

		DIRECTIVE 6.42			
SUBJECT Sickness/Injured/Death Leave Policy		NO. PAGES 17 with forms			
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ISSUED BY: Chief Michael J. Szczerba <i>Michael J. Szczerba</i> Chief of Police Reviewed: 12/8/2011					

Sickness/Injury/Death Leave Policy

Directive: 6.42

Nothing in this order governing sickness or injury shall be construed as precluding members of the Department of Police, in a medical Emergency from taking such action, as in their judgment, is required to secure prompt and competent medical attention. Failure to comply with the provisions of this Directive can result in disciplinary action as provided in Chapter 7 of the Police Officer's Manual and loss of pay as provided in the current Collective Bargaining Agreement.

A. Sickness

1. Sick leave shall be earned by all Officers, from the commencement of employment, but may not be used until an officer has completed three (3) months of continuous service. Time worked under emergency or temporary appointment, when followed by permanent appointment may, upon the recommendation of the Chief of Police and approval of the Director of Human Resources, be included in computing length of continuous service.
2. Sick leave shall be granted to officers when they are incapacitated from performing their duties by sickness (including pregnancy), non-work related injury or for medical examination or treatment, when certified by the officer's physician, dental or optical examination or treatment, or when certified by any other medical professional.
3. Sick leave shall also be granted to officers when a member of the immediate family of the officer is afflicted with a contagious disease or requires the care and attendance of the officer, or when, through exposure to contagious disease, the presence of the officer at work would jeopardize the health of others. For purposes of this Directive, the term "member of the immediate family of the officer" is defined as the officer's parents, grandparents, siblings, spouse, in-laws,

sons, daughters, including sons and daughters by lawful adoption, stepchildren, foster children, and those minor children for whom the officer is acting loco parentis.

4. Sick leave shall be based on a 40 hour work week. Overtime will not be construed as to add extra time to accumulated sick leave. Calculations of sick leave accumulation for all eligible officers shall be at a rate of eight (8) hours per month on the thirtieth (30th) day of each month, accumulated to a maximum of one thousand nine hundred twenty (1,920) hours.
5. Eight (8) hours of credit for sick leave will be allowed for each calendar month of continuous service in which the officer has worked or been paid vacation or sick leave for at least thirteen (13) working days of such month.
6. Sworn members of the Department of Police, who report off duty sick, shall notify the House Sergeant in person, by telephone, or cause the notification to be made to the House Sergeant, at least one (1) hour prior to the time he is scheduled to report for duty. Notifications must include whether sick time is approved FMLA. In the event an officer is not accounted for at the time he is scheduled for duty, an investigation will begin by the officer's supervisor, concerning the whereabouts of the officer and a Departmental Information Report submitted.
6. When a sworn member of the Department of Police reports off sick, the House Sergeant shall complete four (4) copies of the Illness/Injury/Death Leave Form, designating sick time as FMLA if appropriate. The House Sergeant will then forward the original copy of the form to the Human Resources Division; the second copy to the Dispensary at the beginning of the second shift; the House Sergeant, and the fourth copy to the officer's commanding officer will maintain the third copy. The officer's commanding officer shall carry the member as sick on the daily personnel sheet.
7. After twenty four (24) hours or more of continued absence, the City may require an officer to produce to their immediate supervisor a note from a physician that satisfactorily demonstrates the officer was unable to work, and has obtained medical clearance to return to work. This certificate shall be retained in the Human Resources Division and a copy shall be forwarded to the Medical Dispensary and will become a part of the officer's permanent record.
8. Any officer who reports off sick shall not leave their location unless authorized by the City Physician or the officer's private physician during their regularly scheduled work hours. If the authorization is granted, and prior to leaving their reported location, it will be the responsibility of the officer to inform the House Sergeant of his leaving that reported location. The officer will also report the reason for leaving that location. This procedure does not apply to Death Leave.
9. No member of the Department of Police, who is on sick leave, shall engage in any activity or outside employment, which may impede his recovery and/or return to duty.

