

Chapter	3
Section	3.01
Title	Scheduling, Payroll and Leave Time
Subject	Minimum Coverage Per Shift
Effective Date	03/01/1988
Revision Date	12/3/2019
Revised By	Captain Clifford Mathews
Authorized By	Chief Darren L. Goodman

I. Minimum Coverage Per Shift

- A. **Policy:** The Department will provide minimum coverage as need dictates. If needed, off-duty personnel will be called in to work on an overtime basis.

- B. **Purpose:** To assure that sufficient coverage is provided to appropriately safeguard the City at all times.

- C. **Procedure:**
 - 1. Minimum manpower coverage at the start of the three shifts is:
 - a. Day Shift – Five (5) Officers
 - b. Night Shift – Five (5) Officers
 - c. Cover Shift – Two (2) Officers
 - 2. Motorcycle Officers and Supervisors shall not be included when evaluating manpower coverage.
 - 3. Anytime staffing falls below the minimum level every reasonable effort shall be made to provide coverage.

Chapter	3
Section	3.02
Title	Scheduling, Payroll and Leave Time
Subject	Reporting Time
Effective Date	03/01/1988
Revision Date	02/23/2011
Revised By	Captain Ken Bonson
Authorized By	Chief Jeff Mendenhall

I. Reporting Time

- A. **Policy:** All Department personnel shall report for duty at a time which allows them to be at their assigned work location at the scheduled beginning time for their assigned tour of duty.

- B. **Purpose:** To provide a uniform interpretation of regulations governing hours of duty and to ensure consistent compliance among all employees.

Chapter	3
Section	3.03
Title	Scheduling, Payroll and Leave Time
Subject	Donning and Doffing
Effective Date	01/14/2010
Revision Date	12/18/2019
Revised By	Captain Clifford Mathews
Authorized By	Chief Darren L. Goodman

I. POLICY

All Department personnel shall report for duty at a time which allows them to be at their assigned work location at the scheduled beginning time for their assigned tour of duty.

II. PROCEDURE

Effective immediately, sworn personnel assigned to the Patrol Division, Code Enforcement Officers, Police Services Technicians, and the Business License Inspector will be provided 7.5 minutes paid time at the beginning of their assigned shift and 7.5 minutes at the conclusion of their assigned shift to don and doff uniforms and/or protective equipment.

- A. As an example for Team 1 Day Shift with work hours of 6:30am to 6:30pm.
 - 1. At the beginning of their shift, officers and supervisors are required to be in the locker room no later than 6:30am to don their uniform and/or protective equipment. They are then required to be in shift briefing no later than seven minutes and 30 seconds following their 6:30am start time.
 - 2. At the conclusion of their shift, officers and supervisors may enter the locker room at seven minutes and 30 seconds prior to their 6:30pm end of watch to doff their uniforms and/or protective equipment. Officers and supervisors will be required to remain in the police department building until 6:30pm.

Chapter	3
Section	3.04
Title	Scheduling, Payroll and Leave Time
Subject	Meal and Coffee Breaks
Effective Date	03/01/1988
Revision Date	12/18/2019
Revised By	Captain Clifford Mathews
Authorized By	Chief Darren L. Goodman

I. POLICY

- A. Operations Division personnel will receive three-quarter (3/4) hour meal break and two (2) 15 minute coffee breaks (workload permitting) during their full shift. Although officers are subject to call during the entire break, every effort will be made not to interfere with their meal.

II. PURPOSE

- A. To schedule meal and coffee breaks within the Operations Division, in keeping with the needs of the Department.

III. PROCEDURE

- A. Officers are subject to call during the entire period of their meal break.
 - 1. Dispatchers should be alert to the officers' meal times.
 - 2. Non-emergency calls may not be held over 15 minutes without the Watch Commander's approval while officer is on a meal break.
 - 3. Emergency calls will be handled immediately by any unit available. If no units are available, the officer will be called from his break to respond.
- B. No more than two patrol units (not including supervisor's cars) shall be at the same location at the same time. Exceptions to this policy must be approved in advance by the field supervisor or watch commander. Justified reasons for allowing this would be so that officer may discuss beat problems, projects, or some other work related need. There may be also be factors such as the time of night has limited the open eating establishments or the number of officers exceed the available restaurants during an overlap period.

- C. Officers who take a coffee break alone should take the break within their beat when practical, or within another beat when establishments are not open in their beat. Officers who elect to take a coffee break together should take breaks at a location proximate to both of their beats.
 - 1. No more than two patrol units shall be at the same establishment at the same time.
 - 2. Supervisors are exempt from this policy so that they may use this time to meet with each other or subordinates to discuss confidential matters. They are subject to call and should respond to calls if needed immediately.

