

**City Manager's Office**  
**Administrative Order No.: 035**  
**Issued: 12/2005**

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Approved by Marc S. Grisham  
City Manager

**Subject: Management of Sick Leave Use**

**Purpose:**

This policy provides to managers and supervisors the information and tools necessary to effectively management sick leave use.

Sick leave use should be a concern of all supervisory employees because of the potential effects of low productivity, increased costs, decreased morale and other problems, including stress for supervisors.

This policy was developed to address the perception that:

Employees may be unaware of the sick leave protocols, may believe the sick leave policy is not enforced, or that individual employees do not value sick leave accrual.

Supervisory staff may avoid addressing sick leave abuse as too difficult, may sympathize with an employee, believe action addressing sick leave abuse will not be supported within the organization, or is "too busy."

**Objectives:**

- To improve productivity through better attendance.
- To minimize costs associated with employee absences due to sick leave utilization.
- To maintain overall morale by ensuring each employee meets his/her own work requirements and utilizes sick leave appropriately.
- To ensure that sick leave use is consistent with the provisions of the City's Personnel Rules and/or collective bargaining agreements.

**Managers and Supervisors Responsibilities**

1. Analyze attendance records – Managers and supervisors should regularly review employee attendance records for potential evidence of sick leave abuse. [Human Resources is presently preparing quarterly reports through June 2006; however, managers and supervisors should also review individual time sheets as they are processed.]

2. Ensure appropriate use – Managers and supervisors should make reasonable efforts to ensure that the reason for the use of sick leave is allowable under the terms of the City’s Personnel Rules or applicable collective bargaining agreement.
3. Ensure confidentiality – Managers and supervisors should maintain the confidentiality of the reasons for employees’ use of sick leave.
4. Recognize good attendance – Managers and supervisors should recognize good attendance through appropriate methods.
5. Manage sick leave – Managers and supervisors should regularly monitor and manage all the sick leave used by employees in accordance with the following “Management of Sick Leave” guidelines.

### **Appropriate Use of Sick Leave**

Personnel Rule 38.1, Sick Leave Proper Use, states:

Sick leave is not a right which may be used at the discretion of an employee, but a privilege which shall be exercised only for one of the following purposes:

1. Illness or physical disability of the employee that prevents the employee from working; or
2. Visits to a medical doctor, chiropractor, acupuncturist, dentist, optometrist, optician, psychiatrist or psychologist, medical or clinical laboratory on order of a doctor, or other licensed medical provider; or
3. Attend to a seriously ill spouse, domestic partner, child, parent, grandparent or ward of the employee.

Use of sick leave for other than the above listed purposes, except where specifically authorized by a collective bargaining agreement or law, is cause for discipline up to and including dismissal.

Under California law, and consistent with our policy, employees may use sick leave to care for their sick child, parent, spouse, domestic partner, or the child of a domestic partner. (This is called *kin care*.) The proper use of sick leave may be for the employee’s or the employee’s “kin” to attend a medical appointment or stay home and care for self/kin due to illness or disability. Some examples of permitted sick leave use are:

- Employee has a partial day’s absence due to a medical appointment;
- Employee takes child to a medical appointment;
- Employee stays home due to a sick child;

- Employee stays home and cares for a sick spouse/domestic partner;
- Employee takes parent to a medical appointment;
- Employee takes sick/disabled spouse/domestic partner to medical appointment.
- Employee stays off all day due to disabled parent.

## **Management of Sick Leave**

### **1. Monitoring Sick Leave Use**

Managers and supervisors should monitor the amount of sick leave used by employees and should identify any patterns (e.g., to extend the employee's "weekend", use in lieu of denied vacation or compensatory time off, in conjunction with other paid time off such as vacations and holidays, use in much greater excess than the City-wide average).

### **2. Recognizing Sick Leave Use Problems**

The manager or supervisor should consider the following factors to identify sick leave use problems:

- The frequency of and the reasons for sick leave use. (Absences necessitated by chronic long-term illness/disabilities may require different considerations than casual, intermittent absences. Please consult with the Human Resources Department.)
- The employee's unused sick leave balance.
- The impact of the employee's absences on the workplace (e.g., disruptions in work schedules, overtime costs).
- Pattern of sick leave use (see examples in #1, above).

### **3. Responding to Sick Leave Problems**

If the manager or supervisor suspects or determines a problem exists, then the manager or supervisor will:

- Counsel the employee on his/her use of sick leave. [See "Counseling the Employee", below.]
- Refer the employee to the Employee Assistance Program, if appropriate.
- Check with the Human Resources Department about possible alternative arrangements for the employee (e.g., part-time work schedules, disability leaves of absence), if appropriate.
- Consider requiring a signed health care provider's statement verifying that the employee was incapacitated and unable to perform his/her duties or verifying the employee had a scheduled medical appointment.
- Document all of these actions.

#### 4. Performance Reviews

Supervisors should also reflect how the employee's attendance has affected his/her ability to complete tasks on the employee's performance review.

