

**The Bill Blackwood
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**An Analysis of Sick Leave Issues in
Texas Police Agencies**

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ABSTRACT

The ability to deploy manpower in a quick and effective manner to address the needs of the community will always be a key component in a police department's performance. Abuse of sick leave benefits by police officers negatively affects a department's capabilities. A study of current literature and research into this issue, along with a survey of several departments, finds that the incidence of sick leave abuse is considerable but does not reveal any definitive cures. One can expect this phenomenon to continue and must meet the challenge with effective and creative leadership.

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INTRODUCTION

Police resources are under an ever-increasing strain to meet the needs of the communities in which they serve. Increased emphasis on community based policing techniques, ever widening responsibilities related to emergency preparedness (weapons of mass destruction, terrorism), and the expanding view of the role of police in society have weighted an already heavy burden. Police commanders, who are charged with effective staffing and deployment of officers, are frequently faced with a dilemma that jeopardizes safety to the public and to their fellow officers but which there are no clear pathways to a solution. The problem is officer use of non-discretionary leave – sick-time - in a manner inconsistent with which it was intended, to provide needed care for self or family.

High levels of training, techniques, expertise, and equipment all come at a premium. Widespread abuse of sick-time can neutralize all of these assets by striking at the very core of the department's number one asset - it's people. The responsibility of police commanders to ensure proper attendance by officers and to ferret out those officers not abiding by the rules is unquestioned. The purpose of this research is to examine sick leave policies and perceptions so that commanders can be better equipped to notice and address problems related to this issue and to maximize their unit's efficiency.

Two primary research methods will be deployed--survey and literature review. Surveying will uncover common practices and methods of accounting for and addressing the issue. Disciplinary measures and employee incentive programs as well as departmental use of attendance in transfers and promotion will be factored. An agency's

type, size, and civil service status will be scrutinized and compared. Opinions and "war stories," of those willing to share, may initiate further inquiry.

There is not a plentitude of books or articles published on law enforcement officers injudiciously using sick-time. The scarcity of information contrasted with the feedback from the surveys will reveal this to be a subject worthy of further research. Print material concerning this subject in private industry is abundant and its study will illuminate several common themes. Law enforcement, in becoming more community based, has become more civilian focused and its values and workforce is reflective of this association. Military background, once commonplace in agencies, is now sporadic. For these reasons, books and articles vented toward private industry will be combed for information. Articles from large metropolitan area newspapers, whose departments have been embroiled in grievances and lawsuits on this issue, will also be sought.

The research is expected to find several factors that link the abuse of sick-time to a department. Larger departments are most likely to be affected (civil service, less personal) and those with incentive programs that reward attendance will, to some success, mitigate the issue. Smaller departments will show fewer problems but will report excessive leave on the increase. Departments that either report that they have difficulty in recruiting or recruit from a diverse applicant base will report excessive leave greater than average. The literature review will bring to light several areas of commonality to all agencies and businesses and will stretch an insightful thread through them all.

Law enforcement will be positively impacted by the research because it will demonstrate the breadth of this problem and will beg for more attention and a concerted response. Police commanders will be armed with a study that calls attention to an issue that has

already blackened the eye of law enforcement in some communities and will hopefully be able to support them in efforts to avoid the same. City administrators, illuminated by the study, could hopefully concentrate lobbying efforts to seek assistance from the a variety of resources including police officer associations and, if needed, the state legislature.

REVIEW OF LITERATURE

Knowledge of current events related to sick-time abuse in police agencies and other public sector concerns, as well as private sector operations, is of benefit for the pro-active police manager. This insight assists in recognizing and curtailing abuse in an organization. Examining what precipitates these events, how leaders/commanders react, and the eventual outcomes is essential. Avoiding the inevitable scandal and fallout that follows these accusations is motivation enough to be forever vigil to its prevention.

With police service becoming more mainstream and less regimented, the study of both public and private sector ideas and traditional management techniques can provide important lessons on ways to avoid common missteps.

