



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

MEMORANDUM
CSC NO. 2016 – 01

Amended

DOUGLAS S. CHAN
PRESIDENT

Date: June 17, 2016

GINA M. ROCCANOVA
VICE PRESIDENT

To: Department Heads
Departmental Personnel Officers
Employee Organization Representatives

KATE FAVETTI
COMMISSIONER

SCOTT R. HELDFOND
COMMISSIONER

From: Michael L. Brown
Executive Officer

Subject: **Notice of Posting:**
PROPOSED AMENDMENTS TO CIVIL SERVICE
COMMISSION RULE 020 SERIES – LEAVES OF ABSENCE
APPLICABLE TO ALL EMPLOYEES.

MICHAEL L. BROWN
EXECUTIVE OFFICER

The Civil Service Commission acted on June 6, 2016, to post for meet and discuss proposed amendments to Civil Service Commission Rules Series 020 – Leaves of Absence applicable to all employees, to align with the amendment to California Labor Code Section 233 (Kin Care Law) authorizing employees to use accrued sick leave each calendar year to care for a “family member”, or themselves. In addition, there are proposed changes to align the Rule Series with current City policy and practices.

Any employee organizations or other stakeholders interested in discussing the propose revisions are invited to attend any or all of the following scheduled meetings:

Date: June 17, 2016
Time: 3:00 p.m. to 5:00 p.m.

Date: June 23, 2016
Time: 10:00 a.m. to 12:00 p.m.

Date: June 24, 2016
Time: 2:00 p.m. to 4:00 p.m.

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The meetings will take place in the Civil Service Commission's Office, located at 25 Van Ness Avenue, Suite 720. Please contact Commission staff at CivilService@sfgov.org to RSVP if you are planning to attend any of the meetings.

Attached is a copy of the proposed amendments to Civil Service Commission Rule Series 020 Leaves of Absence.

If there are any questions, please contact me at (415) 252-3247.

Sincerely,

CIVIL SERVICE COMMISSION

A handwritten signature in blue ink that reads "Sandra Z. For". The signature is written in a cursive style.

MICHAEL L. BROWN
Executive Officer

Attachments

Rule 120

Leaves of Absence

Applicability: Rule 120 shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes; or as noted or as specifically excluded, or except as may be superseded by a collective bargaining agreement for those employees subject to Charter Section A8.409. However, all definitions in Rule 120 are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service-Critical classes as covered in Volumes II, III and IV.

Article I: Leaves of Absence - General Requirements

Article II: Sick Leave - General Provisions

Article III: Sick Leave With Pay

Article IV: Sick Leave Without Pay

Article V: Compulsory Sick Leave

Article VI: Disability Leave

Article VII: Military, War Effort and Sea Duty Leaves

Article VIII: Unpaid Administrative Leave or Furlough

Article IX: Other Leaves of Absence

Article X: Appeal Procedures

Rule 120

Leaves of Absence

Article I: Leaves of Absence - General Requirements

Applicability: Rule 120 shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes; or as noted or as specifically excluded, or except as may be superseded by a collective bargaining agreement for those employees subject to Charter Section A8.409. However, all definitions in Rule 120 are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service-Critical classes as covered in Volumes II, III and IV.

Sec. 120.1 Leaves of Absence - General Requirements

120.1.1 Leaves of absence, hereinafter referred to in this Rule as "leave," shall be governed by the provisions of this Rule. For the purpose of this Rule, "appointing officer" shall mean all elected officials; all department heads designated by the Charter as appointing officers; and all Boards and Commissions when officiating as appointing officers.

120.1.2 Requests for leave shall be subject to the approval of the appointing officer or designee. The decision of the appointing officer or designee is final unless provision for appeal is specifically granted in this Rule. Such requests for appeal shall be processed in accordance with the appeal procedure provided in this Rule. Requests for military, maternity, or witness or jury duty leave shall be granted as provided herein.

120.1.3 Beginning January 1, 2016, amendments to California Labor Code Section 233 (Kin Care Law) authorize employees to use available accrued sick leave each calendar year to care for a "family member", or themselves, in an amount equal to one-half of their annual accrual. Under the Kin Care Law, available accrued sick leave must be granted upon the employee's oral or written request and the employer shall not deny the right to take such leave, or impose conditions for granting such leave, including the requirement of medical certification.

120.1.34 Except for vacation leave, witness or jury duty leave, compulsory sick leave, disability leave or unpaid administrative leave, or absences covered under Labor Code Section 233, an employee requesting a leave of absence for more than five (5) working days shall submit such request to the appointing officer or designee on the form prescribed by the Human Resources Director. ~~With the exceptions noted herein, R~~requests for sick leave in excess of five (5) continuous working days shall be certified by a licensed medical doctor, doctor of dental surgery, doctor of podiatric medicine, licensed clinical psychologist, Christian Science Practitioner or licensed doctor of chiropractic. Verification of sick leave with pay for less than five (5) working days (seven (7) calendar days in the case of part-

Sec. 120.1 Leave of Absence – General Requirements**120.1.4. (cont.)**

time employees) as provided elsewhere in this Rule shall be required on an individual basis only and shall be based upon an evaluation of ~~the individual attendance record~~ of an employee's leave use. For employees taking sick leave pursuant to Administrative Code Chapter 12W, ~~or~~ Labor Code Sections 245-249 or Labor Code Section 233, the City may take reasonable measures to verify or document that an employee's use of sick leave is taken in accordance with Administrative Code Chapter 12W, ~~or~~ Labor Code Sections 245-249 or Labor Code Section 233.

120.1.45 The Human Resources Director may direct that leave requests be retained in the department and maintained in a manner so as to be readily available for audit, review or analysis by Department of Human Resources and Office of Labor Standards Enforcement staff.

120.1.56 Except as otherwise provided in these Rules, leave granted for the period stated on the prescribed form may be extended or abridged only with the approval of the appointing officer or designee. An employee who does not return to work on the approved date shall be deemed as away without official leave and shall be subject to automatic resignation as provided elsewhere in these Rules.

120.1.67 Except when an employee requesting sick leave has accumulated unused sick leave with pay credits and except for employees eligible for military leave with pay, organ or bone marrow donor leave with pay, witness or jury duty leave, disability leave or leave due to battery as provided elsewhere in this Rule, or for authorized holiday or vacation, leaves shall be without pay.

120.1.78 Refer to the Probationary Period Rule on leave during the probationary period.

120.1.89 Exempt employees shall be granted paid sick leave on the ninetieth (90th) day of service. The decision of the appointing officer shall be final and not subject to appeal.

120.1.910 An appointee shall not be required to sign a resignation form as a condition of approval of a leave.

120.1.101 Leaves granted under this Rule shall be indicated on ~~time roll~~ time rolls as designated by the Controller.

120.1.142 An authorized leave granted under this Rule shall not be considered as a break in the continuous service of an employee.

Rule 120

Leaves of Absence

Article II: Sick Leave - General Provisions

Applicability: Rule 120 shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes; or as noted or as specifically excluded, or except as may be superseded by a collective bargaining agreement for those employees subject to Charter Section A8.409. However, all definitions in Rule 120 are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service-Critical classes as covered in Volumes II, III and IV.

Sec. 120.2 **Eligibility for Sick Leave**

Subject to the provisions of this Rule, employees and officers (hereinafter called "employees") who are absent from their duties due to their own illness or disability, or that of a qualifying family member, including preventive care, such as medical or dental appointments, and employees who are victims of domestic violence, sexual assault or stalking, are eligible for sick leave.

Sec. 120.3 **Sick Leave - Exclusions from Eligibility**

This Rule shall not apply to certificated employees of the School Districts, employees under personal services contracts, elective officers, and members of Boards and Commissions.

Sec. 120.4 **Verification of Sick Leave**

120.4.1 The appointing officer or designee to whom application for sick leave is made may make such independent investigation as to the necessity for sick leave as is deemed proper under these rules and federal, state and local law and may require certification for any period of sick leave, provided that the employee has been previously notified in writing that such certification for absence of less than five (5) working days shall be required. For employees taking sick leave pursuant to Administrative Code Chapter 12W, ~~or~~ Labor Code Sections 245-249 or Labor Code Section 233, the City may take reasonable measures to verify or document that an employee's use of sick leave is taken in accordance with Administrative Code Chapter 12W, ~~or~~ Labor Code Sections 245-249 or Labor Code Section 233.

120.4.2 The Human Resources Director may at any time make such independent investigation as may be deemed proper regarding the illness of any person on sick leave.

Sec. 120.5 Retirement Automatically Terminates Sick Leave

Sick leave shall automatically terminate on the effective date of an employee's retirement.

Sec. 120.6 Abridgment of Sick Leave

Sick leaves granted in excess of five (5) working days may be abridged if the employee presents to the appointing officer or designee medical evidence of capability to resume all the duties of the position.

Sec. 120.7 Definition of Sick Leave

A leave granted under this Rule for one of the following reasons shall be known as "sick leave":

120.7.1 Sick Leave - Medical Reasons

Absence for diagnosis, care or treatment of a health condition, including alcoholism, , or preventive care, and for employees who are victims of domestic violence, sexual assault or stalking, but excluding illness or injury arising out of and in the course of City and County employment, Absence due to illness or injury arising out of and in the course of employment is administered either under the Rules of the Retirement Board and is referred to as "disability leave" and may be supplemented as provided elsewhere in this Rule or under the provisions of this Rule and the Administrative Code for those employees injured by battery ("leave due to battery).

120.7.2 Sick Leave - Quarantine

Absence during a period of quarantine established and declared by the Department of Public Health or other authority.

120.7.3 Sick Leave - Bereavement

Absence because of the death of the employee's spouse or domestic partner, parents, step parents, grandparents, parents-in-law or parents of a domestic partner, sibling, child, step child, adopted child, a child for whom the employee has parenting responsibilities, aunt or uncle, legal guardian, or any person who is permanently residing in the household of the employee. Such leave shall not exceed three (3) working days and shall be taken within thirty (30) calendar days after the date of death; however, two (2) additional working days shall be granted in conjunction

Sec. 120.7 **Definition of Sick Leave (cont.)****120.7.3** **Sick Leave – Bereavement (cont.)**

with the bereavement leave if travel outside the State of California is required as a result of the death.

For absence because of the death of any other person to whom the employee may be reasonably deemed to owe respect; leave shall be for not more than one (1) working day; however, two (2) additional working days shall be granted if travel outside the State of California is required as a result of the person's death.

120.7.4 **Sick Leave - Maternity**

Absence due to the employee's pregnancy or convalescent period following childbirth. Such leave shall not exceed six (6) months provided that such leave may be extended for permanent employees if a physician certifies that a longer convalescence period is required. Such extensions shall be subject to the provisions of this Rule governing sick leave without pay.

120.7.5 **Sick Leave - Parental Leave**

Absence due to the birth of a child to the employee, the employee's spouse, or the employee's domestic partner or assumption by the employee of parenting or child rearing responsibilities either by adoption or foster care.

120.7.6 **Sick Leave - Illness or Medical Appointment of a Family Member**

Absence for diagnosis, care or treatment of a health condition or injury, or for preventive care for an employee's family member, defined as follows:

1. A child, which for the purposes of this section means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis. This definition of a child is applicable regardless of age or dependency status.
2. A biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.
3. A spouse.
4. A registered domestic partner.
5. A grandparent.
6. A grandchild.
7. A sibling.

Sec. 120.7 **Definition of Sick Leave (cont.)****120.7.7** **Sick Leave Pursuant to Administrative Code Chapter 12W**

- 1) Absence due to the illness, injury, medical care, treatment, diagnosis or medical appointment of the employee; employee's child; parent; legal guardian or ward; sibling; grandparent; grandchild; and spouse, registered domestic partner under any state law, or "designated person." The aforementioned child, parent, sibling, grandparent, and grandchild relationships include not only biological relationships but also relationships resulting from adoption; step-relationships; and foster care relationships. "Child" includes a child of a domestic partner and a child of a person standing in loco parentis.
- 2) For the purpose of this section, the definition of "designated person" is: one person designated by an employee who has no spouse or registered domestic partner, as the person for whom the employee may use paid sick leave to aid or care for under this section. The opportunity to make such a designation shall be extended to the employee no later ~~that~~ than the date on which the employee has worked thirty (30) hours after paid sick leave begins to accrue. There shall be a window of ten (10) business days for the employee to make this designation. Thereafter, the opportunity to make such a designation, including the opportunity to change such a designation previously made, shall be extended to the employee on an annual basis, with a window of ten (10) business days for the employee to make the designation.

120.7.8 **Sick Leave Pursuant to Labor Code Sections 245-249**

Absence for the following purposes: (1) diagnosis, care, or treatment of an existing health condition of, or preventive care for an employee or an employee's family member; or (2) for an employee who is a victim of domestic violence, sexual assault, or stalking, described in Labor Code Section 230, subdivision (c) and Labor Code Section 230.1, subdivision (a).

120.7.9 **Sick Leave - Compulsory**

Leave imposed by an appointing officer due to an employee's medical inability or incapacity to perform all the duties of the position as provided elsewhere in this Rule.

Rule 120

Leaves of Absence

Article III: Sick Leave with Pay

Applicability: Rule 120 shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes; or as noted or as specifically excluded, or except as may be superseded by a collective bargaining agreement for those employees subject to Charter Section A8.409. However, all definitions in Rule 120 are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service-Critical classes as covered in Volumes II, III and IV.

Sec. 120.8 **Sick Leave with Pay Eligibility**

120.8.1 Sick leave with pay may be granted to employees who have accrued paid sick leave on the ninetieth (90th) day of service, except that supplemental disability credits may be used to supplement disability indemnity payments as provided elsewhere in this Rule regardless of length of service and except that an authorized leave of absence with or without pay granted under this Rule shall not be considered as a break in the continuous service of an employee.

120.8.2 A break in service of more than twelve (12) continuous months by any employee other than an employee designated as a "holdover" will cause prior accumulated sick leave with pay credits to be canceled and eligibility for sick leave with pay must be re-established.

120.8.3 Sick leave with pay credits will continue to accrue at the normal rate while an employee is on either furlough or voluntary unpaid time off in accordance with this Rule, for a maximum of up to ten (10) days per fiscal year for imposed furlough or twenty (20) days per fiscal year for voluntary unpaid time off.

