

## **SICK LEAVE BENEFITS**

### **Eligible Employees**

Full-time, regular employees are eligible to accrue sick leave benefits starting on the date of hire at the rate of 6.15 hours per pay period – twenty (20) days per year, with no limit on maximum accumulation

### **Permitted Uses of Accumulated Sick Leave Benefits**

Accumulated sick leave benefits may be authorized for use by the department head for the following reasons:

- *Employee Incapacity.* Employees may be approved to use accumulated sick leave benefits when they are incapacitated and unable to work due to non-work related illness or injury, or for medical, dental and optical appointments, treatments or examinations or for absences when they are released by a medical provider to return to work but with temporary work restrictions requiring a temporary reduced or intermittent work schedule.
- *Care for Immediate Family Members.* Up to a maximum of five (5) days per calendar year of accumulated sick leave benefits may be approved to provide compensation during absences to care for a member of the employee's immediate family (as defined below) when it is necessary for the employee to personally care for the family member while he/she is incapacitated, or to personally accompany the immediate family member to medical, dental and optical appointments, examinations or treatments. To be eligible for paid sick leave during such absences, the employee must provide sufficient information for the supervisor or department head to determine that the employee's absence is necessary to accompany the immediate family member for medical, dental or optical examinations or treatments, including the type of assistance or care the employee provided, or will provide, to the immediate family member, and to determine if such absence is FMLA-qualifying

Employees are expected to make every effort to plan ahead and schedule all routine, non-emergency appointments early in the day before work, or at the end of the day, or as otherwise directed by their supervisor or department head.

Employees with routine appointments scheduled early in the work day or during the work day, or who require immediate medical treatment, are expected to report to work following the appointment or treatment unless they or their family member are incapacitated and unable to work and the extended absence is medically recommended as necessary. The department head (or authorized designate) may require the employee to provide medical verification certifying the employee's need to be absent for the duration of the absence.

### **Scheduling Non-Emergency Appointments**

Before making routine, non-emergency medical, dental or optical appointments employees are expected to consult with their department head or supervisor before making the appointments as far in advance as possible to ensure that absences can be planned at times to least affect the work schedule of the employee and/or the department. Failure to do so may result in denial of leave.

### **Medical Verification of the Need for Leave**

Employees must provide medical verification in a form approved by the City of the need for medical leave for any sick leave absence lasting or expected to last in excess of three (3) working days. **Forms are available in each department and in the Human Resources Department for employees' use.** If the City disagrees with the medical opinion provided by the employee's medical provider, the City, at its expense, may require a second medical opinion. In the event the first and second medical opinions differ, the City may acquire, at its expense, a third medical opinion. The medical provider for the third medical opinion will be selected jointly by the City and the employee. The third medical opinion will be binding on both parties.

### **Return to Work Fitness for Duty Release.**

A medical fitness for duty release is required for all employees who return to work from medical leave of any kind that exceeds three (3) working days.

**Restrictions on Use of Accumulated Sick Leave Benefits**

- Sick leave benefits shall not be used to provide compensation during absences caused by on-the-job injuries or illnesses. Workers' Compensation Benefits provide the exclusive remedy for on-the-job injuries and illnesses.
- Employees released by a medical provider to return to work with or without temporary work restrictions, are no longer eligible to use accumulated sick leave benefits because they are no longer incapacitated or unable to work.
- Employees who refuse temporary light duty that is available and permissible within the employee's medically-prescribed temporary work restrictions are not eligible to use accumulated sick leave benefits to remain off work. However, employees on designated FMLA leave who are medically released to return to work with temporary work restrictions may lawfully decline an offer of a temporary light duty assignment. However, the remainder of the employee's FMLA leave entitlement will be unpaid unless the employee has other accumulated paid leave available.
- Employees absent from their City job who are found working for another employer are not eligible to use sick leave benefits.

**Misrepresentations**

False claims of sickness in order to avoid work and draw paid sick leave benefits will not be tolerated. When it is found that an employee has falsely misrepresented the reasons for an absence, appropriate action will be taken that may include, but is not limited to, denial of paid leave benefits, charging available annual or personal leave in lieu of sick leave benefits, or disciplinary action including discharge.

**Immediate Family Definitions**

**Paid Sick Leave Benefits**

Immediate family for purposes of paid sick leave benefits is spouse, child, parent, sibling, grandparent, parents-in-law, and if living under the same roof with the employee, any relative or relative by marriage for care of a family member.

**FMLA Leave Entitlements**

The FMLA defines immediate family as child, spouse, or parent. During FMLA leave involving an employee's child, spouse or parent, the current policy maximum of five (5) days per year of the employee's accumulated paid sick leave benefits will be substituted to provide compensation.

**FMLA Sick Leave Bonus**

Employees who exceed the number of minimum absences required to obtain the attendance bonus (regardless of whether the absences are FMLA qualified) will **not** be eligible to receive the bonus.

**Eligibility for Payment of Unused Accumulated Sick Leave**

Employees who retire, resign or die while in service are eligible for payment of unused accumulated sick leave after completion of ten (10) years' service at the regular rate of pay in effect at the time of resignation, retirement, or death up to the maximum shown in the schedule below. Employees discharged for cause shall not receive payment for unused sick leave. If an employee dies in service, the employee's beneficiary is entitled to receive payment for unused sick leave and annual leave that the employee would have been entitled to receive if upon resignation or retirement.

Payments for unused accumulated sick leave are limited to the years of service and amounts shown in the following schedule.

