



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-21 (Formerly 3-15 and 3-72) Effective: 07/29/2022 Review: 07/29/2023 Replaces: 08/29/2018

3-21 SCHEDULED AND UNSCHEDULED LEAVE

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

[2-2 Department Property \(Formerly 3-75\)](#)

[2-5 Department Vehicles \(Formerly 1-19\)](#)

[2-76 Court \(Formerly 2-01\)](#)

[3-20 Overtime, Compensatory Time, and Work Shift Designation \(Formerly 1-11\)](#)

B. Form(s)

City of Albuquerque Supervisor's Injury Investigation Report
Family Medical Leave Act (FMLA) Packet

C. Other Resource(s)

Agreement Between the City of Albuquerque and Local 3022 AFSCME, Council 18, AFL-CIO

Agreement Between the City of Albuquerque and Prisoner Transport Officers

City of Albuquerque and Albuquerque Clerical and Technical Employees, Affiliated with the American Federation of State, County, and Municipal Employees (AFSCME, Local 2962, AFL-CIO, CLC)

City of Albuquerque and Albuquerque Police Officers' Association Collective Bargaining Agreement (CBA)

City of Albuquerque Personnel Rules and Regulations, § 401.4 A. Certification of Sick Leave

Family Medical Leave Act of 1993

Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994

D. Rescinded Special Order(s)

SO 21-133 Amendment to SOP 3-21 Scheduled and Unscheduled Leave; and Rescission of Special Order 20-63 Military and FMLA Leave

3-21-1 Purpose

The purpose of this policy is to outline the procedures for scheduled and unscheduled leave.

3-21-2 Policy

It is the policy of the Albuquerque Police Department (Department) to ensure that eligible Department personnel may use their leave in accordance with established City guidelines and requirements and, when applicable, in accordance with the employee's union contract.

N/A

3-21-3 Definitions



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-21 (Formerly 3-15 and 3-72) Effective: 07/29/2022 Review: 07/29/2023 Replaces: 08/29/2018

A. Family Medical Leave Act (FMLA) Qualifying Event

The birth or placement of a child, an employee's serious health condition, a family member's serious health condition, a family member's military service leave, and/or a family member's military service leave due to an injury.

N/A 3-21-4 Union Contracts

A. Department personnel who oversee the Department's procedures on leave shall adhere to the provisions outlined in the following union contracts:

1. The City of Albuquerque and Albuquerque Police Officers' Association Collective Bargaining Agreement (CBA);
2. The City of Albuquerque and Albuquerque Clerical and Technical Employees, Affiliated with the American Federation of State, County, and Municipal Employees;
3. The agreement between the City of Albuquerque and Local 3022 AFSCME, Council 18, AFL-CIO; and
4. The agreement between the City of Albuquerque and Prisoner Transport Officers.

7 3-21-5 Procedures

A. FMLA Leave

1. For any qualifying event, Department personnel may:
 - a. Pick up an FMLA packet from City of Albuquerque Employee Relations in City Hall for any non-duty disability leave;
 - b. Submit the FMLA packet to City of Albuquerque Human Resources Department personnel for any qualifying event; and
 - c. Notify their direct supervisor and the Operations Review Section Staffing Detective of their expected leave dates, prior to being placed on FMLA status.
2. A Department supervisor shall ensure that Department personnel who are under their supervision pick up and submit an FMLA packet to City of Albuquerque Human Resources Department personnel for any qualifying event.
 - a. Upon notification from the employee, the employee's direct supervisor shall notify the Operations Review Section Staffing Detective.
3. Department personnel shall be prohibited from working overtime when they are taking FMLA leave.

6 B. Injured Light Duty (ILD) Leave



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-21 (Formerly 3-15 and 3-72) Effective: 07/29/2022 Review: 07/29/2023 Replaces: 08/29/2018

