

Everett Police Department  
Office of Professional Standards  
Memorandum

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**To:** File

**From:** Administrative Assistant Dockins *KAD*

**Date:** 10/17/2012

**Subj:** Omitted 2/2011 Revisions to Policy & Procedure Manuals

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On October 16, 2012 I was tasked with making updates to both the Policy and Procedure Manuals. One revision was the addition of Section 7.04 (Sick Leave Monitoring) to the Procedure Manual. Upon review of the Replaced Documents binder, I discovered that Section 7.04 already existed (Retired Officer Identification Cards), having been added in February of 2011. Notations regarding the addition are the first to appear in my handwriting; therefore, I believe that may have been the update on which Caitlin trained me to update manuals.

The original Section 7.04 does not appear in any subsequent revision of the Procedure Manual. It is unclear how this happened. I reviewed two other revisions made at the same time (Procedure Manual 3.62 and Policy Manual 9.18); one was fine (3.62) but the other (9.18) had also been omitted in subsequent versions of the manual. I can only presume I did not fully understand what procedures to follow when updating manuals.

Because the new 7.04 is similar in context to procedures 7.0 through 7.03, Detective Coleman and I have decided to keep 7.04 as Sick Leave Monitoring and incorporate Retired Officer Identification Cards as Procedure 7.05. In addition, I have updated the Policy Manual to reflect the changes to 9.18 which were originally approved and made in February of 2011. These errors were corrected on October 17, 2012 and the corrected versions of both manuals uploaded to the intranet. Copies of this memo will be kept in both the Manual Updates and Replaced Documents binders.

**Section 7      EXTENDED SICK/DISABILITY LEAVE**

<b>Guidelines</b>	<b>7.0</b>
<b>Facilitation</b>	<b>7.01</b>
<b>Management</b>	<b>7.02</b>
<b>Limited Duty</b>	<b>7.03</b>
<b>Sick Leave Monitoring</b>	<b>7.04</b>

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## 7.04 SICK LEAVE MONITORING

This procedure shall only apply to commissioned members of the Everett Police Department. All appointive and AFSCME members of the Everett Police Department shall abide by the City of Everett Sick Leave Administration policy.

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### DEFINITIONS

**"Incident"** shall be each contiguous use of sick leave hours or non-paid sick leave of a duration of one-quarter hour or more, not separated by regular work hours, preapproved vacation or compensatory time hours, or holidays. Absences due to approved Family Medical Leave, Workers Compensation and LEOFF 1 Disability Board actions will not be considered in the administration of this policy procedure.

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**"Action plan"** for the purposes of this policy, shall be a written plan developed to address the causes of sick leave use, through preventative means, and designed to have specific actions with definitive measures to ensure the plan is followed through and may include Mandatory Reporting requirements.

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**"Excessive sick leave use"** shall mean use of sick leave to such an extent that it creates a problem with the efficient management of the City, and/or adversely affects an employee's job performance or overall ability to perform their job.

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**"Sick leave abuse"** is the attempt or actual use of sick leave for anything other than physical illness or incapacity to such an extent as to render the individual unable to perform the duties of his/her position, or other such permissible use as defined by the City. Sick leave abuse is fraudulent use of sick leave and is an unauthorized absence.

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**"Unauthorized absence"** for the purpose of this policy shall be defined as absence from scheduled work time for which no prior authorization from the Chief of Police or his/her designee has been given.

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- A. If an employee's ability to use sick leave has been suspended, denied, or accrual is exhausted, or, if the reason for an incident reported is not for a valid use of sick leave pursuant to City policies, then such time shall be considered an unauthorized absence.
- B. Unauthorized absences shall be without compensation. ~~Vacation~~ Other time banks may not be substituted for an unauthorized absence unless pre-approved by the Chief of Police.
- C. If appropriate, an unauthorized absence may result in disciplinary action pursuant to applicable policies.

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C.D. Other time banks may not be substituted for an unauthorized absence for any employee who is on mandatory reporting at the time of unauthorized absence.

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"Year" for the purpose of this procedure refers to a rolling year. It is defined as a 12 month period measured backward from the most recent use of sick leave.

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### 3.0 MONITORING

Division lieutenants will be responsible for conducting regular reviews of their employee's sick leave usage every calendar month.

