

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION

Memorandum

subject: Medical Leave – Use and Documentation

date: December 17, 2015

to: All Employees

from: Vicki Arpin 
Agency Human Resources Administrator

PERSONNEL MEMORANDUM NO.81-4 (REVISED from 8/22/2014)

This memorandum is an update and reissue of Personnel Memorandum No. 81-4 “Medical Leave-Use and Documentation” last issued August 22, 2014.

The purpose of this memorandum is to clarify the usage of the Sick Leave Table as a uniform guideline or general standard for all supervisors in evaluating sick leave usage. All employees and supervisors are strongly advised to read this carefully and understand its contents, since employee service ratings may be affected as a result of this Table and Guidelines. Personnel Memoranda No. 82-4, “[Leave of Absence Without Pay](#)” and 88-5, “[FMLA](#)” should also be reviewed regarding procedures for use of Sick Leave under those provisions.

Sick Leave accruals may be used for a variety of absences including personal illness or an incapacitating injury, medical/dental appointments which could not be scheduled outside normal business hours, funerals, illness in the immediate family, and occasions qualified under the Family Medical Leave Act (FMLA) covered under Personnel Memorandum No. 88-5.

Employees are required to use accrued sick leave for medical absences. When the medical leave is not FMLA-related, employees must exhaust all accrued sick leave prior to requesting to use other leave such as accrued vacation in lieu of sick leave (CORE code VS), personal leave in lieu of sick leave (CORE code PLSK), or earned time in lieu of sick leave (CORE code CUSK). All accrued leave must be exhausted prior to requesting non-FMLA-related medical leave without pay (CORE code ULSCK). In the case of FMLA only, an employee who has exhausted all accrued sick leave may choose not to exhaust all other accrued leave prior to requesting unpaid FMLA medical leave.

It is not the Department’s intention to deny reasonable amounts of sick leave used; however, it is important to review and evaluate absences as they relate to the operation of the Department.

Sick leave information in terms of numbers of days and occasions taken has been and will continue to be included on service ratings, along with any pertinent explanatory remarks. Also, any recommendations for promotion should include a review of sick leave usage and any pertinent explanatory remarks.

Contracts may differ and supervisors must read the pertinent language in each Collective Bargaining Agreement (CBA) on how sick leave may be referenced on the service ratings. For example:

Unique to the Administrative and Residual (P-5) bargaining unit, specific comments on “days and/or occasions” can be noted on a service rating in instances whereby:

- a) P-5 employees have used more than the contractually earned 15 sick days per year (excluding those absences listed in Item 2 of the Sick Leave Usage Table section of this memo);
- b) P-5 employees have used less than the 15 days but have a clear identifiable pattern of usage i.e. Mondays, Fridays, the day before or after holidays;
- c) P-5 employees used less than the 15 days but have repeated or extended occasions of unauthorized leave without pay.

In cases where sick leave usage is excessive, abusive, reveals a pattern, or the employee fails to follow the reporting responsibilities delineated in this memorandum, the employee handbook or supervisory directive; a supervisor should consult with their HR Liaison and may conduct a fact-finding to determine if progressive discipline and/or Medical Certificate Requirement is appropriate to address attendance issues.

It is important to note that an employee cannot use sick leave for compensation for any day or period during which the employee performs work for another employer or is being compensated for recuperation from an illness or injury (i.e., Workers Compensation) directly traceable to employment by an employer other than the State.

In an isolated instance in which there is definite evidence or a very strong suspicion that an employee has abused the sick leave benefit, a Medical Certificate documenting his/her absence may be required without giving the employee advance written notice. However, this type of requirement would be reserved for individual instances in which an employee misrepresented an absence or in some other way gave the supervisor definite cause to seriously question the use of sick leave. Although advance written notice is not required, the employee must be advised, prior to returning to work, that a Medical Certificate will be required.

Supervisors who suspect that an employee under their jurisdiction has abused sick leave should contact their Human Resources liaison for advice in this matter.

I. The Sick Leave Usage Table continues to serve as a guideline for supervisors in determining how an employee's sick leave usage should relate to his or her attendance rating on the Service Rating Form. This Table provides a much more uniform, consistent, objective and equitable way to rate an employee's sick leave usage since the same standard applies to all DOT employees regardless of their supervisor, unit, division, office, or Bureau.

