



NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 22.4

TITLE: SICK LEAVE

EFFECTIVE: 04/08/2018

REVISED: Replaces Policy/Procedure 1014

PURPOSE

Employees of this department are provided with a sick leave benefit that gives them continued compensation during times of absence due to personal illness. Employees may also be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (29 CFR 825.100) which can be located under **Chapter 22.4.1 – Extended Sick Leave and Family Medical Leave.**

DEFINITIONS

Injured on Duty (I.O.D.)—Job-related injury sustained while engaged in the performance of duties as defined in **Civil Service Rule VIII, Section 2, 2.10(a)**: "When any commissioned police personnel sustains accidental bodily injury while actively engaged in enforcing vehicle and traffic laws, investigating a traffic incident, police training, responding to an emergency call, or in the process of pursuing, apprehending, arresting, transporting or booking a suspect, such employee may be granted sick leave with pay which will not diminish his or her ordinary sick leave accumulation, simultaneously with the benefit provisions of the State of Louisiana Worker's Compensation statutes, provided such leave is recommended by the Superintendent of Police and is requested of and approved by the Director of Personnel of the Department of Civil Service." (Effective August 1, 2015).

For a Police Recruit: "When any Police Recruit (Academy) sustains any disabling injury while actively engaged in training activities related to law enforcement (to include self-defense, simulation, defensive driving, and weapons training) and subject to the limitations of this section of the Rules, such employee may be granted up to 60 days sick leave with pay which will not diminish his or her ordinary sick leave accumulation, simultaneously with the benefit provisions of the State of Louisiana Worker's Compensation statutes, provided such leave is recommended by the Superintendent of Police and is requested of, and approved by, the Director of Personnel of the Department of Civil Service." (Effective August 1, 2015) An employee who engages in law enforcement duties as defined above and is injured off-duty (including details) shall comply with the Injuries Provisions above so Civil Service can rule on the classification of the injury.

Worker's Compensation (W/C)—Job related injury sustained in any manner which cannot be classified as Injured on Duty (IOD) and may be covered under the Louisiana Worker's Compensation Law.

Sick—An absence from duty because of the employee's illness or when an injury is sustained

off-duty or on an approved police secondary employment which cannot be classified as I.O.D. or W/C.

EMPLOYEE RESPONSIBILITIES

1. Sick leave may be used for absences caused by illness, injury, temporary disability, including pregnancy and maternity, or for medical, dental or vision exams or medical treatment of the employee.
2. Sick leave is not considered vacation. Abuse of sick leave shall result in disciplinary actions. Employees on sick leave shall not engage in police secondary employment, outside employment, other police related activities, with the exception of mandatory court appearances, nor participate in any sport, hobby, recreational or other activity that may impede recovery from the injury or illness. (See: **Chapter 22.4.1 – Extended Sick Leave and Family Medical Leave.**)

NOTIFICATION OF AND RECORDING SICK LEAVE

3. If the employee is detailed, he/she shall notify both the unit of temporary assignment and the unit of permanent assignment. If the employee is assigned to a unit which does not operate on a 24-hour basis, he/she shall notify his/her unit as soon as the unit is open.
4. If an employee is unable to complete a tour of duty due to illness or injury, he/she shall notify his/her supervisor before leaving his assignment.
5. When reporting sick, an employee shall furnish the following information to his/her unit, which shall be recorded on Form 109R (Sick Form), which can be found at NOPD.org, by the person receiving the information:
 - (a) Name, residence address, and residence telephone number.
 - (b) Place of confinement and telephone number if different from the employee's residence.
6. All sick leave usage shall be recorded in the ADP payroll system. If an employee is detailed, the supervisor (or supervisor's designee) of the unit of temporary assignment shall be responsible for recording the sick leave usage in the ADP system.
7. An employee may accrue eight (8) undocumented sick leave days, utilized singly or consecutively, per calendar year (January 1- December 31 of the same year).
8. When the necessity for leave is foreseeable, such as an expected birth (See: **CAO Policy Memorandum No. 33 (R)**) or planned medical treatment, the employee shall, whenever reasonably possible, provide notice to the Department as soon as possible and no less than 30 days of the intent to take leave.

