

## 1.424 LEAVE AND DUTY STATUS

- A. The University System of Maryland (USM) Policies and Procedures Manual and Towson University policies describes the specifics of the leave system.
1. Synopsized versions of USM and Towson University (TU) directives in this Manual section are for basic informational purposes only. Employees should consult the source directives for complete information.
    - a. USM policies can be accessed at:  
<http://www.usmd.edu/Leadership/BoardOfRegents/Bylaws/>
    - b. TU policies can be accessed at:  
<https://inside.towson.edu/generalcampus/tupolicies/index.cfm>
  2. Because agency directives are based on regulations established outside the agency, internal directives are subject to change or interpretation without notice to adapt to changes in the controlling, external directives.
- B. All leave must be approved prior to the absence, or at the same time with certain sick leave situations.

### 1.424.02 Staffing and Scheduling {Revised 11/20/20}

- A. Blank and draft electronic schedule calendars are posted several months in advance in **O:\Schedules** to assist employees and the agency in leave and schedule planning. Schedules are not considered official until appropriate supervisors and commanders complete the schedule staffing process, including written sign-off by commanders approving the schedules.
- B. Commanders are responsible for ensuring that:
1. Duty days and day off schedules are established for employees in their commands;
  2. Preliminary schedules are reviewed and approved when the schedules comply with staffing protocols;
  3. All exchange requests are promptly and thoroughly reviewed consistent with this and other applicable directives;
  4. Approved schedules are electronically posted to **O:\Schedules** by the 15<sup>TH</sup> of each month, with hard copies submitted to the Chief; and
  5. Revised schedules submitted consistent with **D.3** are filed and retained by their respective administrative assistants.
- C. Supervisors are responsible for:
1. Completing and submitting preliminary monthly schedules to their respective commanders not less than two business days before the 15<sup>th</sup> of each month;
  2. Ensuring preliminary schedules:
    - a. Meet minimum mandatory staffing levels and all other staffing protocols;
    - b. Include all known requested leave, approved training, and additional special event details; and
  3. Updating their unit's on-line schedules to accurately reflect schedule adjustments, leave taken, etc. during the current month and submitting hard copies of these revised schedules to their respective commanders by the 10<sup>th</sup> of the new month.
- D. Commanders and supervisors may adjust their employees' regular days off and duty hours in order to meet the operational needs of the agency.
- E. Officers (UPOs I, II, III, & IV), Police Aides, and PCOs may voluntarily switch or exchange regular days off and working assignments in certain circumstances. Exchanges must be approved consistent with this directive before exchanges occur.
1. Exchanges:
    - a. Must occur within the same pay period;
    - b. Must not result in employees earning compensatory time or overtime pay;
    - c. That would result in the payment of OIC pay must be reviewed and approved by a commander as appropriate consistent with **2.426.08 Officer in Charge (OIC)**;
    - d. Must not cause staffing levels to drop below any minimum mandatory levels;

- e. Must not include officers, aides, or PCOs who are involved in field training programs, including new employees and primary trainers;
  - f. May involve patrol sergeants switching with officers within their own patrol squads, but not between patrol squads or other units;
  - g. May involve officers assigned to specialized units substituting on patrol shifts, but not patrol officers substituting in specialized units; and
  - h. Require the approval of both commanders if employees from two commands are involved.
2. Employees who wish to make exchanges are responsible for working out the details of the proposed exchanges with other involved employees before submitting requests for formal approval. Exchanges that have been agreed upon by employees must be documented in memos or emails through employees' respective supervisors and commanders.
- a. Employees must submit routine, preplanned requests for the next month not less than three business days before the 13<sup>th</sup> of each current month. Requests must be submitted on a monthly basis even by officers who have long-term arrangements to work one another's non-favored shifts.
  - b. After approved schedules are already posted, any non-urgent modifications request must be submitted at least three business days before the earliest day involved in proposed exchanges.
  - c. Supervisors and commanders must act on and respond to all requests on a timely basis.
  - d. Approved and disapproved requests must be attached as hard copies to the appropriate schedule and submitted to the Chief by the 13<sup>th</sup> of each month.
  - e. Urgent requests for modifications may be verbally approved or disapproved by supervisors and commanders, but these actions must be promptly confirmed in writing by email or memo. Hard copies of these requests must be attached to revised schedules and submitted through employees' chains of command to the Chief at the end of each month.
- F. See also **2.426 Patrol Staffing**.
- G. The following matrix is provided to assist employees in determining whether or not certain exchanges may be authorized. All conditions need to be examined to determine if exchanges may be authorized. Not every possible scenario is listed.
- H. Any questions or concerns regarding the interpretation or application of this directive must be referred to the employee's commander through the supervisor.