Some sample statements:

- Abe used no sick leave during the rating period.
- Betty used more sick leave than the City-wide average. She was counseled regarding excessive sick leave during June 2005 and the City saw a decrease at the end of the rating period in December 2005.
- Charles was counseled regarding patterns of sick leave use in June 2005 and no improvements were seen by November 2005, resulting in a written reprimand for sick leave abuse.
- Dawn used more sick leave than the City-wide average. However, she was not counseled for potential sick leave abuse and this supervisor wants Dawn to be aware of how high sick leave usage impacts performance.

#### 5. Discipline

Employees with excessive sick leave use, or who have abused sick leave, or who have not provided required sick leave verification subject themselves to disciplinary action, up to and including dismissal from employment. Managers and supervisors, in accordance with the City's Personnel Rules, must consult the Human Resources Director when contemplating disciplinary action.

#### **Counseling the Employee**

When sick leave abuse is suspected, the supervisor should hold an informal discussion with the employee, ascertain the reason for sick leave use, and advise the employee of the supervisor's concerns. In many cases a legitimate explanation will emerge and no further action need be taken. If in the supervisor's or manager's opinion, however, the explanation is not acceptable, then the employee should be so advised.

If the absence at issue ***involves inappropriate use of sick leave for one or more specific days*** (e.g., vacation day was previously denied and the employee subsequently called in sick; or employee was previously directed but failed to provide a health provider's statement; or employee improperly notified the supervisor of an absence from work), the supervisor should not allow the charge to sick leave without checking with the Human Resources Department. It may be more appropriate to move the charge to another leave category (such as compensatory time off), or even hold the FLSA non-exempt employee in a "no pay" status for the time in question. (The City has substantial limitations in placing FLSA exempt employees in a "no pay" status.)

If the issue does not relate to specific days but to a ***pattern of use or excessive use***, counseling should occur. Supervisory staff should keep in mind that counseling is intended to be positive and constructive; it is not meant to be disciplinary. The employee should be informed of the reasons for concern (e.g., total number of days absent, a detected pattern of abuse, unusually low accrual balance). The supervisor should express confidence that the employee will remedy the problem, and may also point out possible consequences for not doing so, including disciplinary action, should the problem not be corrected. The supervisor is to document the counseling session, providing the employee with a copy. (Use of the *Discussion Planner* form is a highly effective way to document the counseling session.)

***In addition to counseling***, the City may require a health provider's statement verifying the employee's illness and absence and his/her inability to work.

***If counseling is ineffective***, then the supervisor/manager should consult with the Human Resources Department. The Human Resources Department will provide additional counseling support and/or guidance in the disciplinary tract.

### **Employee Assistance Program**

The City has in place a formal Employee Assistance Program (EAP) to assist employees in addressing problems which may affect an employee's performance, including absenteeism. Employees are encouraged to seek assistance for these and other problems before they negatively impact attendance and other aspects of job performance.

Participation in the EAP is voluntary and confidential. Employees or live-in family members may call PacifiCare Behavioral Health at 1-800-234-5465 at any time, 24 hours a day, 7 days a week.

Enclosures:

- Personnel Rules, Rule 38 – Sick Leave Protocols
- PacifiCare Behavioral Health brochure
- *Discussion Planner* form

**38.1 Sick Leave Proper Use**

Sick leave is not a right which may be used at the discretion of an employee, but a privilege which shall be exercised only for one of the following purposes:

1. Illness or physical disability of the employee that prevents the employee from working; or
2. Visits to a medical doctor, chiropractor, acupuncturist, dentist, optometrist, optician, psychiatrist or psychologist, medical or clinical laboratory on order of a doctor, or other licensed medical provider; or
3. Attend to a seriously ill spouse, domestic partner, child, parent, grandparent or ward of the employee.

Use of sick leave for other than the above listed purposes, except where specifically authorized by a collective bargaining agreement or law, is cause for discipline up to and including dismissal.

**38.2 Sick Leave Notice**

An employee must notify his/her immediate supervisor prior to the beginning of any working shift, which the employee will not report for work and for which he/she desires to use sick leave.

An employee is to request prior authorization for any absence due to attendance at any medical appointment. For the purpose of this section, "request prior authorization" shall mean that the employee has notified his/her supervisor with at least one (1) work day's advance notice.

**38.3 Sick Leave Verification of Illness**

An employee may be required to provide a health care provider's statement verifying the employee's illness and absence and inability to work in the following instances:

- When an employee returns to work after three (3) days of absence on sick leave; or
- In the case of frequent use of sick leave; or
- When a pattern of sick leave use has been identified; or
- When a supervisor has reason to believe that sick leave is being abused.

**38.4 Sick Leave Coordinated with Workers' Compensation Benefits**

An employee who is collecting workers' compensation temporary disability benefits as a result of a City on-the-job illness or injury shall automatically use sick leave, if any, in addition to the provided workers' compensation benefits so that the employee receives his/her full salary. If the employee does not have sufficient sick leave available, then other available paid leaves shall be used. An employee who files written notice to the Human Resources Director may decline to use available sick leave and/or other available paid leaves.

Employee Assistance Brochure here

Discussion Planner here