

Number 14.1 - SICK LEAVE

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Applicable To: All classified employees with the Executive Branch of the State of Vermont.

Issued By: Department of Personnel

Approved By: Kathleen C. Hoyt, Secretary of Administration

PURPOSE AND POLICY STATEMENT

It is the policy of the State to help protect the income of classified employees who cannot work due to illness or injury or for emergency periods when employees must be absent from duty due to death or illness in their immediate family.

The purpose of this policy is to establish the State's policies and practices which provide for classified employees to be absent from duty with pay in the event of illness or injury.

DEFINITIONS

ACCRUAL RATE - is the number of hours the employee shall accrue per complete payroll period of service.

SICK LEAVE - paid authorized absence from duty due to employee's illness, injury or quarantine; for his or her medical or dental appointments which cannot reasonably be made outside of working hours; or for death or illness in the employee's immediate family.

IMMEDIATE FAMILY - parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, foster child, any person residing with the employee, and any family member for whom an employee is primarily responsible either to arrange for health care or to provide care.

WORKDAY - a regularly scheduled day of work which shall begin at the time the employee's regular and normal work schedule begins and continues for twenty-four (24) consecutive hours.

GENERAL GUIDELINES

The Sick Leave Article of the current Agreements between the State of Vermont and the Vermont State Employees' Association, Inc. (VSEA) must be adhered to when administering sick leave.

Sick leave benefits may not be used by employees prior to being credited to their accounts.

Temporary employees and individuals performing services under contract do not earn sick leave.

ACCRUAL OF SICK LEAVE

Upon appointment to the classified service, employees are credited with a bank of forty-eight (48) hours of sick leave that employees may use during the first six (6) months of service.

At the end of the first full payroll period following completion of their first six (6) months' of service, and at the end of every pay period thereafter, employees shall be credited with sick leave for that payroll period as follows:

YEARS OF SERVICE	ACCRUAL PER PAY PERIOD
0-5 years	3.69 hours
5-10	4.62
10-20	5.54
>20	6.46

There is no limit on the total amount of sick leave that employees may accumulate.

Permanent part-time classified employees earn sick leave on a pro-rated basis based on their assigned number of regularly scheduled work hours.

When classified employees separate from State service, the entire amount of unused sick leave shall lapse.

USE OF SICK LEAVE

The use of earned sick leave shall be authorized by an appointing authority (or designee) for employees who are absent from work and unable to perform their duties because of illness, injury, or quarantine for contagious disease. The use of such leave shall also be authorized for employee medical and dental appointments that cannot reasonably be made outside employees' normal work hours.

The use of sick leave may be authorized by an appointing authority to permit classified employees to be absent from duty due to death or illness in their immediate family. Such absences shall be authorized for the period of time specified in the applicable contract which should be sufficient time in which to make funeral arrangements and to attend to family matters, or in instance of family illness, to arrange for continued care of the ill family member. In extremely unusual circumstances, the appointing authority may authorize use of additional sick leave.

Employees who have an accumulated sick leave balance shall be authorized its use although recovery and return to duty is impossible. At the request of the appointing authority, the disability or illness and inability to perform position requirements, must be periodically certified to by a licensed physician or osteopath.

If a female employee is unable to work because of pregnancy or any medical condition related to pregnancy, she may use accumulated sick leave under the same conditions which apply to other illnesses and disabilities, and as provided for in the Parental Leave Article of the current contract. If the employee wishes to extend the period of absence beyond the time when she is physically unable to work, she may use accumulated annual or compensatory leave time, and/or she may request a leave of absence under the Family and Parental Leave Article.

Unless physically unable to do so, employees shall notify their supervisor (or other person designated by the appointing authority) of their inability to report to work and the nature of the illness, no later than one (1) hour prior to the beginning of the scheduled workday.

When there is sufficient reason, an appointing authority may require an employee to: submit a physician's certificate or other evidence to justify the approval of sick leave; or to furnish evidence of good health and ability to perform work without risk to self, co-workers, or the public as a condition of returning to work. Whenever a physician's certificate is required as a condition of approval of sick leave usage, the time period for such requirement shall not normally exceed six (6) months (unless specifically imposed for a lesser period of time), and may be extended for up to an additional six (6) months.

The State may require an employee to be examined by a physician designated by the employer, at State expense, for the purpose of determining the employee's fitness for duty.

Employees who misrepresent their claims for sick leave may be subject to disciplinary action up to and including dismissal.

If an employee becomes ill during a scheduled vacation, to the extent that hospitalization is required, the employee's absence from the date of hospitalization may be charged to sick leave rather than annual leave. Employees who are on vacation and become ill and are confined to their home for three (3) or more days pursuant to a physician's order (as evidenced by a physician's certificate), may have that time charged to sick leave.

RESPONSIBILITIES

Employees shall:

1. Give their supervisors advance notice of absence due to illness if employees have advance knowledge of required treatment.

2. Notify their supervisors no later than the first hour of the beginning of the scheduled workday, if possible, of their inability to report to work, and the nature of the illness.
3. Notify their supervisors as soon as possible when time off from work is necessitated by a family emergency or illness.
4. Obtain a physician's certificate as verification of their illness, if requested by supervisors.

The appointing authority (or designee) shall:

1. Advise new employees of the sick leave provisions of the contract and this policy.
2. In the instance of extended illness, keep informed as to employees' physical condition and anticipated date of return to work.
3. Ensure that sick leave is not misused, and if necessary, require submission of evidence as to the necessity for the leave.
4. Ensure that the provisions of the sick leave article of the contract are observed in their agency or department.
5. Report the use of sick leave on the Department of Personnel payroll time reports.

EFFECTS ON LEAVE ACCRUALS

Employees who take a leave of absence to serve in the armed forces of the United States shall receive credit for time served for the purposes of determining the rate of sick leave accrual, but shall not accrue sick leave while on military leave. Employees must have been honorably discharged and apply for return to their position with the State within ninety (90) days before or after termination from active duty for training.

Employees on sick leave before and/or after a legal or administrative holiday shall not be charged sick leave for absence on a day observed as a legal or administrative holiday.

An employee awarded weekly compensation under the provisions of the Workers' Compensation Act may be granted sick leave (or annual leave when sick leave is exhausted) for the difference between such compensation and the employee's regular rate of pay.

Section 14.10 - Long-Term Disability Sick Leave Bank

Employees (other than those covered by the State Police Bargaining Unit contract) may donate up to fifty (50) percent of their annual leave entitlement and up to all of their accrued personal leave entitlement to a Long-Term Disability (LTD) Sick Leave Bank, provided that employees retain at least ten (10) annual leave days after such donation is made. Individual Bargaining Units have separate LTD Sick Leave Banks.

The LTD Sick Leave Banks are for the benefit of Bargaining Unit employees who are absent from work for at least thirty (30) continuous calendar days due to a non-job

related, long-term disability and who have used all their sick leave. Those employees are eligible whether or not they have contributed to the LTD Sick Leave Bank, or whether or not they are expected to return to work.

The LTD Sick Leave Banks operate on a fiscal year basis, from July 1 through June 30 of each year and are administered by a joint Labor-Management Committee for each Bargaining Unit.

Signed By Kathleen C. Hoyt, August 3, 1999

Approved, Secretary of Administration