

# Bowie Police Department - General Orders



TITLE: EMPLOYEE LEAVE BENEFITS	NUMBER: 303
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AUTHORITY <b>Chief John K. Nesky</b>	ACCREDITATIONS STANDARDS CALEA STANDARDS: 22.1.3	TOTAL PAGES 5
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**I. PURPOSE**

Employees of the Bowie Police Department are authorized to receive certain benefits enumerated in the City of Bowie Employee Handbook issued to every employee. The manual specifies the amount of leave each employee may accrue and the various types of leave authorized. It also lists other benefits offered to City employees, outside of LEOPS, such as civilian retirement, health and life insurance and optional benefits that may be purchased by the employee, such as disability coverage. The Bowie Police Department does not offer benefits of its own nor does it have the authority to modify any benefit offered by the City of Bowie.

**II. POLICY**

All Bowie Police Department employees are directed to consult the Employee Handbook for specifics on leave accrual rates.

**III. TYPES OF LEAVE**

**A. Annual Leave**

Annual leave must be approved by the supervisor in advance, based on staffing and employee commitment, i.e training, court, length of leave period requested.

Annual leave may be earned see the City of Bowie Employee Handbook and CBA for specifics.

Probationary employees may accrue vacation leave but may not use the leave for six months.

Annual leave requests for five (5) or more days shall be submitted to the supervisor and Division Commander at least 14 days in advance of the leave period. Employees shall submit leave requests for less than five (5) days as soon as possible and reasonable to the time of use. Supervisors shall promptly verify, and may approve leave request.

All employees are entitled to personal and supplemental leave days. Refer to the Employee Handbook or Collective Bargaining Agreement CBA for specifics.

When an employee cannot report for work because of illness, they shall notify the Supervisor and or Lieutenant at least one hour prior to their regular reporting time on first day of illness and the probable date of return to work.

Absence due to illness for more than three (3) consecutive days must be substantiated by a licensed physicians certificate describing the nature of the illness, the date treatment began, and the date of discharge from treatment. Failure to notify the immediate supervisor within the time prescribed will be considered sufficient cause for disciplinary action.

The City will not accept messages left with secretaries or other parties as sufficient notice. Notice must be made directly to an immediate supervisor and the following procedure shall be followed:

### **Call Out Process**

- i. Supervisors and members are to ensure when a call out occurs it is at least an hour before the member's reporting time. This applies but not limited to court, training, tour of duty, and overtime.
- ii. Members shall make notification to their immediate supervisor of the call out, the States Attorney's Office when calling out from court; then make notification to the City of Bowie Police Department's Call Center.
- iii. The Call Center Personnel shall record the member's name, time of call, the supervisor notified, court personnel notified when calling out from court, and reason for call out.

### **B. Employer Mandated Leave**

The Chief of police may place an employee on leave whenever medical opinion confirms the employee's medical condition may seriously impair their ability to perform, or may jeopardize the health or safety of the employee or other persons.

### **C. Compensatory Leave / Overtime**

Certain working conditions or circumstances may require you to work beyond your normal work week. When this happens, you will be compensated for any overtime according to the definitions under the Fair Labor Standards Act (FLSA). Whether you are compensated for overtime with cash or compensatory time is determined by the FLSA and City Code Sec 2-22 except as otherwise noted in the CBA.

### **D. Jury Leave**

Any regular employee called upon for jury service will be compensated at the employee's regular rate of pay. Such leave will not be deducted from any other leave earned by the employee.

### **E. Family Medical Leave**

Regular full or part-time employees who have been employed with the City for twelve months, and who have 1,250 hours of service during the previous calendar year are entitled to receive twelve weeks of leave during any calendar year for specified family or medical

reasons which include:

1. Because of the birth of a son or daughter of the employee and in order to care for such son or daughter.

2. Because of placement of a son or daughter with the employee for adoption or foster care;

3. In order to care for the spouse, domestic partner, or a son, daughter, parent of the employee, if such person has a serious health condition.

a. Son or Daughter: A “son” or “daughter” means a biological, adopted or foster child, a stepchild, a legal ward or a child of a person standing in loco parentis, who is:

i. Under 18 years of age; or,

ii. 18 years of age or older and incapable of self-care because of a mental or physical disability.

