

A. Eligibility to Use Sick Leave

Regular full-time and regular part-time employees accrue sick leave and are eligible to use this benefit in accordance with this Policy, except where an applicable bargaining agreement provides otherwise. Supervisors and employees should review applicable bargaining agreements when contemplating the use, accrual or conversion of sick leave.

B. Usage

Sick leave may be used for the following purposes, subject to the approval of the Department Director or the Director's designee:

1. The incapacitation of the employee due to pregnancy; illness or injury; or exposure to a contagious or communicable disease; or when the serious illness or injury of a member of the employee's immediate family requires the presence of the employee. The use of sick leave for this purpose is granted at the discretion of the Department Director. For the purposes of this policy, "immediate family" shall be defined as: parent, child, spouse, sibling, grandparent and grandchild, including in-law and step. The Human Resource Director may extend the definition of immediate family to include a family member other than those specifically named or a person who acts in the role of those named in the immediate family.
2. Medical, dental and eye care treatments and examinations which cannot be scheduled during off-duty hours.
3. Sick leave may not be used as vacation leave or extra time off.
4. The Human Resource Director or the Department Director may at any time request a physician's certificate as proof of illness or injury before sick leave compensation is paid.
5. An employee may be required to provide a detailed report from their physician and/or submit to an examination by a City designated physician or similar professional if (1) the employee's work, attendance record or other signs indicate that the employee may have work-related health problems,

(2) the employee wishes to remain on sick leave, or (3) the employee wishes to return from sick leave. An examination required by the City and performed by a City designated physician or similar professional will be paid for by the City. The medical findings of the examination shall be transmitted to the employee's personal physician, at the employee's request, if further examination or treatment is necessary. The City may rely in all respects upon the findings and determination of its physician or similar professional.

6. Nothing shall prevent the City from investigating sick leave.
7. The abuse of sick leave is grounds for discipline, up to and including dismissal.
8. The use of sick leave for birthing/bonding and adoption purposes is covered in Policy No. 305: Birthing Parent and Bonding/Non-Birthing Parent and Bonding/Adoption Leave.
9. The Human Resource Director may permit or require an employee who is granted leave under the Family and Medical Leave Act or for a similar reason to use paid sick leave for that purpose.

**C. Reporting**

1. An employee must notify their Department Director, or the Director's designee, of their intention to be absent prior to their scheduled starting time. If the absence extends beyond one day, the employee shall make periodic reports to the Department of their progress and the anticipated date of their return. Failure to notify the Department, in a timely manner, of absence and the reason for the absence may be grounds for refusal to pay sick leave compensation and for disciplinary action, up to and including dismissal.
2. Upon an employee's return to work, the employee must complete a leave form detailing the hours to be charged to sick leave and the reason for the absence. In cases where the employee is able to give advance notice of their absence, the leave form should be completed in advance for the approval of the Department Director. All requests for leave shall be made on a leave form and used according to the applicable bargaining agreement or in increments determined by the Department Director or the Human Resource Director. Supervisors and employees should review applicable bargaining agreements when calculating uneven hours of leave.
3. Sick leave records shall be maintained by the Department. The standard Leave Report Form, or a similar form approved by the Human Resource Director, shall be used to report, and to receive authorization, for sick leave usage.

4. The Department Director may establish sick leave reporting policies, which are more stringent than those outlined here, in accordance with Policy No. 1001: Policy Modifications, and any applicable bargaining agreement.

**D. Accrual**

1. All regular full-time and regular part-time employees accrue (earn) sick leave at the rates indicated in the personnel ordinance or applicable bargaining agreement.

**E. Sick Leave Advance**

1. Employees who are incapacitated and have exhausted all accrued sick leave may, at the discretion of the Department Director and the Human Resource Director, be granted up to 10 days of sick leave credit in advance of accrual.
2. Advance credit shall be covered by sick leave which is accrued within 12 months of the date of the advance. A sick leave advance not recovered during the 12 month period will be deducted from the employee's pay. The Human Resource Director may make an exception, on an individual basis, and allow for an extension of the time period to recover advanced sick leave or to waive the requirement for repayment of advanced sick leave.

**F. Sick Leave Conversion at Death or Retirement**

1. A Firefighter's sick leave conversion will be computed on a forty (40) hour workweek basis at death or retirement so as to apply these provisions. "Day" means eight (8) hours.
2. Upon the death of a current employee one-half of the accrued sick leave shall be paid to a designated beneficiary, except that no more than 260 days sick leave accumulation shall be counted in computing death benefits for the beneficiary of an employee eligible to accrue sick leave. Such payment will be in a lump sum based upon the employee's base rate of pay at the time of death (excluding any premium pay). If there is no valid written designation of beneficiary on file, or if the designation is invalid for any reason, the payment shall be made to the employee's estate except that the City may instead authorize payment to any one or more survivors.
3. Upon retirement, an employee who has accumulated fifty (50) or more sick leave days may convert one-third of all accumulated sick leave days in excess of fifty (50) but not more than 260 days, to a lump sum payment. Payment will be based on the employee's base rate of pay at the time of retirement.

4. The conversion of sick leave to cash will be made as a lump sum payment and will eliminate all sick leave credit accrued by the employee.
  
5. Retirement, as used in this Policy, is hereby defined as a separation of a regular full-time or regular part-time employee after twenty years of service in good standing with the City of Kettering, or a separation where the employee is eligible for regular or disability retirement benefits from the appropriate State of Ohio Pension Plan within one year from the date of separation.

The City Manager hereby delegates the appropriate responsibility and authority to administer this Policy to the City's Assistant City Managers and Department Directors.

Approved:

11/29/2022  
Date

Mark Schwieterman  
Mark Schwieterman  
City Manager

Issued:

11.30.22  
Date

Jenny Smith  
Jenny Smith  
Human Resource Director