



DEPARTMENT NOTICE

24-050

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Sick Leave Abuse (Supersedes DB 08-252)

The purpose of this notice is to bring attention to the provisions of the San Francisco Civil Service Commission (CSC) Rule 220 Article I-IV, which governs "Leaves of Absence," including Sick Leave.

For members of the San Francisco Police Department, eligibility for Sick Leave is established as follows:

Sec. 220.2 Eligibility for Sick Leave

Subject to the provisions of this Rule, employees and officers (hereinafter called employees) who are absent from their duties due to their own illness or disability, or that of a qualifying family member, including preventive care, such as medical and dental appointments, and employees who are victims of domestic violence, sexual assault or stalking, are eligible for sick leave.

As with all categories of Sick Leave as defined in CSC 220, supervisors are to monitor Sick Leave use by members for patterns of abuse. In the event it is determined a member is abusing Sick Leave, a supervisor may request a Sick Leave Restriction to be approved by the Chief of Police. The San Francisco Department of Human Resources defines Sick Leave Restriction as a tool used to address misconduct involving leave abuse.

While on Sick Leave Restriction, the member may only use Sick Leave with a medical certification from a health care provider (doctor's note). Sick Leave Restriction is not discipline; it is imposed to ensure that employees use sick leave appropriately.

The following instances of Sick Leave use which might indicate a pattern of abuse might include (but would not be limited to) the following:

- On the first or last days of a member's work week
- After denial of a vacation or day off request
- Repeatedly coinciding with special events
- Immediate use upon earning paid Sick Leave time
- For reasons unrelated to those established in CSC Sec. 220.7 (Definition of Sick Leave) (e.g. to attend a social function, a sporting event, etc.)

In the event that a supervisor is notified through their respective chain of command or detects a pattern of possible inappropriate use of Sick Leave, the following steps shall be followed:

Step 1

In an effort to support the employee through any personal or professional difficulties they may be experiencing, supervisors shall:

- Conduct a counseling session with the member regarding their use of Sick Leave, to determine if a legitimate reason exists regarding the use of Sick leave.

- Offer the member the San Francisco Employee Assistance Program, which offers a variety of confidential counseling, consultation, coaching, and educational services. Supervisors can contact the Employee Assistance Program to discuss options by calling (628) 652-4600.
- Discuss the possibility of reasonable accommodation for the member to alleviate the problem, including the FMLA program.
- Establish a Performance Improvement Plan between the supervisor and the member to correct the situation.
- Determine if the member is protected by California's Kin Care law, the federal Family Medical Leave Act (FMLA), or other program(s) which would generally grant Sick Leave protections to employees.

Step 2

Should the pattern of Sick Leave abuse continue, or it has been determined that the use of Sick Leave has not been legitimate, supervisors shall:

- Review the member's work history for the past 90 to 180 days.
- Conduct an interview with the member regarding the use of Sick Leave.
- Prepare a memorandum to the Commanding Officer indicating the circumstances surrounding the abuse of Sick Leave. The memorandum should include:
 - The member's work history for the past 90 to 180 days.
 - A request for a Sick Leave Restriction.
- Forward the memorandum to Internal Affairs.
 - Examples of the memorandum and Sick Leave Restriction letter can be found in the DM 16 – Supervisory Investigations Manual.

Resources:

Employee Request for Reasonable Accommodation

<https://sfdhr.org/sites/default/files/documents/Forms-Documents/Employee-Request-for-Reasonable-Accommodation.pdf>

San Francisco Civil Service Commission (CSC) Rule 220

SFPD Supervisory Investigations Manual (DM 16)


 WILLIAM SCOTT
 Chief of Police

Per DN 23-152, all sworn & non-sworn members shall electronically acknowledge this Department document in PowerDMS within (30) thirty calendar days of issuance. Members whose duties are relevant to this document shall be held responsible for compliance. Any questions regarding this policy should be sent to sfpd.writtendirectives@sfgov.org who will provide additional information.