

CITY OF FRISCO PERSONNEL POLICIES
SECTION: LEAVE

Subject: SICK LEAVE	Effective Date: 01/01/1997
Approved By: 17-03-12	Revision Date: 09/21/2021
Revision Approved By: Ordinance 2021-09-55	

I. PURPOSE:

The purpose of this policy is to establish uniform guidelines for the accrual, use, and payout of sick leave. Sick leave is paid time away from work to provide income protection for an employee who—

- i. Is unable to perform his/her job due to an illness or injury; or
- ii. Must miss work to care for an immediate family member who is ill or injured; or
- iii. Needs time away from work for visits to a professional healthcare provider, for him/herself or for a family member, which cannot be reasonably scheduled outside of normal work hours.

II. ELIGIBILITY:

All regular full-time employees and regular part-time employees (designated to work at least 30 hours per week) are immediately eligible to accrue sick leave, at the time of hire as outlined herein; part-time employees not designated to work at least 30 hours per week and seasonal and temporary employees are not eligible to accrue or use sick leave.

III. ACCRUAL:

- a. **Timing.** Sick leave accrues at the close of each of the first two (2) pay periods in a month but will not accrue for any pay period for which the employee is not paid (e.g., on unpaid leave).
- b. **Rate.** The rate of accrual varies according to the employee's classification as follows:
 - i. Regular full-time employees: 4 hours/pay period (96 hours/year)
 - ii. Regular part-time employees: 3 hours/ pay period (72 hours/year)

iii. Fire shift personnel:

1. 24-hour/28-day work cycle: 6 hours/pay period (144 hours/year)
2. 8-hour/7-day work cycle: 4 hours/pay period (96 hours/year)

- c. **Termination/transfer.** Accrual of sick leave is unlimited until the employee is terminated or is transferred to a position which is ineligible for paid sick leave, at which point the accrual ceases and the employee's sick leave balance is paid out according to the schedule below.
- d. **Part-time to full-time.** An employee transferring from a regular part-time position to a regular full-time position or vice versa shall retain the balance of sick leave already accrued, but shall begin to accrue sick leave at the rate applicable for the new position.
- e. **Fire personnel.** In the case of the regular job assignment of a 24-hour shift fire protection personnel moving to an eight (8) hour day schedule, their sick leave balance and accrual rate will be divided by 1.5 (the same ratio as the accrual rate). In the case of the regular job assignment of an eight (8) hour day fire protection personnel moving to 24-hour shift, their sick leave balance and accrual rate will be multiplied by 1.5 (the same ratio as the accrual rate).

IV. **USE:**

- a. **After one month.** An eligible employee may use accrued sick leave after the completion of one (1) full month of employment.
- b. **Last day of employment.** Terminating employees are not allowed to use sick leave as their final day of employment unless the employee is using sick leave for approved CLOA or FMLA leave.

V. **ACCOUNTING:**

- a. **Time keeping.** An employee shall be compensated for sick leave subject to a daily limit corresponding to the number of hours for which he/she would have been scheduled to work.
- b. **FLSA.** The provisions of this policy apply to employees whether classified as exempt or nonexempt from the minimum wage and overtime requirements of the Fair Labor Standards Act (FLSA), in accordance with the rule found at 29 CFR Part 541.710 and pursuant to the City of Frisco's general policy of public accountability. All employees shall account for any absences subject to the application of this policy according to the manner described herein.

- i. Exempt employees should substitute paid leave or leave without pay for any absence which causes hours worked to be less than eighty (80) in a pay period.
 - ii. Nonexempt employees must substitute paid leave or leave without pay for any absence which causes hours worked to be less than normally scheduled for any designated work period, which is generally 40 hours in a seven-day work period.
- c. **Benefits.** Employees on sick, short-term disability, long-term disability, FMLA or City LOA leave will be required to use, at a minimum, a portion of their accrued leave equal to 30% of their regularly scheduled hours or an amount necessary to pay for required benefit and payroll deductions, whichever number of hours is greater.

