



Unified Government Human Resources Guide

Effective 01-01-14

SICK LEAVE

- I. General: It is the policy of the Unified Government to allow full-time and part-time A employees to accrue and use sick leave in order to protect them from a loss of pay due to illness.
- II. Policy
 - A. Accruing sick leave
 1. Accruing by Categories
 - a. Category 1 Employees:
 - (1) Full-time employees accrue sick leave time at the rate of 1 1/4 days (10 hours) for each minimum month of service.
 - (2) Part-time A employees accrue sick leave time at the rate of one-half the full-time rate (5 hours) for each minimum month of service.
 - (3) Part-time B, temporary, and summer employees do not accrue sick leave.
 - b. Category 2 Employees:
 - (1) Full-time employees accrue sick leave time at the rate of 1 day (8 hours) for each minimum month of service.
 - (2) Part-time A employees accrue sick leave time at the rate of one-half the full-time rate (4 hours) for each minimum month of service.
 - (3) Part-time B, temporary, and summer employees do not accrue sick leave.
 2. Accumulating sick leave
 - a. Sick leave is accrued on a monthly basis with no maximum on total accumulation.
 - b. Employees who are recalled to Unified Government employment will be credited with any accrued, unused and unpaid sick leave which existed on the Date of Separation. Only recalled employees are eligible for such reinstatement of sick leave. (See 2.11—Breaks in Employment.)
 3. The effect of absence on accruing sick leave
 - a. Sick leave days are not accrued for a calendar month in which the employee:
 1. Is on unpaid leave of absence.
 2. Does not work a minimum month.



Unified Government Human Resources Guide

Effective 01-01-14

- (4) all or part of the 12-week or 26-week (service member care) entitlement under the Family and Medical Leave Act.
 - (5) An addition to Funeral Leave, for death of immediate family member, at department head's discretion.
 - b. Sick leave may be used in increments of one-fourth hour.
 - c. Sick Leave as Personal Leave (See 5.4—Personal Leave)
 - (1) Regular full-time employees may convert up to 24 hours (part-time A employees, 12 hours) of sick leave to personal leave per calendar year; such leave must be approved by the department in advance, except in cases of emergencies. Personal leave should be recorded and subtracted from sick leave balances. Unused personal leave continues to accrue in the form of sick leave.
 - (2) Sworn Police, Sheriff and Fire Command
 - a. Category 1 Sworn Police, Sheriff and Fire Department Command Officers may at the Chief's/Sheriff's discretion take a personal leave with pay. This personal leave shall not exceed five days and will be charged to the individual officer's accumulated sick leave.
 - b. Category 2 Sworn Police, Sheriff and Fire Department Command Officers may at the Chief's/Sheriff's discretion take a personal leave with pay. This personal leave shall not exceed three days and will be charged to the individual officer's accumulated sick leave.
 - d. Sick leave or personal leave shall not be used for the purpose of extending the length of employment beyond the final day of work except in the case when an employee is awaiting approval of KPERs/KP&F disability retirement. Refer to 3.3—Separation from Employment.
 - e. Absence due to job-related illness or injuries sustained in the line of duty shall not be charged against the employee's accrued sick leave until after Injury Leave payments and any applicable Workers' Compensation benefits have been exhausted.
 - f. Employees on sick leave, injury leave, or FMLA for their own serious illness are prohibited from being gainfully employed by an employer other than the Unified Government or being self-employed.
2. Documentation of sick leave use
 - a. As a general rule, the employee who has taken sick leave of three days or more due to illness or injury that is not job-related will be required to



Unified Government Human Resources Guide

Effective 01-01-14

furnish to the director of his/her department a statement from a duly-licensed health practitioner, stating

- (1) the nature of the illness or injury treated, and
 - (2) the period of time the patient was or is unable to work. If it is necessary for the employee to remain off work, the health practitioner is to state the probable length of time involved.
- b. Failure to provide documentation may result in the employee being sent home without pay until the receipt of such documentation.
 - c. Documentation of sick leave use while on FMLA must follow section 5.6 – Family & Medical Leave.
 - d. Nothing in this section shall prevent the department head from requiring a health practitioner's statement for two days or more of sick leave, or even one day when abuse of sick leave is suspected.

Abuse of sick leave is defined as using sick leave for any other purpose other than defined in II.B.1. of this policy.

