



POLICIES AND PROCEDURES

MONTGOMERY COUNTY
DEPARTMENT OF FIRE AND RESCUE SERVICES

NO. 508.2

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DATE
December 10, 1991

TITLE
SICK LEAVE

DIRECTOR APPROVAL

PURPOSE

- 1.0 To establish objectives and policies on the use of sick leave by eligible employees.
- 1.1 To establish specific procedures for requesting and approving the use of sick leave, and for identifying, documenting, and correcting sick leave abuse situations.

APPLICABILITY

- 2.0 All DFRS personnel in the Fire Protection Occupational Series.

DEFINITIONS

- 3.0 Accrual Rates - 144 hours per year for 2496 hour personnel, 126 hours per year for 2184 hour personnel, 120 hours per year for 2080 hour personnel. Sick leave may be accumulated without limit.
- 3.1 Absent Without Official Leave - The placement of an employee in a non-pay status for absences not approved by an appropriately authorized individual.
- 3.2 Abuse (Misuse) of Sick Leave - The use of sick leave by an employee for reasons not related to a bona fide illness or injury; any reasons other than those as defined under the definition of sick leave (See 3.3).
Indications of such abuse (misuse) may include:
 - a. repeated use of sick leave after a request for annual/compensatory leave has been denied;
 - b. repeated use of sick leave on the shift before or the shift after a Kelly day, holiday or weekend day;
 - c. use of excessive amounts of sick leave;
 - d. use of sick leave in excess of that which is earned;
 - e. repeated use of sick leave when the work schedule is heavy, undesirable or involving special projects or functions; or



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f. engaging in outside employment activities while using sick leave without approval of the Senior Career Officer.

3.3 Sick Leave - Sick leave is earned, paid leave granted to eligible employees for periods of absence because of personal illness, injury, medical quarantine, medical, dental or optical examinations and treatments, or any temporary disability caused or contributed to by pregnancy, miscarriage or childbirth. An employee may also use sick leave for an illness, injury, medical quarantine, medical, dental or optical examinations and treatments for immediate family members, or for the purpose of attending to the immediate family at the time of birth or adoption of a child, provided that time taken/used in this fashion does not exceed the amount of sick leave earned in any leave year.

3.4 Immediate Family - An employee's parents, step-parents, spouse, brother, sister, children, step-children, spouse's parents, grandparents, spouse's grandparents or legal guardian.

3.5 Leave Request Form - The form currently authorized by DFRS for an employee to request sick leave.

3.6 Staffing Officer - An individual or group of individuals assigned to handle staffing needs. This definition includes the EMS Duty Officer to facilitate coordination of ALS personnel on a County-wide basis. There shall be one Staffing Officer for each shift in each Division.

3.7 Licensed Health Care Professional - Physician, dentist, chiropractor, psychiatrist, physician's assistant, etc.

POLICY

4.0 Sick leave is an important employee benefit and will be administered to assure that the employee's rights and interests are appropriately protected, and that sick leave is not unreasonably withheld.

4.1 It is the policy of this Department that the decision to request sick leave rests with the employee's good judgment, which may be based upon the advice of a physician or other licensed health care professional. Employees do not, however, have the right to use sick leave for any personal reason not related to a bona fide medical condition. Use may also be predicated on medical certification as further defined in this policy.



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- 4.2 It is the policy of this Department to permit the use of sick leave for those employees who experience an illness or injury in the immediate family, or for the purpose of attending to the immediate family at the time of birth or adoption of a child.
- 4.3 An employee may have unlimited use of personal sick leave that is documented. The employee may use up to the hours earned in a year for documented family sick leave. The documentation must be attached to a completed leave request form for the date(s) sick leave was used. The completed leave request and documentation must be sent to the Senior Career Officer at time of return to duty. The documentation may be either a Doctor's Certificate inscribed with his/her letterhead, or an employer Medical Evaluation of Work Status Form.
- 4.4 The use of sick leave is subject to approval by the employee's supervisor(s). An employee's absence without such approval subjects the employee to being placed on AWOL status.
- 4.5 Employees must not engage in any activity while on approved sick leave which would prolong or aggravate their illness, injury or other disabling condition. Employees on sick leave must not engage in outside employment without appropriate authorization.
- 4.6 Abuse (misuse) of sick leave will subject the employee to corrective and/or disciplinary action(s). Corrective action may include documentation from a physician via a certificate or the Medical Evaluation of Work Status Form (See Attachment 1), investigation by a supervisor to ensure that sick leave is being properly utilized, change in the work schedule, or reduction or elimination of overtime. Disciplinary action will include oral admonishment, written reprimand, within grade reduction, suspension, demotion, or dismissal. Such corrective or disciplinary action(s) will be consistent with the Montgomery County Personnel Regulations and the DFRS policy 503, "Disciplinary Action Procedures."
- 4.7 An employee on extended sick leave may be eligible for light duty work assignment(s), as per DFRS Policy 527, "Non-Service Connected Light Duty," or DFRS Policy 528, "Service Connected Light Duty," whichever is applicable.



