

Employee Leave

1033.1 PURPOSE AND SCOPE

This policy establishes guidelines and procedures regarding accrual and use of leave benefits for employees in conformance with the Town of Easton Employee Handbook. Employees may be eligible for other leave benefits not described in this policy and should refer to the Town of Easton Employee Handbook or consult with the Human Resources Director for the Town with questions regarding other benefits offered by the Town.

1033.2 POLICY

The Easton Police Department will make every effort to allow employees to use accrued or available leave time upon request.

1033.3 LEAVE TYPES

1033.3.1 ADMINISTRATIVE LEAVE

Administrative leave may be granted to employees attending professional meetings and technical conferences, short courses in subjects relating to official duties, or toward accomplishing other valid objectives. This type of leave is considered part of the employee's official job and will not be deducted from another type of leave earned by the employee.

In the event a police officer's use of force results in, or is alleged to have resulted in, the proximate death or serious physical injury of another person, the officer shall be removed from line of duty status and placed on Administrative Leave, in a non-officer status, pending review by the Chief of Police.

- (a) "Non-officer status:"According to Maryland Police Training and Standards Commission Regulation.01, "non-officer status" involves a situation in which an individual with a probationary appointment or current certification as a police officer is temporarily relieved of the powers of a police officer for medical, disciplinary, or other administrative reasons, but who continues to be employed by the Department.
- (b) The Maryland Police Training and Standards Commission will be notified by the Office of the Chief of Police, in accordance with MPTSC Regulation.02-D, whenever an officer is transferred to "non-police officer status" for more than six (6) months.
- (c) This notification will be done in writing and will include the following information:
 1. Officer's full name;
 2. Certification number;
 3. Date of action, and
 4. A statement indicating the transfer to non-officer status.
- (d) An officer who has been classified in the "non-officer status" is not required to meet MPTSC mandated annual training requirements, but shall be required to receive all

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applicable training before being re-certified as a police officer upon restoration of full police powers.

1033.3.2 BEREAVEMENT LEAVE (FUNERAL LEAVE)

Employees may be granted a maximum of four (4) working days off with pay due to the death of one of the following family members:

- (a) Parent;
- (b) Brother/Sister;
- (c) Spouse;
- (d) Child;
- (e) Grandparent;
- (f) Father/Mother-in-law;
- (g) Son/Daughter-in-law;
- (h) Step-parent;
- (i) Step-child;
- (j) May include any relative who customarily and regularly makes his home with the employee.

Employees may be granted one (1) day off with pay due to the death of a brother/sister-in-law. Funeral leave shall not extend beyond the second day following the funeral.

1033.3.3 MILITARY LEAVE

Employees with military reserve training obligations that do not exceed two (2) weeks may:

- (a) Elect to take vacation and/or compensatory leave for the work days missed as a result of his military training and receive his normal pay from the Town, along with his military compensation, or
- (b) Elect to take military leave for the work days missed as a result of his military training and receive the difference between his military compensation and his normal pay from the Town, if his Town pay is more than the military compensation.

During times of national emergencies, full-time employees may request an unpaid military leave of absence.

1033.3.4 LEAVE OF ABSENCE

Employees may request an unpaid, extended leave of absence for personal reasons.

To be eligible, employees must have worked for the Department for at least twelve (12) months.

Leave will only be granted to an employee who unquestionably expresses, in writing, the intent to return to work with the Department.

Any gainful employment while on a leave of absence is prohibited.

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A leave of absence may be granted for a period of up to twelve (12) weeks within a twelve (12) month period. The employee must use any available personal, sick, vacation or comp leave first as part of the approved absence.

All requests shall be made through, and approved by, the Chief of Police, at his discretion for good cause.

1033.3.5 CIVIL LEAVE

Employees who are called for jury duty or are subpoenaed as a witness in any civil or criminal legal proceeding to testify as witnesses by the Town of Easton, will receive leave from scheduled duty, with pay, for such duty during the required absence without charge to accumulated vacation or compensatory leave.

Employees who are subpoenaed for a civil or criminal legal proceeding that arose as a direct result of their employment with the Department, who are off duty on the date of the proceeding, will be compensated as required by the overtime guidelines.

