


PINE BLUFF POLICE DEPARTMENT POLICY & PROCEDURES MANUAL

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|  | SUBJECT: | POLICY NUMBER 160 |
| | PERSONAL LEAVE | ISSUE DATE 02/19/2008 |
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I. POLICY

It is the policy of this agency to encourage employees to take advantage of accrued vacation and compensatory time consistent with manpower requirements.

II. PURPOSE

The purpose of this policy is to provide employees with information concerning annual leave, sick leave, and accumulated time to include the guidelines to follow in applying for or otherwise utilizing this benefit.

III. PROCEDURES

A. SICK LEAVE AND VACATION - LAW ENFORCEMENT OFFICERS

1. When an employee is absent from duty due to illness, they will be shown as sick on all records as long as they have unused sick leave available. If the sick days extend for three (3) consecutive work days, the employee shall furnish their supervisor with a doctor's certificate substantiating the facts concerning his condition, when they return to work. When an employee is unable to report for duty because of illness, they shall notify the on-duty supervisor no later than one (1) hour prior to their scheduled starting time. Sick leave is accumulated at the rate of twenty (20), eight (8) hour days a year (January 1 - December 31), after their first full year. Sick leave not taken by December 31 will be carried over to the next year, not to exceed a total of ninety (90) days. As an incentive to not abuse the sick leave policy, the City of Pine Bluff will purchase up to twenty (20) days of unused sick leave above the ninety (90) day limit, at the rate of twenty (\$20.00) dollars per day.

2. No employee of the department shall feign or simulate illness, injury or disability, or fraudulently by concealment, false statement or otherwise seek to deceive or mislead the department in relation to their case. Any employee who does so shall be subject to disciplinary procedures, and in addition to any penalty received, shall not be paid for such illness, injury or disability.
3. When an employee is absent from duty due to illness or injury, and receiving sick pay, the employee must remain at home caring for their illness, unless they are away receiving medical attention.
4. Employees working eight (8) hour shifts may take sick leave in one-half (1/2) or whole days.
5. Employees working ten (10) hour shifts may take sick leave in hours.
6. Employees, who are not able to report for their normal duty assignment or limited duty assignment for thirty (30) consecutive days, shall be placed on inactive status until such time as all accrued time is exhausted.
7. If the employee is still unable to report for duty they may request a leave of absence for a maximum of six (6) months. If the employee is still unable to report for duty his case will be examined by the Chief of Police and City Attorney to determine further employment obligations.
8. Officers will receive up to three (3) days for emergency care of an immediate family member. In cases of extenuating circumstances when additional leave is needed, the Chief of Police will make a determination on an individual case basis.
 - a. Immediate family is defined as spouse, children, parent, grandparent, brother, sister, grandchildren, father-in-law, mother-in-law, brother-in-law, sister-in-law, grandfather-in-law, and grandmother-in-law.

B. ANNUAL LEAVE/VACATION

1. Employees of the department are allowed vacation time from January 1 - December 31 of each year after their first full year. Any vacation not taken by December 31st is forfeited.
2. Request for vacation will be approved by the supervisor prior to the taking of vacation.
3. Employees working eight (8) hour shifts may take vacation in one-half (1/2) or whole days with the approval of the supervisor
4. Employees working ten (10) hour shifts may take vacation in hours.

5. Employees shall accumulate vacation days as follows;
 - a. 1 - 4 Years Service: 15 Eight (8) Hour Working Days (120 Hours)
 - b. 5 - 9 Years Service: 18 Eight (8) Hour Working Days (144 Hours)
 - c. 10 - ++ Years Service: 20 Eight (8) Hour Working Days (160 Hours)

C. ACCUMULATED TIME

1. Employees of the department can accumulate time worked to take off at a later time. These hours will be accumulated by working over your normal work day. This time must be documented and approved by the supervisor on the employee's time card.
2. Employees may accumulate up to a total hours as set by the Chief of Police. Accumulated time may be carried over from one year to the next.
3. Request to take accumulated time must be made to the supervisor prior to taking accumulated time.
4. Accumulated time may be taken in hours.

D. DEATH IN FAMILY

1. Officers will receive three (3) days for in state deaths and five (5) days for out of state deaths of immediate family members. In cases of extenuating circumstances when additional leave is needed, the Chief of Police will make a determination on an individual case basis.
2. Immediate family is defined as spouse, children, parent, grandparent, brother, sister, grandchildren, father-in-law, mother-in-law, brother-in-law, sister-in-law, grandfather-in-law, and grandmother-in-law.

E. MILITARY LEAVE

1. Military leave is taken in accordance with City of Pine Bluff Military Leave Policy, dated January 13, 1992.
2. In addition officers may take vacation or accumulated time for guard drills if they so elect.
3. They may also take off and work one of their off days to make up for guard drill. Make up days must be worked in the same pay period.
4. An employee may elect to take off and receive the difference in his military and department pay. If this option is taken, the employee must forward a copy of his pay voucher to the payroll officer.

