



# Alexandria Police Department

## Directive 4.2



# ATTENDANCE, LEAVE, & STAFFING

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APPENDIX

<b>4.2.01</b>	<b>POLICY/PURPOSE</b>
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It is the policy of the Department to determine allocation of personnel based upon the assessment of goals, objectives, and workload by establishing hours of work. It is also the policy of the Department to manage overtime and leave to properly staff Department operations and to appropriately compensate employees for hours worked. This directive sets forth responsibilities and procedures for staff allocation and reporting attendance and leave for all Department employees.

**4.2.02 AUTHORITY**

The authority and direction governing this Directive is provided in part by City Administrative Regulations 6-14 and 6-18.

**4.2.03 DEFINITIONS**

**Absence Without Leave** - Any unapproved absence from work. Employees who are absent without leave for three (3) consecutive workdays will be considered as having abandoned their position. Their separation from City service will be classified as a termination. AWOL is an unpaid leave status.

**Administrative Leave** – *Where unusual circumstances preclude an employee from fully or satisfactorily fulfilling the duties of his/her position, he/she may be placed on administrative leave. Such leave may be with or without pay. During such leave the City will continue to make its normal contributions for any insurance program in which the employee is enrolled. Only the Chief Human Resource Officer or the City Manager shall authorize administrative leave and then only after consideration of the recommendation of the department head.*

**Adoption Leave** - Employees adopting children may request a period of time off, not to exceed 12 weeks, to make necessary family adjustments and to make arrangements for childcare. Any such absence request must be submitted in advance for consideration and approved by the Chief of Police. All employees eligible for FMLA leave will provide a completed FLMA notification form, accompanied by an acceptable statement from the agency or authority responsible for the adoption, 30 days prior to the anticipated leave, whenever feasible. Employees **NOT** eligible for FMLA leave will submit written notification of the absence request through their chain of command, for approval by the Chief of Police, in lieu of the FMLA notification form, as well as an acceptable statement from the agency or authority responsible for the adoption, 30 days prior to the anticipated leave, whenever feasible. Time off must be charged to annual leave, compensatory leave or leave without pay. Employees who are denied leave for adopting a child may appeal the denial to the *Chief Human Resources Officer*.

**Allocation** - The determination of the overall number of personnel for the Department, as authorized by the City Council, and for each organizational component.

**Annual Leave** - Annual leave is granted to eligible employees for vacations and personal matters *when approved in advance by the supervisor*. Annual leave is earned each pay period based on the tables found in Appendix I. The maximum accrual caps for each year are included in Appendix I. Reductions will be applied to any accruals or balances that exceed these caps at the end of the leave year. Excess annual leave

above the stated caps will be credited to an employee's sick leave balance. Annual leave for all City employees will not be earned for any time spent in leave without pay or absent without leave status. [22.1.2.d]

**Compensatory Leave** - Compensatory leave (as described in A.R. 6-14, "Hours of Work and Special Pay") may be requested and used following the same procedures as described for the use of Annual leave. Compensatory hours must be paid whenever a non-senior executive group (SEG) employee terminates his/her employment with the City, up to the appropriate cap. Employees who work other than a conventional (Mon-Fri.) schedule, may accrue compensatory leave when a scheduled day off falls on a holiday, or when compensatory leave earned as overtime is approved in lieu of pay.

- A. When a holiday falls on a scheduled day off or an employee is on paid leave, an employee will earn compensatory leave for the holiday. To earn holiday compensation employees must be in a paid status for their entire last scheduled working day before a holiday and their entire first working day after a holiday; and
- B. Compensatory leave may be requested in lieu of holiday pay, court pay, overtime pay, etc. These requests for compensatory leave in lieu of pay are to be reported on the Overtime Report (APD-125). Compensatory leave in lieu of pay may be denied at the discretion of the Chief of Police, *Bureau Commander*, or a division commander.

