

**CITY OF OCONOMOWOC POLICE DEPARTMENT  
POLICIES & PROCEDURES**

DATE: May 5, 2020

HISTORY: October 30, 2019

SUBJECT: Absent From Duty

POLICY NUMBER: 99-039

**I. INTRODUCTION**

The following order sets forth the definitions, administrative policy and procedural guidelines applicable to absences from duty by members of this department. It is of critical importance to the department that its members be present to perform their duties and that absences from duty be handled in a systematic administrative manner so as to ensure the availability of adequate resources.

In order to accomplish these and other purposes, a duty schedule is prepared for each calendar year. The process by which this schedule is made is designed to provide adequate resources, manage the impact of absences which can be anticipated and provide some degree of certainty as to the individual duty schedules of members. So as to maintain the integrity of this scheduling system, absence from scheduled and assigned duty will be handled in accordance with the following policy.

**II. POLICY**

Members of this department have an obligation to report for duty in accordance with the established duty schedule and seek advance approval of authorized scheduled leave in accordance with established department policy and procedure. Unscheduled absences from duty must be handled in accordance with guidelines set forth in connection with this policy or they will be treated as unauthorized absences. Unauthorized absence from duty will be the subject of department disciplinary action.

**III. DEFINITIONS**

- A.** Authorized scheduled leave is defined as leave which is authorized by City policy as stated in the latest edition of the Employee Handbook or collective bargaining agreement and which is subject to advanced approval and scheduling. Examples of this type of absence are vacation leave, extra offs, military leave and in those instances where the absence can be anticipated, unpaid and sick leave.
- B.** Authorized unscheduled leave is that leave which is provided for under City personnel policy or collective bargaining agreements and which is used in unanticipated or emergency circumstances. As it is used for those situations which are not anticipated its grant is subject to administrative review and approval. Examples of this type of leave are sick leave, injured on duty leave, funeral leave, unpaid leave for personal or family emergency, administrative leave for investigative or disciplinary purposes and military leave resulting from emergency call up.
- C.** Unauthorized absence is any absence not authorized by City personnel policy or collective bargaining agreements or any other absence from duty for which no acceptable explanation has been provided.

**IV. GUIDELINES**

- A.** Authorized scheduled leave involving accumulated vacation and holiday leave time should be handled pursuant to the current collective bargaining agreement.
- B.** In those instances when a member of the department qualifies for an authorized leave which has not been included in the member's annual duty schedule (i.e. unscheduled), the member should

give as much advance notice of the need to take authorized leave as is possible under the circumstances.

- C. When less than 24 hours-notice can be given for the need to take unscheduled authorized leave, the member shall immediately notify the Duty Supervisor.
- D. If the Duty Supervisor is not available the person receiving the report shall notify the Duty Supervisor as soon as practical. The Duty Supervisor shall make:
  - 1. An immediate assessment of the impact of the member's absence with corrective action taken as needed; and
  - 2. Notification of the Captain of Policy or, in his absence, other administrative staff.

#### **V. SICK LEAVE**

- A. Sick leave is accumulated and may be taken pursuant to City personnel policy and the terms of collective bargaining agreements. In general, sick leave may be used when a member becomes ill or injured to the extent they cannot perform their customary duties and the cause of the illness or injury is not job related.
- B. Sick leave in excess of three consecutive days, excluding regular off days, shall require medical verification of the need to use sick leave. The disproportionate use of sick leave on weekends, in conjunction with other leave or those days when a request for time off has been made, but not approved, may be cause for further investigation, which may include a medical evaluation, physician's authorization for sick leave or home checks. This may require all future sick call ins to require medical verification.
- C. Members are required to report the nature of the illness or injury requiring leave in specific terms and should provide as much advance notice as is possible so that there is adequate time to assess the impact on scheduling. It is the member's responsibility to advise that he/she will be missing a previously scheduled matter such as court, training, meeting, etc., so that proper notifications and cancellations can be made.
- D. A member on sick leave shall restrict his/her activities commensurate with the illness or injury claimed which prevents performing normal duties. Members are not required to remain at their residence or to seek department authorization prior to leaving their residence. Any member engaging in activity which is inconsistent with the nature of the reported illness or injury shall be subject to disciplinary action.
- E. Sick leave status excuses members of the department from emergency or other recall to duty. It is therefore important that a member's status be known at all times, not just during regular duty hours. To accomplish this, a member continuing on sick leave must notify the department each day that they are regularly scheduled for duty. In the event that there will be an extended absence for a known amount of time, the member shall relay that information; in those instances, daily notifications are not necessary. Restrictions on activity apply until such time as the member reports off sick leave and becomes subject to emergency or other recall to duty.
- F. A physician's return to work slip is required when a member's absence extends beyond three (3) regularly scheduled work days.

