Sick Leave

Practice HR-3-4

DATE: 6-10-15
SUPERSEDES: Same
DATED: 6-2-14
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GENERAL

1. Paid occasional and supplemental sick leave are provided to protect regular and temporary employees against loss of income due to illness or injury. Regular and temporary employees are eligible for occasional and supplemental sick leave from the time employment begins. Casual employees are **only** eligible for occasional sick leave.

2. Sick leave payments are based upon the employee’s base rate of pay, excluding overtime, shift differential, extended workweek pay, or other additional compensation. Employees cannot receive pay in lieu of sick leave or be paid for unused sick leave at termination.

3. A paid sick leave absence is counted as hours worked for the purpose of computing a 40-hour workweek and for computing overtime hours for nonexempt employees for the week in which it occurred (see Practice HR-1-9). A paid sick leave absence is counted as hours worked for the purpose of computing a 40-unit workweek and for computing compensation for exempt employees on extended workweek (see Practice HR-1-16 and Practice HR-2-4).

4. Depending on the circumstances, inappropriate use of sick time or excessive use of sick time over an extended period of time that results in the employee’s unavailability can result in corrective action, up to and including termination of employment (see Practice HR-4-3).

5. With the exception of the Aerospace Federal Credit Union, employees who are on disability or workers’ compensation leave on a full-time basis are not permitted to be on corporate
premises while on such leave. Additionally, bargaining unit members are allowed on corporate premises to participate at union meetings or in meetings with union representation.

6. The corporation will comply with the applicable state and federal laws governing the confidentiality of an employee’s personal and medical information.

**DEFINITIONS**

7. Occasional sick leave is a paid absence provided to regular, temporary, and casual employees to protect against loss of income due to brief periods of non-occupational illness or injury.

7.1 Occasional sick leave provides full salary continuation for brief periods based on eligibility, available hours of sick leave, and management approval. Human Resources may request a doctor’s certification of injury or illness.

7.2 Occasional sick leave for exempt employees is not subject to an annual accrual. Exempt employees cannot use occasional sick leave to supplement vacation, for illness of family members, or any purpose other than personal illness or personal health-related examinations. **Vacation may be used for these purposes (see Practice HR-3-3)**.

7.3 A full-time nonexempt employee is credited with an occasional sick leave allowance of 80 hours at the beginning of the fiscal year (40 hours for a part-time employee). Unused allowance accumulates from year to year to a maximum of 999 hours. The maximum occasional sick leave payable to a full-time nonexempt employee in any single fiscal year is 160 hours (80 hours for a part-time employee). A nonexempt employee’s first-year allowance is prorated, **except upon rehire**.

7.3.1 Nonexempt employees who are the victims of domestic violence, sexual assault, or stalking may use sick time for absences used for the following purposes: (1) to obtain or attempt to obtain any relief, including but not limited to, a temporary restraining order, restraining order, or other injunctive relief; (2) to help ensure the health, safety or welfare of the employee or his or her child; (3) to seek medical attention for injuries caused by domestic violence, sexual assault, or stalking; (4) to obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking; (5) to obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking; or (6) to participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation.

7.3.1.1 Employees who use sick time for these purposes must give management reasonable advance notice, unless advance notice is not feasible under the circumstances. Within a reasonable time following the absence, Human Resources may ask the employee to provide certification of the need for using sick time for this purpose.

7.4 Casual employees accrue sick time at the rate of one hour of paid sick leave for every 30 hours paid up to a maximum banked accrual cap of 48 hours. Casual employees may use up
to 24 hours of accrued sick time per year on days they were previously scheduled to work. Casual employees may use accrued sick time for their own illness or injury, for kin care purposes as defined in 7.5, or for the purposes described in 7.3.1.

