

**OFFICE OF THE COUNTY EXECUTIVE
ALL-EMPLOYEES MEMORANDUM**

DATE: June 28, 2007

SICK LEAVE MANAGEMENT PROGRAM

The County implemented Sick Leave Management Programs for all Association of Municipal Employees (AME), Employees excluded from union coverage (management employees), Park Police Officers, Probation Officers, Superior Officers and Detectives in the Police Department, Detective Investigators in the District Attorney's Office and Deputy Sheriffs in the Sheriff Office. These programs were implemented solely to monitor the use of sick time and unless stated otherwise in the procedures, they have no affect on any existing Rules and Procedures relating to sick leave.

Each County department or the specific Department/Office of the covered union has designated a representative whose responsibility it is to monitor the sick leave usage and identify those employees who should be designated or relieved as Sick Leave Abusers and Chronic Sick Leave Abusers pursuant to the applicable Sick Leave Management Program. When an employee has five (5) or more occurrences of sick leave, or eight (8) or, more non-consecutive sick days, or a combination of occurrences and non-consecutive sick days that equal eight (8), during any rolling 12-month period, he/she will be designated as a Sick Leave Abuser. The specific definitions are contained in each Sick Leave Management Program.

If an employee utilizes sick leave which is either an occurrence or a sick day as defined, they may present documentation and request that such time not be considered in determining an abuse pursuant to these Programs. The County does not require the production of a Doctor's note as part of the Programs. However, if an employee is seen by a Doctor and they wish to appeal the use of sick leave to the Department Representative, they shall forward the Doctor's note or other documentation for review to the designated Department Representative. If employees believe that they have utilized sick accruals for an illness that is private, they have the option of contacting the designated Department Representative to determine alternatives to safeguard their privacy.

All inquiries relating to these programs, including how to appeal a designation or what constitutes an unexcused use of sick leave accruals should be directed to your Department Representative (List Attached). If the Department Representative is unable to answer your question, he/she will communicate directly with the Office of Labor Relations to ascertain the answer to your questions. An up to date version of each program can be found in the applicable collective bargaining agreement and attached for department heads and employees to review is the AME and Management program.

AME Sick Leave Management Program

Effective January 1, 2006, the following Sick Leave Management Program “(Program)” is established for all members of AME. Unless otherwise stated in this document, any existing Rules and Procedures relating to sick leave shall remain in full force and effect.

A. Effective Dates

1. The Program shall be effective January 1, 2006. Only sick time utilized after that date will be used to implement this Program. Nothing herein limits any Department from taking disciplinary action against any employee as it deems to be appropriate.
2. An employee will be designated a sick leave abuser or a chronic sick leave abuser as determined by the Department in accordance with Section B.

B. Definitions

1. **Occurrence** includes any partial sick day or more than one consecutive sick day. Occurrence includes only non-workers comp illnesses and injuries.
2. **Sick Day** includes full shifts on sick leave. Sick day includes only non-workers comp illnesses and injuries.
3. **Sick Leave Abuser** an employee who has five or more occurrences of sick leave, or eight or more non consecutive sick days, or a combination of occurrences and non-consecutive sick days that equal eight, during any rolling 12 month period.
4. **Chronic Sick Leave Abuser** an employee who has either:
 - a. been a sick leave abuser for 18 consecutive months from the date of the first use of sick time during any rolling 12 month period; or
 - b. 10 or more occurrences of sick leave, or 16 or more non-consecutive sick days, or a combination of occurrences and non-consecutive sick days that equal 16, during any rolling 12 month period.
5. **Family Sick Leave** Use of Family Sick Leave in accordance with Section 8.8 of the Collective Bargaining Agreement shall not be considered in determining abuse pursuant to the Program.
6. Approved Family Medical Leave Act (FMLA) time taken in accordance with the County procedures will not be considered in determining abuse pursuant to the Program.
7. Use of sick leave where permitted by the Collective Bargaining Agreement during any other unpaid leave of absence will also not be considered in determining abuse pursuant to the Program.
8. **Report to Employee Medical Review (EMR)** unless otherwise stated, means notify and, if required to do so by a Department report, immediately, to EMIR. When an appointment with EMR cannot be scheduled immediately, the employee must notify and, if required to do so by the Department report, at the beginning of the next operating hours of EMR. Employees will not be entitled to any overtime for any time expended in reporting to EMR.

