

## SICK LEAVE FOR EXEMPT AND NON-EXEMPT EMPLOYEES

### I. PURPOSE

This procedure has been developed in accordance with [USM VII-7.45 Policy on Sick Leave for Exempt and Nonexempt Staff Employees](#).

### II. DEFINITION OF SICK LEAVE

Sick leave. Paid leave granted to employees in an effort to provide protection against loss of earnings when an employee is absent as a result of illness or other circumstances of a medical nature.

### III. GENERAL

A. Sick leave is earned at the rate of 15 days per year and is available to the extent earned. Employees who work part-time (at least 50 percent, but less than 100 percent, of full-time) earn sick leave on a pro rata basis. Sick leave may be accumulated without limit, and unused sick leave may be carried over from one calendar year to another.

### IV. USE OF SICK LEAVE

Earned sick leave must be granted if an employee is absent for any of the following reasons:

- A. Illness, injury, or disability of the employee
- B. An emergency medical appointment or a pre-scheduled and approved medical appointment for the employee with a practitioner or provider listed in Section V.A. of this policy, which cannot be scheduled during non-work hours
- C. Illness or injury of or pre-scheduled and approved medical appointment for members of the employee's immediate family with a practitioner or provider listed in Section V.A. of this policy, which cannot be scheduled during non-work hours.
  - 1. Immediate family, as used in this section, includes the following: employee's spouse, child, step-child, grandchild, mother, father, mother-in-law, father-in-law, brother, sister, grandparent, brother-in-law, sister-in-law, other relative who is a permanent resident of the employee's household, or legal dependent regardless of residence. Supervisors may require an employee to provide certification by a medical provider listed in Section V.A. of this policy to demonstrate this obligation or to authenticate the need for the employee to care for the ill family member
  - 2. A maximum of 15 days of the employee's earned sick leave may be used per calendar year for medical care of an immediate family member
  - 3. Advanced and extended sick leave cannot be used for the medical care of an immediate family member
- D. Death of a relative

1. For the death of a close relative, the Department Head or designee (normally the immediate supervisor) may grant the use of accrued leave. Refer to specific agreements for the amount of sick leave available to use.
2. Close relative as used in this Section means a spouse, child, step-child, foster child, mother, father (or someone who took the place of a parent), mother-in-law, father-in-law, grandparent of the employee or spouse, grandchild, son-in-law, daughter-in-law, brother, sister, brother-in-law, sister-in-law, or other relative who permanently resided in the employee's household
3. A maximum of one day may be charged to earned sick leave for reasons related to the death of the employee's or his/her spouse's aunt, uncle, niece, or nephew

E. Pregnancy-related disabilities and childbirth

1. Upon written request, a female employee may use earned sick leave for any period of time related to temporary disability during pregnancy or related to childbirth and her immediate physical recovery after the birth
2. The employee must keep her supervisor informed of any changes to her condition which affect the length of time she will need to be absent from work by submitting written documentation personally signed by the appropriate practitioner or provider listed in Section V.A. of this policy

F. Care of a child immediately after birth or placement of a child with the employee for adoption

1. A maximum of 30 days of earned sick leave may be used by an employee to care for a child immediately following the birth of the child
2. A maximum of 30 days of earned sick leave may be used to care for the employee's child immediately following the placement of the child with the employee for adoption
3. If both parents are FSU or USM employees, sick leave is available to only one parent for this purpose
4. The employee must provide to the supervisor satisfactory documentation of the birth of the child or an agreement of placement for adoption

**V. VERIFICATION OF ABSENCES CHARGED TO SICK LEAVE**

- A. In order to ensure that sick leave is used in accordance with the provisions of this policy, a supervisor may require an employee to submit written documentation of an illness, injury, or disability. If the supervisor determines that written documentation will be required, the supervisor must notify the employee in writing in advance of the requirement. The

documentation must be signed personally by an accredited Christian Science practitioner or by any of the following licensed or certified medical providers:

1. Physician
2. Physical therapist
3. Clinical psychologist
4. Dentist
5. Oral surgeon
6. Chiropractor
7. Podiatrist
8. Certified nurse practitioner
9. Certified nurse-midwife
10. Licensed certified social worker-clinical
11. Optometrist

