

Warren County Board of Supervisors

RESOLUTION NO. 143 OF 2021

RESOLUTION INTRODUCED BY SUPERVISORS BRAYMER, GERAGHTY, DRISCOLL, CONOVER AND MAGOWAN

**ADOPTING PUBLIC SAFETY DIVISION DIRECTIVE 006 (SCHEDULES & LEAVE)
POLICY FOR THE WARREN COUNTY SHERIFF'S OFFICE**

WHEREAS, the Sheriff presented to the Personnel, Administration & Higher Education Committee a Public Safety Division Directive 006 (Schedules & Leave) Policy for the Warren County Sheriff's Office, and

WHEREAS, the Personnel, Administration & Higher Education Committee has reviewed the policy and has recommended that the same be advanced to the full Board of Supervisors for consideration, now, therefore, be it

RESOLVED, that the Public Safety Division Directive 006 (Schedules & Leave) Policy annexed hereto, be and the same hereby is, adopted as the official Policy for the Warren County Sheriff's Office.

PUBLIC SAFETY DIVISION



WARREN COUNTY SHERIFF'S OFFICE



DIRECTIVE 006: SCHEDULES & LEAVE

EFFECTIVE DATE: 02/05/21

AUTHORITY: SHERIFF JIM LAFARR

PRIOR REVISION: 01/01/20

ACCREDITATION STANDARDS:

REVIEW DATE: 02/05/21

The responsibility for the preparation of agency schedules and processing of leave requests is as follows. All leave requests, except sick leave as outlined in this manual, shall be submitted to the authorized members in the order outlined below:

Patrol	Investigations	Communications	Civil	Support Staff
Designated Sergeant	Investigative Sergeant	Communications Supervisor	Civil Sergeant	Lieutenant
Lieutenant	Lieutenant	Sr. Communication Officer	Undersheriff	Undersheriff
Undersheriff/ Sheriff	Undersheriff/ Sheriff	Lieutenant	Lieutenant	Sheriff

GENERAL INFORMATION (SCHEDULES)

1. For the purposes of this directive, shifts shall be defined as A and B for Patrol and A, B, Modified B, and C for Communications. Available Communications shifts are outlined below.
2. Patrol and Communications members will work permanent shifts and Patrol will have fixed pass days.
3. Shifts will be bid by seniority.
4. Current schedules will be available electronically to all members. New schedules will be released and available for viewing no less than seven (7) days prior to the first date on such schedule.
5. The Administration Office may waive or amplify the provisions of this directive as needed to ensure adequate shift coverage at all levels.

BIDDING FOR SHIFTS

1. Each group (Patrol & Communications) will bid for available shifts, as provided in this directive, on an annual basis.
2. Bids will be made between November 1st and November 30th each calendar year.
3. This directive sets available shifts, as described above, and any changes from the previous year will be provided by means of an updated directive.
4. The bid process will be administered by the member holding the responsibility for the preparation of work schedules, as outlined in this directive.
5. Shift assignments will be determined each year by Administration following the bidding process.

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6. In the event a vacancy occurs on any shift, the slot shall remain open until such time as a new member is hired and trained to fill the vacancy. Newly hired members will initially work a training schedule and then shall fill the existing vacancy until the next bidding period.
7. In those cases where staffing mandates a change in assignments prior to the next bidding period, the policy of following seniority to fill positions will be used to the extent possible under the scheduling situation at the time.
8. No changes will be made to the designated shift slots, Patrol or Communications, during the calendar year. Changes, if any, will be announced prior to the bidding process for the following year.

GENERAL INFORMATION (LEAVE)

1. Leave shall be administered in accordance with this directive and pursuant to the provisions outlined in each member's applicable collective bargaining agreement.
2. Absent exigent circumstances, all Regular leave requests shall be submitted using the "WCSO Leave Request Program". Early leave requests shall be submitted on a "Leave Request Form".
3. Leave may only be granted for time that has been accrued by the member, with the exception of a DLO which may be taken on the day it is earned.
4. Members submitting leave requests to the "Designated Sergeant", as directed above, must ensure this Sergeant will be on-duty prior to the date of leave. Members should submit leave requests to an available "Patrol Sergeant" when the "Designated Sergeant" will not be on-duty prior to the requested leave date, and therefore will not be available to review their request in a timely manner.
5. The authorized members responsible for preparing schedules may, at their discretion, waive or amplify any restriction or requirement when necessary to ensure adequate staffing and to promote a fair and equitable granting of leave time for all members. Such decisions may take into consideration, but not be limited to the following:
 - A. Minimum staffing;
 - B. Special events, details, and assignments;
 - C. Training;
 - D. Holidays;
 - E. Seniority, experience, and rank levels of staff;
 - F. Any incident that might justify an increase or decrease in staffing; or
 - G. Any emergency which impacts on agency services.

LEAVE REQUESTS

Early Requests

Members may submit Early leave requests to the appropriate authorizing members above, no later than January 15th, for dates in the current calendar year. All early leave requests will be reviewed after January 15th and granted based upon seniority.