- 1) This Table should be used as a guideline for judging the degree of acceptability of an employee's sick leave usage. It is not, by itself, an absolute standard.
- 2) The Table represents the frequency and total number of days of sick leave usage. An occasion is any one continuous period of unscheduled sick leave usage for the same reason; it can be as short as fifteen minutes or as long as several months. In situations in which an employee provides differing medical conditions for consecutive days of absence, each day should be considered a separate occasion. In determining sick leave usage, leave deducted from sick leave and other leave time accruals used in lieu of sick leave, as well as absences without pay for sick leave purposes shall be used except:
 - a) Approved FMLA or ADA Leave;
 - b) Death in the immediate family;
 - c) Death – not immediate family – as governed by collective bargaining agreement or Personnel Regulations;
 - d) Sick Leave supplemental to Workers Compensation Claims;
 - e) Scheduled medical/dental appointments pre-approved at least seven calendar days in advance. (*Note: For P-4 employees, pre-approved at least 24 hours in advance);
 - f) Parental leave, as governed by collective bargaining agreements or Personnel Regulations;
 - g) Illness in the Immediate Family, as governed by collective bargaining agreement or Personnel Regulations. If the collective bargaining agreement is silent do not count illness in the immediate family.

- 3) The Table is based on the annual service rating period. For initial 6 month Working Test Period evaluations, the data must be pro-rated accordingly in order to determine the equivalent recommended rating for the shorter period of time. For example, an employee's absence of 4 days on 4 occasions during a six-month period should be doubled to 8 days/8 occasions to evaluate sick leave usage during the annual rating period. Also, be sure to use the appropriate line for hours worked per day. For all other ratings of less than a one year period (i.e.: trainee ratings every six months or promotional Working Test period ratings), the actual data regarding sick leave use for the preceding one year period should be used. If an employee is on an Alternate Work Schedule, the line representing standard hours for that Collective Bargaining Agreement (CBA) should be used and evaluated based on total number of hours that qualify as occasions.
- 4) To use the Table, read down from the Total Number of Days row, and across from the Number of Occasions column - the intersecting point is the recommended rating to be given. If the number of days/occasions exceeds what is represented on the Table, then use the final column of the table to determine the appropriate rating. The following key applies: **E** – Excellent or Outstanding; **V** – Very Good or Superior; **G** – Good or Satisfactory; **F** – Fair or Poor; **U** – Unsatisfactory. (For service rating forms which do not have a Very Good or Superior category, **V** should be considered as Good or Satisfactory.) Consult with your HR liaison regarding any situations not represented in the table.

Extenuating Circumstances – It is important to emphasize that the Table itself and its recommended values are not an absolute standard which must be utilized in all cases. It is a guideline of what is and is not acceptable. If there are extenuating circumstances surrounding a particular employee's use of sick leave which would warrant a rating other than what the Table recommends, the supervisor may rate the employee differently provided that the supervisor adequately justifies the rating given on the rating form.

Progressive Discipline – If counseling by supervisors regarding sick leave usage is unsuccessful, it is important that supervisors use progressive discipline, (i.e. written warnings), and Medical Certificate Requirements in conjunction with the Sick Leave Usage Table. Supervisors should address sick leave usage problems with employees throughout the rating period, not just at the end of the rating period, in order to correct attendance problems.

II. Types of Absence and Required Documentation

State Personnel Regulations require that properly completed State of Connecticut Medical Certificate forms ([Form P33A](#) and/or [P-33B](#)), which are available on the intranet or from an HR Liaison) be submitted to substantiate a request for sick leave under the following circumstances:

- a) To document an absence from work due to illness or injury, paid or unpaid, for more than five (5) consecutive work days, or as specified by labor contract or other existing formal agreements;
- b) To support a request for sick leave during a scheduled vacation period. This does not preclude the supervisor from requesting a medical certificate for sick leave requested immediately before or after a vacation leave if circumstance indicated a need;
- c) To support a request for sick leave when an employee has exhausted all accrued sick leave and is requesting to use other leave (i.e. vacation, PL, earned time) in lieu of sick leave;
- d) To support a request for sick leave when an employee has exhausted all leave accruals and is requesting to go on unpaid sick leave (ULSCK). In the case where the illness/injury is lengthy and continuous, an updated Medical Certificate may be required at least every 30 days;

