

# TAKOMA PARK POLICE DEPARTMENT - GENERAL ORDERS



TITLE: <b>LEAVE</b>	NUMBER: <b>407</b>
EFFECTIVE DATE: <b>August 30, 2016</b>	REVIEW DATE:
New    Amends    Rescinds	General Order 407, dated March 28, 2008
AUTHORITY: <b>Chief Alan Goldberg</b>	ACCREDITATION STANDARDS: <b>22.2.1</b>
	TOTAL PAGES: <b>7</b>

**01 Purpose:** To establish guidelines for the orderly granting of and accounting for all leave, except annual leave. Annual leave requirements are set forth in the City Code and in Union Contracts.

**02 Policy:** All employees, sworn and civilian, shall abide by procedures herein.

**03 Sick Leave:**

**A. Accrual:** All full-time and part-time employees earn sick leave at a rate of fifteen days per year, calculated at ten hours a month, per City Code Section 4.04.340. Part-time leave is prorated.

**B. Accumulation:** There is no limit on the amount of sick leave an eligible employee may accumulate in any calendar year. Unused sick leave in any year will be carried forward automatically to the next year.

**C. Granting of Sick Leave:** Any employee is entitled to use earned sick leave for the following reasons:

1. Sickness or disability, which incapacitates;
2. Necessary medical or dental appointments;
3. Confinement at home because of quarantine;
4. Family medical necessity. Sick leave may be granted when there is a demonstrated need for an employee to be present to care for an immediate family member of the employee's household (spouse, children, mother, father, siblings, domestic partner, step family), or other family sickness as follows: (a) legally related persons residing outside the employee's domicile; and (b) another person with whom the employee resides under the same roof. Leave in this case will not exceed forty hours per incident and must be applied for through written memorandum to the Chief or his designee. The employee will provide proof of illness to the Chief or designee if deemed necessary, in accordance with the Family Medical Leave Act (FMLA).

**04 Bereavement Leave:** Section 4.04.390 of the City Code allows the granting of bereavement leave for a funeral or other condition caused by death in the immediate family. "Immediate Family" is defined in the Union Contract. Funeral leave shall not exceed three working days.

**05 Maternity Leave:** Section 4.04.380 provides for the granting of maternity leave. The employee, at her discretion, may use earned sick or annual leave, or a combination of both. The employee may request leave without pay to extend maternity leave beyond accrued leave. In absences of sixty days

or longer, the affected employee will request the extension of leave every thirty days to the Chief of Police or his/her designee.

**A. Light Duty:** Light duty is dispatch work or office work within the station and may involve rotating shifts. Assignment to light duty will depend on the availability of such work. Where no light duty exists, which is consistent with medical certification, leave as discussed above will be granted.

**B. Police Powers:** Any employee, upon certification of pregnancy and absent a physician's certification that she is fully able to continue to discharge the duties of a police patrol officer, will cease participation immediately in all police-related activities both on and off-duty, except for police dispatch or office work, i.e., light duty. However, a pregnant employee may carry her authorized duty weapon and police credentials for personal protection.

**C. Third Trimester Employment:** Any pregnant employee desiring to continue work beyond the beginning of the third trimester (7th month) of pregnancy will submit a statement from her physician and each month to follow, certifying that she is able to continue work. This requirement will ensure the stability of the pregnancy and the health of the employee.

**D. Return to Patrol Duty:** After delivery, the employee will not return to patrol duty for a six-week period, unless a physician's certificate is submitted which states that the employee has fully recovered and is fully able to discharge the duties of a police patrol officer.

**06 Parental Leave:** Per the Union Contract and the FMLA, *eligible* employees who are prospective mothers or fathers may use accrued sick and annual leave as parental leave before or after the birth of a child, or after the adoption of a child, in order to care for the child. (Note: The FMLA defines eligible employees as individuals who have been employed for at least 1 year by the employer and who have provided at least 1,250 hours of service during the previous 12-month period.) If this leave is to last for more than fifteen consecutive workdays, the employee must obtain the consent of the Chief of Police. The Chief may require the employee to work part-time. Any requests for leave without pay, after accrued leave is exhausted, must be made to the Chief of Police. In absences of sixty days or longer, the employee will request an extension of leave every thirty days thereafter to the Chief of Police or his/her designee.

**07 Approval of Sick Leave:**

**A.** When an employee is absent for three or more days consecutively, he/she is required to submit written evidence from a licensed physician or other appropriate verification, which validates the sick leave request.

**B.** Any employee-injured off-duty must notify his/her supervisor within 48 hours, and prior to returning to work, prepare a written report for submission to Administrative Services.

