



<b>WRITTEN DIRECTIVE</b>	No. PD17-0202	Page: 1 of 18
Subject:  EMPLOYEE LEAVE	Effective Date:	3-13-17
	Supersedes/ Amends:	PD15-0202
	Reference:	22.1.1, 22.2.1



**I. Purpose**

The purpose of this directive is to establish departmental guidelines for use of employee leave.

**II. Policy**

It shall be the policy of the Lynchburg Police Department to establish employee leave guidelines that will supplement information supplied in the *City of Lynchburg Policy*.

**III. Procedure**

22.2.1 D

**A. ANNUAL LEAVE FOR FULL-TIME EMPLOYEES**

1. Full-time classified employees will earn annual (vacation) leave as specified in the City of Lynchburg Policy (see the *City of Lynchburg Annual Leave Policy*).
2. Authorization to use annual leave:
  - a. Employees will not be authorized to take annual leave:
    - 1) before it is earned
    - 2) without approval, in advance, by the employee's:
      - a) immediate supervisor, *or*
      - b) unit supervisor.
  - b. All annual leave will be granted contingent upon unit staffing needs.
3. Full-time employees may accumulate annual leave in any amount, but a maximum of 288 hours may be carried over into the next calendar year.
  - a. Employees will forfeit annual leave in excess of 288 hours carried beyond December 31.

- b. Employees will be responsible for monitoring their accrued annual leave, and for scheduling leave in excess of 288 hours prior to the end of the year.
- c. Supervisors will not be required to grant employees vacation in order to prevent loss of excess annual leave days, should staffing needs dictate that the employees are required on duty.

## B. SCHEDULING ANNUAL LEAVE

### 1. Scheduling of BureauCommand Staff

- a. In order to ensure adequate supervisory coverage no more than two members of each Bureau Command Staff will be authorized to be on extended leave during the same time period without prior approval from the Bureau Captain.
  - 1) The Bureau Command Staff will consist of:
    - a) the Bureau Captain
    - b) Bureau Lieutenants
    - c) Bureau Sergeants
  - 2) In order to ensure appropriate Bureau supervisory staffing, the Bureau Command Staff members will maintain a separate annual leave scheduling list from that of non-supervisory personnel
- b. Bureau Captains will schedule annual leave based on a bureau-wide staffing list, and at the discretion of the Bureau Major
- c. Bureau Lieutenants will schedule annual leave based on a bureau-wide staffing list, after the Captains.
  - 1) Bureau Lieutenants will schedule annual leave by time in rank
  - 2) Only one Lieutenant from each bureau will be allowed to take scheduled annual leave during any given time period without prior approval from the Bureau Captain.
- d. Bureau Sergeants will schedule annual leave based on a bureau-wide staffing list, after the Lieutenants.

- 1) Sergeants will schedule annual leave by seniority based on promotion date to Sergeant.
  - 2) Sergeants will not schedule annual leave during the same time period that their Lieutenant has scheduled annual leave.
- e. Each Lieutenant and Sergeant will be allowed to schedule one annual leave period per distribution of the annual leave list.
2. Scheduling of Non-Supervisory Personnel
- a. Non-supervisory officers will schedule annual leave by seniority (date of employment) on a list separate from that of the Bureau Command Staff.
    - 1) A Police Officer III that fills in as a Sergeant on a temporary basis will not be considered as a designated Sergeant for the purposes of annual leave scheduling.
  - b. Normally, no more than one officer per each platoon/unit will be allowed to schedule annual leave during the same time period.
    - 1) It will be at the Bureau Captain's discretion to allow more than one officer to schedule annual leave during the same time period in order to address special circumstances.
3. General Guidelines
- a. The two annual leave lists will be distinct from each other: Two members of the Bureau Command Staff and the maximum number of officers determined appropriate for each division or unit may be scheduled for annual leave simultaneously.
  - b. The maximum number of officers allowed to schedule annual leave during the same period will be set for each division or unit, contingent upon staffing needs.
  - c. Each annual leave period scheduled may be up to 21 days total duration, including any of the following:
    - 1) regular days off
    - 2) holiday leave
    - 3) compensatory leave

