

Columbus Police Division Directive	EFFECTIVE	NUMBER
	Aug. 01, 1987	8.02
	REVISED	TOTAL PAGES
	Mar. 30, 2021	13
Sick and Injury Leave, FMLA, Restricted Duty		



Cross Reference: Supervisor's Manual 5.03

I. Introduction

This Division Directive includes details for sick leave, injury leave, ***Paid Parental Leave (PPL), Paid Caregiver Leave (PCL), and the*** Family and Medical Leave Act (FMLA) benefits and requirements available to Division personnel. Personnel should contact the Human Resources (HR) Bureau or review their current collective bargaining agreement (CBA) or compensation plan for additional information on sick leave and accrual; injury leave credit; ***PPL, PCL, and*** FMLA provisions; and other related subjects.

II. Policy Statements

- A. All medical documentation and information regarding Division personnel shall be kept confidential at all times and communicated only as needed. Contact the HR Bureau when questions arise regarding the confidentiality of medical information.
- B. The Genetic Information Nondiscrimination Act (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, Division personnel shall not provide any genetic information when responding to a request for medical information.***

Note: Genetic information includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

- C. The Chief of Police or a designee may review the status of personnel who are unable to consistently perform their regularly assigned duties for a six-month period ***or longer***, or when deemed necessary. The Chief of Police may:
1. Order an investigation;

2. Recommend additional leave, absence without leave, additional restricted duty, or administrative reassignment;
 3. Require a fitness-for-duty examination; or
 4. Recommend termination.
- D.** Division personnel marked off sick or injured, to include FMLA, are expected to be at home or receiving medical care/treatment during their regular duty hours and may be required to show just cause for not being at home during their regular duty hours. Personnel not in compliance are subject to discipline.

Note: Leave abuse may be considered critical misconduct.

- E.** To determine fitness for duty, Division personnel shall be required to produce medical documentation from their healthcare provider(s) and/or undergo examination by an appropriate medical professional designated by the City.
- F.** A pregnancy-related medical condition shall be treated as non-work-related.
- G. Division personnel shall ensure that HR Bureau personnel receive his or her restricted duty request. HR Bureau personnel shall ensure approval or denial of the restricted duty status.**
- H.** Restricted Duty for Sworn Personnel

1. Sworn personnel incapable of performing their regularly assigned duties or the essential functions of a police officer due to an injury/illness, but **are still** capable of performing alternate duties in a limited capacity, shall request a restricted duty assignment.
2. Restricted duty assignments are specifically created temporary job assignments for sworn personnel injured or otherwise unable to complete the essential functions of the job for a limited period of time. **Restricted duty assignments are not vacant permanent positions within the Division's organizational structure.** Restricted duty assignments are not available to personnel on a permanent basis under any circumstance.
 - a. Restricted duty assignments are not automatically granted to sworn personnel. Assignments are based on the needs of the Division and at the discretion of the Chief of Police **or a designee.**

Note: Restricted duty assignments may be changed or revoked at anytime to maintain efficient operation of the Division.

- b. The Chief of Police **or a deputy chief** is responsible for authorizing restricted duty assignments within the Division of Police.
3. Sworn personnel shall have their healthcare provider complete and sign the Ability to Perform Essential Functions, form A-31.128, **and shall ensure the form** and any other medical documents **are** hand-delivered, faxed, or emailed directly to the **Employee Benefits Unit (EBU)** at

(614) 645-0112 or EBU@columbuspolice.org in order to expedite the process and maintain the confidentiality of the information.

- a. If the Ability to Perform Essential Functions form does not contain an estimated return-to-**regular**-duty work date or other necessary information, personnel may be required to **obtain this information**.
4. **HR Manager shall** request and obtain restricted duty assignment requests from General Staff on a quarterly basis for positions that would assist in the completion of projects within their respective bureau and maintain a list of all restricted duty assignments that includes:
 - (1) Unit and reporting location
 - (2) Immediate supervisor
 - (3) Hours
 - (4) Days off
 - (5) Assignment duties
5. The Chief of Police or a **deputy chief** shall:
 - a. Manage the assignments of all sworn personnel who are approved to work in a restricted duty assignment **for six months or less in duration**.
 - (1) **Restricted duty assignments outside of the Headquarters Operations Section and greater than six months, require a letter to be submitted through the chain of command to the Chief of Police for approval.**
 - b. **Ensure** restricted duty personnel **are placed** into restricted duty assignments that best match the needs of the Division taking into consideration the employee's regular **assignment**, shift, days off, skills, covert status, and medical restrictions **as advised by HR personnel**.
 - (1) **Restricted duty officers shall be assigned to the Headquarters Operations Section unless prior approval has been granted by their deputy chief.**
 - (2) **Restricted duty sergeants shall contact the Headquarters Operations Unit Supervisor at the beginning of each shift to determine staffing needs/availability.**
 - c. Notify personnel requesting a restricted duty assignment, their chain of command, and the **Headquarters Operations** Section, **if applicable**, when the request is approved and provide their **restricted duty** assignment.
6. **If approved by their deputy chief**, bureau commanders/managers shall **fill** temporary restricted duty assignments **with restricted duty personnel from their own subdivision**.

