	SALISBURY POLICE DEPARTMENT
	Written Directive: Personnel Management System (Compensation and Benefits)
	Publication Date: February 16, 2018
	Approved: Barbara Duncan, Chief of Police
Related CALEA Standards: 22.1.1, 22.1.2, 22.1.3, 22.1.9, 22.2.1, 22.2.3	**Personnel Management System (Compensation and Benefits)** Section #114

Personnel Management System (Compensation and Benefits)

1. **Policy:**

The Salisbury Police Department shall provide appropriate controls for the management and use of leave, overtime, sick leave and Family Medical Leave. The Salisbury Police Department will also provide its employees with a comprehensive benefits and health insurance program.

2. **Purpose:**

Employees of the Salisbury Police Department are authorized to receive certain benefits leave time, salary increases and position reclassifications as enumerated in the City of Salisbury employee handbook made available to every employee. The manual specifies the amount of leave each employee may accrue and the various types of leave authorized. It also lists other benefits offered to city employees, outside of LEOPS, such as civilian retirement, health and life insurance and optional benefits that may be purchased by the employee, such as disability coverage.

3. **Departmental Salary Program and Salary Augmentation:**

The director of internal services office is responsible for the administration of the pay plan on an equitable basis for all city employees. The director of internal services is responsible for interpreting the application of the pay plan and is assisted by the Chief of Police who annually analyzes reports and makes recommendations to the Mayor on the adequacy of the pay plan.

Entry-level salary is normally the minimum probationary (entry-level) rate in the established pay grade range for the position. Sworn officers are on a twenty four month probationary period from the date of hire. Salary differential within grade is determined by merit increase recommendations made by the chief of police to the mayor's office. Merit recommendations made by the chief are based on the previous performance

evaluation scores and their relative standing in the relation to other employees in the same grade. Cost-of-living increases and adjustments, as well as effective dates, are set by city council. The City of Salisbury has no salary level provision for departmental personnel with special skills such as communication repair and the like.

The Salisbury Police Department maintains a manual of all approved class specifications for the police department and provides the Mayor and City Council with relevant police department class specifications.

Commanders as well as all employees are responsible to help ensure that the department position classifications are kept current and, when changes occur in jobs as they actually exist, to make recommendations concerning revisions to the chief of police. The chief will process such recommendations to the mayor's office for action as is deemed appropriate.

On an annual basis, normally as part of the budget process during which positions might be modified and/or upgraded, the chief of police provides input to the mayor's office as to changes recommended in the classification. Approval of these changes generally is the responsibility of the mayor's office.

Salary differential between grades is determined by the city classification and pay plans. Normally, when an employee is promoted from one grade to another, the increase in salary due to grade change is included, the exact amount of which is decided by the mayor and council.

4. <u>Overtime:</u>

All overtime will be paid in the form of time and one half with a two hour minimum paid for court appearances and a two hour minimum for other circumstances and when an employee is called in to work while off duty. Additionally, overtime may be paid under the following conditions:

A. When an employee works overtime on a shift because of a shortage of manpower.

B. When overtime is worked due to an arrest, overload of calls, late arrest or investigation.

C. Emergency conditions such as extra patrols around the holidays, special events, weather related events or assisting other agencies.

D. Each employee must submit a request for the overtime pay to the on-duty squad commander immediately upon earning the overtime and before leaving headquarters when ending his/her tour of duty. This includes court appearances. After an officer

attends court, he must return to the department and submit an overtime request. In order to collect overtime pay for court appearances, a copy of the court summons must be attached to the overtime slip.

5. **Compensatory Time:**

Publication of employee's compensatory leave as of June 30th each year will be made at or around June 1each year.

Compensatory time is earned at time and one half and may be granted to all employees for necessary work performed other than normal duty hours. In no case will compensatory time accrue in the excess for 120 hours.

An employee must work for one half (1/2) hour over his/her regular tour of duty before qualifying for compensatory time (i.e., -an employee is scheduled to work their tour of duty and they work one half hour over that tour of duty), then they are qualified to receive three quarters of an hour compensatory time.

Each employee requesting compensatory time must complete a compensatory time request form before leaving the department to end their tour of duty and immediately submit it to their supervisor or the on-duty commander for approval or rejection. If the compensatory slip is approved, the supervisor or the on-duty commander will then forward the compensatory slip to the payroll clerk to be logged in.

When an employee uses compensatory time, the employee will submit a leave slip to their supervisor for approval. If, approved, the leave slip will be forwarded to the administrative assistant for processing.

A. The mandatory use of accrued compensatory time over 100 hours will be as follows:
   a) When an employee has accrued in the excess of 100 hours compensatory time, the employee will schedule a meeting with his or her supervisor to discuss how and when the compensatory balance will be reduced;
   b) Accrued compensatory time in excess of 100 hours will be scheduled and used before any other type of leave;
   c) Every attempt will be made to schedule accrued compensatory time in excess of 100 hours within 30 work days; and
   d) On occasion an employee may be assigned to a special duty of assignment or be placed in a unique situation in which compliance with this policy is not possible. Any deviations from policy must be authorized by the employee's division commander. In these rare circumstances excess compensatory time will be used expeditiously.

B. Compensatory time is not approved for court appearance.

C. All compensatory time records will be kept and maintained by the payroll clerk who will post all balances on or about the first of each month; supervisors may request a copy of one or more balances at any time.

6. **Leave Program (Procedures):**

A. Personal Leave:

Publication of employee's personal leave as of June 30th each year will be made at or around June 1each year.

Up to 8 hours personal leave will be issued at the beginning of the fiscal year to each full time employee to take at the employee's request, provided approval is granted by the employee's supervisor. In order to be granted personal leave, the employee must have been employed by the city for at least one year. Personal leave may not be carried over to the next fiscal year.

B. Recognition for outstanding service leave:

Leave for this purpose is issued within the department by the authority of the chief of police. Up to 24 hours of such leave per fiscal year with pay may be authorized for recognition.

C. Recognition of recruiting qualified personnel leave:

This leave will be available to personnel who recruit a qualified candidate for employment as a sworn officer who is hired by the department. Up to 8 hours of leave with pay for this type of recognition per fiscal year will be granted by the authority of the chief of police. From time to time and at the city's discretion, additional recruitment incentives may be provided beyond what is stated above.

