

**PORTLAND POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE**

	Effective Date 12/21/2012	Number 105
Subject Leave Time		
Amendment Date		

I. Purpose

This procedure delineates the formal mechanisms for requesting and receiving leave time in its various forms.

II. Policy

The Portland Police Department recognizes the legitimate need of employees to receive leave time. Discretionary leave time will be granted in a fair and equitable manner to all employees. Such leave time will be granted whenever possible, provided the effect of the leave is not overly adverse to Department operations. Non-discretionary leave time will be approved provided the need for such leave is appropriate. The Chief of Police may also grant administrative leave as appropriate or necessary. The terms of the respective collective bargaining agreements define some parameters of leave time and the amount of time awarded.

III. Definitions

Discretionary Leave: leave time that is requested by choice at any time and for which approval is subject to Department operational needs. This includes vacation leave, holiday leave, and compensatory time leave.

Non-discretionary Leave: leave time that is needed as result of a life circumstance considered beyond the control of the individual. This includes sick time, injured on duty leave, and bereavement/funeral leave.

Administrative leave : leave time granted under the authority of the Chief of Police.

Sick Leave: a form of non-discretionary leave used by employees during periods of illness that render them too sick to work. Sick leave may also be used by an employee who, according to a treating physician, is needed to care for a household family member or dependent child who is ill.

Occurrence -- any period when an employee is absent due to sickness for a full or partial day, A partial day is an absence of half a shift or more.

FMLA -- The Family and Medical Leave Act provides up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

The City of Portland allows eligible employees to use accrued leave time to be compensated while on FMLA status.

IV. Procedures

Discretionary Leave

A. Vacation, holiday, and compensatory leave

1. All vacation, holiday, and compensatory leave requests are subject to the approval of the appropriate supervisory authority.
2. Conflicts between competing vacation, holiday, and compensatory leave requests will be resolved informally, if possible, by the appropriate supervisory authority.

3. Vacation, holiday, and compensatory leave may be requested at any time and for any duration of the employee's available time.
4. Vacation, holiday, and compensatory time balances are maintained and adjusted by the Administrative Officer for Payroll and published weekly on each employee's paycheck stub.

B. Requests for discretionary leave

1. An employee desiring vacation, holiday leave or compensatory time shall complete a "Request for Leave" form and submit it to his supervisor as far in advance of the leave date as possible.
2. It is recognized that circumstances may arise wherein an employee desires leave, and time constraints do not allow prior submission of a leave form for approval. The supervisor of the employee may grant verbal approval in such instances, but the employee must complete and submit a leave form upon returning to duty if the supervisor has not already completed the appropriate form.

V. **Non-discretionary Leave**

A. Sick leave

1. Sick leave accruals are intended to be used only when an employee is too sick to work or the employee is needed at home to care for a family member who, according to the treating physician, is unable to either care for themselves or dependent children. Long- term sick leave accruals are for the protection of the employee in the event of a serious illness or accident that renders the employee unable to work. Employees should not utilize sick leave time unless the employee is unable to work.
2. An employee desiring to use sick leave must notify the on-duty Shift Commander, or in the case of civilian employees an appropriate supervisory authority, as soon as it becomes apparent the illness precludes the employee from reporting to the next assigned tour of duty or completing a current tour of duty. All employees must make notification each day they are unable to work. Employees out of work with approved family medical leave are not required to make daily notification.
3. The supervisor receiving notification of a use of sick leave will, on an "Application for Sick or Job-Incurred Injury Leave" form, document the name of the employee, the title or rank of the employee and the date and time that the notification was received. The receiving supervisory shall initial the form, as well. The form will be retained and the receiving supervisor will ensure that the duty roster reflects the employee's sick leave status.
4. An employee returning from sick leave must notify the on-duty Shift Commander or other appropriate supervisory authority of the intention to return to duty at least six hours prior to the beginning of the employee's work shift. The supervisor receiving such notification will ensure that the duty roster reflects the employee's return to duty status and the "Application for Sick or Job-Incurred Injury Leave" form is properly filled out to note the date and time of the return to work notice..
5. An employee returning from sick leave must complete the "Application for Sick or Job-Incurred Injury Leave" form initiated as a result of the leave and submit it to the Shift Commander.
6. Sick leave time balances are maintained and adjusted by the Administrative Officer for Payroll and published weekly on each employee's paycheck stub.
7. On a monthly basis the department will monitor sick leave usage of all employees. A report will be generated by the PAO of Finance, or his/her designee, and forwarded to the PAO of Personnel. The report will detail the frequency and amount of sick leave (personal and family) used by employees. Employees with four (4) occurrences in a rolling twelve (12) month period will be monitored for patterns of usage that may indicate an abuse of sick leave. An occurrence is defined as any period when the employee is absent due to sickness for a full or partial day, A partial day is an absence of half a shift or more.