- e) If a Medical Certificate Requirement has been imposed due to patterned or excessive use of sick leave (see criteria and action below);
- f) If circumstances indicate reasonable cause for requiring such a certificate;
- g) To substantiate absences on sick leave immediately before or after serving a disciplinary suspension;
- h) To support a request for a leave of absence without pay for family illness ([Form P-33B](#), FMLA) on the same basis as a request for paid sick leave. In the case where the illness is lengthy and continuous, an updated Medical Certificate may be required at least every 30 days.

All Medical Certificates must be properly completed, signed, and submitted in order to be considered as acceptable and only a Form P-33A/B Medical Certificate will be accepted for items a, d and h above. However, in the other cases above, other Medical Certificate documentation may be accepted provided the information is consistent with a Form P-33A/B. A supervisor or HR must approve a medical certificate to be acceptable. Providing a medical certificate does not relieve the employee of the responsibility to follow unit call-out procedures.

A Medical Certificate will be considered invalid and will not be accepted if one of the following conditions exists:

- a) The certificate is not properly completed, i.e. the date of examination, period of incapacity, or expected date of return to work is not indicated. An employee is not required to provide a medical diagnosis; however, the doctor must validate there is a medical reason for the absence;
- b) The comments on the medical certificate are inconsistent with the request for leave;
- c) The completed Medical Certificate is altered or forged in any way. Altering, forging, or knowingly submitting an otherwise fraudulent Medical Certificate not only invalidates the Certificate itself, but it will also result in a fact-finding resulting in disciplinary action up to and including dismissal of the employee;
- d) The employee should actually be physically examined by the physician or other licensed practitioner during the absence in order for the Medical Certificate to be acceptable. An “over-the-telephone” or “after the fact” diagnosis/ treatment is not acceptable for purposes of completing the Medical Certificate;
- e) The Medical Certificate is not signed by the licensed physician or other authorized medical service provider. Signature stamps are not acceptable unless accompanied by the signature and title of the person authorized to affix the stamp.

These required certificates must be submitted to the supervisor or to Human Resources as follows:

An employee who has notified his/her supervisor in accordance with the unit call out procedures shall be notified, verbally or in writing, by his/her supervisor of the requirement to submit medical documentation by the close of business on the last day of the pay period in which the absence began. The employee shall be coded to SICK, (or other accrued leave in lieu of sick if sick leave is exhausted), pending receipt of an acceptable medical document.

An employee who does not have sufficient accruals shall submit the medical documentation by close of business the last day of the pay period, or upon return to work, whichever occurs first. The employee will be recorded as ULSCCK pending receipt of an acceptable medical document.

An employee who has requested FMLA shall have fifteen days to provide acceptable medical documentation.

An employee who has not notified his/her supervisor of his/her absence shall be coded to ULU or ULUNC and will not be paid for the days involved. The employee will not be permitted to return to work without acceptable medical documentation and may be grounds for fact-finding and disciplinary action including suspension or dismissal.

III. MEDICAL CERTIFICATE REQUIREMENT

When an employee is suspected of abusing sick leave (e.g. a set pattern of usage or excessive usage is detected), it is the supervisor's responsibility to counsel the employee regarding use of sick time. Supervisors should monitor employee sick leave balances to review any employee close to exhausting leave accruals. Some labor contracts, such as NP-2 Maintenance, require that the employee be issued a "Written Notice of Sick Leave Counseling" prior to restricting use of sick leave.

If such counselings are not effective in reducing the amount of sick time being used, the supervisor should discuss the situation with the unit manager and the HR liaison for approval to proceed with placing the employee on a Medical Certificate requirement. The supervisor will also notify the employee of the Medical Certificate Requirement in writing, citing the employee's past use of sick leave and notifying him/her that, until further notice, any absence chargeable against sick leave, other accrued leave in lieu of sick, or leave without pay for illness purposes, regardless of the length of the absence, will require submittal of a valid Medical Certificate.

