



THE CITY OF NEW YORK  
DEPARTMENT OF CORRECTION



## DIRECTIVE

<input type="checkbox"/> NEW <input type="checkbox"/> INTERIM <input checked="" type="checkbox"/> REVISED		SUBJECT	
EFFECTIVE DATE 02/14/00		*TERMINATION DATE / /	
CLASSIFICATION #2258R-A		SUPERSEDES Directive #2258R	
DATED 04/12/93		DISTRIBUTION A	
RECOMMENDED FOR APPROVAL BY REVIEW BOARD MEMBER  WILLIAM J. FRASER, CHIEF OF DEPARTMENT		AUTHORIZED BY THE COMMISSIONER  BERNARD B. KERIK	
SIGNATURE		SIGNATURE	

### I. PURPOSE

To establish an Absence Control Program to reduce chronic absenteeism among members of the uniformed force.

### II. POLICY

To maximize the efficiency of the uniformed force by identifying and monitoring members who may require special attention and counseling concerning their use of sick leave.

**Note:** For the purpose of this Directive, the following shall be excluded in the calculation of use of sick leave:

- A. absences while confined to an admitting hospital;
- B. the first absence (occurrence) resulting from a line of duty injury which was the result of an:
  1. Unusual Incident, as defined in Directive 5000R, resulting in a serious injury;
  2. Injuries sustained as a direct result of a Use of Force incident (any subsequent absences resulting from the UOF incident once a member has returned to duty will be considered in the calculation of sick leave);
- C. absence related to pregnancy, subject to such limitations as the Department imposes.

	EFFECTIVE DATE <b>02/14/00</b>	SUBJECT  <b>ABSENCE CONTROL/ UNIFORMED SICK LEAVE POLICY</b>	
	CLASSIFICATION <b>#2258R-A</b>		
	DISTRIBUTION A	PAGE <b>2</b> OF <b>7</b> PAGES	

### III. PROCEDURE

#### A. CHRONIC ABSENCE

1. A member who reports sick on twelve (12) or more work days within a twelve (12) month period shall be classified as chronic absent and notified in writing of the classification (See Attachment A, Designation as Chronic Absent, form #2258-A).
2. A chronic absent classification shall remain in effect for six (6) months from the date the member returns to duty after being absent twelve (12) or more work days.
3. If the member is not absent during the six (6) month period the chronic absent classification shall be removed.
4. If the member is absent during the six (6) month period, the chronic absent classification shall be extended for six (6) months following the date the member returns to duty following the last absence.
5. A member classified as chronic absent may appeal that classification in accordance with the appeal procedures established in this Directive.

#### B. APPEAL PROCEDURE

1. A member classified as chronic absent may file a written appeal any time within twenty (20) days following the day the member receives written notification of the classification. The appeal shall be directed to the member's Commanding Officer and shall specify the reasons why the member believes the classification should be removed. The appeal may include any documentary evidence or exhibits the member believes will be helpful in resolving the appeal.
2. a. Upon receipt of the member's appeal, the Commanding Officer or a designee shall consider the facts and circumstances surrounding the member's absences as well as the reasons specified by the member. Factors to be considered include:
  - i. The member's use of sick leave since joining the Department;
  - ii. Whether the sick leave is the result of a verified line-of-duty injury, pregnancy or hospitalization;
  - iii. Whether the use of sick leave precedes or follows pass days and holidays;

	EFFECTIVE DATE <b>02/14/00</b>	SUBJECT  <b>ABSENCE CONTROL/ UNIFORMED SICK LEAVE POLICY</b>	
	CLASSIFICATION <b>#2258R-A</b>		
	DISTRIBUTION <b>A</b>	PAGE <b>3</b> OF <b>7</b> PAGES	

