

## 19.105 SICK/INJURED WITH PAY AND SPECIAL LEAVES

### **References:**

Procedure 12.817, Court Management System (CMS)  
 Procedure 12.830, Donated Time  
 Procedure 19.103, Military Leaves  
 Procedure 19.107, Family Medical Leave Act  
 Procedure 19.130, Limited Duty Personnel  
 Procedure 19.140, Outside Employment  
 Fraternal Order of Police/City Labor Agreement  
 American Federation of State, County and Municipal Employees (AFSCME)/City Labor Agreement  
 City of Cincinnati Human Resources Policies and Procedure

### **Definitions:**

**Original documents** include photographs, hard drives, original Digital Video Recorder (DVR) disks, and any documents that are handwritten or contain an original signature.

**Infectious Diseases** are generally considered to be viral hepatitis (HAV, HBV, HCV) and human immunodeficiency virus (HIV), which are bloodborne, and tuberculosis (TB), which is airborne. Treat all contaminants and source patients as potentially infectious.

**Other Potentially Infectious Material (OPIM)** is any blood, body fluids (semen, saliva, vaginal fluids, etc.) which visibly contain blood, or situation where it is difficult or impossible to differentiate between body fluids.

**Note:** Feces, sweat, nasal secretions, saliva, sputum, tears, urine, and vomit are not considered "OPIM" unless visibly bloody.

### **Bloodborne Pathogens Exposure:**

- Percutaneous injury (e.g., needle stick)
- Contact of mucous membrane or non-intact skin (e.g., exposed skin that is chapped, abraded, or afflicted with dermatitis) with blood or other potentially infectious material.

### **Possible Methods of Bloodborne Pathogens Exposure can include:**

- A puncture, laceration, or abrasion of the skin.
- A splash or spitting into the eye, mouth, or interior of the nose with blood or OPIM.
- Contact with broken skin including rashes, chapped skin, open wounds, or healing wounds with scabs.
- A human bite that breaks the skin.

### **Purpose:**

Provide Employee Health Service (EHS) with each employee's health history, enhancing their ability to provide the employee with proper medical care.

Establish a uniform Department procedure for recording and reporting personnel injured or exposed to infectious disease in the line of duty.

Ensure necessary documentation of sick and injury cases.

Establish guidelines for requesting a special leave of absence.

**Policy:**

City primary care physicians may examine and diagnose Department employees when EHS is closed. Employees must follow all medical directives concerning duty status established by the treating physician.

Sick With Pay (SWP) should not be approved unless the employee has properly reported and justified the absence.

Medical information is considered confidential and will not be discussed with anyone who does not have a legitimate need for the information. This includes the reason an individual calls off sick, injured, or FMLA related status.

Officers may not work a police-related detail while on light duty, in an off-duty injured with pay status, in **any** off-duty sick status, or off-duty due to any Family Medical Leave Act (FMLA) approved time.

Officers must physically report for work after being off duty while injured, sick, or taking FMLA approved time before working a police-related detail.

Officers who call their workplace and report themselves ready for duty are not eligible to work an outside employment extension of police service detail prior to reporting for their next scheduled tour of duty.

Officers who will be unable to attend court due to sickness or injury must report the days they will be unavailable for court to their immediate supervisor, who will enter the information into the CMS.

**Information:**

Injured With Pay (IWP) benefits may be initially approved for payment by the EHS Physician or by the Police Department, subject to final recommendation and approval by the EHS Physician.

District/section/unit commanders will approve or disapprove Sick With Pay (SWP) benefits.

Personnel Section may request the EHS Physician's opinion in considering the decision to approve or disapprove SWP benefits.

Department employees may also refer to the Human Resources Policies and Procedures, Chapter 3 - Employees Benefits, and Chapter 4 – Leaves of Absence for additional information.

Disagreements with the determination of IWP, SWP, or FMLA status are handled according to current City/Department policy and procedure and/or current union contract stipulations.

The Form 91SP, Supervisory Investigation of Employee Injury, and checklist for completion are available on the Intranet.

The Form 31EC, Employee Emergency Contact Information, is available in the CPDFORMS folder on the H: drive of Department computers.