**Disability Leave** - Employees will be granted disability leave for any work-related injury or illness which causes their absence from work only when the absence is supported by an acceptable City doctor's statement and approved for payment by the Virginia State Worker's Compensation Commission. Absences are charged against sick leave pending approval by the Commission. Employees shall receive full paychecks for periods of such disability not to exceed one year for any single injury, including recurrence. Disability leave is charged against the employee's entitlement to 12 weeks of family and medical leave in a 52-week period. (See Part XI for Family and Medical Leave Act provisions of A.R. 6-18). *While on disability leave, employees will accrue annual and sick leave as usual. After exhausting the maximum allowable amount of Disability pay, employees may use accrued leave to supplement disability payments.* [22.1.3c]

Supervisors will ensure:

- A. That employees with approved workers compensation claims use disability leave for appointments with City doctors during work hours. It is essential that employees complete a leave request for disability leave documenting the time they are away from work.
- B. That their employees have the treating physician complete a Physical Capabilities Statement (C-2) (or a Therapy Report for physical therapy treatments) each time they are seen. Supervisors will ensure these forms are

attached to a completed leave slip and forwarded to the *Human Resources and Recruitment Section* as soon as they are received.

**Distribution** - is the assignment of a given number of personnel within each organizational component according to functional, geographical and workload demands. Distribution to each Bureau is determined by the Chief of Police in consultation with the *Bureau Commanders*. Distribution to each organizational component is determined by the *Bureau Commanders* with input from division, section, and unit commanders. Distribution to units reporting directly to the Chief of Police is determined by the Chief of Police in consultation with the appropriate commander.

**Educational Leave** - Supervisors and/or commanders may approve educational leave requests for a maximum of 10 consecutive calendar days. Educational leave requests in excess of 10 calendar days must be submitted through the chain of command for approval by the Chief of Police. When educational leave is approved on a scheduled day off, every effort will be made to allow a pay-back day off. Pay-back days off **must** fall within the same pay period or pay week (whichever is applicable per FLSA regulations), as the educational day(s) worked. In the event a pay back day off cannot be allowed, a Request for Overtime (PD-125) must be completed. Overtime pay for educational leave must be approved in advance by the Chief of Police. (When the employee receives a pay-back day off, the educational leave and *corresponding* pay-back day off must be reflected accurately in Kronos, the attendance and leave system.)  
[22.1.3e]

**Emergency Employees** – Employees who are required to remain at or report to work during a time when the City is closed in order to enable the Department to maintain its basic services and operations. (i.e. due to inclement weather, an emergency, or holidays). Employees designated as emergency personnel must report to work on time. Commanders are responsible for ensuring their employees are informed whether their positions are designated as emergency.

**Essential Employees** – Employees who are required to remain at or report to work during a time when the City Manager declares liberal leave (due to inclement weather, an emergency, or other conditions) in order to enable the Department to maintain its basic services and operations. Commanders are responsible for ensuring their employees are informed whether their positions are designated as essential.

**Family Sick Leave** - Employees may use accrued sick leave when members of their immediate family permanently residing in the same household, **or** an FMLA qualifying family member who does **not** reside in the employee's household, become ill and require the constant care and attention of the employees, or when they must be accompanied on a medical, dental, mental health, or optical appointment. Supporting written documentation of the need for the employee's absence from work may be required from the family member's attending physician. Employees eligible under FMLA will provide a **completed** FMLA packet a minimum of 30 calendar days in advance of the anticipated absence, or as soon as possible when the absence is not foreseeable. For

purposes of this section, "immediate family" will mean a spouse, child, stepchild, foster child, grandchild, parent, legal stepparent, parent-in-law, grandparent, brother or sister. A child, stepchild, foster child or grandchild is considered one who is under 18 years of age, or 18 years of age or older and incapable of self-care because of a mental or physical disability.

**Family Medical Leave** - Entitles regular full-time and part-time City employees up to 12 weeks of unpaid, job protected leave. During FMLA leave, the City must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Any employee using accrued leave while on an approved FMLA leave of absence is required to follow City policies regarding the use of leave as defined by A.R. 6-18.

While on full-time FMLA leave, City employees are not eligible, nor can they be required, to work overtime assignments, special details, rehires, stand-by duty, call-back assignments or any other type of premium pay assignment. For employees working intermittently or on a reduced work schedule, the Chief of Police must expressly approve any premium pay assignment. (*Employees should also consult directive 4.3, Family and Medical Leave Act.*)

**Funeral Leave** - Regular full-time employees who have completed 90 calendar days of service are entitled to three (3) working days of funeral leave in the event of a death in the immediate family, i.e., spouse, child, brother, sister, parent, legal step-parent, grandparent, great-grandparent, grandchild, parent-in-law, legal stepbrother or stepsister, or ex-spouse when minor children are involved. The leave of absence must be taken between the date of death and the day following burial. Employees may be asked to offer valid proof of death and of the relationship. Funeral leave will not be charged to any accumulated leave.

