

# Michigan Civil Service Commission

## Regulation 5.10

<b>Subject:</b>		
<b>Sick Leave</b>		
<b>SPDOC No.:</b> 20-10	<b>Effective Date:</b> August 31, 2020	<b>Replaces:</b> Reg. 5.10 (SPDOC 20-05, April 17, 2020)

### 1. Purpose

This regulation establishes standards and procedures for paid sick leave.

### 2. CSC Rule References

*5-10 Paid Holidays and Leave*

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*5-10.2 Paid Leave*

*(a) Leave accrual and accumulation.*

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*(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.*

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*(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.*

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### 3. Standards

**A. Crediting and Accumulation.** Every career employee is credited with 4 hours of sick leave for each 80 hours of service completed.

1. Paid service above 80 hours in a biweekly work period is not counted.
2. If paid service is below 80 hours in a biweekly work period, leave credits are prorated based on hours in pay status for that pay period.
3. Temporary layoff and Plan A time is included in computing service hours for sick leave credits, under rule 2-4.4.
4. Sick leave is credited after the biweekly work period when it is earned.
5. Sick leave is accumulated during the employee's period of classified service.

**B. Use.**

1. Any sick leave use must have the appointing authority's approval.
2. Sick leave is available only in biweekly periods after it is earned. Sick leave cannot be credited or used in anticipation of future accruals. Absent applicable accrued leave, compensation reduction for lost time is made for the work period when an absence occurred. The employee may elect to not use annual leave to cover such absence.
3. The employee must certify all sick leave use by such evidence as the appointing authority requires. Falsifying such evidence is cause for dismissal.
4. Sick leave may be used by an employee for the following:
  - a. Personal illness, injury, serious health condition, temporary disability, exposure to a contagious disease endangering others, or illness or injury in the immediate family necessitating absence from work. Immediate family is defined as the employee's spouse, children, grandchildren, parents, foster parents, parents-in-law, siblings, and any persons whose financial or physical care is the employee's principal responsibility.
  - b. Appointments with a doctor, dentist, or other recognized practitioner to the extent required to complete such appointments when appointments cannot be arranged during non-duty hours.
  - c. Death or attendance at the funeral of a relative or person whose financial or physical care is the employee's principal responsibility.
  - d. Work incapacitating injury or illness for which an employee may be eligible for disability benefit under the Michigan Workers' Compensation Act, to supplement the employee's disability benefit to the employee's regular wage.

- e. Through December 31, 2020, absences needed to care for the employee's child whose school or place of care has been closed by order of the governor during the current COVID-19 declaration of emergency.
- f. Through December 31, 2020, absences where a state or local public-health official or healthcare provider has determined that isolation of the employee or the employee's immediate family member for whom the employee's provision of care is required to not jeopardize the public health during a declared public-health emergency based on specific exposure to COVID-19.

### C. Emergency Paid Sick Leave.

1. **Amount.** An employee receives the following amounts of emergency paid sick leave:
  - a. A full-time employee receives 80 hours of emergency paid sick leave on April 1, 2020, or on the date of appointment if appointed between April 1, 2020, and December 31, 2020.
  - b. A less-than full-time employee with a set schedule each pay period receives hours of emergency paid sick leave equal to the number of hours the employee is scheduled to work in a pay period.
  - c. A less-than full-time employee whose schedule varies each pay period receives hours of emergency paid sick leave equal to the average number of hours scheduled to work, including any time on approved leave, in each of the last 13 full pay periods ending immediately before the pay period in which the employee first takes emergency paid sick leave or, if the current employment period is less than 13 pay periods, the average number of hours scheduled to work, including any time on approved leave, in each pay period in the current employment period.
2. **Exemption.** Notwithstanding § 3.C.1, emergency paid sick leave is not available to otherwise eligible employees who are healthcare providers or emergency responders, if exempted from eligibility by the appointing authority, consistent with federal law.
3. **Use.** Emergency paid sick leave may be used if the employee is unable to perform available work either at the employee's work station or by telework because the employee is:
  - a. Subject to a federal, state, or local quarantine or isolation order related to COVID-19.
  - b. Advised by a healthcare provider to self-quarantine due to concerns related to COVID-19.
  - c. Experiencing symptoms of COVID-19 and taking affirmative steps to obtain a medical diagnosis.
  - d. Caring for an immediate family member, cohabitant, or other individual with whom the employee has a similarly close personal relationship who is subject to an order as described in § 3.C.3.a or advised as described in § 3.C.3.b.

