

Policies regarding sick-leave buy-back program

Information compiled January 10, 2007

The Question: Do you have a sick-leave buy-back program for employees out on L&I? If so, please attach a copy of your policy. If not, what is your policy regarding use of paid leave during an L&I absence?

Ben Franklin Transit says... We do not have sick leave, we have General Leave.

However, with L&I, the first 3 days are not paid for unless the employee is out more than 14 days, at which time L&I will pay approx 60% of the salary for days 1, 2 and 3.

So historically we have required employees to dig into their GL bank for days 1, 2 and 3.

A manager came along and said, well this is a workplace injury so why are we charging them for days 1, 2 and 3? And that made sense so...

We rewrote the policy which has the employer paying for days 1, 2 and 3.

If the employee is out 14 days or more, the idea is for the employee to reimburse us the 60% for days 1, 2 and 3 because L&I sends them a check in that amt.

In our Policy Manual, in there is *another* policy which governs what the employer may deduct from the employee's paycheck in the event of an overpayment.

So with this new L&I policy, we would also be adding to the Policy Manual a sentence that says: Employee agrees to reimburse the transit for L&I overpayments thru payroll deduction. Provided it is legal, anyways, as not all deductions are. And that is where we are at, at present.

Not sure if I have answered your question but if not, have the transit in question call me...

Community Transit says... I've never heard that we would "buy back" sick leave. We do permit an employee who uses sick leave for pay continuation for the first three days of an L&I absence to refund that money to the company if they wish to restore their sick leave balance because their claim was later paid from day one.

CUBS says... Yes we do have a policy of coordinating sick leave for employees who have paid leave balances while they are out on workers comp. We coordinate their time loss with their paid

sick leave to bring them up to full salary – we have a formula that we use to calculate that amount each pay period. We are self-insured for workers comp. so we time the time loss checks too coincide with our pay periods.

Essentially the employee codes their time loss with sick leave and then when the time loss check is sent to them we back that off their regular check and give them back the equivalent sick leave time.

We have a worksheet that our payroll specialist works through each pay period and we send that with the employees pay check so they can see how it was all calculated.

If you want additional information or a sample of the worksheet – let me know.

Grays Harbor Transit says... We do not have a sick leave buy-back program for employees on L&I. We do allow employees who are on L&I to cash out accrued vacation in accordance with the labor agreement which is a maximum of (80) hours each year.

Intercity Transit says... ATU Contract:

8. On-The-Job-Injury (Worker's Compensation)

If an employee is absent due to illness or injury for which they are receiving payment from the State Industrial Insurance, the employee may use only the number of accrued sick leave hours that, together with such payment from the State, would not represent more than eighty (80) percent of the employee's regular wages.

The employee is required to notify the Employer if the employee elects to use accrued sick leave to supplement their earnings. Use of any paid sick leave for an on the job injury will be calculated on a retroactive basis back to the first day in which the employee was off work due to the injury or illness. The employee's available sick leave hours will be used until exhausted unless the employee opts to stop the sick leave usage. After the initial designation the employee may request such compensation be started or terminated at any time, but such request shall only be made once per injury.

Upon exhaustion of accrued sick leave, the employee may elect to use, in the same manner as defined above, other accrued leave hours (vacation leave and floating holiday leave) retroactive to date of exhaustion of paid sick leave; provided however, the employee may not elect to use other paid leave hours unless the sick related time off extends beyond seven (7) consecutive days in accordance with Section E. 5. Such available leave hours will be used until exhausted. The employee may request such compensation to be started or terminated at any time, but such request shall only be made once per injury.

Upon return to work from a worker's compensation leave period, an employee shall buy back sick leave hours necessary to reduce payment during their time off to no more than eighty (80) percent of their regular wages. The employee may elect to purchase back all or a portion of the remaining leave hours that were used and paid to the employee during the employee's disability period. The employee must notify the Employer of their intent to buy back paid leave hours; such notification must be made to the Employer within thirty (30) days from the date upon which the employee returns to work from the disability. The employee shall make payment to the Employer in the manner prescribed by the Employer for such leave hours. Once the employee has made payment to the Employer for the total amount due based on the number of hours the employee has elected to buy back, the employee's leave hours will be added back to the employee's accrual records.

IAM Contract:

i. Industrial Injury.

Employees injured on the job shall report such injury immediately to their immediate supervisor, or as soon as reasonably possible, upon discovery. An employee who leaves work and seeks medical care because of incapacity due to industrial injury will be paid their full shift pay at their straight time hourly rate of pay for the day on which the injury occurs only. A doctor's certificate as referenced in Section e. above is required.

