

**DAYTON POLICE DEPARTMENT
GENERAL ORDER
SICK AND INJURY LEAVE**



RICHARD S. BIEHL – DIRECTOR AND CHIEF OF POLICE

Rev. 5/17

POLICY STATEMENT

The City of Dayton provides for the accrual of sick leave by all full-time employees so those employees do not lose their salaries and benefits during temporary periods of disability due to injury or illness. The City of Dayton also provides periods of paid leave for employees to recuperate from injuries suffered while on duty. The responsible use of such leave protects the employee from financial hardship. The abuse of such leave places hardship on other employees and disrupts the work of the entire department.

It is the intent of the Department to assure that those employees who need leave to recuperate from illness or injuries are able to do so, while applying reasonable controls to prevent abuse of leave provisions. All employees have access to their leave balances and are responsible for knowing if they possess sufficient sick leave when they call off.

I. FAMILY AND MEDICAL LEAVE ACT (FMLA) LEAVE

NOTE: FMLA is a designation for a qualifying event. An employee must be on an approved leave type: sick, vacation, compensatory time and/or is unpaid leave if requested by the employee. The employee or the employer can designate any type of qualifying event as FMLA leave. If the employer designates an employee's leave as FMLA, they will inform the employee that they have done so. (See Personnel Policy and Procedures 5.14 for further information on FMLA).

- A. The Family and Medical Leave Act of 1993 requires employers to provide up to 12 weeks of job-protected leave per calendar year to eligible employees for certain family and medical reasons. The total period of FMLA leave may not exceed 480 hours per calendar year. The 12 weeks can be comprised of any combination of sick, vacation, personal leave/personal time, compensatory time and/ or unpaid leave.
- B. Employees who have worked for the City of Dayton for a total of 12 months or more and have worked at least 1,250 hours during the previous 12 months are eligible to request FMLA leave for covered circumstances.
- C. Employees may request FMLA leave for the following reasons:
 - 1. The birth of a son or daughter where the leave is to care for the newborn child, during the first year of the child's life when medically necessary;
 - 2. The placement of a foster child or adopted child with the employee, during the first year after placement;
 - 3. To care for the employee's spouse, son, daughter or parent when one of those relatives has a "serious" health condition (Note: a son or daughter does not have to physically reside with the employee and must be under age 18 or older if they are unable to care for themselves due to mental or physical disability as defined by Human Resources);
 - 4. Because of a serious health condition or injury that makes the employee unable to perform the functions of their position.
 - 5. any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" **or**
 - 6. Twenty-six workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave). (From the Dept. of Labor website)
- D. When the need for FMLA leave can be foreseen, the request for leave must be made at least 30 days in advance, or as soon as possible when the need cannot be foreseen. Requests for FMLA leave will be submitted to the Office of the Assistant Chief of Police through the employee's Division Commander. If the request is being made after the leave was taken, the KRONOS record of the leave must be attached to the FMLA paperwork and



forwarded to the Office of the Assistant Chief of Police through the employee's Division Commander. The employee must provide appropriate medical certification or documentation of the qualifying circumstance within 15 days of the request. If the employee is absent for more than 30 days due to a personal health condition, an updated medical certification must be submitted every 30 days. Requests will be made on a Form S-71(sick)/S-72 (employee leave)/ S-104(Injury).