Police Agencies

As discussed in the introduction, the widespread incidence of sick-time abuse in police agencies is believed to be a recent phenomenon. Articles related to the subject were only found extending back five years. The incidence of the reports show to be increasing - further illuminating the coming importance.

Police officers are not thought of as your typical blue-collar workers who use the threat of labor actions as a means to garner higher wages or benefits and in fact, there are laws in place that prevent most police agencies from engaging in work stoppages. But according to a news release for the Reuters News Service (Anonymous, 1998) "Four-

fifths of Irelands police force called in sick Friday in its first ever action to demand better wages..." Though officers in Ireland are barred from striking , a flexing of benefits muscle - sick-time abuse - brought about the same results. The army had to be alerted and police students were forced into uniforms to address the crisis. Citizens expressed "shock" as their security and that of governmental offices and private businesses was placed in the breach. The Irish version of the "BLUE FLU" epidemic was endured for twenty-four hours. The officers had been seeking a fifteen percent pay hike while the government was only offering a seven percent raise. The outcome was not specified.

The method of sick-time abuse varies, and sometimes meets with tacit approval. Citizen's Complaint #C20-02/03 (2001) alleging sick leave abuse by The El Dorado County, California, Undersheriff in 2001 uncovered the appearance of an abuse that likely was approved by the Sheriff. In 1999 the Sheriff of Eldorado County had insurmountable differences with one of his captains and offered to promote him to Undersheriff providing that he retire by the end of 2000. The new Undersheriff began using accrued vacation leave as he approached his retirement date. During his time off he contacted payroll employees so that they could change his used time from vacation to sick time. Due to his rank he was never challenged. A subsequent audit related to the complaint revealed that the Undersheriff manipulated the system to his advantage for over ten thousand dollars. As usual, new procedures were enacted and a civil action to recover the money was initiated and later settled. This case accents that the issue is relevant to the public and is not just centered on rank-in-file officers.

A headline from the *Sydney Morning Herald* cries "One in Ten Police on Sick Leave Each Day" (Gibbs, 2002). The loss of manpower to this big-city department is

"undermining efforts to increase the number of officers available for frontline duties" due to sick leave having risen sixteen percent in three years. In any one year sick leave costs over thirty-eight million dollars in lost time to this department. Officers hired prior to April 1, 1988 receive a generous benefits package (referred to as an "entitlement") and are most likely to use a disproportionate amount of sick time. Officer hired after April 1988 use less than half the amount on average. Gibbs relates that "Police Minister, Michael Costa, acknowledged long-term sick leave was a serious problem." Partly assuming responsibility, Minister Costa stated "The organization has not done enough to rehabilitate sick and injured officers." Acknowledging departmental shortcomings in addressing a situation is admirable, overcoming the negative publicity of such a garish headline provides a large task for every officer in the department.

The most recent and relevant incident resulting in public scrutiny of alleged sick-time abuse by police officers emanates from the Chicago Police Department. Chicago is one of the larger departments in the United States, employing over 13,000 officers. A story in the *Chicago Sun-Times* (Main & Spielman, 2003) cites an audit of the sick-time taken by Chicago officers in 2002 reveals that the average officer called in sick eighteen and one half days that year. When taken in to account that forty-four percent of officers took no sick-time, the average jumps to over thirty-three days on sick-time for the remaining fifty-six percent. Further examination shows that six hundred and seventy-five officers called in sick one hundred days or more. An officer's subsequent dismissal from the department for sick-time abuse from the Chicago department discredits not only the former officer but also damns a system that would have such little accountability. The officer, who was on leave for an injured ankle, had been off of work for 15 months when

“she was seen dancing at a Christmas party”. Chicago officers enjoy a liberal "medical absence" policy that allows officers to take as many as three hundred and sixty-five sick days over a two year period and is possibly related to the departments woes. States an unnamed veteran Chicago officer “ You hear that all the time: I’m going on the medical....I’m not working parade duty” acknowledging that sick leave is frequently abused on the department. Police commanders have started using a computer program that alerts them to possible patterns of sick-time abuse and have begun bed-checking officers at their residence. Though officers resist curtailing their benefits, many still support the crackdown.

