

# Modified Sick Leave Plan (MSL)

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### DIVISION 3. MODIFIED SICK LEAVE PLAN

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#### **Sec. 14-240. Application.**

The benefits provided in this division 3 shall constitute the modified sick leave plan and shall be available only to those employees who are covered by the modified sick leave plan. The meaning of the word "employee" as used in this division shall be so restricted.

*(Ord. No. 84-1962, § 2, 12-19-84; Ord. No. 86-140, § 1, 2-4-86)*

#### **Sec. 14-241. Benefit days—Accrual.**

- (a) Employees shall receive benefit days at the rate of 1¼ eight-hour working days for each full month of employment so that they shall be eligible to receive 15 eight-hour benefit days per benefit year.
- (b) Benefit days may be accumulated without limitation.

*(Ord. No. 84-1962, § 2, 12-19-84; Ord. No. 86-140, § 1, 2-4-86)*

#### **Sec. 14-242. Same—Days charged.**

When an employee utilizes an accumulated benefit day for sick or injury leave purposes, it will be charged to his or her accumulated benefit days on a first-in-first-out accounting basis so that days used during any benefit year will be charged:

- (1) First to frozen days, if any;
- (2) Then to unused days accumulated, if any, from the earliest benefit year and then to unused days accumulated, if any, from each succeeding benefit year until all days earned through the expiration of the last preceding benefit year have been exhausted; and
- (3) Finally to unused days accumulated, if any, during the then-current benefit year.

No further benefits will be paid when all unused accumulated benefit days have been exhausted.

*(Ord. No. 84-1962, § 2, 12-19-84; Ord. No. 85-1336, § 2, 7-31-85; Ord. No. 86-140, § 1, 2-4-86)*

#### **Sec. 14-243. Same—Annual valuation.**

After the conclusion of each benefit year, the director shall determine the number of benefit days accrued during the benefit year that were not utilized during the benefit year, if any, by each employee and the per day value thereof. Such per day value shall be based upon the employee's

average daily rate of base pay plus longevity during the benefit year, and it shall be computed by adding an amount equal to the employee's daily rate of base pay plus longevity as applicable for each biweekly city payroll cycle that commenced during the benefit year and dividing that sum by the number of city biweekly payroll cycles that commenced during the benefit year. To the extent that the city may have two or more different biweekly payroll cycles in effect, then the computation for each employee shall be based upon the payroll cycle applicable to that employee. The per day value of the days so determined shall apply to their payment upon termination pursuant to section 14-244 of this Code; however, they shall be payable as provided in section 14-224 of this Code when utilized by an active employee for compensable sick leave plan benefits.

*(Ord. No. 84-1962, § 2, 12-19-84; Ord. No. 85-1336, § 3, 7-31-85; Ord. No. 86-140, § 1, 2-4-86; Ord. No. 96-1088, § 3, 10-23-96)*

#### **Sec. 14-244. Same—Termination benefit.**

The combined value of any unused accumulated benefit days will be payable to the employee, or to the employee's beneficiaries in the event of the death of the employee, upon the termination or death of the employee, in the following manner:

- (1) Remaining frozen days, if any, will be payable at their per day value calculated as of August 31, 1985, as established under former section 14-225(a) of the City of Houston Code of Ordinances.
- (2) Remaining days, if any, from each benefit year elapsed since the inception of this plan (September 1, 1985), will be paid at their per day value as established pursuant to section 14-243 of this Code.
- (3) Remaining days, if any, from the benefit year in which the employee's employment with the city is terminated will be paid at the employee's daily average rate of base pay plus longevity during the benefit year of termination, to be computed through the biweekly payroll period in which the termination occurs in the same manner provided in section 14-243 of this Code.

*(Ord. No. 84-1962, § 2, 12-19-84; Ord. No. 85-1336, § 4, 7-31-85; Ord. No. 86-140, § 1, 2-4-86; Ord. No. 96-1088, § 3, 10-23-96)*

#### **Sec. 14-245. Wellness.**

Members of the modified sick leave plan may utilize up to eight hours per benefit year of their accrued benefit days for wellness leave to go to health care providers for examinations and physicals, annual check ups and prospective health screening/testing of any kind in order to ensure that the employee continues to stay in good health or for the purpose of encouraging early detection of potentially debilitating or life threatening illness or diseases that might otherwise be ignored. Even though the wellness time used will be charged to their available benefit balance, it shall not be regarded as a use of sick leave for other purposes, such as attendance awards.

*(Ord. No. 96-1088, § 3, 10-23-96)*

#### **Secs. 14-246—14-250. Reserved.**