



CITY OF HAMILTON, OHIO

No. 306

ADMINISTRATIVE DIRECTIVE

Effective Date: 2-26-18

Supersedes No. 306 dated 04/16/79, 7/1/77, 9/1/97,
2/22/16

Approved by: Joshua A. Smith,
City Manager

SUBJECT: SICK LEAVE

REFERENCES: C.O. 181.02. Sick Leave; C.O. 181.03. Payment of sick leave at time of retirement;
C.O. 181.04. Payment of sick leave in the event of death due to duty-related causes;
and C.O. 181.05. Payment of sick leave upon non-duty related death

PURPOSE: The City of Hamilton provides sick leave coverage to full-time employees hired prior to January 1, 2016 and part-time permanent employees hired prior to January 1, 2014 to protect them against income loss during periods of absence from duty resulting from illness, injury, emergency health situations arising in the employee's household, and to attend medical appointments.

The City recognizes that continuing an employee's compensation during such periods has a beneficial effect on employee morale and job incentive.

1. Policy.

- a. Sick leave is intended to provide a form of income insurance to the employee to be used under certain conditions. Sick leave is earned and to be used for the purposes stated herein. If you are hired on or after January 1, 2016, you will not be eligible for sick leave, only Paid Time Off (PTO).

2. Policy Provisions.

- a. Sick Leave Accumulation
 - i. **Regular full time:** Each full time permanent City employee hired prior to January 1, 2016 whose normal work schedule equals or exceeds forty (40) hours per week shall be entitled to sick leave of ten (10) hours per month for each month in which the employee has actually worked. Sick leave shall be cumulative without limit, unless specified otherwise by a collective bargaining agreement.
 - ii. **Fire shift employees:** Persons employed on a shift schedule with some other average work week will receive an identical proportion of sick leave. (Example-- 40:10 as 48:12) Unused sick leave shall be cumulative without limit, unless specified otherwise by a collective bargaining agreement.
 - iii. **Permanent part-time:**
 1. Each permanent part-time employee hired prior to January 1, 2014 and has provided at least 1,300 hours actually worked in the previous year shall be entitled to sick leave of ten (10) hours per month for each month in which the employee has actually worked.
 2. Each permanent part-time employee hired prior to January 1, 2014 whose normal average work schedule is less than 25 hours and, who has been designated as less than full time, shall be entitled to sick leave of



- five (5) hours per month for each month in which the employee has actually worked.
- iv. Hours shall be rounded to the nearest quarter hour amount.
 - v. **Change in Scheduled Work Hours:** The rate of sick leave accrual is determined by the normal average work week of the employee. Thus, the reassignment of an employee causing a change in his or her work schedule will effect a modification in his or her accrual rate.
 - vi. Reassignments of such nature will result in an accrual rate of either ten (10) or a proportionate number of hours per month and a maximum accumulation appropriate to the rate of monthly accrual.
 - vii. In those instances of schedule changes resulting in the higher rate of accrual, the employee will be credited with the appropriate number of sick leave hours per month providing he or she otherwise qualifies.
 - viii. In those instances of schedule changes resulting in the lesser rate of sick leave accrual, the employee will be credited with ten (10) hours of sick leave per month providing he otherwise qualifies.
 - ix. The rate of accrual and maximum accumulation will be further predicated upon the employee's work schedule sixteen (16) calendar days of the calendar month; i.e. an employee regularly working a 40 hour shift schedule for fourteen (14) calendar days and then is reassigned to a 24 hour duty shift for the balance of the month that person would be eligible to receive the greater proportionate monthly accrual hours for that month.

3. Sick Leave Accrual.

- a. Sick leave earned shall be credited to the employee's account the first of each calendar month following the month in which it was earned. There shall be no limit on total accrual.
- b. Employees must actually work one or more days of the month to receive credit for sick leave accumulation. Employees who are absent throughout an entire calendar month, whether such absence is due to sick or injury leave, a combination of sick or injury leave and vacation, or an unpaid leave of absence, shall not be credited with sick leave accrual for that month. The above provision does not apply to employees who are absent for one full calendar month due solely to vacation leave.
- c. A new employee hired directly from another Ohio public jurisdiction may be credited with sick leave accumulated as a result of prior service with that public employer provided that:
 - i. Within one (1) year of the employee's date of hire, a certified record of accumulated sick leave is received over the signature of the agency official responsible for such records; and
 - ii. That the employee's re-employment must have taken place within ten (10) years from the date on which the employee was last terminated from public service; and
 - iii. That only credit earned within a jurisdiction of the State of Ohio may be so credited.
- d. An employee reinstated under applicable Civil Service provisions (presently within one year) will be given credit for sick leave previously accumulated. Such credit will be made a part of the employee's sick leave record one (1) year following reinstatement.