- A. Leave time in addition to this funeral leave or for the death of other relatives will be charged to annual leave, compensatory time, or leave without pay as appropriate.
- B. Regular part-time employees scheduled to work at least 20 hours per week (50% or more) and who have completed 90 days of services are entitled to a prorated period of three days of funeral leave under the same circumstances noted above.

**Leave Without Pay** - The granting of a request for leave without pay is a matter of administrative discretion. Except in the case of military leave, leave without pay will not be granted until all available and appropriate leave balances are exhausted. All requests for leave without pay of less than one week must be approved in advance by the Chief of Police via a written memo. Requests for greater than one week require approval from both the Chief of Police and *the Chief Human Resources Officer*. Employees who are denied leave without pay shall be placed in an unapproved leave status which is equivalent to absence without leave (AWOL).

**Liberal Leave** - When bad weather or other emergency conditions dictate, the City Manager may declare a policy of liberal leave for City employees. This permits employees who are not designated as essential personnel to use accrued annual leave, compensatory leave, or leave without pay, if they are unable to come to work. In order to maintain minimum staffing on liberal leave designated *workdays*, employees must request unscheduled leave. To ensure that all offices remain open, supervisors may deny requests for liberal leave, if necessary.

**Prenatal Treatment and Parental Leave for Employees NOT covered by the Family Medical Leave Act (FMLA) -**

If for any reason an employee does **NOT** qualify for FMLA leave, he/she may take leave for *the treatment of prenatal complications as well as parental leave following the birth of a child, adoption of a child, or following the placement of a foster child for a combined period of up to 12 weeks as described below.* (Employees should also consult the Paid Parental Leave Program Guidelines for eligibility requirements.)

**A. *Leave for Prenatal Treatment***

1. Regular full-time and part-time employees (working at least 20 hours per week) may *request to take leave for the treatment of prenatal complications. The employee must complete and provide the necessary forms and documentation required to substantiate the request.*
2. *Employees will provide their supervisor and Human Resources with the notice of their request for leave at least 30 days prior to the proposed date of leave (or if the leave was not foreseeable, as soon as practicable).*

**B. *Parental Leave***

1. Regular full-time and part-time employees (working at least 20 hours per week) may *request leave following the birth, adoption, or placement of a child, for up to 12 weeks. The employee must complete the necessary forms and provide all documentation required to substantiate the request.*
2. *Employees will provide their supervisor and Human Resources with the notice of their request for leave at least 30 days prior to the proposed date of leave (or if the leave was not foreseeable, as soon as practicable).*
3. *Employees who are adopting a child may request a period of time off, not to exceed 12 weeks, to make necessary family arrangements and to make arrangements for childcare. Whenever feasible, any such absence must be requested by the employee of his/her supervisor in advance and approved by the Chief of Police. The request **must** be accompanied by an acceptable statement from the agency or authority responsible for the adoption. The use of sick leave may only be used when the adopted child is ill, as documented*

*by an acceptable statement from the child's treating physician. Adoption leave must begin within the first 90 days of the placement of the child.*

*Time off from work may be charged to sick leave, annual leave, compensatory time, leave donations, sick leave bank (if enrolled), advanced sick leave, and, in rare cases, long-term disability. Upon exhaustion of all paid leave balances or options, any remaining leave needed will be unpaid leave. (Employees should consult A.R. 6-18, Attendance and Leave for additional information regarding insufficient leave balances and options available).*

**Military Leave** - All officers and employees who are former members of the armed services or members of the organized reserve forces of any of the armed services of the United States, National Guard, or naval militia shall be entitled to leaves of absence from their respective duties, without loss of seniority, accrued balances, or efficiency rating, on all days during which they are engaged in federally funded military duty, to include training duty, or when called forth by the Governor pursuant to the provisions of Section 44-75.1 or 44-78.1. *(Employees should also consult directive 4.20, Military Deployment and Reintegration.)*

