

Policy 702.2 – Sick Leave

Date Adopted: 8/26/88

Issuing Office: Administration & Finance

Date Revised: 1/13/04

Approved By:

References: MOM 3-0310; MCA 2-18-601, 606, 618; Policy 241.0; ARM 2.21.5007(9); ARM 2.21.141;
ARM 2.21.804-2.21.822; MUS Policy 801.7.1; Collective Bargaining Agreements

I. POLICY

The University of Montana Western shall administer sick leave in accordance with State law, Montana University System policies, and Collective Bargaining Agreements.

Exceptions to policy and procedures governing Sick Leave donations may be made only by the appropriate Executive Officer.

II. PURPOSE

The purpose of this policy is to comply with applicable Montana State law, Board of Regents policies, and the collective bargaining agreement.

III. PROCEDURES

These procedures will remain uniform with applicable statutes and Montana State and Board of Regent policies and collective bargaining agreements.

A. Definitions

As used in this procedure, the following definitions apply:

Sick Leave, as provided in MCA 2-18-601, is defined as: "a leave of absence with pay for a sickness suffered by an employee or his immediate family or for a permanent state employee who is eligible for parental leave under the provisions of MCA 2-18-606". In addition, it includes the following conditions: illness, injury, medical disability, maternity/ paternity-related absence including prenatal care, birth, miscarriage, abortion, or other medical care for either employee or child; quarantine resulting from exposure to contagious disease; medical, dental, or eye examination or treatment; care of or attendance to an immediate family member or, at the supervisor's discretion, for another person; death or funeral attendance for an immediate family member or, at the supervisor's discretion, for another person.

Abuse of Sick Leave is the result of misrepresentation of the actual reason for charging an absence to sick leave, using sick leave for unauthorized purposes, failure to report sick leave, and may include chronic, persistent, or patterned use of sick leave.

Break in Service, as provided in MCA 2-18-601, means "a period of time in excess of five working days when the person is not employed and that severs continuous employment." A break in service could result from a termination or resignation or could result from an absence of more than five working days in a row without an approved leave of absence. An approved continuous leave of absence without pay exceeding 15 working days does not constitute a break in service.

Continuous Employment, as provided in MCA 2-18-601, continuous employment means "working within the same jurisdiction without a break in service of more than five working days or without a continuous absence without pay of more than 15 working days." An approved continuous leave of absence without pay exceeding 15 working days does not constitute a break in service.

Immediate Family consists of the employee's spouse or partner, any member of the employee's household, or any parent, child, sibling, grandparent, grandchild, or corresponding in-law, including stepfamilies and family members of the employee's partner.

Qualifying Period is a 90 calendar-day period during which an employee must be continuously employed to be eligible to use sick leave credits or to be eligible for a lump sum payment upon termination for a portion of unused sick leave credits. This definition also refers to temporary employees.

Grant Leave Pool is a sponsored program (grant) leave pool developed to pay for all leave taken on sponsored program (grant) accounts as well as termination payoffs.

B. Accrual

Eligible employees (refer to Qualifying Period definition) earn sick leave credits from the first day of employment. Sick leave credits are earned at the full-time rate of one (1) working day (eight hours) for each month of service for employees paid on a monthly basis. Staff earn at the full-time rate of 3.69 hours for each pay period worked. There is no restriction on the number of days that can be accumulated.

Accrual credits are pro-rated according to regular hours worked and no credits accrue for an employee on leave without pay. Sick leave is not earned on overtime hours.

Sick leave credits are automatically retroactive to first working day for:

1. Temporary employees who move into permanent positions without a break in service, and
2. Temporary employees whose employment exceeds 90 days.

C. Charges

Upon completion of the qualifying period, staff is entitled to use sick leave credits earned, as appropriate.

Advancing sick leave after an employee's earned leave has been expended is prohibited. It is the responsibility of the employee and the supervisor approving the departmental time roster to assure proper reporting of the use of sick leave.

With the approval of the supervisor, an employee may charge an absence due to illness to annual leave, leave without pay, and/or compensatory time. This practice is normally used after all sick leave is exhausted.

D. Reporting Responsibility

Any illness, medical appointment, or emergency, which necessitates the use of sick leave, must be reported to the supervisor as soon as possible. An employee's supervisor may require a physician's certificate or other evidence to substantiate a sick leave charge.

E. Holidays

Holidays that fall during a period when an employee is on sick leave will be charged as holiday pay rather than sick leave. If an employee is sick during scheduled annual leave, sick leave may be substituted for those days upon proper notification and approval of the supervisor.

F. Termination Payoff

Employees who discontinue employment and who have completed the qualifying period with the University are entitled to a lump sum payment equal to one-fourth (1/4) of their unused, accumulated sick leave credits.

Pay attributed to the accumulated sick leave is computed on the basis of the employee's salary at the time of termination.

Although no payment is made for credits earned prior to July 1, 1971, those credits are available to the employee to charge as sick leave during employment.

The account or organization number under which an employee was most recently employed funds the entire termination payoff for sick leave. Contact Human Resources for grant-funded departmental payoff costs.

G. Transfer

If an employee transfers from one department to another or from one sponsored program to another, within the same jurisdiction and with no break in service, no cash payment is made at the time of the transfer. The receiving department assumes the liability for the accrued vacation and sick leave credits, which are transferred with the employee.

If an individual transfers from one state agency to another, the receiving agency assumes the liability for the accrued sick leave, unless there is at least a five-day break in service. If that break occurs, or the employee moves to a different jurisdiction that will not accept the accrued credits, the employee receives a lump sum payment from their former department and must begin again the qualifying period for use of leave at the new agency.

An exception to this is an employee moving between grant-funded programs or into a grant-funded program, excluding grandfathered grants. In these instances, the liability is assumed by the grant and contract leave pool.

H. Abuse

Abuse of sick leave is cause for dismissal. An employee may be dismissed for abuse, which is substantiated by the employer, and may forfeit the lump sum payment to which he/she would otherwise be entitled upon termination.

I. Layoff

When an employee has been laid off and has been allowed to maintain sick leave credits, the employee shall not take any accrued sick leave credits during the layoff period. The employee may take those sick leave credits if reinstated or reemployed or if employed by another state agency, which agrees to accept the sick leave credits. If the employee is not reinstated or reemployed within one year of layoff, the employee shall receive a lump sum payoff, at the salary rate the employee earned at the effective date of layoff.

J. Work-Related Accident

An employee who is injured in a work-related accident may be eligible for workers' compensation benefits. Use of sick leave must be coordinated with receipt of workers' compensation benefits on a case-by-case basis by contacting Human Resources.

K. Certification

When accrued sick leave charges are used, an employee must appropriately complete a departmental leave request form reflecting the charges, and submit it to his/her supervisor for approval and signature. The supervisor signing the leave request form certifies that the sick leave charges are correct and accurate for that employee. Any questions regarding the departmental time roster and recorded charges will be directed to the supervisor, rather than the employee, for verification and action.

L. Sick Leave Fund

The Sick Leave Fund allows all University employees to share accumulated sick leave with other eligible employees (see UMW Policy 702.2a Direct Grant Sick Leave).

IV. AUTHORITY

MOM 3-0310; MCA 2-18-601, 606, 618; Policy 241.0; ARM 2.21.5007(9); ARM 2.21.141; ARM 2.21.804-2.21.822; MUS Policy 801.7.1; Collective Bargaining Agreements

V. RESPONSIBILITY

Vice Chancellor for Administration & Finance/Student Affairs, Associate Director of Human Resource Services, Supervisors