

SICK LEAVE

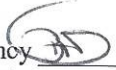
SECTION 1: ACCRUAL AND USE OF SICK LEAVE

A. Accrual: Employees will earn and accrue sick leave in accordance with applicable law and regulations.

B. Request for Sick Leave: Employees may utilize sick leave in 15-minute increments. The Agency and the Union recognize the importance of sick leave and the obligation of employees, as well as the advantage to employees, of only utilizing sick leave when incapacitated for duty for medical or other appropriate reasons. Employees will apply in advance for approval of anticipated leave. Leave requests, approvals or denials will be made electronically using ATAAPS, when available, or the written OPM-71. The leave approving official, normally the supervisor, will respond to all requests for leave in a timely manner. If the employee complies with the Agency's notification and medical evidence/certification requirements, the Agency must grant sick leave.

C. Use of Sick Leave: An employee is entitled to use sick leave when they:

1. Receive medical, dental, or optical examination or treatment;
2. Is incapacitated for the performance of their duties by physical or mental illness, injury, pregnancy, or childbirth;
3. Provide care for a family member who is incapacitated by a medical or mental condition or attends to a family member receiving medical, dental, optical examination or treatment; or
4. Provide care for a family member with a serious health condition;
5. Make arrangements necessitated by the death of a family member or attends the funeral of a family member;
6. Would, as determined by the health authorities having jurisdiction or by a health care provider, jeopardize the health of others by his or her presence on the job because of exposure to a communicable disease; or
7. Must be absent from duty for purposes relating to his or her adoption of a child, including appointments with adoption agencies, social workers, and attorneys; court proceedings; required travel; and any other activities necessary to allow the adoption to proceed.
8. When the employee is disabled and depends on an aid or device, e.g., wheel chair, seeing eye dog or prosthetic device, to perform his/her duties, and the employee is without that aid or device;

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9. Leave is needed for occupational rehabilitation training or therapy;
10. Any other reason set forth in 5 CFR Part 630 and any applicable Executive Order, law or regulation.



D. Exposure to Communicable Disease: The Merit Systems Protection Board (MSPB) and the courts have determined that placing an employee on sick leave against his or her will is tantamount to a suspension. Therefore, an employee who reports for duty and is ordered to return home may (1.) be continued into duty status for the remainder of that day. (2) if required to take leave may choose the type of leave to be used. The Agency will not place an employee on enforced sick leave without following the procedures contained in the Disciplinary and Adverse Action Article of this contract.

SECTION 2: SCHEDULING

A. Planned Sick Leave: Employees should schedule non-emergency medical, dental, optical, psychological, or alcohol/drug counseling appointments as soon in advance as practicable and should request sick leave in advance for such appointments. Employees have the responsibility to notify their supervisor of their need for unplanned or unscheduled sick leave.

B. Notification Process: The supervisor will provide a method of notification to subordinate employees that clearly sets forth the procedures for requesting unscheduled sick leave (i.e. phone call, voice mail, text message, email, etc); designating in writing an alternate official who can receive and approve employees unscheduled sick leave requests in the absence of the immediate supervisor; and the procedure to follow if neither the supervisor or alternate is available. Employees must leave their return contact preference (i.e. phone call, voice mail, text message, email, etc.) for the approving official and the following procedures shall apply:

1. *Non-Shift Employees* will request as soon as possible, but not later than one (1) hour before the beginning of the employee's scheduled tour of duty, unscheduled sick leave.
2. *Shift Employees* will request as soon as possible, but not later than one (1) hour prior to the beginning of their scheduled shift.
3. *Shift employees engaged in patient care* must request as soon as possible, but not later than two (2) hours prior to the start of their shift,

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SECTION 3: MEDICAL EVIDENCE

A. Self-Certification: For periods of up to three (3) consecutive days, the Agency shall normally consider an employee's self-certification as to the reason for his or her absence as administratively acceptable evidence.

B. Requirement for Documentation: For an absence in excess of three (3) workdays, or for a lesser period when determined necessary, the agency may require a medical certificate or other acceptable evidence as to the reason for an absence for any of the purposes as described in 5 CFR 630.403(a). The supervisor must notify the employee if there is to be a requirement to provide medical documentation at the time of the sick leave request. The requirements for employees to provide administratively acceptable evidence to support sick leave absences to the Agency will be governed by applicable law and regulation. A supervisor may consider an employee's self-certification as to the reason for his or her absence as administratively acceptable evidence, regardless of the duration of the absence. The Agency may also require a medical certificate or other administratively acceptable evidence as to the reason for an absence for any absence in excess of three (3) days or for a lesser period when the Agency determines it is necessary, including but not limited to when an employee is under a leave restriction or if a supervisor has reason to believe the employee is abusing/misusing sick leave privileges.

C. Acceptable Documentation: At a minimum, medically acceptable documentation to support a sick leave absence must:

1. Be on letterhead or other official documentation acceptable to the Agency, and signed by an appropriate medical practitioner;
2. State when the employee was seen and whether or not the employee is incapacitated for duty;
3. Provide the date the employee is expected to return to duty.