- A.** There shall be no loss of pay during such leaves of absence, except that paid leaves of absence for federally funded military duty, to include, but not limited to, training duty, shall not exceed fifteen workdays (A.R. 6-14 Appendix I defines "workday") per federal fiscal year (October 1 to September 30). *Employees will be required to provide a copy of their military orders when requesting Military leave hours.*
- B.** Leaves of absence in excess of the fifteen workdays per federal fiscal year may be charged to annual leave, compensatory time, or leave without pay at the employee's option.
- C.** Employees who are called to active duty during a national emergency may draw a supplement to their military pay when they are in a leave without pay status because of their military service.
- D.** Leave used for Military purposes will be administered in accordance with Directive 4.20 – Military Deployment and Reintegration.
- E.** *During military deployments, affected employees will have the choice to continue their medical, life insurance and other insurances in the usual manner for up to 12 months. Employees will be responsible only for their usual share of cost.*
- F.** *Merit evaluations will be deferred until the employee returns to City service. The employee's regular merit date will not change. Employees on their initial probation with the City will automatically be extended until their return to City service, at which time the remaining probation period will resume.*

- G.** *An employee who leaves for mandatory or voluntary military service will not accrue annual or sick leave during a period of military service unless the period was covered by military leave, annual or compensatory leave.*

**Paid Parental Leave** – Effective May 1, 2018, the City will provide up to six (6) weeks (or 240 hours) of Paid Parental Leave (PPL) to eligible City employees who are parents of a newborn child or a child who is placed with the employee through adoption or foster care. PPL is designed to allow employees paid time off to care for and bond with a newborn, or a newly adopted or newly placed child. PPL will run concurrently with approved unpaid leave under the Family and Medical Leave Act, as applicable by law. (See the Paid Parental Leave Program Guidelines for eligibility requirements).

**Religious Holidays** - Employees may request annual leave, compensatory leave or leave without pay for the observance of a religious holiday. (See A.R. 6-18, XIII.)

**Sick Leave** - May be used for illness or injury, *or quarantine* of sufficient seriousness to prevent attendance on duty, *or when continuing to work might jeopardize the health of others*. With prior supervisory approval, sick leave may be granted for medical, dental, and optical examinations and treatments. Sick leave with pay is not a right; it is a courtesy of salary continuation extended to employees. Sick leave is only to be used when actually warranted. Improper use of sick leave will be cause for disciplinary action. **[22.1.2.c]**

- A.** A physician's statement may be required for any period of absence if, in the opinion of the supervisor, such a statement is warranted. *If an employee is confined because of quarantine, the absence must be supported by an acceptable statement from a licensed physician or from the public health authorities.*
- B.** Employees returning to work after an obvious injury, operation, or major illness will be required by their supervisor to provide a completed Return to Work Statement and Medical Essential Functions Form from a physician indicating the date the employee is able to return to work in a full duty capacity (no work restrictions). This documentation **must** be provided to the *Human Resources and Recruitment Section prior to, or at the beginning of the employee's work shift on, the first date of work following the injury or illness.*
- C.** When an absence is approved, and the employee's sick leave balance is inadequate to cover the entire period of the approved absence, the difference shall be charged at the employee's option, to either annual leave or compensatory time, as appropriate. For the portion of the absence not covered by annual leave and compensatory time, the employee shall be placed on either leave without pay or unapproved leave, as appropriate.
- D.** Employees who are ill or injured and cannot report for duty will advise their immediate supervisor at least thirty minutes prior to their scheduled time to report



for duty. Failure to inform the supervisor within two (2) hours of the employee's normal starting time will classify the absence as Absent Without Leave and disciplinary action may be taken. During the term of sick leave extending beyond one day, it is the employee's responsibility to keep his/her supervisor continuously informed of his/her condition and likely date of return to work, to include submission of supporting medical documentation.

- E. No employee shall perform any work of any kind for compensation for any public or private entity or person (including himself/herself), during any period for which sick leave payments are being received from the City, without prior written approval from both the Chief of Police and the *Chief Human Resources Officer*.

**Sick Leave Bank** – A standing account of available sick leave which will provide pay for those City employees who:

- a. Voluntarily join the Bank,
- b. Meet all of the administrative requirements for a sick leave grant to avoid total wage loss, **and**
- c. Who request paid sick leave with appropriate documentation for a qualifying illness.

Department heads may request leave donations when an employee who belongs to the Sick Leave Bank has obtained all allowable leave from the Bank, and still has a legitimate need for sick leave. (See A.R. 6-18 Sick Leave Bank Policy)

**Suspension** - Is used only when an employee has been suspended in accordance with Directive 2.3 (Complaints and Disciplinary Action). Any actions requiring entry into the Kronos system as a result of a suspension will be handled by the *Human Resources and Recruitment Section* Staff at the written direction of *the Office of External Affairs and Professional Responsibility*.

