



SICK LEAVE/BONUS DAYS

PM-46-03

Section: 46-00, LEAVE WITH PAY

I. PURPOSE AND SCOPE

For the purpose of protecting employees against lost wages during legitimate illnesses, the City grants sick leave benefits to all regular, full-time employees of City of Memphis Government, including those who are in their initial probationary period, and who have completed 60 calendar days of continuous employment. This policy defines the eligibility and procedures that must be followed to obtain sick leave benefits.

Contingent employees are excluded from this policy.

Grant employees will be given sick leave benefits in accordance with the guidelines set forth by the grant itself or the enabling act under which they are employed.

II. POLICY STATEMENT

It is the policy of City of Memphis to ensure that all employees of City Government are treated fairly within the guidelines of the City's Sick Leave Policy.

Sick leave is not an earned employee right. Sick leave payment under this policy is a benefit granted by the City to its employees. When employees abuse this benefit, it spreads additional workload on fellow employees; it adversely affects productivity; it creates difficulty for supervisors in scheduling work; it results in additional costs related to lost time and excessive overtime; and, it damages the morale of those employees who do not abuse the privilege of this benefit. Abuse includes but is not limited to such tendencies as regarding sick leave as extra vacation days, using sick leave for illnesses in the immediate family except as specifically permitted, and using sick leave as an extension of weekends and/or holidays.

III. POLICY

When an employee is receiving sick leave benefits, management holds the right to evaluate at any time the employee's status relevant to the employee's return to City employment, whether or not the employee may remain in City employment, and/or use of other City leave benefits. Criteria used, but not limited to the position the employee holds, is the anticipated length of the employee's disability due to illness and/or injury



SICK LEAVE/BONUS DAYS

PM-46-03

Section: 46-00, LEAVE WITH PAY

and documentation supplied by the employee's primary physician and/or the City's physician(s).

No employee may be off a City job longer than 12 consecutive months from the date the employee is unable to work due to disability from illness and/or injury. Included in the 12-month period of time for disability due to illness and/or injury is any combination of paid and/or unpaid leaves of absence, including leave for the employee's own serious health condition under the provision of the Family and Medical Leave Act (FMLA).

The City maintains the control of this employee benefit and the enforcement of the provisions of this policy. The City may:

1. Deny sick leave benefits if the employee does not meet the criteria outlined within this policy.
2. Require medical documentation on demand which supports claims for sick leave benefits payments.
3. Require a suspected abuser to be examined by a physician selected and paid for by the City.
4. Administer disciplinary action based on a given occasion, incident, frequency, or pattern of abuse.
5. Administer disciplinary action for falsification of records, including medical documentation.
6. Verify the employee's convalescent location.
7. Telephone or visit an employee's home to verify disability due to illness and/or injury.

Sick Leave Benefits "May be" Used for the Following

1. Sick leave can only be used by and for the employee who has accrued the leave, and cannot be given by one employee to another regardless of the circumstances.
2. Disability due to illness and/or injury which incapacitates an employee to the extent that the employee is unable to perform his/her assigned job duties and responsibilities.



SICK LEAVE/BONUS DAYS

PM-46-03

Section: 46-00, LEAVE WITH PAY

3. Physician and dentist appointments which are directly related to disability due to illness and/or injury which incapacitate an employee from performing his/her assigned job duties and responsibilities.
4. Physicians and dentist appointments that are scheduled and approved in advance by the employee's designated supervisor in accordance with the employee's Division rules and regulations.
5. An eligible employee may use up to 10 sick leave days (or up to 120 hours for a 56-hour employee of the Fire Service Division) in any 12 month period, if on an approved family leave for qualifying reasons, other than the employee's own serious health condition, under the provisions of the Family and Medical Leave Act (FMLA). In such cases, sick leave can only be used after the employee has exhausted other paid leave, such as vacation and bonus days.