7. Sworn personnel who are unable to perform the essential functions of a police officer and have been approved to work in a restricted duty status shall:
 - a. Provide any medical documentation as required to the HR Bureau.
 - b. Not wear any police uniform, either on or off duty.
 - c. Carry their badge and display their ID in accordance with Division policy.
 - d. Carry their authorized firearm in accordance with Division policy unless otherwise restricted by a competent authority, such as their healthcare provider or a sworn supervisor.
 - e. Not wear their badge in the open when restricted from carrying a firearm.
 - f. Only take police action in exigent circumstances.
 - g. Not perform off-duty employment unless prior approval is given by their deputy chief.
 - h. Not engage in special duty work.
 - i. Provide their own transportation to their restricted duty assignment reporting location.
 - j. Not engage in any activities that will delay their ability to return to **regular duty** in a timely manner.
 - k. Check in and out with the on-duty supervisor when reporting for each restricted duty shift.

I. Transitional Return to Work *Program (TRTWP)*

Civilian personnel who are incapable of performing the essential functions of their position due to a temporary medical restriction shall request to participate in the City's Transitional Return to Work Program **through the HR Bureau. Refer to City Policy** PO13-1 of the City-wide Policies and Procedures Manual, which is available on the City's intranet.

J. Any temporary accommodation or work assignment for Division personnel with an injury/illness shall be non-precedent setting.

K. The FMLA provides 12 weeks of protected unpaid leave in a 12-month period to eligible personnel for eligible prescribed circumstances. **Refer to the applicable CBA.**

1. Division personnel shall direct questions and requests for FMLA-protected leave to the EBU supervisor.
2. The City of Columbus calculates FMLA leave using a rolling 12-month period measured backward from the date of any FMLA leave usage.
3. FMLA time taken due to bonding with a child must be taken in a single, continuous period of time.

L. PPL shall provide up to six continuous weeks of leave to eligible personnel to bond with a child following birth or permanent placement of an adoptive child.

M. PCL shall provide up to four continuous weeks of leave to eligible personnel to care for a family member with a serious health condition.

Note: The City uses the FMLA's definition for "family member" and "serious health condition" for use of PCL.

N. Division personnel's use of PPL and/or PCL shall run concurrently with FMLA.

O. Leave without pay (LWOP) shall be granted or denied on a case-by-case basis in accordance with the current applicable CBA or compensation plan. While on approved LWOP:

1. Insurance coverage will be discontinued at the beginning of the fourth calendar month; however,
2. For personnel having exhausted approved injury leave granted according to their current CBA or compensation plan, insurance coverage will continue until they can return to paid status or are separated from the Division.

P. Personnel off work for more than one week shall contact the EBU each pay period.

Q. Division personnel shall cooperate with the City-approved managed healthcare organization caseworker regarding any on-duty injury **or exposure.**

III. Procedures

A. Requesting Sick Leave Due to Personal Illness or Illness/Death in the Family

1. Division Personnel

a. Reporting mark-offs during scheduled duty hours

- (1) Notify your on-duty supervisor.
- (2) Notify the Information Desk and advise the reason for the mark-off.

b. Reporting mark-offs during off-duty hours

- (1) Notify the Information Desk prior to the start of your tour of duty.
- (2) Advise the reason for the mark-off.
- (3) Contact the EBU via phone or email during business hours on the first work day of the mark-off, to provide the necessary details if the reason is for Sick-Personal Illness.

c. Using extended sick leave

(1) Contact the EBU no later than the third day of the mark-off if the mark-off will last greater than three days.

(2) Contact the EBU each pay period to update your status.

d. Returning to duty

(1) Notify the Information Desk and mark back up prior to returning to duty.

(a) Indicate if the mark-up is for regular duty or restricted duty.

i) For restricted duty mark-ups, follow the procedures in Section III,F.