**C.** In the event that a sick leave request is not approved by the employee's supervisor, the employee's absence from work shall be charged against the employee's annual or other leave.

**08 Exhaustion of Sick Leave:** An employee who has used all accumulated sick leave may request the use of annual leave. When both sick and annual leave are exhausted, the employee may request leave without pay. In both cases, the request must be in writing to the Chief of Police.

**09 Notification:** When it becomes necessary for an employee on shift work to take sick leave, the employee will call the on-duty supervisor no later than one and one-half hours prior to the time they are to report to work. An employee not on shift work will notify their office at least one-half hour before they are expected to report for work.

**10 Leave with Pay:** Leave with pay may be granted to any employee by the Chief of Police for any of the following reasons:

- A. Performance of jury duty. Employees must notify their supervisors seventy-two hours in advance, and keep them updated on the anticipated length of time to be missed from work.
- B. For the purpose of taking educational courses directly related to the employee's work as determined by the Chief of Police. Such requests must be approved in advance, and shall be for a period not to exceed twenty working days, unless special permission is granted by the Chief of Police.
- C. For the purpose of investigating an alleged act of misconduct by an employee.
- D. For the purpose of undergoing a medical examination such as may be required by the Chief of Police.
- E. Pending internal investigations. While on leave pending an internal investigation, the officer must appraise Communications and CID of his/her location and telephone number during the normal work hours (0900 to 1700 hours). Extended trips must be approved by the Chief of Police in advance and only if such trips do not interfere with the investigation.

**11 Military Leave With Pay:**

- A. Military leave with pay will be granted for up to fifteen days per calendar year for employees who are members of the National Guard or military reserve units. Employees must present copies of official orders for duty/training at least one week in advance when possible.
- B. Military leave shall be approved by the Chief of Police for employees ordered to report for domestic emergency duty related to disasters or civil disturbances. Leave shall not exceed fifteen days per emergency incident.
- C. The employee on military leave shall be in a full-pay status while on active duty.

**12 Disability Leave:** Any employee who is temporarily disabled in the performance of his/her duties is entitled to receive full salary for the period of the temporary disability without charge against annual or sick leave, subject to the following conditions:

- A. The disability is temporary and resulted from an injury or illness, including infectious illness, sustained directly in the performance of the employee's work.

**B.** The injury or illness lasts for no longer than six months.

**C.** Disability leave is limited to the period the employee is disabled as certified in the attending physician's statement. The maximum amount of disability leave, which may be granted, based upon one statement is thirty calendar days. An employee must submit an additional attending physician's statement to be granted additional leave.

**D.** Disability leave shall not exceed ninety calendar days for any one injury. However, an additional grant of disability leave for another ninety days may be granted by the Chief of Police with the approval of the City Manager. In cases involving work in exceptionally hazardous positions or classes of work, longer periods of disability leave may be authorized by the City Manager.

**E.** Disability leave use is cumulative and does not require consecutive use periods.

**F.** While on disability leave an employee will not participate in any Department sponsored function to include weapons training, radar training, etc., without the written approval of the Chief of Police.

**G.** While on disability leave officers will not wear their uniform and will not willfully engage in law enforcement activities likely to result in physical exertion. Officers on disability leave will not operate or ride in marked emergency vehicles unless they are clearly marked out of service.

**13 Light Duty:** Where a temporary disability incapacitates an employee so that they cannot adequately perform their duties and responsibilities, the employee may be detailed to light duty, which consists of plainclothes dispatch work or office work within the station. Rotating shift work may be required. The incapacity of an employee will be determined by physician certification. Unwillingness to accept light duty shall make an employee ineligible for disability leave.

**A.** The Chief may grant light duty details for up to sixty days, and extensions in increments of 30 days thereafter.

**B.** Employees on light duty will be placed on a 40-hour workweek schedule, consistent with medical advice.

**C.** Details are limited to the time period specified in the attending physician's statement, which cannot exceed thirty calendar days for each request. The employee's physician must submit an additional statement to extend the detail.

**D.** While on light duty an employee will not participate in any Department sponsored function to include weapons training, radar training, etc., without the written approval of the Chief of Police.

**E.** While on light duty officers will not wear their uniform.

**F.** While on light duty Officers will not willfully engage in law enforcement activities likely to result in physical exertion. Light duty Officers will not operate or ride in marked emergency vehicles unless they are clearly marked out of service.

**14 Police Powers:** Police powers of a disabled officer may be suspended by the Chief of Police at any time based on review of each individual's medical condition. An officer will be given a memorandum in such cases. However, any disabled or sick officer may carry their assigned weapon and police credentials.

