

**Section 212.274 Sick Leave  
EMERGENCY**

- a) Accrual: Full-time employees shall earn sick leave at the rate of one day for each calendar month's service. The Executive Director, Assistant Executive Director and temporary employees do not earn sick leave. No employee shall accrue sick leave while remaining on the payroll to collect accrued vacation prior to the effective date of his termination.
- b) Use: Sick leave may be used in one hour, half day or full day increments for illness, disability, or injury of the employee, appointments with doctors, dentists or other professional medical practitioners, and also may be used in the event of serious illness, disability, injury or death of an immediate family member of the employee. Documentation to substantiate that leave days were used for the purposes stated may be required by the Director if reasonable grounds for abuse exist. In the event an employee does not use any sick leave in any calendar year, the employee shall be awarded one additional personal day on January 1 of the next calendar year after one year of service. A calendar year for the purposes of this provision is the period beginning January 1 and ending December 31 of each year. Such additional personal leave shall be used in accordance with Section 212.282 of this Part.
- c) Accumulation: Employees shall be allowed to carry over any unused sick leave allowed under subsection (a) above, from year to year of continuous service.
- d) Payment in lieu of Sick Leave
  - 1) Upon termination of employment for any reason, or upon indeterminate layoff, an employee or the employee's estate is entitled to be paid for unused sick leave which has accrued on or after January 1, 1984 and prior to January 1, 1998, provided the employee is not employed in another position in State service within four calendar days of such termination.
  - 2) For purposes of this subsection, sick leave is deemed to be used by an employee within the following priority order:
    - A) Sick leave earned through December 31, 1983.
    - B) Sick leave earned on or after January 1, 1998.
    - C) Sick leave earned on or after January 1, 1984 and prior to January 1, 1998.The first earned sick leave shall be the first utilized within each category.
  - 3) In order to determine the amount of sick leave to be paid upon termination of employment, the Office shall:

- A) compute the number of sick leave days granted to the employee between January 1, 1984 and December 31, 1997;
  - B) compute the employee's sick leave balance for that time period at time of termination; and
  - C) cause lump sum payment to be made for one half of the amount of sick leave in subsection (3)(A) or (B) above, whichever is the lesser amount, multiplied by the employee's current daily salary rate.
- 4) An employee who is reemployed, reinstated, or recalled from indeterminate layoff and who received lump sum payment in lieu of unused sick days shall have such days restored provided the employee repays at his last rate of pay upon return to active employment the gross amount paid by the State for the number of days to be so restored to the employee's sick leave account.
  - 5) The payment provided by this subsection shall not be allowed if the purpose of the separation from employment and any subsequent reemployment is for the purpose of obtaining such payment.
  - 6) The accrued leave shall be certified in writing to the employee by the Office. This certification may be held by the employee or forwarded to the Retirement System.