



Human Resources Policies and Procedures

Policy Title: Sick Leave	Policy Number: 4.4
Effective: December 20, 2021 Reposted with correction on December 2, 2022 Supersedes previous version of policy effective dated June 16, 2016	
Approval: <i>Debra K. Buckson</i>	Page 1 of 7

1.0 Scope

- | | |
|---|--|
| <input checked="" type="checkbox"/> Full-time | <input checked="" type="checkbox"/> Union |
| <input checked="" type="checkbox"/> Part-time | <input type="checkbox"/> Independent Contractors |
| <input type="checkbox"/> Temporary/Contract | <input type="checkbox"/> Visitors, Vendors, Volunteers |
| <input checked="" type="checkbox"/> Non-Union | <input type="checkbox"/> Board and Commission Members |

Employees who are covered under the provisions of a collective bargaining agreement will follow the standards as contained in their respective contracts if this policy conflicts with the language in the contract.

2.0 Purpose

Sick leave is paid time granted to employees due to absences for reasons of illness or medical conditions of one's self or one's immediate family member.

3.0 Definitions

It is the policy of the City of Ann Arbor to provide paid time off to regular employees in the event of illness, injury, or incapacity to work or in the event of serious illness of immediate family members.

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4.0 Responsibility

- 4.1** Management and Human Resources will be responsible for the consistent administration of this program and ensuring compliance with the Sick Leave policy.
- 4.2** It is the responsibility of each employee to follow this policy. Employees are responsible for recording sick leave used on their time records.

5.0 Definitions

- 5.1 Immediate family** shall be deemed to include: (1) a biological, adopted or foster child, stepchild or legal ward, or a child to whom the employee stands in loco parentis; (2) a biological parent, foster parent, stepparent, adoptive parent or legal guardian of an eligible employee or employee's spouse, individual who stood in loco parentis when the eligible employee was a minor child; (3) an individual to whom the eligible employee is legally married under the laws of any state; (4) a grandparent; (5) a grandchild; (6) a biological, foster or adopted sibling

6.0 Procedures

- A. Sick leave is earned and credited per pay period.
- B. Employees shall earn sick leave based on the amount of straight time hours paid in an 80-hour pay period.
- C. Sick leave may be taken in one (1) hour increments or greater.
- D. Employees do not earn sick leave while on an unpaid leave of absence.
- E. An employee who has accumulated the maximum of nine hundred and sixty (960) hours of sick leave credit shall have the following options at the end of each subsequent calendar year of employment:
 - 1. Cashing in one-half of the unused sick leave credit earned in such year above the nine hundred and sixty (960) hour maximum allowed, with the remaining one-half (1/2) being carried forward and available for sickness only.
 - a. If an employee chooses this payment option, he or she must notify payroll between December 1 and December 15.

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2. Carrying forward all of the unused sick leave for that year for purposes of sick leave use only (non-reimbursable).
- F. If an employee dies before retirement from the City, unused sick leave up to a maximum of nine hundred and sixty (960) hours shall be paid to his or her estate at the effective rate of pay at the time of death.
 - G. If an employee takes an early or regular retirement (not deferred) from the City, unused sick leave up to a maximum of nine hundred and sixty (960) hours shall be paid to him or her at the effective rate of pay at the time of retirement. Such payout will not be included in any pension calculation.
 - H. If an employee voluntarily resigns or is involuntarily terminated from City employment, any unused sick leave accumulation shall be cancelled and not reimbursed by the City. If the individual is subsequently re-employed by the City, the prior forfeited sick leave balance shall not be restored, except if ordered by a court or arbitrator.
 - I. If an employee is laid-off by the City and is not recalled within a one-year period, any unused accumulation of sick leave shall be cancelled and not reimbursed by the City. If the laid off employee is recalled within one year from the date of layoff, the prior unused accumulation of sick leave shall be restored.
 - J. If an employee is using approved paid sick leave and a holiday occurs while on approved paid sick leave, the employee shall be paid holiday pay for such holiday.
 - K. Accumulated sick leave cannot be transferred from one employee to another employee except as outlined in 6.8.
 - L. Sick leave will be paid at the employee's current base hourly rate, exclusive of overtime, premium pay or bonus.

7.0 Use of Sick Leave

- A. An employee shall notify his/her supervisor as soon as he/she knows that he/she will be unable to work, but no later than the starting time of the employee's work day, or in accordance with the Unit Specific Policy. The employee must report every day of absence until an extended absence is approved by the Benefits team. If the supervisor is not present, the employee shall leave a message per the direction of the employee's specific

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service unit. Sick leave shall not be granted unless such a report has been made.

- B. Sick leave is generally applicable to absences due to illness or injury including, medical examinations and dental appointments or any other circumstances covered by FMLA or Michigan Paid Family Leave Act.
- D. Incapacity of greater than three consecutive calendar days duration shall be subject to the provisions of the Family and Medical Leave Act and the City's Family and Medical Leave Policy (4.5).
- E. Sick leave may not be taken until earned and may not be advanced.

