

F. Sick Leave

1. Sick Leave Use and Notification

- a. Authorized Uses of Sick Leave: Providing a balance is available, employees may, with the approval of the supervisor or manager, use sick leave for the following reasons:
- (1) For absence due to personal illness, injury, or pregnancy-related condition of the employee or a member of the employee's immediate family.
 - (2) Exposure of an employee to a contagious disease which could be communicated to and jeopardize the health of other employees.
 - (3) Examination of the employee, or a member of the employee's immediate family where the employee's presence is reasonably necessary, including medical, dental, psychological, or optical examination. Refer to the individual bargaining unit agreement for additional information.
 - (4) May be used in addition to bereavement leave for death of a member of the employee's immediate family where bereavement leave is provided. Such usage is limited to a reasonable time not to exceed five days of sick leave.
 - (5) A period of up to 10 working days of sick leave will be allowed for parenting during the postnatal period or following an adoption.
 - (6) Employees may elect to utilize sick leave to supplement an approved disability leave, workers compensation claim or childbirth/adoption leave.
- b. Notification for Use of Sick Leave
- (1) When use of sick leave is not planned, employees shall notify the employer in accordance with Section II. B above: Notification of Absence.
 - (2) If sick leave continues past the first day, the employee will notify his/her supervisor or designee of the anticipated duration of the absence. The employee is responsible for establishing a report-in schedule that is acceptable to the supervisor for the anticipated duration of the absence. If an acceptable schedule is not established, the employee will notify the supervisor every day. In the case of a condition exceeding 3 consecutive calendar days, a physician's verification statement may be required. After an employee has been under the care of a physician, or off for 3 consecutive days, a return to work release may be required prior to the beginning of the first work shift.
 - (3) Requests for an entire day of sick leave for single medical or dental appointments are not acceptable unless there are extenuating circumstances that would prevent the employee coming to work before or after the appointment. Supervisors or managers have the right, as well as the obligation, to ask the time of the appointment.
- c. Requesting Leave in Lieu of Sick Leave: After employees have used all of their accrued sick leave, they may, at the employer's discretion, use accrued vacation, compensatory time or personal leave. Employees will generally be required to exhaust all leave prior to going into leave

without pay status. Requests for leave without pay in lieu of sick leave will be reviewed under II C 4 above.

- d. Physician's Verification: At the discretion of the divisional Human Resources Coordinator, in consultation with the Labor Relations Officer, the employee may be required to provide a statement from a physician who has examined the employee or member of the employee's immediate family for all future illness. The physician's verification requirement shall be made in writing using the Physician's Verification form with a copy to the employee's personnel file. Leave for those employees who have been required to provide a physician's verification will be considered for approval only if the physician's verification is provided within 3 days after returning to work. The supervisor or manager shall review sick leave balance for all assigned employees. When the employee accrues a balance of 10 hours of sick leave, as reported on his or her pay stub, the physician's verification requirement will be lifted. Physician's verification may also be required for isolated uses of sick leave. In these cases, the supervisor will notify the employee of the requirement in conjunction with the employee call off.

2. Unauthorized Use, Misuse or Abuse of Sick Leave

- a. Policy: It is the policy of the employer to take corrective and/or disciplinary action for unauthorized use of sick leave, misuse and/or abuse of sick leave, to include the following:

- (1) Failure to properly notify supervisor of medical absence.
- (2) Failure to complete standard (sick) leave form as directed.
- (3) Failure to provide physician's verification, return-to-work release, or other medical documentation when required.
- (4) Fraudulent documentation associated with use of sick leave.
- (5) Misuse of sick leave - using sick leave for purposes other than intended or provided.
- (6) Failure to comply with the terms of policies regarding use of sick leave.
- (7) Pattern abuse - inappropriate and unauthorized use or abuse of sick leave includes use:
 - (a) before or after holidays
 - (b) before or after weekends or regular days off
 - (c) after paydays
 - (d) on any one specific day
 - (e) following overtime worked
 - (f) of half days
 - (g) in a continued pattern of maintaining zero or near-zero leave balances
 - (h) excessive absenteeism.

b. Procedure

- (1) When an employee falls under the conditions of pattern abuse as described above, the employee will receive a notification of pattern abuse from his or her supervisor or manager.
- (2) The employee's division Administrator/Deputy Director, or designee (office chief or equivalent supervisor) shall meet with the employee to discuss the employee's use of sick leave. The purpose of the

meeting shall be to allow the employee the opportunity to discuss any extenuating or mitigating circumstances concerning the use of sick leave of which the supervisor or manager should be aware. This meeting is not for the purpose of requiring the employee to explain his/her prior use of sick leave or the employee's medical condition, nor is it to be considered as disciplinary in nature.

c. Corrective Discipline

- (1) An employee shall be subject to discipline if either of the following criteria apply:
 - (a) The employee misuses or abuses sick leave as described in 2. a. (1) through (6) above OR in the case of pattern abuse
 - (b) The employee has received a pattern abuse notification and uses sick leave in the pattern identified.
- (2) The department will consider extenuating and/or mitigating circumstances prior to imposing discipline. However, employees may expect the imposition of discipline if there is unauthorized use or abuse of sick leave. The sick leave discipline track will normally be progressive with no more than one disciplinary action per pay period.
- (3) When progressive discipline reaches the first suspension for an employee covered by the OCSEA bargaining unit agreement, a corrective counseling session will be conducted with the employee. The DAS Director or designee and DAS Labor Relations Officer will jointly explain the serious consequences of continued unauthorized use or abuse of sick leave.
- (4) Any discipline imposed will not violate Family Medical Leave Act. Refer to the FMLA Policy for additional information.