	City of Albany Human Resources Policy Policy #: HR-BC-14-010 Title: Sick Leave	**Benefits & Compensation**

Purpose

The City of Albany provides employees paid time off from work to address absences related to their own or immediate family's medical needs.

Policy

Eligible Employees:

All regular employees are eligible to accrue sick leave. Provisions of collective bargaining agreements prevail for bargaining unit employees.

Temporary employees on the City payroll are entitled to accrue sick leave as noted below. If any provisions of this Policy, pertaining to temporary employees, conflict with the provisions of OAR 839-007-0000, provisions of the OAR will prevail.

Temporary services workers contracted through a temporary agency are not entitled to accrue City sick leave.

Sick Leave Accrual Rates:

1. Sick leave shall accrue from the first day of employment.
2. Regular employees shall accrue new sick leave at the following rate:

Status	Monthly Accrual	Maximum Accrual
Regular, Full-time	8 hours	Old Leave Bank- 1900 New Leave Bank- 1000
Regular, Full-time (12-hour Police Lieutenant)	8.5 hours	Old Leave Bank- 1900 New Leave Bank- 1000
Regular, Full-time (56-hour Battalion Chief)	12 hours	Old Leave Bank- 1900 New Leave Bank- 1188
Regular, Part-time	Pro-rated (Regularly scheduled FTE x 8) Example: 20 hours/week= .50 x 8 = 4 hours/month 32 hours/week = .80 x 8 = 6.5 hours/month (rounded to ¼ hour)	Old Leave Bank- 1900 New Leave Bank- 1000
Temporary Workers on City Payroll	1 hour for every 30 hours worked up to a maximum accrual of 40 hours per year	Employees may carry over up to 40 hours to the following year; not to exceed a maximum accrual of 80 hours.

Sick Leave Use:

1. Sick leave is subject to management approval, and may not be used until the first day of the month after it is earned.
2. Temporary employees shall serve a 90-day waiting period before being eligible to use sick leave. After serving the waiting period, temporary employees may use sick leave as it is earned.
3. An employee must notify the City before normal reporting time on the first day of absence due to illness or injury. Failure to do so is grounds for disciplinary action and possible loss of eligibility for sick pay.
4. When the need for sick leave is foreseeable in advance, the employee should notify his/her supervisor at the time the need becomes known.
5. An employee may utilize sick leave for a doctor or dental appointment. Employees may use accrued sick leave for the purpose of caring for an ill or injured immediate family member. An employee will be required to follow all of the stated rules for Family Medical Leave authorization.
6. An employee returning to work after an absence requiring sick leave may be required to provide a certification from his or her health care provider that the employee is able to perform the essential functions of the job with or without accommodation.
7. Sick-OLD represents sick leave accrued prior to January 1, 1995. An employee may elect to use either Sick-OLD or new sick leave for a qualifying event at his/her discretion.

Sick Leave Verification:

1. Before granting sick leave with pay in excess of three consecutive working days, the department Director must contact Human Resources to determine if the illness/injury is eligible for Family Medical Leave.
2. A department director or her/his designee suspecting sick leave abuse should consult with Human Resources to discuss appropriate action.

Prohibited Use of Sick Leave:

1. The use of sick leave is prohibited when an employee is unable to perform work because of the use of any alcohol or illegal drug not prescribed by a licensed physician. However, sick leave with pay is authorized for absence from work resulting from documented illness or treatment resulting from the misuse of alcohol or drugs.
2. Sick leave is allowed only when an employee is unable to work because of illness or injuries and not for disabilities resulting from outside employment. Willful violation of sick leave use is recognized as grounds for discipline.

3. An employee on approved sick leave may not be engaged in work for another employer; perform work as a contractor or be self-employed; or be engaged in volunteer work; without the express written approval of the Human Resources Director.

Sick Leave Donations:

1. Regular-status employees may donate any part of their accrued sick leave up to the approved limit to any other employee who has exhausted their own leave accruals, and has a bona fide need for such a donation if agreed upon by the City. Each request will be examined on a case-by-case basis as to the allowance and amount. The City will not deny such donation in an arbitrary or capricious manner. Any amount of sick leave donated will be deducted from the sick leave of the employee making the donation. For confidentiality reasons, a breakdown of who donated hours will not be made available.

   a) Union employees may only donate hours to employees in their same union affiliation.

   b) Nonbargaining employees may donate hours to any regular City of Albany employee.

   c) Departing employees may not donate their unused sick leave to another City employee.

   d) Temporary employees may not donate leave or receive donated leave.