For other types of leave or additional information on the covered leave, refer to City AR 6-18.

<b>4.2.04</b>	<b>STAFF ALLOCATION RESPONSIBILITIES</b>
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**A. The *Commander of the Human Resources and Recruitment* will:**

1. Maintain a position management system that provides the following information: **[21.2.3]**
  - a. Identity of the number and type of each position authorized in the agency's budget;

- b. Location of each authorized position within the agency's organizational structure; and
  - c. Position status information, whether filled or vacant, for each authorized position in the agency.
2. Ensure that no full-time, part-time, or temporary personnel are hired without advance, written approval from Fiscal Management, the Chief of Police or designee, *Chief* Human Resources *Officer*, and the Office of Management and Budget.

**B. The Assistant Chief and Assistant Director ,will:**

Submit an analysis of the allocation and distribution of personnel under their command, based upon documented workload assessments to the Chief of Police at least *every four years*. Workload assessment reports should contain measurable, evaluative, and comparable information cumulative for the period as well as futuristic forecasting. Recommendations for understaffing or overstaffing should be supported by the workload assessment conclusions. [21.2.4]

**C. Patrol Division Commanders will:**

Reassess the allocation of Patrol personnel to each shift periodically, to include the following information:

[41.1.1b] [21.2.4]

- 1. The number of incidents handled by patrol personnel during the specified period; and
- 2. The average time required to handle an incident at the patrol level (or measurement of a sampling of cases).

<b>4.2.05 LEAVE REQUEST RESPONSIBILITIES</b>
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- A.** Unless a valid leave request has been approved by proper authority, or unless otherwise directed, employees will report fit for duty, including court, at the time and place specified, appropriately dressed, groomed and equipped. Employees are to monitor their leave balances and may not request leave unless they possess a sufficient appropriate leave balance at the time of use.
- 1. **Regular Duty:** Employees who fail to appear for duty at the date, time, and place specified without the consent of competent authority are absent without leave (AWOL). The offense of AWOL will either be classified as a Group II or Group III offense, depending upon the number of days that the employee is absent. For Group II offenses, where the employee is absent without approval for less than three days, the supervisors receiving the complaint should discuss and collaborate with their commander to determine whether to proceed with the Unit

Level process or to initiate an Administrative Investigation. For Group III offenses, where the absence without approval is for three or more consecutive days, commanders will consult with the Office of External Affairs and Professional Responsibility prior to the initiation of an Administrative Investigation. The Office of External Affairs and Professional Responsibility will complete a Complaint/inquiry (APD-67) Form and forward it to the employee's supervisor via BlueTeam for service. Exception: a supervisor may handle instances of tardiness. These procedures are in compliance with PD 2.3 Complaints and Disciplinary Actions.

2. **Overtime Details:** Employees who fail to report for any City overtime detail without the consent of competent authority are also AWOL. The employee's supervisor will consult with their commander to determine whether to proceed with the Unit Level process or to initiate an Administrative Investigation. Such absences must also be reported to External Affairs and Professional Responsibility in Blue Team. These procedures are in compliance with PD 2.3 Complaints and Disciplinary Actions. If the complaint is sustained, at the commander's discretion and upon approval of the Chief of Police, the employee may be restricted from voluntarily working any City overtime detail for up to 30 days for the first sustained complaint in a two (2) year period, in addition to any discipline they receive. A second sustained complaint of AWOL from a City detail in a two-year period may result in up to a 60-day restriction. Third or subsequent sustained complaints for this offense may result in up to a one-year restriction and a written reprimand.
- B.** Supervisors will monitor their employees' compensatory leave balances and must ensure they are not over the maximum cap at the end of the year or are paid for their excessive leave balance.
- C.** Supervisors at each level of authority will control absences from duty of the employees under their supervision. This includes ensuring all employees are present or accounted for during the entire tour of duty.
- D.** Supervisors will submit all required paperwork to the [Human Resources and Recruitment Section](#) immediately upon receipt.
- E.** Commanders will ensure the following:
1. The required daily attendance and leave information is accurately entered, reviewed, and approved by 12 noon on the last day of the pay period, unless otherwise indicated. This includes all base hours, adjusted work hours, educational hours, pay-back days off, **and** overtime hours.
  2. Supervisors approving and/or denying leave slips are responsible to forward them to the appropriate [timekeeper](#) with sufficient time to meet the deadline. Exception: leave or overtime hours worked between 1200-0000 on the last day

of the pay period. Any changes between those hours would be submitted by the timekeeper to the *Human Resources and Recruitment Section* clearly identified as needing “Historical” entries, no later than **9 a.m. the following Monday**. Leave and/or overtime slips received after the 9 a.m. deadline OR before the deadline but resulting from a date(s) prior to the last day of the pay period under review, are not guaranteed to be reflected in the same pay period.

