** Barre City Police Department**

***Barre, Vermont***

**Braedon S. Vail**

***Chief***

PERSONNEL PROCEDURES

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| --- | --- | --- |
| **Subject:**  **Attendance & Leave** | **Number:**  **309** | **Effective Date:**  **XX/XX/24** |

**Note:** These Rules & Regulations, Operational Policies and/or Procedures are for internal use only and does not enlarge a member’s civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

**Policy:** The Barre City Police Department recognizes that members require time off from work to attend to personal and family needs. Paid and unpaid leave benefits are available to promote stability within the family and the work force and to ensure a healthy balance between work and personal responsibilities.

**Purpose:** To establish limitations, guidelines, and procedures for granting leave to members while considering the minimum staffing levels necessary to fulfill the duties and responsibilities of the Police Department.

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**I. Definitions**

**A. Lateness –** Arriving on the job after the scheduled starting time.

**B. Excused Lateness** – Lateness for valid reasons and for which prior approved leave has not been granted. Determining the validity of the excuse may include whether it can be verified through another source and whether a responsible course of action by the member could have avoided the lateness.

**C. Absent Without Official Leave (AWOL) –** A status in which a member who fails to report for duty as scheduled or who leaves the work site prior to the end of the scheduled workday without the approval of a supervisor.

* A member considered absent without leave shall be subject to appropriate disciplinary action.
* All documentation regarding any member placed in AWOL status will be immediately forwarded through the chain of command to the Chief of Police.

**II. Punctuality**

Members shall be punctual in reporting for duty at the time and place specified by shift schedule, or otherwise as outlined in the collective bargaining agreement.

**A.** No member will be absent from duty without leave or without authorization from their supervisor.

**B.** No member will leave work during the workday, or before the end of the scheduled workday without the approval of a supervisor.

**C.** Any member who fails to report for duty or who leaves the work during the workday, or prior to the end of the scheduled workday without the approval of a supervisor may be considered absent without leave and be subject to appropriate disciplinary action.

**III. Lateness of Members**

**A.** When a member arrives late for work, they will notify their supervisor of their arrival. The supervisor will make a proper inquiry regarding the member’s lateness and determine if it is excusable or inexcusable.

**B.** If the lateness is excusable, supervisors will follow the procedures as outlined below:

• **Excusable Lateness of Less Than 16 Minutes**

If the lateness is excusable, no further action will be taken.

• **Excusable Lateness of 16 Minutes or More**

If the lateness is excusable, the employee takes appropriate leave for the entire period of lateness, rounded as appropriate and in correlation to the type of leave used in accordance with the current collective bargaining agreement, i.e., to the nearest one (1) hour sick leave, quarter-hour (1/4) all other.

**C.** If the lateness is inexcusable, the supervisor will follow the procedures as outlined below. The disposition for the most recent incident of inexcusable lateness will be based on the total number of inexcusable lateness that has occurred in the past six (6) months.

• **First Inexcusable Lateness of Less Than 16 Minutes**

Complete the Job Observation Report noting that the lateness is inexcusable, and the employee was considered AWOL and counseled by the supervisor. No further action will be taken.

• **First Inexcusable Lateness of 16 Minutes or More**

Complete the Job Observation Report documenting that the lateness is inexcusable; the member was considered AWOL and counseled by the supervisor. The supervisor will ensure that the member’s paysheet reflects use of appropriate leave time for the entire period of lateness, rounded as appropriate.

• **Subsequent Inexcusable Lateness within 6 Months of the Last Inexcusable Lateness**

Confer with the Chief for appropriate disciplinary action.

**IV. Inclement Weather Conditions**

Inclement weather conditions sometimes cause delays and inconveniences to everyone; however, non-administrative members of this department are considered essential and must take all reasonable measures to report to work on time as scheduled.

1. Department staff assigned to relieve an off-going shift will telephone the on-duty supervisor to confirm their reporting status if unforeseen circumstances due to inclement weather will cause a delay so that appropriate coverage for the period of lateness can be arranged.
2. All lateness due to inclement weather will follow the same procedures as outlined in Section III, A and B of this procedure.

**V. Approval Required/Increments**

Leave requires supervisory approval and may be authorized in accordance with the provisions of the current collective bargaining agreement and the minimum staffing requirements of the Police Department.

**A.** The City of Barre Human Resources and/or Finance Department shall establish the procedure for crediting leave to a member's account.

● A member may use leave in one-quarter-hour increments excepting sick leave (one hour).

● Leave requests will be accepted in amounts up to the number of hours of annual leave that is earned for the year.

