



Unified Government Human Resources Guide

Effective 01-01-22

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.



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3. Is being “docked” (not paid) because of insufficient accumulated sick leave.
 4. Is on an unpaid suspension.
 - b. Sick leave continues to be accrued at the usual rate during paid absences, i.e. vacation, sick leave, jury service, or being off work due to a bona fide job-related injury.
 4. Effect of change in employee status on accruing sick leave
 - a. An employee who transfers to part-time B or to temporary or summer employment will not accrue sick leave as of the date of transfer. The employee will not lose previously accrued and unused sick leave.
 - b. The part-time B, temporary or summer employee who transfers to full-time or part-time A status will begin to accrue sick leave as of the date of transfer.
 - c. An employee who transfers positions or employee status during employment will remain in the same category as the original hire date. Therefore, the employee hired as Category 1 will remain as Category 1 with the exception of Summer/Seasonal employees and Temporary employees.
 - d. An employee who was re-hired after a break in employment will be considered a new hire in Category 2.
 5. Sick leave apportionment earned for a given month will be credited as of the last calendar day of the month of which it was earned. There will be no advancement of sick leave credit. The Unified Government does not allow the use of sick leave before it is accrued.
- B. Using sick leave
1. Sick leave uses:
 - a. Accrued and accumulated sick leave time may be used by employees for:
 - (1) personal disability, personal illness, or physical incapacity of the employee or his or her dependents who require his or her personal care and attention;
 - (2) appointments for medical and dental care for the employee or his or her dependents who require his or her personal care and attention;
 - (3) enforced quarantine of the employee in accordance with health regulations;



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- (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



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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:



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- 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



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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:

<u># Sick Days Used</u>	<u>Maximum Days Sold to Unified Government</u>
0 (0 hours)	5



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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. Employees with a balance of 140 hours or more of accrued sick leave may donate up to 40 hours of sick leave and employees with a balance of 580 hours or more of accrued sick leave may donate up to 80 hours of sick leave per calendar year for use by eligible employees. Sick leave will be donated to a general sick leave bank for use by eligible employees on a first-come, first-served basis. An employee can donate sick leave by submitting a completed donation of sick leave form to Human Resources. The donation is subject to review and approval by the Director of Human Resources or his or her designee.
- 2. Definitions
 - a. Life threatening or catastrophic illness or injury – A severe illness or injury that poses a significant threat of death or residual disability and requires



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prolonged hospitalization or recovery. Examples of illnesses or injuries that, depending on the circumstances, may be considered life threatening or catastrophic include brain and spinal cord injuries, cancer, stroke, heart attack, organ failure, coma, and sepsis.

- b. Serious medical condition – An illness or injury that is debilitating or incapacitating or whose treatment is debilitating or incapacitating and that requires hospitalization or extended recovery lasting 14 days or more during which the employee is unable to work. The following are not considered serious medical conditions:
- Common infections and infectious diseases (e.g., rhinovirus, sinusitis, influenza, norovirus, etc.), unless unusually severe or accompanied by serious complications
 - Seasonal or common allergies
 - Common musculoskeletal ailments (including muscle aches and sprains, joint sprains, neck and back pain, leg sprains, osteoarthritis, and the like) that are treated non-surgically
 - Ordinary life or workplace stress
 - Any medical condition for which treatment reasonably can be deferred until the employee can accumulate needed sick leave.

The Director of Human Resources or his or her designee has discretion in determining whether an illness or injury meets these definitions. An employee may appeal the Director of Human Resources' determination to the County Administrator, whose decision will be final.

3. Eligibility

- a. An employee who has a life threatening or catastrophic illness or injury or is needed to care for his or her minor child who has a life threatening or catastrophic illness or injury is eligible to receive donated sick leave if the employee:
- (1) Has worked for the Unified Government for at least one year;
 - (2) Has not been placed in the excessive use of sick leave category in the previous 24 months; and
 - (3) Has exhausted all accrued leave.
- b. An employee who suffers a medical emergency or who has been diagnosed with a serious medical condition is eligible to receive donated sick leave if he or she:
- (1) Has worked for the Unified Government for at least five years;
 - (2) Has not been placed in the excessive use of sick leave category in



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the previous 24 months; and

(3) Has exhausted all accrued leave.

4. Conditions and limitations

- a. A Request for Sick Leave Donations form and a certification from a medical provider must be submitted to Human Resources by or on behalf of the employee requesting donated sick leave. The submission is subject to review and approval by the Director of Human Resources or his or her designee.
- b. Leave in the donated sick leave bank will be distributed on a first-come, first-served 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. The requesting employee may apply for an unpaid leave of absence if sufficient hours are not donated. (See Human Resources Guide Policy 5.11 Leaves of Absence Without Pay.)
- c. Donated sick leave must be used on a continuous basis and is not available for intermittent use.
- d. Donated sick leave will be paid at the recipient's rate of pay. Unless the law provides otherwise, payments for use of donated sick leave will be treated as wages of the recipient for the purposes of FICA, FUTA, income tax, and other withholding.
- e. Donated sick leave will not count towards the minimum month for accrual of sick leave or vacation leave.
- f. Donated sick leave may be used only by the employee receiving it and only for its intended purpose.
- g. Unused donated sick leave will not be returned to the donating employee.
- h. Donated sick leave will not be converted into any other compensation and will not be paid out upon separation or retirement.
- i. This donated sick leave policy does not apply to any member of a bargaining unit whose memorandum of agreement with the Unified Government includes a provision for donated sick leave.
- j. Employees on workers' compensation injury leave or injury on duty leave are not eligible for donated sick leave.
- l. An employee may receive donated sick leave for up to six months. The employee will be required to provide updated medical documentation on the need for continued leave every 30 days. In extraordinary circumstances, up to 60 days of additional time to receive or use leave may be granted at the discretion of the County Administrator.



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E. 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.

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