F. SICK LEAVE AND VACATION - NON-POLICE EMPLOYEES

1. All full-time (non-police) employees with the city are eligible for sick leave with pay. Sick leave will accumulate at the rate of one (1) day of sick leave for each calendar month of the employee's service with the city.
2. All full-time (non-police) employees who have been employed by the city continuously for a period of one (1) year or more will be allowed five (5) work days of vacation per year with pay beginning with the first year anniversary of the employee's date of hiring. This will accrue at a rate of five-twelfth (5/12) a day per month.
3. All full-time (non-police) employees who have been employed continuously for a period of five (5) years or more will be allowed ten (10) work days of vacation leave per year. This will accrue at a rate of five-sixths (5/6) of a day per month beginning on the fifth year anniversary of the employee's date of hiring.
4. All full-time (non-police) employees who have been employed continuously for a period of fifteen (15) years will be allowed fifteen (15) work days of vacation leave per year. This will accrue at a rate of fifteen-twelfths (15/12) of a day per month beginning with the fifteenth year anniversary of an employee's date of hiring.

G. ABUSE OF SICK LEAVE

1. Sick leave is provided as a means whereby employees who are experiencing a medical problem can take a day or days off, and not lose their pay as a result of the illness.
2. Sick leave is not provided as a means whereby employees can take off work for reasons other than for an actual illness which renders him/her incapable of performing their duties.
3. Utilizing sick leave for any reason other than illness will be considered as abuse of sick leave and will not be tolerated by this department.
4. Any employee who is consistently using sick leave may be required to furnish an excuse from a licensed physician which states the nature of the illness, and the date of the visit.
5. Any supervisor who has reason to believe that an employee is abusing their sick leave may require that the employee in question provide a physicians excuse for any use of sick time until further notice.
6. A supervisor initiating this procedure will be required to have documentation which shows a pattern of abuse, such as:
 - a. Consistently taking off either the day before or the day after a regular day off.
 - b. Consistently taking off on the day before or the day after a holiday for which the employee was also off.

- c. Consistently taking off on the same day of the week for numerous weeks.
 - d. Any situation which would lead a reasonable and prudent person to believe that an employee is abusing their sick leave.
7. Should it be found that an employee is in fact abusing their sick leave, that employee will subject themselves to disciplinary action.

H. FAMILY AND MEDICAL LEAVE ACT (FMLA) LEAVE POLICY

1. **PURPOSE.** The purpose of the Family and Medical Leave Act (FMLA) of 1993 is to balance the needs of families with demands of the workplace. It was designed to promote our country's interest in preserving family unity while accommodating the legitimate interests of employers.
2. **EQUALITY.** The FMLA legislation seeks to minimize the potential for employment discrimination on the basis of gender consistent with the Equal Protection Clause of the Fourteenth Amendment by assuring that leave is available when necessary for both men and women.
3. **TWELVE WEEKS UNPAID LEAVE.** This agency will grant up to twelve (12) weeks of unpaid leave per year to employees who need to care for family members.
4. **QUALIFYING EMPLOYEES.** An employee must have been employed for at least twelve (12) months and worked at least 1,250 hours during the previous twelve (12) months to qualify for FMLA leave.
5. **PURPOSES FOR WHICH LEAVE CAN BE TAKEN.** Employees are entitled to take up to twelve (12) weeks unpaid FMLA leave a year for:
 - a. The birth of the employee's child;
 - b. The placement of a child with the employee for adoption or foster care;
 - c. To care for the employee's spouse, child or parent who has a serious health condition;
 - d. A serious health condition rendering the employee unable to perform his or her job.
6. **INTERMITTENT LEAVE.** The employee may take leave intermittently or on a reduced work schedule when medically necessary due to the employee's or a family member's illness.
7. **NOTICE REQUIRED.** The employee is to provide at least thirty (30) days notice, if possible, of the intention to take leave.
8. **MEDICAL CERTIFICATION.** This agency requires medical certification that the leave is needed due to the employee's own serious health condition or that of a family member. The agency may, at the agency expense, require a second medical opinion. If the first and second opinions differ, the agency may request a third opinion, at the agency's expense, which is then binding.

9. **CONTINUATION OF BENEFITS.** The agency will continue the employee's health insurance under the same conditions as if the employee were working. Under this circumstance, the employee will still be required to pay his or her share of the premium if the agency's health insurance plan provides for such co-payments. Leave under this act is not a "qualifying" event under COBRA. If the employee does not return to the job, the employee shall be liable to the agency for repayment of the health insurance benefits paid by the agency during the employee's FMLA leave.

10. **RETURN TO THE JOB.** Upon returning from leave, an employee is entitled to be restored to the same or equivalent position with equivalent pay, benefits, and other terms and conditions of employment.