

	KANSAS CITY MISSOURI POLICE DEPARTMENT	DATE OF ISSUE	EFFECTIVE DATE	NO.
	<b>PERSONNEL POLICY</b>	06-29-2016	06-29-2016	740-7
SUBJECT			AMENDS	
Policy Series 700: Administration of Leave 740 – Sick Leave				
REFERENCE		RESCINDS		
PPBM: Family and Medical Leave; Off-Duty Employment; Separation, Compensation, and Clearance; Vacation Leave; Leave Without Pay; Physical and Psychological Examinations; Limited Duty; Overtime/Court Policy; Americans with Disabilities Act (ADA) PI: Automated Timekeeping System Procedures; Firearms Procedures DM: Memorandum of Agreements (MOA)		Personnel Policy 740-6		

## \*I. INTRODUCTION

All full-time members are eligible to receive paid sick leave. This policy provides guidance to eligible members when an illness, non-duty related injury, medical condition or qualifying event under the Family and Medical Leave Act (FMLA) prevents a member from working on scheduled duty days.

## II. POLICY

### A. Sick Leave Accrual

1. Sick leave is credited to the member's leave balance on the first day of the month following accrual. For example, sick leave accrued in January will be credited to a member's leave balance on February 1st.
2. Sick leave must be earned before it is taken and, although accrued, is not available for use until credited to a member's sick leave balance the following month.
3. Members on sick leave or assigned to the Sick Leave Pool do not accrue sick leave.
4. Members assigned to the Limited Duty Pool will accrue sick leave during the member's limited duty assignment. Refer to the directive entitled "Limited Duty."
5. Sick leave is accrued by eligible members at the following rates:
  - a. Sworn members
    - (1) Appointed prior to November 16, 1987, accrue either twenty (20) hours per month (Option I) or twelve (12) hours per month (Option II).
    - (2) Appointed on or after November 16, 1987, accrue twelve (12) hours per month.

- b. Non-sworn members
  - (1) Appointed prior to November 1, 1987, accrue ten (10) hours per month.
  - (2) Appointed on or after November 1, 1987, accrue eight (8) hours per month.

B. Sick leave accrual begins as follows:

- 1. Members appointed on or before the 15th day of the month will accrue sick leave for that month.
- 2. Members appointed after the 15th day of the month will not accrue sick leave for that month.
- 3. Members who retire, resign, or are terminated, and their last day on payroll is:
  - a. Prior to the 15th day of the month, will not accrue sick leave for that month.
  - b. On or after the 15th day of the month, will accrue sick leave for that month.

C. Sick Leave Use

- 1. Sick leave may only be used as described in this policy. Members are responsible for having a legitimate need for the use of sick leave.
- 2. Sick leave is paid leave accrued by and granted to members for absences due to a member's:
  - a. Own illness, or
  - b. Own medical condition, or
  - c. Own non-duty-related injury, or
  - d. Family and Medical Leave Act (FMLA) qualifying event(s). See the current written directive entitled, "Family and Medical Leave," for further information.

3. Members may use accrued sick leave in hourly increments (e.g., eight (8) hours for an 8-hour workday, ten (10) hours for a 10-hour workday, or individual hourly increments). Unused sick leave is carried forward to the next calendar year with no accumulation limit.
- \*4. A member is not permitted to buy, sell, or to attempt to buy or sell, sick leave. Members found to have sold or purchased sick leave or found to have attempted to sell or purchase sick leave, will be subject to disciplinary action, up to and including termination.
5. A member may request to use other accrued paid leave in lieu of sick leave for less than three days with the approval of the member's supervisor/commander. A member may request to use other accrued paid leave in lieu of sick leave for more than three days by submitting an Application for Leave, Form 1 P.D., through their chain of command.
- \*6. Members may convert a maximum of sixteen (16) hours of accumulated sick leave per calendar year for use as personal leave time (Y) in accordance with the current written directive entitled, "Administration of Leave."

\*D. Sick Leave Abuse

1. Substantiated abuse of sick leave may result in disciplinary action, up to and including termination.
2. A member may be required to provide satisfactory proof of illness, injury, or medical condition to the Employee Benefits Unit (EBU).
3. Supervisors/commanders who become aware of facts sufficient to support the reasonable belief that a member is abusing, or has abused, sick leave will contact the EBU for guidance.

