

# CITY OF DENTON

## POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE

SECTION: HUMAN RESOURCES	REFERENCE NUMBER: 111.01
SUBJECT: APPROVED LEAVE	REVISED EFFECTIVE DATE: 01/01/99
TITLE: SICK LEAVE	LAST REVISION DATE: 1/1/21 Addendum issued 1/1/21

### POLICY STATEMENT:

Sick leave is a benefit provided to cover illnesses of the employee or covered dependents, but it is expected that the actual use of sick leave will normally be less than the number of days which are provided per year. Sick leave accruals accumulate to provide the employee coverage for severe or catastrophic illnesses.

Although the City provides sick leave accrual at the rate of fifteen days per year, excessive absences on the part of the employee may signal a performance problem to the supervisor. Continued use of sick leave at higher than average rates as defined by a department director may create situations within a work group which hamper accomplishment of the tasks. A supervisor may take remedial action by setting attendance goals or enforcing the appropriate disciplinary action.

Employees who die while in service of the City or while on authorized military leave of absence shall be paid for all unused sick leave not to exceed 90 working days. Payment shall be made to the estate of the employee or beneficiary of the sick leave benefit, whichever the employee has designated. Employees who leave the service of the City, except as provided for in this paragraph, shall not be paid for unused accrued sick leave. Civil Service employees are an exception to this rule; please see Section V of this policy for full details.

### ADMINISTRATIVE PROCEDURES:

#### I. SICK LEAVE ACCRUAL (NON-CIVIL SERVICE)

##### A. Sick Leave Pay

No cash payments will be made for unused accrued sick leave.

##### B. Accrual

1. Sick leave is accrued at the rate of ten hours (10) for regular full-time employees and prorated for regular part-time employees (seven and one-half (7.5) hours for three-quarter time employees and five (5) hours for half-time employees) for each month of continuous service.

Sick leave hours are accrued on the 1<sup>st</sup> and 15<sup>th</sup> of each month in halved amounts.

For example, a full-time employee accrues five (5) hours of sick leave on the 1<sup>st</sup> and 15<sup>th</sup> of the month, while a half-time employee accrues two and one-half (2.5) hours of sick leave on the 1<sup>st</sup> and 15<sup>th</sup> of the month. Sick leave can be used during the pay period in which it is accrued.

**Sick leave may not be used before it is accrued.**

2. Sick leave may be accumulated up to a maximum of 90 days (720 hours for full time employees; 540 hours for three-quarter time employees; and 360 hours for half time employees). All employees with accrual in excess of 90 days (720 hours) prior to October 1, 1981, may retain all accruals until such accrual is down to 720 hours at which time the accrual can never exceed 720 hours (See Section V for Civil Service Accrual).
3. Sick leave will not accrue during any unpaid leave of absence (see Family & Medical Leave policy no. 107.04; Non-FMLA Medical Leave policy 111.07; and Personal Leave Without Pay policy no. 111.08).

## II. NOTIFICATION

- A. To receive paid sick leave, an employee shall notify the supervisor or authorized representative at least 30 minutes before the time set for beginning of work. Employees must also comply with departmental policies, if applicable.
- B. **Employees are required to contact their supervisor daily if absent for more than one day, unless otherwise approved by the supervisor.** Exceptions would be hospitalization, a prolonged or catastrophic illness, or a determination by the City that the absences qualify as family and medical leave (see Family & Medical Leave policy no. 107.04).
- C. Employees who become ill during the period of their vacation may request that their vacation be temporarily terminated and that their time be charged to sick leave. A physician's statement will normally be required in such instances.

## III. CONDITIONS FOR USE

- A. Sick leave may be used in 15 minute intervals. Official holidays and regular days off shall not count against sick leave.
- B. Sick leave may be allowed in cases of personal illness, doctor's or dentist's visits, or physical incapacity of the employee. Additionally, sick leave may be used when an employee is required to attend to their spouse, child, parent, or dependent who is ill, incapacitated, or incapable of self-care; or, to attend a bona fide counseling session by a qualified counselor. In the case of critical illness or emergency medical situations, sick leave may also be used for immediate family (spouse, father, mother, children, brother, sister, grandchildren, grandparents, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, and grandparent-in-law).

For purposes of this policy, a critical illness will be defined as a life-threatening condition. An emergency medical situation will be a medical condition requiring immediate treatment.

