



## LEAVE PLAN

### 606.4 – SICK LEAVE

- 1. Policy Purpose:** To provide policy and procedures regarding sick leave accrual, eligibility, and usage.

**Policy Coverage:** This policy applies to all non-represented (non-exempt and exempt), full-time and part-time employees of the East Fork Fire Protection District.

**Adopted Date:** 05/21/2019

**Revised Date:** 07/18/2023

**Policy #:** 606.4

*\*\*The procedure established in this policy will be superseded and have no effect when covered by a similar or conflicting provision in a Collective Bargaining Agreement. For detailed information, please refer to your Collective Bargaining Agreement. \*\**

- 2. Policy:**

#### **A. Eligibility for Sick Leave**

The District has established a sick leave program to provide regular employees (both full-time and part-time) paid time off if the employee is unable to work due to personal illness, injury, doctor's appointment, bereavement and/or to care for an immediate family member who is ill or injured. Sick leave pay for regular full-time and part-time employees will consist of the employee's regular rate of pay for the period of leave. The established sick leave accrual year is January 1 through December 31 of each year.

"Immediate family" as used in this Policy and defined by Nevada law, including NAC 284.5235, means:

(1) The employee's parents, spouse, children (regardless of age), brothers, sisters, grandparents, great-grandparents, uncles, aunts, nephews, nieces, grandchildren, great-grandchildren, mother-in-law, father-in-law, daughter-in-law, son-in-law, step-parents and step-children;

(2) If they are living in the employee's household, the employee's grandfather-in-law, grandmother-in-law, great-grandfather-in-law, great-grandmother-in-law, uncle-in-law, aunt-in-law, brother-in-law, sister-in-law, grandson-in-law, granddaughter-in-law, nephew-in-law, niece-in-law, great-grandson-in-law and great-granddaughter-in-law.

(3) The employee's next of kin if the employee is entitled to take leave pursuant to the Family and Medical Leave Act to care for a covered service member; and.

(4) An employee's registered domestic partner as defined by NRS 122A.030.

## **B. Basis of Accrual**

1. The District requires each employee to be available for work on a regular and reliable basis. The District will monitor attendance and leave use whether or not the employee has accumulated leave balances remaining in his or her sick leave account. Sick leave may be used as soon as it is accrued. (NRS 284.355, NAC 284.113, 284.5415)
2. Regular employees not covered by a collective bargaining agreement who are employed on a continuous full-time schedule (40-hours per week), shall accrue sick leave at a rate of 5 hours per pay period (130 hours per year).
3. Regular part-time employees working 21 hours per week or more shall earn sick leave hours at a pro-rated amount based on the number of hours worked.
4. Employees may accrue a maximum of 800 hours of sick leave except that employees who have 800 hours of sick leave accrued as of January 1 of each calendar year may accrue an additional 88 hours during the calendar year which should be used during that calendar year, or the end of the last pay period of the year. Any accrued, unused hours in excess of 800 as of December 31, or the end of the last pay period of the year, will be removed from the employee's account balance by January 15 of the following year.
5. Employees working less than 20 hours per week, and employees hired on an intermittent, seasonal, temporary or emergency basis are not entitled to sick leave and do not accrue sick leave hours.
6. Holidays occurring during Sick Leave periods shall be counted as Holidays, not Sick Leave.

### C. Authorized Use of Sick Leave Hours

1. An employee is entitled to use sick leave hours if an absence from work is the result of:
  - a. Personal illness, injury or physical incapacitation due to a medical condition.
  - b. Sickness of an immediate family member.
  - c. Involuntary or enforced quarantine.
  - d. A required personal or immediate family member's medical, psychological, optometry or dental service, appointment or examination.
  - e. Compliance with counseling or treatment through the employee assistance program.
  - f. A death in the immediate family. Sick leave granted because of a death in the immediate family shall not exceed five days (unless a longer period is been authorized by the District Fire Chief or his/her designee).
2. As described in NAC 284.554, a Supervisor, Division Head or the District Fire Chief or his/her designee shall approve a request for sick leave of an employee who is a victim of an act which constitutes domestic violence or whose family or household member is a victim of an act which constitutes domestic violence, and the employee is not the alleged perpetrator if:
  - a. The employee has been employed in public service for at least 90 days;
  - b. The employee has accrued the amount of sick leave necessary to cover the time requested; and
  - c. The combination of all leave taken by the employee for this purpose does not exceed 160 hours in the 12-month period immediately following the date on which the act which constitutes domestic violence occurred. (NAC 284.554)
3. An employee who is collecting worker's compensation temporary disability benefits as a result of an on-the-job injury may use accrued sick leave benefits to supplement such payments in an amount sufficient to equal the employee's regular rate of pay during the period of temporary disability.
4. If an employee on annual leave suffers an illness or injury which requires medical treatment from a licensed physician or health practitioner, the employee may elect to use accrued, unused sick leave provided that the employee furnishes the District with documentation issued by a licensed physician or health care provider who provided treatment.

