

SANTA CLARA POLICE DEPARTMENT GENERAL ORDER 22.2

BENEFITS

ISSUED APRIL 2006

22.2.1 Leaves

The City Manager may grant leaves of absence, with or without pay. Such leave may be granted for represented employees as outlined in the employee's respective labor agreement, and the City of Santa Clara's Salary and Fringe Benefits Resolution (#636). Leaves include, but are not limited to:

Holidays:

As defined by the employee's respective labor agreement.

Sick Leave/Industrial Injuries:

If an employee knows he/she will be unable to report for duty because of an illness or injury, he/she will call Records immediately. The employee shall report the nature of the illness or injury and when he/she expects to return to work. It will be the responsibility of Records to forward the sick notification to the employee's immediate supervisor (or on-duty Watch Commander).

If an employee becomes ill once at work, he/she shall contact his/her supervisor, and arrange for relief. The supervisor will be responsible for making the proper notation on the daily payroll record.

In the case where an injury occurs at work, the employee will report the injury to his/her supervisor immediately, and assist in the completion of all applicable required injury forms.

If an employee has missed forty (40) or more hours of work due to an illness or injury, the City requires a release from the employee's treating physician before being allowed to return to work ([CMD 59](#)).

Per [CMD 030](#), employees may call in sick up to seven (7) shifts during any 12-month period of time without that use being considered excessive. For the purpose of interpreting this policy, calling in sick for more than one consecutive shift (i.e.: Monday and Tuesday) would be considered one sick incident.

Vacations:

Vacation accrual is governed by the employee's labor agreements. Selection for vacation is based on the employee's starting date within his/her job classification.

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Seniority:

Police Department employees demoted (either voluntarily or involuntarily) shall be placed into the appropriate position on the seniority list for the lower classification, based on their starting date with the Police Department.

City employees transferring to the Police Department as the result of a demotion (either voluntarily or involuntarily) shall start at the bottom of the seniority list for the lower job classification.

City employees in a specific job classification transferring to the Police Department in the same job classification shall be placed on the seniority list based on their starting date within that classification.

For the purposes of this policy the classifications of Utility Typist II and Clerk Typist II shall be considered the same.

Jury Duty or Court Appearances:

Any employee who is required to appear in court either as a juror or as a witness to an event occurring while on duty shall receive their normal salary if the appearance is during their regularly scheduled shift if the employee remits either the juror or witness fee to the City.

Military Duty:

Military and Veterans Code Sections 391 through 395.01 provide that employees are entitled to receive up to 30 days paid military leave per fiscal year for active duty with the National Guard, Army Reserve, Naval Reserve, Marine Corps Reserve, Coast Guard Reserve or Air Force Reserve.

Title 38, United States Code, Sections 2021 through 2024, provides leave must be granted to perform ordered duty. An employee shall be permitted to return to his/her position with such seniority, status rate of pay, vacation, and other benefits as he would have had if he had not been ordered to duty.

It is the obligation of the employee to notify the City in advance through his/her immediate supervisor of an order to perform military duty and to provide a copy of his/her orders to that supervisor as soon as possible. Military time off without official orders, where required, will not be paid.

Employees who are ordered to active duty for an indefinite or extended tour of duty in excess of 180 days may be required to turn in all City equipment. Upon return, a copy of the Military Discharge and DD Form 2, DD Form 214, and Release from Active Duty Form 44 shall be submitted to the Personnel Department via the chain of command before the employee may return to work.

Bereavement:

Pursuant to negotiated MOU's, employees are allowed to take up to five (5) days of bereavement leave (not charged to leave balances). See the specific MOU's for full language.

Leave of Absence:

The appointing authority may grant a leave without pay not to exceed (60) days. The City Council may grant leaves of absence for up to twelve (12) months.

Pregnancy Leaves:

Leaves associated with pregnancy are covered under the Family Leave Act.

Disability Leaves:

When an employee is away from work on a long-term sick/disability leave (over one week in length), the department will mail a letter to the employee outlining obligations the employee will be responsible for while on such leave. During such time as an employee is off on a job-related disability leave, he/she will be required to:

- Report by phone or in person to the Division Commander on the first day of the disability leave and continuing each week thereafter. This subsequent reporting will occur on Monday (excluding holidays, when it will be the first workday after the holiday), and continue each successive workweek thereafter while on disability.
- When the injured employee reports in with their status, he/she will provide the following information:
 - An updated status on the injury;
 - Next doctor's appointment - A City representative/Medical Management Nurse retained by GatesMcDonald, the City's 3rd party Worker's Compensation administrator, may routinely accompany the injured worker to the medical appointments. In certain cases, the Medical Management Nurse is retained to consult with the employee's doctor and make a detailed report on the overall prognosis and possible date of return to duty for the injured employee;
 - Estimated date of return;
 - Current phone number where the officer can be reached during the day;
 - Any other information or questions.