Other Public Service Agencies

Police agencies sometimes get included with other public service agencies when the question of sick-time abuse is raised. Streets, sanitation, code enforcement, and other public sector employees can be compared and contrasted as to attitudes and habits regarding the use of sick-time. Fire Department Battalion Chiefs in New Haven, Connecticut have begun checking the homes of firefighters to "make sure the flu is really the flu" (Kaempfer, 2002). In Atlanta, Georgia city and county workers were lumped together for an extensive investigation in to sick-time (*Fox Five I-Team Investigators*, 2002). Twenty-five percent of both the city and county workforce made the investigation’s "worst offender list". Charlie Loudermilk, identified as “one of Atlanta’s top businessman” expresses that the information gathered “speaks to the lack of accountability in local government”

Teaching is another profession found to have been a frequent target of sick leave abuse investigations. Considering that, like police officers, teaching is a trusted

profession held in high regards for integrity and public service the review of these reports is relevant. Reports in both *The New York Daily News* (Gendar, 2002) and *The Boston Eagle-Tribune* (Kirk, 2003) target teachers in their examinations of sick time abuse. Gendar reports “Teachers absences disrupt the classroom, burden other teachers, and hinder a child’s ability to learn...” Positions that hold public confidence are most heavily stung by the rebuke of these reports.

A similarity that is clear regardless of agency type is management reaction when presented with the facts - outraged, acknowledged lack of accountability, new procedures - but the initial shame probably fades and past practices/habits are hard to break. Though several pro-active initiatives to curb the misuse of sick-time were discussed, there was no evidence of any long term benefits.

Private Sector

It would not seem that this lack of performance would be tolerated, or even be an issue, in the private sector. The ability to hire and dismiss without the restraints of civil service regulations and other tightly constructed employment regulations in the public sector would indicate that abuse of sick-time would be rare in the private sector - this is not the case. In private industry sick-time is increasing and the cost to the American public is billions of dollars in productivity (\$600 + per employee, per year) not to mention “hiring temps, missed deadlines, lost sales, and sinking morale and lower productivity” (Smith, 2003). Coincidentally, these are problems also facing police commanders. A survey of workers conducted by an employment consulting company revealed that sixty percent of unscheduled absences are for reasons other than illness and that “increase in absenteeism is pervasive, across all age groups and all sectors, and there

was no definitive cause.” The research concludes that family issues, stress and personal needs play a big role and quotes Rochelle Moradani, an organizational health consultant in Vancouver, as citing an “entitlement mentality” among workers as an emerging reason for sick leave abuse (Galt, 2003).

Absenteeism among American workers, as noted by researchers, is on the increase. There does not appear to be an age group or any specific demographic that has shown a more dramatic increase than another. New ideas concerning sick-time benefits now surfacing in private industry may be beneficial to public administrators.

A practice now common in private industry, and making in-roads in governmental agencies, is a paid time-off benefit with no provisions for sick-time (Wessel, 2002).

Under this program, all days off are gathered into one large time-off bank and can be used as an employee deems. Example: Instead of getting ten sick-days (wasted on those with good health) and twenty vacation-days they would receive twenty-eight days to take as they wish. Most employee groups like these programs and they have shown to be beneficial to company profits also. There are several examples of organizations that are pleased with the implementation of these programs. Under these systems days off can be scheduled or un-scheduled (sick). It appears that these systems may simply put a positive face on the same ugly problem.

There is example of a very progressive leave policy embarked on by a California law firm allowing attorneys to take leave from the office according to their discretion and judgement (Sandburg, 2002). It depends on the employee to act in the best interest of the firm and the client. No prescribed amount of time is afforded nor are there limitations and pay is unaffected. If you improve the law firms profits you succeed. It is clear that this

ultra-capitalistic model of benefit management would not be suited to most jobs - but it is frequently the unwritten leave policy of the self-employed and the professional world. This policy realizes that success, whether personal or professional, is predicated on showing up and working hard.

