

Section 1: PURPOSE

To establish uniformity in the method of reviewing employees' sick leave usage and the guidelines for imposing a physician's verification requirement. It is management's responsibility to ensure that sick leave usage and absenteeism do not adversely affect the department's ability to provide service to the public. Excessive absenteeism is costly, time-consuming, and a hindrance to department progress. Sick-leave usage will therefore be monitored, identified, and subject to verification, if necessary.

It is the responsibility of every employee to maintain his/her physical and mental well-being so that he/she is capable of assuming an equal share of the workload. It is also expected that an employee achieve a maximum level of productivity.

Section 2: POLICY

This is a citywide policy; however consult with applicable Memoranda of Understanding for modifications and/or exemptions to the application of this policy. Sick leave is a benefit to be used when an employee is absent because he or she is unable to work due to illness or injury. Legitimate uses for sick leave include medical/dental appointments and any time when illness, injury or the use of medication inhibits an employee's ability to perform his or her job tasks. It is the employee's responsibility to come to work healthy and be able to work safely.

Family Sick Leave differs from Family Care Leave (Family Medical Leave Act) in that the latter is intended for long-term, serious medical care of the employee or family member but the employee is still limited to the above referenced sick leave hours.

If patterns of sick leave (e.g., Fridays and Mondays) appear abusive, an immediate review may be warranted. Any sick leave usage that is determined by the department manager to be disruptive to the routine functions of the department may be grounds for immediate review. In cases of suspected abuse or misuse of sick leave, the department may impose a physician's statement requirement without prior counseling.

Section 3: PROCEDURES

1. The immediate supervisor will review sick leave usage annually for any employee exceeding 80 hours usage (240 hours for members of the fire unit) in the previous twelve month period.
2. Records indicating sick leave usage in excess of the review limit will be examined further.

Leave records will be reviewed to determine how many hours of sick leave were hours that, for the purpose of this policy, are to be considered exempt. Sick leave hours used for the following reasons are exempt:

- a. A long-term illness or injury of 40 or more consecutive working hours (120 hours for members of the fire unit). Employees will be required to submit a physician's statement verifying the illness or injury. (FMLA leave is an example)
- b. Pre-approved, scheduled medical or dental appointment of less than four hours. Multiple appointments on the same day, such as those for lab tests and x-rays that take longer than four hours, will be considered exempt. For appointments of more than four hours, employees will be required to submit a statement from the medical offices verifying the appointment(s). This does not preclude the department from requiring verification notes for all medical/dental appointments.
- c. Sick leave used for workers' compensation absences.
- d. Sick leave used for a death in the immediate family, during the hospitalization of a member of the immediate family, or on the day of the birth of a child, as provided in the FMLA guidelines and/or the appropriate Memoranda of Understanding. In such cases, absences for these purposes may be authorized only if a physician provides a written statement that the employee's presence at the hospital is required and the employee has not exceeded the allotted hours of family sick leave.
- e. An ongoing medical condition of a serious nature, e.g., chemotherapy. Employees will be required to submit a letter from the physician indicating the estimated length and frequency of absences.

- f. Surgery and/or hospitalization. Employees will be required to submit a physician's statement.
 - g. Up to 80 hours of accumulated sick leave per calendar year for Family Sick Leave, to care for members of their immediate family (as defined in the Memoranda of Understanding).
- 3. Employees whose adjusted sick leave hours exceed the limit for the first time will be counseled and advised to reduce their sick-leave usage. Supervisory staff would not be required to hold such a counseling session or impose the physician's statement requirement in situations where the employee's hours meet the above exclusions. Records of counseling will be kept by the division supervisor, and will not be placed in employee personnel files.
 - 4. Employees who are counseled will have their sick leave usage reviewed monthly to determine if their usage is still excessive. If it is still excessive, the department will prepare a Counseling Memorandum informing the employee of a physician's statement requirement. The employee will be required to provide written verification, from the physician, for every sick leave absence during a period of twelve months.
 - 5. Should the employee fail to provide a signed physician's excuse for any absence during this twelve-month period, that absence will be treated as "Leave Without Pay". Supervisors will take action to ensure that employees are placed on Leave Without Pay for any unverified absences.

If the supervisor fails to take such action, the leave will be deducted from the employee's sick leave. If the employee does not have sick leave, it will then be Leave Without Pay.

- 6. Should the employee's sick leave usage fall below the 80-hour limit at the conclusion of the twelve-month period, the requirement for physician's verification will cease. This does not preclude the city from requiring physician's verification if individual circumstances warrant it. Should the employee's sick leave usage remain unacceptable, the physician's verification requirement shall be extended in three-month increments.

7. If an employee's usage remains within the limit for a 24-month period following removal from the physician's verification requirement, or initial counseling session, the first step for any future action will be counseling, as provided in "3" above.

Section 4: DISCIPLINE

When an employee is absent for any reason, their absence causes an impact to the division/department and on the delivery of services.

When the City has a reasonable basis to believe that an employee is abusing the sick leave benefit, the employee's supervisor must first meet with the employee to:

- (1) explain the reasonable basis for the believed abuse, and
- (2) discuss the reasons for the employee's absence. The employee has the right to representation at such meeting. After such meeting, and depending on the factual circumstances, the City may:
 - a) Place the employee on restricted sick leave for a period of not more than six (6) months, under the direction of the department manager. Restricted sick leave is limited to emergency medical situations, such as, surgery, vehicle accident.
 - b) Suspend the employee without pay for up to five (5) working days for abuse of sick leave; or dismissal from employment if a prior suspension involved the abuse of sick leave;
 - c) Refer the employee to the Employees' Assistance Program.

Section 5: USE OF SICK LEAVE WHILE ON VACATION

An employee who is injured or who becomes ill while on vacation may be paid for sick leave in lieu of vacation provided that the employee:

- 1) Was hospitalized during the period for which sick leave is claimed, or
- 2) Received medical treatment or diagnosis and presents a statement indicating disabling illness or injury signed by a physician covering the period for which sick leave is claimed.

Section 6: SICK LEAVE ACCRUAL WHILE ON LEAVE WITH PAY

Except as otherwise provided in these rules and regulations, employees who are granted a leave of absence with pay, for any purpose, shall continue to accrue sick leave credit at the regular prescribed rate during such absence. No employee shall be entitled to sick leave with pay while absent from duty on account of disability arising from any sickness or injury purposely self-inflicted or caused by his/her willful misconduct. Accrued sick leave credit is lost when an employee leaves employment for whatever reason except for retirement. Sick leave shall not accrue during leaves of absence without pay.

Any unauthorized absence may be cause for disciplinary action, up to and including dismissal from employment.

Section 7: PAYMENT OF UNUSED SICK LEAVE

1. Upon retirement from city service, sick leave payoff shall be in accordance with the Memoranda of Understanding.
2. No sick leave will be given to an employee in excess of the amount earned and available to the employee.
3. When an employee is transferred to another position, any unused Sick Leave, which may have accumulated to the employee's credit, shall transfer with the employee.
4. It is the responsibility of each Department Manager or designated supervisor to ensure the provisions of this policy are observed. Corrective action should be taken in instances of suspected abuses or misinterpretation of the utilization of sick leave.