

POLICY 702 ABSENCES

Policy:

The City of Anacortes permits employees to be absent from work on an authorized basis for a variety of reasons, including sickness or injury. To help employees maintain their income during certain authorized absences, the City will provide compensation according to the guidelines below.

Comment:

(1) Sick Leave

- (a) Regular, full time employees, accrue paid sick leave at the rate of 8 hours per calendar month of continuous employment. Regular part time employees whose full time equivalency is 50% or more are entitled to sick leave accrual on a pro-rata basis. Temporary employees are not eligible for paid sick leave benefits. Employees do not accrue sick leave benefits during a leave without pay.
- (b) The maximum number of hours of sick leave that an employee can accumulate is one thousand, four hundred, forty (1440) hours.
- (c) Sick leave may be used for any of the following purposes:
 - (i) Personal illness or incapacity of the employee;
 - (ii) Forced quarantine of the employee by a public health official;
 - (iii) To care for the employee's dependent children under age 18 who are ill;
 - (iv) To attend the birth of the employee's child;
 - (v) Use of a prescription drug that impairs job performance or safety;
 - (vi) Medical or dental appointments of the employee or dependent children under the age of 18, when such appointments cannot reasonably be scheduled during off-duty time;
 - (vii) For any purpose described in the WA Family Care policy set forth below.

Sick leave may be coordinated with certain other leaves (see Family and Medical Leave policy below.) Employees may be required to provide medical or other documentation to verify the appropriate use of sick leave. A doctor's note will typically be required when an employee is absent for three or more consecutive days, or in other situations as deemed appropriate by the City of Anacortes (e.g., pattern absences on Fridays and/or Mondays.) Excessive tardiness or absences (other than approved FMLA leave) may lead to disciplinary action up to and including termination.

- (d) Upon retirement, employees are eligible for reimbursement of a portion of their unused sick leave proportionate to their sick leave balance:

Sick Leave Balance at Retirement	Percent Reimbursement
0-800 hours	0%
801-1251 hours	18%
1251-1440 hours	25%

(2) Family and Medical Leave

Recognizing the importance of family and out of concern for the well being of our employees, the City of Anacortes family and medical leave program enable employees to take time off, under certain conditions, for health reasons or to care for family members. This policy will be administered in accordance with the federal **Family and Medical Leave Act (FMLA)** and the **Washington Family Leave Act (FLA)**. A notice entitled “Employee Rights and Responsibilities Under the Family and Medical Leave Act” is posted in break rooms and is provided to employees upon hire and included in the appendix of this manual. Nothing in this policy affects or supersedes any federal or state law or collective bargaining agreement that may provide greater entitlement to medical or family leave than those set forth in this policy.

(a) **Eligibility** To be eligible for leave under this family and medical leave policy, an employee must have been employed by the City of Anacortes for at least 12 months, must have worked at least 1,250 hours in the preceding 12 months, and must work at a location where at least 50 employees are employed by the City of Anacortes within 75 miles.

(b) **Leave Entitlement** An eligible employee may request up to 12 workweeks of FMLA leave per “leave year” for one or more of the following reasons:

- (i) To care for the employee’s child upon birth, or to care for a child upon the child’s placement with the employee for adoption or foster care;
- (ii) To care for a spouse, son, daughter, or parent who has a serious health condition;
- (iii) To care for self, if the employee has a serious health condition that makes the employee unable to perform the essential functions of the position (including incapacity due to pregnancy, prenatal medical care, or childbirth); or
- (iv) For a “qualifying exigency” arising out of the fact that the employee’s spouse, son, daughter, or parent is a covered military member who is on active duty, or has been notified of an impending call to active duty in support of a contingency operation. Covered military members are members of the National Guard or Reserves, and certain retired military service personnel, who have been called to active duty or notified of an impending call to active duty. Qualifying exigencies are

generally activities related to the active duty or call to duty, including attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions and attending post- deployment reintegration briefings.

The City of Anacortes defines a leave year as the rolling twelve-month period measured backward from the date an employee uses any FMLA leave. FMLA leave for birth or placement for adoption or foster care must conclude within 12 months of the birth or placement. In addition, spouses employed by the City of Anacortes are jointly entitled to a combined leave of 12 workweeks of family leave for the birth or placement of a child for adoption or foster care, or to care for a parent with a serious health condition. Each spouse is, however, eligible for the full 12 weeks of leave in the 12-month leave period to care for a child or spouse with a serious health condition, or for either employee's own serious health condition.

