

# REGULATION

<b>SPDOC No.:</b> 10-11	<b>Effective Date:</b> October 17, 2010	<b>Index Reference:</b> Sick Leave	<b>Regulation Number:</b> <b>5.10</b>
<b>Issued By:</b> Compensation	<b>Rule Reference:</b> Rule: 5-10 (Paid Holidays and Leave)		<b>Replaces:</b> Reg. 5.10 (SPDOC 07-14, October 7, 2007)
<b>Authority:</b> Regulations are issued by the State Personnel Director under authority granted in the Michigan Constitution and the Michigan Civil Service Commission Rules. Regulations are subordinate to the Commission Rules.			
<b>Subject:</b> <b>SICK LEAVE</b>			

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### **1. PURPOSE**

This regulation establishes the standards and procedures for paid sick leave.

### **2. CIVIL SERVICE COMMISSION RULE REFERENCE**

Note: This Section 2 reprints only selected Commission Rules for quick reference by the reader. Additional Rules (that are not reprinted below) may apply. The complete, current version of the Rules can be found at [www.michigan.gov/mdcs](http://www.michigan.gov/mdcs).

#### ***Rule 5-10 Paid Holidays and Leave***

\* \* \*

#### ***5-10.2 Paid Leave***

***(a) Leave accrual and accumulation.***

\* \* \*

(3) ***Sick Leave.*** *A career employee in the classified service is credited with 4 hours of sick leave with pay for each completed 80 hours of service. An employee paid for less than 80 hours in a biweekly pay period is entitled to a prorated amount of sick leave. Paid service in excess of 80 hours in a biweekly pay period is not counted.*

(b) ***Leave use and limitations.***

\* \* \*

(2) ***Crediting and use of sick leave.*** *An employee is credited with sick leave in accordance with the compensation plan. An employee may use sick leave in accordance with the compensation plan. An appointing authority may require an employee to present medical certification of physical or mental fitness to continue working. The appointing authority may require an employee to be examined at state expense by a physician selected by the appointing authority.*

(3) ***Other limitations.*** *Annual, personal, school and community participation, and sick leave cannot be authorized, accumulated, or credited in excess of limits established in the compensation plan.*

\* \* \*

### **3. STANDARDS**

#### **A. Crediting and Accumulation.**

Every career employee is credited with four hours of sick leave for each completed 80 hours of service.

1. Paid service in excess of 80 hours in a biweekly work period is not counted.
2. When paid service does not total 80 hours in a biweekly work period, leave credits will be pro-rated based on hours in pay status for that pay period.
3. Temporary layoff time is included in the computation of service hours for sick leave credits in accordance with rule 2-4.4.
4. Sick leave is credited at the end of each biweekly work period.
5. Sick leave may be accumulated as provided throughout the employee's period of classified service.

#### **B. Use of Sick Leave.**

1. Any use of sick leave by an employee must have the approval of the appointing authority.
2. Sick leave is available for use only in biweekly periods subsequent to the biweekly period in which it is earned. Sick leave may not be credited or used in anticipation of future leave accruals. In the absence of applicable accrued leave, compensation reduction for the lost time will be made for the work period in which the absence occurred. The employee may elect not to use annual leave to cover such absence.

3. All sick leave used is to be certified by the employee by such evidence as the appointing authority may require. Falsification of such evidence is cause for dismissal.
4. Sick leave may be used by an employee for any of the following:
  - a. Personal illness, injury, serious health condition, temporary disability, exposure to a contagious disease endangering others, or for illness or injury in the immediate family which necessitates absence from work. Immediate family in such cases includes the employee's spouse, children, parents or foster parents, parents-in-law, brothers, sisters, and any persons whose financial or physical care is the principal responsibility of the employee.
  - b. Appointments with a doctor, dentist, or other recognized practitioner to the extent of time required to complete such appointments when it is not possible to arrange such appointments during non-duty hours.
  - c. Death of a relative, or person whose financial or physical care is the principal responsibility of the employee.
  - d. Attendance at the funeral of a relative, or person whose financial or physical care is the principal responsibility of the employee.
  - e. Work incapacitating injury or illness for which an employee is or may be eligible for work disability benefit under the Michigan Workers' Compensation Act, to supplement the employee's disability benefit to a level equal to the employee's regular salary or wage (see regulation 5.13 [Disability Payment for Duty Incurred Injuries]).

#### **C. Transfer of Leave.**

1. An employee who moves from one state agency to another and remains in the classified service is credited with all earned unused sick leave by the receiving agency.
2. Employees moving between classified and executive branch unclassified positions transfer all accrued sick leave.

#### **D. Separations.**

1. **Employees hired before October 1, 1980**
  - a. An employee who separates from the classified service because of death or retirement in accordance with the provisions of the State Retirement Act is paid for 50 percent of unused sick leave as of the effective date of separation.
  - b. A vested employee who separates because of deferred retirement is paid for 50 percent of unused sick leave.
  - c. An employee who separates from the classified service for any reason other than retirement or death is paid for a percentage of unused sick leave in accordance with the following table:

Payment of Unused Sick Leave at Separation	
Sick Leave Balance (hours)	Percentage Paid
<104	0
104-208	10
209-416	20
417-624	30
625-832	40
>832	50

- d. In case of death, payment is made to the beneficiary or estate.
- e. Payment is made at the employee's last rate of pay by the agency from which the employee separates.
- f. Employees who receive payoffs under these provisions are not entitled to buy back or have unpaid balances of sick leave restored if they return to classified employment.
- g. An employee retiring under a normal retirement, while otherwise eligible for an incentivized retirement under MCL 38.19j, shall receive leave balance payoffs only after rights to retire under the incentivized retirement program end. An employee electing incentivized retirement shall receive leave balance payoffs as provided in MCL 38.19j.

**2. Employees hired on or after October 1, 1980.**

- a. Employees who separate from the classified service for any reason are not entitled to pay-off of sick leave balances.
- b. Employees who are rehired or reinstated to a permanent position within three years of separation have their previous sick leave balances restored.

**E. Recall.**


- 1. Sick leave balances are placed to the credit of a laid off employee upon return to permanent employment in the state classified service.
- 2. Employees hired before October 1, 1980, who are not recalled to career employment from layoff are entitled to a pay-off of unused balances at their last rate of pay, in accordance with the table in standard D.1.c.

**F. Leave of Absence.**

- 1. Sick leave balances are not liquidated or paid off at the commencement of any leave of absence.
- 2. When an employee separates directly from a leave of absence, liquidation or pay off of sick leave is in the same manner as a laid off employee who does not return.

**CONTACT**

Questions regarding this regulation should be directed to Compensation, Civil Service Commission, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909; by telephone, at 517-335-7862, or 1-800-788-1766; or by e-mail to [MCSC-Compensation@michigan.gov](mailto:MCSC-Compensation@michigan.gov).

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