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13.01 Whenever an employee is absent because of illness or incapacity, the City reserves the right to take whatever reasonable steps are as necessary to confirm the nature and extent of such illness or incapacity.

13.02 When an employee has reached three incidents or 42 hours of Sick Leave usage in a year, the Chief of Police or designee division lieutenant will be required to review the employee's usage and if deemed appropriate, meet with the employee and the employee's supervisor. In the event that such a meeting is deemed inappropriate, the Chief of Police or designee division lieutenant will be required to document that the review of the employee's usage has occurred and no action was required at the time and submit a copy of this documentation up their chain of command. The Chief's Administrative Assistant will place a copy of this document in the employee's medical file to the Personnel Department. In the event that such a meeting is deemed appropriate, it must be scheduled within ten fifteen (15) working days of the employee attaining the three incidents or 42 hours of usage.

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- A. The purpose of this meeting shall be to go over the reasons cited for the Sick Leave usage and to determine what, if any, action can be taken to prevent future incidents. The Chief of Police or designee division lieutenant should use all relevant data to fully explore this usage including documentation such as doctor's statements, sick leave use by the employee in previous years, etc.
- B. The meeting outlined in 1.02 A above, may result in Mandatory Reporting and/or a written Action Plan developed by the employee and the Chief of Police or designee division lieutenant. Such an Action Plan shall may specify the causes of each incident of usage and, if necessary, what measures will be employed to prevent future occurrences. Although the Chief of Police or designee division lieutenant should encourage employee suggestions, responsibility for development of the plan shall rest with the Chief of Police or designee division lieutenant.

1. Problems which are recurrent and of a similar nature should be investigated by the employee through his/her physician. If such is the

case, the Action Plan should be directed at receiving a prognosis from an appropriate medical professional on prevention and/or likelihood of future incidents.

2. If there is sufficient data such as doctor's statements to indicate that the cause for each incident of Sick Leave is of a nature that does not warrant any Action Plan to prevent additional use through an action plan, such justification shall be noted by the division lieutenant Chief of Police or his/her designee and submitted routed in the same manner as an action plan pursuant to noted in Section 13.02 above.
3. If the division lieutenant Chief of Police or his/her designee believes that evidence exists to determine that the three incidents of Sick Leave or 42 hours usage demonstrate abuse of leave or excessive use in conjunction with the employee's previous sick leave usage, the division lieutenant Chief of Police or his/her designee may require the submittal of a doctor's statement (Mandatory Reporting) before any further leave is granted and/or initiate action in accordance with the City disciplinary policy.

4-b) \_\_\_\_\_ The doctor's statements must include an indication of the nature of the problem for which the leave is being applied and that the problem was for personal illness or incapacity to such an extent that the individual was not able to work. All doctor's statement must include the date of the exam, and the days(s) to which it applies, as well as a prognosis for recovery and/or related future incidents.

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C. Following any meeting to discuss the sick leave usage and set appropriate requirements pursuant to this procedure, the division lieutenant shall submit a written report documenting the results of the meeting, and any further Action Plans developed from the meeting up their chain of command. The Chief's Administrative Assistant will place a copy of the report and/or Action Plan in the employee's personnel file. Following the meeting to discuss the Sick Leave usage, the Chief of Police or his/her designee will submit a written report of the meeting and the action plan to the Personnel Manager. The Personnel Manager shall review the plan and retain a copy of the report and plan.

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D.C. \_\_\_\_\_ All Action Plans created pursuant to this policy shall include a means of follow-up. In no case shall follow-up be less than a review of the goals of the action plan within 30, and 90 and 180 calendar days of the initiation meeting. If follow-up includes reports on medical or other professional examinations, any pertinent results shall be reported and filed with the documentation of the preceding meeting.

~~E-D.~~ The affected employee must sign the Action Plan, indicating receipt and acknowledgement of its requirements. Failure to sign the Action Plan may result in disciplinary action. Failure to sign will not negate the requirements of the plan.

13.03 When an employee has had five incidents or 72 hours of Sick Leave usage in a year, the ~~division lieutenant Chief of Police~~ will be required to meet with the employee, the employee's immediate supervisor, and the employee's ~~Division Captain~~, if applicable. Such a meeting must be scheduled within ~~ten-fifteen (15)~~ working days of the employee attaining the five incidents of usage or 72 hours of sick leave.