Sec. 120.9 **Sick Leave with Pay Eligibility Pursuant to Administrative Code Chapter 12W effective February 5, 2007, and Labor Code Sections 245-249 effective July 1, 2015 Applicable to Employees Not Otherwise Qualified for Sick Leave**

120.9.1 Sick leave with pay may be granted to said employees, on the ninetieth (90th) day of service.

Sec. 120.9 Sick Leave with Pay Eligibility Pursuant to Administrative Code Chapter 12W effective February 5, 2007, and Labor Code Sections 245-249 effective July 1, 2015 Applicable to Employees Not Otherwise Qualified for Sick Leave (cont.)

- 120.9.2** Employees hired on or before February 5, 2007, shall immediately be eligible to accrue and use sick leave with pay credits under this section.
- 120.9.3** A complete separation in service for twelve (12) continuous months by an employee, other than an employee designated as a “holdover” will cause prior accumulated sick leave with pay credits to be cancelled and eligibility for sick leave with pay must be re-established.
- 120.9.4** Employees rehired within one (1) year following a separation will not be subject to the ninety (90) calendar day eligibility period and any previously accrued and unused sick leave hours will be reinstated.

Sec. 120.10 Sick Leave with Pay - Maximum Accumulation of Credits

120.10.1 Sick Leave with Pay – Maximum Accumulation of Credits

Sick leave with pay credits shall be cumulative but the accumulated balance of unused sick leave with pay credits for other employees, the hourly equivalent of 130 working days based on the regular daily work schedule as defined, provided that in no case may the total accumulated unused sick leave with pay credit balance exceed 1040 hours. Maximum accumulated sick leave with pay credits shall be reduced proportionately for employees entering a class or position where the regular work schedule is less than the class exiting if such employees have accumulated unused sick leave with pay credits in excess of the maximum allowable for the new class or position. Such employees shall have all such credits restored upon return to a class or position with an increased regular work schedule.

120.10.2 Maximum Accumulation of Credits Pursuant to Administrative Code Chapter 12W effective February 5, 2007, and Labor Code Sections 245-249 effective July 1, 2015 Applicable to Employees Not Otherwise Qualified for Sick Leave

Sick leave with pay credits shall be cumulative but the accumulated balance of unused sick leave with pay credits shall not exceed seventy-two (72) hours under Administrative Code chapter 12W, and forty-eight (48) hours under Labor Code Sections 245-249.

Sec. 120.11 Sick Leave with Pay - Restrictions

- 120.11.1** Sick leave with pay, beyond that authorized by law, is a privilege recognized by Charter and by Ordinance of the Board of Supervisors and should be requested and granted only in cases of absence because of

Sec. 120.11 Sick Leave with Pay – Restrictions**120.11.1 (Cont.)**

illness which incapacitates the employee for the performance of duties or as otherwise defined in this Rule.

120.11.2 Except for absences covered under Labor Code Section 233, An appointing officer or designee may require proof of incapacitation before granting sick leave with pay for any period of time and may withhold pay for failure to submit such proof provided that the employee had been previously notified in writing that such proof would be required for absences of less than five (5) working days.

120.11.3 The rate of earning and accumulating sick leave with pay credits and authorization for its use under this Rule shall in no way inhibit or restrict the right of an appointing officer to establish standards of attendance.

Sec. 120.12 Prohibition Against Employment While on Sick Leave with Pay

120.12.1 Employees are prohibited from working in any other employment while on sick leave with pay unless, after considering the medical reason for the sick leave with pay, the appointing officer with the approval of the Human Resources Director, grants permission for the employee to engage in a secondary employment subject to the provisions of these Rules governing such employment.

120.12.2 Violators of this section are subject to disciplinary action as provided in the Charter.

Sec. 120.13 Calculation of Sick Leave with Pay Credits

120.13.1 Unless otherwise provided in this Rule or by ordinance, sick leave with pay credits shall be earned at the rate of .05 hours for each hour of regularly scheduled paid service excluding, overtime exceeding forty (40) hours per week and holiday pay, except that an employee on disability leave shall earn sick leave with pay credits at the normal rate.

120.13.2 Exempt employees shall accrue paid sick leave at a rate of one (1) hour per every thirty (30) hours worked, excluding holiday pay.

120.13.3 When provided in a Memorandum of Understanding, Class 2320 Registered Nurses who are regularly scheduled to work two (2) twelve (12) hour shifts every weekend in the pilot project shall earn sick leave with pay credits at the rate of .075 hours for each hour of regularly scheduled paid service actually worked during her/his regularly scheduled twelve hour shifts. This Rule shall apply only to those 2320 Registered Nurses who are regularly scheduled to work two 12 hour shifts on weekends in the San Francisco General Hospital Pilot Project.

Sec. 120.14 Disbursement of Sick Leave with Pay Credits

- 120.14.1** Sick leave with pay credits shall be used and deducted at the minimum rate in units of one hour for those employees whose credits are calculated in hours.
- 120.14.2** When provided in a Memorandum of Understanding, Class 2320 Registered Nurses who are regularly scheduled to work two (2) twelve (12) hour shifts every weekend in the pilot project, and who use sick leave during any portion of such shifts, shall be entitled to use and deduct sick leave with pay credits at the rate of 1.5 hours for each hour of such sick leave, e.g., sick leave for four (4) hours of a shift = six (6) hours sick leave with pay. The benefits of this Rule shall be available only to a 2320 Registered Nurse who is regularly scheduled to work two (2) twelve (12) hour shifts on weekends in the San Francisco General Hospital Pilot Project, and who is required to use sick leave during some of all of her/his regularly scheduled twelve (12) hour shifts on weekends during the pilot project.

Sec. 120.15 Conversion of Sick Leave with Pay Credits from Days to Hours

Sick leave with pay credit balances shall be converted from days to hours based on the equivalent number of hours in such employee's sick leave with pay credit balances. The equivalent number of hours shall be based on the employee's authorized normal daily work schedule in effect on the effective date of this amended Rule, except if the Human Resources Director determines that such conversion is inequitable and allows another formula to be used.

Sec. 120.16 Employees Injured by Battery

- 120.16.1** An employee absent because of bodily injury or illness received in the course of employment and caused by an act of criminal violence shall be entitled to sick leave with pay under the provisions of the Administrative Code.
- 120.16.2** Sick leave with pay under this section shall be known as "leave due to battery" and shall be subject to approval by the Human Resources Director. The Human Resources Director shall make such investigation as is deemed appropriate and may include medical examinations by a physician(s) designated by the Human Resources Director.
- 120.16.3** The decision of the Human Resources Director may be appealed to the Commission whose decision is final.
- 120.16.4** Authorized sick leave under this section shall not be charged against earned sick leave with pay credits.

Sec. 120.17 Appeal of Denial of Sick Leave with Pay

Denial of sick leave with pay to an appointee who is eligible and qualified for such leave is appealable as provided elsewhere in this Rule.

Sec. 120.18 Reimbursement of Vested and Unused Accumulated Sick Leave with Pay Credits Balance

120.18.1 An employee who had accumulated unused sick leave with pay credits and who had completed the service requirement on or before December 5, 1978, shall upon the effective date of retirement for service or disability, or upon the date of death, or upon the date of separation caused by industrial accident, be reimbursed for the accumulated unused sick leave with pay credit balance which had been earned on or before December 5, 1978, and not subsequently used ("vested and unused accumulated sick leave with pay credits") in accordance with the following schedule of service requirements and allowances.

Schedule of Service Requirements and Allowances for Reimbursement of Vested and Unused Accumulated Sick Leave with Pay Credit Balance at the Time of Retirement, Separation Because of Accident or Death	
Service Requirement	Amount of Cash Reimbursement
15 or more years of service	100%
More than 5 continuous years but less than 15 continuous years of service	50%
Up to and including 5 continuous years of service	33.3%

120.18.2 Reimbursement for the vested and unused accumulated sick leave with pay credit balance shall be further subject to the following:

- 1) The Human Resources Director shall administer the provisions of this section.
- 2) Deduction shall be made from the unused accumulated sick leave with pay credit balance which existed on December 5, 1978, in an amount proportional to any credits used of that balance. Reimbursement shall be made only for the adjusted amount with all credits from the December 5, 1978, balance subsequently used being deducted.

Sec. 120.18 **Reimbursement of Vested and Unused Accumulated Sick Leave with Pay Credits Balance (cont.)**

120.18.2 **(cont.)**

- 3) Reimbursement for the vested and unused accumulated sick leave with pay credit balance shall be payable at the time of retirement, separation caused by industrial accident or death, or at a later date when so selected by the employee, but within one (1) year of such retirement, separation or death.
- 4) Reimbursement is to be computed at the base rate of pay of an employee's permanent class, at the base rate of pay of the class of a temporary or provisional employee with no permanent status, or at the base rate of pay in a temporary or provisional appointment of an employee with permanent status in another class who has held such temporary or provisional appointment continuously for one (1) or more years at the time of separation.
- 5) No reimbursement shall be made for unused sick leave with pay credits earned on or after December 6, 1978.
- 6) The enactment of this section is not intended to constitute additional compensation, nor be a part of the rate of pay of the employee, but is reimbursement for the vested and unused accumulated sick leave with pay credit balance to which an employee would have been entitled if the employee had not retired, separated due to industrial injury or died.

Rule 120

Leaves of Absence

Article IV: Sick Leave without Pay

Applicability: Rule 120 shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes; or as noted or as specifically excluded, or except as may be superseded by a collective bargaining agreement for those employees subject to Charter Section A8.409. However, all definitions in Rule 120 are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service-Critical classes as covered in Volumes II, III and IV.

Sec. 120.19 Sick Leave without Pay - Eligibility

Subject to the provisions of this section, sick leave without pay may be granted to employees who are not eligible for sick leave with pay or, subject to the approval of the appointing officer or designee, employees may choose not to use their sick leave with pay credits.

Sec. 120.20 Sick Leave without Pay - Temporary and Provisional Employees

Sick leave without pay may be granted to temporary or provisional employees. Such leave shall be renewed monthly and shall not be extended beyond three (3) calendar months except for sick leave - maternity.

Sec. 120.21 Sick Leave without Pay - Permanent Employees

120.21.1 Sick leave without pay may be approved for permanent employees for the period of the illness provided that requests for prolonged leave shall be renewed every three (3) months and provided further that such leave shall not be extended beyond a period of one (1) continuous year unless ~~the physician designated by the Human Resources Director advises that there is a reasonable probability that additional leave will enable the employee will be able to return to employment within a reasonable time.~~

120.21.2 ~~If the physician designated by the Human Resources Director determines that there is no reasonable probability that the employee will be able to return to duty, the appointing officer shall have good cause for discharge.~~

120.21.3 ~~The physician designated by the Human Resources Director may defer certification of capability for additional periods of three (3) month intervals up to one (1) additional year.~~

Sec. 120.22 **Prohibition Against Employment While on Sick Leave Without Pay**

120.22.1 Employees are prohibited from working in any other employment when on sick leave without pay unless, after considering the medical reason for the sick leave without pay, the appointing officer with the approval of the Human Resources Director, grants permission for the employee to engage in outside employment.

120.22.2 Violators of this section are subject to disciplinary action.

Rule 120

Leaves of Absence

Article V: Compulsory Sick Leave

Applicability: Rule 120 shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes; or as noted or as specifically excluded, or except as may be superseded by a collective bargaining agreement for those employees subject to Charter Section A8.409. However, all definitions in Rule 120 are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service-Critical classes as covered in Volumes II, III and IV.

Sec. 120.23 Compulsory Sick Leave

- 120.23.1** An appointing officer or designee who has reason to believe that an employee is not medically or physically competent to perform assigned duties, and if allowed to continue in employment or return from leave may represent a risk to co-workers, the public and the employee, may require the employee to present a medical report from a physician designated by the Human Resources Director certifying the employee's medical or physical competency to perform the required duties.
- 120.23.2** If the employee refuses to obtain such physician's certificate or if as a result of a medical evaluation, the employee is found not to be medically or physically competent, the appointing officer or designee may place the employee on compulsory sick leave and shall immediately report such action to the Human Resources Director.
- 120.23.3** An employee shall remain on compulsory sick leave until such time as the employee is found to be competent to return to duty by a physician designated by the Human Resources Director, but such leave shall not exceed the maximum period of sick leave provided in this Rule.
- 120.23.4** The employee placed on sick leave under the provisions of this section may appeal as provided under the appeal provisions of the Medical Examination Rule.
- 120.23.5** An employee placed on compulsory sick leave is ineligible for employment with the City and County and shall be placed under waiver on all lists on which the employee's name appears and shall otherwise be unemployable.

Rule 120

Leaves of Absence

Article VI: Disability Leave

Applicability: The provisions of Rule 120 apply to all officers and employees except for the Uniformed Ranks of the Police and Fire Departments or MTA Service-Critical Classes; or as noted or as specifically excluded, or except as may be superseded by a collective bargaining agreement for those employees subject to Charter Section A8.409. However, all definitions in this Rule are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service-Critical Classes as covered in Volumes II, III and IV.

Sec. 120.24 Disability Leave

- 120.24.1** Absence due to illness or injury arising out of and in the course of employment is defined as "disability leave" and is administered under the State Workers' Compensation Laws and the Rules of the Retirement Board.
- 120.24.2** An employee who is absent because of disability leave and who is receiving disability indemnity payments may request, by submitting a signed option statement to the employee's department no later than ninety (90) days following the employee's release from disability leave, that the amount of disability indemnity payment be supplemented with salary to be charged against the employee's supplemental disability credits so as to equal the full salary the employee would have earned for the regular work schedule. The regular work schedule shall be that schedule in effect at the commencement of the disability leave.
- 120.24.3** Supplemental disability credits shall be an account separate from, but equivalent to, the employee's accumulated unused sick leave with pay credit balance except that the supplemental disability credit account shall be adjusted as provided below.
- 120.24.4** Failure to exercise the option to supplement disability indemnity payments within ninety (90) calendar days following release from disability leave will preclude later requests.
- 120.24.5** Supplemental disability credits shall be used at the minimum rate in units of one (1) hour.
- 120.24.6** The employee's department shall submit separate ~~time rolls~~ time rolls to reflect this action only after the Retirement System certifies the amount of disability indemnity payment, if any, for the period.