C. Rules: Sick and Chronic Sick Leave Abuse

1. An employee designated as a sick leave abuser or chronic sick leave abuser will report to a Department representative each time the employee calls in on sick leave.
2. An employee who is designated as a sick leave abuser or chronic sick leave abuser will not be eligible for:
 - a. work scheduled overtime, unless approved by the Department Head or his/her designee based on operational needs; and
 - b. switch shifts, if permitted (Mutual Tour Change); and
 - c. preferred assignments or designations where applicable; and
 - d. a new shift if an opening occurs; and
 - e. receive night differential pay while on sick leave; and
 - f. chronic sick leave abusers only: receive night differential pay while on vacation.
3. Discipline may be initiated by the Department at any time it deems necessary. Any designation pursuant to this Program will not restrict the imposition of discipline.

D. Duties

1. The Designated Department representative will monitor the sick leave system and identify employees who should be designated or relieved as sick leave abusers and chronic sick leave abusers, and will:
 - a. notify an employee and his/her supervisor when an employee is identified as a sick leave abuser or a chronic sick leave abuser; and
 - b. notify an employee and his/her supervisor when an employee is designated or relieved as a sick leave abuser or a chronic sick leave abuser; and
 - c. inform an employee in writing of his/her rights and restrictions pursuant to this Policy; and
 - d. notify an employee in writing of final determinations on appeals; and
 - e. monitor those who are designated as abusers for purposes of:
 - (1) removing designation as a sick leave abuser when an employee uses no sick leave during six consecutive months of active duty (i.e., not on vacation or other types of paid or unpaid leave) following the designation as a sick leave abuser;
 - (2) removing designation as a chronic sick leave abuser when an employee uses no sick leave during six consecutive months of active duty (i.e., not on vacation or other types of paid or unpaid leave) following the designation as a chronic sick leave abuser. The employee will then be designated a sick leave abuser.
2. The Department representative will receive and review appeals from employees requesting that shifts of sick leave not be considered when determining designation or removal as a sick leave abuser or chronic sick leave abuser.

3. Supervisors will ensure that the Department/Unit has in place a system to implement and monitor the sick leave management program, and
 - a. ensure that a direct supervisor and AME are notified when an employee is designated or relieved as a sick leave abuser or a chronic sick leave abuser; and
 - b. prepare written internal correspondence to the Department Head when ineligible employees receive scheduled overtime; and
 - c. deny applications for preferred assignments, and designations where applicable, from ineligible employees; and
 - d. deny requests for switching shifts or picking new shift schedules from ineligible employees.
4. Supervisors will monitor the Sick Leave List for ineligible employees prior to scheduling overtime, and notify the Department Head when an ineligible employee is ordered to work scheduled overtime.
5. Department Representative(s) will maintain and monitor a list of employees who:
 - a. are designated as sick leave abusers or chronic sick leave abusers; and
 - b. deduct night differential when an employee is not entitled to receive same; and
 - c. notify the Department Head when an ineligible employee receives scheduled overtime.

E. Restriction to Residence - During a date on which the regularly scheduled shift falls, any employee designated as a sick leave abuser or chronic sick leave abuser shall be confined to the employees residence during the hours of the regularly scheduled shift, except where excused from same by the Department Head and/or his/her designee due to, for example, attendance at medical appointments, attendance at religious obligations and/or other attendance at other matters that are approved by the Department pursuant to its guidelines regarding same and which cannot be attended to at another time.