

Title: Sick Leave
Policy Number: 603
Effective Date: July 1, 2009
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Authorized by: Board of Supervisors

Policy:

It is the policy of Pottawattamie County to permit employees to be absent from work due to personal illness and injury; medical or dental appointments; or to care for certain identified immediate family members as defined below. Pottawattamie County provides a bona fide sick leave plan as an insurance policy for full-time employees. Part-time, temporary, and variable hour employees are not eligible to receive sick leave benefits. To help full-time employees, maintain their income during certain authorized sick leave absences, the County will provide compensation according to the guidelines below.

Comments:

- (1) Full-time employees shall earn sick leave at the rate of one and one-half (1 1/2) working days or twelve (12) hours for each month of service, six (6) hours of sick leave per pay period and shall be allowed to accumulate unused sick leave to a maximum of one hundred twenty (120) working days or nine hundred and sixty (960) hours. On months that have 3 pay periods you will receive six (6) hours on the first two pay periods and no sick time on the third pay period.
- (2) Sick leave may be used for personal illness and injury, including examination or treatment for medical, surgical, dental, or optical problems. Sick leave **will not** be granted if an employee is injured while gainfully employed by a different employer and/or self employed.
- (3) An employee may utilize up to forty (40) hours of earned sick leave per fiscal year for the care and necessary attention to ill or injured members of the employee's immediate family.

Immediate Family Serious Illness/Injury:

The employee may utilize up to two-hundred-forty (240) hours of their sick leave to care for an immediate family member due to a "serious health condition". When granting additional sick leave, the County shall adhere to the definition of a "serious health condition" as outlined in the Family & Medical Leave Act of 1993. To qualify for additional sick leave, the employee must have a FMLA request on file accompanied by a physician's certification. This leave shall run concurrent with the employee's FMLA year.

Immediate family member is defined as spouse, child, or parent or as

otherwise authorized by the Board of Supervisor's on a case by case basis.

Of the 240 hours, 40 can be used for parental leave. See below, (6).

- (4) Sick leave may be taken in fifteen (15) minute increments or less if approved by the Department Head.
- (5) Paid sick leave may be used for maternity leave for up to eight (8) weeks as is medically necessary as certified by a medical physician. Any additional maternity leave time will either be vacation time or unpaid.

Paid sick leave may be used for parental/paternity leave (the parent who is not giving birth) for up to 40 continuous hours within the first 90 days following the birth. Parental leave is intended for custodial parents. These 40 hours will be deducted from the 240 hours allotted for immediately family serious illness/injury, reference (3) above.

Paid sick leave may be used for the adoption of a child five (5) years and younger for up to two (2) weeks. Sick leave may be used for the adoption of a child over the age of five (5) as determined by the Board of Supervisors on a case-by-case basis.

- (6) If an officially designated holiday falls within a period of paid sick leave, that day shall not be counted against paid sick leave.
- (7) Except in cases of serious confining illnesses which are certified by a physician, sick leave will not be paid on the working day immediately preceding or following a holiday, unless the department head is confident such sick leave is not being abused.
- (8) Sick leave shall not be used as personal or vacation leave. Employees may be subject to disciplinary action for abusing or violating this policy.
- (9) Sick leave shall not be taken or granted before it is accrued.
- (10) Sick leave shall not accrue during a leave of absence without pay, an unpaid suspension, or a lay-off.
- (11) A full-time employee who transfers from one County department to another shall maintain their current sick leave balance.
- (12) If eligible, employees may supplement worker's compensation benefits with sick leave to receive net pay.

(13) An employee who has accumulated 120 days of sick leave may convert twenty-five percent (25%) of their next accumulated sick leave in excess of one-hundred twenty (120) days to vacation leave.

(14) Upon retirement under IPERS, employees shall be eligible for cash reimbursement of unused accumulated sick leave in the following increments:

0 – 599 hours accrued	0% conversion of accrued sick leave balance
600 – 750 hours accrued	25% conversion of accrued sick leave balance
751 – 900 hours accrued	35% conversion of accrued sick leave balance
900 – 960 hours accrued	50% conversion of accrued sick leave balance

Sick leave shall be reimbursed based upon the employee's regular rate of pay at the time of retirement.

