

 Kinston Police Department	<u>POLICY: Personnel Leave & Benefit Programs</u>					<u>POLICY #:</u> 200-3
	<u>NCLEA Standards:</u>					
	<u>CALEA Standards: 22.1.2; 22.1.3; 22.1.9; 22.2.2</u>					
	<u>NCLM Standards: I.2.;</u>					<u>Effective Date:</u>
<input type="checkbox"/> New <input checked="" type="checkbox"/> Revised	Revision Dates:	01/01/21	02/04/25			07-01-2019
Approval: Chief of Police						

I. PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of various benefit programs offered to eligible members. Members are encouraged to contact the City of Kinston Human Resources (HR) for clarification and or additional details regarding these benefit programs.

II. POLICY

It is the policy of the Kinston Police Department to provide, through the City of Kinston, eligible members with benefit programs related to a leave of absence, retirement, health insurance, disability, death and liability benefits. In the event this policy differs from that of City of Kinston Policy and Procedures, City of Kinston Policy and Procedures will take precedence. **(CALEA 22.1.3)**

III. DEFINITIONS

- a. FMLA – Family and Medical Leave Act of 1993.
- b. FMLA Eligible Employee – An Employee who has at least twelve (12) months of service with the city of Kinston and who has worked for the city at least 1250 hours during the past twelve (12) months.
- c. Serious Health Condition – An incapacitating condition or treatment involving in-patient care or continuing treatment by a health care provider that prevents the employee from performing his/her job. Short term conditions (less than three (3) days) such as cold, flu, etc., for which treatment and recovery are very brief are not included.
- d. Certificate of Health Care Provider – Certification by a physician or practitioner that provides information to the employer concerning the employee's condition and prognosis, including any work related limitations and the duration of limitations.
- e. Fitness for Duty Certification – Certification from a physician or practitioner stating the employee is fit for duty.
- f. Paid Leave – Accrued employee leave, to include sick leave, holiday leave, and annual leave.
- g. Unpaid Leave – Leave in which the employee receives no pay.
- h. FMLA Notice of Eligibility – Form provided to the employee by City of Kinston HR that explains the employee's eligibility for FMLA and employee responsibilities associated with the Family and Medical Leave Act.
- i. Designation Notice – Form provided to the employee by City of Kinston HR that notifies the employee of approval or denial of their request for FMLA, employee obligations, and explains the amount of leave that will be counted against the employee's FMLA leave entitlement, if any.

IV. FAMILY & MEDICAL LEAVE ACT (FMLA)

A. Reasons for using FMLA

The Family and Medical Leave Act of 1993 requires covered employers to provide up to twelve (12) weeks of unpaid job-protected leave to eligible employees for certain family and medical reasons. Eligible employees may take family and medical leave for the following reasons:

1. To care for the employee's child after birth or placement of a child with an employee for adoption or foster care.
2. To care for the employee's spouse, son, daughter, or parent, who has a serious health condition.
3. A serious health condition that makes the employee unable to perform the employee's job. Regulation 29.CFR.825.114(e) defines a serious health condition as an illness, injury, impairment, physical condition or mental condition that involves at least one of the following:
 - a. Any period of incapacity or treatment in connection with or consequent to inpatient care in a hospital, hospice, or residential medical care facility;
 - b. Any period of incapacity requiring absence from work, school, or other regular daily activity of more than three (3) calendar days that also involves continuing treatment by or the supervision of a health care provider;
 - c. Continuing treatment or supervision by a health care provider for a chronic health condition that is so serious that, if not treated, it would likely result in a period of incapacity of more than three (3) calendar days;
 - d. Any period of incapacity or while being treated due to a chronic serious health condition;
 - e. Any period of incapacity that is permanent or long term due to a condition for which treatment may not be effective;
 - f. Prenatal care/pregnancy;
 - g. Armed Forces duty or recovering from injury or illness suffered while on active duty (Refer to Military Leave/Deployment of this policy).