● Leave requests will only be approved for amounts of time that a member has accrued. No allowances will be made to approve leave requests prior to the member having the accrued leave credited in their respective account.

**B.** Members seeking leave authorization will complete the request through the appropriate section of the automated scheduling/payroll software system to their immediate supervisor in accordance with this directive for all scheduled leave requests.

**VI. Holiday Leave**

In accordance with the collective bargaining agreement, the City of Barre recognizes twelve (12) paid holidays. Certain non-exempt members and exempt members are eligible to receive paid holiday leave subject to the following:

1. "Holiday" is defined as a leave day authorized by the City of Barre in recognition of certain holidays.
2. Eligible members include regular full-time permanent members after six (6) months’ continuous service.
3. Recognized holidays occurring on a Saturday will be observed on the previous Friday and those occurring on a Sunday will be observed on the following Monday.
4. Floating Holiday leave is authorized for certain exempt members subject to the following:

● Floating Holiday leave must be used in the fiscal year in which it is accrued and must be used by the last day of the last pay period in June of the fiscal year and shall not be carried forward to the next year.

● Floating Holiday leave may only be used for those holidays deemed eligible as a Floating Holiday by the City.

● Upon termination of City employment, no member will be compensated for unused floating holiday leave.

**E.** If a member is required to report for work on a holiday, and is absent on the holiday without approved leave, the member may otherwise be subject to discipline.

**VII. Annual/Personal Leave**

Members may use annual/personal leave with supervisory approval. Permanent members having completed six (6) months of continuous service shall receive five (5) paid vacation days.

**A. Annual Leave** – Fulltime members shall be entitled to vacation leave each year. The amount of vacation leave accrued shall depend upon an employee’s continuous service to the City, after one (1) year of continuous service as follows:

**Length of Service Annual Accrual/Days**

> 6 mos. 5 days

> 1 year 10 days

> 2 years 11 days

> 3 years 12 days

> 4 years 13 days

> 5 years 14 days

> 6 years 15 days

> 7 years 16 days

> 8 years 16.5 days

> 9 years 17 days

> 10 years 18 days

> 11 years 19 days

> 12 years 20 days

> 13 years 21 days

> 14 years 22 days

> 15 years 23 days

> 16 years 24 days

> 17 years 25 days

● All vacation time will be taken during the year in which it is earned and may be used in increments equaling one quarter (1/4) hour or more. However, vacation time earned in the prior year may be carried over into the following year.

###### B. Personal Leave – Beginning in July of each fiscal year, employees shall be permitted to one day (1) of personal leave for their personal use.

● Fulltime Communications members shall be permitted to an additional one (1) day per quarter of the fiscal year for a maximum of five (5) personal days.

● Personal leave days may be used at the employee’s discretion after giving notice to their supervisor.

● Personal leave shall be used in the fiscal year in which it accrues, or any remaining portion thereof shall be forfeited without compensation.

**VIII. Sick leave**

The City of Barre complies with the Americans with Disabilities Act, the Family & Medical Leave Act of 1993 and other applicable federal and state law. If any conflict arises between the provisions of those laws and this policy, those laws govern.

**A.** Each fulltime employee shall be entitled to earn one (1) day of sick leave with pay for each full calendar month of continuous employment with the City (credited at the end of the month). A “day” shall equal the number of hours in the employee’s regularly assigned shift.

**B.** Members may accrue and carry over up to 120 days of sick leave.

**C.** Sick leave will be paid in increments of not less than one (1) hour.

**D.** Sick leave shall be requested at least one hour before the member’s scheduled reporting time and may only be used with supervisory approval as provided in this subsection:

● At the time a member requests the use of sick leave, they shall notify the supervisor receiving the request if their absence will affect scheduled court appearances, training, or any other scheduled assignments.

● Approved sick leave may be used when a member is ill, as well as for routine medical checkups.

● Members should schedule medical appointments during off duty time when possible; or, when that is not possible, during the least disruptive time of the workday.

● **Family Sick Leave** – An employee is entitled to three (3) family sick leave days to be used to care for an immediate family member who is sick***,*** ill, or under the care of a healthcare provider.

● Eligible family members, for use of family sick leave and FMLAcoverage, include the member’s spouse (as defined by State law), significant other with whom the member resides (domestic partner), parent (as defined in FMLA Act of 1993 TITLE I-SEC. 101. (7)), children under age 18 and children over age 18 requiring direct care. For use of family sick leave, biological, adopted, foster children, stepchildren, legal wards, children of significant others, and individuals who fall under “In Loco Parentis” (as defined in FMLA Act of 1993 TITLE I-SEC. 101. (12)) are considered eligible family members.

