

SICK LEAVE	Document Number	GO 502
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1. PURPOSE

The purpose of this policy is to establish the proper procedures involved in the accumulation and granting of sick leave.

2. PERSONS AFFECTED

All department personnel.

3. POLICY

It shall be the policy of the Hawai'i Police Department that its members are granted credited sick leave benefits in accordance with applicable rules, law, agreement, and policy.

4. RESPONSIBILITIES

4.1. Member

4.1.1. Notification of Sickness

- a. Any member who is unable to report for duty at the scheduled time due to illness or injury shall notify or cause his/her superior officer to be notified of such inability and in addition give notice of the approximate duration of absence as soon as practicable prior to the time the member is required to report for duty. Except as provided herein, only an initial notification is required.
- b. If the extent of illness or injury is unknown and the approximate duration of absence cannot readily be determined, the member shall, on a daily basis on the days the member is scheduled to work, notify or cause the member's superior officer to be notified of such inability prior to the time the member is required to report for duty for the duration of the illness or until such time that the anticipated absence is known.
- c. If such notification has not been given in accordance with this General Order, such absence may be charged to vacation allowance or leave without pay.

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4.1.2. Disabling Stress and Mental Disorders – Whenever any member reports that they are suffering from disabling stress or any mental disorder, the member shall immediately be relieved of their assigned duties.

- a. The member shall remain so relieved until such time as a competent medical professional certifies that the member is fit to fully assume all of their assigned duties.
- b. In any event, the Police Chief reserves the right to require the member to undergo a Psychological Fitness for Duty Evaluation, in accordance with General Order No. 531.

4.1.3. Examination by Physician – Whenever an illness shall cause the member to be absent five or more consecutive days, the member shall report to a physician for examination. If unable to do so due to the seriousness of the member’s condition, the member shall request the physician to visit him/her. In instances where a holiday or a member’s days off falls between a period of five or more working days of sick leave, the period of sick leave shall be construed as consecutive working days until the member returns to service from sick leave.

- a. In either instance the member shall cause the department to be notified of the physician’s evaluation as to the approximate number of days that the member shall be unable to return to work.
- b. The Police Chief reserves the right to have an internal investigation conducted to determine if a Medical Fitness for Duty Evaluation is warranted for any member reporting sick. If appropriate, the Police Chief may require a physician of his choice to examine the member reporting sick and to determine the nature of his/her illness and the status of his/her physical condition.

4.2. Sick Leave Application Form

4.2.1. Immediately upon reporting for duty after an absence on sick leave, the member shall fill out the Application for Leave of Absence form and forward it to the member’s commander.

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Commanders shall submit the forms with the Time and Attendance Reports for the period during which the member returns to duty.

- 4.2.2. In the event the member dies before returning to duty, the member's personal representative or department head shall file such application within six months after the member's death.
- 4.2.3. Where the absence is for five or more consecutive days, the Physician's Certificate, which is located on the reverse side of the Application for Leave of Absence form shall be completed and signed by the attending physician.
- 4.2.4. Failure to provide the completed Physician's Certificate will result in the member submitting a memorandum to the Police Chief explaining the reason why the Physician's Certificate is not completed.
 - a. In the event that the member was not under a physician's care, in the memorandum the member shall explain the nature of the illness or disability, and the reason no physician was consulted.
 - b. In the event that the Physician's Certificate does not cover the entire period of illness, the member shall explain in the memorandum the reason for the discrepancy and the nature of the illness or disability for the time period not under a physician's care.
- 4.2.5. If a member has not followed provisions of the policy or cannot justify the failure to provide the Physician's Certificate as required, such absence may be charged to vacation leave or leave without pay.

5. PROCEDURES

5.1. Accrual of Sick Leave

- 5.1.1. Sick leave allowance shall be computed and accrued according to the Hawai'i Revised Statutes and rules and regulations in effect.

