

- Sick Leave
- Workers
compensation

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Sec. 14-220. Definitions.

As used in this article, the following words and phrases shall have the meanings ascribed to them in this section unless the context of their usage clearly indicates another meaning:

Actively at work means that the employee is actually performing all the regular duties of his employment at a regularly established business location of the city or another location to which he may be required to travel to perform the regular duties of his employment. Although not actively at work as defined hereinabove, an employee, for purposes of this provision, shall be deemed to be actively at work for compensable sick leave plan or modified sick leave plan benefits purposes on each day of leave compensated as a city benefit, such as each day of a regular paid vacation or holiday, on authorized paid sick or injury leave, on a scheduled nonworking off day (exempt employees only), on relief of duty with pay, or on an unpaid absence of 80 consecutive work hours or less. An employee on an unpaid absence in excess of 80 consecutive work hours for any reason will not be considered to be actively at work for sick leave benefits purposes under either plan while on such unpaid absence. Employees serving temporary disciplinary suspensions of 15 calendar days or less shall be considered to be actively at work, but employees serving longer term temporary disciplinary suspensions shall not be considered to be actively at work for sick leave benefits purposes under either plan.

Base pay means the employee's current base biweekly or other appropriate rate of pay for his classification, excluding overtime, assignment pay, higher classification pay, shift differential or any additional compensation based upon his normal working hours.

Benefit or benefits means compensation in the form of continuation of salary.

Benefit year means a plan year commencing on September 1 of each calendar year and ending on August 31 of the next calendar year.

Break in service means any termination of employment of any duration for any reason. The term "break in service" shall not include an authorized leave of absence (paid or unpaid) or a temporary disciplinary suspension of any duration.

Compensable sick leave means a benefit payable to an employee only when the employee has available sick leave hours and has been authorized sick leave by the department director because he cannot discharge his regular duties due to a bona fide illness, disease or off duty injury of the employee, or in order to care for a family member due to the family member's bona fide illness, disease or injury, or because the employee requires time off to consult with or receive testing or treatment from a health care provider for the diagnosis or treatment of his bona fide illness, disease or off duty injury.

Compensable sick leave plan means the program of benefits created in division 2 of this article.

Department director means the director of the department to which an employee is assigned or the department director's designee.

Director means the human resources director of the city.

Employee means any permanent or temporary full-time employee of the city in the classified or unclassified service, including firefighters and police officers who are classified under chapter 143 of the Texas Local Government Code.

Family member means the spouse, child or step-child, or parent or step-parent of the employee.

Frozen days means unused accumulated benefit days that an employee who was employed prior to September 1, 1985, had accrued as of August 31, 1985, through the city's former sick leave plan as provided under former section 14-169 of the City Code which was repealed effective September 1, 1985.

Full-time means regularly assigned to work not less than 40 hours per week.

Modified sick leave plan means the program of benefits created in division 3 of this article.

Part-time means regularly assigned to work less than 40 hours per week.

Sick leave means time off authorized at the discretion of an employee's department director for an employee's own bona fide illness, disease, or off duty injury, or because the employee requires time off to consult with or receive testing or treatment from a health care provider for the diagnosis or treatment of the bona fide illness, disease or off duty injury. Sick leave may also mean time off authorized at the discretion of an employee's department director in order to care for a family member due to the family member's bona fide illness, disease, or injury. Sick leave may be authorized as uncompensated if the employee has no compensable sick leave plan or modified sick leave plan hours available.

(Ord. No. 84-1962, § 2, 12-19-84; Ord. No. 86-140, § 1, 2-4-86; Ord. No. 96-1088, § 2, 10-23-96; Ord. No. 96-1290, § 21, 12-4-96; Ord. No. 05-91, §§ 1, 8, 1-25-05; Ord. No. 2013-761, § 2(Exh. A), 8-21-2013)

Sec. 14-221. Application.