B. Advance Leave Notice and Medical Certification

1. Eligible employees are required to provide thirty (30) days written advance leave notice to their supervision or section head when the need for leave is foreseeable. If unable to give thirty (30) days' notice, the employee is required to provide notice as soon as possible. Medical certification by the attending physician shall accompany the FMLA leave request to ensure a record of family and medical leave is properly documented and maintained. The employee, supervisors, or section heads are required to notify City of Kinston HR as soon as the advance leave notice is received. A copy of the written notice shall also be forwarded to the Division Major.
2. Once City of Kinston HR receives the initial completed medical certification, it shall be reviewed to ensure the request meets the criteria for FMLA. If the medical certification is vague or unclear, City of Kinston HR may contact the health care provider for clarification. If the health care provider needs specifications regarding the employee's work position, a copy of the job

description may be obtained from City of Kinston HR and forwarded to the health care provider by the employee.

3. The employee may be required to provide Medical Recertification at the request of City of Kinston HR and in conjunction with federal FMLA guidelines.
4. Employees are required to provide a fitness for duty certification to City of Kinston HR prior to returning to work if the leave involved a serious health condition of the employee.

V. CATEGORIES OF LEAVE

a. FMLA (CALEA 22.1.2e)

The City will provide up to a maximum of twelve (12) weeks of leave with or without pay (based on available sick and vacation leave at the time of request) in a twelve (12) month period measured forward from the date the employee's family medical leave begins for eligible employees who request and are approved for FMLA.

1. Eligible employees may take up to twelve (12) weeks of family and medical leave in any twelve (12) month period from the date of approval. This provision is based on a pay period basis, which includes twenty-six (26) consecutive pay periods.
2. Employees who qualify for FMLA are required to exhaust accrued sick leave, holiday leave, and annual leave consistent with current city policy prior to using any unpaid leave. All leave (paid or unpaid) reported for FMLA reasons shall be counted toward the employee's annual FMLA leave allotment.
3. Intermittent leave may be taken for a serious health condition which requires treatment by a health care provider periodically, rather than for one continuous period of time, and may include leave of periods from an hour or more to several weeks.

b. Annual Leave (CALEA 22.1.2d)

1. An employee request for annual leave shall be submitted in advance through the employee's immediate supervisor. Such leave shall be approved in accordance with the personnel needs of the agency.
2. All accrued annual leave over 240 hours shall be automatically converted and added to an individual's sick leave on the first pay period of the new annual year.
3. An employee's annual leave shall be taken in accordance with the provisions the City of Kinston Policy and Procedures and the requirements of the department.
4. Annual Leave accrual rates per pay period for City of Kinston (40 hour employees are as follows:)

0-2 years	10 vacation days per year
2-5 years	12 vacation days per year
5-10 years	15 vacation days per year
10-15 years	18 vacation days per year
15 + years	21 vacation days per year

c. Sick Leave (**CALEA 22.1.2c**)

1. An employee's sick leave shall be taken in accordance with the provisions of the City of Kinston Employee Leave Policy and the requirements of the Department.
2. Members earn 3.69 hours of sick leave per payroll which is equivalent to 8 hours per month/96 per year. Unused sick leave may be converted to retirement service credit at the time of retirement; this is dependent upon the current law.

d. Holiday Leave (**CALEA 22.1.2b**)

1. An employee's holiday leave shall be taken in accordance with the provisions of the City of Kinston Holiday Policy and the requirements of the Department.
2. The City of Kinston observes the following paid holidays:

New Year's Day
Martin Luther King Day
Good Friday
Memorial Day
Juneteenth
Independence Day
Labor Day
Election Day
Veterans' Day
Thanksgiving (2 Days)
Christmas (no less than 2 Days)

e. Administrative Leave (**CALEA 22.1.2a**)

Depending on the totality of the circumstances, an employee may be placed on administrative leave with pay or administrative leave without pay for the duration of an internal investigation or agency review. An employee may also be placed on administrative leave without pay as a result of imposed disciplinary sanctions.

f. Military Leave/Deployment (**CALEA 22.1.2f and 22.1.9**)

1. Employees who are members of the armed services may be granted a leave of absence without pay to perform military duty and shall be treated in accordance with applicable state and federal laws and regulations, including, but not limited to the Uniformed Services Employment and Re-employment Rights Act (USERRA).
In such circumstances, employees also have the option of using accrued annual leave instead of leave without pay for the duration of such military time. The employee shall provide the appropriate Major and City of Kinston Human Resources Director with copies of military orders requiring military service as soon as possible.

