

Addressing Excessive Sick Leave Usage

**A step-by-step guide for managers
and supervisors**



**Contra Costa Water District
Human Resources Department
Management/Supervisor Training Program**

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Table of Contents

WHY DOES SICK LEAVE USAGE HAVE TO BE MONITORED?	3
AREN'T EMPLOYEES ENTITLED TO USE THEIR SICK LEAVE?	3
WHAT ARE THE DISTRICT'S GUIDELINES ON SICK LEAVE USAGE?	3
OVER 48 HOURS USED IN A ROLLING 12-MONTH PERIOD	3
OVER 64 HOURS USED IN A ROLLING 12-MONTH PERIOD	4
48+ HOUR THRESHOLD	5
AN EMPLOYEE HAS USED MORE THAN 48 HOURS IN A ROLLING 12-MONTH PERIOD. NOW WHAT? .	5
THINGS TO CONSIDER WHEN REVIEWING SICK LEAVE USAGE	6
PATTERNS OF USAGE:	6
WHAT IS A "MITIGATING CIRCUMSTANCE"?	7
PREPARING FOR A SICK LEAVE MONITORING COUNSELING/DISCUSSION	8
CONDUCTING A SICK LEAVE MONITORING COUNSELING/DISCUSSION	9
SICK LEAVE COUNSELING DISCUSSION RECORD	11
64+ HOUR THRESHOLD:	13
AN EMPLOYEE HAS USED MORE THAN 64 HOURS IN A ROLLING 12-MONTH PERIOD. NOW WHAT? 13	
<i>If mitigating circumstances do exist:</i>	<i>13</i>
<i>If no mitigating circumstances exist:</i>	<i>13</i>
CAN SOMEONE BE TERMINATED FOR ATTENDANCE PROBLEMS?	14
WHAT SHOULD THE WRITTEN REPRIMAND INCLUDE?	15
WRITTEN REPRIMAND (SAMPLE)	16
SICK LEAVE MONITORING IN THE "REAL WORLD"	19
I'M HAVING SOME HEALTH PROBLEMS	19
I'M GOING THROUGH A MAJOR CRISIS IN MY PERSONAL LIFE	19
THE "H" WORD.....HARASSMENT	19
YOU'RE PICKING ON ME!	19
SO, IS THERE A RIGHT ANSWER?	20
MATRIX OF RESPONSIBILITIES – ADDRESSING SICK LEAVE USE	23
RESOURCES	24

Why does sick leave usage have to be monitored?

As a public agency, the Contra Costa Water District has a responsibility to our customers to ensure that taxpayer funds are used appropriately, and that we are working as efficiently, effectively, and productively as possible on their behalf.

Inappropriate use of sick leave is essentially a misuse of public funds. Public agencies have an obligation to closely monitor and address sick leave usage to ensure that leaves are being used correctly, and that productivity does not suffer as a result of excessive or inappropriate absences from the workplace. Bottom line, we owe it to our customers!

Aren't employees entitled to use their sick leave?

Full-time employees of the Contra Costa Water District are provided with a generous sick leave accrual program, earning the equivalent of one day of sick leave per month. Sick leave is intended to help prevent loss of wages due to short-term personal injury or illness. In addition, eligible employees can sell-back unused sick leave accruals twice a year, as well as upon retirement per MOU provisions and District policy.

Sick leave is a privilege, and it's in the employee's best interest to manage their sick leave usage appropriately. It's a common misconception that just because you have a certain amount of sick leave hours accrued you have the right to TAKE those hours. Sick leave can only be used for specific reasons, including doctor's appointments, dental visits, and absences due to illness or injury. Employees should be encouraged to carefully consider their use of sick leave. For example, it's important to recognize that an employee may experience a significant illness or injury in the future. If you don't have a sufficient "bank" of accrued sick leave hours, you may find yourself on unpaid leave. Think of it as an insurance policy of sorts to help you remain on paid status if you do experience a serious medical problem.