The provisions of this division shall apply to employees who are covered by either the compensable sick leave plan or the modified sick leave plan. No employee may be covered by both plans. Sick leave benefits will not be provided for persons who are employed by the city on a part-time basis or to emergency employees.

(Ord. No. 84-1962, § 2, 12-19-84; Ord. No. 86-140, § 1, 2-4-86; Ord. No. 96-1088, § 2, 10-23-96)

Sec. 14-222. Outside employment.

No employee shall engage in any outside employment on any day for which the employee has requested or received compensable or uncompensated sick leave or workers' compensation benefits with or without salary continuation. Approval of outside employment pursuant to applicable civil service regulations and department policies shall not be construed as authorizing an exception to the foregoing prohibition. A violation of this section shall be grounds for appropriate disciplinary action, including indefinite suspension.

(Ord. No. 84-1962, § 2, 12-19-84; Ord. No. 86-140, § 1, 2-4-86; Ord. No. 96-1088, § 2, 10-23-96)

Sec. 14-223. Off days, holidays.

Benefits may only be utilized and will only be charged for days and hours upon which an employee is regularly scheduled to work. Benefits will not be provided for any extra work days or work hours to which an employee may have been assigned to work on an overtime basis.

(Ord. No. 84-1962, § 2, 12-19-84; Ord. No. 86-140, § 1, 2-4-86; Ord. No. 96-1088, § 2, 10-23-96)

Sec. 14-224. Benefit amount.

When sick leave is utilized by an active employee, compensable sick leave plan or modified sick leave plan, benefits will be computed for payment purposes on the basis of the employee's then current base pay plus any permanent pay components, such as longevity pay, assignment pay or bilingual pay to which the employee is regularly entitled, regardless of whether charged to available sick leave time allowances or charged to frozen days (in the case of employees whose service commenced prior to September 1, 1985, who may have frozen days available).

(Ord. No. 84-1962, § 2, 12-19-84; Ord. No. 86-140, § 1, 2-4-86; Ord. No. 96-1088, § 2, 10-23-96; Ord. No. 2013-761, § 2(Exh. A), 8-21-2013)

Sec. 14-225. Coverage, transitional provisions.

- (a) The modified sick leave plan is a closed enrollment plan that is available only to those employees who have been employed by the city since on or before August 31, 1985, without a break in service and who did not elect to convert to the city's former income protection plan as authorized by law in 1985. Other employees eligible for sick leave benefits, including members of the former income protection plan and persons hired or rehired following a break in service on or after September 1, 1985, shall be members of the compensable sick leave plan.
- (b) Employees who are rehired following a break in service shall be members of the compensable sick leave plan and shall be treated in all respects as new employees thereunder, unless entitled to restoration of modified sick leave plan membership or restoration of other benefits following a layoff or a military leave as provided by law or by civil service regulations.
- (c) The modified sick leave plan shall remain unaffected by the creation of the compensable sick leave plan. An employee who is a member of the modified sick leave plan shall continue to accrue benefits as set forth in division 3 of this article for so long as he remains continuously employed by the city without a break in service. The value of frozen days for a modified sick leave plan member determined as of August 31, 1985, under former section 14-225(a) of the City of Houston Code of Ordinances shall apply to his payment upon termination pursuant to section 14-233 or 14-244 of this Code, as applicable; however, frozen days shall be payable as provided in section 14-224 of this Code when utilized by an active employee for authorized compensable sick leave.

(Ord. No. 84-1962, § 2, 12-19-84; Ord. No. 85-1336, § 1, 7-1-35; Ord. No. 86-140, § 1, 2-4-86; Ord. No. 96-1088, § 2, 10-23-96; Ord. No. 05-91, § 1, 1-25-05)

Sec. 14-226. Injury in course and scope of employment, workers' compensation benefits and salary continuation.