**E. Supervisor Responsibility** – At the time a member requests the use of sick leave, the on-duty supervisor will ascertain from the member if their absence affects any other scheduled assignments, and ensure the following:

● Verifying the shift for which the employee is calling in sick will not drop below the minimum required personnel, and if necessary, scheduling a replacement to keep the shift at the required number of personnel.

● Making any necessary notifications to Court, training, or other events for which the member was scheduled.

**F.** Absence for all or part of three or more consecutive working days may not be charged to sick leave or family sick leave without a health care provider's certification of the illness or injury necessitating the member's absence for personal sick leave or family sick leave.

**G.** Sick leave ordinarily may not be used before it is accrued.

**H. Sick Leave Misuse**

* + - Sick leave accruals are intended to be used by an employee in accord with 21 V.S.A. § 483. Long term sick leave accruals are for the protection of the employee in the event of a serious illness or accident that renders the employee unable to work. Employees should not utilize sick leave time unless the employee is unable to work and said leave is in accordance with the guidelines for sick leave usage.
    - Employee attendance records may be reviewed on a regular basis to determine the employee’s amount, pattern, and frequency of sick leave usage.
    - The criteria used to determine whether sick leave is being misused for a particular employee are the amount, frequency, and pattern of sick leave usage. Area of concern include but are not limited to a high number of single-day sick leave usages, calling in sick before or after holidays or scheduled days off or frequent use resulting in no long-term accrual of sick leave.
    - If there are concerns regarding an employee’s use of sick leave, the employee’s supervisor will meet with the employee to discuss those concerns. This meeting will provide an opportunity for the employee to give the supervisor any information that the employee feels is pertinent to their use of sick leave. If the supervisor is still concerned after this meeting about the employee’s sick leave use, that concern will be documented. Documentation may be made part of a performance evaluation or in a written memo to the employee.

### IX. Injury and Sick Leave Reports

**A.** Members must report all illnesses, injuries, or health care appointments that:

● Are job related

● Result in an absence from duty

● Illnesses or conditions in which there was a lapse of consciousness, blackout, or seizure that may affect the employee’s ability to perform assigned responsibilities.

● Illnesses, injury, or the use of medication that would impair the member’s ability to perform assigned responsibilities.

**B.** **Initial Report** – Sick leave will be documented in the scheduling/payroll system by the member/supervisor receiving notification. Notification should be made to the Chief following the realization that the illness/injury/special condition is or has become one that requires reporting to the Chief.

● At the time members request sick leave, supervisors will obtain an estimate of the amount of time the member feels will be needed to recuperate sufficiently to return to duty.

● If this estimate needs to be revised, it will be incumbent upon the member to supply their supervisor with a new return-to-duty date.

**C.** Should a member have an illness that is of a confidential nature, the member may substitute diagnosis of the illness or injury with the words “personal illness” on the initial report. Whenever the “personal illness” may have an effect on the employee’s ability to meet the criteria of the employee’s essential job function, this illness will be reported to occupational health. The occupational healthcare provider will be responsible for the determination of the employee’s ability to meet the essential job functions and will communicate the findings with the Chief and Director of Human Resources, Safety and Health.

**D.** Members of the agency who come in contact with persons who might have contracted a communicable disease will submit a First Report of Injury stating the type of illness the person is suspected of contracting.

###### E. Reporting Pregnancies (Female Members) – The Barre City Police Department recognizes that pregnant women have the right to decide for themselves whether they want exposure to potential risks.  Therefore, the decision to request a limited duty status or to remain on regular duty status rests with the pregnant member.Requests for limited duty status will be considered*,* and if approved, the member may remain on limited duty status for the duration of the pregnancy.

●          Members choosing to request limited duty status due to a pregnancy will submit a memorandum to the Chief.

●          The Chief will ensure the memorandum’sinclusion in the member’s medical file.

●          If the member chooses to remain on a full duty status, they shall be allowed to do so, provided that the member’s job performance does not indicate an inability to meet the essential job functions.

●          The member is responsible for notifying the Chief of any doctor ordered changes to the member’s duty status.

●          Member’s will inform the Chief of any planned changes to duty status, whether requested by the member or ordered by a doctor, as soon as those dates become known.

**X. Duty Status/Medical Status**

All members will indicate their duty status at time of injury as either on duty or off duty. Initial, Interval and Final reports will reflect their medical status consistent with the definitions in this subsection.

