





## San Francisco Juvenile Probation Department

### Juvenile Hall Policy and Procedures Manual

#### Chapter 2 - Personnel

Policy Number:	2.07
Policy Name:	Sick Leave Absence and Reporting Responsibilities
Authority:	CSR 120 Admin. Code Chapter 12w, Labor Code Sec. 230.8. Sec. 233, Sec, 246.5 and SB-597
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Related Policies and Procedures:	2.05 - Ethics 2.06 – Work Rules
Related Forms:	
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## I. POLICY

The facility recognizes that sick leave with pay is a privilege recognized by Charter, Administrative Code, and Ordinance of the Board of Supervisors and should be requested and granted only in cases of absence because of illness which incapacitates the employee for the performance of duties or otherwise defined in Civil Service Rules (CSC Sec 120.11.1). Any violation of sick leave privileges may be basis for disciplinary action up to and including termination.

## II. GENERAL PROCEDURES

Listed below are the requirements and times that sick leave may be requested and granted, and the responsibilities of all employees.

### A. Definition of Sick Leave

Employees who are absent from their duties because of illness or disability consistent with Section II. B. are eligible for sick leave. (CSC 120.7)

### B. Types of Sick Leave

- i. Medical Reasons - Absence because of illness including alcoholism or injury other than illness or injury arising out of and in the course of City and County employment; absence due to illness or injury arising out of and in the course of employment is administered either under the Rules of the Retirement Board and is referred to as "disability leave" and may be supplemented as provided elsewhere in this Rule or under the provisions of this Rule and the Administrative Code for those employees injured by battery ("leave due to battery"); and absence because of medical or dental appointments. (CSC 120.7.1)
- ii. Quarantine - Absence during a period of quarantine established and declared by the Department of Public Health or other authority. (CSC 120.7.2)

- iii. **Bereavement - Absence because of the death of the employee's spouse or domestic partner, parents, stepparents, grandparents, parent-in-law or parents of a domestic partner, sibling, child, step child, adopted child, a child for whom the employee has parenting responsibilities, aunt or uncle, legal guardian or any person who is permanently residing in the household of the employee. Such leave shall not exceed three (3) working days and shall be taken within thirty (30) calendar days after the date of death; however, two (2) additional working days shall be granted in conjunction with the bereavement leave if travel outside the State of California is required as a result of the death.**

For absence because of the death of any other person to whom the employee may be reasonably deemed to owe respect; leave shall be for not more than one (1) working day; however, two (2) additional working days shall be granted if travel outside the State of California is required because of the person's death. (CSC 120.7.3)

- iv. **Maternity - Absence due to the employee's pregnancy or convalescent period following childbirth. Such leave shall not exceed six (6) months provided that such leave may be extended for permanent employees if a physician certifies that a longer convalescence period is required. Such extensions shall be subject to the provisions of this Rule governing sick leave without pay. (CSC 120.7.4)**
- v. **Parental Leave - Absence due to the birth of a child to the employee, the employee's spouse, or the employee's domestic partner or assumption by the employee of parenting or child rearing responsibilities either by adoption or foster care. (CSC120.7.5)**
- vi. **Illness or Medical Appointment of Child, Parent, Spouse or Registered Domestic Partner - Absence because of the illness, injury, or medical or dental appointment of a biological or adoptive child, or child for whom the employee has a parenting or child rearing responsibilities.**

- vii. Absence because of illness, injury, or medical appointments of the employee's parent, legal guardian or ward, sibling, grandparent, grandchild, spouse, or registered domestic partner under any state law, or "designated person." (CSC120.7.6 and Admin. Code, Chapter 12w)
- viii. To find, enroll, or reenroll his or her child in a school or with a licensed childcare provider, or to participate in activities of the school or licensed childcare provider of his or her child, if the employee, prior to taking the time off, gives reasonable notice to the employer of the planned absence of the employee. Time off pursuant to this subparagraph shall not exceed eight hours in any calendar month of the year. (Sec. 230.8)
- ix. To address a childcare provider or school emergency, if the employee gives notice to the employer.
- x. Compulsory - Leave imposed by an appointing officer due to an employee's medical inability to perform all the duties of the position as provided elsewhere in this rule. (CSC 120.7.8)
- xi. For purposes of this section, the following terms have the following meanings:
  - a. "Parent" means a parent, guardian, stepparent, foster parent, or grandparent of, or a person who stands in loco parents to, a child.
  - b. "Childcare provider or school emergency" means that an employee's child cannot remain in a school or with a childcare provider due to one of the following:
    - 1. The school or childcare provider has requested that the child be picked up or has an attendance policy,

excluding planned holidays, that prohibits the child from attending or requires the child to be picked up from the school or childcare provider.