**Procedure:**

- A. Responsibilities of Department Employees Unable to Appear for Duty Due to Sickness or Injury
1. As soon as possible and before the start of the next tour of duty, notify a supervisor from the assigned unit. Department employees calling in sick should request to speak with a supervisor. If no supervisor is available at that time, the employee answering the original call may document the information and provide it to a supervisor as soon as possible. The supervisor can re-contact the sick employee if additional information is needed.
    - a. Provide the supervisor with:
      - 1) The nature of the sickness or injury.
      - 2) How long you expect to be off duty.
      - 3) Whether you called or will call a physician or dentist.
      - 4) The telephone number where you can be reached.
      - 5) Notice of court appearances, off-duty details, meetings, public appearances and training dates that may need to be rescheduled.
    - b. Contact EHS when directed by a supervisor.
    - c. Comply with any request from the Police Department or the EHS physician to respond to the EHS.
    - d. EHS will provide Personnel Section with the original Form 96 and a copy to the affected officer following the medical examination. The Form 96 will list any duty restrictions determined by the EHS Physician. EHS will contact the affected officer's unit of assignment with any change in duty status.
      - 1) Personnel Section will compare the employee's duties to the Classification of Physical Demands of Work listed on the reverse side of the form, complete the bottom portion of the form, and fax a completed copy to EHS within 24 hours.
  2. When the condition improves allowing a return to duty, notify a unit supervisor as soon as possible.
  3. If EHS approval is required, a sick or injured employee may not return to duty without approval.

4. Civilian employees are also governed by current City/union contracts or Human Resources Policies and Procedures.
- B. Supervisory Duties When an Employee is Unable to Appear for Duty
1. Upon receiving a call that an employee is sick or injured:
    - a. Document the information provided by the employee on a Form 25S, Application for Leave of Absence, or a Form 91SP, Supervisory Investigation of Employee Injury, as appropriate.
      - 1) In the "Reason" section of the Form 25S, explain why the person is off sick or injured.
        - a. Refer to Procedure 19.107, Family Medical Leave Act, to determine if the sick leave request falls under FMLA provisions.
      - 2) On the Form 25S, indicate your recommendation to the district/section/unit commander to approve or disapprove use of SWP or IWP.
        - a) Recommend the approval of SWP when the employee has properly reported and justified the request.
      - 3) Forward the form through the chain of command to the district/section/unit commander.
    - b. Record that the employee called off sick or injured in the unit blotter.
    - c. Ensure Personnel Section is notified when an employee is admitted to a hospital as result of an on or off-duty injury or sickness.
      - 1) If after normal business hours or on weekends, the information can be left on Personnel Section's voice mailbox line number at 352-3534.
  2. When an employee calls in sick and a supervisor has reason to believe the employee is improperly using sick time, or if a physician's or dentist's verification is necessary per the American Federation of State, County, and Municipal Employees (AFSCME) contract, the supervisor will:
    - a. Direct the employee to produce a physician's or dentist's statement within three working days justifying the absence.
      - 1) Employees failing to bring in a physician's or dentist's statement may be subject to disciplinary action and should be carried in a Leave Without Pay (LWP) status.
    - b. Prepare a Form 25S
      - 1) Check the "Medical certificate requested" block.
      - 2) Enter the reason for requiring the physician's or dentist's statement.

- 3) Route the form through the chain of command to the district/section/unit commander.
3. When an off-duty employee calls off with an on-duty injury or a recurrence of an on-duty injury:
    - a. Complete Form 91SP.
      - 1) Include the date of the original injury and date of recurrence (if applicable), a brief description of the original injury, and a thorough description of the current problem.
        - a) Mark "recurrence" at the top of the Form 91SP, if applicable.
    - b. Carry sworn employees as IWP in the time book unless IWP benefits were denied by EHS.
    - c. Carry Division 1 employees SWP per union contract and Human Resources Policies and Procedures for the first 40 hours of their disability period, excluding the day of the injury, unless they are hospitalized for one or more days as a result of the on-the-job injury.
      - 1) Non-sworn employees will not be carried IWP until a final decision is made by EHS Physician, except as outlined above.
        - a) In those cases, the employee must identify the type of leave to be initially used, i.e., vacation, compensatory, SWP.
      - 2) If IWP is approved by the Risk Management Office, the payroll reports and time book will be adjusted to reflect prior balances.
    - d. Direct the employee to contact EHS as soon as possible but no later than the end of the next business day and note this on the Form 91SP.
    - e. Workflow the completed Form 91SP through the chain of command to the district/section/unit commander.
      - 1) When workflowing the 91SP, "Add Notification" to Personnel Section.
- C. Duties of District/Section/Unit Commander When an Employee is Unable to Appear for Duty Due to Sickness or Injury
    1. Upon receipt of Form 25S for SWP benefits:
      - a. Review and sign indicating approval or disapproval of the use of SWP benefits.
      - b. Forward the original daily to Personnel Section via the chain of command.
      - c. Maintain a copy in the district/section/unit tickler file.

- 1) When an employee returns to duty, note the date of return on the unit copy. Send a copy to Personnel Section and transfer the unit copy to the employee's unit Medical Jacket.
  2. Upon receipt of a Form 91SP for IWP benefits:
    - a. Review and initial.
    - b. Notify Personnel Section as soon as possible of the sickness /injury and date in cases of:
      - 1) On-duty injury or a recurrence of an on-duty injury.
      - 2) A hospitalized employee.
      - 3) Exposure to an infectious disease.
    - c. Make a blotter entry, when appropriate, indicating Personnel Section was notified.
    - d. Workflow the Form 91SP directly to Personnel Section.
  3. Inform the affected bureau commander of cases involving serious injury, sickness, or extended sickness.
- D. Sickness While on Duty
1. An employee becoming sick on duty will report the sickness to a supervisor. The supervisor will assist or make arrangements to transport the employee home, to EHS, to a private physician, or a hospital, as conditions determine. The supervisor will prepare a Form 25S as outlined in Section B.1.a.
  2. Employees becoming ill while on duty are carried on the Payroll Attendance Report (PAR) and time book as sick for the portion of the day they are absent from their regular tour of duty. Record the off-duty sick time used in 15 minute increments.
- E. Personnel Injured on Duty
1. Personnel injured on duty will be provided with an employee injury packet to be completed at the initial care facility.
    - a. A packet is not required when treatment is received from EHS.
  2. Investigating supervisors will review the treating physician's medical evaluations prior to granting an employee IWP.
  3. When a Department employee is injured on duty, a supervisor will:
    - a. Scan and attach the following documents to the appropriate ETS case folder:
      - 1) Bureau of Worker's Compensation "First Report of an Injury" form (BWC-1101, FROI-1), located in the injury packet.

- 2) Bureau of Worker's Compensation "Sharps Injury" form (BWC-6611, SH-12), if applicable, located in CPDFORMS/Personnel-Related Docs on the department H: drive.
  - 3) Applicable release form, i.e., Employee Health Service, hospital, or individual doctor.
- b. Workflow the completed Form 91SP through the chain of command to the district/section/unit commander. Ensure an "Add Notification" is made to Personnel Section.
  - c. Print a copy of the Form 91SP from ETS and **fax** the copy to:
    - 1) City's current insurance provider. (Matrix)
    - 2) Risk Management Office.
      - a) Include a copy of the "Sharps Injury" form, if applicable.
    - 3) Employee Health Service.
  - d. Advise the employee to contact EHS as soon as possible.
    - 1) An employee unable to respond to EHS at the time of injury must notify EHS on the next EHS business day.
    - 2) If an employee is unable to respond or contact EHS due to the seriousness of the injury, Personnel Section will notify EHS of the employee's injury and status.
  - e. Carry sworn employees as IWP for the disability period subject to final recommendation and approval by EHS.
    - 1) The day of the injury is considered a working day. Do not charge to IWP.
  - f. Carry Division 1 employees SWP per union contract and Human Resources Policies and Procedures for the first 40 hours of their disability period, excluding the day of injury, unless they are hospitalized for one day or more.
    - 1) The day of the injury is considered a working day. Do not charge to SWP or IWP.
  - g. Carry other full-time non-sworn employees as mandated by Human Resources Policies and Procedures.
  - h. Complete Form 91SP even if the employee refuses treatment for a non-visible injury.