Employee	Intra-Unit	Inter-Unit
	Can exchange with	Can exchange with
Police Aide	Police Aide	Police Aide
PCO	PCO	PCO
UPO I	UPO I, II, III, IV	UPO I, II, III
UPO II	UPO I, II, III, IV	UPO I, II, III
UPO III	UPO I, II, III, IV	UPO I, II, III
UPO IV	UPO I, II, III	<b>NO</b>
<b>Conditions</b>		
	<b>Yes</b>	<b>No</b>
Is the switch between employees of the correct classification as described herein?	<b>OK</b>	<b>Not Allowed</b>
Will the switch occur in the same pay period?	<b>OK</b>	<b>Not Allowed</b>

Will the switch cause Overtime or Comp Time?	<b>Not Allowed</b>	<b>OK</b>
Will the switch cause OIC pay?	<b>Possibly*</b>	<b>OK</b>
Would the switch cause any unit to fall below mandatory minimum staffing levels?	<b>Not Allowed</b>	<b>OK</b>
Would the switch separate primary FTOs from working with their assigned trainees?	<b>Not Allowed</b>	<b>OK</b>
Would the switch involve a patrol UPO I, II, or III working the duty assignment of a UPO I, II, or III in a specialized unit?	<b>Not Allowed</b>	<b>OK</b>
<b>If the answer to all conditions is "OK," then the switch may be approved.</b>		
<b>Any "Not Allowed" response to any condition means the switch cannot take place and will not be approved.</b>		
<b>* If approved by a commander consistent with 2.426.08 Officer in Charge (OIC)</b>		

**1.424.04 Leave Request and Authorization** {Revised 11/20/20}

- A. Employees will not be absent from duty, except as provided in university and agency directives.
- B. Employees are ultimately responsible for knowing their leave balances, managing their leave usage, and accurately documenting leave usage on their time keeping records.
- C. It is a goal of the agency to work with employees so they can receive leave to which they are entitled and whenever feasible, at times requested by employees so long as staffing and operational needs are met. In doing so, the mission and needs of the agency and university must be balanced with employees' proprietary leave rights.
- D. Commanders are responsible for ensuring that low-leave and no-leave dates are posted on their respective units' schedules sufficiently in advance to assist in planning and authorizing leave.
  - 1. Supervisors will meet with their subordinates in order to project and spread out anticipated optional leave use within their units, particularly for vacation periods.
  - 2. Employees should consult their respective leave calendars during the leave request and approval process.
  - 3. Supervisors are responsible for recording their subordinates' optional leave usage on their respective unit schedules when supervisors initially approve leave requests.
- E. Commanders will establish yearly vacation leave calendars not later than the NOVEMBER 30<sup>TH</sup> of the preceding year for the purpose of encouraging their subordinates to request vacation related leave during the year. Completed yearly vacation leave calendars will be APPROVED BY THE CHIEF NO LATER THAN JANUARY 31, OF THE FOLLOWING YEAR.
  - 1. Employees are encouraged to submit vacation related leave as far in advance as possible.
  - 2. Vacation related leave may be requested up to 12 months in advance.
- F. Employees will submit leave requests to their supervisors on a timely basis in advance of the anticipated use.
  - 1. Employees will not request optional leave for dates and times that are in conflict with known prior commitments, such as projected court dates, court summons, training, etc.
  - 2. Leave requests for less than 40 hours of leave should be submitted to supervisors as soon as the time of expected use is known, but at least 72 hours in advance of the anticipated leave period.
  - 3. Leave requests for between 40 and 120 hours will be submitted as soon as the time of expected use is known, but no less than 21 calendar days in advance of the anticipated leave period.
  - 4. Leave requests for more than 120 hours will be submitted as soon as the time of expected use is known, but no less than 30 calendar days in advance of the anticipated leave period.

5. Leave recommendations processed through the chain of command will include endorsements by supervisors that minimum staffing levels are being met.
- G. Leave requests will be acted upon by supervisors and commanders fairly and in a timely, unbiased manner based on:
  1. Agency operational staffing levels and requirements; and
  2. Prior commitments such as court, training, etc.
- H. Commanders may approve leave requests in exception to agency needs where requesting employees demonstrate *bona fide* hardships.
- I. Employees must document and justify *bona fide* reasons and subsequently obtain written permission from their respective commanders to have leave types or amounts changed or modified once time-sheets have been approved.
  1. Leave changes from one form of leave to another for medical related reasons must be corroborated with sick leave use verification documents consistent with 1.424.40 **Sick Leave Verification**.
  2. Employees must submit completed leave change forms through their chains of command to their respective commanders for evaluation and approval as appropriate.
  3. Commanders who approve leave change requests will ensure that their respective timekeepers complete necessary processes through the Office of Human Resources (OHR) to make the leave change.

#### **1.424.06 Administrative Leave – General (22.2.1.a)**

- A. See also [USM VII-7.20 Policy on Administrative Leave for Administrative and Classified Personnel](#).
- B. Administrative leave may be approved or mandated by the university president or specific designee under certain circumstances without change to employees' leave for:
  1. Emergency conditions;
  2. Certain employee organization events; or
  3. Other purposes considered in the best interests of the institution.

#### **1.424.08 Administrative Leave – Emergency Conditions, Essential Employees (22.2.1.a)**

- A. Closings of the university and/or release of employees due to emergency conditions, such as snow, ice, etc., are announced through various news media, such as WBAL, WJZ, WTOP, etc.
- B. The Chief has the agency-wide authority to establish agency operational hours and modify essential / non-essential classifications of employees based on the nature of the emergency conditions.
- C. Employees are designated as essential or non-essential personnel.
  1. All sworn employees, police aides, and Communications personnel are essential. All other regular employees are non-essential.
  2. Non-essential employees may be designated as essential by commanders based on the university's and the agency's needs during events or emergencies. These designations are for the duration of the events or emergencies.
  3. Commanders will ensure their subordinates are informed of their primary essential or non-essential status or changes to their status upon employment, transfer, promotion, or as otherwise appropriate.
- D. Unless otherwise directed by supervisors or commanders, essential personnel are expected to report for their scheduled tours of duty when the university is closed due to emergencies.
- E. Essential employees who are on-duty as part of their regular workweeks when the university closes due to emergencies will be compensated with administrative leave and salary in accordance with their employee status under the Fair Labor Standards Act (FLSA).
- F. Employees arriving for scheduled shifts prior to the university closing due to emergencies, or who are on duty and are unaware that the university has closed may become essential as designated by supervisory or administrative personnel and be compensated consistent with their FLSA status.

