



GENERAL ORDER ADM-61 LEAVE AND OVERTIME POLICY

EFFECTIVE DECEMBER 1, 2015

This General Order contains the following numbered sections:

- I. POLICY
- II. LEAVE
- III. PAID OVERTIME
- IV. COMPENSATORY TIME
- V. COMPENSATION FOR COURT APPEARANCES
- VI. CANCELLATIONS

I. POLICY

The Howard County Department of Police (HCPD) shall provide appropriate programs and controls for the management and use of leave and overtime.

II. LEAVE¹

All leave will be earned, scheduled, and used in accordance with the requirements and guidelines set forth in the Howard County Employee Manual and/or any applicable negotiated bargaining agreements. Members may not submit leave requests in advance of receiving earned leave.

A. The following types of leave are provided and specifically defined and regulated by the Howard County Employee Manual and/or any applicable negotiated bargaining agreements:

- 1. Disability Leave
- 2. Annual Leave
- 3. Personal Leave
- 4. Holiday Leave
- 5. Leave of Absence Without Pay
- 6. Jury Leave
- 7. Official Leave
- 8. Military Leave
- 9. Union Leave
- 10. Bereavement Leave
- 11. Worker's Compensation Leave
- 12. Family/Medical Leave (FMLA)
- 13. Liberal Leave
- 14. Extended Leave
- 15. Leave for Negotiations

B. Disability Leave²

- 1. Except in emergencies, notification of illness or injury that would prohibit an employee from being at work will be accomplished as early as possible, but not less than one (1) hour prior to the time the employee is scheduled to report for duty, assignment, or detail. If the employee's supervisor cannot be reached, he shall notify someone within his direct Chain of Command.
- 2. Last minute leave requests impact the ability to begin patrol shifts with adequate staffing. Therefore, Patrol officers shall strive to make notification of illness or injury in advance of one (1) hour, if possible. Patrol officers shall notify their immediate supervisor or the Duty Officer of the District they are assigned.

¹ CALEA 22.2.1

² CALEA 22.2.1c

3. Members assigned to the Communications Division will make notification to the 911 Center on-duty supervisor.
4. The member requesting disability leave is responsible for ensuring that all notifications are made to appropriate personnel when the member is scheduled for an assignment other than his normal duty assignment (i.e. District Court, training sessions). The member is also responsible for obtaining the name of the person to whom notification is made to ensure accountability at a later date, if necessary.
5. All disability leave use must be documented on the appropriate HCPD form by the member receiving the notification of request for leave.
6. Officers on disability leave are considered to be on temporary non-officer status. They maintain their police powers, but are not allowed to work either within the HCPD or with any secondary employment agency. Members on disability leave or light duty status may not use any HCPD physical fitness facility unless specifically authorized, in writing, by their medical practitioner and supervisor.
7. Employees using more than three (3) consecutive workdays of disability leave must submit a written certification from a physician or other licensed medical practitioner upon their return to work. The certificate must confirm the dates of treatment, the anticipated duration, and the employee's inability to report to work or perform the employee's duties and responsibilities for the duration of his absence from duty.
8. If more than three (3) consecutive workdays of disability leave are used by the member to care for a sick child or spouse, the procedures identified for written certification in the above section should be followed.
9. If disability leave abuse is suspected, the member may be notified that a doctor's certificate will be required for future absences of less than three (3) days. A member who has submitted a notice of intent to resign may be required to submit a doctor's certificate for all disability leave used during the notice period.
10. The Chief of Police, or his designee, may require, at no expense to the member, a second opinion as to any serious health condition that results in the member missing five (5) or more consecutive days of work, consistent with the provisions of the FMLA.
11. A member who has prior knowledge of a need for disability leave (i.e. pre-scheduled treatment, dental procedure, operation, etc.) will inform his supervisor in advance so that changes to work schedules may be requested and approved as appropriate.
12. If a member does not have any remaining disability leave, he should request, in writing, approval from the Chief of Police to use personal leave, compensatory time, and/or annual leave if he needs to take leave for disability. A request is not a guarantee of approval.

C. Annual Leave³

1. Annual leave will be granted based upon available leave slots and staffing needs in accordance with the guidelines of the Howard County Employee Manual and the provisions afforded by any applicable negotiated bargaining agreement. SOP COMM-10, Leave and Overtime, provides additional guidelines for members of the Communications Division.

³ CALEA 22.2.1d

2. Leave requests may be submitted no earlier than 120 days prior to the date for which leave is requested, unless otherwise negotiated in a bargaining agreement.
3. Leave requests submitted between 90 and 120 days prior to the date for which leave is requested will be granted by seniority, based on time accumulated since the date of hire or class ranking.
4. Leave requests submitted less than 90 days from the date for which leave is requested will be granted on a first-come, first-served basis.
5. Supervisors will approve leave requests in accordance with existing staffing requirements within their organizational component. Supervisors may grant exceptions where a demonstrated hardship is proven, and approval is received from the employee's District or Bureau Commander. If granted, the District or Bureau Commander must ensure the organizational component is suitably staffed.