2. Behavioral or discipline problems.
3. Closure or unexpected unavailability of the school or childcare provider, excluding planned holidays.
4. A natural disaster including, but not limited to, fire, earthquake, or flood. (Sec. 230.8)

- xii. This section does not extend the maximum period of leave to which an employee is entitled under Section 12945.2 of the Government Code or under the federal Family and Medical Leave Act of 1993 (29 U.S.C. Sec. 2601 et seq.) regardless of whether the employee receives sick leave compensation during that leave. (Sec. 233)

#### C. Sick Leave with Pay: Eligibility

- i. Sick leave with pay may be granted to employees who have earned sick leave with pay credits and who have served a total of six (6) continuous months of regularly scheduled paid service (CSC 120.8.1).
- ii. See Civil Service Rule 120 for complete description of Sick Leave with Pay Eligibility and Maximum Accumulation of Credits

**D. Sick Leave with Pay: Restrictions**

- i. Sick leave with pay is a privilege recognized by Charter, Administrative Code, and by Ordinance of the Board of Supervisors and should be requested and granted only in cases of absence because of illness which incapacitates the employee for the performance of duties or as otherwise defined in this rule. (CSC 120.11.1)
- ii. An appointing officer or designee may require proof of incapacitation before granting sick leave with pay for any period and may withhold pay for failure to submit such proof if the employee had been previously notified in writing that such proof would be required for absence of less than six (6) working days (CSC 120.11.2)

E. Prohibitions against Employment While on Sick Leave with Pay or without Pay: Employees are prohibited from working in any other employment while on sick leave unless, after considering the medical reason for the sick leave, the appointing officer with the approval of the Human Resources Director grants permission for the employee to engage in a secondary employment subject to the provisions of the Civil Service Rules governing such employment. (CSC 20.12.1 and CSC 120.22.1)

F. Appeal of Denial of Sick Leave with Pay: A dispute concerning the application or implementation of this rule shall be processed at the option of the employee as follows (a decision for one option shall preclude the use of the other option) (CSC 120.41):

- i. In accordance with the grievance procedure provided by the employee's collective bargaining agreement.
- ii. By appeal, in writing, to the Human Resources Director whose decision shall be final and shall not be reconsidered by the Civil Service Commission.

**G. Employees Injured by Battery**

- i. An employee's absence because of bodily injury or illness received in the course of employment and caused by an act of criminal violence shall be entitled to sick leave with pay under the provisions of the Administrative Code. (CSC 120.16.1)
- ii. Sick leave with pay, under this section, shall be known as "leave due to battery" and shall be subject to approval by the Human Resources Director. The Human Resources Director shall conduct an investigation as is deemed appropriate and may include medical examinations by a physician(s) designated by the Human Resources Director. (CSC 120.16.2)
- iii. The decision of the Human Resources Director may be appealed to the Commission whose decision is final. (CSC 120.16.3)
- iv. Authorized sick leave under this section shall not be charged against earned sick leave with pay credits. (CSC120 16.4)

H. Sick Leave without Pay - Eligibility: Sick leave without pay may be granted to employees who are not eligible for sick leave with pay or subject to the approval of the appointing officer or designee, employees may choose not to use their sick leave with pay credits. (CSC 120.17)

I. Sick Leave without Pay - Temporary and Provisional Employees: Sick leave without pay may be granted to temporary or provisional employees. Such leave shall be renewed monthly and shall not be extended beyond three (3) calendar months except for sick leave maternity. (CSC 120.20)

**J. Sick Leave without Pay: Permanent Employees**

- i. Sick leave without pay may be approved for permanent employees for the period of the illness if requests for prolonged leave shall be renewed every three (3) months

and provided further that such leave shall not be extended beyond a period of one (1) continuous year unless the physician designated by the Human Resources Director advises that there is a reasonable probability that the employee can return to employment. (CSC 120.21.1)

- ii. If the physician designated by the Human Resources Director determines that there is no reasonable probability that the employee can return to duty, the appointing officer shall have good cause for discharge. (CSC 120.21.2)
- iii. The physician designated by the Human Resources Director may defer certification of capability for additional periods of three (3) month intervals up to one (1) additional year. (CSC 120.21.3)

