

TITLE: BENEFITS AND LEAVE

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PURPOSE

The purpose of this directive is to describe benefits available to Department employees and identify the Department's leave policy.

DISCUSSION

The maintenance of a stable, healthy, secure, happy and highly motivated work force directly benefits the Department and the public which it serves.

Benefits and leave are provided to Department employees to improve personal efficiency, effectiveness and moral.

POLICY

It is the policy of the Santa Fe Police Department to promote measures directed toward more sanitary, safe, healthful, productive and effective working conditions and to comply with the rules and regulations as set by the City of Santa Fe Personnel Department and any approved contracts.

PROCEDURE

ANNUAL LEAVE

16.1.01 Annual leave is provided to allow employees time off from their work for vacation or for necessary time to attend to personal business.

16.1.02 All permanent Police Department employees are eligible to earn, accrue leave credits and may

utilize leave upon request and at the discretion of the Police Department.

16.1.03 Leave shall be earned according to existing City of Santa Fe Personnel Rules and Regulations and/or approved contracts.

16.1.04 Accumulated annual leave, double the amount an employee is allowed to accrue in one calendar year, may be carried over to the next calendar year.

16.1.05 All leave requests shall be submitted on the approved form designated by the Human Resources Director.

16.1.06 Annual leave requests in excess of 80 hours shall be submitted, via chain of command, to the appropriate Division or District Commander.

16.1.07 All other leave requests may be approved by the employees immediate supervisor.

SICK LEAVE

16.1.08 Sick leave is granted to provide employees reasonable time off during periods of personal or family illness or injury without loss of pay.

16.1.09 Sick leave may be accrued at the rate listed in the Personnel Rules and Regulations or applicable Union contract.

16.1.10 Barring mitigating circumstances, an employee utilizing sick leave shall notify his/her immediate supervisor or the on-duty Commander as soon as possible, but no later than one (1) hour prior to the time set for beginning daily duties.

16.1.11 The employee shall also state whether his/her absence was for personal or family sick leave.

16.1.12 Sick leave is granted for:

- Personal injury or illness of the employee;
- Injury or illness of a spouse, child or person over which the employee is legally responsible;
- When the employee has been exposed (off-duty) to a contagious disease which would endanger others;
- Appointments with physicians, dentists, or other medical practitioners;

- Medical procedures relating to pregnancy and recovery therefrom shall be subject to the same regulations as personal sick leave.

16.1.13 An employee may be required to submit a medical certification signed by a licensed physician to substantiate usage of family/personal sick leave in cases where it occurs habitually or in such a manner to suggest an abuse pattern.

BEREAVEMENT LEAVE

16.1.14 This is a category of leave which shall include any period of approved absence with pay from regularly scheduled work resulting from an employee’s immediate family member requiring his/her presence because of a death.

16.1.15 To qualify for bereavement leave, the employee may be required to provide substantiating information.

16.1.16 The supervisor may require the employee to present proof of the death of an immediate family member.

FAMILY LEAVE (FMLA)

16.1.17 Family Leave can be taken for the birth or adoption of a child, placement of a child in foster care, or to care for a spouse, child or parent with a serious health condition, or the employee’s serious health condition.

16.1.18 Family Leave may be requested in accordance with the procedures listed in the City’s FMLA Policy and the Family Medical Leave Act.

DISABILITY/DEATH

16.1.19 The Santa Fe Police Department and the City of Santa Fe provide for the death and disability of employees through the Public Employees Retirement Association of New Mexico.

LINE OF DUTY DEATH

16.1.20 Pensions are paid to an eligible spouse and eligible children if the employee has not selected coverage under the Elective Survivor Pension Beneficiary provision. The retirement boards will

determine whether an employee’s death meets the line of duty criteria.

16.1.21 Eligible spouses will receive 50% of the final average salary, or, if larger 80% of the normal accrued retirement pension. A spouse is eligible if married to an employee at the time of on-duty death.

16.1.22 Each natural or adopted child will receive benefits equal to 25% of final average salary until the child/children reach the age of eighteen (18), marry, or die. The benefits of any remaining children will then be recalculated whenever a child’s pension is terminated.

