

Article 16  
Sick Leave

16.1 Sick Leave

An employee shall earn and use sick leave in accordance with applicable statutes law and regulations, ~~including the Family and Medical leave Act (FMLA) referenced in Article 20, Family Leave.~~ The Agency will approve use of accrued sick leave Sick leave is for use when an employee is physically incapacitated to do his/her job for the performance of duties by physical or mental illness, injury, pregnancy or childbirth, or for related reasons, ~~Such related reasons are~~ which may include:

16.1.1 Exposure to a contagious disease that would, as determined by appropriate health authorities or providers, jeopardize the health of coworkers if the employee were present on the job;

~~16.1.2 Presence of contagious disease in an employee's immediate family which requires his personal care;~~

16.1.23 Dental, optical, or medical examination or treatment;

16.1.34 Absences related to the adoption of a child;

16.1.45 Providing care for a family member with a serious health condition. The amount of sick leave used for this purpose may not exceed 480 hours during a leave year;

16.1.5 Absences to arrange or attend the funeral of a family member; or

16.1.6 Providing care for a family member who is incapacitated by a medical or mental condition, or attends to a family member receiving medical, dental, or optical examination or treatment ~~and administering care for a child or other dependent.~~

The amount of sick leave granted to an employee during any leave year for the purposes identified in 16.1.5 and 16.1.6, above, may not exceed 104 hours. Supervisors have the authority and responsibility to determine that the nature of the employee's illness was such as to incapacitate him/her for his/her job and that the other reasons for which sick leave is granted are valid.

A family member includes a spouse and parents of spouse; children, including adopted children, and their spouses; parents; brothers and sisters and their spouses; or any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship;

16.2 Supervisory Notification of Unanticipated Sick Leave

~~Notice of unanticipated sick leave will be given by the employee to his/her supervisor or the supervisor's designee, as soon as practical, but not later than 2 hours after the employee's assigned time for reporting to work.~~ Prior to the time for reporting to work, an employee is expected to notify his/her supervisor or the supervisor's designee if the employee will be absent due to a need for sick leave that was not anticipated prior to that time. If the employee is unable to provide such advance notice, the employee should normally notify the supervisor within two

hours of the employee's time for reporting to work. Such notice shall be provided on the first day of his/her absence and on each subsequent day not covered by the employee's prior notification thereafter. If the employee cannot comply with the 2-hour requirement (e.g., due to the degree of illness or injury). ~~prohibits compliance with the above 2-hour limit,~~ the employee will report his/her absence as soon as possible. Any request for the employee to substantiate the need for sick leave will be handled in accordance with the provisions of 16.5, below.

### 16.3 Leave Requests

Sick leave requests for scheduled medical, dental or optical examinations, operations or treatment must be made as far in advance as practical. When practical, such requests will be made no less than 3 workdays prior to the intended absence. Requests for scheduled sick leave of ~~8 hours~~ one scheduled workday or less may be made orally unless the supervisor specifically requires the requests to be in writing. All requests for scheduled sick leave in excess of ~~8 hours~~ one scheduled workday shall be made in writing ~~on form SF-71~~. Such requests by the employee will be approved in accordance with the criteria set forth in ~~Section 15.2~~ Article 15 (Annual Leave).

### 16.4 Release from Duty

An employee who, because of illness, is released from duty by the supervisor after reporting to the work site, will not be required to furnish a medical certificate to substantiate sick leave for the day released from duty.

### 16.5 Medical Documentation or Other Evidence

16.5.1 Supervisors may require an employee to furnish either a medical certificate or other evidence acceptable to a reasonable person to substantiate a request for approval of sick leave if the sick leave exceeds ~~3~~ three consecutive full workdays.

16.5.2 An employee ~~is~~ shall not normally be required to ~~furnish evidence acceptable to a reasonable person to substantiate his/her request, for approval of sick leave for periods of 3~~ submit documentation for absences of three consecutive workdays or less. However, if the Agency has reasonable grounds to question whether an employee is properly using sick leave (for example, when sick leave is frequently used or in unusual patterns or circumstances), then the Agency may inquire further into the matter and ask the employee to provide an explanation. In requesting further explanation, the Agency will notify the employee of the basis of this request. The employee may provide his/her explanation verbally or in writing; however, if the employee's explanation is not deemed acceptable, the supervisor may require that the employee provide an explanation in writing from the employee's health care provider, where appropriate (i.e., where the nature of the need for sick leave is such that a doctor's visit would be necessary) or to provide other evidence to support the usage of sick leave. Absent a reasonably acceptable explanation or evidence to support the request for sick leave, the leave request may be denied. The employee will be counseled/warned that continued, frequent use of sick leave, or use in unusual patterns or circumstances, may result in a written requirement to furnish acceptable documentation, as provided below, for each subsequent absence due to illness or incapacitation for duty, regardless of duration.