- G. Non-essential employees will receive paid administrative leave for their normal shifts when the university is closed prior to the start of their normal shifts.
- H. Non-essential employees who are on-duty when the university closes for emergencies will:
  - 1. Be expected to go off-duty unless otherwise declared as essential by a commander;
  - 2. Be paid for the hours they worked at their regular pay rates;
  - 3. Receive administrative leave for the rest of their tours of duty; and
  - 4. Not receive additional compensation.
- I. Employees on duty and in an overtime status, such as for special events or athletic events, when the university is closed due to emergencies will only receive overtime pay, but not administrative leave, for their hours worked in an overtime status.
- J. Essential employees who do not report for duty when the university is closed due to emergencies may:
  - 1. Have their absence charged against previously earned leave; and
  - 2. Be subject to disciplinary actions unless their inability to report for duty has been reported to and approved by an on-duty commander or supervisor to whom the authority has been delegated.
- K. Employees on leave that has been approved before declared emergency conditions become effective will have their absences charged to their preapproved leave types.
- L. Employees who are on duty, but who request and receive approval to use earned leave prior to the university being closed due to emergencies will have their hours of absence charged against previously earned leave.

#### **1.424.10 Annual Leave (22.2.1.d)**

- A. See also [USM VII-7.00 Policy on Annual Leave for Regular Nonexempt & Exempt Staff Employees](#).
- B. Annual leave with pay is available to employees generally to the extent earned provided that the dates for the leave have been approved.
- C. Regular, full-time exempt and non-exempt employees do not earn annual leave from their first through sixth months of service, but leave is credited for record keeping. After completion of the sixth month of service, annual leave becomes earned and available for use.
- D. Regular full-time and non-exempt employees can carry a maximum of 50 work days (400 hours) of annual leave into a new calendar year. Full-time exempt employees can carry a maximum of 50 work-days (400 hours) of annual leave into new calendar years.

#### **1.424.12 Holiday Leave (22.2.1.b)**

- A. See also [USM VII-7.30 Policy on Holiday Leave for Regular Exempt Employees](#) and [TU 07-07.30 HOLIDAY LEAVE](#).
- B. Employees earn eight hours of holiday leave on the first day of each month with an additional eight hours of leave being earned in January and July. An additional eight hours holiday leave is earned in November on the date of general or congressional elections. Employees must be in a paid employment status on the days holidays are earned in order to earn the leave. Employees starting after the first of the month do not earn any holidays for that month.
- C. The university may at times be served most effectively by the observance of holidays on other than the calendar dates designated by the legislature and Governor.
- D. Employees may be required to perform duties on holidays to meet operational needs.
- E. Holiday leave must be used by the end of the pay period that encompasses the end of the calendar year in which the leave was earned.

#### **1.424.14 Jury Leave (22.2.1.a)**

- A. Employees who are called to jury duty:
  - 1. May use jury leave consistent with [USM VII-2.21 Policy on Jury Service for Administrative and Classified Personnel](#);

2. Will inform their supervisors of their call as soon as practical after being notified; and
  3. On the next business or duty day following receipt of jury duty notice, will provide copies of corroborating documents when called to jury duty.
- B. Jury duty is the employee's tour of duty for the day so long as the court authenticates the jury duty in writing.

**1.424.16 Legal Action Leave (22.2.1.a)**

- A. See also [USM VII-7.22 Policy on Leave for Legal Actions for Administrative and Classified Personnel](#).
- B. Except for those cases inside their normal job duties, employees summoned to appear in court actions, grand juries, before administrative agencies, or for depositions, etc.:
1. Will initiate notifications along their chain of command to the Chief within one business day when they are summonsed;
  2. Will provide the agency with copies of corroborating documents in reference to any summons, grand jury, administrative proceeding, or deposition on the next business or duty day following receipt of any applicable documents;
  3. And are neither parties to the actions nor paid witnesses, may use legal action leave; and
  4. As the result of secondary or previous employment will have their absences charged to accrued leave or leave without pay.
- C. If employees are paid witnesses in legal actions, then their absences may be charged against their accrued leave or as leave without pay. Serving in the capacity as a paid witness requires approval consistent with **1.423 Secondary Employment**. However, if employees merely receive nominal court witness payments, then they may endorse the checks to the university and not have the period charged against accrued leave and obtain secondary employment approval.
- D. See also **1.648 Civil Actions**.

**1.424.18 Leave of Absence Without Pay – Generally (22.2.1.a)**

- A. See also [USM VII-7.12 Policy on Leave of Absence Without Pay](#) and [TU 07-07.12 LEAVE OF ABSENCE WITH PAY](#) which controls full or partial leave of absence without pay (LWOP) for up to 24 months.
- B. Regular full-time and part-time administrative and classified employees are eligible for voluntary LWOP.
- C. Employees may be required to use accrued annual, personal, or holiday leave prior to being granted LWOP.
- D. The periodic or sporadic taking of LWOP because of employees' overall lack of accrued leave balances is not an automatic right. Employees who take this form of LWOP without permission are considered to be AWOL (absent without leave).
- E. The use of LWOP for medical reasons requires written verification consistent with **1.424.40 Sick Leave Verification**.

