



PERSONNEL RULES AND REGULATIONS

RULE 12: <i>Types of Leave</i>	APPROVED: REVISED:
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Section 1: Introduction

The purpose of Sick Leave is to provide a benefit to those employees who are unable to attend work due to short-term illness or injury. It may also be used in conjunction with approved health care provider appointments, and for an approved long-term medical leave of absence to provide some measure of income protection for extended illness or disabilities.

For the purposes of this Regulation the following definitions are established:

Sick Leave is defined as absence for an approved appointment with a licensed health care provider and/or a bona fide illness or injury.

Immediate Family Member is defined as spouse*, children (biological, adopted, foster, legal ward, in loco parentis), parent, or spouse's parents. *Defined per Nebraska Revised Statutes § 42-101 through § 42-207.

This Regulation should be read in conjunction and coordinated with all applicable Policies, the PRR, and state and federal laws including, but not limited to, the Nebraska Workers' Compensation Act, the American with Disabilities Act (ADA), and the Family and Medical Leave Act (FMLA).

Section 2: Sick Leave Accruals

- A. Full-Time employees will accrue Sick Leave at a rate of 4.00 hours per pay period, or 104 hours per year.
- B. Part-Time employees will accrue Sick Leave at a rate of 4.00 hours for each 80 hours worked, not including overtime hours.
- C. Sick Leave shall not be accrued by temporary, seasonal, emergency, provisional, or casual employees.

Section 3: Provisions

- A. Sick Leave may be used in 15-minute intervals (0.25 increments).
- B. Employees will be entitled to utilize accrued Sick Leave for treatment of drug or alcohol addiction, injury, pregnancy, recovery from childbirth, or sickness which renders employees incapable of performing their job, for medical and dental care, or



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for exposure to contagious disease under circumstances in which the health of others would be endangered by their attendance at their worksite.

- C. Employees may utilize their accrued Sick Leave in order to keep medical or dental appointments. The amount of leave used should be consistent with the amount of time needed for travel and the amount of time needed with the health care provider.
- D. If eligible, employees may utilize their accrued Sick Leave to supplement worker's compensation payments in order to receive full pay.
- E. Employees may utilize their accrued Sick Leave for the illness of their immediate family members where their attendance is required.
- F. Employees may use 40 hours of accrued sick leave per fiscal year for immediate family members living outside their home.
- G. Employees must be in an active status, unless on a certified Family and Medical Leave of Absence (FMLA) in order to continue to accrue Sick Leave.
- H. When unable to report to work, employees must notify their Department Head as early as possible, except in an obvious emergency. During absence due to illness, employees must notify their Department Head daily of their progress and expected date of return unless on designated consecutive FMLA absence or designated scheduled intermittent FMLA.
- I. Sick Leave will be paid only for approved absences and for time when the employee would normally be scheduled for work. In no case shall employees receive pay for hours worked and Sick Leave for the same time period.
- J. Upon mutual agreement between the employee and the Department Head, the amount of Sick Leave used may be adjusted to meet the required hours of the regular scheduled workweek.
- K. Employees not on FMLA using Sick Leave for three (3) consecutive workdays must submit a healthcare provider's certificate in order to receive Sick Leave, unless waived by their Department Head. The cost, if any, of the certificate shall be paid by employees. For a lesser period of absence, the Department Head may require a certificate from a healthcare provider. The certificates shall be transmitted to the Human Resources Department for confidential safekeeping.
- L. Employees who have a surgical procedure, injury, or extended illness are required to present a *Fitness for Duty Form* to the Human Resources Department for processing prior to their return to work. In those instances where restrictions exist, the Department Head will determine whether restrictions can be accommodated.



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- M. Use of unscheduled sick leave for the workday preceding or following an observed holiday will require licensed health care provider documentation asserting the need for the absence. Failure to provide documentation may result in the denial of sick leave.
- N. Sick leave for workday(s) that had previously been denied as vacation leave will be approved only with health care provider documentation asserting the need for the absence. Failure to provide documentation may result in the denial of sick leave.
- O. Sick Leave may not be used for absences related to secondary employment.
- P. The County may require a second opinion from a medical provider in order to verify an illness or injury or in order to determine an employee's fitness for duty. The County may, at their discretion, request that the employee visit a physician selected by the County. If the County selects the physician, the office visit will be paid for by the employer.
- Q. Sick Leave may be denied when the County has facts showing employees are abusing their Sick Leave. Sick Leave shall not be used for any other purpose than outlined in this Regulation or may be subject to discipline. Refer to *Rule 6: General Terms and Conditions, Regulation 9: Attendance* for additional details.
- R. Once Sick Leave is exhausted, Vacation Leave will be used to continue compensation during a period of illness or injury, as applicable under this Regulation. If Sick Leave, Vacation Leave and any other paid leave have been exhausted, employees may be eligible for the Catastrophic Illness Leave Donation Program. Refer to *Rule 12: Types of Leave, Regulation 4: Catastrophic Illness Leave Donation Program* for additional details.

Section 4: Accumulation and Conversion

Non-Exempt Hourly Employees: Up to 960 hours of Sick Leave may be accumulated. Once the maximum is reached, no additional accrual will occur until the balance drops below the maximum. Upon reaching 800 hours, employees may convert up to 160 hours at a 2:1 ratio into Vacation Leave and/or compensation once per fiscal year. For example, 160 hours would convert into 80 hours of Vacation Leave or compensation.



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Exempt Employees: Up to 1,040 hours of Sick Leave may be accumulated. Once the maximum is reached, no additional accrual will occur until the balance drops below the maximum. Upon reaching 800 hours, employees may convert up to 240 hours at a 2:1 ratio into Vacation Leave and/or compensation once per fiscal year. For example, 240 hours would convert to 120 hours of Vacation Leave or compensation.

Section 5: Separation of Service

Employees with less than 10 years of service upon retirement, resignation, dismissal (except for cause), or death shall be paid one-fourth ($\frac{1}{4}$) of their accumulated Sick Leave.

Employees with ten (10) or more years of service, upon retirement, resignation, or dismissal (except for cause), or death shall be paid one-half ($\frac{1}{2}$) their accumulated Sick Leave.

Effective October 1, 2020, except for separations due to death, sick leave payouts permitted under this "Separation of Service" section shall be deposited into the employee's designated Health Reimbursement Arrangement ("HRA") Account.

Those tenured employees who have been laid off and request to be placed on a Recall List, per *Rule 2: County Employment, Regulation 2: Employment List, Section 10: Recall List* shall not be eligible for the payout of Sick Leave at the time of layoff. However, if not recalled within one (1) year, Sick Leave will be paid in accordance with this Regulation at the pay rate and years of service as of the effective date of the layoff.