D. Recognition for outstanding attendance leave:

Up to 8 hours of leave, known as a recognition day, will be issued at the beginning of a fiscal year for any employee who has used no sick leave for himself/herself or his/her family during the prior fiscal year. A recognition day cannot be carried over to the next fiscal year.

E. Bereavement leave:

Employees will be granted up to 3 days of absence without loss of pay upon the death of the following: child, parent, grandchild, grandparent, step-parent, step-child,

brother, sister, husband, wife, mother-in-law, father-in-law, or anyone who has lived regularly in one's household. Such leave must surround the days of the funeral.

An 8-hour absence without loss of salary will be allowed for the death of an uncle, aunt niece, nephew, first cousin, sister -in-law or brother-in-law.

Bereavement leave will not be counted against sick leave or emergency personal leave.

F. Jury Duty Leave:

A regular full-time employee will be granted leave with pay for a period up to fifteen days per fiscal year for jury duty. The employee will be paid the employee's regular salary. Employees are expected to provide notice of jury duty as soon as the employee is notified by the court. In extraordinary circumstances, jury duty may be continued by the decision of the Mayor.

G. Military Leave for Active Duty:

In the event that a regular full-time employee is either inducted into the Armed Forces of the United States or is called up to active duty as a member of the U.S. Armed Forces Reserves or the National Guard, the following policy will govern the employee's pay and benefits while on such active duty status:

a) Upon presentation of orders and the establishment of an effective date for the leave of absence, an employee is placed in leave without pay status.
b) The employee's status is frozen relative to all benefits, with the exception of health care and life insurance premiums which shall continue under the same terms and conditions as if the employee remained an active employee. If the employee is now paying a percentage of the premium, the employee must make arrangements to continue to pay the percentage of the premium.
c) Any accumulations of leave or compensatory time will remain in place, or the employee may choose to receive pay for any accrued annual or personal leave. The leave of absence will not be considered time worked for purposes of determining benefits that accrue on the basis of employment, such as sick leave and annual leave.
d) The employee is given job retention rights after active duty, subject to physical and psychological ability to perform, to the employee's former position or one of comparable status. To exercise reinstatement the employee must report within 90 days of release from active duty.
e) The employee shall be granted all across-the-board increases realized during absence.
f) If the employee's total military pay is less than the pay as an active city government employee, the employee shall be entitled to the difference in pay

between total military pay and the city pay. The employee must document this difference by the presentation of military pay stub to the City's payroll clerk.

H. Military Leave for Training and Weekend Drill Obligations:

A regular full-time employee, who is a member of the Armed Forces Reserves, shall be eligible for paid military leave for training and weekend drill benefits not to exceed 39 working days each calendar year. Application for military leave for training purposes shall be made immediately upon receipt of official notification. Paid military leave may be used toward weekend drill or training obligations when the employee is scheduled to work for the City of Salisbury and is unable to fulfill the city's schedule due to the weekend drill or training obligations. Employees may combine the paid military leave along with the use of annual leave, compensatory time, or leave without pay to cover training and weekend drills that go beyond the 39 days in any calendar year.

I. Holiday Leave:

a) Publication of employee's holiday leave as of June 30th each year will be made at or around June 1each year.

b) No more than 10 days or 80 hours of holiday leave time, whichever is greater, may be carried over at the end of a fiscal year. Any unused days or hours in excess of that amount will be forfeited.
As a general rule, another day off will be granted to those employees whose shift requires them to work on the regularly scheduled holidays.

When an employee who has accumulated holiday leave desires to take holiday leave, a request must be submitted to the approving authority on form SPD-027 a minimum of five days prior to the effective date of the leave, in two copies. The five day requirement may be waived by the division commander or chief of police if resources allow or under unusual circumstances.

c) Holiday leave may not be granted for various reasons, such as when another member of the same squad is scheduled to be on leave the same day, when other members are in mandated training schools, when the workload increases because of approaching holidays, or if a member of the same shift is on sick leave.

A leave slip must be submitted in the prescribed manner, and no more than two employees per shift can be allowed off at one time. It is to be understood that each commander will be responsible for his/her decision to grant such leave, making certain that his/her working shift can and will adequately handle the day's

responsibilities. It should be further understood that the personnel off on this leave must be ready and able to return to work that day if the need should arise.

The squad commanders will make every effort to schedule each shift member to be off at least one of the three aforementioned holidays as manpower dictates.

d) The city of Salisbury has designated the following days as official holidays for city employees:
   i. New Year's Day
   ii. Martin Luther King's Birthday
   iii. President's Day
   iv. Good Friday
   v. Memorial Day
   vi. Independence Day
   vii. Labor Day
   viii. Veteran's Day
   ix. Thanksgiving Day
   x. Day after Thanksgiving
   xi. Christmas Day

e) At the commander's discretion, two employees per squad may be allowed off on leave for the following three holidays only, maintaining staffing to safely and effectively meet the needs of that particular shift:
   i. Thanksgiving Day
   ii. Christmas Day
   iii. New Year's Day

J. Sick Leave Program

a) Publication of employee's sick leave as of June 30th each year will be made at or around June 1st of each year.

b) Full-time city employees are credited with 8 hours sick leave per month worked following their date of hire. Sick leave earned in the preceding month will be credited on the first day of the following month. No sick leave will be credited on the first day of any month if the employee has not reported to work at all during the preceding month due to any cause other than vacation or on-the-job injury. At no time will sick leave be paid out in cash in lieu of time off, except upon retirement. In the case of absence due to an on-the-job- injury, sick leave will accrue for the first six months of the absence. No sick leave will accrue beginning on the seventh month of the absence.

c) Accumulating, Crediting, or Transferring Sick Leave
   i. Employees accumulate sick leave at the rate of 8 hours per month following their date of hire; and
   ii. Although sick leave shall accrue to an employee while in leave-with-pay status, it shall not accumulate while on a non-pay status.

d) Granting and Charging Sick Leave
   i. Sick leave with pay shall be granted to all employees, provided they have accumulated unused sick leave when they are incapacitated from the performance of their duties by sickness or injury which is not the result of their own intentional or reckless misconduct; or when, the employee is suffering from a contagious disease and his/her presence at his/her place of duty would jeopardize the health of others. A contagious disease for the purpose of this regulation is one of the more serious kinds such as smallpox, spinal meningitis, or such other disease as a medical doctor certifies as necessitating quarantine.

   ii. Sick leave shall not be granted for indisposition not incapacitating the employee from the performance of his/her regular duties. Sick leave be granted for a period immediately following a period of absence in a non-pay status, unless and until there is a return to duty. The leave taken without pay may not later be converted into sick leave. The granting of sick leave is subject to the following requirements:

      1) Notification of absence on account of sickness shall be given as soon as possible on the first day of absence. If such notification is not made in accordance with this section, the period of absence may be charged as leave without pay.