#### K. Compulsory Sick Leave

- i. An appointing officer or designee who has reason to believe that an employee is not medically or physically competent to perform assigned duties and if allowed to continue in employment or return from leave may represent a risk to co-workers, the public, and the employee may require the employee to present a medical report from a physician designated by the Human Resources Director certifying the employee's medical or physical competency to perform the required duties. (CSC 120.23.1)
- ii. If the employee refuses to obtain a physician's certificate as described above or if because of a medical evaluation the employee is found not to be medically or physically competent, the appointing officer or designee may place the employee on compulsory sick leave and shall immediately report such action to the Human Resources Director. (CSC 120.23.2)
- iii. An employee shall remain on compulsory sick leave until the employee is found to be competent to return to duty by a



physician designated by the Human Resources Director but such leave shall not exceed the maximum period of sick leave provided in this Rule. (CSC 120.23.3)

- iv. The employee placed on sick leave under the provisions of this section may appeal as provided under the appeal provisions of the Medical Examination Rule. (CSC 120.23.4)
- v. An employee placed on compulsory sick leave is ineligible for employment with the City and County and shall be placed under waiver on all lists on which the employee's name appears and shall otherwise be unemployable. (CSC 120.23.5)

L. Disability Leave: Absence due to illness or injury arising out of and during employment is defined as "disability leave" and is administered under the 'State Workers' Compensation Laws and Rules of the Retirement Board. (CSC 120.24.1)

M. State Disability Insurance (SDI) and Paid Family Leave

- i. If you are in a job classification approved for coverage under the State Disability Insurance (SDI) program, you are eligible for SDI benefits if you become unable to work due to a non-work-related injury or illness.
- ii. If you are eligible for SDI, you are also covered by the California Paid Family Leave Insurance Program. This program provides the same benefits as the SDI program for employees who take time off from work to care for a seriously ill child, spouse, domestic partner, or parent, or to bond with a new child.
- iii. Contact Human Resources for additional information.

## N. Requesting Sick Leave

- i. Employees requesting to use sick leave shall give eight hours notification.
  - a. For unexpected sick leave where Health Care Provider (HCP) certification is NOT required (i.e., leave is less than 5 days) complete JPD Leave Request Form upon return to work.
  - b. If leave is 7 (seven) or more days, HCP certification is required. Complete Form (Department of Human Resources) DHR 7-20. The DHR Form 7-20 will also be used for long term leave requests such as Family Care Leave, Educational Leave, Military Leave, etc. Advanced approval is required for long term leave requests which are non-emergency.
  - c. For FMLA leave, consult with Human Resources for appropriate forms.
- ii. Emergency requests (requests with less than 8 hours of advanced notice) shall be approved as Sick Leave without Pay. Immediately upon reporting to work, the employee shall file a memorandum to their immediate supervisor explaining the reason(s) for the emergency request. Upon review, with the Assistant Director, sick pay (SP) may be granted on a case-by-case basis.
- iii. When requesting sick leave, employees shall first contact their immediate supervisor. If unavailable, the employee shall contact the Officer of the Day.
- iv. Requests for sick leave for medical or dental appointments shall be made with at least seven days' notice with the employee's immediate supervisor unless exigent circumstances exist.

### O. Reporting of On-Duty Illness or Injury

- i. In the event an employee becomes ill or is injured at work and is unable to execute his/her duties, the employee shall notify the Officer of the Day and request to leave.
- ii. Should the employee request to leave the worksite as a result of illness or injury at work, the employee is responsible for completing the necessary reports. If the employee is incapable of completing the required reports, the employee shall notify the Officer of the Day and shall complete the reports within twenty-four hours thereafter.
- iii. Supervisors shall make every effort to relieve the employee of duties and find a suitable replacement.
- iv. Supervisors and employees shall follow all rules pertaining to Workers' Compensation and the Supervisor's Safety Manual of policies and procedures as established by the City and County of San Francisco's Injury and Illness Prevention Program.
- v. In the event, an employee's request is for other members (outlined in Sec. B. 1-7 above), the employee shall immediately notify the Officer of the Day of the need to leave work to deal with an emergency.