Chapter	3
Section	3.05
Title	Scheduling, Payroll and Leave Time
Subject	Payroll
Effective Date	03/01/1988
Revision Date	02/23/2011
Revised By	Captain Ken Bonson
Authorized By	Chief Jeff Mendenhall

I. Payroll

- A. Purpose:** The purpose of this policy is to provide members of the Police Department with guidelines regarding payroll.
- B. Payroll Record Keeping:** The City of Upland operates on a biweekly pay schedule, which results in 26 equal pay periods per year. Each is a 14 day period.. Pay checks are distributed on the Thursday morning after the close of the pay period. All time worked by members of this Department, including exceptions to the regular work schedule, shall be reported on the biweekly time card.
1. The procedure for each Division will be as follows:
 - a. Time cards will be completed for each employee by the appropriate designee.
 - b. Days worked and regular days off will be noted in the appropriate box for each day. Exceptions to regular working hours will be noted across from the category of exceptions and under the day when the exception occurs. The number of hours used for bereavement, compensatory time off, floating holidays, illness, etc. will be recorded for each case. A total of eighty (80) hours per pay period will be accounted for.
 - c. The amount of overtime, standby time, or compensatory time earned will be recorded in the appropriate space, located on the lower left portion of the time card.
 2. Time cards must reach the Payroll Clerk on the Monday morning prior to the Thursday when checks are distributed.

C. Authorization Forms

1. Anytime requests are made for general overtime, court overtime, training overtime, standby time, special event overtime, compensatory time, vacation time, sick time, floating holiday time, or administrative leave time, such requests must be accompanied by a properly signed and completed request form.
2. The Payroll Clerk shall review all requests for overtime and compensatory time for accuracy, proper authorization, an adherence to Department policies.

D. Employee Benefits During Jury Duty

1. Employees shall receive full salary and benefits for time served on any jury.
2. In accordance with City policy, employees who have served on a jury will submit any paycheck received from the court to the Finance Department.
3. Any money paid as reimbursement for mileage will be returned to the employee. Money paid as juror's fee will be deposited into the City's General Fund.

E. Educational Bonuses: Employees attaining educational training, which qualifies them for pay increases, shall promptly notify the Training Unit and will submit documents to substantiate the achievement.

1. When an unofficial document is received by the employee, it shall be submitted in lieu of the official document, pending receipt of same.
2. Prompt submission of documents will help eliminate delay in processing educational bonuses.

F. Reporting Changes in Marital or Dependent Status: This information is necessary in order to provide the employee with an accurate withholding tax exemption, update Department records, inform the Retirement System of a beneficiary change, and advise the Personnel Department, Insurance Section, of changes in dependents or beneficiaries. When a change in marital or dependent status occurs, the concerned employee shall:

1. Complete a new "Withholding Tax Exemption Form, W-4" for income tax purposes.
2. Complete a "Change of Personal Status" form.

G. Distribution of Payroll Checks: Payroll checks will be released only to the employee or persons authorized by the employee to receive the check. Authorization must be given in writing on the proper authorization card.

Chapter	3
Section	3.06
Title	Scheduling, Payroll and Leave Time
Subject	Overtime Compensation
Effective Date	03/01/1988
Revision Date	11/26/2019
Revised By	Captain Clifford Mathews
Authorized By	Chief Darren L. Goodman

I. Overtime Compensation

- A. Definition:** Overtime is that previously authorized period of work performed by an employee in excess of that required during his/her regularly scheduled daily or weekly hours of work. Compensation for overtime work is available to all employees, except those exempted by salary resolution.
- B. Classification:** Employees may be compensated for overtime worked in the form of additional pay, or compensatory time off ("CTO"), according to the following rules and regulations. All additional pay or CTO shall be calculated at the rate of one and one-half times the employee's regular hourly rate of pay, or times the number of hours worked (for CTO), except where noted otherwise below. No "minimum" shall be applicable unless the employee experiences an off-duty period prior to beginning the activity in question. Employees earning authorized overtime in one of the following categories may receive pay, or CTO, as compensation, at the employee's election, except where noted otherwise below.
1. General Overtime: General overtime is time spent in addition to regular working hours to fill in for other employees, see tasks through to completion, or to work special assignments at the request of the Department. The employee may elect pay or CTO.
 2. Court Overtime: Employees may choose to receive overtime pay or CTO for mandatory appearances in court during off-duty hours. Employees required to make such appearances shall be reimbursed for all hours actually spent in such appearance, but in no event, less than a minimum of two hours overtime per 24 hour period. Employees shall not be reimbursed for the period of time in which the court is in recess for lunch.
 3. Training Overtime: All personnel attending mandatory training meetings, while off-duty, shall receive overtime pay or CTO at their election.

