

# ARTICLE 16

---

## SICK LEAVE

### SECTION 1

A. Employees earn and accrue sick leave in accordance with federal law and regulations. Employees are entitled to use sick leave in the following situations:

1. Incapacity for the performance of duties due to illness or injury;
2. Emergency medical, dental, optical or surgical examination or treatment;
3. Prescheduled medical, dental, optical or surgical examination or treatment;
4. Incapacity for the performance or duties due to pregnancy or birth of a child;
5. When presence at the worksite would, as determined by health authorities having jurisdiction or by a health care provider, jeopardize the health of others because of exposure to a communicable disease; and
6. The employee must be absent from duty for purposes relating to the adoption of a child, including appointments with adoption agencies, court proceedings, required travel, and other activities necessary to allow the adoption to proceed.

B. In accordance with the requirements and limitations set forth in 5 U.S.C. §6307 and 5 CFR Part 630, Subpart D, (Family Friendly Leave Act), employees are also entitled to use accrued sick leave:

1. To give care or otherwise attend to a family member having an illness, injury, or other condition which, if the employee had such condition, would justify the use of sick leave by that employee; and
2. To make arrangements for or attend the funeral of such family member.
3. For purposes of this section, "family member" is defined as the following relatives of the employee:
  - a. Spouse, and parents thereof;
  - b. Domestic Partner, and parents thereof;

- c. Children, including adopted children and spouses thereof;
- d. Parents;
- e. Brothers and sisters, and spouses thereof; and
- f. Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship, e.g., grandparents, grandchildren, godparents, godchildren or very close friend.

Employees may obtain information relating to the Family Friendly Leave Act on OPM's website at <http://www.opm.gov/oca/leavc/index.asp>.

~~C. [For information regarding sick leave under the Family Medical Leave Act \(FMLA\), see Article 18 of this Agreement.](#) In accordance with the requirements and limitations of 5 U.S.C. §§6381-6387 (FMLA), 5 C.F.R. Part 630, Subpart L, and Article 18 of this Agreement, employees may use accrued sick leave for the following reasons:~~

- ~~1. Because of the birth of a son or daughter of the employee and in order to care for such son or daughter;~~
- ~~2. Because of the placement of a son or daughter with the employee for adoption or foster care;~~
- ~~3. In order to care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition; or~~
- ~~4. Because of a serious health condition that makes the employee unable to perform the functions of the employee's position.~~

## **SECTION 2- Supervisory Notification**

~~A. [Where foreseeable, employees should generally notify the Supervisor in advance of the need to use sick leave.](#) for the purposes of receiving non-emergency medical, dental or optical examination, operation or treatment. Such requests shall be normally approved within three (3) days of receiving the request, unless the employee's absence would create a workload problem. Examples of workload problems may include, but not limited to the following:~~

- ~~1) an inability to complete a specific or previously assigned work project in a timely manner; or~~
- ~~2) inadequate office coverage where physical presence is necessary.~~

- B. If the need for sick leave is unanticipated, all requests for approval shall go to the immediate supervisor or designee ~~at least one (1) hour prior to but~~ no later than two (2) hours after the start of the employee's tour of duty on the first day of the employee's absence. If the employee is unable to provide notice within the two (2) hour timeframe, the employee will notify the supervisor as soon as possible. ~~For all other employees including those employees on a compressed work schedule, e.g., (5/4/9 and 4/10) shall request leave at least one (1) hour prior to but no later than one (1) hour after her/his official start time. Should the employee be unable to reach the immediate supervisor or designee, the employee may leave the immediate supervisor or designee a voicemail or email. The Employer may request contact information for employees on sick leave.~~
- C. An employee will inform her/his supervisor or designee of the anticipated duration of the absence. If the absence extends beyond the anticipated period, the employee will inform his or her supervisor of the situation as soon as practicable.
- D. Sick leave will be charged in quarter hour increments. Employees may not be charged sick leave without consent.

### **SECTION 3- Evidence of Sick Leave and Leave Restriction**

In this section, reference to sick leave includes any of the reasons listed in Section 1 of this Article regardless of the type of leave charged.

