

IX. SICK LEAVE

9.1 FULL-TIME REGULAR EMPLOYEES. Full-time regular employees shall accrue sick leave on the basis of twelve (12) hours per month of continuous service up to seven hundred and twenty (720) hours. Employees may not use sick leave until the leave is posted on payroll check stubs.

9.2 PART-TIME REGULAR EMPLOYEES. For part-time regular employees sick leave hours shall accrue and be eligible to be used based upon the ratio of the time worked compared to a full-time employee (FTE) in the current fiscal year budget.

9.3 QUALIFIED PERSONNEL IN THE FIRE DEPARTMENT. Qualified personnel of the Fire Department who are employed on a work period basis shall accrue sick leave on the basis of fourteen point four (14.4) hours per month of continuous service up to a total of eight hundred and sixty-four (864) hours.

9.35 QUALIFIED PERSONNEL IN THE POLICE DEPARTMENT. Qualified personnel in the Police Department who work a twelve (12) hour shift in an eighty four (84) hour pay period schedule shall accrue sick leave on the basis of twelve point six (12.6) hours per month of continuous service up to a total of seven hundred and fifty-six (756) hours.

9.4 DOCTOR'S CERTIFICATE. More than three (3) days sick leave used consecutively may require a doctor's certificate at the discretion of the employee's supervisor or Department Head.

9.5 NOTIFICATION TO SUPERVISOR. Any employee absent due to illness must notify their immediate supervisor prior to the normal time for reporting for duty. Any unauthorized absence is grounds for discipline up to and including termination.

9.6 WHILE ON LEAVE-WITHOUT-PAY STATUS. Effective the fourth day of leave without pay, Sick Leave will not accrue while an employee is on a leave-without-pay status.

9.7 UPON SEPARATION. A regular employee voluntarily terminating or retiring in good standing will be paid \$1.00 for every hour of sick leave accumulated as of their last day of employment. Good standing is determined by the last three years performance evaluations being satisfactory (rated "3" or higher). In a case where the employee has not been employed for a period of three years, the actual length of "satisfactory" employment will be used.

9.8 EMERGENCY LEAVE.

a. In case of a medical emergency, such as non-elective hospitalization or serious injury of the employee or a member of the employee's immediate family, or death in the employee's immediate family, the employee may use the following amount of accrued sick leave without requiring approval of the Administrator:

- (1) Up to forty (40) hours, except for qualified personnel of the Fire Department or Police Department;
- (2) Up to forty-eight (48) hours for qualified personnel of the Fire Department;
- (3) Up to forty-two (42) hours for qualified personnel of the Police Department.

b. For the purpose of this section, "immediate family" includes the employee's spouse, children, parents, parents-in-law, siblings, grandparents, grandchildren, or any person acting in one of these capacities.

c. Documentation setting out the facts constituting the emergency shall be provided to the Department Head simultaneously with the Time Sheet on which the leave is taken.

9.9 ABUSED SICK LEAVE. Any abuse of sick leave privileges shall subject the employee to discipline up to and including termination.

9.10 FAMILY AND MEDICAL LEAVE ACT POLICY

A. The following establishes guidelines for the use of family and medical leave as it relates to the Family Medical Leave Act (FMLA) and the Alaska Family Leave Act (AFLA)

B. Determining Eligibility

1. Employee must have worked for the Municipality for at least 12 months. The 12 months need not be consecutive.
2. The employee must also have performed at least 1250 hours of work during the 12 months immediately preceding the beginning date of the leave.
3. Employee must work within the boundaries of the United States and its territories.

C. Family Leave Qualifications

1. An employee who is otherwise qualified for leave may take leave for the following family events:
 - a. Birth of a child and to care for the newborn child.
 - b. Placement of a child with the employee for adoption or foster care.
2. An employee must give the Municipality 30 days' notice of the employee's intent to take family leave if the date of the birth or placement is foreseeable. If it is not possible to give 30 days' warning, the employee must give the Municipality as much notice as possible.
3. The right to take leave for birth or placement expires 12 months after the birth or placement of the child.

D. Medical Leave Qualifications

1. An employee may be entitled to medical leave to care for a "serious health condition" of the following individuals:
 - a. Son or daughter (including biological, adopted, and foster children, as well as stepchildren, legal wards, and disabled adult children).
 - b. Spouse (husband or wife, including a common-law spouse).
 - c. Parent (or someone who has acted in the role of parent).
 - d. The employee themselves, if the employee is unable to perform the functions of his or her job position.
2. Employee must provide documentation or a statement that a covered family relationship exists.
3. A "serious health condition" is defined as an illness, injury, impairment, or physical or mental condition that involves:
 - a. A period of incapacity or treatment involving inpatient care in a Municipality, hospice, or residential medical care facility, and any later related treatment.
 - b. Continuing treatment or supervision by a health care provider. "Continuing treatment" includes multiple treatments by a health care provider or health care service, as well as single treatments that result in a regimen of continuing treatment under the health care provider's supervision. The definition of "health care provider" includes doctors of medicine or osteopathy, physician assistants, dentists, clinical psychologists, optometrists, podiatrists, chiropractors, licensed nurse practitioners, nurse midwives, clinical social workers, Christian Science practitioners, and any health care provider whose certification of a serious health condition will be accepted by us, the employer, or by Municipality's health plan. Continuing treatment or supervision by a health care provider will be covered for:

- i. A period of incapacity requiring more than three days' absence from work, school, or other regular activity, and later related treatment.
- ii. Prenatal care.
- iii. A period of incapacity or treatment for a chronic serious health condition (one that requires periodic treatments and that lasts an extended period of time, including episodic conditions such as asthma, diabetes, and epilepsy).
- iv. A permanent or long-term health condition that is incurable.
- v. Multiple treatments for restorative surgery after an injury or for a condition that failure to treat would result in more than three days of incapacity (such as cancer or kidney disease).