16.1.23 If there is no eligible spouse or an eligible spouse dies, and there are two or more eligible children, they will receive an equal share of 50% of the pension.

NON-LINE OF DUTY DEATH

16.1.24 Pensions are paid to eligible spouses or eligible children of the employee who have five (5) or more years credited service, or if the employee is a vested former member and die from any cause unless he/she has selected coverage under the Elective Survivor Pension Beneficiary provision.

16.1.25 Eligible spouses will receive 30% of the final average salary, or if larger 80% of the normal accrued retirement pension. A spouse is eligible if married to an employee at the time of non-line of duty death.

16.1.26 If there is no eligible spouse, each natural or adopted child will receive an equal share with each other child, of 25% of final average salary or, if greater 50% of the accrued retirement pension until the child/children reach the age of eighteen (18), marry, or die. The benefits of any remaining children will then be recalculated whenever a child’s benefit is terminated.

ON-DUTY INJURY

16.1.27 Any employee who sustains an accidental injury arising out of an action in the course and scope of his/her employment with the City are provided with the following benefits:

- A. If the employee is injured on the job and is unable to work, the employee will be carried on injury leave and will receive a full salary for up

to a maximum of six (6) months from the date of injury.

- B.** During the time the employee is on injury leave, the employee will be allowed to accrue sick and annual leave at the normal rate and **PERA** contributions will be matched dollar for dollar in order for full **PERA** Retirement credit to continue.
- C.** If the employee is on injury leave for more than six (6) months, the employee may petition the Worker's Compensation Claims Review Committee, which will, on a case-by-case basis, ascertain whether compensation is to be continued at the same rate of the employee's salary at the maximum benefit under the Worker's Compensation Law.
- D.** If the Committee denies the petition, the employee shall receive the statutory benefits as allowed by the Worker's Compensation Act. At this point, the employee will also need to begin making full **P.E.R.A.** contributions to prevent an extension of the calculated time for retirement.
- E.** In addition to **P.E.R.A.** contributions, the employee must immediately contact the Risk Management Division Director to determine whether other benefits and/or premiums are affected (Health Insurance/Life Insurance).

16.1.28 All medical expenses relating to a work-related injury will be covered at 100% by the Worker's Compensation Law.

16.1.29 Employees are encouraged to return to alternate duty as an incentive toward rehabilitation.

16.1.30 Sworn personnel injured on the job shall initiate an incident report describing the circumstances and events leading to the injury. If the injured person is incapacitated or unable to generate a report, the supervisor shall make the incident report.

16.1.31 The supervisor shall immediately complete a First Report of Injury which will be submitted to the Office of the Chief of Police within one working day.

16.1.32 When an employee is severely injured or killed while on duty, emergency notifications will be made by the Department Chaplain and the Chief of Police or other ranking Department officer.

16.1.33 In the event of an employee death, the Police Chaplain and immediate supervisor of the employee will be appointed liaison and shall assist the deceased member's family in such services as providing benefits information and support services available to the family.

16.1.34 When a Department employee is absent from duty due to illness or injury covered by the New Mexico Worker's Compensation Law, the employee's immediate supervisor shall act as liaison and contact the employee on a weekly basis to ensure that the employee is updated on Department policy and events.

HOLIDAY LEAVE

16.1.35 The following days are designated as official holidays for City employees (also refer to approved contracts for actual days observed):

- New Year's Day - January 1.
- Dr. Martin Luther King's Birthday - January 15.
- President's Day - Observed the Friday after Thanksgiving.
- Memorial Day - May 30.
- Independence Day - July 4.
- Labor Day - First Monday in September.
- Columbus Day - Second Monday in October.
- Armistice Day and Veteran's Day - November 11.
- Thanksgiving Day - Fourth Thursday in November.
- Christmas Day - December 25.

16.1.36 Whenever an observed public holiday falls on a Saturday, it will be observed on the preceding Friday and whenever an observed holiday falls on a Sunday, it will be observed on the following Monday.

16.1.37 Police Department employees whose day off falls on the observed holiday may be given an additional vacation day, comp-time or at the discretion of the Department Director, employees

may be given a compensatory day off to be used at some future day.

