

ARTICLE 11 - SICK LEAVE

PART I - USE OF SICK LEAVE

(A) Sick leave with pay may be used to the extent to what has been accrued or advanced by employees who:

1. Are incapacitated by illness or injury from the performance of their duties, or whose attendance is prevented by public health requirements; or

2. Are required to absent themselves from work to attend a funeral of a member of their immediate family as identified in Article 17 (I) and (J); or

3. Are required to absent themselves from work to personally care for a member of their immediate family. To be granted sick leave with pay in such cases requires explanation of sick leave on the leave slip. Such leave is limited to a maximum of seven (7) days per year, unless otherwise authorized by the Department Head or his designee or the leave is authorized FMLA leave. Such requests shall not be unreasonably denied.

4. Are required to take time off from work for the purpose of keeping a personal medical, vision, or dental appointment. Such leave shall be limited to a maximum of a full shift for any one appointment. A request for additional time must be submitted to and approved by the Department Head or designee prior to the use of the sick leave, if possible.

5. No employees shall be entitled to sick leave while absent from duty because of a disability arising from an injury purposely self-inflicted or caused by willful misconduct.

(B) Time off for the personal care of a member of their immediate family which has not been authorized by the Department Head or designee, as above provided, may be charged to annual leave, if available, at the employee's option.

(C) Employees who become ill prior to the start of the workday shall call in as required by their departmental work rules or City Policy. An employee incapacitated beyond the period covered by sick leave may be granted leave without pay by the Department Head. On the approval of the City Manager, an advance of additional sick leave with full or partial pay may be granted. Employees may use accumulated annual leave or TILO, in lieu of sick leave when sick leave is unavailable.

(D) Employees covered by this Agreement shall be subject to the following reporting requirements for use of sick leave:

1. Sick Leave Request: Employees are required to file and sign a sick leave request consistent with degree of documentation allowable under existing federal law as evidence that the reason for the employee's absence was a legitimate use of sick leave as outlined above. Sick Leave requests shall be approved by the Department Director or designee through normal time reporting procedures.

2. Certificate of Recovery and Fitness: If an employee is requested to do so by the Department Head or his designee, a Certificate of Recovery and Fitness shall be submitted by the employee upon return to work from any illness that required the use of sick leave for five (5) or more consecutive scheduled working days. Such certificate shall be signed by a physician and shall state that

the employee is capable of returning to work. The Department Head or designee may require that an employee submit a Certificate of Recovery and Fitness because of extensive use of sick leave. The employee will be notified in writing in advance when a Certificate of Recovery will be required. "Extensive" shall mean in excess of eight (8) incidents of sick leave usage in the preceding 12-month period. **Incident of Use (Sick Leave): Any period of continuous absence or intermittent for the same reason, or the use of sick leave for an individual condition that requires repeated treatment.** Use of sick leave for funeral attendance or a scheduled medical, vision, or dental appointment or for the care of immediate family members shall not constitute an incident of sick leave. A Certificate of Recovery and Fitness may also be required after an employee has used six (6) incidents of sick leave in conjunction with holidays and/or regular days off in the preceding twelve (12) month period. **Patterns of use of leave; patterns of use of leave in conjunction with holidays and/or employees' regular day off; failure to provide appropriate documentation to substantiate leave when required and in accordance with this article and use of sick leave beyond that accrued by the employee may be considered abuse of sick leave and grounds for disciplinary actions.**

3. Justification regarding care of immediate family member: The Department Head or designee may require that an employee state the need for the employee's absence for the personal care of a member of their immediate family.

(E) While on sick leave, an employee will normally be at a residence for the purpose of recuperating, at a medical facility, or at a facility purchasing personal items and/or medications. Employees on extended sick leave are responsible for notifying the Department Director or designee of their primary location and of their expected date of return to work. An extended sick leave is when an employee is off work for maternity/paternity/adoption leave, continuing special treatment, recovery from a disabling illness or injury or other recognized use of sick leave for more than five (5) workdays.

