

## ILLINOIS STATE POLICE PER-027, SICK TIME - SWORN

<b>RESCINDS:</b> PER-027, 2020-013, revised 09-11-2020.	<b>REVISED:</b> 02-28-2022 <span style="float: right;"><b>2022-081</b></span>
<b>RELATED DOCUMENTS:</b> PER-025, PER-036, PER-038, PER-063	<b>RELATED CALEA STANDARDS (6<sup>th</sup> Edition):</b> 22.1.2, 22.2.1

### I. POLICY

The Illinois State Police (ISP) will provide officers with the use of sick time when an officer or family member is ill or recovering from an illness or injury.

### II. AUTHORITY

5 ILCS 345/1, et. seq., "Public Employee Disability Act"

820 ILCS 305/1 et seq., "Workers' Compensation Act"

### III. DEFINITIONS

III.A. Accumulative sick time - time granted at the rate of eight hours each month credited to the balance of the officer's account on the first day of that month. Accumulative sick time is available for use as needed.

III.B. Annual sick time - time granted at the rate of 480 hours each year credited to the officer's account on the first day of that year, but the time does not accumulate and is not credited to the balance of the officer's accumulative sick time account.

III.B.1. Annual sick time is available only if needed on a calendar year basis, over and above accumulative sick time and may be used for non-service connected injuries or illnesses.

III.B.2. Officers may not use annual sick time in conjunction with physical and/or mental illness of a family member or death of a family member.

III.C. Family - includes spouse; parents; grandparents; adopted, natural, and step-children; brothers; sisters; grandchildren; parents-in-law; brothers and sisters-in-law; nieces; nephews; aunts; uncles; or any relative or person living in the employee's household for whom the employee has custodial responsibility or where such person is financially and emotionally dependent on the employee and where the presence of the employee is needed.

III.D. Family illness - authorized time taken for the care of an ill or injured family member. Also included is bereavement leave as defined in appropriate collective bargaining agreement (activity code 516).

III.E. Family Medical Leave Act (FMLA) - a federal law that allows eligible employees to balance their work and family life by taking reasonable job protected time-off for certain family and medical reasons. The FMLA seeks to accomplish these purposes in a manner that accommodates the legitimate interests of employers and minimizes the potential for employment discrimination based on gender, while promoting equal employment opportunity for men and women. For details of eligibility and use of FMLA, see ISP Directive PER-036, "Leave of Absence," and Addendum 1 to PER-036, "Family Medical Leave Act."

III.F. Medical documentation - written verification by a doctor, dentist, or other professional medical practitioner licensed by a government body, regarding the physical or mental condition of an employee (see Medical Evaluation Form, ISP 2-379).

III.G. Request for Sick Time - Domestic Dependent Family, form ISP 1-218 – a form an employee is to complete upon the request of his/her supervisor when there are situations of suspected abuse.

### IV. PROCEDURES

IV.A. An officer's salary will continue while using sick time as will the accrual of vacation time and sick time.

