



PERSONNEL RULES

LEAVES & ACCOMMODATIONS **SICK LEAVE** §6101

Overview: Employees who are away from work because of a personal illness or injury, to receive medical treatment, or to attend to the medical need of a qualifying family member may be eligible to use accrued sick leave.

Applicable to: All regular and probationary Tehama County employees, excluding elected officials and contract employees.

Definitions: Family Sick Leave - Family sick leave is time away from work for employees to attend to the health needs of a qualifying family member.

Medical Certification Requirement – When an employee who may be abusing sick leave is required to provide a doctor’s note for each use of sick leave when returning to work

Occurrence – An occurrence of sick leave is defined as one continuous period of absence of any duration for the same reason, or a period of absenteeism related to a single cause if supported by acceptable medical documentation. An occurrence may include paid or unpaid time. Doctor appointments, bereavement leave, or leave under a protected leave does not qualify as an occurrence.

Pattern of Sick Leave Use – The repeated use of sick leave on a particular day or before and/or after scheduled days off, weekends, or holidays.

PFL – Paid Family Leave is pay received while away from work for an extended period of time to recover from a serious health issue, take care of a seriously ill family member, or bond with a newborn or newly adopted child

Protected Leave – A leave of absence that provides job protection under law, such as the Family Medical Leave Act, the Uniformed Services Employment and Re-Employment Act, the Americans with Disabilities Act, California Family Rights Act, Pregnancy Disability Act, Military Spouse Leave, Bone Marrow and Organ Donation Leaves, Domestic Abuse Leave, Victims of Crime Leave, Voting Leave, Jury Duty/Witness Leave, and Emergency Personnel Leave.

Sick Leave - Time away from work for employees to address their own personal health needs.

SDI – California State Disability Insurance is a partial wage replacement insurance plan for California workers. The SDI program is state-mandated and funded through employee payroll deductions.

Guidelines: All full-time regular and probationary Tehama County employees may be eligible to accrue sick leave at a rate of 3.7 hours per pay period. Part-time regular and probationary employees may be eligible to accrue sick leave at a pro-rated amount based on the ratio of assigned work hours. Sick leave shall not exceed a balance greater than 500 hours.

Sick Leave Standards

Regular attendance of employees is necessary to carry out the County’s work. Continuity of service, coverage, and production all rely on the dependability of staff to report to work as scheduled. It is recognized that abuse and/or excessive use of sick leave places a hardship on each department. Sick Leave procedures as defined in this Rule will be monitored and utilized in the employee’s overall performance.

- The number of occurrences of sick leave use should not exceed eight (8) in a 12-month period. If more than eight are used, progressive disciplinary action may be

initiated. If less than a year of sick leave data is available, supervisor may calculate use of sick leave on a proration basis.

- When evaluating an employee's use of sick leave, the employee's entire attendance record should be considered, including: 1) number of days taken, and number of occurrences; 2) pattern of usage including employee's actual schedule; 3) the employee's past record; and 4) extenuating circumstances.
- Indications of possible abuse of sick leave include (but are not limited to): 1) a pattern of sick leave use as defined above; 2) a low accrual balance or usage of sick leave accruals as they are earned; 3) usage of sick leave on days previously requested and denied as vacation; 4) failure to produce medical certification; and 5) usage of more than eight occurrences in a 12-month period.
- Use of sick leave will be monitored by the employee's supervisor or designee on a regular basis and may be used in the evaluation process.
- Use of unpaid leave may result in disciplinary action, including but not limited to postponement of step increases.
- No employee will be disciplined in any way for sick leave abuse on the basis solely of statistical evidence or mechanical application of the number of sick leave occurrences. Discipline will be imposed on the basis of loss to the County, i.e. deadlines not met or delayed, public not served, others having work reassigned for cover, etc.
- Sick Leave used to supplement Worker's Compensation payment for injuries will not be considered in calculating the total amount of sick leave usage.