## F. Occupational Exposure to Infectious Diseases

### 1. Tuberculosis Exposures (TB)

- a. For a known exposure to TB, the source patient should be immediately transported to University Hospital for testing. Contact EHS for further instruction.
  - b. The employee's supervisor should complete a Form 91SP for an "occupational exposure."
    - 1) The employee receives a copy of the Form 91SP.
2. Treatment for Bloodborne Pathogen Exposures
- a. Employee Responsibilities:
    - 1) Remove contaminated clothing if possible.
    - 2) Immediately wash the affected area thoroughly with soap and water.
    - 3) Immediately report the incident to a supervisor.
    - 4) Transport the arrested subject to University Hospital for testing.
    - 5) Indicate on the Form 527, Arrest and Investigation Report, in instances where the subject has refused to submit to testing, "Arresting employee exposed to blood/body fluids - court ordered test required". HCJC will process the court order as a condition of the subject's bond.
    - 6) Call EHS on the day of the exposure to report the incident. If EHS is closed, contact them the next business day.
    - 7) Do not leave University Hospital without the results of the source patient's rapid HIV Test results.
  - b. Supervisor Responsibilities:
    - 1) Call the University Hospital bloodborne pathogen injury line at 585-8000 and speak to a representative who will determine whether an occupational exposure has occurred.
    - 2) If through use of the injury hotline it has been determined that an occupational exposure has occurred, and the subject is willing to submit to exposure testing, advise the affected officer/arresting officer that the subject should undergo source patient testing at University Hospital **before** being transported to the Hamilton County Justice Center (HCJC).
      - a) The exposed employee should accompany the source patient to University Hospital for testing.
      - b) In the event the source patient requires medical treatment at a hospital other than University Hospital, the exposed employee should follow the source patient to that treating hospital.

- 3) If the source patient refuses or when the test is not performed for some reason at the hospital:
  - a) The exposed employee must respond to University Hospital for counseling regarding their occupational exposure and necessary testing.
  - b) The exposed employee/arresting officer must make the court aware that blood tests need to be administered due to an occupational exposure. HCJC has a protocol outlining which exposure labs are to be drawn on the source patient.
- 4) Verify the arresting/transporting officer has indicated the need for a court ordered blood test on the Form 527 so that the test becomes a condition of the subject's bond. HCJC will process the court order once issued by the judge.
  - a) The subject will be held until necessary tests can be administered. If having difficulty getting the court order, contact EHS at 352-1991. They will contact the HCJC intake supervisor.
  - b) HCJC records will notify EHS of the test results if requested or indicated on the court order. Make sure EHS is aware of the exposure, source patient name, DOB and location where exposure labs were drawn.
- 5) Complete the Form 91SP.
  - a) If deemed an occupational exposure, complete the Form 91SP. Workflow the completed Form 91SP through the chain of command to the district/section/unit commander.
  - b) When workflowing the 91SP, "Add Notification" to Personnel Section.
  - c) Fax a copy of the Form 91SP to Employee Health Service, Risk Management, and Matrix.
- 6) Scan the medical release into the computer and attach to the appropriate ETS case folder. Route the original medical release through channels.
- 7) The unit supervisor will contact EHS to ensure the exposed employee has notified EHS of the occupational exposure and is following the directives of EHS. Notify EHS where and when the source patient was tested for infectious diseases.
- 8) If treated at University Hospital, a red packet will be given to the employee that includes recommended procedures and precautions. The employee and supervisor shall follow all recommendations.