What are the District's guidelines on sick leave usage?

Administrative Procedure #VII-3 (Sick Leave Monitoring/ Control Program) was developed to ensure that a consistent approach is being taken on a District-wide basis to monitor and control sick leave use. The District has determined that the following usage thresholds should trigger action on the part of a supervisor:

- **Over 48 hours used in a rolling 12-month period**
 - Review facts
 - Identify patterns or related performance issues
 - Identify any mitigating circumstances
 - Consider counseling employee
 - Continue closely monitoring usage

- **Over 64 hours used in a rolling 12-month period**
 - Review facts
 - Identify patterns or related performance issues
 - Review prior history/actions taken regarding sick leave usage
 - Consult with Human Resources and Department Head to determine appropriate action, which may result in a Written Reprimand being issued
 - Continue closely monitoring usage

I have an employee in my department who has used 50 hours over the past rolling 12-month period, but I know that in each instance they were legitimately sick, and there are no detectible patterns that would indicate potential abuse. Why should I hold a discussion with the employee in a case like that?

Holding a counseling discussion with an employee over sick leave usage when they have exceeded the District's established threshold doesn't mean that you have concluded they are "abusing" sick leave. Rather, you're simply taking the appropriate action of a supervisor. Document the discussion in your supervisor's files. Be sure you make the employee aware of the following:

1. There's an impact to operations whenever someone is out of the work environment – regardless of the reason. While they may have been legitimately sick for 50 hours, it doesn't take away from the fact that significant levels of absences negatively affect operations.
2. You want to be sure the employee understands that it is in their personal best interest to use sick leave wisely; it's important to have a sufficient balance of sick leave available in case they experience a serious illness or injury at some point in the future.
3. The employee may be dealing with a serious health condition or personal crisis. By talking with them, you'll be able to identify some resources, like Family and Medical Leave and our Employee Assistance Program. You don't want to ask for details; but if they volunteer they are struggling with a medical condition, they may be entitled to protection under FMLA. Refer them to Human Resources for additional information.

48+ HOUR THRESHOLD

An Employee has used more than 48 hours in a rolling 12-month period. Now what?

1. **Review sick leave tracking report** for your employees, as soon as you receive it (provided every pay period by Finance).
2. **Identify employees who have used more than 48 hours** during that 12 rolling month period.
3. **Identify any detectable patterns of usage.** For each highlighted employee, take a close look at actual usage as reflected on the report. See “Things to Consider” section of this handout on page 6 for additional guidance.
4. **Are there any mitigating circumstances?** Review your own supervisory notes/attendance tracking. See “Mitigating Circumstances” section of this handout on page 7 for additional guidance. Review records of any prior discussions regarding sick leave usage, and whether you have identified any performance issues that may be related.
5. **Use the information obtained to determine whether a counseling discussion is appropriate at this time.** Unless there are mitigating circumstances, supervisors are highly encouraged to discuss the matter with the employee. Use the Sick Leave Discussion Template to help you prepare and document your conversation. The Template can help you in a number of ways. First, it helps you prepare by providing you with important points to include in your discussion, and helps keep your discussion organized and on track. In addition, the Template enables you to document the employee’s response, and whether you found any mitigating circumstances, and what the outcome of your discussion was. For example, you referred the employee to HR for possible FMLA eligibility.
6. **File the completed Template in your supervisory file** for that employee. Be sure that these files are kept confidential and in a secure area.
7. **Continue monitoring sick leave usage** for that employee with each subsequent Sick Leave Usage report. Be sure to provide the employee with positive feedback when their sick leave usage numbers decrease. If additional sick leave is taken, be sure to document the reasons why the employee indicated they were absent. (Caution – we’re talking very generic terms here, such as “out ill” – not specific condition/illness). Continue to monitor until sick leave usage falls below 48 hours, or reaches the next threshold for action of 64+ hours.

