

***Please Note:** This is a working draft of Directive 0210.21, Leaves from Service. The PPB has not implemented any portion of this draft. Submit your comments using the “Provide Feedback Here” link located at the end of the directive.

A redline copy of the updated directive is included in this attachment.

Directive 0210.21, Leaves from Service

Second Universal Review: 3/1/24 – 3/31/24

Refer:

- 29 U.S.C. 28, Family and Medical Leave
- City of Portland Human Resources Administrative Rules 6.01 – 6.14 (Leaves)
- DIR 0060.40, Personnel Orders
- DIR 0210.70, Secondary Employment
- DIR 0210.80, Extra Employment
- DIR 0410.00, Injury, Illness, and Disability
- DIR 0414.00, Pregnancy and Lactation Accommodations
- DIR 0415.00, Return to Work, Modified Assignments, and Accommodations
- DIR 0416.00, Critical Incidents
- DIR 0880.20, Court Coordination
- PPB Personnel Division SOP #009, Modified Duty

Definitions:

- Leave: Types of absences from work as defined and authorized by the City of Portland Human Resources Administrative Rules 6.01 – 6.14.

Policy:

1. This directive provides guidance for all members regarding leaves from service.
2. All Portland Police Bureau employees are subject to the City of Portland Human Resources Administrative Rules (HRAR) regarding various types of leaves. Types of leave are found in City of Portland HRAR 6.01 – 6.14. Collective bargaining agreements may also apply. If there is a conflict between a City HRAR and a provision or provisions of an applicable collective bargaining agreement, the provision or provisions of the applicable collective bargaining agreement provision will prevail.
3. The Bureau will provide members with leave as required by law or applicable collective bargaining agreements. Bureau management may grant leave to members in accordance with applicable law, City code and rules, and collective bargaining agreements. The Bureau of Human Resources (BHR) and the Bureau’s Personnel Division will coordinate leaves of service and are responsible for interpreting applicable laws, rules, and collective bargaining agreements.

Procedure:

1. Leave Coordination.

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- 1.1. All members on any kind of leave lasting more than 30 consecutive calendar days shall be transferred to Personnel Division.
 - 1.1.1. Upon returning to work, members shall transfer back to their RU unless:
 - 1.1.1.1. They request a transfer and that transfer is approved; or
 - 1.1.1.2. Operational need requires a different assignment, as determined by the Chief’s Office.
2. Leave Requests.
 - 2.1. Supervisors shall assist their supervised members regarding requests for leave and shall consult with the Personnel Division regarding any leave from service other than routine use of vacation leave, comp time, or sick leave.
 - 2.2. Responsibility Unit Managers shall:
 - 2.2.1. Ensure that all leaves from service of members within their Responsibility Unit are coordinated with all appropriate divisions, the appropriate Assistant Chief, the Personnel Division and, for sworn members, the Training Division.
 - 2.2.2. Notify all appropriate divisions, the appropriate Assistant Chief, the Personnel Division, and the Training Division upon a sworn member’s return from leave.
3. Administrative Leave.
 - 3.1. The Chief of Police may place a member on administrative leave in accordance with Directive 0416.00, Critical Incidents and HRAR 6.01, General and Administrative Leaves of Absence.
 - 3.1.1.
 - 3.2. Members on administrative leave shall be available, as directed by authorized command staff, to report to work or to answer work-related questions or inquiries.
4. Extension of Probation for Probationary Members:
 - 4.1. Sworn Members.
 - 4.1.1. The Bureau may extend probation for probationary sworn members who take more than 3 consecutive weeks of leave for the amount of time the member was on leave.
 - 4.1.2. Training Division shall track the leave of probationary sworn members.
 - 4.1.3. If a probationary sworn member takes more than 3 consecutive weeks of leave, Training Division shall make recommendations to the Chief’s Office, via Personnel Division, as to whether the member’s probation should be extended.
 - 4.2. Non-sworn Members.
 - 4.2.1. The Bureau, upon mutual agreement with the BHR Director, may extend probation for non-sworn members who take more than 3 consecutive weeks of leave.

