

Sick and Sick-Family Leave and Bereavement

Number: F-3

Revision: 08/01/2022

Initial Effective Date: 04/01/2022

1.0 POLICY

The Town of Carolina Beach provides Sick Leave benefits to all benefit-eligible employees. Sick Leave benefits are a **privilege** granted by the Town, not a benefit earned by employees.

2.0 PURPOSE

The Town recognizes that occasionally an employee is unable to work due to a personal illness or injury or the serious illness or death of an immediate family member. In these circumstances the Town allows employees to use Sick or Sick-Family Leave, as outlined in this policy, so they may be paid while away from work. Sick Leave is a privilege granted by the Town, unlike vacation leave which is earned by the employee. For this reason, the use of Sick and Sick-Family Leave is more restrictive than the use of vacation leave.

3.0 SCOPE

This policy applies to employees in all benefit-eligible positions.

4.0 DEFINITIONS

- 4.1 **Sick Leave** - A pay continuation privilege granted to benefit-eligible employees during periods of personal illness or injury.
- 4.2 **Sick-Family Leave** - A pay continuation privilege granted to benefit-eligible employees, in limited situations as detailed in this policy, for the death or serious illness of an immediate family member. Sick-Family Leave is a specialized use of Sick Leave and is subtracted from the employee's Sick Leave balance.
- 4.3 **Benefit-Eligible** - Full time and part-time employees who are eligible for coverage and participation in the Town's benefit programs in addition to legally mandated coverage. See **Policy on Position Types**.
- 4.4 **Immediate Family** - For the purpose of this policy, immediate family is defined as wife, husband, mother, father, brother, sister, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, niece, nephew, grandmother, grandfather, grandson, granddaughter, stepmother, stepfather, stepchild, sister-in-law, and brother-in law.

(Special Note: At the Department Director's discretion, and with the approval of the Town Manager, "Immediate Family" may be construed to include others where the degree of closeness of the relationship to the employee warrants consideration as immediate family).

5.0 ORGANIZATIONAL RULES

- 5.1 **Sick Leave Accrual**
 - A. The Town will grant Sick Leave to Benefit Eligible employees beginning immediately upon hire.

B. Sick Leave will accrue each pay period at the following rates:

Employment Type	Accrual Per Pay Period
Benefit Eligible Full-Time	3.69 Hours
Benefit Eligible Part-Time	1.85 Hours
Firefighter under 207k exemption (212 Hours Per Pay Period)	4.89 Hours
Police Officer under 207k exemption (84 Hours Per Pay Period)	3.88 Hours

C. Sick Leave will accrue without limit. At retirement from active service as an employee in good standing, unused Sick Leave may be applied, according to the provisions of the North Carolina Local Governmental Employees Retirement System, for additional service credit towards retirement.

D. All Sick Leave accumulated by an employee shall end and terminate without compensation when the employee resigns or is separated from the Town, except as stated for employees retiring or terminated due to reduction in force and are reinstated.

▪ **5.2 Transferred Sick Leave**

A. The Town will accept the transfer of sick leave for employees from other employers who are participants of the North Carolina Local Government or State Employees Retirement System. The sick leave will be treated as though it were earned with the Town of Carolina Beach.

B. The employee is **solely** responsible for requesting a transfer of their Sick Leave from their prior employer. This is done by obtaining a certification from the employer and submitting it to the Town's Human Resources Department. This transfer and certification process must be completed within the employee's first 30 days of employment.

C. The sick leave transferred from a previous employer may be taken after the employee successfully completes the first six months of employment.

▪ **5.3 Sick and Sick-Family Leave Usage**

A. Sick Leave is a **privilege** granted to an employee on account of his own sickness or injury. Unlike vacation leave that is earned by the employee, Sick Leave is granted to the employee by the Town and its use is restricted to the circumstances covered by this and related policies.

B. Sick-Family Leave may be granted to an employee in the event of the death or serious illness of a member of the employees' immediate family.

C. If an employee uses his Sick or Sick-Family Leave for an event that is covered under the Family and Medical Leave Act (FMLA), the time that is charged to Sick Leave and the FMLA entitlement will run concurrently. See **Policy on Family and Medical Leave** for more information on FMLA.

D. An employee **may not** use his accumulated Sick Leave for an injury by accident or illness sustained while engaged in outside employment. See **Policy on Outside Employment**.

E. The smallest increment of sick leave that may be taken is a quarter (.25) of an hour. An exception to this section may be granted by Town Manger.