**1.424.20 LWOP – Officers (22.2.1.a)**

- A. Officers going on LWOP for more than 30 days will be placed in a non-officer status consistent with Maryland Police Training Commission (MPTC) regulations and must:
1. Turn in all issued equipment;
  2. Abide by all applicable agency conduct related directives; and
  3. Satisfactorily complete any agency or MPTC required training in addition to background, medical, and psychological checks before being restored to full duty status.
- B. Officers going on LWOP for periods of 30 days or less:
1. At the discretion of the Chief may retain some or all of their issued equipment until their return to duty;

2. Must abide by all applicable agency conduct related directives; and
  3. Must satisfactorily complete any required training and/or ordered background, medical, and psychological checks before being restored to full duty status.
- C. The agency will conduct modified background investigations on officers returning from LWOP of periods in excess of 90 days. These modified background investigations may include, but will not be limited to:
1. State and national fingerprint checks;
  2. NCIC checks;
  3. Drug screening consistent with MPTC regulations;
  4. Checks with employers from any other jobs held during the LWOP;
  5. Interviews of personal references and neighbors; and
  6. Medical and psychological fitness for duty examinations.
- D. The agency may, at the discretion of the Chief based on the reason for the absences, conduct modified background investigations as described in the previous section, for officers returning from LWOP of periods of less than 90 days.

**1.424.22 LWOP – Non-Sworn Employees (22.2.1.a)**

- A. Non-sworn employees in LWOP status for more than 30 days must:
1. Turn in all issued equipment;
  2. Abide by all applicable agency conduct related directives; and
  3. Satisfactorily complete any required training in addition to background, medical, and psychological checks before being returned to duty.
- B. Non-sworn employees going on LWOP for periods of 30 days or less:
1. At the discretion of the Chief may retain some or all of their issued equipment until their return to duty;
  2. Must abide by all applicable agency conduct related directives; and
  3. Must satisfactorily complete any required training and/or ordered background, medical, and psychological checks before being restored to full duty status.
- C. The agency will conduct modified background investigations on non-sworn employees returning from LWOP of periods in excess of 90 days. These modified background investigations include, but are not limited to:
1. State and national fingerprint checks;
  2. NCIC checks;
  3. Checks with employers from any other jobs held during the LWOP;
  4. Interviews of personal references and neighbors; and
  5. Medical and psychological fitness for duty examinations.
- D. The agency may, at the Chief's discretion based on the reason for the absences, conduct modified background investigations as described in the previous section, for non-sworn employees returning from LWOP of periods of less than 90 days.

**1.424.24 Military Leave (22.2.1.f, 22.2.8.a-.g) {Revised: 08/11/15}**

- A. See also [USM VII-7.23 Policy on Military Leave With Pay for Exempt and Non-exempt Staff Employees on Regular Status.](#)
1. Employees who are members of the organized militia, the Army, Navy, Air Force, Marine or Coast Guard Reserve, are entitled to paid leave for military training for a maximum of 15 work days (120 hours) per year as military leave.
  2. These employees may choose to take LWOP even if they have sufficient levels of military or other applicable leave.
  3. Their regular days off will not be changed to accommodate their military or reserve duties without their permission.

4. Employees will provide the agency with copies of military orders on the first business or duty day following receipt of any applicable documents.
- B. See also [USM VII-7.24 Policy on Call-Up to Active Military Duty During a National or International Crisis or Conflict for USM Exempt and Nonexempt Staff Employees on Regular Status.](#) This policy is intended to address military activations exceeding 180 days for pre-deployment, deployment, and post deployment. The commander responsible for the human resources function, “human resources commander,” is responsible for:
  1. Being the agency’s point of contact for agency matters with the OHR for employees who are being called-up to active military duty consistent with USM VII-7.24;
  2. Coordinating and facilitating out processing, including an exit interview with the Chief or designee;
  3. Ensuring applicable provisions of **1.424.20 LWOP – Officers** and **1.424.22 LWOP – Non-Sworn Employees** are conducted pre- and post-deployment;
  4. Ensuring a process for communication with the deployed employee is established; and
  5. Coordinating and facilitating in processing, other steps for reintegration, and an interview with the Chief or designee, upon the employee’s return.

#### **1.424.26 Personal Leave**

- A. See also [VII-USM 7.10 Policy on Personal Leave for Regular Exempt Employees.](#)
- B. Personal leave is:
  1. Non-cumulative leave that is awarded by the university;
  2. Must be used by the end of the first pay period which ends in the new calendar year; and
  3. Is not compensated at the termination of employment.
- C. The use of personnel leave is contingent on employees requesting and receiving approval for such leave.