Sec. 120.24 Disability Leave (cont.)

- 120.24.7** Salary may be paid on regular ~~time rolls~~ time rolls and charged against the unused sick leave with pay credit balance during any period prior to the commencement of the determination of eligibility for disability indemnity payment without requiring a signed option by the employee.
- 120.24.8** When an employee has used sick leave with pay credits and the Retirement System subsequently determines that the employee was entitled to disability indemnity payment for the period of absence, provision shall be made for adjusting the employee's sick leave with pay credit balance and for reimbursing the appropriate City fund for the amount of sick leave with pay credits charged and paid.
- 120.24.9** An employee who uses supplemental disability credits to supplement disability indemnity payments shall, while on disability leave, earn supplemental disability credits at the same rate as sick leave with pay credits.
- 120.24.10** Upon return to duty, an employee who has used supplemental disability credits shall earn sick leave with pay credits at the normal rate and shall earn supplemental disability credits at twice the rate that sick leave with pay credits are earned until such time as the total hours of supplemental disability credits used are regained.
- 120.24.11** Should an employee suffer a recurrence or a new injury before all supplemental disability credits are regained, the supplemental disability credit balance shall be that balance existing at the beginning of the pay period in which the recurrence or new injury occurs and shall be adjusted for the amount of supplemental disability credits subsequently earned and sick leave with pay credits subsequently used.

Sec. 120.25 Use of Sick Leave with Pay Credits to Supplement State Disability Insurance

- 120.25.1** Sick leave with pay credits shall be used to supplement State Disability Insurance (SDI) at the minimum rate in units of one (1) hour.
- 120.25.2** SDI payments to an employee who qualifies and who has accumulated and is eligible to use sick leave with pay credits shall be supplemented with sick leave with pay credits so that the total of SDI and sick leave with pay calculated in units of one (1) hour provides up to, but does not exceed, the regular gross salary the employee would have received for the normal work schedule excluding overtime.

Sec. 120.25 Use of Sick Leave with Pay Credits to Supplement State Disability Insurance (cont.)

120.25.3 An employee who wishes not to supplement, or who wishes to supplement with compensatory time or vacation, must submit a written request on a form prescribed by the Human Resources Director to the appointing officer or designee within seven (7) calendar days following the first (1st) date of absence.

120.25.4 Employees who are supplementing SDI earn sick leave with pay credits at the normal rate only for those hours of sick leave with pay credits used.

Rule 120

Leaves of Absence

Applicability: Rule 120 shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes; or as noted or as specifically excluded, or except as may be superseded by a collective bargaining agreement for those employees subject to Charter Section A8.409. However, all definitions in Rule 120 are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service-Critical classes as covered in Volumes II, III and IV.

Article I: Leaves of Absence - General Requirements

Article II: Sick Leave - General Provisions

Article III: Sick Leave With Pay

Article IV: Sick Leave Without Pay

Article V: Compulsory Sick Leave

Article VI: Disability Leave

Article VII: Military, War Effort and Sea Duty Leaves

Article VIII: Unpaid Administrative Leave or Furlough

Article IX: Other Leaves of Absence

Article X: Appeal Procedures

Rule 220

Leaves of Absence

Applicability: Rule 220 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department, except that the provisions of Rule 220 may be superseded in whole or in part by the collective bargaining agreement, except for the definitions in this Rule which are applicable to employees in all classes.

Article I: Leaves of Absence – General Requirements

Article II: Sick Leave - General Provisions

Article III: Sick Leave with Pay

Article IV: Sick Leave without Pay

Article V: Compulsory Sick Leave

Article VI: Disability Leave

Article VII: Military, War Effort and Sea Duty Leaves

Article VIII: Unpaid Administrative Leave or Furlough

Article IX: Other Leaves of Absence

Article X: Appeal Procedures

Rule 220

Leaves of Absence

Article I: Leaves of Absence - General Requirements

Applicability: Rule 220 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department, except that the provisions of Rule 220 may be superseded in whole or in part by the collective bargaining agreement, except for the definitions in this Rule which are applicable to employees in all classes.

Sec. 220.1 Leaves of Absence - General Requirements

- 220.1.1** Leaves of absence, hereinafter referred to in this Rule as "leave," shall be governed by the provisions of this Rule. For the purpose of this Rule, "appointing officer" shall mean all elected officials; all department heads designated by the Charter as appointing officers; and all Boards and Commissions when officiating as appointing officers.
- 220.1.2** Requests for leave shall be subject to the approval of the appointing officer or designee. The decision of the appointing officer or designee is final unless provision for appeal is specifically granted in this Rule. Such requests for appeal shall be processed in accordance with the appeal procedure provided in this Rule. Requests for military, maternity, or witness or jury duty leave shall be granted as provided herein.
- 220.1.3** Beginning January 1, 2016, amendments to California Labor Code Section 233, (Kin Care Law) authorize employees to use available accrued sick leave each calendar year to care for a "family member" or themselves, in an amount equal to one-half of their annual accrual. Under the Kin Care Law, available accrued sick leave must be granted upon the employee's oral or written request and the employer shall not deny the right to take such leave, or impose conditions for granting such leave, including the requirement of medical certification.
- 220.1.4** Except for vacation leave, witness or jury duty leave, compulsory sick leave, disability leave or unpaid administrative leave, or absences covered under Labor Code Section 233, an employee requesting a leave of absence for more than five (5) working days shall submit such request to the appointing officer or designee on the form prescribed by the Human Resources Director. With the exceptions noted herein, Requests for sick leave in excess of five (5) continuous working days shall be certified by a licensed medical doctor, doctor of dental surgery, doctor of podiatric medicine, licensed clinical psychologist, Christian Science Practitioner or licensed doctor of chiropractic. Verification of sick leave with pay for less than five (5) working days (seven (7)

Sec. 220.1 **Leave of Absence – General Requirements****220.1.4** **(cont.)**

calendar days in the case of part-time employees) as provided elsewhere in this Rule shall be required on an individual basis only and shall be based upon an evaluation of the individual attendance record of an employee's leave use. For employees taking sick leave pursuant to Administrative Code Chapter 12W, ~~or~~ Labor Code Sections 245-249 or Labor Code Section 233, the City may take reasonable measures to verify or document that an employee's use of sick leave is taken in accordance with Administrative Code Chapter 12W or Labor Code Sections 245-249 or Labor Code Section 233.

220.1.45 The Human Resources Director may direct that leave requests be retained in the department and maintained in a manner so as to be readily available for audit, review or analysis by Department of Human Resources and Office of Labor Standards Enforcement staff.

220.1.56 Except as otherwise provided in these Rules, leave granted for the period stated on the prescribed form may be extended or abridged only with the approval of the appointing officer or designee. An employee who does not return to work on the approved date shall be deemed as away without official leave and shall be subject to automatic resignation as provided elsewhere in these Rules.

220.1.67 Except when an employee requesting sick leave has accumulated unused sick leave with pay credits and except for employees eligible for military leave with pay, organ or bone marrow donor leave with pay witness or jury duty leave, disability leave or leave due to battery as provided elsewhere in this Rule, or for authorized holiday or vacation, leaves shall be without pay.

220.1.78 Refer to the Probationary Period Rule on leave during the probationary period.

220.1.89 Exempt employees shall be granted paid sick leave on the ninetieth (90) day of service. The decision of the appointing officer shall be final and not subject to appeal.

220.1.910 An appointee shall not be required to sign a resignation form as a condition of approval of a leave.

220.1.101 Leaves granted under this Rule shall be indicated on time rolls as designated by the Controller.

220.1.112 An authorized leave granted under this Rule shall not be considered as a break in the continuous service of an employee.

Rule 220

Leaves of Absence

Article II: Sick Leave - General Provisions

Applicability: Rule 220 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department, except that the provisions of Rule 220 may be superseded in whole or in part by the collective bargaining agreement, except for the definitions in this Rule which are applicable to employees in all classes.

Sec. 220.2 **Eligibility for Sick Leave**

Subject to the provisions of this Rule, employees and officers (hereinafter called "employees") who are absent from their duties due to their own illness or disability, or that of a qualifying family member, including preventive care, such as medical or dental appointments, and employees who are victims of domestic violence, sexual assault or stalking, are eligible for sick leave.

Sec. 220.3 **Sick Leave - Exclusions from Eligibility**

220.3.1 Sick leaves granted to members of the Uniformed Ranks of the Police Department shall be regulated by Rules adopted by the Police Commission. These Rules and any amendments thereto shall be subject to the approval of the Civil Service Commission and when so approved by the Civil Service Commission shall be deemed as included in this Rule. Calculation of sick leave with pay credits, reimbursement for vested and unused accumulated sick leave with pay credits and any provision not covered in the Rules of the Police Department shall be as provided in this Rule.

220.3.2 This Rule shall not apply to patrol special officers appointed by the Police Commission, employees under personal services contracts, elective officers, and members of Boards and Commissions.

Sec. 220.4 **Verification of Sick Leave**

220.4.1 The appointing officer or designee to whom application for sick leave is made may make such independent investigation as to the necessity for sick leave as is deemed proper under these rules and federal, state and local law, and may require certification for any period of sick leave, provided that the employee has been previously notified in writing that such certification for absence of less than five (5) working days shall be required. For employees taking sick leave pursuant to Administrative Code Chapter 12W, ~~or~~ Labor Code Sections 245-249 or Labor Code Section 233, the City may take reasonable measures to verify or document that an employee's use of sick leave is taken in accordance with Administrative Code Chapter 12W, ~~or~~ Labor Code Sections 245-249 or Labor Code Section 233.

Sec. 220.4 **Verification of Sick Leave (cont.)**

220.4.2 The Human Resources Director may at any time make such independent investigation as may be deemed proper regarding the illness of any person on sick leave.

Sec. 220.5 **Retirement Automatically Terminates Sick Leave**

Sick leave shall automatically terminate on the effective date of an employee's retirement.

Sec. 220.6 **Abridgment of Sick Leave**

Sick leaves granted in excess of five (5) working days may be abridged if the employee presents to the appointing officer or designee medical evidence of capability to resume all the duties of the position.

Sec. 220.7 **Definition of Sick Leave**

A leave granted under this Rule for One of the following reasons shall be known as "sick leave":

220.7.1 **Sick Leave - Medical Reasons**

Absence for diagnosis, care or treatment of a health condition, including alcoholism, or preventive care, and for employees who are victims of domestic violence, sexual assault or stalking, but excluding illness or injury arising out of and in the course of City and County employment. Absence due to illness or injury arising out of and in the course of employment is administered either under the Rules of the Retirement Board and is referred to as "disability leave" and may be supplemented as provided elsewhere in this Rule or under the provisions of this Rule and the Administrative Code for those employees injured by battery ("leave due to battery").

220.7.2 **Sick Leave - Quarantine**

Absence during a period of quarantine established and declared by the Department of Public Health or other authority.

220.7.3 **Sick Leave - Bereavement**

Absence because of the death of the employee's spouse or domestic partner, parents, step parents, grandparents, parents-in-law or parents of a domestic partner, sibling, child, step child, adopted child, a child for whom the employee has parenting responsibilities, aunt or uncle, legal guardian, or any person who is permanently residing in the household of the employee. Such leave shall not exceed three (3) working days and

Sec. 220.7 **Definition of Sick Leave (cont.)**

220.7.3 Sick Leave – Bereavement (cont.)

shall be taken within thirty (30) calendar days after the date of death; however, two (2) additional working days shall be granted in conjunction with the bereavement leave if travel outside the State of California is required as a result of the death.

For absence because of the death of any other person to whom the employee may be reasonably deemed to owe respect; leave shall be for not more than one (1) working day; however, two (2) additional working days shall be granted if travel outside the State of California is required as a result of the person's death.

220.7.4 Sick Leave - Maternity

Absence due to the employee's pregnancy or convalescent period following childbirth. Such leave shall not exceed six (6) months provided that such leave may be extended for permanent employees if a physician certifies that a longer convalescence period is required. Such extensions shall be subject to the provisions of this Rule governing sick leave without pay.

220.7.5 Sick Leave - Parental Leave

Absence due to the birth of a child to the employee, the employee's spouse, or the employee's domestic partner or assumption by the employee of parenting or child rearing responsibilities either by adoption or foster care.

220.7.6 Sick Leave - Illness or Medical Appointment of a Family Member

Absence for diagnosis, care or treatment of a health condition or injury, or for preventive care for an employee's family member, defined as follows:

- 1) A child, which for the purposes of this section means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis. This definition of a child is applicable regardless of age or dependency status.
- 2) A biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.
- 3) A spouse.
- 4) A registered domestic partner.
- 5) A grandparent.
- 6) A grandchild.
- 7) A sibling.

Sec. 220.7 Definition of Sick Leave (cont.)

220.7.7 Sick Leave Pursuant to Administrative Code Chapter 12W

1) Absence due to the illness, injury, medical care, treatment, diagnosis or medical appointment of the employee; employee's child; parent; legal guardian or ward; sibling; grandparent; grandchild; and spouse, registered domestic partner under any state law, or "designated person."

The aforementioned child, parent, sibling, grandparent, and grandchild relationships include not only biological relationships but also relationships resulting from adoption; step-relationships; and foster care relationships. "Child" includes a child of a domestic partner and a child of a person standing in loco parentis.

2) For the purpose of this section, the definition of "designated person" is: one person designated by an employee who has no spouse or registered domestic partner, as the person for whom the employee may use paid sick leave to aid or care for under this section. The opportunity to make such a designation shall be extended to the employee no later than the date on which the employee has worked thirty (30) hours after paid sick leave begins to accrue. There shall be a window of ten (10) business days for the employee to make this designation. Thereafter, the opportunity to make such a designation, including the opportunity to change such a designation previously made, shall be extended to the employee on an annual basis, with a window of ten (10) business days for the employee to make the designation.

220.7.8 Sick Leave Pursuant to Labor Code Sections 245-249

Absence for the following purposes: (1) diagnosis, care, or treatment of an existing health condition of, or preventive care for an employee or an employee's family member; or (2) for an employee who is a victim of domestic violence, sexual assault, or stalking, described in Labor Code Section 230, subdivision (c) and Labor Code Section 230.1, subdivision (a).