### III. PROCEDURE (cont.)

- iv. Whether the use of sick leave is associated with ordered overtime or lost pass days;
  - v. The nature of the illness/injury (The Health Management Division (HMD) will verify nature of illness upon request).
- b. The Commanding Officer or designee shall state their reasons for recommending the approval or denial of the appeal in writing and forward all documents to the Bureau/Assistant Chief of the Division and/or the Deputy Commissioner of the unit.
3. The Bureau/Assistant Chief of the Division and/or the Deputy Commissioner of the unit shall review the recommendation and note their determination, either affirming or reversing the Commands recommendation. The review shall be forwarded to HMD for recommendation.
  4. The Commanding Officer of Health Management Division shall review appropriate records and render a final recommendation of the appeal.
  5. The appeal will then be forwarded to the Bureau Chief of Administration for final determination.
  6. Any member whose appeal is granted shall be immediately removed from the chronic absent classification. If following the next sick report the member meets the criteria for placement in the chronic absent classification, placement shall be made in accordance with the aforementioned procedures.
- C. DISCRETIONARY BENEFITS AND PRIVILEGES
- Discretionary benefits and privileges include but are not limited to:
1. Assignment to a steady tour;
  2. Assignment to a specified post or duties;
  3. Access to voluntary overtime;
  4. Promotions;
  5. Secondary employment;

	EFFECTIVE DATE <b>02/14/00</b>	SUBJECT  <b>ABSENCE CONTROL/ UNIFORMED SICK LEAVE POLICY</b>	
	CLASSIFICATION <b>#2258R-A</b>		
	DISTRIBUTION <b>A</b>	PAGE <b>4</b> OF <b>7</b> PAGES	

### III. PROCEDURE (cont.)

6. Assignment to preferential/special units or commands;
7. Transfers.

#### D. DISCIPLINARY SANCTIONS

In addition to the loss of discretionary benefits and privileges, a member who reports sick for twelve (12) or more work days during a twelve (12) month period may be subject to disciplinary sanctions.

#### E. TERMINATION

1. A member who reports sick forty (40) or more work days within a twelve (12) month period may be subjected to termination.
2. A member who reports sick on fifteen (15) or more occasions within a twelve (12) month period may be subject to termination.

#### F. MITIGATION

Before a disciplinary or termination action is commenced, the following mitigating factors shall be considered:

1. The member's use of sick leave since joining the Department;
2. Whether the sick leave is the result of a line of duty injury which was the result of an Unusual Incident (Directive 5000R) or a Use of Force Incident (Directives 5005R/5006);
3. Whether the use of sick leave precedes or follows pass days and holidays;
4. Whether the use of sick leave is associated with ordered overtime; and
5. The nature of the illness.

#### G. ADMINISTRATIVE PROCEDURES

1. It is the responsibility of each Commanding Officer or designee to monitor the attendance records of the members assigned to that command and to counsel any member whose record is developing a pattern that will result in a chronic

	EFFECTIVE DATE <b>02/14/00</b>	SUBJECT  <b>ABSENCE CONTROL/ UNIFORMED SICK LEAVE POLICY</b>	
	CLASSIFICATION <b>#2258R-A</b>		
	DISTRIBUTION <b>A</b>	PAGE <b>5</b> OF <b>7</b> PAGES	

### III. PROCEDURE (cont.)

absent classification (Refer to Attachment B, Attendance Counseling, form #2258-B). However, the lack of counseling will not negate the member from entering into a chronic absent classification.