4. Standby Overtime: Non-sworn employees shall earn standby overtime, up to a maximum of two and one-half hours, when subject to a court subpoena, waiting to be called to court during off-duty hours. The two and one-half hour maximum may be extended by the District Attorney's Office.
 - a. Police Officers and Detectives in such on-call status will be paid 2.5 hours at the overtime rate in which there is any on-call time.
 - b. Employees shall not receive compensatory time off for standby overtime earned.
5. Special Event Overtime: Personnel assigned to work special events shall receive overtime pay. Employees may not receive compensatory time off for special event overtime earned.

C. Recording of Overtime

1. All overtime shall be recorded on the appropriate request form, and shall be submitted immediately to the employee's Watch Commander or supervisor. Requests for overtime compensation shall be signed by the employee and turned in to the Police Chief for approval.
2. The Payroll Clerk shall record all earnings and use of CTO and shall initiate billing procedures for special events overtime and forward to the City's Finance Department.

D. Procedure – Requests For Time Off

1. An employee with CTO to his credit, desiring to take time off, shall make his request to the Watch Commander or supervisor within a reasonable period prior to the time requested. Requests shall be granted, consistent with the needs of the Department.

E. Accumulation and Carry-Over of Compensatory Time

1. The accumulation and carry-over of CTO shall be in compliance with the Fair Labor Standards Act and current Memorandum of Understanding.
2. Compensatory time shall not be used in conjunction with vacation time.

F. Submitting Form For Extra Pay

1. The new FLSA (Fair Labor Standards Act) regulations and related timekeeping deadline placed on the Police and Finance Departments make it absolutely necessary that all requests for extra pay be submitted in a timely manner as follows.
 - a. All requests for overtime pay shall be submitted to the Watch Commander immediately at the conclusion of the extra work period, or in the case of court standby on an officer's day off, immediately upon the officer's return to work.

G. Procedure – Overtime Sign-Up

1. When an overtime sign-up has been posted, the sign-up will contain the date and time to be worked and the following three signature lines:
 - a. "Officer"
 - b. "Signed Up by"
 - c. "Acknowledged by"
2. Officers who desire to work the posted overtime will sign their name in the following manner:
 - a. If the officer is inserting their own name on the overtime sign-up, they will write their name on the signature line for "officer" and "signed up by".
 - b. If the officer is inserting another employee's name on the overtime sign-up, they will write the other employee's name on the signature line for "officer" and write their own name on the signature line for "signed up by". The employee's name appearing in the "officer" signature line is responsible for writing their name on the third signature line "acknowledged by" immediately upon return to duty.
3. Once an officer's name has been entered on an overtime sign-up (either by the officer working the overtime or acknowledged by the officer working the overtime if another employee signed them up), their name may not be removed from the sign-up without a replacement officer first being found. The replacement officer's name will be inserted on the overtime sign-up as indicated in either subsection (1) or (2) of paragraph VII B.
4. An officer may not sign another employee's name in the "officer" signature line without first obtaining the other employee's approval to do so.

Chapter	3
Section	3.07
Title	Scheduling, Payroll and Leave Time
Subject	Special Events Overtime Procedure
Effective Date	03/01/1988
Revision Date	07/02/2018
Revised By	Captain Marcelo A. Blanco
Authorized By	Chief Douglas P. Millmore

I. Special Events Overtime Procedure

A. Policy: All personnel will comply with the below listed procedures in regard to assignment and reimbursement for special event overtime.

B. Procedure:

1. Submission of Slips: All slips for special events overtime shall be submitted to the Watch Commander immediately after clearing from the event and returning to the station. The Watch Commander will put the slips on the Payroll Clerk's desk that same day. (Officers may make copies of their slips and retain one copy for their records.)
2. Cancellation/Substitution: If an officer has signed up on a list to work a special event and thereafter, decides not to work, the officer must cross his/her name off the list and insert the name of the officer who will be working in his/her place, if known. The officer must also notify the Payroll Clerk of the change.
3. Additional/Less Hours Worked: If an officer submits a slip for more hours than he/she originally signed up for, the slip must include the name of the person from the organization who authorized the extra hours. If fewer hours than originally signed up for are worked, the officer's slip should indicate this.
4. Donating Time: If an officer signs up to work a special event, but does not desire payment for time worked, the officer must indicate "TIME DONATED" next to his/her name on the list, so the organization will not be billed for his/her time. If this does not appear on the list, the organization will be billed, and the officer will be paid. It is imperative that these slips be turned in the same day the event takes place.