THINGS TO CONSIDER WHEN REVIEWING SICK LEAVE USAGE

There's more to reviewing sick leave than just tracking overall usage of hours. When reviewing an employee's sick leave, consider a number of factors to determine whether there is cause for concern regarding patterns of sick leave usage. The following may represent some red flags that sick leave is being abused:

Patterns of usage:

- Sick leave taken consistently on Monday or Friday
- Sick leave consistently taken the day before or after a holiday
- Sick leave consistently taken the same time of year, for a period of years
- Sick leave taken after a vacation request was denied
- Sick leave consistently taken when difficult assignments or projects are scheduled or due
- Sick leave taken after discipline for a performance matter is issued
- Sick leave consistently taken when supervisor is on vacation
- Years of service, versus sick leave accrual levels

The point is, take a really good, thorough look at actual usage. By doing so, you may identify a pattern that isn't even addressed above.

WHAT IS A “MITIGATING CIRCUMSTANCE”?

Supervisors should act, either by conducting a counseling discussion with an employee who has exceeded 48 hours of sick leave usage within a rolling 12-month period, or issuing a Written Reprimand if usage exceeds the 64 hour threshold.

However, sometimes there are mitigating circumstances that would enable the supervisor to “offset” sick leave hours for the purposes of taking action. These are limited to a very narrow number of situations. For example, being legitimately sick with a minor illness is not considered mitigating. The following issues may be used to offset:

- **FMLA:** Subsequent receipt in Human Resources of Family Medical Leave Act (FMLA) medical certification triggers a specific number of hours coded to personal sick leave (057) being re-coded to FMLA code (062). Check with HR for most recent status/information on pending FMLA issues.
- **Dental Surgery:** If an employee has been out a specific number of hours recuperating from dental surgery, those hours can be mitigated. As most dental surgery is non-emergency in nature, it is appropriate to request that the employee provide you with a note from the dentist identifying days out due to recuperation. This is especially important if you know the employee is close to exceeding the 48 or 64 hour threshold. If they provide you with the note, you'll be able to retain it in your tracking file and offset those hours on their behalf. You will, of course, still need to document that you mitigated X number of hours due to dental surgery, as confirmed by a note from the dentist.
- **Medical Surgery, long-duration test or procedure:** This issue is similar to that reflected above under “Dental Surgery”. You should request a doctor’s note in advance, to include date of procedure/surgery, days out due to recuperation, and ability to return to work to full duty with no restrictions or modifications. Remember, if it will be an absence of three days or more, you should contact HR as this may be an FMLA issue.
- **Miscoded hours:** There may be instances where someone should have coded to 067 - Child/Parent/Spouse (this also now includes Registered Domestic Partner with the State of California, and their children). They mistakenly coded the time off to 057 – personal sick leave. California Labor Code section 233 requires an employer to provide for up to half the annual sick leave accrual level (in the District’s case, 48 hours) for an employee to use to care for a child, parent, spouse or registered domestic partner’s non-serious illness. Those hours (up to 48 per calendar year coded to 067) cannot be used against the employee or be factored into a disciplinary action against that employee for attendance issues.

See template for conducting a sick leave monitoring counseling/discussion on page 11 of this handout for additional guidance.

PREPARING FOR A SICK LEAVE MONITORING COUNSELING/DISCUSSION

Preparing for the counseling discussion:

Done:	Action:
	Avoid a significant time lapse from when you first review the Sick Leave Report.
	Identify any patterns.
	Identify any known mitigating circumstances.
	Select a time and place that is private and free from interruptions to avoid embarrassing the employee. Ensure confidentiality.
	Review all the facts; gather the following information together: <ol style="list-style-type: none"> 1. Supervisor notes on this employee 2. Current Sick Leave report 3. Copy of CCWD Admin Procedure #VII-3 (Sick Leave Monitoring/Control Program) 4. Copy of Family Medical Leave Act Notice 5. Copy of District's EAP brochure
	Determine what you want to accomplish with the discussion; what is the desired outcome?