Sick Leave Benefits "May Not Be" Used for Following

1. Illness of any individual other than the employee who has accrued the sick leave benefit time, except for qualifying reasons under the provisions of FMLA.
2. Any purpose other than disability due to illness and/or injury with the exception of physician and dentist appointments that are scheduled and approved in advance by the employee's designated supervisor in accordance with the employee's Division rules and regulations.

IV. PROCEDURE

Sick Leave Benefit Accrual/Standard City Work Week

Unlimited accumulation of sick leave benefits begins on the first day of employment into a regular, full-time or appointed position. A regular, full-time employee who works a standard City work week is eligible to take advantage of this benefit when the employee has completed 60 consecutive calendar days of employment at which time the employee will



SICK LEAVE/BONUS DAYS

PM-46-03

Section: 46-00, LEAVE WITH PAY

have accumulated 2 days. An employee occupying a regular, full-time position, including an employee in his/her initial probationary period, who requests time off from his/her job due to personal illness before the employee is eligible to receive the sick leave benefit, will do so without pay.

Sick leave accrues monthly as follows:

1. 1 day for each month of service during the first 5 years of service. (5 year period.)
2. 1-1/2 days for each month of service beginning with the 6th year of service through the completion of the 9th year of service. (4-year period.)
3. 2 days for each month of service beginning with the 10th year of service through the completion of the 14th year of service. (5 – year period.)
4. 2-1/2 days for each month of service beginning with the 15th year of service and continuing thereafter.
5. At the beginning of the 6th, 10th, and 15th year of service when accrual rates change, the new sick leave rate of accrual is given at the end of the first 30-day period worked without sick or unauthorized leave of absence without pay.

Sick Leave Benefit Accrual/Fire Services 56-Hour Employees

Pursuant to the Agreement between the City of Memphis and the IAFF Local 1784, 56-hour employees of the Fire Services Division accrue sick leave at the following monthly rates:

Service	56-Hour Employee
1-5 yrs.	12.0 hrs.
6-9 yrs.	18.0 hrs.
10-14 yrs.	24.0 hrs.
15+ yrs.	30.0 hrs.



SICK LEAVE/BONUS DAYS

PM-46-03

Section: 46-00, LEAVE WITH PAY

Accumulated sick leave hours will be adjusted upward when going from 40-to-56 hour employment, and downward when going from 56-to-40 hour employment for employees of the Fire Services Division only.

Transfer of Sick Leave/Seniority

The City will consider for transfer unused accrued sick leave time when the agency and the individual meet the criteria set forth in PM-66-01, SENIORITY RIGHTS AND ADJUSTED DATE OF EMPLOYMENT. It is incumbent upon the individual requesting transfer of his/her unused accrued sick leave time to present certification of such time to his/her designated supervisor who will forward the certification to the Deputy Director, Human Resources Division, for appropriate action. If an individual hired by the City into a regular, full-time position has worked for agencies as listed in PM-66-01, SENIORITY RIGHTS AND ADJUSTED DATE OF EMPLOYMENT, and if that individual meets all criteria as defined in that policy, the individual is eligible to request an adjusted date of employment. It is incumbent upon the individual requesting transfer of prior service credit to present certification of the service time to his/her designated supervisor who shall forward the certification to the Deputy Director, Human Resources Division, for appropriate action. Adjusted dates of employment will then govern seniority and the accrual of vacation and sick leave time.

Rate of Pay During Sick Leave

The rate of sick leave pay will be at the employee's regular rate of pay.

Sick Leave Notification

An employee is required to give written notice to his/her immediate supervisor when the employee knows in advance of his/her need to use sick leave benefits. The notification will include the date of anticipated absence and return to the full scope of the employee's job assignment.

Convalescent Location

An employee who is receiving sick leave benefits is required to report his/her condition and convalescent location to his/her designated supervisor in accordance with the employee's Division rules and regulations. Required reporting will continue unless alternate instructions



SICK LEAVE/BONUS DAYS

PM-46-03

Section: 46-00, LEAVE WITH PAY

are given by the employee's designated supervisor. The convalescent location will be the employee's residence or other location approved by the employee's designated supervisor in accordance with the employee's Division rules and regulations.