Sick Leave Use

With approval from the supervisor or designee, employees may be eligible to use accrued sick leave for the following events:

- Employee's own bona fide incapacity due to illness or injury;
- Employee treatment or examination by a licensed medical practitioner;
- Bereavement Leave - Employees may be eligible to use sick leave to extend bereavement for a period not to exceed forty-eight (48) hours per occurrence;
- Domestic Violence, Sexual Assault, or Stalking for the employee to obtain relief, including seeking a restraining order or ensure the health, safety, or welfare of themselves or their children. See Leave for Domestic Violence Victims §6207.

Family Sick Leave Use

With approval from the supervisor or designee, employees may be eligible to use half of their annual sick leave accruals to attend to the medical need of an immediate family member. Sick leave for this purpose shall not exceed forty-eight (48) hours per fiscal year. Eligible family members who qualify as an immediate family member, includes only:

- Child (biological, adopted, foster child, stepchild, legal ward, or a child to whom the eligible employee stands in loco parentis, regardless of age or dependency status);
- Parent (biological, adoptive, foster parent, stepparent, or legal guardian of an eligible employee or the eligible employee's spouse or registered domestic partner, or a person who stood in loco parentis when the eligible employee was a minor child);
- Spouse
- Registered domestic partner
- Grandparent or step-grandparent
- Grandchild
- Sibling

- Designated person (An individual related by blood or whose association with the employee is the equivalent of a family relationship. An employee may only request Family Sick Leave for one designated person per fiscal year.)

Notice for Sick Leave Use

If the need for paid sick leave is foreseeable, the employee shall provide reasonable advanced notice to the employee's direct supervisor or designee by the department's usual method. A supervisor may suggest alternative options for foreseeable appointments and elective procedures if the employee's absence will negatively affect service to the public or clients. If the employee is requesting accommodation of recurring appointments, the supervisor may request resolution through an interactive process.

If the need for paid sick leave is not foreseeable, the employee shall provide notice to the employee's direct supervisor or designee as soon as practicable. Upon the employee's return to work from the unforeseen paid sick leave, the employee shall complete the department's usual process for requesting time off.

Any use of sick leave will decrease the employee's sick leave balance in an amount equal to the amount of sick leave taken. Sick leave taken in increments less than one hour will be calculated to the nearest quarter hour for purposes of the County's payroll system.

Employees who become ill during an authorized vacation and wish to use sick leave instead of vacation leave, shall make a request to their supervisor or designee as soon as possible. The supervisor or designee shall make a determination regarding whether to approve the request based on the information normally utilized in approving sick leave.

Sick Leave Verification

Employees who are sick for four consecutive workdays (paid or unpaid status) or more may be required to provide a physician's verification before returning to work. At the discretion of the supervisor or designee, employees may be required to provide a written verification of illness or family illness signed by a licensed medical practitioner. An employee who fails to provide verification upon return to work may be placed in leave without pay status for the absent period.

In some circumstances, the County may request a fitness-for-duty examination by a physician upon return from sick leave. The exam would be approved and paid for by the County. The purpose of the exam would be to determine the employee's ability to perform the essential functions of his/her position without hazard to the employee's fellow workers.

At the discretion of the supervisor or designee, employees with excessive sick leave use as defined in the standards above may be placed on medical certificate requirement status. An employee who has been placed on a medical certificate requirement must provide a medical certificate for each absence to their supervisor no later than the day they return to work. Employees who fail to provide a medical certificate should be disciplined consistent with County procedures. The requirement for a medical certificate may be withdrawn after improvement to a satisfactory level has been sustained. The decision to remove the medical certificate requirement is at the discretion of the supervisor or manager. An employee that doesn't provide a medical certificate as required will be considered on "unauthorized leave", which may result in disciplinary action or unpaid leave.

Sick leave Coordination

State disability insurance benefits are available to employees in accordance with the terms and conditions of the State Disability Insurance Program (SDI). Employees who wish to coordinate SDI, or any other wage replacement benefit, with accrued leave balances must initially use their sick leave balances prior to supplementing wage replacement benefits with other accrued leave balances (vacation, compensatory time off, holiday). Should the status of their leave change (exhaustion of FMLA, etc.), the employee may resubmit a coordination form to use other accrued leave balances. Disability payments will be considered the primary benefit and leave accruals will be used and treated as secondary to supplement the employee's earnings. The total compensation from accrued leaves and disability payments shall not exceed the employee's base salary at the time of disability.