METHODOLOGY

Research will be constructed to determine if the incidence of sick-time abuse by police officers is on the increase and if so, to determine factors that contribute to the escalation. Inquiry into possible solutions or preventive actions that police commanders can take to address the issue will be performed.

Societal changes, both economic and cultural, have impacted the way people approach their careers. Policing as a profession has become reflective of civilian values and less paramilitary. These factors have lead to a workforce which views benefits, like sick-time, as a perk which must should be used or it is wasted. Cities facing financial distress, unable to raise officer pay, are frequent targets of sick-time abuse. Leadership and morale issues also play a key role. Incentives and creative leave policies may one day mitigate these problems to some extent.

Two primary research methods will be deployed - survey and literature review. Surveying will uncover common practices and methods of accounting for and addressing the issue. Literature review will uncover the current state of this issue and possibly uncover causes. Ideas, and solutions.

The survey questionnaire was distributed to forty-one law enforcement managers and supervisors from across the State of Texas representing thirty-six different agencies. The respondents were attending the Leadership Command College of the Law

Enforcement Institute of Texas in either the April 2003 Module 1 or the October 2003 Module 2.

The questions were phrased in a yes/no fashion and concerned policy, discipline, assignment, and administration as it relates to sick-time benefits and usage. Departmental size, type, and civil service status was clarified.

The data collected was broken down and analyzed to first determine if the problem of sick-time abuse exists in Texas police agencies and, if so, to what extent. Other factors contained in the survey will be sorted to determine the role they play (if any) and to possibly ferret out any key elements supporting the phenomenon. Agencies reporting incentive programs or other inducements will be compared with those without to determine the effectiveness of those programs. The information will be broken down as to percentile of responses either supporting or detracting from the research hypothesis.

A review of literature from print and internet sources was conducted. Current and past events were reviewed and contrasted. Management techniques and ideas concerning sick-time abuse, and related personnel issues, has been researched.

FINDINGS

Feedback from a survey questionnaire distributed to forty-one law enforcement managers and supervisors from across the State of Texas representing thirty-six different agencies was analyzed. The questions on the survey were phrased in yes/no fashion. Departmental size, type, and civil service status was also clarified.

In order to determine the relevancy of agency size, the departments were broken down into five size categories. In later analysis the data is broadly defined (Figure 1).

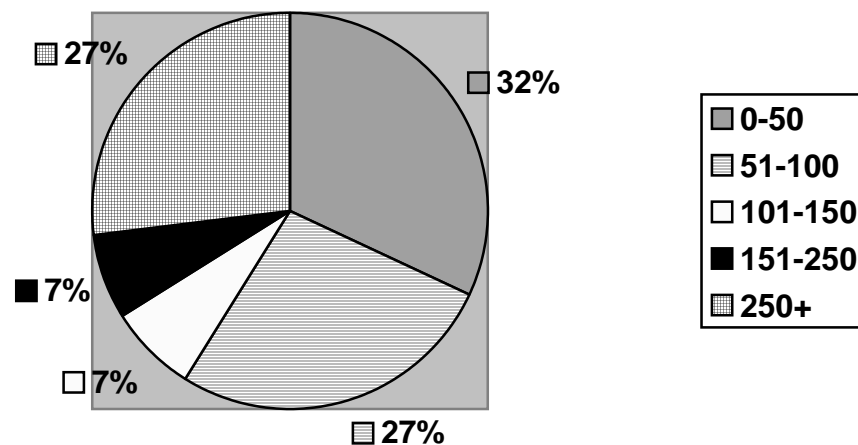


Figure 1. Agency Size Represented in Survey

Of the responses gathered from the survey (Figure 2), an overwhelming majority (95%) reports a sick-time policy that governs the use of sick leave. Agencies also generally have disciplinary measures tied to the abuse of sick-time (85%). Both numbers reflect a near universal recognition of the need to control the use of sick-time.