Things to keep in mind while conducting the counseling discussion:

- Start on a cooperative, positive note. Be ready to help the employee overcome any resentment.
- Stick to the facts; don't become involved in personalities.
- Ask open ended questions and listen carefully to what the employee has to say; practice "constructive silence".

CONDUCTING A SICK LEAVE MONITORING COUNSELING/DISCUSSION

Conducting the counseling discussion

Done:	Action:
	Explain to the employee the reason why you are meeting with them.
	Review District's Admin Policy VII-3, and the 48 hour and 64 hour thresholds.
	Make a point of stating to the employee that it is appropriate for you to hold this discussion with them as their sick leave usage has exceeded the thresholds established by District policy, and that doing so does not necessarily indicate you feel they have abused sick leave. Rather, this is an opportunity to discuss sick leave usage and the impact for both the employee and operations.
	Advise employee what their current rolling 12-month sick leave usage has been, and discuss any patterns or specific concerns you have identified.
	Ask the employee whether there are any issues relating to their sick leave usage that could have a mitigating effect. For example, were any hours miscoded? Are these absences due to a possible serious medical condition that could be eligible for FMLA leave? Don't ask for details, only ask whether they feel their circumstances may involve a serious medical condition.
	If based on the employee's response, you feel that there may be mitigating circumstances, advise employee you will take the matter under consideration. (Contact HR for guidance after your discussion.)

Continued on next page

CONDUCTING A SICK LEAVE MONITORING COUNSELING/DISCUSSION (continued)

	<p>If there are no mitigating circumstances, be sure to discuss the following with the employee:</p> <ol style="list-style-type: none"> 1. Importance of using sick leave appropriately and judiciously to ensure they have sufficient sick leave balance available in case they experience a serious illness or injury at some point in the future. 2. Discuss the fact that whenever someone is out of the work environment, regardless of the reason, there's an impact to operations. While they may have been legitimately sick for X number of hours, it doesn't take away from the fact that significant levels of absences negatively affect operations.
	<p>As a precaution, even if the employee has not indicated a need for these resources, provide the employee with the FMLA Notice and the Employee Assistance Program brochure. Advise the employee that absent any medical certification to the contrary, the District is compelled to treat the matter as a potential performance issue.</p>
	<p>Advise employee you will continue to monitor sick leave balances. If the employee exceeds the 64-hour threshold established by the District, additional action may be necessary.</p>
	<p>Document your discussion, the employee's response, outcomes, and any referrals. Use the attached example as a guide.</p>
	<p>Retain your discussion notes in your confidential supervisor file.</p>

SICK LEAVE COUNSELING DISCUSSION RECORD

(Use this template to assist you in conducting and documenting the discussion, responses, and outcomes of a sick leave monitoring counseling session.)

Employee Name: _____

Date/Time/Location of discussion: _____

Current sick leave balance: _____ Date of Sick Leave Report: _____

Identify any detected patterns or concerns related to sick leave usage:
(For example, most of the leave taken was on a Monday or Friday, etc.)

Discussion Details:

- Employee was informed of their current sick leave usage, and that they had exceeded the 48-hour threshold per AP VII-3.
- Employee was advised that whenever someone is out of the work environment, regardless of the reason, there's an impact to operations. Excessive absences must therefore be addressed by the supervisor.
- Employee was advised that it is in their best interest to use sick leave appropriately and judiciously to ensure they have sufficient sick leave balance available in case they experience a serious illness or injury at some point in the future.
- Employee was advised that sick leave usage would continue to be monitored, and if they exceed the District's established 64-hour threshold for sick usage in a rolling 12-month period, additional action may be necessary.

