

City-Wide Sick Leave Policy (Excluding SPOA and Local 522)

Scope: CITYWIDE (excluding SPOA and Local 522)

Policy Contact

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Family and Medical Leave Act (FMLA)

California Family Rights Act (CFRA)

Americans with Disabilities Act (ADA)

Pregnancy Disability Leave Law (PDL)

California Labor Code §233

California's Paid Sick Leave Law

Supersedes

- All existing sick leave policies except those within the Police and Fire Departments as they pertain to SPOA and Local 522 personnel.

Reviewed/Effective: May 14, 2018

Charter Officer Review and Acknowledgement

City-Wide Sick Leave Policy (Excluding SPOA and Local 522)



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4/30/18

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**CITY OF SACRAMENTO
CITYWIDE SICK LEAVE POLICY
(Excluding SPOA and Local 522)**

SICK LEAVE POLICY

Policy Statement

The City of Sacramento provides eligible employees with paid sick leave in accordance with federal and/or state laws, and in accordance with Civil Service Board Rule 16 and Appendix A (Special Leave).

The Department of Human Resources is responsible for, and has authority, to make updates to this policy as necessary to maintain compliance with federal and/or state laws, other City policies and collective bargaining agreements.

Purpose

The purpose of this policy is to ensure consistency with the administration of sick leave throughout the City and is intended to ensure compliance with applicable leave laws, including the Family and Medical Leave Act (FMLA), California Family Rights Act (CFRA), Americans with Disabilities Act (ADA), Pregnancy Disability Leave (PDL) Law, California's Labor Code section 233, California's Paid Sick Leave Law, and any other leave-related laws.

Sick leave is a privilege, and not a right, and is intended to be used only when necessary to recover from illness or injury, to care for an ill or injured family member, or for taking time off for medical, dental, and vision appointments to the extent that such appointments cannot be scheduled outside the workday.

1. Sick Leave

- a. Employees shall provide advance notice per department protocol when their use of sick leave, including sick family care, is foreseeable.
- b. The use of sick leave, including sick family care, for unforeseeable illnesses shall be reported as soon as practicable prior to the shift. The employee shall contact their supervisor; if the supervisor is absent, report to the Division Manager or designee. If neither the supervisor nor the Division Manager is available, the employee must leave a voicemail message for their supervisor. It is unacceptable for a spouse, friend, or any other person to call in on the employee's behalf unless the employee is unable to do so, or an emergency prevents the employee from personally calling in.
 - i. **Medical Certificate**
Use of sick leave, including sick family care, for more than five (5) consecutive workdays requires a medical certificate describing the functional limitations that required an employee's leave from work for medical reasons or fitness limitations which prevented the employee

from performing their primary job functions. The medical certificate shall include dates of absence and return to duty.

- ii. **Supervisor Discretion**
Supervisors shall have the discretion to place employees on sick leave when, in the judgment of the supervisor, the employee is exhibiting signs and symptoms of illness and the employee's presence at work would endanger the health and welfare of other employees or where the illness or injury of the employee interferes with the performance of such employee's duties.
 - iii. **Illness or Injury while on Vacation**
In the event an employee becomes ill or injured while on vacation, sick leave is authorized only if the employee is confined to a hospital, or is bedridden, and is unable to continue vacation activity. A physician's certificate verifying the dates, location, and reasons for the hospitalization must be provided by the employee upon return to work.
 - iv. **City Holiday and Sick Leave**
For employees eligible to receive holiday pay, a recognized holiday occurring while the employee is on sick leave shall be counted as a holiday and shall not be charged against accrued sick leave benefits.
- c. **Doctor's Appointments**
- i. Employees will make an effort to schedule routine medical, dental, and eye appointments for an employee or family member on the employee's own time. When this is not possible, and an appointment is scheduled during the employee's normal working hours, employees will make an effort to schedule appointments when it will have the least impact to business operations, such as at the beginning or the end of a shift.
 - ii. The employee must advise his/her supervisor of an appointment as soon as the appointment is known to the employee, including appointments for family members. Failure to do so, without good reason, shall result in denial of sick leave usage and the absence being treated as a leave of absence without pay. Use of sick leave shall not be denied when the employee gives at least three (3) days' advance notice.
 - iii. Typically, a maximum of two (2) hours of sick leave is authorized for medical, dental, or eye appointments.

2. Sick Family Care

In accordance with California's Paid Sick Leave law and Labor Code section 233, an employee may use up to one-half (1/2) of their available annual accrual of sick leave in a calendar year for the following reasons:

- a. For the employee's own diagnosis, care, or treatment of an existing health condition or preventative care.
- b. For the diagnosis, care, or treatment of an existing health condition or preventative care for an employee's family member, including:
 - Child, including a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis.
 - Spouse or Registered Domestic Partner
 - Parent, including biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.
 - Grandparent
 - Grandchild
 - Sibling
- c. To obtain any relief or services related to being a victim of domestic violence, sexual assault, or stalking including the following with appropriate certification of the need for such services:
 - A temporary restraining order or restraining order.
 - Other injunctive relief to help ensure the health, safety, or welfare of themselves or their children.
 - To seek medical attention for injuries caused by domestic violence, sexual assault, or stalking.
 - To obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking.
 - To obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking.
 - To participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation.

