


STRATFORD POLICE DEPARTMENT 	Type of Directive: Policy and Procedure	New: 10-01-2024
	Title: Use of Sick Leave	No. 2.13
	Issuing Authority: Chief Joseph McNeil	Issued: 10-01-2024
	Reference: AS – 2.6.17b	

PURPOSE:

The purpose of this directive is to establish a standardized procedure for the use of sick leave as well as to establish a process to verify that an employee is using sick leave for its intended purpose. Managing absences is a legitimate business necessity and a basic management obligation. In public safety, managing absences is especially important due to the nature of the work and the consistent need to provide public safety services.

POLICY:

It is the policy of the Stratford Police Department sick leave cannot be used for purposes other than those permitted by law. Chronic use of sick leave may be symptomatic of an employee's non-fitness for duty. Management shall take preventive and corrective action when appropriate to protect the employee, other employees and the public good. All public laws, regulations and applicable negotiable provisions in collective bargaining agreements related to sick leave use shall be followed. Employees determined to have violated the sick leave policy, abuse sick leave and/or are determined to be chronic sick leave abusers shall be subject to appropriate discipline.

DEFINITIONS:

Abuse of Sick Leave - Patterns of excessive absenteeism or absences on certain days of the week and/or weekends disproportionate to other days, fraudulently claiming illness/family sick on holidays, days of planned large events requiring public safety support, on days immediately prior to or after other days off and PTO, excessive use of sick leave during periods of progressive discipline or immediately prior to retirement, maintaining zero or near zero sick leave balances, booking off sick without accumulated sick leave or other approved leave.

Administrative Assignment/ Leave - Employee who has their police enforcement authority temporarily suspended pending the resolution of an internal and/or personal matter and has been assigned to perform administrative tasks within the department or has been directed to remain at home.

Alternative Place of Recovery - Place of recovery during illness or injury other than the employee's primary residence.

Chronic Sick Leave Use - Sick leave use totaling at least five (5) occurrences and at least ten (10) sick/family sick leave days within any consecutive twelve (12) month period.

Excessive Absenteeism - Chronic sick leave use, patterns of tardiness or not completing scheduled work days, booking off sick/family sick three (3) or more days out of any five consecutive weekends, five (5) or more days in two (2) consecutive pay periods, two (2) or more, sick/family sick use tied to PTO, or the use of holiday/vacation leave in excess of the employee's accumulated time.

Illness - Includes sickness, physical conditions or maladies rendering an employee unable to perform their essential duties.

Immediate Family - Means a husband, wife, grandmother, grandfather, mother, father, sister, brother, son, daughter, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, grandchildren, nieces or nephews, foster parents, uncle or aunt.

Immediate Household - Means a husband, wife, and children. Consideration of any other relative is at the discretion of the Mayor or designee of the Town.

Medical Officer - An employee designated by the Chief of Police, responsible for maintaining and reviewing the attendance of all department employees consistent with this directive.

Personal Time Off (PTO) – Includes Absentee Credits, Chiefs Days, Comp Days, Comp Time, Holiday Credits, Union Days, and Vacation Days.

Place of Recovery - The specific location an employee will remain during their scheduled shift when out sick/family sick.

Primary Residence- The place where an employee normally abides, their home, their one true domicile.

Proof of Illness - The department may require proof of illness of any employee on sick leave in accordance with the collective bargaining agreement. Abuse of sick leave shall be cause for disciplinary action.

Sick Leave - The absence from duty of an employee because of illness, exposure to contagious disease or attendance upon a member of their seriously ill and requiring the care or attendance of such employee.

Sensitive Items - All firearms, magazines, ammunition, Conducted Energy Devices (CED), portable radios, cell phones, collapsible baton, OC spray, take home car, office keys, fuel fob and other items determined by the department.

PROCEDURES:

1. GENERAL (2.6.17b)

Sick leave may be used by employees who are unable to work because of:

- Personal illness, injury, or serious health condition.
- Exposure to contagious disease.
- Care for an immediate family member with a serious health condition or illness.

Chronic use of sick leave may be symptomatic of an employee's non-fitness for duty.

When an employee calls off sick, the employee is immediately prevented from engaging in any type of secondary employment or overtime work or participate in any athletic events, training or meetings while

out sick. This restriction shall remain in effect until the employee physically returns to his/her regularly scheduled tour of duty and completes one full day of work. An employee who is absent on the last day of his/her work cycle shall be removed from voluntary callback/overtime lists for their regular two (2) days off, or until he/she has worked the first day of his/her cycle. The only exceptions to this requirement shall be as follows: The authorization of overtime to employees of the department who are required to comply with any court issued subpoena, or the expressed approval of the Chief of Police.

Once an employee calls off sick/family sick, he/she is automatically restricted to their place of recovery during their scheduled shift. This includes being on sick leave to care for an immediate family member.

If there is any reason why the employee must leave their place of recovery, they shall first contact the designated medical officer and advise as to where they are going and when they expect to return.

Upon arriving back at their place of recovery, employees shall again contact the designated medical officer and inform him/her that they have returned.

An employee who expects to be absent for more than 30 consecutive work days, or has been absent for 30 consecutive work days and does not know when he or she will be able to return to work will be required by the police department to turn in all department issued equipment (to include police ID, access card and badge) and sensitive department equipment to their immediate supervisor or the Shift Commander.

If the employee is unable to turn in the department issued equipment, he or she must make arrangements to have the equipment retrieved and turned into the Professional Standards Division.

If a supervisor or Commander receives medical documentation of any kind, they should immediately forward to the designated medical officer.