Employee's response/comments:

SICK LEAVE COUNSELING DISCUSSION RECORD (continued)

Employee Name: _____

Possible mitigating circumstances: (Be specific; provide dates/hours)

Resources provided:

- Employee was given a copy of the District's Admin. Policy VII-3
- Employee was given a copy of the Family Medical Leave Act Notice
- Employee was given a copy of the District's EAP brochure

YES / NO - Referred to Human Resources for additional assistance due to potential FMLA eligibility?

If yes, due date for contacting Human Resources:

Any additional comments/issues/outcomes?

This template can be found at
<G:\Forms\HR Forms\SICK LEAVE COUNSELING DISCUSSION RECORD.doc>

64+ HOUR THRESHOLD:

An Employee has used more than 64 hours in a rolling 12-month period. Now what?

1. **Review sick leave tracking report** for your employees, as soon as you receive it (provided every pay period by Finance).
2. **Identify employees who have used more than 64 hours** during that 12 rolling month period.
3. **Identify any detectable patterns of usage.** For each highlighted employee, take a close look at actual usage as reflected on the report. See “Things to Consider” section of this handout on page 6 for additional guidance.
4. **Are there any mitigating circumstances?** Review your own supervisory notes/attendance tracking. See “Mitigating Circumstances” section of this handout for additional guidance on page 7 Review records of prior discussions regarding sick leave usage, and whether you have identified any performance issues that may be related. Review documentation for actions previously taken (template, etc.).
5. **Discuss the issue with the employee** as an additional step to determining whether there are any new mitigating factors to consider (FMLA, dental surgery, etc.).

If mitigating circumstances do exist:

(For example, 16 of those 66 hours are due to dental surgery, thus putting their total non-mitigated sick leave usage level down to 50 hours), then **document this finding**. During your counseling session with the employee, inform them that the hours have been mitigated, but caution them to be aware of the impact of their sick leave usage. The outcome of your discussion should be documented and retained in your supervisory file. You can use the template as a guide for this discussion/documentation as well.

If no mitigating circumstances exist:

6. **Contact your Department Head and Human Resources to determine the appropriate disciplinary action**, which will likely be the issuance of a Written Reprimand.
7. **Draft the Written Reprimand.** Use the Written Reprimand template provided in this handout as a guide.
8. **Forward your draft to Human Resources and your Department Head** for review.

9. **Once finalized, issue the Written Reprimand.** A copy of the Family Medical Leave Act Notice and an EAP brochure should also be provided to the employee at that time. Ensure the original, finalized document is sent back to HR for inclusion in the employees' permanent personnel file.

10. **Continue monitoring sick leave.** If attendance does not improve, contact HR and your Department Head to discuss appropriate next steps, which may include more serious disciplinary action.

Can someone be terminated for attendance problems?

Yes, an employee can be terminated if they are unable to improve their performance relating to attendance. Like in all significant disciplinary actions, it is very important that you be able to demonstrate that:

- The employee is in violation of District policy

- The employee has been advised that their performance is not meeting standards, and has been provided with clear and specific information as to what the policy, standards, and expectations are, and how they can achieve those expectations, and given a reasonable period to improve their performance.

The District has provided the employee with FMLA information and given them the opportunity to review the information and approach Human Resources if they feel their absences are due to a serious medical condition. Absent any medical certification to the contrary, the District is compelled to treat the matter as a performance issue.

What should the Written Reprimand include?

This process provides formal, written notification that there is cause for dissatisfaction with the employee's sick leave usage and that further disciplinary measure may be taken if this is not corrected. The reprimand is usually written in the form of a letter and should contain the following information:

- **What occurred**, outlining specific sick leave usage over a rolling 12-month period, past counselings with dates.
- **Cite that the employee is in violation of Administrative Procedure VII-3 Sick Leave Monitoring/Control Program.**
- **Cite causes for violations as identified in Administrative Procedures IV-1 Disciplinary Procedures, specifically "excessive absenteeism".**
- **What the employee is directed to do** in order to correct the situation. It is important to avoid general statements; be very specific.
- **Right to appeal** the Written Reprimand
- **Forward a copy of the Written Reprimand to HR for placement in the employee's formal personnel file.**

Written reprimands are considered official disciplinary action and as such, will be made a part of the employee's official personnel record and may be considered as pertinent information in any hearing. (Written Reprimands may be subject to appeal based on individual unit Memoranda of Understanding.)

