ORDINANCE NO. 537

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SOLANO, ESTABLISHING RULES AND REGULATIONS REGARDING SICK LEAVES OF COUNTY OFFICERS AND EMPLOYEES

SECTION I. PURPOSE
Under the authority of Article XI, Section 5, of the Constitution of the State of California, and Section 25300 of the California Government Code, the Board of Supervisors elect to promulgate certain rules relating to sick leave. Said rules shall apply to all County offices and departments and to any other County Departments hereafter created or established.

SECTION II. DEFINITIONS
a. "Sick leave" is defined as: leave of absence from employment with pay because of sickness granted by the appointing authority or Department Head of the employee in question in accordance with this ordinance.

b. "Sickness" is defined as:
1. An illness that physically incapacitates an employee from performing his duties on a regularly assigned workday.
2. Diagnostic examinations or treatments related to the human body which cannot be undertaken outside of regular hours of employment.
3. Exposure to contagious disease when the presence of the employee for duty would endanger the health of others.
4. Illness, injury or death of a member of the employee's immediate family which requires his care or attendance, precluding his reporting for duty. By immediate family is meant husband, wife, parent, brother, sister, child, or any person residing in the employee's own household.

SECTION III. SICK LEAVE BENEFITS: POLICY
a. Sick leave benefits are declared to be a privilege and not a right. They shall be utilized only when needed. Officers, employees and appointing authorities of the County of Solano will safeguard this privilege by proper use and administration of this ordinance. Willful abuse of this privilege shall be cause for disciplinary action, including dismissal.

b. One working day credit for sick leave shall accrue for each calendar month of service completed. An employee who enters the service of Solano County as a regular help employee after the first working day but on or before the 16th day of the month will be credited with one-half working day sick leave upon serving until the end of the month of initial regular help employment.

c. Part time, regular help employees shall accrue sick leave credits in the proportion of time worked in the normal work week.

d. Credit for sick leave shall be accumulated up to a maximum of ninety (90) working days.

e. Family Care and Deaths. Not more than five (5) days of sick leave annually may be granted to an employee for each absence due to the care of or attendance upon members of his immediate family. Not more than five (5) days of sick leave may be granted to an employee for each absence due to death of members of his immediate family. In the event a holiday or regular day off falls within said five (5) days the employee is absent on account of family care or death, these days are included within said five (5) days, but shall not be charged to sick leave.

f. Sick leave shall not be used in lieu of vacation but vacation or overtime may be used in lieu of sick leave.

SECTION IV. ELIGIBILITY FOR SICK LEAVE
a. All officers and employees who occupy positions established as full or part time, regular help positions by the Board of Supervisors or by the State Legislature are initially eligible for sick leave when they have at least one day sick leave credit. After establishment of eligibility, sick leave shall not exceed the amount of sick leave credit.
ORDINANCE NO. 577

b. Part time, regular help employees in utilizing sick leave shall be paid in the proportion that said part time employment bears to full time employment in the same job or classification provided that, where the work week of the part time employee has varied from time to time, the Auditor-Controller will re-establish at the time of such change the sick leave credit on an equivalent basis in terms of the new work week.

c. Elected county officials shall not themselves be subject to the limitations of this rule.

d. No county employee shall be entitled to sick leave while absent from duty on account of the following causes:
   1. Disability arising from any sickness or injury purposely self-inflicted or caused by willful misconduct.
   2. Sickness or disability sustained while on leave of absence without pay.
   4. Inability to work because of intemperance or "hangover".
   5. Ordinary tiredness, indisposition, restlessness or muscular fatigue.

e. Termination of an employee's continuous service except by reason of temporary layoff for lack of work or funds shall cancel all sick leave accrued to the time of such termination regardless of whether or not such person subsequently enters the county service. No payment shall be made to any employee for unused sick leave accumulated to his credit at the time of termination of employment, regardless of the reason therefor. The date of termination of employment shall be considered as the date certified by the department head as the last day worked and shall not include the equivalent time involved in any overtime or vacation payoff made at the time of termination. The provisions of this rule include termination of service by death.

f. An illness or injury not incurred in the performance of duty which incapacitates the employee from working may be a valid reason for sick leave. Absence for such reason for longer than three (3) days shall not be approved without a certificate by a medical doctor or other practitioner recognized by the appointing authority. Such certificate must be filed with the department head or appointing authority for each such illness or injury necessitating absence for longer than three (3) days, in any one month. As a matter of good health practice, an expectant mother shall not continue her employment past the seventh (7th) calendar month of her pregnancy, except in those instances where medical advice in writing is presented to the effect that health will not be jeopardized by working past the seventh (7th) month and the Department head, in his discretion, authorized such continued employment. It is the further intention of the Board that such continued employment will not be granted if the efficiency of the worker or the office will be impaired.

