



NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 22.14

TITLE: EXTENDED LEAVE

EFFECTIVE: 08/05/2018

REVISED: Replaces Policy 1015

PURPOSE

To establish a department policy which will govern employees who are classified as extended leave, which is a general payroll classification. Specific categories within the general classification of extended sick include Injured on Duty (I.O.D.), Workers' Compensation (W/C), Sick Leave, Military Leave and Family Medical Leave. These categories are determined by the particular circumstances of the employee.

EXTENDED LEAVE

1. Whenever an employee is absent for 30 calendar days in any extended leave classification, the employee's Commander is responsible for ensuring the employee is transferred to the Administrative Duties Division. Any recommendations from the employee's commander or other relevant information should be forwarded to the Administrative Duties Division at the time of the transfer.
2. The Administrative Duties Division will conduct an initial evaluation and monitor the employee until such time as he/she is returned to full duty and is transferred out of the Administrative Duties Division, or is no longer employed by the New Orleans Police Department.
3. The Administrative Duties Division Commander will utilize a **Form 50** for purposes of recording medical documentation of the employee's status.
4. The Administrative Duties Division shall serve as the temporary place of assignment for:
 - (a) All employees in any extended leave classification; and
 - (b) For those employees that qualify for a limited duty assignment, while recovering from an illness or injury.
5. At the discretion of the employee's District/Division Commander, 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 (See: **Chapter 22.4 – Sick Leave**). Should this exemption be granted, the District/Division Commander shall check off the exemption block on NOPD **Form 109R** (Sick Form), which can be found at nopd.org under the forms tab, and date and sign said form acknowledging the exemption.

6. It is the responsibility of District/Division Commanders to monitor the leave usage of their employees and to ensure that accurate and timely extended leave classifications are properly documented. This includes adherence to the requirements set forth in this section regarding a timely transfer of personnel to the Administrative Duties Division.
7. If a District/Division Commander has medical documentation which would support an employee's transfer before an absence of 30 calendar days, it is permissible to request the transfer.
8. Any communications or requests for information, internal or external to the Department, relating to employees in limited duty positions shall be coordinated and managed by the Administrative Duties Division.

CLASSIFICATIONS OF EXTENDED LEAVE

9. **Extended leave** - Any continuous use of Sick Leave, I.O.D., Workers' Compensation, Leave Without Pay, or any leave combination, whereby the loss of time equals 30 calendar days. An employee must provide a Form 50 attesting that the illness or injury is ongoing or an extended recovery is necessary.
10. **Injured on Duty (I.O.D.)** - A job-related injury sustained while engaged in the performance of duties as defined in Civil Service Rule VIII, Section 2, 2.1(d)(1): "When an employee of the New Orleans Police Department sustains accidental bodily injury while actively engaged in law enforcement duties and as a direct result of circumstances that are unique to law enforcement, such employees may be granted sick leave with pay which will not diminish his or her ordinary sick leave accumulation, simultaneously with the benefit provision 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."
11. **Worker's Compensation (W/C)** - A job-related injury sustained in any manner during the performance of his/her job duties which meets provisions of the Louisiana Worker's Compensation Law but which cannot be classified as Injured on Duty.
12. **Sick** - Any illness or injury sustained while off-duty or on a paid detail which cannot be classified as I.O.D. or Workers' Compensation and the employee is carried sick according to Civil Service Rules.
13. **Military Leave** - Any employee who has entered into active military or naval duty with the Armed Forces of the United States or the State of Louisiana (see: **Civil Service Rule VIII, Section 8.1**). The employee shall be carried authorized military leave without pay but which may result in pay upon his/her return to work from active duty.

MILITARY LEAVE

14. Any request for leave under the provisions for Military Leave shall be made in writing on a **Form 20 – Furlough Request** accompanied by a copy of the military orders pertaining to the leave period. The following information shall be supplied as part of the Form 20 request:
 - (a) Anticipated dates of mobilization;
 - (b) Military unit name and identification;
 - (c) Military unit's commanding officer's name, telephone number and email address;
 - (d) Immediate military supervisor's name, telephone number and email address; and
 - (e) Name of the military ombudsman (or equivalent), telephone number and email address.