Chapter	3
Section	3.08
Title	Scheduling, Payroll and Leave Time
Subject	Vacations
Effective Date	03/01/1988
Revision Date	02/23/2011
Revised By	Captain Ken Bonson
Authorized By	Chief Jeff Mendenhall

I. Vacations

- A. Policy:** It shall be the policy of this Department to set forth administrative standards to be followed by employees of the Upland Police Department for scheduling vacation time off.
- B. Procedure:** Vacation schedules are to be arranged with the employee's supervisor with due regard for the wishes of the employee and particular regard for the needs of the Department.
1. Sworn Personnel
 - a. Vacation time shall be accumulated according to City policy. Watch Commanders shall be responsible for the scheduling of vacations for persons on their shift. Employees shall sign up for vacations first by rank, and then by seniority within rank. When an employee signs up for vacation, the following guidelines shall apply:
 - 1) Employees will be allowed to sign up for vacation twice during each six month shift.
 - 2) Within each of the two sign-up periods, all requested vacation days shall be consecutive.
 - 3) An employee may select just one day of vacation during either of their two sign-up periods, however, once that single day has been selected, that employee has completed their sign-up for that period.
 - b. Watch Commanders shall maintain vacation schedules which regulate the number of personnel absent at any one time, and which distributes manpower as evenly as possible over the vacation period. Vacations shall be scheduled at least two weeks in advance, unless otherwise approved by the employee's Watch Commander.

- c. Probationary Police Officers may be allowed to take vacation time off during the probationary period for the purpose of allowing optimum scheduling of vacations. However, if a Police Officer should terminate prior to the end of the probationary period, he/she shall reimburse the City for any vacation days taken during that time.
2. Non-Sworn
 - a. All procedures and regulations which apply to the use of vacation time by sworn personnel shall also apply for non-sworn personnel, with the exception that no vacation shall be granted during the 12-month probationary period.
3. Accumulation of Vacation
 - a. Vacation accumulation shall cease when an employee has an unused balance of accrual equal to three years entitlement. Accumulation over that limit may be permitted only by specific City Council approval.
4. The Police Chief may order any or all vacations canceled in the event of an emergency.

FAMILY AND MEDICAL LEAVE**1. PURPOSE**

The purpose of this policy is to set forth the City's policy for providing leave of absence to eligible employees pursuant to either the Federal Family Medical Leave Act (FMLA) of 1993 and/or the Moore-Brown-Robert California Family Rights Act of 1991 (CFRA).

2. BACKGROUND

The Family and Medical Leave Act of 1993 requires that public employers grant up to twelve weeks of unpaid leave per twelve month period for the following: a) birth of a child and in order to care for such child; b) placement of child with the employee for adoption or foster care; c) to care for a child, parent, or a spouse who has a serious health condition; or d) a serious health condition that makes the employee unable to perform the functions of the employee's position. The California Family Rights Act of 1991 is almost identical to the Federal Act.

3. DEFINITIONS

- 4.3 "12-Month Period" means a rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken.
- 4.4 "Spouse" means husband or wife, as defined or recognized under California State Law for purpose of marriage. If both spouses work for the City of Upland their total mutual leave in any 12-month period may be limited to an aggregate of 12 weeks if the leave is taken for either the birth or placement for adoption or foster care of a child or to care for a sick parent. This limitation does not apply to leave taken by either spouse to care for the other who is seriously ill and unable to work, to care for a child with a serious health condition, or for his or her own serious illness.
- 4.5 "Parent" means biological parent or individual who stands or stood in loco parentis to an employee when the employee was a child. This term does not include parents-in-law.
- 4.6 "Child" means a child either under 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability i.e. a condition that constitutes a disability under the American with Disabilities Act or FEHA. An employee's "child" is one for whom the employee has actual day-to-day responsibility for care and includes biological, adopted, foster, a stepchild, a legal ward, or a child of a person standing in loco parentis. A "child" is "incapable of self-care" if he/she requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living or instrumental activities of daily living, such as caring for one's grooming and hygiene, bathing, dressing, eating, cooking, cleaning, shopping, taking public transportation,, paying bills, maintaining a residence, using telephone and directories, etc.
- 4.7 "Serious Health Condition" means an illness, injury, impairment, or a physical or mental condition that involves:

- 3.5.1 Inpatient care (an overnight stay) in a hospital, hospice, or residential medical care facility; or
 - 3.5.2 Any period of incapacity requiring absence from work, school or regular daily activities for more than three consecutive calendar days AND that involves continuing treatment by (or under the supervision of) a health care provider; or
 - 3.5.3 Continuing treatment by a health care provider (i.e., doctors of medicine or osteopathy who are licensed to practice medicine or surgery by the State of California) for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days; or
- 4.8 “Continuing Treatment” means:
- 4.8.1 Two or more visits to a health care provider by a nurse or physician’s assistant under direct supervision by a health care provider; or
 - 4.8.2 Two or more treatments by a health care practitioner (e.g., physical therapist) on referral form, or under the direction of, a health care provider; or
 - 4.8.3 A single visit to a health care provider that results in a regimen of continuing treatment under the supervision of the health care provider (e.g., medication or therapy requiring special equipment to resolve or alleviate the health condition. If the medication is over the counter and can be initiated without a visit to a health care provider, it does not constitute a regimen of continuing treatment for purposes of FMLA leave); or
 - 4.8.4 Any period of incapacity due to pregnancy or for prenatal care; or
 - 4.8.5 Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
 - 4.8.5.1 Requires periodic visits for treatment by a health care provider, or by a nurse or physician’s assistant under direct supervision of a health care provider; and
 - 4.8.5.2 Continues over an extended period of time (including recurring episodes of a single underlying condition); and
 - 4.8.5.3 May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). Absences for such incapacity qualify for FMLA leave even if the absence lasts only one day. For example, an employee for a few hours in the morning.
 - 4.8.5.4 In the case of a serious, long-term or chronic condition or disability that cannot be cured, being under the continuing supervision of, but not necessarily being actively treated by, a health care provider (e.g., persons suffering from Alzheimer’s, late stages of cancer, or a severe stroke).

- 4.8.5.5 Any period of absences to receive multiple treatments (including any period of recovery therefrom) by health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation etc.), severe arthritis (physical therapy), and kidney disease (dialysis).

4. PROCEDURE

- 4.1 Eligible Employees. To be eligible for a leave under the City's family leave policy, an employee must be employed by the City for at least twelve months at the time the leave is requested (these twelve months need not have been consecutive) and have completed at least 1,250 hours of service with the City during a 12 month period preceding the commencement of leave. Determination of whether an employee has been employed for a total of 12 months and has worked for at least 1,250 hours in the past 12 months must be made as of the date leave commences. However, if an employee notifies the City of the need for family/medical leave before the employee meets eligibility criteria, the employer may confirm the employee's eligibility based on a projection that the employee will be eligible on the date the leave would commence.
- 4.2 Leave Entitlements. Eligible employees are entitled to a total of twelve workweeks of leave during any twelve-month period for one or more of the following (see exception in section 4.3 regarding two spouses working for the City):
- 4.3.1 The birth of a child and in order to care for such child;
 - 4.3.2 The adoption of a child or to care for a foster child placed with the employee;
 - 4.3.3 To care for a child, spouse, or parent with a serious health condition; or
 - 4.3.4 Because of the employee's own serious health condition which renders the employee unable to perform the functions of his or her position.

The entitlement to leave for the birth or placement of a child for adoption or foster care will expire twelve (12) months from the date of the birth or placement.

4.3 Leave Duration

- 4.3.1 Leaves may be taken for up to twelve workweeks during any twelve-month period. Where two spouses are both employed by the City, their aggregate leave will be limited to twelve workweeks during any twelve-month period, except in the case of their own serious health condition or to care for their spouse or child, in which case both spouses will be eligible for the twelve weeks of leave during the twelve-month period.
- 4.3.2 An employee may take leave intermittently (a few days or as little as an hour at a time) or on a reduced workweek or reduced workday schedule to care for an immediate family member with a serious health condition or because of a serious health condition of the employee when "medically necessary."

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4.3.2.1 “Medically necessary” means there must be medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule.

4.3.2.2 The employee may be required to transfer temporarily to a position with equivalent pay and benefits that better accommodates recurring periods of leave when the leave is planned based on scheduled medical treatment.

4.3.3 An employee may take leave intermittently or on a reduced leave schedule for birth or placement of adoption or foster care of a child only with the City’s prior consent.

4.3.4 For permanent part-time employees, the family and medical leave entitlement is calculated on a pro rata basis. A weekly average of the hours worked over the 12 week prior to the beginning of the leave shall be used for calculating the employee’s normal workweek.

4.3.5 Employees requesting leaves for these purposes must make a reasonable effort to schedule the treatment, either for themselves or for their child, spouse, or parent, so as not to disrupt unduly the City’s operations. In this connection, the employee shall endeavor to secure the approval of his or her own or covered family member’s health care provider to reasonably schedule the treatment to avoid such disruption.

4.4 Substitution of Paid Leave

4.4.1 If an employee requests family/medical leave permitted by this policy, he/she must exhaust all the accrued leaves (except sick leave) in connection with the leave. The exhaustion of accrued leave will run concurrently with the leave. Sick leave usage will be allowed per Administrative Procedure 307. If an employee requests leave for his/her own serious health condition, in addition to exhausting accrued leave, the employee must also exhaust sick leave.

