

## ARTICLE 28 SICK LEAVE

### Section 1. Restrictions.

It is expressly understood and agreed that sick leave shall be utilized only in cases of bona fide incapacitation, illness or injury of the employee. There is no right to use sick leave for personal convenience or extra time off, or to burn excess leave prior to retirement. No employee shall engage in any outside employment, trade or occupation while off work when utilizing sick leave.

### Section 2. Verification and Proof of Need for Use of Sick Leave.

For every use of sick leave for which ~~an individual~~ a fire fighter is not required to submit medical documentation, the ~~individual~~ fire fighter must submit a completed form FD006 by which the ~~individual~~ fire fighter states that the use of sick leave was legitimate and consistent with the criteria for using such leave. The FD006 form must be submitted to the department's medical records custodian ("MRC") within 21 calendar days after the ~~individual~~ fire fighter returns to work after the leave taken. The MRC ~~shall~~ will then notify the ~~fire fighter and department that~~ the Shift Deputy/Shift Commander FD006 has been submitted, either by making the required notation in the department's electronic scheduling system (at the time of this Agreement known as TeleStaff), or by other reasonable means, within 3 business days of receipt of ~~documentation~~ the FD006. If the notification is by means other than the department's electronic scheduling system, the MRC shall promptly notify the fire fighter that the department has been notified that the FD006 has been accepted.

### Section 3. Medical Documentation Requirement.

Nothing in this Agreement shall limit the City's inherent ability as the employer to require acceptable medical documentation for ~~each absence~~ absences for which sick leave is used. Beginning January 1, 2017, a fire fighter must submit medical documentation for every use of sick leave after an individual the fire fighter has reported off work using sick leave for ~~48~~ 72 hours for suppression personnel or ~~30~~ 45 hours for staff personnel during the calendar year: (January 1st – December 31st), without regard to whether the fire fighter submitted medical documentation, an FD006, or nothing, to support the use of any sick leave taken.

It is understood that the City considers acceptable medical documentation to be a receipt or note from a doctor, physician's assistant, nurse practitioner, chiropractor, physical therapist, licensed massage therapist, or a receipt for a prescription that substantiates the need for the ~~individual's~~ fire fighter's use of sick leave. The medical documentation should be provided to the department's medical records custodian within 21 calendar days after the ~~individual~~ fire fighter returns to work after the leave taken. The MRC ~~shall~~ will then notify the ~~fire fighter and department that~~ the Shift Deputy/Shift Commander medical documentation has been submitted, either by making the required notation in the department's electronic scheduling system (at the time of this Agreement known as TeleStaff), or by other reasonable means, within 3 business days of receipt of the medical documentation. If the notification is by means other

than the department's electronic scheduling system, the MRC shall promptly notify the fire fighter that the department has been notified that the medical documentation has been accepted.

#### **Section 4. Overtime Restrictions.**

Al~~f~~ a fire fighter does not submit a required FD006 form or medical documentation (as required) to the MRC within 21 calendar days after the fire fighter returns to work after the leave is taken, ~~the~~ fire fighter will not be scheduled for, and cannot work, any overtime shifts, including EMS stand-by work, ~~if the MRC notifies the Shift Deputy/Shift Commander that documentation was not received within the deadline required in this Article for the period of time, if any, that until~~ the fire fighter ~~has not timely submitted~~ submits the required FD006 form or medical documentation ~~or form FD006 within the time deadlines required in this Article, or for a period of 90 calendar days, whichever comes first.~~ For example, if a ~~Suppressions~~suppression fire fighter is required to submit medical documentation because it is his or her ~~third~~ fourth shift of sick leave in a calendar year, (regardless of whether the fire fighter had previously submitted medical documentation for any or all of his or her prior sick leave usage during that calendar year, when all that was required was an FD006 form), and he or she has not submitted the required medical documentation within 21 calendar days of returning to work, the fire fighter will be restricted from working overtime until he or she submits the acceptable medical documentation, or for 90 calendar days, whichever comes first. This restriction does not apply to Emergency Callback or mandatory/forced overtime.

#### **Section 5. Disability Accommodation.**

The parties agree that, in the event that a fire fighter with a documented disability is adversely affected by the requirements stated in this Article to provide medical, or other, documentation in connection with the fire fighter's use of sick leave, beyond that experienced by fire fighters without a documented disability, the City agrees to engage in an interactive process with such fire fighter with a disability to determine what, if any, reasonable accommodation is needed to make the applicable documentation requirements no more burdensome on a fire fighter with a disability than they are on a fire fighter without a disability.

#### **Section 6. Protection of Medical Information.**

The medical records of all Bargaining Unit members as described in this Article shall be kept in confidence and shall be maintained in compliance with the City of Fort Worth Administrative Regulation D-10, Protection of Medical Information.

#### **Section 7. Family Medical Leave Act.**

Leave use which qualifies under the Family Medical Leave Act (FMLA) must be supported by an approved medical certification and appropriate supporting information as required by the City's FMLA Policy. Employees have fifteen (15) calendar days to provide the approved medical certification for medical leave which qualifies under the City's FMLA Policy.