(2) Forward medical documentation to the EBU from your healthcare provider upon returning to duty following an extended sick leave in accordance with the applicable CBA or compensation plan, to include:

(a) **The nature** of the illness for yourself or family member,

(b) That you are capable of returning to **regular or restricted** duty, **and**

(c) That you were required to care for a family member if the mark-off was for illness in the family.

B. Requesting Sick Leave for Behavioral Health or Stress-Related Illness or Injury

1. Division Personnel

a. Notify the following personnel if unable to perform your regular duties due to a behavioral health or stress-related illness or injury:

(1) The Information Desk

(2) Your on-duty supervisor, if you are on duty

2. EBU Personnel or Supervisor and Information Desk Personnel

a. Review sick/injury leave requests submitted in the electronic timekeeping system or **any** medical documentation.

b. Notify the appropriate bureau commander/manager immediately when there is a safety concern.

3. Bureau Commander/Manager

a. Follow up immediately when notified that personnel have marked off sick or injured and there is a safety concern.

b. Decide whether to relieve an officer, in conjunction with the deputy chief if necessary, and ensure that a Relieved from Assignment Notification, form A-31.106, is completed.

c. Ensure that the Return to Duty Notification, form A-31.106A, is completed when:

(1) Notified by the EBU that the employee has been certified for **regular** duty by an appropriate healthcare provider, and

(2) Approved for duty by the Chief of Police or **a** designee.

C. Requesting and Taking Leave Under the FMLA

1. Division Personnel

a. Obtain FMLA paperwork from the EBU Supervisor to request FMLA leave.

- b. Complete and forward the FMLA paperwork to the EBU Supervisor.
- c. Submit the FMLA paperwork at least 30 days before the period of requested FMLA leave begins or, in exigent circumstances, as soon as practical. **Follow the procedures for requesting leave as outlined in the directive and any applicable CBA.**

Note: Personnel who delay in submitting FMLA paperwork leave may cause a delay in the designation of FMLA protection.

- d. Consult the current applicable CBA or compensation plan or the EBU Supervisor for specific requirements concerning substitution of paid leave.
- e. Notify the Information Desk and mark off “FMLA.” Specify **the beginning and ending dates of the mark-off, if known, and** whether the mark-off is:

- (1) FMLA-Family, **or**
- (2) FMLA-Self.

2. EBU Personnel

- a. Review the FMLA request and make a determination.
- b. Notify the employee of the determination.

D. On-Duty Injury or Infectious Disease/Hazardous Materials Exposure

1. Division Personnel

- a. If injured while on duty:

- (1) Seek immediate medical treatment if necessary.
- (2) Notify your on-duty supervisor as soon as possible. Failure to report an injury within the time limit specified in the current applicable CBA or compensation plan may result in the denial of injury leave.
- (3) Complete the appropriate sections of the Injury Packet, which is available on the Division’s intranet, and sign and date the form.
- (4) Notify the Information Desk if you are unable to continue working.
- (5) Request injury leave in accordance with the applicable CBA or compensation plan if needed.
- (6) Submit Bureau of Workers’ Compensation (BWC) medical documentation to the EBU.
 - (a) Sick leave, vacation leave, or other leave will be used until injury leave is certified by the City’s Risk Management.
 - (b) Refer to your applicable CBA or compensation plan for additional information.

Note: Any injury leave granted for reasons permissible under FMLA leave will be charged as FMLA leave.

- (c) If injury leave is not certified, the decision may be appealed to the City's Industrial Relations Board within ten calendar days of receiving notification of the decision.

Note: Injury leave can only be submitted for approval if proper medical documentation from your healthcare provider is submitted, **regardless of the number of hours and/or days being requested.**

- (7) Contact the EBU each pay period while on injury leave to update your status .

(8) Personnel applying for Temporary Total Disability (TTD) benefits with the BWC upon exhaustion of their injury leave must sign the BWC's Request for Temporary Total Compensation form if they wish to be paid from their available leave balances until a determination of the TTD benefits is made.

(a) Personnel may elect to supplement their TTD benefits with their available vacation, compensatory time, and/or holiday leave balances.

b. If exposed to an infectious disease or hazardous material while on duty:

- (1) Follow the procedures listed in **Section III,D,1,a.**
- (2) Complete an Exposure Packet, which is available on the Division's intranet.
- (3) Refer to applicable Division publications, such as the "Infectious Disease Precautions" **Training Supplement**, for additional information.

2. On-Duty Supervisor

- a. Ensure that the Information Desk is notified if an on-duty employee cannot continue working as a result of an injury or infectious disease/hazardous materials exposure.
- b. Refer to the "Injury and Exposure Packets" section of the Supervisor's Manual.

