Cross Reference:...... 1.40, 3.06

I. Introduction
Division Directives do not detail all sick leave, injury leave, and Family and Medical Leave Act (FMLA) benefits and requirements. Additional information on sick leave and accrual, injury leave credit, FMLA provisions, and related subjects is contained in the appropriate pay ordinance and work agreement.

II. Policy Statements
A. Division personnel shall comply with the current applicable work agreements.
B. The Chief of Police shall review the status of employees who are unable to consistently perform their regularly assigned duties for a six-month period. The Chief of Police may order an investigation or may recommend additional leave, absence without leave, additional restricted duty, administrative reassignment, or termination.
C. Division personnel marked off sick or injured are expected to be at home during their regular duty hours and may be required to show just cause for not being at home during their regular duty hours.
D. To determine fitness for duty, a Division employee shall be required to produce medical documentation from the employee’s physician or appropriate attending medical professional and/or undergo examination by an appropriate medical professional designated by the city.
E. Pregnancy-related disability shall be treated as a non-work-related disability or illness.
F. Sworn personnel incapable of performing their regular duties due to illness or injury, but capable of performing duties in a limited capacity, shall request restricted duty.
G. To be eligible for coverage under the FMLA, personnel must have been employed by the city for one year and must have worked 1,250 hours during the previous 12 months.
1. Personnel have the right to 12 weeks of leave (paid and/or unpaid) and to reinstatement to the same or equivalent job upon return to duty, under the following conditions:
   a. Medical leave under FMLA:
      (1) To care for an immediate family member (child, spouse, parent) with a serious health condition.
(2) When personnel are unable to perform their duties due to a serious health condition.

b. Family leave under FMLA:
   (1) Due to the birth of a child and/or caring for a newborn child.
   (2) For the placement of a child for adoption or foster care.
   (3) For the care of a parent.
   (4) If the parents/caregivers are two city employees who are married to each other, they are entitled to 12 weeks of FMLA leave shared between them. They are not entitled to 12 weeks per employee.

2. Personnel cannot take more than 12 weeks of leave guaranteed by the FMLA during a 12-month period, which is counted backward from the date that the leave began. The city will capture leave taken that is FMLA-eligible and deduct it from the 12 weeks of guaranteed FMLA leave, after the employee is notified by the Employee Benefits Unit (EBU).

H. Absence without leave shall be granted or denied on a case-by-case basis in accordance with the applicable current work agreement. While on approved absence without leave:
   1. Insurance coverage will be discontinued at the beginning of the fourth calendar month; however,
   2. For personnel having exhausted approved injury leave granted according to their work agreement, insurance coverage will continue until they can return to paid status, resign, retire, or be terminated.

I. Personnel on injury leave shall contact EBU each payperiod concerning any documentation that needs to be forwarded.

III. Procedures
A. Requesting Sick Leave Due to Illness in the Family or Death in the Family
   1. Refer to the current applicable work agreement and the FMLA for information. A copy of the FMLA can be obtained from EBU.
   2. If on duty, notify both of the following:
      a. Your on-duty supervisor
      b. The Information Desk
   3. If off duty, notify the Information Desk.

B. Reporting Illness or Injury When Off Duty
   1. Notify the Information Desk prior to the start of your tour of duty.
   2. If the mark off is of a personal or sensitive nature:
      a. Advise the Information Desk officer to indicate “sick—personal illness” and then,
      b. During business hours on the first work day after the mark off, contact EBU to provide the necessary details.
C. Reporting Illness, Exposure, or Injury When On Duty

1. Personnel
   a. If becoming ill while on duty and unable to continue working, notify both of the following:
      (1) Your on-duty supervisor.
      (2) The Information Desk. If the mark off is of a personal or sensitive nature:
          (a) Advise the Information Desk officer to indicate “sick—personal illness” and then,
          (b) During business hours on the first work day after the mark off, contact EBU to provide the necessary details.
   b. If exposed to an infectious disease or hazardous material while on duty:
      (1) Seek immediate medical treatment, if necessary.
      (2) Refer to applicable Division publications for additional information.
      (3) Notify your on-duty supervisor as soon as possible.
      (4) Complete the appropriate sections of the Injury Packet.
      (5) File an Exposure Packet, available in the supply closet in the Patrol Administrative Unit, with the Safety Programs Manager.
      (6) Cause the Information Desk to be notified if unable to continue working.
      (7) Cause the proper medical documentation to be submitted if requesting injury leave.
          (a) Sick leave, vacation leave, or other leave will be used until injury leave is certified by the designated authority.
          (b) If injury leave is certified, used leave will be restored.
          (c) If injury leave is not certified by the designated authority, the decision may be appealed to the city’s Industrial Relations Board within 10 calendar days of the date notification was received that the injury leave was not certified.
      (8) Contact EBU each payperiod to ensure that all necessary documentation is being forwarded. This will reduce the chances of being placed in absence without leave status.
          Note: Personnel on approved injury leave will continue to have insurance coverage.
   c. If injured while on duty:
      (1) Seek immediate medical treatment, if necessary.
      (2) Notify your on-duty supervisor as soon as possible. Failure to report an injury within the time limit specified in the applicable work agreement may be grounds for not granting injury leave.
      (3) Complete the appropriate sections of the Injury Packet.
      (4) Cause the Information Desk to be notified if unable to continue working.
      (5) Cause the proper medical documentation to be submitted if requesting injury leave.
(a) Sick leave, vacation leave, or other leave will be used until injury leave is certified by the designated authority.
(b) If injury leave is certified, used leave will be restored.
(c) If injury leave is not certified by the designated authority, the decision may be appealed to the city’s Industrial Relations Board within 10 calendar days of the date notification was received that the injury leave was not certified.
(6) Contact EBU each payperiod to ensure that all necessary documentation is being forwarded. This will reduce the chances of being placed in absence without leave status.