220.7.9 Sick Leave - Compulsory

Leave imposed by an appointing officer due to an employee's medical inability or incapacity to perform all the duties of the position as provided elsewhere in this Rule.

Rule 220

Leaves of Absence

Article III: Sick Leave with Pay

Applicability: Rule 220 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department, except that the provisions of Rule 220 may be superseded in whole or in part by the collective bargaining agreement, except for the definitions in this Rule which are applicable to employees in all classes.

Sec. 220.8 **Sick Leave with Pay Eligibility**

220.8.1 Sick leave with pay may be granted to employees who have accrued paid on the ninetieth (90th) day of service except that supplemental disability credits may be used to supplement disability indemnity payments as provided elsewhere in this Rule regardless of length of service and except that an authorized leave of absence with or without pay granted under this Rule shall not be considered as a break in the continuous service of an employee.

220.8.2 A break in service of more than twelve (12) continuous months by any employee other than an employee designated as a "holdover" will cause prior accumulated sick leave with pay credits to be canceled and eligibility for sick leave with pay must be re-established.

220.8.3 Sick leave with pay credits will continue to accrue at the normal rate while an employee is on either furlough or voluntary unpaid time off in accordance with this Rule, for a maximum of up to ten (10) days per fiscal year for imposed furlough or twenty (20) days per fiscal year for voluntary unpaid time off.

Sec. 220.9 **Sick Leave with Pay Eligibility Pursuant to Administrative Code Chapter 12W effective February 5, 2007, and Labor Code Sections 245-249 effective July 1, 2015 Applicable to Employees Not Otherwise Qualified for Sick Leave**

220.9.1 Sick leave with pay may be granted to said employees, on the ninetieth (90th) day of service.

220.9.2 Employees hired on or before February 5, 2007, shall immediately be eligible to accrue and use sick leave with pay credits under this section.

220.9.3 A complete separation in service for twelve (12) continuous months by an employee, other than an employee designated as a "holdover" will cause prior accumulated sick leave with pay credits to be canceled and eligibility for sick leave with pay must be re-established.

Sec. 220.9 **Sick Leave with Pay Eligibility Pursuant to Administrative Code Chapter 12W effective February 5, 2007, and Labor Code Sections 245-249 effective July 1, 2015 Applicable to Employees Not Otherwise Qualified for Sick Leave (cont.)**

220.9.4 Employees rehired within one (1) year following a separation will not be subject to the ninety (90) calendar day eligibility period and any previously accrued and unused sick leave hours will be reinstated.

Sec. 220.10 **Sick Leave with Pay - Maximum Accumulation of Credits**

220.10.1 **Sick Leave with Pay – Maximum Accumulation of Credits**

Sick leave with pay credits shall be cumulative but the accumulated balance of unused sick leave with pay credits shall not exceed the equivalent of six (6) months which is the hourly equivalent of 130 working days based on the regular daily work schedule as defined, provided that in no case may the total accumulated unused sick leave with pay credit balance exceed 1040 hours. Maximum accumulated sick leave with pay credits shall be reduced proportionately for employees entering a class or position where the regular work schedule is less than the class exiting if such employees have accumulated unused sick leave with pay credits in excess of the maximum allowable for the new class or position. Such employees shall have all such credits restored upon return to a class or position with an increased regular work schedule.

220.10.2 **Maximum Accumulation of Credits Pursuant to Administrative Code Chapter 12W effective February 5, 2007, and Labor Code Sections 245-249 effective July 1, 2015 Applicable to Employees Not Otherwise Qualified for Sick Leave**

Sick leave with pay credits shall be cumulative but the accumulated balance of unused sick leave with pay credits shall not exceed seventy-two (72) hours under Administrative Code Chapter 12W, and forty-eight (48) hours under Labor Code Sections 245-249.

Sec. 220.11 **Sick Leave with Pay - Restrictions**

220.11.1 Sick leave with pay, beyond that authorized by law, is a privilege recognized by Charter and by Ordinance of the Board of Supervisors and should be requested and granted only in cases of absence because of illness which incapacitates the employee for the performance of duties or as otherwise defined in this Rule.

220.11.2 Except for absences covered under Labor Code Section 233, An appointing officer or designee may require proof of incapacitation before granting sick leave with pay for any period of time and may withhold pay for failure to submit such proof provided that the employee had been previously notified in writing that such proof would be required for absences of less than five (5) working days.

Sec. 220.11 Sick Leave with Pay Restrictions (cont.)

- 220.11.3** The rate of earning and accumulating sick leave with pay credits and authorization for its use under this Rule shall in no way inhibit or restrict the right of an appointing officer to establish standards of attendance.

Sec. 220.12 Prohibition Against Employment While on Sick Leave with Pay

- 220.12.1** Employees are prohibited from working in any other employment while on sick leave with pay unless, after considering the medical reason for the sick leave with pay, the appointing officer with the approval of the Human Resources Director, grants permission for the employee to engage in a secondary employment subject to the provisions of these Rules governing such employment.
- 220.12.2** Violators of this section are subject to disciplinary action as provided in the Charter.

Sec. 220.13 Calculation of Sick Leave with Pay Credits

- 220.13.1** Unless otherwise provided in this Rule or by ordinance, sick leave with pay credits shall be earned at the rate of .05 hours for each hour of regularly scheduled paid service excluding, overtime exceeding forty (40) hours per week and holiday pay, except that an employee on disability leave shall earn sick leave with pay credits at the normal rate.
- 220.13.2** Exempt employees shall accrue paid sick leave at a rate of one (1) hour per every thirty (30) hours worked, excluding holiday pay.

Sec. 220.14 Disbursement of Sick Leave with Pay Credits

Sick leave with pay credits shall be used and deducted at the minimum rate in units of one hour for those employees whose credits are calculated in hours.

Sec. 220.15 Conversion of Sick Leave with Pay Credits from Days to Hours

Sick leave with pay credit balances shall be converted from days to hours based on the equivalent number of hours in such employee's sick leave with pay credit balances. The equivalent number of hours shall be based on the employee's authorized normal daily work schedule in effect on the effective date of this amended Rule, except if the Human Resources Director determines that such conversion is inequitable and allows another formula to be used.

Sec. 220.16 **Employees Injured by Battery**

- 220.16.1** An employee absent because of bodily injury or illness received in the course of employment and caused by an act of criminal violence shall be entitled to sick leave with pay under the provisions of the Administrative Code.
- 220.16.2** Sick leave with pay under this section shall be known as "leave due to battery" and shall be subject to approval by the Human Resources Director. The Human Resources Director shall make such investigation as is deemed appropriate and may include medical examinations by a physician(s) designated by the Human Resources Director.
- 220.16.3** The decision of the Human Resources Director may be appealed to the Commission whose decision is final.
- 220.16.4** Authorized sick leave under this section shall not be charged against earned sick leave with pay credits.

Sec. 220.17 **Appeal of Denial of Sick Leave with Pay**

Denial of sick leave with pay to an appointee who is eligible and qualified for such leave is appealable as provided elsewhere in this Rule.

Sec. 220.18 **Reimbursement of Vested and Unused Accumulated Sick Leave with Pay Credits Balance**

- 220.18.1** An employee who had accumulated unused sick leave with pay credits and who had completed the service requirement on or before December 5, 1978, shall upon the effective date of retirement for service or disability, or upon the date of death, or upon the date of separation caused by industrial accident, be reimbursed for the accumulated unused sick leave with pay credit balance which had been earned on or before December 5, 1978, and not subsequently used ("vested and unused accumulated sick leave with pay credits") in accordance with the following schedule of service requirements and allowances.

Sec. 220.18 Reimbursement of Vested and Unused Accumulated Sick Leave with Pay Credits Balance (cont.)

220.18.1 (cont.)

Schedule of Service Requirements and Allowances for Reimbursement of Vested and Unused Accumulated Sick Leave with Pay Credit Balance at the Time of Retirement, Separation Because of Accident or Death	
Service Requirement	Amount of Cash Reimbursement
15 or more years of service	100%
More than 5 continuous years but less than 15 continuous years of service	50%
Up to and including 5 continuous years of service	33.3%

220.18.2 Reimbursement for the vested and unused accumulated sick leave with pay credit balance shall be further subject to the following:

- 1) The Human Resources Director shall administer the provisions of this section.
- 2) Deduction shall be made from the unused accumulated sick leave with pay credit balance which existed on December 5, 1978, in an amount proportional to any credits used of that balance. Reimbursement shall be made only for the adjusted amount with all credits from the December 5, 1978, balance subsequently used being deducted.
- 3) Reimbursement for the vested and unused accumulated sick leave with pay credit balance shall be payable at the time of retirement, separation caused by industrial accident or death, or at a later date when so selected by the employee, but within one year of such retirement, separation or death.
- 4) Reimbursement is to be computed at the base rate of pay of an employee's permanent class, at the base rate of pay of the class of a temporary or provisional employee with no permanent status, or at the base rate of pay in a temporary or provisional appointment of an employee with permanent status in another class who has held such temporary or provisional appointment continuously for one or more years at the time of separation.

Sec. 220.18 **Reimbursement of Vested and Unused Accumulated Sick Leave with Pay Credits Balance (cont.)**

220.18.2 (cont.)

5) No reimbursement shall be made for unused sick leave with pay credits earned on or after December 6, 1978.

6) The enactment of this section is not intended to constitute additional compensation, nor be a part of the rate of pay of the employee, but is reimbursement for the vested and unused accumulated sick leave with pay credit balance to which an employee would have been entitled if the employee had not retired, separated due to industrial injury or died.

Rule 220 Leaves of Absence

Article IV: Sick Leave without Pay

Applicability: Rule 220 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department, except that the provisions of Rule 220 may be superseded in whole or in part by the collective bargaining agreement, except for the definitions in this Rule which are applicable to employees in all classes.

Sec. 220.19 **Sick Leave without Pay - Eligibility**

Subject to the provisions of this section, sick leave without pay may be granted to employees who are not eligible for sick leave with pay or, subject to the approval of the appointing officer or designee, employees may choose not to use their sick leave with pay credits.

Sec. 220.20 **Sick Leave without Pay - Temporary and Provisional Employees**

Sick leave without pay may be granted to temporary or provisional employees. Such leave shall be renewed monthly and shall not be extended beyond three (3) calendar months except for sick leave - maternity.

Sec. 220.21 **Sick Leave without Pay - Permanent Employees**

220.21.1 Sick leave without pay may be approved for permanent employees for the period of the illness provided, however, that requests for prolonged leave shall be renewed every three (3) months and provided further that such leave shall not be extended beyond a period of one (1) continuous year unless ~~the physician designated by the Human Resources Director advises that there is a reasonable probability that~~ additional leave will enable the employee will be able to return to employment within a reasonable time.

220.21.2 ~~If the physician designated by the Human Resources Director determines that there is no reasonable probability that the employee will be able to return to duty, the appointing officer shall have good cause for discharge.~~

220.21.3 ~~The physician designated by the Human Resources Director may defer certification of capability for additional periods of three (3) month intervals up to one (1) additional year.~~

Sec. 220.22 **Prohibition Against Employment While on Sick Leave Without Pay**

220.22.1 Employees are prohibited from working in any other employment when on sick leave without pay unless, after considering the medical reason for the sick leave without pay, the appointing officer with the approval of the Human Resources Director, grants permission for the employee to engage in outside employment.

220.22.2 Violators of this section are subject to disciplinary action.

Rule 220

Leaves of Absence

Article V: Compulsory Sick Leave

Applicability: Rule 220 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department, except that the provisions of Rule 220 may be superseded in whole or in part by the collective bargaining agreement, except for the definitions in this Rule which are applicable to employees in all classes.

Sec. 220.23 Compulsory Sick Leave

- 220.23.1** An appointing officer or designee who has reason to believe that an employee is not medically or physically competent to perform assigned duties, and if allowed to continue in employment or return from leave may represent a risk to co-workers, the public and the employee, may require the employee to present a medical report from a physician designated by the Human Resources Director certifying the employee's medical or physical competency to perform the required duties.
- 220.23.2** If the employee refuses to obtain such physician's certificate or if as a result of a medical evaluation, the employee is found not to be medically or physically competent, the appointing officer or designee may place the employee on compulsory sick leave and shall immediately report such action to the Human Resources Director.
- 220.23.3** An employee shall remain on compulsory sick leave until such time as the employee is found to be competent to return to duty by a physician designated by the Human Resources Director, but such leave shall not exceed the maximum period of sick leave provided in this Rule.
- 220.23.4** The employee placed on sick leave under the provisions of this section may appeal as provided under the appeal provisions of the Medical Examination Rule.
- 220.23.5** An employee placed on compulsory sick leave is ineligible for employment with the City and County and shall be placed under waiver on all lists on which the employee's name appears and shall otherwise be unemployable.

Rule 220

Leaves of Absence

Article VI: Disability Leave

Applicability: Rule 220 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department, except that the provisions of Rule 220 may be superseded in whole or in part by the collective bargaining agreement, except for the definitions in this Rule which are applicable to employees in all classes.

Sec. 220.24 **Disability Leave**

- 220.24.1** Absence due to illness or injury arising out of and in the course of employment is defined as "disability leave" and is administered under the State Workers' Compensation Laws and the Rules of the Retirement Board.
- 220.24.2** An employee who is absent because of disability leave and who is receiving disability indemnity payments may request, by submitting a signed option statement to the employee's department no later than ninety (90) days following the employee's release from disability leave, that the amount of disability indemnity payment be supplemented with salary to be charged against the employee's supplemental disability credits so as to equal the full salary the employee would have earned for the regular work schedule. The regular work schedule shall be that schedule in effect at the commencement of the disability leave.
- 220.24.3** Supplemental disability credits shall be an account separate from, but equivalent to, the employee's accumulated unused sick leave with pay credit balance except that the supplemental disability credit account shall be adjusted as provided below.
- 220.24.4** Failure to exercise the option to supplement disability indemnity payments within ninety (90) calendar days following release from disability leave will preclude later requests.
- 220.24.5** Supplemental disability credits shall be used at the minimum rate in units of one (1) hour.
- 220.24.6** The employee's department shall submit separate ~~time rolls~~ time rolls to reflect this action only after the Retirement System certifies the amount of disability indemnity payment, if any, for the period.
- 220.24.7** Salary may be paid on regular ~~time roll~~ time rolls and charged against the unused sick leave with pay credit balance during any period prior to the commencement of the determination of eligibility for disability indemnity payment without requiring a signed option by the employee.

