

## **SICK LEAVE**

### **Number 14.1**

**Effective Date:** December 31, 2016

**Supersedes:** Personnel Policy 14.1, dated March 1, 1996

**Applicable To:** All classified and temporary employees within the Executive Branch of the State of Vermont.

**Issued By:** Department of Human Resources

**Approved By:** Trey Martin, Secretary of Administration

### **PURPOSE AND POLICY STATEMENT**

It is the policy of the State to help protect the income of classified and temporary employees who cannot work due to illness or injury or other reason as described below.

The purpose of this policy is to establish the State's policies and practices for when certain employees need to be absent from duty in the event of illness or injury.

### **DEFINITIONS**

Accrual Rate - 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, stepchild or ward who lives with the employee, and any other 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 begins 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 Collective Bargaining Agreements between the

State of Vermont and the Vermont State Employees' Association, Inc. (VSEA); and the Vermont Trooper's Association (VTA), respectively, must be adhered to when administering sick leave for employees in these respective bargaining units. The collective bargaining agreements supersede portions of this policy, and may impose additional requirements and/or provide additional benefits.

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

Time spent on a leave of absence without pay shall not be counted in determining the rates of sick leave accrual.

## **CLASSIFIED EMPLOYEES**

### **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, prorated accordingly for part-time employees.

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	ACCRUAL	PER	PAY
0-5 years		3.69 hours		
5-10		4.62		
10-20		5.54		
>20		6.46		

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

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

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.

Sick leave may also be authorized by an appointing authority to permit employees to be absent from duty due to death or illness in their immediate family. Such absences shall be authorized for a specified period of time that should be sufficient 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 ("physician's certificate").

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.

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 or osteopath's order (as evidenced by a physician's certificate), may have that time charged to sick leave.

The Federal Family Medical Leave Act, 29 U.S.C. §2601 *et. seq.* and/or Vermont's Parental and Family Leave Act, 21 V.S.A. §470 *et. seq.* may provide additional usage options, if applicable.

### **Medical Documentation**

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 sick leave approval, the time period for such requirement shall not normally exceed six (6) months 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.

### **Notification**

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.

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

## **TEMPORARY EMPLOYEES**

### **Accrual of Sick Leave**

Effective with the Payroll Period beginning January 8, 2017, temporary employees will accrue sick leave at the rate of .02 hours of sick leave per hour worked, up to a maximum of twenty-four (24) hours in a twelve (12)-month period beginning the first day worked (or 1/8/17 for those employed before that date.) After December 31, 2018, the accrual cap will increase to forty (40) hours in a 12-month period. Accrued, unused sick leave will be available for use if the employee transfers to a different temporary position within the twelve (12)-month period if there is no break in service, but will not be paid out upon termination, or transferred if the employee is hired into a classified or exempt position.

### **Use of Sick Leave**

A temporary employee may use accrued sick leave when:

1. The employee is ill or injured.
2. The employee obtains professional diagnostic, preventive, routine, or therapeutic health care.
3. The employee cares for a sick or injured parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, including helping that individual obtain diagnostic, preventive, routine, or therapeutic health treatment, or accompanying the employee's parent, grandparent, spouse, or parent-in-law to an appointment related to his or her long-term care.
4. The employee is arranging for social or legal services or obtaining medical care or counseling for the employee or for the employee's parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, who is a victim of domestic violence, sexual assault, or stalking or who is relocating as the result of domestic violence, sexual assault, or stalking. As used in this section, "domestic violence," "sexual assault," and "stalking" shall have the same meanings as in 15 V.S.A. § 1151.
5. The employee cares for a parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, because the school or business where that individual is normally located during the employee's workday is closed for public health or safety reasons.

**EXEMPT EMPLOYEES:** Exempt Employees employed in classifications with leave plans should refer to the applicable plans.

## **RESPONSIBILITIES**

All employees shall:

1. Give their supervisors advance notice of absence 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 reason for the absence
3. Obtain a physician's certificate if requested by supervisors.

The appointing authority (or designee) shall:

1. Advise new employees of the sick leave provisions of this policy and the collective bargaining agreements, if applicable.
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 collective bargaining agreements, if applicable, are observed in their agency or department.
5. Report the use of sick leave on payroll time reports.

## **MISCELLANEOUS**

Classified employees and Exempt employees whose positions are covered by a leave plan on authorized 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.

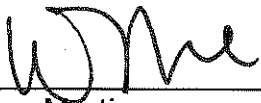
A classified employee awarded weekly compensation under the provisions of the Workers' Compensation Act may be granted the use of sick leave (or annual leave when sick leave is exhausted) for the difference between such compensation and the employee's regular rate of pay.

Classified employees and Exempt employees whose positions are covered by a leave plan 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 such 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 or training in order to receive credit for such time in computing total years of full-time employment for the purposes of determining the rate of sick leave accrual.

**SICK LEAVE BANK**

Classified employees who are covered by a collective bargaining agreement may qualify to participate in the sick leave bank associated with their respective bargaining unit. See the current collective bargaining agreements for more information. Classified employees who are not members of a collective bargaining unit may qualify to participate in a separate sick leave bank. See the Department of Human Resources' website for more information.

Approved:

  
\_\_\_\_\_  
Trey Martin  
Secretary of Administration

12-28-16  
\_\_\_\_\_  
Date