



CITY OF VISALIA PERSONNEL POLICY
Policy #305
Sick Leave

I. PURPOSE

- A. Sick leave is paid leave from work that an employee may use for the following purposes only:
1. Diagnosis, care or treatment of an existing health condition of, or preventive care for, an employee or an employee's family member (as defined in this policy); or
 2. For an employee who is a victim or whose family member (as defined in this policy) is a victim of domestic violence, sexual assault, stalking or other qualifying acts of violence. Authorized use of paid sick leave for domestic violence, sexual assault, stalking or other qualifying acts of violence include:
 - (a) Seeking legal or law enforcement assistance or remedies to ensure the health and safety of employees and their family members (as defined in this policy) including, but not limited to, preparing for, or participating in any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault, stalking or other qualifying acts of violence; or
 - (b) Seeking treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault or stalking or other qualifying acts of violence; or
 - (c) Obtaining, or assisting the employee's family member(s) in obtaining, services from a domestic violence shelter; a rape crisis center; or a social services program for relief from domestic violence, sexual assault, stalking or other qualifying acts of violence; or
 - (d) To obtain, or assist a family member in obtaining, mental health counseling related to an incident of domestic violence, sexual assault or stalking in which the employee or the employee's family member was a victim of domestic violence, sexual assault, stalking or other qualifying acts of violence; or
 - (e) Participating, for the employee or for the employee's family member(s), in safety planning; or temporary or permanent relocation; or other actions to increase the safety from future incidents of domestic violence, sexual assault or stalking or other qualifying acts of violence.
- B. For purposes of this policy, "family member" includes the child or parent (including biological, adopted, foster, step or legal guardian) of the employee; spouse; registered domestic partner; grandparent, grandchild, sibling, parent-in-law, and designated person. Designated person means any individual related by blood or whose association with the employee is the equivalent of a family relationship. The designated person may be identified by the employee at the time the employee requests leave.

II. POLICY

Probationary and regular full-time employees accrue up to 96 hours (equivalent to twelve 8-hour days) of sick leave each calendar year, at the rate of 3.69 hours per pay period. Probationary and regular part-time employees accrue sick leave on a pro-rated basis. Hourly employees are not covered by this policy.

Fire shift (48/96 schedule) employees accrue up to 144 hours (equivalent to six 24-hour shifts) of sick leave each calendar year, at the rate of 5.54 hours per pay period.



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Unless otherwise specified in a Memorandum of Understanding, up to 80 hours (120 hours for Fire shift personnel) of accrued sick leave may be used, on an annual basis, as family sick leave as outlined in this policy. If the employee is using family sick leave, it is the employee's responsibility to notify their supervisor the purpose of the absence is family sick leave. The supervisor shall then determine whether the absence qualifies for family sick leave and notify the employee within two (2) days of the request. The supervisor shall ensure the absence is properly coded in the City's timekeeping system.

Employees begin accruing sick leave hours at the time of employment. Accrued sick leave hours may only be used by employees after completion of three (3) months of employment.

An employee may not draw on future unearned sick leave benefits and in no circumstance may sick leave be advanced to an employee.

An employee using accrued sick leave shall continue to accrue other benefits including sick leave and vacation under the same terms and conditions as if the employee was in paid work status.

III. PROCEDURE

A. Use of Sick Leave

An employee may use accrued sick leave after completion of 3 months of employment, subject to the limits and request provisions in this policy.

An employee who is ill, injured or has medical appointments must charge the absence to sick leave unless they have no sick leave balance. Use of other leave balances for sick leave purposes is subject to supervisor and Human Resources advance approval.

If an employee is sick while on vacation, they may use sick leave instead of vacation time providing the employee immediately notifies their supervisor that they are sick and upon return furnishes the supervisor with a statement from the doctor for the period of time they were sick.

An employee who is ill for more than ninety (90) days and has exhausted sick leave benefits may be eligible for Long Term Disability (LTD). Employees must contact Risk Management in order to apply for LTD. Members of Bargaining Group G do not participate in the City's LTD program.

B. Requesting Sick Leave

To request sick leave if the need for leave is foreseeable, an employee must give the immediate supervisor reasonable advance written or verbal notice. If the need for sick leave is not foreseeable, the employee must notify their supervisor as soon as practicable and prior to the beginning of their work shift using established departmental notification procedures.

If advance notice is not possible, the employee must contact the supervisor at the beginning of the work shift. If conditions make it impossible for the employee to contact the supervisor personally, the employee must make arrangements for someone to make contact for them.



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If the employee is required to be absent on sick leave for more than one day, the employee must keep the immediate supervisor informed each day as to the date the employee expects to return to work and the purpose of the leave.

Failure to request sick leave as required by the policy without good reason, may result in the employee being treated as absent without leave.

C. Medical and Other Eligible Appointments

An employee, to the fullest extent possible, shall schedule medical and other sick leave-qualifying appointments in a way that has the least impact on their work schedule.

D. Certification

Employees using sick leave may be asked to furnish a doctor's statement to their supervisor. Employees using more than three (3) working days of sick leave are required to furnish a release from their doctor.

E. Unauthorized Use/Abuse of Sick Leave

An employee is subject to disciplinary action for unauthorized and/or abuse of sick leave. Abuse of sick leave is a claim of entitlement to sick leave when the employee does not meet the requirements of sick leave as defined in this policy. Unauthorized use and abuse of sick leave may be considered in establishing the employee's performance rating.

F. Accrual Limits and Sick Leave Buy-Back

1. Sick Leave I

Employees hired on or after December 2, 2004 (or employees hired prior to that date who elected to be in the Sick Leave I plan) are subject to a four hundred eighty (480) hour sick leave cap.

Sick leave accrued in excess of 480 hours will be automatically paid out at the employee's base rate of pay in accordance with MOU provisions in the first pay period in December.

2. Sick Leave II

Employees hired prior to December 2, 2004 (who elected not to be included in Sick Leave I plan), are not subject to a sick leave cap.

After accruing 480 hours, up to 48 hours (reduced hour-for-hour for time used in the previous November 1 to October 31 period), may be sold back to the City in December of each year at 50% of the employee's base pay rate.

3. Fire Shift Employees

Fire shift employees are not subject to a sick leave cap. After accruing 480 hours, up to 72 hours (reduced hour-for-hour for time used in the previous November 1 to October 31



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period), may be sold back to the City in December of each year at 50% of the employee's regular rate of pay.

G. Effect of Termination of Employment

1. Subject to Paragraph H, employees leaving the City's employment forfeit all unused sick leave benefits as of the termination date.
2. Employees reinstating to regular City employment within six (6) months of separation will have their unused sick leave balance restored unless that time was paid out as described in Section H below.

H. Sick Leave Payout upon Termination of Employment

1. Employees retiring from the City in good standing with ten (10) or more years of continuous service with the City are eligible for sick leave payout. Such an employee, having been accepted by the Public Employee's Retirement System (PERS) for service or disability retirement benefits (having retired from the City), will be compensated for unused accrued sick leave at thirty (30%) percent of the employee's base pay upon their retirement.
2. Employees resigning in good standing with twenty (20) years or more of continuous service with the City are eligible for sick leave payout. Such an employee will be compensated for unused accrued sick leave at thirty (30%) percent of the employee's base pay upon their resignation date.
3. Former employees reemployed by the City more than six months after their initial separation, shall receive no credit for prior service in determination of sick leave benefits for payout purposes.

Applicable Laws: Healthy Workplace Family Act of 2014 (Lab Code §§ 245-249); Kin Care Law (Lab. Code, §§ 233-234)