



Classified Service Sick Leave Policy

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Sick Leave Benefit

Sick leave is a benefit available to employees to provide protection from loss of income in the event of a 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.

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.

Use of Sick Leave

Sick leave may be used for the following purposes:

Illness or Injury of the Employee

This includes but is not limited to surgery, hospitalization, pregnancy, illness and other related conditions that disable an employee. Sick leave may 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.

Family Sick leave

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).

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 general rule 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.

Bereavement

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.

Improper Use of Sick Leave

Sick leave is not and may not be used as additional vacation or personal leave. 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.

Notification and Authorization

Employees should seek authorization for planned medical leaves as soon as the employee is aware of the need for such leave. Leave of Absence forms may be obtained from Human Resources. Use of sick leave is subject to the approval of the supervisor, but authorization should not be unreasonably denied.

When required, employees must present satisfactory medical documentation from their physician to Human Resources. The documentation is at the employee's expense. 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 (worker's compensation cases only). 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. 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 and may require the employee to visit the State physician.

Sick Leave Monitor / Watch Program

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

- 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.)
- 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.
- Calling in sick on a day for which requested time off, for this day, was previously denied.

- Changes in attendance patterns which indicate possible sick leave abuse.
- 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 may 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.
2. At the end of the stated period, if the sick leave usage does not improve, the employee will be placed on the Monitor program. The supervisor and Human Resources will monitor the sick leave usage patterns for a period of time with the expectation that the employee will improve.
3. If the employee does not improve on the Monitor program, the employee will be placed on the Watch program. A doctor's note will be required for all sick leave usage. Failure to produce the required medical documentation upon return from sick leave may result in a formal counseling session and followed up with a counseling memo. The absence will be considered unauthorized.
4. 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:
 - CSEA and New York State Contract Article 33.5
 - Council 82 and New York State Contract Article 8.2
 - PEF and New York State Contract Article 33.5.

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.

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.