g. Time off for dental, or ocular appointments may be taken as sick leave if the appointment is necessary because of illness, diagnostic or physical examination, injury, dental care, or eye examinations. Not more than two (2) hours a day of sick leave is authorized for each appointment, except under unusual circumstances. Employees should be requested to secure dental, medical or ocular appointments on their own time, but where this is not possible, appointments should be secured to reduce to a minimum the time away from the job.

h. An absence to care for a member of the immediate family who is seriously ill or injured and who requires the care or attendance of the employee is authorized, but not over five (5) days of such sick leave may be taken in any calendar year for this reason. The following standards will govern the granting of sick leave for family care:
   1. Member of the immediate family is construed to mean the mother, father, husband, wife, son, daughter, brother or sister of the employee.
   2. The member of the immediate family must be seriously ill and there must be a real need for someone to give care to or attend the seriously ill member of the family and no one other than the employee is available to give this care. Leave is not authorized when another member of the household is present and capable of providing the care or attendance.
1. Hospitalization of a member of the immediate family is a valid reason for sick leave under the following conditions:
   l. A day's absence may be authorized for the employee to be at the hospital on the day of an operation, on the day of the birth of his child or in the event of critical illness of the member of the immediate family. Absences for these reasons of more than one (1) day may be authorized on sick leave only if a doctor provides a written statement that the employee's presence, away from work, is required.

3. While on vacation, if an employee finds it necessary to render family care or attend the funeral of a member of the immediate family or be present at the hospital, sick leave is not authorized since the employee is already available.

k. A holiday occurring when an employee is on sick leave because of illness or injury shall be counted as a holiday and not charged as a sick leave day except for employees who are required to work on holidays.

1. Sick leave because of an employee's physical incapacity will not be approved when the injury or illness is directly traceable to employment other than the County of Solano or where the injury or illness is caused by the employee's serious and willful misconduct, as such terms are defined and interpreted under the Workmen's Compensation and Safety Act.

SECTION V. AUTHORITY FOR GRANTING SICK LEAVE:

a. Sick leave in accordance with this rule is available to an officer or employee only upon the authorization of the appointing authority or head of department, or on the authority of a physician's certificate, certifying physical inability or incapacity of the employee in question to perform his duties, which certificate shall be presented to the appointing authority or head of department. Appointing authorities who have been appointed by the Board of Supervisors shall be responsible for authorizing their own sick leave.

b. In order to receive compensation while on sick leave, an employee shall notify his immediate superior, or if his superior cannot be contacted, the department head, prior to, or within four (4) hours after the time set for beginning his daily duties, or as may be otherwise specified by the head of his department. When absence is of more than three (3) days in the case of physically incapacitating injury or illness, the employee shall file a physician's certificate with his department head or appointing authority. In all other instances of absence, regardless of length of duration, the department head or appointing authority, in his discretion, may require the filing of a personal affidavit before approving sick leave for such absence, which affidavit shall declare the cause or reason for absence. PROVIDED, in all instances, an appointing authority or department head in the exercise of his discretion, regarding authorization of sick leave, may require other evidence suitable to him, in addition to a physician's certificate, if desired, regarding the adequacy of the reason for an employee's absence during the time for which sick leave was requested where personal physical incapacity by way of injury or illness is not the basis of such request.

SECTION VI. RECORDS:

a. The Auditor-Controller shall maintain sick leave records of all personnel recorded by an entry system of debits and credits in columns headed respectively "Credits", "Debits", and "Available Balance".

b. On the effective date of this ordinance, each employee's sick leave record shall show his Available Balance of accrued sick leave, computed as hereinafter provided, and each said record shall be kept current thereafter by crediting each employee with one day's sick leave credit for each month continuously thereafter worked; in no event, however, shall any employee accrue more than ninety (90) days sick leave, regardless of time in service prior or subsequent to the effective date of this ordinance.

c. Each appointing authority or department head, at the time of certifying a payroll for his department or office shall report the absences of any of his employees for approved sick leave during the pay period concerned. The Auditor-Controller shall audit the sick leave records of personnel involved, and shall debit the Available Balance of sick leave of said personnel pursuant to said report. If no Available
ORDINANCE NO. 537

Balance is due said personnel, the appropriate deduction shall be made from their pay for the days they were absent without sick leave credits available to them.

d. In computing the number of days absent from work because of sickness, sick leave shall be counted to the nearest half day. Absences of two hours or less shall ordinarily be charged against overtime or the employee may be required to make up such loss of time if no overtime is available in which case it shall not be reported to the Auditor-Controller. If, within the monthly payroll period, two or more instances of such fractional day absences have occurred, the sum of such half fractions may be added and rounded off to the nearest half day.

e. In instances where absence without pay is incurred because of lack of sick leave credit, lack of eligibility, lack of authorization by appointing authority or other qualification, overtime or vacation credit, if available, may be used. Absence without pay shall be computed to the nearest half day.