An eligible employee may also take up to 26 weeks of leave during a single 12-month period to care for an injured service member who is the employee's spouse, parent, child, or next of kin. A covered service member is a current member of the Armed Forces, including National Guard or Reserves members, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation or therapy; or in outpatient status; or is on the temporary disability retired list. For purposes of this kind of leave, the 12-month period begins the first day the employee takes leave. The combined total of leave for all purposes described in this policy may not exceed 26 weeks in the applicable leave year.

(c) **Serious Health Condition**

A serious health condition is an illness, injury, impairment or physical or mental condition that involves

- (i) Any period of incapacity or treatment connected with inpatient care (i.e. an overnight stay) in a hospital, hospice, or residential medical care facility;
- (ii) A period of incapacity of more than three consecutive, full calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider;
- (iii) A period of incapacity due to pregnancy or for prenatal care;
- (iv) A period of incapacity or treatment due to a chronic serious health condition, for which a permanent or long-term condition for which treatment may not be effective, or to receive multiple treatments for restorative surgery after an accident or injury or for a condition that would likely result in an incapacity of more the three full, consecutive calendar days in the absence of medical treatment (e.g. chemotherapy for cancer or dialysis for kidney disease.)

(d) **Intermittent or Reduced Work Schedule Leave**

In certain circumstances, eligible employees may take FMLA intermittently (for example, in smaller blocks of time) or by reducing their work schedule. If the FMLA leave is because of the employee's own serious health condition or to care for a family member, the employee may take the leave intermittently on a reduced work schedule if it is medically necessary. Eligible employees may also take FMLA leave on an intermittent or reduced schedule basis when necessary because of a qualifying exigency arising from a family member's military service. If FMLA leave is to care for a child after the birth or placement for adoption or foster care, employees may take their FMLA leave intermittently or on a reduced work schedule only with the City of Anacortes's permission. Where intermittent leave or reduced-schedule leave is needed for planned medical treatment, an employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly the City of Anacortes operations. Where an employee needs intermittent or reduced-schedule leave based on planned medical treatment, the City of Anacortes may transfer the employee to an alternative position with equivalent pay and benefits that can better accommodate such recurring leave.

(e) **Notice and Certification**

Employees who want to take FMLA ordinarily must provide the City of Anacortes with at least 30 days' notice of the need for leave, if the need for leave is foreseeable. If 30 days' advance notice is not possible, notice must be provided as soon as practical (which is generally the same day or next business day after the need for leave becomes known.) Absent unusual circumstances, employees are required to follow the City of Anacortes' regular procedural requirements when requesting FMLA leave. (See ATTENDANCE AND PUNCTUALITY, Policy 701.) When requesting leave, employees must provide sufficient information for the City of Anacortes to determine whether the leave may be FMLA qualifying, and the anticipated timing and duration of requested leave. Employees must also inform the City of Anacortes if the requested leave is for a reason for which FMLA leave was previously taken or certified.

When leave is requested in connection with planned medical treatment, the employee must make a reasonable effort to schedule treatment in order to prevent disruptions to the City of Anacortes operation.

In addition, employees who need leave for their own or a family member's serious health condition must provide medical certification from the health care provider of the serious health condition. The City of Anacortes may require a second or third opinion (at the City of Anacortes expense,) periodic recertification of the serious health condition, and when the leave is for an employee's own serious health condition, a certification that the employee is fit to return to work.

Employees who need leave for a qualifying exigency arising from a family member's military leave must provide a certification confirming the need for leave.

The City of Anacortes may delay leave to employees who do not provide proper advance notice of the foreseeable need for leave. The City of Anacortes also may delay or deny approval of leave for lack of proper certification establishing the need for leave.

Please contact Human Resources to obtain further information and forms relating to FMLA leave requests.

(f) **Continuation of Pay and Benefits**

FMLA leave is unpaid leave. However, employees are required to use accrued sick leave for sick leave qualifying events as part of their 12 weeks of FMLA leave.

During all leave under this family and medical leave policy, the City of Anacortes will continue to pay the employer's portion of health insurance premiums, provided that the employee continues to pay their share of the insurance premiums, if any. Failure of the employee to pay their portion of the premium may result in cancellation of health insurance. Under certain circumstances, if an employee fails to return to work at the end of the leave, the employee may be responsible to pay back the City of Anacortes for the employer portion of the health insurance premiums. Leave such as vacation and sick leave will continue to accrue during paid leave, but not during unpaid leave.

