FULTON COUNTY

PERSONNEL PROCEDURE

SUBJECT: SICK LEAVE ABUSE PREVENTION & INVESTIGATION

DATE: January 1, 2017   Number: 332-16

I.   Sick Leave Abuse Prevention & Investigation Procedures

A.   Responsible Use of Sick Leave

Sick leave is a privilege, and it is in the employee's best interest to manage their sick leave usage appropriately. It is a common misconception that just because an employee has a certain amount of sick leave hours accrued, the employee has the right to take those hours for any reason. Sick leave can only be used for specific reasons specified in this Procedure, including doctor's appointments, dental visits, and absences due to illness or injury. Employees are encouraged to carefully consider their use of sick leave. Failure to have a sufficient "bank" of accrued sick leave hours may result in unpaid leave. Employees are prohibited from engaging in outside employment while they are on sick leave.

The Chief Human Resources Officer or his or her designee is authorized to investigate an employee's record of sick leave or emergency leave (collectively referred to as "sick leave") usage when the employee has either a low sick leave balance or seems to have established a pattern of usage.

B.   Investigation of Potential Sick Leave Abuse

Reasons and circumstances to inquire into or investigate sick leave use may include, but are not limited to, the following:

- Habitual use of sick leave in single or partial day increments, without valid or current medical documentation.

- Sick leave consistently taken on Monday, Thursday (four-day work week) or Friday (five-day work week).

- A pattern of using sick leave on the last scheduled work day before or first scheduled work day after a County holiday or a scheduled day off.

- A pattern of using sick leave to avoid working overtime or holiday work shifts.

- Sick leave consistently taken the same time of year.

- 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.

- Using 40 or more hours of unplanned sick leave during a quarter of a calendar year for two (2) or more consecutive quarters, without providing any medical documentation to support the absences.

Investigation Procedures:

1.   The Appointing Authority or designee with the responsibility of granting sick leave will monitor sick leave usage and identify any detectable patterns or concerns related to sick leave usage. If concerns are identified, the matter will be referred to the Chief Human Resources Officer for further investigation.

2.   The Chief Human Resources Officer will review the patterns or concerns related to sick leave usage identified by the Appointing Authority. Any known mitigating circumstances will be identified. Mitigating factors include, but are not limited to, leave taken under FMLA, medical/dental procedures or miscoded hours.

3.   As appropriate, the Chief Human Resources Officer may initiate an investigation or inquiry into the use of sick leave, which may include a discussion with the employee.

4.   After the investigation, the Chief Human Resources Officer will determine if there is reason to believe that the employee is abusing or misusing their sick leave accrual benefits.

5.   If an abuse of sick leave is confirmed by the investigation, the employee will be informed in writing of the patterns and specific concerns identified. The employee may be required to provide medical documentation for any subsequent use of sick leave, for a determined period of time. The employee will be advised that his or her sick leave usage will continue to be monitored, and that continued absences that are not properly excused or protected may result in disciplinary action up to and including termination.

6.   If there is no evidence that the sick leave is being abused, the employee will be informed.