15. The Deputy Chief of Management Services Bureau or his/her designee will meet with the employee prior to deployment to determine and clarify information regarding:
 - (a) Employee benefits;
 - (b) Salary continuation; and
 - (c) Any other relevant information which may aid the employee during deployment or later reintegration.
16. Prior to deployment, the employee shall turn in all departmental issued property and identification to his/her District / Division Commander. The property and equipment shall be stored in a secure location during his/her deployment.
17. The employee's District/Division Commander shall be responsible for confirming the accuracy and authenticity of the military orders by contacting the military unit commander. A notation shall be made on the original Form 20 indicating the date, time and person contacted for confirmation of the military orders before a copy is forwarded to the Administrative Duties Services with the transfer request if the military leave request is for longer than 30 days.
18. The Administrative Duties Services shall verify the status of the military leave by confirming the accuracy and authenticity of the military orders by contacting the military unit commander one week prior to the conclusion of the military leave request and the transfer of the employee back to his/her original unit of assignment and document the date, time and person contacted for confirmation.
19. Any employee on a military leave of absence, upon completion of the service obligation, must return to work in a timely manner as established by applicable laws. Failure to return to work after approved military leave in a timely manner, falsification of the reasons for taking military leave or working elsewhere while on military leave can result in termination of the leave of absence and/or disciplinary action, up to and including termination of employment.
20. Prior to returning to full duty, the returning employee shall meet with the Deputy Chief of Management Service Bureau or his/her designee for a reintegration interview.
21. An employee returning from a military leave of absence shall be reinstated in accordance with and as required by applicable laws. An employee returning from military leave of absence will typically be reinstated without loss of seniority, status or pay and return to either his/her prior position or the position in which the employee would have been employed had his/her continuous service not been interrupted by the military leave. The Department may require an employee to provide documentation demonstrating his/her eligibility to return to work.
22. Upon return to work, the employee must provide appropriate documentation regarding the amount of military pay received during the leave, the amount of time served, and documentation indicating the type of duty performed.
23. The employee shall contact his/her immediate supervisor as soon as notice to return to work is received and request reissuance of equipment. Returning employees shall be reissued all equipment and credentials.
24. The returning employee shall be provided updated copies of all Operations Manual changes that took place during his/her leave.
25. The returning employee shall meet with the Commander of the Education & Training

Division or his/her designee to determine what certifications or training was missed or needed to achieve currency with Departmental and POST requirements. A schedule shall be developed to satisfy all training requirements, including a short term assignment to a Field Training Officer for refresher training. All training requirements, schedules and satisfactory completion shall be documented and maintained in the employee's training record.

PARENTAL LEAVE (Maternity, Paternity and Adoptive Parent)

26. Any request for leave under the Parental Leave (See: **Civil Service Rule VIII, section 9**) should be made in accordance with the Chief Administrative Office Policy Memorandum No. 108, which can be found under the forms tab at nopd.org. This applies to all commissioned and non-commissioned members of the New Orleans Police Department who qualify to receive parental leave under the provisions of the FMLA.

ADMINISTRATIVE DUTIES DIVISION RESPONSIBILITIES

27. The Administrative Duties Section will maintain current Civil Service job descriptions and specifications for all classifications within the Department. This information will be used in determining the suitability of employees to perform within a given classification. Additionally, they will be used in all communications with physicians, insurance agencies, city agencies, pension boards and other interested or affected parties when referring to or communicating specific job duties and requirements of a classification.