A. The purpose of this meeting shall be to go over the reasons cited for each incident of the Sick Leave usage, review actions taken and previous action plan(s), if applicable, and determine what measures can be taken to prevent future incidents. If appropriate, the employee ~~shall~~ may be required to submit a doctor's statement for any sick leave use.

B. The meeting outlined in Section 13.03 A above, except for the exclusions outlined herein, shall result in a written Action Plan developed by the employee and the ~~division lieutenant Chief of Police or designee~~. Such an Action Plan shall may specify the cause(s) of each incident of usage and, if necessary, what measures will be employed to prevent future occurrences. Although the ~~division lieutenant Chief of Police or his/her designee~~ should encourage employee suggestions, responsibility for development of the plan shall rest with the ~~division lieutenant Chief of Police or his/her designee~~.

1. Problems which are recurrent and of a similar nature should be investigated by the employee through his/her physician. If such is the case, the action plan should be directed at receiving a prognosis from an appropriate medical professional on prevention and/or likelihood of future incidents.
2. If there is sufficient datae such as doctor's statements to indicate that the cause for each incident of Sick Leave is of a nature that does not warrant any Action Plan to prevent additional use through an action plan, such justification shall be noted by the ~~division lieutenant Chief of Police or designee~~ and submitted routed in the same manner as an action plan pursuant to Section 13.023 C ~~below~~ above.
3. If the ~~division lieutenant Chief of Police or designee~~ believes that evidence exists to determine that the five incidents or 72 hours of Sick Leave usage demonstrate abuse of sick leave or excessive use in conjunction with the employee's previous sick leave usage, the ~~division lieutenant Chief of Police or designee~~ may require the submittal of a doctor's statement

(Mandatory Reporting) before any further leave is granted and/or initiate action in accordance with the City disciplinary policy.

- a. The doctor's statement must include an indication of the nature of the problem for which the leave is being applied and that the problem was for personal illness or incapacity to such an extent that the individual was not able to work. All doctor's statements must include the date of the exam, and the day(s) to which it applies, as well as prognosis for recovery and/or related future incidents.

4. If a doctor's statement is currently required for the employee, then the Chief of Police must do any or all of the following:

- a. Request a prognosis for correction of the cause(s) from the physician;
- b. Require that the employee undergo a medical examination from a physician of the City's choice, pursuant to this policy;
- c. Initiate appropriate disciplinary action if there is evidence of sick leave abuse or excessive use.

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C. Following the any meeting to discuss the Sick Leave usage and set appropriate requirements pursuant to this policy procedure, the division lieutenant Chief of Police shall submit a written report documenting the results of the meeting, and any further Action Plans developed from the meeting to the Personnel Department up their chain of command. The Chief's Administrative Assistant will place a copy of the report and/or action plan in the employee's personnel file. documenting the results of the meeting, and any further action plans developed from the meeting.

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D. All Action Plans created pursuant to this policy shall include a means of follow-up. In no case shall follow-up be less than a review of the goals of the Action Plan within 30, 90 and 180 calendar days of the initiating meeting. If follow-up includes reports on medical or other professional examination, any pertinent results shall be reported and filed with the documentation of the previous meeting.

The affected employee must sign the action plan resulting from the meeting indication receipt and acknowledgment of its requirements. Failure to sign the action plan may result in disciplinary action. Failure to sign will not negate the requirements of the Action Plan.

E. The affected employee must sign the Action Plan, indicating receipt and acknowledgement of its requirements. Failure to sign the Action Plan may result in disciplinary action. Failure to sign will not negate the requirements of the plan.

E. All action plans created pursuant to this policy shall include a means of follow-up. In no case shall follow-up be less than a review of the goals of the action plan within 30 and 60 calendar days of the initiating meeting. If follow-up includes reports on medical or other professional examination, any pertinent results shall be reported and filed with the documentation of the previous meeting.

3.4 The Personnel Department shall develop a system for transmitting and filing documentation relating to sick leave reports and usage.

