

Michigan Civil Service Commission

Regulation 5.10

Subject: Sick <u>and Funeral</u> Leave		
SPDOC No.: 21-07 <u>61</u>	Effective Date: May 16, 2021 <u>January 1, 2022</u>	Replaces: Reg. 5.10 (SPDOC 20-1221-01 , September 17, 2020 <u>May 16, 2021</u>)

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.

(4) Funeral leave. *In the event of the death of an employee's spouse, child, parent, or sibling, the employee will be allowed 8 hours of funeral leave on the day of the funeral to attend the service.*

(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, funeral, and sick leave cannot be authorized, accumulated, or credited in excess of limits established in the compensation plan.

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(5) Use of funeral leave. An employee may use funeral leave when approved by the appointing authority in accordance with the compensation plan.

3. Standards

A. **Sick Leave 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. **Sick Leave 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.

C. Sick Leave for 2021 COVID-19 Vaccine. All career employees will receive a one-time grant of 8 hours of sick leave to be added to their sick leave balance for the pay period beginning May 16, 2021, or as soon as administratively feasible, to implement in the state's payroll and timekeeping systems. This leave is intended to be used by the employee to obtain the COVID-19 vaccine during 2021. Use of this leave is subject to the same conditions as sick leave provided in this regulation and does not require exhaustion of any other accrued paid leave.

D. Transfer of [Sick](#) Leave.

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

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 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 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. Funeral Leave

1. Any funeral leave use must have the appointing authority's approval. Funeral leave is available only on the date of the funeral or memorial service for an employee's spouse, child, parent, or sibling occurring during the employee's scheduled work hours. Only one funeral or memorial service per spouse, child, parent, or sibling is eligible for funeral leave.
2. Approved funeral leave use is coded as FNLV on the employee's timesheet.
3. Not more than 8 hours of FNLV may be used for each eligible service. FNLV may be used only on the date of the service. FNLV is not carried over, accrued, or paid off.
4. The employee must certify all funeral leave use by such evidence as the appointing authority requires. Falsifying such evidence is cause for dismissal.

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.