

GENERAL ORDER

April 2016

Immediately

III-13

Distribution: All Employees

Subject: **LEAVE DUE TO ILLNESS**

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|-----------|-----------------------------|-----------------------------------|
| Index as: | Absenteeism | Reintegration |
| | Attendance Related Offenses | Scheduled Leave |
| | Extended Illness Leave | Serious Chronic Medical Condition |
| | Medical Information | Serious Health Condition |
| | Medical Leave | Sick Leave |
| | Progressive Discipline | Sick While on Vacation |
| | Recuperation | Unscheduled Leave |

Accreditation Standards: 22.1.2

Cross Reference: G.O. II-13, Court Appearances
G.O. II-37, Check On/Off Procedures
G.O. III-29, Family Medical Leave Act (FMLA)
G.O. III-30, Domestic Violence Leave
V.6:1, Injury Reporting/Workers' Compensation
City of St. Petersburg *Rules and Regulations of the Personnel Management System*,
Section 6-2; Section 6-3; Section 7-5

Replaces: G.O. III-13, Leave Due to Illness (April 10, 2020)

This Order explains procedures for employees using leave due to personal illness or that of a family member. It also establishes criteria for disciplinary action due to abuse of leave or chronic absenteeism.

- I. Policy
- II. Definitions
- III. Unscheduled Leave Notification
- IV. Scheduled Illness Leave Notification
- V. Notifications for Leave Due to Illness
- VI. Access to Accrued Leave
- VII. Privacy of Medical Information
- VIII. Abusive and Chronic Absenteeism
- IX. Return to Work and Reintegration

I. POLICY

A. The St. Petersburg Police Department is responsible for the safety and security of the citizens of St. Petersburg and, thus, must maintain an adequately staffed police force. When employees become ill or need to care for an ill parent, child or spouse, the Department has a duty to comply with federal law governing family medical leave. At these times, the Department must balance the rights of its employees with its staffing requirements. Therefore, it will monitor absences to ensure requested illness leave is necessary and appropriate.

B. Supervisors shall monitor leave taken by employees to identify and document patterns of abuse and/or chronic absenteeism. If a pattern of chronic absenteeism is documented, the offending employee will be subject to the Department's policy of progressive discipline.

C. Supervisors must evaluate leave situations for possible Family Medical Leave Act (FMLA) implications. FMLA leave is considered *protected leave* under the provisions of this Act. An employee may not suffer any negative work consequences, such as an adverse performance evaluation or discipline, for any absence covered by FMLA.

D. Forms required to document leave due to illness and FMLA absences are available on the network at J:\Forms\FMLA_Injury_Reporting_Workers'_Compensation\FMLA.

II. DEFINITIONS

A. Extended Illness Leave – A benefit providing a full-time employee with basic salary continuation during temporary periods of extended illness or injury, during which the employee is medically incapacitated and unable to perform their job.

B. Medical Information – Any information from an employee, healthcare provider or other source which states an employee's diagnosis, prognosis or medical condition.

C. Progressive Discipline – Formal action designed to afford the employee an opportunity to correct the recognized deficiency. The process often starts with a Memorandum of Counseling but may progress to include suspension or termination.

D. Recuperation – Time spent at the employee's home or another approved location, actively trying to overcome the malady causing the employee's absence from work.

E. Scheduled Leave – An absence that has been both planned by the employee and approved by the employee's supervisor at least twenty-four (24) hours in advance, excluding vacation leave less than two weeks, or time that has been approved through the shift bid process. (See also G.O. II-37, Time Validation.)

F. Serious Chronic Medical Condition – A serious and continuing medical condition or chronic illness; disability related to pregnancy; or surgical procedure from which the employee is expected to ultimately recover; including pre-operative and post-operative office visits and care.

G. Serious Health Condition – An illness, injury, impairment or mental condition that involves one of the following: hospital care, absence plus treatment, pregnancy, chronic conditions requiring treatments, permanent/long-term conditions requiring supervision, or multiple treatments (non-chronic conditions).

H. Unscheduled Leave – An absence where the employee has given less than twenty-four (24) hours' notice to their supervisor.

III. UNSCHEDULED LEAVE NOTIFICATION

A. When unable to report to work, employees shall make personal notification of their absence, according to the procedure(s) set forth by their respective Bureau Commander, a minimum of one (1) hour before the employee's scheduled check-on time.

1. An Employee who is unable to follow the designated procedure shall:

a. Personally contact the on-duty Watch Commander if assigned to the Uniform Services Bureau.

b. Personally contact a supervisor within their respective Bureau if assigned to any other Bureau.

c. Strive to give supervisors as much notice as possible to assist the supervisor and the employee's colleagues.

d. If assigned to TRU and working in a light-duty capacity, contact the Human Resources Specialist – FMLA, Workers Compensation and Military. If it is after hours or on weekends, contact the on-duty Watch Commander.