- 4) personal leave
- 5) other earned leave
- d. Scheduled training may not extend the annual leave period past 21 days. This excludes long-term training.
- e. Consecutive annual leave periods must be separated by at least fourteen calendar days.
- f. Officers will have the opportunity to schedule a minimum of two annual leave periods for the calendar year.
- g. Civilian Employees will schedule annual leave based on date of employment.
- h. Nothing in this directive is intended to prevent arrangements being made between an officer and his supervisor regarding the scheduling of short-term leave periods, so long as the provisions set forth in Sections III, B, 1 and 2 are met.

**22.1.1 G, 22.2.1 B****C. HOLIDAY LEAVE**

1. The City of Lynchburg Policy specifies ten days as paid holidays to be observed by City employees (see the *City of Lynchburg Holiday Leave Policy*).
  - a. Full-time classified employees earn 8 hours for each city holiday for a total of 80 hours per year regardless of their work schedule.
  - b. Part-time employees do not earn holiday leave; they instead earn paid time off (see section III.F).
  - c. Temporary employees do not earn holiday leave.
2. All employees assigned to administrative, investigative or staff positions are required to take holiday leave on the dates the holidays occur if they are scheduled to work on the holiday.
  - a. Should circumstances require these employees to work on a holiday or if they are scheduled for a regular day off on the holiday, they may bank the leave time for future use.
  - b. These employees are not eligible for holiday pay.

3. Sworn employees not mentioned in III, B, 2 may, subject to the approval of their immediate supervisor, select eight hours of holiday leave on the date of the holiday, bank the time for future use, or receive eight hours of holiday pay for working the holiday.
  - a. The decision of taking holiday leave or holiday pay is to be made at least two weeks prior to the holiday.
  - b. Employees must take holiday leave on holidays that occur during periods of scheduled leave.
  - c. To receive holiday pay employees must work on the date of the holiday.
  - d. The immediate supervisor is responsible for ensuring that the holiday leave or pay is recorded on the employee's attendance sheet.
  - e. Holiday pay earned will be recorded on the T&D Record as cited in *Employee Compensation* (PD-0204) on the actual date of the holiday.
4. Non-sworn employees not mentioned in III, B, 2 may, subject to the approval of their immediate supervisor, select the holiday off or an alternate day off.
  - a. The decision of taking either the holiday off or another day will be made at least two weeks prior to the holiday.
  - b. Employees must take holiday leave on holidays that occur during periods of scheduled leave.
  - c. The immediate supervisor will be responsible for ensuring that the holiday leave is recorded on the employee's attendance sheet.
5. Employees taking holiday leave on a date other than the date of the holiday may not select a City holiday as an alternate day off for another holiday.
6. Employees rendered unfit for duty by sickness or injury on a holiday when they were scheduled to work:
  - a. will be recorded as on holiday leave (maximum of eight hours)

- b. will not be eligible for holiday pay or an alternate day off.
7. Full-time employees may accumulate holiday leave in any amount, but a maximum of 80 hours may be carried over into the next calendar year.
- a. Holiday leave in excess of 80 hours will be paid out on December 31.

