

	<h1 style="color: blue;">City of Helena</h1> <h2 style="color: blue;">Personnel Policy</h2>	Policy number	3-2
		Original Adoption	02-09-1987
		Revision #	9
		Last revision date	July 2016
<b>Section Title</b>	<b>Employee Leave Administration</b>		
<b>Subject</b>	<b>Sick Leave</b>		

**Eligible Employees**

- Regular Full-Time
- Regular Part-Time (hours earned pro-rated)
- Temporary Full-Time
- Temporary Part-Time (hours earned pro-rated)

Hours of work for above employees must be pre-scheduled to be eligible to earn sick leave credits.

**Calculation of Sick Leave Credits**

Full-time employees working 2080 or more hours per year earn a maximum of 96 hours of sick leave per year. This is credited at 4 hours the first two pay periods of each month. Credits are pro-rated for part-time and seasonal employees every pay day based on the number of hours paid during that pay period.

These sick leave credits may not be used until the start of the next bi-weekly pay period. There is no restriction as to the number of hours of sick leave credits that may be accumulated, nor to the number of accrued sick leave credits that may be used for a bona fide employee illness or disability, provided that the qualifying period has been completed.

Employees on "non-pay" status will not earn leave credits (See Policy 3-5)

**Qualifying Work Period**

Sick leave credits accrue from the first day of employment in a position that has pre-scheduled hours of work.

An employee must be continuously employed for the qualifying period of 90 calendar days to use sick leave.

Unless there is a break in service of forty (40) hours or more, an employee only serves the qualifying period once. After a break in service an employee must again complete the qualifying period to use sick leave.

"Break in service" is defined as a period of forty (40) hours or more when the employee is not employed by the City of Helena.

**Effect of Extended Leave of Absence on Qualifying Work Period**

When an employee who has not worked the qualifying period for use of sick leave takes an approved continuous leave of absence without pay exceeding one hundred and twenty (120) hours, the amount of time on leave of absence will not count toward completion of the qualifying period. The approved leave of absence exceeding one hundred and twenty (120) hours is not a break in service and the employee will not lose any accrued sick leave credits or lose credit for time earned toward the qualifying period. An approved continuous leave of absence without pay of one hundred and twenty (120) hours or less will be counted as time earned toward the 90-day qualifying period.

**Sick Leave Requests**

It is City policy for employees to report illnesses to supervisors or other department officials at the earliest possible moment. Employees who do not report to work and fail to notify their supervisor will be considered AWOL (Absence Without Leave) and may not be paid for the time off.

The employee's immediate supervisor or department head is responsible for approval of non-FMLA leave use and may require medical certification or a medical release for leave charged against any sick leave credits. The Human Resource Office is responsible for approval or denial of sick leave usage when related to FMLA.

The employee must notify Human Resources 30 days in advance, or as soon as known if less than 30 days, of any foreseeable medical absence. The employee's immediate supervisor or department head must notify Human Resources if unforeseeable leave will extend past twenty-four (24) working hours or three (3) work days, whichever is less. Leave that may qualify under the Family Medical Leave Act (see Policy 3-7) will be approved and administered by the Human Resources office. Non-adherence to FMLA employee responsibilities may disqualify employees' use of sick leave during part or all of the absence. The Human Resource Office will adjust the employee's time coding from sick leave to another leave type if deemed unqualified by HR.

Medical certification may also be required to certify that the illness of a family member requires the immediate attention of the employee.

Medical certification of maternity-related sick leave must be obtained in the same manner and under the same conditions as certification for other sick leave.

### **Conditions for Use of Sick Leave**

An employee may use sick leave credits for:

- A. Illness: Illness that occurs during an employee's vacation or when using banked holiday hours (not applicable in all areas) may be charged to sick leave with verification when requested.;
- B. injury;
- C. medical disability;
- D. maternity-related disability, including prenatal care, birth, miscarriage, abortion, or other medical care for either employee or child;
- E. quarantine resulting from exposure to contagious disease;
- F. medical, dental or eye examination or treatment;
- G. necessary care of or attendance to an immediate family member, or at the department's discretion, another relative, for the above reasons until other attendance can reasonably be obtained;
- H. death or funeral attendance as defined below; and/or
- I. parental leave as defined below.

### **Death of Family Member**

Up to forty (40) hours of sick leave will be granted an employee to attend the funeral of an immediate family member, or at the department's discretion, for another person.

### **Parental Leave**

Up to one hundred and twenty (120) hours of sick leave may be used immediately following the birth or placement of a child if:

- the employee is adopting a child; or
- the employee is a birth father.

As used in this section, "placement" means placement for adoption as defined in §33-22-130 (3), MCA.

If an employee requests additional sick leave beyond the 120 hours, medical certification of necessity must be provided.

Without medical certification, additional time, beyond the initial 120 hours, may be requested in the form of vacation, compensatory time or leave without pay as noted in Policy 3-7.

### **Maternity Leave**

An employee may request sick leave for a pregnancy-related disability that occurs before the birth of a child. Leave must be requested and approved or disapproved consistent with Policy: 3-1 and 3-2.

Six (6) calendar weeks after the birth of a child shall be considered a reasonable period of recovery from a temporary disability resulting from childbirth.

An employee shall not be required to obtain medical certification of a temporary disability for the initial six (6) calendar weeks of sick leave following the birth of a child. If the employee requests sick leave due to disability which exceeds six (6) calendar weeks, the employee shall obtain medical certification that the additional leave is necessary, consistent with ARM 2.21.907.

It is City policy to allow employees to be absent from work for up to 12 "work weeks" for maternity reasons including adoption. The 12 "work weeks" will include the initial six (6) calendar weeks directly related to recovery from childbirth, or the initial 15 days allowed for adoption, as noted in Policy 3-7.

An employee may request the use of annual leave, leave without pay, compensatory or other appropriate paid leave for purposes such as adoption or childcare. Leave shall be requested by the employee and approved by the department consistent with City policy as outlined in Policy 3-1, 3-2, 3-4 and 3-7.

### **Expending Accrued Sick Leave Credits**

Sick leave credits will be expended on an "hour for hour" basis in no less than quarter (1/4) hour increments. Employees on shifts longer or shorter than 8 hours will be charged for the actual number of work hours taken off.

### **Abuse of Sick Leave**

Misrepresentation of the actual reason for charging an absence to sick leave is cause for dismissal and forfeiture of the lump-sum payment.

Chronic, persistent, or patterned use of sick leave may be subject to progressive discipline. An employee disciplined for abuse of sick leave is not eligible to apply for donated sick leave for a period of one (1) year after the discipline is imposed. This includes documented verbal and written warnings.

Absences improperly charged to sick leave may, at the City's discretion, be charged to available compensatory time or leave without pay. Annual leave may be used at the mutual agreement of the employee and the supervisor.

### **Lump-Sum Payment Upon Termination or Discharge**

Except those participating in a qualifying VEBA plan, when an employee terminates or is discharged from employment, the employee is entitled to cash compensation for unused sick leave credits equal to one-fourth of the compensation the employee would have received if the employee had used the credit, provided the employee has worked the qualifying period.

The value of unused sick leave is computed based on the employee's salary at the time of termination.

According to §2-18-618(6), MCA, "accrual of sick leave credits for calculating the lump-sum payment begins July 2, 1971."

Employees discharged for reasons including the abuse of sick leave forfeit the right to lump-sum payment for any sick leave balance.