- e. In addition to any medical examination secured by the employee, the department head has the authority to require the employee to submit to examination, at Unified Government expense, by a second health practitioner as a condition of receiving or continuing to receive sick leave. An employee who refuses to submit to such examination and diagnostic tests shall forfeit all rights to sick leave.
- f. All medical information should be filed separately from the employee's personnel file.
- g. Long-term uses of sick leave: medical reports to the department may be required every 30 days.
- h. Payroll is to be notified when an employee is using sick leave for a disability, in order that KPERS can be notified.

3. The granting of sick leave

Providing the above conditions are met, the department head is authorized to grant use of sick leave. In a situation where sick leave has been exhausted, department heads have the discretion to allow employees to use other paid time (vacation, comp time, etc.) for sick leave; this paid time shall still be counted as an occasion of sick leave use. If no other paid time exists, employees will be docked and this will count as an occasion of sick leave use.

C. Excessive sick leave

1. Excessive sick leave is defined as:



Unified Government Human Resources Guide

Effective 01-01-14

- a. having had seven or more occasions of sick leave use (three or more occasions for Part-time A), during any 12-consecutive-month-period; or
 - b. having had three or more occasions of sick leave use, immediately before or immediately after his or her regular days off, vacation days, holidays, or any paid leave of absence, including personal leave; during any 12-consecutive-month-period; or
 - c. having failed to submit required documentation of sick leave use on more than one (1) occasion in a 12-month period.
2. An occasion of sick leave use is defined as a continuous period of absence from work for a permissible sick leave use. It may be a portion of a day, a day, or a number of days.
 3. When the full time employee is absent from work for four (4) hours or less (part-time A is absent from work for two (2) hours or less) for a prearranged doctor's appointment, it shall not be considered an occasion of sick leave use for the purpose of identifying excessive users.
 4. Rules concerning employees placed in the excessive sick leave user category:
 - a. The employee is placed in the excessive sick leave user category effective the date of the occasion of sick leave that triggered his or her being categorized as an excessive user.
 - b. During the 12-consecutive-month period following the date the employee was placed in the excessive sick leave user category, the employee must furnish a statement from a physician to his/her supervisor on each occasion the employee uses sick leave. The statement must contain:
 - (1) the physician's report as to the cause for the employee's absence, and the treatment being provided,
 - (2) the probable length of time of the necessary sick leave, and
 - (3) the physician's statement that the employee was unable to work the day that he or she was absent.
 - c. If the employee does not furnish a physician's statement as provided, he or she shall receive the following discipline:
 - (1) Non-exempt
 - 1st offense—one work day suspension without pay
 - 2nd offense—three work days suspension without pay
 - 3rd offense—termination
 - (2) Exempt



Unified Government Human Resources Guide

Effective 01-01-14

1st offense—one week suspension without pay

2nd offense—termination

- d. The “excessive user” employee may be subject to termination if he or she:
 - (1) Uses sick leave (or other paid time off or docked time in lieu of sick leave) on five or more occasions, or
 - (2) Uses two or more sick leaves (or other paid time off or docked time in lieu of sick leave) immediately before or immediately after his regular days off, vacation days, holidays, or any paid leave of absence.
- e. Physician statements do not excuse absences, and the absence will still count towards an occasion.
- f. Occasions of sick leave that qualify under the Family and Medical Leave Act and are certified by a health care provider as an FMLA qualifying event shall not be considered for the purpose of identifying excessive users.

D. Sick leave buy back

- 1. Subject to annual funding of the sick leave buy back program, the Unified Government may offer a sick leave buy back program allowing eligible employees the opportunity to purchase a limited portion of the employee’s accumulated sick leave balance based on the number of sick days used in a 12-month period from November 1 of the previous year through October 31 of the current year. (See chart below.)
- 2. The determination of whether to offer the sick leave buy back program and the maximum number of days to be purchased will be made annually by the Commission. Sick leave buy back is only available in the amount approved annually by the Commission. The sick leave buy back program shall be uniformly applicable to all employees covered by this policy. Individual departments may not grant this benefit to employees unless the program has been approved for all Unified Government employees.
- 3. Compensation for the buy back shall be at the employee's rate of pay on December 1st of that year and shall be paid in the first pay period of December.
- 4. Partial days taken shall be calculated according to the chart below.

