

**TOWN OF NEEDHAM
NON-OCCUPATIONAL SICK LEAVE POLICY
LEAVE ADMINISTRATION #303**

1. PURPOSE AND SCOPE

The purpose of this document is to set forth the Town's policy and procedures governing the use and accumulation of non-occupational sick leave.

2. APPLICABILITY

This policy applies to all non-represented benefit-eligible General Government employees.

3. DEFINITIONS

Refer to Policy 100 Definitions for commonly used words and phrases.

4. POLICY

Benefit-eligible employees are eligible to accrue and use non-occupational sick leave for non-work related illness as provided hereunder.

5. PROCEDURES

5.1 Accrual

5.1.1 Full-time employees shall accrue one and one-quarter (1 1/4) days non-occupational sick leave for each full calendar month of continuous employment. Regular part-time employees shall accrue non-occupational sick leave on a pro-rated basis, in the ratio that their part-time employment bears to full-time employment.

5.1.2 An employee will not accrue sick leave credits for any calendar month in which they are on leave without pay, absent without pay, or on worker's compensation, for more than five (5) days.

5.1.3 New employees will be granted a maximum of the equivalent of 10 days of non-occupational sick leave the time of hire.

5.2 Use

5.2.1 Employees may use non-occupational sick leave when they are incapacitated from the performance of duties by personal sickness, injury or quarantine by public health authorities. Employees may also use a reasonable amount of non-occupational sick leave per fiscal year (if available) to provide care for an ill parent, spouse or child of the employee. This excludes sick leave usage for qualified and approved family and medical leave as per Town Policy # 312 Family and Medical Leave Policy and Procedures.

- 5.2.2 Non-occupational sick leave may be used for scheduled medical appointments for the treatment of existing medical conditions (e.g. dialysis or radiation).
- 5.2.3 Employees may use a reasonable amount of non-occupational sick leave for preventive medical or dental appointments. The Town Manager or department manager may require the employee to submit medical documentation by a medical provider to substantiate the use of sick leave for the purpose or preventive medical or dental appointments.
- 5.2.4 The employee's personal non-occupational sick leave bank will be charged the total number of hours absent from work because of non-occupational illness.
- 5.2.5 Employees receiving worker's compensation may be required to use non-occupational sick leave to supplement their worker's compensation payments.

5.3 Personal and Family Health Leave

- 5.3.1 Personal and Family Health Leave refers to the use of extended sick leave for family or personal medical reasons. Personal and Family Health Leave replaces the prior category of "Extended Sick Leave."
- 5.3.2 Eligible employees who are approved for extended leave in accordance with policy #312, Family and Medical Leave Policy and Procedures, may use their existing non-occupational sick leave accruals to substitute the employee's normal base rate of pay for the first four (4) weeks of the leave. Should the leave extend beyond four (4) weeks, Personal and Family Health Leave will provide 50% of the employee's normal base rate of pay for the following four (4) weeks of leave. Employees may use accrued paid time off to supplement the four (4) weeks paid at the 50% level. Should the leave exceed eight (8) weeks, Personal and Family Health Leave will grant 100% of the employee's normal base rate of pay for the remaining four (4) weeks of leave.
- 5.3.3 In addition to the criteria under policy #312 Family and Medical Leave policy and procedures, employees may be eligible for Personal and Family Health Leave as set forth in section 5.3.2 for the care of a domestic partner or any other relative residing with the employee at the time of illness, not to exceed 12 weeks total in a 12-month period.
- 5.3.4 In extenuating circumstances, the Town Manager may waive the 12-month/1,250 hours worked for the Town immediately before the leave requirement, as set forth in policy #312, Family and Medical Leave policy and procedures, and may grant Personal and Family Health Leave outside of the criteria described above, as requested by the employee and recommended by the Director of Human Resources.

5.4 Notification

- 5.4.1 An employee who wishes to use accumulated non-occupational sick leave must notify the work location and speak directly to their immediate supervisor/designee as early as possible on the first day of the absence.