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RESPONSIBILITIES

- 5.0 All employees may request and utilize sick leave for the purposes outlined in Section 3.3 of this policy. All employees must request leave in advance via the Leave Request Form. When circumstances do not permit a written, advance request, all employees must communicate a request for sick leave at least one hour before beginning his/her work shift. All requests, written or verbal, will be directed to the his/her Staffing Office (for Operations Bureau personnel), or appropriate authority (for personnel in other bureaus).
- 5.1 The Senior Career Officer will implement the terms of this policy, and will initiate the process for disciplinary action(s) consistent with the Montgomery County Personnel Regulations and Departmental policies.
- 5.2 The Station Officer will ensure that proper records are maintained for time sheet/pay purposes, and that appropriate entries are made in the Daily Activity Report and/or station log book.
- 5.3 The Staffing Officer (for Operations Bureau personnel), or appropriate authority (for personnel in other bureaus) will receive and review requests for sick leave in a timely manner, and will approve or deny such requests based upon the terms of this policy and approved staffing levels.

PROCEDURE - SICK LEAVE USE AND AUTHORIZATION

- 6.0 Employees who know in advance that they need to use sick leave, (i.e., routine physician's appointments, scheduled surgery) must notify the Staffing Office (for Operations Bureau personnel) or appropriate authority (for personnel in other bureaus) via a Leave Request Form as far in advance as possible, but at least 24 hours in advance of a scheduled work shift.
- 6.1 Employees requiring sick leave for routine medical, dental or optical appointments are expected to schedule examinations or treatment on days off work when possible, so as to minimize the disruption of staffing, scheduling and services.



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- 6.2 Employees in the Bureau of Operations who need to use unplanned sick leave will notify the Staffing Officer as far in advance of a work shift as possible, but not later than one hour before the beginning of a work shift. This will apply to each work shift for which the employee needs to use sick leave. If the Staffing Officer is unavailable, the employee will notify his/her duty station. If no one is available at the duty station, the employee must attempt to contact the DFRS Duty Chief. The employee may contact the Emergency Communications Center to make a notification of the need to use unplanned sick leave. The Emergency Communications Center will only be contacted after repeated attempts have been made to reach the Career Duty Station Officer at the employee's assigned station and the DFRS Duty Chief. The ECC supervisor shall notify the Staffing Officer via radio, if practical. If sick leave notification is made via the Emergency Communications Center, the employee will follow this up by contacting the Staffing Officer at some time during the work shift for which the employee is using sick leave. Immediately upon returning to work, an employee must complete a Leave Request Form for those hours that sick leave was used. This form will be submitted to the supervisor for approval and forwarded to the Senior Career Officer.
- 6.3 Employees assigned to the Fire Prevention and Field Support Services Bureaus, and the EMS Division must make notification in accordance with policy established by their Senior Career Officer.
- 6.4 Employees who become ill or are injured during the course of a work shift will notify the Career Duty Officer, via the Station Officer, of such a condition(s) and of the need to use sick leave. The employee will complete a Leave Request Form as soon as possible for record keeping purposes, and forward it to the Senior Career Officer via the Station Officer.
- 6.5 Employees who are on sick leave and who experience an improvement in their condition which allows them to return to work should notify the Staffing Officer (for Operations Bureau personnel), or appropriate authority (for personnel in other bureaus) as soon as possible. Employees must notify the Staffing Officer prior to reporting for work.