**A.** **Full Duty** – A full duty status indicates that a member is able to perform all regular duties without restriction. Members may report themselves on full duty provided the illness or injury is such that medical attention is unnecessary.

**B. Limited Duty** – is a restricted form of duty prescribed by the members attending healthcare provider to address a disability or injury. The Chief shall identify available limited duty positions within the department. If a limited duty position is available, a member mayrequest to be placed in that limited duty position until able to return to full duty status.

**C.** If authorized, a membermay perform a maximum of ninety (90) calendardays limited duty during a twelve (12) month period beginning on the sixth day of reporting. Members may be removed from limited duty if not fully recovered within the 90-day period, with the exception of limited duty as the result of a pregnancy.

**D.** **Regular Leave** – When an illness extends into the member’s regularly scheduled leave days reporting will be handled as follows:

● Members will take their regular off-duty days as originally scheduled.

● Members will take any scheduled leave, unless canceled in advance by their supervisor.

###### E. Return-to-Duty Certificate – Uniformed Personnel

Absences of three (3) or more consecutive working days due to illness or injury will not be credited to sick leave until the member has submitted the healthcare provider’s certification of member disability. A signed healthcare provider’s certificate/slip may be accepted but must contain sufficient information concerning illness/injury that would satisfy the agency physician. The healthcare provider’s certificate/slip must be signed personally by a healthcare provider as defined by the United States Department of Labor under F.M.L.A.

● Absences of five (5) or more consecutive working days due to a debilitating illness or physical injury will require a signed Essential Job Functions Questionnaire. The member cannot return to full duty until the healthcare provider certifies that the member can perform all of the listed functions.

**•** The choice of medical provider/rehabilitation center rests with the employee, their insurance company, and/or Workers’ Compensation laws. However:

**•**               The Essential Job Function Questionnaire will be completed by Central Vermont Medical Center Occupational Health Medical Staff and returned to the Barre City Police Department.

###### F. Return-to-Duty Certificate – Civilian Members

● Absences of three (3) or more consecutive working days due to illness or injury will not be credited to sick leave until the member has submitted the health care provider’s certification of member disability. A signed health care provider’s certificate/slip may be accepted but must contain sufficient information concerning illness/injury that would satisfy the agency physician. The health care provider’s certificate/slip must be signed personally by a health care provider as defined by the United States Department of Labor under F.M.L.A.

● Should a member be unable to have the health care provider’s certificate of member disability form completed within seven calendar days from return to duty for sick leave taken, such time must be charged to other earned leave or a leave of absence without pay.

**XI. Compensatory Leave**

Non-exempt members of the Barre City Police Department may choose to receive Compensatory Time for all hours worked otherwise classified as overtime hours. Compensatory Time will be credited at the end of each established pay period at a rate of one and one-half hours of a member’s regularly scheduled work hours per week.

**A.** Non- exempt Members must select either the appropriate overtime code or compensatory time for comp accrued prior to the end of each pay cycle in the scheduling/payroll system for which the time is worked.

**B.** Members may only accrue a maximum of forty (80) hours of Compensatory Leave. Hours earned in excess of forty (80) will automatically be converted to paid overtime.

● Upon separation of City employment, a member shall be paid for all accumulated unused compensatory leave.

**C.** Exempt members are not eligible for compensatory leave.

**XII. Administrative Leave**

Members shall, upon direction of the Chief, be granted paid administrative leave in accordance with the following:

**A.** Members who are the subject of an internal investigation for allegations that would warrant administrative leave while the investigation is being completed.

**B.** In accordance with **Barre City Police Department Operational Procedure #401, “Use of Force”** the Chief will place any member whose actions or use of force results in a death or serious physical injury on "Administrative Leave" following the completion of their preliminary report of the incident. This leave shall be without loss of pay or benefits and will last until the conclusion of the investigation and pending the results.

● To ensure member welfare, the Chief may place any member involved in a critical or traumatic incident on "Administrative Leave" until conclusion of the post incident debriefing and counseling.

**XIII. Bereavement Leave**

Members shall receive bereavement leave upon the death of an immediate family member, not to exceed five (5) days.

**A.** For purposes of this subsection, "immediate family member" include:

* + - * Spouse
      * Father
      * Domestic Partner
      * Sister
      * Mother
      * Child
      * Brother
      * Grandmother
      * Grandfather

**B.** Members shall receive bereavement leave upon the death of an employee’s father/mother-in-law, grandparents or spouse’s grandparents, grandchildren or spouse’s grandchildren brothers/sisters-in-law or stepchildren not to exceed three (3) days.