8. Supervisors will meet with employees identified as having four (4) occurrences in a rolling twelve (12) month period. Employees will be advised they are approaching the threshold of required medical documentation. This SOP will be reviewed as well as those incentives in place to encourage conservative use of sick leave and guidelines for requesting leave under the Family Medical Leave Act (FMLA). Employees are not required to discuss any personal medical history and supervisors will not make inquiry into any medical history. Employees may discuss their medical history only if they choose.
9. Any sick leave associated with an approved medical leave of absence will not be considered when calculating occurrences.
10. Any employee reaching six (6) or more occurrences of sick leave (personal and family) in a rolling twelve (12) month period will be required to provide the department with sick leave documentation. A medical treatment documentation form, provided by the department, must be completed by a physician and submitted to the PAO of Personnel within five calendar days of returning to work.

Failure to provide the required documentation will result in no pay for the sick day and may result in disciplinary action, depending on the circumstances of the particular case, (i.e., late documentation vs. no documentation.)

The requirement will remain in effect for six months. At that time a review of sick leave usage will occur to determine if the employee will be required to continue providing medical documentation.

In accordance with State law, the City will reimburse co-pay expenses through its health insurance when the doctor's visit is mandated. Receipts may be submitted to the PAO of Personnel.

11. If an employee needs to be repeatedly placed on sick leave documentation this will be considered a pattern which may warrant disciplinary action. At its discretion, the department may select the physician to be seen.

B. Personal Leave

1. Employees may convert previously earned sick leave, vacation leave, or compensatory time to personal leave in accordance with the appropriate Collective Bargaining Agreement or City Personnel Policy.
2. An employee will give the appropriate Shift Commander or other appropriate supervisory authority as much advance notice of the use of personal leave as circumstances permit, and, in any case, will notify the Shift Commander or his designee of the use of personal leave in the same manner as required for sick leave. When using personal leave, the employee is not required to give the reason for the use of such time.
3. Personal leave time balances are maintained and adjusted by the Administrative Officer for Payroll and published weekly on each employee's paycheck stub. It is the responsibility of the employee to remain aware of that balance. Employees shall only request personal leave when their available leave balance is sufficient to cover the requested leave.

C. Injured-on-duty leave

1. An employee desiring to use job-incurred injury leave shall notify the on-duty Shift Commander or other appropriate supervisory authority as soon as it becomes apparent the injury precludes the employee from reporting to the next assigned tour of duty or completing a current tour of duty.
2. Injured-on-duty leave time is documented on an "Application for Sick or Job Incurred Injury Leave" form and the procedure for notification and documentation of the use of such time is the same as is described above for the use of sick leave.
3. In addition, employees using job-incurred injury leave time must complete Workers' Compensation

Forms. Such forms must be completed as soon as possible and submitted to the Principal Administrative Officer/ Personnel.

4. In instances of recuperation periods from job-incurred injuries when the injury or recurrence of the injury disables the employee from performing his regular duty assignment, then at the discretion of the Chief of Police or his designee the injured employee may be temporarily assigned to a light duty position during the period of recuperation, provided the employee's physical condition enables him to safely perform alternative duties. Such duties must fulfill a Department need and present no realistic danger of adverse effects to the employee's recovery.

D. Bereavement/funeral leave

1. A employee needing to use bereavement/funeral leave shall notify the on-duty Shift Commander or other appropriate supervisory authority when such a need occurs and complete a "Request for Leave" form, noting the family member relationship.
2. It is recognized that such circumstances may not allow prior submission of a leave form. However, the employee must complete and submit a leave form for approval upon returning to duty if the supervisor has not already completed the appropriate form.
3. The supervisor receiving notification from an employee needing to use bereavement/funeral leave may complete a "Request for Leave" form for the employee and must document employee's leave status on the duty roster.

VI. Administrative Leave

A. Leave time granted administratively

1. The Chief of Police is empowered to grant leave time to employees under circumstances deemed appropriate by him or required by Standard Operating Procedure.
2. Administrative leave is not considered a function of the disciplinary process.
3. Employees seeking administrative leave must submit a written request to the appropriate supervisory authority.
4. The Chief of Police or his designee will notify the employee's Shift Commander or other appropriate supervisor that such leave has been granted. The Shift Commander or other supervisor must then ensure the duty roster reflects the employee's leave status.
5. Employees may be placed on administrative leave and relieved of duty by command or supervisory personnel as authorized in other sections of SOP.

B. Leaves of absence

1. Upon written request and for valid reason, the Chief of Police may at his discretion grant an employee an unpaid leave of absence not to exceed 30 working days.
2. Leaves of absence for a greater duration of time are subject to the approval of the City Manager.