

DEPARTMENT OF PUBLIC WORKS MANAGEMENT MANUAL

**Personnel
Directive**

**Subject: REQUESTS FOR PAID SICK
LEAVE**

ADOPTED BY THE BOARD OF PUBLIC WORKS, CITY OF LOS ANGELES

June 20, 2007

PERSONNEL DIRECTIVE NO. 27

BACKGROUND

The Los Angeles Administrative Code, Section 4.126, provides that City employees who have earned sick leave are entitled to its use whenever they are compelled to be absent from work due to illness or injury, other than that arising from their duties as City employees, or arising from their own moral turpitude. New City employees must complete six consecutive months of service without being absent-without-pay for more than a total of ten working days before accruing sick leave; the same is true for part-time and seasonal employees. In accordance with the Family and Medical Leave Act of 1993 and the California Family Rights Act of 1993 in connection with the California Family Temporary Disability Insurance Program (FTDI), officially known as the Paid Family Leave" (PFL) insurance program of July 1, 2004, employees who have been employed by the City for at least 12 months and who have worked at least 1040 hours during this 12-month period may be eligible to request family medical leave for the purpose of childbirth, adoption, foster care of a child, the serious health condition of an immediate family member, or for the employee's own serious health condition. Accrued sick leave may be used in accordance with the provisions of the Family and Medical Leave Article in the employee's MOU; or, if the employee is not covered by an MOU, in Article 4.129 of the Los Angeles Administrative Code. Please refer to Personnel Directive No. 54 for additional information on the use of sick leave for family medical leave purposes.

Bureaus are reminded of the difference between "regular" and "preventive" sick leave. The type of sick leave to be used depends on the purpose for which the medical visit is made. An employee who obtains advice, examination, or treatment which is primarily curative in nature (related to a presently existing condition) is entitled to "regular" sick leave. However, if the medical, dental, optical or other like advice, examination, or treatment is primarily preventive in nature (does not relate to a presently existing condition), the employee should take "preventive" sick leave.

Time taken off for sick leave is recorded directly on the time sheets by Bureau timekeepers. Bureau management certifies the time sheets for accuracy and thereby authorizes all variations of time on the payroll work sheet, including sick time. The Controller's Office has the responsibility to maintain full and partial pay sick leave balances, as well as to keep an accounting of time used for preventive medicine and family illness for all employees. In effect, this means that the level of supervision at which time sheets are completed controls how the employee will be paid for absences, including sick time.

Form Gen. 68-A, "Time Off/Compensation Request", should be used when requesting sick leave pay as an internal control of sick leave usage. Do not forward any copies of the form to the Office of Management-Employee Services.

According to the Los Angeles Administrative Code, Section 4.126(f), in order to ensure that sick leave is being used appropriately, management may require proof of illness for leave of three consecutive working days or less, but shall require proof of illness for sick leave in excess of three consecutive days. The type of proof is not specified, only that it be "suitable and satisfactory" to the appointing authority. In addition, management may require written or other proof of illness at any time for any period of absence on sick leave. The procedures for requiring written proof of illness contained herein are provided for your use. Bureaus are reminded that any paid sick leave in excess of 25 consecutive working days must still be processed in accordance with Personnel Directive No. 24, "Extended Paid Sick Leave Requests."

NOTE: Sick leave articles in the Memoranda of Understanding for your employees should be reviewed for any additions, exceptions and/or clarifications to the Administrative Code provisions.

PROCEDURES

- I. Bureau management, at its discretion, may require written proof at any time for any period of absence due to illness. Prior to requesting such proof, the employee's M.O.U. should be reviewed to determine if there are special provisions which limit management's action in this area. Supervisors should assure requests for documentation are applied consistently.
- II. Such written proof of illness shall serve to corroborate both the fact of the illness and the period of illness.
- III. Bureau management may specify the type of written proof, which it will accept. Suggested examples of written proof are a doctor's sick slip or letter from a doctor.

Supervisors should emphasize that no confidential personal medical information is to be provided only verification that the employee was unable to be at work for the period in question.

- IV. Whenever written proof of illness is required, the document shall be retained by the respective Bureau.

Reference: Los Angeles Administrative Code Section 4.126