4. Because of a serious health condition that makes the employee unable to perform the functions of the position or an available alternative position for which the employee is qualified.

a. Serious Health Condition: A “serious health condition” means an illness, injury, impairment or physical or mental condition that involves:

i. Inpatient care in a hospital, hospice or residential medical care facility; or

ii. Continuing treatment by a health care provider.

5. Family and medical leave will be unpaid unless the employee is qualified to receive disability benefits under the City’s Flexible Benefits Plan in which case the employee will receive pay as authorized by the City’s Flexible Benefits Plan. If the period of time the employee is entitled to receive pay is less than twelve weeks, the employee will receive unpaid leave for the balance of the twelve week period.

6. In any case which the necessity for family medical leave is foreseeable based on an expected birth, placement, and the employee shall provide the City with not less than 30 days’ notice, before the date the leave is to begin, of the employee’s intention to take family medical leave. Exceptions: The date of the birth or placement required leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

7. If the leave request is based on the serious illness of the employee or the employee’s family member, the employee shall provide thirty (30) days notice to the Personnel Office, or if that is not possible, as much notice as is practicable.

8. The Personnel Office may require certification as to the medical condition requiring leave, and may also require a second medical opinion if there is reasonable doubt as to validity of the medical condition. The Personnel Office may require a recertification of the medical condition and may also require the employee to make periodic reports as to their status or intention to return to work.

9. Restoration to Position: An employee who takes family medical leave for the intended purpose of the leave shall be entitled, upon return from such leave to:

- a. Be restored by the City to the position of employment held by the employee when the leave commenced; or,
- b. Be restored to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment.

10. Loss of Benefits: The taking of family medical leave shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

11. Limitations: Nothing in the Federal law shall be construed to entitle any restored employee to:

- a. The accrual of any seniority or employment benefits during any period of family medical leave; or
- b. Any right, benefit or position of employment other than the right, benefit, or position to which the employee would have been entitled had the employee not take the leave.

12. Coverage: During any period that an employee takes family medical leave, the City shall maintain coverage under any “group health plan” for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave.

- a. If an employee receives pay during the period of leave, the benefits will continue to accrue for the period that pay is received.
- b. If the family or medical leave is unpaid, in whole or in part, no benefits will accrue for the unpaid portion of the leave.
- c. If the leave is unpaid, the employee is required to pay the City’s portion of the premium, as well as any portion of the premium the employee is customarily required to pay.

#### **F. Administrative Leave**

While on administrative leave pending an internal investigation, employees shall notify the Captain how he/she may be contacted during normal business hours.

#### **G. Leave Without Pay**

When an employee requests LWOP for an authorized illness, maternity, or family and medical leave, the employee must first exhaust all accrued leave to be eligible for LWOP. After using all accrued supplement, personal leave, or compensatory time the employee may request annual leave, or LWOP.

## **H. Absence Without Leave (AWOL)**

Absence without leave – A non-pay status where the employee is absent from work without approval.

An AWOL employee is subject to disciplinary action for abandoning their position.

AWOL may be converted to annual, supplemental, personal, or compensatory time with the Chief's approval. The employee must present acceptable proof the unauthorized absence was due to extenuating circumstances beyond their control.

## **I. Donated Leave**

Sworn police employees will be eligible to donate up to 40 hours (5 days) of vacation leave to another sworn police employee per year for qualified personal unforeseen catastrophic medical illnesses/injuries of that employee. Such qualification shall be determined by the City's Human Resource Director.

## **J. Union Leave Bank**

Refer to the CBA for specifics.