SUPERVISOR RESPONSIBILITIES

9. Supervisors shall monitor sick leave usage and regularly review the attendance of employees under his/her command to ensure that the use of sick leave is consistent with this policy. Supervisors should address the use of sick leave in the employee's performance evaluation when it has negatively affected the employee's performance or ability to complete assigned duties and when unusual amounts of sick leave by the employee have a negative effect on department operations. When appropriate, supervisors shall counsel employees regarding the excessive use of sick leave and/or shall refer the employee to the Officer Assistance Program (see: **Chapter 35.1.9 – INSIGHT**).

10. Nothing contained in this Chapter shall prevent a supervisor from conducting an internal inquiry when it is believed an employee of the department is reporting a fictitious illness or injury or otherwise abusing his/her sick leave benefits. If an internal inquiry reveals an employee is reporting a fictitious illness or injury, the supervisor shall initiate a formal disciplinary investigation.

CONDUCT WHILE ON SICK LEAVE

11. The employee shall contact his/her place of assignment, and if detailed, his/her place of temporary assignment, each day prior to his/her scheduled tour of duty to report either "sick," if directed by a supervisor, or when "returning from sick."
12. An employee on extended sick leave, as defined in **Chapter 22.4.1 – Extended Sick Leave and Family Medical Leave**, shall adhere to the stipulations regarding the daily notification provisions. However, at the discretion of the employee's District/Division Commanding Officer, an employee who is hospitalized or whose absence results in extended sick leave due to a documented illness or injury may be exempt from the daily notification provision. Should this exemption be granted, the District/Division Commander shall check off the exemption block on NOPD Form 109R, which can be found at NOPD.org under the "forms" tab, and date and sign the form acknowledging the exemption.
13. An employee is not required to remain confined to a specific location. However, during the time period concurrent with the employee's regularly scheduled tour of duty, the employee shall remain available via a contact number as the employee may be subject to emergency recall to duty consistent with the limitations of his/her illness or injury. Form 50, "Physician Examination Certification," shall be the controlling information in any assignment of this type.
14. An employee's sick leave period ends when the employee actually returns to duty with the Department. Until said return to duty and completing a tour of duty, employees will be prohibited from engaging in an approved police secondary employment or other police-related activities, except for mandatory court appearances.

DOCUMENTATION OF SICK LEAVE USAGE

15. An employee is allowed a maximum of eight (8) undocumented sick leave days in a calendar year. An undocumented sick leave day is any use of sick leave during a working day or a portion of a working day (i.e. getting ill during shift and not finishing the entire tour of duty would be counted as a "day" for purposes of sick leave.)
16. When less than a full tour of duty of sick leave is taken, the employee's accumulated sick leave balance in ADP (payroll system) will be charged only the **actual number of hours utilized**.
17. NOPD Form 50, "Physician's Examination Certification," shall be utilized for documentation of sick leave usage. Any sick leave usage not accompanied by Form 50 is considered "undocumented."
18. When an employee has exhausted his/her eight (8) undocumented sick leave days, it is the responsibility of his/her supervisor to notify the employee in writing utilizing a Form #161 - Sick Leave Notification Form.
19. After a total of eight (8) days of undocumented sick leave usage, a Form 50 must be