D. Holiday Leave⁴

Employees will be entitled to paid holidays as identified in the Howard County Employee Manual and any applicable negotiated bargaining agreement.

E. Leave of Absence Without Pay

Except for non-duty related disabilities, the Howard County Personnel Officer may grant requests for leave of absence without pay for a period not to exceed one year under such terms and conditions as are set forth in the Howard County Employee Manual.

F. Official Leave⁵

1. The Chief Administrative Officer may grant official leave with pay to allow employees to attend professional meetings, technical conferences, and short-term courses (outside the County) on subjects related to official duties, or for other purposes.
2. In the event of an incident leading to an Internal Affairs Division investigation, an employee may be placed on official administrative leave, with or without pay, temporarily if it is determined to be in the best interest of the public, the employee, or the HCPD.⁶ Refer to General Order ADM-02, Internal Investigations, for administrative leave guidelines.
3. Personnel requesting attendance at a meeting, function, or training covered by official leave shall consult General Order ADM-37, Budget and Fiscal Procedures, for detailed procedures. When possible, any request will be made at least thirty (30) days prior to the actual event.
4. The HCPD Personnel Section will issue a Personnel Order, upon verification of the proper authorization, and forward it to the Deputy Chief of Police – Administration Command for approval.
5. When the final approval is received, the Personnel Section will distribute a copy of the Personnel Order to all affected personnel.

⁴ CALEA 22.2.1b

⁵ CALEA 22.2.1a

⁶ CALEA 22.2.1a

G. Bereavement Leave⁷

In accordance with any applicable bargaining agreements and the Howard County Employee Manual.

1. With the exception of Patrol which requires approval from a Watch Commander, the member's immediate supervisor will grant bereavement leave for a maximum of three (3) consecutive workdays following the death of a spouse, son, daughter, mother, father, brother, sister, parents-in-law, step-parents, or grandparents.
2. A maximum of one (1) day will be granted upon the death of the employee's brother-in-law or sister-in-law.
3. Up to two (2) days of additional bereavement leave may be granted, with written authorization from a Division or Watch Commander, if the death or funeral occurs out of state.

H. Family and Medical Leave (FMLA)⁸

1. All civilian and sworn employees are entitled to the provisions of the Family and Medical Leave Act (FMLA) as identified in the Howard County Employee Manual.
2. Supervisors may not sign FMLA leave slips until officially authorized by the Howard County Office of Human Resources.
3. All of the provisions and limitations identified for disability leave within this General Order shall apply to any member on FMLA (regardless of the actual type of leave used).

I. Liberal Leave

1. Civilian employees will be entitled to liberal leave as identified in the Howard County Employee Manual, except for employees who are designated as essential/emergency civilian employees.
2. The Chief of Police, or his designee, will publish and periodically update a list of essential/emergency civilian employees, to include all designated Communication Center employees and all employees designated as providing an essential service.

J. Military Leave

When a member has been notified by the military of dates to report for any training or deployment, the member must submit a leave slip to their immediate supervisor as soon as possible. A copy of the orders shall be submitted upon receipt. The same process shall apply should the orders be cancelled.

The HCPD has established guidelines to assist and support members in preparing for, and returning from an extended military deployment. These guidelines also include support for the member and their family during this stressful time.

⁷ CALEA 22.2.1a

⁸ CALEA 22.2.1e

1. Pre-Deployment: upon receipt of the member's military orders a representative of the Human Resources Bureau (HRB) will be assigned as the point of contact to conduct the following:⁹
 - a. Place a copy of the military order in the member's personnel file.
 - b. Send a copy of the order to Howard County Human Resources.
 - c. Ensure a Personnel Order is issued to all HCPD personnel.
 - d. Ensure the member's family contact information is up-to-date.
 - e. Assist the member in making sure the following contacts are made:
 - 1) County Human Resources (HR): to discuss salary, leave, benefits, etc.
 - 2) Quartermaster: to turn in certain issued equipment, departmentally issued firearms and Taser (excluding OC and ASP), and the MDC.¹⁰
 - 3) HCPD Court Liaison: to provide deployment dates and a court notification form.
 - 4) Chief of Police or his designee for exit interview.¹¹
2. During the deployment period the HCPD HR representative will:
 - a. Periodically check on the member and the member's family.
 - b. Forward promotional information to the member and if possible conduct a live promotional interview with the Chief via the internet.¹²
 - c. Ensure the member's work email remains activated so the member may periodically check.
3. Post-Deployment/Reintegration
 - a. HCPD will comply with the provisions stated in the Uniformed Services Employment Reemployment Rights Act (USERRA).
 - b. The HR representative will notify the County HR of the member's return date. County HR will send a letter to the returning member with benefit information.
 - c. Upon return the member will be temporarily assigned to Education & Training for a period of time to complete the reintegration process which shall include the following:¹³
 - 1) Meet with HRB Representative to review process
 - 2) Schedule any recertification and in-service training¹⁴
 - 3) Meet with the Psychologist
 - 4) Meet with Chief of Police or his designee
 - 5) Review policies and procedures
 - 6) Meet with Quartermaster to pick up previously turned in equipment.
 - d. Once the reintegration process is complete the member will return to active duty with a Field Training Officer for an unspecified period of time to readjust to civilian work.