11. When an officer is fit to return to duty, he must notify the House Sergeant that he has returned to duty status. At this time, the House Sergeant will use the third copy of the sick slip to record the officer's return to duty. This third copy will also be used to record an officer's change of location when off sick. When an officer returns to duty, the House Sergeant's copy of the Illness/Injury/Death Leave will be forwarded to the Human Resources. A copy of the sick slip noting the return to duty will be forwarded by the Human Resources Division to the Medical Dispensary.
12. If an officer is absent from work due to personal illness, non-work-related injury or illness of an immediate family member for longer than 24 consecutive work hours and expects to be away from work for more than 96 consecutive work hours, a City Leave of Absence Form, Appendix A, and a Certification of Health Care Provider Form, Appendix B, must be submitted to the City of Wilmington Director of Human Resources or designee no later than the 10th consecutive day of absence. The City of Wilmington Department of Human Resources shall respond to the employee and notify the Chief of Police regarding the disposition of the leave of absence request in an expedient fashion (the procedure for an authorized leave of absence under this Directive is covered in more detail later in this Directive).
13. An officer returning to work from an extended personal illness or non-work related injury (more than nine working days) must have a release form from their personal physician and the City Physician indicating that s/he is physically able to return to regular duty.
 - a. The return to work document must state, with specificity, the following:
 1. Type of illness or injury;
 2. The employee is physically able to return to regular duty with no limitations.
 - b. An officer, upon returning to work without prior orders from the City Physician's Office, shall notify his commanding officer of this fact and shall be placed on administrative duty with pay until cleared by the City Physician or designee. The commanding officer concerned will ensure that the officer obtains a medical doctor's certificate the next working day of the Medical Dispensary. Officers will be able to return to work on weekends and holidays, providing the officer responds to the Medical Dispensary on their next working day.

This section is not meant to, or should not be construed to mean, that officers must report to the Dispensary on "their own time." It is required, however, that after reporting back to duty, that the officer contact the Dispensary and make an appointment with the nurse and/or doctor to facilitate the obtainment of the required certificate. This appointment should be scheduled for on-duty hours.

15. It shall be the responsibility of the sick officer's Supervisor to ensure that this policy is observed and followed.
16. In order to combat the excessive use of sick leave, it will be the responsibility of every commanding officer to examine the sick leave usage of their personnel. If this examination reveals that a pattern may exist (i.e., a particular shift, particular day of shift or week, relative position to scheduled days off or scheduled vacation time, etc.), the officer will be counseled by their commanding officer. If, after counseling, the questionable sick leave usage continues without justification, disciplinary action will be initiated.
17. If a sick leave pattern is identified, the officer will be counseled by his immediate supervisor and the documentation forwarded to the Commanding Officer of the Human Resource Division and to the City of Wilmington Department of Human Resources. Subsequent violation after the initial counseling session will result in disciplinary action being instituted.

B. Sickness Related to Mental Health

1. Where applicable, the remaining provisions of this Directive concerning sickness will be adhered to by an officer requiring time off due to an illness related to mental health.
2. An officer who reports off duty sick because of any illness related to mental health (i.e., anxiety, depression, stress, etc.), shall notify the House Sergeant in person or by telephone, or cause the notification to be made to the House Sergeant, at least one (1) hour prior to the time he is scheduled to report for duty.
3. When an officer reports off sick due to any illness related to mental health, the House Sergeant shall complete four (4) copies of the Illness/Injury/Death Leave Form. The House Sergeant will then forward the original copy of the form to the Human Resources Division, the second copy to the Dispensary at the beginning of the second shift, the third copy will be maintained by the House Sergeant, and the fourth copy to the officer's commanding officer. The House Sergeant will immediately notify the officer's commanding officer of the reported illness. If the officer's commanding officer is not available, the House Sergeant will immediately notify the watch commander.
4. The officer's commanding officer or the watch commander will cause to have the officer who reported off sick personally contacted by a supervisor as soon as possible to check on their well-being. The supervisor will offer Employee Assistance Program information to the officer and submit a Departmental Information to the Chief of Police about this contact and their observations. The officer's commanding officer or the watch commander will contact the Commanding Officer of the Human Resources Division to apprise him of the situation.