In the event of death of a full-time employee (regardless of IPERS eligibility status), the employee's beneficiary or estate shall be reimbursed for the employee's unused accumulated sick leave in accordance with the schedule outlined above.

(15) Employees are prohibited from utilizing paid sick leave from Pottawattamie County to work for a secondary employer or if they are fatigued as a direct result of working for a secondary employer. Fraudulent use of sick leave to related work for a secondary employer is prohibited and will result in disciplinary action up to and including termination.

(16) When an employee is unable to perform assigned job duties due to illness, or non-work-related injury, they shall take the following steps to ensure the proper administration of sick leave.

(a) To be eligible for sick leave payment, an employee shall notify their supervisor as soon as possible, but in any event, not later than the starting time of the employee's workday, unless the personal illness or injury occurs while at work.

(b) The supervisor should not approve sick leave immediately. The supervisor initially acknowledges the call. Approval or denial will be administered, when the employee records are verified that leave is available, and the employee is eligible.

If an employee has exhausted their sick leave, the employee will not be compensated unless approval to utilize other available paid leave is received from the Department Head or designee in writing.

- (c) If the employee will not be at home, then they shall give their supervisor a phone number where that employee can be reached, should the need arise. The Department Head has the right to request documentation, investigate validate all sick leave requests.
- (17) The Employer reserves the right to require a physician's certification for any absence due to sickness if abuse is suspected. The Employer shall so notify the employee by 10:00 A.M. on the day for which sick leave is taken by telephoning said employee at their residence. The cost of obtaining a physician's certification, if such certification is required by the Employer pursuant to this section, shall be borne by the Employer.
- (18) If an employee is absent for three (3) consecutive workdays due to illness, the employee is required to provide the employer with a physician's certification in order to return to work. The cost of obtaining this certification shall be borne by the Employee.
- (19) After the employee has used sick leave on six (6) separate occasions during the fiscal year without a physician's certificate, the Employer may require a physician's certification for any future sick leave during the fiscal year and the expense of this certification shall be borne by the employee. For the purpose of this section, FMLA absences are not included in the calculation of the six (6) separate occasions.
- (20) The Department Head may require a second opinion from a medical physician in order to verify an illness or injury. The Department Head may at their discretion, request that the employee visit a physician selected by the County. If the Department Head selects the County physician, the office visit charge will be paid by the employer. The employer will notify the employee in writing of the scheduled appointment.

If the employee refuses to adhere to the County's request or refuses to sign appropriate medical release forms, the employee's sick leave shall be denied.
- (21) No employee shall make false reports of illness or injury or otherwise deceive or attempt to deceive any supervisor or Department Head as to the condition of the employee's health. Employees who abuse or falsify the reason for an absence will be subject to disciplinary action up to and including termination and compensation for the absence will be stopped immediately.

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(22) Sick Leave Abuse:

Employees may be disciplined for sick leave abuse, or misuse. Sick Leave Abuse means the utilization of sick leave for unauthorized purposes or the misrepresentation of the actual reasons for charging an absence to sick leave including use for personal reasons or in lieu of vacation. This may also include a chronic or patterned use of sick leave. Indications of sick leave abuse may include but are not limited to the following:

- a) Patterned use of sick days or unpaid leave the day before, or the day after, regularly scheduled days off.
- b) Patterned use of sick leave or unpaid leave the day before, or the day after, a holiday.
- c) Patterned illness on Holidays for which the employee is scheduled to work.
- d) Patterned use of sick leave on days that have been submitted for time off and have previously been denied.
- e) Patterned use of sick leave or unpaid leave on the same day of the week, or month.
- f) Patterned use of sick leave or unpaid leave on, or the day after, payday.
- g) Patterned use of calling in sick after being notified that sick leave, including family sick leave has been exhausted.
- h) Patterned use of calling in sick after sick leave has been accrued (earn a day, take a day).

Patterned use shall be considered any three (3) or more occurrences of any one of the above or determined events in a rolling calendar year.

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