4. Periodic leave or a reduced work schedule will be available if necessary to accommodate the employee's personal medical condition or planned medical treatments for the employee or family members. However, a "serious health condition" must be involved, and the employee must try to schedule the leave so as not to disrupt the daily operations of the Municipality.

5. An employee must give the Municipality 30 days' notice of the employee's intention to take medical leave if doing so is possible. If it is not possible to give 30 days' notice, the employee must notify Municipality as soon as practicable and the notice must provide enough information to know whether the leave should be designated as FMLA leave. The employee does not have to mention the FMLA in requesting leave. The Leave of Absence form must be completed by the supervisor and returned to Human Resources Department prior to the leave.

6. The employee must provide documentation of the serious health condition that is the basis for the leave request. Within two days after receiving a leave request (or after the leave begins, if the leave was unforeseen), the Municipality must notify the employee that documentation is required. The Municipality must give the employee at least 15 days to provide the documentation. Employees must also be informed of the consequences of failing to provide adequate documentation (i.e., loss of FMLA protection). The documentation must be completed by a doctor or other health care provider.

7. The Municipality will not request additional information from the employee's health care provider except for the purpose of clarification or for pregnancy and illnesses of long duration and then, only at reasonable time intervals and not more often than every 30 days, and only in connection with an absence.

8. The Municipality reserves the right to require a second opinion at our expense and given by a health professional chosen by us. If the second opinion differs from the first, the employee and the Municipality must agree on a health professional to issue a third opinion. The third opinion is final and binding on both parties. The Municipality will be responsible for the cost of obtaining the second and third opinions within the context of determining FMLA related eligibility.

E. Leave Availability

1. The AFLA provides up to 18 weeks of leave (whether paid or unpaid) per 24 month period or 12 weeks (whether paid or unpaid) per 12 month period for eligible employees with serious health conditions or valid medical or family reasons for leave. In addition, the AFLA provides for up to 18 weeks of leave (whether paid or unpaid) per 12 month period for eligible employees who have pregnancy related health conditions, have given birth, or have adopted a child.

2. Employees will be required to first use any accrued sick leave (only when FMLA leave is related to the illness of the employee himself) and/or paid leave before taking unpaid leave during the FMLA Leave.

3. If the employee is receiving Workers Compensation or disability benefits while out on FMLA leave, other paid leave will not be substituted.

4. Substituting paid leave for unpaid leave does not extend the total leave available to the employee.

5. The employee must take leave in one unbroken time period unless it is required for medical treatment (such as therapy sessions or health care visits).
6. The Municipality will reserve the right to temporarily transfer the employee to a position that more easily allows periodic absences or reduced hours. The alternate position will have pay and benefits equivalent to those of the employee's regular position. Only the time actually taken as leave may be counted toward the 18 weeks of leave available.
7. If both spouses work for the same employer, leave for both employees combined may be limited to 12 weeks per 12-month period. This leave limitation applies when the leave is taken due to the illness of a parent or because of the birth/adoption of a child. The law does not require the Municipality to grant leave to both parents at the same time.
8. The employee will be required to report periodically while the employee is on leave as to whether the employee intends to return to work.

F. Designating FMLA Leave

1. The Municipality is responsible for designating FMLA leave. Once the employee qualifies for leave under the FMLA, we will notify the employee of the FMLA designation within two business days. If leave is designated orally, the Municipality will confirm this designation in writing by the employee's next regular payday.
2. The Municipality will also notify the employee, within two days of any request, if the employee is not eligible for FMLA leave.
3. The Municipality will reserve the right to designate any leave taken under the Workers Compensation system as FMLA leave if the employee is injured on the job and the injury qualifies as a serious health condition under the FMLA. The employee will also be told of the designation.

G. Restoration on Return from Leave

1. An employee returning from leave will be restored to his or her old position or a position with equivalent pay, benefits, and working conditions. However, this will not apply if the employee is no longer capable of performing the essential functions of his or her former job. There is an exception to this rule for key employees listed as follows:
 - a. The Municipality will reserve the right to refuse to allow a "highly compensated employee" to return to his or her old position if:
 - i. Denial is necessary to prevent substantial economic loss.
 - ii. The Municipality notifies the employee as soon as the Municipality determines which employees would cause serious economic losses (the notice will tell the employee the reason for denying job restoration and give the employee a reasonable amount of time to return to work).
2. If the employee is on leave and does not return to work after being informed that he or she is ineligible to return to a prior position, the employee is still entitled to health benefits until the leave expires or until the employee gives notice that he or she will not return.
3. Any unpaid FMLA leave may result in a change in the employees anniversary date as it relates to calculations for PERS benefits.