5. The commanding officer of the Human Resources Division will determine what additional action should be taken concerning this situation.
6. The officer's Commanding Officer will contact the Commanding Officer of the Human Resources Division upon the officer's request to return to regular duty. The Commanding Officer of the Human Resources Division will evaluate the request to return to regular duty based on a number of factors to include the length of absence, severity of illness, and officer's demeanor. The Commanding Officer of the Human Resources Division may require the officer to undergo a Fitness for Duty Evaluation by a mental health professional prior to the officer's return to regular duty. The decision to return the officer to regular duty will be made by the Commanding Officer of the Human Resources Division in conjunction with the City Physician. In all cases, the Commanding Officer of the Human Resources Division will submit or cause to be submitted to the Chief of Police, a Return to Work Report, Appendix H.
7. Once cleared to return to duty, the officer will notify the House Sergeant. At this time, the House Sergeant will use the third copy of the sick slip to record the officer's return to duty. This third copy will also be used to record an officer's change of location when off sick. When an officer returns to duty, the House Sergeant's copy of the Illness/Injury/Death Leave will be forwarded to the Human Resources Division and the Medical Dispensary.
8. If the officer claims that the illness related to mental health was job related, the officer will have submitted by their supervisor the Department's Employee Injury or Disease Form, Appendix C. This form will be submitted by the supervisor no later than the end of the work day in which the officer notified their supervisor.
9. It shall be the responsibility of the injured member's supervisor to ensure that the Employee Injury or Disease Form is completed. After completing the form, the supervisor will provide a copy of the form to the reporting officer and forward a copy to the Human Resources Division. The original and any accompanying reports will be submitted through the chain of command.
10. It will be the duty of the Human Resources Division to ensure that the Medical Dispensary receives copies of the Employee Injury or Disease Form and all accompanying reports (with didactions if necessary) by the next business day. Once notified of the officer's claim, the Medical Dispensary staff must review the reports, examine, and interview the officer, and determine any appropriate follow-up. A medical release form will be completed.
11. When an officer reports off sick due to an illness related to mental health, the officer's commanding officer shall carry the member as sick on the daily personnel sheet unless clarification is received through the Human Resources Division.

C. Injury or Exposure

1. Any member who receives a minor on-duty injury or exposure between the hours of 0800-1600 hours, Monday through Friday (except holidays), shall report to his superior officer and receive permission to respond to the Medical Dispensary for treatment.

Any member who receives a serious on-duty injury at any time or a minor on-duty injury when the dispensary is closed shall be taken to a hospital for treatment.

Any officer sustaining an off-duty injury is required to follow the sick leave provisions.

Any officer receiving an on-duty injury will document the injury using the appropriate report (i.e., collision report, crime report, Departmental Information, etc.). This report will contain the circumstances surrounding the injury, any equipment or materials involved with the injury, and any witnesses.

2. Supervisors shall conduct an investigation into the circumstances surrounding the injury and make a report to the Chief of Police. He shall include in this report a statement as to whether or not such injury was incurred in the proper performance of duty. In all cases, the supervisor's report must be submitted along with the Departmental Employee Injury or Disease Form through the chain of command within 24 hours of the incident.
3. All officers, who are injured while on duty or exposed to a communicable disease, will have submitted by their supervisor the Department's Employee Injury or Disease Form even if the injury is minor in nature and no immediate treatment is necessary. This form will be submitted by the supervisor no later than the end of the work day in which the officer was injured or exposed to a communicable disease. For further information, see Directive 6.68, entitled Communicable/Transmittable Diseases.