C. Members shall receive bereavement leave upon the death of a person not in the immediate family of the employee, living in the employee’s household, including step-parents/brothers/sisters and relatives of the employee not to exceed one (1) day.

**XIV. Military Leave**

Military leave is granted in accord with 21 V.S.A. § 491 and 38 U.S.C. §§ 4301-4335. The Chief is the point of contact for all issues and communication regarding military leave, both for the agency and all human resources issues. Employees assigned to military service training or active duty will notify the Chief as soon as possible regarding the scheduling of any training or operational military assignments.

**A.**Out Processing – Employees who will, to the best of their knowledge, be assigned to military duty for more than 30 days will meet with the Chief in order to communicate the required steps to take in order to be reintegrated upon completion of the active military assignment.

● Prior to departure for military service lasting greater than 30 days, the Deputy Chief will cause for the disabling of NCIC/CJIS accounts

**B.** Military Training and Short-Term Operations

● Any members who is also a member of the Army, Navy, Air Force, or Marine Reserve; Army or Air National Guard; or Coast Guard shall be granted military leave for military training or operations not to exceed 15 workdays per fiscal year for active-duty training, and for any period of temporary emergency declared by the President or Governor.

● Members will be provided all the benefits and protections afforded by the Uniformed Services Employment and Reemployment Rights Act (USERRA)***.***

**C.**Military Activations exceeding 15 days

● The Barre City Police Department follows the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), which protects the employment of those absent from work due to activation for military duty.

● Employees retain reemployment rights for up to five years when their absence is due to military service.

● The timeframe may be extended past five years under certain circumstances, which include but are not limited to initial enlistments lasting more than five years, periodic National Guard and Reserve training duty, and involuntary active-duty extensions and recalls. Reemployment protection does not depend on the timing, frequency, duration, or nature of an individual’s service as long as the basic eligibility criteria are met.

● The Barre City Police Department will make reasonable efforts to accommodate employees who are injured during their military service. Service members convalescing from injuries received during service or training may have up to two years from the date of completion of service to return to their jobs.

● Employees returning to the Barre City Police Department from military service will be reemployed in the position that they would have attained had they not been absent for military service, with the same seniority, status, and pay.

● Returning employees will be retrained per Vermont Criminal Justice Council standards for recertification based upon the employee’s time away from the job.

● Employees may elect to continue their City of Barre Health Benefits in cases where they are performing military duty for more than 30 days, but less than 24 months. They may, however, be required to pay up to 102 percent of the full premium. Employees performing military service for less than 31 days retain health care coverage from the City of Barre as though the employee had remained employed. Additionally, all pension plans are protected under USERRA.

● Employees are permitted, but not required, to use accrued annual or personal leave while performing military service.

**D.**Completion of Military Service, Return to Duty

● Military Service lasting less than 31 days – Employees returning to work after military service of less than 31 days are required to report back to work at the beginning of the next regularly scheduled work period on the first full day after release from military service, taking into account safe travel home plus an eight-hour rest period.

● Military Service lasting more than 30 days, but less than 181 days – Employees returning to work after military service of more than 30 days, but less than 181 days, must apply for reemployment within 14 days of release from service.

● Military Service lasting more than 181 days – Employees returning to work after military service of more than 181 days, must apply for reemployment within 90 days of release from service.

**E.**In Processing/Reintegration

● Prior to reintegration, returning employees shall meet with the Chief. This meeting will address any concerns of the returning employee, as well as detail the steps necessary for reintegration.

● All returning employees shall, upon reintegration, be scheduled to attend and complete any training required by the Vermont Criminal Justice Council, to include 30 hours of in-service training as defined by the Council, and firearms qualifications for each weapon system they will be authorized to utilize.

● See **Barre City Police Department Personnel Procedure #317 “Military Deployment & Reintegration.”**

### XV. Leave of Absence without Pay

**A.** All leaves of absence without pay requires approval of the city manager. The duration of leave without pay shall be at the discretion of the Chief based on the reason for the request and the effect on operations. The leave generally may not exceed one year unless otherwise authorized on a case-by-case basis.

**B.** When leave of absence without pay occurs for the duration of an entire pay period, no leave of any kind shall accrue during the pay period.

**C.** There is no entitlement to leave of absence without pay except where required by state or federal law.

**D.** A member who has been granted leave without pay must return to work by the date the leave expires.

#### XVI. Cancellation

This written directive cancels and replaces Barre City Police Department Operational Policy titled “Overtime” dated May 6, 2020, and cancels, replaces and supersedesany other directive in conflict therewith.

**AUTHORITY:**

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Braedon S. Vail, Chief of Police

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, 2024

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