3. When notified by EHS of occupational exposures involving deceased individuals, Personnel Section will notify the affected employee's district/section/unit commander. Employees will follow the protocol as outlined above. EHS will contact University Hospital and arrange for testing at the coroner's office if necessary.
    - a. Personnel Section will be available to answer questions related to exposures.
- G. Notification in Cases of Serious Sickness or Injury While On-Duty
1. Personnel Section will obtain from every employee a completed Form 31EC, Employee Emergency Contact Information.
    - a. The information contained on the Form 31EC will be entered/updated into the Records Management System (RMS) by Personnel Section and made available to Department supervisory personnel through RMS.
    - b. The Form 31EC shall contain names, addresses, and phone numbers of both a primary and secondary contact person to be notified in case of an emergency.
    - c. Changes to the Form 31EC are the employee's responsibility and can be made at any time by submitting an updated Form 31EC to Personnel Section.
      - 1) All Form 31EC information will be reviewed annually with the employee:
        - a) By Personnel Section during Annual Equipment Inspection, for all sworn personnel.
        - b) By the employee's immediate supervisor every January, for all civilian personnel.
  2. The employee, if conscious, should make the decision whether any personal notifies should be made.
    - a. If possible, the employee will personally make the call.
  3. If the employee is unconscious or unable, a supervisor will contact the employee's emergency contact person(s) designated on the Form 31EC.
    - a. In-person notification will be made, if appropriate.
    - b. Provide transportation for the notified person(s), if needed.
    - c. Consider using a member of the Police Clergy Crisis Team or a Peer Support member to assist with the notification.
  4. A supervisor will ensure the district/section/unit commander is notified.

## H. Special Leaves

1. The Personnel Section Supervising Management Analyst has authority to approve the following special leaves in compliance with City/Department policy and procedure and/or current union contract:
  - a. Sick Pay Family (SPF).
  - b. Sick Pay Death (SAD).
  - c. Sick Pay Maternity (SPM).
  - d. Military Training (MT).
  - e. Leave Without Pay (LWP).
    - 1) The Department will follow the current City guidelines as outlined in the Human Resources Policies and Procedures, Department procedures, and/or current union contract.
2. Employees requesting special leave will complete a Form 25S as soon as the need for the leave becomes known.
  - a. The original is routed through the chain of command to Personnel Section.
  - b. The employee's unit of assignment retains a copy in the employee's Medical Jacket.
  - c. The time book and PAR will reflect the time granted.

## J. Responsibilities of Personnel Section

1. Serve as the Department liaison with EHS.
2. Maintain an annual file of Forms 25S pertaining to sick leave.
3. Maintain a list of personnel confined to a hospital.
  - a. Notify the Police Chief's Office and the Fraternal Order of Police (FOP) of those employees admitted to a hospital.
4. Advise EHS of:
  - a. Hospitalized employees.
  - b. Employees exposed to an infectious disease.
  - c. Other serious or unusual cases of sick or injured employees.
5. Send a copy of the sick and injured leave report to EHS weekly containing the information of personnel currently carried as IWP, light duty, and on extended sick leave.

6. Under special circumstances, and when advised by EHS, notify an employee's unit of assignment of an employee's current duty status. Under normal circumstances, EHS notifies the employee's unit of assignment of duty status and gives the employee a copy of the Form 96 to give to the employee's supervisor.
  7. Receive copies of Forms 25S for special leaves.
  8. Receive and process Form 91SP via ETS for personnel injured on-duty.
    - a. Place copies of the Form 91SP in the employee's Medical Jacket.
    - b. Complete a Form 74S, Injured with Pay Recommendation, on all approved IWP leaves.
  9. Finalize the case in ETS.
  10. Receive and enter/update all employee Form 31EC information into RMS.
- K. Tracking Personnel on Extended Sick or IWP Leave, or on Extended Light Duty.
1. The district/section/unit commander, who has an employee in an off-duty sick status for seven or more consecutive days (counting off days), or in an extended IWP or light duty status will call or email Personnel Section on Monday between 0800 and 1200 hours and provide the employee's name and the nature of the sickness or injury.
  2. Personnel Section will provide the Police Chief with a list of Department employees on extended sick or IWP leave, or on extended light duty. Personnel Section will update the list weekly.
  3. Personnel Section will function as the liaison with EHS to ensure EHS is aware of employees who are on extended sick or IWP leave, or on extended light duty in the event further medical evaluation is in order.