

City of Johns Creek Police Department

<i>Subject:</i> Abuse of Leave		<i>Number:</i> 04-26
<i>Reference:</i>		<i>Amends:</i>
<i>Effective:</i> 04/09	<i>Review Date:</i> Annually	<i># of Pages:</i> 3

PURPOSE:

Controlling absenteeism is a legitimate business necessity and a basic management right. In the field of law enforcement, controlling absenteeism is especially important due to the nature of the work and the consistent need to provide law enforcement services. The purpose of this policy is to establish accountability and control of excessive or abusive use of absenteeism privileges.

POLICY : (04-26)

The department recognizes employees will be absent occasionally for a variety of reasons (e.g., short-term illness, planned vacations, special assignments, military leaves, disability leaves, family leaves, etc.), and these occasions are not intended to be controlled by this policy. Usually, these situations can be pre-scheduled, however, when an employee creates a consistent pattern of absenteeism or becomes excessively absent, the department must respond to ensure the ethical and economic values of the department and the safety of all employees, citizens and property.

Should evidence suggest an employee's reasons for being absent are suspect, or the employee is excessively absent, or patterns indicate the employee has abused his/her absenteeism privileges, that employee can expect to be subject to disciplinary action up to and including termination.

Should substantial evidence suggest an employee is absent because of a physical or mental disability, that employee can expect his/her fitness for duty to be evaluated to determine if said employee is fit to perform the essential functions of his/her position with or without reasonable accommodations.

In applying this policy, the department intends to comply with the requirements of all local, state and federal anti-discrimination laws, any other personnel rules, and/or administrative regulations or provisions that may exist.

PROCEDURES:

Availability for Work (04-26-01)

Every member of the department shall maintain a level of availability for work during any regular reporting period that is at least that of the work unit's (shift, section or division's) calculated average for said period. The profession of law enforcement requires team effort and each member plays an important part of that team. Unless members are regularly available for work or duty, work cannot go on effectively or efficiently. Employees or officers who are excessively unavailable for work, regardless of cause, force others to carry their extra loads, and cause unnecessary increases in official operating expenses.

Absenteeism (04-26-02)

Every officer, member and employee is expected to report to work at their appointed time on each scheduled workday. Certain absences, in compliance with departmental policies and procedures, shall be considered excused and/or approved leave and considered as "*non-violations*".

A. Examples of *non-violations* include:

1. Approved bereavement leave;
2. Approved time in training, special work, or educational assignments;
3. Earned and **pre-approved** vacation time;
4. Minimally required military commitment time, as permitted by law;
5. Time off for jury duty;
6. Time off on approved disability (e.g., serious injury in the line of duty, pregnancy, or time off for cause provided by federal, state or local discrimination laws); and
7. Administrative status reasons as directed or approved by the Chief of Police.

B. Examples of *violations* of leave policy include, but are not necessarily limited to:

1. **All** unauthorized absences;
Any absence without leave exceeding the Department's standard work week for the position held by the employee is considered to be a voluntary resignation.
2. Excessive absenteeism is defined as, "a level of absenteeism exceeding the Department's expectation for the job"; courts have established a precedent whereby, "any absenteeism 20% above the departmental average is considered to be excessive". Disciplinary action, including termination, has been upheld by the courts when employees have exceeded said standard.
3. Consistently scheduled personal appointments that coincide with scheduled duty time or scheduled off days.
4. Failing to attend a scheduled training course, or being absent from a scheduled training course without direct approval from appropriate authority;

5. Late reporting for duty after receiving notice to correct, or time spent on extended lunch or work breaks after receiving notice to correct, or habitually unavailable for assignment (more so than the typical employee/officer) of overtime;
6. Time lost due to reporting for duty unfit or not ready for duty, including mental or physical fitness, and the failure to bring or wear necessary equipment or uniform. This shall also include allowing part-time employment to interfere with departmental duties, including, but not limited to, exceeding the allowable hour maximum for off-duty or part-time work, or other patterns attributed to fatigue;
7. Time lost re-doing work because such work was not completed properly the first time, or correcting deficient work after receiving notice to improve;
8. Time spent conducting personal business on work time;
9. Time spent on an unassigned task without a supervisor's permission;
10. Time taken because of disability or injuries occurring during off-duty hours;
11. Patterns of absenteeism;
12. Absences of short duration (less than three days) due to alleged illness that are attached to scheduled days off or other scheduled absenteeism; and
13. Establishing a pattern of scheduling doctor's appointments (etc.) during busy or critical work times without displaying substantial written evidence that other times could not have been more appropriately arranged.

Note: Establishing a pattern of absenteeism is a violation of this policy and is subject to disciplinary action regardless of whether any part of the absenteeism within the pattern has been approved or disapproved by any level of leadership of the Department.

Return to Duty (or Work) After Absence (04-26-03)

All members of the department are required to be sufficiently fit to perform the essential functions of their positions in a safe, effective and efficient manner, **always**. Sufficiently fit for work or duty means employees are physically, mentally, and psychologically prepared and can perform the essential job functions of their positions.

Should reasonable cause exist to question an employee's fitness for duty, it shall be the policy of this Department to temporarily remove an active member from duty, or to temporarily prohibit an active member from returning to duty, until such fitness is evaluated. Only those employees successfully completing prescribed physical and/or psychological fitness evaluations by a qualified physician or psychologist, as directed by the department, and/or completing a departmentally required physical fitness/agility test(s) will be eligible to remain in their positions, or when applicable, return to work.

Any employee whose absenteeism becomes excessive, and when abuse is not suspected, can expect the department to question their fitness for performing the essential functions of their job. Employees can expect to be evaluated for their fitness for duty and required to submit the Department's **"Fitness for Duty Report"** before returning to duty. A report form

will be furnished by the Department and completed by a qualified physician. A similar form attesting to the employee's fitness for duty shall be completed, when applicable, by the Department's Training Coordinator or such other person authorized by the Department to administer a physical fitness and/or agility test.

Employees affected by this policy shall be given notice via the Guardian Tracking System (GTS) and scheduled for a counseling session with his/her supervisor. All instances that are in violation of this policy will be documented using the Guardian Tracking System (GTS).