7.5 Kin Care – Nonexempt employees only may use up to one half of their annual sick leave (i.e., 40 hours for full-time nonexempts, and 20 hours for part-time nonexempts) to attend to the illness of a child, parent, sibling, grandparent, grandchild, spouse, spouse’s parent, eligible domestic partner, and the child or parent of an eligible domestic partner. The kin care allowance applies to all occasional sick leave used for all family members combined and cannot be reached for each eligible family member. Kin care is recorded as “K” on the timesheet.

7.5.1 Child includes biological, foster, or adopted child, stepchild, a legal ward, or a child of a person who is acting in place of either parent.

7.5.2 Parent includes biological, foster, or adoptive parent, a stepparent, or a legal guardian, or someone who has acted in place of either parent.

7.5.3 To establish that a person is an Eligible Domestic Partner, one of the following conditions must be met. The employee has filed with the California Secretary of State a Declaration of Domestic Partnership or its equivalent in other states recognizing registered domestic partnerships, and has provided a certified or other appropriately authenticated copy thereof to the Benefits Department. If the state in which the employee is employed does not legally recognize marriage or domestic partnerships between same sex couples, an employee’s same sex domestic partner will qualify as a dependent for purposes of this practice if the employee and the employee’s same sex partner satisfy the conditions set forth in the Aerospace Affidavit of Domestic Partnership form and submit the completed form to the Benefits Department.

7.5.3.1 The corporation will abide by any and all Internal Revenue Service guidance and state law tax guidance with respect to the attribution of any taxable event that results from domestic partners receiving benefits under the corporation’s benefits policies.

7.5.4 Hours used for kin care are subtracted from the annual accrual of occasional sick leave. For example, if a full-time nonexempt employee records 10 hours of kin care during the fiscal year, the employee would have 70 hours of his or her annual occasional sick leave accrual remaining for his or her personal illness.

7.5.5 Unused kin care allowances do not accumulate from year to year.

7.6 When a nonexempt employee’s status changes between full-time and part-time, the fiscal year allowance for the new category becomes effective for the entire current year.

7.7 A nonexempt employee’s cumulative sick leave charges are recorded in one-minute increments up to the maximum allowance and approved by management.
8. Organ/Bone Marrow Donor Leave is a paid absence provided to regular and temporary employees to be a bone marrow or organ donor. Organ and bone marrow donor leave does not run concurrently with leave under the Family and Medical Leave Act (FMLA) (see Practice HR-3-15).

8.1 Employees are allowed a leave of absence not exceeding five business days to donate bone marrow to another individual in any one-year period. The one-year period is measured from the date the employee’s leave begins and shall consist of 12 consecutive months.

8.2 Employees are allowed a leave of absence not exceeding 30 business days to donate an organ to another individual in any one-year period. The one-year period is measured from the date the employee’s leave begins and shall consist of 12 consecutive months.

8.3 In order to receive leave to donate bone marrow or an organ, the employee provides written verification to the corporation that he or she is a donor and there is a medical necessity for the donation of an organ or bone marrow.

8.4 As a condition of receiving organ or bone marrow donor leave, the corporation will require that the employee take up to five days of earned but unused sick leave or vacation for bone marrow donation and up to two weeks of earned but unused sick leave or vacation for organ donation.

8.5 Any period of time an employee is required to be absent by reason of being a bone marrow or organ donor is not considered a break in service for purposes of seniority, vacation, paid time off, sick leave, or salary adjustments, so benefits will continue to accrue, and the corporation will continue group health insurance coverage under the same terms and conditions as if the employee had not taken leave.

8.6 Upon expiration of an authorized organ or bone marrow donor leave, the corporation will restore the employee to the position he or she held when the leave began or to a position with equivalent seniority status, employee benefits, pay, and other terms and conditions of employment; however, this does not guarantee reinstatement should business conditions change during the leave.

9. State Disability Insurance (SDI) is a benefit that provides payment for time off work for employees inside California for an injury or illness that lasts at least eight days, up to 26 weeks or 1040 hours. SDI runs concurrently with FMLA for the first 12 weeks of the disability, up to a maximum of 12 weeks or 480 hours.