4. Sick Leave Usage.

- a. Personal Illness or Injury (including work-related injuries)
 - i. An employee may qualify for use of sick leave credit in the event of personal illness, disability due to pregnancy related causes, contact with contagious disease, injury to himself or herself sufficient to necessitate absence from work (including a work-related injury), or any qualifying serious health condition of the employee under the Family and Medical Leave Act.
- b. Illness in the Family
 - i. Effective January 1, 2016, should it be necessary for an employee to absent himself or herself from duty as a result of an emergency or illness in the family that requires immediate care and attention, the employee may qualify for use of up to thirty-two (32) hours sick leave credit for non-FMLA-qualifying events, in any one (1) calendar year, upon request and approval except that those employees working on the basis of a 24 hour shift schedule may qualify for use of up to twenty-four (24) hours credit, in any one (1) calendar year, upon request and approval. For those employees who do not work a 24-hour shift schedule, a physician's certificate shall be required for an absence for family illness after the use of sixteen (16) hours of sick leave credit or for sixteen (16) of thirty-two (32) hours of sick leave credit used for non-FMLA-qualifying events.

Effective February 26, 2018, for FMLA-qualifying events in the family such as the birth and care of the newborn child, the placement of a child for adoption or foster care, and to care for an immediate family member (spouse, child, or parent) with a serious health condition, the sick leave credit shall not exceed eighty (80) hours in one (1) calendar year. The eighty (80) hours referenced in the immediately preceding sentence shall include any sick leave credit hours used for non-FMLA-qualifying events, e.g. if an employee has used thirty-two (32) hours of sick leave credit for a non-FMLA-qualifying event, the employee may be eligible for up to forty-eight (48) additional hours of sick leave credit for an FMLA-qualifying event in a calendar year. Furthermore, upon request, supporting documentation of the FMLA-qualifying event in the family must be provided to qualify for sick leave credit. Without supporting documentation of a FMLA-qualifying event in the family, leave shall be charged against vacation, floating holiday, compensatory time credit or PTO (if applicable).

- ii. Circumstances involving illness, emergency, or extraordinary situations in the family of the employee sufficient to qualify for use of sick leave for non-FMLA-qualifying events will be constituted as follows:
 - 1. Birth of a child, where-in the employee is not the birth mother.
 - 2. Injury or illness of spouse, child, or parent involving emergency treatment.
 - 3. Surgery on spouse, child, or parent.
 - 4. Confinement in home or hospital that necessitates the employee's immediate presence to arrange for or provide care of children.



- iii. In the event an employee should require additional time in excess of the allowance established, such additional time may be charged against vacation, floating holiday, compensatory time credit or PTO.
 - iv. Leave requests which do not meet sick or injury leave conditions will not be approved for sick/injury leave. However, charge for such leave may be made to vacation, floating holiday, or Paid Time Off (PTO) accruals with the consent and approval of the Appointing Authority of the employee. Absent paid leave accruals, the employee will not be paid for leave.
- c. Medical, Dental, Optical Appointments
- i. Employee medical, dental and optical appointments for examination or treatment are to be scheduled so as not to conflict with normal duty hours. In the event such arrangements cannot be made, an employee may qualify for use of sick leave credit for the actual time needed but not to exceed two (2) hours upon request and approval when such appointment is within an hour's driving time of the Hamilton, Ohio area. When the employee must travel beyond an hour's driving time of the Hamilton, Ohio area, the sick leave accumulation may be charged with up to four (4) hours for this purpose. Additional sick leave credit may be allowed for the purpose of medical, dental, and optical appointments for extenuating circumstances in the sole discretion of the Department Director or designee. The process is as follows:
 - 1. The employee is to notify his or her supervisor in advance of the date and time of appointments occurring during duty hours.
 - 2. The employee will complete a **Leave Request Form** covering the absence before leaving work. Upon return to work, the employee will provide a statement from the physician, dentist, or practitioner evidencing the date and hour of the appointment.
 - ii. An employee absent from duty to undergo a military pre-induction physical may qualify for use of sick leave credit upon request and approval.
 - 1. The employee will present a copy of his or her military orders designating the date and time of the examination.



