

BOARD OF EDUCATION OF THE CITY OF NEW YORK  
OFFICE OF PERSONNEL

April 7, 1971

TO: CHAIRMEN OF COMMUNITY SCHOOL BOARDS, COMMUNITY SUPERINTENDENTS,  
PRINCIPALS OF DAY SCHOOLS, BUREAU DIRECTORS AND HEADS OF ACTIVITIES

Ladies and Gentlemen:

REGULATIONS GOVERNING EXCUSE OF ABSENCE FOR ILLNESS OF  
LICENSED APPOINTEES AND REGULAR SUBSTITUTES

Community Superintendents and Principals are reminded that the administration of teacher absence for illness is essentially a decentralized function. Review by the central Medical Division of the Office of Personnel may be required on some occasions, even in the case of short term absences. In most instances, it is the head of the school or activity who is the responsible official for approving excuse of absence due to illness and permitting the use of accrued sick time for this purpose. The objective of this circular, accordingly, is to familiarize school and district executives with the underlying regulations concerning the excuse of absence for illness.

A. CUMULATIVE ABSENCE RESERVE (CAR)

1. Paid sick time is earned by licensed appointees and regular substitutes at the rate of one day for each month of service (10 days per school year; 5 days per term for regular substitutes). Unused sick time accrues to the credit of the employee and may be held for subsequent use, with certain restrictions. This accumulation of credits, which can be drawn upon as the need arises, is known as the Cumulative Absence Reserve.
2. In the case of regularly licensed personnel, the CAR may never exceed 200 days at the end of the school year. For regular substitutes, the maximum allowable total as of any June 30th is 120 days.
3. The annual credit of 10 days sick time allowance is accrued on a monthly basis, with the increment for the year amounting to one day for each month served. In the interest of convenience and to facilitate bookkeeping procedures, schools or activities may wish to credit licensed appointees and regular substitutes with the aggregate annual allowance of 10 days at the beginning of the school year in anticipation of uninterrupted service throughout the remainder of the year. For example, a member of the staff who began the year with a zero balance was granted a bookkeeping credit of 10 days in September. If he became ill early in October, he would have an earned credit of only one day, not ten days. It is understood, however, that if separation occurs, there will be a deduction from the CAR of one day for each month during which the staff member was not in active service.
4. It should be noted that the previous procedure, under which beginning teachers were able to start service with a bank of 20 days of sick time, is no longer in effect. All newly appointed teachers and regular substitutes on first assignment now begin service with a zero balance in the CAR and earn credits as their service continues.

B. BORROWED SICK DAYS

1. After exhaustion of the CAR, a regular teacher may borrow up to 20 additional sick days against the reserve that would be earned as a result of future service. At no time may the number of paid sick days taken in excess of those earned for past service exceed a total of 20 days.
2. Borrowing of sick days is at the option of the affected staff member. Those individuals choosing not to borrow sick days will incur the loss of pay for the time of absence.
3. Borrowed days are intended only to provide for absence due to illness on the specific occasions when they are needed, not to establish an expanded reserve for possible future absence.
4. Whenever upon separation from service the number of borrowed sick days has not been completely repaid out of subsequent service earnings credited to the CAR, the amount required to pay for the number of sick days borrowed and not repaid constitutes a monetary debt which must be paid to the Board of Education to clear the account of the individual separated. Immediately upon receipt of Certificate of Termination or of notice of retirement, the principal must send a written notice to the Auditor-in-Charge of the Bureau of Finance indicating the number of borrowed days for which repayment is due. A principal should not deliver a check covering borrowed days unless he is reasonably certain that the employee will return to active service.
5. As noted in Section 523.2 of the Manual of Office Procedures, a salary check should be withheld by the principal whenever services are terminated (or termination is anticipated) and there is deductible absence between the first of the month and termination of services. Such withheld check should be returned immediately to the Bureau of Finance.
6. Teachers contemplating retirement or other separation from service should be notified that at the time of such separation, all borrowed sick days must have been repaid. If all borrowed days have not been repaid, the processing of retirement allowance or the requested refund of contributions may be delayed until the matter is cleared. This may result in financial hardship for the persons affected.

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C. TREATMENT OF ABSENCES FOR PERSONAL ILLNESS

All absences due to personal illness, whether medically certified or self-treated are upon proper application charged against the CAR, and the appropriate number of days is deducted therefrom. When, as provided in Section B above, the CAR is exhausted, and the individual desires to do so, up to 20 additional sick days may be borrowed against future earnings of sick days. Up to 10 days of the CAR including any allowable days borrowed at the option of the individual may be used each year for self-certified (self-treated) absence; any additional application for absence with pay must be supported by medical documentation. Teachers will be allowed to use three of the aforementioned 10 days of sick time for personal business provided that reasonable advance notice is given to the head of the school. All charges against the CAR for occasions of personal business must be for a minimum of one full day.

NOTE: Self-certified (self-treated) days of absence are excused with pay only within the CAR based on past earnings, or within the allowance of days to be borrowed against future earnings. Self-certified (self-treated) days never constitute a new or additional allowance of days in the CAR.

Your cooperation in adhering to these provisions will make possible the most efficient administration of the regulations governing teacher absence for illness.

Very truly yours,

FREDERICK H. WILLIAMS  
Executive Director