The following provides a sample Written Reprimand.

WRITTEN REPRIMAND (sample)

CONFIDENTIAL

February 7, 2006

John Doe
Home Address
City, State, Zip

Subject: Written Reprimand – Excessive Absenteeism

Dear John:

On August 2, 2005, we met to discuss the fact that your sick leave usage had exceeded the District's established threshold of 48 hours within a rolling 12-month period, as per Administrative Procedure VII-3. At that time, you were provided with a copy of this Administrative Procedure, and were encouraged to reduce your sick leave usage to avoid further action. No mitigating circumstances were identified at that time to offset your total of 52 hours of sick leave used per the 8/2/05 Sick Leave Report. You failed to reduce your sick leave usage, and in fact your sick leave use increased to a total of 72 hours per the Sick Leave Report dated 1/29/06.

We met again on February 1 to discuss this issue further. At that meeting, it was determined that sick leave had been appropriately coded with the exception of 2 hours which were a result of a prior car accident. You had previously submitted FMLA medical certification for your injuries arising from that incident, and those two hours should have been coded to FMLA 062. This coding adjustment resulted in a remaining 70 hours of sick leave taken. In addition, during this meeting, you were advised that your excessive absences have a negative impact on the department's productivity. You were advised that you had exceeded the second threshold identified in the District's Administrative Procedure, and that appropriate disciplinary action would be taken as a result.

Therefore, you have been found to be in violation of Administrative Procedure VII-3 (Sick Leave Monitoring/Control Program) and as per Administrative Procedure IV-1 (Disciplinary Procedures) disciplinary action is being taken on the following grounds:

- Excessive Absenteeism

Consequently, this letter serves as a Written Reprimand and a copy will be retained in your permanent personnel file.

Excessive absenteeism has a very negative affect on operations, and therefore cannot be tolerated. It is imperative that you adjust your behavior to bring your sick leave usage levels to meet the standards established in AP VII-3. You are required to meet the following conditions:

- **Reduce your 12-month rolling sick leave usage to below 64 hours total by March 21, 2006.** This will be accomplished provided you use no more sick leave during the period between 2/7/06 through 3/21/06.
- **Reduce your 12-month rolling sick leave usage to below 48 hours by May 19, 2006.** This will be accomplished provided you use no more sick leave during the period between 2/7/06 through 5/19/06.
- **Until such time as your sick leave usage levels fall to below 48 hours, you will be required to furnish a signed statement from your physician for any absence, including routine and recurring medical appointments.** This statement is not to provide any details regarding your specific injury/illness, but rather, will need to reflect only the following information:

For personal illness/injury:

- Date employee first saw or spoke with the physician for the injury/illness
- Period of absence caused by the period of injury/illness
- Ability of the employee to return to work for full duty

For sick leave taken to care for an eligible family member's injury/illness, the Physician's Statement must also include that the patient required the attendance of a caregiver for the period of the absence.

Furnishing Physician's Statements does not remove you from the obligation to reduce your sick leave usage to appropriate levels.

Attached please find a copy of the Family Medical Leave Act Notice, as well as a brochure providing information on the District's Employee Assistance Program. You have not indicated that your absences arise from a serious medical condition that may be eligible for FMLA. Absent any such medical certification to the contrary, the District is compelled to treat this matter as a performance issue.

It is my intent to have this Written Reprimand serve as an opportunity for you to meet the District's sick leave usage expectations. To support you in this effort, I will provide you with ongoing, regular updates regarding the status of your 12-month rolling sick leave usage. While I am confident that this Written Reprimand and my continued discussions with you on

this issue will be sufficient to satisfactorily conclude this matter, please be advised that failure to meet the conditions set forth in this Written Reprimand will lead to further disciplinary action being taken, up to and including termination.