VI. SCHEDULING & NOTIFICATION:

- a. ***Departmental procedures.*** To be authorized for leave under this policy, an employee must notify the appropriate supervisor according to the procedures adopted by his/her department.
 - i. Each department shall establish and communicate to employees procedures for scheduling/reporting the use of sick leave for both foreseeable and unplanned absences.
 - ii. With respect to this policy, an unplanned absence is one that was not scheduled and approved by the employee's supervisor prior to the day of the absence.
- b. ***Unplanned absence.*** In the event that an employee must miss work due to an unexpected illness/injury, s/he should notify the designated supervisor prior to the start of the shift (or as soon as is reasonably possible) and according to the notification procedures adopted by the department.
- c. ***Foreseeable absence.*** If an absence is foreseeable, such as a doctor's appointment, the employee has an obligation to schedule it so as to not unduly disrupt departmental operations and to give supervisors as much advance notice and flexibility in scheduling as possible.
- d. ***Failure to comply.*** An employee who fails to comply with departmental procedures for the notification and scheduling of sick leave may be denied paid sick leave and subject to disciplinary action up to and including termination of employment. An employee on sick leave found to be engaged in activities in direct conflict with the purpose of this policy, including outside employment or

self-employment, may be denied compensation for the leave and subject to disciplinary action up to and including termination of employment.

- e. **More than 3 days.** In the event that an employee will be or has been absent for *more* than three (3) consecutive workdays for reasons covered under this policy, s/he should contact the Human Resources Department as soon as possible to determine whether the absence should be designated as a leave under the Family and Medical Leave Act (FMLA).
 - i. Supervisors are also responsible for notifying the Human Resources Department of any leave of absence exceeding three (3) consecutive workdays or that might otherwise qualify for FMLA leave.
 - ii. An employee who will be absent for more than three (3) consecutive workdays shall notify the designated supervisor of his/her expected return-to-work date as soon as is reasonably possible and prior to the date of return.
- f. **Illness on vacation.** An employee who becomes ill or who is injured while on vacation leave may request that the vacation leave be terminated and the illness or injury time be converted to sick leave, if available.
- g. **Absenteeism or misuse.** While sick leave is intended to be a form of income protection, it does not provide job protection, except when used in conjunction with CLOA or FMLA leave.
 - i. An employee who is habitually absent from work for any reason, other than for an authorized leave of absence under CLOA, FMLA, or workers' compensation, may be subject to disciplinary action and/or loss of employment.
 - ii. The department director shall determine what constitutes excessive absenteeism on a case-by-case basis, taking into account the reasons for the absences and the degree to which they disrupt departmental operations.
 - iii. What constitutes excessive absenteeism for an employee in one job classification may be different than for an employee in another job classification.
- h. **Family member.** Under this policy, an immediate family member is the employee's father, mother, sibling, spouse, child/stepchild, or in-law. In the event of a life-threatening illness or injury of an employee's family member who does not meet the definition of "immediate family," the department director may

allow the employee limited use sick leave as s/he deems reasonable under the circumstances.

VII. LEAVE SUBSTITUTION:

- a. **FMLA.** Time away on sick leave due to an event that qualifies for leave under the Family and Medical Leave Act (FMLA) will be deducted from both the employee's sick leave balance and his/her balance of available FMLA leave. The employee may also be required to use other paid leave if s/he does not have enough sick leave to cover the FMLA absence.
- b. **Non-FMLA.** An employee lacking enough accrued sick leave to cover an absence under this policy, which is *not* subject to the FMLA, may request to substitute other paid leave or to be placed on a leave-without-pay status. The substitution of other paid leave is not automatic.
 - i. Any leave substitution must be approved by the department director or designee, who will consider whether to—
 - 1. Approve the use of other paid leave; or
 - 2. Authorize a leave without pay; or
 - 3. Take other administrative action to mitigate the negative impact of the employee's absence(s).
 - ii. Approved paid leave substitutions shall be subject to the following order:
 - 1. Vacation leave
 - 2. Holiday leave
 - 3. Compensatory time
- c. **Donations.** Employees who have exhausted all paid leave and face the possibility of a leave of absence without pay due to an illness/injury may request donations of leave from other employees under the City's Donation of Leave policy.