2. In an emergency, someone other than the employee may make the notification. However, the employee must still contact their supervisor as soon as possible.

3. Notification shall include the nature of the illness or injury, an estimate of the duration of the absence, and the location at which the employee will be recuperating. If this location is any place other than the employee's home, the new location and phone number shall be provided.

4. If an employee on Unscheduled Leave has previously indicated their intent to return to work at a specific time but now needs additional time off, they must notify their supervisor no less than one hour before check-on time.

B. The designated person receiving a notification of Unscheduled Leave will complete the <J:\Forms\Leave Request Form.pdf>, to include:

1. Employee name.
2. Employee payroll number.
3. Date(s) requested.
4. Start time.
5. Ending time.
6. Number of hours requested.
7. Reason for request.
8. Call taker's name.
9. Date received.
10. Time received.
11. Reason given.

C. The form shall be forwarded according to the procedures set forth by the respective Bureau Assistant Chief.

D. The supervisor shall evaluate Unscheduled Leave to determine if it is covered by FMLA. (See also [J:\Research\GeneralOrders\III Operational General Orders\III-29 Family Medical Leave Act \(FMLA\).pdf](J:\Research\GeneralOrders\III Operational General Orders\III-29 Family Medical Leave Act (FMLA).pdf).)

E. Sick While on Vacation

1. If an employee who is on scheduled vacation becomes sick during their vacation period, they will notify their Supervisor as detailed in this Order.
2. The employee will not have to use their vacation time during the sick period while on vacation.
3. The Supervisor will make the necessary changes to the pay code in KRONOS.
4. The employee will submit documentation of the illness before the pay code is adjusted.

IV. SCHEDULED ILLNESS LEAVE NOTIFICATION

A. An Employee requesting Scheduled Leave due to illness must complete the employee information on the *Leave Request Form*.

1. Requests for FMLA protected leave shall be made at least thirty (30) days prior to the commencement of leave if the leave is foreseeable or as soon as practicable by submitting the *Leave Request Form* to the Human Resources Specialist – FMLA, Workers Compensation and Military.

2. Employees should make a reasonable effort to schedule appointments for planned medical treatment so as not to unduly disrupt departmental operations.

B. When properly completed, the form shall be routed to the Human Resources Specialist – FMLA, Workers Compensation and Military. Once notified of scheduled illness leave, the Human Resources Specialist – FMLA, Workers Compensation and Military, shall file the form in the employee’s confidential medical file in the Fiscal Services Division. The Human Resources Specialist – FMLA, Workers Compensation and Military, is also responsible for the completion all other relevant paperwork.

V. NOTIFICATIONS FOR LEAVE DUE TO ILLNESS

A. The Human Resources Specialist – FMLA, Workers Compensation and Military, Fiscal Services, shall notify the Chain of Command of an employee’s Extended Illness Leave and return to duty date, if the return date is known. It is also the responsibility of the employee to notify their Chain of Command in the event of a leave due to illness.

B. The Human Resources Specialist – FMLA, Workers Compensation and Military, Fiscal Services, shall notify an employee of any change in their leave status, any need for additional information, and the final disposition of their leave request.

C. Once it is confirmed an employee is going to be on Extended Illness Leave, they will be assigned to the TRU Unit for Chain of Command purposes, until they are released back to a full-duty status.

D. The Human Resources Specialist – FMLA, Workers Compensation and Military shall give the employee the completed original of the *Designation Notice*. Supervisors can locate the above form at [J:\Forms\FamilyMedicalLeaveAct\(FMLA\)_rev082015\DesignationNotice.pdf](J:\Forms\FamilyMedicalLeaveAct(FMLA)_rev082015\DesignationNotice.pdf).

E. Employees absent due to illness or injury are responsible for notifying:

1. The Commander, Training Division, if they are scheduled for training during the period of expected absence.
2. Any court or attorney, where they may be expected to appear, in response to a previously served subpoena.
3. The Court Liaison Office, if extended illness is being taken, so they may be aware of the absence upon the future receipt of subpoenas.
4. The Human Resources Specialist – FMLA, Workers Compensation and Military of any appointments (including massage, physical therapy, etc.) and updated medical information (change of duty status, change in restrictions, etc.).
5. Their Chain of Command of the dates of leave and anticipated date of return.

F. The Chain of Command will keep the Court Liaison Office aware of their employee’s inability to receive subpoenas at the Department. (See also <J:\Research\GeneralOrders\II Administrative General Orders\II-13 Court Appearances.pdf>.)

VI. ACCESS TO ACCRUED LEAVE

A. Full-time employees on leave due to personal illness will be paid from either their Annual Leave or Extended Leave accounts; to the extent the employee has applicable leave available.