3. All timekeepers under their command are provided all documentation needed within a timely manner so as to allow sufficient ability to meet the payroll deadlines. Timekeepers are to be kept informed of schedule changes as they occur, and all adjusted hours are written at the top of the leave and overtime slips if applicable.
  4. Timekeepers are processing all “Historical” leave and overtime slips on a daily basis, or as they receive them, for submission to the *Human Resources and Recruitment Section*. Historical slips should NOT be held until the end of a pay period for submission.
  5. Timekeepers are available and accessible to answer questions and make corrections and/or edits as needed in Kronos on the last day of the pay period as well as the Monday following. If he/she is not available, a designee will be appointed, and the *Human Resources and Recruitment Section* advised, to be available in his/her absence.
  6. The *Human Resources and Recruitment Section* is notified of any employee who cannot fulfill their full job duties due to a non-work-related injury, illness or other condition prior to their absence, or as soon as the injury or illness is made known, and the employee is provided the appropriate forms as applicable (FMLA, Medical Essential Functions, and Return to Work Statement).
- H. The *Human Resources and Recruitment Section* will review the payroll for errors as well as additional reviews needed, notify unit timekeepers of any shortages and/or issues found requiring correction, and approve the department’s payroll for submission to the Finance Department. The *Human Resources and Recruitment Section* will advise the appropriate Kronos timekeepers in advance of any deadline changes due to holidays, City closures, etc. as needed.

#### 4.2.06 APPLICATION FOR LEAVE

- A. Whenever employees desire to take leave of any type, they will complete a Leave Request (OMB-5007) and submit it in advance (*with the exception of unexpected sick or family sick leave*) to their immediate supervisor. Sick leave used for scheduled medical appointments should be approved in advance.

- B.** Employees returning to work after sick leave will complete a Leave Request (OMB-5007) and submit it to their immediate supervisor. The supervisor will scan a copy of the form containing both the employee and the supervisor's signature to themselves and the respective employee. The supervisor will then forward the original *leave slip to either the appropriate timekeeper, if the pay period has not closed, or to the Human Resources and Recruitment Section if historical entry is needed*. Employees may retain the scanned copy for their own record. Medical documentation supporting the return to work may be required prior to the employee's return to duty.
- C.** Immediate supervisors may approve annual leave requests for a maximum of 14 consecutive calendar days. Leave requests in excess of 14 calendar days must be submitted through the chain of command for approval by the Chief of Police.
- D.** Supervisors may deny leave whenever there are previous applications already approved, or other circumstances indicate a denial is in the best interest of the Department. Denial of compensatory leave will be handled as in "G" below.
- E. All leave slips (approved or disapproved) shall be processed as follows:**
- If approved, the original leave slip* is to be forwarded to the Human Resources and Recruitment Section *after entry into Kronos by the appropriate timekeeper*.
  - The supervisor is to retain a scanned or photocopy of the original signed by the approving supervisor.
  - The respective employee is to retain a scanned or photocopy of the original signed by the approving supervisor.
- F.** All requests for sick leave **must** state the *general* nature of the illness/injury. Requests for family sick leave **must** include the family member's relationship *to the employee and general* nature of illness. Supporting written documentation of the employee's need to be absent from work may be required from the family member's treating physician.
- G.** An employee with accrued compensatory time shall be granted compensatory time off, provided the request is submitted at least 72 hours prior to the date and time of the requested leave, and 120 hours prior to any City holiday. Such requests shall be made in writing to the employee's supervisor and shall be granted absent a showing that granting the request would unduly disrupt Departmental operations in the unit, on the day, and at the time for which the compensatory time off is requested. Prior to any denial of a request to use compensatory time off, the supervisor will undertake his/her best efforts to find a qualified replacement employee to work in the place of the employee requesting the time off. Posting the request in a designated and prominent location shall be sufficient to constitute best efforts. The need to pay overtime or premium pay to a replacement is not undue disruption. The grant or

denial shall be in writing. If the supervisor is unable to find a replacement, the employee shall be given an opportunity to find a replacement, so long as the replacement has been trained and is qualified for performing the anticipated duty functions and is otherwise available to work during the time. The employee shall designate and have such replacement approved by the supervisor at least 24 hours before the commencement of the work.