Note: Personnel on approved injury leave will continue to have insurance coverage.

(7) If necessary, request injury leave for doctor and/or therapy appointments due to an on-duty injury:
(a) Complete the appropriate sections of the Recurrence Packet.
(b) If applicable, complete a therapy calendar containing the dates and type of therapy.

Note: Personnel will be permitted injury leave time for the therapy appointment and no more than 1/2 hour travel time to and from the appointment.

2. On-Duty Supervisor
   a. Investigate a reported injury.
   b. Complete the appropriate sections of the Injury Packet.
   c. Review and sign the completed Injury Packet to affirm the accuracy of the reported information.
   d. Forward the Injury Packet to EBU.
   e. If an on-duty employee cannot continue working as a result of illness or injury, ensure that the Information Desk is notified.

D. Reporting Recurrence of On-Duty Injury
   1. Notify the Information Desk and mark off old injury. Provide the date of the original injury and the injured body part.
   2. If on duty, notify your on-duty immediate supervisor as soon as practical.
   3. Complete the appropriate sections of the Recurrence Packet and forward to EBU within 48 hours.
   4. Cause the proper medical documentation to be submitted if requesting injury leave.
      a. Sick leave, vacation leave, or other leave will be used until injury leave is certified by the designated authority.
      b. If injury leave is certified, used leave will be restored.
c. If injury leave is not certified, the decision may be appealed to the city’s Industrial Relations Board within 10 calendar days of the date notification was received that the injury leave was not certified.

E. Reporting Stress-Related Illness or Injury

1. Employee Benefits Unit Personnel and Information Desk Personnel
   b. Cause the employee’s commander to be immediately notified when an employee’s Sick/Injury Leave Request cites one of the following as the reason for the leave:
      (1) Stress
      (2) Depression
      (3) Any other injury or illness where there is a safety concern

2. Commander
   a. Cause an immediate investigation when any Division employee marks off sick or injured, or is relieved of duty, due to:
      (1) A mental or emotional stress-related illness or injury, or
      (2) Any condition that might indicate mental disability or where there is a safety concern.
   b. Ensure the sworn employee is advised of the following requirements:
      (1) To surrender his or her badge and all city-issued firearms to the commander or commander’s designee.
      (2) Do not carry any weapons while off duty.
      (3) Do not exercise police authority.
      (4) Observe these restrictions until:
         (a) Certified for regular duty by an appropriate mental health professional or medical authority, and
         (b) Approved for duty by the Chief of Police or the Chief’s designee.

F. Using Extended Sick or Injury Leave or Requesting Absence Without Leave

1. Contact EBU each payperiod to update your status and to ensure that any required documentation has been received.
2. In the case of an on-duty injury, cooperate with the managed health care caseworker.
3. Refer to the FMLA to determine whether it may be applicable to you.
4. Upon using all available sick leave, submit a request through the chain of command to use other accrued leaves, if desired.
5. Upon using all accrued leaves, submit a request through the chain of command for absence without leave if you are incapable of returning to duty. Refer to the “Leaves: Vacation, Overtime, Holiday, Personal Emergency, Military, and Jury Duty” directive.
G. Restricted Duty

1. Sworn Personnel Requesting Restricted Duty
   a. Submit a request for restricted duty to your bureau commander indicating the following:
      (1) The nature of the illness or injury,
      (2) Specific physical or mental limitations, and
      (3) The estimated date of return to regular duty.
   b. Forward copies of the request for restricted duty along with the original note from the attending physician to EBU.

2. Sworn Personnel Receiving Approval to Work Restricted Duty
   a. Notify the Information Desk.
   b. Surrender your badge and any city-issued firearms until certified for regular duty, if so notified.
   c. Do not wear any Division uniform while on restricted duty.
   d. Do not take any enforcement action except in exigent circumstances.
   e. Provide your own transportation to the restricted duty station, even if the disability prevents you from driving.
   f. Provide documentation of the progress of your medical treatment as directed by the Business and Personnel Bureau Commander or Personnel Administration Section Lieutenant.

3. Employee Benefits Unit Personnel
   a. Maintain a list of personnel approved to work restricted duty.
   b. Notify the involved personnel’s bureau commander if documentation of the progress of medical treatment is not provided.