It shall be the responsibility of the injured officer's supervisor to ensure that the Department's Employee Injury or Disease Form is completed. After completing the form, the supervisor will provide a copy of the form to the injured officer and forward a copy of the Employee Injury or Disease Form and copies of any accompanying reports to the Human Resources Division.

It will be the duty of the Human Resources Division to ensure that the Medical Dispensary receives copies of the Employee Injury or Disease Form and all accompanying reports (with redactions if necessary) by the next business day. Once notified of the officer's injury, the Medical Dispensary staff must review the reports, examine and interview the officer, and determine any appropriate follow-up. A medical release form will be completed.

4. The Department's Employee Injury or Disease Form will be completed as follows:

Block 1 Officer's name.

Block 2 Officer's social security number.

Block 3 Officer's name address.

Block 4 Check applicable block.

Block 5 Officer's home phone number.

Block 6 Officer's date of birth.

Block 7 Officer's age.

Block 8 Officer's hourly wage.

Block 9 40 plus.

Block 10 Police Department.

Block 11 Length of Service with the Department.

Block 12 Date of report.

Block 13 Date and time injury occurred.

Block 14 Date employer knew of injury.

Block 15 Check appropriate box.

Block 16 Describe the injury/disease and the part(s) of the body affected.

Block 17 Specify the location where the incident occurred (i.e., address or hundred block).

Block 18 Describe how the injury/disease occurred, including any equipment or materials used by the employee.

Block 19 Name of physician.

Block 20 Physician's address.

Block 22 Hospital address.

The Human Resources Division, upon receiving a completed Employee Injury or Disease Form, shall place it in the injured member's medical folder.

5. When an officer reports off injured, the House Sergeant shall complete four (4) copies of the Illness/Injury/Death Leave Form. The House Sergeant will then

forward the original copy of the form to the Human Resources Division, the second copy to the Dispensary, the third copy will be maintained by the House Sergeant, and the fourth copy to the member's commanding officer. The member's commanding officer shall carry the member as sick on the daily personnel sheet until approval is received from the Dispensary through the Human Resources Division.

6. Any officer who reports off injured, shall not leave their location, unless authorized by the City Physician or the officer's private physician, during their regularly scheduled work hours. If the authorization is granted, and prior to leaving their reported location, it will be the responsibility of the officer to inform the House Sergeant of his leaving that reported location. The officer will also report the reason for leaving that location and when he returns to that location.
7. No member of the Department of Police, who is on injured leave, shall engage in any activity, which may impede his recovery and/or return to duty. No member of the Department, who is on injured leave, will engage in any outside employment.
8. When an officer is fit to return to duty, he must notify the House Sergeant that he has returned to duty status. At this time, the House Sergeant will use the third copy of the sick slip to record the officer's return to duty. This third copy will also be used to record an officer's change of location when off injured. When an officer returns to duty, the House Sergeant's copy of the Illness/Injury/Death Leave will be forwarded to the Human Resources Division.
9. An officer returning to work from a work related injury must have a note from the City physician and their personal physician (if applicable) indicating that s/he is physically able to return to regular duty. The return to work document must state, with specificity, the following:
 - a. Type of injury;
 - b. The employee is physically able to return to regular duty with no limitations.
10. An officer, upon returning to work without prior orders from the City Physician's Office, shall notify his commanding officer of this fact. The commanding officer concerned will ensure that the officer obtains a medical doctor's certificate the next working day of the Medical Dispensary. Officers will be able to return to work on weekends and holidays, and will be placed on administrative duty with pay providing the officer responds to the Medical Dispensary on their next working day.

This section is not meant to, or should not be construed to mean, that officers must report to the Dispensary on "their own time." It is required, however, that after reporting back to duty, the officer will contact the Dispensary and make an appointment with the nurse and/or doctor to facilitate the obtainment of the

required certificate. This appointment would be scheduled for on-duty hours.