All extended medical leave requests must be reviewed by Town of Stratford Human Resources Department to being submitted for final approval.

Notification of Foreseeable Illness or Injury.

An officer/employee needing to use paid sick leave for a foreseeable illness or injury shall give as much prior notice as possible to the starting date of the leave in writing to their commanding officer and to Human Resources.

2. CALL OUT PROCEDURES

The protocol for providing the general nature of illness and place of recovery is to be followed only after the first 40 hours of sick time use in a calendar year. If calling out sick with less than 40 hours of sick time, an employee **does not** have to give the nature of their illness nor their place of recovery. Sick in family days count as a sick day

When an officer/employee calls off duty utilizing unforeseeable sick leave, they shall notify their immediate supervisor no less than four (4) hours prior to the start of their shift.

It is recognized that there may be instances where the use of sick leave can be scheduled in advance. Reasons for scheduling the use of foreseeable sick leave in advance include, but are not limited to, medical testing, elective surgery, medical procedures, or physical therapy. When foreseeable sick leave is

used this information shall be submitted via the Chain of Command, five (5) business days prior to the date(s) requested.

When unforeseeable sick leave, the officer/employee shall provide the medical officer with the following information:

- Date and approximate duration of sick leave; and
- Current assignment (Division/Unit, regular scheduled shift or assignment); and
- General nature of their illness; and
- Is the nature of their illness personal or for the care of an approved family member; and
- Are they able to work part of the day; and
- Will they see or call a physician; and
- Location of their place of recovery/treatment including address and telephone number.

3. VERIFICATION PROCEDURES

The designated medical officer, the officer/employee's supervisor, or any member designated by the Chief of Police may make phone contact with any officer/employee out sick/family sick, at any time during the officer/employee's scheduled shift.

It is the responsibility of the officer/employee calling out of work on sick leave, to personally speak on the telephone or in person whenever contact is attempted. Not hearing the phone or door is NOT a plausible excuse for failing to respond during the first half of an officer/employee's scheduled tour of duty. In the event that personal or telephone contact could not be made, the employee out on sick leave is required to respond to the person who initiated the contact within one (1) hour.

Call forwarding is strictly prohibited and no employee is allowed to screen calls to circumvent these procedures.

The employee's supervisor or any member designated by the Chief of Police may perform in person verification.

The employee's supervisor or any member designated by the Chief of Police may require the employee to report to an approved designated medical facility for medical evaluation.

An officer/employee, who is advised that he/she has abused sick leave or has their sick leave designated as chronic, may be required to provide medical verification for all future subsequent illnesses.

4. MEDICAL DOCUMENTS AND EXAMINATION REQUIREMENTS

Officer/employees, who are identified and advised of chronic sick leave use or advised of sick leave abuse, will be required to submit acceptable medical evidence to the Human Resources Unit for any additional sick leave for a period of twelve (12) months.

An officer/employee, who has been absent for four (4) or more consecutive working days is required, upon returning to work, to present a note from a licensed physician indicating the nature of the officer/employee's medical condition and any limitations to the designated medical officer. Officer/employees may be required to undergo a physical examination or functional capacity examination before returning to their regular duties as determined by the Chief of Police.

A doctor's note shall be obtained by an employee who is absent following any overtime assignment of four (4) hours or more (page 17 CBA).

5. SUPERVISOR /COMMANDING OFFICER RESPONSIBILITIES

Supervisors/Commanding Officer shall conduct an ongoing and thorough review of their subordinates' attendance records. Such review shall include identification of potential patterns of absenteeism, excessive absenteeism, sick leave abuse and chronic sick leave usage.

Whenever the Supervisors/Commanding Officer identifies a violation of the department's attendance procedures, sick leave abuse, or excessive absenteeism; he/she shall:

- Prepare a report documenting all facts, findings and recommendations; and
- Forward their report along with supporting documents to the Chief of Police.

6. MEDICAL OFFICER'S RESPONSIBILITIES

The Medical Officer shall, when required by the Chief of Police serve as a point of contact for employees infected with transmissible disease. Additionally, the Medical Officer may be assigned as the Chief's designee/liaison to the Town Department of Health.

The Medical Officer shall conduct an ongoing and thorough review of each employee's attendance record. Such review shall include identification of potential patterns of absenteeism, excessive absenteeism, sick leave abuse and chronic sick leave usage.

Whenever the medical officer identifies or receives information of any violation of the department's attendance procedures, sick leave abuse, or excessive absenteeism; he/ she shall:

- Prepare a report documenting all facts, findings and recommendations; and
- Forward their report along with supporting documents to the Chief of Police.

OTHER PROVISIONS

All personnel are responsible for adhering to the requirements of this written directive until rescinded or amended by written order of the Chief of Police. Employees have an ongoing and continuous responsibility to seek guidance and verify their understanding of this and all directives including orders, policies, procedures, and rules. This directive shall take effect 10/01/2024 and remain in force and effect unless and until it is repealed, amended, or superseded by Order of the Chief of Police. All directives not expressly altered by this order remain in full force and effect.

The provisions of this directive shall be severable. If any phrase, clause, sentence or provision of this directive is declared by a court of competent jurisdiction to be invalid, the remainder of the directive shall not be affected.

Non-enforceability by third parties. This Directive is issued pursuant to the Chief of Police's authority to ensure the uniform and efficient enforcement of the laws and administration of criminal justice by department members. This Directive imposes limitations that may be more restrictive than the limitations imposed under the United States and Connecticut Constitutions, and federal and state statutes and regulations. Nothing in this Directive shall be construed in any way to create any substantive right that may be enforced by any third party.