<b>YRS.OF SERVICE</b>	<b>RATE OF PAYMENT FOR UNUSED SICK LEAVE UPON RETIREMENT, RESIGNATION OR DEATH AFTER COMPLETION OF 10 YEARS' SERVICE.</b>
10 years	100% of accumulated sick leave up to maximum of 480 hours (60 days)
20 years	100% of accumulated sick leave up to 480 hours (60 days) plus 50% of the accumulated sick leave in excess of 60 days, not to exceed a maximum payment of 720 hours (90 days).

**Sick Leave Bonus**

Upon the accumulation of sixty (60) days of sick leave, employees are eligible to receive a bonus payment for sick leave earned,

but not used, during the following calendar year as indicated by the following table. Absences that have been designated as FMLA leave **shall be counted** in the number of sick leave absences for purposes of calculating eligibility for bonus payments.

**Method of Calculation**

PREVIOUS YEAR'S SICK LEAVE USE	PAYMENT FOR PREVIOUS YEAR'S UNUSED SICK LEAVE ACCUMULATION
0 – 3 days (0-24 hours)	\$10/day for remainder of yearly accumulation (Maximum: \$200.00)
4 – 6 days (25-48 hours)	\$5/day for remainder of yearly accumulation (Maximum: \$80.00)
7 or more days (49 or more hours)	- 0 -

If an employee uses any part of a day over 3 days (24 hours) or 6 days (48 hours), it is considered the next category for purposes of calculating the amount of the sick leave bonus payment.

**Maximum Payable**

Sick leave bonus shall not exceed \$200.00 per year. Payment shall be made on or before January 31 of each year following the year in which the sick leave was earned and not used.

## **ABUSE OF SICK LEAVE**

### **Abuse Defined**

Employees are expected to be available for work during all hours they are scheduled to work unless a legitimate medical condition incapacitates them or an emergency occurs beyond their control. The ability to maintain a regular and predictable record of attendance and punctuality is an essential function of every City position. A pattern of regular absence from work, tardiness, or failures to answer call-outs or to work overtime without proper medical verification of the need is considered abuse of the sick leave policy and may result in corrective action, including discharge. The City cannot reasonably anticipate all the conceivable patterns of sick leave use that may constitute abuse. Examples of incidents or patterns which may be defined as sick leave abuse include, but are not limited to the following:

- calling in sick in excess of seven (7) non-consecutive instances without medical certification during any twelve-month period;
- calling in sick on Mondays and Fridays;
- calling in sick the days preceding and following holidays;
- calling in sick when workloads are known to be heavy, work is undesirable, interpersonal conflicts exist, or other conditions exist which may indicate to the department head that the employee is fraudulently claiming sickness to avoid work;
- calling in sick after expressing desire to take off work when no other paid leave is available;
- calling in sick after request to be off was denied;
- remaining absent from work when the employee's or City's medical provider certifies the employee is able to return to work and can perform the essential functions of the employee's regular position, or the equivalent, which includes maintaining a record of regular and predictable attendance;
- calling in sick when the employee's own work is caught up thereby being unavailable for other work or assignments;
- coming in late or leaving early frequently, claiming sickness;
- taking the entire work day off for a doctor's appointment when not incapacitated or required by medical necessity to remain absent the remainder of the day; or
- any other absence using sick leave, without proper medical verification of the need, that negatively impacts the performance of the employee or the efficiency of the department.

### **Exception**

Absences or tardiness designated as FMLA leave shall not be counted in the number of sick leave absences for purposes of calculating sick leave abuse.

### **Sickness In Family Absences Included in Employee's Attendance Record**

Paid sick leave benefits charged for absences to care for immediate family members are included in the employee's attendance record. However, medically-verified FMLA qualifying and designated leave is not counted when determining abuse of sick leave or unsatisfactory attendance.

### **Department Head Authority**

When the pattern of an employee's sick leave use indicates abuse, the department head or his designated representative shall be authorized to:

- verify the necessity for all claims of temporary incapacity personally, either by telephone or home visit;
- require the employee to obtain a medical provider's statement on a form meeting the City's requirements verifying the employee's incapacity and inability to work during all hours absent for each subsequent period of absence for which sick leave is claimed for a period of ninety (90) working days after being notified that a pattern of sick leave abuse has been established.
- take disciplinary action, including discharge, when the employee has the ability to correct the abuse of sick leave but fails to do so.

An employee may be required to report for a job-related, fitness for duty evaluation by the City's physician, at City expense if it is reasonably suspected that the employee is unable to perform one or more of the essential functions of his/her job, including, but not limited to, the ability to maintain regular and predictable attendance and, if required by the position, the ability to answer call outs at any time of the day or night, or to work overtime hours.

**Misrepresentations of Incapacity or Inability to Work**

Employees absent from their City job and found working for another employer during the same time are not eligible to use paid sick leave benefits.

If it is determined an employee is performing work for another employer while claiming incapacity or inability to work, the employee may be subject to disciplinary action, including discharge and may be required to refund any sick leave benefits received.

**Corrective Action**

Department heads are required to monitor employee attendance and are responsible for taking corrective action, including discharge, to correct abuses of sick leave benefits or violation of the attendance policies.

**Verification of Doctor's Notes/ Medical Excuses**

If a supervisor suspects the medical verification of an employee's medical statement/doctor's letter is fraudulent, the supervisor should contact the Human Resources Department. A representative of the Human Resources Department may contact the doctor's office/clinic for medical verification. If the employee is on FMLA leave, then the Human Resources Department will advise the employee in writing what additional information will make the certification sufficient. The employee must then provide the requested information within seven calendar days. After seven days, the Human Resource Department will contact the employee's doctor for authentication of the certification.

Supervisors are prohibited from contacting an employee's medical provider.