COMPENSATIONS AND BENEFITS

MEDICAL LEAVE

Purpose: The purpose of this directive is to establish procedures for a member's sick leave in regard to any medical leave which renders a member unable or incapable of performing all or part of his or her assigned duties.

Policy Statement: It is the policy of the North Little Rock Police Department to establish sick leave guidelines, which will prevent members from suffering loss of pay when they are not able to work due to an injury or illness, but in keeping with the goals and missions of the Department will allow provision of the effective and efficient delivery of police services to the City of North Little Rock.

Summary of Changes: Section 1.4 added additional requirement for sick leave documentation; Section 2 updates information on forms for sick leave; Section 3 updates definition of abuse of sick leave and defines actions that may be taken by the Department.

Definitions:  
Abuse of Sick Leave will be defined as any pattern of sick use which indicates a member is failing to fulfill the obligations of their job or assignment.  
Family and Medical Leave is leave granted or designated in accordance with the Family and Medical Leave Act of 1993 (US Department of Labor Wage and Hour Division).  
Immediate Family in this policy is defined as spouse, children, mother, father, brother, sister, grandparents, mother-in-law, father-in-law and if living under the same roof with the employee, any relative or relative by marriage.  
Sick Leave is paid leave allowed members when they are unable to work due to illness or injury.  
Sickness in Family (SIF) is defined as five days of paid sick leave per year which may be used for care of a member in the immediate family due to illness or injury as defined in the current City contract and policy.  
Permanent Member is defined as a member who has successfully completed the required probationary period. The term "permanent member" is used only to indicate those members who have completed the required probationary period and no legal rights or privileges are conferred by the use of this term.  
Probationary Member is defined as a member who has not completed the required probationary period.

Procedure:  
1 Members' Sick Leave  
1.1 All permanent members are entitled to paid sick leave.  
1.1.1 Sworn permanent members will accrue sick leave at the rate of twenty (20) days per year beginning one (1) year after the date of employment.  
1.1.2 Sworn probationary members will be allowed three (3) sick days during the first year of employment. This leave will be counted against accrued sick leave which starts at the beginning of the member's second year of employment.  
1.1.3 Non-sworn members will begin to accrue sick days on their date of hire (DOH) at the rate of one (1) day, five (5) hours and twenty (20) minutes per month, which is equal to twenty (20) days per year.  
1.2 Sick leave accrues with no limit on maximum accumulation.  
1.3 Sick leave may be used in increments of not less than two (2) hours.  
1.4 When a member is absent on sick leave for more than three (3) consecutive days, the member will be required to furnish a written statement from a medical provider documenting the member's inability to work and documenting when the member will be allowed to return to work. Additionally, employees who are out sick for more than a week or who have been observed taking frequent sick leave in a manner in violation of Section 3 will be required to submit additional documentation for sick leave approval.  
1.5 Sick leave may be taken when an illness or injury renders the member unfit for work or an illness is of a nature that the member's presence would expose other members in the work place to a communicable disease  
1.6 Sick leave may be used for medical, optical, dental, and psychological health care.  
1.6.1 Members may use sick leave for necessary medical and dental appointments which cannot, with reasonable practicality, be scheduled outside the normal workday.  
1.6.2 A member will notify his supervisor in writing of the date and time of the appointment at least five (5) days prior to such appointments, except in cases of emergency.
1.6.3 In case of emergency, the member will inform the supervisor as soon as the appointment is made or completed, whichever is more practical.

1.6.4 The scheduling of such time off for appointments will be subject to the reasonable needs of the Department.

1.7 Members must request sick leave at least one (1) hour before the member is scheduled to report to work.

1.7.1 Requests are to be made to the member’s supervisor or to an on-duty supervisor, who will then be responsible for entering the sick leave into the Department’s payroll system.

1.7.2 When requesting sick leave, members are required to provide an address and/or telephone number where they may be reached during the tour of duty for which the sick leave was requested.