Return To Work From Sick Leave

The City may require from an employee, whose disability due to illness and/or injury necessitated medical diagnosis and treatment, a written release from the employee's primary physician authorizing the employee's return to work. An employee will not be permitted to return to work from sick leave until the employee is completely able to perform the full scope of his/her job assignment. However, reasonable accommodations to permit the employee to return to work will be made in order to comply with the Americans with Disabilities Act (ADA) and/or Family and Medical Leave Act (FMLA) on a case by case basis. (Reference PM-30-02 and PM-66-06)

An employee determined to be medically capable of returning to work is required to immediately report to work. Failure to report to work is unauthorized leave of absence and will result in disciplinary action up to and including termination.

Should a conflict arise between the employee and the employee's designated supervisor regarding the employee's ability to return to work, the matter will be resolved by the Employee's Division Director or designee. If the Division Director or designee deems it necessary, the employee will be required to be examined by a physician selected and paid for by the City.

As a general rule, an employee may be absent from work on sick leave up to three (3) consecutive days before medical documentation is required. However, if an employee shows a pattern of abuse as set forth in the Policy Statement, the employee may be required to present medical documentation for his/her sick leave absence prior to three (3) consecutive days of absence.

Bonus Days

The bonus day benefit is established as an incentive for an eligible employee who is seldom ill. Bonus day time is authorized leave with pay



SICK LEAVE/BONUS DAYS

PM-46-03

Section: 46-00, LEAVE WITH PAY

and, therefore, will be scheduled and approved by the employee's designated supervisor before it is taken.

Bonus Day Accrual

After completion of 60 calendar days of continuous employment, an employee occupying a regular, full-time position or an appointed position, including an employee in the initial probationary period, who works three consecutive months without using sick leave benefits or any unauthorized leave of absence will be eligible for 1 bonus day on the first day of the 6th month of employment. Bonus days will be credited in a like manner for subsequent 3-month periods. An employee may earn a maximum of 4 bonus days during a 12-month period. Each bonus day credited will be used within 12-months from the date it is credited or be forfeited.

Bonus day accrual will only be forfeited when interrupted by 6 cumulative hours of absence from work due to the use of sick leave benefits or unauthorized leave. The 3-month accrual period toward a bonus day begins with the first full day that the employee is at work after sick leave or unauthorized leave of absence.

Submission of Leave/Absence Form

An employee requesting sick leave or bonus day leave time will initiate the proper form and submit it to his/her designated supervisor for approval. It is the responsibility of each supervisor to make available Leave/Absence forms and to assist the employee in the accurate completion of the form.

Miscellaneous Information/Sick Leave Benefits

1. Pursuant to City policy, no leave benefits accrue while an employee is on leave of absence without pay. All leave benefits will resume on the first full day the employee is at work after leave of absence without pay.
2. Pursuant to City policies that allow unused accrued leave time to be frozen, the leave will be available for use on the first full day the employee returns to City employment. However, upon receiving benefits from the Long Term Disability Income Plan and/or separation from City



SICK LEAVE/BONUS DAYS

PM-46-03

Section: 46-00, LEAVE WITH PAY

employment, the employee will receive payment for frozen leave in a lump sum. (Reference PM-42-05.)

3. Sick leave continues to accrue while an employee is absent on paid authorized accrued vacation leave.
4. An employee, who is on authorized accrued vacation leave and who becomes ill, has the option of either charging those days to unused accrued vacation leave time, or charging those days to unused accrued sick leave time. Management reserves the right to require documentation. (Reference PM-46-02.)
5. An employee, who is on authorized accrued sick leave time and who has a death in the family, has the option of either charging those days to unused accrued sick leave time, or if eligible, charging those days in accordance with PM-46-06, DEATH IN FAMILY. Management reserves the right to require documentation.
6. Holidays that occur while an employee is on authorized accrued sick leave will not be charged as sick leave time, but as holiday leave. (Reference PM-46-01.)
7. Sick leave benefits will not accrue while an employee is absent on authorized accrued sick leave time for 15 consecutive work days or longer.