4.4.2 When an employee has used accrued leaves or sick leave for a portion of family/medical leave, the employee may request an additional period of unpaid leave to be granted so that the total of paid and unpaid leave provided equals 12 weeks.

4.4.3 For leaves for the employee’s own serious health condition, employees may also be eligible to receive statutory benefits such as long-term disability or workers’ compensation, in accordance with state law and the terms of each benefit plan. The City may designate leave taken in such circumstances as family/medical leave, except for sworn police personnel.

4.5 Notice Requirement

- 4.5.1 An employee is required to give 30 days' notice in the event of a foreseeable leave and/or intermittent leave. A "Request for Leave of Absence" form (see Attachment 1) should be completed by the employee and forwarded to the department head. The department head will forward the request to Human Resources for the City Manager's consideration. In unexpected or unforeseeable situations, an employee should provide as much notice as is practical, usually verbal notice within one or two business days of when the need for leave becomes known, followed by a completed "Request for Leave of Absence" form.
- 4.5.2 If an employee fails to give 30-days' notice for a foreseeable leave with no reasonable excuse for the delay, the leave may be denied until 30 days after the employee provides notice.

4.6 Medical Certification

- 4.6.1 For leaves taken because of the employee's or covered family member's serious health condition, the employee must submit a completed "Physician or Practitioner" form (see Attachments 2 and 3) and return the certification to Human Resources. Medical certification must be provided by the employee within 15 calendar days after requested, or as soon as is reasonably possible.
- 4.6.2 If the City has reason to doubt the validity of the certification for an employee's care of a family member or of the employee's serious health condition, the City may require that the eligible employee obtain the opinion of a second health care provider designated or approved by the City concerning (at City expense) information certified. Periodic reports on the employee's status and intent to return to work, and fitness-for-duty report to return to work may also be required.
- 4.6.3 Where the second opinion differs from the first, the City may require at its expense, that the employee obtain the opinion of a third health care provider designated or approved jointly by the City and employee concerning the information that was certified. The opinion of the third health care provider shall be considered final and binding on the City and employee.
- 4.6.4 All documentation related to the employee's or family member's medical condition will be held in strict confidence and maintained in the employee's medical records file in Human Resources.

4.7 Effect on Benefits

- 4.7.1 An employee granted a leave under this policy will continue to be covered under the group health insurance, dental and vision plan, life insurance plan and long-term disability plan under the same conditions as coverage would have been provided if they had been continuously employed during the leave period and using the cafeteria package to provide such insurance.
- 4.7.2 If an employee directly contributes through payroll deduction to a group health insurance plan or other such plan, the employee will be required to make payment in advance each month directly to the City of Upland. The employee will be advised in writing at the beginning of the leave period as to the amount and method of payment. Employee contribution amounts are subject to any change in rates that occur while the employee is on leave.

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- 4.7.3 If an employee's contribution is more than 30 days late, the City of Upland may terminate the employee's insurance coverage.
- 4.7.4 If the City pays the employee's contributions missed by the employee while on leave, the employee will be required to reimburse the City for delinquent payments (on a payroll deduction schedule) upon return from leave. The employee will be required to sign a written statement at the beginning of the leave period authorizing the payroll deduction for delinquent payments.
- 4.7.5 If the employee fails to return from family/medical leave for reasons other than: 1) the continuation of a serious health condition of the employee or a covered family member or 2) circumstances beyond the employee's control (certification required within 30 days of failure to return for either reason), the City of Upland may seek reimbursement from the employee for the portion of the premiums paid by the City on behalf of that employee (also known as the employer contribution) during the period of leave. The City may recover its share of health insurance premiums through deduction from any sums due the employee (e.g., unpaid wages, vacation pay, etc.).
- 4.7.6 An employee is entitled to seniority and benefit accrual during periods of paid leave. However, once paid leave is exhausted, seniority and benefits will not accrue during the remainder of the leave.
- 4.8 Job Protection
- 4.8.1 Upon expiration of family/medical leave, an employee will be reinstated to his/her former position or an equivalent position with equivalent pay, benefits, status and authority. As a condition of restoration of an employee whose leave was due to the employee's own serious health condition, which made the employee unable to perform his/her job, the employee shall obtain and present a fitness-for-duty certification from the health care provider that the employee is able to resume work. Failure to provide such certification will result in denial of restoration.
- 4.8.2 The employee's restoration rights are the same as they would have been had the employee not been on leave. Thus, if the employee's position would have been eliminated or the employee would have been terminated but for the leave, the employee would not have the right to be reinstated upon return from leave.
- 4.8.3 If the employee fails to return from family/medical leave, the employee will be reinstated to the same or similar position, only if available, in accordance with applicable laws. However, no employee is entitled under this policy to any right, benefit, or position other than that to which the employee would have been entitled had he or she not taken leave. If the employee's same or similar position is not available, the employee may be terminated.
- 4.8.4 The City reserves the right, however, to deny leave reinstatement to key employees, when such denial is necessary to prevent substantial and grievous economic injury to the City's operations. Key employees will be notified of the City's intention to deny reinstatement as soon as a determination is made that such injury would occur.