- C. Supervisors may require satisfactory proof of illness/injury or of the need for attending to a family member and may deny, upon consultation with Human Resources, any sick leave in the absence of such documentation.
- D. After accumulated sick leave has been exhausted, employees may use authorized accrued vacation time. Upon the exhaustion of all paid leave, the employee may be eligible for unpaid leave until returning to work unless additional leave has been approved through the Catastrophic Leave Donation directive (no. 111.05).

It is the employee's responsibility to provide a doctor's prognosis and an estimated return date to Human Resources so they can consult with the supervisor to determine whether the position can be left open or filled temporarily based on the following criteria:

- length of leave requested
- workload requirements
- employee's past work record
- employee's ability to perform in same position upon return

- E. After 90 consecutive days of disability, the long-term disability plan will go into effect for all eligible employees who make application. Accrued sick leave may be used in conjunction with long-term disability.
- F. Accrued sick leave may be used in conjunction with the workers' compensation plan to meet but not exceed an employee's regular pay (see Policy no. 409.01).
- G. Sick leave benefits will not be paid for the same time an employee receives holiday pay, death in the family leave pay, vacation/bonus time pay or any other paid leave benefit.
- H. Sick leave is not considered "time worked" for overtime purposes and will be paid at straight time unless the hours worked exceed the sick leave used.
- I. An exempt employee is not subject to salary reductions for absences of less than eight (8) hours unless they have exhausted all accrued leave (reference 29 CFR 541.710). The exempt employee is required to first use accumulated sick and vacation hours. If the employee has no sick or vacation accruals, the employee may be granted discretionary time or may be granted leave without pay.

#### IV. MISUSE OF SICK LEAVE

Misuse of sick leave by an employee may affect the service provided to our customers and/or the productivity of other employees in the workgroup, especially those who seek assistance, advice, or guidance from an absent employee.

"Misuse" is considered the use of sick leave for that which it was not intended or provided and may constitute a violation of this policy. Examples of "misuse" may include, but are not limited to, the following:

- Patterned sick leave usage before and/or after holidays;

- Patterned period of sick leave usage before and/or after weekends or regular days off;
- Patterned period of sick leave usage after pay days;
- Absence following overtime worked;
- Absence following denial of a vacation request;
- Continued pattern of maintaining zero or near zero leave balances; and/or
- Excessive absenteeism – e.g., the use of more sick leave than is granted.

Leave required by federal or state law such as Family and Medical Leave and Workers' Compensation shall not be considered when determining whether or not there is misuse of sick leave.

If a supervisor suspects that an employee is misusing sick leave, the supervisor, upon consultation with Human Resources, may require a suitable explanation or documentation to determine whether the sick leave was used according to this policy.

## V. SICK LEAVE PAY AND ACCRUAL (CIVIL SERVICE)

### A. Sick Leave Pay

Civil Service employees may be paid for accrued sick leave up to a maximum of 90 working days pursuant to Chapter 143 of the Texas Local Government Code.

### B. Accrual

Sick leave is accrued at the following rate for each month of continuous service:

1. Ten (10) hours for Police Civil Service as well as Fire Civil Service working 40-hour workweeks, with unlimited accrual.
2. Fifteen (15) hours for Fire Civil Service employees working a 12-hour shifts, with unlimited accrual.

Sick leave hours are accrued on the 1<sup>st</sup> and 15<sup>th</sup> of each month in halved amounts.

## **SICK LEAVE POLICY ADDENDUM**

The City of Denton (the “City”) continues to place the highest priority on the health, safety, and well-being of City staff and our citizens while protecting the continuity of City services and essential functions. In accordance with an Administrative Directive Addendum (“Addendum”) has been created to address COVID-19 (novel coronavirus). Toward that end, and effective immediately, this Addendum shall apply during the term of the declared local emergency originally dated March 13, 2020, and as extended or terminated by action of the City Council. This leave is only available for use until this Addendum terminates, and at no time will it be paid out at employee’s separation from the City and will not carry over to the next year.

Employees may use this leave only when the City has work for the employee to perform. Emergency Paid Sick leave is not available to employees who are furloughed, laid off, or terminated.

This Addendum applies to all City employees, including City temporary staff, and is subject to change at the sole discretion of the City Manager or designee at any time. This Addendum also does not apply to independent contractors or temporary staff working through temporary staffing agencies. This Addendum does not change the terms and conditions of employment.

