



**DEPARTMENT OF CORRECTIONS
Human Resources**



Title:	Sick Leave with Pay	DOC Policy: 20.8.1
Supersedes:	DOC Policy 20.8.1, "Sick Leave with Pay," dated 09/01/98	
Applicability:	Executive and management service employees; unclassified and classified unrepresented employees. Refer to applicable labor agreements for represented employees.	
Directives Cross-Reference: State Policy 60.000.01		

I. PURPOSE

To provide eligible employees time off from work for personal and family illness or injury.

II. POLICY

A. Eligibility and Use of Sick Leave

1. An employee may use accrued sick leave with pay on or after the first of the month following the month of accrual for personal or a family member's illness, medical or dental care, injury, or death, or any period of absence qualifying as family or medical leave under department Policy 20.8.4, Family and Medical Leave.
2. If the absence from employment is qualifying under Family and Medical Leave, department Policy 20.8.4, "family member" is defined in the applicable leave law. Otherwise, "family member" is defined as spouse and parents thereof; children, including adopted children, and spouses thereof; parents; brothers and sisters and spouses thereof; and any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
3. The supervisor may require certification of an attending physician or practitioner.
4. Employees subject to FLSA shall submit a Department of Corrections Leave Request Form in advance of anticipated use of sick leave; if the absence is unanticipated, the leave request form shall be completed immediately upon return. FLSA-exempt employees shall complete the attached Leave Request form (CD1D) only if the leave is or may be FMLA or OFLA qualifying.

B. Accrual rate

1. A full-time employee shall accrue eight hours of sick leave per month.
2. A full-time employee on leave without pay or a part-time employee shall accrue sick leave on a pro rata basis.

3. Actual time worked and all leave with pay, except for educational leave, shall be included in determining the pro rata accrual of sick leave each month.

C. Transfer of Sick Leave Hours

1. When an employee transfers to or from the Department of Corrections, the employee's unused sick leave hours shall transfer with the employee.
2. If an employee comes to the department from another public employer within the State of Oregon because its functions were assumed by the department, the employee's sick leave balance accrued with the public employer shall be transferred with the employee, provided that
 - a. The employee is appointed without a break of more than 15 calendar days; and
 - b. The accrual rate does not exceed the accrual rate of eight hours per month. If the accrual rate exceeds eight hours per month, the Payroll Office will convert the accrued balance in accordance with State Policy 60.000.01.

D. Sick Leave Upon Separation

No compensation for unused sick leave hours shall be allowed upon separation except as provided in the applicable provisions of the Public Employees Retirement Act.

E. Restoration of Sick Leave Upon Rehire

1. An employee who separates from state service and returns within two years shall have unused sick leave hours accrued during previous employment restored.
2. Unused sick leave hours accrued in an exempt (other than legislative) or academic unclassified position, in a manner comparable to state policy, may be restored upon immediate appointment to a classified unrepresentative, management service position. Sick leave hours accrued in an exempt position in the legislative branch shall be restored in accordance with State Policy 60.000.01.

F. Coordination with Workers' Compensation

An employee shall exhaust accrued paid leave, except for accrued compensatory time, beginning with sick leave and then other paid leave in any sequence (vacation and personal) before electing leave without pay during any period of time loss due to a work-related injury or illness. Prorated charges shall be made against accrued leave based on the difference between the time loss payment and the employee's regular salary rate. The employee's base pay plus time loss payment shall not equal more than one full day's pay.

G. Sick Leave Acquired by Donated Vacation Leave (Hardship Leave)

1. Any employee who, as a result of the employee's own extended or catastrophic illness and/or injury, has exhausted all accumulated leave (sick, vacation, personal and compensatory time) and is not receiving workers' compensation benefits or PERS retirement benefits may receive donated leave. Use if donated leave may offset disability payments from long or short-term disability plans.
2. Any department employee may voluntarily donate vacation leave in increments of one hour or more to an eligible employee's sick leave account, based on the conversion of the donor's salary rate to sick leave hours at the donee's salary rate.
3. Hours are converted to cover the receiving employee's absence on a "first in/first out" basis, except that vacation hours in excess of the maximum accrual limit shall be converted first. Once converted, unused hours shall not be restored to the donor's account.
4. The Payroll Office will keep documentation including the donor's signature, the verification of need for the recipient, and other records as required by state policy.
5. Upon request from other state agencies and approval of the Director, leave may be donated across agency lines.

III. POLICY CLARIFICATION

- A. Although use of compensatory time off may not be required in conjunction with Workers' Compensation, an employee may choose to use compensatory time off for this purpose. Pro-rated charges will be made against compensatory time off.

IV. IMPLEMENTATION

This policy will be adopted immediately without further modification.