N/A

1. Department personnel who sustained an injury while on-duty or acquired a job-related illness shall promptly notify:
 - a. Their immediate supervisor;
 - b. The Operations Review Section;
 - c. Department Human Resources Division personnel; and
 - d. City of Albuquerque Risk Management personnel through Medcor.
 - i. Medcor personnel provide a call reference number for the City of Albuquerque Supervisor's Injury Investigation Report.
2. Department personnel who sustained an injury while on-duty or acquired a job-related illness and require medical care on a week day between 0800 and 1700 hours shall report to the City of Albuquerque Employee Health Center.
3. Department personnel who sustained a serious injury while on-duty or acquired a job-related illness on the weekend or before 0800 and after 1700 hours shall:
 - a. If it is an emergency, call Albuquerque Fire Rescue (AFR) paramedics;
 - b. If it is a non-emergency, call Medcor who will recommend any appropriate additional medical care including, but not limited to, treatment at an approved local emergency medical facility; and
 - c. Report to or have someone call City of Albuquerque Employee Health Center medical personnel on the next working day.
4. Department personnel who are admitted to a medical facility for treatment of a work-related injury shall notify City of Albuquerque Employee Health Center medical personnel at the time of admission or within a reasonable time.
 - a. The City of Albuquerque Employee Health Center Medical Director must pre-authorize treatment for work-related injuries by the Department employee's primary care physician or any other physician who does not work for the City of Albuquerque Employee Health Center.
 - i. The City of Albuquerque Employee Health Center Medical Director shall authorize and select a certified specialist for any necessary specialty care.
5. When Department personnel are under the care of an outside consulting physician, following each visit, they shall also be seen by City of Albuquerque Employee Health Center medical personnel to keep them informed of their progress.
6. ILD Leave Request
 - a. Prior to returning to work, Department personnel who are on ILD must provide to Department Human Resources Division and Operations Review Section personnel:



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-21 (Formerly 3-15 and 3-72) Effective: 07/29/2022 Review: 07/29/2023 Replaces: 08/29/2018

- i. Written approval by City of Albuquerque Employee Health Center medical personnel that authorizes them to return to work, which should state whether any limitations exist;
- ii. Approval by the chain of command up through the Bureau Deputy Chief of Police or the area commander; and
- iii. Verification of time lost by Payroll Section personnel.
- b. If the employee's attending physician authorizes them to return to full-time status and City of Albuquerque Employee Health Center medical personnel are unavailable, they shall report to their next assigned shift.

7. A supervisor shall:

- a. Ensure that their employee receives the appropriate medical treatment;
- b. Investigate the injury or job-related illness;
- c. Complete the City of Albuquerque Supervisor's Injury Investigation Report;
- d. Within three (3) working days from their employee's work-related injury or illness, submit the City of Albuquerque Supervisor's Injury Investigation Report through their chain of command to City of Albuquerque Risk Management Division personnel at riskmgmt@cabq.gov;
- i. If the Department employee's work-related injury or illness does not require medical treatment, the supervisor shall indicate in the City of Albuquerque Supervisor's Injury Investigation Report "For Reporting Purposes Only," and report the injury to City of Albuquerque Risk Management Division personnel immediately or the next working day if the supervisor is completing the report after hours or during the weekend.
- e. Document in the City of Albuquerque Supervisor's Injury Investigation Report when their employee sustains an injury due to a criminal offense;
- i. The investigating supervisor shall include a copy of the Uniform Incident Report and, if known, the name and address of the individual who committed the crime.
- f. Have a Crime Scene Specialist (CSS) take photographs of their employee's injuries if the injuries are a result of a criminal offense and/or if the supervisor reasonably believes that photographs are essential for the criminal case;
- g. If their employee's injury was the result of a traffic crash or a criminal offense, submit a copy of the completed Uniform Incident Report(s), Supplemental Report(s), Uniform Crash Report(s), and the City of Albuquerque Supervisor's Injury Investigation Report to City of Albuquerque Risk Management Division personnel and notify their chain of command; and
- h. If their employee's injury was the result of a shooting, respond to the scene to ensure that a Uniform Incident Report is completed on the officer's behalf.
- i. The supervisor shall attach the Uniform Incident Report to the City of Albuquerque Supervisor's Injury Investigation Report.

C. Military Leave

- 1. Department personnel who are on active military duty shall:



**ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS**

SOP 3-21 (Formerly 3-15 and 3-72) Effective: 07/29/2022 Review: 07/29/2023 Replaces: 08/29/2018