2. The National Defense Authorization Act of 2008 includes a provision to provide up to twelve (12) weeks of FMLA leave due to a spouse, son, daughter, or parent being on active duty or receiving notification of an impending call or order to active duty in the Armed Forces. Leave may be used for any “qualifying exigency” arising out of a service member’s current tour of active duty or because the service member is notified of an impending call to duty in support of a contingency operation.
3. FMLA provides a provision of up to twenty-six (26) weeks of FMLA leave during a single twelve (12) month period for a spouse, son, daughter, parent, or nearest blood relative caring for a recovering service member. A recovering service member is defined as a member of the Armed Forces who suffered an injury or illness while on active duty that may render the person unable to perform the duties of the member’s office grade, rank, or rating.
4. Staff members who are activated for deployment in excess of one hundred eighty (180) days shall notify the appropriate Major and City of Kinston Human Resources Director and provide copies of all necessary paperwork as soon as possible. The City of Kinston Human Resources Director shall serve as the point of contact for the staff member, including providing instructions for maintaining communications throughout the entirety of the deployment process (**CALEA 22.1.9abg**). Prior to deployment, the staff member’s supervisor shall assist the staff member in ensuring that all agency issued equipment is returned to the appropriate issuing authority (**CALEA 22.1.9d**). Both prior to and upon return from deployment, the staff member shall participate in an interview with the Chief of Police or his designee (**CALEA 22.1.9ce**). Upon return from deployment, the appropriate Division Major shall conduct an in-processing interview and assign the staff member to modified re-integration training with an FTO as applicable. Before returning to active-duty assignment, the staff member shall again qualify with his/her agency issued firearms. The Training Coordinator shall evaluate on a case-by-case basis the mandated training to be completed by a staff member upon return from deployment, and shall work with the staff member’s supervisor to create a plan for assisting with completing missed training in a timely manner (**CALEA 22.1.9f**).
5. Additional provisions may be granted in accordance with the City of Kinston Policies and Procedures and the requirements of the department.

g. Parental School Leave

An employee’s Parental School Leave shall be taken in accordance with the provisions of City of Kinston Policies and Procedures and the requirements of the Department.

h. Civil Leave

If called for jury duty or as a witness for the federal or state government, the employee is entitled to report and serve. All employees are allowed time off to serve on jury duty. A full-time employee summoned for jury duty will be granted leave with pay for the duration of the period for which called, unless released earlier, without charge against annual leave.

i. Compensatory Leave

An employee’s compensatory leave shall be taken in accordance with the provisions of the City of Kinston Policies and the requirements of the Department.

j. Shared Leave Program

The City of Kinston provides an opportunity for City employees to assist one another in times of need when an employee may have to be absent from work for a prolonged period of time resulting in loss of income due to a lack of accumulated leave. This policy, therefore, allows any full-time City employee to donate a specified number of hours from their accrued leave to help another employee who has exhausted all forms of his or her accumulated leave. Employees may donate leave or apply to receive leave in accordance with the City of Kinston Human Resources requirements.

k. Bereavement Leave

An employee's bereavement leave shall be taken in accordance with the provisions of the City of Kinston Policies and the requirements of the Department.

VI. REQUEST FOR LEAVE

- a. A member requesting leave will complete a Request for Leave Form to his/her supervisor. The supervisor will forward the Request for Leave Form via the chain of command to receive the proper signatures. Once the Request for Leave Form has been completed it will be returned to the employee requesting leave. The Request for Leave Form will be attached to the employee's time sheet after the leave has been taken. The form shall include the following:

1. The employee's printed first name, middle initial, and last name
2. Date that the form was generated
3. Department (Police)
4. Division (Patrol, Investigations, etc.)
5. The date/hour of leave
6. Total hours
7. Employee signature (first name, middle initial, and last name) and date
8. Supervisor signature (first name, middle initial, and last name) and date

- b. The leave will not be considered approved until the Request for Leave Form has been reviewed and signed by all required supervisors. Leave may be denied for the purpose of mandatory training required by the Chief of Police, Major and/or the Shift Captain.
- c. Leave will be granted to the person who requests the leave first, regardless of rank, time in rank, or seniority provided staffing levels are adequate on the shift.

