CHAPTER 1.9

ABUSE OF SICK LEAVE:
PATTERN OF SICK LEAVE USAGE

PURPOSE

To increase workforce availability and establish a process that identifies instances that may indicate an abuse of sick leave.

POLICY

Use of sick leave that indicates a pattern of abuse is unacceptable and will not be tolerated. The CMHA PD will monitor sick leave and discipline members that demonstrate a pattern of abuse. The procedures outlined in this policy shall apply to all employees of the CMHA PD. This policy and the procedures contained herein do not apply to sick leave covered by FMLA or Workers’ Compensation.

DEFINITIONS

*Sick Leave Abuse* is a regular or repeated use of sick leave for purposes other than sickness, injury, doctor/dentist visits; exposure to contagious disease communicable to other employees; pregnancy, child bearing or a serious illness, injury or death of an employee’s immediate family.

*Event* is a single use of sick leave for any continuous length of time.

*A pattern of sick leave abuse* is the identification of three (3) or more events of excused or unexcused sick leave within a one hundred twenty (120) day period.

*A sick leave abuser* is a designation given to an employee who has demonstrated a pattern of sick leave abuse. The designation will require the employee to produce a doctor’s excuse each time sick leave is used. Additionally, failure to provide a doctor’s excuse will cause the accumulation of points pursuant to the Attendance Control Policy (ACP) of the CMHA PD.

PROCEDURES

I. A pattern of sick abuse may be determined by the following:

   A. An event that occurs on Friday, Saturday or Sunday;

   B. An event that precedes or follows a regularly scheduled day off (V-Day), annual time, holiday, personal day, angel day or other approved time off;

   C. An event before, on, or after a payday;

   D. An event to avoid an assignment, or a random or mandatory drug test;

   E. An event after being denied time off on compensatory time, personal day, holiday or angel day;
F. An event taken subsequent to a declaration of canceling days off due to Departmental needs or an emergency.

II. Investigation

A. Patterns of sick leave abuse shall be monitored in cycles of 120-days.

B. Platoon Supervisors shall monitor and cause a regular inspection of their subordinates’ timecards to determine if a pattern of sick leave abuse exists.

C. No further action is required if the supervisor determines that the events were used within FMLA or Workers’ Compensation guidelines.

D. Platoon Supervisors shall initiate an investigation if there is evidence of a pattern of sick leave abuse.

1. Platoon Supervisors shall give the employee a Sick Abuse Notice of Investigation.

E. Platoon Supervisors shall hold a consultation with the employee to discuss the events.

1. Employees may have union representation during the consultation.
2. Employees may submit a written explanation that will become part of the investigative packet.
3. Supervisors shall thoroughly review and document mitigating circumstances offered by the employee.

F. Platoon Supervisors shall document the facts of the investigation in a written report and submit a recommendation for disciplinary action if a pattern of sick leave abuse is established.

G. All documents regarding the investigation shall be forwarded, as a package, through official channels to the supervisor’s Commander.

H. The Commander shall direct the platoon supervisor to prepare formal disciplinary charges which identifies the appropriate disciplinary Stage as listed in Section III once a pattern of sick leave abuse is established.

I. The completed investigative packet containing formal disciplinary charges shall be forwarded through official channels to the OIC of the Complaint Investigation Unit for case preparation for a Chief’s Hearing and/or filing.

J. Supervisors who fail to monitor and identify employee’s pattern of sick leave abuse may be subject to disciplinary action.

III. Discipline

A. All recommendations for disciplinary charges for sick leave abuse are subject to disciplinary action. An employee receiving a Written Warning or a Written Reprimand is reminded that discipline is progressive as follows:

Stage 1 Three (3) or more events within a 120 day period, which demonstrates a pattern of sick leave abuse, will result in:

a. a Written Warning; and
b. designating the employee as a sick leave abuser.
Stage 2  An additional event within a 120 day period which demonstrates a continued pattern of sick leave abuse will result in:
  a.  a Written Reprimand; and
  b.  designating the employee as a sick leave abuser.

Stage 3  An additional event within a 120 day period which demonstrates a continued pattern of sick leave abuse will result in:
  a.  a one (1) day suspension,
  b.  a suspension of secondary employment permission for 90 days,
  c.  a continued designation of the employee as a sick leave abuser for an additional 120 days.

Stage 4  An additional event within a 120 day period which demonstrates a continued pattern of sick leave abuse will result in:
  a.  a five (5) day suspension,
  b.  a suspension of secondary employment permission for 180 days,
  c.  a continued designation of the employee as a sick leave abuser for an additional 120 days.

Stage 5  An additional event within a 120 day period which demonstrates a continued pattern of sick leave abuse will result in:
  a.  a ten (10) day suspension,
  b.  a suspension of secondary employment permission for 270 days,
  c.  a continued designation of the employee as a sick leave abuser for an additional 120 days.

Stage 6  An additional event within a 120 day period which demonstrates a continued pattern of sick leave abuse will result in:
  a.  a thirty (30) day suspension
  b.  a suspension of secondary employment permission for one (1) year
  c.  a continued designation of the employee as a sick leave abuser for an additional 120 days.

Stage 7  An additional event within a 120 day period which demonstrates a continued pattern of sick leave abuse will result in the termination of employment.

By order of,

[Signature]
Andrés González, Chief of Police