   Donation Procedure

   a) An affiliated representative (Union representative or Nonbargaining supervisor) of an employee in need of sick leave donations should present a bona fide need to the Human Resources Director or designee for approval.

   b) Once approved, the representative handles the creation and distribution of donation forms to the appropriate recipients.

   c) The Human Resources Director or designee notifies Payroll of the number of approved donated sick hours that the donee may require.

   d) Payroll:
      - Dates all donation forms. The first forms received and dated will be the first posted in the donees' sick account.
      - Deducts all donated hours from the donor's time sheet and posts on the donees' time sheet the donated hours up to the approved amount, but not to exceed hours needed for the current time sheet period. Excess hours received will be posted on the next time sheet.
      - Returns to the donor the donation form if donations exceed the approved limit and a need of more donations is not expected. When returning forms, last forms received will be returned first. Prior to being returned, Payroll will check with the Human Resources Director or designee regarding approval of

additional hours. Payroll may hold unused donations up to 3 months before returning donation forms to the donor.

e) If the donee returns to work before using all of the donated hours, the unused hours will be returned to the donor according to the date the forms were received by Payroll. If the donee wishes to keep the unused donated hours, authorization is needed by the Human Resources Director.

Termination of Employment or Layoff/Leave without Pay:

1. Accrued but unused sick leave is not compensated upon termination.
2. An employee who is reemployed following a layoff or a leave without pay will have their previous accrued sick leave balance reinstated to their sick leave account. The employee does not accrue sick leave during a layoff or unpaid leave.

Sick Leave Retirement Benefit (This section does not apply to temporary or bargaining unit employees):

1. Upon retirement, the City will convert one-quarter (25 percent) of the employee's combined Old and New sick leave balances or one-half (50 percent) of the employee's New sick leave balance, with an 850-hour maximum, whichever is of greater benefit to the employee, to a dollar amount based on the employee's hourly rate. This dollar value will be deposited into the employee's established VEBA Trust for acceptable uses by the employee as stipulated by the IRS and VEBA Trust regulations. (No other payment options are available for this retirement benefit.)

   Sick leave credit hours will not reduce the number of hours that the City reports to PERS as unused sick hours upon retirement.

   Prospective retirees will need to contact PERS for information on the PERS Retiree Insurance Program.

   This sick leave retirement benefit is subject to termination upon ninety (90) days' notice by the City Council. Any employee who retires prior to the 90-day notice shall be eligible for this benefit.

NOTE: See HR-BC-09-005 General Benefits Policy for additional VEBA benefit information.

Reporting to PERS Upon Retirement (This section does not apply to temporary employees):
At retirement, unused Sick-OLD and Sick-New leave banks will be reported to PERS and an employee's benefits will be adjusted and calculated according to PERS regulations.

Death of Employee Benefit (This section does not apply to temporary employees):

The accumulated sick leave balance of the greater of either SICK-NEW or SICK-OLD of an employee who dies while in the employment of the City will be paid to the employee's family or estate in accordance with ORS 652.190. In no case will the death benefit be a combination of the sick leave balances for both SICK-NEW and SICK-OLD.

Definitions

Donor- Employee who is donating their sick leave hours.

Donee- Employee who is receiving the donated hours.

Designee- Person who is acting in place of the HR Director

References

Refer to specific Collective Bargaining Agreements.

HR-BC-09-005 General Benefits

ORS 243.303- Local government authority to make health care insurance coverage available to retired officers and employees, spouses, and children.

Immediate Family Member- Human Resources Policy, Bereavement Leave.

Form- Sick Leave Donation Form

Review and Authorization

Supercedes: HR-BC-14-009 01/01/2016	Created/Amended by/date: DJ; 09/15/2016	Effective Date: 01/01/2017
HR Director:	City Manager:	

1. Form or worksheet revision related to this document? No ☐ Yes ☒

   If yes, attach a copy of the revised form or worksheet.

2. Training required? No ☒ Yes ☐