H. Employee Benefits Under the FMLA

1. Any benefits accrued by an employee before he or she takes FMLA leave must still be available to the employee on returning. Employee benefits (other than health insurance) and seniority generally do not have to continue accruing while the employee is on leave.
2. The employee will be entitled to any unconditional pay increases that becomes effective during the leave. The employee will not be disqualified for bonuses that are based on attendance or safety because of FMLA leave. Production bonuses will be withheld if employees on other types of leave are also excluded.
3. With respect to pension and retirement plans, FMLA leave will not be considered a "break in service" for vesting or eligibility purposes. If the plan requires employment on a specific

date for vesting or eligibility (such as employment on the last day of the year), an employee on FMLA leave is considered employed on that date.

I. Group Health Insurance

1. The Municipality will continue making the same contribution to the employee's group health plan during a leave. If the plan or benefits change, the employee on leave is also covered by the change and must be notified of any new options that become available.

2. If the employee pays all or a portion of the premium on group health insurance, that obligation will continue while the employee is on leave. If the Municipality pays the employee's group health insurance share of the premium, the employee will be required to reimburse the Municipality except as provided in section 8.E.

3. Due to the provisions of the group health insurance plan, an employee may not choose to allow their group health insurance coverage to lapse during an FMLA leave.

4. If the employee fails to return to work, the Municipality will attempt to recover from the employee any contribution made on behalf of the employee (the employees share) to the group health plan.

5. In addition, if the employee fails to return to work for other than the following reasons, the Municipality will attempt to recover from the employee the Municipality's contribution to the group health plan:

- a. The employee fails to return because of a medical condition that would qualify for leave or
- b. The employee fails to return because of other circumstances beyond the employee's control.

6. The employee must submit documentation of a medical reason for not returning to work. The documentation must cover the same information as other medical leave documentation.

7. If the employee does not return to work, the employee's rights under COBRA will generally run from the last day of FMLA leave. This is true even if the employee's health insurance lapsed while the employee was on leave.

J. Notice to Employee

1. Within two days after an employee requests leave that comes under the FMLA, the Municipality will give the employee a notice informing him or her of the consequences of taking leave and of the employee's obligations. The notice will state, as applicable to the employee's situation, the following:

- a. Whether the leave will be counted as FMLA leave.
- b. Whether the employee is required to furnish medical documentation.
- c. Whether and how the Municipality will substitute paid leave for FMLA leave.
- d. Whether and how the employee is to make health insurance premium payments.
- e. Whether the employee will be required to present a fitness-for-duty certificate on returning to work.
- f. Whether the employee is a key employee and the consequences of that status.

2. The employee may have to reimburse the Municipality for health insurance premiums if the employee does not return to work.

3. The Municipality will be responsible for posting a notice of the law in a conspicuous location in the workplace, typically on the employee bulletin boards.

K. Calculations

AFLA provides up to 18 weeks of leave (any combination of paid or unpaid) per 24 month period for eligible employees with valid medical or family reasons for leave. The Municipality will use the following method for calculating the 24 month period: A “rolling” 24 month period measured backward from the date the employee takes AFLA leave. This method will be applied uniformly to all employees.

L. Start of Family Leave Calculation Under the FMLA/AFLA.

An employee may use up to fourteen days per calendar year of their sick leave to care for a family member (as defined in Subsection 9.10. D) who is sick before the family leave calculation may begin under FMLA/AMLA. This family member need not have a “serious health condition” as defined in Subsection 9.10.D.

9.11 LEAVE BANK. When an employee has exhausted his or her accrued sick leave, annual leave, and floating holidays, the employee may apply for leave from the sick leave bank, which is subject to the following rules:

- a. Employees may voluntarily contribute annual leave into the sick leave bank.
- b. The bank may be used to aid employees who are experiencing a serious health condition, or an immediate family member is experiencing a serious health condition as defined by AS 23.10.550.;
- c. Eligibility and allocation of sick bank hours will be determined by the Finance Director with the approval of the Administrator;
- d. An individual employee may not use more than 2080 hours from the bank in a lifetime; and
- e. The amount of leave provided to an individual from the leave bank cannot exceed the amount that employee would be entitled to under the Family Medical Leave Act or the Alaska Family Leave Act.

9.12 CONVERSION OF SICK LEAVE. Each full time regular employee will have one-half of the difference between 80 hours and the actual hours of sick leave used in the previous calendar year converted from sick leave to annual leave on January 1 of each year. For new or terminating employees, conversion shall be worked out on full quarters of the year completed to the date of conversion.

Part time regular employees shall be able to convert sick leave to annual leave on a pro rata basis based upon the relationship between their employment hours and full time employment.

9.13 MATERNITY/PATERNITY LEAVE. For the birth of a child and in order to care for the child; the placement of a child with an employee for adoption or foster care, employees may use sick leave towards family leave.