11. Every member of this Department is hereby prohibited from accepting a settlement or signing a release for a personal injury received from any person, firm, or corporation without the approval of the Chief of Police and the City Solicitor's Office. Every settlement made by a member of the Police Department shall provide for an amount of money to be paid to the City of Wilmington in compensation for the costs incurred by the City unless otherwise approved by the City Solicitor.

D. Previous Work-Related Injuries

1. When an officer reports off injured due to a previous work-related injury that occurred more than one (1) month ago, he shall complete a Departmental Information Report, directed to the Chief of Police, noting the original injury and the fact that he is receiving additional treatment. A copy will be forwarded to the Medical Dispensary.
2. The officer's supervisor will immediately cause another Departmental Employee Injury or Disease Form to be filled out pertaining to the additional time off due to the old injury and submit the form to the Human Resources Division along with a copy of the officer's Departmental information.
3. When an officer reports off injured due to the possible reoccurrence of a previous work-related injury, the House Sergeant shall complete four (4) copies of the Illness/Injury/Death Leave Form. The House Sergeant will then forward the original copy of the form to the Human Resources Division, the second copy to the Dispensary, the third copy will be maintained by the House Sergeant, and the fourth copy to the officer's commanding officer. The officer's commanding officer shall carry the member as sick on the daily personnel sheet until approval is received from the Dispensary through the Human Resources Division.

E. Return to Duty with Limitations

1. Employees requesting to return to work with limitations must have a written statement signed by their physician stating the following:
 - a. Type of illness or injury;
 - b. A specific request for modified duty;
 - c. Work limitations of the employee (i.e., lifting restrictions; time and limitations on standing or sitting);
 - d. Length of Recovery before returning to regular duty.
2. Employees returning to work with limitations may be given a modified duty assignment, provided one is available. Modified duty assignments are less

strenuous positions that the officer is qualified for and can perform the functions of, on a temporary basis, to avoid the chance of further injury. All modified duty assignments will be recognized and identified by the Chief of Police and must be submitted to the Director of the City of Wilmington Human Resources for final approval. Modified duty assignments will be no less than four (4) hours per day.

3. If modified duty restrictions for non-work-related illness or injury cause an officer to work less than a full shift duration, the officer must complete and submit a City Leave of Absence Form, Appendix A, and Certification of Health Care Provider Form, Appendix B, to the Department of Human Resources or designee.
4. Upon receipt of the above information, the officer must be evaluated and released to work by the City Physician and secure a follow-up appointment. This process will be repeated within a period of time to be determined on a case-by-case basis. During this time, an officer on modified duty will be subject to the appropriate performance criteria.

F. Duration of Modified Duty

1. A modified duty position shall not exceed a cumulative period of one year per medical condition. An officer who is on a modified duty assignment for an extended period of time will be evaluated by the City Physician and, as a result, may become a candidate for termination or if qualified, retirement.
2. The City of Wilmington Human Resources Department will review the City Physician's evaluation and the personal physician's evaluation, conduct a skills assessment, and review of available job vacancies. Upon the City of Wilmington Human Resources Department's recommendation, the Chief of Police may retire the officer in accordance with the appropriate pension plan, with appropriate workers' compensation benefits, if it is a work-related injury.

G. Members Examined and Declared Permanently Incapacitated

1. Incapacitated Police Officers with Seven or More Years of Service

Any officer who is declared by the City Physician to be permanently incapacitated from performing full police duties and who qualifies for retirement under the appropriate pension plan, shall be considered for retirement under the following conditions:

- a. The City Physician and the officer's physician determine that the employee cannot return to regular duty within the reasonably foreseeable future, or
- b. The officer has been on modified duty approaching one year.

Any member who is presently or in the future declared permanently incapacitated from performing police duties and placed in a modified duty status shall not be

qualified or eligible to be considered for any promotion or appointment with the Department of Police.