Under the Requirement, a Medical Certificate substantiating the inability to come to work will be required each time the employee is out sick or has a doctor's appointment, and/or when he/she takes time off for illness in the immediate family. In addition, when the employee takes time off to attend a funeral, he/she must submit substantiated acceptable proof to the supervisor that he/she actually did attend a funeral.

These required certificates must be submitted to the supervisor or to Human Resources as specified in Section II above.

The employee must remain on the Medical Certificate Requirement for a minimum of nine (9) months. If the employee's attendance improves to a satisfactory level with no record of abuse, the supervisor may, after discussion with Human Resources, rescind the Medical Certificate Requirement. If, however, the employee's attendance does not improve after the Requirement has been imposed, the supervisor must then contact the Human Resources Liaison to discuss extension of the Requirement, a fact finding hearing and potentially appropriate disciplinary action, or termination of employment.

IV. TRANSMITTAL OF MEDICAL CERTIFICATES

- 1) An original copy of the Medical Certificate should be submitted by the employee to his/her supervisor or directly to HR. Faxed copies will be accepted only if faxed directly from the physician to Human Resources. The employee is responsible for following up to ensure HR has received the documentation and it is acceptable. Employees placed on a Medical Certificate Requirement or required to provide a Medical Certificate as identified must submit the certificate in accordance with Sections II and III above. Failure to provide a medical certificate may result in the employee being coded to ULU and not paid for the days involved or being precluded from returning to work.
- 2) If the employee wishes special consideration for the confidentiality of the medical data, the certificate may be sent directly to the DOT Human Resources Division in the District or in Newington in a sealed envelope marked "CONFIDENTIAL".

- 3) The unit supervisor and/or Human Resources Liaison will review the Medical Certificate for proper completion. Supervisors should discuss questionable certificates with the appropriate Human Resources representative prior to accepting or rejecting the document. Incomplete certificates will be returned by the supervisor or HR to the employee for proper completion and resubmittal, in accordance with Sections II and III above

V. MEDICAL/DENTAL APPOINTMENTS (CORE CODE-SP)

- 1) Although sick leave is permitted for an employee's medical/dental appointments, its use is restricted – allowed only when the appointments cannot be scheduled outside of normal work hours. Employees are obliged first to attempt to schedule their medical/dental appointments outside of their normal work schedule. If this is not possible, they may use sick leave for this purpose during regular work hours or may flex their time under AWS if pre-approved by the supervisor.
- 2) Employees are obliged to use only as much sick leave as necessary for the medical appointment and travel to/from the appointment. It should not be necessary for an employee who has a routine medical/dental examination in the morning or the afternoon to be absent on sick leave for the entire work day. However, should an employee request SP for a full day, a medical certificate, or other acceptable documentation from a physician, indicating the need for such shall be provided with the request.
- 3) Employees should provide reasonable advance notice to their supervisors of a scheduled medical/dental appointment and make every effort to schedule the appointment in conjunction with the beginning or the end of the work shift to minimize sick leave usage and disruption of work operations. Pre-scheduled medical/dental appointments, as defined in the Sick Leave Usage Table - Section 2, would not be considered an occasion of sick leave usage.
- 4) Sick Leave used under this provision is for medical/dental appointments for the employee only and not for medical/dental appointments for the employee's spouse, children, or anyone else.
- 5) If an employee must have a series of medical or dental appointments to treat a single illness or injury, or as a follow-up to surgery, the series shall be considered only one "occasion" of absence provided the employee provides a statement from the physician that the treatment program is required and indicates the expected number of visits.
- 6) Medical/Dental Appointments documented under the provisions of FMLA will not count as an occasion.

VI. OTHER USES OF SICK LEAVE ACCRUAL

DEATH IN THE IMMEDIATE FAMILY - (CORE CODE: SFFNR)

- 1) An eligible employee is entitled to use the "Death in the Immediate Family" sick leave days, as governed by collective bargaining agreement or Personnel Regulations, for each wake/funeral in the employee's immediate family. Employees on alternate or temporary schedules may use more than eight (8) hours per day consistent with their schedule at the time of the leave.
- 2) "Immediate Family" is defined as only the employee's husband, wife, domestic partner, father, mother, sister, brother, child, or any of the employee's relatives who are domiciled in the employee's household. Employees are reminded that the relationship of the deceased immediate family member must be entered in the "Comments" column on the CORE timesheet.

