

MANAGERS/SUPERVISORS GUIDE TO THE APPROPRIATE USE OF SICK LEAVE

The appropriate use of sick leave is one of the more difficult areas with which managers and supervisors must deal. When dealing with employees in the use of sick leave, managers and supervisors must use judgement, discretion and common sense. There are no steadfast rules which allow you to readily determine if sick leave is appropriate in each and every situation. Because circumstances vary so greatly from one situation to another, what may be valid in one case may be totally inappropriate in another situation. While it is difficult to apply one standard in all situations, you should be consistent in your application of sick leave policy. This would ensure that employees who are similarly situated are treated equally.

In an effort to provide guidance regarding the appropriate use of sick leave, the most commonly asked questions have been presented with answers. If, after reviewing these guidelines, you need additional guidance, please contact the Department of Human Resources.

1. Am I required to treat all employees the same when counseling them regarding sick leave usage or approving sick leave?

No. This is a common misconception held by managers and supervisors. Each employee's situation needs to be individually evaluated in terms of his/her overall use of sick leave. Managers/supervisors must determine if there is a pattern of sick leave abuse (e.g., Mondays, Fridays, the days before and/or after holidays). The employee's medical condition is certainly a factor that must be taken into account. If you have a pattern of abuse with one employee, you should be dealing with this employee in a different manner than the employee who has a medical condition.

2. What is a reasonable amount of time for a doctor visit?

Most normal visits to local doctors' offices require approximately 1 ½ to 2 hours of sick leave. Again, there can be extenuating circumstances. This is generally true of visits to dentists' offices as well. You do not have to automatically approve the time requested if you believe it to be unreasonable. You can question the employee or request a physician's certificate for the visit.

3. Can I place a person on sick leave and send them home?

Yes, if you believe the health and well-being of that employee or others is at risk. If you believe the situation is serious enough, you may even require the employee to see a physician. If an employee has been off due to a lengthy illness or injury, you should require a physician's release before allowing the employee to return to work.

4. What information can I request from an employee's physician regarding their medical condition?

You can request the physician to advise you regarding whether or not the employee can perform the job duties and responsibilities and restrictions or accommodations necessary. You can request the prognosis so you can determine staffing levels. Certain confidential medical information may not be released by the physician. Any information received regarding an employee's medical condition should be treated as confidential and should not be placed in the employee's personnel file. This information must be kept in a locked cabinet as a separate, confidential medical record, available only under limited conditions to managers and supervisors. A specific person or persons should be designated as having access to the medical file.

5. When an employee has exhausted their sick leave, am I required to approve annual leave for their illness?

You are not required to approve annual leave for illness, however, we have advised departments to do so in cases where they believe the employee is ill and it is not to the detriment of the operation to approve the annual leave. If you have reason to suspect abuse then, by all means, require a physician's certificate. To approve the use of annual leave when sick leave is exhausted indicates you are condoning the absence. Authorized annual leave should not play a part in determining standards for attendance.

6. Am I required to make a reasonable accommodation for an employee who has an on-going medical condition?

Yes, you are required to make a reasonable accommodation for an employee who has an on-going medical condition. If the employee is able to perform the essential job functions, then you should provide as much flexibility as you can in dealing with the situation. If you are making a reasonable accommodation, it is not appropriate to reprimand the employee for using an above average amount of sick leave.

7. When is it appropriate to document excessive sick leave usage in a performance evaluation?

Sick leave should be documented in a performance evaluation in cases of apparent abuse, such as recurrent use of sick leave on Fridays, Mondays, the days before and/or after holidays. If an employee uses more than an average amount of sick leave and there have been no extenuating circumstances (e.g., sudden illness, emergency surgery, illness of family member) and the employee has very little sick leave balance and you have counseled the employee in this regard to no avail, you should reflect this on the performance evaluation.

8. When an employee is on vacation and becomes sick, is it appropriate to change their vacation to sick leave for that period of time that they were sick?

It depends. You may change vacation leave to sick leave when the illness results in the cancellation of curtailment of vacation plans. You have the right to require substantiation from a physician. Again, you must exercise judgement in determining the reasonableness of such a request.

9. What is a reasonable amount of sick leave that I can expect an employee to use in a year?

The Human Resources Division annually provides each department with the county-wide average use of sick leave as well as the departmental average. This information can be used in establishing standards, but again, you must evaluate each situation on its own merit when dealing with the appropriate use of sick leave.

10. Is the use of sick leave an automatic right or something owed to the employee?

No, sick leave is a benefit. It is to be used when the employee is incapacitated because of illness or injury and cannot come to work, or when the illness of a family member requires the employee's attendance.

11. Under what circumstances is it appropriate to require a second doctor's opinion regarding the medical condition of an employee?

You may request a second doctor's opinion when you have reason to doubt the first opinion. For example, if an employee provides you with a certification from a chiropractor indicating a back problem and certifying that whenever the employee is in pain he should not be at work, you may wish to have the opinion of a M.D. who specializes in this area. You have the right to know the periods of time the physician expects that the employee will need to recuperate as well as the prognosis for the future. This information can generally be provided by the physician. You do not have to accept certification from a nurse practitioner in the physician's office if you are not comfortable with it.

12. Does stress or fatigue qualify for sick leave?

It depends. If stress results in a medical condition which is diagnosed by a physician, sick leave may then be appropriate. For example, chronic fatigue syndrome or emotional disorders are types of medical conditions where sick leave is appropriate.

13. Is sick leave appropriate to use when an employee's family member is in the hospital receiving medical care?

If it requires the attendance of the employee at the hospital, then yes, sick leave is appropriate. However, visiting someone during the recuperation period does not qualify as sick leave.

14. When is additional sick leave appropriate after the birth of a child?

When either the employee is incapacitated because of illness or complications, or the child is ill and requires a parent to be in attendance.