The type of discipline administered by agencies, which can vary, was not surveyed, however, the number indicating discipline for sick-time abuse in the last year was significant (29%). A slight majority (51%) indicated knowledge of a sick-time abuser being disciplined within the last five years in their agency.

Sick-time as a determining factor in the promotion and assignment was queried. Though once common practice in most agencies only a portion (34%) report that their agencies consider sick-time in the promotion process and only a slightly higher number (36%) report it as a factor in making assignments. It was not surprising that a majority of those surveyed (58%) did feel that it was at least an unofficial factor in determining ones ability to promote and gain a sought after position.

Prevention programs to curb sick-time abuse were considered. Many departments (41%) were found to offer incentive programs for the prudent use of sick-time. The survey revealed that only a minor portion of the respondents (5%) experienced grievance or lawsuit activity relating to sick-time in their agencies. Indicating a likely increase is that over one-third (36%) report an excessive use of sick-time as an issue in their agency.

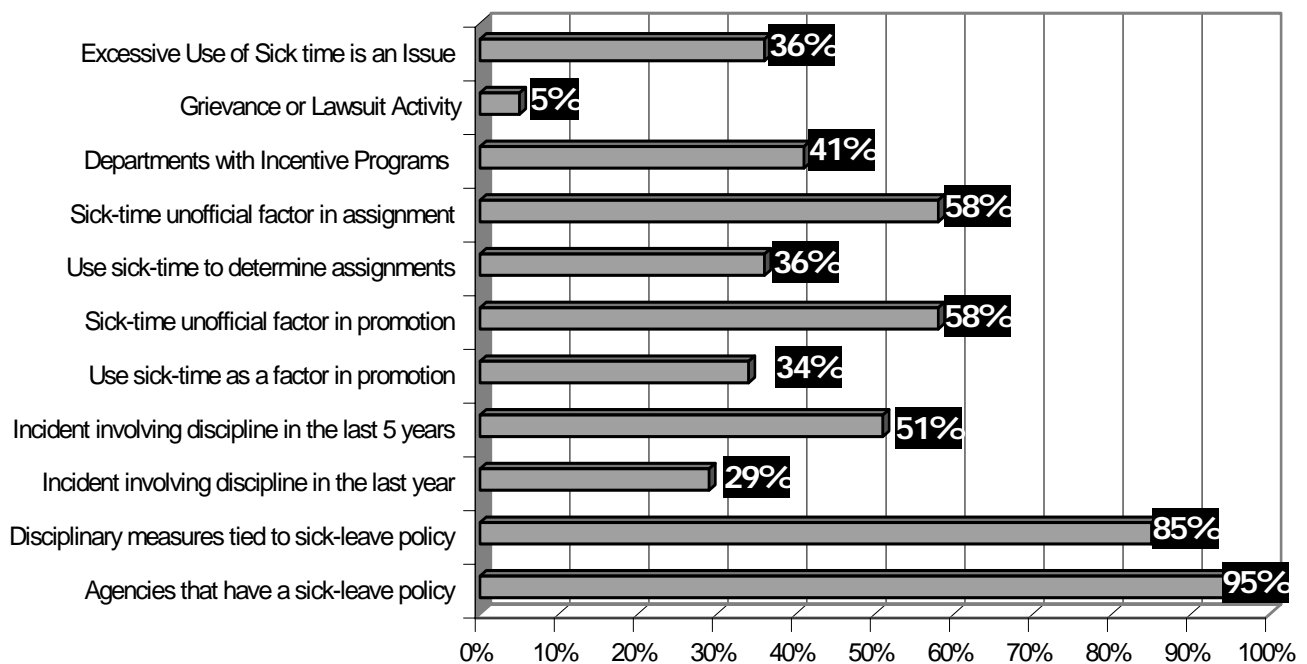


Figure 2. Overall Response to Survey

Agencies were further divided and analyzed by those agencies having one hundred or fewer officers (24) and those having more than one hundred officers (17). This was done to further delineate the effects that agency size may have on sick-time abuses and to maintain a reasonable sampling in both categories.

