

## **HEALTH SCIENCE CENTER HANDBOOK OF OPERATING PROCEDURES**

Chapter 4	General Personnel Policies	Effective:	November 2000
Section 4.7	Work and Leave Administration	Revised:	June 2016
<b>Policy 4.7.8</b>	<b>Sick Leave</b>	Responsibility:	Vice President for Human Resources

## **SICK LEAVE**

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### **Policy**

Employees appointed twenty (20) hours per week or more and for four and one-half (4½) months or more are eligible to earn and use sick leave beginning on the first day of eligible employment. Eligible employees paid on an hourly basis are also entitled to sick leave with full pay and accrue sick leave at the same rate as employees paid on a monthly basis. Employees in positions that require student status as a condition for employment are not eligible for sick leave.

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### **Use of Sick Leave**

Sick leave with pay is intended for use when an employee is prevented from performing duties due to sickness, injury, or pregnancy and confinement. Sick leave may be used by the employee for the period following delivery and recovery associated with the birth of a child to the extent certified by the physician.

Sick leave may also be used when an employee is providing care (assisting with activities of daily living) for a member of the employee's immediate family who is ill. The following persons are considered to be members of the employee's immediate family:

1. An individual who resides in the same household as the employee and is related to the employee by kinship, adoption or marriage; or
2. A foster child of the employee who resides in the same household as the employee and who is under the conservatorship of the Department of Protective and Regulatory Services; or
3. A minor child (under the age of 18) of the employee, regardless of whether the child lives in the same household.

Sick leave for members of an employee's family who do not reside in the same household may only be taken to provide care to a spouse, child, or parent of the employee who needs such care as a direct result of a documented medical condition. Sick leave cannot be used for an employee's parent-in-law if they do not live in the same household.

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Sick leave may be taken for the adoption of a child under the age of three (3) years.

Employees on vacation who would otherwise be entitled to sick leave can request to use sick leave in lieu of vacation. The same documentation procedures as described later in this policy must be followed.

**Note:** An employee may use up to a total of eight (8) hours of sick leave each fiscal year to attend educational activities of the employee's children who are in pre-kindergarten through twelfth grade. Educational activities include school-sponsored activities such as parent-teacher conferences, tutoring, volunteer programs, field trips, classroom programs, school committee meetings, academic competitions, and athletic, music, or theater programs.

### **Leave Accrual**

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Eligible employees will earn sick leave beginning on the first day of state employment and on the first calendar day of each succeeding month of state employment.

Eligible full-time employees accrue sick leave at the rate of eight (8) hours for each month or fraction of a month of service. Eligible part-time employees accrue sick leave on a proportionate basis depending on their percent time appointment.

Employees do not earn sick leave when they are in an ineligible status, including leave without pay for an entire calendar month.

Employees employed by multiple state agencies cannot accrue more than eight (8) hours of sick leave each month.

Any employee who moves from a leave-eligible status to an ineligible status will, at the time of the move, have his or her accrued sick leave balance "frozen". If the employee returns to a leave eligible status, he or she may begin to use the previous sick leave balance and start accruing sick leave.

The balance of sick leave accrued prior to extended military leave is "frozen" until the employee returns to employment. No sick leave is

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earned during extended military leave.

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### **Procedures**

1. An employee who cannot report to work due to illness must follow their departmental attendance and/or call in. The employee must keep the supervisor informed of his or her condition, work status, and anticipated return to work date. The supervisor will instruct the employee of any additional notification requirements. If the employee is incapacitated, a designated person should contact the supervisor.
2. If the absence is for more than three (3) consecutive work days, the employee must provide their supervisor with a doctor's note or return to work release.
3. If the absence is three (3) work days or less, a doctor's note or return to work release is not required. However, the department head has the discretion to require a doctor's note or return to work release based on valid justification.
4. An employee who is on leave the first day of the month may not use that month's accrual until he or she returns to duty.
5. Prior to returning to work, the University may require the employee to provide a [Fitness For Duty Certification](#) form stating that he or she is physically or mentally fit to return and perform the essential functions of the job. If restrictions are present, the employee should consult with their department leadership and the Office of Human Resources.
6. When an employee has exhausted all accrued sick leave, further absences will be charged against the following in priority order: accrued *Fair Labor Standards Act* (FLSA) compensatory time off; accrued vacation leave; and, accrued personal leave.

