

## CLASSIFIED SERVICE SICK LEAVE POLICY

Sick leave is a benefit available to employees to provide protection from loss of income in the event of personal or family illness, injury, or temporary disability.

Employees will accrue sick leave as noted in the various bargaining agreements or according to State policy.

Sick leave is not and may not be used as additional vacation or personal leave. Sick leave may be used for the following purposes:

1. Illness or injury of the employee including but not limited to surgery, hospitalization, pregnancy, illness and other related conditions that disable an employee.
2. Illness or injury of an employee's family member, including a parent or any person with whom the employee makes his or her home, up to the specified number of days per year (see individual bargaining Agreements).
3. Medical/dental appointments of the employee or employee's spouse, child, or parent where the employee's presence is considered necessary.

## GUIDELINES FOR USE OF SICK LEAVE

### ***Family Sick Leave:***

Classified Service employees may use up to 15 days of accumulated sick leave credits per year for death or illness in the immediate family (family is usually defined as any person who lives in the employee's household or blood relatives or in-laws, regardless of place of residence). The rule of thumb for family illness is that the employee's presence must be medically necessary for the employee to qualify to use sick leave. Examples of appropriate use of family sick leave include providing direct care for an ill family member; accompanying a family member to a doctor's appointment either because the family member is unable to go alone (because of age or illness) or because the employee must be present as a responsible adult to receive the medical information concerning the family member's condition; being present with a spouse on the day of delivery of a child and to provide direct care following her release from the hospital; being present at the hospital during surgery or other medical emergency of a family member. You should discuss any questions about requests for family sick leave with Human Resources.

### ***Proper Sick Leave Use:***

Sick leave for bereavement purposes may be properly used for a death in the employee's family. It may not be used to attend the funeral of someone other than a family member. It is appropriate for an employee to use sick leave to stay home or in a hospital or health care facility to recover from an illness, injury, operation or childbirth. Sick leave can also be used for reasonable travel time and visits to the doctor, dentist or other health practitioners because of illness, emergency, routine examination or preventive care. It may also be used for family sick leave. Use of sick leave is subject to the approval of the supervisor, but authorization should not be unreasonably denied.

### ***Improper Sick Leave Use:***

It is not proper to use sick leave for vacation or for such personal chores as picking up medicine at a drug store, picking up glasses from an optician or delivering a hearing aid for repair. No medical services are being performed on such trips. Family sick leave is not appropriate to use when employees are absent to assume housekeeping duties normally performed by another family member because no direct care is being provided for the ill family member.

### ***Documentation:***

Consistent with the applicable contractual provision, a supervisor has the right to ask for satisfactory medical documentation of sickness - a written explanation from a doctor, hospital or other recognized practitioner - before approving use of sick leave for an absence. Generally, documentation is not requested for illnesses of a few days because an employee does not always see a doctor for a brief illness. The documentation is at the *employee's expense*. When medical documentation is required, it must be satisfactory to the State. Satisfactory documentation must: be specific, state the length of illness/disability, be on physician's letterhead, include the date and a readable signature, when an employee is allowed to return to work, and whether the return is to full or limited duties. If the employee cannot perform regular duties, the medical documentation must state what the limitations are, i.e. - no lifting, bending, etc. and must include the length of the limited duty. Documentation regarding limited duty must be specific. The employee will be told by his/her supervisor what specifics must be included in the physician's statement. It is the employee's responsibility to obtain appropriate and complete documentation from his/her physician. Before an employee can return to work on limited duty, Human Resources must review the document. Questions on limited/light duty are to be referred to Human Resources.

## **SICK LEAVE CREDITS DURING RETIREMENT**

When an employee retires, a maximum of 200 days of sick leave is converted to a dollar figure. That money, then, is used by the New York State Department of Civil Service to help pay for the costs of health insurance after retirement for the employee and his/her spouse/domestic partner. Employees should make every effort to build the maximum sick leave accrual bank to insure that health insurance costs will be paid for in retirement and not taken directly from the pension check.

## **POLICY**

Human Resources will review the sick leave balances of all classified service employees on a bi-annual basis, usually January and July. Human Resources and the employee's supervisor will meet to discuss an employee's situation when any of the following occur:

- a. Sick leave accrual balance falls below 25% of the maximum credits earned since the date of employment. (Note: This is the guideline set by the New York State Department of Audit and Control to identify possible sick leave abusers.)
- b. A pattern of use of sick leave is apparent - i.e. - the use of sick leave on Mondays, Fridays, before or after pass days, etc.
- c. Calling in sick on a day for which requested time off, for this day, was previously denied.
- d. Changes in attendance patterns which indicate possible sick leave abuse.
- e. The supervisor suspects an attendance problem.

**After** Human Resources and the supervisor meet and it is believed an employee may have a sick leave usage problem, the following will occur:

1. The supervisor will meet with the employee, informally, to discuss the facts and circumstances surrounding the employee's situation and, if appropriate, to discuss the problems that occur from the misuse of sick leave. The supervisor will monitor the situation for a specific period of time, usually three to four weeks.
2. At the end of the stated period, if the sick leave usage does not improve, the employee will be counseled formally, by his/her supervisor. A formal counseling session will occur and the meeting will be followed up with a counseling memo. Such memo will state what is required of the employee, i.e. required doctor's statement for all sick leave usage, duration of time (6 months, etc.), reason for restrictions (misuse of sick leave), and specifics regarding light duty. The memo will be forwarded to Human Resources and placed in the employee's personnel file. Human Resources must receive all required medical documentation, prior to the employee being allowed to return to work. If the employee's shift is not during regular business hours, the employee may present the return to work slip to his/her supervisor, who will forward to Human Resources on the *following business day*. If the medical documentation is unacceptable or not obtained, the absence will be unauthorized until appropriate documentation is provided, *and disciplinary action may occur*. All medical documents will be filed confidentially.

\*Management reserves the right to require medical documentation when it is suspected that an employee may be attempting to use sick leave accruals for purposes other than which intended.

3. During the stated period in the counseling memo, if the sick leave usage gets worse, and if the problem is still not corrected in the time frame specified in the initial counseling memo, Time & Attendance Disciplinary action will be taken according to the following contracts:
  - 1) CSEA and New York State Contract Article 33.5
  - 2) Council 82 and New York State Contract Article 8.2
  - 3) PEF and New York State Contract Article 33.5.

\*\*Please note, absences due **solely** to serious personal illness, qualified family illness surgery, worker's compensation, and maternity leaves will be exempt from this policy as defined under the Family and Medical Leave Act.