(g) **Job Restoration Upon Return from Leave**

Upon return from family and medical leave, an employee will be entitled to return to the employee's former position or a position with equivalent pay, benefits, and conditions of employment, unless unusual circumstances have arisen (e.g., the employee's position or shift was eliminated for reasons unrelated to the leave.) If the employee chooses not to return to work for any reason, the employee should notify the City of Anacortes as soon as possible.

(h) **Leave for Pregnancy Disability and to Care for a Newborn**

Note: The pregnancy disability leave does not apply when the qualifying event is the placement of a newborn by adoption or foster care.

Under *Washington State Law*, pregnant employees are entitled to additional unpaid leave for the period of time that the female employee is physically disabled due to the pregnancy and/or childbirth. The period of temporary disability normally lasts six to eight weeks if the pregnancy and childbirth are without complications. With complications, such as required bed rest before childbirth, the period of temporary disability can last longer.

The pregnancy disability leave runs concurrent (at the same time) with the FMLA, and does not extend the 12 weeks of leave allowed under federal law.

The pregnancy disability leave runs consecutive (one begins after the other ends) with the FLA, and does extend the 12 weeks of leave allowed under state law for the duration of the physical disability. Thus, a pregnant employee with no complications in the pregnancy and childbirth is likely entitled to 18 weeks to 20 weeks of leave (6 to 8 weeks of physical disability leave, plus 12 weeks of leave under the FLA.) The FLA is unpaid leave

unless the employee has accrued vacation and/or sick leave available (and the reason for the leave is sick leave qualifying.)

Male employees may use 80 hours of paid sick leave during the birth and immediately following the birth of the employee's child.

For more information on any of these leave policies, or if you think you may need to take a Family and Medical Leave, please contact Human Resources. The leave laws, particularly those applicable to pregnancy and childbirth, can be confusing. Employees are encouraged to contact Human Resources with any questions about how the various laws are coordinated in a particular situation.

(3) Jury or Witness Duty

Employees who are required by law to render jury service will be granted time off during period of jury duty. Nonexempt employee will be paid their regular base rate for authorized absences to serve as a juror or subpoenaed witness, up to a limit of two workweeks per calendar year. Payment received from the courts during City-paid jury duty leave must be paid to the City. Expense reimbursements, such as mileage, do not need to be paid to the City. Employees should notify their supervisors as soon as possible after receipt of a juror summons so that operational adjustments can be made as needed during the employee's absence. A copy of the juror summons must be provided to the supervisor. If an employee is summoned for jury service during a critical work period, the City of Anacortes may ask the employee to request a waiver from duty; in such cases: the City of Anacortes will provide documentation to the relevant court supporting the waiver request. Employees should contact their supervisor for instruction if there is a break greater than four hours during jury duty where the employee is not required to report to the court; depending on the circumstances, an employee may be required to return to work during such a period.

An employee subpoenaed to testify in court will be granted time off for the period served as a witness. In general, leave for witness duty is unpaid unless the employee has been called as a witness by the City of Anacortes.

(4) Military Leave

Every employee who is a member of the Washington National Guard or of the U.S. Army, Navy, Air Force, Coast Guard or Marine Corps, or of any organized reserve of the United States, will be granted military leave in accordance with state and federal law. Employee who take military leave will have whatever rights to reinstatement, seniority, vacation, layoffs, and compensation as are provided by applicable law.

(a) Washington State Law provides 21 days of paid military leave per year. A public employee is entitled to a paid military leave of absence for a period not to exceed 21 working days during each year beginning October 1st and ending the following September 30th. According to guidance from the Attorney General's office, a day is calculated according to the number of days the employee would have worked, but for the military leave. Military leave beyond the 21 days of paid time off will be unpaid. The employee may elect to use accrued vacation, compensatory time, exchange time, or other available paid time off during the period of military leave.

Employees should notify their supervisor as soon as they receive notice of the need to report for military duty, and provide the supervisor with a copy of the military orders.

(5) Leave for Spouses of Military Personnel (Non-FMLA)

During a period of military conflict declared by the President or Congress, an employee who is the spouse of a member of the Armed Forces, National Guard or Reserves is entitled to up to 15 days of unpaid leave while their spouse is on leave from deployment, or before and up to deployment. (This reason for leave may also be covered under FMLA leave for a qualifying exigency, although an employee need not meet the more stringent FMLA eligibility requirements in order to take this spousal military leave.) The purpose of this leave is to support the families of military personnel serving in military conflicts by permitting them to spend time together before a family member is deployed or while the family member is on leave from a deployment. An employee must work an average of 20 hours per week to be eligible for this family military leave.

