

# 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 07-1410-11, October 17, 20072010)
<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>			

## 1. PURPOSE

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

## 2. CIVIL SERVICE COMMISSION RULE REFERENCE

Note: This Section reprints only selected Commission Rules for quick reference. Additional Rules may apply. The complete, current version of the Rules can be found at [www.mi.gov/mdcs](http://www.mi.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~~ 4 hours of sick leave for each ~~completed~~ 80 hours of service completed.

1. Paid service ~~in excess of~~ above 80 hours in a biweekly work period is not counted.
2. ~~When~~ If paid service ~~does not total~~ is below 80 hours in a biweekly work period, leave credits ~~will be~~ are pro-rated based on hours in pay status for that pay period.
3. Temporary layoff and Plan A time is included in ~~the computing of~~ the service hours for sick leave credits, ~~in accordance with~~ under rule 2-4.4.
4. Sick leave is credited ~~at the end of~~ after each ~~the~~ biweekly work period when it is earned.
5. Sick leave ~~may be~~ is accumulated ~~as provided throughout~~ during the employee's period of classified service.

#### B. ~~Use of Sick Leave.~~

1. Any ~~use of~~ sick leave use by an employee must have the ~~approval of the~~ appointing authority's approval.
2. Sick leave is available ~~for use~~ only in biweekly periods ~~subsequent to~~ after the biweekly period in which it is earned. Sick leave ~~may~~ can not be credited or used in anticipation of future ~~leave~~ accruals. ~~In the a~~ Absentee of applicable accrued leave, compensation reduction for ~~the lost time~~ will be is made for the work period ~~in which~~ when an the absence occurred. The employee may elect to not ~~to~~ use annual leave to cover such absence.
3. The employee must certify ~~All~~ sick leave used ~~is to be certified by the employee~~ by such evidence as the appointing authority ~~may~~ requires. ~~Falsifying~~ ication 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~~ ing absence from work. Immediate family ~~is defined as in such cases includes~~ the employee's spouse, children, grandchildren, parents, ~~or~~ foster parents, parents-in-law, ~~brothers, sisters~~ siblings, and any persons whose financial or physical care is the employee's 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~~ appointments can not ~~possible to be~~ arranged ~~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.~~

- ~~dc.~~ Death or a Attendance at the funeral of a relative, or person whose financial or physical care is the employee's principal responsibility ~~of the employee.~~
- ~~ed.~~ 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 e~~ Employees who moves ~~from one state agency~~ to another state agency and remains in the classified service ~~is are~~ credited with all ~~earned~~ unused sick leave by ~~the~~ receiving agency ies.
2. Employees moving between classified and executive branch unclassified positions transfer all accrued sick leave.

### D. Separations.

1. Employees hired before continuously employed since October 1, 1980.
  - a. An employee ~~who separates~~ ing from the classified service because of death, ~~or retirement, or vested retirement in accordance with~~ under a the provisions of the S state R retirement A act is paid for 50 percent of unused sick leave as of the effective date of separation. In case of death, payment is made to the beneficiary or estate.
  - ~~b. A vested employee who separates because of deferred retirement is paid for 50 percent of unused sick leave.~~
  - ~~eb.~~ An employee ~~who separates~~ ing from the classified service for any other reason ~~other than retirement or death~~ is paid for athe percentage of unused sick leave ~~in accordance with the following table~~ indicated below:

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.~~
- ~~ec.~~ Payment is made at the employee's last rate of pay by the agency from which the employee separates.

~~fd.~~ Employees who receive payoffs ~~under these provisions~~ are not entitled to buy back or have unpaid balances ~~of sick leave~~ restored if ~~they~~ returning 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~~ since October 1, 1980.**

a. Employees ~~who separate~~ing from the classified service for any reason are not entitled to pay-off of sick leave balances.

b. Employees ~~who are rehired or~~ reinstated or rehired to a career permanent position within three years of separation have ~~their~~ previous sick leave balances restored.

**E. Recall.**

1. Sick leave balances are ~~placed to the~~ credited to of a laid-off employee upon return to ~~permanent~~ employment in the state classified service before the expiration of recall rights.

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~~ as indicated in the table ~~in standard D.1.c~~above.

**F. Leave of Absence.**

1. Sick leave balances are not liquidated or paid off at the ~~commencement~~ start of any leave of absence.

2. ~~When~~ If 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).