

Unscheduled Leave Policy

1015.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the city personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.), the California Family Rights Act, leave for victims of crime or abuse, or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

1015.2 EMPLOYEE RESPONSIBILITIES

Unscheduled leave may be used for absences caused by illness, injury, diagnosis, care or treatment for existing health conditions, temporary disability (including pregnancy/maternity), or for medical, dental or vision exams or medical treatment of the employee or the employee's immediate family when it is not possible to schedule such appointments during non-working hours.

Unscheduled leave is not considered vacation, and abuse of unscheduled leave may result in discipline and/or denial of unscheduled-leave benefits. Employees on unscheduled leave shall not engage in other employment or self-employment, or participate in any sport, hobby, recreational or other activity which may impede recovery from the injury or illness.

1015.2.1 NOTIFICATION

Any employee of this department that cannot report for duty as scheduled due to illness or disability shall notify the on-duty Watch Commander. This notification is normally accepted by dispatch. Texting and email are not acceptable methods of contact. Phone calls shall be made.

The dispatcher receiving the notification shall immediately attempt to connect the employee with on-duty Watch Commander. If the dispatcher is unable to contact the on-duty Watch Commander, the information will be received and forwarded as soon as practical.

In the case of an emergency, every effort should be made to have a representative contact the supervisor. (Labor Code Section 246)

Personnel assigned to units other than Patrol, shall contact their appropriate supervisor for notification. Texting and email are not an acceptable method of contact. Phone calls shall be made.

Notification by an employee of their impending absence shall be made at least two (2) hours prior to the scheduled time for reporting to duty. Exceptions may be made for last minute emergencies. (City of Fontana Personnel Rules and Regulations, Rule XI, 2.4(a))

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When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever possible, provide the Department with no less than 30-days notice of the intent to take leave. (Labor Code Section 246)

1015.3 EXTENDED ILLNESS

Employees on extended absences shall, if possible, contact their unit supervisor at three-day intervals to provide an update on their absence and expected date of return. Employees absent from duty due to personal illness in excess of three consecutive days may be required to furnish a statement from their health care provider supporting the use of unscheduled leave and/or the ability to return to work. The City reserves the right to require the employee to submit a release, indicating any limitations, signed by a treating physician prior to allowing an employee to return to work.

When the Chief, with the concurrence of the Human Resources Director, has a reasonable suspicion that the leave is not being used properly, the employee may be notified that for the next 6-month period the employee will be required to file a physician's certificate or other approved verification with the Human Resources Director stating the cause of absence.

Nothing in this section precludes a supervisor, with cause, from requiring a physician's statement if three or fewer unscheduled days are taken.

1015.4 SUPERVISOR RESPONSIBILITY

Supervisors should monitor unscheduled leave usage and regularly review the attendance of employees under their command to ensure that the use of unscheduled leave is consistent with this policy. Supervisors should address unscheduled-leave use in the employee's performance evaluation when it has negatively affected the employee's performance or ability to complete assigned duties, and when unusual amounts of unscheduled leave by the employee has had a negative impact on department operations. When appropriate, supervisors should counsel employees regarding the excessive use of unscheduled leave and should consider referring the employee to the Employee Assistance Program.

1015.5 OTHER CONDITIONS

All other conditions relating to unscheduled leave shall be adhered to as stated in the City's Personnel Rules and Regulations.