


Policy Title:	DWSD EARNED SICK TIME POLICY		
	HUMAN RESOURCES	Category	
		Administrative Policy #	
		Revision #	
		Review Frequency	As Needed – no less frequently than triennially
Administrative Division	Human Resources	Reviewed By	
BOWC Approval		Last Reviewed/Update Date	
Implementation Date	TBD	Resolution #	

1. OBJECTIVES

- 1.1. This policy establishes the Detroit Water and Sewerage Department’s (DWSD) implementation of the Earned Sick Time Act (ESTA) in accordance with Michigan law effective February 21, 2025. The purpose of this policy is to ensure eligible DWSD employees are permitted to use Paid Sick Time for qualifying reasons under ESTA without fear of discipline or retaliation.

2. PURPOSE

- 2.1. The Earned Sick Time Act ensures that eligible employees have the right to accrue and use Paid Sick Time for their own or a family member’s health needs, for issues related to domestic violence or sexual assault, or for specified public health emergencies. DWSD is committed to full compliance with the Act and consistent application of its provisions.

3. DEFINITIONS

- 3.1. Paid Sick Time: Time off that is accrued and can be used for qualifying ESTA-related reasons.
- 3.2. For purposes of ESTA, a “family member” includes:
 - 3.2.1. A child (biological, adopted, foster, step, legal ward, or for whom the employee stands in loco parentis);
 - 3.2.2. A parent, stepparent, foster/adoptive parent, or legal guardian of the employee or their spouse/domestic partner;
 - 3.2.3. A spouse or domestic partner;
 - 3.2.4. A grandparent, grandchild, or sibling (biological, foster, or adopted);

- 3.2.5. An individual whose relationship to the employee is the equivalent of a family relationship.
- 3.3. Qualifying Reasons: As defined in Section 7 of this policy.

4. SCOPE

- 4.1. This policy applies to all eligible DWSD employees, including full-time and part-time employees, except the following:
 - 4.1.1. Independent contractors
 - 4.1.2. Volunteers
 - 4.1.3. Unpaid interns
 - 4.1.4. Task-based or service-based compensated employees (e.g., board members)
 - 4.1.5. Employees hired under the Michigan Youth Employment Standards Act (YESA), MCL 409.101

5. ESTA AND COLLECTIVE BARGAINING AGREEMENTS

- 5.1. Employees currently covered by current collective bargaining agreements (CBA) that contain sick leave provisions are exempt from ESTA and shall be governed by the terms of their contract. Upon expiration, all provisions of ESTA apply, and this policy shall be incorporated into all future CBA's.

6. RESPONSIBILITIES

6.1. Human Resources Division:

- 6.1.1. Responsible for implementation, oversight, training, and communication of this policy.
- 6.1.2. Responsible for verifying employee eligibility, usage limits, proper documentation, and ensuring compliance with ESTA protections.

6.2. Employees:

- 6.2.1. Responsible for providing timely notice, required documentation, and accurate reporting when using Paid Sick Time under ESTA.

7. POLICY

7.1. Accrual of Paid Sick Time

- 7.1.1. Full-Time Employees: Already accrue paid leave that exceeds ESTA requirements; no change in accrual method.

7.2. Usage Guidelines

- 7.2.1. Employees may use Paid Sick Time in 4- or 8-hour increments. Permissible uses include:
 - 7.2.1.1.1. The employee's or the employee's family member'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.

7.2.1.1.2. 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.

7.2.1.1.3. 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.

7.2.1.1.4. 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.

7.3. Leave Eligibility

7.3.1. Employees may begin using accrued Paid Sick time for ESTA-related reasons on February 21, 2025, or (90) calendar days after the date of hire; whichever is greater.

7.4. Notice Requirements

7.4.1. Employees must provide notice in accordance with the following:

7.4.1.1.1. **Foreseeable Leave:** At least seven (7) calendar days' advance notice.

7.4.1.1.2. **Unforeseeable Leave:** Notification must occur at least two (2) hours before the scheduled shift, following normal departmental call-in procedures.

7.5. Documentation Requirements

7.5.1. Required when the employee is absent for longer than three (3) consecutive workdays.

7.5.2. When documentation is required for ESTA protection, it must be submitted immediately, but no later than fifteen (15) calendar days from the first day of leave.

7.5.3. If documentation is not received by the end of the pay period, compensation may be delayed until the following pay cycle.

7.5.4. All documentation will be treated as confidential in accordance with applicable law.

7.5.5. Acceptable forms include:

7.5.5.1.1. Health care provider note (no diagnosis required)

7.5.5.1.2. Police report or statement from victim services (for domestic violence/assault)

7.5.6. Reimbursement for documentation cost is available with timely request.

7.6. Leave Caps

7.6.1. 24 hours max between 2/21/25 – 6/30/25

7.6.2. 72 hours annually starting 7/1/25

7.6.3. Time used beyond the annual cap is not protected under ESTA.

7.7. Concurrent Leave

7.7.1. If an employee's use of ESTA-protected leave also qualifies under the Family and Medical Leave Act (FMLA), Americans with Disabilities Act (ADA), or any other applicable federal or state law, the leaves shall run concurrently.

7.8. Reinstatement of Leave

7.8.1. If an employee separates from DWSD and is rehired by the City of Detroit within two (2) months, any previously accrued and unused ESTA-covered Paid Sick time shall be reinstated.

7.9. Supervisory Review

7.9.1. Supervisors must verify the following before considering any corrective action:

7.9.1.1.1. The time used is for an ESTA-covered purpose;

7.9.1.1.2. The time is designated as paid time off, and

7.9.1.1.3. The usage does not exceed the applicable fiscal year 72-hour cap.

7.10. Training and Communication

7.10.1. Supervisors and managers will be trained to ensure consistent application.

7.10.2. Policy updates will be communicated through the DWSD official employee communications.

7.10.3. Legal notifications will be posted throughout work locations.

7.11. Retaliation Prohibited

- 7.11.1. Employees who use Paid Sick time for ESTA eligible reasons, up to the annual 72- hour limit, are protected from corrective action.
- 7.11.2. DWSD strictly prohibits discipline, retaliation, or adverse action for using ESTA-covered leave.
- 7.11.3. Prohibited conduct includes but is not limited to denial of benefits, reduction in hours, adverse schedule changes, demotion, denial of merit, or discipline in connection with ESTA use.

8. ADDITIONAL QUESTIONS & FUTURE COMMUNICATIONS

- 8.1. Questions regarding ESTA should be directed to the DWSD Human Resources Office.