5. The District Fire Chief or his designee, Executive Office Manager, or the employee's Division Head or supervisor may approve sick leave only after having ascertained that the absence was for an authorized reason. For absences in excess of 5 consecutive work shifts, or for cases of excessive utilization or suspected abuse of sick leave, the appointing authority may require that the employee submit substantiating evidence, which may include but is not limited to, documentation from a provider of health care describing the medical reason for the absence or an examination by a physician selected by the District. "Provider of health care" shall be a duly licensed Doctor of Medicine or Doctor of Osteopathy.
6. No sick leave shall be given to an employee in excess of the amount accrued and available to the employee. Sick leave hours will be considered hours worked for FLSA purposes.
7. Accrued sick leave hours must be exhausted prior to taking an unpaid medical leave of absence.
8. An extended sick leave may be classified as Family Medical Leave hours if the leave meets the requirements of that policy.
9. It is the responsibility of the District Fire Chief, or his designee, the Executive Office Manager (Human Resources), and the employee's Division Head and/or Supervisor to ensure the provisions of this policy are adhered to. Corrective and/or disciplinary action shall be taken in instances of abuse of sick leave or misrepresentation of the reasons for use of sick leave in consultation with the Executive Office Manager (Human Resources) and District Fire Chief. All District supervisors and Division Heads are responsible for ensuring that any sick leave utilized is accurately reflected on employee time sheets.

#### **D. Notification Requirements**

1. If utilizing sick leave, an employee must notify his or her Supervisor or Division Head, or his/her designee as soon as possible, but no later than within one hour of the beginning of the scheduled work shift unless circumstance exist that make it extremely difficult or impossible to give such notice. Failure to provide reasonable notification may result in denial of such leave pay. The employee must also notify the supervisor or Division Head when the employee expects to return to work.
2. An employee who is on sick leave shall keep his/her supervisor or Division Head advised as to the condition and expected date of return to duty.
3. Non-exempt employees must report any sick leave taken, even if it is for an appointment or part of the day. Exempt employees must report sick leave only if absent for a full day unless authorized for Family and Medical Leave Act (FMLA) leave. (NAC 284.5235, 284.5895)

## E. Sick Leave Payout

1. Regular employees (40-hours per week) may be compensated for a maximum of 800 accrued, unused sick leave hours upon separation/retirement from the District based on the following total years of service:

• 9 completed years	50%
• 10 completed years	53.3%
• 11 completed years	56.6%
• 12 completed years	59.9%
• 13 completed years	63.2%
• 14 completed years	66.5%
• 15 completed years	69.8%
• 16 completed years	73.1%
• 17 completed years	76.4%
• 18 completed years	79.7%
• 19 completed years	83%
• 20 completed years	86.3%
• 21 completed years	89.6%
• 22 completed years	92.9%
• 23 completed years	96.2%
• 24 completed years	100%

2. No employee shall be entitled to receive the compensation provided for by this Section E for accrued, unused sick leave until he/she has served a minimum of nine consecutive years within the District. Payment pursuant to this section will be based on the employee's accrued, unused sick leave balance on the date they separate from District employment and shall not exceed 800 hours. The final payment for accrued sick leave will follow the District's regular payroll cycle and will be issued with the employee's final pay check.
3. Sick leave payoff amounts may be directed by the employee into a post-retirement account if such a post-retirement program is offered by the District.
4. At the employee's option, instead of being compensated directly for sick leave, the District, with the approval of PERS, will transfer compensable sick leave at the rate referenced in E(1) through the provided Deferred Compensation Programs offered and then, at the employee's initiative, be converted to PERS retirement credits.
5. Notwithstanding the foregoing, in the event of a job-related death or total permanent disability as determined under Nevada worker's compensation laws (NRS Chapters 616/617 in effect on the date of the determination), the District shall pay one hundred percent (100%) of the accrued, unused sick leave balance to either the employee or in the case of death, his/her legal heirs. The payment shall be computed at the employee's Base Hourly Wage of compensation at the time of the death or total permanent disability.

**F. Sick Leave Alternative**


If an employee who otherwise would qualify to take sick leave does not have adequate accrued, unused Sick Leave time, the employee may be granted the use of Annual Leave or other accrued leave time for this purpose. In no case, however, may sick leave time be used or granted for use as Annual Leave or Vacation time.

Employees may donate their accrued, unused Sick Leave to those employees that do not have adequate accrued Sick Leave as provided for in Policy No. 606.6 governing Catastrophic Sick Leave.

Lisa Owen  
Name

Director Admin. Services  
Title

8/1/23  
Date

  
Signature

RESPONSIBILITY FOR REVIEW: The District Fire Chief, or his designee, and/or the Director of Administrative Services, or his/her designee will review this policy every 3 years or sooner as necessary.