- provided for each subsequent use of sick leave during that calendar year. Form 50 must be completed by the employee's attending physician. Should the employee find it necessary to obtain documentation during his tour of duty, he/she shall be charged annual leave or leave without pay, as appropriate, until returning to duty.
20. Sick leave usage accompanied by a Form 50 is considered documented. The employee shall consult his/her doctor during the illness while the symptoms are present. The Department Physician will not provide documentation after the fact unless the employee's symptoms are present.
 21. For a documented absence, the employee shall provide the completed Form 50 to his/her supervisor (or supervisor's designee) within five (5) business days of returning to duty. An employee may elect to document any usage of sick leave provided the Form 50 is presented within the specified time.
 22. The employee's supervisor (or supervisor's designee) shall note the documented sick leave usage in the ADP system. The Form 50 shall be forwarded to Administrative Duties Services. Copies of the Form 50 shall not be filed in the employee's unit personnel jacket – medical section.
 23. If an employee has been on sick leave for five (5) consecutive days, he/she must provide a Form 50 to his/her supervisor regardless of the number of documented or undocumented absences he/she has accrued. The Form 50 must be presented within five (5) business days following the employee returning to duty.
 24. If an employee's medical condition necessitates using sick leave for 10 or more consecutive days, the employee must provide a Form 50 to his/her supervisor (or supervisor's designee) **prior to returning to duty**.
 25. In accordance with Civil Service Rule IV, Section 9.4, sick leave will not be counted as hours worked toward computation of overtime.

EXCEPTIONS

26. **DEATH IN THE IMMEDIATE FAMILY** - (defined in Civil Service Rule I, Section 1, number 36 and Rule VIII, section 2.5(e)). "When there is a death in the immediate family of the employee, as defined in Rule I, the employee shall be allowed to use a maximum of three (3) leave days of sick leave. If travel time is deemed necessary, the appointing authority may grant an extra two (2) leave days of sick leave; but in no case shall the sick leave granted under this section aggregate more than five (5) leave days.."
27. **AWP DAYS, HOLIDAYS, ANNUAL LEAVE** - An employee may use his/her AWP day, Holiday or Annual Leave in any manner when the employee first states his/her intention to return to duty immediately following the leave usage. This notification must take place **prior to the time when the employee's tour of duty normally begins**.
28. **SICK LEAVE DURING STATE OF EMERGENCY** - The Superintendent of Police may declare a State of Departmental Emergency under circumstances which may include, but shall not be limited to, natural disasters, manmade disasters, or civil disturbances. Employees who are absent due to illness or injury during a declared State of Departmental Emergency shall, upon request of the Superintendent or his/her Commanding Officer, present a Form 50 completed by a licensed physician.
29. Under a State of Departmental Emergency, the Superintendent may review the cases of those employees who are on sick leave and order those employees to return to work in a

capacity consistent with his/her illness or injury.

REPORTED SICK LEAVE DURING CONCERTED WORK STOPPAGES

30. Employees who are absent due to illness or injury during a concerted work stoppage shall adhere to the provisions of the City of New Orleans, CAO Circular memorandum Number 510 found on the NOPD.org site under "Forms."

REPORTING INJURIES

31. All injuries which occur while on-duty shall be reported on an Employers First Report of Injury or Illness (LWC-WC IA-1) found at: http://www.laworks.net/downloads/downloads_owc.asp. This report shall be completed by a supervisor **within 72 hours of the injury**. The supervisor shall ensure the report is COMPLETELY and ACCURATELY filled out. Failure to complete all applicable spaces on the form shall result in an unnecessary delay in classification and payment, and possibly in refusal by Civil Service to accept a claim as Injured On-Duty (I.O.D.) An NOPD Incident Report shall be completed in all instances where an employee is injured while working.
32. An employee who engages in law enforcement duties and is injured off-duty (including approved police secondary employment) shall comply with the Injuries provision of this procedure so Civil Service can rule on the classification of the injury. The employee's work status (on-duty, off-duty, PSE, etc.) shall be included in the narrative section of the form.
33. Form LWC-WC IA-1 shall be hand delivered to the MSB - Human Resource Services **within 48 hours of the occurrence**. If the 48 hours fall within a weekend or holiday, the form shall be hand delivered to the Human Resource Services on the **next business day**. A copy of the LWC-WC IA-1 shall be retained in the employee's Human Resource Services file or by Administrative Duties Section as appropriate.