B. The verification documentation must include but is not limited to:

1. The duration of absence from work
2. A prognosis of the employee's ability to return to work
3. Title and original signature of the medical provider
4. Any other information necessary to verify that the employee's use of sick leave is in accordance with this policy

C. Illness or injury of or medical appointment for members of the employee's family

The employee must submit written documentation of the need for the employee to be absent because of the illness or injury of or a medical appointment for a member of the employee's immediate family as defined in Section IV.C. 1. of this policy. The verification documentation must include the dates of the employee's absence and must be signed personally by a practitioner or provider listed in Section V.A. of this policy.

## **VI. EXCESSIVE USE AND/OR ABUSE OF SICK LEAVE**

- A. Upon the request of an employee's supervisor or department head, the Chief Human Resource Officer or designee may require an employee who uses excessive amounts of sick leave to undergo a medical examination and evaluation. The purpose of the examination and evaluation is to provide a basis for determining whether the employee is able to regularly and routinely perform the duties and handle the responsibilities of his/her position.
- B. If the determination is to refer the employee to a physician, the Chief Human Resource Officer or designee will direct the employee to visit a physician selected by FSU. The examination will be paid for by FSU. The employee may also visit the employee's personal physician at the employee's expense.
- C. If the medical examination reveals that the employee is unable to regularly and routinely perform the duties and handle the responsibilities of his/her position, the Chief Human

Resource Officer or designee will take action in accordance with FSU policies on reasonable accommodation, modified duty, demotion, resignation, termination of employment, or, if applicable, disability retirement.

- D. If there is a conflict between the evaluation, diagnosis, prognosis, or recommendation of the employee's personal physician and the physician selected by FSU, the Chief Human Resource Officer or designee will require further medical examinations and evaluations of the employee in order to make a determination concerning the appropriate action to be taken regarding the employee's employment status at FSU. FSU will pay the costs of those further examinations and evaluations ordered by the Chief Human Resource Officer or designee.
- E. When considering whether to require a medical certificate in regard to excessive absenteeism, a supervisor should base his/her action on documentation of at least two of the following indicators:
  1. The employee has provided medical certification for past absences but the certification has not provided accurate information as required in item V. B. of this policy
  2. There is a pattern to the employee's absences (i.e. consistent absences on a particular day of the week, the day before or after a scheduled holiday, or on days when projects or assignments are due)
  3. Based upon observations or other relevant evidence there is reason to believe that the employee is not sick
  4. The employee uses more sick leave than is needed for a medical appointment (verified and documented)
  5. The employee's absences are having a negative impact on his/her ability to accomplish work tasks (i.e. assignments are not completed)
- F. Abuse of sick leave which amounts to unauthorized absence (employee claims sickness and the supervisor has evidence that he/she was not sick; employee uses more time than necessary and verified for a medical appointment for him/herself or a family member; employee's absence is not verified by medical certification after certification has been requested), may result in progressive disciplinary action.
- G. Excessive use of sick leave can be defined as a consistent pattern of unscheduled absences which have a negative impact on the employee's ability to accomplish the duties and requirements of his/her position.

## **VII. FITNESS FOR DUTY**

- A. If an employee's supervisor or department head is of the opinion that the employee is unable to regularly and routinely perform the duties and handle the responsibilities of his/her position, the supervisor or department head may notify the Chief Human Resource Officer or designee, in writing, of the circumstances surrounding the matter and request a medical examination and evaluation of the employee to determine fitness for duty. The supervisor or department head must provide the Chief Human Resource Officer or

designee with supporting documentation and a job description. The supervisor or department head will inform the employee, in writing, that this action is being taken.

