

Subject: Sick Leave Policy	Number: 2-20
	Date Issued: January 1, 2000 Date Revised:
Responsible Department: DAS—Human Resources	Approved:

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.

Policy

This is a Citywide policy; however, consult with applicable Memorandums of Understanding for modifications and/or exemptions to the application of this Administrative Order. 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 able to work safely.

Employees covered by this policy are allowed to use up to 48 hours of accumulated sick leave per calendar/fiscal year for Family Sick Leave, to care for members of their immediate family (as defined by the Fresno Municipal Code [FMC] and State of California Labor Code, Chapter 164, Section 233). Family Sick Leave may be used to actually care for or arrange for the care of family members who are ill and cannot care for themselves, or to take family members to routine medical or dental appointments.

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, as defined in Administrative Order 2-19.

The City's acceptable limit for sick leave usage is 8 days or 64 hours per fiscal year. For employees who work on a 4/10 schedule, the limit is 8 days or 80 hours per fiscal year. For employees who work 56 hours per week, the limit is 4 shifts or 96 hours per fiscal year. For Permanent Intermittent and Permanent Part-time employees, the limit will be prorated, based on the percentage of full-time equivalent identified for each position in the Position Authorization Resolution.

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 supervisor 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 supervisor may, at his/her discretion, impose a physician's statement requirement without prior counseling.

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.

Procedures

1. The division manager, or his designee, will review sick leave usage biannually, in January and July, for any employee exceeding 32 hours usage (40 hours for 4/10 employees; 48 hours for 56-hour employees) in the previous six-month period.
2. Records indicating sick leave usage in excess of the review limit will be examined further.

Leave of Absence requests will be reviewed to determine how many hours of sick leave were hours that, for the purposes 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. Employees will be required to submit a physician's statement verifying the illness or injury. An employee whose absence would otherwise be exempt under this section, who returns to work for up to 4 hours during his or her absence, will not lose the exemption (e.g., the employee is absent from work for 36 hours of a 40 hour work period; or for an employee on a 56-hour workweek, 44 hours of a 48 hour work period).
- b. Pre-approved, scheduled medical or dental appointments 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 as provided in FMC Section 2-1508(f).
- c. Sick leave used for Workers' Compensation absences.
- d. Special 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 his child, as provided in FMC Section 2-1508(i). In such cases, absences for these purposes may be authorized on special leave only if a physician provides a written statement that the employee's presence at the hospital is required.
- e. An ongoing medical condition of a serious nature, e.g., diabetes or 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 48 hours of accumulated sick leave per calendar/fiscal year for Family Sick Leave, to care for members of their immediate family (as defined by the FMC and State of California Labor Code, Chapter 164, Section 233).

3. Employees whose adjusted sick leave hours exceed the limit for the first time will be counseled and advised to reduce 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 manager or his/her designee, and will not be placed in employee personnel files.
4. Employees who are counseled will have their sick leave usage reviewed in three months to determine if their usage has exceeded the limit of 16 hours (20 hours for 4/10 employees; 24 hours for 56-hour employees). If the usage is at or below the limit, no further action is required. If it is above the limit, the division manager will prepare a Letter of Understanding informing the employee of a physician's statement requirement. The employee will be required to provide written verification, from the physician or an R.N. under the physician's direction, for every sick leave absence during a period of three months.
5. Should the employee fail to submit a signed physician's excuse for any absence during this three-month period, that absence will be treated as "Leave Without Pay." Supervisors would 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 or vacation balance.

6. Should the employee's sick leave usage fall below the 16-hour limit (20 hours for 4/10 employees; 24 hours for 56-hour employees) at the conclusion of the three-month period, the requirement for physician's verification will cease. This does not preclude the division manager from requiring physician's verification if individual circumstances warrant it. Should the employee's sick leave usage remain above the limit, 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.
8. If an employee's sick leave usage continues to exceed the standard set by the policy, progressive corrective action as defined in Administrative Order 2-14 may be taken, up to and including suspension or dismissal. Before progressive corrective action is taken, an employee's sick leave usage over his or her City career will be considered in determining the appropriateness of discipline.