

**SICK LEAVE**  
Revised December 2008

SECTION: 26

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A. PURPOSE

In order to minimize the financial hardships that may result from absences from work, Tooele City provides sick leave benefits to qualifying employees who are approved to be absent from work for certain qualifying purposes.

B. LEAVE ACCRUAL

1. Full-time regular and appointed employees accrue up to 3.7 hours of sick leave per pay period. Accrual is prorated for periods when the employee's compensation from Tooele City payroll falls below their established bi-weekly salary (I.e. an employee is off work due to short-term disability).
2. Part-time regular employees accrue sick leave on a prorated basis according to the number of hours they work each pay period.

C. ALLOWABLE USES

1. Use of sick leave is a privilege extended to employees by their supervisor and use is not an acquired right. Established attendance policies apply regarding approval for absences.
2. Sick leave may be used to cover approved absences:
  - a. when the employee is sick or injured making the employee unable or unfit to perform the duties of his/her job including electing to supplement their Worker's Compensation benefits up to their regular bi-weekly rate of pay;
  - b. to prevent the employee from exposing others to contagious illness or disease;
  - c. for the employee's incapacity as a result of injury, illness, hospitalization, medical recovery, or scheduled doctor or dentist appointments;
  - d. when the employee is needed to attend to the employee's spouse or dependent children (under age 18 or permanently disabled adult child dependent upon parent and claimed on taxes) as a result of illness, hospitalization, medical recovery, or scheduled doctor or dentist appointments;
  - e. when the employee is needed to provide for medical care and/or attendance to a member of the employee's family living in the employee's household;

**SICK LEAVE**  
Revised December 2008

SECTION: 26

---

- f. for maternity prenatal care, birth, or recovery from birth; or for bonding with a newborn or newly adopted child under age 18, for up to the first six months of life or up to the first six months from date of placement. This provision is not to be used for day care purposes;
- g. for the employee, acting as the primary caregiver for a wounded armed services member who is a spouse, child (no age limitation), or biological, step-, or in-law parent when no other primary caregiver support resources are practical;
- h. when the employee is needed to provide for medical care of an ailing and/or aging biological, step, or in-law parent when no other resources are practical. This includes the need to be present to assist with making medical decisions or assist with understanding during scheduled medical appointments, to provide transportation when the parent is unable to drive or find transportation for scheduled medical appointments, or to provide care during recovery from a serious medical condition.

**D. LIMITATION ON USE WITH OUTSIDE EMPLOYMENT**

Sick leave may not be used to cover absences when an employee is working outside employment and performing duties that are similar to those performed for Tooele City. Tooele City does not wish to discourage employees from seeking outside employment but must ensure that employees are not misrepresenting their need to be absent or abusing sick leave benefits. If verification is requested by Tooele City and the employee does not provide it, the employee will be deemed to be misrepresenting their need for leave and will be subject to disciplinary action, up to and including separation.

**E. REQUIREMENT TO USE**

- 1. When an employee is absent for any of the above Allowable Uses, the employee's available sick leave balance will be reduced by Tooele City (except that an employee is provided the option of whether or not to supplement wages paid by Worker's Compensation, Military Leave, or short-term disability if approved for full or partial wage replacement by a City-sponsored provider), and will be coordinated with any other benefits, by an amount necessary to bring the employee's compensation to a combined total equal to 100% of their established bi-weekly rate of pay.
- 2. When a part-time employee is absent, the employee's available sick leave balance will be reduced by Tooele City and will be coordinated with any other benefits (except that an employee may decline to do so for periods covered by Worker's Compensation), by an amount necessary to bring the employee's compensation to a

**SICK LEAVE**  
Revised December 2008

SECTION: 26

---

combined total equal to 100% of their established bi-weekly rate of pay, or to a combined total equal to their established benefit eligibility hours, whichever is less.

F. SAME DAY AS HOLIDAY

A holiday that falls on a regular working day within a period when sick leave is being taken will be credited as a holiday and not as a day of sick leave.

G. DISCRETION AND ABUSE

Employees found to be misrepresenting their need for leave may be denied payment of sick leave and subject to disciplinary action.

H. VERIFICATION OF NEED FOR LEAVE

Tooele City reserves the right to request verification of the need for sick leave at any time. Any employee using sick leave to cover an absence which exceeds five working days should be supported by a medical certification deemed acceptable to Tooele City. When excessive or recurring sick leave is being used or when Tooele City suspects misuse or abuse, a doctor's diagnosis or other evidence of the need for leave may be required for absences of less than five days. Tooele City reserves the right to use tools available under the Family and Medical Leave Act to verify the need for leave, including obtaining 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> opinions.

I. REINSTATEMENT OF SICK LEAVE IF REHIRED AFTER REDUCTION IN FORCE

Accrued sick leave available to an employee at the time of a reduction in force is again available if rehired within twelve months from the reduction.

J. SICK LEAVE ADVANCE

If short-term disability benefits are not in effect and in the event of an extended eligible need, the Mayor may grant an advance of sick leave equivalent to the amount that would be accrued through the end of the calendar year. The following are instances that may justify the extension of sick leave:

1. Absence due to injury;
2. Extended absence due to major illness or surgery; or
3. Other reasonable absences due to sickness or injury when no pattern of absence or abuse of the sick leave privilege has been demonstrated.

**SICK LEAVE**  
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SECTION: 26

---

**K. SICK LEAVE ANNUAL PAY-OUT**

During January, employees may elect to be paid for one-fourth (25%) of the sick leave they accumulated during the prior calendar year but did not use.

Example: an employee who accumulates 3.7 hours per pay period, worked 26 pay period, and used 15 hours sick leave during the calendar year would be paid out 20.3 hours ( $3.7 \times 26 = 96.2$ ,  $96.2 - 15 = 81.2$ ,  $81.2 \times 25\% = 20.3$  hours).

**L. MAXIMUM UNUSED SICK LEAVE**

There is no maximum accrual limit.

**M. PROVISIONS RELATING TO SEPARATION FROM EMPLOYMENT**

An employee separating from Tooele City is not compensated for unused sick leave except that accrued sick leave available to an employee at the time of separation is again available to him or her upon returning to service as long as the employee returns within 12 months of separation from service.

**N. PROVISIONS RELATING TO RETIREMENT**

See Section 30: Retirement, herein this Policies and Procedures Manual, for specific provision relating to retiree sick leave conversions.