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6.6 2496 hour employees who are unable to report to work for more than 48 consecutive work hours, 2184 hour employees who are unable to report to work for 42 consecutive work hours, or 2080 hour employees who are unable to report to work for 40 consecutive work hours must obtain a medical certificate from their physician confirming a medical condition which prohibited the employee from working. This will also apply to absences for immediate family sick leave. The medical certificate(s) from the physician will be forwarded immediately to the Career Duty Officer, via the Station Officer, when the employee reports to work.

At the discretion of the Career Duty Officer, an employee may be required to obtain medical clearance from the Occupational Medical Section. An appointment with the Occupational Medical Section will be scheduled via the Career Duty Officer. The medical certificate(s) from the Occupational Medical Section will be immediately forwarded to the Career Duty Officer, via the Station Officer, when the employee reports to work.

6.7 2496 hour employees who are unable to report to work for 96 consecutive work hours, 2184 hour employees who are unable to report to work for 84 consecutive work hours, or 2080 hour employees who are unable to report to work for 80 consecutive work hours must obtain clearance from his/her physician and from the Occupational Medical Section prior to returning to work. Physician clearance will be documented on the Medical Evaluation of Work Status Form. An appointment with the Occupational Medical Section will be scheduled via the Career Duty Officer. The medical certificates from the physician and from the Occupational Medical Section will be forwarded immediately to the Career Duty Officer, via the Station Officer, when the employee reports to work. Employees on such extended sick leave will keep the Career Duty Officer apprised of their condition and progress and will communicate an estimated return to work date as soon as possible.

6.8 When requesting sick leave, employees must be informed of their status as soon as possible (i.e., leave is approved; leave is not approved and any absence will be considered AWOL; leave is approved contingent upon receipt of medical certification).

6.9 Employees who have exhausted all accrued leave because of an extended illness or injury may be eligible for sick leave donations, as per the Montgomery County Personnel Regulations, Section 14-8.



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PROCEDURE - SICK LEAVE ABUSE (MISUSE)

- 7.0 Employees must not engage in any activity while on approved sick leave which would prolong or aggravate their illness, injury or other disabling condition. Employees on sick leave must not engage in any outside employment without written authorization from the Senior Career Officer.
- 7.1 The Career Duty Officer may require an employee to provide a medical certification from a physician, or other Licensed Health Care Provider, any time sick leave abuse or misuse is suspected. This will be done via the Medical Evaluation of Work Status Form.
- 7.2 The Senior Career Officer will notify the employee of a sick leave restriction via the Sick Leave Restriction Memorandum (See Attachment 2) which will be signed by the employee and which may include other requirements that are consistent with this policy (see Section 7.6). The Senior Career Officer will review the use of sick leave periodically, and shall document excessive use of sick leave or patterns indicating abuse or misuse.
- 7.3 To ensure authenticity of medical certification when necessary, the Senior Career Officer may contact the attending physician or appropriate licensed health care professional. Information regarding whether or not the employee is or was under the physician's care and the dates of the employee's inability to report to work may be confirmed. The nature of the employee's illness or injury is confidential and should not be discussed with the physician. Inquiries regarding the authenticity of medical certification may be made if evidence exists which suggests misuse of sick leave by an employee (i.e., suspected forgery of physician's certificate, or employee is on sick leave and is observed in questionable activity).
- 7.4 Employees required to provide medical certification must do so immediately upon returning to work. Failure to provide certification as specified will result in the employee being absent without leave for the period in question and subject to appropriate disciplinary action.