When an employee is off work due to an industrial injury or illness, the Employer may, at the employee's request, prorate the employee's paid leave to insure the employee receives an amount that approximates the employee's regular/normal salary when combined with L & I payment. The employee may request such compensation be started or terminated at any time, but such request shall only be made once per injury. Upon return to work, the employee may opt to buy back the expended paid leave. When an employee buys back leave, the employee must also pay back any benefits earned or paid to which the employee was not entitled had they not taken the paid leave.

Personnel Policy:

COORDINATION WITH WORKER'S COMPENSATION: If an employee receives worker's compensation disability insurance payments during a medical related leave, the employee may only use the number of sick leave hours that, together with such payments, would not represent more than the employee's normal pay for the same period. The employee is required to notify Human Resources at the start of his/her disability leave, if the employee elects to use paid sick leave to supplement the employee's earnings. Use of any paid sick leave hours will be calculated on a retroactive basis back to the first day in which the employee was off work. An employee may not elect to use only a portion of his/her accrued sick leave. Once the employee has elected to use paid sick leave to supplement his/her earnings, the election may not be reversed.

Upon exhaustion of paid sick leave, the employee may elect to use his/her other accrued leaves (e.g. vacation, compensatory, floating holiday leave) retroactive to date of exhaustion of paid sick leave. An employee may not elect to use only a portion of his/her accrued leaves. Once the employee has elected to use paid leave hours to supplement his/her earnings, the election may not be reversed.

Upon return to work from a worker's compensation leave period, an employee may elect to purchase back all, or a portion of, his/her leave hours that were used and paid to the employee during the disability period. Once the employee has made payment to Intercity Transit for the total amount due based on the number of hours the employee has elected to buy back, the employee's leave hours will be added back to the employee's accrual records.

Island Transit says... We pay the employee off on L&I with their own vacation/sick/etc. If they get checks for paid time off from L&I, they bring them in and we will buy back their leave at their present pay rate. So, in other words, if L&I gave them a check that covered 10 working days, that may only calculate to actually 5 leave days they can buy back due to the fact L&I doesn't pay them their full rate of pay.

Jefferson Transit says... We do not have a sick leave buy-back program.

Kitsap Transit says... We have General Leave, not Vacation and Sick leave. All employees are able to make up any difference between what L&I pays and their base pay with General Leave.

Link Transit says... If an employee is off on L&I long enough to receive time loss payments, they are eligible to "buy back" their general leave.

- Advise the Employee that we have a buy-back program.
- Advise L&I that we have a buy-back program. *(If the employee is using "sick leave" - according to L&I, they are not eligible for time loss benefits unless the employer has a buy-back program.)*
- If the Employee wishes to buy back their general leave, they are required to remit their L&I time loss payment to Link Transit *(which will be calculated into GL hours)* and credited back to their GL accrual account.
- The Employee is not required to buy back their general leave in full, they can buy back a percentage of their hours.

Mason Transit says... We do not currently have a sick leave buy-back program in place. As of now, we don't have a formal policy for employees out on L&I and leave use. However, I would assume we would not require them to use sick leave if they were getting L&I payments.

Pacific Transit says... We do not have a sick leave buy back while on L&I but they can use their sick leave while on L&I.

Pullman Transit says... does have a sick leave buy back program, but my suggestion would be not to do it the way the City does it. If we did not have the process embedded in all of our labor contracts we would not be doing it either. We have an active Early Return to Work program that helps to offset some of the expenses, but not all.

An employee uses sick leave or vacation time. When L & I issues them a check for the time loss, the employee signs the check over to the City and they get their sick leave or Vacation time back. The City then cashes the check. This is a very poor system because it costs the City the time the employee takes as well as time loss that impacts L & I Rates. If you do a buy back system, you are better off to then send the check back to L & I so you are not charged with time loss experience.

Employees who do not have paid leave balances can keep the L & I check since they were on leave without pay. An employee does not have to use paid leave but most choose to do that.

If you have any questions, please don't hesitate contacting me, but my suggestion would be to avoid the City of Pullman's process.

Skagit Transit says... We do not have sick leave. In regards to the general leave (GL) use during an L&I absence, we will let them use GL as long as they are not receiving more \$ than they would if working.

Spokane Transit says... We do not have a sick leave buy back option for employees who are entitled to w/c benefits. The only paid leave they would be able to use while on w/c is vacation, and that is only if the vacation was scheduled prior to the industrial injury.

Twin Transit says... We do not have a policy on L&I and buy back of sick leave. Our employees that have been on L&I have not used sick or vacation but just relied on L&I payments.

Valley Transit says... No, we do not have a buy back policy. We pay the first three days and after that it is on L&I to pay the employee.