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In the event such notice is given to a key employee already on leave, the employee will be offered the opportunity to terminate leave and immediately return to work. Key employees notified while on leave, and who decide not to return to work, will remain on leave for the balance of the leave period and then be terminated.

Key employees are defined as the highest paid 10 percent (determined by base salary) of the employees employed by the City within 75 miles of the facility at which the employee is employed.

4.9 Family/Medical Leave Forms to be Submitted by the Employee

4.9.1 Request for Leave of Absence (Attachment 1)

4.9.2 Physician or Practitioner Certification:
Family Member/Serious Health Condition (Attachment 2)
Employee/Serious Health Condition (Attachment 3)

4.9.3 Fitness for Duty to Return from Leave (To be obtained from Physician)

Administrative Policy and Procedure No. 409

APPLICATION FOR FAMILY OR MEDICAL LEAVE

Name: _____ Department: _____

Current Address: _____

Start Date of Anticipated Leave: _____

Expected Date of Return to Work: _____

Reason for Leave (Explain): _____

NOTE: A leave request based on an employee's serious health condition or the serious health condition of an employee's spouse, child or parent must be accompanied by a verifying medical certification from a physician.

I hereby authorize the City of Upland to contact my physician to verify the reason for my requested leave or for any other information concerning my requested family and medical leave.

I understand that a failure to return to work at the end of my leave period may be treated as a resignation unless an extension has been agreed upon and approved in writing by the City of Upland.

Signature: _____

Date: _____

APPROVED BY:

Supervisor

Date: _____

Human Resources

Date: _____

ATTACHMENT 2

**PHYSICIAN OR PRACTITIONER MEDICAL CERTIFICATION
EMPLOYEE - SERIOUS HEALTH CONDITION**

1. Employee's Name: _____

2. Does the employee have an illness, injury, impairment, or physical or mental condition which constitutes a "serious health condition?" A "serious health condition" is described on the attached sheet. Does the employee's condition qualify under any of the categories described? If so, please check the applicable category.

(1) ____ (2) ____ (3) ____ (4) ____ (5) ____ (6) ____, or None of the above ____.

3. Date medical condition or date for treatment commenced: _____

4. Probable duration of medical condition or need for treatment: _____

5. Regimen of treatment to be prescribed (indicate number of visits, general nature and duration of treatment, including referral to other provider of health services. Include schedule of visits or treatment if it is medically necessary for the employee to be off work on an intermittent basis or to work less than the employee's normal schedule of hours per day or days per week.):

A. By Physician or Practitioner: _____

B. By other provider of health services, if referred by Physician or Practitioner: _____

Check Yes or No in the space below, as appropriate.

6. Yes ____ No ____ Is inpatient hospitalization of the employee required?

7. Yes ____ No ____ Is employee able to perform work of any kind? (If "No", skip to item 9.)

8. Yes ___ No ___ Is employee able to perform the functions of employee's position?
(Answer after reviewing job description from employer describing essential functions of employee's position, or, if none provided, after discussing with employee.)

- 9. Signature of Physician or Practitioner: _____
- 10. Date: _____
- 11. Type of Practice (field of specialization, if any): _____

- 12. Signature of Employee: _____ Date: _____
- 13. Diagnosis (***OPTIONAL - AN EMPLOYEE IS NOT OBLIGATED TO RELEASE HIS/HER DIAGNOSIS***): _____

A "Serious Health Condition" means an illness, injury, impairment, or physical or mental condition that involves one of the following:

1. Hospital Care

Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.

2. Absence Plus Treatment

(a) A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:

(1) Treatment* two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or

(2) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment** under the supervision of the health care provider.

3. Pregnancy

Any period of incapacity due to pregnancy or for prenatal care.

4. Chronic Conditions Requiring Treatments

A chronic condition which:

(1) Requires periodic visits for treatment by a health care provider, or by a nurse physician's assistant under direct supervision of a health care provider;

(2) Continues over an extended period of time (including recurring episodes of a single underlying condition); and

(3) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

*Treatment includes examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations.

**A regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate

Administrative Policy and Procedure No. 409

the health condition. A regimen of treatment does not include the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider.

