

Standard Operating Guidelines

Sick Leave

Guideline # 130.26

Date: 7/10 N

PURPOSE

The purpose of this directive is to establish a process to verify that and employee is using sick leave consistent with District policy. This procedure does not address the use of sick leave for maternity or the provisions of the Family Leave Act.

POLICY

Sick leave cannot be used for purpose other than those permitted by law. Since the District is paying an employee on sick leave, management may impose restrictions on the employee during their scheduled shift.

Chronic use of sick leave entitlement may be symptomatic of an employee's non-fitness for duty. Management must take preventative or corrective action when necessary to protect the employee, other employees and the public good.

It is the policy of this District to comply with the requirements of local, state and federal anti-discrimination laws and other public law or regulation, or the provisions of the existing collective bargaining agreements.

GENERAL

When employees use sick leave inconsistent with its intended purpose management must act to ensure that the values of this district are in keeping with its mission for the safety of all persons and property.

DEFINITIONS

Scheduled Absences are defined as conditions when an employee is not available for regularly scheduled duties, and management can pre-plan the absence. Examples include, vacation, disability, holidays, training or sufficient advance notice of the need to use sick leave.

Unscheduled Absences are defined as conditions when the worker fails to report for work when they had been assigned or scheduled for work, or if the use of sick leave is not scheduled more than 72 hours in advance.

Illness shall include sickness, physical conditions or maladies rendering an employee unable to perform their essential duties. It shall also include any disabling injuries suffered while in an off duty capacity.

Immediate Family means an employee's spouse, children, legal ward, grandchild, foster child, father, mother, legal guardian, grandfather, grandmother, brother, sister, father-in-law, mother-in-law, and other relatives residing in the employees household. (N.J.A.C. 4A:1-1.3)

Primary Residence is the place where a person normally abides, their home, their one true domicile.

Satisfactory Justification when used shall include:

- Obvious injury/illness
- Scheduled absences
- Medical documentation (certificate, note) from a physician

PROCEDURES

a. Reporting Off Duty Due to Illness/Unscheduled Absence

When an employee of the District determines they have become incapacitated due to illness making them **unable to perform their duties** for an upcoming shift/assignment, they shall sign on to the POSS fire fighter scheduling system website and fill out the date, and reason they are out. For employees who have no computer access, they may call 732-928-1666 x 25 and leave name and reason on the answering machine. In all cases notification must be made at least one hour prior to shift start time, and when possible for the early shift contact another member to come in.

b. Reporting Off Duty Due to Illness/Scheduled Absence

It is recognized that there may be instances where the use of sick leave can be scheduled in advance. Reasons for scheduling the use of sick leave in advance include, but are not limited to, medical testing, elective surgery, medical procedures, or physical therapy. Sick leave may be scheduled in advance by the employee by filling out the request for day off in the FIRES computer program, as soon as possible, but at least 72 hours in advance of the absence.

c. Reporting Off Duty Due to Family Illness

Employees may utilize accumulated sick leave from an illness in their immediate family, and are subject to the guidelines of the contract. It is the individual employee's responsibility to monitor this usage of sick leave.

This use of sick leave will be audited on a regular basis, minimally once at the end of each calendar year. Personnel who have utilized sick leave inconsistent with this policy, without authorization, will retroactively have the absence considered UA (Unauthorized Absence). The Chief or designee shall determine the cause of any unauthorized absences. Managerial remedies will include any one, or combination, of the following: conversion of sick leave to other accumulated leave, docking one's pay for the time used, reimbursement for any overtime expenses incurred as a result of the absence, and or disciplinary action.

The procedure for reporting off duty due to family illness/unscheduled absence are the same as outlined in section a. Requesting sick leave due to family illness does not require a disclosure of the illness.

The procedures for reporting off duty due to family illness/scheduled absence are the same as outlined in section b.

