



# Colorado Springs Police Department General Order

## GO 1822 Sick Leave

### Section 1800 – Personnel Functions

Effective Date: 10/12/2023

Supersedes Date: 4/20/2022

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#### **.01 Purpose**

The purpose of this directive is to specify the standards for department personnel's use of sick time.

#### **.02 Cross-Reference**

[GO 710 Employee Injury Reports](#)

[GO 1820 Work Performance](#)

[HR-42 Family and Medical Leave Act](#)

#### **.03 Discussion**

Sick leave is a benefit provided to employees, by the city, to protect them from the loss of wages due to illness/injury and to promote the health and well-being of employees as well as the people they provide care for. Employees are encouraged to take sick leave for legitimate medical reasons; however, unjustified absenteeism and abuse of sick leave must be controlled. Unjustified absences adversely affect the ability of the department to carry out its various missions.

#### **.04 Policy**

Sick leave may be used in different circumstances depending on whether it is the first 48-hours of sick leave taken in the year or hours 49 and after taken in the year. Please refer to the Sick Leave Policy in the city's Policy and Procedures Manual (PPM) (Civilian #21, Sworn #11) for specific applications. Generally, sick leave can always be used for absences caused by mental or physical illness, injury, serious health conditions, temporary disability (including pregnancy), medical and dental exams, or medical or dental treatment of the employee or the employee's immediate family.

If sick leave is used to care for an immediate family member, the employee is entitled to use 480-hours of family sick leave, per sick leave year. When using sick leave for their own illnesses, employees should remain at their homes, or indicate where they will be, or may travel for medical attention. A supervisor must authorize any other travel.

A physician's statement supporting the use of sick leave and/or the ability to return to work may be required by the employee's immediate supervisor, subject to the guidelines set out in the Healthy Families and Workplaces Act (HFWA) for the first 48-hours of sick leave in the year, and then at any time after 48-hours of sick leave has been taken in the year. Supervisors should contact CSPD HR for consultation prior to asking the employee for documentation. If the employee's sick leave for themselves or for a qualified family member falls under the Family and Medical Leave Act (FMLA), the laws and guidelines for FMLA will supersede the HFWA.

Employees will not feign illness to avoid duty.

## **.05 Definitions**

*Family Member (definition applies to first 48-hours of sick leave taken in the year):* Family members related by blood, marriage, civil union, common-law marriage, adoption, a child to whom the employee stands in loco parentis or the person who stood in loco parentis to the employee when the employee was a minor, and any person whom the employee is responsible for providing or arranging health or safety-related care.

*Immediate Family (definition applies to sick leave starting at hour 49 in the year):* An employee's spouse, parent, guardian, child, brother, sister, grandparents, or grandchild, as well as those relatives in-law, step or half, or any other family member residing in the employee's household.

## **.10 Absence from Duty Due to Illness**

Employees who call off work, because of a personal or family illness, must notify their unit supervisor or section commanding officer in advance of their absence.

Both sworn and civilian shift workers will notify the appropriate on-duty supervisor as soon as reasonably possible, but no later than one hour before the earliest line-up or reporting time for their assigned shift. For patrol officers and Community Service Representatives (CSR), this would be their assigned division's duty desk officer, who will advise the appropriate supervisor. For other shift workers, such notification will be made to their section's on-duty supervisor.

Early notification is essential to permit staffing adjustments and to ensure proper coverage. The employee should state, insofar as possible, the length of time they expect to be absent from duty. Such notification is necessary each day that will be missed, except when the duration of the absence is known and reported in advance, as in the case of a hospital stay, maternity leave, or a lengthy illness.

Employees will not use sick leave for leave other than that required due to a personal or family illness.

The employee or supervisor will update the staffing system (Workforce Management) immediately to reflect the sick leave time usage.

## **.20 Abuse of Sick Leave and Medical Certification**

Supervisors are expected to bring problems in sick leave usage to the attention of their division commander. The commander will whenever possible, give advance notification to an employee believed to be abusing sick leave, stating that future usage of sick leave must be documented by a physician's statement or other appropriate documentation, depending on whether the leave is subject to the HFWA.

Although advance notification is strongly encouraged, the division commander, in consultation with CSPD HR, has full authority to require a physician's statement when they believe this to be in the best interests of the department and when the leave is not subject to the HFWA.

## **.30 Order of Use for Sick Leave and Other Accruals**

When an employee takes leave due to their own illness/injury or that of a family member, sick leave must be used first, if available, prior to using other types of accruals (i.e., vacation, personal leave, etc.), including when the leave is covered under FMLA. When sick leave has been exhausted, the employee can log other accrual types.

For leave taken for the birth of a child (or placement of a child for adoption or foster care), sick leave is taken while the child and/or mother (spouse) is under the care of a physician. Any leave taken after that must be covered by *other* types of accruals, as that time is considered "bonding" time with the child and does not qualify for the use of sick leave.

All leave time must be exhausted before going into unpaid leave time.

Leave must be taken in the order above unless an exception is made by the Chief of police and the CSPD HR manager.

## **.40 Options Upon Leave Exhaustion and Unpaid Leave**

When an employee will be absent from work due to illness or injury for a period of time that will result in "lost time" or being on an "unpaid status," that employee must first have exhausted all of their available paid leave. This means the employee must be absent from work on unpaid status.

Employees are not allowed to be on an "unpaid status" unless approved by the chain of command and the CSPD HR manager in advance or the leave time is covered under FMLA. An employee may request permission to be on unpaid medical leave status by submitting a request to the CSPD HR manager with an attached physician statement regarding the prognosis.

When an employee has exhausted all paid leave, and must still be out on leave due to their own illness or a family member's illness, the city offers options for vacation to be donated to the employee (subject to the criteria specified in the *vacation donation policy*), and/or the employee may request up to 240-hours of sick leave (for regular full-time employees; up to 48-hours for temporary employees) be advanced to them against their own future sick leave accruals. Please refer to the PPM for the specific policies.

Individual supervisors will assist employees regarding the proper use of appropriate paid leave. All employees can access their time through Workforce Management and are responsible for keeping track of time used.

## **.50 Activities While on Sick Leave**

An employee on personal sick leave will not participate in or perform any activities that may impede the employee's recovery from the injury/illness (e.g., other employment, self-employment, sports, hobbies, etc.).

## **.60 Funeral Leave**

An employee is eligible for up to 40-hours of funeral leave, upon the death of an immediate family member.

## **.70 Teleworking while on Sick Leave**

The Colorado Springs Police Department supports our employees' health and well-being. Sick leave is provided to allow employees the necessary time to recover from illness or injury or to care for a family member's illness or injury. Employees utilizing sick leave should prioritize rest and recovery. Telework is not an appropriate substitute for sick time off. Telework may be considered when it is mutually beneficial and does not compromise the employee's health or quality of work. Therefore, employees who are approved for telework, may only do so in a limited capacity:

- Employees who have assignments approved for telework that are utilizing sick leave not covered under FMLA or ADA may voluntarily request to telework not to exceed 50% of their scheduled hours. Telework in these situations must be approved by a supervisor.
- Employees who have assignments approved for telework that are utilizing leave under FMLA or ADA may voluntarily request to telework not to exceed 50% of their scheduled hours. Documentation must be submitted by a medical care provider detailing work restrictions and the need for, and ability to telework. Telework in these situations must be approved by HR.

Telework while on sick leave will not be encouraged or required by a supervisor and remains strictly voluntary. Supervisors may require work logs or review work productivity. In consultation with human resources, a supervisor has the right to terminate any telework arrangement during sick leave if it is determined that the employee's health or the quality of work is being compromised. Employees may also terminate the telework arrangement at any time.