The absence code 'Sick Family Care' must be used to track sick family care usage.

Any additional paid sick leave provided to an employee beyond the use of one-half (1/2) of their annual accrual of sick leave can only be used for the employee's own diagnosis, care, or treatment of an existing health condition or preventative care.

3. Approved Leave of Absences (including FMLA/CFRA/PDL)

If an employee is on an approved medical, family care, pregnancy disability, or parental leave of absence, they can use any of their available sick leave accruals along with any of their other leave accruals. Please refer to the Leave Administration Policy.

4. Unacceptable Usage of Sick Leave Accruals

The City will not tolerate abuse or misuse of an employee's sick leave privilege. Excessive use of sick leave, tardiness, and failing to adhere to the call-in procedures when absent or tardy can negatively impact the performance of the employee's job or affect others in the performance of their job.

- i. Sick leave accruals may not be used during personal leaves, military leaves, or as an extension of the employee's vacation.
- ii. Substitution of other leave accruals, including, but not limited to, vacation, holiday accrued, holiday earned, CTO, etc., may not be used in place of sick leave unless an employee is on an approved medical, family care, parental, or pregnancy disability leave of absence.
- iii. If an employee or a family member immediately recovers from any such sickness after being granted sick leave, and during the regularly scheduled hours of work, the employee shall notify the appropriate immediate supervisor and be available to return to duty.

5. Sick Leave Verification

Prior to placing an employee on Sick Leave Verification, the Citywide Leave Administrator in the Department of Human Resources shall review all suspected excessive or abusive usage of sick leave on a case-by-case basis to ensure an employee's state and federal leave rights are not being violated. It is the department's responsibility to coordinate with the Citywide Leave Administrator prior to placing an employee on sick leave verification.

Employees shall be placed on Sick Leave Verification if the following occurs:

- a. If an employee uses more than forty-eight (48) hours of sick leave, excluding FMLA, CFRA, and PDL, in six (6) months or ninety-six (96) hours in a twelve (12) month period.
- b. If a Fire Suppression employee uses more than sixty-seven and two-tenths (67.2) hours of sick leave, (excluding FMLA, CFRA, and PDL) in six (6) months or one-hundred and thirty-four and four-tenths (134.4) hours in a twelve (12) month period.
- c. If a pattern of sick leave usage exists, which can be defined as, including, but not limited to, more than one (1) occasion of using one (1) or more days of sick leave prior to/or after a holiday or other scheduled time off, calling in sick the first or last day of the employee's workweek or shift, or calling in sick on the same day of the week consistently.
- d. Requirements for employees on sick leave verification:

- i. An authorized healthcare provider must sign the medical verification form. For purposes of this Section, an authorized healthcare provider is defined under the Family and Medical Leave Act (FMLA).
 - ii. For sick leave use the authorized healthcare provider must have physically examined the employee and determined that he/she is ill or injured and unable to perform the duties of the job and must indicate the specific date(s) the employee needs to be absent from work.
 - iii. For sick family care, the authorized healthcare provider must have physically examined the family member and determined the employee's care was medically necessary.
 - iv. Medical verification forms that indicate that the patient/employee was given telephone advice are not acceptable.
 - v. The employee must submit the medical verification form to his/her supervisor at the beginning of the shift on the first day of returning to work following the illness or injury.
 - vi. The authorized healthcare provider must describe the functional limitation(s) that require leave from work for medical reasons or limit fitness to perform primary job functions. Medical verification forms that merely indicate that the patient/employee states he/she has been ill and unable to work from (date or dates) are not acceptable. Examples of acceptable medical verification forms are:
 - 1) "Employee was seen in my office on (insert date) and is unable to work on (insert date) because he/she is unable to lift more than three (3) pounds and is unable to sit for more than ten (10) minutes. Employee can return to work without restrictions on (insert date)."
 - 2) "Employee was seen in my office on (insert date) and is unable to work on (insert date) because he/she is contagious."
- e. In the event the employee cannot verify sick leave or sick family care use by providing a medical verification form, he/she will not be eligible for sick leave and the absence will be treated as leave without pay.
- i. Once an employee has been notified in writing that a medical verification is required for use of sick leave or sick family care, he/she

- ii. must see the authorized healthcare provider on the first day of illness/injury.
- iii. The employee must continue to provide medical verification forms until notified in writing that medical verification is no longer required. Employees may request to be removed after three (3) months. If determined by the Citywide Leave Administrator in the Department of Human Resources that the employee is in compliance with this policy, the employee shall be removed from sick leave verification. Employees initially determined to be not in compliance by the Citywide Leave Administrator in the Department of Human Resources may request to have their compliance reviewed monthly, thereafter.