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# SICK LEAVE

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## I. POLICY

Sick leave with pay shall be granted to an employee for use when sick or for an illness in the employee's immediate family which requires the care of the employee.

## II. PURPOSE

Safe and healthy employees are valued by the Town. This policy creates paid leave for employees to maintain their own well-being as well as those around them. This policy also addresses abuse of sick leave.

## III. PROVISIONS

### A. Usage

Accrued sick leave may be used if an employee must be absent from work due to any of the following conditions: sickness, mental illness, bodily injury, temporary disability, quarantine, required physical or dental examinations or treatment, or exposure to a contagious disease when continued work might jeopardize the health of others. Accrued sick leave may also be used to care for an employee's immediate family member, as defined by this policy.

*Cross-Reference: Workers Compensation Policy*

- (1) **Accrued Leave:** Sick leave must be accrued before it can be used. Leave can only be accrued while in paid status.
- (2) **Probationary Employees:** An employee who requests sick leave during probation, must exhaust any accrued sick and compensatory time first, then may accrue a negative sick balance of no more than forty (40) hours. A negative accrual request must be submitted to the immediate supervisor. The request will be given to Human Resources, who will make a recommendation to the Town Manager for final approval. All subsequent sick leave accrued will reduce the negative balance. Subject to the requirements of the Fair Labor Standards Act, a negative balance remaining at the time of separation must be paid back in full to the

town at the employee's hourly rate at the time of separation or withheld from the final paycheck.

**B. Sick Leave Accrual**

Employees shall accrue sick leave based on employment classification.

<b>Employment Classification</b>	<b>Annual Hours Scheduled to Work</b>	<b>Annual Hours Accrued</b>	<b>Bi-Weekly Accrual Amount (hours)</b>
General Employee	2080	96	3.69
Law Enforcement Officer	2184	100.6	3.87
Fire Protection Personnel	2756	127.12	4.89

\*Employees working over 1,000 hours annually, but less than full-time status are prorated accordingly.

**Contract, Temporary or Seasonal Employee:** Do not earn sick leave. If appointed to a regular full-time or part-time position working over 1,000 hours annually the accrual date will begin the first day of service in such position.

**C. Sick Leave Maximum Accrual**

Sick leave shall be cumulative with no maximum accrual and may be converted upon retirement for service credit consistent with the provisions of the North Carolina Local Government Employees' Retirement System (LGERs).

**D. Excessive Absenteeism**

In the event that an employee is absent from work for a period of time which exceeds approved paid leave or an approved unpaid leave granted by the town, such absenteeism shall be grounds for disciplinary action up to and including termination. Other patterns of unapproved absenteeism may also be considered grounds for disciplinary action up to and including termination.

**E. Sick Leave Abuse**

Claiming or taking sick leave under false pretense to obtain time off with pay shall be considered sick leave abuse. Employees found to be abusing sick leave shall be subject to disciplinary action up to and including termination of employment.

**Examples of sick leave abuse may include, but are not limited to:**

1. An employee calls in sick on a day that had been previously denied as a vacation day.
2. An employee establishes a pattern of taking sick leave around a weekend, scheduled days off, or surrounding holidays.
3. An employee establishes a pattern of taking sick leave as soon as it is accrued.

**F. Three-Day Rule**

If an employee takes more than three consecutive days of sick time, the employee is required to report the status of his/her sickness to their immediate supervisor and Human Resources. Human Resources reserves the right to determine if the sickness falls under the provisions of Family Medical Leave Act (FMLA). If the sickness does fall under the provisions, Family Medical Leave policy will become effective.

**G. Medical Examination and Physician Certification:**

To ensure that sick leave privileges are used only for authorized purposes, employees may be asked to obtain medical certification. Employees who are absent for more than three (3) consecutive days may be required to provide medical certification of the illness to their supervisor upon returning to work.

**H. Effects of Termination Upon Sick Leave**

All sick leave accrued by an employee shall end and terminate without compensation when the employee retires, resigns or is terminated by the town.

**I. Reinstatement**

An employee in good standing who resigns or is terminated due to a reduction in force and rehired in the same or equivalent position with the town within twelve (12) months following the last day worked shall retain the unused sick leave previously accrued.

**J. Transfer of Sick Leave from Previous Employer**

The Town will accept the transfer of sick leave for employees from other employers which are participants in the North Carolina Local Government or State Employees Retirement System if the sick leave amount is certified by the most recent employer. There are no limits on the amount of earned, unused sick leave that can be transferred from the most recent employer. The transfer of leave must be made within 30 days of the date of hire. The sick leave is credited upon hire.

#### IV. DEFINITIONS

**A. Unexcused Absence:** A supervisor may consider an absence as unexcused if the employee fails to comply with this policy.

**B. Immediate Family:** For town policies other than FMLA, the term “immediate family members” shall include parents, step parents, parent-in-laws, grandparents, children, grandchildren, siblings (when employee is the sole care provider) and spouses. For the Town’s FMLA limitations, please refer the FMLA policy.

**C. Most Recent Employer:** A previous employer within the last 90 days that participates in the North Carolina Local Government or State Employees Retirement System.

**D. Pay Status, Full-Time Positions:** A full-time employee is considered to be in “pay status” if the employee’s work hours and/or use of paid leave for a pay period are equivalent to at least 50% of regular working week.

**E. Pay Status, Part-Time Positions:** A part-time employee is considered to be in “pay status” if the employee’s work hours and/or use of paid leave for a pay period is equivalent to at least 50% of the employee’s regular working week.

**F. Unpaid Status:** An employee is considered to be in unpaid status if the employee’s work hours and/or use of paid leave for a pay period are less than 50% of that employee’s regular working week.

#### V. ADDITIONAL CONTACTS

Human Resources

#### VI. SCOPE

As of October 23, 2017 this policy replaces and supersedes any previous policies, or unwritten policies or practices covering the same subject.

#### VII. AUTHORIZATION



Jamie Justice  
Town Manager