Fees received for jury or witness duty while the employee was scheduled for duty, will be returned to the Town, with the exception of travel allowances provided by the court. While on civil leave, benefits and leaves will accrue as though on regular duty.

Employees are encouraged to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule.

If employees are unable to vote in an election during their non-working hours, the Department will grant up to two hours of unpaid time off to vote.

1033.3.6 PERSONAL LEAVE

Employees are entitled to use one (1) personal leave day for each leave year at their convenience, with prior approval of their supervisor. This paid day of leave may be used for compelling personal reasons such as; observance of a religious holiday, family emergency, or for any other purpose where personal affairs cannot be conducted during working hours.

Employees are entitled to (1) personal leave day to be used during the month of their birthday and cannot be carried over if unused.

The request and approval shall be conducted under the same guidelines as annual leave. The personal leave day is factored into the employee's vacation accrual rate.

1033.3.7 FAMILY AND MEDICAL LEAVE

Any eligible employee shall be entitled to a total of 12 work weeks of unpaid leave during any 12 month period for any of the four reasons listed below:

- (a) Because of the birth of a son or daughter of the employee and in order to care for such son or daughter.

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- (b) Because of the placement of a son or daughter with the employee for adoption or foster care.
- (c) In order to care for the spouse, or a son, daughter or parent of an employee, if such spouse, son, daughter or parent has a serious health condition.
- (d) Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.

To be eligible for family and medical leave, an employee must have been employed by the Department for at least 12 months and worked, at minimum, 1,250 hours during the previous 12 month period. During the leave, certain employee benefits are to be continued at the employer's expense. At the end of the leave, the employee must be re-instated to their former position, if it is available, or to an equivalent position for which the employee is qualified.

Employees requesting such leave must do so, in writing, 30 days prior to its commencement, if possible (unless circumstances occur beyond the employee's control, e.g, a serious accident.)

The employee must use any available paid personal, sick or vacation leave first as part of the approved period of leave.

The total of all leave, paid or unpaid, may not exceed 12 weeks.

Within fifteen days of the initial request for leave due to your own serious health condition or that of a family member, the employee must furnish a health care provider's certification verifying the serious health condition and its beginning and expected ending dates.

Upon return to work, the employee must provide a health care provider's certification of fitness to return to work if the cause for leave was the employees own serious health condition.

Employees who fail to return to work are required to reimburse the Town for any health premiums paid out during the leave period not covered by paid leave.

Any gainful employment while on a leave of absence is prohibited.

Employees who fail to return to work within three scheduled workdays after the leave entitlement has been exhausted shall be presumed to have resigned from employment.

For further information, employees may contact the Town Human Resources Director.

1033.3.8 HOLIDAY LEAVE

The Town of Easton has designated the following days as paid holidays for all Town employees. Other holidays may be added or existing holidays altered or canceled at the discretion of the Mayor and Council of Easton:

New Year's Day	January 1st
Martin Luther King Day	3rd Monday in January

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Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	1st Monday in September
Veteran's Day	November 11th
Thanksgiving Day	4th Thursday in November
Black Friday	Day after Thanksgiving
Christmas Eve	December 24th
Christmas Day	December 25th

Employees who work a rotating schedule shall, for the purposes of compensation, observe the holiday on the actual calendar date of the holiday.

Employees who work a fixed schedule with their normal work week being Monday through Friday, shall observe the holidays that fall on a Saturday or Sunday on the date designated by the Mayor and Council.

Holiday Compensation:

- (a) A holiday schedule shall be posted by the Chief of Police at least one week prior to all holidays. Employees may be given the holiday off with pay, or required to work at the discretion of the Chief.
- (b) Employees shall be compensated for a holiday equal to the amount of hours worked during a normal day.
- (c) Employees who work part of a designated holiday as part of their normally scheduled workday, shall be paid at one and one-half times their hourly rate for each hour worked on the holiday. The employee shall be compensated for the remainder of their normal workday with holiday time, at a straight rate of hour for hour. (This is not the same as comp-time where 1 hour of comp-time equals 1.5 hours off duty time). The total compensation shall not exceed the employee's normal workday, unless overtime work is performed on the holiday, in addition to the normal workday.