- H. Nothing in this section shall be deemed to affect the authority of the Chief of Police to restrict all leave usage for certain periods of time when required, to ensure the performance of the police mission under extraordinary circumstances.

#### 4.2.07 MAXIMUM END OF YEAR LEAVE CAPS

- A. Employees must closely monitor their annual leave balances in relation to the maximum end of year cap noted on their biweekly pay statements. Annual leave balances over the maximum cap at the end of each year will be transferred, hour for hour, to their sick leave balance, unless the employee chooses to donate excess annual leave hours to another employee in an approved leave drive, or to the Sick Leave Bank during the open enrollment period.
- B. The maximum end of year cap for compensatory leave is **200** hours for sworn employees and **120** hours for non-sworn employees. Non-exempt employees with balances exceeding these at the end of each calendar year are paid for the amount of leave over the maximum cap. Exempt employees forfeit any excess leave over the end of year cap. (Non-exempt sworn positions are those of sergeant and below.) When the use of leave has been restricted due to unusual circumstances, an extension *may be requested to the Chief Human Resource Officer, with the approval of the Chief of Police*, to afford employees sufficient time to use excess leave.
- C. Supervisors will closely monitor compensatory leave balances to ensure employees do not exceed their end of year maximum cap or are paid for excessive compensatory leave. Supervisors may place employees with high compensatory leave balances on leave throughout the year to ensure future adequate staffing levels and to keep employees under their maximum caps at the end of the year. Supervisors may also change annual leave requests to compensatory leave. The Chief of Police or designee may make exceptions to this policy on a case-by-case basis.

#### 4.2.08 MEAL PERIODS

- A. Sworn employees assigned to the Field Operations Bureau (FOB), will be paid for their meal periods.

- B.** Operational personnel include all sworn personnel assigned to the Field Operations Bureau (FOB), whose primary responsibilities are to perform some type of in-field street duty. **Personnel in these assignments are not relieved of their duties or their responsibility to respond to requests for assistance from supervisors, the Department of Emergency and Customer Communications (DECC), or the public during their meal periods and, therefore will be paid for the time spent on their meal period.**
- C.** Meal periods for operational personnel will not exceed 30 minutes in length. Operational personnel are also allotted no more than 15 minutes immediately prior to the start of their meal period for travel and preparation.
- D.** Because they are already being paid for a meal period, operational personnel are not eligible for overtime compensation based solely on a missed meal period.
- E.** Administrative personnel will include all sworn employees who are not assigned to in-field street duty or not routinely responsible to respond to requests for assistance from the public. All non-sworn employees will be considered to be administrative personnel. Administrative personnel will not be paid for their meal periods.
- F.** Because they are not compensated for their meal periods, administrative personnel who are authorized to miss a meal period may have the missed meal period counted towards the computation of overtime.
- I.** Division commanders may designate individuals under their command as either operational or administrative based on the employees' rank and the nature of their assignments.
- J.** Special events and details less than 8 hours in duration will not include a paid or unpaid meal period away from the duty post unless authorized by the supervisor of the special event or detail.
- K.** Employees may use the Fitness Center and equipment during compensated lunch periods only with prior approval from their supervisor and must remain available for immediate return to duty.

The City Attorney's Office has opined on the viability of Workers Compensation claims filed by employees using the Fitness Center or equipment. Each case involving an injury occurring in the Fitness Center will be evaluated by the City and the Workers Compensation Board on its individual merits. Any injury occurring at the Fitness Center is to be reported to the appropriate supervisor immediately.