8.0 Physician's Statement or Other Certification

- A. When an employee has been incapacitated for more than three (3) consecutive calendar days, he or she may be required to submit documentation from a health care provider to the Benefits team certifying the medical necessity for the absence, expected date of return to work, and fitness to return to duty subject to the provisions of the Family and Medical Leave Act and the City's Family and Medical Leave Policy (4.5).
- B. Additionally, where an employee has been incapacitated for more than three (3) consecutive calendar days, the supervisor is expected to notify the Benefits team of the employee's absence.

9.0 Exhaustion of Sick Leave

- A. Employees are responsible for managing the amount of sick leave they have accrued and have available for use. Management's authorization of sick leave use shall not serve as an acknowledgment that such employee has sick leave available to him or her.
- B. If an employee has exhausted all available sick leave, he/she may be subject to discipline up to and including termination of employment unless he/she qualifies for and receives Family and Medical Leave or is approved for a leave of absence.

10.0 Abuse and Prevention of Abuse of Non FMLA Sick leave

- A. Reasonable suspicion that an employee may be abusing sick leave may result from observed suspicious activity (conducting normal activities

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elsewhere) on a day when the employee called in sick; or may be found if a review of sick leave usage reveals:

1. a pattern of use which results in extending scheduled days off, vacation or holidays;
 2. a pattern of using sick leave on the same days of the week or following pay days;
 3. excessive sick leave usage over an extended period, e.g., “earn and burn” (use at such a rate as to never accumulate a reasonable balance);
 4. an impact of the employee's absences on the workplace. (e.g., disruptions in work schedules, overtime costs, incomplete projects).
 5. usage of sick leave after other paid time off requests have been denied.
- B. In order to prevent the abuse of sick leave, supervisors should periodically analyze attendance records for evidence of possible abuse (e.g., patterns of absences on Friday/Mondays, seasonal absences, absences when other paid time off requests have been denied).
- C. When there is evidence that abuse has occurred, depending on the severity of the abuse, the supervisor may:
1. Counsel or discipline the employee; and/or
 2. Require the employee to provide doctor's statements for a fixed duration to verify legitimate use of sick leave. Supervisors must use the Proof of Illness form from their HRSP; and/or
 3. Require an employee to have an independent medical examination by a City provided physician; and/or
 4. Withhold payment of sick leave to the employee until satisfactory documentation has been submitted.

11.0 Return to Work

For the employee’s protection and the protection of those who work closely with the employee, an employee may be required to present a written release to return to work, including any restrictions that may apply, from a licensed physician or other accredited practitioner prior to resuming employment. An employee will be

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allowed to return to work if he/she is able to perform the essential functions of the position, with or without accommodations if applicable under the provisions of the Americans with Disabilities Act.

12.0 Other Employment During Sick Leave Prohibited

It is not permissible to be gainfully employed elsewhere while out on sick leave. Any employee doing so will be considered to have voluntarily quit without notice.

13.0 Sick Leave Donation

The City Administrator has the ability to allow the donation of sick time to a catastrophic sick bank for specific situations that would normally be covered by FMLA, with the following guidelines:

- Sick leave donation does not count against the donating employee's annual sick leave payout.
- Fire suppression personnel may donate up to 72 hours.
- Between eight (8) and twenty-four (24) hours may be donated from the donating employee's sick leave bank per calendar year.
- The donating employee must have a minimum of 90 hours in their sick leave bank.
- Once a donation of sick time is received and processed the transaction is final and will not be reversed for any reason.
- Receiving employee must have exhausted all time off banks down to 0, with the exception of vacation and sick, allowing the reservation of up to 40 hours or amount directed by your collective bargaining agreement.
- Unused sick time will remain in the catastrophic sick bank, for catastrophic as determined by the City Administrator.
- If an employee returns prior to exhausting all donated sick time their banks will be restored to the original sick leave bank balance as of the first day of their Medical Leave.
- Forms to donate time and a request to use donated time can be found on A2Central.
- Donated sick time will not result in additional accruals.

Donation Procedures

- The employee's manager will request to their Service Area Administrator that sick time donation be started. The Service Area Administrator will make the request to the City Administrator.
- The City Administrator will initiate the sick time donation and will notify the City that a donation has been open.

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- Employees interested in donating time will fill out the donation form and submit using the instructions listed on the form. The donation form can be found via the link here:
 - <https://a2gov.org/departments/Human-Resources/Documents/Benefits%20Forms/Sick%20Leave%20Donation%20Form.pdf>
- The Employee Benefits team will manage getting all donation forms to Payroll.
- Upon receipt of the forms, Payroll will make the transfer of time from the donating employees sick time balance into the Catastrophic sick bank.
- At the end of the period in which the employee needs the donated sick time, the employee will notify the Benefits team, and the catastrophic sick time will be removed from the receiving employees bank.
- Employees will no longer be able to donate sick time to the catastrophic sick bank until such time that another employee is in need, and a donation process is initiated.

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