REPORTING ABSENCES DUE TO INJURY

34. Employees who absent themselves from duty as a result of a job related injury or recurrence shall make notification as dictated by this Chapter. The employee must specify that the absence is injury related and provide the correct Item Number so a Form 109R can be completed. All employees absent from duty due to job related injury or recurrences are subject to the provisions of this Chapter relating to sick leave.
35. An employee who is absent due to a job related injury or recurrence may:
- (a) Be recalled to duty in a capacity consistent with his/her injury by the Superintendent of Police under a declared State of Departmental Emergency;
 - (b) Be required by the Superintendent of Police or his Commander to obtain a Form 50 as a result of a declared State of Departmental Emergency; or
 - (c) Be required to submit to examination(s) as directed by the City's Claims Administrator, the Superintendent of Police, or his/her Commander.
36. An employee suffering a job related injury or recurrence who elects to return to duty while recuperating shall be subject to all provisions of **Chapter 22.2 - Limited Duty/Assignments**.
37. Employees who utilize sick leave due to a job related injury or recurrence classified as I.O.D. or W/C must provide medical documentation to receive any benefits.

38. All admit forms, documents containing diagnoses and medical information from hospitals and/or physicians, prescription bills, etc., shall be sent to the City's Claims Administrator.

LEAVE WITHOUT PAY

39. When it is determined an employee has or will exhaust accrued annual and sick leave and will be placed in a Leave Without Pay status, the employee's supervisor shall immediately (verbally) notify the employee he/she has exhausted all forms of paid leave status. It shall be the employee's immediate supervisor's responsibility to obtain the employee's signature on **Form 51 – Leave Without Pay Status** within 48 hours of the employee being placed on Leave Without Pay status.
40. The employee shall complete a **Leave Without Pay Request (Form 52)** and forward same with all required documentation to the Superintendent through the chain of command for final approval. After final approval, the completed Leave Without Pay Request (Form 52) shall be forwarded to the Human Resource Services for processing. Form 52 shall be received by the employee's Commander within 48 hours of the employee exhausting all accrued leave.
41. If the employee is incapacitated and unable to complete Leave Without Pay Request (Form 52), the employee's immediate supervisor shall complete the form. The supervisor shall place his/her name on the employee's signature line, line out the word employee, and add the notation "**completed for employee**" beneath.
- (a) If the required medical documentation cannot be obtained within the 48-hour time frame, the form shall be forwarded to the Superintendent with notation "documentation to follow."
- (b) Medical documentation shall be obtained and forwarded through the chain of command within 10 days of the employee's first use of Leave Without Pay. Failure to supply the required documentation may result in disciplinary action under Civil Service Rule IX, relative to "Maintaining Standards of Service."
42. Should the employee's use of Leave Without Pay status result from circumstances not involving the employee's health, the provisions of this regulation regarding medical documentation shall not apply. In those instances the employee shall:
- (a) Complete the Leave Without Pay Request (Form 52);
- (b) In the comments section fully explain the reason for being absent from work;
- (c) Indicate an expected date when the employee will return to work;
- (d) Supply any outside written documentation deemed appropriate. NOPD provides a critical function for the citizens of the community. As such, each employee's attendance at work is important in achieving the police department's mission of providing a timely and efficient service to the community. Extensive or frequent use of Leave Without Pay status may result in disciplinary action under Civil Service Rule IX titled "Maintaining Standards of Service."
43. Authorized Leave without Pay may be granted in 90-day increments or less by the Superintendent of Police not to exceed one year, whenever such leave is in the best interest of the department. **Authorization for Leave without Pay in excess of one year may be granted only with the approval of the Civil Service Commission.**

DUTIES OF THE INJURY REVIEWING PERSON (I.R.P.)

44. The I.R.P. shall review all LWC-WC IA-1 forms and classify as to I.O.D., W/C, or Sick. The I.R.P. shall distribute the form LWC-WC IA-1 as follows:
- (a) Copy marked third party administrator and copy marked for Office of Worker's Compensation shall be sent to the City's claims administrator; and

- (b) Copy marked for department shall be filed by the Human Resource Services. The I.R.P. shall notify the Human Resource Services of the injury classification, the amount of leave time to charge the employee (if any) and what information should be recorded in the ADP payroll system. A copy of this information shall also be forwarded to the employee's place of assignment.