      2) For a period of absence of twenty-four (24) hours or less, the employee's signed statement on a prescribed form may be accepted. There is no need to provide a doctor's note in order to return to work.

      3) If an employee's use of sick leave exceeds 40 hours in a fiscal year the employee shall be required to produce a note from a practicing physician, physician assistant or nurse practitioner.

      4) If the employee fails to produce a note from a practicing physician, physician assistant or nurse practitioner after the 41st hour of sickness, the leave will be without pay.

5) For a period of continuous absence in excess of twenty-four (24) working hours, a certificate of a registered practicing physician, physician assistant or nurse practitioner supporting the application for sick leave must be filed on the day the employee returns. A certificate/note from a registered practicing physician is required for sick day(s) taken immediately before or immediately after scheduled leave or a city of Salisbury observed holiday. This shall not include regular days off.

6) Sick leave may be granted to an employee if he or she is detained at home or in a hospital by illness or disability due to causes as to which a dentist or oculist is qualified to certify.

7) Salisbury Police Department employees will be allowed to use accumulated sick leave hours for doctor or dentist appointments. Personnel are to complete and submit, to their supervisor, the request for sick leave approval form and attach a physician's note indicating the date and time of the appointment and the length of time spent at the doctor's office.

e) Substituting Sick Leave for Annual Leave (Employee's Illness Only)

i. When a period of Sick Leave exceeds three (3) working days within a period of annual leave, the employee may, upon presentation of the certificate of a practicing physician, physician assistant or nurse practitioner, use sick leave for the period of illness and the charge against annual leave reduced accordingly. No such substitution of sick leave for annual leave shall be permitted if the period of illness does not last more than twenty-four (24) working hours. Application for the substitution of sick leave for annual leave shall be made within seven days after the employee returns to duty.

f) Charging Sick Leave

i. Employees shall be charged for sick leave only after absence on account of illness on days upon which they would otherwise work and receive pay. Sick leave will be charged hour for hour when the employee leaves work during any portion of their scheduled tour of duty.

g) Donated Sick Hours

i. Any employee who is incapacitated due to a serious health condition and who has used all his/her earned sick leave and has exhausted all other accumulated leaves (annual, holiday, personal, compensatory

time) will be permitted to request once, in writing, donated sick hours, up to a maximum total of eighty (80) hours. The department will then circulate one request for donated sick leave to employees eligible to donate. Donating employees shall have ten (10) calendar days from the date of the department notice to donate sick leave by submitting a written response to the administrative division commander or his/her designee. Hours may be donated only by employees within the same pay classification or a higher classification. Thereafter, if the employee is unable to return to work, he/she will be charged without pay.

h) Sick Leave Use – Spouse, Child, Parent

i. City employees earn 8 hours of sick leave per month for a total of 96 hours per year. Employees may use up to 40 hours of their accumulated sick leave to care for a spouse, child or parent with their supervisor's approval in the event of a serious health condition or illness. Any employee who needs to use sick leave to care for a family member with a serious health condition or illness will contact their supervisor and obtain approval prior to utilizing the sick leave. When approving sick leave of this type, supervisors should consider the following:
   1) Minimum staffing to ensure the safety of personnel on duty
   2) The circumstances of the request

ii. Sick leave can be used for previously scheduled doctor's appointments for family members. Hours will be tracked on a fiscal year basis (July-June).

iii. Employees will notify their supervisor to note that the sick leave day is for the care of a family member. Employees must submit a note from their family member's physician, physician assistant or nurse practitioner along with an application for leave form upon returning to work indicating the reason for the requested sick leave when sick leave exceeds 24 hours.

i) Injury Sustained while working

i. In the event of an on-the-job injury, an employee must immediately report the accident to the employee's supervisor in writing.

ii. Do not wait until the day following an injury or over a weekend to report an injury. All injuries should be reported on the day of occurrence. The employee should not leave work until a written report has been made.

iii. If you are injured on the job, you must discuss the circumstances with your supervisor who will ensure the completion of an injury report

form. Further, you must fully cooperate in any investigation relating to the injury. All paperwork must be forwarded to the division commander prior to the end the tour of duty.

iv. When an employee suffers an injury in the course of his/her city employment and there has been a final determination that he/she is entitled to workers' compensation benefits, such absences shall not be subject to deduction of any sick leave due him/her.

v. In the event of a final determination that an accident is compensable under the Maryland Workers' Compensation Act, an employee may receive full pay for up to three months while such an employee is unable to perform the essential functions of his position. Upon the conclusion of three months, the employee's pay may be continued for a period to be determined by the city if there is a bona fide documented expectation that the employee will return to work to the position which he held at the time of the accident. In no event will payment be extended beyond one year from the date of the accident. As a condition to receiving this benefit, the employee agrees to be evaluated by a doctor designated by the city from time to time as the city may direct at city expense.

vi. Any compensation that may be paid to any employee by the worker's compensation insurer shall be turned over to the director of internal services for coverage into funds of the city. At any time after the accident, even though the employee is unable to perform the essential functions of his/her position, if the employee is offered by the city, in its sole discretion, a modified version of his/her current position or a light duty position which the employee is reasonably able to perform, then the employee will not be entitled to any additional pay under this section if the employee refuses or fails to accept and perform such modified position or light duty work.