E. TYPES OF FMLA LEAVE AVAILABLE

1. Employees who request FMLA leave to bond with for a newborn child (I. C. 1.) are eligible to use Vacation, Personal Allowance or Personal Leave, Compensatory Time or Leave Without Pay. Such leave cannot be taken intermittently.
 2. Employees who request FMLA leave to care for an adopted or foster child (I. C. 2.) are eligible to take Vacation, Personal Allowance or Personal Leave, Compensatory Time or Leave Without Pay. Such leave cannot be taken intermittently.
 3. Employees who request FMLA leave to care for a spouse, child or parent who has a "serious" health condition (I. C.)(3.) may use up to eighty (80) hours of accrued Sick Leave. The balance of any leave period must be taken as Vacation, Personal Allowance or Personal Leave, Compensatory Time or Leave Without Pay. Such leave may be taken intermittently with the approval of the Director and Chief of Police.
 4. Employees who request FMLA leave due to a personal health condition may utilize accrued Sick Leave, Vacation, Personal Allowance or Personal Leave, Compensatory Time or Leave Without Pay. Such leave may be taken intermittently, or used to accommodate a medically required reduced or intermittent work schedule.
- F. Leave which is approved and taken under the FMLA will not be counted as an absence for purposes of Personnel Policy 5.01, as noted in Section III.(A.) of this policy.
- G. FMLA qualifying leave will be designated for any absence due to a work related injury of more than three (3) calendar days that also includes continuous treatment by a health care provider. In addition, any absence due to work-related injury that results in a chronic condition may also qualify for FMLA.
- H. The administrative aide to the Assistant Chief of Police will serve as the department's FMLA Administrator, and work with Human Resources for compliance issues all FMLA requests.
- I. Parental Leave - A leave form (Sick Leave S-71 or Employee Leave S-72) should be filled out ahead of the birth or adoption of a child 30 days ahead of the approximate due date of the child. This form will let Payroll and HR know what the employee wants to use for the first two weeks of unpaid time, as well as what the employee wants to use (if any time) for up to an additional four weeks. For further details see HR 5.16.

II. EMPLOYEE'S RESPONSIBILITY FOR REPORTING OFF SICK, SICKNESS IN FAMILY, OFF THE JOB INJURY, DEATH IN FAMILY, OR REQUESTING LEAVE WITHOUT PAY

- A. All police employees are required to call in at least one hour before their scheduled work time, or follow any special rules of their work unit. Radio Information Officers and Crime Scene Investigators are required to call at least **TWO** hours before they are scheduled to be on duty. The two hours is needed to provide qualified replacements for these vital positions.
- When calling off sick for a scheduled shift, death in family, or returning to duty from sick leave, the employee is required to call the Teletype position sick call number at [REDACTED]. If there is no answer, the employee will leave their name, PDA#, ASN, a phone number where they can be reached and reason for calling off (or that they are reporting back on duty).
 - The Teletype position will enter the call off into the call off log and send via e-mail during their shift. The employee's supervisor will be required to make the necessary notations in the KRONOS.
 - When employees call off for a partial shift, the employee's supervisor will advise Teletype sick call and enter the incident into KRONOS. Complex incidents will be referred to Police Payroll.
 - When a death in family occurs, the affected employee's immediate supervisor will be required to send a DPD global e-mail detailing the employee's name, the deceased's name and any available information on funeral arrangements.



- B. Anytime an employee is to be absent due to illness, injury or sickness in family, the employee is required to inform their immediate supervisor where they can be contacted, if other than home or hospital. When an alternate location of convalescence is not indicated, the employee will be expected to be home when a supervisor chooses to visit.
- C. The same procedure outlined for reporting off is to be used when reporting back to duty from SICKNESS, ILLNESS IN FAMILY, or INJURY LEAVE.
- D. Call back will not be necessary when returning to duty from a death in family because this absence is for a set time. The employee must notify their supervisor though to ensure that their time was entered into KRONOS as exempted leave.
- E. Employees absent for any leave described in this General Order during scheduled court appearances are to refer to General Order 1.02-9 COURT ATTENDANCE POLICY.
- F. **Employees are responsible for knowing if they have sufficient sick leave when they call off AND in maintaining knowledge of their instances of sick leave usage. Employee sick leave balances are available to all employees through the KRONOS – Leave Accrual.**
- G. Any previously entered leave must be overridden by the employee's supervisor so that the employee will be carried as on sick leave during that time. If an employee wishes to utilize other types of leave, they will have to call back in from sick leave first.
- H. Personnel that are requesting leave without pay status for a period longer than 14 calendar days will be required to turn in their significant City owned property (i.e. firearm(s), radio, badges, etc.) to their Commander prior to the beginning of the leave. The returning member will be re-issued the property once they come back to full or light duty status.

III. SUPERVISOR'S RESPONSIBILITY IN MONITORING USE OF SICK LEAVE

- A. If an employee becomes seriously ill during the performance of his/her duty, it will be the responsibility of the supervisor to notify the employee's immediate family AS SOON AS POSSIBLE. Emergency information on all employees is located in the MIS system.
- B. When an employee has reported off duty for sick leave prior to the beginning of the shift, the shift supervisor will check the sick leave balance of that employee and verify that they have sufficient leave available for the duration of the illness. If the employee has less than three (3) available sick days and they will be off longer than the available leave, then the supervisor will advise the employee of their options (vacation, personal allowance, etc.).
- C. When an employee reports off duty on Sick Leave or injury, NOT JOB RELATED, the supervisor will check on the employee during the FIRST TOUR the employee is absent. If the supervisor has reason to believe the employee's absence is not valid, the check should be a personal visit to home.
- D. ANYTIME an employee is continuously absent for five working days, the supervisor is to re-contact him/her in PERSON, and SUBMIT A WEEKLY PROGRESS REPORT.
- E. WEEKLY PROGRESS REPORTS are to be submitted to the **Division Commander** until the employee has returned to full duty. After the initial PERSONAL VISIT, subsequent contacts can be made by telephone unless the supervisor deems it necessary to continue the personal visits.

IV. CONTROLLING ABUSE OF SICK LEAVE

- A. City of Dayton Personnel Policies and Procedures, No. 5.01, states: "**SEVEN SEPARATE ABSENCES for illness during any TWELVE MONTH PERIOD may indicate a pattern of EXCESSIVE ABSENTEEISM, and employees should be counseled that good attendance is a requirement, not an option.**"
 - 1. The Chief may grant an exception to this rule. The exception must be in writing. Only absences subsequent to the written exception are not counted as separate absences.



2. Employees may request exception to the rule pursuant to the Family and Medical Leave Act of 1993. See Section I of this policy for further information on FMLA leave.
- B. Supervisors must enter an employee's sick leave into KRONOS and verify if the employee is at or near violation level (has five/six separate absences within any twelve (12) month period). The supervisor will contact the administrative aide to the Assistant Chief of Police to determine if any action is necessary and if so, will notify the employee, in writing of the specific instances of absence. If a pattern of excessive absenteeism is found, the supervisor will counsel the employee in an attempt to improve their attendance.
 - C. When an employee has six separate absences within the twelve month period immediately preceding the most recent absence, the supervisor will notify the employee by Warning Letter of the specific instances of absence and advise the employee that a Medical Certificate (S-69-A) will be required for EACH subsequent absence attesting to their illness and their inability to perform their duty. The Warning Letter will state that this requirement will remain in effect until the employee's attendance record shows MARKED IMPROVEMENT and they are notified the CERTIFICATE will no longer be REQUIRED for absences of three days or less. The requirement will be for no less than six months. The Warning Letter, addressed to the employee, is to be distributed as follows:
 1. ORIGINAL copy - to the employee.
 2. COPY - to be placed in the Division/Bureau's transitory employee file for use in future administrative action if necessary.
 - D. When an employee has seven separate absences in a twelve-month period, supervisors will conduct a disciplinary investigation into the circumstances surrounding the employee's absenteeism. Unless substantial mitigating circumstances are disclosed by the investigation, disciplinary action will be initiated, beginning with an Oral Reprimand of Record, followed by the recommended progression up to and including dismissal if the employee fails to improve their attendance record.
 - E. Supervisors may also submit a Special Report to the Division Commander to which the employee is assigned and require the employee to submit to a PHYSICAL EXAMINATION by a physician under contract to the City to determine his/her fitness to continue employment.

V. MEDICAL CERTIFICATE

Employees who receive medical treatment from a physician for an illness or injury will provide certification from their physician of their ability to return to duty, in writing on a City of Dayton Medical Certification Form S-69-A upon returning to duty.

- A. Such certification is REQUIRED when the employee has been off duty for any period of time due to:
 1. an on-duty injury
 2. an off-duty injury that requires medical attention
 3. being off duty for more than three working days due to personal illness
 4. when required to do so by specific order as specified in Section IV.C. of this policy or
 5. when requested to do so by a supervisor
- B. Such certification must be presented to the employee's immediate supervisor upon return to duty. Non-sworn personnel are to be advised of the need for a medical certification on the first day of the absence.
- C. Personnel that are reporting an on-duty injury:
 1. and receive medical treatment from a health care provider - the employee, if returned to full or restricted duty must submit to a supervisor before the end of the employee's shift, the first page of an S-68 Injury Investigation Report, a completed and signed BWC-1101/FROI-1 (first report of injury) in addition to a City of Dayton Medical Certification Form S-69-A (secondary report completed by BWC Certified family physician, specialist or industrial medical provider) and, if applicable, an S-104 Injury Leave Request. The attending physician/ medical personnel must complete the BWC-1101 and S-69-A at the time of treatment. If a form S-69-A is not completed then a supervisor can have an employee report to an industrial medical provider (currently Concentra Medical Services) to see the medical staff for an evaluation and have the form completed. The work capabilities section must be completed.