### P. Medical Verification

- i. The appointing officer or designee to whom the application for sick leave is made may conduct an independent investigation as to the necessity for sick leave as is deemed proper and may require certification for any period of sick leave, if the employee has been previously notified in writing that such certification for absence of less than six (6) working days shall be required. For employees taking sick leave pursuant to Administrative Code Chapter

12W, the City may take reasonable measures to verify or document that an employee's use of sick leave is taken in accordance with Administrative Code Chapter 12W. (CSC 120.4.1)

- ii. For the purposes of this policy, certification shall be required when requests for sick leave are made in conjunction with recognized City holidays. Other days may be identified should patterns occur.
- iii. Certification shall be provided by the employee immediately upon return to work.
- iv. For other than certified long-term illnesses, surgery, recovery, etc. when an employee has exceeded thirteen days of sick leave, the employee shall be required to present certification when requesting sick leave during a consecutive twelve-month period.
- v. Certification shall be required when an employee has requested sick leave when the employee has been denied time off or when the employee has demonstrated a pattern of sick leave abuse.
- vi. The Assistant Director or designee shall maintain all records of employees required to present certification for sick leave.
- vii. Employees who have been so noticed shall have a copy of such notice placed in their personnel file.

#### Q. Sick Leave Abuse

- i. Employees who take sick leave as quickly as it is accrued may be in violation of this policy. Employees who have a near zero sick leave balance or use 13 or more sick days in a year (12 consecutive month period), for other than catastrophic illness as defined in this policy, shall be considered to have violated policy, are subject to discipline,

and shall be placed on sick leave restriction.

- ii. The supervisor shall conduct an evaluation in six months to determine the need for continued sick leave restriction. Employees on sick leave restriction will receive a quarterly written notice from their supervisor with an account of sick leave accrued for the last 12 consecutive months. A copy shall be submitted to the Assistant Director.
- iii. Employees who have developed a pattern shall be in violation of policy as follows:
  - a. Unapproved absences attributed to sick leave in conjunction with approved time off.
  - b. Unapproved absences attributed to sick leave in conjunction with RDO's.
  - c. Unapproved absences attributed to sick leave in conjunction with assigned training.
  - d. Unapproved absences attributed to sick leave at critical staffing times (e.g., the holiday season, critical incidents, etc.)
  - e. When an employee has received an admonishment, reprimand, or suspension for abuse and then another instance of sick leave abuse occurs.

#### R. Monitoring Sick Leave Use

- i. The Juvenile Hall secretary is responsible for gathering sick leave statistics and providing each supervisor with a copy of such statistics on a monthly basis.
- ii. Each employee's immediate supervisor is responsible for maintaining records on each employee's sick leave.

- iii. Each supervisor is responsible for reporting and acting upon sick leave balance and patterns for employees in violation of policy on a monthly basis to the Assistant Director.
- iv. Staff on restriction due to attendance issues shall be given quarterly updates of their status. Staff found in compliance after 6 months shall be removed from the restriction list.

#### S. Discipline

- i. Discipline shall be in conformance with established policy and the Peace Officer Bill of Rights.
- ii. Discipline may occur when:
  - a. An employee reaches a near zero sick leave balance and/or has exceeded 13 sick days in any 12-month period after being placed on sick leave restriction.
  - b. An employee fails to produce certification as required by policy.
  - c. An employee requests a day off and is denied then requests sick leave.
  - d. An employee requests sick leave in violation of section Q above.
- iii. Corrective action in the form of verbal or written counseling shall not be considered discipline for the purpose of this policy and will not necessarily be placed in the employee's personnel file. Discipline shall be progressive as follows:
  - a. Oral counseling and Remedial training

- b. Written reprimand
- c. Suspension
- d. Dismissal

T. Transfer of sick leave or vacation credits to catastrophically ill employees (S.F. Ordinance 114-90 as amended):

- i. Any employee may transfer sick leave or vacation credit to a catastrophically ill employee, or another employee who is caring for a catastrophically ill family member, as follows:
  - a. For life threatening illnesses or injuries.
  - b. The illness or injury prevents the employee from returning to work for at least thirty days.
  - c. The employee must have previously exhausted all available sick leave, vacation, compensatory, or in-lieu time.
- ii. Employees who meet the conditions and wish to make application for catastrophic illness status shall contact Human Resources.

U. Annual Review: This Policy shall remain in full force and effect and shall be reviewed annually by the Director for revisions in Policy, Civil Service Rules, Charter, Administrative Code Ordinance, or Law