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- 4.2.2. Personnel Division shall track the leave of probationary non-sworn members.
 - 4.2.3. If a member takes more than 3 consecutive weeks of leave, their RU manager shall make recommendations to the Chief’s Office, via Personnel, as to whether the member’s probation should be extended.
5. Leave Expectations and Restrictions:
- 5.1. Members shall not engage in other employment while on leave, except with prior written approval by the Chief of Police.
 - 5.2. Sworn members taking leaves of absence shall comply with Directive 0880.20, Court Coordination.
6. Training Upon Return from Leave.
- 6.1. Refresher training may be required, depending on a member’s assignment and/or length of leave.
 - 6.2. For uniform patrol assignments where a member was on leave for 3 months or longer, the Training Division shall provide the member with refresher training.

[Provide Feedback Here](#)

DRAFT

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- DIR 0060.40, Personnel Orders
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- DIR 0414.00, Pregnancy and Lactation Accommodations
- DIR 0415.00, Return to Work, Modified Assignments, and Accommodations
- DIR 0416.00, ~~Post Officer Involved Deadly Force/Temporary Altered Duty~~ Critical Incidents
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3. The Bureau will provide members with leave as required by law or applicable collective bargaining agreements. Bureau management may grant leave to members in accordance with applicable law, City code and rules, and collective bargaining agreements. The Bureau of Human Resources (BHR) and the Bureau's Personnel Division will coordinate leaves of service and are responsible for interpreting applicable laws, rules, and collective bargaining agreements.

Procedure:

1. Leave Coordination.
 - 1.1. All members on any kind of leave lasting more than 30 consecutive calendar days shall be transferred to Personnel Division.
 - 1.1.1. Upon returning to work, members shall transfer back to their RU unless:
 - 1.1.1.1. They request a transfer and that transfer is approved; or

1.1.1.2. Operational need requires a different assignment, as determined by the Chief's Office.

2. Leave Requests.

2.1. Supervisors shall assist their supervised members regarding requests for leave and shall consult with the Personnel Division regarding any leave from service other than routine use of vacation leave, comp time, or sick leave.

2.2. Responsibility Unit Managers shall:

2.2.1. Ensure that all leaves from service of members within their Responsibility Unit are coordinated with all appropriate divisions, the appropriate Assistant Chief, the Personnel Division and, for sworn members, the Training Division.

2.2.2. Notify all appropriate divisions, the appropriate Assistant Chief, the Personnel Division, and the Training Division upon a sworn member's return from leave.

3. Administrative Leave.:

~~3.1. Critical Incident Related Administrative Leave:~~

~~3.2.3.1. The Chief of Police may place an impacted member on administrative leave in accordance with Directive 0416.00, Critical Incidents and HRAR 6.01, General and Administrative Leaves of Absence. Administrative leave may be granted for reasons not related to a personnel investigation or use of force incident. This procedure recognizes that being involved in or witnessing critical incidents on duty may have a significant impact on members (e.g. incidents requiring life-saving emergency medical services, death, etc.), and can create a workplace safety issue for members and the public.~~

~~3.3. Personnel Related Administrative Leave:~~

~~3.3.1.3.1.1. The Chief may place a member on administrative leave pending a personnel investigation. Responsibility Unit Managers, or a designated supervisor, shall ensure the member's administrative leave is coordinated with all appropriate divisions, which will include the appropriate Assistant Chief, the Personnel Division, and, for sworn members, the Training Division.~~

~~3.4.3.2. Members on administrative leave shall be available, as directed by authorized command staff, to report to work or to answer work-related questions or inquiries.~~

4. Extension of Probation for Probationary Members:

4.1. Sworn Members.

4.1.1. The Bureau may extend probation for probationary sworn members who take more than 3 consecutive weeks of leave for the amount of time the member was on leave.

4.1.2. Training Division shall track the leave of probationary sworn members.

4.1.3. If a probationary sworn member takes more than 3 consecutive weeks of leave, Training Division shall make recommendations to the Chief's Office, via Personnel Division, as to whether the member's probation should be extended.