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- 7.5 Medical certificates presented by an employee as certification of illness or injury must include a statement by the attending physician indicating that the employee and/or family member was ill or injured and under the care and/or was seen by the physician, including specific dates.
- 7.6 In addition to monitoring employee sick leave usage, the Senior Career Officer will ensure that medical certificates by attending physicians, medical certificates from the Occupational Medical Section, Medical Evaluation of Work Status Forms, and Memorandums on Sick Leave Restriction are placed in the employee's personnel record, in accordance with the requirements of the Montgomery County Personnel Regulations.
- 7.7 Abuse or misuse of sick leave will be documented by the Senior Career Officer in a manner consistent with the Montgomery County Personnel Regulations and DFRS Policy 503, "Disciplinary Action Procedures." Discipline for such a problem(s) will range from oral admonishment/counseling to dismissal. It is the responsibility of the Senior Career Officer to initiate such disciplinary action(s), consistent with the Montgomery County Personnel Regulations and DFRS Policy 503.
- 7.8 During any consecutive twelve (12) month period, an employee on the 24/48 work schedule may have up to three (3) incidents of sick leave use (family or personal) without the appropriate medical documentation from either a Doctor's Certificate or an employer Medical Evaluation of Work Status Form. When the employee has taken the third use of sick leave (family or personal) without documentation, the Senior Career Officer must counsel the employee by use of a DOR as follows:
 - a. Additional sick leave without documentation will cause the employee to be placed on sick leave restriction. The documentation may be either a Doctor's Certificate, or employer Medical Evaluation of Work Status Form.
 - b. Additional sick leave is not approved without documentation. If sick leave is used but the employee fails to bring documentation, the employee will be charged Leave Without Pay for the time the employee was off. The documentation may be either a Doctor's Certificate, or employer Medical Evaluation of Work Status Form.



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c. Documentation must be presented immediately upon reporting for return to work.

7.9 When an employee on the 24/48 work schedule uses sick leave for a fourth time during any twelve (12) month period without documentation by either a Doctor's Certificate, or employer Medical Evaluation of Work Status Form, the Senior Career Officer must:

- a. charge the employee LWOP for the period of time that the employee was absent from work;
- b. prepare a Statement of Charges for Written Reprimand, consistent with Section 7.7 of this policy; and
- c. further restrict the employee to their residence during their regularly scheduled shift. The employee may leave the residence only to report for treatment or examination by a physician, to go to the grocery store or pharmacy. The Station Officer must be notified when the employee leaves home and returns.
- d. prepare a Statement of Charges for progressive disciplinary actions consistent with Section 7.7 of this policy if the employee subsequently uses sick leave without proper documentation by either a Doctor's Certificate, or employer Medical Evaluation of Work Status Form.

Note: An employee on a five (5) day work schedule may be similarly restricted after five (5) incidents of sick leave absent documentation as prescribed above, for any twelve (12) month period.

An employee on any other shift may be restricted after a like number of uses, absent documentation. (For example: bargaining unit employees assigned to a 42 hour work week may be restricted after four (4) incidents of sick leave absent documentation. Those on a 40 hour work week may be restricted after five (5) incidents absent documentation.)



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7.10 Employees may engage in limited activities based upon their degree of disability or illness.

- a. Employees who have minor disabilities such as upper respiratory infections, colds, flu, sprains requiring soft casts, and employees recovering from surgical operations will be permitted medically approved outside activity. He/she may take outside exercise within time limits consistent with the employee's disability, provided that medical clearance has been obtained and the time limits consistent with the severity of the disability have been indicated clearly on the medical certificate by the employee's physician. The Station Officer must be notified when the employee leaves and returns home. Employees may use exercise time to take care of bona-fide personal needs such as food shopping, haircuts, filling prescriptions, etc. The Station Officer must be notified when the employee leaves home and when he returns.

Note: Medical certificates denoting "unlimited outside exercise" will not be accepted as this implies full fitness for duty, and no employee will be granted unrestricted privileges except as noted in the paragraphs below.

- b. Employees who have medical disabilities which require the wearing of hard casts on the arm or hand on a long term basis but who are otherwise ambulatory and medically fit will be unrestricted in their daily activities. This privilege is not extended to employees with minor leg and arm sprains and strains of a short term nature that normally require the use of soft casts or splints, or with disabilities such as cervical sprains or back sprains. This privilege does not relieve the employees of the responsibility for fulfilling other requirements of this policy.
- c. Any employee requesting to remain away from home for any period of time other than that detailed above while on sick leave or on a medical leave of absence must submit a request through channels to the Director of DFRS for approval.



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1. Approval will be granted for employees who are incapacitated due to leg or body casts and are not ambulatory or able to properly care for themselves (or have similar medical conditions not covered above) and to employees who are recovering from major invasive surgical operations which normally require a long period of recovery time. Requests should be submitted through the chain of command to the Director of DFRS with appropriate medical documentation.
2. Any employee permitted to recuperate away from home or outside the County will be required to have a contact phone number and address at all times. This privilege does not relieve the employees of the responsibility of fulfilling other requirements, e.g. adherence to medical certificate and treatment requirements, as outlined above and in other referenced procedures.