- B. The Chief Human Resource Officer or designee will determine whether to refer the employee to a physician for a medical examination and evaluation. If the determination is to refer the employee to a physician, the Chief Human Resource Officer or designee will direct the employee to visit a physician selected by FSU. The examination will be paid for by FSU. The employee may also visit the employee's personal physician at the employee's expense.
- C. If the medical examination reveals that the employee is unable to regularly and routinely perform the duties and handle the responsibilities of the employee's position, the Chief Human Resource Officer or designee will place the employee on sick leave or will take action in accordance with FSU policies on reasonable accommodation, modified duty, demotion, resignation, termination of employment, or, if applicable, disability retirement. If there is a conflict between the evaluation, diagnosis, prognosis, or recommendation of the employee's personal physician and the physician selected by FSU, the Chief Human Resource Officer or designee will require further medical examinations and evaluations of the employee in order to make a determination concerning the appropriate action to be taken regarding the employee's employment status at FSU. FSU will pay the costs of those further examinations and evaluations ordered by the Chief Human Resource Officer or designee.
- D. When considering whether to require a medical certificate in regard to fitness for duty, a supervisor should base his/her action on documentation of at least one of the following indicators:
  - 1. The employee appears unfit for duty (demonstrates some limitation of his/her ability to perform some or all of the job tasks due to illness, injury, or other disability).
  - 2. The employee appears unfit for duty (demonstrates some limitation of his/her ability to perform some or all of the job tasks due to illness, injury, or other disability).
  - 3. The employee complains of a medical condition(s) and indicates that he/she has not sought medical attention.
  - 4. The employee indicates that he/she cannot perform job tasks due to a medical condition.
  - 5. The employee appears unfit for duty (demonstrates some limitation of his/her ability to perform some or all of the job tasks due to illness, injury, or other disability).
  - 6. The employee complains of a medical condition(s) and indicates that he/she has not sought medical attention; and/or
  - 7. The employee indicates that he/she cannot perform job tasks due to a medical condition.

## **VIII. ADVANCED SICK LEAVE**

- A. An employee who sustains a temporary, recoverable illness, injury, or disability may be eligible to borrow up to 60 days of sick leave in any one calendar year. This advanced sick leave may be granted by the Chief Human Resource Officer or designee at the rate of 15

days for each year of the employee's completed USM/State service. The employee must have completed at least six months of continuous USM service and, if applicable, completed an original probation period. In addition, the employee must have a satisfactory record of work performance and sick leave usage and must have exhausted all available paid leave.

- B. Advanced sick leave is not an entitlement. Each case shall be judged on an individual basis and granting of advanced sick leave shall be at the discretion of the Chief Human Resource Officer or designee.
- C. The employee or someone on the employee's behalf must submit to the Chief Human Resource Officer or designee a written request for advanced sick leave as far in advance of the first requested day of leave as possible. If there is an emergency situation, the request must be made as soon as possible. The request must include written documentation personally signed by the appropriate practitioner or provider listed in Section V.A. of this policy. The Chief Human Resource Officer or designee will notify the employee's supervisor or department head of the employee's request. The Chief Human Resource Officer or designee will approve or deny the request. Advanced sick leave will be granted in increments of at least one day.
- D. An employee who is on advanced sick leave continues to earn sick leave and annual leave, which are applied to the employee's absence as they are earned. Personal leave and holiday leave is credited while the employee is on advanced sick leave and is applied to the employee's absence as they are credited. If a holiday occurs during a period of advanced sick leave, the day is considered a holiday and not an advanced sick leave day. Worksite closures because of weather or emergency conditions do not reduce advanced sick leave usage.
- E. The Chief Human Resource Officer or designee will not approve a request for advanced sick leave if the illness, injury, or disability occurred on the job and the employee has been granted accident leave or temporary total disability benefits by the Workers' Compensation Commission.
- F. The Chief Human Resource Officer or designee will not approve a request to use advanced sick leave for illness or death in an employee's family.
- G. The Chief Human Resource Officer or designee may require an employee who is on advanced sick leave to undergo periodic examinations conducted by a physician selected by FSU in order to determine the nature and extent of the illness, injury, or disability and the length of time necessary for recovery and an estimated date of return to work. If there is a conflict between the employee's personal physician and the physician selected by FSU, the Chief Human Resource Officer or designee will choose which report to use as a basis for action. FSU will pay the costs of examinations ordered by the Chief Human Resource Officer or designee. The decision of the Chief Human Resource Officer or designee concerning the appropriate action to be taken will be the final decision on the issue.