(F) If there is reasonable cause for the City to believe that an employee is abusing sick leave, the City may require that the employee produce appropriate documents to justify the employee's absence, such as evidence of having consulted a physician, a certificate from a treating physician, or the production of appropriate medical records to be made available to a City designated physician for review. Supervisors may not discipline an employee in the absence of evidence that the employee is abusing sick leave. The use of sick leave shall not be a basis for downgrading an employee's performance evaluation in the absence of an actual determination that the employee's use of sick leave has, in fact, been abusive.

PART II - EARNING AND PAY OFF OF SICK LEAVE

(A) The City and the Association agree that all full-time employees shall accrue four (4) hours of sick leave bi-weekly. Employees who are in a non-pay status for part of a pay period shall have their sick leave accumulation reduced on a prorated basis. There shall be no limit to the amount of sick leave that can

be accumulated. Employees shall be paid their current hourly rate, plus longevity, if applicable, for each hour of sick leave used.

(B) For the purposes of calculating payment of sick leave hours, employees will have a cap (maximum payoff) of 840 hours.

(C) Employee shall receive payment for one-half the amount of unused sick leave accrued upon separation from City employment after five (5) years of continuous full-time service; however, in no event shall an employee be paid for more than 840 sick leave hours.

Payment shall be computed as follows unless specified otherwise in these provisions:

One-half of the employee's current accumulated sick leave hours paid at their current hourly rate, plus longevity, if applicable, for each hour of sick leave computed for payment.

(E) Employees with 20 years or more employment with the City, upon separation, will be paid at a one hundred percent (100%) rate for those sick leave hours accumulated up to their 840-hour cap. The payment will be at the hourly rate at time of separation.

(F) In the event of death or as a result of a disability resulting in mandatory separation from City employment, an employee shall be paid for all sick leave hours accumulated at the employee's current hourly rate, plus longevity, at time of separation to a maximum of 840 hours. In the event of death, the sum will be paid to the beneficiary(ies) designated by the employee.

(G) Sick leave will be charged to the individual employee's accounts on a first in, first out (FIFO) accounting system.

(H) On the first payday of December of each year, the City shall "buy back" one-half of all sick leave hours accrued above the 840 hour maximum payoff limit during that calendar year by said employees. The one-half sick leave accrual for any calendar year that was not bought back by the City shall become a sick leave "bank" and part of the total sick leave accrual of the employee, but shall not be eligible for pay-off at any time, including at separation. Sick leave "bank" hours shall be used only upon exhaustion of all other sick leave hours.

(I) Employees who have taken no more than thirty-two (32) hours of sick leave during the 12-month periods listed below shall receive a three hundred and fifty (\$350) cash incentive or one bonus annual leave shift day off to be credited to the employee's annual leave accrued at the employee's option. Sick leave used for the purpose of bereavement or for FMLA leave will not count toward the thirty-two (32) hours identified above.

START DATE	END DATE
<u>Start of business</u>	<u>Close of business</u>
06/22/02	06/21/03
06/22/03	06/19/04
06/20/04	06/18/05
06/19/05	06/17/06
Contract Extension Dates	
06/18/06	06/16/07

06/17/07	06/14/08
06/15/08	06/13/09
06/14/09	06/12/10
06/13/10	06/25/11

Employees who choose the bonus shift day and not the cash bonus will receive the following hours added to their annual leave accrual.

Employees working a five day, forty hour week (designated 5/40) will receive a sick leave bonus of 8 hours of annual leave added to their accrual.

Employees working a four day, forty hour week (designated 4/10) will receive a sick leave bonus of 10 hours of annual leave added to their accrual.

Employees working a nine-day bi-weekly schedule (designated 9/80) shall receive a sick leave bonus of 9 hours of annual leave added to their accrual.

Employees working alternating 12 hour and 8 hour shifts (designated 12/8) will receive a sick leave bonus of 10 hours of annual leave added to their accrual.