**22.2.1 C****D. SICK LEAVE AND LIMITED DUTY ASSIGNMENTS**

1. Sick leave is paid time off that is normally used to cover a full-time employee's absence for the following reasons:
  - a. an employee's incapacity because of illness or injury
  - b. an employee's medical and dental appointments
  - c. the illness or injury of an employee's dependent family member that requires the employee's presence.
    - 1) For the purposes of sick leave usage, a dependent family member is defined as the employee's parent, spouse, child/stepchild or person for whom the employee has been appointed legal guardian.
    - 2) See the City of Lynchburg *Sick Leave Policy* as cited in the online Employment Policies and Procedures Manual for specific sick leave usage guidelines.
2. Employee use of paid sick leave and limited duty assignments will be closely monitored in order to ensure compliance with department policy.
3. Before returning to duty, an employee may be required by the Chief of Police to submit to an examination by a physician, psychiatrist, psychologist or other health care provider when such examination is deemed to serve the best interest of the department or the City.
4. Sick Leave:
  - a. The City of Lynchburg *Sick Leave Policy* specifies general sick leave policy guidelines for all full-time employees.
  - b. Part-time employees utilize paid time off (PTO) leave in lieu of sick leave (see III.F).

- c. Sick leave notification and documentation:
  - 1) Sick or injured employees will be responsible for notifying their immediate supervisor prior to the beginning of a scheduled tour of duty that will be missed due to sickness or injury.
  - 2) If employees cannot contact their immediate supervisor, they will be responsible for notifying another supervisor assigned to the same unit or division.
  - 3) The supervisor notified will complete the appropriate section of the department *T&D Form* (form LPD-0202-01).
  - 4) The employee will report as required the status of an illness or off-duty injury and the projected date of return to duty.
- d. Employees who become ill or injured while on-duty will notify their immediate supervisor.
  - 1) The supervisor will complete a *T&D Form* (form LPD-0202-01) in cases of employee illness.
  - 2) On Duty employee injuries will be handled according to procedures outlined in *Employee-Related Injuries and Motor Vehicle Crashes* (PD-0207).
- e. Supervisory personnel may:
  - 1) visit the injured or sick employee's residence at reasonable times to determine the employee's progress in recovery
  - 2) require the employee to submit a health care provider's certificate in reference to illness, injury and/or treatment that provides FML and ADA compliant information pertaining to:
    - a) the health care provider's diagnosis
    - b) the treatment prescribed
    - c) the date of the employee's next scheduled treatment or examination

- d) a projected date by which the employee will be able to return to regular duty.
  - f. Employees utilizing sick leave will not engage in any form of off-duty employment until:
    - 1) after returning to regular duty, or
    - 2) receiving supervisory permission to do so.
  - g. Employee abuse of the sick leave policy may result in:
    - 1) re-evaluation of previously approved sick leave as unexcused, unpaid absence from duty
    - 2) disciplinary action (see *Disciplinary System* PD-0212).
5. Limited duty assignments
- a. Employees who are unable to perform their regularly assigned duties while recovering from an illness, injury or other temporary physical condition may be placed within a limited duty assignment based upon the needs of the department and the availability of such an assignment.
  - b. The department will not maintain any permanent limited-duty assignment, and there is no guarantee that a limited duty assignment will be available for employees who are unable to perform their regularly assigned duties.
    - 1) An employee requesting a limited duty assignment will complete a *Limited Duty Assignment Request Form*.
      - a) The form will be forwarded through the chain of command for approval.
      - b) The limited duty status and assignment will be reviewed every 90 days, and noted on the form.
    - 2) An employee will be placed in a limited duty assignment only if, in the opinion of the Chief of Police, a suitable task exists that:
      - a) the employee is capable of completing, and



- b) that completion of such task would benefit the department.
  - 3) The duties performed and the duration of the limited duty assignment will be at the discretion of the Chief of Police.
  - 4) The Chief of Police, or his designee, will notify the employee in writing of:
    - a) the nature of the limited duty assignment
    - b) when the limited duty assignment will begin
    - c) what position will supervise the employee during the limited duty assignment.
  - 5) Work time spent on limited duty assignments will be documented within the T&D system as "LD."
- c. Limited duty assignments may be made during an employee's recovery from illness or injury.
- 1) No employee will be assigned to any form of limited duty until the employee's attending health care provider provides a written release that includes:
    - a) a statement that the employee is able to perform limited duty.
    - b) a listing of specific actions that the employee cannot or should not perform.
  - 2) No employee will be authorized to return to regular duty until the attending health care provider has provided a written release that includes a statement that the employee is able to perform that employee's regularly assigned duties.
- d. Limited duty assignments may be made during an employee's pregnancy.
- 1) On being notified that an employee is pregnant, the employee's supervisor will review the department's limited duty policy with the employee.

