

C-13 SICK LEAVE POLICY



Inception Date: 01/24/1984
Last Revision Date: 06/23/2015
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13.1.0 PURPOSE FOR FAIR AND CONSISTENT SICK LEAVE ADMINISTRATION

13.1.1 The basic concept in employee relations is that all benefit plans should be administered fairly and consistently. While Memoranda of Understanding with employee organizations provide sick leave with entitlement formulas and technical definitions, the day-to-day administrative practices related to the sick leave plan could vary by departments and by divisions within a department due to operational needs. Guidelines contained in this procedure have been found acceptable to the majority of departments affected, and are intended to minimize variations. Individual departmental operating needs may dictate special or additional guidelines or procedures consistent with those herein, and the approval of sick leave remains the responsibility of the department director and designated supervisory staff.

13.2.0 POLICY

13.2.1 The Board of Supervisors recognizes that it may become necessary for an employee who is ill or injured to be absent from work to get well and return as quickly as possible. For this reason the Board has established a sick leave plan designed to achieve this objective. The Board of Supervisors further recognizes that as laws change, policy changes may be necessary. The Board authorizes the County Administrator to make policy changes, after completing a meet and confer process, as required by law.

13.2.2 Sick leave is granted for necessary absences from work due to a legitimate personal illness or injury, personal medical/dental appointments, for family illness, or for taking immediate family members to medical and dental appointments. Sick leave is a monetary benefit that, like insurance, protects the earnings of the employee. It aids the employee in meeting financial obligations when sickness or injury has temporarily taken away the ability to work.

13.2.3 Sick leave is not intended to provide a paid day off, like holidays and vacation, under the guise of "sickness". The County provides sick leave as a benefit to employees. However, the County's first obligation to the residents of Solano County is to provide cost-effective services. Therefore, the effect of the use of sick leave on services and employee productivity is a critical matter.

13.2.4 Whenever this policy contains a provision covering the same subject matter that is also referred to in a Memorandum of Understanding (MOU), the provisions of the said MOU shall prevail.

13.3.0 GENERAL REQUIREMENTS

13.3.1 Paid sick leave shall be granted to eligible employees for the following reasons:

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- A. Personal illness, injury or incapacity which temporarily prevents the employee from performing the duties of his/her position;
- B. Illness of a member of an employee's immediate family which requires the personal care and attention of the employee. Unless otherwise provided in the applicable Memorandum of Understanding, immediate family is defined in the Personnel Salary Resolution.
- C. Enforced quarantine of the employee in accordance with community health regulations;
- D. Medical, dental and optical appointments for examination and/or treatment for the employee or immediate family members where appointments are unavailable or impractical during non-working hours;
- E. Inability to perform the position duties due to any complication or disability resulting from or attributed to any pregnancy.
- F. Victims of domestic violence, sexual assault, or stalking are permitted to use up to thirty-six (36) hours of sick leave each calendar year for the following purposes:
 - a. To obtain or attempt to obtain a temporary restraining order, restraining order, or other injunctive relief.
 - b. To obtain services from a shelter, program, or crisis center.
 - c. To obtain psychological counseling.
 - d. To participate in safety planning or take other actions to increase safety, including temporary or permanent relocation.

Victims of domestic violence, sexual assault, or stalking are permitted to use sick leave to seek medical attention for injuries.

13.3.2 Certification Issued by Medical Provider

- A. Employees may be required by the department director or designated supervisory staff to furnish a certificate issued by a licensed physician, psychiatrist, nurse practitioner, physician's assistant, dentist, or chiropractor or other licensed health care provider which provides satisfactory evidence of a temporary inability to work due to illness or injury. Typically, the requirement to obtain a certificate is prompted by a triggering event, however, operational and/or business reasons may also play a role in triggering this requirement.

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13.3.3 Any employee may be required by the department director or Human Resources Director to submit to an examination by a licensed physician or psychologist if there is a reasonable belief, based on objective evidence, that an employee's ability to perform essential job functions may be impaired, or that an employee may pose a direct threat due to a medical condition.

13.3.4 Family Medical Leave Act/California Family Rights Act

A. The County provides family and medical care leave for eligible employees as required by State and Federal law. Solano County Policy C-4, Family and Medical Leave Act Policy, provides details about the requirements, provisions, and limitations of the Family Medical Care Leave benefit.