2. and do not seek or require medical treatment from a health care provider - the employee must submit to a supervisor before the end of the employee's shift the first page of an S-68 Injury Investigation Report.
- D. Any employee sustaining a work-related injury will be required to complete an "Authorization to Release Medical Information Compliance With Injury Leave" Form MR-1 (12/02) in addition to other previously required forms.
1. This form will be utilized to provide Human Resources with the necessary medical information to assess the appropriate need for injury leave.
 2. All other needs for medical documentation that may be required as it pertains to ADA requests, fitness for duty exams, other worker's compensation allowances, etc. should be requested through the Human Resources department as per Personnel Policies & Procedures 1.08.
- E. Checklist of Forms that are needed:
1. Injured On-Duty, no lost time and no medical treatment – Injury Packet, Injury Investigation Report S-68, MR-1.
 2. Injured On-Duty with medical treatment (Sick Leave until approved) – Injury Packet, Injury Investigation Report S-68, Medical Certification S-69-A, Injury Leave Request S-104, MR-1, BWC-1101.
 3. Restricted Duty (On-Duty Injury) – Medical Certification S-69-A, Special Report.
 4. Restricted Duty (Off-Duty Injury) – Medical Certification S-69-A, Special Report, MR-1.
 5. Sick/Injury Leave > 5 days – Weekly progress report, Medical Certification S-69-A every 30 days (If on-duty also an S-69-A).
 6. Reactivation of On-Duty Injury (Sick Leave until approved) – Special Report, Medical Certification S-69-A (required every 30 days), S-104 Injury Leave Request.
 7. Sick Leave > 3 days – Medical Certification S-69-A upon return.
 8. Off-Duty Injury that requires medical attention – Medical Certification S-69-A upon return.

VI. RESTRICTED DUTY PROCEDURES

- A. **Restricted Duty status – On-duty injuries:** If an employee's physician approves Restricted Duty status or the work capabilities section of the S-69-A indicates the ability to function on Restricted Duty then that employee will immediately notify their immediate supervisor or Bureau or District Commander if their immediate supervisor is unavailable of their status. Such notification will be accompanied by the physician's certification, in writing on Form S-69-A and will be submitted immediately after the medical exam, which releases the employee to return to restricted or full duty.
1. The medical certificate may be, emailed or hand delivered to their immediate supervisor or Bureau or District Commander if their immediate supervisor is unavailable.
 2. That supervisor will then immediately place the employee on light duty in TRU or have them return to their regular assignment.
 3. The supervisor will route a report through the chain of command to the Chief's office notifying him of the employee's return to light duty.
- Failure to advise the Bureau Commander of the change in status may result in disciplinary action.**
- B. Employees who have temporary injuries or conditions, which may prevent them from being certified for return to full duty, may be certified by their physician to return to a **RESTRICTED DUTY** status.
- C. **Restricted Duty status - Off-duty injury/illness:** it will be requested by the employee in a Special Report that fully describes their injury or condition, the restrictions placed upon the employee by their physician, and their prognosis for return to full duty. Such request will be, in writing on an Employee Medical Certification Form S-



69-A and a signed MR-1. A return to **RESTRICTED DUTY** must be approved in advance by the Chief of Police, or their designee, prior to the employee's return to restricted duty.

D. Restricted Duty Assignments and Restrictions

1. If approved by the Chief of Police, requests to return to Restricted Duty will be granted for a period of thirty calendar days. In the event the employee cannot return to full duty after thirty calendar days, a request for extension may be submitted as indicated above.
2. If the employee is expected to be on restricted duty **less than seven calendar days**, such duty may be assigned within the employee's Division.
3. If the employee is expected to be on restricted duty for **seven days or LONGER**, the Chief of Police may assign the employee to any Division where the employee can work productively within the limitations placed on the employee by their physician.
4. Restricted duty assignments will be reviewed every 30 days to determine their duty status. Division Commanders will submit the names of employees assigned to their divisions on restricted duty assignments for review by the Injury Review Board.
5. Officers who are on restricted duty are prohibited from working any overtime or overtime assignments (with the exception of subpoenaed or ordered-in court time and overtime in the work unit a restricted duty employee is currently working in and is able to do within the limits of their restricted duty) until returned to full duty. (For further details see General Order 1.02-8, Section I.E.3.b.).
6. Officers who are on restricted or light duty are prohibited from attending any training away from the restricted duty or light duty post approved by the Chief of Police.