An employee who seeks to take family military leave must provide the City of Anacortes with notice of their intent to take the leave within five business days of receiving official notice that the employee's spouse will be on leave or of an impending call to active duty. The employee may substitute available accrued vacation, compensatory time, or exchange time leave for any part of this family military leave.

(6) Family Care/Use of Accrued Leave to Care for Sick Family Member

Consistent with the **Washington Family Care Act**, employee may use their choice of any accrued leave that they have available for their own use in order to care for their child, spouse, parent, parent-in-law, or grandparent as described below.

An employee may use available paid time off to care for their child where the child has a health condition requiring treatment or supervision, or where the child needs preventative care (such as medical, dental, optical, or immunization services.)

An employee may use available paid time off when a spouse, parent, parent-in-law, or grandparent has a "serious or emergency health condition" which are conditions:

- Requiring an overnight stay in a hospital or other medical-care facility
- Resulting in any period of incapacity or treatment or recovery following inpatient care
- Involving continuing treatment under the care of a health services provider that includes any period of incapacity to work or attend to regular daily activities; or
- Involving an emergency (i.e. demanding immediate action)

Where the need for family care leave is unexpected, the City of Anacortes understands that advance approval of the use of leave (as is required for certain kinds of accrued leave) may not be possible. Employees are required, however, to notify their supervisor of the need to take time off to care for a family member as soon as the need for leave becomes known. The City of Anacortes reserves the right to require verification or

documentation confirming that a family member has or has had a “serious or emergency” health condition when available leave is used to care for that family member.

(7) Bereavement Leave

In the event of the death of an employee’s immediate family member, time off with pay for employee’s regular scheduled workday will be granted to regular full time employees. The phrase “immediate family” for the purposes of the bereavement policy includes the employee’s spouse or domestic partner, brother, sister, father, mother, stepfather, stepmother, grandparent, children, stepchildren, grandchildren, father-in-law, mother-in-law, grandparent-in-law, sister-in-law, brother-in-law, daughter-in-law, and son-in-law.

Three consecutive workdays off with pay will be approved to attend the funeral or memorial service. (Maximum 24 hours)

Two additional consecutive work days off with pay will be approved for travel from the employee’s home to the funeral or memorial service if the travel exceeds two hundred (200) miles each way. (Maximum 16 hours)

Regular part-time employees who are scheduled to work twenty or more hours per week are eligible to receive Bereavement Leave. The amount of leave allowed will be pro-rated for regular part time employees.

(8) Domestic Violence/Sexual Assault Leave

This leave is available to employees who are victims of domestic violence, sexual assault, or stalking. It is also available to employees with a family member (child, spouse, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship) who is a victim of domestic violence, sexual assault, or stalking. The leave may be taken in blocks, intermittently, or on a reduced leave schedule. The amount of leave that an employee may take is limited to a “reasonable” amount. Domestic violence/sexual assault leave is unpaid, although an employee may elect to use the employee’s accrued paid leave (e.g. vacation, compensatory time, exchange time, or sick leave if it qualifies) in connection with such leave.

Domestic Violence/Sexual Assault Leave may be taken for the following purposes:

- To seek law enforcement or legal assistance or to prepare for or participate in any legal proceeding related to domestic violence, sexual assault or stalking;
- To seek health care treatment for physical or mental injuries from domestic violence, sexual assault, or stalking, or attend to such health care treatment for a family member;
- To obtain (or assist a family member in obtaining) mental health counseling related to domestic violence, sexual assault, or stalking; or

- To participate in safely planning, to temporarily or permanently relocate, or to take other actions to increase the safety of the employee or family member relating to domestic violence, sexual assault, or stalking.

When possible, employees must give advance notice of the intention to take leave. If advance notice is not possible, employees (or their designees) must give notice of the need for this leave no later than the end of the first day the employee takes the leave. The City of Anacortes may require verification to support the need for the leave. Depending on the situation, verification can take the form of police reports, court documents, or the employee's own written statement of the need for the leave. Except where disclosure is authorized or required by law, the City of Anacortes will maintain confidentiality of all information provided by the employee in conjunction with the Domestic Violence/Sexual Assault Leave.