- e. Caring for the employee's minor child, or child 18 years of age or older and incapable of self-care because of a mental or physical disability, whose school or place of care or childcare provider is closed or unavailable, due to COVID-19 precautions, and no other suitable person is available to care for the child.
  - f. Experiencing any other substantially similar condition specified by the Secretary of Health and Human Services.
4. **Notice.** After using the first day of emergency paid sick leave, an employee must provide reasonable notice of the need to use as a condition to use additional emergency paid sick leave, including the dates for which leave is requested and the qualifying reason for the leave.
  5. **Pay.** An employee is paid as follows when using emergency paid sick leave:
    - a. For leave under §§ 3.C.3.a, b, or c, employees receive their regular pay, up to \$511 per day and \$5,110 total.
    - b. For leave under §§ 3.C.3.d, e, or f, employees receive 2/3 of their regular pay, up to \$200 per day and \$2,000 total.
  6. **Sequencing.** If otherwise qualifying, an employee may, but cannot be required to, use other accrued paid leave instead of emergency paid sick leave.
  7. **Expiration.** Any emergency paid sick leave under § 3.C expires and cannot be used after December 31, 2020.

#### **D. Transfer of Leave.**

1. Employees who move to another state agency and remain in the classified service are credited with all unused sick leave and emergency paid sick leave by receiving agencies.
2. Employees moving between classified and executive branch unclassified positions transfer all accrued sick leave and remaining emergency paid sick leave.

#### **E. Separations.**

1. **Employees continuously employed since before October 1, 1980.**
  - a. An employee separating from the classified service because of death, retirement, or vested retirement under a state retirement 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. An employee separating from the classified service for any other reason is paid for the percentage of unused sick leave indicated below:

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

- c. Payment is made at the employee's last rate of pay by the agency from which the employee separates.
  - d. Employees who receive payoffs are not entitled to buy back or have unpaid balances restored if returning to classified employment.
  - e. There is no payoff at separation for emergency paid sick leave.
2. **Employees not continuously employed since before October 1, 1980.**
- a. Employees separating from the classified service for any reason are not entitled to payoff of sick leave balances.
  - b. Employees reinstated or rehired to a career position within three years of separation have previous sick leave balances restored.

**F. Recall.**

1. Sick leave and emergency paid sick leave balances are credited to a laid-off employee upon return to employment in the state classified service before the expiration of recall rights.
2. Employees hired before October 1, 1980, who are not recalled to employment from layoff are entitled to payoff of unused balances at their last rate of pay, as indicated in the table above.

**G. Leave of Absence.**

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

**H. COVID-19 Sick Leave for Facility Staff.** During 2020, an employee at an MDOC correctional facility or a DMVA veterans home who was excluded from the new federal paid leaves under the Families First Coronavirus Response Act shall receive a grant of up to 80 hours of COVID-19 Sick Leave. This leave can only be used to comply with an order

for testing or quarantine by a public health official when the employee is unable to telework and all other accrued paid leave has been exhausted. This leave expires and cannot be used after December 31, 2020.

### **CONTACT**

Questions on this regulation may be directed to Compensation, Civil Service Commission, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909; by telephone at 517-241-0837 or 517-284-0102; or to [MCSC-Compensation@mi.gov](mailto:MCSC-Compensation@mi.gov).