum of seventy-two (72) hours may also be used in a year. Sick time shall be paid at the employee's regular rate of pay when used. For the purpose of this policy, a year is defined as a fiscal year.

Any earned sick time remaining in an employee's bank at the time of separation will not be paid out. If an employee is rehired within two months of separation, all previously accrued unused sick time will be restored and available to use immediately, and no waiting period shall apply to any newly accrued earned sick time.

Use of ESTA: Earned sick time can be used for any of the following reasons:

- (a) 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.
- (b) 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 members' mental or physical illness, injury or health condition; or preventive medical care for a family member of the employee.
- (c) 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.
- (d) 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; or
- (e) 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.

For purposes of this policy, 'Family member' includes all of the following:

- (a) 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.
- (b) Biological parent, foster parent, step-parent, or adoptive parent or a legal guardian of an employee or an employee's spouse or domestic partner or a person who stood in loco parentis when the employee was a minor child.
- (c) A person to whom the employee is legally married under the laws of any state or a domestic partner.
- (d) A grand parent.
- (e) A grandchild.
- (f) A biological, foster or adopted sibling.
- (g) Any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

Notice Requirements: If an employee's need for sick time is foreseeable, the employee is asked to provide seven (7) days advanced notice. If the need is not foreseeable, employee must inform the employer as soon as practicable.

When earned sick time is used, documentation may be required for absences that are more than 3 consecutive days in length. If documentation is required, any out-of-pocket cost for obtaining the requested documentation will be paid by the employer/department. If requested, an employee has 15 days to obtain the documentation.

Unlawful Acts by Employers and Enforcement Mechanisms: Employees cannot be disciplined or in any way retaliated against for using their accrued sick time. Employees will not be penalized or retaliated against in any way for requesting or using accrued sick time for the purposes designated above.

Employees who feel as though their rights under this act have been violated can file a complaint with the Personnel Department or with the Wage and Hour Division of the Michigan Department of Labor and Economic Opportunity .

8. Administrative Procedures: None.

9. COUNTY ADMINISTRATOR/LEGAL COUNSEL REVIEW: The County Administrator has determined that this policy as submitted to the Board of Commissioners contains the necessary substance in order to carry out the purpose of the policy. County Civil Counsel has determined that this policy as submitted contains content that appears to be legal activities of the Saginaw County Board of Commissioners.

Approved as to Substance:
Saginaw County Administrator

Approved as to Legal Content:
Saginaw County Civil Counsel

ADOPTED: February 18, 2025

AMENDED: March 18, 2025