\*E. Court Continuances

1. All court cases will be handled in accordance with the guidelines outlined in the current written directive, entitled "Court Procedures".
2. Members on sick leave are not required by the department to attend court. For further guidance refer to the current written directive, entitled "Court Procedures".

### III. PROCEDURES

- A. Members who are unable to work on a scheduled work day because of a personal illness, non-duty related injury, medical condition or FMLA-qualifying event may request to use sick leave in accordance with this policy as follows:
- \*1. Notify the desk sergeant or on-duty supervisor of the member's request to use sick leave no less than one (1) hour prior to the time the member is scheduled to report for duty, or if a member's illness, injury or condition prevents such notification, as soon as possible.
  2. Notify the desk sergeant, on-duty supervisor or immediate supervisor as soon as it is possible upon the member's admission to a hospital.
  3. Members will provide the following information to the desk sergeant or on-duty supervisor:
    - a. The number of hours of sick leave needed.
    - b. The anticipated date of return, or if hospitalized, the anticipated date of release.
    - c. A generalized description of the need for sick leave (i.e., for the member's own illness, injury or condition or if applicable, for an approved FMLA-qualifying event).
    - \*d. Members are not required to provide to the desk sergeant or supervisor a specific medical diagnosis or further description of the medical basis for the leave.
  4. The desk sergeant or on-duty supervisor may require the member to provide satisfactory documentation to the EBU verifying proof of illness, injury or medical condition. The documentation should be in the form of a treating health care provider's note, in certain circumstances, including, but not limited to:
    - \*a. When a member's own illness, injury or condition requires the use of more than three (3) consecutive sick days or unpaid leave (L) days in lieu of sick days; or
    - \*b. When a member's own illness, injury or condition requires the use of more than three (3) sick day occurrences over the course of a twenty-eight (28) day period.

5. Members must provide proper notification for each scheduled work day the member requests sick leave unless the member has provided written notification to their chain of command and to the EBU that the member's illness, injury, medical condition, or approved FMLA-qualifying event requires extended leave and the member has received confirmation that daily notice is not necessary.
  6. Members who receive medical confirmation that their illness, injury, medical condition or FMLA-qualifying event requires immediate or future use of sick leave over twenty-eight (28) consecutive calendar days will provide written notification to their immediate supervisor and the EBU of their need for extended sick leave.
- B. Upon receipt of a member's request to use accumulated sick leave, the desk sergeant/on-duty supervisor will:
1. Record the date/time of the member's request.
  2. Record the number of hours of sick leave requested.
  3. Record the member's anticipated date of return, or if hospitalized, the member's anticipated date of release.
  4. Record the general reason given to support the member's request (i.e., for the member's own illness, injury or condition; and/or whether the sick leave is for an approved FMLA-qualifying event).
  5. Provide the necessary information to the appropriate timekeeper and ensure the timekeeping entry is accurate.
  6. Notify the EBU when a member is hospitalized.
  7. Notify the EBU without delay when a member's sick leave request could possibly be for an FMLA-qualifying reason. Supervisors should refer to the current written directive entitled, "Family and Medical Leave" for guidance.
- C. Sick Leave Pool
- \*1. When a member continues or is expected to continue on sick leave for more than twenty-eight (28) consecutive days, the member's supervisor will prepare an Interdepartment Communication, Form 191 P.D., requesting to transfer the member to the Sick Leave Pool.

- \*2. The Director of Human Resources will make the final decision regarding the member's transfer to a leave pool.
3. The EBU will be responsible for the administration of matters pertaining to members who are transferred to the Sick Leave Pool or other leave pool.
4. Members assigned to the Sick Leave Pool who exhaust all accrued and credited paid leave will be placed on unpaid leave.
5. While on paid leave, members will continue to receive base pay, group insurance plan coverage, and college incentive pay and pay increases (if eligible and approved). Premiums for group insurance plan coverage will be deducted from the member's pay as usual.
- \*6. Members who exhaust paid leave while assigned to a leave pool or who are placed on unpaid leave are responsible for paying their portion of the member's group insurance plan premiums. Members are directed to contact the EBU for further information regarding payment while on unpaid leave.
- \*7. Members may request assistance in paying their portion of the group insurance plan premiums while on unpaid leave. Any member receiving such assistance will be required by EBU to sign a contractual agreement stating the amount will be repaid to the department.
- \*8. For each month a member is assigned to the Sick Leave Pool for a non-FMLA qualifying event(s), the member must provide to the EBU a monthly medical statement from the member's treating physician that includes the following:
  - a. Current medical condition and prognosis.
  - b. The anticipated duration of the leave.
  - c. A description of the member's ability to perform the essential functions of their position.