13.045 Upon the recommendation of the Chief of Police and with the approval of the Labor Relations/Labor Services/HR Director and the Mayor or his/her designee, an employee may be required to undergo a medical examination from a physician of the City's choice to determine the employee's physical or mental ability to perform the duties of the employee's position.

- a) Medical examinations administered at the request of the City shall be paid for by the City.
- b) The City shall apprise the examining physician of the basis upon which the examination is to be conducted and the issues to be addressed in the physician's evaluative report. The physician shall receive the position description and/or job duties of the employee prior to the examination.
- c) Medical examinations paid for by the City are the property of the City and shall be maintained in a confidential file.
- d) Failure to undergo the required examination shall result in disciplinary action.

1.05 Mandatory Reporting Requirements and Routing

A. If an employee is placed on Mandatory Reporting and is required to submit a doctor's statement, then the Chief of Police or designee may do any or all of the following:

- 1. Request a prognosis for correction of the cause(s) from the physician.
- 2. Require that the employee undergo a medical examination from a physician of the City's choice, pursuant to this policy.
- 3. Initiate appropriate disciplinary action if there is evidence of sick leave abuse or excessive use.

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B. The division lieutenant will be required to conduct regular reviews and meet with an employee who has been placed on Mandatory Reporting. Reviews will occur after 30 and 90 days, and again at 180 days. If at the 180 day review, the employee has not used any sick leave or the usage is deemed to be appropriate and within policy, then the lieutenant may recommend removal of the employee from Mandatory Reporting through the chain of command.

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C. Mandatory Sick Leave Document Routing: The following document routing procedure will be adhered to when a commissioned member of the Everett Police Department is placed on or removed from Mandatory Reporting:

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1. Employee's lieutenant will provide a copy of the original to employee
2. Employee's lieutenant will provide a copy to employee's immediate supervisor for entry into the employee's working file. This copy is to be maintained for the applicable rating period for the employee's performance evaluation
3. Employee's lieutenant will forward the original signed document to the Chief's Administrative Assistant for entry into the employee's personnel file maintained by the Chief of Police
4. The Chief's Administrative Assistant will forward a signed copy to the Office of Professional Standards for entry into IA Pro

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## 7.04 SICK LEAVE MONITORING

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### DEFINITIONS

**"Incident"** shall be each contiguous use of sick leave hours or non-paid sick leave of a duration of one-quarter hour or more, not separated by regular work hours, preapproved vacation or compensatory time hours, or holidays. Absences due to approved Family Medical Leave, Workers Compensation and LEOFF 1 Disability Board actions will not be considered in the administration of this procedure.

**"Action plan"** for the purposes of this procedure shall be a written plan developed to address the causes of sick leave use, through preventive means, and designed to have specific actions with definitive measures to ensure the plan is followed through and may include Mandatory Reporting requirements.

**"Excessive sick leave use"** shall mean use of sick leave to such an extent that it creates a problem with the efficient management of the City, and/or adversely affects an employee's job performance or overall ability to perform his/her job.

**"Sick leave abuse"** is the attempt or actual use of sick leave for anything other than physical illness or incapacity to such an extent as to render the individual unable to perform the duties of his/her position, or other such permissible use as defined by the City. Sick leave abuse is fraudulent use of sick leave and is an unauthorized absence.

**"Unauthorized absence"** for the purpose of this procedure shall be defined as absence from scheduled work time for which no prior authorization from the Chief of Police or his/her designee has been given.

- A. If an employee's ability to use sick leave has been suspended, denied, or accrual is exhausted; or if the reason for an incident reported is not a valid use of sick leave pursuant to City policies, then such time shall be considered an unauthorized absence.
- B. Unauthorized absences shall be without compensation. Other time banks may not be substituted for an unauthorized absence unless pre-approved by the Chief of Police.
- C. If appropriate, an unauthorized absence may result in disciplinary action pursuant to applicable policies.

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- D. Other time banks may not be substituted for an unauthorized absence for any employee who is on mandatory reporting at the time of unauthorized absence.

"Year" for the purpose of this procedure refers to a rolling year. It is defined as a 12-month period measured backward from the most recent use of sick leave.

## MONITORING

Division lieutenants will be responsible for conducting regular reviews of their employee's sick leave usage every calendar month upon notification of an employee having a sick leave incident.