j) City Policy

i. Although providing a sick leave benefit for illnesses, the city retains a right to discipline employees, transfer employees or terminate employees whose resultant pattern of absences prevents the employee from effectively performing the essential functions of the job. The city further reserves the right to request that an employee undergo a physician's examination by a physician selected by the city, at the expense of the city, to verify that an employee can continue to perform the essential functions of the job without danger of injury to the employee or co-workers. The city also reserves the right to require that employees remain accountable during all periods of absence, including

the requirement that employees report to their department upon request to discuss their status in person with their supervisor.

k) Light Duty

i. Light duty is a time limited period which allows an employee to work in a temporary position while recovering from illness or injury. An assignment of light duty:

1) Depends upon the needs of the department;
2) May be any position in the department; and
3) Preference for light duty will be given to employees with work related injuries. In that event an employee with an illness or injury which is not work related occupies a light duty position, then that employee may be bumped from the light duty position if an employee with a work related injury becomes eligible for a light duty assignment.

In that event, the employee with the non-work related injury will be considered for leave to which such employee may be entitled under this chapter, as if no light duty were available for such employee.

l) Limited Duty (light duty) Psychological Related Reasons

i. Department employees will ensure their supervisors are notified immediately when they are to be off-duty or available for limited duty only due to stress or psychological reasons as determined by a medical practitioner.

ii. Supervisors shall immediately notify the commander of member's condition.

iii. The employee's commander shall suspend the employee's police powers until his/her psychological status renders them capable of performing full duty as determined by the department's psychologist. The commander shall also relieve the employee of his/her service weapon, suspend approval to carry his/her off-duty weapon (if applicable), and collect his/her badge and Maryland Police Commissions Certification Card and place them with the quartermaster for security. Upon release to full duty by the department's psychologist, police powers will be reinstated, and equipment will be returned.

iv. While police powers are suspended, employees shall not wear the department uniform or operate police vehicles. Employees should wear suitable business attire while on duty. Approval to engage in secondary employment will be suspended during this time.

m) Limited Duty (light duty) for medical reasons

i. If any employee has an illness or has sustained an injury and a physician recommends the employee can perform a light duty assignment, then the following conditions apply:

1) The division commander will confer with the command staff to determine if a light duty assignment is available. The command staff will then conduct an evaluation of the needs of the department;
2) If the employee is not placed in a light duty assignment due to lack of a position, he/she will remain at the appropriate leave status until a position becomes available or he/she can return to full duty.
3) If a light duty assignment is available, the employee will be placed in that assignment;
4) While in a light duty assignment, the employee will not wear the department uniform or operate police vehicles. Suitable business attire will be worn. The employee will keep his/her weapon unless he/she is unable to qualify during the next scheduled qualifying date;
5) The employee's commander shall suspend the employee's police powers until his/her medical status renders them capable of performing full duty as determined by a physician, physician assistant or nurse practitioner. The commander shall also relieve the employee of his/her service weapon, suspend approval to carry his/her off-duty weapon (if applicable), and collect his/her badge and Maryland Police Commissions Certification Card and place them with the quartermaster for security. Upon release to full duty by a physician, physician assistant or nurse practitioner, his/her police powers will be reinstated, and equipment will be returned. If applicable, the employee will prequalify with their service weapon and off duty weapon in the event the employee missed a scheduled firearms qualification session;
6) If unable to qualify during the next scheduled qualifying date, the employee will notify his/her division commander and will surrender his/her weapon and police certification card to the commander who will place them with the quartermaster for security. Upon release to full duty by a physician, physician assistant or nurse practitioner his/her police powers will be reinstated and equipment returned;
7) If the employee's injury or illness is not line of duty and they are required to obtain therapy or make doctors' appointments during their working hours, he/she will be charged sick leave for the amount of time consumed for the appointment;

8) As a condition of receiving light duty status, the employee agrees to be evaluated by a doctor designated by the city from time-to-time as the city may direct at City expense;
9) Employees are limited with regard to light duty, to a maximum of 2080 cumulative working hours per incident; and
10) Employees unable to return to full duty status after assignment to a light duty position for 2080 hours must do one of the following:
    - Request and receive approval for a medical leave of absence (FMLA);
    - Apply and receive approval for a disability retirement;
    - Resign; or
    - Transfer to another available position in the City Government for which they are qualified and accepted.

n) Family and Medical Leave Act of 1993

The Pregnancy Discrimination Act of 1978 requires equal treatment of all employees regarding employment practices with respect to pregnancy, childbirth or related medical conditions.

No employee shall be discriminated against based upon the condition of pregnancy. Employment decisions concerning promotion, transfer, etc., will be bases upon skills, knowledge and ability to perform the job function.

Employees who are pregnant shall submit a physician's certificate as soon as possible if the condition requires the employee to be transferred to other duties for the safety and welfare of the employee and the unborn child.

The employee is eligible to take up to 12 weeks of unpaid family/medical leave within any 12 month period and be restored to the same or an equivalent position. Upon the employees return from leave provided that the employee:

1) Have worked for the city for at least 12 months;
2) The employee has worked for at least 1250 hours in the last 12 months. All requests for family/medical leave must be approved by the chief of police; and
3) The 12 month period for determining the 12 weeks of leave will be based on a rolling calendar year measured backward from the date an employee uses any FMLA leave.

i. Reasons for Family/Medical Leave

An employee may take family/medical leave for any of the following reasons:

1) The birth of a child and in order to care for such newborn child;
2) The placement of a child with the employee for adoption or foster care;
3) To care for a spouse, son, daughter, or parent ("covered relations"), with a serious health condition;
4) The employees own serious health condition which renders the employee unable to perform the essential functions of his/her position;
5) Or due to a qualifying exigency arising out of the fact that the employees spouse, child, son or daughter, parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves;
6) The employees spouse, son or daughter, parent, next of kin of a covered service member with a serious injury of illness; and
7) The employees right under the FMLA for up to 26 weeks of unpaid leave in a single 12-month period to care for a covered service member with a serious injury or illness.