VII. OFF-DUTY EMPLOYMENT - CITY COMMISSION INJURY LEAVE POLICY

After considerable discussion and recognizing that a police officer is on duty TWENTY-FOUR HOURS a day, as it pertains to the observance of violations of law, the City Commission has established a policy to grant injury leave to a police officer while privately employed, SUBJECT TO THE FOLLOWING CONDITIONS:

- A. An officer WILL NOT BE GRANTED INJURY LEAVE when he/she is privately employed, where they have been hired for the purpose of utilizing their POLICE SKILLS in such capacities as: Security officer, watchman, traffic officer for a private employer, or other police-related functions for private enterprise. Officers accepting the above types of employment are to advise the prospective employer of this policy, so the employer understands their potential responsibility in the event of an injury.
- B. An officer WILL BE GRANTED INJURY LEAVE when they are privately employed, where they HAVE NOT been hired for the express purpose of utilizing his/her POLICE SKILLS, but while so employed, he/she begins to take, or does take police action which results in his/her injury.

EXAMPLE: An officer employed as a Real Estate salesman or a counter officer in a mercantile establishment, observes the commission of a crime and while taking positive action against the perpetrator is injured; they WILL BE GRANTED INJURY LEAVE.

- C. When an officer is employed, OFF-DUTY, by an agency who has CONTRACTED with the City of Dayton for their services and the officer is injured as a result of such employment, they WILL BE ENTITLED TO INJURY LEAVE FROM THE CITY OF DAYTON.

VIII. INITIAL ON DUTY INJURY PROCEDURES

- A. On all injuries, the Supervisor will email a copy of the front sheet of the employee's completed Injury Investigation Report to their Division Commander and to the Administrative Aide of the Assistant Chief of Police. This report should be clearly marked "ADVANCE COPY" and forwarded by the end of the shift.
- B. INJURY INVESTIGATION REPORTS are to be submitted (ORIGINAL & ONE (1) COPY) and routed through the chain of command to the POLICE PERSONNEL OFFICE. Completed packets will be submitted to the



Division Commander within ten (10) Calendar days. After the Division Commander has received the Injury Report and the Medical Certification, both will be routed together to the Chief's Office for his/her review and concurrence; then forwarded to the Police Personnel Clerk for completion. There must be a separate injury investigation envelope for each officer, which must be separate from any other reports/investigations (i.e. accident investigation with injuries). The injury investigation envelope contains a checklist that must be completed indicating that all necessary forms are contained therein.