- H. Advanced sick leave is a debt that must be paid back to FSU/USM upon the employee's return to work or upon the employee's separation from employment, whichever occurs first. Upon returning to work, the minimum rate of repayment is one-half of the rates at which the employee earns sick leave and annual leave. The employee may also elect to repay the FSU/USM by applying any earned leave to the debt or by reimbursing the FSU/USM with cash.
- I. The Chief Human Resource Officer or designee will not approve additional requests for advanced sick leave until all previously approved advanced sick leave has been repaid. The only exceptions are cases in which the maximum amount of advanced sick leave had not been requested originally and additional advanced sick leave, consecutive to that already granted, is needed to cover the employee's continued absence arising from the original illness, injury, or disability.

## **IX. EXTENDED SICK LEAVE**

- A. An employee who sustains a temporary, recoverable, illness, injury, or serious disability and has completed at least five years of USM and/or State service may request extended sick leave, which may be granted by the Chief Human Resource Officer or designee. The cumulative total of extended sick leave that may be approved throughout an employee's entire USM/State service is 12 work months (52 workweeks). The employee must have a satisfactory record of work performance and sick leave usage and must have exhausted all available paid leave, including advanced sick leave.
- B. Extended sick leave is not an entitlement. Each case shall be judged on an individual basis and granting of said leave shall be at the discretion of the Chief Human Resource Officer or designee.
- C. The employee or someone on the employee's behalf must submit to the v or designee a written request for extended sick leave as far in advance of the first requested day of leave as possible. If there is an emergency situation, the request must be made as soon as possible. The request must include written documentation personally signed by the appropriate practitioner or provider listed in Section V.A. of this policy. The Chief Human Resource Officer or designee will notify the employee's supervisor or department head of the employee's request. The Chief Human Resource Officer or designee will approve or deny the request. Extended sick leave will be granted in increments of at least one day.
- D. An employee who is on extended sick leave continues to earn sick leave and annual leave, which are applied to the employee's absence as they are earned. Personal leave and holiday leave is credited while the employee is on extended sick leave and is applied to the employee's absence as they are credited. If a holiday occurs during a period of extended sick leave, the day is considered a holiday and not an extended sick leave day. Worksite closures because of weather or emergency conditions do not reduce extended sick leave usage.
- E. The Chief Human Resource Officer or designee will not approve a request to use extended sick leave for illness or death in an employee's family.

- F. The Chief Human Resource Officer or designee may require an employee who is on extended sick leave to undergo periodic examinations conducted by a physician selected by FSU in order to determine the nature and extent of the illness, injury, or disability and the length of time necessary for recovery and an estimated date of return to work. If there is a conflict between the employee's personal physician and the physician selected by FSU, the Chief Human Resource Officer or designee will choose which report to use as a basis for action. FSU will pay the costs of examinations ordered by the Chief Human Resource Officer or designee. The decision of the Chief Human Resource Officer or designee concerning the appropriate action to be taken will be the final decision on the issue.
- G. Extended sick leave is leave with pay that does not have to be paid back to FSU/USM.

## **X. ADMINISTRATION OF THE POLICY**

The Office of Human Resources (OHR) is designated as administrator of the policy. All questions regarding the policy should be referred to that office.

Agreements negotiated by Memorandum of Understanding (MOU) or recognized bargaining units will supersede, if so specifically written, portions of this procedure.

## **XI. OTHER RELATED POLICIES**

For other related policies and provisions, please refer to the following Board of Regents policies:

1. Policy on Leave Reserve Fund (Policy VII-7.11)
2. Policy on Leave of Absence Without Pay (Policy VII-7.12)
3. Policy on Accident Leave (Policy VII-7.40)
4. Policy on Family and Medical Leave (Policy VII-7.50)
5. Policy on Parental Leave (Policy VII-7.49)

### **Reference(s):**

[USM Policy VII – 7.45 USM Policy on Sick Leave](#)

*FSU Employee Handbook*