- 2) An employee will be removed from her regular duty assignment:
  - a) at such time that her attending health care provider advises the employee to discontinue her regularly assigned duties due to her pregnancy – the employee will provide her supervisor with written notice of this determination.
  - b) at such time that the employee advises her supervisor that the employee believes her pregnancy has advanced to a stage that she should discontinue her regularly assigned duties due to personal health or safety concerns, fetus health or safety concerns, comfort issues, or other pregnancy-related cause -- the employee will provide her supervisor with written notice of this determination.
- 3) At any time the employee or her attending health care provider determines that the employee's pregnancy has advanced to a stage that prevents her from wearing the required uniform or equipment, the employee will provide her supervisor with written notice.
  - a) The employee and her supervisor will then discuss whether any reasonable accommodation can be made to allow the pregnant officer to continue in her current assignment.
  - b) The supervisor will involve the employee's command staff in determining the scope of a reasonable accommodation within the context of the employee's regularly assigned duties.
  - c) The supervisor will document the scope of any accommodation agreed upon, and will provide a copy of that documentation to the employee.
- 4) No employee will be assigned to any form of limited duty until the attending health care provider provides a written release that includes:
  - a) a statement that the employee is able to perform limited duty.

- b) a listing of specific actions that the employee cannot or should not perform.
- 5) No employee will be authorized to return to regular duty until the attending health care provider has provided a written release that includes a statement that the employee is able to perform that employee's regularly assigned duties.
- e. Employees placed on limited duty may be temporarily reassigned based on the needs of the department.
  - 1) The supervisor in charge of the division/unit where the employee is reassigned will be responsible for:
    - a) daily employee supervision
    - b) employee time and attendance record maintenance.
  - 2) The employee will be responsible for keeping the supervisor in charge of the division/unit where the employee has been reassigned concerning:
    - a) progress of the employee's recovery
    - b) any change in medical status that might require further modification of limited duties assigned
    - c) date of the employee's next appointment with his or her attending health care provider or other health care provider involved in the employee's treatment
    - d) the employee's projected date of return to regular duty
- f. The limited duty assignment will be terminated:
  - 1) on the employee's release by his or her attending health care provider to return to regular duty, *or*
  - 2) at any time so directed by the Chief of Police or his designee, *or*
  - 3) on determination by either the employee's attending health care provider or a department-designated health care provider that the employee is disabled to such an extent or

for such a duration of time that the employee will not be able to return to regular duty.

**22.2.1F****E. MILITARY LEAVE**

1. All employees (full and part-time) engaged in federally funded military training duty will be granted paid military training leave as required by applicable federal and state statutes (see the City of Lynchburg *Military Leave Policy* cited in the online Employment Policies and Procedures Manual).
2. Eligible employees will be:
  - a. compensated for up to 120 hours military training leave per federal fiscal year (October 1 - September 30)
  - b. responsible for making their supervisors aware of scheduled yearly military training as soon as possible
  - c. expected to schedule their military training at those times that have the least impact on the scheduling needs of the department, when possible.

**22.2.8A-G**

3. If an employee's military activation is projected to exceed 180 days for pre-deployment, deployment and post deployment, the employee will notify his/her immediate supervisor.
4. The activated employee's immediate supervisor will be responsible for:
  - a. notifying the Payroll and Benefits Coordinator.
  - b. coordinating storage of agency owned equipment during deployment.
  - c. scheduling an exit interview with the Chief of Police or his designee.
  - d. notifying the Personnel and Recruiting Lieutenant who will be the agency point of contact and responsible for:
    1. ensuring a process for communication with the deployed member is established.

