

Michigan Civil Service Commission

Regulation 5.10

Subject: Sick and Funeral Leave		
SPDOC No.: 22-141-07	Effective Date: January 1, 2023	Replaces: Reg. 5.10 (SPDOC 21-017, May 16 January 1, 2021)

1. Purpose

This regulation establishes standards and procedures for paid sick [and funeral](#) 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-pay~~ period is not counted.
2. If paid service is below 80 hours in a biweekly ~~work-pay~~ 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-pay~~ 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 ~~only~~ available ~~only~~ in biweekly ~~pay~~ periods after it is earned. Sick leave cannot be credited or used in anticipation of future accruals. Absent ~~applicable~~ accrued leave, compensation reductions for lost time ~~are~~ made for the ~~paywork~~ period when ~~an~~ ~~the~~ absence occurred. ~~An~~ ~~The~~ employee may elect to not use ~~annual other paid~~ 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. ~~An employee may use~~ ~~S~~ick 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~~ ~~means~~ the employee's spouse, child~~ren~~, grandchild~~ren~~, parents~~s~~, foster parents~~s~~, parents-in-law, siblings, ~~and or~~ 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~~ ~~that~~ 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~~ is eligible for disability benefit under the Michigan Worker's' Disability 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.C.~~ **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 the receiving agencyies.
2. Employees moving between classified and executive branch unclassified positions transfer all ~~accrued~~ unused sick leave if civil-service benefits were elected for the unclassified position.

~~E.D.~~ **Separations.**

1. Employees ~~continuously employed~~ without a break in service 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, or expiration of recall rights or a waived-rights leave is paid for 50% ~~percent~~ of unused sick leave ~~as of~~ on the separation's effective date ~~of separation~~. ~~In case of~~ For death, payment is ~~made~~ to the employee's 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 the employee last received 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.