



GENERAL POLICE ORDER CLEVELAND DIVISION OF POLICE



ORIGINAL EFFECTIVE DATE: March 1, 2002	REVISED DATE: March 14, 2013	NO. PAGES: 1 of 7	NUMBER: 1.3.06
SUBJECT: <p style="text-align: center;">SICK LEAVE REVIEW</p>			
ASSOCIATED MANUAL: BUREAU OF SUPPORT SERVICES		RELATED ORDERS: 1.1.13, 1.3.24, 1.3.25	
CHIEF OF POLICE: <p style="text-align: center;"><i>Michael McGrath, Chief</i></p>			

Substantive changes are italicized

PURPOSE: To eliminate sick leave abuse, increase workforce availability and establish disciplinary action protocols when sick leave abuse occurs.

POLICY: Through sick leave, the Division of Police accommodates employees who cannot report to work due:

- *An actual sickness or injury*
- *Confinement by reason of a contagious disease*
- *Visit to a doctor or dentist for medical or dental care*
- *Serious illness of a member or member's immediate family (emergency).*

Sick leave shall be monitored *on a quarterly basis wherein every month constituting that quarter is evaluated in the context of the preceding two months*. Employees abusing sick leave are subject to *progressive* disciplinary action.

DEFINITIONS:

Sick Leave Abuse is the use of sick leave for any purpose other than actual sickness, injury, doctor/dental visits, childbearing, or a serious health condition of a member's immediate family (emergency).

For purposes of this General Police Order (GPO), sick leave includes all types of sick leave including Family Medical Leave Act (FMLA), doctor appointments, re-occurring Hazardous Duty Injuries (HDI) and other on-duty injuries.

Immediate family member is defined as a spouse, mother, father, mother-in-law, father-in-law, child, grandparent, grandchild, brother, sister, or an individual who stood in loco parentis to the employee. *The definition of "immediate family member" is different for FMLA.*

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PROCEDURES:

- I. Sick Leave Abuse is identified by observation of a single instance of abuse or by a pattern that indicates abuse.
 - A. Single Instance of Sick Leave Abuse
 1. A single instance of suspected sick leave abuse requires a supervisory investigation at the time of first suspicion or as assigned. The investigation **shall not** be delayed for the Quarterly Review to be conducted. If the investigation results in a disciplinary recommendation against the member, the hours under investigation shall not count toward the *40 hour* threshold for a Quarterly Review.
 2. Examples of a single instance of sick leave abuse include:
 - a. Using sick leave under circumstances that clearly indicate it is being used to obtain time off work that is unrelated to sickness, injury, doctor/dental visits for the member, serious health condition of family member, or pregnancy.
 - b. Using sick leave under circumstances that clearly indicate it is being used to avoid difficult or undesirable duties.
 - c. Engaging in secondary employment that is strenuous or physical (e.g. private security, physical labor) while off on sick leave.
 - d. Engaging in any secondary employment while on HDI status.
 - B. Sick Leave Abuse indicated by a pattern of sick leave usage
 1. Sick leave abuse is often detected by careful analysis of sick leave use patterns.
 2. A pattern of abuse is any of the following that occur repetitively or in combination:
 - a. Use of sick leave on Fridays, Saturdays, Sundays or days that precede or follow scheduled vacation days, holidays, personal holidays, furloughs, or compensatory time.

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- b. Use of sick leave after being denied compensatory time off, personal holidays, family day, etc.
 - c. Use of sick leave when difficult or undesirable duties are scheduled or the weather is inclement.
 - d. Any other pattern of sick leave use that indicates abuse.
3. *The pattern of sick leave abuse will be established by a review of sick leave usage.*
4. *A member may not conduct a Quarterly Review of a member of the same rank. The next higher ranking supervisor in the member's chain of command shall complete the Quarterly Review.*
5. Sick Time Review Calendar
- a. To facilitate detection of a pattern, Commanders shall ensure that a Sick Time Review Calendar (STRC) (sample attached) is completed for all employees under their command who have used *40 hours* or more of sick time for the *rolling* quarter under review. *The STRC is provided as an Excel spreadsheet and is to be completed electronically.*
 - b. The Policy & Procedures Unit shall update and electronically distribute the STRC forms to all Commanders or designees in February of each year.