4. Commander
   a. Assign a sworn employee who normally reports to you and is approved for restricted duty to an available restricted duty assignment in your bureau.
   b. If there are not any restricted duty assignments within your bureau or you determine there is a greater need for that employee elsewhere, contact the Personnel Administration Section Lieutenant.
   c. Assign a sworn employee to restricted duty on his or her regularly assigned shift, unless the employee volunteers to work a different shift.

H. Returning to Regular Duty Following Sick Leave, Injury Leave, or Restricted Duty

1. All Personnel
   a. Notify the Information Desk to mark up prior to returning to regular duty.
   b. If any of the following conditions apply, forward a note from the attending physician to EBU upon returning to regular duty:
(1) More than three days of sick leave were used.
   The physician’s note must state the nature of the illness and that you are capable of returning to **regular duty**.

(2) Previously notified by a commander to do so.
   The physician’s note must state the nature of the illness and that you are capable of returning to **regular duty**.

(3) More than two days of sick leave were used due to illness in the immediate family.
   The physician’s note must state the nature of the family member’s illness and that you were required to care for the family member.
   <br>Note: Consult the applicable work agreement for the definition of immediate family.

(4) You were assigned to restricted duty.
   The physician’s note must state that you are capable of returning to regular duty.

c. Submit a copy of the physician’s note **to your immediate supervisor**.

2. Civilian Personnel

a. Notify the Information Desk before returning to duty.

b. If any of the following conditions apply, forward a note from the attending physician to EBU **upon** returning to duty:

(1) As a CMAGE, OLC, or MCP member, more than two days of sick leave were used.
   The physician’s note must state the nature of the illness and that you are capable of returning to work.

(2) As an AFSCME member, more than three days of sick leave were used.
   The physician’s note must state the nature of the illness and that you are capable of returning to work.

(3) Previously notified by a commander to do so.
   The physician’s note must state the nature of your illness and that you are capable of returning to work.

(4) More than two days of sick leave were used due to illness in the immediate family.
   The physician’s note must state the nature of the family member’s illness and that you were required to care for the family member.
   <br>Note: Consult the applicable work agreement for the definition of immediate family.

c. Submit a copy of the physician’s note **to your immediate supervisor**.
I. Requesting and Taking Leave Under the FMLA

1. Consult the applicable current work agreement or the Division’s Human Resources Manager for specific requirements concerning the type of leave that can be used. For example, sick leave can only be used toward an employee’s FMLA entitlement during the employee’s own illness.

2. Obtain FMLA paperwork from the Division’s Human Resources Manager.
   a. Complete and forward the paperwork to the Division’s Human Resources Manager as soon as you anticipate taking leave under FMLA.
   b. If possible, submit the paperwork at least 30 days before taking the FMLA leave.

3. Notify the Information Desk when beginning to use approved leave guaranteed by the FMLA, whether vacation leave, compensatory time, holiday leave, sick leave, personal emergency leave, or absence without leave.

4. Notify the Information Desk before returning to duty following the use of FMLA leave.

J. Record Keeping

1. Information Desk Personnel
   Follow the instructions detailed in the Patrol Administrative Unit’s standard operating procedures manual.

2. EBU Personnel
   a. Maintain records of employee sick leave and injury leave.
   b. Enter all applicable information from the Sick/Injury Leave Request into the appropriate database.
   c. Forward the Sick/Injury Leave Request to the Payroll Unit.
   d. Notify the involved employee’s commander when an employee has marked off four times within a calendar year, except for death in the family, FMLA leave, an on-duty injury, or a mark off of less than eight hours.
   e. Generate and maintain the restricted duty and extended leave report.
   f. During January of each year, furnish commanders with a list of employees required to submit a physician’s note upon returning to duty.
   g. Advise commanders of any information having a bearing on their areas of responsibility.

3. Commander
   a. In January of each year, and as needed, review the status of employees required to furnish a physician’s note upon returning to duty.
   b. Instruct an involved employee’s immediate supervisor to conduct an interview to evaluate the employee’s sick leave usage or medical condition, when necessary.
c. Review each employee's circumstances on a case-by-case basis.

d. Instruct any employee suspected of sick leave abuse to furnish a
physician’s note upon returning to duty after all subsequent sick mark
offs. This requirement will continue until rescinded by the employee's
commander.

e. Cause a supervisor to make a home visit when:

   (1) An employee marks off sick for 8 hours or more, five times or more
       in a calendar year, excluding mark offs due to death in the family,
       approved FMLA leave, or on-duty injury.

   (2) An employee marks off on extended sick/injury leave and is
       not maintaining contact with EBU as specified in this directive.

   (3) Deemed necessary.

f. Forward to EBU the letter of information concerning the home visit,
after the visit has occurred.

4. Supervisor

   a. Refer to the Supervisor's Manual for information on conducting home
      visits.

   b. After a home visit, forward a letter to EBU through the involved employee's
      chain of command. Include:

      (1) Date and time of visit.

      (2) Appearance and well-being of the employee.

      (3) Any additional relevant information.