- IV.A.1. An officer may use other accumulated time (vacation, holidays, personal time, and compensatory time) to continue his/her salary after he/she has depleted all sick time.
  - IV.A.2. If an officer depletes all off-duty time available, the Department will place the officer on a leave of absence, and the officer may apply for disability with the State Employee's Retirement System.
  - IV.A.3. The Director may, at his/her discretion, allow officers to donate sick time to another officer if the officer has depleted all of their sick time and the officer or immediate family member's illness or injuries are of a catastrophic nature.
    - IV.A.3.a. Officers wishing to donate time to another officer must provide written authorization to the Office of Human Resources (OHR).
      - IV.A.3.a.1) Officers may donate up to five sick days.
      - IV.A.3.a.2) Authorization for the sick time donation will be valid for up to one year.
    - IV.A.3.b. Donated sick time will be accepted and allocated by OHR in 30-day increments to the officer.
    - IV.A.3.c. The officer must provide medical documentation every 30 days to continue receiving donated sick time. The medical documentation will be reviewed by the ISP Medical Director.
    - IV.A.3.d. If the ISP Medical Director does not agree with the medical documentation provided, or if the non-service connected sick leave exceeds 180 days, the case will be referred to the Medical Review Board, in accordance with ISP Directive PER-038, "The Medical Review Board and Medical Duty."
- IV.B. Sick Time Accrual
- IV.B.1. On the first day of the year, officers will be granted up to 60 days annual sick time in addition to any accumulated sick time for non-service connected injuries or illness. Upon graduation from a Cadet Class, officers will be granted annual sick time, pro-rated for each month remaining in the year commencing with the month of graduation. (For example - officers who graduate from a Cadet Class on September 30, will receive annual sick time pro-rated for four months, or a total of 20 days.)
  - IV.B.2. Sick time accumulated prior to January 1, 1984, and available at the time an officer's continuous state service is interrupted will, upon verification, be reinstated to the officer's account upon return to full-time employment. This reinstatement is applicable provided such interruption of service occurred not more than five years prior to the date the officer re-enters state service and provided such sick time has not been credited by the appropriate retirement system toward retirement benefits.
  - IV.B.3. Sick time accumulated on or after January 1, 1984, and prior to January 1, 1998, and available at the time the officer's continuous state service is interrupted will be compensated at one-half pay for all hours accumulated.
    - IV.B.3.a. This sick leave may be reinstated to the officer's account if the officer reimburses the state the proper dollar amount, the time and amount are verified, and upon return to full-time employment.
    - IV.B.3.b. This reinstatement is applicable provided such interruption of service occurred no more than five years prior to the date the officer re-enters state service and provided such sick time has not been credited by the appropriate retirement system toward retirement benefits.
  - IV.B.4. Sick time accumulated on or after January 1, 1998, and available at the time the officer's continuous state service is interrupted will not be compensated. Officers can use this time to increase credited service months for retirement, at no cost to the employee.

## IV.C. Non-service Connected Sick Time

## IV.C.1. Reported on the basis of the officer's work schedule

IV.C.1.a. Example 1: (5/8 schedule) - five consecutive days of incapacity encompassing two regular days off will be reported as three days 515 (sick) and two days 501 (regular days off).

IV.C.1.b. Example 2: (5/8 schedule) - five consecutive days of incapacity not encompassing two regular days off will be reported as five days 515 (sick) followed by two 501 (regular days off).

IV.C.1.c. Example 3: (4/10 schedule) - five consecutive days of incapacity encompassing three regular days off will be reported as two days 515 (sick) and three days 501 (regular days off).

## IV.C.2. Deduction of sick time used

IV.C.2.a. Only accumulative sick time may be used to extend sick time needed because of a service connected illness or injury subject to the provisions of the Workers' Compensation Act.

IV.C.2.b. Officers will normally use sick time in one-hour increments; however, when overtime is worked on the same day, officers may use sick time in 30-minute increments.

IV.C.2.c. Officers may use accumulative sick time only during a period of physical and/or mental illness of the officer or only in conjunction with a physical and/or mental illness or death of a family member.

IV.C.2.d. After all accumulative sick time has been exhausted, the officer may request to use other accumulated time balances, may apply for a leave of absence, or return to work with a proper medical release. (See ISP Directive PER-063, "Sick Leave Bank," for eligibility requirements of additional sick time.)

IV.C.2.e. The first 12 sick days (activity code 515) used during a calendar year will be deducted from the accumulated sick time total in the following order:

IV.C.2.e.1) Sick leave accumulated before January 1, 1984

IV.C.2.e.2) Sick leave accumulated on/after January 1, 1998

IV.C.2.e.3) Sick leave accumulated on/after January 1, 1984, but before January 1, 1998

IV.C.2.f. The next 60 sick days (activity code 515) used during a calendar year will be deducted from the annual sick time.