You have the right to appeal this action consistent with the provisions of the union contract.

Sincerely,

Supervisor Name
Title

cc: John Doe Personnel File

Attachments: Family Medical Leave Act Notice
 EAP Program Brochure
 Copy of 1/29/06 Sick Leave Report

SICK LEAVE MONITORING IN THE “REAL WORLD”

Okay, great....lets say you've been a conscientious supervisor and you're addressing excessive use of sick leave with your staff. You've followed the guidelines, used the templates, and even scripted out what you plan to say to the employee during your counseling session. The problem is this isn't going to be a one-way conversation. Employees will have something to say as well, and some of their responses may throw you a curve ball. How would you respond to the following kinds of comments?

I'm having some health problems.....

"I realize I've been out sick a lot, and I've really tried not to be out as much as possible. While I don't mean to make a big deal out of this, I guess I should let you know I'm having some health problems. I'm really struggling right now. The medication the doctor has placed me on has some pretty strong side effects, so I'm just not feeling very well. Please understand I'm doing the best I can, but I'm in a really tough place right now."

I'm going through a major crisis in my personal life.....

"I'm going through some hard times at home. I just separated from my spouse, and we're fighting over custody for the kids. It looks like we're headed for divorce, and I'm completely stressed out over this. Can't you cut me some slack right now?"

The “H” word.....Harassment

"Okay, I'm going to level with you. The reason I have been missing work so much lately is that I'm really uncomfortable with what's going on in my crew, and am totally stressed out. When I wake up in the morning, I don't feel like getting up, let alone come in to work. I'm the only female on the crew and I'm sick and tired of putting up with all the nasty comments and jokes. I feel like I'm being harassed and it's not fair!"

You're picking on me!

"You know, you're always on my case. I feel like you're singling me out and holding me to a different standard than everybody else. Sharon is out a lot, too. I don't see you talking to her about her sick leave! If this keeps up, I'm going to file a grievance. I know my rights, and you're just harassing me and creating a hostile work environment!"

So, is there a *right* answer?

Well, there's always that famous "attorney" response – "it depends!" Actually, the "right" answer is in taking appropriate steps to address the attendance issue that's having a negative impact on operations. That's the critical first step. As to the appropriate response to the scenarios listed above, here are a few things to consider:

I'm having some health problems....

Red flag! We repeat – red flag! If an employee response to your concerns about their attendance with references to their health, medical treatment, etc., you need to be very careful. ADA laws have been expanded both nationally and within the State of California, resulting in broader rights for eligible individuals. Here's the best thing to do:

- Mention to the employee that if they are dealing with a serious health condition, they may be eligible for the Family Medical Leave Act (FMLA). Provide them with a copy of the Family Medical Leave Act Notice (available on the intranet) and refer them to Human Resources for additional information. Ask them to notify you immediately if they are deemed eligible for FMLA.
- Do NOT ask any questions about the nature of their condition. Privacy rights are important, and you need to be careful that even in an attempt to sympathize with the employee, you don't ask them questions that would reveal the nature of their condition. If they do volunteer information, do not share this info with anyone else other than Human Resources.

I'm going through a major crisis in my personal life.....

You can empathize all you'd like, but bottom line, each and every one of us is expected to be at work and performing our jobs, even if our personal lives are in shambles. In fact, that's often when it becomes most important to make sure that one area of your life IS going well – your job and the financial security and benefits it provides you – which will help you weather the storm.

- Don't ask for details/specifics. You can say you're really sorry they're having a hard time, and ask if there's anything you can do as their supervisor to help, but this information really ought to be private.
- Advise the employee that they should consider taking advantage of the District's Employee Assistance Program. It's free and confidential – you get up to 5 visits per issue. They can arrange to speak with a counselor by calling 800-834-3773. You can also refer them to Human Resources for additional assistance.

