



MEMORANDUM

DATE: June 2, 2014

TO: All SFMTA Transit Operators (9163)

FROM: Alicia John-Baptiste, Chief of Staff 

SUBJECT: Transit Operators "Sick-Out"

Today, a large number of transit operators did not report for work in what appears to be a "sick out". This memorandum is to inform operators that any such work stoppage is prohibited under the Memorandum of Understanding (MOU) between the SFMTA and Transport Workers Union (TWU) Local 250-A (9163), and that operators engaging in this conduct are not entitled to receive paid sick leave.

The TWU Local 250-A (9163) MOU, Article 28 No Strike Clause states in part, "Strikes, slowdowns or work stoppages are prohibited during the term of this MOU." This agreement is in effect until June 30, 2014.

In addition, paid sick leave is not available and will not be permitted to cover such a work stoppage under Civil Service Rule 420. **Operators claiming to be sick today, or in connection with any future "sick out", will be required to submit adequate verification from their health care provider in order to be eligible to receive paid sick leave today (or during any future "sick out").** Operators claiming to be sick today are eligible to work immediately whether verification is provided or not. Payment for today, however, is dependent on appropriate verification. Operators who are already on approved sick leave (or other approved leave for which the use of paid sick leave is appropriate) need not submit such verification.

As a reminder, employees may only use sick leave for reasons considered eligible under the Civil Service Rules, the CCSF Employee Handbook, the MOU, and other applicable laws. Sick leave is available to employees when they or a family member is sick or in need of medical care. It would be dishonest to claim entitlement to sick leave when these circumstances do not pertain.

Operators engaging in an unauthorized work stoppage or "sick out" are not entitled to receive paid sick leave and further, may be subject to discipline, up to and including termination.

For all the above reasons we advise employees not to engage in a "sick-out" or any other unauthorized work stoppage.