B. Extended Illness Leave is not available for:

1. Employees caring for a family member.
2. Recuperation from a serious health condition while being treated by someone other than a health care provider as defined in “*FAMILY MEDICAL LEAVE ACT, A Summary of Law and Procedures for City Employees;*” *Who qualifies as a "health care provider"?*
3. Sickness or injury sustained while engaged in outside employment activities.

C. For payroll purposes, Extended Illness Leave shall be coded as FMLA, if approved for that designation.

D. Employees utilizing Extended Illness Leave are expected to be recuperating from their illness.

1. Employees may recuperate at a doctor-identified care facility, at home, or at another approved location with the permission of their respective Bureau Commander.

2. Employees who are on Extended Illness Leave but are not accessible at their approved location during the normal administrative workday (0800 - 1700, Monday - Friday), will be subject to progressive discipline, unless the absence is to visit a health care provider, or to perform some other activity directed by the health care provider.

VII. PRIVACY OF MEDICAL INFORMATION

A. Supervisors shall treat all medical information as private and confidential.

B. No medical information shall be retained in an employee's personnel and/or Bureau files.

C. All FMLA forms associated with this Order are considered medical information and shall be sent to the designated recipients and be retained in locked files, separate from the personnel files.

VIII. ABUSIVE AND CHRONIC ATTENDANCE RELATED MISCONDUCT

A. Attendance related offenses refer to absenteeism, tardiness, and all other activities resulting in time away from the employee's assigned work location.

B. Attendance related offenses shall be considered abusive when a pattern of unscheduled absences which often, though not always, occurs in conjunction with scheduled days off or holiday periods. Abusive absenteeism also includes any failure to comply with the City of St. Petersburg *Rules and Regulations of the Personnel Management System*, governing extended illness and recuperation.

C. Attendance related offenses shall be considered chronic when a pattern of attendance related offenses, not protected by FMLA, shows:

1. The employee has unscheduled absences which equates to:
 - a. Three (3) or more instances in thirty (30) days, or
 - b. Six (6) instances in ninety (90) days.

2. An employee who continually demonstrates a pattern of attendance related offenses, wherein the number of offenses is repeatedly just under this threshold, will be deemed in violation of this Order for excessive or chronic attendance related offenses.

3. Personnel found in violation of the aforementioned shall receive a *Memorandum of Counseling (MOC)*.

4. Personnel, who have been found in violation of this Section, and then have any additional attendance related offenses, not covered under FMLA, shall be subject to progressive discipline.

5. This Order shall also apply in cases where an employee fails to heed a warning issued by their Supervisor and subsequent to receiving formal discipline repeats similar attendance related misconduct within a period of time that is less than three (3) times in thirty (30) days or six (6) times in ninety days from the date on which formal discipline was issued.

D. Supervisors shall monitor and document patterns of absenteeism in the employee's annual Performance Evaluation.

E. No adverse employment action can result from an employee's request for or use of FMLA protected leave. Discipline will not be issued for taking such FMLA protected leave and performance evaluations may not be adversely affected as a result of an employee's use of such leave. However, if patterns of abuse are suspected within the use of FMLA time, the Department does have the right to investigate such instances and issue discipline if determined to be appropriate.

IX. RETURN TO WORK AND REINTEGRATION

A. Employees who have been absent from work due to illness may be required to furnish a *Fitness for Duty Certification* from their physician.

B. When an employee has been absent from work for a prolonged length of time due to an illness, injury, or condition which reasonably could be expected to negatively impact their ability to safely perform all of the essential functions of their job, an independent fitness-for-duty examination at the City's expense may be required. File copies of the applicable *Essential Job Function Form*, to be used for reference during such examination, are available from the Fiscal Services Division.

C. An employee is responsible for contacting the Commander, Training Division and ensuring all training is up to date and no certifications have lapsed while they were absent from work. Sworn employees absent from work for a prolonged period of time may be subject to their FDLE Law Enforcement Officer Certification lapsing and/or becoming in-active. All training, qualifications, and certifications must be reinstated prior to returning to full duty.

D. Reintegration

1. Employees out of work for an extended period of time, more than twelve (12) weeks, will require reintegration back into work by riding along with a member of their assigned Division for a minimum of one (1) week. Additional time may be required if decided by the employee's assigned Division's Chain of Command.

2. Employees out of work for more than one (1) year will require reintegration back into work by riding along with a member of their assigned division for a minimum of two (2) weeks. Additional time may be deemed necessary by the supervisor.

E. Employees are responsible for notifying the Court Liaison Office when they return from Extended Illness/FMLA Leave and are available to accept subpoenas at the Department.

Anthony Holloway
Chief of Police