PHYSICIANS EXAMINATION CERTIFICATION (FORM 50)

28. Employees that are required to submit a Form 50 (Physicians Examination Certification Form), which can be found at nopd.org, shall have 10 calendar days to return same to the Administrative Duties Section or face possible disciplinary actions. The Administrative Duties Section shall review and evaluate the Form 50 for accuracy and completeness. Incomplete forms or those forms lacking required information to be supplied by the employee's physician will be rejected as "incomplete." The employee shall have up to three (3) additional working days to submit the corrected form or face possible disciplinary action and possible disapproval of leave usage.
29. NOPD Form 50 shall be completed and submitted to the Administrative Duties Section:
 - (a) Upon initial transfer entry into the Administrative Duties Section.
 - (b) When it is anticipated, requested, or required to establish the classification of being on extended leave.
 - (c) When requesting a limited duty position and for each 30 calendar day medical update while on limited duty.
 - (d) When an employee is returning to full duty, despite the employee's previous classification.
 - (e) If an assessment of an employee's fitness for duty is required or requested.
 - (f) When submitting the 60 calendar day medical update for extended leave.
 - (g) To document any sick leave use.
 - (h) When required by this procedure.

EVALUATION OF RETURN TO WORK STATUS

30. The Department reserves the right to secure an Independent Medical Examination to evaluate any health condition related to the use of sick leave.
31. The information provided by the employee's physician in the Form 50 "Return to Work" section will be utilized in the decision to assess application of an Independent Medical

Examination provided by the City of New Orleans medical examiner.

32. The department may require employees to submit to an Independent Medical Examination by a health provider of the agency's choosing at the employer's expense. In the event the opinion of this second health provider differs significantly from the employee's health provider, the employer may request a third opinion at the employer's expense.

INDEPENDENT MEDICAL EXAMINATION

33. An employee shall report to an Independent Medical Examination as scheduled by the Administrative Duties Section and the medical examiner. Any cancellations or rescheduling must be coordinated and approved by the Administrative Duties Section. All costs of the Independent Medical Examination are the responsibility of the City.
34. If the Independent Medical Examination confirms the employee's Form 50 medical opinion, then extended sick leave status may be approved for an additional 60 calendar days (from date of initial transfer to the Administrative Duties Section). At the end of 60 calendar days, the employee shall have 10 working days to submit another Form 50 and may be subject to another Independent Medical Examination.
35. An employee shall have the right to obtain a third medical evaluation from another medical examiner if the City Independent Medical Examination report conflicts or disagrees with the employee's initial health care provider recommendation on the Form 50. This third examiner must be mutually agreed upon by the Administrative Duties Section, and all costs of this examination are the responsibility of the employer. The employee and Administrative Duties Section representatives shall cooperate and act in good faith in selecting any third health care provider, and both parties shall be bound by that medical decision. Such decisions shall only remain in effect for that individual 60 calendar day extension.

EXTENDED LEAVE EXTENSIONS (60 DAYS)

36. The approval of an extension of 60 calendar days past the first 30 calendar days of extended leave may be granted by the Department if the medical condition prognosis provides indication that an employee may return to full or limited duty within a defined or projected time frame. Subsequent extensions of additional 60 calendar day intervals may be approved based again on this same prognosis of maximum medical improvement.
37. This decision to extend leave is not automatic and will be determined by the Form 50 and supporting documentation provided by the employee's health care provider; and, if requested, the Independent Medical Examination provided by the City Medical Examiner; and if necessary, the third medical examination report as appealed by the employee.
38. The use of accrued sick days may only be applied consistent with supporting documentation that confirms the employee's illness or medical condition. Such supporting documentation must be submitted completely in the Form 50. The Department reserves the right not to allow the use of any sick leave benefits for undocumented illnesses. The application of accrued sick leave days can also be limited to finite periods based on evaluation and review of the employee's medical condition.
39. For those employees who have exhausted all "approved and authorized" sick and annual leave benefits, the Department may authorize use of "Leave Without Pay" status

consistent with Civil Service Rule VIII, Section 10 and with the medical prognosis of maximum medical improvement as documented in the Form 50.

40. If the Department determines maximum medical improvement cannot be achieved through the approval of any 60 calendar day extension(s), or if the employee has the capacity to perform but is unable and unwilling to return to work, then the Department has the right to initiate Rule IX proceedings.