Indicating that agency size may be a factor in the prevalence of sick-time abuse cases, agencies having more than one hundred officers significantly disciplined officers at a much higher rate than smaller agencies (Figure 3).

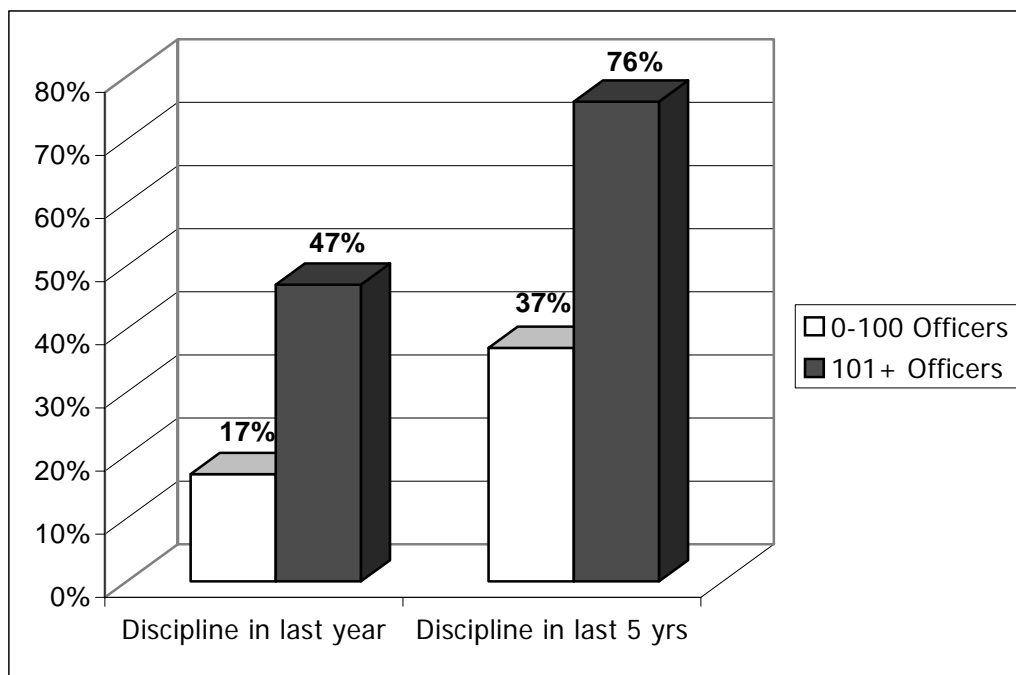


Figure 3. Comparison Size/Discipline (a)

Conflicting data was uncovered in regards to size as even though smaller agencies report no incidents of lawsuit or grievance activity related to sick-time issues, they report excessive use of sick-time as an issue more often than the larger departments (42% vs. 29%).

To further analyze the impact of department size on sick-time abuse, departments with fifty or fewer officers (13) were compared with the larger agencies, those with over two hundred and fifty officers (11). As in the previous breakdown, larger departments reflected a greater incidence of disciplinary measures in dealing with sick time abusers (Figure 4).