E. **Reporting** Recurrence for an On-Duty Injury or Exposure

1. Division Personnel

- a. Notify the Information Desk **and** mark off "Injury." **Provide the date of the original injury, the injured body part, and** one of the following reasons:
 - (1) Recurrence **(a new event occurred which gave rise to the old injury being aggravated)**
 - (2) On-going treatment
 - (3) Healthcare provider appointment
 - (4) Therapy appointment

b. If on duty, notify your on-duty immediate supervisor as soon as practical.

c. Complete the appropriate sections of the Recurrence Packet, which is available on the Division's intranet, and submit it to the EBU with medical documentation for each **recurrence, on-going treatment, healthcare provider appointment, or mark-off** within 48 hours.

d. Cause the proper medical documentation to be submitted if requesting injury leave.

(1) Sick leave, vacation leave, or other leave will be used until injury leave is certified by the designated authority.

(2) If injury leave is certified, used leave will be restored.

(3) If injury leave is not certified, the decision may be appealed to the City's Industrial Relations Board within 10 calendar days of the date notification was received that the injury leave was not certified.

e. Complete a therapy calendar for ongoing physical therapy and submit it to the EBU with a recurrence form at the end of therapy or every 60 days.

f. Personnel may be permitted injury leave time for healthcare provider and therapy appointments that includes a maximum of 30 additional minutes of travel time to and from the appointments.

F. Requesting Restricted Duty Status

1. Sworn Personnel

a. Email the Division's HR Manager at least ten days prior to the anticipated start date of your restricted duty status, except *in* exigent circumstances, and include the following information:

(1) Start date being requested

(2) Expected return-to-**regular**-duty date

(3) If the restricted duty request is due to a work-related injury/exposure

b. Ensure your healthcare provider completes all sections of the Ability to Perform Essential Functions form.

Note: Contact the EBU or **Headquarters Operations** Section to fax or email the form to the healthcare provider's office, and provide the provider's fax number and/or email address at the time of the request.

c. Submit the Ability to Perform Essential Functions form directly to the EBU. The form must be submitted within three business days of marking up **to** restricted duty.

d. Contact the Information Desk and mark to "Restricted Duty."

- e. Report to the **Headquarters Operations** Section *or* your restricted duty assignment, **as approved by your deputy chief. Provide documentation that the above procedures have been completed.**
- f. Forward an email to the EBU at least once per pay period and report your restricted duty status. Include in the email your current medical condition, upcoming appointments, and any updated restrictions or documentation.
- g. Forward an updated Ability to Perform Essential Functions form anytime your restrictions or estimated return-to-**regular**-duty date changes.

2. **Headquarters Operations** Section Supervisor

- a. Direct sworn personnel to remain in the **Headquarters Operations** Section office until:
 - (1) Verification has been received that the Ability to Perform Essential Functions form has been completed and forwarded to the EBU and that the EBU has been emailed a restricted duty request. During the EBU's non-business hours, this can be accomplished by the employee forwarding a copy of the emailed request to the on-duty **Headquarters Operations** Section supervisor.
 - (2) The Chief of Police or a designee approves their restricted duty assignment and reporting location.

Note: If a restricted duty request was pre-approved, direct sworn personnel to the temporary assignment approved by the Chief of Police or a **deputy chief.**

- b. Monitor the electronic record to verify the status and return dates of restricted duty personnel.

3. **Chief of Police or Deputy Chief**

- a. **Direct sworn personnel to report to the Headquarters Operations Section or a pre-approved restricted duty assignment.**
- b. **Ensure verification has been received that the Ability to Perform Essential Functions form has been completed and forwarded to the EBU and that the EBU has been emailed a restricted duty request. During the EBU's non-business hours, this can be accomplished by the employee forwarding a copy of the emailed request to his or her immediate supervisor.**

G. Returning to **Regular** Duty Following Restricted Duty or TRTWP Status

- 1. Sworn Personnel
 - a. Obtain a completed Ability to Perform Essential Functions form from your healthcare provider, which must include the date you are released to return to **regular** duty. Provide the form to an on-duty supervisor or to the EBU.
 - b. Contact the Information Desk to mark up to **regular** duty prior to returning to **regular** duty.

2. Civilian Personnel

- a. Obtain a completed Healthcare Provider's Report of Work Ability form from your healthcare provider, which must include the date you are released to return to **regular** duty. Provide the form to your on-duty supervisor or the EBU.
- b. Contact the Information Desk and mark up prior to returning to **regular** duty.