5. Excluded Uses.

- a. Paid sick leave will not be authorized:
 - i. For personal injury incurred in supplemental employment with an employer other than the City of Hamilton.
 - ii. Effective January 1, 2016, for emergency or illnesses in the family in excess of thirty-two (32) hours per calendar year or, for employees working 24 hour shifts, in excess of 24 hours per calendar year for non-FMLA-qualifying events.
 - iii. For occasions of personal illness or injury in the family occurring during vacation, approved leave of absence, or suspension from duty. An employee's inability to return to active service from vacation, leave of absence, or suspension, may, however qualify for sick leave usage should his or her absence be due to reasons accepted under the Sick Leave Policy.
 - iv. Saturdays, Sundays, and holidays or other regular off days falling on or during an employee's sick leave absence will not be charged against the employee's accumulated balance. Sick leave pay will not be provided for illnesses, etc., occurring on such non-work days where no accumulation exists.
 - v. For disability due to intoxication, use of drugs not prescribed by a physician, illegal abuse of prescription medication, incarceration, flagrant misconduct, or for other reasons not in keeping with the basic intent of the Sick Leave Policy.
 - vi. Where the necessary employee certification is not provided as required by Article 8, Section (b), Employee Certification.
 - vii. When an order issued by the City Manager to undergo a physical examination is not complied with or refused.
 - viii. When the City has offered the employee a light duty assignment, which the employee is capable of performing and which is consistent with the medical evaluation and limitations of a qualified employee or employer physician, which is refused.

6. Payment Rate.

- a. Sick leave shall normally be paid at the employee's permanent class rate. However, when an employee is serving in long-term acting capacity, brief periods of sick leave shall be made at the acting rate of pay. In instances of known long-term illness, an appointing authority should act promptly to return the disabled employee to his or her permanent classification. In no instance may the City pay sick leave at a higher acting rate to an employee when some other employee has been elevated to fill the same acting position.

7. Supplement to Regular Sick Leave.

- a. Each City employee who has accumulated at least two hundred and forty (240) hours of regular sick leave at the commencement of an extended illness shall be entitled to additional sick pay when his or her regular accumulation has expired in an amount equivalent to one-half ($\frac{1}{2}$) his or her normal sick accumulation at the time the disabling injury or illness caused his or her continued absence from work.
- b. Eligibility for extended benefits would be subject to the following provisions:
 - I. The employee must have fully utilized his or her regular sick leave accumulation.
 - II. Eligibility for extended or supplemental benefits will require a physician's certification.



- III. In instances of work related injuries, extended sick leave benefits would not be applied when the employee is eligible for, is receiving, or has exhausted, weekly benefits under State of Ohio Workers' Compensation Laws.
- IV. The provisions of this Policy shall not affect the City's right to initiate disability retirement.
- c. Monies for extended sick leave benefits would not be payable upon retirement, death, or work-related fatality.
- d. For purposes of the sick leave supplement benefit, twelve hundred (1,200) hours shall constitute the maximum accumulation for employees whose normal work schedule is at least seventy-five (75) but equal to or less than eighty (80) hours per pay period. In the case of those personnel whose normal work schedule is based upon a 24 hour shift, the maximum accumulation shall be one thousand six hundred and eighty (1,680) hours.

8. Implementing Procedure.

- a. Employee Notification of absence
 - i. All employees must notify their direct supervisor fifteen (15) minutes before their shift begins. If leaving a message, employees are responsible for calling and confirming receipt of message within two (2) hours of the start of their shift or be available for their direct supervisor to contact them.
- b. Employee Certification
 - i. Each employee absent due to any accepted cause listed in the sick leave code and policy must complete a standard **Leave Request Form** provided by the City on the first day of his or her return to work from unanticipated short term illnesses, in order to qualify for payment of sick leave. In the case of long term, illness or injury, contact the Civil Service and Personnel Department for FMLA Forms.
 - ii. Additionally, each employee shall complete and sign the **Leave Request Form** certifying to the accuracy and truthfulness of his or her reasons for sick leave usage. Information so provided and certified that is false or untrue will subject the employee to disciplinary action, including dismissal.
 - iii. Every employee eligible for sick leave who has been absent for three (3) or more consecutive work days due to personal injury or illness **must** submit a medical certification.
 - iv. In the case of absence of any employee due to illness, the City Manager may order a medical examination of such employee by a physician. Light duty may be assigned if either the employee's personal physician or a City appointed physician determine that the nature of such work is consistent with the employee's medical condition.
 - v. Every employee who has been absent for three (3) or more consecutive work days is required to submit a **Return To Work Form** provided by the City shall be used by the employee to submit to his or her physician for substantiation of the illness or injury. In the event good and sufficient reasons exist that the employee is unable to provide the attending physician with the **Return To Work Form**, a statement of the doctor on his or her official stationery will be accepted providing it includes the same information required by the **Return To Work Form**. It is, however, the employee's responsibility to furnish fully and completely the required information before the sick leave request is approved. If the required information is not provided before the pay period payroll processing deadline (or within X hours or