16.1.38 Employees required to work on the day a holiday is observed shall be compensated for such work at two and one-half (2 1/2) times normal compensation.

MILITARY LEAVE

16.1.39 A permanent employee who is a member of the National Guard, or an organized United States military reserve unit shall receive military leave in accordance with the criteria set forth in the Personnel Rules and Regulations, approved contracts, and State Law.

16.1.40 All requests for military leave should be submitted through the employee's normal chain of command and should include a copy of the employee's official military orders.

ADMINISTRATIVE LEAVE

16.1.41 Administrative leave may be granted by the City Manager, for reasons including but not limited to the following:

- Voting time, when the employee's work shift begins two hours prior to the opening of voting polls or ends two hours after they close;
- As a witness in a court of law in obedience to a subpoena;
- Jury duty;
- Relief from duty during investigations;
- Other unforeseeable events (on a case by case basis).

16.1.42 The Human Resources Director or a Department Director may authorize an employee leave with pay, under unusual circumstances, when it is in the best interests of the City to do so for a period not to exceed five (5) consecutive days with the prior approval of the City Manager.

16.1.43 The Chief of Police may award additional days to Police Department employees not to exceed five (5) days in any calendar year.

16.1.44 Administrative leave may also be granted by the Mayor or City Manager to commemorate an event.

16.1.45 Non-union employees shall be entitled to two (2) personal leave days each calendar year. The leave may be used for any purpose the employee chooses but must be requested and approved in advance. The following guidelines will be used:

- The leave must be taken during consecutive hours;
- One personal leave day must be taken within the calendar year or it will be forfeited;
- One Non-Union personal leave day can be carried over.
- Eligible employees may request this type of leave after six (6) months of continuous service upon initial employment with the City.

16.1.46 Department employees who's work shift begins two hours before the polls open or end two hours after the polls close, are allowed two (2) hours for the purpose of voting. The Department may specify the hours during this period in which the employees may be absent. For additional information refer to the Personnel Rules and Regulations, approved contracts, and State Law.

EDUCATIONAL LEAVE

16.1.47 Employees may request up to four (4) hours educational leave per week for attendance at classes from an accredited institution of higher learning for the purpose of developing knowledge, skills and abilities related to the growth of the organization.

16.1.48 Requests for educational leave will be submitted on the approved leave form in accordance with Human Resources Rules and Regulations.

LEAVE OF ABSENCE

16.1.49 Leave without pay may be granted by the Police Chief for up to ten (10) working days. Leave without pay in excess of ten (10) days must be approved by the Human Resources Director and the City Manager.

INSURANCE

16.1.50 Group insurance is reviewed annually by the Personnel Director, who recommends any necessary changes to the City Manager, to maintain them on a comparable competitive basis with plans offered by other employers.

16.1.51 The City maintains the following categories of group insurance:

- Health Insurance.
- Life Insurance.
- Accidental Death and Dismemberment.
- Dental Insurance.
- Other categories of insurance that may benefit City employees.

16.1.52 All exempt, classified, probationary, term employees and those hourly employees who work a minimum of forty (40) hours in a pay period are eligible to participate provided application is made during the established enrollment periods. See the City Employee Handbook.

RETIREMENT

16.1.53 Department employees participate in a mandatory retirement program through Public Employees Retirement Association of New Mexico.

16.1.54 Retirement for Sworn Officers is currently payable at 2.5% multiplied by the years of service, not to exceed 80%. That amount is then multiplied by the final average salary, based upon the highest paying three year period.

16.1.55 Sworn law enforcement personnel are eligible for retirement at 70% of base salary after twenty (20) years of service and at 80% of base salary after twenty-two (22) years and ten (10) months service.

16.1.56 Retirement for civilian employees is currently payable at 2.5% multiplied by the years of service, not to exceed 75%. That amount is then multiplied by the final average salary, based upon the highest paying three year period.

16.1.57 Civilian employees are eligible for retirement based upon age and total years of service with the City, or retirement at any age after twenty five (25) years of service.

RETIREMENT CEREMONY

16.1.58 Retirement ceremonies express appreciation for retiring Department members and acknowledge their contributions to the Police Department and the citizens of Santa Fe. This recognition sends a clear message to retirees and their families that they will always be a part of the **SFPD** family.