2. be responsible for coordinating an interview with the Chief of Police or his designee prior to returning to duty.
3. ensuring that initial or refresher training, weapons requalification and steps for reintegration are provided to the employee prior to returning to duty.

F. FUNERAL LEAVE

1. Full-time classified employees may request paid funeral leave upon the death of a member of the employee's immediate family defined as the employee's: spouse, parent, spouse's parents, child, brother, sister, grandparent, grandchild, brother or sister in law, son or daughter in law and guardian and equivalent step-relations (see the *City of Lynchburg Funeral Leave Policy* cited in the online Employment Policies and Procedures Manual).
2. Part-time employees will utilize paid time off (PTO) in lieu of funeral leave (see III.F).
3. Funeral leave will be granted as follows:
  - a. up to three consecutive work days (or 24-hours of work time) on death of a member of the immediate family
  - b. up to five consecutive work days (or 40-hours of work time) if the deceased resided in the employee's household.

G. PAID LEAVE FOR FULL TIME CIVILIAN EMPLOYEES

4. Full time non-sworn employees hired on or after 1/1/14 are awarded 8 hours of paid time off at the time of hire/first calendar year thereafter. Full time civilian employees will have access to three types of paid leave banks (excluding military leave):
  - a. Paid time off (PTO) – which may be used for absences due to vacation, bereavement of up to 3 days, or for illness/injury normally of less than a full work week.
  - b. Catastrophic leave (CAT) – which may be used for absences due to illness/injury of a full work week or more or for those situations that meet the Family Medical Leave definition and for bereavement when the deceased family member resided in the same household as the employee.

- c. Holiday Leave – per city calendar in accordance with Section B.
5. Full time employees will accrue Paid Time Off on a monthly basis.
  6. Full time employees will have maximum carry-over amounts for the PTO bank and the CAT bank.
    - a. Full time employees who have more than the maximum number of carry-over hours in their PTO bank at the end of the calendar year may convert those hours above the maximum to CAT hours (assuming the CAT bank is not at its maximum).
    - b. Full time employees who leave employment are eligible for payout of some PTO bank hours (see the *City of Lynchburg Paid Time Off Policy* cited in the online Employment Policies and Procedures Manual).
    - c. Full time employees who have more than the maximum number of carry-over hours in their CAT bank at the end of the year will have those hours removed from their bank with no payout.
    - d. Full time employees who leave employment are not eligible for payout of any portion of their CAT bank hours (see the *City of Lynchburg Paid Time Off Policy* cited in the online Employment Policies and Procedures Manual).

#### H. PAID LEAVE FOR PART-TIME EMPLOYEES

7. Part-time employees will have access to two types of paid leave banks (excluding military leave):
  - a. Paid time off (PTO) – which may be used for absences due to vacation, holiday, bereavement of up to 3 days, or for illness/injury normally of less than a full work week.
  - b. Catastrophic leave (CAT) – which may be used for absences due to illness/injury of a full work week or more or for those situations that meet the Family Medical Leave definition and for bereavement when the deceased family member resided in the same household as the employee.
8. Part-time employees will accrue Paid Time Off on a monthly basis with their accrual rate based on the annual budgeted hours for the position (see the *City of Lynchburg Paid Time Off Policy* cited in the online Employment Policies and Procedures Manual).

9. Part-time employees will have maximum carry-over amounts for the PTO bank and the CAT bank; these amounts are prorated based on annual budgeted hours for the position.
  - a. Part-time employees who have more than the maximum number of carry-over hours in their PTO bank at the end of the calendar year may convert those hours above the maximum to CAT hours (assuming the CAT bank is not at its maximum).
  - b. Part-time employees who leave employment are eligible for payout of some PTO bank hours (see the *City of Lynchburg Paid Time Off Policy* cited in the online Employment Policies and Procedures Manual).
  - c. Part-time employees who have more than the maximum number of carry-over hours in their CAT bank at the end of the year will have those hours removed from their bank with no payout.
  - d. Part-time employees who leave employment are not eligible for payout of any portion of their CAT bank hours (see the *City of Lynchburg Paid Time Off Policy* cited in the online Employment Policies and Procedures Manual).