Full-Time Employees:

Sick Days Used

0 (0 hours)

Maximum Days Sold
to Unified Government

5



Unified Government Human Resources Guide

Effective 01-01-14

1 (0.25 – 8.0 hours)	4
2 (8.25 – 16.0 hours)	3
3 (16.25 – 24.0 hours)	2
4 (24.25 – 32.0 hours)	1

Part-Time A Employees:

<u># Sick Hours Used</u>	<u>Maximum Days Sold to Unified Government</u>
0 hours	2.5
0.25 - 4.0 hours	2.0
4.25 - 8.0 hours	1.5
8.25 - 12.0 hours	1.0
12.25 - 16.0 hours	0.5

5. Eligibility

- a. Employees must have at least 240 hours of banked sick leave in order to be eligible for the buy back program.
- b. New hires in their probationary periods are not eligible for the buy back program.
- c. Employees who have taken personal leave are still eligible for the buy back program.
- d. Employees who have taken more sick leave hours than the number of days approved by the Commission for the sick leave buy back program, including sick leave taken under FMLA, are not eligible for the buy back program.

E. Donated Sick Leave

1. An employee may donate up to 40 hours per calendar year of sick leave to employees who have a catastrophic or life threatening illness and have exhausted all paid leave time. The donating employee must have at least 100 hours of sick leave accrual remaining after the donation.
2. Donated sick leave will not be converted into any other compensation and will not be paid out upon separation. Donated sick leave will be distributed on a first come, first serve basis depending upon the date the request for donated hours is received. If no sick leave hours are available, a request will be sent to Unified Government employees asking for donations. If sufficient number of hours is not donated, the requesting employee may apply for unpaid leave of absence. (See Human Resources Guide Policy 5.11 Leaves of Absence Without Pay).



Unified Government Human Resources Guide

Effective 01-01-14

3. Employees on workers' compensation injury leave are not eligible for donated sick leave. The employee requesting sick leave must not have been suspended or placed in the "excessive use of sick leave" category for violation of the sick leave policy in the previous twelve (12) months. The employee requesting sick leave must show a historical pattern of prudent use of sick leave by having accumulated at least 120 hours of sick leave in his/her sick leave bank prior to his/her illness.
4. The employee receiving sick leave donations must have been employed by the Unified Government for a minimum of five years prior to being eligible for sick leave donations.
5. Donations and requests should be made on forms completed and signed by the donor or requesting employee and turned into Human Resources. Human Resources staff will administer the program and determine eligibility based upon the criteria stated in this policy. Human Resources staff will consult with the employee's department head regarding the request and grant the number of hours needed each payroll period to those eligible employees. All rules and regulations requiring privacy of personal health information will be followed per HIPPA.
6. Employees may receive donated sick leave for up to six (6) months. Additional time may be granted at the discretion of the department head and County Administrator.

F. Separation from employment

1. Upon voluntary separation, retirement, or death, an eligible employee will be paid in an amount equal to his or her accumulated sick leave based on the employee's fixed salary at the time of separation. Maximum payout based on years of service is as follows:
 - a. Voluntary separation for Category 1 employees:
 - 0 - 4 years service - 0 days
 - 5 - 9 years service - 40 days
 - 10 or more years service - 60 days
 - b. Category 2 employees with at least 10 years of service are eligible to be paid out 25% of unused sick leave with a maximum payout of 30 days.
 - c. Category 1 employees: Full retirement or death:
 - Non-sworn personnel - 90 days
 - Sworn personnel - 120 days
 - d. Category 2 employees at full retirement or death are eligible to be paid out 50% of unused sick leave with a maximum payout of 60 days.



Unified Government Human Resources Guide

Effective 01-01-14

The amount paid to the employee is computed by taking 1/30 of the employee's monthly compensation and multiplying that amount by the number of accumulated sick leave days to which the employee is entitled to be paid under this policy.

2. Former exempt KCK employees will not be eligible for any sick leave payout upon separation until he/she has completed the comp time phase out program. See 3.4—Overtime/Compensatory Time.
3. Ineligible for payment for sick leave are:
 - a. the employee who is terminated from employment as a result of a disciplinary action, and
 - b. the employee who resigns and fails to give two weeks notice of separation.
4. Former KCK exempt employees shall not be paid out upon separation for both comp time and sick leave except at retirement or death.
5. Under no circumstances will an employee be paid more than the maximum payout stated.

RELATED FORM(S): Leave Request Form (non-FMLA)
 Sick Leave Buy Back Request
 Sick Leave Buy Back Summary