13.3.5 Time Limitations

A. Sick leave with pay due to family illness or medical treatment is limited to eighty (80) hours in a calendar year. Any additional time off necessary to attend to or care for an immediate family member because of a serious health condition may be covered by other accrued leave benefits, as set forth in the applicable Memoranda of Understanding or Personnel Salary Resolution. Time limitations for paid sick leave do not limit unpaid leave entitlements under the Family and Medical Leave Act, or the California Family Rights Act.

B. No County employee shall be entitled to sick leave while absent from duty on account of the following causes:

1. Sickness or disability sustained while on leave of absence without pay.
2. Ordinary tiredness or restlessness.
3. Injury or illness is traceable to employment other than County employment.

13.3.6 Sick Leave Abuse

A. When it is determined that sufficient evidence exists to demonstrate that an employee has or is abusing the sick leave privilege, the department director may, cause such disciplinary action to occur as deemed appropriate to deter future abuse.

13.3.7 Potential Indicators of Abuse

- A. A pattern of sick leave use involving days adjacent to scheduled days off and holidays.
- B. Refusal or inability to provide medical substantiation when requested.

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- C. Frequent absences with vague or questionable substantiation.
- D. Frequent or recurring exhaustion of sick leave soon after it is earned (unless for substantiated medical reasons).
- E. Calling in sick after denial of any requested leave.
- F. Other evidence of employee activity which is inconsistent with the legitimate use of sick leave, such as usage higher than the department or County mean for the previous calendar year (exclusive of Family and Medical Care Leave).
- G. Organized "sick out."

13.3.8 Each department director is responsible for the monitoring and controlling of potential abuse of sick leave.

13.4.0 EMPLOYEE RESPONSIBILITY

13.4.1 Notification of Supervisor

- A. An employee who is unable to attend work due to illness, injury, medical treatment, or family medical care, shall notify his/her immediate supervisor or designated manager prior to his/her absence in a manner prescribed by the supervisor, manager or department director. In the absence of a department policy on sick leave notification requirements, the employee must notify his/her immediate supervisor or designated manager prior to the employee's scheduled start time.¹ Department directors are authorized to promulgate their individual sick-leave call-in protocols. When such notification cannot be accomplished due to physical incapacity or similar serious circumstances, notification shall be made at the earliest possible time. The employee shall provide his/her supervisor or designated manager an estimate of the duration of any absence due to illness, injury, medical treatment or family medical care, and shall provide a date on which he or she will return to work.

13.4.2 Medical Certificate

- A. The County may require a medical certificate issued by a licensed physician, psychiatrist, nurse practitioner, physician's assistant, dentist, or chiropractor or other licensed health care provider for absences due to illness or injury, or when the employee has been put on notice of being suspected of sick leave abuse and that future absences will require a medical certificate. The medical certificate shall be provided at the earliest possible time, and prior to the employees' return to work or the day of the employee's return to work.

¹ 24-hour operations are permitted to adopt a different sick leave call-in requirement.

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13.4.3 When required, the medical certificate must document:

- A. The date or dates the employee (or immediate family member) was seen by a licensed physician, psychiatrist, nurse practitioner, physician's assistant, dentist or other licensed health care provider;
- B. That the employee had a medical condition which prohibited him/her from performing the duties of his/her position;
- C. That an immediate family member of the employee had a medical condition which required the personal care and attention of the employee;
- D. The dates the medical condition prevented the employee from working.
- E. The expected date the employee can return to work.
- F. Restrictions on or limitations of work activity upon return to work, and the anticipated duration of any such limitations.

13.4.4 Failure to provide a medical certificate to the department director or designated manager when required shall result in the denial of sick leave and may result in disciplinary action, unless an acceptable reason for such failure is presented.

13.4.5 Medical Appointments

- A. Employees are encouraged to schedule medical appointments in a manner which minimizes operational impacts to the department. Conflicts with the work schedule can usually be avoided or minimized through cooperation between the immediate supervisor and employee, and by employees scheduling appointments at the beginning or end of the work day (e.g., before 9:00 a.m. or after 3:30 p.m.)

13.4.6 Modified Work

- A. Employees are encouraged to return to work following an injury or illness at the earliest time consistent with the limitations of their medical condition.
- B. When appropriate, the department may provide temporary modified work or a temporary light duty assignment that is compatible with work restrictions imposed by the doctor.

13.4.7 False Claims

- A. Fraudulent claims for sick leave will not be paid, and disciplinary action, up to and including termination from County employment, as appropriate, may be taken against the employee.