5. Permanent/Long-term Conditions Requiring Supervision

A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

6. Multiple Treatments (Non-Chronic Conditions)

Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

**PHYSICIAN OR PRACTITIONER MEDICAL CERTIFICATION
FAMILY MEMBER - SERIOUS HEALTH CONDITION**

1. Employee's Name: _____
2. Patient's Name: _____
3. Does the employee's child, parent, or spouse have an illness, injury, impairment, or physical or mental condition which constitutes a "serious health condition." A "serious health condition" is described in the attached sheet. Does the patient's condition qualify under any of the categories described? If so, please check the applicable category.

(1) _____ (2) _____ (3) _____ (4) _____ (5) _____ (6) _____, or None of the Above _____
4. Date medical condition or need for treatment commenced: _____
5. Probable duration of medical condition or need for treatment: _____

6. Regimen of treatment to be prescribed (indicate number of visits, general nature and duration of treatment, including referral to other provider of health services. Include schedule of visits or treatment if it is medically necessary for the employee to be off work on an intermittent basis or to work less than the employee's normal schedule of hours per day or days per week.):
 - A. By Physician or Practitioner: _____

 - B. By other provider of health services, if referred by Physician or Practitioner: _____

Check Yes or No in the space below, as appropriate.

7. Yes _____ No _____ Is inpatient hospitalization of the family member (patient) required?
8. Yes _____ No _____ Does (or will) the patient require assistance for basic medical, hygiene, nutritional needs, safety or transportation?
9. Yes _____ No _____ After review of the employee's signed statement (see item 11 below), is the employee's presence necessary or would it be beneficial for the care of the patient? (This may include psychological comfort and/or the arranging for third-party care for the family member.)

10. Estimate the period of time care is needed or the employee's presence would be beneficial: _____

**ITEM 11 TO BE COMPLETED BY THE EMPLOYEE REQUESTING
FAMILY LEAVE**

11. When Family Leave is needed to care for a seriously ill family member, the employee shall state the care he or she will provide and an estimate of the time period during which this care will be provided, including a schedule if leave is to be taken intermittently or on a reduced leave schedule: _____

Employee Signature: _____ Date: _____

12. Signature of Physician or Practitioner: _____

13. Date: _____

14. Type of Practice (Field of Specialization, if any): _____

A "Serious Health Condition" means an illness, injury, impairment, or physical or mental condition that involves one of the following:

1. Hospital Care

Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.

2. Absence Plus Treatment

(a) A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:

- (1) Treatment* two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or

- (2) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment** under the supervision of the health care provider.

3. Pregnancy

Any period of incapacity due to pregnancy or for prenatal care.

4. Chronic Conditions Requiring Treatments

A chronic condition which:

- (1) Requires periodic visits for treatment by a health care provider, or by a nurse physician's assistant under direct supervision of a health care provider;
- (2) Continues over an extended period of time (including recurring episodes of a single underlying condition); and
- (3) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

*Treatment includes examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations.

**A regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition. A regimen of treatment does not include the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider.

5. Permanent/Long-term Conditions Requiring Supervision

A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

6. Multiple Treatments (Non-Chronic Conditions)

Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

Chapter	3
Section	3.10
Title	Scheduling, Payroll and Leave Time
Subject	Military Leave
Effective Date	03/01/1988
Revision Date	02/23/2011
Revised By	Captain Ken Bonson
Authorized By	Chief Jeff Mendenhall

I. Military Leave

A. **Policy:** Regulation and use of military leave shall conform to the City of Upland's Merit Rule No. 10, Section 3, which states:

1. "Military Leave: Military leave shall be granted to employees within the classified service for such period as they may be required to serve in the Armed Forces of the United States as a result of selective service requirements, or who are recalled to active duty in the military. Employees who enlist in the Armed Forces of the United States during time of war or national emergency shall be granted military leave for the period of that obligated service. All employees granted military leave under this provision shall return to their position with the City of Upland in a timely fashion upon conclusion of their required military service, and any employee who fails to so return within a period of sixty days following his release from active duty or discharge from the military service shall be deemed to have waived his right to return to his former position."

Chapter	3
Section	3.11
Title	Scheduling, Payroll and Leave Time
Subject	Limitation on hours worked
Effective Date	05/27/2016
Revision Date	05/27/2016
Revised By	Officer M. Beauchamp
Authorized By	Chief Brian P. Johnson

I. Limitation on Hours Worked

Policy:

Except in very limited circumstances, members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

It is incumbent upon the employee to notify a supervisor when they have reached, or it appears they may work more than, 16 hours during a 24-hour period.

Absent emergency operations, members should not work more than: 16 hours in one day (24 hour) period or 30 hours in any 2 day (48 hour) period or 84 hours in any 7 day (168 hour) period.

Supervisor approval will be needed for deviation in this policy.

Purpose:

To help insure the employee receives adequate rest between shifts and avoid fatigue. Adequate rest will help the employee achieve maximum work efficiency and mental sharpness.