16.5.3 ~~Independent of the provisions stated above (16.5.2),~~ If a supervisor has reasonable grounds to believe that an employee is abusing his or her sick leave, the supervisor will give written notice that for a stated period (generally 3 months), he/she must furnish documentation from a competent medical authority for each absence from work that he/she desires to charge to

sick leave. Supervisors are encouraged to precede such restrictions with a warning letter which places the employee on notice that a restriction will be imposed due to questionable use of sick leave. An allegation of sick leave abuse may not be based solely on the amount of sick leave used by the employee. At the end of the stated period, the restriction will expire unless the supervisor ~~Agency~~ gives the employee written notice of renewal of the restriction due to actual or suspected continued abuse.

16.5.4 ~~Medical documentation or evidence, including a medical certificate, may be submitted by an employee directly to a competent medical authority designated by the Agency. A medical certificate for the purposes of this agreement is a written statement showing the name, address, and telephone number of the physician or medical treatment facility, bearing the handwritten signature of the attending physician or other medical personnel responsible for treatment, and containing sufficient medical information upon which to determine whether sick leave should be granted or denied in accordance with the provisions of Section 16.1.~~

If medical documentation is required under this article, it must include the following elements: (1) the actual date(s) seen by the medical provider; (2) probable duration of incapacity and/or return to work date; (3) an affirmative statement by the medical provider that the employee is unable to work during the period of incapacity; (4) ~~Certificate must be an original and must contain~~ the employee's name and the medical provider's name and address, and signature. must be properly signed by the medical provider. This documentation may be hand delivered by the employee or faxed by the medical provider to the supervisor.

16.5.5 Any request that an employee submit medical documentation beyond that required in 16.5.4, shall be provided in writing, and shall (1) state the basis for requesting additional, more specific information; (2) identify the name and address of the Agency's medical authority; and (3) specify the nature of the document required and/or the types of documentation or evidence which will satisfy the Agency's request. The Agency will provide the employee a reasonable amount of time (no less than 15 calendar days, but up to 30 calendar days, if necessary) to obtain the requested medical documentation. An employee may, at his or her option, authorize t~~The Agency will not require an employee to provide permission for the Agency to contact his/her health care provider directly; the employee will be permitted to participate in any such communication. , although the employee may voluntarily agree to do so.~~ If the employee does not provide the requested information or authorize the Agency to contact his or her health care provider to obtain the requested information, the Agency will make a decision without the requested using the information available. If there is a dispute concerning the sufficiency of medical documentation, the Agency may ~~will also not~~ require an employee to undergo an additional physical examination, unless provided by an independent competent medical authority (other than the Agency's designated medical authority) at the Agency's expense.

16.5.6 Any medical documentation or evidence submitted by an employee shall be considered confidential, and will only be discussed with other officials of the Agency on a need to know basis. Management will only make sick leave status and usage information available on a need to know basis. siek

~~; but shall not be required to furnish a medical certificate. In cases involving evidence of sick leave abuse the NRC may give written notice to the employee that he/she must furnish a medical certificate for absence of work which he/she desires to charge to sick leave. A medical certificate for the purposes of this agreement is a written statement showing the name, address, and telephone number of the physician or medical treatment facility, bearing the handwritten signature of the attending physician or other medical personnel responsible for treatment, and containing sufficient medical information upon which to determine whether sick leave should be granted or denied in accordance with the provisions of Section 16.1.~~

16.~~5.76~~ ~~————~~ Chronic Medical Condition

If an employee suffers from a chronic condition which does not require frequent medical treatment, although absence from work is periodically necessary as established by a medical documentation ~~certificate~~ of the chronic condition, the employee will not be required to furnish a documentation ~~medical certificate~~ for each absence~~medical treatment~~. Medical documentation ~~certifications~~ establishing such conditions ~~circumstances~~, shall be updated from time-to-time upon request of the supervisor based on the circumstances of the particular case. ~~These certificates shall be personally signed by the attending physician.~~