

CAPS PROPOSAL

Bargaining Unit: 10

Date: January 21,
2021; 2:19PM

Exclusive Representative: CAPS

Article: 3

Subject: Leaves

3.2 Sick Leave

- A. As used in this section, "sick leave" means the necessary absence from duty of an employee because of:
1. Illness or injury, including illness or injury relating to pregnancy.
 2. Exposure to a contagious disease which is determined by a physician to require absence from work.
 3. Dental, eye, and other physical or medical examination or treatment of the employee or their family member by a licensed practitioner.
 4. ~~Absence from duty for attendance~~ Attendance upon the employee's ill or injured family member including parent, spouse, mother, father, husband, wife, domestic partner that has been defined and certified with the Secretary of State's office in accordance with Family Code Section 297, child, sibling, grandparent, grandchild, child-in-law, sibling-in-law, aunt, uncle, nibling son, daughter, brother, or sister, or any person residing in the immediate household. Such absence shall be limited to six (6) workdays per occurrence or, in extraordinary situations, to the time necessary for care until physician or other care can be arranged.
 - a. "Child" as defined by Labor Code 245.5 and Unemployment Insurance Code 3302, meaning biological, adopted, or foster child, stepchild, legal ward, child of a domestic partner, or child to whom the employee stands in loco parentis. This definition of a child is applicable regardless of age or dependency status.
 - b. "Parent" as defined by Labor Code 245.5, meaning a biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.
 5. Being a victim of domestic violence, sexual assault, or stalking.
- B. A full-time employee who has eleven (11) or more working days of service in a monthly pay period shall be eligible for up to eight (8) hours of sick leave credit. On the first day of the monthly pay period following completion of each qualifying pay period of service, each full-time employee shall earn eight (8) hours of credit for sick leave with pay.
- C. Credit for less than full-time employees shall be computed as follows:
1. Part-time employees. On the first day of the monthly pay period following completion of each monthly pay period of continuous service, each part-time employee shall be allowed, on a pro rata basis, the fractional part of eight (8) hours credit for sick leave with pay.
 2. Multiple positions under this rule:

- a. An employee holding a position in State service in addition to the primary full-time position with the State shall not receive credit for sick leave with pay for service in the additional position;
 - b. Where an employee holds two (2) or more "less than full-time positions," the time worked in each position shall be combined for purposes of computing credits for sick leave with pay, but such credits shall not exceed the amount earned for (8 hours per pay period) full-time employment credit.
- D. The department head or designee shall approve sick leave only after having ascertained that the absence is for an authorized reason and may require the employee to submit substantiating evidence including, but not limited to, a physician's or licensed practitioner verification. The State recognizes the confidential nature of the relationship between the health care provider and patient. However, ~~such~~ if substantiation is required, it shall include, but not be limited to, the general nature of the employee's illness or injury and prognosis (i.e., the anticipated length of the absence, any restrictions upon return to work that prevent the employee from performing the full range of ~~his/her~~ their normal work assignment and anticipated future absences). If the State requires medical verification, the State shall promptly notify the employee of the time period through which it requires such verification; and the State shall reimburse the employee for the cost of the examination or copay required to obtain the medical verification (which ever is less) up to the standard charged by the local medical facility. If the department head or designee does not consider the evidence adequate, the request for sick leave shall be disapproved. Upon request, a denial of sick leave shall be in writing stating the reason for denial.
- E. An employee may be required to provide a physician's or licensed practitioner's verification of sick leave when:
 - 1. The employee has a demonstrable pattern of sick leave abuse; or
 - 2. The supervisor ~~believes~~ concludes the absence was for an unauthorized reason.
- F. Sick leave may be accumulated without limit.
- G. Sick leave may be requested and taken in fifteen (15) minute increments.