IV.C.2.g. All additional sick days used in excess of the 72 days (III.C.2.e. and III.C.2.f.) will be deducted from the accumulated sick time total in the following order:

IV.C.2.g.1) Sick leave accumulated before January 1, 1984

IV.C.2.g.2) Sick leave accumulated on/after January 1, 1998

IV.C.2.g.3) Sick leave accumulated on/after January 1, 1984, but before January 1, 1998

IV.C.2.h. All sick time taken in conjunction with an illness or injury of a family member, and/or up to three days taken to attend the funeral and tend to the affairs of a member of the officer's family, (activity code 516) will be deducted from the accumulated sick time total in the following order:

IV.C.2.h.1) Sick leave accumulated before January 1, 1984

IV.C.2.h.2) Sick leave accumulated on/after January 1, 1998

IV.C.2.h.3) Sick leave accumulated on/after January 1, 1984, but before January 1, 1998

IV.C.2.i. Officers will be allowed to use accumulative sick time and the 60 days annual sick time in cases supported by medical documentation. Use of accumulative sick time and annual sick time in post-operative or post-delivery instances will be governed by individual case(s) as supported by medical documentation.

- IV.C.2.i.1) Medical documentation is mandatory for most medical absences from work after five consecutive sick days have been used. (See IV.D. for exceptions.)
- IV.C.2.i.2) If the absence pertains to family members, a written memorandum may be required stating why it is essential for the officer to be off work caring for the ill or injured family member.
- IV.C.2.i.3) Medical documentation may be required at the discretion of the officer's supervisor for any period of time, regardless of the number of sick days used.
- IV.C.2.i.4) Additional medical documentation, including a tentative prognosis, is required for an illness or injury involving a medical absence of ten or more continuous sick days.
- IV.C.2.i.5) If a medical absence continues beyond 45 calendar days, medical reports will normally be submitted at least every 45 days.

IV.C.2.j. A medical release is required prior to resuming work when an officer's illness or injury has required an absence from work for a period of ten or more continuous sick days.

#### IV.D. Family Responsibility Absences for Delivery/Adoption of Child

- IV.D.1. The ISP will allow an absence of at least ten weeks for the birth or adoption of a child. No employee will be allowed to take less than a full work-week (five consecutive work days or four consecutive days for employees on a 4-10 schedule).
- IV.D.2. Female and male officers will be granted 50 working-days or the equivalent of 400 hours of paid maternity/paternity leave upon the birth of or upon taking physical custody of an adopted child. Male cadets will be allowed to take the leave at the completion of Academy training but prior to the Field Training Program.
  - IV.D.2.a. Officers must complete form ISP 2-496, "Certification of Pregnancy and Expected Due Date," and submit it to the Payroll Section at least 30 days prior to the expected due date providing proof of pregnancy or that of their female partner and showing they received prenatal care.
- IV.D.3. Paid Maternity/Paternity leave is limited to one leave per employee per 12-month period. If both parents are employees, they will each be granted 50 working-days, which can be taken consecutively or concurrently.
- IV.D.4. Non-married male employees shall be required to provide proof of paternity such as a birth certificate or other appropriate documentation confirming paternity.
- IV.D.5. Female officers may use code 515 (personal sick) for personal infirmity relating to pregnancy and birth of an infant beyond the initial 50 working-days leave.
- IV.D.6. Male officers may use code 516 (illness in the family) when circumstances require leave beyond the initial 50 working-days.
- IV.D.7. Upon the birth of the child, the officer or the work location must send an e-mail to the Payroll Section providing the child's date-of-birth.
- IV.D.8. Officers may use code 516A (sick family/adoption) for medical needs relating to the adoption of an infant as required by this directive.
  - IV.D.8.a. Code 516A will deduct time first from the officer's 515 accumulated sick time.
  - IV.D.8.b. When the 515 accumulated sick time balance is zero, the remaining time will be deducted from 515 annual sick time.