Leave because of reasons "1" or "2" must be completed within the 12 month period beginning on the date of birth or placement. In addition, spouses both employed by the city who request leave because of reasons "1" or "2" or to care for an ill parent may only take a combined total of 12 weeks leave during any 12 month period.

ii. Notice of Leave

If the employees need for family/medical leave is foreseeable, the employee must give 30 days prior written notice. If this is not possible, the employee must at least give notice as soon as practicable (within 1 to 2 business days of learning of the need for leave.) Failure to provide such notice may be grounds for delay of leave. Where the need for leave is not foreseeable, the employee is expected to give notice within 1 to 2 business days of learning of the need for leave, except in extraordinary circumstances. Requests for family/ medical leave must be in writing.

iii. Medical Certification

If you are requesting leave because of your own or a covered relation's serious health condition, you and the relevant health care provider must supply appropriate medical certification. When you request leave, the

medical certification is due within 15 days after you make the request. Failure to provide requested medical certification in a timely manner may result in denial of leave until it is provided.

The city, at its expense, may require an examination by a second health care provider designated by the city if there are reasonable grounds to examine the original medical certification the employee initially provided.

If the second health care provider's opinion conflicts with the original medical certification, the city, at its expense, may require a third examination. The third examination will be conducted by a health care provider agreed upon mutually agreed upon by the city and the employee. This mutually agreed upon health care provider will conduct an examination and provide a final and binding opinion. The City will require subsequent medical recertification on a reasonable basis.

iv. Reporting While on Leave

If you take leave because of your own serious health condition or to care for a covered relative, you must contact your division commander on the first and third Monday of each month regarding the status of your or your relative's condition and when you plan to return to work.

v. FMLA leave must be taken concurrently with accrued and/or donated leave.

Family/Medical Leave, upon approval, must be taken concurrently with any accrued leave. This will ensure payment to the employee as long as accrued and/or donated leave exists. Accrued sick leave may be taken followed by other accrued leave. Upon depletion of all accrued leave, an employee may request an additional eighty (80) hours of donated sick leave. At the depletion of the additional eight (80) hours, the employee would be placed on leave without pay status.

vi. Medical and Other Benefits

During an approved family/medical leave, the city will maintain your health benefits as if you continued to be actively employed. If paid leave is being taken concurrently with family/medical leave, then the city will deduct your portion of the health plan premium as a regular payroll deduction. If your leave is unpaid, you must pay your portion of the premium to the city on the first day of each month.

vii. Employment Status While on Extended Leave

Benefits for annual leave, paid holidays, sick leave, administrative leave and pension do not accrue during an FMLA leave of absence (except when FMLA is taken concurrently with other leave during which such benefits would continue to accrue), but FMLA leave will be treated as continued service for purposes of pension vesting and participation rules.

viii. Exemption for Highly Compensated Employees

Highly compensated employees (i.e., highest paid 10% of employees) might not be returned to their former or equivalent position following a leave if restoration of employment will cause substantial economic injury to the city. The city will notify the employee if he/she qualifies as a "highly compensated" employee, if the city intends to deny reinstatement, and of the employees' rights in such instances.

ix. Returning From Leave

If you take leave because of your own serious health condition, you are required to provide medical certification that you are fit to resume work. Employees failing to provide a medical certification will not be permitted to resume work until it is provided.

7. **Annual Leave Program:**

A. Publication of employee's annual leave as of June 30th each year will be made at or around June 1each year.

B. All full-time employees accrue annual leave at the following rate, commencing with the first full month of service after the month of employment.

Years of Completed Service	Leave Credited on 1st Day of Following Month	
Up to 1	.83 days per month	6.6 hrs. /mo.
1-5	1 day per month	8 hrs.
6-9	1.25 days per month	10 hrs.
10-15	1.5 days per month	12 hrs.
16-19	1.75 days per month	14 hrs.
20 +	2 days per month	16 hrs.

C. Employees who do not contemplate leaving the service of the city during the fiscal year shall be entitled to take, at any time during the fiscal year subject to approval of the department head, the leave authorized for the entire fiscal year.

D. If the employee ceases employment during the fiscal year, the employee must repay the city for leave taken in excess of the annual leave earned through the date of the last date of employment. The rate of accrual of annual leave of an employee shall not be affected by transfer or appointment to another department without a break in service.
   a) Exception: As an exception to the accrual formula described above, no additional leave will be credited on the first day of the month if the employee has not reported to work at all during the preceding month due to any cause other than vacation or on-the-job injury. In the case of absence due to on-the-job injury, annual leave will accrue for the first six months of the absence. No annual leave will accrue beginning with the seventh month of the absence.

E. Granting and Charging Annual Leave
   a) The granting of annual leave, in addition to accumulated leave not in excess of 30 days (240 hours) is authorized and made mandatory. Employees may take such leave when it is best suited to their convenience so long as that convenience does not conflict with the interest of the Department.
   b) At the beginning of each fiscal year, on the publication list showing accumulated annual leave to the credit of an employee, each squad shall in accordance to seniority within the squad or unit, grant leave in two, one week blocks, (or length of their weekly tour of duty) for the current fiscal year, beginning with the senior employee, descending downward by the order of seniority to the employee with the least seniority. No more than one employee on each squad or unit shall be granted the same week.
   c) This process shall be repeated until all annual leave for each employee has scheduled. Each employee shall schedule sufficient annual leave so that such employee shall not have more than 240 hours accumulated leave by the end of the fiscal year. On June 30th, accumulated leave in excess of 240 hours which has not been used will be forfeited.
   d) If an employee is transferred to another squad, all of the employee's scheduled leave will be canceled. The employee must then reschedule his/her leave when it is best suited to his/her convenience, but does not conflict with previously scheduled leave of the squad, to which they have been newly assigned. At the beginning of the following fiscal year, the newly assigned employee will choose his/her leave in accordance to his/her seniority. If practical, scheduled leave will be taken into consideration when reassigning employees within the department.
   e) Only one employee per squad will be off at a time. Leave may not be granted or may be rescinded for other reasons; such as, other employees attending mandatory schools, other employees being on sick leave, heavy workload created by approaching holidays, or events etc. Approved weekly blocks of annual leave will only be rescinded as a last resort. The department will try to find adequate manpower by another means; such as overtime, temporary transfers, or cancellation of other types of leaves.

