

**CITY OF STOCKTON, CALIFORNIA
CITY MANAGER ADMINISTRATIVE DIRECTIVE**

Subject: SICK LEAVE POLICY	Directive No: HR-20	Page No. 1 of 5
	Effective Date: 9/20/04	Revised from: 12/15/82 04/01/84

I. PURPOSE

- A. To establish a uniform policy and procedure concerning sick leave usage consistent with Memoranda of Understanding, Stockton City Charter, Civil Services Rules and Regulations, Federal Family Medical Leave Act, California Family Leave Act, and other applicable laws or regulations.
- B. To encourage health and wellness among employees while maintaining adequate staffing levels and to minimize non-productive sick leave time and operational interruption in the workplace.
- C. To assist managers and supervisors in monitoring, managing, identifying, and counseling potential problematic employees who are exhibiting attendance problems.

II. ADMINISTRATIVE INTENT

- A. It is the administrative intent to allow employees to use their sick leave benefit to meet their health and family health care needs to the extent provided by negotiated Memoranda of Understanding, and other applicable laws or regulations. In no event is this policy application to be construed to lessen the employees' negotiated sick leave benefit. The administrative intent is to encourage conservative use of sick leave and employee understanding of the hardship placed on their coworkers, the department, and customers that can result from excessive absence from work, while ensuring the availability of the sick leave benefit for bonafide reasons.
- B. It is the administrative intent that employees who exceed the City-wide standard of sick leave usage (refer to Policy III - B) shall be counseled by managers/supervisors, when, in the judgment of the manager/supervisor, there is an immediate need to address sick leave usage.
- C. It is the administrative intent to stress the critical importance of the judgment required of managers/supervisors as to when, and if, to counsel or initiate disciplinary action for excessive sick leave usage, such as numerous short-term, non-related illnesses.

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III. POLICY

- A. It is the policy of the City, consistent with Memoranda of Understanding, to provide sick leave to employees for illness or injury; medical, dental, or optical care; or exposure to contagious disease which incapacitates an employee from performing normal work duties, and for preventative health care services. This includes disabilities caused by or attributed to pregnancy, miscarriage, abortion, childbirth and recovery therefrom.

- B. It is the policy of the City that sick leave usage above the City-wide standard of 6-days in a calendar year does not meet attendance standards. The benchmark standard for sick leave usage was developed by utilizing the Citywide average and the national average of sick leave usage.

SHIFT	CITYWIDE STANDARD	
8-hour work shift	48 hours	6 days
10-hour work shift	60 hours	6 days
12-hour work shift	72 hours	6 days
24-hour work shift	72 hours	3 days

- C. It is the policy of the City that the departmental authority shall monitor the number of sick leave occurrences as well as the total number of sick leave hours used.

An occurrence is defined as any consecutive sequence of absence due to illness or injury regardless of duration for which sick leave is used. For example, if an employee misses two and one-half (2-1/2) days of work due to the flu, this is considered one (1) occurrence involving twenty (20) hours of sick leave usage.

- D. Family Sick Leave

It is the policy of the City, consistent with negotiated Memoranda of Understanding, to provide family sick leave to employees in the case of illness or injury in the immediate family for the time reasonably necessary, as determined by the department head, to make other health care arrangements. Such leave is restricted to immediate family members referenced in applicable Memoranda of Understanding.

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California Labor Code Section 233 requires employers to permit an employee, each calendar year, to use one-half of the employee's annual sick leave accrual to attend to an illness of his/her child, parent(s), spouse, or domestic partner.

Use of Family Sick Leave pursuant to California Labor Code Section 233, to attend to the illness of a child, parent, spouse, or domestic partner will not be used as the basis for discipline under the Sick Leave Policy.

- E. It is the policy of the City that there is no guarantee or right that a leave of absence without pay ("LWOP") will be granted upon the exhaustion of sick leave credits. Refer to applicable Memoranda of Understanding for further clarification and application of LWOP.
- F. It is the policy of the City that annual vacation leave is not intended to supplement the employee's sick leave benefit, and use of annual vacation for sick leave purposes shall remain the prerogative of the departmental authority.

IV. PROCEDURES

- A. In the event the employee wishes to use sick leave, the employee shall call the designated manager/supervisor as promptly as possible of the absence, or within 30-minutes of normal starting time unless otherwise designated by the department's call-in procedures.
- B. Absences for illness, injury or preventative health care services shall be charged against the employee's sick leave balance to the nearest fifteen (15) minutes.

Employees exempt from the Fair Labor Standards Act ("FLSA") are expected to work whatever time necessary to perform the duties of their assigned position. Partial days of sick leave may be taken by an employee for illness, injury, and preventative health care services, and illness/injury in the employee's immediate family without charge to the employee's sick leave balance. If the employee does not have a sick leave balance, the employee is not to be docked in salary for lack of a balance.

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- C. Scheduled doctor appointments should be pre-approved with employee's manager/supervisor to minimize operational interruption to the department.
- D. Supervisors/managers shall be responsible for monitoring the number of paid and unpaid sick leave hours and occurrences.
- E. When an employee exceeds the established sick leave usage standard the manager/supervisor may counsel the employee. Such counseling shall be conducted in accordance with the Administrative Intent of this Policy.

[Note: Family Sick Leave Usage in accordance with California Labor Code Section 233, as described in Section III D above, shall not be counted or used as a basis for discipline.]

The decision as to when to begin counseling and when to document by "memo of discussion," shall be at the discretion of the department. Some departments may desire the manager/supervisor have more thorough documentation as to why it was not necessary to counsel a particular employee given a specific set of facts or extenuating medical circumstances.

In addition, the frequency of counseling is at the discretion of the manager/supervisor. However, if an employee is beginning to use sick leave at a rate which will result in exceeding the City-wide standard, the manager/supervisor may counsel and provide the employee with objective expectations related to attendance and may document with a memo of discussion.

- F. If after counseling, sick leave usage continues at an unacceptable level or for unacceptable reasons, the manager/supervisor shall counsel the employee again and issue a "memo of correction," which indicates sick leave usage is exceeding the City-wide standard, without a bonafide reason or extenuating health problems, and that the employee and manager/supervisor have discussed the matter. This also should be referenced on the employee's next performance evaluation.
- G. The employee's manager/supervisor and departmental authority along with the Director of Human Resources shall be consulted regularly regarding employees' use of sick leave without bonafide health problems.

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- H. The manager/supervisor may issue a formal “letter of reprimand,” and place the employee on restricted sick leave upon the recommendation of the departmental authority and with concurrence of the Director of Human Resources. This would require a physician’s certificate of incapacity for any absences for illness or injury during a designated time frame. Further disciplinary measures may be taken if unacceptable sick leave usage continues without bonafide, extenuating health problems, up to and including discharge. (For general guidance, refer to City Manager Administrative Directive HR-08 “Disciplinary Policy.”)

APPROVED:

MARK LEWIS, ESQ.
CITY MANAGER