- 5.4.2 Failure of the employee to provide such notification may be sufficient grounds to deny the use of non-occupational sick leave even if the employee is genuinely ill. The employee must be granted the opportunity to provide a satisfactory explanation as to why they did not call within the stated time-frame.
- 5.4.3 Except in emergency situations, the employee must call the work location on each day of the absence.

5.5 Suspected Abuse

- 5.5.1 Whenever a department manager has reason to believe that an employee is (or a group of employees are) abusing sick leave, the department manager shall require the employee(s) to provide written medical verification of illness as outlined in Section 5.6. Requests for medical verification should generally be made during or immediately following the absence in question.
- 5.5.2 Any number of facts might lead a department manager to suspect abuse. Some of the most common are: patterns of sick leave use, such as Mondays and Fridays; continued utilization of sick leave in increments of one day or less; advance notice given by the employee that they will be out sick on a given day; an employee who calls in sick yet comes into the office on personal business (; excessive utilization by employees who are terminating employment; absences immediately following a dispute with a supervisor or co-worker; an employee who calls in sick during inclement or beautiful weather, prior to, on or following a holiday, or on a day which the employee requested off but whose request was denied; and a group of employees who call in sick on a holiday or event day such as the opening day of baseball season.

56 Medical Verification

- 5.6.1 Medical verification of illness must be submitted to the Human Resources Department and be satisfactory in the validation of the medical condition. To be satisfactory, the information should include (but need not be limited to) the following: the date the employee was seen; the estimated time for which the employee (or family member) will be incapacitated; and a certification that the employee is unable to work on the day(s) for which verification is requested.
- 5.6.2 Medical verification documents must be signed by the health care provider who has examined the employee.
- 5.6.3 An employee who fails to provide medical verification within seven (7) calendar days of a request shall be denied payment for non-occupational sick leave for the relevant period and may be subject to disciplinary action.

5.7 Fitness for Duty

- 5.7.1 In order to ensure fitness to perform the essential functions of their positions, employees may be required to submit medical verification of their current ability to perform their essential job functions upon return to work following use of sick leave in excess of ten (10) consecutive work days, or after hospitalization or surgery.

5.8 Non-occupational Sick Leave Buy-Back

- 5.8.1 (a) Employees hired or promoted before July 1, 1994 who terminate employment with the Town by retirement, disability, or death shall be entitled to a cash payment upon termination at their current rate of pay for twenty-five percent (25%) of their personal non-occupational sick leave bank.
- (b) Employees hired or promoted between July 1, 1994 and April 1, 2008 who terminate employment with the Town by retirement, disability, or death shall be entitled to a cash payment upon termination at their current rate of pay for twenty-five percent (25%) of their personal non-occupational sick leave bank, and shall be subject to a 960 hour cap on the number of sick days to be used in calculating the 25% sick leave buy-back at retirement.
- (c) Employees hired on or after April 1, 2008, are not eligible to participate in the sick leave buy-back program.
- (d) For the purposes of this section, retirement shall be defined as receiving a pension check from the Needham Contributory Retirement System.
- 5.8.2 Full-time and regular part-time employees hired prior to July 1, 2024, excluding department managers, who have a non-occupational sick leave bank of not less than 30 days (225 hours) and who are at the two-week or three-week vacation accrual rate shall be eligible to convert non-occupational sick leave to vacation leave under the following circumstances:

<u>Sick Days used in Fiscal Year</u>	<u>Sick Days Traded for Vacation Days</u>
0 - 4 days (0 - 30 hours)	2 days (15 hours)
4+ - 5 days (30.1 - 37.5 hours)	1 day (7.5 hours)
5+ days (37.5 hours)	0 days (0 hours)

Under extraordinary circumstances, such as severe illness or work-related injury, the Town Manager may approve the conversion of sick days if the employee would otherwise qualify but for the circumstances in questions. Such approval will only be granted if the employee has at least 60 days in their non-occupational sick leave bank.

5.9 Exceptions

The Town Manager has the discretion to interpret and make exceptions to this policy in the best interest of the Town.