10. Short-Term Disability (STD) is an employee-paid insurance benefit that provides payment for time off work for employees outside California for an injury or illness that lasts at least eight days, up to 26 weeks or 1040 hours. STD runs concurrently with FMLA for the first 12 weeks of the disability, up to a maximum of 12 weeks or 480 hours.
11. Supplemental sick leave pay represents the difference between the employee’s base compensation and payments either from State Disability Insurance (SDI) for employees inside California or an insurance carrier for employees outside California.

11.1 In California, SDI benefits begin on the eighth consecutive calendar day of a doctor-certified disability, when an employee is unable to work due to illness or injury.

11.2 Outside California, employees have the option to purchase Employee Paid STD with benefits that begin on the eighth consecutive calendar day of a doctor-certified disability, when an employee is unable to work due to illness or injury.

11.3 Supplemental sick leave pay may continue to a maximum of 26 weeks or 1040 hours. Supplemental sick leave pay is offset by payments an employee receives or is eligible to receive from SDI, STD, or Workers’ Compensation. Employee status is changed to Long-Term Disability leave after 26 weeks or 1040 hours (see paragraph 11.5).

11.3.1 Full-time employees receive supplemental sick leave payments for 40 hours of leave per week. Part-time employees receive supplemental sick leave payments according to the employee’s scheduled workweek.

11.3.2 The corporation pays an employee’s regular salary for a maximum of two weeks to allow continuation of income while the employee is waiting for disability payments to begin. Supplemental sick leave overpayments may occur during the initial two-week period when disability payments have not yet started and the corporation continues to pay full salary. Payroll recovers the overpayment by adjusting the employee’s subsequent checks starting with the third week.

11.3.2.1 Nonexempt employees who have utilized all occasional sick leave hours may use vacation or no pay for the first week of illness or injury.

11.3.3 Supplemental sick leave benefit payments may be discontinued if a physician’s certification is not received by the appropriate insurance carrier, with a copy to Employee Benefits.

11.4 Outside California, when supplemental sick leave benefits begin, occasional sick leave hours are automatically transferred to supplemental sick leave, and the occasional sick leave hours are restored to the employee.

11.5 If another doctor-certified disability is experienced any time before 90 days after the employee has returned to work, the recurrence is treated as a continuation of the initial period of the supplemental sick leave benefit. This reduces the 26-week (1040 hours) payment period by the number of weeks already paid.

11.5.1 An employee must be back 90 days in regular pay status in order for the supplemental sick leave pool to be replenished.
11.5.2 Employees who come back from disability on a part-time basis can charge “S” and, if they have supplemental sick leave remaining, sick leave hours are automatically transferred to supplemental sick leave. If the employee has used up the 1040 hours of supplemental sick leave and needs to continue to work part time, the employee’s status will be changed to part time.

12. Workers’ Compensation Disability Leave is granted by the corporation to employees with an occupational (work-related) illness or injury in accordance with state law. Leave taken under Workers’ Compensation Disability Leave runs concurrently with FMLA Leave under both federal and state law (see Practice HR-3-15).

12.1 Employees must report as soon as possible all workplace accidents, injuries and illness no matter how minor to their supervisor and the Environmental Health and Safety Department. Claims are coordinated through Environmental Health and Safety.

12.2 Employees must also provide the corporation with a certification from a healthcare provider of the workplace illness or injury, the employee’s inability to work and/or work restrictions, and the expected duration of the restrictions and/or inability to work.

12.3 Workers’ compensation benefits begin on the fourth calendar day of a doctor-certified nonhospitalization disability or on the first day of hospitalization, when approved by the workers’ compensation carrier. For employees on workers’ compensation, supplemental sick leave begins on the eighth day.

12.4 During workers’ compensation leave, employees may use supplemental and sick leave, SDI, STD, LTD, or actual vacation time as permitted by corporate practice. All such payments will be integrated with any wage reimbursement benefits that employees may receive. At no time will employees receive a greater total payment than their regular compensation.