- C. The City of Dayton grants Injury Leave for an employee to recover from an occupational injury or an injury received in the course of, and arising out of, employment with the City of Dayton. Injury Leave is not to be deducted from Sick Leave credits.
- D. Injury leave may be granted provided:
 - 1. The occupational injury is received in the course of and arising out of employment with the City of Dayton.
 - 2. There is no evidence of serious breach of discipline on the part of the injured officer.
 - 3. Stress is not considered an injury (See M.O.P. 1.02-17 re: exceptions). Any employee calling off for that reason will call off on **sick leave** and will be required to undergo a Fitness for Duty Exam arranged by the Department of Human Resources prior to returning to full or restricted duty.
- E. An employee who claims occupational injury and requests paid injury leave must sign a medical release form as required by the City's Department of Human Resources.
- F. The employee who requests paid injury leave for any length of time must submit to their supervisor, a medical Certification Form S-69-A and an Injury Leave Request Form S-104, documenting the need for the employee to be off work for any length of time to recover from the occupational illness or injury. The employee will immediately notify the Bureau Commander of their request for injury leave. Such notification should be accompanied in writing on an Employee Medical Certification Form S-69-A. The medical treatment must be received within 24 hours of the injury (unless documentable circumstances prevent an appointment being available). The medical certificate will be provided immediately after the medical treatment and may be faxed, emailed or hand delivered to the Bureau Commander.
- G. Failure to comply with any of the provisions contained in this section may result in a denial of paid injury leave and may further result in disciplinary action.
- H. Anytime an employee is injured in the line of duty, a supervisor will be notified IMMEDIATELY. The supervisor will go to the scene of the injury and conduct a thorough "ON SCENE" investigation, to determine **HOW** the injury occurred, to adequately respond to the "Supervisor's Comments" on the Injury Investigation Report.
 - 1. Whenever possible, the supervisor will contact the emergency room physicians to obtain a completed medical certificate S-69-A. Depending on the severity of the injury, the attending physician needs to know the light duty options available to the Officer.
 - a. Restricted duty will initially be in TRU or the Counter Position (See section VI. For further restricted duty procedures and information).
 - b. The supervisor will note in the investigation that these light duty options were explained to the attending physician and they are to attempt get the physician to fill out the form as completely as possible especially the portion that lists the **WORK CAPABILITIES**.
 - 2. In instances where hospital personnel can't or won't complete the S-69-A, refer to Section V.C.
- I. All actual or claimed injuries even if not visible should be photographed by the investigating supervisor, a Crime Scene Investigator or Bureau of Identification personnel using a digital or Polaroid camera.
- J. When an employee is **SERIOUSLY INJURED** during the performance of his/her duty, it will be the responsibility of the investigating supervisor to notify the employee's immediate family as soon as possible. The **Administrative Aide of the Assistant Chief of Police** will also email an "**ADVANCE COPY**" of the investigation to the Safety Administrator in the Department of Human Resources prior to the end of the shift. Emergency information on all employees is located in the MIS system.



- K. The injured employee MUST submit an Injury Investigation Report, S-68 by the end of the tour of duty in which the injury occurred. If the employee has received an INCAPACITATING INJURY or is KILLED, the supervisor MUST submit the report within the specified time.
- L. If an employee is relieved from duty because of injury, the supervisor will enter the employee into KRONOS on sick leave, pending approval of injury leave.
- M. Once injury leave is approved by the City Manager and returned to the Personnel Office, an employee will be taken off of Sick Leave in KRONOS and placed on Injury Leave.

IX. INJURY LEAVE PROVISIONS

- A. If it is a service connected occupational INJURY, Injury Leave with Pay will be granted by the City Manager for periods up to ninety calendar days for sworn police personnel. (Calendar days include the employee's days off, as well as working days.)
- B. An employee is prohibited from working any FULL Duty overtime assignments (with the exception of subpoenaed court time) or off duty employment until returned to FULL duty.
- C. An employee who is on restricted duty is prohibited from working any FULL Duty overtime assignments (with the exception of subpoenaed court time) or off duty employment until returned to FULL duty.
- D. **INJURY LEAVE IS NOT AUTOMATICALLY GRANTED UPON EXECUTION OF AN INJURY REPORT.**

Injury Leave is granted as follows:

1. Injury Leave is requested on a P-1 form by the Personnel Clerk and forwarded to the Division Commander. The Division Commander may recommend approval and the Chief may approve the request on a conditional basis up to thirty days, and forward to the City Manager for his/her approval or denial. The Chief MAY withhold approval of any extension based upon information learned from the Commander's PROGRESS REPORT. Even when APPROVED by the Chief, the requested extension MAY be DENIED by the City Manager.
 - a. The completed Injury Investigation Packet including the medical certification form will be sent to the Personnel Clerk.
 - b. WEEKLY PROGRESS REPORTS will be submitted to the Division Commander by the supervisor of an employee's originating work unit on any employee who has been absent, due to illness or injury, in excess of five calendar days. These progress reports will be submitted until the employee returns to FULL DUTY. Personal visits by the supervisor to the employee are encouraged.
 - (1) The supervisor will e-mail a copy of the weekly progress report to police personnel and the Aide to the Chief of Police and then forward the printed copy to their Division Commander.
 - (2) The Division Commander's office will track all injured employees within their Division to ensure that progress reports are being completed in a timely manner.
 - (3) If the employee is on a long term injury leave, then progress reports are to be completed monthly.
 - c. The nature and extent of the injury must be established by Medical Certification Form S-69-A, which indicates that there is physical incapacity and the estimated length of disability. The employee will immediately notify the Bureau Commander of their condition. Such notification will be accompanied by the physician's certification, in writing on Form S-69-A and will be made within 24 hours of the injury. The medical certificate may be faxed to the Bureau Commander or hand delivered.
 - d. The Medical Certification must be attached to the Injury Leave P-1 Form and must cover the entire period of the absence. Any portion of the absence not covered will be deducted from the employee's leave time.
2. INJURY LEAVE IN EXCESS OF NINETY CALENDAR DAYS requires the following steps to be taken:



- a. If it appears that recovery will require more than ninety days, the INJURY LEAVE REVIEW BOARD will make a recommendation for the extension of paid injury leave beyond NINETY calendar days.
 - b. The Injury Leave Review Board will issue a written recommendation to either extend or deny injury leave.
 - c. The Injury Leave Review Board is composed of equal representation between the Lodge or Union and Management, not to exceed a total of four members.
 - d. The P-1 Form is executed by the Personnel Clerk and forwarded to the Division Commander of the respective employee.
 - e. The P-1 Form, Medical Certification Form S-69-A, Injury Leave Request S-104 and progress reports, are to be routed through all department channels to the Director's office for his/her review and approval. The form is then routed to Central Personnel and the City Manager's office for the appropriate action.
 - f. THE CITY MANAGER IS THE FINAL AUTHORITY ON INJURY LEAVE.
 - g. ALL phases of this process rely heavily upon the information contained in the SUPERVISOR'S PROGRESS REPORTS, Medical Certification, and Injury Investigation Report.
- E. If an extension BEYOND NINETY CALENDAR DAYS is DENIED, and the employee is NOT physically able to return to duty, they may elect to be placed on SICK LEAVE, provided he/she has Sick Leave Credits available. When the employee's sick leave is exhausted, or if he/she has no sick leave accumulated, the employee has the option to take Leave Without Pay or, any VACATION, PERSONAL ALLOWANCE or COMPENSATORY time accumulated.
- F. At least THREE WEEKS PRIOR to the expiration of injury leave and sick leave, if the employee has knowledge they will still be unable to return to FULL DUTY, he/she should contact the Human Resources Department, 101 West Third Street, phone [REDACTED].
- G. If Injury leave is denied, then the employee's Injury leave will be deducted from sick, vacation, etc.

X. PROCEDURE TO REACTIVATE OLD CLAIM FOR JOB CONNECTED ILLNESS OR INJURY

If an employee has a physical problem, which is diagnosed as a recurrence of an OLD job-related injury, the employee is to proceed as follows; **any claim for reactivation must be made within 30 calendar days of the first day of absence used to reference the reactivation request:**

- A. If the physical problem is sufficiently severe to require the employee to be absent from duty, he/she is to submit a SPECIAL REPORT to his/her supervisor detailing the nature of the injury and how it is related to the previous injury, along with a Medical Certification Form S-69-A and Injury Leave Request S-104 to support the claim. The City may require additional medical information or examination by an independent physician prior to granting injury leave for a reactivated claim.
- B. Contact the Department of Human Resources, Claims Section, and request the necessary and proper forms for petitioning the INDUSTRIAL COMMISSION TO REACTIVATE their old job-related Injury claim.
- C. If Injury Leave is approved, the employee will be reimbursed all Sick Leave days USED, and Injury Leave will be substituted.
- D. If the recurring problem is not sufficiently severe to cause absence from duty, but will incur medical expenses, the same procedure is to be followed as stated in paragraph "B" above. IF IMMEDIATE TREATMENT IS NECESSARY, the employee is cautioned to RETAIN ALL PAID MEDICAL BILLS, pending outcome of his/her request for further treatment.
- E. Employees who have been informed by their personal physician that their current physical problem is a result of a recurrence of an old job-related injury, are CAUTIONED to NOT incur medical liability BEFORE contacting the Division of Personnel Management, Claims Section, and requesting the forms for filing with the Industrial Commission to reactivate their claim.



- F. If the employee is absent for THIRTY CALENDAR DAYS on the INITIAL INJURY LEAVE and then later has the claim reactivated, the FIRST DAY absent will be counted as the THIRTY-FIRST DAY, etc. Any one injury cannot qualify for more than NINETY CALENDAR DAYS, even when not taken all at one time, UNLESS APPROVED BY THE CITY MANAGER.

NON-SWORN personnel are to refer to the contract between the D.P.S.U. and the City of Dayton for further information on reactivating and old claim for job-connected injury or illness.