



General Counsel
Mercy College
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MEMORANDUM

To: The College Community
From: Kristen Bowes, General Counsel
Date: November 25, 2020
Re: November 2020 Reviewed and Approved Policies

The following policies were reviewed and approved, by the Non-Academic Policy Review Committee, and approved by President Hall, in the month of November 2020:

1) [Employee Paid Time Off \(PTO\) and Leave Policy](#): This Policy was revised a second time this year to account for the recently enacted New York State Sick and Safe Leave law. Although a similar law was already in effect (under Westchester and NYC laws) and were in Mercy's PTO and Leave Policy, there were some significant changes to the new law, including the following:

- **ALL** Mercy employees are now entitled to **up to 56 hours of leave** for themselves or a family member (defined in the Policy) for:
 - **Sick leave** (i.e. for mental or physical illness, injury, or health condition, or for the diagnosis, care, or treatment of a mental or physical illness, injury or health condition; or need for medical diagnosis or preventive care); or for
 - **Safe leave** (i.e. when the employee or employee's family member has been the victim of domestic violence as defined by the State Human Rights Law, a family offense, sexual offense, stalking, or human trafficking due to any of the following as it relates to the domestic violence, family offense, sexual offense, stalking, or human trafficking).
- **Accruals and carryovers:**

- The leave is at an accrual rate of 1 hour for every 30 hours worked. This change *does not affect* regular employees who already accrue sick leave at a greater rate under the College's generous policy. The new law now permits employees who work less than 20 hours per week to accrue paid sick and safe time.
- Employees begin accruing time immediately and may take it beginning January 1, 2021 (if they were not previously entitled to leave under College policy). Employees no longer have to wait their probationary period to begin using accrued sick leave.
- All sick time can be carried over and employees do not have to wait to take it the next year.
- Sick leave benefits are calculated based on the employee's regular rate of pay at the time of the absence.
- Employees do not accrue leave for payments that are not for hours worked, such as bonuses or subject-to-call time. However, time that is considered "hours worked," including on-call time, training time, and travel time, must be counted for the purposes of accruing leave.
- **Usage**
 - An employee may take accrued sick leave in increments of 3.5 hours or less as may be needed.
 - Unused accrued sick time **will not be paid** to an employee upon separation from the College.
 - **An employee may only use up to 56 accrued hours for sick and safe leave for a family member.**
 - Employees cannot be required to work from home or telecommute instead of taking sick leave. But the College can offer the employee the options of working from home or telecommuting. If employees voluntarily agree to work from home or telecommute, employees will retain the paid or unpaid sick leave that they have accrued.

- Leave accruals may not be reduced or otherwise restricted if an employee changes positions, roles, or locations with the same employer.
- **For employees regularly assigned to the Manhattan or Bronx campuses, the following New York City law applies:**
 - The College must reimburse employees who must pay for required documentation after three consecutive workdays of leave, and
 - The College must list on these employees' paystubs (or any document issued each pay period) the amounts of accrued and used leave and the total balance of accrued leave.
- **Tracking leave.** Mercy will continue to track leave, and have added a section to the timesheet for Sick and Safe leave used for employees and family members, as defined under the law, which is capped at 56 hours unless approved for other paid family leave by Human Resources. We have also added leave time available under Westchester County law for public health emergencies.

2) [Privacy Policy](#): As many people in the community are aware, Mercy was informed by Blackbaud (a third-party provider of Mercy's) this summer they had a data breach earlier in the year. As a result, Mercy re-reviewed its IT Policies, including the Privacy Policy, and made the following minor changes to this Policy:

- Mercy added a "Strictly Necessary Cookies" Section, and
- Mercy now allows individuals to submit a "Do Not Track" request to IT.

3) [Solomon Amendment Policy](#): Mercy is required to abide by the Solomon Amendment, which is a federal law that requires that military recruiters have equal access to Colleges campuses and requires the College to provide certain student directory-type to military recruiters. This Policy codifies the legal parameters for the access and request, and the inter-connection with FERPA.

4) [Student and Alumni Name Change Request](#): The current policy was revised to now permit students to use a Preferred Name for unofficial College documents at Mercy. While Mercy did not previously have the IT capability to do this, our IT and Registrar have worked diligently on this process and are now capable of allowing students to use a preferred name on

documents such as class rosters, Blackboard, ID cards, etc. Requests for this should be sent to registrar@mercy.edu. As Mercy's Banner expansion improves this spring, we expect that students will be able to make the changes on these documents themselves.