## **VI. INJURED ON DUTY STATUS**

- A.** Injured on duty status is granted when an illness or injury which is job related prevents a member from performing normal duties. A Duty Injury Report and medical evaluation is required of all personnel seeking injured on duty status.
- B.** The status and whereabouts of a member injured on duty is required to be communicated to the department for each regular duty day scheduled.
- C.** A member on injured on duty status shall restrict their activities commensurate with the illness or injury claimed which prevents performing normal duties.
- D.** Injured on duty status excuses members of the department from emergency or other recall to duty. It is therefore important that a member's status be known at all times, not just during regular duty hours. To accomplish this, a member continuing on injured on duty leave must notify the appropriate supervisor when their injured on duty status ends. The restrictions on activity are lifted upon notification that a member is off injured on duty leave and the member becomes subject to emergency or other recall to duty.
- E.** The department and the City's worker's compensation insurance carrier reserve the right to seek medical evaluation of any condition claimed to cause a member to be unable to perform normal duties.

## **VII. SPECIAL DUTY**

- A.** A member who is on injured on duty status may be assigned special duty when medically authorized. The nature and extent of special duty will be based on the medical evaluation of the injury or other condition preventing the member from performing regular duties. All special duty must be reviewed and approved by the Chief of Police based on written medical authorization for special duty.
- B.** Special duty may be authorized for members on sick leave only when the Chief of Police determines appropriate special duty assignments are available.

## **VIII. FUNERAL LEAVE**

- A.** Funeral leave is permitted pursuant to applicable collective bargaining agreements. Members seeking funeral leave status should report the basis for their request and the amount of funeral leave required to a department supervisor as soon as possible and, if requested, submit a written report on the subject as soon as possible after returning to duty.
- B.** Supervisors who receive a funeral leave request shall notify the Captain of Police as soon as is reasonable.
- C.** Under special circumstances, additional leave may be authorized beyond the funeral leave allowance. These requests should be directed to the Chief of Police.

## **IX. MILITARY LEAVE**

- A.** Military leave is granted pursuant to City personnel policy, applicable collective bargaining agreements and federal law. Employees seeking military leave are requested to submit copies of military orders or an applicable drill schedule specifying the period of time they will be absent from duty.

- B. Immediately upon completion of an annual active duty military training leave period, a member shall submit copies of military pay vouchers and any other supporting documentation requested which establishes their rate of military pay during this period.

**X. UNPAID LEAVE**

- A. Unpaid leave requests are approved based on City personnel policy and applicable collective bargaining agreements. Requests must be made in writing and clearly state, with documentation if required, the reason for the request.

**XI. FAMILY LEAVE**

- A. This department will provide for its employees the provisions outlined on Wisconsin State Statute 103.10, Wisconsin Family and Medical Act, as they are detailed in the employee handbook or, if applicable, outlined in labor contracts or other official City memoranda.

**XII. ADMINISTRATIVE LEAVE**

- A. Administrative leave is granted by the Chief of Police when deemed to be in the best interests of the department. Circumstances warranting administrative leave are instances where a member has been involved in a traumatic incident and removal from regular duties is appropriate pending counseling or other employee assistance, pending administrative review of a member whose use of force results in a death, or when a complaint against a member is of a nature requiring removal from regular duties pending investigation. Placing a member on administrative leave does not imply a determination that the member is unfit for duty. During an administrative leave, all pay and benefits are continued.
- B. A member who is placed on administrative leave from his/her regular duties may be assigned limited or restricted duty at the discretion of the Chief of Police.

**XIII. DISCIPLINARY SUSPENSIONS**

- A. Disciplinary suspensions are ordered pursuant to Wisconsin law and established departmental disciplinary procedures. A member on disciplinary suspension does not receive pay or accrue other leave benefits. Insurance benefits are continued during a disciplinary suspension.

**XIV. EXCEPTIONS TO THIS POLICY MAY BE AUTHORIZED ONLY BY THE CHIEF OF POLICE**

This policy is effective immediately  
and will supersede any directives or understandings in conflict