- (a) In a circumstance in which an employee is injured in the course and scope of performing his duties on behalf of the city, the employee's department director may grant the injured employee an injury leave of absence not to exceed 12 months' duration. An employee who qualifies for workers' compensation income benefits under state law shall be paid in accordance with applicable state law for supplemental income or other benefits for which the injured employee may be eligible. In addition to statutory workers' compensation benefits, an injured employee may be paid supplemental salary continuation in an amount not to exceed in the aggregate the maximum of his base salary plus any permanent pay components, such as longevity pay, assignment pay or bilingual pay, to which the employee is regularly entitled. Salary continuation may only be paid in accordance with rules and terms promulgated by the mayor as required elsewhere herein.
- (b) Salary continuation benefits provided under this section shall not be charged to the available compensable sick leave plan time allowances or to the modified sick leave plan balance otherwise authorized in these provisions for compensable sick leave.
- (c) If, at the end of the first 12-month period of injury leave, the employee is still not able to return to full-time employment but medical prognosis indicates that the employee will be able to resume full-time employment following an additional period of treatment and/or convalescence, the city council may, upon the request of the department director with the concurrence of the director and the mayor, grant additional leaves of absence at full or reduced pay for a period not to exceed an additional 12 months, to be granted in increments of three months.

(Ord. No. 84-1962, § 2, 12-19-84; Ord. No. 86-140, § 1, 2-4-86; Ord. No. 96-1088, § 2, 10-23-96; Ord. No. 05-91, § 1, 1-25-05)

Sec. 14-227. Sick leave regulations.

The mayor may, upon recommendation of the director, establish regulations for the accounting of sick leave use and benefits under either plan, for the verification of bona fide illness, disease, off duty injury or medical or other treatment by a health care provider, and for discipline of employees who have excessive absences. Any such regulations shall be consistent with this article and other applicable laws and shall be written so as to ensure that benefits and their use are properly accounted for and that sick leave benefits are limited to eligible uses. The director shall submit accounting regulations to the city controller for approval prior to recommending them to the mayor. With the exception of any provisions that relate to employees who work shifts of unusual duration, the foregoing regulations shall provide, as a qualification for sick leave hereunder, that each absence for an eligible reason after 64 hours within a benefit year, regardless of the duration of the absence, whether taken cumulatively or in a single event, must be verified by an attending health care provider's statement on a form promulgated by the director. No assessment by telephone will be accepted as a verification required herein. Verification may be required prior to the use of 64 hours of sick leave in any instance of potential abuse of sick leave.

(Ord. No. 84-1962, § 2, 12-19-84; Ord. No. 86-140, § 1, 2-4-86; Ord. No. 89-1033, § 1, 7-5-89; Ord. No. 96-1088, § 2, 10-23-96)

Sec. 14-228. Coordination.

All payments for sick leave benefits under this article (whether paid pursuant to the modified sick leave plan, the compensable sick leave plan or as salary continuation under section 14-226 of this Code) shall be subject to coordination with:

- (1) Payments to which an employee is entitled by virtue of any policy or self funded plan of disability insurance benefits provided in whole or in part at the expense of the city; and
- (2) Payments to which an employee is entitled by virtue of any state or federally provided or mandated benefit program including, but not limited to, state workers' compensation benefits and federal social security benefits.

The coordination shall extend to payments made thereunder for the purpose of compensating an employee for lost wages or lost capacity to earn wages, but it shall not extend to payments expressly made thereunder for the reimbursement of actual medical expenses incurred by an employee. In any instance where such other payments as described in section 14-228(2) are available, then the sick leave compensation benefits under this article shall be reduced by an amount equal to the other benefits that are available to the employee, so that the employee shall not receive more than an amount equal to his base salary plus any other permanent pay components.

(Ord. No. 84-1962, § 2, 12-19-84; Ord. No. 86-140, § 1, 2-4-86; Ord. No. 96-1088, § 2, 10-23-96)

Sec. 14-229. Reserved.

Editor's note—

Ord. No. 2013-761, § 3, adopted August 21, 2013, repealed § 14-229 in its entirety. Formerly said section pertained to use limitations and derived from Ord. No. 96-1088, § 2, 10-23-96.