**15 Certification:** A licensed physician employed or retained by the City shall attest to the physical and/or mental ability of the employee to continue working, to return to work, or may accept the certification of the employee's licensed physician.

**16 Assignment of Worker's Compensation Benefits to the City:** Employees on temporary disability leave who receive money from the City for time lost from work, while waiting for benefits from Worker's Compensation, must coordinate with Administrative Services to assign back to the City the appropriate amount of benefits received to repay money initially given by the City.

**17 Clothing/Vehicle Allowance:** An employee on disability leave for more than thirty days will have their uniform allowance prorated for the time they are away from work, and not performing light duty.

**18 Use of Sick Leave When Injured:** If an employee is unable to return to work after using the maximum disability leave allowance, they will be placed on sick leave, annual leave, or leave without pay, as appropriate. Sometime prior to this occurring, consideration of a disability or medical retirement will be explored.

**19 Leave Without Pay - General:**

**A.** Leave without pay may be granted to an employee by the Chief of Police with the approval of the City Administrator for periods up to, but not in excess of, one calendar year for any one request. Leave without pay shall be granted only when the interest of the City will not be jeopardized due to the employee's absence.

**B.** Leave without pay may be granted for any one of the following reasons:

1. To retain an employee who has exhausted all sources of accrued leave;
2. To allow an employee to participate in educational programs, when such participation will contribute to the employee's efficiency and effectiveness as a City employee.

**C.** Return to Duty: The failure of the employee to return to duty on or immediately after the expiration date of the approved period of leave without pay shall be considered an automatic resignation by the employee.

**20 Extended Sickness, Injury, or Disability:**

**A.** Whenever an employee's sick or disability leave extends beyond three days, the employee shall obtain a physician's certification of the illness or injury. The certification must contain:

- \* diagnosis of the injury or illness
- \* prognosis for recovery
- \* date the employee can be expected to return to work, or

\* date the employee is scheduled for re-examination or re-evaluation

**B.** The employee shall submit medical documentation whenever they are re-evaluated. In no instance, however, will more than 30 calendar days expire without the submission of a current medical prognosis.

**21 Time Limits for Submitting Documents-General:**

**A.** The employee must obtain and submit a physician's certification no later than seven calendar days following the beginning of an employee's absence related to illness.

**B.** Whenever an officer is injured on-duty the supervisor will complete the First Report of Injury package and forward it to Administrative Services within 24 hours.

**C.** Subsequent medical notices will be required every thirty days or whenever the employee is re-evaluated, unless such notification is waived by the Chief of Police or Administrative Services Division Commander.

**22 Transfer of Employees:** Employees who are carried on sick leave or disability leave in excess of 15 calendar days may be assigned light duties.

**23 Worker's Compensation:**

**A.** The Chief of Police or his/her designee may require an injured employee to undergo a vocational rehabilitation evaluation as required under the Worker's Compensation Law, Maryland Code, Labor and Employment Article, Section 9 - 673.

**B.** All disability must result from an injury or occupational illness sustained while performing the employee's work-related duties or duties otherwise assigned by the Chief of Police or a supervisor. An employee who is injured while engaging in horseplay or other unauthorized behavior is not eligible for disability leave.

**24 Examination by City Physician:** An employee may be required to undergo examination by a licensed physician selected and retained by the City. Where proof exists that the employee has recovered and is able to perform his/her duties satisfactorily, any limitations imposed pursuant to previous physician's statements will be removed, and the employee returned to full duty.

**25 Absence Without Leave-General:** Absence without leave shall mean a non-pay status wherein the employee is absent from work without approved leave. An employee absent without approved leave is subject to dismissal for abandonment of their position.

**26 Requests for Leave:** Leave is requested by completing a time off request in the electronic time keeping system. When applying for more than one week of leave, a request will be made one week in advance. Three or more weeks of leave must be requested at least 60 days in advance. All leave requests are subject to approval by the established chain of command.

**27 Emergency Leave:** An employee requesting emergency leave will notify their immediate supervisor twenty-four hours in advance whenever possible. If the supervisor cannot be reached, the chain of command should be followed until notification can be made. Failure to follow this requirement will result in the employee be carried as absent without leave.

**28 Holidays:** The City of Takoma Park recognizes the following days as legal holidays for which compensation will be made in accordance with provisions of the City Code Section 4.04.320 and the union contracts:

New Year's Day

Martin Luther King, Jr.'s Birthday

President's Day

Memorial Day

Independence Day

Labor Day

Veteran's Day

Thanksgiving

Day after Thanksgiving

Christmas Eve (½ Day)

Christmas