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- 5.1.2. Sick leave shall not be granted before it is earned except as provided herein.
- 5.1.3. An annual statement showing accumulated sick leave will be provided to all members of the department.
- 5.2. Extended Sick Leave - A written request by a member for extended sick leave with pay in excess of that to which the member is entitled may be granted with the written approval of the Mayor upon recommendation of the Police Chief.
 - 5.2.1. The Mayor, upon receiving a request for extended sick leave from an employee, may forward it to the Director of Personnel for comment and recommendation.
 - 5.2.2. A request for extended sick leave shall not be considered unless all earned and accumulated compensatory time, sick leave allowance, vacation allowance and total disability benefits have been exhausted.
 - 5.2.3. Only full-time employees, either civil service or exempt from civil service, shall be eligible to receive extended sick leave. The maximum amount of extended sick leave shall be according to existing County policy.
 - 5.2.4. An employee must have been employed with the County for a period of five years in order to qualify for extended sick leave.
- 5.3. When Sick Leave May Be Granted
 - 5.3.1. Personal Illness - Sick leave may be granted in the event illness prevents the member from the performance of duty, whether on-duty or off-duty, provided that if the illness commences while on-duty, it is determined to be non-service related.
 - 5.3.2. Examination or Treatment - Sick leave may be granted for medical, chiropractic, dental or optical examination or treatment only when such cannot be scheduled during off-duty time.

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5.3.3. Quarantine - Sick leave may be granted when a member is quarantined because someone in the member's household is afflicted with a contagious disease.

5.3.4. Vacation - If a member is on vacation and sickness lasting one or more days occurs, the member may have the vacation leave changed to sick leave for the period of sickness upon presentation of a physician's certificate within five (5) days after return from vacation.

5.3.5. Personal Injury and Illness While Off Duty

a. Sick leave may be granted in the event a member is injured other than on duty or is unable to report for duty at the scheduled time due to illness.

b. When such disability or illness shall be for five or more consecutive working days, the member shall report to a physician for examination. In instances where a holiday or a member's day off falls between a period of five or more working days of sick leave, the period of sick leave shall be construed as consecutive working days until the member returns to service from sick leave.

c. The member shall notify the department of the physician's evaluation as to the approximate number of days that the member shall be unable to return to work.

5.3.6. Maternity Leave - Incapacity to perform work due to pregnancy or its effects shall be treated in conformity with General Order 523.

5.4. When Sick Leave Not Charged

5.4.1. Members whose illness extends over any holiday to which members are entitled shall not be charged with sick leave for such holiday.

5.4.2. Members whose illness extends over any day off to which members are entitled shall not be charged with sick leave for such a day off.

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- 5.5. When Sick Leave Does Not Accrue
- 5.5.1. During the period of any sick leave or vacation granted, when the employment is to terminate at the end of such vacation.
 - 5.5.2. On leave without pay except for any period an employee is on leave for disability and is being paid worker's compensation.
 - 5.5.3. During any period of valid suspension for disciplinary reasons, provided the suspension is sustained by the Civil Service Commission in the event of an appeal.
 - 5.5.4. During any period of unauthorized leave.
 - 5.5.5. During any period of sabbatical leave.
 - 5.5.6. During any period of additional sick leave with pay granted upon the written approval of the Mayor.
- 5.6. Sick Leave After Termination of Employment - Accrued earned sick leave and accumulations shall automatically cease upon death, resignation or permanent separation from service of the department, and no monetary allowance or adjustments shall be made for accrued earned sick leave or accumulations.
- 5.7. Preservation of Sick Leave While in Military Service - Members on military leave who return to the department within 90 days from the date of their separation from the service will retain all sick leave which had accrued to their credit prior to their entrance into military service.
- 5.8. Transfer Between Departments - When a member leaves the department to accept a position in another department of the County or State government, the member's earned credits are not forfeited but are transferred to the other department, provided that the break between such transfer is not greater than seven (7) calendar days.
- 5.9. Absenteeism (Including AWOL and Unjustified Sick Leave)
- 5.9.1. Absenteeism as used here means failure to report for work without securing proper approval in advance. Sick leave is a privilege rather than an absolute right; hence the taking of sick leave should

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be judiciously exercised. A record of frequent absences because of illness without evidence on the part of the member that he/she is making every effort to attend work regularly constitutes a form of absenteeism.

- 5.9.2. Absenteeism is not fair to the member, their superiors, co-workers, or to the department. Any absence improperly attributed to sick leave is serious abuse of the sick leave privilege and is cause for summary dismissal or other disciplinary action.
- 5.9.3. Prolonged or consistent absences from duty on account of poor health may be an indication that the member concerned is physically unfit to continue in service.
 - a. In such event, the Police Chief may require the member to undergo a fitness for duty examination by a physician to determine that the physical condition or mental competence of a member is such that the member can no longer perform the duties of their position.
 - b. If the fitness for duty examination corroborates that the member can no longer perform the duties of the position, appropriate administrative measures will be taken which may involve terminating the appointment of the member.
- 5.9.4. Any member reporting illness or disability which is later determined to be feigned or simulated shall be subject to disciplinary action.