

**808.16 SUBJECT: SICK LEAVE**

:1 OBJECTIVE:

Provide a Sick Leave policy for non-bargaining unit and, where appropriate, bargaining unit City employees with Sick Leave balances remaining after conversion to the Personal Leave Plan.

:2 AUTHORITY:

This procedure amended by City Council December 13, 2004, Item A8.

:3 DIRECTION:

Human Resources Division Manager, as an appointed official, serves at the pleasure of the Mayor, and receives direction through the General Administration Department Director.

:4 METHOD OF OPERATION:

A. General

Paid Sick Leave is not considered an earned benefit or employee right and its use is subject to documentation. Sick Leave, as noted in paragraph C below, is considered a legitimate reason for a supervisor to grant an employee permission to be absent with pay from official duties. Permission to use paid Sick Leave shall be granted for bona fide illness or injury (paragraph C) and only for the time actually required. Any payment made to the employee pursuant to this procedure, will be subject to F.I.C.A./F.I.T. deductions except for payments made under the provisions of paragraph J.

B. Sick Leave Balance

All Sick Leave balances as of December 31, 1995, shall be frozen, with no additional accruals.

1. Employees with a Sick Leave balance may convert their entire balance to Personal Leave on a four (4) to one (1) basis. For example, an employee with a Sick Leave balance of 100 hours may request a conversion to Personal Leave for 25 hours.
2. Employees may only choose to convert their entire Sick Leave balance during a one-time three (3) month window from 1/1/05 to 3/31/05.

C. Absence On Sick Leave

Effective January 1, 1997, the Sick Leave balance of an employee may be accessed for the reasons set forth below starting on the fourth consecutive workday missed:

1. Incapacitation by reason of the employee's non job-related illness or injury, or to supplement Workers Compensation benefits.
2. A contagious disease, which could jeopardize the health of co-workers.
3. Care of a family member. Sick Leave may be granted an employee for care and attendance to a member of the employee's immediate family who has a bona fide illness or injury, and further provided that no other person is available to care for said person(s). (A family member, for purposes of this

policy only, shall be defined as a spouse, dependent child, mother and/or father, or person for whom employee is guardian.)

4. For each illness or injury, the first three (3) consecutive days of a non job-related illness/injury will be charged to the employee's Personal Leave, Comp Time, Management Leave, Floating Holiday absent any other form of paid leave. Starting on the fourth (4th) day Sick Leave may be used. The use of Sick Leave IS NOT retroactive to the first day of leave. In the event an employee returns to work and subsequently takes additional time off for the original illness/injury, Sick Leave may be accessed immediately.
- D. If alternative duty is offered to the employee in their Department and the employee elects to use Family and Medical Leave instead, the use of Sick Leave is not authorized. The employee will be charged Personal Leave, Comp. Time, and/or Leave Without Pay. See 808.15.
- E. An employee who, for an accumulated one hundred eighty (180) days in a continuous twelve (12) month-period, has been unable to perform the essential functions of that position (whether on leave, restricted duty, or otherwise), will be required to return to full duty or be terminated. Requests for exceptions to this policy may be submitted to the General Administration Department Director through the applicable Department Director prior to expiration of the 180 days. The amount of the employee's accrued leave balance and the nature of the injury or illness will be taken into account. Requests for exceptions must be accompanied by medical evidence of employee's ability to return to their current position within a reasonable amount of time. This subsection shall not apply to Civil Service employees, who shall be governed by Orlando Police Department/Orlando Fire Department policies and procedures.
- F. Minimum Charge For Sick Leave  
Sick Leave may be used in tenths of an hour.
- G. Authorization of the Supervisor  
The immediate supervisor may authorize an employee to be absent due to the reasons as outlined in Section C. Failure of the employee to secure this authorization shall be cause for denial of Sick Leave pay for the period of absence and may also be cause for disciplinary action.

Employees who have used 40 hours of unscheduled sick leave or had 6 unscheduled absences within a twelve (12) month period (rollback) will be considered "extraordinary" users. Extraordinary users will be notified in writing that future unscheduled absences may require appropriate documentation and that paid leave may be denied at the discretion of the supervisor.

- H. Notification of Continued Absence on Sick Leave  
Employees shall report absence from work due to sickness to their supervisors prior to the employee's normal reporting time to work and daily thereafter unless excused by the supervisor.

An employee unable to return to work after a period of three (3) consecutive workdays shall make known to the supervisor the nature of the situation, as well as the name of the attending physician, if applicable. (See Section C, 1 and 2.)

For absences in excess of three (3) workdays, the employee may be required to provide a physician's statement or Certification of Physician Form verifying the disability of the employee or the family member. The Manager of Health & Safety may be contacted for any question regarding the employee's absence.

Employees who have been off of work for a period of 90 days due to an injury or illness and who are not expected to return to work within one hundred twenty (120) days from the last day worked, should be referred by the Supervisor to the Employee Benefits Section for explanation of the LTD Application procedure.