Effective January 1, 2021, employee SICK-COV-CTY-659 Paid Leave amounts will be reset to the full amount according to the employee’s pay category (*i.e.*, regular full-time, three-quarter time, or part-time) as defined under the section below titled **AMOUNT OF SICK-COV-CTY-659 PAID LEAVE**.

The Centers for Disease Control and Prevention (“CDC”) is working with local health and human services departments including, the Denton County Public Health Department (“DCPHD”), in its response to COVID-19. The City of Denton is currently following the guidelines established by the CDC and DCPHD in addressing COVID-19.

This Addendum supersedes all previous Addendums to this Sick Leave policy (No. 111.01).

Employees may only use this leave if they are unable to telework/telecommute.

### **DEFINITIONS**

For the purposes of this Addendum, the following terms will be defined as below.

“Child” is defined in accordance with the City’s Family and Medical Leave Act policy (no. 107.04).

“Emergency responders” shall include Sworn Fire, Sworn Police, Dispatchers, Public Service Officers, Office of Emergency Management staff, Crime Scene Technicians, Police Detention Officers, Technology Services staff supporting emergency responders, and shall further include, if at any time the City Manager or his designee designates for business necessity, public works personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency as well as individuals

who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility as designated.

“Individual” shall include immediate family member as defined in this policy or someone who regularly resides in the employee’s home or if the employee’s relationship creates an expectation where the individual would depend on the employee for care, and the individual actually does depend on the employee to provide care during the quarantine or self-quarantine.”

“Health care provider” is defined in accordance with the City’s Family and Medical Leave Act policy (no. 107.04)

“Regular full-time,” “three-quarter time,” and “half-time” employee categories are defined in accordance with the City’s Categories of Employment policy (no. 103.01).

### **EMERGENCY PAID SICK-COV-CTY-659 LEAVE**

Employees may be granted a temporary SICK-COV-CTY-659 Paid Leave in the below circumstances provided the employee is unable to work or telecommute.

1. The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19; or
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19; or
3. The employee has been directed to self-quarantine by their supervisor, their department director or their designee, or by the Human Resources Director or their designee.
4. The employee is exhibiting symptoms of COVID-19 and is seeking a medical diagnosis; or
5. The employee is caring for an individual with whom the employee has a close personal relationship who is the subject of a quarantine order or has been advised to self-quarantine due to COVID-19; or
6. The employee is caring for their minor son or daughter if the child’s school (elementary or secondary) or place of care has been closed, or the child care provider is unavailable due to COVID-19, and there is no other suitable person available to care for the child; or
7. The employee is experiencing any other substantially similar condition as specified by the Secretary of Health and Human Services.

Hours of SICK-COV-CTY-659 Paid Leave may be used intermittently only in the following circumstances:

- The employee is telecommuting full-time (not on a rotating basis); or
- If the employee is working on-site, only if the employee is using SICK-COV-CTY-659 Paid Leave for the care of their son or daughter (reason 6 above).

If the employee is working on-site, SICK-COV-CTY-659 *shall not* be used intermittently for reasons 1 - 5, and 7 above; the leave must be used continuously until the employee has been released to return to work by a public health authority or healthcare provider or directed by their supervisor, their department director or their designee, or by the Human Resources Director or their designee to return to work.

Temporary SICK-COV-CTY-659 Paid Leave will generally run concurrently with any leave under the Family and Medical Leave Act that an employee may be eligible to receive.

### **AMOUNT OF SICK-COV-CTY-659 PAID LEAVE**

Once the criteria to qualify for SICK-COV-CTY-659 Paid Leave as listed below have been satisfied, the employee will be compensated for absences coded to SICK-COV-CTY-659 Paid Leave as follows:

1. Up to eighty (80) hours for regular full-time employees.
2. Up to sixty (60) hours for three-quarter time employees and/or employees whose hours are, on average, 60 hours in a two-week period.
3. Up to forty (40) hours for half-time employees and/or employees whose hours are, on average, 40 hours in a two-week period.
4. Up to twenty (20) hours for temporary employees and/or employees whose hours are, on average, 20 hours in a two-week period.