Sec. 220.24 **Disability Leave (cont.)**

- 220.24.8** When an employee has used sick leave with pay credits and the Retirement System subsequently determines that the employee was entitled to disability indemnity payment for the period of absence, provision shall be made for adjusting the employee's sick leave with pay credit balance and for reimbursing the appropriate City fund for the amount of sick leave with pay credits charged and paid.
- 220.24.9** An employee who uses supplemental disability credits to supplement disability indemnity payments shall, while on disability leave, earn supplemental disability credits at the same rate as sick leave with pay credits.
- 220.24.10** Upon return to duty, an employee who has used supplemental disability credits shall earn sick leave with pay credits at the normal rate and shall earn supplemental disability credits at twice the rate that sick leave with pay credits are earned until such time as the total hours of supplemental disability credits used are regained.
- 220.24.11** Should an employee suffer a recurrence or a new injury before all supplemental disability credits are regained, the supplemental disability credit balance shall be that balance existing at the beginning of the pay period in which the recurrence or new injury occurs and shall be adjusted for the amount of supplemental disability credits subsequently earned and sick leave with pay credits subsequently used.

Sec. 220.25 **Use of Sick Leave with Pay Credits to Supplement State Disability Insurance**

- 220.25.1** Sick leave with pay credits shall be used to supplement State Disability Insurance (SDI) at the minimum rate in units of one (1) hour.
- 220.25.2** SDI payments to an employee who qualifies and who has accumulated and is eligible to use sick leave with pay credits shall be supplemented with sick leave with pay credits so that the total of SDI and sick leave with pay calculated in units of one-hour provides up to, but does not exceed, the regular gross salary the employee would have received for the normal work schedule excluding overtime.
- 220.25.3** An employee who wishes not to supplement, or who wishes to supplement with compensatory time or vacation, must submit a written request on a form prescribed by the Human Resources Director to the appointing officer or designee within seven (7) calendar days following the first date of absence.

Sec. 220.25 **Use of Sick Leave with Pay Credits to Supplement State Disability Insurance (cont.)**

220.25.4 Employees who are supplementing SDI earn sick leave with pay credits at the normal rate only for those hours of sick leave with pay credits used.

Rule 320

Leaves of Absence

Applicability: Rule 320 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department, except that the provisions of Rule 320 may be superseded in whole or in part by the collective bargaining agreement, except for the definitions in this Rule which are applicable to employees in all classes.

Article I: Leaves of Absence - General Requirements

Article II: Sick Leave - General Provisions

Article III: Sick Leave With Pay

Article IV: Sick Leave Without Pay

Article V: Compulsory Sick Leave

Article VI: Disability Leave

Article VII: Military, War Effort and Sea Duty Leaves

Article VIII: Unpaid Administrative Leave or Furlough

Article IX: Other Leaves of Absence

Article X: Appeal Procedures

Rule 320

Leaves of Absence

Article I: Leaves of Absence - General Requirements

Applicability: Rule 320 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department, except that the provisions of Rule 320 may be superseded in whole or in part by the collective bargaining agreement, except for the definitions in this Rule which are applicable to employees in all classes.

Sec. 320.1 Leaves of Absence - General Requirements

320.1.1 Leaves of absence, hereinafter referred to in this Rule as "leave," shall be governed by the provisions of this Rule. For the purpose of this Rule, "appointing officer" shall mean all elected officials; all department heads designated by the Charter as appointing officers; and all Boards and Commissions when officiating as appointing officers.

320.1.2 Requests for leave shall be subject to the approval of the appointing officer or designee. The decision of the appointing officer or designee is final unless provision for appeal is specifically granted in this Rule. Such requests for appeal shall be processed in accordance with the appeal procedure provided in this Rule. Requests for military, maternity, or witness or jury duty leave shall be granted as provided herein.

320.1.3 Beginning January 1, 2016, amendments to California Labor Code Section 233 (Kin Care Law) authorize employees to use available accrued sick leave each calendar year to care for a "family member" or themselves, in an amount equal to one-half of their annual accrual. Under the Kin Care Law, available accrued sick leave must be granted upon the employee's oral or written request and the employer shall not deny the right to take such leave, or impose conditions for granting such leave, including the requirement of medical certification.

320.1.4 Except for vacation leave, witness or jury duty leave, compulsory sick leave, disability leave or unpaid administrative leave, or absences covered under Labor Code Section 233, an employee requesting a leave of absence for more than five (5) working days shall submit such request to the appointing officer or designee on the form prescribed by the Human Resources Director. With the exceptions noted herein, requests for sick leave in excess of five (5) continuous working days shall be certified by a licensed medical doctor, doctor of dental surgery, doctor of podiatric medicine, licensed clinical psychologist, Christian Science Practitioner or licensed doctor of chiropractic. Verification of

Sec. 320.1 **Leaves of Absence – General Requirements (cont.)**

sick leave with pay for less than five (5) working days (seven (7) calendar days in the case of part-time employees) as provided elsewhere in this Rule shall be required on an individual basis only and shall be based upon an evaluation of ~~the individual attendance record of an employee's leave use.~~ For employees taking sick leave pursuant to Administrative Code Chapter 12W, Labor Code Section 245-249 or Labor Code Section 233, the City may take reasonable measures to verify or document that an employee's use of sick leave is taken in accordance with Administrative Code Chapter 12W, ~~or~~ Labor Code Sections 245-249 or Labor Code Section 233.

320.1.45 The Human Resources Director may direct that leave requests be retained in the department and maintained in a manner so as to be readily available for audit, review or analysis by Department of Human Resources and Office of Labor Standards Enforcement staff.

320.1.56 Except as otherwise provided in these Rules, leave granted for the period stated on the prescribed form may be extended or abridged only with the approval of the appointing officer or designee. An employee who does not return to work on the approved date shall be deemed as away without official leave and shall be subject to automatic resignation as provided elsewhere in these Rules.

320.1.67 Except when an employee requesting sick leave has accumulated unused sick leave with pay credits and except for employees eligible for military leave with pay, organ or bone marrow donor leave with pay, witness or jury duty leave, disability leave or leave due to battery as provided elsewhere in this Rule, or for authorized holiday or vacation, leaves shall be without pay.

320.1.78 Refer to the Probationary Period Rule on leave during the probationary period.

320.1.89 Exempt employees shall be granted paid sick leave on the ninetieth (90th) day of service. The decision of the appointing officer shall be final and not subject to appeal.

320.1.910 An appointee shall not be required to sign a resignation form as a condition of approval of a leave.

320.1.101 Leaves granted under this Rule shall be indicated on ~~time rolls~~ time rolls as designated by the Controller.

320.1.112 An authorized leave granted under this Rule shall not be considered as a break in the continuous service of an employee.

Rule 320

Leaves of Absence

Article II: Sick Leave - General Provisions

Applicability: Rule 320 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department, except that the provisions of Rule 320 may be superseded in whole or in part by the collective bargaining agreement, except for the definitions in this Rule which are applicable to employees in all classes.

Sec. 320.2 **Eligibility for Sick Leave**

Subject to the provisions of this Rule, employees and officers (hereinafter called "employees") who are absent from their duties due to their own illness or disability, or that of a qualifying family member, including preventive care, such as medical or dental appointments, and employees who are victims of domestic violence, sexual assault or stalking, are eligible for sick leave.

Sec. 320.3 **Sick Leave - Exclusions from Eligibility**

320.3.1 Sick leaves granted to members of the Uniformed Ranks of the Fire Department shall be regulated by Rules adopted by the Fire Commission. These Rules and any amendments thereto shall be subject to the approval of the Civil Service Commission and when so approved by the Civil Service Commission shall be deemed as included in this Rule. Calculation of sick leave with pay credits, reimbursement for vested and unused accumulated sick leave with pay credits and any provision not covered in the Rules of the Fire Department shall be as provided in this Rule.

320.3.2 This Rule shall not apply to certificated employees of the School Districts, patrol special officers appointed by the Police Commission, employees under personal services contracts, elective officers, and members of Boards and Commissions.

Sec. 320.4 **Verification of Sick Leave**

320.4.1 The appointing officer or designee to whom application for sick leave is made may make such independent investigation as to the necessity for sick leave as is deemed proper under these rules and federal, state and local law and may require certification for any period of sick leave, provided that the employee has been previously notified in writing that such certification for absence of less than five (5) working days shall be required.

Sec. 320.4 **Verification of Sick Leave (cont.)****320.4.1** **(cont.)**

For employees taking sick leave pursuant to Administrative Code Chapter 12W, ~~or Labor Code Sections 245-249~~ or Labor Code Section 233, the City may take reasonable measures to verify or document that an employee's use of sick leave is taken in accordance with Administrative Code Chapter 12W, ~~or Labor Code Sections 245-249~~ or Labor Code Section 233.

320.4.2 The Human Resources Director may at any time make such independent investigation as may be deemed proper regarding the illness of any person on sick leave.

Sec. 320.5 **Retirement Automatically Terminates Sick Leave**

Sick leave shall automatically terminate on the effective date of an employee's retirement.

Sec. 320.6 **Abridgment of Sick Leave**

Sick leaves granted in excess of five (5) working days may be abridged if the employee presents to the appointing officer or designee medical evidence of capability to resume all the duties of the position.

Sec. 320.7 **Definition of Sick Leave**

A leave granted under this Rule for one of the following reasons shall be known as "sick leave":

320.7.1 **Sick Leave - Medical Reasons**

Absence, for diagnosis, care or treatment of a health condition, including alcoholism, or preventive care, and for employees who are victims of domestic violence, sexual assault or stalking, but excluding illness or injury arising out of and in the course of City and County employment. Absence due to illness or injury arising out of and in the course of employment is administered either under the Rules of the Retirement Board and is referred to as "disability leave" and may be supplemented as provided elsewhere in this Rule or under the provisions of this Rule and the Administrative Code for those employees injured by battery ("leave due to battery").

320.7.2 **Sick Leave - Quarantine**

Absence during a period of quarantine established and declared by the Department of Public Health or other authority.

Sec. 320.7 **Definition of Sick Leave (cont.)****320.7.3** **Sick Leave - Bereavement**

Absence because of the death of the employee's spouse or domestic partner, parents, step parents, grandparents, parents-in-law or parents of a domestic partner, sibling, child, step child, adopted child, a child for whom the employee has parenting responsibilities, aunt or uncle, legal guardian, or any person who is permanently residing in the household of the employee. Such leave shall not exceed three (3) working days and shall be taken within thirty (30) calendar days after the date of death; however, two (2) additional working days shall be granted in conjunction with the bereavement leave if travel outside the State of California is required as a result of the death.

For absence because of the death of any other person to whom the employee may be reasonably deemed to owe respect; leave shall be for not more than one (1) working day; however, two (2) additional working days shall be granted if travel outside the State of California is required as a result of the person's death.

320.7.4 **Sick Leave - Maternity**

Absence due to the employee's pregnancy or convalescent period following childbirth. Such leave shall not exceed six (6) months provided that such leave may be extended for permanent employees if a physician certifies that a longer convalescence period is required. Such extensions shall be subject to the provisions of this Rule governing sick leave without pay.

320.7.5 **Sick Leave – Parental Leave**

Absence due to the birth of a child to the employee, the employee's spouse, or the employee's domestic partner or assumption by the employee of parenting or child rearing responsibilities either by adoption or foster care.

320.7.6 **Sick Leave - Illness or Medical Appointment of a Family Member**

Absence for diagnosis, care or treatment of a health condition or injury, or for preventive care for an employee's family member, defined as follows:

1. A child, which for the purposes of this section means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis. This definition of a child is applicable regardless of age or dependency status.

Sec. 320.7 Definition of Sick Leave (cont.)**320.7.6 Sick Leave - Illness or Medical Appointment of a Family Member (cont.)**

2. biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.
3. spouse.
4. A registered domestic partner.
5. A grandparent.
6. A grandchild.
7. A sibling.

320.7.7 Sick Leave Pursuant to Administrative Code Chapter 12W

- 1) Absence due to the illness, injury, medical care, treatment, diagnosis or medical appointment of the employee; employee's child; parent, legal guardian or ward; sibling; grandparent; grandchild; and spouse, registered domestic partner under any state law, or "designated person."

The aforementioned child, parent, sibling, grandparent, and grandchild relationships include not only biological relationships but also relationships resulting from adoption; step-relationships; and foster care relationships. "Child" includes a child of a domestic partner and a child of a person standing in loco parentis.

- 2) For the purpose of this section, the definition of "designated person" is: one person designated by an employee who has no spouse or registered domestic partner, as the person for whom the employee may use paid sick leave to aid or care for under this section. The opportunity to make such a designation shall be extended to the employee no later than the date on which the employee has worked thirty (30) hours after paid sick leave begins to accrue. There shall be a window of ten (10) business days for the employee to make this designation. Thereafter, the opportunity to make such a designation, including the opportunity to change such a designation previously made, shall be extended to the employee on an annual basis, with a window of ten (10) business days for the employee to make the designation.

320.7.8 Sick Leave Pursuant to Labor Code Sections 245-249

Absence for the following purposes: (1) diagnosis, care, or treatment of an existing health condition of, or preventive care for an employee or an employee's family member; or (2) for an employee who is a victim of domestic violence, sexual assault, or stalking, described in Labor Code Section 230, subdivision (c) and Labor Code Section 230.1, subdivision (a).

Sec. 320.7 **Definition of Sick Leave (cont.)**

320.7.9 **Sick Leave - Compulsory**

Leave imposed by an appointing officer due to an employee's medical inability or incapacity to perform all the duties of the position as provided elsewhere in this Rule.

Rule 320

Leaves of Absence

Article III: Sick Leave with Pay

Applicability: Rule 320 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department, except that the provisions of Rule 320 may be superseded in whole or in part by the collective bargaining agreement, except for the definitions in this Rule which are applicable to employees in all classes.