Prior to exhausting all accrued FLSA compensatory time off, vacation, and personal leave balances, the employee should refer to [Section 4.7.12](#), "Leave of Absence Without Pay", of the *Handbook of Operating Procedures* (HOP), to request a leave of absence (LOA). If the request is approved, the employee should be removed from the payroll prior to attaining a negative sick leave balance in

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excess of eight (8) hours. The employee can be removed by the department from the payroll by entering the leave of absence (LOA) transaction in the employee's record in the PeopleSoft system.

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### **Payment, Restoration, or Transfer of Sick Leave When an Employee Separates from Employment**

1. An employee who resigns, is terminated, or otherwise separates from employment shall not be paid for any accrued sick leave. Any unearned sick leave inadvertently advanced and taken by an employee will be deducted from the employee's final paycheck.
  2. An employee who terminates employment and has been approved by the respective executive committee member or designee to remain on the payroll while utilizing available vacation and personal leave may not use sick leave during this time.
  3. An employee who transfers directly from one state agency or institution of higher education to another will have their sick leave balance transferred, provided there is not a break in service.
  4. An employee laid off under a formal reduction-in-force will have his or her sick leave balance restored if reemployed by the state within twelve (12) months of the month of termination. If separated for reasons other than a formal reduction in force there must be a thirty (30) calendar day break in employment before the sick leave balance can be restored.
  5. In the case of death of an employee, his or her estate will be paid for one-half ( $\frac{1}{2}$ ) of the accrued sick leave balance or 336 hours, whichever is less, payable at the employee's rate of compensation at time of death. Longevity pay and hazardous pay are not included in the rate of compensation. If an official state holiday falls within this period, the number of days for which the estate is entitled to be paid is increased by the number of holidays that fall within this period.
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### **Recordkeeping**

1. Each University department is accountable and responsible for:
    - a. maintaining accurate records of employee sick leave usage; and,
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- b. reporting sick leave time taken or providing such records to the Offices of Human Resources or the Internal Audit & Consulting Services as necessary. Such records must show the signature of the department head or designee.
  2. Faculty and staff employees are responsible for timely and accurately reporting usage of sick leave in accordance with their departmental policy and procedures, and should show the time away from work as "Sick Leave" on applicable time reports and records.
  3. Sick leave taken must be recorded in hours. When charging for time less than an hour, sick leave taken must be expressed as a decimal fraction, i.e., thirty (30) minutes = 0.5 hrs, etc. All sick leave taken must be reported in the Document Review System (DRS) beginning on the first of the month through the tenth of the month.
  4. The Office of Human Resources is responsible for verifying an employee's sick leave hours with departments prior to transferring the employee to another state agency.
  5. Falsification of leave records or abusing the leave policy by an employee or department personnel responsible for leave recordkeeping is a violation of University policy and is subject to disciplinary action up to and including termination of employment.
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### **Donation of Sick Leave**

Sick leave may be donated to employees as specified below. The dollar value of donated sick leave will be included in the donor's income by the Health Science Center and taxes will be withheld. For more information on tax consequences, an employee may seek advice from a tax advisor.

1. An employee may donate sick leave to another employee at the Health Science Center if:
    - a. the recipient meets the sick leave eligibility requirements as noted above;
    - b. the recipient has exhausted their own sick leave, and;
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- c. the recipient has exhausted any time the recipient may be eligible to withdraw from the sick leave pool.
2. An employee who receives donated sick leave may use the donated sick leave only as provided above under "Use of Sick Leave."
  3. An employee may not provide or receive remuneration or a gift in exchange for donated sick leave.
  4. An employee wishing to donate sick leave hours must complete the "Sick Leave Donation Form" and submit to the Office of Human Resources for approval. Upon approval, the recipient must complete the form acknowledging receipt of sick leave hours.
  5. Donated sick leave hours are not transferrable in the event an employee receives sick leave donations and then transfers to another agency.
  6. Donated sick leave hours are not restored in the event an employee receives sick leave donations, separates from the university, and then returns within a twelve (12) month period.
  7. Sick leave donations cannot be transferred back to the donor.
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