- 1.01 Whenever an employee is absent because of illness or incapacity, the City reserves the right to take reasonable steps as necessary to confirm the nature and extent of such illness or incapacity.
- 1.02 When an employee has reached three incidents or 42 hours of Sick Leave usage in a year, the division lieutenant will be required to review the employee's usage and if deemed appropriate, meet with the employee and the employee's supervisor. In the event such a meeting is deemed inappropriate, the division lieutenant will be required to document that the review of the employee's usage has occurred and no action was required at the time, and submit a copy of this documentation up their chain of command. The Chief's Administrative Assistant will place a copy of this document in the employee's medical file. In the event such a meeting is deemed appropriate, it must be scheduled within fifteen (15) working days of the employee attaining the three incidents or 42 hours of usage.
- A. The purpose of this meeting shall be to go over the reasons cited for the Sick Leave usage and to determine what, if any, action can be taken to prevent future incidents. The division lieutenant should use all relevant data to fully explore this usage including documentation such as doctor's statements, sick leave use by the employee in previous years, etc.
- B. The meeting outlined in 1.02 A above may result in Mandatory Reporting and/or a written Action Plan developed by the employee and the division lieutenant. Such an Action Plan may specify the causes of each incident of usage and, if necessary, what measures will be employed to prevent future occurrences. Although the division lieutenant should encourage employee suggestions, responsibility for development of the plan shall rest with the division lieutenant.
1. Problems which are recurrent and of a similar nature should be investigated by the employee through his/her physician. If such is the case, the Action Plan should be directed at receiving a

prognosis from an appropriate medical professional on prevention and/or likelihood of future incidents.

2. If there is sufficient data, such as doctor's statements, to indicate that the cause for each incident of Sick Leave is of a nature that does not warrant an Action Plan, such justification shall be noted by the division lieutenant and routed in the same manner as noted in Section 1.02 above.
  3. If the division lieutenant believes evidence exists to determine that the three incidents of Sick Leave or 42 hours' usage demonstrate abuse of leave or excessive use in conjunction with the employee's previous sick leave usage, the division lieutenant may require the submittal of a doctor's statement (Mandatory Reporting) before any further leave is granted and/or initiate action in accordance with the City disciplinary policy.
    - a) The doctor's statements must include an indication of the nature of the problem for which the leave is being applied and that the problem was for personal illness or incapacity to such an extent that the individual was not able to work. All doctor's statements must include the date of the exam and the days(s) to which it applies, as well as a prognosis for recovery and/or related future incidents.
- C. Following any meeting to discuss the sick leave usage and set appropriate requirements pursuant to this procedure, the division lieutenant shall submit a written report documenting the results of the meeting, and any further Action Plans developed from the meeting, up his/her chain of command. The Chief's Administrative Assistant will place a copy of the report and/or action plan in the employee's personnel file.
- D. All Action Plans created pursuant to this procedure shall include a means of follow-up. In no case shall follow-up be less than a review of the goals of the action plan within 30, 90 and 180 calendar days of the initiation meeting. If follow-up includes reports on medical or other professional examinations, any pertinent results shall be reported and filed with the documentation of the preceding meeting.
- E. The affected employee must sign the Action Plan, indicating receipt and acknowledgement of its requirements. Failure to sign the Action Plan may result in disciplinary action. Failure to sign will not negate the requirements of the plan.

1.03 When an employee has had five incidents or 72 hours of sick leave usage in a year, the division lieutenant will be required to meet with the employee, the employee's immediate supervisor and the employee's Captain, if applicable. Such a meeting must be scheduled within fifteen (15) working days of the employee attaining the five incidents of usage or 72 hours of sick leave.

A. The purpose of this meeting shall be to go over the reasons cited for each incident of the Sick Leave usage, review actions taken and previous action plan(s) if applicable, and determine what measures can be taken to prevent future incidents. If appropriate, the employee may be required to submit a doctor's statement for any sick leave use.

B. The meeting outlined in Section 1.03 A above, except for the exclusions outlined herein, shall result in a written Action Plan developed by the employee and the division lieutenant. Such an Action Plan may specify the cause(s) of each incident of usage and, if necessary, what measures will be employed to prevent future occurrences. Although the division lieutenant should encourage employee suggestions, responsibility for development of the plan shall rest with the division lieutenant.

