

# OKOLONA FIRE PROTECTION DISTRICT

## SICK & BEREAVEMENT LEAVE POLICY

Page Number:

Effective Date:

Supersedes Editions:

Category:

Page 1 of 5

9/8/2022

9/9/2021 & ALL PRIOR

Administrative

### SICK & BEREAVEMENT LEAVE – DEFINITIONS

Sick Leave: Sick Leave is absence from work resulting from an illness or injury to the employee that does not arise in the course of employment. Paid or Unpaid Sick Leave shall also be used when a member of the employees' immediate family is ill or injured and the employee must provide care to the person. For purposes of this policy only, immediate family member means a person related to the employee by blood or marriage or a significant other who resides with the employee. Paid or Unpaid Sick Leave shall also be used for Bereavement so long as documentation is provided. Documentation shall be provided by the employee for any form of Sick Leave as set forth later in this document or the employee shall be considered Absent Without Leave (AWOL). An employee is AWOL if they fail to follow any aspect of this policy. KRS 75.130 disciplinary charges shall be filed against AWOL employees. KRS 75.130 disciplinary proceedings shall be filed against any Supervisor that fails to follow this policy in any manner. Paid and Unpaid Sick Leave is not unlimited.

Paid Sick Leave: An employee may receive pay while using Sick Leave but only if this policy is strictly followed and documentation is provided as set forth later in this document. If this policy is not strictly followed the employee is AWOL and KRS 75.130 disciplinary charges shall be immediately filed against the offending employee. Any supervisor that grants Paid Sick Leave to any employee with a negative Paid Sick Leave balance or without acceptable documentation (as set forth later in this document) and causes the employee to receive pay shall have KRS 75.130 disciplinary charges immediately filed against the offending supervisor(s). Paid Sick Leave is not unlimited.

Unpaid Sick Leave: An employee may receive Unpaid Sick Leave if they do not have any accrued Paid Sick Leave but only if this policy is strictly followed and documentation is provided as set forth later in this document. If this policy is not strictly followed the employee is AWOL and KRS 75.130 disciplinary charges shall be immediately filed against the offending employee. Any supervisor that grants Unpaid Sick Leave to an employee without acceptable documentation (as set forth later in this document) shall have KRS 75.130 disciplinary charges immediately filed against the offending supervisor(s). Unpaid Sick Leave is not unlimited.

Light Duty: That time when an employee is capable of returning to work in some capacity consistent with limitations imposed by a licensed physician. All employees off on Paid or Unpaid Sick Leave shall return to light duty as soon as possible. Failure to return as soon as possible may result in the employee being declared AWOL.

FMLA: Means the Family Medical Leave Act (29 CFR 825.302). This leave is unpaid. But the employee may use any form of Paid Leave to supplement this Unpaid FMLA leave. Each employee shall also read and fully comprehend the separate OFPD Family Medical Leave Act (FMLA) Policy. Use of Paid Sick Leave, Unpaid Sick Leave or Paid Time Off shall in no way alter or extend the leave or absence time periods provided under the FMLA. Such FMLA leave of absence shall automatically apply to any absence due to a FMLA qualified event.

# OKOLONA FIRE PROTECTION DISTRICT

## SICK & BEREAVEMENT LEAVE POLICY

Page Number:

Effective Date:

Supersedes Editions:

Category:

Page 2 of 5

9/8/2022

9/9/2021 & ALL PRIOR

Administrative

However, in the sole discretion of the Fire Chief or his/her designee, an employee may be paid for time off sick for a serious health condition only if the FMLA Healthcare Provider Certification form (FMLA Form WH-380-E or WH-380-F) is completed and submitted to the Fire Chief or his/her designee to consider after applying the remainder of this paragraph. For purposes of this paragraph only and potentially paying an employee for sick leave without deducting from the employee's Paid Sick Leave balance (whether the employee has paid sick leave or not), a serious health condition is: an overnight stay in a hospital; conditions that incapacitate the employee or employee's family for more than 3 consecutive days and require ongoing medical treatment or chronic conditions that require treatment by a health care provider on a regular basis. If treated on a regular basis and the employee receives pay for sick leave then the employee shall report to work for the remainder of the scheduled shift after treatment.

### SICK & BEREAVEMENT LEAVE

OFPD's Sick Leave Policy applies only to full-time OFPD employees. This policy does not apply to part-time or PRN Okolona Fire Protection District (OFPD) employees.

An employee utilizing Paid or Unpaid Sick Leave shall not engage in off-duty employment until the end of the shift in which the employee utilized Paid or Unpaid Sick Leave unless approved by the Fire Chief.