- a. Email the Operations Review Section Staffing Detective when they receive military orders, when they expect to return to military duty, and their expected leave dates;
 - b. Use military leave in accordance with the provisions outlined in the Uniformed Services Employment and Reemployment Rights Act (USERRA) and their union contract;
 - i. Paid military leave shall be the preferred method of compensation.
 - c. Be authorized to use their compensatory time or vacation leave after their military leave has been exhausted.
 - i. Department personnel may also use hazard pay as long as they have accrued more than eight-hundred (800) hours.
 - d. Be allowed to attend regularly scheduled drills;
 - e. Notify their immediate supervisor and Payroll Section personnel of their anticipated absences, including regularly scheduled drills at the beginning of the federal fiscal year (October 1st);
 - i. The employee's immediate supervisor and Payroll Section personnel may request for their commander or non-commissioned officer-in-charge (NCOIC) to list the planned training activities in a memorandum.
 - ii. When scheduled drill dates change on short notice, Department personnel must provide documentation of the change in drill dates to Payroll Section personnel from their military supervisor.
2. When Department personnel receive active military orders, the following procedures shall be completed in this order:
 - a. If the active military orders last longer than fourteen (14) days but less than thirty (30) days, Department personnel shall park their Department-issued vehicle at the City of Albuquerque Pino Yards by placing the keys in the appropriate drop box, and shall notify the Operations Review Section Fleet Manager, consistent with SOP Department Vehicles;
 - b. Department personnel shall take a copy of the military orders to Payroll Section personnel;
 - i. Payroll Section personnel shall inform Property Unit personnel of the change in status.
 - ii. Payroll Section personnel shall notify City of Albuquerque Risk Management Division personnel to remove the employee's name from the random drug test pool if orders exceed five (5) days.
 - iii. Payroll Section personnel shall notify the Military Liaison Officer of the military orders.
 - c. Department personnel shall turn in Department-issued equipment to Property Unit personnel, if the military orders last longer than thirty (30) days, consistent with SOP Department Property;
 - d. If active military orders are extended, Department personnel shall inform Payroll Section personnel and the Military Liaison Officer;
 - e. Department personnel shall send a copy of the extended military orders to Payroll Section personnel;



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-21 (Formerly 3-15 and 3-72) Effective: 07/29/2022 Review: 07/29/2023 Replaces: 08/29/2018

- i. City of Albuquerque health insurance benefits cease unless the Department employee continues to pay their portion of the benefit.
3. When Department personnel return from active military duty and/or re-acclimation time, the following procedures shall be completed in this order:
 - a. Department personnel shall report to Payroll Section personnel to obtain a check-in procedure list;
 - b. Department personnel shall provide a copy of any amended orders to Payroll Section personnel, specifically orders ending earlier than previously scheduled;
 4. Payroll Section personnel shall inform Internal Affairs Professional Standards Division personnel, City of Albuquerque Risk Management Division personnel, and the Advanced Training Unit sworn personnel of the employee's return from active military duty.
 - ii. Department personnel shall contact the Military Liaison Officer for questions or concerns;
 - iii. Consistent with the City of Albuquerque's Substance Abuse Policy, Department personnel who have been on an active military status for a period of ninety (90) days or more shall complete a drug test at the earliest opportunity;
 - iv. Upon completion of the drug test, Department personnel shall report to Advanced Training Unit personnel if they are an officer, or shall report to their supervisor if they are a civilian employee;
 - v. When the results of the drug test are received, for sworn personnel, Operations Review Section personnel shall notify the employee, the Military Liaison Officer, and Property Unit personnel; and
 - vi. Pursuant to USERRA, Department personnel shall be authorized to use re-acclimation time based on length of deployment.
 1. If Department personnel choose to take re-acclimation time, it shall be used prior to returning from active military duty.
 2. When taking re-acclimation time, Department personnel may also use vacation leave and/or compensatory time.
4. Department personnel shall be authorized to use military leave with pay in accordance with the City of Albuquerque Merit System Ordinance and their union contract.
 - a. Department personnel who request to use military leave with pay shall notify Court Services Unit personnel of the anticipated absence, consistent with SOP Court.
 - i. This includes using military leave to cover monthly drills and deployment.
 - b. If orders are received in less than forty-eight (48) hours' notice, the Department employee's supervisor may provide notice to Court Services Unit personnel on their behalf.
 - i. Department personnel shall notify their supervisors and Payroll Section personnel of expected active-duty military requirements as soon as possible.



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-21 (Formerly 3-15 and 3-72) Effective: 07/29/2022 Review: 07/29/2023 Replaces: 08/29/2018

1. Time coded as military leave shall not count towards completion of the Department employee's twelve (12) month probation.
2. Department seniority shall not be affected due to military leave.
- c. The Department employee's military orders must include travel time in order to claim it as military leave.

6

5. The Military Liaison Officer shall:

- a. Be appointed by the Chief of Police;
- b. Be both sworn personnel and a commissioned officer in the guard/reserve;
- c. Ensure participation and be familiar with employee support that is provided by the guard and reserve programs; and
- d. Be available to coordinate and resolve problems between a Department supervisor or military supervisor and their employee at the lowest, most informal level possible, in addition to their normal duties.
 - i. If the Military Liaison Officer is unable to resolve the problem, they shall refer the issue to the Operations Review Division Commander.