**22.2.1 A****I. ADMINISTRATIVE LEAVE**

1. Employees placed on paid administrative leave are relieved from regular duty:
  - a. pending completion of certain internal investigations (see *Internal Investigations* PD-1601)
  - b. at any time their continued presence on the job is not deemed in the best interest of the department or the employees.
  - c. as approved by the Chief of Police, or his designee.
2. The authority to place an employee on administrative leave will be limited to:
  - a. a Lieutenant or higher ranking officer
  - b. the employee's civilian supervisor(s).

J. LEAVE OF ABSENCE

1. Employees may request unpaid leave of absence by submitting a *Memorandum* through the chain of command which specifies:
  - a. the reasons for requesting such leave, *and*
  - b. the duration of the leave.
2. Leave of absence requests are subject to approval by the Chief of Police and the Director of City Human Resources.
3. While on leave of absence, employees:
  - a. will not earn any leave
  - b. will be responsible for submitting hospitalization premiums for dependent coverage.

## 22.2.1 E

K. FAMILY MEDICAL LEAVE

1. In accordance with the Family Medical Leave Act (see the *City of Lynchburg Policy* cited in the online Employment Policies and Procedures Manual), employees will be granted up to 12 weeks paid or unpaid, job-protected family medical leave in the following situations:
  - a. to care for the employee's child after birth, adoption, or placement for foster care, or
  - b. to care for the employee's spouse, child or parent who has a "serious health condition" (as defined in the Family Medical Leave Act), or
  - c. for a "serious health condition" that makes the employee unable to perform the employee's job, or
  - d. to care for a covered service member who is injured or becomes ill while on active duty, or
  - e. qualified exigencies that are the result of a covered service member being called to duty in the Armed Forces.
2. Employees may request family medical leave by submitting a *Memorandum* through the chain of command which specifies:



- a. the reasons for requesting such leave, and
  - b. the projected duration of the leave.
3. Regardless of whether an employee requests FML, the City normally designates leave as FML as soon as it becomes apparent that the employee is out of work for a reason defined as a qualifying situation within the Family Medical Leave Act.
- a. Typically, an absence will be designated as FML when the employee has been, or is anticipated to be, absent for 5 or more work days due to a qualifying situation.
  - b. A Worker's Compensation absence due to an FMLA qualifying situation may also be designated as FML.
  - c. See the *City of Lynchburg Family and Medical Leave Policy* cited in the online Employment Policies and Procedures Manual for procedural detail.
4. Employees must provide 30 days advance notice whenever the need for family medical leave is foreseeable.
5. While on unpaid family medical leave, employees:
- a. do not earn any leave
  - b. will be responsible for submitting health and dental insurance premiums for dependent coverage.
6. Medical certification may be required to support a family medical leave request or continuation of family medical leave due to a serious health condition.
7. City policy directs that an employee must exhaust all appropriate paid leave first, then unpaid leave, as part of the leave required by the Family Medical Leave Act.

#### L. LEAVE DONATION PROGRAM

1. The City of Lynchburg has a voluntary leave donation program that allows eligible employees to donate paid leave and to subsequently request to draw paid leave from a leave bank when participating employees:

- a. are unable to work due to their own non-job related injury, unexpected temporary disability or illness, or the unexpected illness or incapacity of a family member, and
  - b. have exhausted their own accrued leave.
2. Such absence shall be:
- a. the result of an unforeseen medical emergency of a serious and unplanned nature; *and*
  - b. in the opinion of a health care provider, expected to last at least 10 consecutive working days after all the employee's accrued leave is exhausted.
3. Participation in the Leave Donation Program is detailed within the online Employment Policies and Procedures Manual.

*Original Signed*

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Raul M. Diaz  
Chief of Police

March 13, 2017

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Date