4.2. Non-sworn Members.

- 4.2.1. The Bureau, upon mutual agreement with the BHR Director, may extend probation for non-sworn members who take more than 3 consecutive weeks of leave.
 - 4.2.2. Personnel Division shall track the leave of probationary non-sworn members.
 - 4.2.3. If a member takes more than 3 consecutive weeks of leave, their RU manager shall make recommendations to the Chief's Office, via Personnel, as to whether the member's probation should be extended.
5. Leave Expectations and Restrictions:
 - 5.1. Members shall not engage in other employment while on leave, except with prior written approval by the Chief of Police.
 - 5.2. Sworn members taking leaves of absence shall comply with Directive 0880.20, Court Coordination.
6. Training Upon Return from Leave.
 - 6.1. Refresher training may be required, depending on a member's assignment and/or length of leave.
 - 6.2. For uniform patrol assignments where a member was on leave for 3 months or longer, the Training Division shall provide the member with refresher training.

#1

COMPLETE

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Please provide feedback for this directive

COMMENTS ON LEAVES OF ABSENCE AND DIRECTIVES DIRECTIVES, AUGUST 2022

To Chief Lovell, Inspector Buckley, Lieutenant Morgan, PPB Policy Analysts, Compliance Officer/Community Liaison Team, Portland Committee on Community Engaged Policing, Mayor/Police Commissioner Wheeler, US Dept. of Justice, Citizen Review Committee, Training Advisory Council and the Portland Police Bureau:

Below are Portland Copwatch's comments on the three remaining Directives posted for review in August at . We will get a jump-start commenting on the "Directives Directive" (010.00) by saying we're looking forward to the newly proposed rule that makes all comment periods 30 days long. PCW has been asking for this change for many years and it is appreciated.

Most other general comments we usually make about Directives will appear under the heading for 010.00.

The other two policies involve leaves of absence, one specific to officers who have been involved in "Critical Incidents" (416.00) and the other more general (210.21). We commented on each of these three policies in the past.

Portland Copwatch (PCW) asks again for numbers or letters to be added to the Definitions, Policy and Procedure sections to make them easier to cite. Saying Directive 416.00(D)(1.1) is easier than saying Directive 416.00 Procedure Section 1.1. Our comments below refer to the Procedure section unless otherwise noted.

DIRECTIVE 210.21 LEAVES FROM SERVICE (last comments November, 2017, referred to in August 2019)

We revisit here issues that came up in 2017 but which have not been addressed by the Bureau in this policy.

--Name Changed to Protect... Grammar?: The title of the Directive was changed from "Leaves of Service" to "Leaves From Service" even though the acronym LOS is widely used in the Bureau and elsewhere.

--Define Reasons for Leave: Previously, the Directive included definitions for some kinds of leaves of absence, which PCW suggests adding back rather than just listing the Bureau of Human Resources policies for these items.

---Disability Leave

---Parental Leave

---Pregnancy Leave

---Education Leave

---Management and Executive Leave

and

---Union Business Leave.

--We also noted, especially since we approach police accountability as a peace issue, that the previous definition of Military Leave allowed that kind of leave to last for "the duration of a declared war." The US has not declared war since 1941.

CONCLUSION

PCW appreciates the Bureau's slow recognition that our comments are not harmful and can lead to a better Bureau and improved community trust. We wish that more substantive concerns we raise about police authority to deprive people of their rights, safety and health would be addressed along with the administrative notes we've made.

0210.21 Directive Feedback (1UR)

We hope that the change to the timeline will allow groups who advise the Bureau, including the Citizen Review Committee, Portland Committee on Community Engaged Policing and Training Advisory Council, to give timely feedback, though public meeting process imply they would need to discuss a policy at one meeting and approve comments a month (or more) later, so more flexibility may be needed.

As we have noted to our fellow community members many times, it would be great to have a society that doesn't rely on police officers for public safety. But so long as we have them, their policies should be like the motto for medical professionals: First, do no harm.

--dan handelman and other members of
--Portland Copwatch

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name **Portland Copwatch**