Sec. 320.8 **Sick Leave with Pay Eligibility**

320.8.1 Sick leave with pay may be granted to employees who have accrued paid sick leave on the ninetieth (90th) day of service, except that supplemental disability credits may be used to supplement disability indemnity payments as provided elsewhere in this Rule regardless of length of service and except that an authorized leave of absence with or without pay granted under this Rule shall not be considered as a break in the continuous service of an employee.

320.8.2 A break in service of more than twelve (12) continuous months by any employee other than an employee designated as a "holdover" will cause prior accumulated sick leave with pay credits to be canceled and eligibility for sick leave with pay must be re-established.

320.8.3 Sick leave with pay credits will continue to accrue at the normal rate while an employee is on either furlough or voluntary unpaid time off in accordance with this Rule, for a maximum of up to ten (10) days per fiscal year for imposed furlough or twenty (20) days per fiscal year for voluntary unpaid time off.

Sec. 320.9 **Sick Leave with Pay Eligibility Pursuant to Administrative Code Chapter 12W effective February 5, 2007, and Labor Code Sections 245-249 effective July 1, 2015 Applicable to Employees Not Otherwise Qualified for Sick Leave**

320.9.1 Sick leave with pay may be granted to said employees, on the ninetieth (90th) day of service.

320.9.2 Employees hired on or before February 5, 2007, shall immediately be eligible to accrue and use sick leave with pay credits under this section.

320.9.3 A complete separation in service for twelve (12) continuous months by an employee, other than an employee designated as a "holdover" will cause prior accumulated sick leave with pay credits to be canceled and eligibility for sick leave with pay must be re-established.

Sec. 320.9 **Sick Leave with Pay Eligibility Pursuant to Administrative Code Chapter 12W effective February 5, 2007, and Labor Code Sections 245-249 effective July 1, 2015 Applicable to Employees Not Otherwise Qualified for Sick Leave (cont.)**

- 320.9.4** Employees rehired within one (1) year following a separation will not be subject to the ninety (90) calendar day eligibility period. And any of previously accrued and unused sick leave hours will be reinstated.

Sec. 320.10 **Sick Leave with Pay - Maximum Accumulation of Credits**

320.10.1 **Sick Leave with Pay – Maximum Accumulation of Credits**

Sick leave with pay credits shall be cumulative but the accumulated balance of unused sick leave with pay credits shall not exceed the equivalent of six (6) months which is the hourly equivalent of 130 working days based on the regular daily work schedule as defined, provided that in no case may the total accumulated unused sick leave with pay credit balance exceed 1040 hours. Maximum accumulated sick leave with pay credits shall be reduced proportionately for employees entering a class or position where the regular work schedule is less than the class exiting if such employees have accumulated unused sick leave with pay credits in excess of the maximum allowable for the new class or position. Such employees shall have all such credits restored upon return to a class or position with an increased regular work schedule.

320.10.2 **Maximum Accumulation of Credits Pursuant to Administrative Code Chapter 12W effective February 5, 2007, and Labor Code Sections 245-249 effective July 1, 2015 Applicable to Employee Not Otherwise Qualified for Sick Leave**

Sick leave with pay credits shall be cumulative but the accumulated balance of unused sick leave with pay credits shall not exceed seventy-two (72) hours under Administrative Code Chapter 12W and forty-eight (48) hours under Labor Code Sections 245-249.

Sec. 320.11 **Sick Leave with Pay - Restrictions**

- 320.11.1** Sick leave with pay, beyond that authorized by law, is a privilege recognized by Charter and by Ordinance of the Board of Supervisors and should be requested and granted only in cases of absence because of illness which incapacitates the employee for the performance of duties or as otherwise defined in this Rule.

Sec. 320.11 Sick Leave with Pay – Restrictions (cont.)

320.11.2 Except for absences covered under Labor Code Section 233, An appointing officer or designee may require proof of incapacitation before granting sick leave with pay for any period of time and may withhold pay for failure to submit such proof provided that the employee had been previously notified in writing that such proof would be required for absences of less than five (5) working days.

320.11.3 The rate of earning and accumulating sick leave with pay credits and authorization for its use under this Rule shall in no way inhibit or restrict the right of an appointing officer to establish standards of attendance.

Sec. 320.12 Prohibition Against Employment While on Sick Leave with Pay

320.12.1 Employees are prohibited from working in any other employment while on sick leave with pay unless, after considering the medical reason for the sick leave with pay, the appointing officer with the approval of the Human Resources Director, grants permission for the employee to engage in a secondary employment subject to the provisions of these Rules governing such employment.

320.12.2 Violators of this section are subject to disciplinary action as provided in the Charter.

Sec. 320.13 Calculation of Sick Leave with Pay Credits

320.13.1 Unless otherwise provided in this Rule or by ordinance, sick leave with pay credits shall be earned at the rate of thirteen (13) working days per completed year of paid service; provided that an employee's balance shall be credited on a pro rata basis based upon the completion of regularly scheduled paid service for the employee's class, excluding overtime, but including holidays and other paid absences.

320.13.2 Exempt employees shall accrue paid sick leave at a rate of one (1) hour per every thirty (30) hours worked, excluding holiday pay.

Sec. 320.14 Disbursement of Sick Leave with Pay Credits

Sick leave with pay credits shall be used and deducted at the minimum rate in units of one (1) hour for those employees whose credits are calculated in hours. The minimum deduction for members of the Uniformed Ranks of the Fire Department shall be determined by departmental Rule.

Sec. 320.15 **Employees Injured by Battery**

- 320.15.1** An employee absent because of bodily injury or illness received in the course of employment and caused by an act of criminal violence shall be entitled to sick leave with pay under the provisions of the Administrative Code.
- 320.15.2** Sick leave with pay under this section shall be known as "leave due to battery" and shall be subject to approval by the Human Resources Director. The Human Resources Director shall make such investigation as is deemed appropriate and may include medical examinations by a physician(s) designated by the Human Resources Director.
- 320.15.3** The decision of the Human Resources Director may be appealed to the Commission whose decision is final.
- 320.15.4** Authorized sick leave under this section shall not be charged against earned sick leave with pay credits.

Sec. 320.16 **Appeal of Denial of Sick Leave with Pay**

Denial of sick leave with pay to an appointee who is eligible and qualified for such leave is appealable as provided elsewhere in this Rule.

Sec. 320.17 **Reimbursement of Vested and Unused Accumulated Sick Leave with Pay Credits Balance**

- 320.17.1** An employee who had accumulated unused sick leave with pay credits and who had completed the service requirement on or before December 5, 1978, shall upon the effective date of retirement for service or disability, or upon the date of death, or upon the date of separation caused by industrial accident, be reimbursed for the accumulated unused sick leave with pay credit balance which had been earned on or before December 5, 1978, and not subsequently used ("vested and unused accumulated sick leave with pay credits") in accordance with the following schedule of service requirements and allowances.

Sec. 320.17 Reimbursement of Vested and Unused Accumulated Sick Leave with Pay Credits Balance (cont.)

320.17.1 (cont.)

Schedule of Service Requirements and Allowances for Reimbursement of Vested and Unused Accumulated Sick Leave with Pay Credit Balance at the Time of Retirement, Separation Because of Accident or Death	
Service Requirement	Amount of Cash Reimbursement
15 or more years of service	100%
More than 5 continuous years but less than 15 continuous years of service	50%
Up to and including 5 continuous years of service	33.3%

320.17.2 Reimbursement for the vested and unused accumulated sick leave with pay credit balance shall be further subject to the following:

- 1) The Human Resources Director shall administer the provisions of this section.
- 2) Deduction shall be made from the unused accumulated sick leave with pay credit balance which existed on December 5, 1978, in an amount proportional to any credits used of that balance. Reimbursement shall be made only for the adjusted amount with all credits from the December 5, 1978, balance subsequently used being deducted.
- 3) Reimbursement for the vested and unused accumulated sick leave with pay credit balance shall be payable at the time of retirement, separation caused by industrial accident or death, or at a later date when so selected by the employee, but within one year of such retirement, separation or death.
- 4) Reimbursement is to be computed at the base rate of pay of an employee's permanent class, at the base rate of pay of the class of a temporary or provisional employee with no permanent status, or at the base rate of pay in a temporary or provisional appointment of an employee with

Sec. 320.17 **Reimbursement of Vested and Unused Accumulated Sick Leave with Pay Credits Balance (cont.)**

320.17.2 **(cont.)**

permanent status in another class who has held such temporary or provisional appointment continuously for one or more years at the time of separation.

5) No reimbursement shall be made for unused sick leave with pay credits earned on or after December 6, 1978.

6) The enactment of this section is not intended to constitute additional compensation, nor be a part of the rate of pay of the employee, but is reimbursement for the vested and unused accumulated sick leave with pay credit balance to which an employee would have been entitled if the employee had not retired, separated due to industrial injury or died.

Rule 320

Leaves of Absence

Article IV: Sick Leave without Pay

Applicability: Rule 320 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department, except that the provisions of Rule 320 may be superseded in whole or in part by the collective bargaining agreement, except for the definitions in this Rule which are applicable to employees in all classes.

Sec. 320.18 **Sick Leave without Pay - Eligibility**

Subject to the provisions of this section, sick leave without pay may be granted to employees who are not eligible for sick leave with pay or, subject to the approval of the appointing officer or designee, employees may choose not to use their sick leave with pay credits.

Sec. 320.19 **Sick Leave without Pay - Temporary and Provisional Employees**

Sick leave without pay may be granted to temporary or provisional employees. Such leave shall be renewed monthly and shall not be extended beyond three (3) calendar months except for sick leave - maternity.

Sec. 320.20 **Sick Leave without Pay - Permanent Employees**

320.20.1 Sick leave without pay may be approved for permanent employees for the period of the illness provided, ~~however,~~ that requests for prolonged leave shall be renewed every three (3) months and provided further that such leave shall not be extended beyond a period of one (1) continuous year unless ~~the physician designated by the Human Resources Director advises that there is a reasonable probability that~~ additional leave will enable the employee will be able to return to employment within a reasonable time.

~~**320.20.2** If the physician designated by the Human Resources Director determines that there is no reasonable probability that the employee will be able to return to duty, the appointing officer shall have good cause for discharge.~~

~~**320.20.3** The physician designated by the Human Resources Director may defer certification of capability for additional periods of three (3) month intervals up to one (1) additional year.~~

Sec. 320.21 **Prohibition Against Employment While on Sick Leave Without Pay**

320.21.1 Employees are prohibited from working in any other employment when on sick leave without pay unless, after considering the medical reason for the sick leave without pay, the appointing officer with the approval of the Human Resources Director, grants permission for the employee to engage in outside employment.

320.21.2 Violators of this section are subject to disciplinary action.

Rule 320

Leaves of Absence

Article V: Compulsory Sick Leave

Applicability: Rule 320 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department, except that the provisions of Rule 320 may be superseded in whole or in part by the collective bargaining agreement, except for the definitions in this Rule which are applicable to employees in all classes.

Sec. 320.22 Compulsory Sick Leave

- 320.22.1** An appointing officer or designee who has reason to believe that an employee is not medically or physically competent to perform assigned duties, and if allowed to continue in employment or return from leave may represent a risk to co-workers, the public and the employee, may require the employee to present a medical report from a physician designated by the Human Resources Director certifying the employee's medical or physical competency to perform the required duties.
- 320.22.2** If the employee refuses to obtain such physician's certificate or if as a result of a medical evaluation, the employee is found not to be medically or physically competent, the appointing officer or designee may place the employee on compulsory sick leave and shall immediately report such action to the Human Resources Director.
- 320.22.3** An employee shall remain on compulsory sick leave until such time as the employee is found to be competent to return to duty by a physician designated by the Human Resources Director, but such leave shall not exceed the maximum period of sick leave provided in this Rule.
- 320.22.4** The employee placed on sick leave under the provisions of this section may appeal as provided under the appeal provisions of the Medical Examination Rule.
- 320.22.5** An employee placed on compulsory sick leave is ineligible for employment with the City and County and shall be placed under waiver on all lists on which the employee's name appears and shall otherwise be unemployable.

Rule 320

Leaves of Absence

Article VI: Disability Leave

Applicability: Rule 320 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department, except that the provisions of Rule 320 may be superseded in whole or in part by the collective bargaining agreement, except for the definitions in this Rule which are applicable to employees in all classes.

Sec. 320.23 **Disability Leave**

- 320.23.1** Absence due to illness or injury arising out of and in the course of employment is defined as "disability leave" and is administered under the State Workers' Compensation Laws and the Rules of the Retirement Board.
- 320.23.2** An employee who is absent because of disability leave and who is receiving disability indemnity payments may request, by submitting a signed option statement to the employee's department no later than ninety (90) days following the employee's release from disability leave, that the amount of disability indemnity payment be supplemented with salary to be charged against the employee's supplemental disability credits so as to equal the full salary the employee would have earned for the regular work schedule. The regular work schedule shall be that schedule in effect at the commencement of the disability leave.
- 320.23.3** Supplemental disability credits shall be an account separate from, but equivalent to, the employee's accumulated unused sick leave with pay credit balance except that the supplemental disability credit account shall be adjusted as provided below.
- 320.23.4** Failure to exercise the option to supplement disability indemnity payments within ninety (90) calendar days following release from disability leave will preclude later requests.
- 320.23.5** Supplemental disability credits shall be used at the minimum rate in units of one (1) hour.
- 320.23.6** The employee's department shall submit separate ~~time rolls~~ time rolls to reflect this action only after the Retirement System certifies the amount of disability indemnity payment, if any, for the period.

Sec. 320.23 **Disability Leave (cont.)**

- 320.23.7** Salary may be paid on regular ~~time rolls~~ time rolls and charged against the unused sick leave with pay credit balance during any period prior to the commencement of the determination of eligibility for disability indemnity payment without requiring a signed option by the employee.
- 320.23.8** When an employee has used sick leave with pay credits and the Retirement System subsequently determines that the employee was entitled to disability indemnity payment for the period of absence, provision shall be made for adjusting the employee's sick leave with pay credit balance and for reimbursing the appropriate City fund for the amount of sick leave with pay credits charged and paid.
- 320.23.9** An employee who uses supplemental disability credits to supplement disability indemnity payments shall, while on disability leave, earn supplemental disability credits at the same rate as sick leave with pay credits.
- 320.23.10** Upon return to duty, an employee who has used supplemental disability credits shall earn sick leave with pay credits at the normal rate and shall earn supplemental disability credits at twice the rate that sick leave with pay credits are earned until such time as the total hours of supplemental disability credits used are regained.
- 320.23.11** Should an employee suffer a recurrence or a new injury before all supplemental disability credits are regained, the supplemental disability credit balance shall be that balance existing at the beginning of the pay period in which the recurrence or new injury occurs and shall be adjusted for the amount of supplemental disability credits subsequently earned and sick leave with pay credits subsequently used.

