

Policy: 1601.4, Authorized and Unauthorized Absence from Duty

Effective Date: 1/4/2024

Distribution Group: Sworn Employees

Review Responsibility: Patrol Services Bureau Commander

Accreditation Chapter(s): None

Chief of Police: Eric D. Smith

Contents

- I. PURPOSE**
- II. POLICY**
- III. DEFINITIONS**
- IV. PROCEDURES**
 - 1. AUTHORIZED ABSENCE FROM DUTY**
 - 2. UNAUTHORIZED ABSENCE FROM DUTY**
 - 3. SCHEDULING OF TRAINING DAYS**
 - 4. SCHEDULING OF ANNUAL PERSONAL LEAVE**
- V. FORMS AND APPENDICES**
- VI. REFERENCES**

I. PURPOSE

The purpose of this directive is to enumerate those circumstances for which an absence from duty can be authorized and to provide the procedures which are to be followed in the event of an unauthorized absence.

II. POLICY

The provisions of this directive in no way add any additional benefits nor do they amend or rescind the existing provisions for the use, application, or approval of the various categories of authorized leaves of absence.

III. DEFINITIONS

None

IV. PROCEDURES

1. AUTHORIZED ABSENCE FROM DUTY

Under applicable circumstances and after obtaining the appropriate authorization an employee may legitimately be absent from duty for the following:

- a. Accrued or advanced sick or personal leave (including sick bank time)
- b. Applicable managerial or administrative leave
- c. Pre-authorized extraordinary leave
- d. Leave as provided under the Civil Service Code
- e. When an application for pension, special leave, etc. is pending according to proper policy and civil service codes (The employee may be placed in a no pay status if all available time, i.e., accrued sick/personal leave is exhausted.)
- f. Military leave
- g. Authorized Absence as provided for in any applicable collective bargaining agreements
- h. Administrative Relief of Duty with Pay
- i. Suspension with or without pay
- j. Leave as provided under the Federal Family and Medical Leave Act (FMLA), as outlined in City Policy and Procedure 808.25
- k. Any other leave authorized by City policy

Any employee absent from work in excess of thirty calendar days due to Layoff, Leave of Absence, Relief of Duty, Reinstatement following disciplinary action, etc., may be required to successfully complete a return-to-work physical administered by the City and complete any training as needed to meet law enforcement certification requirements.

1.1 NEW EMPLOYEES' LEAVE FOR INJURY OR ILLNESS

The Training Section Commander is authorized to grant no pay hours to sick sworn employees during their first 90 days of employment if their illnesses/injuries are nonduty related. (Use of leave for new sworn employees who suffer duty-related injuries shall be in accordance with the provisions of the collective bargaining agreement.) Upon notification from the Training Section Commander, the new sworn employee's affected section commander will provide remarks on a pay sheet reflecting no pay hours as authorized above.

Section commanders are authorized to grant no pay hours to nonsworn employees who are sick during their first 90 days of employment, and they will provide remarks on a pay sheet reflecting no pay hours as authorized above.

Said no pay hours cannot be granted for more than 16 hours per occasion nor total more than 24 hours during the initial 90 days.

Leave requests exceeding these limits within the first 90 days of employment must be approved by the Chief of Police.

2. UNAUTHORIZED ABSENCE FROM DUTY

Employees shall not be absent from duty for any reason other than those listed in Section 1. The following procedures shall be followed in cases involving unauthorized absences.

2.1 INITIATION OF INOI

If an employee is absent from duty for any reason other than an approved authorized absence, the employee's immediate supervisor shall immediately initiate an INOI.

2.2 NO-PAY STATUS

The employee's immediate supervisor shall contact the employee and inform him or her that the absence is unauthorized and that unauthorized leave must immediately result in a no-pay status.

2.3 COUNSELING THE EMPLOYEE CONCERNING OPTIONS

The supervisor shall counsel the employee as to the available options should he or she be unable to return to work and document that counseling was conducted.

2.4 CONTINUED UNAUTHORIZED ABSENCE

If the employee continues to be absent without appropriate authorization, he or she may be terminated.

