

COUNCIL ACTION FORM

SUBJECT: **AMENDED SICK LEAVE POLICY RELATED TO COVID-19**

BACKGROUND:

On March 23, 2020, the City Council approved an amended leave policy for City staff which provided special leave for absences related to COVID-19. The amended policy allowed employees to use any form of accrued and unused paid leave to cover absences related to COVID-19 once the special leave was unavailable. This provision applied to employees and their immediate family members requiring care or supervision.

The federal provisions requiring special COVID-19 leave expired December 31, 2020. City Council approved three extensions of the City's policy for COVID leave, and the leave finally expired for City employees June 30, 2021. Therefore, under current policies, any employee with a COVID-related absence may use their sick leave for personal illness or the allotted family sick leave time for care of close family members. Family sick leave is capped at a specific number of hours per employee, per year.

COVID-19 quarantine and isolation protocols can result in employees being away for their own quarantine or to care for a family member in quarantine for a substantial number of days. Because these isolations for family members can easily exceed the number of days of available family sick leave, it is proposed that the City's sick leave policy be amended to provide coverage for any COVID-19-related absence for the employee or any close family member that requires care or supervision. Under this change, COVID-19-related absences would not impact Family Sick Leave amounts.

It is proposed that this policy be effective retroactively to July 1, 2021 and remain in effect until December 31, 2021.

ALTERNATIVES:

1. Amend the City's sick leave policy to allow the full use of accrued and unused sick leave for COVID-19-related absences for employees whose close family members who require care or supervision, effective July 1, 2021 until December 31, 2021.
2. Do not modify the City's family sick leave policy to address COVID-19 absences.

CITY MANAGER'S RECOMMENDED ACTION:

The City's workforce continues to experience COVID-related absences for the care of close family members, particularly children who are unable to be vaccinated. These absences often require quarantine periods longer than the City's Family Sick Leave policy provides. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as described above.

Sick Leave

Paid sick leave is intended to protect against loss of pay when needed for legitimate illness or injury, and is not guaranteed “time off.” All regular full-time employees accrue sick leave with pay at the rate of eight hours for each calendar month of service. Employees who are on paid leave will continue to accrue sick leave during the absence. Sick leave accrual is pro-rated for regular part-time employees. Employees who begin employment with the City on or prior to the 15th of the month or leave employment after the 15th of the month earn sick leave for that month. Sick leave may be accumulated from year to year with no maximum limit. Sick leave is granted in minimum units of one-half hour. Valid uses of sick leave include:

1. Actual personal illness, pregnancy, childbirth, or related medical conditions
2. Personal injury, either job or non-job-related. An employee receiving temporary disability payments under the workers' compensation laws may use accumulated sick leave in order to maintain a regular income
3. Examinations and consultations with physicians and other health care providers, including the City's Employee Assistance Program
4. Emergency Leave as provided for in this section
5. Effective July 1, 2021 until December 31, 2021: Any COVID-19 related absence for employees or their close family members who require care or supervision (Family Sick Leave provisions do not apply for COVID-19 related absences).

To be eligible for paid sick leave, employees must notify the department head or designee prior to the scheduled work time or in accordance with departmental policies. All sick leave must be approved in accordance with procedures established by the department head. Certain medical conditions may be covered by the Family and Medical Leave Act (FMLA), which provides leave rights to employees under qualifying circumstances. Refer to the City's **FMLA Policy** for information regarding these rights.

Because sick leave is conditional upon the qualifying circumstances listed above, employees may be required to present proof of eligibility in the form of a doctor's note or other documentation for absences longer than three days.

Certain patterns of sick leave use may be indicative of abuse. Such patterns include but are not limited to frequent absences of short duration, failure to maintain a sick leave accrual balance, and absences before or after a holiday or weekend. If management determines that an employee's sick leave usage fits such a pattern, the employee will be asked to explain the reasons for the absences, and may be required to present proof of eligibility in the form of a doctor's note and/or submit a written plan, including a time frame, to improve attendance. If attendance does not improve as agreed, or if the employee refuses to cooperate, discipline may be imposed.

Payment for Unused Sick Leave Upon Retirement

Employees are entitled to payment for unused sick leave in the event of regular or disability retirement provided for under one of the City's established retirement plans, provided they give at least two weeks' notice of intent to retire. In the event of the death of an employee prior to regular retirement, the employee's beneficiary is entitled to payment for unused sick leave. In either situation, sick leave payout will be calculated as follows:

Status	25% of employee's last hourly rate of pay for all hours in excess of:
Full-Time	720
³ / ₄ Time	540
¹ / ₂ Time	360

Employees whose status has changed during employment with the City will have sick leave hours computed on a percentage basis (e.g., 12 years of full-time employment and 8 years of half-time employment: 720 hours x 60% = 432 and 360 hours x 40% = 144, for a total of 565 hours to be deducted from the total unused sick leave before paying the balance at 25% rate).

Family Sick Leave

Regular full-time employees may use up to 40 hours of accrued sick leave per fiscal year for occasions which require the employee to care for a close family member (as that term is defined in the Glossary) who is incapacitated due to illness or injury, or who has examinations and consultations with physicians and other licensed health care providers. Family sick leave is pro-rated for regular part-time employees. Family sick leave is subject to the same eligibility qualifications, documentation, and other terms and conditions as employee sick leave.

Effective July 1, 2021 until December 31, 2021: All COVID-19 related absences for employees or their close family members requiring care or supervision will not impact Family Sick Leave provisions.