(9) Organ and Bone Marrow Donation Leave

- (a) Employees may take paid leave, not to exceed five days in a two-year period, as needed for the sole purpose of participating in life-giving procedures as defined below. Such leave shall not be charged against sick leave or vacation leave, and use of leave without pay shall not be required.
- (b) Departments may take into account program implementation and staffing replacement requirements in the scheduling of such leave time. Employees are required to provide reasonable advance notice of a desire to take paid leave time.
- (c) When planning for and granting paid leave, department heads shall take into account provisions of collective bargaining agreements that cover leave usage. Any additional leave time needed for life-giving procedures shall be subject to the City of Anacortes Personnel Policies and Collective bargaining agreements.
- (d) Employees must provide written proof from an accredited medical institution, physician or other medical professional that the employee participated in a life-giving procedure.
- (e) "Life-giving procedure" shall mean a medically supervised procedure involving the testing, sampling, or donation of organs or bone marrow for the purposes of donation, without compensation, to a person or organization for medically necessary treatments.
- (f) This does not create any entitlement or other right that may be converted to cash, other compensation, or any other benefit. It is intended only to encourage altruistic life-giving procedures, and to allow paid leave to participate in such procedures.

(10) Leave Share Program

- (a) Eligible employees may donate excess sick or vacation leave for use by another employee who is suffering from an extraordinary medical emergency. Employees are eligible to receive shared leave when the severity of the emergency would cause the employee to take leave without pay or to terminate employment without shared leave. Employees who donate leave waive all rights to the donated leave.
- (b) Employees may request a leave donation when they have or expect to use all of their accrued leave (including vacation, sick, personal days, compensatory time, and

exchange time) and would otherwise be on a leave without pay and has been found to be ineligible to receive industrial insurance benefits. The employee receiving a sick leave donation is required to provide medical justification and documentation both of the necessity for the leave and the length of time the employee reasonably can be expected to be absent due to the condition. While an employee is receiving shared leave, the employee continues to be classified as a City employee and shall receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using the employee's own accrued leave except that the shared hours received are not eligible for retirement benefits.

(c) The maximum number of days an employee can receive of donated leave is 90 per calendar year. The Mayor and Human Resource Department retain discretion to determine the eligibility to receive donated leave.

(d) The maximum amount of sick leave that can be donated per request, per calendar year is 40 hours. The donating employees' sick leave balance may not fall below 480 hours. Donations and use of leave are on an hour-for-hour basis, without conversion for differentials between rates of pay received by the donors and the recipients.

(11) Coordination of Wages with Worker's Compensation

Employees receiving salary continuation through Workers Compensation who are still receiving their regular wages from the City of Anacortes by usage of their accrued sick leave, must return their Workers Compensation payment to the Finance Department. The Finance Department will then use the check amount to reinstate the employee's sick leave balance at the employee's current rate of pay. Vacation, comp time, exchange time, or shift trades should not be used during a work related injury or illness.

(12) Other Unpaid Leave

Subject to operation and other considerations, the Mayor may grant a leave of absence without pay for an absence not covered by any other type of leave. Any available accrued leave must be exhausted before an unpaid leave will be approved. An example of an absence that may qualify is a prolonged illness or medical condition for which an employee needs reasonable accommodation.

(13) Administrative Leave

On a case by case basis, the Mayor may place an employee on administrative leave with or without pay for an indefinite period of time. Administrative leave may be used when it is in the City of Anacortes' best interest, such as during the pendency of an investigation.

(14) Benefits During Leave

Employees who are on a paid leave of absence shall continue to receive benefits they were entitled to prior to the start of their leave, including the accrual of vacation, sick leave, holidays, retirement, and health insurance benefits. Unless stated otherwise in these policies, benefits that accrue according to length of service, such as paid vacation, holiday, and sick days, do not accrue during periods of unpaid leave or during periods in which the employee receives workers' compensation. In certain cases, self payment of insurance premiums may apply. (See HEALTH AND WELFARE BENEFIT DISCLOSURE, Policy 501.)

(15) Outside Employment

Employees who are on an approved leave of absence may not perform work for any other employer during that leave, except when the leave is for military service or explicitly approved by the Mayor.

(16) Employees cannot receive "advances" against their accrued sick leave or vacation banks. Employee will only receive paid time off if they have accrued balances in the leave banks prior to the leave being taken. In addition, authorized days off for short-term absences will not be considered as working time for calculating weekly overtime compensation. (See HOURS OF WORK, Policy 209.)