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SICK LEAVE

I. INTRODUCTION

Sick leave is a benefit provided by the City of Boise to be used exclusively for qualifying medical reasons as defined within this regulation. For purpose of sick leave eligibility, this regulation applies to regular full-time and part-time employees who are regularly assigned to work 19 or more hours per week. Sick leave for bargaining unit employees shall be governed by the provisions of the applicable collective labor agreement. Temporary employees are not eligible for sick leave benefits.

II. SICK LEAVE ACCRUAL

Sick leave is accrued at the end of the pay period and the amount of leave an employee accrues is based on the employee's standard hours of work per week. The annual accrual amounts listed below are prorated over the course of 26 pay periods.

A. Annual Accrual Amount:

Standard Hours Per Week	Hours Accrued
35 or more	96

B. Annual Accrual Amount:

Standard Hours Per Week	Hours Accrued
29 to 34	72

C. Annual Accrual Amount:

Standard Hours Per Week	Hours Accrued
19 to 28	48

III. NO WORK = NO ACCRUAL

The accrual rate for sick leave is normally based on the number of hours the employee is regularly scheduled to work. However, employees on unpaid leave for the entirety of a pay period are not eligible to earn a sick leave accrual.

To stop an employee's accruals a PAF must be submitted to document the loss of accrual eligibility. The change will then be recorded in Lawson thus triggering Sum Total not to issue the accruals.

III. ACCEPTABLE SICK LEAVE USE AND REQUIRED NOTIFICATION

In accordance with the city's Time Off and Leaves of Absence Policy, city employees are expected to report to work as scheduled or be on one of the city's approved leave of absences.

Acceptable medical reasons for the use of sick leave include the employee's own incapacitating (inability to work or participate in daily activities) illness or injury; the employee's child is sick and unable to care for him/herself; a seriously ill parent or spouse; quarantine/isolation periods for COVID-19 as recommended by the CDC, and necessary medical treatment or recovery. Visits to doctors and dentists also are acceptable reasons for taking sick leave.

Sick leave may be used when an employee is expected to be at work but is unable to report for work due to an acceptable medical reason listed in this regulation. Sick leave is not an entitlement and shall not be considered or used by employees as extra time off to be used at their discretion. Further, sick leave shall not be used in lieu of vacation leave, compensatory leave, or leave without pay. Abuse of sick leave and/or taking sick leave under false pretenses is a violation of this regulation and subject to discipline up to and including termination. Potential indicators of abuse include, but are not limited to, frequent or regular sick leave absences, having little, if any, sick leave accrued compared to the employee's time with the city, and patterns of use. Supervisors are responsible for monitoring employee sick leave use and addressing potential abuse situations.

When a business need arises regarding the use of an employee's sick leave, the city may request that the employee provide medical certification. Employees may also be required to present a fitness-for-duty release from their health care provider prior to returning to work.

Employees who know in advance that they will be absent from work for acceptable medical reasons shall provide their supervisor as much notice as possible, but at least 48 hours' notice prior to taking sick leave. If an emergency or sudden illness prevents the advance notification, notification shall be provided as soon as possible.

Employees that use sick leave for reasons that qualify under the Family and Medical Leave Act ("FMLA") shall comply with the FMLA's procedural requirements addressed in the Family Medical Leave Regulation.

Employees eligible for workers' compensation benefits may use accrued leave as outlined in the city's Workers' Compensations and Illness/Injury on the Job Regulation, to supplement their workers' compensation benefits.

Sick leave accrued in a pay period cannot be used in advance of, or during the pay period the leave is earned.

Sick leave shall not be considered as time worked for the purpose of computing overtime or compensatory time. In no case shall the number of hours accounted for in a week that sick leave is used, exceed the number of hours the employee is regularly scheduled to work, unless the actual number of hours worked exceeds regularly scheduled workweek hours.

IV. POSITION UPON RETURNING FROM LEAVE

Upon returning from leave employees will be placed in the position that they held prior to the leave. However, if the Department Director and Human Resources determine that placing the employee in that position is not in the city's best interest, the employee shall be placed in a comparable position for which the employee is qualified. If the employee's previous position no longer exists or was eliminated due to a staff reduction, the employee will have the rights outlined in the city's Lay-off Regulation.

V. PAY DEDUCTIONS FOR EMPLOYEE ABSENCES

Deductions from a non-exempt employee's pay may be made:

- A. At any time, the non-exempt employee is absent from work and the applicable leave balances have been exhausted, or
- B. When the required pre-approval was not received for use of sick, vacation or compensatory time.

Deductions from a public sector exempt employee's pay are permissible when:

- A. The employee is absent from work for one or more full days for personal reasons other than sickness or disability, and all accrued vacation and compensatory leave balances have been exhausted or the employee failed to get approval prior to using vacation or compensatory leave; or
- B. The employee is absent for one or more full days due to sickness or disability and all accrued sick leave balances have been exhausted; or

- C. The employee is issued an unpaid disciplinary suspension of one or more full days imposed in good faith for serious workplace conduct rule infractions.
- D. The employee is absent from work for less than one work day for personal reasons or because of illness or injury and accrued leave is not used by the employee because:
 - 1. Permission for its use has not been sought or has been sought and denied;
 - 2. Accrued leave has been exhausted; or
 - 3. The employee chooses to use leave without pay.

Deductions from the pay of a public sector exempt employee for absences due to a budget-required furlough shall not disqualify the employee from being paid on a salary basis except in the workweek in which the furlough occurs and for which the employee's pay is accordingly reduced.

VI. REINSTATEMENT OF SICK LEAVE HOURS

The City of Boise does not pay employees for unused sick leave upon separation of employment. An employee with at least two years of continuous employment in a regular position who voluntarily separates from city employment and then returns to a regular position with the city within one year of separation is eligible to have one-half (1/2) of his/her accrued sick leave balance at the time of separation reinstated unless the balance was swept into the employee's Post Employment Health Reimbursement Arrangement Plan (HRA VEBA) account and/or is otherwise no longer available.

In the event an employee is recalled after a layoff, the city may restore the employee's unused sick leave balances, when applicable, and sick and vacation accrual rates for recalled employees who are reinstated within one year from the effective date of the employee's layoff.

VII. SICK LEAVE CONVERSION PLAN

Except as noted in this regulation, designated accruals of sick leave for all regular, employees who are regularly scheduled to work twenty-hours or more per week shall be converted into the employee's Post Employment Health Reimbursement Arrangement Plan annually, and at retirement in specified percentages. Please refer to the Fringe Benefits Program Exhibit 3.01d for more information.