6.04 SICK LEAVE

Absence on Account of Sickness

Eligible employees are entitled to sick leave in the amount equivalent to the time the employee is absent from scheduled duty in accordance with this administrative rule, providing that sick leave accruals are available.

Persons Not Entitled to Sick Leave

Seasonal appointments and any persons employed as consultants on a contract basis are not entitled to sick leave.

Prohibited Use of Sick Leave

The use of sick leave is prohibited when an employee is unable to perform work because of the use of any alcohol or illegal drug not prescribed by a licensed physician. However, sick leave with pay is authorized for absence from work resulting from documented illness or treatment resulting from the misuse of alcohol or drugs.

Sick Leave Accrual Rates

Unless otherwise provided in a collective bargaining agreement, all employees assigned to a 40-hour week shall accrue sick leave at the rate of 4 hours per biweekly payroll period, or 104 hours per year. Employees working less than full time shall accrue sick leave in accordance with the percentage of full-time work.

Members of the Bureau of Fire & Rescue assigned to a 51.9223-hour week shall accrue sick leave at the rate of 5.208 hours per biweekly payroll period, or 135.46 hours per year. An employee assigned from a 51.9223 hour week to a 40 hour week, or a 40 hour week to a 51.9223 hour week, shall have sick leave credits divided or multiplied respectively by the factor of 1.302 at the time of such change of assignment.

Additional accrual of sick leave credits shall not be allowed to an employee for any overtime, nor for any shift off without pay, except as provided for under Worker's Compensation.

If a person on a non-service connected disability status receives Fire and Police Disability and Retirement Fund benefits and vacation benefits simultaneously, no additional sick leave credits shall accrue during the period for which vacation benefits are received.

Use of Sick Leave

Sick leave credits shall accumulate from the first day of employment. Sick leave credits may be used;

1. for non-represented employees, after thirty (30) days of full-time employment;

2. for represented employees, after ninety (90) days of full-time employment, unless otherwise designated in a collective bargaining agreement.

Care of Ill or Injured Family Members (Dependent Care)

Employees may use accrued sick leave for the purpose of caring for an ill or injured family member who is the employee's spouse, domestic partner, parent, child or other person for whom the employee is legal guardian. A maximum of 40 hours of dependent care leave from accrued sick leave per calendar year may be used.

For leave designated under FMLA and/or OFLA, employees may utilize additional accrued sick leave, after exhausting dependent care, and other accrued leave, when leave is to care for a covered family member with a serious health condition as defined by the applicable law or City policy. See Administrative Rule on Family Medical Leave. An employee will be required to follow all of the stated rules for family medical leave designation.

Employees who use dependent care leave on more than three occasions in a 12 month period may be required to provide medical certification for all subsequent use of sick child leave in the 12 month period.

Payment for Illness or Injury During Vacation Period

No payment shall be made to an employee for an absence on account of sickness or injury during a period designated in advance for vacation, except upon a determination by the bureau director, and approved by the Human Resources Director, that the injury or illness was of a serious nature. The employee must notify their supervisor as soon as possible of the injury or illness and request the use of sick leave.

Absence on Account of Injury Not in the Line of Duty

Absence because of injury not in the line of duty shall be treated as absence because of sickness.

Employees with accrued and unused sick leave hours may still be medically laid off in accordance with the Administrative Rule on Medical Layoff.

Employment While on Sick Leave Prohibited

No employee on sick leave shall engage in other employment without prior written approval of the Bureau Director. Engaging in other employment while on sick leave without approval shall be considered an abuse of sick leave and subject to disciplinary action.

Sick Leave for Job Sharing Employees

Benefits eligible job-share employees who share a budgeted full-time position and serve a minimum of 36-40 hours each pay period shall accrue sick leave at one-half the full-time rate. Such credits shall be available:

1. for non-represented employees, after 173 hours of continuous job sharing employment;

2. for represented employees, after 520 hours of continuous job sharing employment.

Sick Leave for Part-Time Employees

Benefits eligible part-time employees who serve at least 40 hours but less than 72 hours each pay period shall accrue pro-rated sick leave in accordance with the percentage of full-time work.

Sick leave shall be available:

1. for non-represented employees, after 173 hours of continuous part -time employment;

2. for represented employees, after 520 hours of continuous part-time employment, unless otherwise designated in a collective bargaining agreement.

Sick Leave Accrual During Injury Leave

Sick leave credits shall be allowed to accrue during the first 12 months of continuous absence due to an injury in the line of duty.

Sworn members of the Bureau of Fire and Rescue or the Bureau of Police shall be allowed to accrue sick leave during the first 12 months of continuous absence because of an occupational or service connected disability that has been approved by the Bureau of Fire and Police Disability Retirement Fund, provided no damage action shall be filed against the City by the sworn member of the Bureau of Fire and Rescue or the Bureau of Police.

Previously Accrued Sick Leave Credits

An employee who is laid off or resigns and is subsequently re-employed within three years is entitled to credit for all sick leave accrued to the date of resignation or layoff. Sick leave shall not accrue during the period between resignation or layoff and reemployment. Any employee who is re-employed after a layoff or resignation of more than three years is not entitled to credit for sick leave that accrued during prior City service.

Any employee who is re-employed after retirement or discharge is not entitled to credit for sick leave accrued during prior City service.

An employee who transfers or is promoted to another full-time City position on the following workday is entitled to all sick leave accrued to the date of such transfer or promotion.

Accrued sick leave is not paid to an employee when the employee separates from City employment except for sworn FPD&R members of the Bureaus of Fire and Rescue and Police upon retirement as provided by their collective bargain agreements.

Reporting Illness

Employees shall follow bureau work rules related to reporting illness.

Sick Leave Subject to Verification

Managers or supervisors suspecting sick leave abuse may require a treatment provider's note before any sick leave pay will be allowed.

Unless otherwise provided in a labor contract, a certificate from the treatment

provider will be required after three consecutive calendar days' absence by an employee with less than 400 hours of accumulated sick leave, or after four calendar days, if 400 or more hours have been accumulated. On the fourth day of absence on account of sickness, a manager or supervisor may inquire as to whether the absence may qualify as family medical leave. See Administrative Rule on Family Medical Leave.

Each treatment provider's certification shall be evaluated and approved or disapproved by the employee's supervisor.

Collecting Third Party Damages

Section 2-608 of the City Charter requires City employees who collect damages for off the job injuries to reimburse the City for any sick leave used as a result of such injuries from the damages recovered. Bureau directors, or designees, shall notify injured employees by letter of their obligations under the Charter and this Administrative Rule. Such notification shall point out that under the Charter provisions:

1. The employee has the following obligations: If damages are collected from a third person through court action or settlement, the employee is obligated to repay the City the total amount paid to the employee by the City for any sick leave paid due to injury by a third person. Such repayment shall be made to the City Treasurer. In no event shall an employee be obligated to repay the City any monies in excess of the amount of monies collected from a third person. for such time loss from City service. Failure to make such reimbursement to the City shall be cause for disciplinary action;

2. Until reimbursement from the court action or settlement is made, the City has a lien for all sick leave paid against all future wages, which may be due to an employee from the City.

3. Any monies collected by the City Treasurer pursuant to the provisions of this Section shall be properly credited to the fund which has been charged for the sick leave involved.

Upon reimbursement, sick leave previously charged shall be credited to the employee for future use to the extent such repayment represents gross wages paid. No other adjustments to previous payroll records shall be made.

Administrative Rule History

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