

Sick Leave

1009.1 PURPOSE AND SCOPE

Employees of this department are provided with a sick leave benefit that gives them continued compensation during times of absence due to personal or family illness. The number of hours available and terms of use are detailed in the employee's respective personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA), the California Family Rights Act, leave related to domestic violence, sexual assault, stalking or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

1009.2 EMPLOYEE RESPONSIBILITIES

Sick leave may be used for absences caused by illness, injury, diagnosis, care or treatment for existing health conditions, temporary disability (including pregnancy/maternity), or for medical, dental or vision exams or medical treatment of the employee or the employee's immediate family when it is not possible to schedule such appointments during non-working hours.

Sick leave is not considered vacation, and abuse of sick leave may result in discipline and/or denial of sick-leave benefits. Employees on sick leave shall not engage in other employment or self-employment, or participate in any sport, hobby, recreational or other activity which may impede recovery from the injury or illness.

All employees shall be familiar with their sick leave procedure as detailed in their Memorandum of Understanding, as well as the City's Administrative Procedure 1070 (Attendance Management Program).

[See attachment: AP 1070 Attendance management program.pdf](#)

1009.2.1 NOTIFICATION

Employees shall notify the on-duty supervisor at least 30 minutes prior to the start of their work day. If an employee is unable to contact the supervisor in the case of an emergency, every effort should be made to have a representative contact the supervisor (Labor Code § 246).

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever possible, provide the Department with no less than 30-days notice of the intent to take leave (Labor Code § 246).

1009.3 EXTENDED ILLNESS

Employees absent from duty due to personal illness in excess of three consecutive days may be required to furnish a statement from their health care provider supporting the use of sick leave and/or the ability to return to work.

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Nothing in this section precludes a supervisor, with cause, from requiring a health care provider's statement if three or fewer sick days are taken after the first three days of paid sick leave are used in a 12-month period.

1009.4 SUPERVISOR RESPONSIBILITY

Supervisors should monitor sick leave usage and regularly review the attendance of employees under their command to ensure that the use of sick leave is consistent with this policy. Supervisors should address sick-leave use in the employee's performance appraisal when it has negatively affected the employee's performance or ability to complete assigned duties, and when unusual amounts of sick leave by the employee has had a negative impact on department operations. When appropriate, supervisors should counsel employees regarding the excessive use of sick leave and should consider referring the employee to the Employee Assistance Program.

1009.5 REQUIRED NOTICES

The Human Resources Manager shall ensure:



- (a) Written notice of the amount of paid sick leave available is provided to employees as provided in Labor Code § 246.
- (b) A poster is displayed in a conspicuous place for employees to review that contains information on paid sick leave as provided in Labor Code § 247.

1009.6 RESCINDED POICY

This policy rescinds San Leandro Operations Directive 84-01.

Attachments

AP 1070 Attendance management program.pdf

CITY OF SAN LEANDRO  ADMINISTRATIVE PROCEDURE	AP-1070: ATTENDANCE MANAGEMENT PROGRAM
	DATE ISSUED: 10/01/2010
	DATE REVISED:
	APPROVED BY CITY MANAGER: 

I. APPLICABLE TO

All employees.

II. PURPOSE

Regular attendance and punctuality are expected of all City employees. Unsatisfactory attendance caused by unscheduled absences and tardiness cause a disruption in work, affects productivity and creates morale problems when workloads are shifted to other employees. The City recognizes that unscheduled absences occur occasionally because of illness or disability. The City will work with employees in such situations. However, the existence of accrued leave(s) shall not excuse unacceptable attendance practices.

III. GUIDELINES

The attendance record of each employee will be reviewed, at least annually, by the employee's supervisor. The purpose of the review is to evaluate each employee's attendance record according to the following criteria:

Attendance: Individual employee attendance records showing a rate of sick leave usage exceeding or likely to exceed sixty-four hours in a calendar year, unauthorized absences and/or tardiness or pattern of absenteeism (absences immediately preceding or following week-ends, holidays or scheduled days off) may be cause for further supervisory review to determine if the usage is legitimate.

Punctuality: Individual employee attendance records showing a repeated failure to report to work at the designated starting time or repeated failure to resume working following established breaks will be considered for possible corrective action.

IV. PROCEDURE

Where the attendance record suggests the need for corrective action, the manager will, on a case by case basis, take into consideration the following in determining if, and what, action is necessary: the number and duration of absences or instances of tardiness; the reasons for the absences; the length of time the employee has demonstrated unacceptable use of sick leave.

If an employee's attendance/punctuality record is excessive and corrective action is appropriate, the following approach shall be utilized:

- A. Counseling:** Counseling is intended to bring to the attention of the employee his/her record of excessive absences and/or lack of punctuality, apprise the employee of the employee's need to correct the identified problem, and to explore alternatives available to address the matter. Through appropriate employment of the methods outlined above, most attendance and/or punctuality problems can be resolved successfully. Where such problems continue, future action may become appropriate.
- B. Written Reprimand/Warning:** A written reprimand is intended to notify the employee in writing that his/her attendance and/or punctuality is unacceptable and must be corrected within a specified time period. In addition, the written reprimand is intended to notify the employee that if the attendance or tardiness problem is not corrected within the prescribed time frame, more serious disciplinary action may result.
- C. Suspension Without Pay/Reduction in Pay:** Where the attendance or tardiness problem persists, suspension without pay or a reduction in pay may be necessary.
- D. Termination:** When the prior efforts to have the employee correct attendance and/or tardiness problems proved unsuccessful and where further steps would continue to be unsuccessful, termination may be necessary.
- E. Additional Considerations:** As the circumstances leading up to, and the issues surrounding unacceptable attendance vary, a number of additional actions may be appropriate prior to or during the disciplinary process to address the attendance issue:
1. Employee Assistance Program: Unacceptable attendance may be the result of personal or family issues which the employee is confronting. In these circumstances, and others, the City's employee assistance program makes available to employees short term, professional assistance in addressing the causes underlying the attendance issues.
 2. Medical Evaluation: Unacceptable attendance may be caused by medical reasons of which the employee is unaware. A City scheduled medical examination may therefore be appropriate.
 3. Physician Verification: In some circumstances (illness or injury longer than three days in cases of potential sick leave abuse) an employee may be required to provide a written physician's certificate attesting to the illness/disability.