Sworn personnel on disability status will have their workweek adjusted to Monday through Friday, 0900 to 1700 hours, pursuant to their current [MOU](#). This change will not effect the

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payment of shift differential that was being paid prior to the individual going on disability. The individuals must be available on short notice for medical appointments and, to the extent permitted by the injury/illness, for scheduled court appearances. Nothing in this policy implies a release from required police-related duties, based solely on an off-duty disability status.

To the greatest extent possible, all medical appointments shall be scheduled during these adjusted duty hours to avoid overtime costs. If an employee is off work on a disabled status, this would mean setting appointments between 0900 and 1700 hours on Monday through Friday. If an employee later returns to work, but is still in need of medical treatment due to a job-related injury, this will mean trying to schedule appointments during normal work hours, if possible. The employee shall advise his/her supervisor about these work-hour appointments so permission to leave work for a short period can be obtained.

When an employee who is off work on industrial disability is intending to be away from his/her residence or to travel out of the area for a period longer than one day during the Monday to Friday time frame, he/she must notify their Division Commander or designee, and leave a contact telephone number or address so the employee can be reached quickly, if necessary.

While off on a work-related disability status or other illness or injury, whether work-related or not, you are ineligible to work police related extra-duty assignments. These jobs may be resumed after a return to duty that is authorized by your physician if so required.

Off-duty, non-Police Department employment will be automatically reviewed by the Chief's Office while an employee is on sick leave, off-duty status due to an injury or illness, or while assigned to limited duty. Permission for this off-duty employment may be withdrawn or may be allowed if its performance will not aggravate the injury/illness suffered by the employee, or cause the injury or condition to be prolonged. The employee's physician will provide a written release to this effect.

Any time you are absent due to treatment for an industrial injury/illness, you must have a release to return to work. That means **if you have missed any time, because of your injury, you must have a release to return to work or a medical appointment verification before you will be allowed to work.** If you must miss a portion of a work day due to doctor's appointments, physical therapy, etc., arrangements should be made ahead of time with your Division head and/or supervisor for you to take the time off. **When you go to a medical appointment, you must bring a medical visit verification upon your return to work.** There are several reasons for this: the City has to be sure that you can physically perform your job safely, the City along with GatesMcDonald must be able to monitor your care to be sure you are getting good treatment, and the medical verifications assist GatesMcDonald in correctly paying the medical treatment bills for each claim.

Mandatory Extraordinary Leave With Pay:

Administrative Leave is explained in [General Order 52.1.8](#), and further discussion on relief from duty is discussed in [General Order 1.7.1](#).

Personal Leave:

Personal leave is covered by the various bargaining unit's MOU's. See the specific MOU for exact language to cover personal leaves.

22.2.2 Retirement Program

All full-time employees of the City of Santa Clara are covered under the California Public Employees Retirement System (PERS). The current contract between the City and PERS is maintained by the City Clerk's office.

22.2.3 Health Insurance Options

A variety of health insurance options are available to all full-time employees to participate in, if they choose to. The City of Santa Clara Personnel Department maintains complete copies of the various plans available.

22.2.4 Disability and Death Benefits

The City of Santa Clara provides disability and life insurance for all full-time employees subject to the provisions of their respective labor agreements and the City's Personnel and Salary Resolution.

22.2.5 Police Employee's Assistance Programs

It is the policy of this Department to help employees who are experiencing personal or job-related problems. All employees are offered an objective and non-judgmental resource to contact for advice and assistance, ranging from access to a Department Chaplain to peer support and counseling.

For complete details, refer to [General Orders 22.5 \(Chaplaincy Program\)](#), and [22.7 \(Peer Support\)](#). Additionally, for members of Units [5](#), [7](#), [8](#) and [10](#), the City provides an Employee Assistance Program.

These support programs are authorized by the Chief of Police, are confidential for the employee, and available on an around-the-clock basis.

22.2.6 Liability Protection

Civil liability, due to injuries caused by employees within the scope of employment, and immunity of employees, is discussed in Government Code Section 815.2 as follows:

A public entity is liable for injury proximately caused by an act or omission of an employee of the public entity within the scope of his employment if the act or omission would, apart from this section, have given rise to a cause of action against that employee or his personal representative.

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Except as otherwise provided by statute, a public entity is not liable for an injury resulting from an act or omission of an employee of the public entity where the employee is immune from liability."

22.2.7 Uniform and Equipment Allowance

Employees of the Santa Clara Police Department receive uniforms and/or clothing allowance according to the provisions of their applicable labor agreements.

22.2.8 Educational Benefits and Incentives

The City of Santa Clara encourages all employees to continue to develop themselves through special training and academic courses.

Non-sworn employees are eligible to receive reimbursement for educational courses relating to their respective positions in accordance with [CMD 26](#). Eligible employees must submit a request through their chain of command in advance of attending the desired training, and once approved, must successfully complete the course. Once completed, the employee must submit all receipts and grade report (or certificate of course completion) to receive reimbursement for the class.