2. The Commanding Officer may deny or revoke one (1) or more discretionary benefits and privileges of a member who despite counseling developed a pattern that evidences an abuse of sick leave. The member shall have five (5) days in which to appeal such revocation. The Commanding Officer shall forward the appeal to the respective Bureau/Assistant Chief for final review and determination. The determination shall be returned to the member's Command within two (2) business days of receipt. The member shall be advised of the determination and a copy of the review shall be placed in the employee's personal history folder.
3. A member placed into a chronic absence designation, may suffer the denial or revocation of one or more discretionary benefits and privileges at the discretion of the Commanding Officer anytime after the twenty (20) day appeal period has expired. If a member has filed a timely appeal, no denial or revocation of discretionary benefits shall take effect pending the determination of the appeal.
4. The denial or revocation of one or more discretionary benefits and privileges shall not be automatic. Before such a determination is made consideration shall be given to the following factors:
  - a. The member's use of sick leave since joining the Department;
  - b. Whether the sick leave is the result of a verified line-of-duty injury, pregnancy or hospitalization;
  - c. Whether the use of sick leave precedes or follows pass days and holidays;
  - d. Whether the use of sick leave precedes or follows ordered overtime or lost pass days;
  - e. The nature of the illness; and
  - f. The employee's work performance.

	EFFECTIVE DATE <b>02/14/00</b>	SUBJECT  <b>ABSENCE CONTROL/ UNIFORMED SICK LEAVE POLICY</b>	
	CLASSIFICATION <b>#2258R-A</b>		
	DISTRIBUTION A	PAGE <b>6</b> OF <b>7</b> PAGES	

### III. PROCEDURE (cont.)

Members classified as chronic absent shall be given the highest priority for home visits by the Department's representatives. The member shall again be eligible for discretionary benefits and privileges upon the member's removal from the chronic absent classification.

#### H. DUTIES AND RESPONSIBILITIES OF THE HEALTH MANAGEMENT DIVISION

1. The Health Management Division shall provide medical service for all members of the Department.
2. The Health Management Division will also provide verification of nature of illness when a member submits an appeal using his/her illness as a basis.

Location: Health Management Division  
One Lefrak City Plaza - 15th Floor  
59-17 Junction Boulevard  
Rego Park, New York 11368  
(718) 595-2524/2542

#### I. EMPLOYEE RESPONSIBILITIES

No employee who has a chronic absent classification, shall be permitted to return to duty without authorization from the Health Management Division.

1. Such members scheduled to work the 8-4 tour, who report sick shall report in person to the Health Management Division no later than 1100 hours on the day the member reports sick.
2. Such members scheduled to work the 4-12 tour who reported sick shall report in person to the Health Management Division no later than 1700 hours on the day the member reports sick.
3. Such members scheduled to work the 12-8 tour, who reported sick shall report to the Health Management Division in person by 0700 hours, on the first day of absence.
4. In the event that such member is too ill to report to the Health Management Division on the first day of absence, said member shall notify the Health Management Division by telephone, at (718) 595-2524/2542. Additionally, the member shall obtain a doctor's note from his/her personal physician or hospital, stating the following:

	EFFECTIVE DATE <b>02/14/00</b>	SUBJECT <b>ABSENCE CONTROL/ UNIFORMED SICK LEAVE POLICY</b>	
	CLASSIFICATION <b>#2258R-A</b>		
	DISTRIBUTION <b>A</b>	PAGE <b>7</b> OF <b>7</b> PAGES	

### III. PROCEDURE (cont.)

- a. Diagnosis;
- b. Treatment;
- c. Prognosis (including anticipated date of return to duty).

The above information shall be written in non-medical terminology and shall be submitted to the Health Management Division, confirming that the condition was severe enough to prevent the member from reporting to the Health Management Division on the first day of absence.

### IV. REFERENCES

- A. Directive #5000R, REPORTING UNUSUAL INCIDENTS, dated 04/13/92 (as amended).
- B. Directive #5005R, USE OF FORCE (C.I.F.M. ONLY), dated 01/25/99.
- C. Directive #5006, USE OF FORCE (ALL FACILITIES EXCLUDING C.I.F.M.), dated 01/25/99.

### V. ATTACHMENTS

- A. Designation as Chronic Absent, Form #2258-A
- B. Attendance Counseling, Form #2258-B
- C. Medical Documentation Form (Form HM 1-87)

### VI. SUPERSEDES

Directive #2258R, ABSENCE CONTROL/UNIFORMED SICK LEAVE PROGRAM, dated 04/12/93.