Sec. 320.24 **Use of Sick Leave with Pay Credits to Supplement State Disability Insurance**

- 320.24.1** Sick leave with pay credits shall be used to supplement State Disability Insurance (SDI) at the minimum rate in units of one (1) hour.
- 320.24.2** SDI payments to an employee who qualifies and who has accumulated and is eligible to use sick leave with pay credits shall be supplemented with sick leave with pay credits so that the total of SDI and sick leave with pay calculated in units of one-hour provides up to, but does not exceed, the

Sec. 320.24 **Use of Sick Leave with Pay Credits to Supplement State Disability Insurance (cont.)**

320.24.2 **(cont.)**

regular gross salary the employee would have received for the normal work schedule excluding overtime.

320.24.3 An employee who wishes not to supplement, or who wishes to supplement with compensatory time or vacation, must submit a written request on a form prescribed by the Human Resources Director to the appointing officer or designee within (7) calendar days following the first date of absence.

320.24.4 Employees who are supplementing SDI earn sick leave with pay credits at the normal rate only for those hours of sick leave with pay credits used.

Rule 420

Leaves of Absence

Applicability: Rule 420 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 420 may be superseded in whole or in part by the collective bargaining agreement. However, all definitions in this Rule are applicable to employees in all classes.

Article I: Leaves of Absence - General Requirements

Article II: Sick Leave - General Provisions

Article III: Sick Leave with Pay

Article IV: Sick Leave without Pay

Article V: Compulsory Sick Leave

Article VI: Disability Leave

Article VII: Military, War Effort and Sea Duty Leaves

Article VIII: Unpaid Administrative Leave or Furlough

Article IX: Other Leaves of Absence

Article X: Appeal Procedures

Rule 420

Leaves of Absence

Article I: Leaves of Absence - General Requirements

Applicability: Rule 420 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 420 may be superseded in whole or in part by the collective bargaining agreement. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 420.1 Leaves of Absence - General Requirements

420.1.1 Leaves of absence, hereinafter referred to in this Rule as "leave," shall be governed by the provisions of this Rule. For the purpose of this Rule, "appointing officer" shall mean all elected officials; all department heads designated by the Charter as appointing officers; and all Boards and Commissions when officiating as appointing officers.

420.1.2 Requests for leave shall be subject to the approval of the Director of Transportation/Designee. The decision of the MTA Director of Transportation/Designee is final unless provision for appeal is specifically granted in this Rule. Such requests for appeal shall be processed in accordance with the appeal procedure provided in this Rule. Requests for military, maternity, or witness or jury duty leave shall be granted as provided herein.

420.1.3 Beginning January 1, 2016, amendments to California Labor Code Section 233 (Kin Care Law) authorize employees to use available accrued sick leave, each calendar year to care for a "family member" or themselves, in an amount equal to one-half of their annual accrual. Under the Kin Care Law, available accrued sick leave must be granted upon the employee's oral or written request and the employer shall not deny the right to take such leave, or impose conditions for granting such leave, including the requirement of medical certification.

420.1.4 Except for vacation leave, witness or jury duty leave, compulsory sick leave, disability leave, or unpaid administrative leave; or absences covered under Labor Code Section 233, an employee requesting a leave of absence for more than five working days shall submit such request on the prescribed form to the MTA Director of Transportation/Designee. With the exceptions noted herein, Requests for sick leave in excess of five (5) continuous working days shall be certified by a licensed medical doctor, doctor of dental surgery, doctor of podiatric medicine, licensed clinical psychologist, Christian Science Practitioner or licensed doctor of chiropractic. Verification of sick leave with pay for less than five (5) working days (seven (7) calendar days in the case of part-time

Sec. 420.1 **Leaves of Absence - General Requirements (cont.)****420.1.4** **(cont.)**

employees) as provided elsewhere in this Rule shall be required on an individual basis only and shall be based upon an evaluation of ~~the individual attendance record of an employee's leave use.~~ For employees taking sick leave pursuant to Administrative Code Chapter 12W or Labor Code Sections 245-249 or Labor Code Section 233, the City may take reasonable measures to verify or document that an employee's use of sick leave is taken in accordance with Administrative Code Chapter 12W, ~~or Labor Code Sections 245-249~~ or Labor Code Section 233.

420.1.45 The leave requests shall be retained in the department and maintained in a manner so as to be readily available for audit, review, or analysis, by authorized City personnel, including the Office of Labor Standards Enforcement Staff.

420.1.56 Except as otherwise provided in these Rules, leave granted for the period stated on the prescribed form may be extended or abridged only with the approval of the MTA Director of Transportation/Designee. An employee who does not return to work on the approved date shall be deemed as away without official leave and shall be subject to automatic resignation as provided elsewhere in these Rules.

420.1.67 Except when an employee requesting sick leave has accumulated unused sick leave with pay credits and except for employees eligible for military leave with pay, organ or bone marrow donor leave with pay, witness or jury duty leave, disability leave or leave due to battery as provided elsewhere in this Rule, or for authorized holiday or vacation, leaves shall be without pay.

420.1.78 Refer to the Probationary Period Rule on leave during the probationary period.

420.1.89 Exempt employees shall be granted paid sick leave on the ninetieth (90th) day of service. The decision of the MTA Director of Transportation/Designee shall be final and not subject to appeal.

420.1.910 An appointee shall not be required to sign a resignation form as a condition of approval of a leave.

420.1.101 Leaves granted under this Rule shall be indicated on ~~time rolls~~ time rolls as designated by the Controller.

420.1.112 An authorized leave granted under this Rule shall not be considered as a break in the continuous service of an employee.

Rule 420

Leaves of Absence

Article II: Sick Leave - General Provisions

Applicability: Rule 420 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 420 may be superseded in whole or in part by the collective bargaining agreement. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 420.2 **Eligibility for Sick Leave**

Subject to the provisions of this Rule, employees and officers (hereinafter called "employees") who are absent from their duties due to their own illness or disability, or that of a qualifying family member, including preventive care, such as medical or dental appointments, and employees who are victims of domestic violence, sexual assault or stalking, are eligible for sick leave.

Sec. 420.3 **Verification of Sick Leave**

420.3.1 The MTA Director of Transportation/Designee may make such independent investigation as to the necessity for sick leave as is deemed proper under these rules and federal, state and local law and may require certification for any period of sick leave, provided that the employee has been previously notified in writing that such certification for absence of less than five (5) working days shall be required. For employees taking sick leave pursuant to Administrative Code Chapter 12W, ~~or~~ Labor Code Sections 245-249 or Labor Code Section 233, the City may take reasonable measures to verify or document that an employee's use of sick leave is taken in accordance with Administrative Code Chapter 12W, ~~or~~ Labor Code Sections 245-249 or Labor Code Section 233.

420.3.2 The MTA Director of Transportation/Designee may at any time make such independent investigation as may be deemed proper regarding the illness of any person on sick leave.

Sec. 420.4 **Retirement Automatically Terminates Sick Leave**

Sick leave shall automatically terminate on the effective date of an employee's retirement.

Sec. 420.5 **Abridgment of Sick Leave**

Sick leaves granted in excess of five (5) working days may be abridged if the employee presents to the MTA Director of Transportation/Designee medical evidence of capability to resume all the duties of the position.

Sec. 420.6 **Definition of Sick Leave**

A leave granted under this Rule for one of the following reasons shall be known as "sick leave":

420.6.1 **Sick Leave - Medical Reasons**

Absence for diagnosis, care or treatment of a health condition, including alcoholism, or preventive care, and for employees who are victims of domestic violence, sexual assault or stalking, but excluding illness or injury arising out of and in the course of City and County employment. Absence due to illness or injury arising out of and in the course of employment is administered either under the Rules of the Retirement Board and is referred to as "disability leave" and may be supplemented as provided elsewhere in this Rule or under the provisions of this Rule and the Administrative Code for those employees injured by battery ("leave due to battery").

420.6.2 **Sick Leave – Quarantine**

Absence during a period of quarantine established and declared by the Department of Public Health or other authority.

420.6.3 **Sick Leave – Bereavement**

Absence because of the death of the employee's spouse or domestic partner, parents, step parents, grandparents, parents-in-law or parents of a domestic partner, sibling, child, step child, adopted child, a child for whom the employee has parenting responsibilities, aunt or uncle, legal guardian, or any person who is permanently residing in the household of the employee. Such leave shall not exceed three (3) working days and shall be taken within thirty (30) calendar days after the date of death; however, two (2) additional working days shall be granted in conjunction with the bereavement leave if travel outside the State of California is required as a result of the death.

Sec. 420.6 **Definition of Sick Leave (cont.)****420.6.3** **Sick Leave – Bereavement (cont.)**

For absence because of the death of any other person to whom the employee may be reasonably deemed to owe respect; leave shall be for not more than one (1) working day; however, two (2) additional working days shall be granted if travel outside the State of California is required as a result of the person's death.

420.6.4 **Sick Leave - Maternity**

Absence due to the employee's pregnancy or convalescent period following childbirth. Such leave shall not exceed six (6) months provided that such leave may be extended for permanent employees if a physician certifies that a longer convalescence period is required. Such extensions shall be subject to the provisions of this Rule governing sick leave without pay.

420.6.5 **Sick Leave – Parental Leave**

Absence due to the birth of a child to the employee, the employee's spouse, or the employee's domestic partner or assumption by the employee of parenting or child rearing responsibilities either by adoption or foster care.

420.6.6 **Sick Leave - Illness or Medical Appointment of a Family Member**

Absence for diagnosis, care or treatment of a health condition or injury, or for preventive care for an employee's family member, defined as follows:

- 1) A child, which for the purposes of this section means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis. This definition of a child is applicable regardless of age or dependency status.
- 2) A biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.
- 3) A spouse.
- 4) A registered domestic partner.
- 5) A grandparent.
- 6) A grandchild.
- 7) A sibling.

Sec. 420.6 **Definition of Sick Leave (cont.)****420.6.7** **Sick Leave Pursuant to Administrative Code Chapter 12W**

1) Absence due to the illness, injury, medical care, treatment, diagnosis or medical appointment of the employee; employee's child; parent; legal guardian or ward; sibling; grandparent; grandchild; and spouse, registered domestic partner under any state law, or "designated person."

The aforementioned child, parent, sibling, grandparent, and grandchild relationships include not only biological relationships but also relationships resulting from adoption; step-relationships; and foster care relationships. "Child" includes a child of a domestic partner and a child of a person standing in loco parentis.

2) For the purpose of this section, the definition of "designated person" is: one person designated by an employee who has no spouse or registered domestic partner, as the person for whom the employee may use paid sick leave to aid or care for under this section. The opportunity to make such a designation shall be extended to the employee no later than the date on which the employee has worked thirty (30) hours after paid sick leave begins to accrue. There shall be a window of ten (10) business days for the employee to make this designation. Thereafter, the opportunity to make such a designation, including the opportunity to change such a designation previously made, shall be extended to the employee on an annual basis, with a window of ten (10) business days for the employee to make the designation.

420.6.8 **Sick Leave Pursuant to Labor Code Sections 245-249**

Absence for the following purposes: (1) diagnosis, care, or treatment of an existing health condition of, or preventive care for an employee or an employee's family member; or (2) for an employee who is a victim of domestic violence, sexual assault, or stalking, described in Labor Code Section 230, subdivision (c) and Labor Code Section 230.1, subdivision (a).

420.6.9 **Sick Leave – Compulsory**

Leave imposed by the MTA Director of Transportation/Designee due to an employee's medical inability or incapacity to perform all the duties of the position as provided elsewhere in this Rule.

Rule 420

Leaves of Absence

Article III: Sick Leave with Pay

Applicability: Rule 420 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 420 may be superseded in whole or in part by the collective bargaining agreement. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 420.7 Sick Leave with Pay Eligibility

420.7.1 Sick leave with pay may be granted to employees who have accrued paid sick leave on the ninetieth (90th) day of service except that supplemental disability credits may be used to supplement disability indemnity payments as provided elsewhere in this Rule regardless of length of service and except that an authorized leave of absence with or without pay granted under this Rule shall not be considered as a break in the continuous service of an employee.

420.7.2 A break in service of more than twelve (12) continuous months by any employee other than an employee designated as a "holdover" will cause prior accumulated sick leave with pay credits to be canceled and eligibility for sick leave with pay must be re-established.

420.7.3 Sick leave with pay credits will continue to accrue at the normal rate while an employee is on either furlough or voluntary unpaid time off in accordance with this Rule, for a maximum of up to ten (10) days per fiscal year for imposed furlough or twenty (20) days per fiscal year for voluntary unpaid time off.

Sec. 420.8 Sick Leave with Pay Eligibility Pursuant to Administrative Code Chapter 12W Effective February 5, 2007, and Labor Code Sections 245-249 Applicable to Employees Not Otherwise Qualified for Sick Leave Effective July 1, 2015

420.8.1 Sick leave with pay may be granted to said employees, on the ninetieth (90) day of service.

420.8.2 Employees hired on or before February 5, 2007, shall immediately be eligible to accrue and use sick leave with pay credits under this section.

420.8.3 A complete separation in service for twelve (12) continuous months by an employee, other than an employee designated as a "holdover" will cause prior accumulated sick leave with pay credits to be canceled and eligibility for sick leave with pay must be re-established.

Sec. 420.8 **Sick Leave with Pay Eligibility Pursuant to Administrative Code Chapter 12W Effective February 5, 2007, and Labor Code Sections 245-249 Applicable to Employees Not Otherwise Qualified for Sick Leave Effective July 1, 2015 (cont.)**

- 420.8.4** Employees rehired within one (1) year following a separation will not be subject to the ninety (90) calendar day eligibility period. And any of previously accrued and unused sick leave hours will be reinstated.