12.5 The corporation maintains group health coverage for employees on Workers’ Compensation Disability Leave, if such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work.

12.6 Employees will be considered for reinstatement in accordance with applicable law, upon the submission of a return to work certification. If the employee is disabled due to an industrial injury, the corporation will work with the employee to provide reasonable accommodation. The corporation may, as an alternative, offer such employees modified work.

12.6.1 If the employee is returning from a Workers’ Compensation Disability Leave, which runs concurrently with an FMLA Leave, then the provisions of the FMLA practice will also apply (see Practice HR-3-15).

12.7 Employees should provide as much notice as possible of their return to work.

**PROCESS**
13. Employees notify management of absences due to injury or illness at the start of every work period.

13.1 An employee who has been absent from work due to illness or injury for more than five consecutive workdays or has been hospitalized must submit a California Employee’s Return to Work Certificate (Form 5604), or a Non-CA Employee’s Return to Work Certificate (Form 5604-1), signed by the health care provider, to Employee Benefits prior to resuming any duties. This form includes an authorization to return to work on a specified date and an explanation of any restrictions.

13.2 Employees file SDI or STD disability insurance claims when injury or illness-related absences exceed seven consecutive calendar days. Employees charge absence time to Sick Leave, “S” on the timecard. The employee must provide Payroll with a copy of a statement or proof of benefits from other sources (e.g., SDI, STD, Workers’ Compensation) within 30 days from the start of the disability. Supplemental sick leave pay will be discontinued if the employee does not provide Payroll with copies of proof of benefits as they are received from SDI, STD, or Workers’ Compensation.

13.3 Employees on disability notify management and Employee Benefits of extensions of leave and return-to-work dates.

13.3.1 An employee returning from Long-Term Disability (LTD) submits the appropriate form (Form 5604 or Form 5604-1) to Employee Benefits as explained in paragraph 12.1. The returning employee is transferred from LTD to regular active status, and processed through Personnel Security for reinstatement of security clearance and reissue of identification badge.

13.4 An employee on disability leave or LTD may participate in a rehabilitation program that allows the employee, under approved circumstances, to return to work to his or her previous position or similar position on a part-time basis. The employee will receive full-time regular benefits from the corporation, as well as pay for hours worked, and where the employee elected LTD coverage, proportionally reduced disability benefits from the insurer, provided the insurer approves the individual’s rehabilitation program. (See Summary Plan Description for details.)

13.4.1 Employees who participate in the rehabilitation program are reviewed by Employee Benefits and an Employee Relations representative on a case-by-case basis to determine job placement, where practicable, considering availability of suitable work and individual restrictions, in accordance with applicable federal and state laws.

13.4.2 An employee authorized by the physician for rehabilitation submits the appropriate form (Form 5604 or Form 5604-1) to Employee Benefits and returns to the previous position and organization, or is referred to Employee Relations.

13.4.3 The employee records hours of work (see Practice HR-1-9 and Practice HR-1-16) and hours of absence (charged to Code “R”) on the timesheet.
13.5 Employees charge absence time to Sick Leave, “S” on the timecard, when a workers’ compensation case is pending and not approved. Absence time is charged to Industrial Injury Time Loss, “I” on the timecard, once the workers’ compensation claim is approved. When a workers’ compensation claim has been approved, time previously charged to Sick Leave will be adjusted to Industrial Injury Time Loss. When a workers’ compensation case is declared permanent and stationary (that is when the doctor has determined the condition has reached maximum medical improvement), “I” should no longer be charged. Future absences should be charged to “S.”

14. Management notifies Payroll and Employee Benefits of the last day worked when an employee is hospitalized or has been unable to work for more than seven consecutive calendar days due to personal illness or injury.

15. Human Resources provides guidance and assistance to line managers who monitor and approve sick leave through the Employee Benefits Department and the Employee Relations and Services Department.

Last modified on January 6, 2016