Sick Leave/Bonus Day in Year of Retirement

An employee, who is a member of the City of Memphis Retirement System and who retires effective July 1, 2002, will be compensated for unused accrued sick leave days up to a maximum of 75 days. The amount of payment for unused accrued sick leave time is to be calculated at the employee's rate of pay in effect on the payday immediately preceding the employee's retirement. A retiring employee will be compensated following the same calculation for any unused bonus days up to a maximum of 4 days. Such payment will not be counted as compensation for the purpose of computing retirement benefits; therefore, payment for up to a maximum of 75 unused accrued sick leave days, and for any unused bonus days up



SICK LEAVE/BONUS DAYS

PM-46-03

Section: 46-00, LEAVE WITH PAY

to a maximum of 4 days will be paid to the retiring employee by City of Memphis in a lump-sum payment.

For vacation policy in year of retirement, reference PM-46-02, VACATION LEAVE.

An employee, who is a member of the City of Memphis Retirement System and is eligible to retire, but has not yet applied for retirement and who dies, will be compensated for unused accrued sick leave days up to maximum of 75 days, and for any unused bonus days up to a maximum of 4 days. Such compensation will be calculated at the employee's rate of pay in effect on the payday immediately preceding the employee's last day at work.

A regular, full-time employee, who is in a job classification which requires an employee to contribute to Social Security, and who retires, as approved and documented by the Social Security Administration, will be entitled to receive payment for up to 75 unused accrued sick leave days and any unused bonus days up to a maximum of 4 days. Proof that the Social Security Administration has approved the employee's Social Security Retirement will be presented by the employee to the Director, Human Resources Division, or designee for disposition within six (6) months after the employee's last date on the City's payroll.

In all cases, when an employee retires and receives payment for unused accrued sick leave days and, at a later date, the employee is either hired again by the City, or reinstated from retirement, the employee will never again be paid for any unused accrued sick leave days even if the employee retires again. The City will restore to the employee's active sick leave account any unused accrued sick leave days that were over and above the 75 sick leave days for which the employee was paid at the time of retirement. In such cases, the employee will also be given credit for prior service. The employee's date of employment will be adjusted to exclude the period of time away from City employment. The adjusted date of employment will then govern seniority and the rate of accrual of vacation and sick leave time.

All matters of pension are governed by the rules and regulations of the City of Memphis Retirement System. (Reference PM-54-01)



SICK LEAVE/BONUS DAYS

PM-46-03

Section: 46-00, LEAVE WITH PAY

Separation From Payroll

An employee, who is separated from employment with City of Memphis for reasons other than retirement, will not be compensated for any unused accrued sick leave days; however, the employee will be paid for unused accumulated bonus days up to a maximum of 4 days.

REFERENCE CORRESPONDING POLICIES:

- PM-30-02, EMPLOYMENT OF THE DISABLED
- PM-42-05, LONG TERM DISABILITY INCOME PLAN
- PM-42-06, SHORT TERM DISABILITY INCOME PLAN
- PM-46-02, VACATION LEAVE
- PM-46-08, ON-THE JOB INJURY/ACCRUED LEAVE BENEFITS
- PM-50-03, EXTENDED ILLNESS/LEAVE
- PM-54-01, RETIREMENT SYSTEM POLICY AND PROCEDURES
- PM-66-01, SENIORITY RIGHTS AND ADJUSTED DATE OF EMPLOYMENT
- PM-66-02, MATERNITY LEAVE
- PM-66-03, MILITARY LEAVE
- PM-66-04, VETERANS REINSTATEMENT
- PM-66-06, FAMILY AND MEDICAL LEAVE ACT POLICY