Sec. 420.9 **Sick Leave with Pay - Maximum Accumulation of Credits**

420.9.1 **Sick Leave with Pay – Maximum Accumulation of Credits**

Sick leave with pay credits shall be cumulative but the accumulated balance of unused sick leave with pay credits shall not exceed the equivalent of six (6) months which is the hourly equivalent of 130 working days based on the regular daily work schedule as defined, provided that in no case may the total accumulated unused sick leave with pay credit balance exceed 1040 hours. Maximum accumulated sick leave with pay credits shall be reduced proportionately for employees entering a class or position where the regular work schedule is less than the class exiting if such employees have accumulated unused sick leave with pay credits in excess of the maximum allowable for the new class or position. Such employees shall have all such credits restored upon return to a class or position with an increased regular work schedule.

- 420.9.2** Maximum Accumulation of Credits Pursuant to Administrative Code Chapter 12W Effective February 5, 2007, and Labor Code Sections 245-249 Effective July 1, 2015 Applicable to Employee Not Otherwise Qualified for Sick Leave.

Sick leave with pay credits shall be cumulative but the accumulated balance of unused sick leave with pay credits shall not exceed seventy-two (72) hours under Administrative Code Chapter 12W and forty-eight (48) hours under Labor Code Section 245-249.

Sec. 420.10 **Sick Leave with Pay - Restrictions**

- 420.10.1** Sick leave with pay, beyond that authorized by law, is a privilege recognized by Charter and by Ordinance of the Board of Supervisors and should be requested and granted only in cases of absence because of illness which incapacitates the employee for the performance of duties or as otherwise defined in this Rule.

Sec. 420.10 Sick Leave with Pay – Restrictions (cont.)

420.10.2 Except for absences covered under Labor Code Section 233, The MTA Director of Transportation/Designee may require proof of incapacitation before granting sick leave with pay for any period of time and may withhold pay for failure to submit such proof provided that the employee had been previously notified in writing that such proof would be required for absences of less than five (5) working days.

420.10.3 The rate of earning and accumulating sick leave with pay credits and authorization for its use under this Rule shall in no way inhibit or restrict the right of the MTA Director of Transportation/Designee to establish standards of attendance.

Sec. 420.11 Prohibition Against Employment While on Sick Leave with Pay

420.11.1 Employees are prohibited from working in any other employment while on sick leave with pay unless, after considering the medical reason for the sick leave with pay, the MTA Director of Transportation/Designee, grants permission for the employee to engage in a secondary employment subject to the provisions of these Rules governing such employment.

420.11.2 Violators of this section are subject to disciplinary action as provided in the Charter.

Sec. 420.12 Calculation of Sick Leave with Pay Credits

420.12.1 Unless otherwise provided in this Rule or by ordinance, sick leave with pay credits shall be earned at the rate of .05 hours for each hour of regularly scheduled paid service excluding, overtime exceeding forty (40) hours per week and holiday pay, except that an employee on disability leave shall earn sick leave with pay credits at the normal rate.

420.12.2 Exempt employees shall accrue paid sick leave at a rate of one (1) hour per every thirty (30) hours worked, excluding holiday pay.

Sec. 420.13 Disbursement of Sick Leave with Pay Credits

Sick leave with pay credits shall be used and deducted at the minimum rate in units of one (1) hour for those employees whose credits are calculated in hours.

Sec. 420.14 Conversion of Sick Leave with Pay Credits from Days to Hours

Sick leave with pay credit balances shall be converted from days to hours based on the equivalent number of hours in such employee's sick leave with pay credit balances. The equivalent number of hours shall be based on the employee's authorized normal daily work schedule in effect

Sec. 420.14 **Conversion of Sick Leave with Pay Credits from Days to Hours (cont.)**

on the effective date of this amended Rule, except if the MTA Director of Transportation/Designee determines that such conversion is inequitable and allows another formula to be used.

Sec. 420.15 **Employees Injured by Battery**

420.15.1 An employee absent because of bodily injury or illness received in the course of employment and caused by an act of criminal violence shall be entitled to sick leave with pay under the provisions of the Administrative Code.

420.15.2 Sick leave with pay under this section shall be known as "leave due to battery" and shall be subject to approval by the MTA Director of Transportation/Designee. The MTA Director of Transportation/Designee shall make such investigation as is deemed appropriate and may include medical examinations by a physician(s) designated by the MTA Director of Transportation/Designee.

420.15.3 The decision of the MTA Director of Transportation/Designee may be appealed to the Civil Service Commission whose decision is final.

420.15.4 Authorized sick leave under this section shall not be charged against earned sick leave with pay credits.

Sec. 420.16 **Appeal of Denial of Sick Leave with Pay**

Denial of sick leave with pay to an appointee who is eligible and qualified for such leave is appealable as provided elsewhere in this Rule.

Sec. 420.17 **Reimbursement of Vested and Unused Accumulated Sick Leave with Pay Credits Balance**

420.17.1 An employee who had accumulated unused sick leave with pay credits and who had completed the service requirement on or before December 5, 1978, shall upon the effective date of retirement for service or disability, or upon the date of death, or upon the date of separation caused by industrial accident, be reimbursed for the accumulated unused sick leave with pay credit balance which had been earned on or before December 5, 1978, and not subsequently used ("vested and unused accumulated sick leave with pay credits") in accordance with the following schedule of service requirements and allowances.

Sec. 420.17 **Reimbursement of Vested and Unused Accumulated Sick Leave with Pay Credits Balance (cont.)**

420.17.1 (cont.)

Schedule of Service Requirements and Allowances for Reimbursement of Vested and Unused Accumulated Sick Leave with Pay Credit Balance at the Time of Retirement, Separation Because of Accident or Death	
Service Requirement	Amount of Cash Reimbursement
15 or more years of service	100%
More than 5 continuous years but less than 15 continuous years of service	50%
Up to and including 5 continuous years of service	33.3%

420.17.2 Reimbursement for the vested and unused accumulated sick leave with pay credit balance shall be further subject to the following:

- 1) The MTA Director of Transportation/Designee shall administer the provisions of this section.
- 2) Deduction shall be made from the unused accumulated sick leave with pay credit balance which existed on December 5, 1978, in an amount proportional to any credits used of that balance. Reimbursement shall be made only for the adjusted amount with all credits from the December 5, 1978, balance subsequently used being deducted.
- 3) Reimbursement for the vested and unused accumulated sick leave with pay credit balance shall be payable at the time of retirement, separation caused by industrial accident or death, or at a later date when so selected by the employee, but within one (1) year of such retirement, separation or death.
- 4) Reimbursement is to be computed at the base rate of pay of an employee's permanent class, at the base rate of pay of the class of a temporary or provisional employee with no permanent status, or at the base rate of pay in a temporary or provisional appointment of an employee with permanent status in another class who has held such temporary or provisional appointment continuously for one or more years at the time of separation.

Sec. 420.17 **Reimbursement of Vested and Unused Accumulated Sick Leave with Pay Credits Balance (cont.)**

420.17.2 (cont.)

5) No reimbursement shall be made for unused sick leave with pay credits earned on or after December 6, 1978.

6) The enactment of this section is not intended to constitute additional compensation, nor be a part of the rate of pay of the employee, but is reimbursement for the vested and unused accumulated sick leave with pay credit balance to which an employee would have been entitled if the employee had not retired, separated due to industrial injury or died.

Rule 420

Leaves of Absence

Article IV: Sick Leave without Pay

Applicability: Rule 420 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 420 may be superseded in whole or in part by the collective bargaining agreement. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 420.18 Sick Leave without Pay – Eligibility

Subject to the provisions of this section, sick leave without pay may be granted to employees who are not eligible for sick leave with pay or, subject to the approval of the appointing officer or designee, employees may choose not to use their sick leave with pay credits.

Sec. 420.19 Sick Leave without Pay – Temporary and Provisional Employees

Sick leave without pay may be granted to temporary or provisional employees. Such leave shall be renewed monthly and shall not be extended beyond three (3) calendar months except for sick leave - maternity.

Sec. 420.20 Sick Leave without Pay – Permanent Employees

420.20.1 Sick leave without pay may be approved for permanent employees for the period of the illness provided that requests for prolonged leave shall be renewed every three (3) months and provided further that such leave shall not be extended beyond a period of one (1) continuous year unless the ~~physician designated by the MTA Director of Transportation/Designee~~ advises that there is a reasonable probability that additional leave will enable the employee will be able to return to employment within a reasonable time.

~~**420.20.2** If the physician designated by the MTA Director of Transportation/Designee determines that there is no reasonable probability that the employee will be able to return to duty, the MTA Director of Transportation/Designee shall have good cause for discharge.~~

~~**420.20.3** The physician designated by the MTA Director of Transportation/Designee may defer certification of capability for additional periods of three (3) month intervals up to one (1) additional year.~~

Sec. 420.21 **Prohibition Against Employment While on Sick Leave Without Pay**

420.21.1 Employees are prohibited from working in any other employment when on sick leave without pay unless, after considering the medical reason for the sick leave without pay, the MTA Director of Transportation/Designee, grants permission for the employee to engage in outside employment.

420.21.2 Violators of this section are subject to disciplinary action.

Rule 420

Leaves of Absence

Article V: Compulsory Sick Leave

Applicability: Rule 420 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 420 may be superseded in whole or in part by the collective bargaining agreement. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 420.22 Compulsory Sick Leave

- 420.22.1** If the MTA Director of Transportation/Designee has reason to believe that an employee is not medically or physically competent to perform assigned duties, and if allowed to continue in employment or return from leave may represent a risk to co-workers, the public and the employee, may require the employee to present a medical report from a physician designated by the MTA Director of Transportation/Designee certifying the employee's medical or physical competency to perform the required duties.
- 420.22.2** If the employee refuses to obtain such physician's certificate or if as a result of a medical evaluation, the employee is found not to be medically or physically competent, the MTA Director of Transportation/Designee may place the employee on compulsory sick leave.
- 420.22.3** An employee shall remain on compulsory sick leave until such time as the employee is found to be competent to return to duty by a physician designated by the MTA Director of Transportation/Designee, but such leave shall not exceed the maximum period of sick leave provided in this Rule.
- 420.22.4** The employee placed on sick leave under the provisions of this section may appeal as provided under the appeal provisions of the Medical Examination Rule.
- 420.22.5** An employee placed on compulsory sick leave is ineligible for employment with the City and County and shall be placed under waiver on all lists on which the employee's name appears and shall otherwise be unemployable.

Rule 420

Leaves of Absence

Article VI: Disability Leave

Applicability: Rule 420 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 420 may be superseded in whole or in part by the collective bargaining agreement. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 420.23 **Disability Leave**

- 420.23.1** Absence due to illness or injury arising out of and in the course of employment is defined as "disability leave" and is administered under the State Workers' Compensation Laws and the Rules of the Retirement Board.
- 420.23.2** An employee who is absent because of disability leave and who is receiving disability indemnity payments may request, by submitting a signed option statement to the employee's department no later than ninety (90) days following the employee's release from disability leave, that the amount of disability indemnity payment be supplemented with salary to be charged against the employee's supplemental disability credits so as to equal the full salary the employee would have earned for the regular work schedule. The regular work schedule shall be that schedule in effect at the commencement of the disability leave.
- 420.23.3** Supplemental disability credits shall be an account separate from, but equivalent to, the employee's accumulated unused sick leave with pay credit balance except that the supplemental disability credit account shall be adjusted as provided below.
- 420.23.4** Failure to exercise the option to supplement disability indemnity payments within ninety (90) calendar days following release from disability leave will preclude later requests.
- 420.23.5** Supplemental disability credits shall be used at the minimum rate in units of one (1) hour.
- 420.23.6** The employee's department shall submit separate ~~time rolls~~ time rolls to reflect this action only after the Retirement System certifies the amount of disability indemnity payment, if any, for the period.
- 420.23.7** Salary may be paid on regular ~~time rolls~~ time rolls and charged against the unused sick leave with pay credit balance during any period prior to the commencement of the determination of eligibility for disability indemnity payment without requiring a signed option by the employee.

Sec. 420.23 **Disability Leave (cont.)**

- 420.23.8** When an employee has used sick leave with pay credits and the Retirement System subsequently determines that the employee was entitled to disability indemnity payment for the period of absence, provision shall be made for adjusting the employee's sick leave with pay credit balance and for reimbursing the appropriate City fund for the amount of sick leave with pay credits charged and paid.
- 420.23.9** An employee who uses supplemental disability credits to supplement disability indemnity payments shall, while on disability leave, earn supplemental disability credits at the same rate as sick leave with pay credits.
- 420.23.10** Upon return to duty, an employee who has used supplemental disability credits shall earn sick leave with pay credits at the normal rate and shall earn supplemental disability credits at twice the rate that sick leave with pay credits are earned until such time as the total hours of supplemental disability credits used are regained.
- 420.23.11** Should an employee suffer a recurrence or a new injury before all supplemental disability credits are regained, the supplemental disability credit balance shall be that balance existing at the beginning of the pay period in which the recurrence or new injury occurs and shall be adjusted for the amount of supplemental disability credits subsequently earned and sick leave with pay credits subsequently used.

Sec. 420.24 **Use of Sick Leave with Pay Credits to Supplement State Disability Insurance**

- 420.24.1** Sick leave with pay credits shall be used to supplement State Disability Insurance (SDI) at the minimum rate in units of one (1) hour.
- 420.24.2** SDI payments to an employee who qualifies and who has accumulated and is eligible to use sick leave with pay credits shall be supplemented with sick leave with pay credits so that the total of SDI and sick leave with pay calculated in units of one-hour provides up to, but does not exceed, the regular gross salary the employee would have received for the normal work schedule excluding overtime.
- 420.24.3** An employee who wishes not to supplement, or who wishes to supplement with compensatory time or vacation, must submit a written request on the prescribed form to the MTA Director of Transportation/Designee within seven (7) calendar days following the first date of absence.

Sec. 420.24 **Use of Sick Leave with Pay Credits to Supplement State Disability Insurance (cont.)**

420.24.4 Employees who are supplementing SDI earn sick leave with pay credits at the normal rate only for those hours of sick leave with pay credits used.