All requests to exceed five (5) working days must be made in writing to the Chief at least five days in advance. Emergent or sudden illness may necessitate a deviation from the five day requirement.

d. Confidential Medical Condition

It is recognized that an employee may have a medical condition that they wish to remain confidential. In this case the following additional procedures are required:

Employees requesting confidentially are required to submit a letter to the Chief that they have a medical condition that they wish to remain confidential. The employee does not have to specify the condition.

Employees must note the name, address and telephone number of their treating physician on the report.

Employees must advise their treating physician that the District Physician will consult with them about the condition.

The Chief shall forward the report to the District Physician with a request for the District Physician to consult with the treating physician to discuss the condition.

The District Physician will consult with the treating physician to determine if the condition, in any way, impairs the performance of the employee's essential functions.

If the medical condition does affect the essential functions of the employee's position, the District may order a complete medical and/or psychological evaluation of the employee to determine their fitness for duty.

The District Physician will forward their findings to the office of the Chief verifying that a medical condition exists and whether sick leave is authorized. The District physician will not be required to disclose the condition to any member of this department including the Chief.

Employees with a documented confidential medical condition may be required to submit a physician's note following each absence, or in the case of a chronic or recurring nature, once every six months certifying that they are capable of performing their essential functions.

e. Leaving Home During Sick Leave

Once an employee is on sick leave, they are automatically confined to their primary residence during their regular duty hours. This includes being on sick leave for a family illness. Employees who had reported that they are not in their

residence are required to remain at the location they indicated they were. This section does not prohibit an employee from relocating to their primary residence to recuperate. Any movement of one's location while on sick leave must be reported to District Clerk or designee as outlined below.

It is recognized that it may become necessary to leave ones location while on sick leave. Reasons include, but are not limited to, physician's visits, hospital visits, physical therapy visits, pharmacy visits, other essential life necessities, or religious obligations. Should it become necessary to leave their location, an employee must contact the District Clerk or designee at 732-928-1666 x 10 and relay the following information:

- Their name
- The reason for leaving their primary residence/location (unless it's of a confidential nature)
- Their destination
- Their estimated time of return/arrival

The district Clerk shall enter the above information into the FIRES program under the note section.

Upon returning to their primary residence, or arriving at their primary residence, if applicable, the employee shall again contact the District Clerk and report they have returned/arrived. The Clerk shall make note of it in the computer.

f. Sick Leave Verification

The District Clerk or designee shall personally contact each employee by telephone while the employee is on sick leave, minimally once during the shift that the employee would have been on duty had they not been on sick leave.

Employees on a scheduled absence are not subject to these verification contacts.

It will be the responsibility of the employee to personally speak on the telephone when contact is established. Call forwarding is strictly prohibited nor is an employee permitted to use a pager or answering machine to screen calls to circumvent these procedures.

The employee shall convey to the District Clerk the expected duration of the unscheduled absence. The Clerk shall document the results of the contact in the FIRES program under the note section.

Personal contact should be made if the supervisor deems it necessary or if contact cannot be established. Any employee having more than 15 events will be contacted. The reason for need for personal contact must be documented. Any employee not available by phone, upon return shall forward a written explanation to the District Chief why they were not available.

Unusual or extraordinary circumstances may necessitate a deviation from this verification section. Reasons may include, but are not limited to illness while out of state, hospital or

rehabilitation confinement, etc. Conversely, the District Clerk may make more than one contact if the employee's supervisor has reason to believe that sick time is being used inconsistent with this policy.

Employees on long term recuperation will be required to provide periodic physicians notes excusing their absence, minimally every six months.

The term incident refers to the act of reporting off duty due to illness, not the number of sick days used.

Overtime compensation for physician's visits to obtain a certificate is not authorized.

The medical certification must indicate if the employee may return to full duty, or if restrictions/limitations are imposed. The certification must indicate an expected date of return to full duty.

Medical Documentation

An employee who uses sick leave shall be required to provide an original physician's certificate, at the employee's expense, when the employee is out for three consecutive days or more.

Approved: Board 7/19/2010

Date: 7/20/2010

Chief: