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## COMPENSATIONS AND BENEFITS

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### MEDICAL LEAVE

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**Purpose:** This directive aims to establish procedures for a member's sick leave concerning any short-term medical leave which renders a member unable or incapable of performing their duties.

**Policy Statement:** It is the policy of the North Little Rock Police Department to establish sick leave guidelines that prevent a loss of pay when not able to work due to an injury or illness.

**Summary of Changes:** Removed Employee Sick Leave Form from the policy.

#### Definitions:

**Abuse of Sick Leave:** is defined as any pattern of sick leave use, which indicates a member is failing to fulfill the obligations of their job or assignment.

**Family and Medical Leave:** is granted or designated following 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:** paid leave allowed to members when they cannot work due to illness or injury.

**Sickness in Family (SIF):** is defined as five days of paid sick leave per year, which members may use to care for an immediate family member. The family members must have an illness or injury defined in the current contract and policy.

**Permanent Member:** A permanent member is a member that has completed the required probationary period. The term "permanent member" is used only to indicate those members who have completed the required probationary period, and the use of this term confers no legal rights or privileges.

**Probationary Member:** This policy defines a probationary member as someone that has not completed the required probationary period.

#### Procedure:

##### 1. Member's 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 accumulation.

1.3 Members may use sick leave 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 inability to work and when the member will be allowed to return.

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 others to a communicable disease.

1.6 Members may use sick leave 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 regular workday.

- 1.6.2 A member will notify a supervisor of the date and time of the appointment at least five (5) days before, except in cases of emergency.
- 1.6.3 In an 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 an on-duty supervisor.
  - 1.7.2 When requesting sick leave, members must provide an address and 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 (Family and Medical Leave).
- 1.8 Any member who becomes sick while at work to the extent the member needs to leave will immediately notify their supervisor.
- 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, including the Chief of Police.
  - 1.9.2 The conference will be documented on a personnel conference memo and forwarded through the chain of command to the Chief of Police.

## **2. Abuse of Sick Leave**

- 2.1 When the pattern of a member's sick leave use indicates abuse, the Chief of Police or Division Commander will be authorized to:
  - 2.1.1 Personally verify all subsequent claims of temporary incapacity, either by telephone or home visit.
  - 2.1.2 Require the member to submit to a job-related fitness for duty evaluation by the city's medical provider to determine whether or not the member can perform the essential functions of the position. The vital functions of the job include the ability to maintain regular and predictable attendance and, if required by the position, the ability to answer call-outs or work overtime;
  - 2.1.3 Require the member to obtain a medical provider's statement on a form meeting the city's requirements for each subsequent absence for which sick leave is claimed for ninety (90) working days after being notified that a pattern of sick leave abuse has been established.
  - 2.1.4 Take disciplinary action, up to and including termination, when the member can correct sick leave abuse but fails to do so.
- 2.2 The member is expected to assist by providing any necessary releases of medical information to their Division Commander.

## **3. Patterns of Sick Leave Abuse**

- 3.1 The ability to maintain regular and predictable attendance and punctuality is an essential function of every city position. Members are expected to be available for work during all scheduled hours unless a legitimate medical condition incapacitates them or an 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:
  - 3.1.1 Calling in sick or leaving work in excess of seven (7) non-consecutive instances during any twelve (12) month period without medical provider certification of incapacity for all hours absent;
  - 3.1.2 Calling in sick frequently before or after regularly scheduled days off;
  - 3.1.3 Calling in sick frequently on the days preceding and following holidays;
  - 3.1.4 Calling in sick on days when workloads are known to be heavy, work is undesirable, interpersonal or other conflicts exist, or other conditions may indicate to the Division Commander that an instance or undesirable pattern of sick leave use has occurred;
  - 3.1.5 Calling in sick after previously indicating a desire to take off work when no other paid leave is available or approved;
  - 3.1.6 Remaining absent from work when the member's or the city's medical provider certifies the member can return to work and perform the essential functions;

- 3.1.7 Calling in sick when the member's work is caught up to be unavailable for other work or assignment;
  - 3.1.8 Coming in late or leaving early frequently, claiming sickness;
  - 3.1.9 Taking off an entire shift for a doctor's appointment when not incapacitated or required by medical necessity to remain absent the whole shift.
  - 3.1.10 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;
  - 3.1.11 Using sick leave and engaging in activities similar to or more demanding than required on duty;
  - 3.1.12 Engaging in activities not consistent with the recovery or care for the claimed illness or injury.
- 3.2 Exceptions:
- 3.2.1 Absences or instances of tardiness that have been certified as FMLA will not be counted in the number of sick leave absences to calculate sick leave abuse.
- 3.3 Division and Unit Commanders are required to monitor members' attendance. They are responsible for instituting corrective action to correct abuses of sick leave benefits or violations of the department's attendance policies.

#### **4. Extended Periods of Illness**

- 4.1 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.
  - 4.1.1 Members will refer to Policy Directive 21-11 if injury or illness qualifies under the Family and Medical Leave Act (FMLA).
  - 4.1.2 Members will refer to Policy Directive 20-03 for Workers Compensation Claims.
  - 4.1.3 For temporary light or modified duty, members will refer to Policy Directive 21-06.
- 4.2 Members on FMLA, worker's compensation, or temporary light or modified duty must have a medical provider's release before returning to full duty.

#### **5. Off-Duty Employment**

- 5.1 Members will not work any off-duty employment for twenty-four hours (24) following the end of the shift for which the member reported being sick.
- 5.2 Members will not work off duty while on sick leave. Members are not allowed to work off duty on a scheduled day off if sick leave was taken in conjunction and before their scheduled day off.
- 5.3 If a member becomes ill or is injured while working outside employment before reporting for duty, sick leave may be approved if the member informs a supervisor of the circumstances.
  - 5.3.1 The member must provide a detailed explanation of the circumstances to the supervisor upon returning to duty.
- 5.4 If any part of this section is violated, the member's absences may be unexcused. The member's pay may be reduced for the day(s) missed, and the member may be subject to disciplinary action.

#### **6. Sick/Disability Leave Benefit**

- 6.1 Sick leave is considered a benefit intended to prevent members from suffering the loss of pay when they are temporarily unable to work due to an illness or injury.
- 6.2 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 following the current city contract.
- 6.3 While receiving sick leave benefits from the city, members will:
  - 6.3.1 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;
  - 6.3.2 Not engage in activities that prolong the injuries or illness.

#### **7. Sickness in Family (SIF)**

- 7.1 Members may use up to five (5) days of accumulated sick leave benefits to provide care or medical, dental, optical appointments, examinations, or treatments for the member's immediate family.

- 7.2 Employees must provide sufficient information for the supervisor to determine whether the absence is necessary to accompany a family member for medical or dental examinations. The explanation should include the type of assistance or care provided or will be provided to the family member.
- 7.3 Unused SIF days can be carried over for future use each year, up to (10) ten days.

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Patrick Thessing  
Chief of Police