Employees who are receiving Paid Family Leave (PFL) benefits to care for a qualifying family member will be limited to coordinating forty-eight (48) hours of family sick leave per fiscal year. If applicable, the employee may be eligible to supplement PFL with other available leave accruals after sick leave is exhausted. For purposes of bonding with a child, sick leave coordination with PFL is not allowed. However, employees may be eligible to supplement PFL for bonding with other available leave accruals.

Employees who are on a leave of absence and not receiving SDI, or other wage replacement benefits, must exhaust all accrued sick leave before using accrued vacation, management leave, or compensatory time off.

Sick Leave Balance and Conversion

Sick leave shall not exceed a balance greater than 500 hours. Upon an employee's use of sick leave, the balance will be decreased by an equal amount. Sick leave will continue to accrue each pay period at the employee's normal pay period accrual rate until the 500 hour balance is reached.

For sick leave which would have been credited had the employee not had a 500 hour sick leave balance, employees shall receive 50% of the dollar value as a deposit to their deferred compensation account each payroll period. The dollar value will be based upon the employee's hourly rate at the time of conversion. Employees must be enrolled in a 457 deferred compensation plan administered by Tehama County in order to receive this benefit. This benefit shall not be available to the employee as a direct cash payment and shall not be subject to CalPERS contributions.

Change in Employment Status

If a full-time regular employee voluntarily separates from County employment and is rehired within one year from the date of separation to the same full-time classification the employee held prior to separation, the County will reinstate previously accrued and unused sick leave upon rehire.

Full-time employees who elect to reduce to extra-help status will maintain their unused sick leave balance. However, if a full-time employee separates from Tehama County employment, and reinstates as an extra-help employee, they are not eligible to receive reinstatement benefits as described in the paragraph above.

Sick Leave Upon Retirement

Upon retirement from the California Public Employees Retirement System (CalPERS), Social Security Retirement, or upon the death of an employee, an employee may be eligible to receive a cash payout of their remaining sick leave balance pursuant to the applicable MOU.

An employee who is entitled to receive a cash payout, may elect to have all or part of the funds deposited into the employees 457 deferred compensation account administered by Tehama County.

Procedure: Responsibilities for implementation, application, and enforcement of this rule are listed below.

Employee The employee shall make notification to the employee's supervisor or designee by completing the department's approved method for requesting and/or recording time off. If the need for sick leave is unforeseeable, the employee shall make notification to the supervisor or designee as soon as practicable.

Supervisor Upon receiving an absence request form specifying a need for sick leave, the supervisor or designee shall confirm the employee's eligibility and document the information correspondingly.

Supervisors may address excessive use of sick leave or require medical certification requirement as described in this Rule. Employees must be notified in writing when they are being placed on medical certification requirement and a copy provided to the Department Head and Personnel. A copy of the letter will be placed in the employee's personnel file.

Department Head If an employee has been given notice for excessive use of sick leave or for abusing sick leave, a copy of the notice will be provided to Personnel.

Personnel Office If requested, the Personnel Office may provide guidance to the department head or supervisor. The Personnel Office will maintain documentation regarding excessive use of sick leave in employee personnel files as provided by departments.

Required Forms: Absence Request Form (or the department's usual process for requesting time off)

References: Govt. Code §12945.1-12945.6 Calif Family Rights Act; Govt. Code §19702.3 Family Care Leave; Code of Regulations Title 2 §11087-11098 California Family Rights Act; United States Code Title 29 §2601-2654 Family and Medical Care Leave Act of 1993; Code of Federal Regulations Title 29 §825.100-825.800 Family and Medical Leave Act of 1993; Family Sick Leave CAL Labor Code §233; TCPR §2308: Reinstatement; TCPR §4101: Work Hours and Attendance; TCPR §6107: Family Medical Leave; TCPR §6207: Leave for Domestic Violence Victims; bargaining unit MOUs; Assembly Bill 1041

Effective Date: November 5, 2019

Revised:

The provisions of this Code shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Codes shall not preclude specific County departments from developing operational policies and procedures.