#### **A. Evidence of Sick Leave**

1. An employee may be required to furnish ~~a medical certificate (i.e.,~~ reasonably acceptable evidence of the need for sick leave upon return to duty, to substantiate a request for approval of sick leave) if the sick leave exceeds three (3) consecutive workdays. Such evidence may include the employee's self-certification or a medical certificate. Where the need for sick leave did not require a medical appointment, for instance, the employee's self-certification would be sufficient. Such self-certification may be provided orally or in writing. A medical certificate, where appropriate, will be a written statement signed by a registered practicing physician or other practitioner certifying to the incapacitation, examination or treatment, or to the period of disability while the patient was receiving professional treatment.
2. Employees will not be required to furnish a medical certificate to substantiate a request for approval of sick leave for periods of three (3) consecutive workdays or fewer except as provided for in subsection 4D below.
3. An employee with a chronic medical condition that does not require medical treatment but does result in periodic absences from work will not be required to furnish a health care provider certificate on a continuing basis if the employee is: 1)

not on a leave restriction and; 2) provides, if requested, an administratively acceptable medical certificate on an annual basis which sets forth the continuing need for periodic absences.

4. Employees who, because of illness, are released from duty will not be required to furnish a medical certificate to substantiate sick leave for the day released from duty. Subsequent days of absence may be subject to the provisions of this Section.

#### B. Leave Restriction

1. Where the Employer has reasonable grounds to suspect abuse of sick leave based on a pattern of usage, the Employer may inquire further into the matter and ask the employee to explain. Absent a reasonable acceptable explanation, the employee will be orally counseled that continued frequent use of sick leave, or use in unusual patterns or circumstances, may result in a written requirement to furnish acceptable documentation for each subsequent absence due to illness or incapacitation for duty, regardless of duration. Frequency or amount of leave used will not be the sole factor for determining sick leave abuse, nor will leave for which acceptable documentation has been provided.
2. If the Employer continues to suspect abuse of sick leave based on a pattern of usage, the Employer may advise the employee in writing that ~~a medical documentation~~ a medical certificate, as set forth in Section 3.A., may be required for each subsequent absence resulting from sick leave-related reasons.
3. If reasonable grounds continue to exist to question an employee's use of sick leave, the Employer may issue a sick leave restriction letter to the employee. This sick leave restriction letter will explain the basis for the action. The leave usage of all employees under sick leave restriction will be reviewed no more than six (6) months after the effective date of the restriction. At that time, a written decision to either continue or lift the restriction will be provided to the employee. If the restriction is continued, another review will be conducted after no more than six (6) months has passed. If a meeting is held to discuss the results of the supervisor's decision, the employee shall have the right to have a Union representative at the meeting provided the employee reasonably believes the discussion may result in disciplinary action and the employee requests representation.
4. An employee on sick leave restriction must provide medical documentation in accordance with the terms of the restriction letter.
5. ~~Employees who are not subject to the restrictions of subsection 4C above will not be required to furnish a doctor's certificate on a continuing basis if the employee suffers from a chronic condition that does not necessarily require medical treatment although absence from work may be necessary and the employee has previously furnished medical certification of the chronic condition. The Employer may periodically~~

~~require further medical certification to substantiate an employee's continued use of this provision.~~

#### **SECTION 4- Treatment at the Health Unit**

Except for an emergency, an employee may not leave the work site to seek health unit services unless he or she has [notified](#) the Employer. The employee who is returned to duty will not be charged with leave. Should the health unit recommend that the employee be sent home and/or to receive further medical treatment and the employee leaves the work site, sick leave will be charged beginning at the time the employee leaves the work site. Furthermore, no employee will be required to furnish a medical certificate to substantiate use of sick leave for that one day only provided that the employee is not subject to the restrictions of [4B](#) above.

#### **SECTION 5- Other Leave In Lieu of Sick Leave**

- A. Absences qualifying for the use of sick leave may be charged to annual, earned credit hours, earned compensatory time or LWOP if so requested by the employee and approved by the supervisor.
- B. An employee who becomes ill while on annual leave may have the time of illness changed to sick leave provided that the employee notifies the supervisor on the first day of the illness and otherwise complies with the requirements of this article.

#### **SECTION 6- Advanced Sick Leave**

- A. Employees may request advanced sick leave if he or she has a serious health condition. Advanced sick leave will be approved or disapproved for periods of no more than thirty (30) days under the following circumstances:
  - 1. A written request with acceptable medical documentation as defined in 5 CFR 339 has been properly submitted;
  - 2. There is a reasonable assurance that the employee will return to duty and is not contemplating a resignation or retirement; and
  - 3. The employee has enough in his/her retirement account to reimburse the Employer for the advance should he or she not return.
- B. Transferred annual leave may be substituted retroactively for any period of leave without pay or used to liquidate an indebtedness for any period of advanced leave that began on or after the date fixed by the Employer as the beginning of the medical emergency pursuant to the Volunteer Leave Transfer Program.

**SECTION 8- Confidentiality**

The Employer will treat as confidential any medical information given by an employee in support of a request for sick leave. The Employer may disclose such information subject to its Privacy Act obligations, for work related reasons on a need to know basis only.