1. Problems which are recurrent and of a similar nature should be investigated by the employee through his/her physician. If such is the case, the action plan should be directed at receiving a prognosis from an appropriate medical professional on prevention and/or likelihood of future incidents.
2. If there is sufficient data, such as doctor's statements, to indicate that the cause for each incident of Sick Leave is of a nature that does not warrant an Action Plan, such justification shall be noted by the division lieutenant and routed in the same manner as noted in Section 1.02 above.
3. If the division lieutenant believes evidence exists to determine that the five incidents or 72 hours of Sick Leave usage demonstrate abuse of sick leave or excessive use in conjunction with the employee's previous sick leave usage, the division lieutenant may require the submittal of a doctor's statement (Mandatory Reporting) before any further leave is granted and/or initiate action in accordance with the City disciplinary policy.
  - a) The doctor's statement must include an indication of the nature of the problem for which the leave is being applied and that the problem was for personal illness or incapacity to such an extent that the individual was not able to work. All doctor's statements must include the date of the exam and the day(s) to which it

applies, as well as prognosis for recovery and/or related future incidents.

- C. Following any meeting to discuss the Sick Leave usage and set appropriate requirements pursuant to this procedure, the division lieutenant shall submit a written report documenting the results of the meeting, and any further Action Plans developed from the meeting, up his/her chain of command. The Chief's Administrative Assistant will place a copy of the report and/or action plan in the employee's personnel file.
- D. All Action Plans created pursuant to this procedure shall include a means of follow-up. In no case shall follow-up be less than a review of the goals of the Action Plan within 30, 90 and 180 calendar days of the initiating meeting. If follow-up includes reports on medical or other professional examination, any pertinent results shall be reported and filed with the documentation of the previous meeting.
- E. The affected employee must sign the Action Plan, indicating receipt and acknowledgement of its requirements. Failure to sign the Action Plan may result in disciplinary action. Failure to sign will not negate the requirements of the plan.

1.04 Upon the recommendation of the Chief of Police and with the approval of the Labor Relations/HR Director, an employee may be required to undergo a medical examination from a physician of the City's choice to determine the employee's physical or mental ability to perform the duties of the employee's position.

- A. Medical examinations administered at the request of the City shall be paid for by the City.
- B. The City shall apprise the examining physician of the basis upon which the examination is to be conducted and the issues to be addressed in the physician's evaluative report. The physician shall receive the position description and/or job duties of the employee prior to the examination.
- C. Medical examinations paid for by the City are the property of the City and shall be maintained in a confidential file.
- D. Failure to undergo the required examination shall result in disciplinary action.

1.05 Mandatory Reporting Requirements and Routing

- A. If an employee is placed on Mandatory Reporting and is required to submit a doctor's statement, the Chief of Police or designee may do any or all of the following:
1. Request a prognosis for correction of the cause(s) from the physician;
  2. Require that the employee undergo a medical examination from a physician of the City's choice, pursuant to this procedure;
  3. Initiate appropriate disciplinary action if there is evidence of sick leave abuse or excessive use.
- B. The division lieutenant will be required to conduct regular reviews and meet with an employee who has been placed on Mandatory Reporting. Reviews will occur after 30 and 90 days, and again at 180 days. If at the 180-day review the employee has not used any sick leave, or the usage is deemed to be appropriate and within policy, the lieutenant may recommend removal of the employee from Mandatory Reporting through the chain of command.
- C. Mandatory Sick Leave Document Routing: The following document routing procedure will be adhered to when a commissioned member of the Everett Police Department is placed on or removed from Mandatory Reporting:
1. Employee's lieutenant will provide a copy of the original to employee;
  2. Employee's lieutenant will provide a copy to employee's immediate supervisor for entry into the employee's working file. This copy is to be maintained for the applicable rating period for the employee's performance evaluation;
  3. Employee's lieutenant will forward the original signed document to the Chief's Administrative Assistant for entry into the employee's personnel file maintained by the Chief of Police;
  4. The Chief's Administrative Assistant will forward a copy to the Office of Professional Standards for entry into IAPro.