ATTACHMENTS

- 8.0 Medical Evaluation of Work Status Form (Attachment 1)
- 8.1 Sample Memorandum: Sick Leave Restriction (Attachment 2)

CANCELLATION

- 9.0 DFRS Policy 508.2 entitled "Sick Leave" issued June 14, 1989 is hereby rescinded.

Date

TO:

FROM:

SUBJECT: Sick Leave Restrictions

This memorandum is official notice that you are restricted from the use of sick leave. You may only use sick leave under the following conditions:

1. You will contact the Career Duty Officer at 0730 hours regarding the nature of your sick leave and prognosis.
2. At 1500 hours, you will contact the Career Duty Officer with a progress report.
3. You may only use sick leave if you are incapacitated from performing the duties of your class specification. You may continue to use sick leave due to illness or injury in your immediate family in accordance with Policy and Procedure #508.2, paragraph 4.2. However, you must submit a Medical Evaluation of Work Status Form to the Career Duty Officer for the family member involved.
4. At the time you return to duty, you will submit to the Career Duty Officer a Medical Evaluation of Work Status Form, completed, signed and dated by your physician.
5. Until this form is provided, you will be considered Absent Without Official Leave (AWOL).
6. During the time you are on sick leave, you will be available by telephone.

These restrictions will remain in effect for a period of time to be determined by the Senior Career Officer not to exceed 6 months in accordance with Policy and Procedure #508.2, paragraph 7.2. Failure to comply with such restrictions shall result in disciplinary action consistent with the Montgomery County Personnel Regulations and the departmental policy and procedure on discipline.

I have reviewed and understand these restrictions on the use of sick leave:

Signature

Date



DEPARTMENT OF FIRE AND RESCUE SERVICES
MONTGOMERY COUNTY, MD.

MEDICAL EVALUATION OF WORK STATUS

nt.	Date:	Job Title:
gnosis:	This Report Is: First <input type="checkbox"/> Extension <input type="checkbox"/> Final <input type="checkbox"/>	

gnosis and Current Treatment:

QUALIFIED for Full Duty of Job Title NOT QUALIFIED for Full Duty of Job Title

QUALIFIED for Limited Duty - Specify Below

RESTRICTIONS

<input type="checkbox"/> Lifting, Carrying up to _____ lbs. <input type="checkbox"/> Pushing, Pulling <input type="checkbox"/> Reaching above shoulder <input type="checkbox"/> Use of fingers, Dexterity <input type="checkbox"/> Both hands, Use of _____ hand <input type="checkbox"/> Standing, Walking <input type="checkbox"/> Bending, Stooping, Leaning, Crawling <input type="checkbox"/> Climbing, Using legs only, Stairs, Ramps <input type="checkbox"/> Climbing, Using Arms, Ladders, Ropes <input type="checkbox"/> Sitting <input type="checkbox"/> Visual Acuity <input type="checkbox"/> Depth perception, Binocular vision <input type="checkbox"/> Operation of power machinery <input type="checkbox"/> Operation of motor vehicle <input type="checkbox"/> Home rest for _____ days <input type="checkbox"/> Non ambulatory	<input type="checkbox"/> Inside, Enclosed, Cramped spaces <input type="checkbox"/> Outside, Weather exposure <input type="checkbox"/> Excessive heat <input type="checkbox"/> Excessive cold, Wind, Dryness <input type="checkbox"/> Excessive humidity, Dampness <input type="checkbox"/> Excessive dust, Dirt, Silica <input type="checkbox"/> Excessive noise <input type="checkbox"/> Fumes, Smoke, Gases, Odors <input type="checkbox"/> Solvents, Grease, Toxic chemicals <input type="checkbox"/> contact vibration <input type="checkbox"/> Intense light <input type="checkbox"/> Prolonged, Irregular hours, Shift work <input type="checkbox"/> Medications/side effects, explain in remarks <input type="checkbox"/> Other _____ _____ _____
--	---

er Remarks:

Full Duty Will Resume	Date for Reevaluation	Medical Officer/Physician	Phone #
		Print Name	Signature

Administrative Endorsement of Restricted Assignment

<input type="checkbox"/> Restricted Work Assignment is not Available	Date	Senior Career Officer
<input type="checkbox"/> Restricted Work is Assigned		