The “H” word.....Harassment

If in the course of discussing an employee’s sick leave usage, they bring to your attention that they feel they are being harassed, this is going to trigger a very specific response on your part. First, you need to have a better idea as to what is happening, and we’re talking details, details, details! Be sure to ask the following types of questions:

- Can you give me a better understanding as to why you feel you are being harassed? (Keep in mind, illegal harassment is based on very specific protected classes, including race, religion, gender, and sexual preference. Just feeling that somebody is being rude to you does not rise to the level of illegal harassment.)
- Ask follow up questions to get specific details. Ask what exactly was said, when it was said, by whom, who else was there, etc. and take good notes.
- Advise the employee that you will take their comments into consideration and discuss the matter further with Human Resources.
- In the meantime, the employee needs to understand that the issue regarding sick leave usage is still valid, and they need to focus on improving their attendance.

HR will assist you in determining what the appropriate action is regarding the statements of harassment. This may range from simple instructions on how to verbally respond to the employee if there is no foundation for their claim, or the development of a specific investigation plan to be handled by the HR Department.

You’re picking on me!

Ah, the classic” you’re picking on me” response – number one rule of thumb: don’t engage! As much as the employee may want to bring everybody and the kitchen sink into your discussion, be sure to focus on the matter at hand. You’re there to talk about *their sick leave usage*, not everyone else’s. On the other hand, as a supervisor, you *do* need to be sure that you are applying standards and work rules equally throughout your unit. If there are other employees who are having the same attendance/sick leave usage issues, you *must* address those as well.

An appropriate response to this would be:

“I’m aware of the situation you mentioned, and am taking steps to address it. I’m not going to discuss another employee’s sick leave issues, just as I wouldn’t share the discussion we’re having right now with anyone else in the unit. We’re here to talk about your sick leave use.”

As for the “grievance” threat, you might want to say:

“I’m applying the same standards to everyone in this division. It’s my responsibility as a supervisor to make sure that work rules and policies are enforced. I see this as an opportunity for us to work together to address a problem that’s impacting operations and I’m here to help, but the point is, you have to take responsibility and address this issue.”

Bottom line – you have the RIGHT, in fact, the OBLIGATION, to take appropriate action. If you don’t, you’re not fulfilling an essential function of your job as a supervisor.

Matrix of Responsibilities – Addressing Sick Leave Use

Action:	Supervisor	HR/ Dept. Head
Review monthly sick leave reports received from Finance	X	
Identify employees exceeding 48 hours of sick leave use in a rolling 12-month period. Review known facts; review for detectable patterns.	X	
Counsel employee. Review A/P VII-3. Identify mitigating circumstances, if any. Confirm employee understands high levels of sick leave usage have a negative impact on operations, and it is in the best interest of the employee to keep a reasonable amount of sick leave accrual for emergencies. Continue monitoring sick leave usage.	X	
Identify employees exceeding 64 hours of sick leave use in a rolling 12-month period. Review known facts, detectable patterns, prior counselings. Consult Human Resources and discuss appropriate action/response.	X	
Provide guidance and support to supervisors dealing with sick leave usage issues. Assist in determining appropriate response.		X
Take appropriate disciplinary action (verbal or written reprimand, etc.)	X	
Continue monitoring sick leave; Partner with HR and place employee on a Letter of Instruction or take progressive disciplinary action if problem continues.	X	X
Employee transfers to another assignment or department: discuss sick leave issues with new supervisor; provide info on actions taken with the employee to ensure continuity of improvement efforts.	X	

Consult with Department Head and Human Resources at any point during this process if additional issues arise or the supervisor is uncertain as to the appropriate next steps.

Resources:

1. Copy of Admin Procedure VII-3 (Sick Leave Monitoring/Control Program)
2. Family Medical Leave Act Notice
3. Employee Assistance Program Brochure
4. Contact Human Resources at extension 8002.