RULE IX

41. The Administrative Duties Section shall prepare and submit a recommendation to the Superintendent of Police for consideration in all such cases where the employee's medical condition fails to provide for maximum medical improvement to resume the full job responsibilities associated with the position and classification.
42. The Police Department will conduct a pre-termination hearing, according to Rule IX of the Civil Service Rules, relative to Maintaining Standards of Service every 30 days for employees assigned to the Administrative Duties Section. The hearing will be held within 15 calendar days after the employee is notified of such in writing following Civil Service Rules.
43. At the pre-termination hearing the Superintendent of Police, or his designee, shall evaluate the employee's ability to maintain standards of service. The final action of the Superintendent of Police may be delayed or extended if the employee reasonably and adequately demonstrates, to the satisfaction of the Superintendent of Police that he/she is seeking an immediate remedy (e.g., disability retirement or accommodation) but requires additional time to complete the action. The Superintendent may elect to offer another position commensurate with physical abilities and qualifications.

PERMANENTLY UNABLE TO RETURN TO FULL DUTY

44. Whenever an employee is informed by his/her attending physician or independent medical examiner that the prognosis of his/her illness or injury will prevent a return to full duty (i.e., the ability to satisfactorily perform all the unique and peculiar activities associated with his/her job classification), a Form 50 must be submitted to the Administrative Duties Section. The Form 50 must attest to the employee's inability to return to full duty considering the duties and responsibilities incumbent with the Civil Service job classification. The employee shall also provide any additional documentation necessary to more thoroughly articulate the employee's medical condition and limitations. The employee may exercise the following employment options:
 - (a) Seek a disability pension, if so qualified.
 - (b) Apply for a reasonable accommodation consistent with his illness or injury. (Accomplished through the Employee Growth and Development unit of the Department of Civil Service).
 - (c) Resign or retire from the Police Department.

USE OF EXTENDED LEAVE FOR PSYCHOLOGICAL REASONS

45. Those employees who utilize extended leave due to stress or psychological reasons shall immediately notify their commander of the member's condition. The commander shall suspend a sworn member's police powers and collect the member's badge, police identification, police radio, police vehicle, and any department owned weapon. The commander shall ensure the member understands all police powers are suspended. The employee's Commanding Officer shall complete NOPD Form 55 (Suspension of Police Powers), which can be found at n opd.org, and have same signed by the employee.

46. The member shall be transferred to the Administrative Duties Section immediately. The Commander of the Administrative Duties Section will ensure that a Form 50 is received within 10 calendar days. The member's police powers will remain suspended until his/her psychological status renders him/her capable of performing full duty, as determined by the employee's health care provider, the Department-approved psychological services provider, or Independent Medical Examination.
47. If the member on extended leave is a commissioned supervisor, the supervisor's Commander shall ensure that either:
 - (a) The subordinates assigned to that supervisor are reassigned to other units and supervisors to maintain the proper supervisory ratio, not to exceed 8:1 for the duration of the extended leave; or
 - (b) Another supervisor is assigned to the unit to maintain the proper supervisory ratio, not to exceed 8:1 for the duration of the extended leave.
48. Members may be considered for a noncommissioned temporary limited duty position during the period of recovery only.

MATERNITY LEAVE

49. The Administrative Duties Section shall be responsible for processing and handling the limited duty assignment of pregnant employees. Pregnant employees will not be assigned to limited duty before their transfer to the Administrative Duties Section. Maternity leave will be in accordance with Civil Service Rule VIII, section 9. Pregnant employees wishing to be assigned to a limited duty position shall make their request by submitting a Form 50 to the Administrative Duties Section. The Administrative Duties Section shall accomplish their reassignment according to this procedure.

RETURNING TO DUTY

50. Whenever an employee is informed by his/her physician he/she can return to full duty, a Form 50 must be forwarded to the Administrative Duties Section. Upon receipt of proper notification and submission of the Form 50, the Administrative Duties Section shall immediately notify the Deputy Superintendent of the Management Services Bureau in writing of the employee's ability to return to full duty. The notification shall include the employee's previous permanent assignment. However, employees must wait for an official departmental message to authenticate their transfer and reassignment. An employee cannot be installed into the platoon system until officially transferred back into the budget code of permanent assignment.