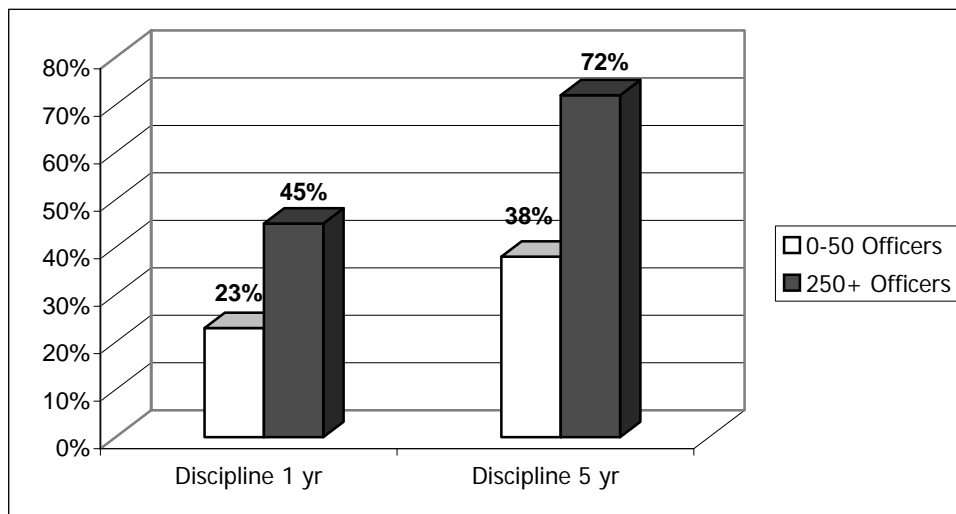


Figure 4. Comparison Size/Discipline (b)

Like the previous example, the smaller agencies again did not reflect any grievance or lawsuit activity related to sick time issues. Unlike the previous example, the larger agencies reported that excessive use of sick-time was an issue more often than the smaller agencies (36% vs, 23%).

Effect of Incentive Programs

Departments showing to have incentive programs (ribbons, bars, additional days off, money, etc...) made up a significant portion of the survey (41%). The Departments

with incentive programs showed a greater incidence of discipline related to sick-time abuse cases when compared to overall survey results – but only slightly. Departments indicating that excessive use of sick-time was an issue showed a significant reduction when incentive programs were active (36% overall vs. 17% with incentives).

DISCUSSION/CONCLUSIONS

Because of an ever-increasing strain being placed on police resources, a premium is being placed on the police commanders ability to maintain an adequate staffing level. A growing dilemma facing all police agencies, and complicating those commanders job, is the abuse of sick-time (non-discretionary leave) by officers.

Policing has become more community based and civilian oriented, and to most ends the results are positive. But one of the most pronounced negatives that has come of this is that the recruiting and training in a less paramilitary fashion has resulted in a workforce encountering personnel issues similar to private industry. The “entitlement” mentality of our current workforce dictates that a benefit that is earned should be used or that somehow that worker is short-changing him/herself. Because of this, abuse of sick-time benefits by police officers is on the rise and will be a continuing source of challenge and embarrassment for departments throughout the world.

The literature reviewed in the study indicates that this issue is widespread and gaining in frequency. Since completing my initial review, additional material has been located showing investigations into additional agencies. A common thread shared in each report is the contrasting of a profession that stands on honesty and integrity – placing itself a cut above the norm – appearing tawdry and hypocritical when sick-time abuse among the troops is brought to light. In each report police brass stumble to explain

away or rectify the situation but there is no positive “spin” that can be placed on the phenomenon.

The survey of police managers from around the state supported the relevance of the analysis. With 36% of the reporting agencies claiming that the abuse of sick time benefits was an issue in their agency, it is clear that it is an emerging issue in many police departments around the state. Curiously, no specific indicator or factor could be linked to sick-time abuse leading to the conclusion that organizational influences are probably key.

The analysis was hampered by several constraints. Time and resources were the most obvious hurdles in that several avenues (management practices, recruiting policies, promotion options, discipline philosophy) would have expanded the study beyond the limits imposed by the LEMIT program. Private industry and interviews with media and the general public would have also been an interesting and relevant resource but cumbersome.

The managers surveyed also provided some complications. Twice, officers working for the same agency answered questions differently indicating that one was mistaken (in both incidents the officers were of different ranks and possibly different organizational knowledge levels). A perceived problem with the study was a slight reticence on the part of some respondents.

Personnel issues occupy a disproportionate part of any managers work day. Sick-time abuse may be an unsolvable dilemma. In this issue there exists many intriguing complications (Employee Rights, Management Responsibility, Public Accountability, Media Investigations, Officer Safety, Emergency Preparedness, Morals, Ethics,

Integrity). It is important that police managers be aware of this complexity and to prepare to encounter sick time abuse face-to-face.

This analysis of sick leave issues in Texas police agencies indicate that abuse of sick time benefits by police officers is an important issue facing police management.

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