returning), the sick leave request will not be approved and will be counted as an uncertified absence occurrence.

- vi. The City Manager, Department Head or Division Superintendent may require the presentation of a physician's certificate by any employee for sick leave absences of less than three (3) days if such action is deemed advisable based upon the employee's record of usage or the circumstances attendant to a specific absence or series of absences. In all cases, whenever an employee's uncertified absences (uncertified means without a physician's use statement) for sick leave exceed five (5) occurrences in any calendar year, a physician's certificate will be required for sick leave absences to be approved. If no physicians' certificate is provided, the employee sick leave will not be approved. An employee will receive one (1) occurrence for each day the employee uses sick leave without a physician's certificate whether the employee uses $\frac{1}{4}$ hour or eight (8) hours in one day. Merit increases can be withheld for excessive absenteeism.
- c. Excessive Absenteeism
 - i. Excessive Absenteeism that is subject to disciplinary action is defined as either, patterned absences (ie. a clear pattern of absences on Fridays, Mondays, paydays or the day before or after holidays or other leave days) or absences which due to their frequency create a hardship in the workplace and/or cause in the normal flow of the work unit.
 - d. Supervisory Responsibilities
 - i. The appropriate supervisor shall approve or disapprove the payment of sick leave by completion of that section of the **Leave Request Form**. When the request for sick leave is denied, it is mandatory that this fact be brought to the attention of the employee, by that employee's supervisor, and the basis of the denial be made clearly known in a timely manner.
 - ii. The supervisor shall be responsible for assuring presentation of complete data on the **Leave Request Form** by the employee.
 - iii. The supervisor shall be responsible for the compliance with the provisions of the Sick Leave Policy by the employees of his or her unit. (Exception is made in an instance where an employee is absent for an extended period due to known serious illness or injury. However, such employee must complete and sign a **Leave Request Form** on the first day of his or her return to work.)

9. Administration of Supplemental Benefits.

- a. Upon expiration of a disabled employee's regular sick leave accumulation, the supervisor will notify the Department Director of the employee's sick leave status and of his or her possible eligibility for supplemental sick leave.
- b. A determination will be made of the employee's condition, the nature and cause of his or her illness or injury, and an estimate as to his or her ability and possible return to active employment. As warranted, the Department Director will initiate a **PERSONNEL ACTION FORM** placing the disabled employee on supplemental sick leave status at the appropriate rate of pay.
- c. As the employee returns to active service, a **PERSONNEL ACTION FORM** will be initiated returning the employee to full class pay and standing.

10. Special Considerations.



- a. The usage of accrued sick leave will reduce the employee's accumulated balance by an amount equal to the actual usage rounded to the nearest quarter hour.
- b. Employees on sick leave, whether paid or unpaid, may not work a second job, including self-employment or participate in volunteer work, during the period of leave, even if they have authorization that generally authorizes the employee to work a second job. Exceptions to this policy may be obtained in writing from the City Manager.
- c. In the event of a prolonged illness extending beyond a pay period, an employee may receive sick leave pay for absence due to illness or injury before returning to work if a physician's statement or certification is submitted or if the employee is known to be obviously incapacitated during the period of absence falling within the pay period.
- d. Emergency, temporary, provisional, seasonal, and student or co-op or intern employees are ineligible for leave credit and usage.
 - i. Should an employee in any of the above categories receive a permanent appointment directly following a period of temporary work, he or she will not be eligible for leave credit for any period of service in any of the above categories.
- e. Holiday Pay in Reference to Sickness
 - i. When an employee is absent from work on the day preceding or following an observed holiday and said absence is due to illness for which the employee can establish proof, the employee shall receive pay for said holiday.
 - ii. If an employee is absent from work on the day either preceding or following an observed holiday but such absence is due to reasons other than those considered as valid for sick leave usage or, if the employee cannot furnish evidence, if required, of the cause of his or her absence, then the employee shall not receive holiday pay for said holiday.
 - iii. Sick leave pay will not be provided nor will a charge for usage be made for any day celebrated by the employee as a holiday. In such instances, the holiday is considered a non-work day and the employee will accordingly receive holiday pay as allowed under the provisions relative to guaranteed holiday pay.
 - iv. Holiday pay only will be paid as allowed under the guaranteed holiday provisions in those instances where an employee may be requested to report on his or her holiday on a premium pay basis but is unable to do so due to illness or similar reasons otherwise accepted as valid for sick leave usage.
- f. Sick leave certificate requests and monthly use reports will reflect a charge of eight (8) hours' usage for each of one or more full day's absence involving employees currently assigned to a work week schedule of not less than 75 hours nor more than 80 hours per pay period.