#### **1.424.28 Family and Medical Leave (22.2.1.e)**

- A. The agency complies with directives established by the federal Family and Medical Leave Act (FMLA). See also [USM VII-7.50 Policy on Family and Medical Leave](#) and [TU 07-07.50 FAMILY AND MEDICAL LEAVE.](#)
- B. Qualified employees may receive up to 12 weeks of unpaid, job-protected leave within a 12 month period for certain family and medical reasons.
- C. When the need for family medical leave is reasonably foreseeable, employees must give at least 30 calendar days’ notice along with appropriate medical certifications or, in the instance of adoption or foster child placement, legal certifications. When the need for leave is not foreseeable, employees will give notice as soon as practicable, but no less than two working days of learning of the need for leave. If this is not possible due to medical emergencies, then employees or their designees must give written notice and provide appropriate certifications as soon as practicable.
- D. Requests for family and/or medical leave without pay will be submitted through the chain of command to the CHIEF or designee who will make recommendations and forward requests to OHR.
- E. Leave of 10 or more days for reasons that meet FMLA criteria will be counted toward employees’ FLMA entitlements.
- F. OHR is assigned the institutional responsibility of reviewing FMLA requests and approving them as appropriate.

#### **1.424.30 Accident Leave (22.2.1.c)**

- A. See also [USM VII- 7.40 Policy on Accident Leave for Exempt and Non-Exempt Employees, TU 7-07.40 ACCIDENT LEAVE,](#) and **1.425 Accident Leave Management.**
- B. Accident leave is leave with two-thirds (2/3) of eligible employees’ pay, and exempt from federal and state taxes, that is granted to employees who sustain accidental injuries if:

1. The injuries are determined to be compensable according to the Maryland Workers' Compensation Act; and
  2. Physicians examine the employees and certify that the employees are disabled because of the injuries.
- C. Those employees authorized to take accident leave must do so. The use of other forms of leave in lieu of accident leave is not allowed, unless all available accident leave has been used.

**1.424.32 Sick Leave** (22.2.1.c, 22.3.1)

- A. See also [USM VII-7.45 Policy on Sick Leave](#) for directives relating to subjects that include, but are not limited to:
1. Sick leave accrual;
  2. Granting sick leave in specified situations;
  3. Directed use of sick leave;
  4. Verification of absences charged to sick leave;
  5. Advanced sick leave; and
  6. Extended sick leave.
- B. Agency specific directives contained herein are necessary procedures that are adopted to implement the USM and Towson University directives.
- C. The return to duty of officers who have been placed in an MPTC non-officer status will be consistent with **1.424.20 LWOP – Officers**.
- D. The return to duty of non-sworn employees on advanced or extended sick leave will be consistent with **1.424.22 LWOP – Non-Sworn**.
- E. Sick leave may be granted for employees to care for members of their immediate families. An immediate family member is a:
1. Spouse;
  2. Child;
  3. Step-child;
  4. Grandchild;
  5. Mother or father;
  6. Mother- or father-in-law;
  7. Brother or sister;
  8. Grandparent;
  9. Brother- or sister-in-law;
  10. Legal dependent of the employee irrespective of residence; or
  11. Any other relative who permanently resides in the employees' households for whom the employees are obligated to provide care.
- F. Employees may be directed to use accrued sick leave if it is determined that they are unable to perform their responsibilities due to illnesses, injuries, or disabilities.
- G. Employees may be required to undergo medical examinations and/or evaluations to determine if they are able to regularly and routinely perform their duties.
1. The agency pays for required medical examinations conducted by university selected health care providers.
  2. Employees are responsible for costs incurred if they see their own health care providers.
  3. When there are conflicts between evaluations, prognosis, diagnosis, or recommendations of the university's health care providers and employees' health care providers, the university may choose which health care providers' reports to follow or may require subsequent medical examinations and evaluations in deciding what steps should be taken regarding employees' sick leave status or continued employment. Any subsequent medical examinations and evaluations required by the university and conducted by university selected health care providers will be performed at the university's expense. The university's decision is final.

### **1.424.33 Mental Health Related Leave (22.2.1.c)**

- A. The agency is committed to ensuring that all employees are appropriately treated for mental health related matters in order to protect the best interests of employees, the agency, and the university.
- B. Certain notifications are required when employees, for their own mental health conditions:
  - 1. Call in sick or use any sick leave or any other form of leave, including leave without pay;
  - 2. Call in to miss additional duty, i.e., court hearings, special events, training, etc.; or
  - 3. Request modified duty consistent with **1.426 Modified Duty**.
- C. Employees are not required to provide specifics about their mental health conditions to other agency employees, to include information related to any diagnosis or prognosis for recovery. However, employees will provide this and other relevant information to OHR as required.
- D. Employees initially receiving information described in **B.** will promptly notify the:
  - 1. Employee's respective commander during regular business hours; or
  - 2. Duty Officer during non-business hours.
- E. Commanders so notified are responsible for promptly:
  - 1. Consulting with any readily available resources such as OHR, legal counsel, the agency's human resources commander, etc.;
  - 2. Evaluating the readily available facts, circumstances, and information from consultation sources;
  - 3. Deciding and implementing the best courses of actions; and
  - 4. Keeping the Chief informed.
- F. In addition to ensuring that involved officers receive any appropriate treatment and evaluations, commanders' options include:
  - 1. Suspending officers' police powers for medical reasons pending fitness for duty determinations by mental health care professionals chosen by the university;
  - 2. Ensuring that officers are made aware of and understand the status of their police powers; and
  - 3. Ensuring officers are relieved of their:
    - a. Firearms and ammunition;
    - b. Less-lethal weapons such as OC spray, impact weapons, etc.; and
    - c. Badges, MPTC cards, departmental ID cards.
- G. In addition to ensuring that involved non-sworn employees receive any appropriate treatment and evaluations, commander's options include the possibility of relieving non-sworn employees of departmental ID cards and any other relevant equipment.
- H. Officers who have had their police powers suspended for medical reasons will not be allowed to return to full duty until mental health care personnel have cleared them.
- I. See also **1.424.32 Sick Leave** and **1.426 Modified Duty** for directives related to medical and duty assignment management. Employees in modified duty assignments for mental health related reasons will not:
  - 1. Wear their uniform of the day, but will dress consistent with **1.506.18 Business Attire** or **1.506.20 Business Casual Clothes** as directed;
  - 2. Operate any marked police vehicles; and
  - 3. Work any secondary employment unless otherwise approved by their commander in consultation with the OHR.