Example:

An employee is scheduled to work starting at 1900 hours on Thursday through 0700 hours on Friday. Friday is the designated town holiday. Since the employee's normal workday is 12 hours, he would be compensated as follows:

- (a) 7 hours of overtime pay and 5.0 hours holiday time.
- (b) Employees who work a rotating schedule, who do not work any part of the holiday as part of their regular work schedule, are entitled to one leave (holiday) day. This holiday leave day must be used within sixty (60) calendar days of the holiday. This

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rule may only be waived by the Chief of Police due to exceptional circumstances. Employees who work any part of the holiday as part of their regular schedule, shall be compensated as described in paragraph c above.

- (c) Employees who are scheduled to work a holiday, but would like to be off, may request holiday leave for the day by submitting a request to their Division Commander, via the chain of command

1033.3.9 ANNUAL LEAVE

1033.3.9.1 DEFINITIONS

Employee is construed to mean all full-time persons employed by the Department.

Part-time Employee is defined as an employee who works less than 30 hours per week.

Annual Leave is synonymous with vacation leave. It is time off with pay that is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Regular full-time employees earn and use annual leave as described in this policy.

Accumulated Annual Leave is the unused balance of annual leave which an employee has earned, plus the portion of leave earned to a particular date that is available for use by the employee.

Annual Leave Accrual Rate is the rate of annual leave the employee earns per week of service, based on his longevity with the Department.

Accumulated Leave is the sum of unused annual, holiday, compensatory and personal leave.

Leave Year is determined individually for each employee, based on the employee's date of employment with the Department.

1033.3.10 ACCRUAL RATE

Each employee's annual leave accrual rate is based on the employee's longevity with the Department and the length of the employee's normal workday. To figure an employee's accrual rate, you must first identify how many days the employee is entitled to, based on his longevity. You add one personal day to that number and multiply the sum times the number of hours the employee normally works each day. You then divide that sum by the number of weeks in a year.

Example: Employee A is in his 10th year of service with the Department and his normal work day is eight (8) hours. As a ten-year employee, he is entitled to fifteen (15) days of annual leave per calendar year. 15 days leave plus 1 day personal leave equals 16 days. 16 days multiplied by 8 hours equals 128 hours. 128 hours divided by 52 weeks equals 2.46 hours. Therefore, employee A's annual leave accrual rate is 2.46 annual leave hours per week.

Employee annual leave, based on length of service with the Town, is as follows:

<u>Length of Service</u>	<u>Days per Service Year</u>
<u>Less than one (1) year</u>	<u>Earned at the same rate as 1 year</u>

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1 year	5 days
2 years	10 days
7 years	15 days
15 years	20 days
25 years	25 days

Employees may accumulate up to a maximum of **thirty** (30) days of unused annual leave at any point in time. Accrual of annual leave in excess of 30 days will be forfeited.

Employees may be granted "accumulated leave," **not** to exceed fifteen (15) consecutive regularly scheduled workdays. The Chief of Police may waive this upon written request, provided the extended leave of the employee does not adversely affect the efficient operation of the Department.

In the event that a paid holiday is observed on a regularly scheduled work day while the employee is on annual leave, the affected employee will be paid his regular salary for the day and the time that would have otherwise been charged as annual leave will remain available for use at another date.

1033.3.11 LEAVE REQUESTS

Employees requesting annual leave shall submit their request on a Time Off Request Form 10 to their immediate supervisor, who shall approve or deny the request. The supervisor will then transmit the request, via the chain of command, to the Chief of Police for final approval.

Requests for annual leave shall be submitted at least seven (7) days prior to the requested leave time.

Employees who are unable to contact their supervisor for an annual leave request shall contact the Assistant Supervisor of the squad/unit they are assigned to.

In emergency situations, employees who are unable to contact either supervisor may submit their request to the Division Commander. If the request is made when the Division Commander is off-duty, the request shall be submitted to the on-duty Patrol Supervisor. The on-duty supervisor shall ensure that adequate police coverage is available before approving the request or for arranging adequate coverage for emergency cases.