II. Quarterly Review

- A. Members who have used *40* or more hours of sick leave in a *rolling three month period* shall be reviewed for sick leave abuse. *Example: A review of the First Quarter is comprised of the use of sick leave in the three-month periods of November (prior year) through January, December (prior year) through February, and January through March. The STRC is formatted to allow a two-month look back period.*

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- B. Commanders shall ensure that a *rolling* Quarterly Review is performed and forwarded to the office of their deputy chief **no later than 40 days** after the end of each quarter.
 - 1. First Quarter: (*November, December*) January 1 - March 31
 - 2. Second Quarter: (*February, March*) April 1 - June 30
 - 3. Third Quarter: (*May, June*) July 1 - September 30
 - 4. Fourth Quarter: (*August, September*) October 1 - December 31
- C. Each Deputy Chief in the appropriate chain of command shall examine the Quarterly Review and the associated documentation. Recommendations for disciplinary action shall be forwarded to the Chief's Office.
- D. If a Quarterly Review results in discipline being issued, the Chief's Office shall forward those documents associated with the discipline hearing to the Personnel Unit and the Medical Unit for filing in the member's personnel file and medical file.

III. The Supervisor's Investigation of Sick Leave Usage

- A. Members on restricted duty shall also be included in the Quarterly Reviews.
- B. The Timekeeping Unit shall supply each Deputy Chief with a list of members under their command who have used *40 hours* of sick time or more for each quarter being reviewed. This list shall be forwarded no later than seven days after the close of the pay period that ends the quarter.
- C. Supervisors shall review the 1030 reports and Sick History reports (provided by their unit timekeeper) of each member under review. This information shall be used to fill out the STRC to determine if a pattern of abuse exists and shall become a part of the investigative packet.

The STRC shall be completed for the quarter under review. If a member was reviewed for any other quarter in that calendar year, those quarters must also be completed in the STRC to provide a more comprehensive view of the member's sick use.

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- D. As part of the investigation, supervisors shall meet with the member under review and consider explanations or mitigating circumstances offered by the member, accept *any return to work/fit for duty documentation from a medical provider, and forward all supporting documentation with the investigative packet through the chain of command.*
- Supervisors shall note the officer's medical documentation in the investigative packet but **not** include the actual documentation in the investigative packet. Such medical documentation shall be forwarded directly to the Medical Unit.*
- E. The member under review may submit a Form-1 explaining the use of sick leave *or the supervisor may require a Form-1 from the member under review.* The Form-1(s) shall become a part of the investigative packet.
- F. HIPAA do not apply to sick time investigations.
- G. *In deciding on recommending step discipline, supervisors may consider the following as mitigating circumstances:*
1. *Sick leave taken as the result of a hospitalization*
 2. *Sick leave taken as approved FMLA*
 3. *Sick leave taken where the member provides medical documentation*
- H. If the supervisor determines that there is a pattern that indicates abuse, the supervisor *shall document these findings in the section indicated on the STRC.* Copies of the 1030 reports, Sick History Report, and any Form-1 submitted by the member shall be attached to the STRC and forwarded through the chain of command as part of the Quarterly Review packet. *No other documentation or cover memorandum is required of the investigating supervisor.*
- I. *If the supervisor determines that a member using more than 40 hours of sick leave in a calendar quarter did **not** abuse sick leave, the supervisor shall complete the STRC indicating in the space provided the reasons for that conclusion. The STRC and any documentation shall be forwarded through the chain of command as part of the Quarterly Review packet.*

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IV. Disciplinary Action

- A. *Medical documentation will not be accepted at any disciplinary hearing.*
- B. Supervisors who fail to take the corrective action required by this directive may be subject to disciplinary action.
- C. Members who work secondary employment while on sick leave (as enumerated in section I(A)2(c) of this GPO) shall be subject to administrative charges and criminal charges as applicable.
- D. Failure to provide documentation to the Medical Director *while under any of the step disciplines* shall be considered a single instance of sick abuse and shall be subject to the formal discipline process.
- E. All recommendations for disciplinary charges of sick leave abuse whether discovered through a single instance, or through the Quarterly Review, are subject to the disciplinary process. Discipline is progressive and is as follows:
 - 1. Step 1: A letter of first warning will be issued requiring the member to provide documentation to the Medical Director prior to being returned to duty for any sick leave taken in a *12 month period*.
 - 2. Step 2: Further abuse while on Step 1 will result in a letter of second warning continuing the requirement for documented sick leave and revoking permission to engage in secondary employment for *12 months*.
 - 3. Step 3: Further abuse while on Step 2 will result in a five day suspension.
 - 4. Step 4: Further abuse while on Step 3 will result in suspension *or possible termination*.
 - 5. *Members who are found to be abusing sick leave within one year of completing any of the 4 Steps shall result in the member automatically escalating to the next higher step of the step just completed.*

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V. The Medical Director

- A. Members of the Division of Police shall comply with the orders of the Medical Director or the designee regarding the times and dates to report to the Medical Unit for further treatment or examination.
- B. Orders issued by the Medical Director or the Medical Director's designee are considered orders from a superior officer.
- C. Sick leave with pay shall not be granted for any sickness resulting from moral turpitude, intoxication or use of narcotics. However, sick leave will be granted for treatment or rehabilitation as approved by the Medical Director on the same basis as any other illness.