### **1.424.34 Sick Leave Use Responsibilities**

- A. Unless sick leave is preapproved by employees' supervisors, employees will ensure sick leave notifications are made to Communications on a timely basis and, except for extenuating circumstances, not less than two hours before their reporting times. This notification process applies only to unscheduled sick leave uses.
- B. Employees needing to request unscheduled leave for other than qualifying sick leave must call and speak with the on-duty patrol supervisor.

- C. Leave Reports will be completed any time employees report they will be absent from regular or assigned duties as the result of illnesses, injuries, medical appointments, deaths in their immediate families, etc.
- D. To report sick leave information, employees, or other responsible parties acting on employees' behalf:
  - 1. Will call Communications on 410-704-2134 line and give information necessary to complete Leave Reports;
  - 2. Must state if the leave is FMLA related to an approved and applicable event; and
  - 3. Are requested to give the basic reason for using sick leave and the type of sick leave to be used, such as illness, bereavement, accident, immediate family, etc. This information may be needed to be eligible for sick leave use in cases such as, bereavement leave.
- E. Employees must call in sick for each day they miss assigned duties unless different arrangements are made with their commanders.
- F. Employees who call in for any reason qualifying for sick leave must use sick leave if it is available.
- G. Employees who call in sick, but do not have enough sick leave must tell Communications personnel the other leave type and how much leave will be used instead of sick leave.
  - 1. Employees' supervisors and their timekeepers will determine what type and how much leave will be used instead of sick leave when:
    - a. Employees do not give, or are unable to give, the information; or
    - b. Employees do not have enough sick leave to cover their absences.
  - 2. The order and type of leave used when sick leave is not used or unavailable is:
    - a. Personal leave;
    - b. Holiday leave;
    - c. Annual leave;
    - d. Compensatory Leave; and
    - e. Leave without pay.
  - 3. Regardless of the leave type that is used, the instance will be counted as a sick leave occurrence consistent with **1.424.36 Sick Leave Management Program**.
- H. Communications personnel will:
  - 1. Complete Leave Reports with all required information;
  - 2. Make notifications to the on-duty patrol supervisor and any other appropriate supervisors or commanders; and
  - 3. Submit Leave Reports to employees' timekeepers.
- I. Supervisors who are notified of employees' sick leave reports will take steps to ensure any minimum mandatory staffing levels are met.
- J. Supervisors will:
  - 1. Monitor their employees' sick leave use;
  - 2. Ensure that sick leave is accurately recorded on employees' Time Keeping Records; and
  - 3. Inform the Chief, through the chain of command, when:
    - a. Employees are injured
    - b. They become aware of employees' serious or extended illnesses;
    - c. They have reason to believe employees are abusing sick leave or it is necessary to ensure employees get medical attention.
- K. Ten or more leave days that meet FMLA criteria will be counted toward employees' FLMA entitlements.
- L. Employees are strongly encouraged to schedule routine and non-emergency medical appointments during non-work hours or at the beginning or end of their workdays to reduce their time away from work. See also **1.424.04 Leave Request and Authorization**.

### **1.424.36 Sick Leave Management Program**

- A. The agency's sick leave management program is designed to:

1. Work with employees and supervisors to encourage regular attendance and reduce inefficiency in agency operations;
  2. Provide guidance and corrective action for employees with poor attendance records;
  3. Help employees work toward identifying causes of their excessive absenteeism;
  4. Assist in correcting possible reasons for unplanned absences;
  5. Change employees' behavior so their attendance is improved before corrective actions need to be taken; and
  6. If appropriate, initiate progressive disciplinary steps.
- B. The primary components of the agency's sick leave management program are:
1. Sick leave occurrence reviews;
  2. Sick leave verification; and
  3. Progressive monitoring and actions.

### 1.424.38 Sick Leave Occurrence Reviews

- A. Supervisors will conduct and document sick leave occurrence reviews for the full-time employees they supervise:
1. Quarterly;
  2. At any other time to document sick leave use that would possibly necessitate employees being placed in a sick leave verification status.
- B. Quarterly sick leave occurrence reviews will be completed by the 15<sup>th</sup> of the month immediately following each quarter. Quarters are:
1. January – March;
  2. April – June;
  3. July – September; and
  4. October – December.
- C. A sick leave occurrence is the use of sick leave or any other form of leave, including leave without pay, taken for employees' medical conditions or medical conditions in their immediate families. An occurrence will be recorded for:
1. The use of any previously unapproved or unscheduled leave for medical related reasons; and
  2. Employees calling in sick for additional duty, i.e., court, hearings, special events, training, etc.; and
  3. All leave used in conjunction with a specific, approved FMLA instance. Uses of FMLA for separate reasons count as separate sick leave occurrences. Example: FMLA leave granted for employee's injury and family member's illness counts as two separate occurrences.
- D. A sick leave occurrence is not the use of sick leave or any other form of leave, including leave without pay, taken for:
1. Approved accident leave;
  2. Deaths of relatives (bereavement leave); or
  3. The use of eight hours or less leave for **pre-scheduled** and **preapproved** medical appointments.
- E. To conduct sick leave use reviews:
1. Supervisors will:
    - a. Complete Sick Leave Use Review forms;
    - b. If necessary, place employees in a sick leave verification status;
    - c. Submit completed forms and any necessary corroborating documentation to their respective commanders for review and approval;
    - d. Present approved reviews to their employees; and
    - e. Give xerographic copies to their employees.
  2. Commanders will:
    - a. Ensure Sick Leave Use Review forms are accurately completed for all employees within their commands;