1.7.3 If the member has taken three (3) or more consecutive days of sick leave due to a serious health condition, the member’s supervisor will refer and adhere to Policy Directive 21-08, which is the FMLA Policy.

1.8 Any member who becomes sick while at work to the extent the member needs to leave work will immediately notify their supervisor who will approve or disapprove the sick leave.

1.9 When sick leave is disapproved, the member’s supervisor(s) will conduct a personnel conference as soon as practical with the member and explain the reason for the denial.

1.9.1 The member will have the right to appeal through the chain of command up to and including the Chief of Police.

1.9.2 The conference with the member will be documented on a personnel conference memo and forwarded through the chain of command to the Chief of Police.

2 Employee Sick Leave Forms

2.1 Supervisors will forward all employee sick leave requests to the Department’s payroll clerk.

2.1.1 Members will complete a NLRPD Time Off Request form (found on DHQ) indicating “SIE” or “SIF” as time off type requested immediately upon their return to work after being off on sick leave.

2.1.2 The Time Off Request form will be submitted to the supervisor the same shift the member returns to duty.

2.1.3 The Chief of Police or Division Commander may request additional medical documentation concerning the member’s illness, injury, or condition related to the member’s sick leave request.

3 Abuse of Sick Leave

3.1 Abuse of the sick leave policy shall be defined as any pattern of sick leave use which indicates a member is failing to fulfill the essential functions of the job, or is frequently taking sick leave in conjunction with weekends or other scheduled days off. When the pattern of a member’s sick leave use indicates abuse, the Chief of Police or Division Commander will be authorized to:

3.1.1 Personally verify all subsequent claims of temporary incapacity, either by telephone, home visit, or a request for medical documentation related to the specific illness, injury or condition stated as the reason for the member’s sick leave use if violation of the sick leave policy is suspected.

3.1.2 Require the member to complete an Employee Sick Leave Report form (found on DHQ) immediately upon their return to work after being off on sick leave.

3.1.3 Require the member to submit to a job-related, fitness for duty evaluation by the City’s medical provider in order to determine whether or not the member is able to perform the essential functions of the position. The essential functions of the job include the ability to maintain a record of regular and predictable attendance and punctuality, and if required by the position, the ability to answer call outs at any time of the day or night, or to work overtime;

3.1.4 Require the member to obtain a medical provider’s statement on a form meeting the City’s requirements as set forth in section 1.4 above, for each subsequent absence for which sick leave is claimed for a period of ninety (90) working days after being notified that a pattern of sick leave abuse has been established.

3.1.5 Request additional medical documentation related to the specific illness, injury, or condition in question to verify that the sick leave policy is not being abused before such leave will be approved.

3.1.6 Take disciplinary action, up to and including termination, when the member is able to correct the abuse of sick leave but fails to do so.

3.2 The member is expected to assist with the above by providing any necessary releases to authorize the medical provider to provide the member’s medical information to the Division Commander.

