



# **SOUTH LYON FIRE DEPARTMENT**

## **Manual of Procedures 118**

### **LEAVE OF ABSENCE / FITNESS FOR DUTY**

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Issued: March 8, 2014

Revised:

Approved: Fire Chief Mike Kennedy

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#### **I. PURPOSE**

Establish the parameters and conditions for employees to take a leave of absence. This procedure also addresses the fitness for duty process.

#### **II. LEAVE WITHOUT PAY**

An employee may be granted a leave without meeting attendance requirements for a cumulative of ninety (90) days for good and sufficient reasons if approved by the fire chief. Leaves shall not be less than thirty (30) days and shall not exceed ninety (90) cumulative days within a two year period. The request, continuance, and the response shall be in writing. All leave requests shall state the exact date on which the leave is to begin and the date of return to work. Failure to contact the fire chief on the agreed upon date will result termination of employment. The employee may not return prior to the expiration of this leave unless agreed to by the fire chief.

Fire officers shall only be permitted to take sixty (60) cumulative days of leave within a two year period. An employee shall be allowed to demote to the rank of firefighter and will then be allowed the full ninety (90) cumulative days within a two year period. Leave time as a fire officer counts towards the ninety (90) cumulative leave days.

Employees shall not accept employment with another public safety service while on a leave of absence. Acceptance of employment for another public safety employer, without prior approval, while on leave of absence will result in termination of employment.

Employees returning from any leave shall be required to make-up any missed Michigan Occupational Safety and Health Administration (MIOSHA) required training prior to responding to alarms. Missed required training must be completed within thirty (30) calendar days of returning from leave. Failure to complete all required MIOSHA training within thirty (30) days will result in termination of employment.

#### **III. MILITARY RESERVE LEAVE**

An employee with reserve status in the Armed Forces of the United States or membership in the National Guard who is called to activity duty or to participate in training sessions shall be permitted leave for this purpose in accordance with applicable law. All employees serving reserve duty will submit notification to the fire chief as soon as the employee is notified of duty and/or training requirements and provide written documentation of same. Employees on military leave will retain seniority and position while on leave provided said employee returns to active fire department service within sixty (60) days of the conclusion of active military service.



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### **IV. JURY DUTY**

Employees who are called to serve on jury shall be excused from work provided written verification is submitted to the fire chief at the time of the absence due to jury duty.

### **V. MEDICAL LEAVE FROM OFF DUTY INJURY / ILLNESS**

Any employee who is suffering from an off duty injury / illness that will restrict / prevent the employee from participating in fire department activities for more than seven (7) days shall be required to request a medical leave from the fire chief.

Employees requesting a medical leave are required to present a certificate from a physician verifying a sickness or injury and the anticipated time off. Prior to return from a medical leave, the employee must submit a certificate from a physician releasing the employee back to work. The employer reserves the right to send the employee for a fitness for duty examination. Medical leaves shall not exceed 365 cumulative days within a three year period. At the conclusion of 365 cumulative days of medical leave within a three year period, the employee will cease to be an employee.

### **VI. FITNESS FOR DUTY**

The fire chief maintains the right to require that an employee submit to a fitness for duty examination at any time or prior to return from a medical leave to ensure the employee is fit to engage in fire department activities.

The fitness for duty examination shall be given by a physician selected by the fire chief at the fire department's expense. If the fire department's physician determines that the employee is not fit for duty, the employee shall be immediately placed on a medical leave and precluded from participating in fire department activities until resolution of the fire department's fitness for duty. If the employee is not satisfied with the determination of the fire department's physician, the employee may submit a report from a physician of the employee's own choosing at the employee's expense.

If a dispute still exists, as to the employee's fitness for duty, the employee and fire department shall each submit a list of at least five physicians who practice within thirty (30) miles of the City of South Lyon's municipal boundaries for an independent medical examination. These lists shall be ranked in order of preference. The fire department list shall be the base list. The first physician who appears on the fire department list and the employee list shall be designated for the independent medical evaluation. The decision of this independent medical evaluation shall be binding on all the parties.

The expense of the third doctor shall be split equally between the employee and the fire department. The fire department and employee shall pay their respective costs directly to the physician providing the independent medical evaluation.



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### **VII. MEDICAL LEAVE FROM ON DUTY INJURY / ILLNESS**

If an employee suffers an on the duty injury / illness, the employee has eighteen (18) months of cumulative leave within a three year period. At the conclusion of eighteen (18) months of cumulative leave within a three year period, the employee will cease to be an employee.

### **VIII. FAMILY MEDICAL LEAVE ACT**

Each Family Medical Leave Act (FMLA) case is different and will be handled on a case by case basis.

Approved by:

/s/ Fire Chief Mike Kennedy

Rescinds:

No previous SLFD procedure existed. This was covered in the previous collective bargaining agreement.