F. Method of Charging
   a) During a period of leave, employees will be charged with leave only for those days on which they would regularly work.
   b) When leave is desired by an employee, he shall apply therefore in writing on SPD-027, and shall then deliver such application to the employee's supervisor who shall recommend the approval or rejection of said application. The supervisor will then transmit the application via the chain of command for approval or rejection. Except in an emergency, requests for annual leave will be submitted to the approving authority on two copies of form SPD-027, a minimum of five days prior to the effective date of the leave, unless waived by the division commander. Approved leave may be rescinded by the division commander or other authorized person, when in his/her opinion conditions exist to warrant such action.

8. Terminal Leave:

When an employee's employment ceases, he/she is entitled to receive payment in lieu of accumulated and earned annual leave in an amount equal to the number of days of such leave is multiplied by his current daily rate of pay.

Example

An employee resigns effective September 10, 2007

His/her accumulated leave to June 30, 2007 .....176 hours
Annual leave earned July 1 to Sept 10 is .....16 hours
TOTAL 192 hours

Leave take in 2007 prior to Sept 10 .....64 hours
Balance accumulated and earned annual leave 128 hours

The employee is required by the terms of his/her employment to work forty (40) hours a week, or the equivalent thereof, and his/her rate of pay is $275 per week, which is equal to $55 per eight (8) hours. The employee is entitled to receive as terminal pay:16x$55, a total of $880.

In computing terminal leave pay due, fractional parts of a month shall not be considered for the purpose of determining days of earned annual leave. Any negative leave balance must be refunded by the employee within thirty (30) days of the date employment ceases, and may be deducted from amounts otherwise due by the city to the employee. Written authorization to the director of internal services is required for payment of terminal leave pay and said authorization shall indicate the amount to be paid.

9. **Leave Without Pay:**

Occasionally, employees may seek a leave of absence under circumstances which do not otherwise qualify for leave under the other sections described in this policy.

A. Employees who enter a leave without pay status must be covered under the below listed exceptions for approval:
   a) Military leave regardless of other accrued leave
   b) Illness supported by doctor's note subsequent to exhaustion of accrued sick leave
   c) Family medical leave subsequent to exhaustion of all other accrued leave
   d) At the discretion of the chief of police

B. An employee who enters a leave without pay status not covered by this policy may be considered absent without leave and face disciplinary action.

C. Each request for such leave should be addressed to the administrative commander in writing with the following information provided:
   a) The purpose for which the leave is requested.
   b) The length of time the employee seeks leave.
   c) The employee's position and length of service

D. The chief of police may approve an unpaid leave for up to 90 consecutive calendar days, provided however, that all accumulated and current holiday leave, annual leave, administrative leave, sick leave and compensatory time have been exhausted. It is within the discretion of the chief of police to extend a leave, and to require regular reports from the employee during the leave period.

E. At the end of the leave, the department will endeavor, but not guarantee, that it will reinstate the employee to the same position previously occupied or to a similar position as that held prior to the leave. Especially in the case of leaves of absence extended beyond 90 days, such a position may not be immediately available at the time the employee desires to return to work. In such circumstances, in the event no appropriate position becomes available within six months of the employee's request to return to work, the Department may terminate the employee.

F. In the event that an unpaid leave of absence is granted, the leave time will not be considered as time worked for the purposes of determining benefits that accrue on the basis of employment, such as sick leave and annual leave.

10. Personal Programs: Pension, Health Insurance, Disability And Death Benefits; Liability Protection And Educational Benefits Approved Courses Of Study:

A. Pension Program

All regular city employees must become members of the employee's retirement's system of the State of Maryland or the LEOPS system for sworn personnel. The provisions for the retirement plan are contained in a document which is available from the human resources.

B. Health Insurance Program

The city subsidizes a hospital and major medical insurance plan for all regular city employees. The details of the plan are available from the insurance company providing the coverage and these are set forth in a pamphlet each employee should receive

C. Disability and Death Benefits Program

For details concerning the City of Salisbury disability and death benefits program, the employee is to contact human resources.

D. Liability Protection Program

All city vehicles are covered by personal property and liability insurance. Moreover, the city's automatic fleet coverage protects the drivers of the city vehicles, subject to the terms of the applicable policy's, when they are involved in accidents while performing official duties. City employees who become involved in claims or damage suits because of the performance of their duties while driving their private automobiles on city business may be protected by the city's non-ownership liability coverage subject to the terms of the applicable policies of insurance. However, the employee's insurance of his or her personal vehicle will be used in the event of an accident on city business and only if insufficient to cover damages will the city's insurance be used to supplement the employee's personal insurance. Use of personal vehicles must be approved by a division commander or the on-duty squad commander.

Subject to the terms of the applicable policy (ies), liability protection generally covers employees for actions or omissions directly related to their law enforcement functions which may lead to tort, personal injury or death, and or property destruction which, in turn, could lead to civil action against the employee. All sworn and non-sworn employees of this department are covered by the liability protection program.

E. Educational Benefits (Approved Courses Of Study)

The department and the city afford every sworn and non-sworn employee the opportunity to obtain a college education resulting in an associate and/or bachelor degree as funding allows.

Police officer recruits are prohibited from taking advantage of the educational benefits described in this section until field training has been successfully completed.

No personnel will register for college without prior consultation with, and approval from the administrative commander, in all situations when the department is paying for the courses. Personnel are limited up to two courses per semester.

When sufficient personnel are available within a squad or other work group, personnel may attend college classes up to six hours per calendar week (Sunday - Saturday) on departmental time. Only one person per squad or work group may attend class at a given time. Only departmentally funded classes may be attended during on-duty time. On-duty attendance at class in excess of six hours per calendar week must be scheduled as leave time and will only be permitted if such leave time is available. Assigned meal times that fall within class time will not be rescheduled.

Personnel attending class within Wicomico County on departmental time will utilize their assigned vehicle. Personnel attending class on departmental time regardless of location will be subject to recall to their regular duties. Uniformed personnel will wear their uniform to class. Those attending approved classes and on duty during their attendance, will be available by cell phone.

Only those institutions mentioned above are approved for on-duty class attendance.