- b. Ensure that sick leave verification status is applied fairly, equitably, and consistently;
- c. Approve completed Sick Leave Use Review forms;
- d. Ensure approved reviews are presented to subordinates within their commands; and
- e. Submit completed originals directly to the Office of the Chief.

F. See also **1.424.42 Occurrence & Documentation Matrix**.

#### **1.424.40 Sick Leave Verification**

- A. Employees must submit verification documents:
1. To return to duty following more than four consecutive sick duty days, regardless if duty days are separated by regular days off or approved optional leave;
  2. To return to duty following work related injuries;
  3. To request their illnesses, injuries, or disabilities occurring during periods of annual or personal leave be charged to sick leave;
  4. For the use of sick leave on days the university is closed for holidays;
  5. For the use of sick leave during periods of time when the use of other leave has previously been denied;
  6. For the use of LWOP for medical reasons; or
  7. When placed in a sick leave verification status.
- B. Employees will be placed in a sick leave verification status:
1. When they have five undocumented sick leave occurrences within a consecutive 12-month period;
  2. When they have a combination of eight documented or undocumented sick leave occurrences during a consecutive 12-month period;
  3. When leave use patterns for medical reasons indicate the possibility of sick leave abuse even though previously established use thresholds have not been met;
  4. In order to assure employees receive medical attention; or
  5. To prevent the abuse of sick leave usage.
- C. Examples of medical related leave use that may necessitate placing employees in a verification status even though established use thresholds have not been met include, but are not limited to:
1. Employees having a consistent pattern of maintaining zero or near zero sick leave balances without documentation for such relatively high leave uses;
  2. Patterns of unusual absence patterns such as days immediately before or after regular days off or approved leave or certain days of the week;
  3. Employees' excessive medical related appointments during work hours;
  4. The use of medical related leave after requested leave has been denied; and
  5. The use of medical related leave connected to specific tours of duty, assignments, or details.
- D. Employees' sick leave verification status lasts for a minimum of six months or until otherwise notified in writing by the Chief.
- E. Secondary employment authorizations will be denied, prohibited, or withdrawn when employees are in a sick leave verification status. See also **1.423 Secondary Employment**.
- F. Employees whose sick leave verification status has been extended beyond the initial six month period will not be allowed to volunteer for overtime assignments.
- G. Sick leave verification documents must be original or Faxed documents on health care providers' script pads, letterhead, etc., and must include:
1. Written statements from medical providers stating that employees were unable to perform their job duties due to medical conditions;
  2. Dates of illnesses or injuries;
  3. The duration of work absences;
  4. Prognosis of employees' ability to return to work;
  5. Any duty and/or physical limitations;

6. Any other information necessary to verify that employees' sick leave use is consistent with university and/or agency directives; and
  7. Title and signature of the health care provider.
- H. Employees will submit original sick leave verification documents to their immediate supervisors for submission through their chain of command to the Office of the Chief. Xerographic copies will be retained by:
1. Supervisors;
  2. Timekeepers; and
  3. The Chief's Administrative Assistant.
- I. Employees have five calendar days to obtain and submit medical verification documents. Late documentation will not be accepted unless commanders grant extensions on the basis of employees proving that they are making diligent, good faith efforts to obtain the required documents. Failure to provide sick leave verification documents as required is insubordination.
- J. The Chief's Administrative Assistant will:
1. Establish and maintain the agency's central repository of sick leave use documentation, i.e., sick leave related Leave Reports, Sick Leave Use Reviews, and sick leave verification status notices and verification documents;
  2. Notify the Chief when employees are placed in a sick leave verification status; and
  3. Send originals of applicable Sick Leave Use Reviews, correspondence to employees pertaining to their sick leave verification status, and originals of sick leave verification documents to OHR.
- K. Departmental sick leave use records and documentation will be retained three years then destroyed.

**1.424.42 Occurrence & Documentation Matrix**

This matrix provides examples of some, but not all, leave use circumstances and how they do or do not count as occurrences and/or require documentation. Employees may consult the agency's human resources commander.

