

Waltham Police Department
CHAPTER 39
ABSENTEEISM, SICK OR INJURED

General Order #: GO-01 2009

Effective Date: 01/2009

Accreditation Standard #:

POLICY:

Each member of the Waltham Police Department shall maintain a level of availability for work during the year that is at least that of the department average reporting period. Members who are excessively unavailable for work (regardless of cause) force others to carry their extra load, as well as tie up job opportunities and positions for more available personnel. Excessive and established absenteeism patterns shall be handled in a progressive disciplinary manner.

The department encourages and welcomes officers whether sick or injured to return to duty on a light duty/work hardening status. Every effort will be made to accommodate the officer's medical limitations and treatment/rehabilitation schedule while on this status. Officers on light duty status can still provide a valuable service to the department.

It shall be the policy of the Waltham Police Department to grant sick leave for members of the department for personal illness or physical incapacity of such an extent as to be rendered thereby unable to perform the duties of such member's present position.

It shall also be the policy of The Waltham Police Department to grant leave to members of the department who are injured in the line of duty, and they shall also receive compensation as provided in Mass. Gen. Law Chap 41, Sec. 111F.

PROCEDURES:

1. SICK LEAVE:

- a.** Whenever a member of the department is unfit for duty by reason of sickness, they shall report the same to his Commanding Officer or the Commanding Officer - Platoon on Duty, as soon as possible preceding such tour of duty or during that tour of duty.
- b.** Should the Commanding Officer or the Commanding Officer - Platoon on Duty not be available, the employee shall attempt to notify another supervisor of the platoon on duty, or the Personnel Assignments Officer.

- c. The supervisor notified will record the sick day in the On-Duty attendance program with the time, date, and reason for the absence submitted to the Assignments Officer. The Assignments Officer shall record sick or injured time as full or partial days.
- d. If the member is to be absent for more than one tour of duty, they shall report such absences on a daily basis. The Division Commander or Personnel Assignments Officer may excuse the daily reporting in those cases of extended absences.
- e. In the case of extended absences, the following shall apply:
 - 1. The member shall submit a **Fitness for Duty Form 39-3**, which shall be obtained from the Assignment Officer, outlining the diagnosis and prognosis of the member, along with an estimated date of return to work. This shall be filled out completely and signed by the member's doctor and the member.
 - 2. Subsequent **Fitness for Duty Form 39-3's** shall be submitted to the Personnel Assignments Officer as required.
 - 3. After an absence of twenty working shifts, the member may be required to submit to an examination by the City Physician at the discretion of the Chief of Police. This examination shall be for the purpose of addressing a member ability to return to work on light or normal duty. Should the city doctor and the member's doctor not agree on a prognosis, a third doctor chosen by the aforementioned doctors shall make a final decision.
 - 4. The member must submit a statement certifying an officer fitness for full duty before an officer may return to normal duty. In compliance with contractual agreement, an officer may also be certified to return on light duty and it shall be the discretion of the Chief of Police to determine an appropriate assignment based on the doctor's recommendation and the needs of the department.
- f. If a member demonstrates an excessive frequency of sick leave or an established pattern of sick leave, that member's reporting sergeant shall take note and counsel that member. The sergeant shall submit a report to the Assignments Officer. The Assignments Officer shall review that member record for prior years for a continuing attendance problem.
- g. If a member has five or more unexcused frequencies or a pattern of sick absences prior to June first of the present year, the Assignments Officer shall report this to the member division commander for the member to be

counseled on this matter. If this frequency or pattern continues, progressive discipline may be necessary.

- h.** If a member exceeds ten or more frequencies or has a continued pattern of sick time during the calendar year and/or has been counseled earlier in that year, the Assignments Officer shall submit a detailed report to the member commanding officer for further counseling and progressive discipline when deemed necessary.
- i.** Progressive discipline may include but is not limited to a verbal warning, a written warning, a requirement for a doctor's note for each subsequent frequency, a loss of pay for sick days, and up to a termination hearing and termination, as set out by Mass Gen. Law, Chap 31 (Civil Service). Each case shall be reviewed by the member commanding officer and the Assignments Officer for prior year's attendance records, fitness for duty reports, past performance reports, and disciplinary actions.