Members will be notified by Department email when the request is approved or denied and should not assume that a request has been approved.

1033.3.12 GRANTING ANNUAL LEAVE

Annual leave is designed to benefit the employee and to be used at the employee's convenience. Every effort will be made to grant annual leave requests that provide advance notice, if the request does not adversely affect the Department's ability to provide adequate police services to the community.

Supervisors shall meet with their subordinates to project annual leave usage for the year to ensure that leave is taken fairly.

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Employees may not use earned annual leave within the first six months of employment.

Leave requests that are not submitted in advance, as required, may be granted at the supervisor's discretion, if the request does not adversely affect the Department's or the squad's ability to provide adequate police services to the community.

Annual leave may be denied when:

- (a) Other squad members are on annual leave, attending mandatory training, or on sick leave.
- (b) A heavy workload is created by approaching holidays or events, etc.,
- (c) Or any other reason that may adversely affect the Department's ability to provide adequate police services to the community.

In order to provide officers with appropriate supervision, the Department believes it is important to have a supervisor on-duty whenever possible. Except under emergency circumstances, only the Chief of Police has the authority to approve leave requests for the same tour of duty by the supervisor and assistant supervisor of a patrol squad.

Denied annual leave requests may be appealed by the employee, via the chain of command, to the Chief of Police, who has the ultimate authority to approve or deny all leave requests.

The Chief of Police, a Commander, or in emergency situations, a supervisor of the Department may cancel approved annual leave if conditions exist, that such action would be in the best interest of the Department in providing adequate police services to the community. Prior to canceling an employee's leave, every effort will be made to find adequate manpower, such as overtime, temporary transfers, or cancellation of other types of leave.

1033.3.13 TERMINAL LEAVE

When an employee leaves the service of the Town, or his appointment is terminated, or he is discharged, he shall be entitled to receive payment in lieu of accumulated and earned annual leave, in an amount equal to the number of hours of such leave, multiplied by his current hourly rate of pay.

In computing terminal leave pay due, fractional parts of a week shall not be considered for the purpose of determining hours of current annual leave. Minus leave credit will be refunded in pay by the employee to the Town.

Employees who terminate prior to their sixth month anniversary are not entitled to terminal leave.

1033.4 EMERGENCY CLOSINGS

1033.4.1 DEFINITIONS

Essential Employees: All sworn police officers

Official Closing: Declaration by the Mayor that the Town is closed for normal business due to an emergency or weather conditions.

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Normal business hours: Monday through Friday; 08:30 a.m. to 4:00 p.m.

1033.4.2 PROCEDURES

In the event of difficult or unsafe weather conditions, i.e., snow or ice storms, hurricanes or other emergency situations, the Mayor of Easton may declare the Town is closed for normal business. In the interest of public safety, it is expected of essential employees to make every reasonable effort to arrive at work on time to provide necessary police related services. Employees are expected to stay informed of approaching bad weather or other potential emergencies and should plan ahead to ensure they are able to report for duty. In the event the employee cannot make it to work because of the emergency or weather related condition, the employee shall contact his supervisor and will make every reasonable effort to report as soon as conditions permit. Employees who report late or cannot report at all will be required to use accrued leave time.

Employees who work during the Town's normal business hours when the Mayor declares the Town is closed for an emergency or weather related condition shall be paid overtime for those hours worked.

Employees who work in a position not designated as essential for the performance of police services who are scheduled to work during the declared emergency may be sent home early, at the discretion of the Chief of Police, or given the day off with pay.

1033.5 LIBERAL LEAVE POLICY

In the event of difficult or unsafe weather conditions, i.e., snow or ice storms, hurricanes or other emergency situations when the Town is not closed, the Chief of Police may make an announcement that liberal leave is in effect. Employees who work in a position not designated as essential for the performance of police services who are scheduled to work, at their discretion, may use accrued leave to remain at home. Employees wishing to take advantage of this policy shall first contact their supervisor and then contact dispatch to inform them of what type of leave they would like to use.

If an employee requests to leave work early during an emergency, that employee will be required to use accrued leave of his choice.