2. Incapacitated Police Officers with less than Seven Years of Service.

An incapacitated police officer with less than seven years on the Wilmington Department of Police and who is unable to perform the full duties of a police officer due to an on-duty injury will be considered for retirement under the following conditions:

- a. The City Physician and the officer's physician determine that the employee cannot return to regular duty within the reasonably foreseeable future, or
- b. The officer has been on modified duty approaching one year.

3. An incapacitated police officer with less than seven years on the Wilmington Department of Police and who is unable to perform the full duties of a police officer due to an illness or off-duty injury will be dismissed from the Department of Police after the following conditions are met:

- a. The maximum allowable time will be six months from the date of determination; however, the Department may proceed with dismissal immediately.
- b. All sick days accumulated during his employment have been depleted.
- c. All vacations the member is entitled to have been exhausted.
- d. A granted sick leave extension has also been exhausted.
- e. The City Physician determines that the employee cannot return to work within the reasonably foreseeable future.

H. Family Medical Leave of Absence

1. For the purpose of this Directive, a Leave of Absence is defined as being absent from work for a period of ten (10) consecutive work days, not being categorized as vacation. Upon the request of the officer and the recommendation of the Chief of Police, the City of Wilmington Director of Human Resources may grant a leave of absence for good and sufficient reason, if the employee has completed at least one year of continuous service (the Director of Human Resources may waive one or more of the requirements in this policy in a situation containing extenuating circumstances). The City of Wilmington Director of Human Resources may grant a leave of absence for a period not to exceed one year. A leave extension beyond one year may be requested by the officer and may be authorized by the Director of Human Resources. Officers on an authorized Leave of Absence must return all departmental property upon the start of their leave, unless excused from this

requirement by the Chief of Police or designee. Following an authorized leave, an officer is to be returned to the same or an equivalent position, providing the officer can perform the essential functions of the position with or without reasonable accommodation. Failure of the officer to return to his employment without prior notification and/or within five (5) working days of the expiration of any authorized leave shall be considered the officer's voluntary separation from employment.

2. The City will maintain the benefits for the officer while on an authorized leave of absence in accordance with its paid and unpaid leave procedures. The City will continue paying their portion of the premium under a group health plan to maintain coverage under the same terms and conditions as if the officer was not on leave. An approved leave of absence shall not constitute a break in service or employment and seniority, and vacation and sick leave credits will continue to accrue during the period of absence when applicable. However, time spent on such non-work-related leave shall not count toward service for increases within the salary range, and the officer's salary anniversary date shall be set forward one month for each thirty (30) consecutive calendar days taken. An officer reinstated after a non-work related leave will return at the same step in the salary range as when the leave began. Officers who take such leave are not entitled to any benefit or position to which the officer would not otherwise have been entitled, if no leave had been taken.
3. If an officer is absent from work due to personal illness or illness of an immediate family member for longer than 24 consecutive work hours and expects to be away from work for more than 96 consecutive work hours, a City Leave of Absence Form and a Certificate of Health Care Provider Form must be submitted to the City of Wilmington Department of Human Resources designee no later than the 80th consecutive work hour of absence. The City of Wilmington Department of Human Resources shall respond to the employee and notify the Chief of Police regarding the disposition of LOA Request Form in an expedient fashion.
4. Officers may not obtain other employment or work any Extra-Duty Jobs or overtime while on a leave of absence from City of Wilmington employment. Officers taking time off and not complying with the conditions of this policy and/or the relevant provisions of the City Code shall be considered in violation of Departmental policy and subject to disciplinary action and loss of pay.
5. The following types of leave will be considered:

- a. Family and Medical Leave (Combined Leave)

A Family and Medical Leave of Absence may be requested for the following reasons:

- The birth, adoption, and/or placement of a child;
- To care for an immediate family member including a spouse, son, daughter, or parent with a serious health condition; and/or

- An employee's serious health condition that renders him/her unable to perform the essential functions of his/her job.
- An employee has sustained an injury on the job.
- Military Caregiver Leave.
- Exigency Leave.