PAYROLL REQUIREMENTS

51. When an employee is assigned to the Administrative Duties Section, the employee's permanent unit of assignment is relieved from any payroll responsibilities. All personnel assigned to limited duty positions will be carried "detailed" by the Administrative Duties Section staff. It is the responsibility of the temporary unit of assignment to maintain the payroll entries for the employee.
 - (a) The temporary unit of assignment shall record in the ADP system the actual hours worked by the employee.
 - (b) Under no circumstances will limited duty personnel be allowed to work overtime without permission of the Deputy Superintendent of the Management Services Bureau.
 - (c) Subpoenas will only be accepted for employees who can reasonably be expected to appear in court as requested.

PROPERTY ISSUED BY THE DEPARTMENT

52. All commissioned members assigned to the Administrative Duties Section and who cannot work in a "Limited Duty" capacity shall immediately return property issued by the department to the Commander of the Administrative Duties Section. The property shall include but is not limited to the following:
- (a) Department issued weapon;
 - (b) Radio, charger and components; and
 - (c) Vehicle, if assigned;

REPORTING INJURIES

53. All injuries which occur while on-duty shall be reported on a form W/C 1007 (rev 8/06) and completed within 72 hours of the injury (by law). The supervisor shall be responsible for completely filling out the form W/C 1007 accurately. Failure to complete all applicable spaces on the form may result in an unnecessary delay in classification and payment, and possibly in refusal by Civil Service to accept a claim as I.O.D. An NOPD Incident Report shall be completed in all instances where an employee is injured while working. (Form 1007 is available for download online at www.laworks.net, under Worker's Comp E-File.)
54. The employee's work status shall be included in the narrative section of block 21 of form W/C 1007.

DISTRIBUTION OF FORM W/C 007

55. Form W/C 1007 shall be hand delivered to the Human Resource Services within 24 hours of the occurrence. If the 24 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 W/C 1007 shall be retained in the employee's unit file and a copy given to the employee.

REPORTING ABSENCES DUE TO JOB RELATED INJURY

56. All employees absent from duty due to job related injury or recurrences are subject to the provisions of this procedure relating to Sick Leave. Employees must specify the absence is injury related and provide the correct Item Number so a Form 109R (Sick Form), which can be found at nopr.org, can be completed.
57. 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 injury by the Superintendent of Police under a declared State of Departmental Emergency, as provided for in this procedure (Sick Leave During State of Emergency, see: **Chapter 22.4 – Sick Leave**);
 - (b) Be required by the Superintendent of Police or his Commanding Officer 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 Department of Civil Service, the City's claim adjuster, the Superintendent of Police, or his Commanding Officer.
58. An employee suffering a job related injury or recurrence that elects to return to duty while recuperating shall be subject to all provisions of the "Limited Duty" Procedures.
59. 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.

60. All admit forms, documents containing diagnoses and medical information from hospitals and/or physicians, prescription bills, etc., shall be sent to the City Claims Administrator.
61. 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 (LWOP), the employee's supervisory officer shall immediately notify, in writing, 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.
62. The employee shall complete **Form 52** (Employee Request Leave without Pay), which can be found at nopd.org, and forward same with all required documentation to the Superintendent through the chain of command for final approval. After final approval, the completed Form 52 (Employee Request Leave without Pay) shall be forwarded to the Human Resource Services for processing. Form 52 (Employee Request Leave Without Pay) shall be received by the employee's District/Division Commander within 48 hours of the employee exhausting all accrued leave.
 - (a) If the employee is incapacitated and unable to complete Form 52 (Employee Request Leave without Pay), 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.
 - i. If the required medical documentation cannot be obtained within the 48 hour time frame, the form shall be forwarded to the Superintendent with a notation "documentation to follow."
 - ii. 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."
 - (b) 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:
 - i. Complete Form 52 and:
 - In the comments section, fully explain the reason for being absent from work; and
 - Indicate an expected date when the employee will return to work.
 - ii. Supply any outside written documentation deemed appropriate.
63. The New Orleans Police Department 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."
64. 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 considered to be 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.)

65. The I.R.P. assigned by the Deputy Superintendent of the Management Service Bureau (Human Resources Services) shall review all W/C 1007 forms and classify as to I.O.D., W/C, or Sick. The I.R.P. shall distribute the form W/C 1007 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.