Occurrence & Documentation Matrix				
Circumstances	Counts as an Occurrence		Documents Required	
	Y	N	Y	N
Previously unapproved or unscheduled leave in any amount Employee or family. Not FMLA related. Not in verification status.	X			X
Previously approved and scheduled medical appointment leave for eight hours or less. Employee or family. Not FMLA related. Not in verification status.		X		X
Previously approved and scheduled leave for more than two hours. Employee or family. Not FMLA related. Not in verification status.	X			X
Absent from court, hearings, special event, or training that does or does not require the use of leave. Employee or family. Not in verification status.	X			X
Approved FMLA related leave.	X <sup>1</sup>		X <sup>1</sup>	
Approved accident leave.		X		X
Bereavement leave.		X		X
Leave immediately following the birth or adoption of a baby.	X		X	
The use of more than four or more consecutive duty days for medical reasons. Employee or family. Not approved FMLA, accident leave, bereavement leave, etc.	X		X	
To convert previously approved annual or personnel leave to sick leave. Illness, etc. occurred during period of approved leave. Employee only. Regardless of verification status.	X		X	

Previously unapproved or unscheduled medical condition related leave on a day the university is closed for a major holiday. Employee or family.	X		X	
Employee calls in sick because of employee's own or family member's medical condition for a period of time that the employee had requested, but denied leave.	X		X	
The use of LWOP for medical reasons. Employee or family.	X		X	

<sup>1</sup>FMLA status must be already approved. All FMLA leave related to the approved instance counts as one occurrence. Documentation must have been completed and approved for the FMLA status.

#### 1.424.44 Progressive Monitoring and Actions

- A. On the fourth undocumented occurrence or seventh combined occurrence of documented or undocumented medical related leave use during a 12 month consecutive period, supervisors should inform employees that they will be placed in a sick leave verification status on their next occurrence.
- B. On the fifth undocumented occurrence or eighth combined occurrence of documented or undocumented medical related leave use during any consecutive 12-month period:
  1. Supervisors will:
    - a. Conduct sick leave use reviews with the employees;
    - b. Complete a Performance Observation Report (POR); and
    - c. Place the employees in a sick leave verification status.
  2. Commanders will review and approve supervisory actions as appropriate.
- C. On the sixth undocumented occurrence or ninth combined occurrence of documented or undocumented medical related leave use during any consecutive 12-month period:
  1. Supervisors will:
    - a. Conduct sick leave use reviews with the employees;
    - b. Complete a POR;
    - c. Ensure the required sick leave verification documents are submitted and forwarded as appropriate;
    - d. Maintain employees in a sick leave verification status and conduct personal interviews with employees to inform them that excessive amounts of sick leave usage may result in poor performance, affect normal business operations, and may lead to progressive discipline.
  2. Failure to provide sick leave verification documents as required is insubordination.
  3. Commanders will review and approve supervisory actions as appropriate.
- D. On the seventh and subsequent undocumented occurrence or tenth or subsequent combined occurrence of documented or undocumented medical related leave use during any consecutive 12 month period:
  1. Supervisors will:
    - a. Conduct sick leave use reviews with employees;
    - b. Complete PORs;
    - c. Ensure the required sick leave verification documents are submitted and forwarded as appropriate; and
    - d. Maintain employees' sick leave verification status, review any mitigating or compounding factors.
  2. Failure to provide sick leave verification documents as required is insubordination.
  3. Commanders will review and approve supervisory actions and initiate progressive discipline steps consistent with **1.720 Punitive Discipline** as appropriate.
- E. Each occurrence should be evaluated separately giving consideration to the reasons for, and the duration of, past absences, including the pattern of past absences and the employee's recent attendance record in comparison to that of prior years.
- F. Employees who are currently in a sick leave verification status on the date this directive is adopted will be inserted in the progressive monitoring and action steps at **B.** and subject to step **C.** on their first occurrence after this directive becomes effective.

- G. The agency may order employees to undergo medical examinations and evaluations with cause by institutionally or state approved medical practitioners in order to determine employees' abilities to regularly and routinely perform the duties and responsibilities of their positions. All costs of these examinations and evaluations will be paid by the agency.

#### **1.424.46 Unscheduled Non-Medical Absences**

- A. Employees are responsible for ensuring notifications are promptly made to the agency when they will not be able to report for duty due to unscheduled non-medical reasons, such as when they are late or absent from work due to non-medical emergencies, exceptional, or unforeseen circumstances.
- B. In order to report unscheduled non-medical absences, employees, or other responsible parties acting on their behalf when they are otherwise incapable of making their own calls, will:
1. Call Communications on the agency's primary business phone line to provide relevant information about reasons for the absences and the types of duty assignments that will be effected; and
  2. Arrange to, and subsequently speak by phone with, an on-duty police supervisor or their respective commander about the nature and circumstances surrounding their absences, when employees are expected to report for duty, and any necessary use of leave. Employees may have their phone calls transferred to appropriate numbers or have their phone calls promptly returned.
- C. Absences may be covered in paid or unpaid status, but not with any form of sick leave.
- D. Employees may be required to provide documentation that their absences were due to emergency, exceptional, or unforeseen circumstances and that more advanced reporting or scheduling was not possible.
- E. Communications personnel will:
1. Notify on-duty police supervisors or employees' respective commanders as appropriate; and
  2. Facilitate direct conversations between the employees and on-duty police supervisors or their respective commanders.
- F. Supervisors or commanders who are notified of unscheduled non-medical absences will:
1. Ensure that any other necessary notifications are made;
  2. Take steps to ensure any resulting staffing shortages are addressed;
  3. Monitor their employees' incidences of unscheduled non-medical emergencies;
  4. Ensure that absences are appropriately documented on employees' time keeping records;
  5. Inform the Chief, through the chain of command, of situations when;
    - a. It is suspected that employees are abusing this process; or
    - b. They believe that other interventions are necessary in the best interests of the employees or the agency.