A "serious health condition" is an injury, illness, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. [NOTE: A more detailed definition can be found in the Certification of Health Care Provider Form, Appendix B, of this policy.] An officer will be required to substantiate the condition through medical certification, upon the request for and on a regular basis during the authorized leave of absence.

A Leave of Absence that qualifies under the Family and Medical Leave Act (FMLA) and time absent from work due to a work-related injury will count towards FMLA time. The FMLA requires all public agencies to provide eligible employees up to 12 work weeks of unpaid job-protected leave in a 12-month period, provided the employee has completed one year of employment. This will be calculated on a 12-month calendar basis. Although not required by the FMLA, the City of Wilmington provides spouses who are both employed by the City in eligible positions and meet the requirements each the 12 work weeks during a calendar 12-month period. Upon returning from an FMLA leave, officers are to be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment. This is providing the officer can perform the essential functions of the position with or without reasonable accommodation.

Officers taking an authorized leave of absence must use available sick time, if appropriate, then available compensatory compensation or vacation time up to five-day balance. Exceptions may be approved by the City of Wilmington Human Resources Director under certain circumstances (i.e., the officer's seeking reimbursement of lost wages resulting from an off-duty injury).

An officer may request a Family and Medical Leave of Absence for the reasons stated above. If leave is foreseeable based upon planned medical treatment the officer shall:

- Make a responsible effort to schedule treatment so as not to unduly disrupt Department operation;
- Provide no less than 30 days notice before leave is to begin unless treatment is medically required to begin within 30 days. prior to the expectation of 30 days.

(1) City Leave of Absence Form

City Leave of Absence forms may be obtained in the Human Resources Division of the Wilmington Department of Police. An eligible officer requesting a leave of absence under this Directive for any reason must complete a City Leave of Absence Form, Appendix A, and submit the form to the City of Wilmington Department of Human Resources or designee. The City of Wilmington Department of Human Resources will review and respond to the officer in an expedient manner.

Medical Certification

Any officer seeking leave for a serious health condition of the officer or a qualified family member must provide the Certification of Health Care Provider Form, Appendix C. Subsequent recertification may be required. The certification must state:

- The commencement date of the condition and the probable duration of the condition;
- Appropriate medical facts regarding the conditions;
- As applicable: A statement that the employee is needed to care for the sick family member including the estimated time that such care is needed;
- A statement that the employee is unable to perform functions of his/her position;
- The dates on which treatment is expected to be given and the duration of the treatment where intermittent or reduced leave is requested;
- A statement about the medical necessity for intermittent leave or leave on a reduced schedule where the employee is sick; and
- A statement that intermittent or reduced leave is necessary to care for a family member or will assist in recovery of that family member, including the expected duration and schedule of the leave.

(3) Intermittent or Reduced Leave

Under FMLA, when medically necessary, a leave for a serious illness may be taken intermittently or on a reduced leave basis. Intermittent leave is leave taken in separate blocks of time. Reduced leave is a work schedule that is less than the officer's usual number of hours per workweek or hours per workday. Appropriate documentation and medical certification will be required to include the City Leave of Absence Form and a Certification of Health Care Provider.

- (a) If intermittent or reduced leave is foreseeable based upon planned medical treatment, the officer may be required to transfer temporarily to an available alternative position for which (a) the employee is qualified; (b) has equivalent pay and benefits; (c) the

position better accommodates recurring a period of leave than the regular position of the employee; and (d) the transfer is in compliance with any applicable Collective Bargaining Agreement.

- (b) Certification for intermittent/reduced leave for planned medical treatment must include dates of expected treatment and duration of such treatment.

(4) Additional Opinions

If there is a question regarding the medical certification provided, an officer may be required to seek an additional opinion at the expense of the City from an independent health care provider whose opinion shall be final and binding. If the opinion of the first and second health care provider differ, a third opinion may be required which shall be final and binding.