This program is designed to give personnel the opportunity to grow professionally in order to benefit themselves, the city and the department. Consequently, courses taken for personal interest will not be reimbursed, nor will personnel be reimbursed for a second degree. Reimbursement will only be made to personnel who do not have a bachelor's degree. Reimbursement will be made for only those college classes approved by the chief of police.

Graduate studies are limited to command level personnel, or an individual with the approval of the chief of police and courses taken shall be directly related to the command assignment.

Upon completion of course(s), personnel must submit the grades obtained for each class. If an employee attains less than a "C" for the course, or withdraws, he/she will reimburse the city, within the same fiscal year, for the cost of tuition, books, etc.

However, if there is an agreement between the instructor and the officer for an incomplete, which results in the attainment of a C or better within a year, no reimbursement will be required.

For budgetary purposes, any sworn or non-sworn employee who expects to attend college during the next fiscal year must submit a memo to the chief of police via chain of command by January 1st of the current fiscal year. Personnel must include the name of the college and approximately the number of courses he/she plans to take. Ultimately, participation in this program will depend upon the size and design of the budget.

Additionally, personnel expecting to receive a degree during the next fiscal year must submit a memo to the Chief of Police by January first of the current fiscal year.

F. Approved Degrees

a) Any approved course of study related to the criminal justice field, is acceptable and must be approved by the chief of police prior to enrollment.
b) Employees who have not completed 5 years of service and have obtained the benefits of this section may be required to reimburse the department or the city for benefits received if the employee leaves within 5 years of service.

G. Textbooks

It is the policy of the department to purchase textbooks as well as pay tuition. All textbooks purchased for those employees attending college must be returned to the department after the courses have been completed.

These books will be kept in a departmental library, to be used by other members of the department who may need the same textbook at a future date. These books will also serve as reference material and will be available for use by all members of the department.

11. <u>Career Ladder:</u>

A. Police Officer

a) Qualifications

Personnel within this position must meet all entrance level requirements and successfully pass entrance level training consisting of the police academy and a field training program. The officers must have current and past satisfactory

departmental performance evaluations and must have successfully completed all phases of in-service training which includes firearms.

B. Police Officer First Class

a) The police officer first class (PFC) is designed to recognize the longevity and experience of police officers. It is the policy of the Salisbury Police Department to maintain a police officer first class classification. Police officer first class is expected to demonstrate loyalty to the city of Salisbury and Salisbury Police Department, possess the desire to increase their job knowledge regarding police officer functions, SPD policies and procedures, cultural and community sensitivity, a willingness to accept responsibility for their own actions, and be a team player.

b) PFC's are expected to be ambassadors of the City of Salisbury and law enforcement. In addition to their normal duties, officers attaining the designation of PFC will be expected to assist squad leadership in a variety of ways with goals of improving efficiency and morale, and support the development of a positive squad culture. PFC must demonstrate the willingness to assist with ancillary department and city committees and / or projects.

c) Officers reclassified to this position will serve in a probationary status of one year from the date of the reclassification.

d) Minimum Criteria:
   i. A PFC who has completed 3 years of continuous service with the Salisbury Police Department as of the qualifying date of the selection process which will be established each year.
   ii. Has received at a minimum of "satisfactory" evaluations for the last two (2) continuous evaluation periods.
   iii. Has not received any sustained adverse action for a citizens complaint within the two (2) years of the qualifying date.
   iv. Is not the subject of an active internal investigation.
   v. A written recommendation from squad sergeant, squad commander and division commander outlining positive attributes that a candidate for the position of PFC can provide to the squad, police department, and City of Salisbury.

C. Senior Police Officer

a) The senior police officer designation (SPO) is designed to recognize the longevity and experience of police officers. It is the policy of the Salisbury Police Department to maintain a senior police officer, SPO. Senior police officers are

expected to demonstrate loyalty to the city of Salisbury and Salisbury Police Department, possess exceptional job knowledge of the police officer functions, SPD policies and procedures, cultural and community sensitivity, a willingness to accept responsibility for their own actions, and provide guidance and mentorship to subordinate officers.

b) SPO's are expected to be ambassadors of the City of Salisbury and law enforcement. In addition to their normal duties, officers attaining the designation of SPO will be expected to assist squad leadership in a variety of ways with goals of improving efficiency and morale, and support the development of a positive squad culture. SPO must demonstrate the willingness to assist with ancillary department and city committees and / or projects.

c) Minimum Criteria:
   i. A PFC who has completed 10 years of continuous service with the Salisbury Police Department as of the qualifying date of the selection process which will be established each year.
   ii. Has received at a minimum of "satisfactory" evaluations for the last three (3) continuous evaluation periods.
   iii. Has not received any sustained adverse action for a citizens complaint within the two (2) years of the qualifying date.
   iv. A written recommendation from squad sergeant, squad commander and division commander outlining positive attributes that a candidate for the position of SPO can provide to the squad, police department, and city of Salisbury.

D. Master Police Officer

a) The master police officer MPO designation has been created to recognize the longevity and experience of police officers. It is the policy of the Salisbury Police Department to maintain a master police officer classification. Master police officers are expected to demonstrate loyalty to the City of Salisbury and Salisbury Police Department, possess exceptional job knowledge of the police officer functions, SPD policies and procedures, cultural and community sensitivity, a willingness to accept responsibility for their own actions, and provide guidance and mentorship to subordinate officers.

b) Master police officers are expected to be ambassadors of the City of Salisbury and law enforcement. In addition to their normal duties, officers attaining the designation of master police officers will be expected to assist squad leadership functions in a variety of ways with goals of improving efficiency and morale, and support the development of a positive squad culture. The Master Police Officers must demonstrate the willingness to assist with ancillary department and city committees and / or projects.

c) Officers reclassified to master police officer will serve in a probationary status for one year from the date of the reclassification. This probationary period may be extended at the discretion of the Chief of Police.

d) Minimum Criteria:
   i. A senior police officer who has completed 16 years of continuous service with the Salisbury Police Department as of the qualifying date of the selection process which will be established each year.
   ii. Must have received a minimum of overall satisfactory evaluations for the last Five (5) continuous evaluation periods.
   iii. Must have received a minimum of satisfactory in all rated areas of the most recent performance progress report.
   iv. Has not received any sustained adverse action for a citizens complaint within the three (3) years of the qualifying date.
   v. Is not the subject of an active internal investigation or civil action.
   vi. A written recommendation from squad commander outlining positive attributes possessed by the candidate for the position of Master Police Officer can provide to the squad, police department, and city of Salisbury.
   vii. In addition to normal duties master police officer will serve in a capacity that best serves SPD. Officers will utilize their skillset or expertise to mentor, train, or assist officers enhance their job performance, case preparation, and courtroom testimony.