2. INJURY LEAVE:

- a.** All injuries shall be reported immediately to the Chief of Police on Waltham Police Department Injury Report Form 39-1. The original of this report and all related reports shall be submitted to the Personnel Assignments Officer. This shall include, but is not limited to, arrest reports, accident reports, witness statements including those of officers and supervisors, a doctor diagnosis and relation to injury, and a completed form 39-2 Medical Treatment Form filled out and signed by the treating doctor. The Personnel Assignments Officer shall submit the original injury report and associated reports and an Authorization to Pay Medical Bills form 39-1a to the Chief of Police for evaluation. All members are advised to keep a copy of this report (Form 39-1 and 39-2) for their own records.
- b.** Medical care for members of the department who are injured in the line of duty shall be as follows:

 - 1.** Those members injured in the line of duty whose condition requires hospitalization shall be sent to a hospital. Such member shall have the right to select a physician of their choice from the staff at such hospital.
 - 2.** In cases not requiring hospitalization, the injured member shall have the right to be treated by a physician of their choice within 72 hours of the injury. In these cases, an examination may be necessary by a physician designated by the department at the discretion of the Chief of Police.

3. When a member has suffered a minor injury in the line of duty, which does not require the services of a physician, a report on the injury and treatment, if any, shall be made to the Chief of Police on form 39-1.

c. In all cases where a member is to be absent from duty due to an injury, the following shall apply:

1. The member shall submit a physician's report outlining the diagnosis and prognosis of the injury, along with an estimated date of return to work.

2. Status reports shall be submitted to the Personnel Assignments Officer as deemed appropriate by them and/or the Chief of Police.

3. **LIGHT DUTY:**

a. After a member has missed twenty working shifts due to the injury, the assignments officer shall contact the member and encourage the member to return to duty on a light duty/work hardening duty status, if such duty will not jeopardize the member health. This shall be done in accordance with the current contract clause regarding light duty.

b. If said member informs the Assignments Officer, they cannot return due to doctor orders, it shall be at the discretion of the Chief of Police to send that member to a doctor designated by the Chief of Police to a, fitness for duty examination.

c. Officers may be evaluated by the City Physician at regular intervals.

d. If the city doctor disagrees with the diagnosis of the member doctor, a third doctor shall be chosen by the two doctors for a third opinion. That third opinion shall be binding.

e. If the member still refuses to return to work, that member shall be subject to disciplinary action up to and including termination.

4. **RECURRING INJURY:**

a. The following procedures are necessary to provide members with the benefits they are entitled to; to assist members in maintaining complete records, and to facilitate prompt payment of medical bills. In all cases where a member has a recurring injury, they shall:

1. Submit a copy of the initial injury report, if available, and a report explaining the reoccurring problem to the Assignments Officer.
2. Submit a doctor report confirming the relationship between the current condition and the previous injury. The member may be sent to the City physician for this examination.
3. Upon receipt of these documents, the Assignments Officer shall submit form 39-1A with all reports to the Chief of Police for evaluation and authorization for payment.

5. **GENERAL:**

Any employee reporting sick or injured shall not engage in any action/function that would tend to bring discredit to the department, or lend itself to public questioning of the apparent abuse of sick or injury leave privileges granted members of the department.

6. **MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH (MA DPH) -
UNPROTECTED EXPOSURE TRIP FORM DPH 3/89:**

Any member who believes they have been exposed to a patient's blood or other bodily fluids in the course of their duty should submit an injury report and a Department of Public Health Form 3/89 as outlined by procedures in Waltham Police Department Manual Chapter 92, Infectious Diseases.