(5) Return to Work

Officers who take leave due to personal illness or injury must be medically cleared by the City Physician before the officer may return to work. The additional opinion clause also applies to an officer's return to work.

Failure to return to work without prior notification and/or to request an extension within five (5) days of the expiration of authorized leave will be considered the officer's voluntary separation from City employment.

Upon returning from an authorized Leave of Absence, an officer is to be returned to the same or an equivalent position, providing the officer can perform the essential functions of the position with or without reasonable accommodation. If an officer is no longer qualified to hold the prior position due to the lapse of a license or the inability to attend necessary courses as a result of the leave taken, a reasonable opportunity to fulfill these requirements will be provided upon the return to work. Officers returning to work with limitations may be given a modified duty assignment, provided one is available for a limited period of time.

a. Military Caregiver Leave FMLA

- 1. This leave is to allow an employee who is the spouse, son or daughter, parent, or next of kin of a service member in the regular Armed Forces, National Guard, or Reserves (who incurred a serious injury or illness while on active duty) to take FMLA leave to care for the service member, or veterans who are undergoing medical treatment, recuperation, or therapy for serious injury or illness that occurred any time during the five years preceding the date of treatment. The maximum amount of leave is twenty-six

(26) weeks in a single 12-month period on a pre covered service member, per injury/illness is still the same injury/illness), measured forward from the date an employee first takes caregiver leave (any unused amount is forfeited). During the single 12-month period, caregiver leave and regular FMLA total cannot exceed twenty-six (26) weeks. Proof of the necessity for the leave will be required.

2. The Certification for Serious Injury or Illness of Covered Service member for the Military Family Leave Form (Appendix D) must be attached to the completed LOA Request Form.

b. Exigency Leave – FMLA

1. This leave is to allow an employee who has a spouse, son or daughter, or parent in the active duty to take FMLA leave due to a qualifying exigency resulting from the covered family member’s active military duty (or call to active duty) in support of a federal contingency operation.

Definition of “Qualifying Exigency” – includes any one or more of the following non-medical, non-routine activities:
short-notice deployment activities; military events and related activities; childcare and school activities; financial and legal arrangements; counseling activities, and/or additional activities. During a single 12-month period, a maximum of twelve (12) weeks can be given and is included as part of the regular FMLA leave year. Proof of the necessity for the leave will be required.

2. The certification for qualifying Exigency for Military Family Leave Form (Appendix E) must be completed and attached to the Leave of Absence Form.

c. Other

1. Other types of leaves can be considered for good and sufficient reason. The City Leave of Absence Form must be completed and submitted per this Directive.

I. Death Leave

1. Officers shall be granted up to four (4) working days off for a death in the officer's immediate family. Death in the officer's immediate family shall be construed to mean the death of one (1) of the following: spouse, children, parents, step-parents, brother, sister, grandparents, spouse's grandparents, mother-in-law, and father-in-law. Additional time off will be granted for necessary travel to distant states for funeral services. The time off allowed in the case of death in the officer's immediate family shall not be chargeable to either sick leave or vacation time.
2. In the event of the death of a near relative not listed above, up to three (3) consecutive vacation days may be taken. The hours paid will equal the shift hours regularly worked and an equal amount of hours is deducted from the officer's vacation balance. The Chief of Police may allow time off as prescribed above at the death of other relatives, provided that they are residing at the time with the officer or the officer is residing with them. In the event of a death of a near relative not listed above and with whom the officer is not residing, up to 24 hours consecutive hours of vacation time may be taken. The hours paid will equal the shift hours regularly worked and an equal amount of hours in deducted from the officer's vacation balance.
3. When a supervisor (or his/her designee) is notified by the officer of the death and the request for time off, the supervisor shall complete the Death Leave section of the Illness/Injury/Death Leave Form listing the name and relationship of the deceased, the City and State of the funeral and the number of days requested.