E. Police Communications Officer I
   a) Entry level communications officer

F. Police Communications Officer II
   a) Police communications officer with 5 years of experience
   b) Upon reaching the five year anniversary mark, a PCO I will automatically become a PCO II.

G. Police Communications Officer III
   c) Police communications officer with 10 years of experience
   d) Upon reaching the ten year anniversary mark, a PCO II will automatically become a PCO III.

12. Military Deployment And Reintegration

The agency's reintegration process is intended to give returning military employees the opportunity to more comfortably and successfully reintroduce themselves into their positions within the department after deployment. This process is designed to afford the

employee an opportunity to address issues which may be associated with their deployment and their agency employment.

A. The assistant chief is the agency liaison for all employees who have military obligations regardless of whether in short or long term service (training or deployment.)
B. Any employee seeking a military leave of absence must provide the division commander with advance notice of his/her intent to take leave for military obligations unless advance notice is precluded by military necessity or otherwise impossible or unreasonable, considering all relevant circumstances.

C. The employee will notify his/her immediate supervisor and shall submit a copy of his/her military orders along with written notification to include:
   a) Anticipated date(s) of mobilization;
   b) Unit name/identification;
   c) Commanding officer's name, telephone number and email address; and
   d) Immediate military supervisor's name, telephone number and email address.
   e) This information (a,b,c,d,e) shall be maintained by the Colonel as it will be provided in a written document form.

D. Human resources will assign a point of contact for the military employee in order to answer questions or concerns the employee may have regarding benefits, salary continuation and any other relevant information.

E. Prior to the his/her departure for military deployment, the chief of police or designee shall conduct an exit interview with the employee.

F. Prior to their deployment, the employee shall turn in the following equipment:
   a) Firearm and duty belt;
   b) All less lethal weapons;
   c) Bullet resistant vest;
   d) Key Card and agency keys

G. The above described equipment as mentioned in (F, a-d) will be securely stored by the quartermaster through the direction of the assistant chief until the employee's return to duty to the agency following military orders.

H. Any employee on a military leave of absence, upon completing his/her military service obligation, must return to work in a timely manner as established by applicable laws to include; Uniformed Services Employment and Reemployment Rights Act (USERRA) and the City of Salisbury policy. Failure to return to work after an approved military leave in a timely manner may result in termination of the leave of absence and/or disciplinary action, up to and including termination of

employment from the agency or non-disciplinary termination based on job abandonment.

I. Prior to returning to full duty, the employee will meet with the chief of police or designee for a reintegration interview prior to resuming law enforcement duties at the Salisbury Police Department. The employee must provide appropriate documentation indicating that he/she is eligible to return to work. Additionally, the employee will undergo an evaluation by the department psychologist prior to resuming his/her patrol assignment, consistent with the parameters of USERRA.

J. Upon return to duty to the department but prior to a specific assignment, the employee will meet with an agency firearms instructor and successfully complete the qualification courses for MPTSC certification. The training officer shall ensure that any required in-service or other training required of the employee is scheduled as soon as appropriate to ensure continued certification through MPTSC.

K. The employee will meet with the quartermaster for reissuance of all agency-owned equipment necessary for law enforcement duties. If necessary, the employee will complete a short term field training assignment to re-acclimate the employee to police operations at the Salisbury Police Department.

L. During the period of the employee's absence through deployment, the department shall provide support to the employee and his/her family through the Assistant Chief/Colonial or his/her designee and/or City of Salisbury Human Resources staff.

M. The assistant chief shall provide up-to-date information to the chief of police on the military employee while he/she is deployed as that information is made available, to include current status, active needs and family needs.

N. As possible, the military employee shall provide a current email and address to the assistant chief and the Human Resources Department. The assistant chief or his/her designee shall maintain contact with the employee; sending notifications of department events, promotional opportunities and other agency news. Other department members (sworn and civilian) are encouraged to support and maintain active contact with the deployed employee and/or the employee's family.

13. <u>Physical Examinations (Frequency And Cost):</u>

A. Employees are encouraged to have an annual physical with a primary care physician. The employee shall present his/her City of Salisbury insurance card to the examining physician and the department will reimburse the employee for the examination co-pay, if applicable.

B. If the position or responsibility of any employee necessitates a periodic health screening due to repeated exposure to a dangerous health risk (hazardous chemicals, lead contaminates, etc.), the screening will be provided at no cost to the employee.

C. Physical examinations required by the department are offered at no cost to the employee.

14. Fitness for Duty Examinations:

Department personnel ordered to undergo a fitness for duty evaluation (physical or psychological) shall waive their privilege of confidentiality for information obtained during the fitness for duty evaluation.

In the event an employee selects a personal physician or psychologist or both, the fee will be paid by the employee and the results will be subject to confirmation by a physician(s) or psychologist(s) selected by the department.

15. General Health And Physical Fitness:

A. A satisfactory level of general health and physical fitness on the part of Salisbury Police officers and employees should be maintained so that work can be performed efficiently, without personnel shortages caused by excessive use of sick leave, workers compensation claims or other health related problems.

B. The functions performed by police officers require a level or physical fitness not demanded by many other occupations. Criteria for fitness will be related to the job performed by sworn employees.

C. Physical fitness is a measure of physical health status. It is not a specific ability to perform a specific motor related task. It involves: (1) Aerobic capacity (the ability to transport oxygen), (2) Flexibility (the ability to move with range of motion), and (3) Dynamic strength or muscular endurance. Physical fitness further relates to the physical ability to perform police duties. Each officer is encouraged to strive for and maintain proper fitness.