VII. SICK LEAVE

Sick leave is intended to be used for qualified absences.

Sick leave may not be taken in advance of being earned. Leave must be accumulated before taken.

Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Members on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational or other activity that may impede recovery from the injury or illness.

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

Upon separation, a member will not be paid for unused sick leave.

NOTIFICATIONS

All members should notify the appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Office with no less than 30-days' notice of the impending absence.

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

QUALIFYING USES FOR SICK LEAVE

1. Any absence that is approved as a qualifying event under the Family and Medical Leave Act ("FMLA")
2. Members sickness or bodily injury
3. Exposure to or infection with a contagious disease.
4. Required physical, dental, or mental examination or treatment.
5. An illness or medical appointment of a members's spouse, child, parent, or parent-in-law that requires the presence of the members.
6. Death in the employee's immediate family. Such leave, however, may not exceed three (3) days for any one occurrence, except by permission.

VIII. EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days.

IX. SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

1. Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
2. Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Human Resources Department as appropriate.
3. Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
 - a. Negatively affected the member's performance or ability to complete assigned duties.
 - b. Negatively affected office operations.
4. When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
5. Referring eligible members to an available member's assistance program when appropriate.

X. BENEFIT PROGRAMS

RETIREMENT

An eligible member's retirement benefit shall be in accordance with the provisions of the City of Kinston Policies on Resignation/Retirement (**CALEA 22.1.3a**)

HEALTH INSURANCE

An eligible member's health insurance benefit shall be in accordance with the provisions of the City of Kinston Insurance Benefits and the requirements of the Department. (**CALEA 22.1.3b**)

DEATH AND DISMEMBERMENT

An eligible member's death and dismemberment benefit shall be in accordance with the provisions of the City of Kinston Insurance Benefits and the requirements of the Department. (**CALEA 22.1.3c**).

EMPLOYEE EDUCATION

An eligible member's educational assistance and leave benefit shall be in accordance with the provisions of the City of Kinston Education Assistance Program and the requirements of the Department. (**CALEA 22.1.3d**)

WELLNESS PROGRAM

The purpose of this policy is to inform office employees about the City of Kinston TargetCare and Health Sense Employee Wellness Program. The program has been designed to provide reasonable assurance that each sworn employee can perform the essential physical functions of the job of an officer, regardless of the rank or position or assignment held by the member. All employees of the department are encouraged to maintain a healthy diet and exercise regularly. (**CALEA 22.2.2**)

The key to good health and fitness lies in lifestyle. There is not a great deal that others can do to improve a member's level of health and fitness. Each member has an individual responsibility to maintain a level of fitness that permits him/her to carry out job responsibilities and safely handle any situation that may arise.

The acceptance of this responsibility involves a commitment from each member. Unfortunately, good health and fitness does not "just happen"; therefore, personal goals must be established, and effort must be put forth to

achieve them. A fitness plan, which includes goals in the areas of nutrition, exercise, and weight control, will pay great dividends if carried out.

This policy is designed to assist and support officers in establishing and carrying out a health and fitness plan. The positive results will benefit the department and the citizens of Kinston by ensuring a physically fit and well-trained force that is ready to safely respond to any situation. Each member will benefit from the additional officer-safety factor that is present when one is physically fit. In addition, officers will be better able to perform day-to-day duties with a reduction of stress. Families of members will benefit from a continued level of health and fitness, which should contribute to a more positive and productive lifestyle, as well as a longer life.

All office employees are encouraged to participate in the City of Kinston TargetCare and Health Sense Employee Wellness Program. Employees are encouraged to contact the City of Kinston Human Resources Department for additional information about the program.

The City of Kinston Human Resources Department and the City of Kinston Employee Health Nurse are responsible for developing and implementing health and fitness education and training to assist employees in their efforts to improve their overall health and achieve individual fitness goals.

The Kinston Police Department provides a paid fitness membership to Kinston Community Center that may be used by members at their discretion. Members are encouraged to use this membership to facilitate their personal wellness program. Members may substitute their meal break with gym time upon approval.