16.1.59 Sworn officers shall be presented with a Retirement Badge to recognize the years of service and commitment to the Department.

16.1.60 At the discretion of the retiring employee, an official retirement Department function should be arranged by the appropriate division, section, unit or work group.

16.1.61 The Public Information Officer must be notified of any luncheon/social events that are scheduled to ensure appropriate dissemination of the information to the Department.

LIABILITY INSURANCE

16.1.62 The City of Santa Fe is insured to protect employees for actions or omissions directly related to the performance of their duties, as outlined in the New Mexico State Statutes, Tort Claims Act, NMSA 1978.

16.1.63 Liability protection includes the provision for defense, including costs and attorney's fees when liability is sought for:

- Any tort alleged to have been committed by the employee while acting within the scope of duty;
- Any violation of property rights, privileges or immunities secured by the constitution and laws of the United States or the Constitution and laws of New Mexico when alleged to have been committed by a public employee while acting within the scope of duty.

16.1.64 A government entity shall pay any settlement or any final judgment awarded against a public employee for:

- Any tort which was committed by the public employee while acting within the course and scope of his duty;
- A violation of rights or property rights or any rights secured by the constitution and laws of the United States or the constitution and laws of New Mexico which occurred while the public employee was acting within the course and scope of his duty.
- The duty to defend and pay settlement or final judgment shall continue after employment with the governmental entity has terminated if the occurrence for which damages are sought happened while the public employee was in the employ of the governmental entity and the conduct was within the course and scope of his/her duties.

16.1.65 Governmental entities shall have the right to recover from a public employee the amount expended by the public entity to provide a defense and pay an agreed or final settlement if it is shown that while acting within the scope of duty, the public employee acted fraudulently or with actual intentional malice in the causing the bodily injury, wrongful death or property damage resulting in the agreed or final settlement.

16.1.66 Law Enforcement Officers are not immune from liability for personal injury, bodily injury, wrongful death, or property damage resulting from assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, defamation of character, violation of property rights or deprivation of any rights, privileges or immunities secured by the constitution and all laws of the United States or New Mexico when caused by law enforcement officers while acting within the scope of their duties.

EDUCATIONAL BENEFITS

16.1.67 The Department provides all sworn personnel with required, mandatory and selected career development training courses during working

hours. The Department provides the training necessary for employees to accomplish the job function and encourages higher education.

16.1.68 The Department will provide all fees, books and materials needed when an employee is required to attend or has approval to attend training programs.

16.1.69 The Department will provide for housing, mileage, meals and transportation to employees attending required or approved training programs when conducted outside the Department's service area.

16.1.70 Tuition reimbursement for job related college courses is available to all Department employees through the City of Santa Fe Human Resources Department. Application must be made in advance through the City Human Resources Office.

SUPPORT SERVICES

16.1.71 Employee benefits are outlined in the City of Santa Fe Employee Handbook, the collective bargaining agreement and the Department's directives. Employees may find additional assistance, support and information from the Department's Human Resources Section and the POA president. Employee benefits are subject to change.

ADDITIONAL DEATH BENEFIT (SWORN)

FEDERAL

The Public Safety Officer Benefits Act

16.1.72 The Public Safety Officers Benefits Act (P.S.O.B.A.) provides a one-time financial benefit to the eligible survivors of a public safety officer killed in the line of duty as a result of a traumatic injury.

The amount of the benefit is adjusted on October 1 of each year to reflect the percentage change in the Consumer Price Index.

Note: No benefit can be paid if the employee was injured or killed due to intentional misconduct, voluntary intoxication or gross negligence. The benefits do not cover death or disability resulting from stress, strain, occupational illness or a chronic,

progressive or congenital disease unless there is a traumatic injury that is a substantial contributing factor in the death or disability.

16.1.73 The benefit is not subject to probate or estate tax.

16.1.74 Required documents include LEAA form 3650/2, LEAA form 3650/1, copies of all official documents including death certificate, hospital records, case record.

Federal Social Security

16.1.75 Social Security provides \$250.00 funeral expenses.

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APPROVED: 
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Chief of Police

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