When an employee receives Worker's Compensation payments from Worker's Compensation due to his/her illness, the employee shall not receive Paid Sick Leave. It shall be coded in the Scheduling Software as Worker's Compensation and shall not be paid through OFPD's payroll. KRS 75.130 disciplinary charges shall be filed against any Supervisor that fails to follow this paragraph in any manner.

Paid Sick Leave shall accrue for each full-time employee at the rate of: 4 hours per pay period for 40-hour employees; 5 hours per pay period for 12-hour employees; 6 hours per pay period for 56-hour employees. In addition to the accruals listed above, each OFPD employee's Emergency Leave balance shall immediately (September 8, 2022) be transferred to Paid Sick Leave as part of each employee's new Sick Leave Balance (Emergency Leave and the Shared Emergency program were terminated on September 8, 2022). Those employees that have a negative Emergency Leave balance shall have the negative Emergency Leave balance transferred to their Paid Sick Balance which shall be a negative Sick Leave balance and shall not be granted any Paid Sick Leave time until such time as they accrue a positive Paid Sick Leave balance. If there is a valid sick excuse for negative balance employees then leave shall be entered in the scheduling software as Unpaid Sick Leave and the employee shall not be paid for this time when payroll is submitted. If there is not a valid sick excuse for negative balance employees then leave shall be entered in the scheduling software as AWOL Unpaid. AWOL employees shall immediately have KRS 75.130 disciplinary charges filed against them. Any supervisor that violates this paragraph and grants Paid Sick Leave to those with a negative Paid Sick Leave balance and causes the employee to receive pay shall have KRS 75.130 disciplinary charges immediately filed against the offending supervisor(s).

# OKOLONA FIRE PROTECTION DISTRICT

## SICK & BEREAVEMENT LEAVE POLICY

Page Number:

Effective Date:

Supersedes Editions:

Category:

Page 3 of 5

9/8/2022

9/9/2021 & ALL PRIOR

Administrative

Each employee that actually donated 12 hours to the Shared Emergency Leave Bank shall receive those 12 hours credited to their new Paid Sick Leave balance. If no donation no 12 hours. Thus, absent proof of actually donating the 12 hours the employee shall not receive 12 hours added to their Paid Sick Leave balance nor shall they receive any amount of the Shared Emergency bank residual balance after returning 12 hours to the rightful current employees. The Scheduling Software Administrator shall immediately (no later than September 15, 2022) determine which employees actually donated into the bank and he shall print this detail and deliver the same to Legal and the Chief on or before this date. The residual old Shared Emergency Bank shall be equitably divided only among those current employees that actually donated 12 hours to the bank. After comprehending the last sentence, residual division shall be based upon years of service at OFPD. The Command Staff, in their sole discretion, shall compute this time and it shall be added to each deserving employee's Paid Sick Leave bank on or before October 13, 2022.

Paid or Unpaid Sick Leave shall be used for Bereavement pursuant to the definitions above. When Paid or Unpaid Sick Leave is utilized for Bereavement, it shall not exceed paid time off that causes the employee to be absent from OFPD for more than 10 consecutive calendar days (not shift days). Bereavement documentation and/or proof shall be provided by the employee within one shift day after returning from Bereavement Leave. Should documentation or proof not be submitted then the employee time shall be converted to AWOL No Pay.

Unused Paid Sick Leave shall carry forward from one year to the next up to 240 hours for 40-hour employees. Unused Paid Sick Leave shall carry forward from one year to the next up to 336 hours for 24/48-hour & 48/96-hour employees. Unused Paid Sick Leave shall carry forward from one year to the next up to 256 hours for 12-hour employees. These amounts represent approximately six weeks of Paid Sick Leave. Once an employee reaches the leave hours referenced above then the employee shall not accrue any further Paid Sick Leave until the employee uses Paid Sick Leave that drops the Paid Sick Leave balance below the hours listed above. At no time shall any employee have, accrue or acquire any Paid Sick Leave in excess of the hours listed above.

When an employee separates employment from OFPD for any reason the employee shall be paid at their then current regular hourly rate for vested unused Paid Sick Leave only up to the hours listed above.