**4.2.09 EMPLOYEE BREAKS**

- A. Administrative personnel (or persons working in an administrative/restricted duty assignment) are entitled to one (1) paid fifteen (15) minute break for each four (4) hours of work unless specified by departmental policy or work rules.
- B. The break will commence when the individual leaves their workstation and the individual is to be back at the workstation by the end of the break.
- C. If an individual is unable to take a break, break time will not accumulate. In addition, employees may not split the break period into shorter more frequent increments.
- D. Supervisors must ensure breaks are scheduled so that adequate office coverage and services are provided; breaks are not abused; and all employees are afforded opportunities for breaks.
- E. Employees may not choose to skip breaks so that their hours of work may be shortened.
- F. Employees will submit leave requests for additional absences from their shifts for anything other than for reasonable use of the restroom.
- G. Employees who need to express breast milk for their nursing child up to one year after birth shall be entitled to one (1) paid twenty (20) minute break for each four (4) hour work period. Employees who are already permitted one (1) paid fifteen (15) minute break for each four (4) hours of work shall not be granted additional paid break periods--those break period shall be extended to twenty (20) minutes. Employees assigned to Police Headquarters shall utilize the Lactation Room located in [Room L05](#).

**4.2.10 SHIFT DIFFERENTIAL**

- A. Shift differential will be paid in accordance with Kronos Policies and Procedures, put forth by the Finance Department with the implementation of the Kronos system.
- B. All (and only) full-time regular employees, both exempt and nonexempt, will be entitled to these shift differentials. Shift differentials will also apply to all hours worked on a qualifying shift and overtime hours resulting from shift extensions on a qualifying shift.

<b>C. <u>Shift</u></b>	<b><u>Entitlement</u></b>
For shift starts between 11:00 a.m. and 4:59 p.m.	SDS
For shift starts between 5:00 p.m. and 4:59 a.m.	SDT



- D. Senior Executive Group (SEG) employees are excluded from all shift differential rules.
- E. Shift Differential is not paid on the following specialty type of shifts:
  - 1. Court duty CDS, CDH
  - 2. Call back CBP, CBH, CB2

#### 4.2.11 HOURS OF WORK

- A. Supervisors may adjust employees' hours within the workday in advance to avoid paying overtime. (Example: A supervisor of an employee working an evening shift may adjust that employee's hours for court, etc.). However, supervisors cannot adjust employees' hours for overtime already worked unless requested by the employee. Further, supervisors are not permitted to adjust employees' hours to maximize overtime pay.
- B. Employees will not adjust their hours without prior approval from supervisors. Employees will not adjust their schedules to work longer hours on holidays to maximize the holiday pay benefit.
- C. Whenever a selection or promotion process occurs during an employee's regular work hours, the commander is to excuse the employee for the amount of time necessary to participate and the employee is not to be charged leave. Whenever a selection or promotion process occurs outside the employee's regular work hours, the commander is to adjust the employee's work schedule or schedule a payback day or time off to allow for the employee to be in an on-duty status while they participate.

Commanders are to work closely with the [Human Resources and Recruitment Section](#) and with the supervisor or commander responsible for administering the process to determine the dates and times employees need to be present to take the process.

#### 4.2.12 PYRAMIDING

There will be no pyramiding or duplication in the computation of any overtime compensations, and no employee will be paid more than once for the same hours worked. Consequently, employees will not work for overtime during the same hours they are in a paid leave status. Example: An employee approved for compensatory leave,

annual leave, or other paid leave during the hours of 3 to 5 P.M. will not be compensated by the City for overtime during any period between 3 and 5 P.M. The employee may work for overtime beginning at 5 P.M.

#### 4.2.13 EMPLOYEES ON NON-WORK-RELATED RESTRICTED DUTY

- A. Commanders will notify the *Human Resources and Recruitment Section* of any employee(s) who cannot fulfill their full job duties due to a non-work-related injury, illness, or other condition and ensure the employee receives and completes the:
- a. Memo to the Chief of Police from the employee requesting restricted duty consideration,
  - b. FMLA packet (if applicable),
  - c. Medical Essential Functions, and
  - d. Return to Work Statement.
- B. Supervisors and/or commanders will ensure all completed forms are sent to the *Human Resources and Recruitment Section* immediately upon receipt. Supervisors and/or commanders must also ensure that employees submit a follow-up Return to Work Statement when the employee is released to return to full duty, or after attending follow up appointments where the condition is assessed. Full duty releases must be received prior to the employee returning to work.
- C. *For additional information about restricted duty, refer to Police Directive 4.23 Restricted Duty.*

**BY AUTHORITY OF:**

**Michael L. Brown**  
**Chief of Police**