NOTE: Members submitting leave requests for time off between January 1st and January 15th shall submit a Regular Leave Request in accordance with this directive.

Regular Requests

1. Members may submit Regular leave requests after January 15th for dates in the current calendar year. Regular leave requests will be granted based upon the following criteria in the order provided:

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- A. Date and Time of Submission
- B. Availability/Staffing Levels
- C. Seniority

LEAVE CATEGORIES

1. Non-Patrol members earn DLO's for shifts worked on County approved holidays. All DLO's must be taken within six (6) months of the date they are earned. DLO's not taken within this time period shall be forfeited with no compensation to the member, unless such leave was not taken at no fault of the member.
2. Patrol members earn two (2) Benefit Days quarterly. Benefit days are available for use during the quarter earned, and not later than six months following the commencement such quarter, or the end of the calendar year in which earned, whichever occurs first. Benefit Days earned and not otherwise taken through no fault of the member shall be paid to the member at the end of the quarter they were earned.
3. Vacation leave shall be used in the calendar year earned and may not be carried over from calendar year to the next, unless such leave was earned and not otherwise taken through no fault of the member.
4. Personal leave is utilized for personal business and may be taken in hourly increments. Personal leave is not cumulative and no part shall be carried over from one calendar year to the next, unless such leave was not taken through no fault of the member.
5. Military leave entitles a members serving in the military to be absent from work without loss of pay to fulfill necessary military obligations. Military leave shall be administered in strict accordance with the provisions of the member's collective bargaining agreement
6. Bereavement leave entitles a member to be absent from work without loss of pay by reason of death of an immediate family member. Bereavement leave shall be administered in strict accordance with the provisions of the member's collective bargaining agreement.
7. Paid administrative leave is a temporary administrative action that entitles an employee to be absent from work, without loss of pay, following approval from the Sheriff or Undersheriff. The leave may be due to an employee's physical or physiological fitness for duty, pending disciplinary action, or a circumstance where the health and/or safety of any member or other person is in question or at risk.
8. It shall the member's responsibility to demonstrate that leave was earned and not otherwise taken through no fault of such member. Any request to carry over unused leave from one year to the next must be submitted to the Sheriff for review and approval.

REPORTING FOR DUTY (COMMUNICATIONS)

1. All Communication Officers are to be ready for work 15 minutes prior to the start of their respective shifts. This includes being fully dressed, equipped and prepared to work. This time will be used by members coming on and going off shift to exchange information effecting operations from the preceding shift. Members being relieved must remain on duty until completion of their shift.
2. Time sheets should be marked as follows:

<u>Shift</u>	<u>Time Sheet Entry</u>
A Line	22:45 - 07:00
B Line	06:45 - 15:00
C Line	14:45 - 23:00

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AVAILABLE SHIFTS (COMMUNICATIONS)

Shifts are available as follows:

Slot #	Shift	Slot #	Shift
1	Sr. Comm Officer	14	Sr. Comm Officer
2	A - 2	15	C - 2
3	A - 3	16	C - 3
4	A - 4	17	C - 4
5	A - 5	18	C - 5
6	A - 6	19	C - 6
7	Sr. Comm Officer	20	C - 7
8	B - 2	21	C - 8
9	B - 3		
10	B - 4		
11	B - 5		
12	B - 6		
13	B - 7		

FAMILY AND MEDICAL LEAVE ACT (FMLA)

The Family and Medical Leave Act of 1993 (FMLA) entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken such leave. Employees are also entitled to return to their same or an equivalent position at the end of the leave.

POLICY

It is the policy of the Warren County Sheriff's Office to grant up to 12 weeks (480 hours) of family and medical leave during any rolling 12-month period to eligible employees, in accordance with the Family and Medical Leave Act (FMLA), and/or up to 26 weeks of leave in any rolling 12-month period in compliance with the expansion of FMLA under The Support for Injured Servicemembers Act of 2007. The FMLA leave may be paid, unpaid, or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this directive.

The Code of Federal Regulations, 29 CFR Part 825, The Family and Medical Leave Act of 1993 shall serve as the Sheriff's Office compliance guide for eligibility, entitlements and definitions relating to FMLA.

ELIGIBILITY

In order to take leave under the FMLA, an employee must:

1. Have worked for the Warren County Sheriff's Office for 12 months or 52 weeks, and the 12 months or 52 weeks are not required to be consecutive; and
2. Have worked at least 1,250 hours during the 12 months prior to the start of leave, and the 1,250 hours includes only those hours actually worked, not time spent on paid or unpaid leave.

QUALIFYING CONDITIONS

Leave under the FMLA shall be granted for one or more of the following reasons:

1. Birth of a child and to care for/bond with the newborn child;
2. Placement of a child for adoption or foster care and to care for/bond with the newly placed child;

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3. Care for spouse, child, or parent (not "parent in-law") with a serious health condition;
4. Serious health condition of the employee;
5. A qualifying military exigency arising out of the fact that the employee's spouse, child, or parent is on covered active duty status as a member of the National Guard, Reserves, or Active Armed Forces; and/or
6. To care for an injured or ill Servicemember.