- IV.D.9. When operationally feasible and properly approved by the Department, officers may use other accumulated time (not sick) and/or an unpaid leave of absence for additional time in excess of ten weeks for absences relating to post-delivery and adoption of a child.
- IV.D.10. Maternity/Paternity leave is for the purpose of bonding with the new member of the household.
- IV.D.11. Applicable Collective Bargaining Agreements should be reviewed for any additional maternity/paternity leave conditions outside the parameters of this policy.

IV.E. Service Connected Sick Time

- IV.E.1. Officers injured and requiring off-duty time because of their injuries are subject to the provision of the Public Employee Disability Act, which provides for "continuing compensation for law enforcement officers."
- IV.E.2. Officers who exhaust service connected sick time under IV.E.1. could be eligible for benefits established by provisions of the Illinois Workers' Compensation Act.

IV.E.3. Limitations

- IV.E.3.a. Officers who are unable either physically or mentally to perform their duties because of a service connected injury or illness will be permitted service connected sick time up to a total of 365 days in connection with each injury or illness incurred and may be interrupted by periods of on-duty status.
- IV.E.3.b. This sick time is subject to the following conditions:
  - IV.E.3.b.1) While on sick time and not employed in any other capacity, an officer will receive full salary and continue to accrue vacation and sick days. Employment in any manner, with or without monetary compensation, will result in forfeiture of the continuing compensation from the time such employment begins.
  - IV.E.3.b.2) Officers will use activity code 512 while on service connected sick time.
    - IV.E.3.b.2)a) When an officer goes on code 512, the officer will remain on code 512 until able to return to duty or go on another code.
    - IV.E.3.b.2)b) The officer will submit, through his/her chain-of-command, medical documentation verifying the officer's disability every 30 days, or upon request.
  - IV.E.3.b.3) At any time during the period for which an officer is on service connected sick time, the Department may order a physical or medical examination by a physician of its choosing to determine the degree of disability and length of disablement. The Department will pay for such an examination.
  - IV.E.3.b.4) When a physician designated by the Department feels an injured officer has convalesced sufficiently to return to duty, even if it is contradictory to another physician's opinion, the Director may so order the return to duty status and limit further service connected sick time off duty.
  - IV.E.3.b.5) All service-connected sick time must be supported by medical documentation or medical report(s).

IV.F. FMLA notification

- IV.F.1. All ISP Commanders/Supervisors/Managers shall notify the FMLA Coordinator, OHR, via e-mail when an employee uses more than three (3) consecutive sick days or when Commanders/Supervisors/Managers become aware of a situation that might qualify for FMLA, even if the employee is not currently absent from work.
- IV.F.2. The FMLA Coordinator, OHR, will send an information packet to employees who fit into the above categories.
- IV.G. Actions to be taken regarding Cadets who are unable to engage in training requirements are outlined in Academy Directives and the Cadet Guide.
- IV.H. An officer's probationary period may be extended for a time equal to sick time taken, in compliance with the requirement that an officer is required to serve a probationary period of 12 months.
  - IV.H.1. If substantial sick time use negatively impacts the orientation, training, and development of an officer within the probationary period, a decision to extend such probationary period may result.
- IV.I. Supervisory personnel will ensure officers do not abuse sick time.
  - IV.I.1. In situations where the Department investigates the use of sick time by an officer, his/her supervisor may require the subordinate to:
    - IV.I.1.a. Submit a doctor's report obtained from the officer's personal physician. Any visits to a physician's office will be done during the officer's non-working hours and at the officer's expense.
    - IV.I.1.b. Complete form ISP 1-218, including additional documentation that is listed on the back of the form.
  - IV.I.2. The Department will not abuse its right to request a written medical certification from an officer's physician but will request evidence of illness or injury if reasonable grounds exist to suspect abuse.
    - IV.I.2.a. Reasonable grounds for suspecting the existence of sick time abuse may include, but are not be limited to:
      - IV.I.2.a.1) A pattern of sick time being used in connection with other 500 codes.
      - IV.I.2.a.2) The use of more than the amount of sick time earned during the calendar year without a report of a serious injury or illness by the officer or member of the officer's family as defined in III.A.

| Indicates new or revised items.

**-End of Directive-**