2.5 REQUEST FOR ADVANCE PERSONAL LEAVE

If the sworn employee has made a request for advance personal leave with the Civil Service Board, he or she will not be terminated until the Board has had the opportunity to act on the request. (Any advanced time must be paid back if the request is denied.)

Civilian employees shall refer to [City P&P 808.15, Personal Leave Policy](#), or the appropriate bargaining unit agreement for the procedure to request advanced personal leave.

2.6 CITY PHYSICIAN

The unwillingness of the City Physician to certify an employee as fit to work due to medical incapacity will not necessarily prevent or delay the termination of an employee who is not in an authorized leave status.

3. SCHEDULING OF TRAINING DAYS

For officers on a 12-hour shift, the supervisor shall change the officer's schedule at least 5 days prior to the training day (Article 11.5) to make their 8-hour day the day of training. It is recommended that the supervisor make the change as soon as they know about the training. Officers on special teams should have their scheduled team training on their 8-hour day. If there are two 8-hour training days in a pay period, the second 8-hour training day counts as a 12-hour workday (Article 13.3).

For officers on a 10-hour shift, the 8-hour day of training will count as a full day of work, with the officer being credited for 10 hours worked (Article 13.3). If there are two 8-hour training days in a pay period, the second 8-hour training day will also count as a full day worked.

If there are 3 or more 8-hour training days in a pay period, the supervisor will work out a schedule that ensures the officer has consecutive days off each work week (Article 11.1) and limits the numbers of "nonworked" hours the officer receives.

If there are 5 consecutive 8-hour training days, the officer will work a 5 day/40-hour work week. Officers on a 12-hour shift may need to be credited with "nonworked" hours if the other work week only has 3 scheduled days of work.

Officers attending a training session of less than 8 hours (scheduled) will work their regular shift and attend training during their normal workday.

4. SCHEDULING OF ANNUAL PERSONAL LEAVE

The Department shall be responsible for the scheduling of annual personal leave. The selection of personal leave shall be based on the seniority of the department. A schedule for annual personal leave shall be developed between October 1 and November 30 each year for personal leave purposes in the following calendar year. When a member is involuntarily assigned to a different shift or is promoted after their personal leave schedule has been selected, the member can carry the selected personal leave to the new assignment. The department shall accommodate the member in order to keep the personal leave as per current practice. Members voluntarily submitting for a patrol transfer or submitting for job postings may not carry their selected personal leave to the new assignment and may not bump anyone on the new unit with less seniority who already has approved leave scheduled.

Sergeants will schedule their personal leave in order of their classification seniority then officers will schedule in the order of their department seniority. No other factors, such as squad seniority or assignment as ASL or Corporal, may be used to determine the order of access to the schedule. Each member may schedule up to three separate instances of personal leave of up to three calendar weeks for each instance during the member's first turn at the schedule. After each unit member has had one turn at the schedule, the schedule will be circulated a second time by the same order of seniority, and members will be allowed to schedule any remaining personal leave.

Members may not schedule annual leave for their Regular Days Off (RDOs) to prevent the member from being ordered to work extra-duty events. Sergeants shall monitor the annual leave schedule and immediately report to their chain of command any incidents where they believe a member is trying to ensure they cannot be ordered to work extra duty. Members may periodically request personal leave on an RDO to ensure they are off duty for an event of importance to them.

The Florida Classic Weekend is a recurring annual event held in November, the weekend before Thanksgiving. To accommodate the large number of visitors during this time, and to prevent any unexpected situations, no authorized leave will be granted for this weekend. Questions and/or appeals can be directed to the member's bureau commander, who will review each request on a case-by-case basis.

Employees are subject to be ordered to work events surrounding the Florida Classic Weekend. Sworn members will be made aware of their assignments, including dates and approximate times, no less than five days prior to the event.

V. FORMS AND APPENDICES

None

VI. REFERENCES

This policy rescinds Policy and Procedure 1601.3

Related Policies: [City Policy 808.15](#)

Related Laws: Not Applicable