SECTION VII. SPECIAL PROVISIONS REGARDING ON THE JOB INJURY:

Whenever an employee who is holding a regular help position is injured in such a manner or under such circumstances as to qualify him for disability compensation due under the provisions of the Workmen's Compensation Act and who, as a result of such injury, is unable to perform his duties and is compelled to be absent from duty, he shall receive full compensation during the first seven (7) calendar days of such absence except in those instances where Workmen's Compensation payments are subsequently made to cover in part such first seven (7) calendar days. In this latter instance, the employee's salary then shall be reduced to the difference between his regular county pay and the Workmen's Compensation payment, and the sick leave taken during the first seven (7) calendar days shall be recomputed on a prorata basis. Such seven (7) days' absence shall be charged against sick leave credit, if any, or against sick leave which may be credited in the future.

After the first seven (7) calendar days of absence under the above circumstances have expired, but within fourteen (14) days from the inception of his absence on account of his injury, the employee may elect by notifying the Auditor-Controller of his election in writing to apply accrued sick leave credit on a prorata basis to such absences and to receive compensation therefor in the amount equal to the difference between the compensation to which he is entitled under the Workmen's Compensation Act and his regular county pay, not to exceed the amount of his sick leave credit. An employee may also elect to use any earned vacation time and equivalent time off for overtime in like manner after his sick leave credit is exhausted. For purposes of administering this rule, the county in its sole discretion may issue the full salary warrant and, in turn, require the employee to turn over a compensation insurance payment to the County.

SECTION VIII. ABSENCE WITHOUT PAY:

No provision herein contained shall limit the right of the appointing authority or the Board of Supervisors to grant a leave of absence without pay at any time.

SECTION IX. ACCUMULATED SICK LEAVE BENEFITS FOR PRESENT EMPLOYEES UNDER INITIATION OF RULE:

a. Each regular help employee of the County as of the effective date of this ordinance shall be credited with sick leave up to a maximum of ninety (90) days on the basis of twelve (12) working days per year for each year or portion thereof which he has continuously served the County immediately preceding said effective date. In any instance where, to the knowledge of the appointing authority of the employee, sick leave under the existing policy has been utilized to such extent that the amount calculated as above is greater than would be available were this sick leave rule in effect, the appointing authority shall establish the amount of sick leave credit at such lesser amount as is appropriate and equitable in his sole discretion and judgment; provided further that, in those departments where heretofore a sick leave rule has been followed and a record kept thereof, such record may be utilized for said purpose by the appointing authority or department head; regardless of how determined, the department head or appointing authority's decision thereon shall be final except as in the next paragraph provided. Sick leave credit pursuant to this provision shall be rounded off to the nearest fully working day. On the
ORDINANCE NO. 537

effective date of this ordinance, all appointing authorities and department heads shall certify to the Auditor-Controller the sick leave credits due each of their employees to be entered in the "Available Balance" column of the sick leave records established hereby.

b. In instances where adherence to the above provisions subsequently causes manifest injustice, the Board of Supervisors may, in its discretion, after receiving the recommendation of the department head and/or the County Administrator, re-establish the initial sick leave credit up to a net maximum of ninety (90) days.

SECTION X:

This ordinance should be in full force and effect thirty (30) days from and after the date of final passage, and all ordinances in conflict herewith are hereby repealed.

SECTION XI:

This ordinance shall be published once before the expiration of fifteen (15) days after its final passage in The Daily Republic, a newspaper of general circulation printed, published and circulated in the County of Solano, State of California.

COLUM. O. KILBY
Chairman of the Board of Supervisors of Solano County, State of California

ATTEST: LARRY BALL (SEAL)
County Clerk and ex-officio Clerk of said Board of Supervisors

I, LARRY BALL, County Clerk of the County of Solano, State of California, and Clerk of the Board of Supervisors of said County, hereby certify that the above and foregoing Ordinance was regularly introduced, passed and adopted by said Board on the 18th day of June, 1963, by the following vote:

AYES: Supervisors Bradley, Brazelton, Church, Godfrey and Kilby.
NOES: Supervisors None
ABSENT: Supervisors None

WITNESS my hand and the Seal of said Board this 18th day of June, 1963.

LARRY BALL
Clerk