


The Bargaining Unit Blotter

Policing Region 6 Management since 1997

March 11, 2015

This is to clarify some information from the March 10 meeting regarding leave.

Unless there is reasonable evidence you are abusing sick leave, your supervisor should not ask for a physician's statement unless you use more than three (3) days in a row of sick leave. Supervisors are not required to ask for documentation and most will accept your self-certification as sufficient, regardless of the duration of the leave. (See 40 CFR §630.405 (a) below.)

If a supervisor does ask for a physician's statement, please be aware you are required to provide it. (See 40 CFR §630.405 (b) below.)

Our contract, the Master Collective Bargaining Agreement, Article 25, Section 15 reads:

For sick leave periods of not more than three (3) consecutive days, the employee shall not be required to submit a physician's statement of incapacitation or other acceptable evidence unless there is reasonable evidence of abuse.

40 CFR Subpart D, Section 630.405 reads:

Supporting evidence for the use of sick leave.

(a) An agency may grant sick leave only when the need for sick leave is supported by administratively acceptable evidence. An agency may consider an employee's self-certification as to the reason for his or her absence as administratively acceptable evidence, regardless of the duration of the absence. An agency may also require a medical certificate or other administratively acceptable evidence as to the reason for an absence for any of the purposes described in §630.401(a) for an absence in excess of 3 workdays, or for a lesser period when the agency determines it is necessary.

(b) An employee must provide administratively acceptable evidence or medical certification for a request for sick leave no later than 15 calendar days after the

date the agency requests such medical certification. If it is not practicable under the particular circumstances to provide the requested evidence or medical certification within 15 calendar days after the date requested by the agency despite the employee's diligent, good faith efforts, the employee must provide the evidence or medical certification within a reasonable period of time under the circumstances involved, but no later than 30 calendar days after the date the agency requests such documentation. An employee who does not provide the required evidence or medical certification within the specified time period is not entitled to sick leave.

(c) An agency may require an employee requesting sick leave to care for a family member under §630.401(a)(3)(ii) to provide an additional written statement from the health care provider concerning the family member's need for psychological comfort and/or physical care. The statement must certify that—

- (1) The family member requires psychological comfort and/or physical care;*
- (2) The family member would benefit from the employee's care or presence; and*
- (3) The employee is needed to care for the family member for a specified period of time.*

The Office of Personnel Management's (OPM) incorporates these requirements in their leave policies. OPM's policy fact sheets are written in plain-language and are concise and informative.

OPM's policy about using sick leave for personal needs is at:

<http://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/personal-sick-leave/>

OPM's policies about using sick leave to care for a family member are at:

<http://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/sick-leave-for-family-care-or-bereavement-purposes/>

And: <http://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/sick-leave-to-care-for-a-family-member-with-a-serious-health-condition/>