At the exhaustion of an employee's SICK-COV-CTY-659 Paid Leave period, if the employee has not been released to return to work by a public health authority or healthcare provider or has been directed by their supervisor, their department director or their designee, or by the Human Resources Director or their designee to self-quarantine and telecommuting is not feasible, the employee may, with the approval of their supervisor, use their accrued sick leave for additional absences exceeding their eligible SICK-COV-CTY-659 PAID LEAVE as described above based on the employee's status, in accordance with the Sick Leave policy (No. 111.01). Further, once an employee has exhausted their accrued sick leave, the employee may use their accrued vacation leave. Upon the exhaustion of all accrued paid leave, the employee may be eligible for unpaid leave for a period of time if approved by their supervisor. **The supervisor must consult with the Human Resources Department before authorizing additional leave at the exhaustion of an employee's SICK-COV-CTY-659 Paid Leave period.**

SICK-COV-CTY-659 Paid Leave will not be paid for the same time an employee receives sick pay, holiday pay, death in the family leave pay, vacation/bonus time pay, or any other paid leave benefit.

Unused SICK-COV-CTY-659 Paid Leave will not be paid out at the time of separation and does not carry over from one year to the next.

Any employee who misrepresents or falsifies the reason for a paid leave or any information relating to a paid leave (e.g., symptoms, dates, test results, closure of child's school or availability of care provider), including a SICK-COV-CTY-659 Paid Leave or absence from work, may be subject to corrective action, up to and including termination of employment.

### **CRITERIA TO QUALIFY FOR SICK-COV-CTY-659 PAID LEAVE**

To qualify for SICK-COV-CTY-659 Paid Leave, the employee must provide their name, date for which the Sick Leave (111.01)

SICK-COV-CTY-659 Paid Leave is requested, the qualifying reason for the leave, an oral or written statement that the Employee is unable to work or telecommute because of the qualified reason for leave, and the applicable criteria below.

Required Quarantine or Isolation of the Employee

- The employee must provide a copy of the quarantine or isolation order, including the name of the government entity that issued the order;
- If the employee was advised by a health care provider to self-quarantine, the employee must provide the name of the health care provider who provided the employee with the recommendation to self-quarantine; or
- If the employee is experiencing COVID-19 symptoms and is seeking or has sought a diagnosis from a health care provider, Employee must provide the name of the government entity that issued the quarantine or isolation order or the name of the health care provider who advised the employee to self-quarantine.
- The note must include the date of the visit, the date the quarantine or isolation began, and the expected duration of the quarantine or isolation; and
- The date(s) of any follow-up visit with the public health authority or health care provider.

Care of a Quarantined or Isolated Individual with whom the Employee has a Close Personal Relationship

- The employee may be asked to provide documentation from the health care professional or public health authority who recommended or ordered the quarantine or isolation of the immediate family member; and
- The note must include the date of the visit, the date the quarantine or isolation began, and the expected duration of the quarantine or isolation; and
- The date(s) of any follow-up visit with the public health authority or health care provider.

Care of Dependent Child Due to Child Care Provider Unavailability

- The name of the Son or Daughter being cared for; and
- The name of the School, Place of Care, or Child Care Provider that has closed or become unavailable; and
- A representation that no other suitable person will be caring for the Son or Daughter during the period for which the Employee takes Paid Sick Leave or Expanded Family and Medical Leave.

**RETURNING TO WORK FROM SICK-COV-CTY-659 PAID LEAVE**

Before an employee will be permitted to return to work, they must complete and submit a Request to Return to Work form. The form can be found on the HUB at <https://app.smartsheet.com/b/form/366646fd606a493ea0390aafab39cc6d>. If the employee cannot access this form from home, the employee’s supervisor may complete this form on their behalf.

**When completing the Return to Work form, the employee must upload any test results and/or healthcare provider's note to the form – even if the documentation was sent previously.** Once the Return to Work form has been received, it will be reviewed by an HR representative, and they will respond with a decision.

## **NON-COVID-19 RELATED ILLNESSES**

Employees must provide a note from a healthcare provider if they are absent from work for three (3) or more days due to illness.

Employees who have symptoms of respiratory illness must stay home and not come to work until they are free of fever, and any other symptoms for at least 24 hours, without the use of fever-reducing or other symptom-altering medicines (*e.g.*, cough suppressants). A fever is defined as a temperature of 100.4 degrees Fahrenheit or 38 degrees Celsius taken by an oral thermometer. Those with concerns or questions about their illness should contact their healthcare provider.

For non-COVID-19 illnesses or injuries, employees may only use their accrued sick leave in accordance with the Sick Leave policy (no. 111.01).