Policy 3500

From Human Resources

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PERSONNEL POLICY MANUAL
MoDOT Personnel Policy Title: Sick Leave **Policy Number**: 3500 **Chapter Title**: Leaves of Absence **Effective Date**: May 15, 2014 **Supersedes Policy Number**: 3500 **Dated**: January 1, 2013
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POLICY STATEMENT

The department will allow the accrual and use of paid sick leave for salaried and eligible permanent part-time employees, and will allow the conversion of accrued sick leave to creditable service upon retirement, as described in this policy. Accrued paid sick leave may be used to cover absences related to an employee's illness/injury/condition, or when an illness/injury/condition in the immediate family requires the employee's presence.

DEFINITIONS

Immediate Family: In this policy only, refers to the employee's mother, father, son, daughter, sister, brother, spouse or domestic partner, and spouse's or domestic partner's parents. Adoption is the same as blood relationship; a "half" relationship is the same as a "whole" relationship; and "step" relationships are covered but only apply to stepfather, stepmother, stepson, and stepdaughter. Also, another relative of the employee who is a member of the employee's immediate household, as well as any other relative of the employee or person who, by unique relationship, maintains a family role similar to a relative stated above, are included in this definition of immediate family. It is the responsibility of the employee to provide documentation to support why paid sick leave should be granted in cases of these unique relationships.

Domestic Partner: Identifies the personal relationship between individuals who are living together and sharing a common domestic life together and are jointly responsible for the basic necessities of life but are not joined in any type of legal partnership, marriage, or civil union.

PROVISIONS / REQUIREMENTS

1. Salaried and eligible permanent part-time employees will accrue sick leave at the rate of 5 hours for each pay period during which they are on the payroll (work or on paid leave) for 80 or more regular hours. They will accrue at one-half (50 percent) the full-time accrual rate for each pay period during which they are on payroll 40 hours, and if on payroll between 40 and 80 hours, they will accrue on a prorated basis according to the percentage of time they are on payroll.

2. Sick leave may not be used until such leave has been earned from prior pay periods. Sick leave must be taken in a minimum of 15-minute increments and leave may be accumulated to an unlimited amount. Sick leave may only be used as described in this policy and employees have the responsibility to establish the legitimate need for the use of sick leave.

3. Employees may use accrued sick leave during periods of absence from work in the event of a personal illness/injury/condition, or in the event of an illness/injury/condition in the immediate family that requires the employee's presence. Employees may be required to provide medical documentation from a health care provider to verify the need for paid sick leave and/or demonstrate they are able to safely return to work. Employees required to provide such documentation should use the Sick Leave/Return to Work Form. Depending on the length of absence requested and whether the absence is Family and Medical Leave Act (FMLA) -qualifying, medical documentation may be requested on a recurring basis, such as weekly or monthly, to verify the ongoing need for use of paid sick leave.

4. Employees must differentiate between a personal illness/injury/condition and an illness/injury/condition in the immediate family when using sick leave. Supervisors are to ensure timesheets are properly coded according to whether the sick leave is because of the employee's illness/injury/condition or for the illness/injury/condition of the employee's immediate family.

Employees must consult with their supervisors when scheduling planned medical treatments for themselves, covered family members, or covered service members, and make a reasonable effort not to unduly disrupt work schedules.

5. If employees choose, time off for a personal illness/injury/condition or illness/injury/condition in the immediate family may be charged against part or all of their accrued annual leave or compensatory time. In such cases, the annual leave or compensatory time used cannot later be restored by transferring the time used to earned sick leave. If employees choose to charge this time off to other paid leaves instead of sick leave, they may still be required to provide medical documentation from a health care provider (Sick Leave/Return to Work Form) to verify the need for paid leave related to the illness/injury/condition.

6. If leave is taken for a personal illness/injury/condition, employees should read Personnel Policy 0509, "Temporary Modified Duty Assignments," to determine if this type of assignment could be used in lieu of sick leave.

7. Employees must exhaust all accrued sick leave before taking unpaid FMLA leave for their own serious health condition or to care for their spouse child, or parent with a serious health condition. While not referred to as FMLA leave, an employee with a domestic partner is also entitled to the same amount of unpaid leave as provided in MoDOT's FMLA leave policy and under the same requirements and qualifications. Employees requesting FMLA leave to care for a covered servicemember with an injury or illness are also required to first exhaust accrued paid sick leave before taking unpaid FMLA leave, unless the service member being cared for does not fall under the definition of immediate family and sick leave cannot be used. Employees may use accrued sick leave to cover absences related to other FMLA-qualifying events as permitted by the FMLA and described in Personnel Policy 3512, "Family and Medical Leave."

Employees are permitted to use up to two workweeks of their accrued sick leave as "family leave" for the birth or placement of their child, within the first 12 weeks following the birth or placement, as described in Personnel Policy 3512, "Family and Medical Leave."