DEATH OUTSIDE THE IMMEDIATE FAMILY – (CORE CODE:SFNRL)

An eligible employee may use the “Sick Funeral” sick leave days, as governed by collective bargaining agreement or Personnel Regulations, for wakes/funerals of persons other than members of the “immediate family” (defined above).

- 1) The employee is normally entitled to one (1) day per occasion of death outside immediate family.
- 2) The limitation on such leave is a cumulative total of the amount of leave used per calendar year (January 1 through December 31).
- 3) Only as much of this special leave should be used as is necessary for the intended purpose of going to, attending, and returning from a wake or funeral. For extenuating circumstances, such as an out of state funeral, more than one day may be approved with appropriate documentation.
- 4) Use of this special leave is subject to prior supervisory approval.
- 5) Where use of such leave is in question, the Department reserves the right to require documentation to substantiate the use of such leave.
- 6) Funeral outside the Immediate Family may be considered an occasion of sick leave for purposes of the Sick Leave Usage Table, as governed by collective bargaining agreement or Personnel Regulations. If the contract is silent, the absence will not count toward sick leave occasions.

ILLNESS IN THE IMMEDIATE FAMILY – (CORE CODE: SFAM)

An eligible employee may use the limited number of “Sick Family” sick leave days per calendar year, as governed by collective bargaining agreement or Personnel Regulations. In order to qualify for Illness in the Immediate Family leave, all of the conditions below must be met:

- 1) “Immediate Family” means only the employee’s husband, wife, domestic partner, father, mother, sister, brother, child, and also any of the employees relatives who are domiciled in the employee’s household. Employees are reminded that the relationship of the person who is ill must be entered on the CORE timesheet in the “Comment” column.
- 2) The limit for Illness in the Immediate Family leave is a cumulative total per calendar year (January 1 through December 31), not for each occasion. The days may be used all at once or separately, depending upon the particular situation. Other sick leave activities may not be used to extend this type of leave unless documented by an acceptable Medical Certificate.
- 3) Illness in the Immediate Family leave may not ordinarily be used in conjunction with Parental Leave days to expand the latter benefit beyond its limit. In instances where this occurs, the burden of proof will be on the employee to show via acceptable Medical Certificate that the medical situation required extended care.

PARENTAL LEAVE – (CORE CODE: SPR)

An eligible employee may use the “Parental Leave” sick leave days, as governed by collective bargaining agreement or Personnel Regulations, for the birth, adoption or taking custody of a child.

- 1) Eligibility for Parental Leave is tied to the qualifying event. Therefore, this leave may not be used before the event or for an indefinite period following the event for other reasons (e.g., routine child care, illness, medical appointments, etc.). In such cases, other types of leaves may be taken (i.e., Vacation, Personal, Earned Time, Illness in Family, etc.) with supervisory approval.
- 2) If both parents are DOT employees, then each parent is entitled to the Parental Leave.
- 3) Illness in the Immediate Family leave may not ordinarily be used in conjunction with Parental Leave to extend the latter beyond its contractual limit. In instances where this occurs, the employee will be required to submit a Medical Certificate to support the need for the Illness in the Immediate Family leave.
- 4) The contractual limit for Parental Leave applies to each occasion of birth, adoption or taking custody. Multiple simultaneous births, adoptions, or takings of custody are treated as one occasion.
- 5) Contractual Parental Leave should not be confused with the benefits available under the Federal Family Medical Leave Act or the State Statutory Family Leave Act (CGS 5-248a) for the birth or adoption of a child by an employee, or upon the serious illness of a child.

Supervisors and managers should be given as much advance notice as possible of the need for Parental Leave. Where use of such leave is in question, the Department reserves the right to require an acceptable Medical Certificate or other appropriate documentation. Supervisors are responsible for ensuring that contractual Parental Leave is used for its intended purpose, as explained above.

Any questions regarding this memorandum should be directed to the Office of Human Resources.

Attachments: [Sick Leave Usage Table](#), Medical Certificate Forms ([Form P-33A](#)) ([Form P-33B](#))