D. Timelines: When medical documentation is requested, an employee must provide the administratively acceptable evidence or medical certification within 15 calendar days after the date the supervisor requests such certification, but no later than 30 days after the date the supervisor requests such documentation. If it is not practicable under the particular circumstances to provide the requested evidence or medical certification within 15 calendar days after the date requested by the supervisor, despite the employee's diligent, good faith efforts, the employee must provide the evidence of medical certification within a reasonable time under the circumstances involved. An employee who does not provide the required evidence or medical certification within the specified time period is not entitled to sick leave. Employees will be carried in an absent without leave (AWOL) status until acceptable documentation is provided, after which the AWOL status will be converted to sick leave or other approved leave.

E. Chronic Medical Conditions: Employees suffering from a chronic medical condition which requires occasional absence from work, but does not necessarily require medical treatment, and who have previously furnished medical certification of the chronic condition, shall not be required to furnish a medical certificate to substantiate sick leave for subsequent occurrences of the same condition. However, the Agency may periodically require further medical certification to substantiate that the condition still exists.

SECTION 4: SICK LEAVE ABUSE

A. Suspected Abuse of Sick Leave: The Union and the Agency agree that sick leave abuse by employees, including excessive unscheduled absences, have a detrimental impact on the agency's mission. Employees that show a pattern of sick leave abuse may be issued a memorandum of leave restriction.

B. Leave Restriction: If reasonable grounds continue to exist for questioning an employee's use of sick leave, the employee may be placed on leave restriction. The notification will be in writing and inform the employee that no request for sick leave, or other leave in lieu of sick leave, will be approved for a stated period, not to exceed six (6) months, unless supported by a doctor's certificate

C. Presenting Documentation: If there is reason to believe that an employee has abused sick leave, the supervisor can require the employee to provide medical documentation signed by the appropriate medical official for each and every day of absence of sick leave. The employee will be notified in advance of this requirement. Although not required, the parties agree that employees suspected of abusing sick leave should be counseled on their attendance related deficiencies at least once prior to being placed on leave restriction. Employees who have been given a leave restriction letter will be required to bring a medical certification for any and all sick leave absences thereafter.

SECTION 5: ADVANCED SICK LEAVE

A. Purpose: Employees who are incapacitated for the performance of duties because of serious disability or ailment may request advance sick leave not to exceed 240 hours. A maximum of 240 hours of sick leave for any purpose for which sick leave is authorized above may be advanced to an employee.

B. Conditions: Requests for advanced sick leave may be granted in accordance with governing regulations when all of the following conditions are met:

1. The employee is eligible to earn sick leave;
2. The employee's request does not exceed 240-hours (or for temporary employees, the amount of hours to be earned during the period of temporary employment);

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3. There is no reason to believe the employee will not return to work after having used the leave, and the employee has sufficient funds in his or her retirement account or any other source of monies owed to the employee by the government to reimburse the Agency for the advance, should the employee not return to work;
4. The employee has provided acceptable medical documentation of the need for advanced sick leave; and
5. The employee is not subject to leave restriction.

C. Inter-Agency Transfers: When an employee who is indebted for advanced sick leave transfers to another Federal agency without a break in service, any negative sick leave balance shall be transferred to the employee's new agency.

D. Repayment: An employee who is indebted for advanced sick leave and separates from Federal service is required to refund the amount of advanced sick leave. However, if the employee dies, retires for disability, or is separated or resigns because of disability (as determined by the Agency), the requirement to repay does not apply.

E. Entry to Active Duty Service: An employee who enters active military service with a right to restoration will not be considered as having separated and will not be required to refund the amount of advanced sick leave when entering military service. The Agency will treat as confidential any medical information provided by an employee to any agent or representative of the Agency in support of a request for sick leave.



F. Liquidation of Advanced Sick Leave: If an employee is a participant in the Agency's voluntary leave transfer program, advanced sick leave may be liquidated by substituting donated annual leave for sick leave that was advanced on or after the date of the medical emergency.

SECTION 6: PRIVACY

The Agency may disclose such information subject to the Privacy Act of 1974 (5 USC 552a), 5 CFR 339, and 45 U.S.C. § 300 *et seq.* only for purposes of making informed management decisions and only to individuals who have a need to know. A need to know does not extend to secretarial or administrative staff.

SECTION 7: SICK LEAVE FOR FAMILY PURPOSES

A. Family and Medical Leave Act: Employees are entitled to a total of 12 administrative workweeks of unpaid Family Medical Leave during any 12 month period for (a) birth of a son or daughter and care of the newborn; (b) the placement of a son or daughter with the employee for adoption or foster care; (c) the care of a spouse, son or daughter or parent with a serious health condition; or (d) a serious health condition of the employee that makes the employee unable to perform the duties of his or her position.

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B. Parental Leave: This leave will be provided to new parents, including grants of annual leave, sick leave, and leave without pay to the maximum extent allowable by law and government-wide regulation. In the event the employee utilizes leave under the provisions of the Family Medical Leave Act, the employee shall be entitled to a total of 12 administrative workweeks of unpaid leave.

C. Domestic Partner: Employees are entitled to use of sick leave for the care of their same-sex domestic partners and the relatives of their same-sex domestic partners in accordance with 5 C.F.R. § 875.213.