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(From) Chapter 56: Personnel

§ 56-6. Sick leave.

A. Amount authorized; limit on accumulation; records.

(1) Except for employees of the School Department, all permanent employees of the City, all provisional employees of the City and all temporary employees of the City, upon attaining six months' service in the aggregate, are hereby allowed leave with pay on account of illness or injury, whether or not received in the line of duty, for which they do not receive compensation or other benefits from the City, for 12 working days per annum. Permanent employees shall be allowed such 12 days' sick leave as of the date of their appointment. During the first year of employment, provisional employees shall be allowed such sick leave at the rate of 1 days per month from the date of their appointment, but temporary employees shall be allowed such sick leave at the rate of 1 days per month after six months' service in the aggregate. This sick leave shall be cumulative, but not in excess of a total of 215 working days. Department heads shall keep an accurate record of the absences of each employee claiming sick leave benefits, and such record shall be open to the employee for inspection at all times. All absences during any payroll period shall be noted on the payroll records for such period. This section shall apply to provisional and temporary employees as of April 25, 1972, and service before such date shall be counted in determining their eligibility.

(2) The maximum number of accumulated days shall be as set forth in Subsection **A(1)**. Employees whose sick leave accumulation was grandfathered under the preexisting COLMA Collective Bargaining Agreement dated July 7, 1995, shall retain such accumulation as therein determined. Commencing January 1, 2000, if an employee during the previous calendar year has used not more than five sick days and has an accumulation of at least 150 unused sick days, said employee shall have the option of selling back to the City five unused sick days for which he/she shall be paid during the month of March.

[Added 6-8-1999]

(3) Sick leave shall be cumulative and there shall be no limit on the number of sick leave days that an employee may accumulate, subject to the buyout limitation of \$20,000 as set forth in Subsection **E** of this section.

[Added 7-27-2004]

(4) Commencing on and retroactive to January 1, 2004, if an employee during the previous calendar year has not used more than five sick days and has an accumulation of at least 75 unused sick days, said employee shall have the option of selling back to the City five unused sick days for which he/she shall be paid during the month of January.

[Added 7-27-2004]

B. When authorized. Sick leave shall be deemed to include necessary absence on account of illness or injury of the employee, or his exposure to a contagious disease, the serious illness or marriage of a member of his immediate family, or other emergencies which, in the opinion of the department head, justify the absence of the employee. Immediate family of the employee includes his/her spouse, mother, father, brother, sister, child, mother-in-law, father-in-law, and grandparents.

[Amended 7-27-2004]

C. Doctor's certificate. Department heads may, whenever they see fit, require from any employee claiming sick leave benefits a doctor's certificate sustaining the claim or may call upon the City Physician to make an investigation and report.

D. Investigations following certain lengths of absence. In cases where employees are absent because of sickness or injury for more than three days, they shall be visited by the department head or someone assigned by him for that purpose, and after absence of more than six consecutive days they shall be visited by the City Physician or any other physician designated by the department head, who shall report the conditions found by him to the department head.

E. Compensation for unused accumulated leave. Upon an employee's retirement, death or termination of employment (other than for just cause) or involuntary separation from service due to layoff, abolition of position, or termination of a department head's employment, the employee or, in the case of his/her death, his/her spouse, designated beneficiary, next of kin or estate, in that order unless the employee has determined some other order, shall be paid for unused accumulated sick leave on a forty-percent ratio, i.e., four days regular basic weekly salary (without shift differential, etc.) for each 10 days authorized accumulated sick leave. The buy back shall be based on one day equals 1/5 of a week's salary. The maximum buy back shall not exceed \$20,000. Payments made hereunder covering a deceased employee shall be made in accordance with MGL c. 41, § 111I.

[Amended 6-8-1999]

F. Determination of eligibility upon injury. In the case of any injury to an employee arising out of the employment or work of the employee which is specifically covered by the Workers' Compensation Law or other compensatory statutes in operation in the City, the department head shall, before approving payment, obtain an opinion from the City Solicitor as to whether or not such employee is entitled to the benefits of this section. Such ruling shall be final and binding upon the employee.

G. Calling in reports of illness.

(1) Any employee who claims sick leave shall report by telephone, or arrange to have somebody in his behalf report by telephone or messenger, to the department head, informing him of his condition within one hour of the usual hour when work begins in his

department. Failure to do this shall preclude any financial benefits under this section. Department heads shall keep a record of such calls on the employee's sick leave sheet.

(2) In the case of the Police Department such report of illness shall in no event be later than one hour before the employee's assigned time of reporting for duty. However, in the case of an emergency which precludes the employee of the Police Department from reporting as required in this Subsection G, the employee shall report or have reported by a responsible person within a reasonable time of such emergency to the department head or his representative. Eligibility for sick leave for a reported emergency situation shall be by decision of the Superintendent of Police, which shall be binding. All employees of the Police Department shall report in person or by telephone or arrange to have reported by a responsible person that he is returning to work, to the detail office or main office, not later than two hours prior to the employee's scheduled starting time of duty.

H. Fraudulent reports of illness. Any employee who fraudulently reports illness or injury in order to secure the benefit of sick leave with pay shall be penalized by losing all rights to sick leave for a period of one year from that date, plus whatever accrued sick leave may at that time be held to his credit.

I. Sickness or injury due to use of drugs or alcohol. Sickness or accidents as a result of the use of alcohol or drugs shall not be considered a proper claim for sick leave with pay.

J. Leave upon death of immediate family member. In the case of the death of a member of the immediate family of an employee, as that term is defined in Subsection B of this section, three days' leave with pay shall be granted to such employee and shall not be charged against his sick leave or vacation benefits. These three days shall not in any case extend beyond the day of the funeral, except where the funeral is conducted out of the City, in which case the department head is authorized to grant reasonable additional time. In the case of the death of a brother or sister of an employee's husband or wife, one day's leave of absence with pay shall be allowed if requested but it shall be charged against his sick leave benefits. The leave of absence referred to in this subsection shall not apply if such death or funeral occurs while the employee is receiving workers' compensation under the statutes applicable to the City.

K. Refusal to submit to doctor's examination. Employees who refuse to submit to a doctor's examination for the purpose of determining a claim of sick leave or bodily injury shall not be entitled to sick leave.

L. Women traffic supervisors. Women traffic supervisors are hereby allowed leave with pay on account of illness or injury, whether or not received in the line of duty, for which they do not receive compensation or other benefits from the City, for five working days per annum. This sick leave shall be cumulative. The department head shall keep an accurate record of the absences of each employee claiming sick leave benefits, and such record shall be open to the employee for inspection at all times. All absences during any payroll period shall be noted on the payroll records for such period.