

## Sick Leave and Modified Duty

### 1012.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave and modified duty. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual (211 Sick leave/Short-Term Disability) or applicable labor agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) or the Washington Family Leave Act (FLA)(29 USC 2601 et seq.; RCW 49.78.220 et seq)

### 1012.2 POLICY

It is the policy of the Vancouver Police Department to provide eligible employees with a sick leave benefit.

#### 1012.2.1 DEFINITIONS

Planned Vacancy - A vacancy for which an employee give notice at least 24 hours prior to the start of the shift.

Unplanned Vacancy - A vacancy fo which notice is given less than 24 hours before the normally scheduled start of the shift.

### 1012.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences (RCW 49.46.210). Sick leave is not considered vacation. The Department may also provide opportunities for employees to work in temporary modified duty status if they are unable to perform the full scope of their job duties due to on or off duty injury or illness.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see the Outside Employment Policy -1038).

#### 1012.3.1 NOTIFICATION

All employees should notify the Shift Sergeant or appropriate supervisor as soon as they are aware that they will not be able to report to work. If, due to an emergency, the employee is unable to contact the supervisor, every effort should be made to have a representative for the employee contact the supervisor (WAC 296-128-650).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the employee shall, whenever possible and practicable, provide the Department with no less than 10 day notice of the impending absence (WAC 296-128-650).

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Upon return to work, employees are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

Failure to report to work for three consecutive days or shifts for which the employee is scheduled to work, without receiving authorization, may be considered a voluntary resignation for reasons of job abandonment.

### **1012.4 EXTENDED ABSENCE / FREQUENT ABSENCE**

For absences exceeding three days, an employer may require verification that an employee's use of paid sick leave is for an authorized purpose. If an employer requires verification, verification must be provided to the employer within a reasonable time period during or after the leave. An employer's requirements for verification may not result in an unreasonable burden or expense on the employee, and may not exceed privacy or verification requirements otherwise established by law. (RCW 49.46.210)

The City recognizes that each individual situation is different, and the requirements of each job position is different. The City will consider all the circumstances of each situation, and the effect it has on the workgroup and/or work product.

Factors a manager may consider in determining whether poor attendance is an issue include, but are not limited to, the following:

- A pattern of tardiness or absences that disrupts the flow of work, burdens co-workers with extra tasks, lowers morale, increases labor costs or adversely affects the quality of services;
- A pattern of tardiness or absences the day before and/or the day after a holiday or days off;
- A pattern of tardiness or absences on scheduled work weekends, Saturdays, Sundays and/or holidays;
- A pattern of tardiness or absences the day after payday; or
- A pattern of calling in sick as rapidly as sick time is accrued.

If there is a reasonable concern about an employee's ability to return to work or to perform their essential job functions, the Department may request a fit for duty examination be conducted.

### **1012.5 ELIGIBILITY FOR MODIFIED / LIGHT DUTY**

The Department may offer an employee a modified/light duty assignment if a suitable and available assignment exists. The Department will determine the type of work that is suitable according to the medical documentation and work that is available within the Department.

1. Modified duty is considered temporary, and normally does not exceed six months.

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2. Employees are only eligible for modified/light duty assignments if the employee is in a regular full time or part time position, the employee has a short term injury or illness that prevents them from performing the full scope of their job duties, and the employee is expected to recover from the injury or illness and return to full job duties.

An employee who is medically released for, and offered light duty, but chooses not to accept the assignment, will use their allotted sick time instead.

Failure to provide timely notification of release to return to work may result in loss of pay and/or benefits.

### **1012.6 WORKERS' COMPENSATION**

Employees may use accrued sick leave hours on the date of injury and the three consecutive days following. On the fourth day, employees are considered on "time loss" and entitled to Workers' Compensation time loss benefits. Employees may use accrued leave hours to supplement the time loss payment up to their base salary.

Prior to modified duty being approved, the employee must provide medical documentation from his/her treating physician which states that the employee is unable to perform the essential duties of his/her current position but may be able to work a modified duty assignment. The documentation should identify the specific physical limitations or restrictions. Modified duty is considered temporary and normally does not exceed six months. An employee who is medically released for and offered light duty, but chooses not to accept the assignment, will not be entitled to further time loss benefits.

For additional information see applicable CBAs: <http://cvsharepoint/departments/HR/Pages/EmpLaborRelations.aspx>

### **1012.7 TRAINING**

Employees must obtain authorization from a supervisor prior to attending training during medical leave. Authorization may only be provided if it is consistent with the information obtained from the employee's treating physician.

### **1012.8 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include, but are not limited to:

Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy. If deemed necessary, advise their supervisor of the amount of sick leave being used in order to ensure proper staffing.

Monitor the use of overtime being worked if the employee is using sick time during their normal shift or work duty, and if appropriate, limit overtime and collateral duty assignments.

When appropriate, counseling employees regarding inappropriate use of sick leave.

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Referring eligible employees to an available employee assistance program when appropriate.

Notify employee that they may be eligible for additional leave programs (FMLA, WFLA, etc.) and should contact Human Resources.

Ensure no retaliation or discrimination against an employee for using leave for authorized purposes under this policy (RCW 49.46.210)