⁹ CALEA 22.2.8a

¹⁰ CALEA 22.2.8d

¹¹ CALEA 22.2.8c

¹² CALEA 22.2.8g

¹³ CALEA 22.2.8e

¹⁴ CALEA 22.2.8f

K. Extended Leave

1. Extended leave refers to discretionary paid leave requested by an employee during the period preceding their resignation or retirement.
2. Extended leave requested for a period of three (3) consecutive calendar weeks or less may be approved by the employee's immediate supervisor.
3. Extended leave requested in excess of three (3) consecutive calendar weeks requires the approval of the employee's Deputy Chief or, if assigned to the Chief of Police's Office, the Chief of Staff.
4. Factors to be considered when approving a request for extended leave may include, but are not limited to:
 - a. The impact on staffing and unit efficiency caused by the extended absence of the employee.
 - b. The inability to advertise and fill the vacancy prior to the actual departure of the employee from the Department.
 - c. An officer's court appearance schedule.
 - d. The need to make arrangements through HCPD and Howard County Human Resources for out-processing and exit interview.
 - e. The need to make arrangements with the Quartermaster for inventory and return of all issued equipment, if applicable.
 - f. The need to minimize the operational involvement of sworn employees in the period preceding their departure.
 - g. Consideration of removal from the PVSP Program, if an officer, during the period prior to departure from the Department.

III. **PAID OVERTIME**¹⁵

- A. Paid overtime will be authorized when deemed necessary by a supervisor or when required by the Howard County Employee Manual and/or negotiated collective bargaining agreements.
- B. Overtime is only authorized for:
 1. Non-supervisory civilian members pay grade I and below.
 2. Civilian supervisors pay grade J and below.
 3. Lieutenants and below.
- C. Paid overtime will be authorized for officers that are summoned to court while on annual leave, only if the summons was received **AFTER** leave was approved. The same is true of officers that are asked to work during their annual leave time due to low staffing levels.
- D. Members requesting paid overtime will complete and submit the appropriate HCPD form either on the same day that the overtime is earned or by the next shift.

¹⁵ CALEA 22.1.1f

- E. Overtime forms must be signed by a supervisor or commander directly related to the assignment or detail and at least one rank above that of the requesting officer.

IV. COMPENSATORY TIME¹⁶

- A. Compensatory time will be earned, used, and managed as specifically defined and regulated by the Howard County Employee Manual and/or any applicable negotiated bargaining agreement.
- B. Authority to earn compensatory time, when authorized by a supervisor, will be granted to:
 - 1. Non-supervisory civilians pay grade I and below.
 - 2. Civilian supervisors pay grade J and below.
 - 3. Lieutenants and below.
 - 4. Captains will be given compensatory time at the straight time rate for up to eighty (80) hours.
 - 5. Civilian employees pay grade K and above will be given compensatory time at the straight time rate for up to eighty (80) hours.
- C. Employees requesting compensatory time will complete and submit the appropriate HCPD form either on the same day as the compensatory time is earned or by the next shift.

V. COMPENSATION FOR COURT APPEARANCES¹⁷

- A. Compensation for court appearances will be in accordance with the Howard County Employee Manual and any applicable negotiated collective bargaining agreements.
- B. Compensation for job-related appearances in civil cases will be in accordance with the following guidelines:
 - 1. Any HCPD member receiving a summons to appear in court regarding a job-related civil case will notify his supervisor on the first workday after receiving the summons. If it appears that the civil proceeding may involve a significant number of days in court, the supervisor should attempt to adjust the member's work schedule to accommodate this need. Unless a schedule change has occurred, members will submit an overtime/compensatory time slip in a similar manner as for criminal court cases.
 - 2. This does not apply to civil cases that have no connection to work-related incidents.
 - 3. Members are not to be privately reimbursed by a party to a job-related civil proceeding.
- C. The HCPD does not provide compensation to former employees for court appearances. However, civilian positions where testifying is a part of their job responsibilities (i.e. crime scene technician and latent print examiner) may be compensated for court appearances related to prior HCPD law enforcement employment, as authorized by their respective Deputy Chief of Police.

¹⁶ CALEA 22.1.1e

¹⁷ CALEA 22.1.1 f & 22.1.1e

VI. CANCELLATIONS

This General Order will cancel and replace General Order ADM-61, Leave and Overtime Policy dated June 19, 2006.

AUTHORITY:



Gary L. Gardner
Chief of Police