- 5.4 **Sick Leave Accounting**

- A. Sick Leave used will be subtracted from an employee's accrued balance:
 1. Employees will be charged for the actual number of hours away from work on Sick Leave.
 2. An employee that has a pattern of absenteeism causing the employee to not work the full number of hours in a work period should be counseled on other such policies of the town such as the Family and Medical Leave Act policy. **See policy on Family and Medical Leave.**
 3. Excessive absenteeism may be cause for disciplinary action under the Corrective Action policy of the Town. **See policy on Corrective Action.**

- B. **An employee taking sick leave must show the exact hours he was absent for sick leave.** In the event sick leave hours taken cause an employee to exceed their normal FLSA work period hours the employee will be paid for the hours exceeding the normal FLSA work period hours. Sick hours taken will not be utilized in the calculation of overtime.

An employee cannot reduce the number of sick hours actually taken, even if at the end of the work period the employee does not need the number of sick hours taken to reach their normal FLSA hours for the work period.

For example, an employee takes 8 hours of sick leave early in the work period. Due to heavy work load the employee works many hours the remainder of the work period. The employee only needs 5 hours of sick leave to make the employee 'whole' for the FLSA work period. The employee must still take the entire 8 hours of sick leave, even though the employee will be paid for 3 hours over the normal FLSA work week of 40 hours. The employee would be paid for 43 hours of straight time in this example, not taking into consideration any Overtime hours the employee may have also been eligible to receive for working the heavy workload.

- D. An employee who is absent from the workplace and utilizing sick leave for the employee's entire work shift **may not** serve as the Departmental "on-call" person for the corresponding 24-hour period containing the workday the employee was absent. An employee who misses part of a workday, to attend a medical appointment, such as a dentist appointment, but worked a portion of the employee's regular workday may serve as the Departmental 'on-call' person for the corresponding 24-hour period containing the workday the employee had the partial day sick leave absence.

- C. Upon termination, no payment will be made for unused Sick Leave. Upon retirement from active service as an employee in good standing, unused Sick Leave will be used to determine additional retirement credits in accordance with rules of the North Carolina Local Governmental Employees Retirement System.

- 5.5 In no instance will an employee be paid for leave while continuing in a duty status, or in lieu of leave.

- 5.6 Bereavement Leave may be utilized for the death of an employee's immediate family member as defined in this policy. The Town will pay up to three days of Bereavement Leave for any one occurrence. Additional leave time required for such occurrence may be charged to vacation leave, sick leave or compensatory leave as approved by the Department Head. Bereavement Leave taken for those not covered by the Immediate Family definition may be charged to vacation or compensatory time. For the purpose of Bereavement Leave, a day for a Full-Time Firefighter under a 207(k) Exemption will be 10.6 hours. For the purpose of Bereavement Leave, a day for a Sworn Law Enforcement Officer under a 207(k) Exemption will be 8.4 hours.

6.0 PROCEDURES

- 6.1 The Town does not expect an employee to come to work when he is ill, but the employee is expected to always call his supervisor up to two hours prior to, but no later than, the beginning of a scheduled workday. Failure to notify the appropriate supervisor may result in disciplinary action.
- 6.2 An employee scheduling sick leave shall complete a Leave Request form in advance of that leave or enter the appropriate information into the timekeeping system. Immediately upon an employee's first day back at work after unscheduled Sick or Sick-Family Leave, a Leave Request Form covering the absence, or entry into the timekeeping system, must be completed for approval. If an employee is absent for an extended period, the supervisor should enter the absence into the timekeeping system on behalf of the employee each payroll period. During an extended absence, the supervisor does not have to secure the employee's signature in order to submit time. During an extended absence, the supervisor should be in regular contact with the employee in order to monitor the anticipated return to work.
- 6.3 The supervisor will review leave time entered into the timekeeping system to ensure the information is correct and complete. If the leave is of a duration that requires a physician certification, the supervisor will ensure that the certification is obtained.
- 6.4 If the employee has complied with all of the rules of this policy, the supervisor will approve the Sick Leave. If the supervisor is unsure of policy compliance, he should discuss this with the Human Resources Department.
- 6.5 The employee's supervisor or department head may require a physician's certificate stating the nature of the employees or employee's family member's illness and the employee's capacity to resume duties, for each occasion on which an employee uses sick leave or whenever the supervisor observes a "pattern of absenteeism."
- 6.6 Claiming sick leave under false pretenses to obtain a day off with pay shall subject the employee to disciplinary action up to and including dismissal. If the supervisor suspects abuse of the Sick or Sick-Family Leave policy, he may withhold approval pending receipt of additional information. If the Sick or Sick-Family Leave is not approved or is pended for additional information, the supervisor will notify the employee in order to resolve the issue. If the Sick or Sick-Family Leave is not approved, the leave will be charged in a timely manner to vacation leave, compensatory time or leave without pay as appropriate.

7.0 APPENDIX, APPENDICES

- **Leave Request Form**