24/48 or 48/96 employees shall notify the on-duty supervisor via telephone of their need to utilize Paid or Unpaid Sick Leave at least one hour before the employee is scheduled to work; 12-Hour or 24/72 employees shall notify the on-duty EMS Supervisor or EMS Director via telephone of their need to utilize Paid or Unpaid Sick Leave at least one hour before the employee is scheduled to work & 40-hour employees shall notify their immediate supervisor via telephone of their need to utilize Paid or Unpaid Sick Leave at least one hour before the employee is scheduled to work. If known, Sick Leave duration shall be disclosed. Failure to provide timely notice of any Paid or Unpaid Sick leave absence shall result in unpaid time off and an AWOL designation. In this case KRS 75.130 disciplinary charges shall be filed against the offending employee.

# OKOLONA FIRE PROTECTION DISTRICT

## SICK & BEREAVEMENT LEAVE POLICY

**Page Number:**

**Effective Date:**

**Supersedes Editions:**

**Category:**

Page 4 of 5

9/8/2022

9/9/2021 & ALL PRIOR

Administrative

An employee may have sufficiently recovered from an illness or injury but is not yet ready for full duty. In this case, the employee shall work on a light duty basis subject to limitations imposed by a licensed physician.

### **DOCUMENTATION REQUIRED FOR SICK LEAVE**

<u>Classification of Absence</u>	<u>24/48 48/96 Employee</u>	<u>40 Hour Employee</u>	<u>12 Hour Employee</u>
<u>Short Term</u>	24 hours (1 full duty day)	8 hours (1 full duty day)	12 hours (1 full duty day)
<u>Medium Term</u>	48 hours (2 full duty days)	24 hours up to 40 hours (3-5 full duty days)	36 hours up to 60 hours (3-5 full duty days)
<u>Long Term</u>	More than 48 hours (more than 2 Full Duty days)	More than 40 hours (more than 5 Full Duty days)	More than 60 Hours (more than 5 full duty Days)

Healthcare Professional documentation shall not be required for any sick absence of less than one full duty day (less than 24 hours for 24/48 or 48/96 employees, less than 12 hours for 12-hour employees or less than 8 hours for 40-hour employees).

Healthcare Professional documentation shall be required for every Short-Term Absence. Healthcare Professional documentation shall be required for every Medium-Term Absence. Acceptable Healthcare Professional documentation: an official note written by a Healthcare Professional; discharge instructions; Insurance EOB; HRA payment verification or the FMLA Healthcare Provider Certification Form. Required Documentation for Long Term Absences: The FMLA Healthcare Provider Certification form (FMLA Form WH-380-E or WH-380-F) is the only acceptable documentation for any Long-Term Absence.

Healthcare Professional documentation and the FMLA Healthcare Provider Certification form shall be submitted to the employee's supervisor and placed in the employee's file. If Healthcare Professional documentation is not submitted within one shift of returning to work, then the employee shall not be paid for any time off, shall be considered AWOL and KRS 75.130 Disciplinary Charges shall be filed immediately. The FMLA Healthcare Provider Certification form shall be submitted pursuant to the time frame on the applicable form. For an employee with an illness/injury that falls within the FMLA guidelines and when the employee designates his/her leave as FMLA, the Healthcare Professional shall complete the FMLA Healthcare Provider Certification Form. Any employee that expects an illness/injury will be re-occurring shall have their Healthcare Professional complete the applicable FMLA Healthcare Provider Certification Form every six months. An employee that has been off on Paid or Unpaid Sick Leave that requires Healthcare Professional documentation shall submit to the Fire Chief or his/her designee a Return to Full Duty letter from the Healthcare Professional before the employee returns to work.

### **POLICY INTEGRITY**

Every OFPD employee shall report any suspected Sick Leave abuse to their supervisor in writing. Abuse simply means that any aspect of this policy was not followed. Simultaneously, a copy of this

# OKOLONA FIRE PROTECTION DISTRICT

## SICK & BEREAVEMENT LEAVE POLICY

Page Number:

Effective Date:

Supersedes Editions:

Category:

Page 5 of 5

9/8/2022

9/9/2021 & ALL PRIOR

Administrative

suspected Sick Leave abuse report shall be emailed to the Fire Chief and Deputy Chief for fire employees and the EMS Director for EMS employees. KRS 75.130 disciplinary charges shall be filed against any employee failing to report Sick Leave abuse. The Deputy Chief shall open an investigation for every Sick Leave abuse report. After the investigation is complete a written report shall be prepared and filed with the Board of Trustees Secretary and Fire Chief even if the investigation reveals there is no substantiated abuse. KRS 75.130 Disciplinary Charges shall be filed against any OFPD employee suspected of abusing Paid or Unpaid Sick Leave. KRS 75.130 Disciplinary Charges shall be filed against any OFPD Supervisor that fails to follow any aspect of this policy.