VI. DOCUMENTATION:

- a. **Return-to-work release.** An employee returning from a sick leave absence for his/her own illness/injury in excess of three (3) consecutive workdays will be required to submit a return-to-work release from the employee's doctor indicating that the employee has fully recovered from his/her recent illness/injury is released to full duty. The employee may also be required to

take a physical ability test if such a test is normally required for placement in the job. Both the return-to-work release and a passing score on the physical ability test (if required) must be submitted to the Human Resources Department before the employee may resume regular work duties.

- b. ***Proof of Illness/Injury.*** A department director may, at his/her discretion, require satisfactory proof of illness/injury if s/he suspects fraud or misuse of leave for absences not authorized under the Family and Medical Leave Act (FMLA) or workers' compensation leave. Departmental requests for medical documentation to support the use of sick leave shall be processed by the Human Resources Department. Employees are encouraged to request and retain evidence of health care office visits/treatment related to sick leave absences in the event that absenteeism or apparent misuse of sick leave becomes a matter for investigation and/or disciplinary action.
- c. ***For FMLA or Workers' Compensation.*** For absences authorized under FMLA or workers' compensation, the Human Resources Department will request documentation to support the need for absence and/or the return to work. All such requests will be made in accordance with applicable laws and regulations.

VII. PAYOUT OF UNUSED SICK LEAVE:

- a. ***After one year.*** Employees who have completed at least one (1) full year of employment with the City and who are considered to have left in good standing, or have transferred in good standing to a job classification ineligible for sick leave accrual shall receive a payout of accrued, but unused sick according to the accrual maximums outlined below and under the following conditions:
 - i. In the employee's final paycheck or in the last paycheck reflecting the employee's status as an employee eligible to accrue sick leave; and
 - ii. On the basis of the employee's hourly rate of base pay in force immediately preceding the termination or transfer and shall include any leave accrued for that pay period.
 - iii. Provided the employee has returned all required gear and equipment in good condition and has paid any tuition assistance owed per policy.

Accrued, unused sick leave will not be paid out to employees who are terminated or resign due to the following reasons:

- i. Committing a criminal offense.

- ii. Violating or attempting to violate any of the provision of the City Charter.
 - iii. Working or reporting to work under the influence of intoxicating liquors, beverages, or illicit drugs.
 - iv. Working or reporting to work under the influence of any substance that adversely affects work performance and/or safety.
 - v. Accepting or soliciting a fee, gift, or other valuable thing in the normal course of work or in connection therewith for personal use from any person, firm, or corporation, when such fee, gift, or other thing is accepted with the understanding that the donor shall or actually does receive favors or service not customarily accorded to the general public.
 - vi. Stealing, removing, or defacing City property or a co-worker's property.
 - vii. Violation of the purchasing code of conduct.
- b. **Effective on or after October 1, 2021.** Payout of sick leave accrual to employees shall be limited to the maximum limits outlined below. Prior to October 1, 2021, the payout of sick leave accrual to employees shall be limited to the maximum of 240 hours or 360 hours for shift firefighters.
- c. **Payout limits.** Payout of sick leave accrual to employees vacating full-time or part-time positions shall be limited according to the following schedule:
- i. Regular full- or part-time employees: 720 hours
 - ii. Fire shift personnel:
 - 1. 24-hour/28-day work cycle: 1080 hours
 - 2. 96-hour/14-day work cycle: 720 hours
 - 3. 8-hour/7-day work cycle: 720 hours

VIII. **DISCLAIMER**

The City of Frisco reserves the right to modify, alter, delete, suspend, or discontinue all or any part of this policy at any time, with or without prior notice to employees; nothing in this policy constitutes a contract, implied or express.