6. A Department supervisor shall:

- a. In accordance with federal and state laws, make every effort to support Department personnel who need to be absent from work for reserve training by ensuring that they are allowed the required time-off;
- b. Allow Department personnel who receive military orders for reserve training to use their military leave for any activity or training in order to cover training time; and
- c. Not prohibit their employee from using their military leave when their military orders for reserve training are unavailable at the time of departure.

D. Sick Leave

1. Department personnel shall be authorized to use accumulated sick leave for a non-duty disability or illness, or they may request leave for a non-duty disability or illness in accordance with the provisions in their union contract.
 - a. Department personnel who exhaust their accumulated sick leave may request in writing to take additional leave by using their accrued vacation leave, accrued compensatory time, or leave without pay as covered under FMLA.
 - b. Department personnel who are absent for ten (10) consecutive work days or more who use sick leave or non-duty disability leave to cover the absence shall report to the City of Albuquerque Employee Health Center and may be required to undergo an examination by medical personnel prior to returning to work.
 - c. If required, Department personnel shall complete an FMLA packet prior to returning to work.
 - d. The Department employee's supervisor shall ensure that a leave request is submitted for each pay period.



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-21 (Formerly 3-15 and 3-72) Effective: 07/29/2022 Review: 07/29/2023 Replaces: 08/29/2018

2. The Department considers a Department employee's use of sick leave as acceptable if it is within forty-four percent (44%) or 42.328 hours of the amount of leave they accrue within one (1) year or 96.2 hours.
 - a. Department personnel who use more than forty-four percent (44%) or 42.328 hours of the sick leave that they accrue within one (1) year or 96.2 hours shall be considered overutilization and is just cause for disciplinary action.
 - i. When Department personnel exceed this amount, they shall provide documentation of all absences for a non-duty disability or illness, consistent with City of Albuquerque Personnel Rules and Regulations, § 401.4 A.
 - ii. Department personnel whose employment is protected under FMLA or who use sick leave that exceeds this amount shall be exempt from disciplinary action.
3. Department personnel must have accrued more than five-hundred (500) hours before they can donate sick leave to another employee.

E. Vacation Leave and Compensatory Time

N/A

1. A supervisor shall ensure that minimum staffing levels are maintained when approving or denying vacation leave and compensatory time requests, consistent with SOP Overtime, Compensatory Time, and Work Shift Designation (refer to SOP Overtime, Compensatory Time, and Work Shift Designation for sanction classifications and additional duties).
2. Department personnel are prohibited from donating or transferring compensatory time to another employee.

F. Other Circumstances Involving Leave

1. Leave without Pay
 - a. Department personnel who have a scheduled medical procedure, such as corrective surgery, physical therapy, or for pregnancy, must advise their supervisor.
 - i. Department personnel who are unable to perform their assigned duties because of pregnancy or a non-duty disability may use their accrued sick leave, vacation leave, or compensatory time, or they may request additional leave without pay in accordance with the City of Albuquerque Merit System Ordinance, City of Albuquerque Personnel Rules and Regulations, and/or applicable union contracts.
 - ii. Department personnel shall obtain permission from their immediate supervisor when requesting leave without pay for five (5) days or less.
 1. Department personnel shall obtain approval from the Chief of Police to take leave without pay when it is for more than five (5) days.
 2. The Department employee shall refer to their union contract because it may provide variances for leave without pay.



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-21 (Formerly 3-15 and 3-72) Effective: 07/29/2022 Review: 07/29/2023 Replaces: 08/29/2018

2. Paid Leave Status

- a. Department personnel shall not submit and supervisors shall not approve any documentation that indicates Department personnel are on more than one (1) type of paid leave status for the same work period at any given time.
 - i. The only exception to this rule is when Department personnel are on paid leave and working Chief's Overtime (COT).

3-21-6 Training

- A. Department personnel who return to a full-time status after taking leave for thirty (30) days or more shall immediately notify the Operations Review Section Staffing Detective, Payroll Section personnel, and Department Human Resources Division personnel.
 - 1. The Operations Review Section Staffing Detective shall direct the employee to contact Advanced Training Unit personnel about their return to work.
 - 2. The Advanced Training Unit Sergeant shall ensure that the Department employee is current in all required advanced training.
 - a. If the Department employee missed any required advanced training during their absence, the Advanced Training Unit Sergeant shall schedule for the Department employee to make up the training as soon as practicable.