I. Medical Clearance

An employee, upon returning to work from an absence due to a job-related illness or injury will be required to report to the Occupational Health Medical Provider for medical clearance. Employees returning to work from an absence of three consecutive work days or more for a non job-related illness or injury, may be required to provide a note to their supervisor from their personal physician upon return to work and should not report to the Occupational Health Medical Provider. Exceptions to this policy may be made if the employee's Division Manager has a legitimate concern that the employee is unable to perform the job, in which case the employee may be required to submit to a return-to-work physical. The employee will be required to bring medical records pertinent to their illness/injury to this appointment. The Supervisor may require the employee to provide a private physician's statement or Certification of Physician Form, which, after review, must be forwarded to the City's Labor Relations Section, where it will be forwarded for inclusion in the employee's medical file maintained by the City's Occupational Health Care Provider. No copies should be retained.

Absences due to illness or injury of the employee of consecutive workdays amounting to a work week or more, for a serious health condition as defined in Policy & Procedure 808.25, will automatically be counted toward the employee's Family Leave maximum. Employees will be required to have the Certification of Physician Form completed when returning to work. After review, this form should be forwarded to the City's Labor Relations Section where it will be forwarded for inclusion in the employee's medical file maintained by the City's Occupational Health Care Provider. No copies should be retained. Absences due to injury or illness of consecutive workdays amounting to more than one workweek for the care of a spouse, child, or parent will require completion and submission of the Certification of Physician Form and will also be counted towards the annual Family Leave maximum.

The Occupational Healthcare Provider may require the employee to sign a medical release. Such release will permit the Occupational Healthcare Provider to contact the employee's private physician for information. Failure of the employee to sign this statement when requested is grounds for disciplinary action up to and including dismissal.

J. Restoration of Sick Leave

Sick Leave as appropriate under applicable policy or Bargaining Unit Agreement may be used for the hours normally worked during the first seven (7) days of absence for a job-related injury. Should such approved job injury absence total twenty-one (21) or more calendar days for that injury or illness, Sick Leave used during the initial seven (7) days absence (up to a maximum of forty (40) hours) will be restored to the employee's Sick Leave balance. These hours will only be restored upon receipt by Human Resources of notification from Risk Management that the Workers' Compensation payment covering that first forty (40) hours has been received from the employee.

K. Terminating Employee Sick Leave

An employee who 1) retires from City employment meeting the qualifications for retirement under an official City pension plan and under such circumstances that allow the employee immediately to receive a monthly pension payment, or 2) ceases City employment at age 55 or above with 10 or more (but less than 20) years of pensionable service or who leaves with 20 but less than 25 years pensionable service shall be paid for one-third of the value of the total amount of Sick Leave credited on the date the employee leaves City employment, not to exceed payment for 700 hours (e.g., 2100 hours divided by  $1/3 = 700$  hours) (830 hours for 48-hour work week Fire Management personnel). Furthermore, employees ceasing employment with 25 years or more of credited pensionable service shall be eligible for payment for one-half ( $1/2$ ) of the total of Sick Leave, not to exceed 700 hours (830 hours for 48-hour work week Fire Management Personnel). Payment for Sick Leave will be adjusted by any outstanding indebtedness to the City at time of retirement or termination.

An employee who ceases City employment but who does not meet the above mentioned criteria is not entitled to payment for any unused Sick Leave.

L. Deceased Employee Sick Leave

The estate of a deceased employee shall receive one-half ( $1/2$ ) of the value of the Sick Leave accrued by the employee at the time of death. Payment shall not exceed the equivalent of 700 working hours (830 hours for Fire Management personnel on 48-hour work week) at the deceased employee's current rate of pay. The designated beneficiary of a deceased employee, who dies as a result of a duty related injury, shall receive full value of the deceased employee's total unused accrued Sick Leave. Payment for Sick Leave will be less any outstanding indebtedness to the City.

M. Termination or Transfer of Employee

An employee terminated or resigning from City employment shall not be granted payment for accrued Sick Leave (see 808.16 K for exceptions). An employee shall not lose any Sick Leave accrued when transferred to another permanent City position.

:5 FORMS:

None.

:6 COMMITTEE RESPONSIBILITIES:

None.

:7 REFERENCE:

City Council Minutes of October 30, 1967, Item 56; amended by City Council April 26, 1971, Item 58; amended October 21, 1974, Item 56; amended August 18, 1975, Item 26; amended October 4, 1976, Item 23, rescinds Section 708.23, Sick Leave Bank, in its entirety. Procedure amended September 23, 1977, Item 15; amended March 30, 1981, Item 26; amended May 18, 1981, Item 17; amended February 1, 1982, Item B-6; amended May 17, 1982, Item 12(V); amended September 19, 1983; amended November 14, 1983, Item 9; amended June 2, 1986, Item 8A-29; amended April 20, 1987, Item 7A-27; amended May 16, 1988, Item 19A-5; amended February 19, 1990, Item 10A-4; amended April 6, 1992, Item 2(H); amended June 21, 1993; amended July 26, 1993, Item 5-SS; amended November 1, 1993, Item 2-MM; amended August 22, 1994, Item TT; amended February 6, 1995, Item RR; amended December 18, 1995, Item B; amended March 11, 1996, Item 3 KK; amended March 24, 1997, Item 3BB; amended March 23, 1998, Item 3KKK; amended February 22, 1999, Item 8-XX; amended May 22, 2000, Item 8-ZZ; amended October 14, 2002, Item B23; amended September 15, 2003; amended August 9, 2004, Item A4; amended December 13, 2004, Item A8.

:8 EFFECTIVE DATE:

This procedure effective December 13, 2004.