11. Conversion of certain amounts of Sick Leave.

- a. Payments of accumulated sick leave for purposes of retirement, death in service or death due to non duty-related causes shall be based upon a maximum sick leave accumulation of one thousand two hundred hours (1,200) for employees whose normal work schedule is not less than 37.5 hours nor more than 40 hours.

12. Conversion at time of death.

- a. Upon the death of a City employee as a direct result of his or her employment, such deceased employee's balance of accumulated sick leave shall be paid to the surviving



spouse or heirs at law as subject to the maximum of 1,200 or 1,680 hours in Section 14(a) below.

- b. In the event of the death of an employee for causes other than duty-related, a payment in the amount of seventy-five percent (75%) of the value of the employee's accumulated sick leave balance shall be made to the surviving spouse, heirs at law, or estate of the employee as subject to the maximum of 1,200 or 1,680 hours in Section 14(a) above.

13. Conversion at time of retirement.

- a. Any permanent, full time city employee who retires or is retired:
 - i. Is eligible at the time of his or her separation from employment to receive retirement benefits from the Public Employees Retirement System of Ohio or other State of Ohio Retirement Program.
 - ii. Who has accumulated sick leave to his or her credit.
- b. Shall be paid at the time of retirement for the percentage of his or her accumulated sick leave subject to the maximum as shown above. Such payment shall be at the permanent classification salary or hourly rate. No employee shall be able to be paid for any sick leave which had been accumulated in a jurisdiction other than the City of Hamilton since his or her most recent date of permanent employment unless the employee has over ten (10) years of continuous service with the City of Hamilton immediately prior to retirement.
- c. Proportion based upon date of hire.
 - i. Any permanent, full-time City employee who is not otherwise covered by a collective bargaining agreement, and who commenced his or her employment with the City of Hamilton prior to January 1, 1990, and who retires or is retired (subject to all conditions shown) shall be paid at the time of retirement for 75% (seventy five percent) of the employee's balance subject to a maximum permitted accumulation of 1,200 or 1,680 hours.
 - ii. Any permanent, full-time City employee who is not otherwise covered by a collective bargaining agreement, and who commenced his or her employment with the City of Hamilton on or after January 1, 1990 but prior to November 1, 1994, and who retires or is retired (subject to all conditions shown) shall be paid at the time of retirement for 50% (fifty percent) of the employee's balance subject to a maximum permitted accumulation of 1,200 or 1,680 hours.
 - iii. Any permanent, full-time City employee who is not otherwise covered by a collective bargaining agreement, and who commenced his or her employment with the City of Hamilton on or after November 1, 1994, and who retires or is retired (subject to all conditions shown) shall be paid at the time of retirement for 25% (twenty five percent) of the employee's balance subject to a maximum permitted accumulation of 1,200 or 1,680 hours.

14. Maximum hours and other mandatory conditions for Sick Leave Payoff.

- a. No payment authorized under this section shall exceed the maximum accumulation of one thousand two hundred (1,200) hours for employees whose normal work schedule is premised upon a schedule of not less than 37.5 hours nor more than forty (40) hour work week or one thousand six hundred eighty (1,680) hours for persons whose schedule consists of 24-hour work shifts followed by two (2) days off.
- b. Employees whose separation from the City's service is the result of resignation or dismissal proceedings shall not be eligible for payment for any accumulated sick leave.



- c. Sick Leave Credit obtained through employment with another political subdivision will not be considered in determining the retirement benefit.
- d. The lifetime maximum of any/all sick leave conversion(s) for any one individual may not exceed a total of 1,200 hours.