4 Patterns of Sick Leave Abuse

4.1 The ability to maintain a regular and predictable record of attendance and punctuality is an essential function of every City position. Members are expected to be available for work during all hours they are scheduled to work unless a legitimate medical condition incapacitates them or a legitimate emergency occurs beyond their control. Establishing a pattern of regularly failing to be available for work as scheduled or failing to be at work on time, with or without medical verification, may result in administrative action, including discharge. Examples of incidents or patterns of sick leave abuse may include, but are not limited to the following:
4.1.1 Calling in sick or leaving work claiming illness in excess of seven (7) non-consecutive instances during any twelve (12) month period without medical provider certification of incapacity for all hours absent;
4.1.2 Calling in sick frequently before or after regular scheduled days off;
4.1.3 Calling in sick frequently the days preceding and following holidays;
4.1.4 Calling in sick on days when workloads are known to be heavy, work is undesirable, interpersonal or other conflicts exist, or other conditions which may indicate to the Division/Unit Commander that an instance or undesirable pattern of sick leave use has occurred that may indicate the member is fraudulently claiming sickness to avoid work;
4.1.5 Calling in sick after previously indicating a desire to take off work when no other paid leave is available or approved;
4.1.6 Remaining absent from work when the member’s or City’s medical provider certifies the member is able to return to work and can perform the essential functions of the member’s regular position, or the equivalent, which includes maintaining regular, predictable attendance;
4.1.7 Calling in sick when the member’s work is caught up so as to be unavailable for other work or assignment;
4.1.8 Coming in late or leaving early frequently, claiming sickness;
4.1.9 Taking off a full shift for a doctor’s appointment when not incapacitated or required by medical necessity to remain absent the entire shift;
4.1.10 Any other absence using sick leave controllable by the member which the member’s supervisor can document as negatively affecting the performance of the member or the Department;
4.1.11 Using sick leave and engaging in activities similar to or more demanding than those required of the member while on duty;
4.1.12 Engaging in activities not consistent with the recovery or care for the claimed illness or injury.
4.2 Exceptions:
4.2.1 Absences or instances of tardiness that have been certified as FMLA will not be counted in the number of sick leave absences for the purposes of calculating sick leave abuse.
4.3 Division and Unit Commanders are required to monitor members’ attendance and are responsible for instituting corrective action to correct abuses of sick leave benefits or violations of the Department’s attendance policies.

5 Extended Periods of Illness
5.1 During extended periods of illness or injury, members will provide written statements concerning their status at least every 30 days, or as often as directed in writing.
5.1.1 Members will refer to Policy Directive 21-11, if injury or illness qualifies under the Family and Medical Leave Act (FMLA).
5.1.2 Members will refer to Policy Directive 20-03 for Workers Compensation Claims.
5.1.3 For temporary light or modified duty, members will refer to Policy Directive 21-06.
5.2 Members on FMLA, Worker’s Compensation, or Temporary Light or Modified Duty must have a medical provider’s release before returning to full duty.

6 Off Duty Employment
6.1 Members will not work any off duty employment for a period of twenty-four hours (24) following the end of the shift for which the member reported sick.
6.2 Members will not work off duty while off on sick leave. Members are not allowed to work off duty on a scheduled day off, if sick leave was taken in conjunction and prior to their scheduled day off.
6.3 In the event a member becomes ill or is injured while working outside employment prior to reporting for duty, a request for sick leave may be approved if the member informs the supervisor of the circumstances at the time of the sick leave.
6.3.1 The member must provide a detailed written explanation of the circumstances to the supervisor upon returning to duty.
6.4 The member’s pay may be reduced for the day(s) missed, and the member may be subject to disciplinary action. If any part of this section is violated, the member’s absences may be un-excused.
7  Sick/Disability Leave Benefit
7.1 Sick leave is considered a benefit intended to prevent members from suffering loss of pay when they are temporarily unable to work due to an illness or injury.
7.2 Sick leave is not time off due to members, but a benefit granted to members who are temporarily incapacitated and unable to perform the essential functions of their position or assignments. Members will be paid for unused accumulated sick leave in accordance with current City contract.
7.3 While receiving sick leave benefits from the City, members will:
7.3.1 During administrative business hours, remain accessible by phone and at home or within one hour of driving time of headquarters, unless permission is granted in advance by competent authority;
7.3.2 Not engage in activities that prolong the injuries or illness.

8  Sickness in Family (SIF)
8.1 Members may use up to five (5) days of accumulated sick leave benefits to provide care or for medical, dental, optical appointments, examinations, or treatments for the member's immediate family.
8.2 Unused SIF days can be carried over for future use each year, up to ten days.
8.3 Employees must provide sufficient information for the supervisor to determine the member's absence is necessary to accompany the immediate family member for medical or dental examinations, including the type of assistance or care the member provided or will provide to the immediate family member.

[Signature]
Mike Davis
Chief of Police