3. On-duty Supervisor

- a. Review the Ability to Perform Essential Functions form for sworn personnel, if provided, and verify that all boxes are marked "yes" before allowing the employee to perform any type of law enforcement function.
- b.** Email a scanned copy of the form to the HR Manager and send the original to the HR Manager via inter-office mail.
- c. Contact the EBU to verify the employee's return to work status if the appropriate **documentation** is not provided.
- d.** Cause the employee to return to his or her restricted duty assignment if the **documentation** presented **does not indicate a regular duty release and effective date**.

4. EBU Personnel

- a. Ensure the chain of command is notified.
- b. Update the appropriate restricted duty electronic record as necessary.

H. Requesting Donated Leave

1. Division Personnel

Refer to the applicable CBA or compensation plan for **conditions applicable for the respective time donation program**.

2. Sworn Personnel

- a. Forward a letter or email requesting donated leave directly to the HR Manager.
- b.** Forward medical documentation to the EBU from the healthcare provider that indicates the following:
 - (1) Nature of the illness for the employee or family member
 - (2) Estimated return-to-**regular**-duty date

Note: Leave donations will not be solicited if any injury leave decision and/or appeal is pending or if an application for TTD benefits has been filed with the BWC.

I. Requesting PPL and PCL

1. Division Personnel

- a. **Email the EBU to request PPL or PCL.**
- b. Provide required paperwork/documentation to the EBU.**

- c. *Provide additional medical documentation and/or information requested by the EBU Supervisor for specific requirements concerning substitution of paid leave.*
- d. *Consult the applicable CBA, compensation plan, or the EBU Supervisor for specific requirements concerning substitution of paid leave.*
- e. *If approved:*
 - (1) *Notify the Information Desk and:*
 - (a) *Mark off “PPL” or “PCL.”*
 - (b) *Include the beginning and ending dates of the mark-off, if known.*
 - (2) *Notify the EBU within two business days of marking off to ensure your time is recorded correctly.*
- f. *If disapproved, consult with the EBU Supervisor on alternative options available.*
- g. *For PPL mark-offs, provide to EBU documentation of live birth as soon as possible in order to establish the effective date of the PPL.*

2. EBU Personnel

- a. *Review the request and determine eligibility.*
- b. *Notify the employee of the determination.*
- c. *Request additional documentation or other information if necessary.*
- d. *Ensure leave usage is accurately reflected in the electronic time keeping system.*

J. General Responsibilities/Record Keeping

1. Information Desk Personnel

Follow the instructions detailed in the *Headquarters Operations* Section's **SOP** manual.

2. EBU Personnel

- a. *Maintain records of personnel sick leave, injury leave, FMLA leave, **PPL, PCL**, and short-term disability leave.*
- b. *Notify the appropriate bureau commander/manager when an employee has marked off four times within a calendar year, except for a death in the family, FMLA leave, **PPL, PCL**, or an on-duty injury.*
- c. *Notify the appropriate bureau commander/manager when an employee has marked off six times within a calendar year, except for a death in the family, FMLA leave, **PPL, PCL**, or an on-duty injury. Include any mark-offs for mandated and voluntary overtime shifts in accordance with the Benefits Section SOP.*

- d. Furnish bureau commanders/managers with a mark-off history when requested, to include overtime and mark-offs.**
 - e. Furnish bureau commanders/managers with a list of personnel who are required to submit a healthcare provider's note upon returning to **regular** duty.
 - f. Generate and maintain the restricted duty and extended leave report.
 - g. Advise bureau commanders/managers of any information pertaining to their areas of responsibility.**
3. Bureau Commander/Manager
- a. Review the status of personnel required to furnish a healthcare provider's note upon returning to duty as needed.
 - b. Instruct an involved employee's immediate supervisor to conduct an interview to evaluate the employee's sick leave usage when necessary.
 - c. Request mark-off history from EBU personnel when there is suspected mark-off abuse.**
 - d. Review each employee's circumstances on a case-by-case basis.
 - e. Instruct any employee suspected of sick leave abuse to furnish a healthcare provider's note upon returning to duty after all subsequent sick mark-offs. This requirement will continue until rescinded by the employee's bureau commander/manager.
 - f. Determine if a home visit is required when:
 - (1) An employee marks off sick for eight hours or more, five times or more in a calendar year, excluding mark-offs due to a death in the family, approved FMLA leave, **PPL, PCL**, or an on-duty injury.
 - (2) An employee marks off on extended sick/injury leave and is not maintaining contact with the EBU as specified in this directive.
 - (3) Deemed necessary.
4. Supervisor
- Refer to the "Employee Health, Leave Abuse, and Home Visits" section of the Supervisor's Manual for information on conducting and documenting home visits.