D. Return to Duty

1. Prior to returning to full duty, members assigned to the Sick Leave Pool, Limited Duty Pool, Family and Medical Leave Pool, or on Leave Without Pay for a member's own health-related reason(s), other than pregnancy, the member must:

- a. Obtain a medical certification from the member's health care provider regarding the member's ability to return to work. The certification must include:
    - (1) A statement that the member is able to resume working,
    - (2) A statement that the member can perform all of the essential functions of the member's position.
  - b. Present the medical certification to the EBU.
  - c. Cooperate in good faith with the EBU regarding the completion of any necessary training or qualification.
  - d. Receive approval from the EBU.
2. In certain circumstances, a member may be directed to an appropriate department authorized physician before receiving approval to return to work.
3. The EBU will:
- a. Direct the member to obtain a medical certification from their treating physician regarding their ability to return to work.
  - \*b. Evaluate the medical certification to ensure no further clarification or authentication is necessary.
  - c. Ensure the medical certification states that the member is able to resume working and specifically certifies the member is able to safely perform the essential functions of the member's position.
  - d. Ensure members returning to duty have obtained the necessary training and qualifications.
  - e. Direct a member to respond to an appropriate department authorized physician for a fitness for duty certification (if applicable).
  - f. Initiate and coordinate the evaluation process for a member's separation from employment in the event a member is unable or declines to return to full duty.
  - g. Notify the member's bureau commander of the member's return to work status.

- \*E. Members on sick leave may engage in any activity at any place the illness or physical condition will permit, as approved by the member's attending physician.
- F. Prior to engaging in off-duty employment, members on sick leave should refer to the written directive entitled, "Off-Duty Employment."
- G. Members on sick leave may carry firearms in accordance with the current written directive entitled, "Firearms Procedures."
- H. Sick Leave Donation
  - 1. Active members with a minimum balance of ten (10) days of accumulated sick leave are permitted to make sick leave donations to another member who has exhausted all paid leave.
  - 2. Sick leave must be donated in eight (8) or ten (10) hour increments.
  - \*3. Members will not receive compensation in any manner for donating sick leave.
  - 4. The Personnel Records Section (PRS) is responsible for processing all sick leave donation adjustments.
  - 5. Eligible members who wish to donate sick leave to another member should complete a Sick Leave Donation, Form 5728 P.D., and submit it to the PRS.
  - 6. Donated sick leave will be deducted from the donor's balance as needed. Any unused donated sick leave will be returned to the donor.
  - 7. When a member returns to unrestricted duty or separates from the department, all unused donated sick leave will be cancelled and returned to their respective donor(s).
  - \*8. Members separating from the department are prohibited from donating accumulated sick leave to another member. Unused sick leave donated by members separating from the department will be cancelled.
  - 9. Sick leave donated to a member by multiple donors will be used in the order the donations were received by the PRS.
  - \*10. If a donor donates sick days to a member and then the donor is assigned to the Sick Leave Pool, the donated sick days will be cancelled and returned to the donor.

I. Separation From Service

1. Members who have been assigned to a leave pool for more than one (1) year may be considered for separation from the department.
2. Sworn members with ten (10) or more consecutive years of service whose non-duty illness, injury or medical condition has rendered them unable to perform the essential functions of their job with or without accommodation may be eligible for disability retirement.
3. Sworn members with less than ten (10) years of service whose non-duty illness, injury or medical condition has rendered them unable to perform the essential functions of their job with or without accommodation may be considered for separation from the department.

Darryl Forté  
Chief of Police

Adopted by the Board of Police Commissioners this \_\_\_\_day of \_\_\_\_\_20\_\_\_\_.

Michael Rader  
Board President

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