8. Employees must exhaust all accrued paid leave before taking extended sick leave. Refer to Personnel Policy 3501, "Extended Sick Leave."

9. If employees have no sick leave, annual leave, or compensatory time credits, and FMLA leave is not applicable, the district engineer/division leader/state engineer may grant time off without pay, not to exceed 80 consecutive hours, without affecting employees' retirement service record date. If additional time is needed, the district engineer/division leader/state engineer may grant a special leave without pay. Refer to Personnel Policy 3509, "Special Leave Without Pay."

10. Employees who have been granted a leave of absence without pay retain any unused sick leave credits they have accrued at the time of the leave.

11. Accrued sick leave may be restored to, or transferred to, the department in an unlimited amount by an individual previously employed with the department or other Missouri state agency. The individual must begin employment with the department within five years after terminating employment with the department or the other state agency. Before the transfer of accrued sick leave will be accepted from another state agency, the individual must submit written certification from the previous employer specifying the basis on which the sick leave was earned, the period of service involved, and the total unused sick leave at the time of employment termination. Sick leave will not be accepted in an amount exceeding the five hours per pay period earned by department employees. Colleges/universities in Missouri and some other public entities and/or organizations are not considered "state agencies" under this policy. The transfer of accrued sick leave from one of these organizations will be allowed only if the State of Missouri has a "Leave Reciprocity" agreement with that organization. Contact the local human resources office to learn if an organization has signed a Leave Reciprocity agreement with the state.

12. Sick leave is accrued by salaried employees or eligible permanent part-time employees who are receiving compensation payments provided under the Workers' Compensation Law. Employees who sustain a compensable injury on the job must complete Form A-450, "Workers' Compensation Disability Preference," indicating whether they wish to supplement workers' compensation lost time benefits with sick leave benefits. Refer to Personnel Policy 0507, "Workers' Compensation."

13. Employees who are terminating employment or taking an approved leave of absence without pay may not use sick leave immediately prior to the leave and will not accrue additional sick leave following their last day of work. The only exception is when they are using paid leave while off work due to a documented illness/injury/condition, prior to terminating or beginning the leave of absence without pay. While still in paid leave status, they will accrue additional sick leave. If an illness/injury/condition is involved, documentation from a treating physician will be required before the use of sick leave will be approved.

14. Employees who are retiring will continue to accrue sick leave between the date they sign their retirement papers and their effective date of retirement if they are on payroll (work or paid leave) until their date of retirement.

15. Employees who are members of the retirement system and who retire directly from employment with the department will have their unused accrued sick leave converted to creditable retirement service. For the purpose of calculating an annuity, the rate of one month of creditable service for each 168 hours of unused sick leave will be allowed. Conversion of sick leave will be made <u>only</u> for full increments of 168 hours and <u>not</u> prorated for portions thereof. There is no other conversion of, or payment for, unused sick leave upon termination of employment, including members vested in the retirement system.

16. Employees suspended due to felony charges will not be allowed to use accrued sick leave during the suspension, even though they may elect to use accrued annual leave or compensatory time while suspended.

17. Employees are allowed to use up to one (1) hour of accrued sick leave per month for personal wellness activities related to physical fitness, such as: attending a gym or fitness class; taking a

walk, jogging, bicycling; attending a yoga, aerobics, kickboxing or health-related course. This time must be `requested in advance, pre-approved by the employee's supervisor, and recorded in the Time Reporting

System as Personal Wellness Leave (SLPW). Employees in an unpaid sick leave status will not be allowed to use PWL.

Examples of inappropriate use of PWL include, but are not limited to: shopping; running errands; visiting family members and friends; taking extended lunch periods wherein health and wellness is not the focus of the lunch.

CROSS REFERENCES

Personnel Policy 0507, "Workers' Compensation"

Personnel Policy 0509, "Temporary Modified Duty Assignments"

Personnel Policy 3501, "Extended Sick Leave"

Personnel Policy 3509, "Special Leave Without Pay"

Personnel Policy 3512, "Family and Medical Leave"

PROCEDURE

Procedure 3500, "Sick Leave"

FORMS

Sick Leave/Return to Work Form (http://sharepoint/facilitation/HR/_layouts/WordViewer.aspx?id=/facilitation/HR/Forms/HR%20Forms%20Page/Forms/Work%20-%20Life%20Benefits/Illness-%20Injury/sick%20leave%20-%20return%20to%20work%20form.docx&source=http%3a//sharepoint/facilitation/HR/Forms/Forms/AllItems.aspx?RootFolder%3D%252Ffacilitation%252FHR%252FForms%252FHR%2520Forms%2520Page%252FForms%252FWork%2520%252D%2520Life%2520Benefits%252FIllness%252D%2520Injury,)

A-450, Workers' Compensation Disability Preference (http://sharepoint/facilitation/HR/Forms/Compensation/Form%20A-450%20Workers%20Compensation%20Lost%20Time%20Preference.doc)

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