CALCULATION OF LEAVE

Eligible employees can take up to 12 weeks (26 weeks to care for injured or ill Servicemembers) during a 12 month period under the FMLA. The leave may be in consecutive weeks or intermittently, but it may not exceed 12 weeks (26 weeks to care for injured or ill Servicemembers) over a rolling 12-month period. The 12-month period shall be measured starting from the date an employee first uses FMLA leave in accordance with this directive.

FMLA LEAVE PROCEDURES

1. Employees wishing to use FMLA leave must submit a completed Warren County Sheriff's Office Family and Medical Leave Request Form (A-14) to the Sheriff.
2. Employees requesting FMLA leave due to a serious health condition, or to care for an immediate family member with a serious health condition, must submit the appropriate U.S. Department of Labor Certification form. This form should be completed by a physician and returned to the Sheriff within 15 calendar days. U.S. Department of Labor FMLA forms are available in Administration.
3. Periodic reports and additional physician certifications may also be required during leave relating to serious health conditions. The Sheriff's Office may, at its own expense, require a second (or third) opinion regarding a medical certification. Employees failing to provide timely certification may risk having leave benefits delayed or denied.
4. Employees requesting FMLA leave for reasons other than a serious health condition, or to care for an immediate family member with a serious health condition, must submit the appropriate U.S. Department of Labor Certification form. U.S. Department of Labor FMLA forms are available in Administration.
5. Employees must use all accrued leave prior to the approval of unpaid FMLA leave for requests due to the employee's own serious health condition. When paid leave is used for an approved FMLA covered reason, the leave is FMLA protected.
6. Employees must use all accrued vacation leave, personal leave, holiday leave, and benefit day leave prior to the approval of unpaid FMLA leave for requests due to a reason, other than, the employee's own serious health condition. When paid leave is used for an approved FMLA covered reason, the leave is FMLA protected.
7. Employees do not automatically receive FMLA leave during a leave of absence from employment. FMLA leave must be requested in writing in accordance with this directive.
8. Employees will receive notification from the Sheriff within five business days of receiving completed certifications. The notification will specify whether the FMLA leave was approved, or reason for denial, as applicable.
9. Employees may be subject to disciplinary sanctions, up to and including termination, if the employee knowingly provides false information to receive, or continue, benefits under FMLA.

EMPLOYEE STATUS AND BENEFITS

1. The County will continue an employee's health benefits during the period of FMLA leave, at the same

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level and under the same conditions, as if the employee had continued to work, provided the employee continues to pay his or her portion of the health care premiums.

2. While on paid leave (i.e. using sick leave in conjunction with FMLA leave), the County will continue to complete payroll deductions to collect the employee's share of health insurance premiums. While on unpaid FMLA leave, the employee must make payments for their portion of health insurance premiums to the Warren County Treasurer. The payments must be received by the 15th day of each month. Health insurance coverage will be terminated if these payments are not received by the 30th of each month.

NOTE: The County's Benefit Broker will provide 15 days' notice prior to the employee's loss of coverage.

3. The County will require the employee reimburse the amount the County paid for the employee's health insurance premiums during the period of unpaid leave if the employee chooses not to return to work for reasons other than; a continued serious health condition of the employee, continued care of an immediate family member with a serious health condition, or a circumstance beyond the employee's control.

RETURNING TO WORK

1. Employment restoration is guaranteed for up to 12 weeks of approved FMLA leave, except under certain circumstances as provided by law.

2. Employees returning to work following FMLA leave will return to their original position, on the same shift/work schedule, retaining salary, benefits, and all other terms of employment.

3. Employees returning to work following FMLA leave relating to their own serious health condition must submit documentation from a physician affirming their ability to perform all essential functions for their position and adequate fitness for duty.

4. Proceedings under New York State Civil Service Law Sections 71 or 73 may be initiated if an employee fails to return to work following the expiration of FMLA leave.



WARREN COUNTY SHERIFF'S OFFICE

1400 STATE ROUTE 9
LAKE GEORGE, NY 12845
(518) 743-2500



FAMILY AND MEDICAL LEAVE REQUEST FORM

I, _____, an employee of the Warren County Sheriff's Office, am requesting a leave pursuant to the provisions outlined in the Family and Medical Leave Act.

I am requesting leave for:

- 1. The birth of a child or to care for/bond with a newborn.
- 2. Placement of a child for adoption/foster care or to care for/bond with a newly placed child.
- 3. Care for family member with a serious health condition. [circle one: spouse - child - parent]
- 4. My inability work due to a serious health condition.
- 5. A qualifying military exigency.
- 6. The care of an injured or ill Servicemember.

If box 3 or 4 is checked, a U.S. Department of Labor certification form must be completed by a physician.

Leave Start Date: _____

Anticipated Return Date: _____

Employee Signature: _____
Signature Date

Sheriff Signature: _____
Signature Date

Director of Human Resources: _____
Signature Date

- Please note a 426 must accompany this request -