

**The Bill Blackwood  
Law Enforcement Management Institute of Texas**

---

---

**Managing Sick Leave Abuse**

---

---

**A Leadership White Paper  
Submitted in Partial Fulfillment  
Required for Graduation from the  
Leadership Command College**

---

---

**By  
Wesley L. Gerig**

**Plano Police Department  
Plano, Texas  
September 2010**

## **ABSTRACT**

The abuse of sick leave is an issue that each police agency deals with. Police officers will call in sick when they actually are not, either to take care of personal business or just to have the day off. This practice festers into larger issues, like police officers working the streets without adequate backup, the financial impact of police officers working overtime to fill in for the ones on sick leave, and the morale issue that the police officers at work are dealing with when they know their counterpart is abusing sick leave.

Police agencies must put a tourniquet on the excessive bleeding of sick leave abuse. By doing this, the agency will be able to maintain their staffing levels, the police officers on the street will have sufficient backup, the citizens will have a better police response when called, the agency's overtime budget will not dwindle quite as fast, and the morale of police officers will improve since they know that sick leave abusers will be held accountable for their actions. Issues such as these can be minimized or conquered by addressing sick leave abuse.

Police departments should have a policy regarding sick leave abuse. Supervisors need to identify and address this issue with subordinates that are suspected of abusing sick leave. Departments can assist supervisors by having computer software that will analyze sick leave usage and possible patterns. Departments also can benefit by rewarding good usage of sick leave versus disciplining those that abuse their sick leave.

# TABLE OF CONTENTS

	Page
Abstract	
Introduction . . . . .	1
Position . . . . .	2
Counter Position . . . . .	4
Recommendation . . . . .	6
References . . . . .	10

## INTRODUCTION

The issue to be examined considers whether police agencies are able to identify sick leave abuse and how to properly control it. This includes maintaining proper schedules, so sick leave abuse patterns can be identified, training supervisors to identify and confront suspected abusers, and proper discipline when needed. Opposite of discipline is the reward system for those who do not use their sick leave. Rewarding good behavior is a new twist for governmental agencies and one that demands serious consideration.

The relevance of sick leave abuse to law enforcement is to ensure that police staffing levels are adequate. Paramount to anything else is officer safety, and if there are not enough police officers to staff the streets, then they may go without proper backup. Second to officer safety is monetary savings. Considering that an agency is paying a police officer on sick leave and possibly having to pay another police officer overtime to fill the vacant beat, this makes for a sizeable price tag. Police officers who show up to work, see a peer out on sick leave, and believe a peer is abusing their sick leave will eventually make for a morale issue.

The purpose of this research is to discover methods for identifying and labeling sick leave abusers. Also, this research will examine the different methods available to discipline the abusers and reward the faithful. The research question to be examined focuses on whether police agencies are doing enough to identify sick leave abusers and attempting to correct the unwanted behavior.

The intended method of inquiry will include a review of articles, journals, scholarly research, and internet searches on sick leave abuse within the private and

public industry. This review will indicate what different industries are doing in an effort to stop this abuse. The intended outcome or anticipated findings of the research will build a stronger system to identify and correct sick leave abuse. Police departments should institute training for supervisors in order to inform them of the magnitude of the problem, how it affects officers and supervisors alike, and how to handle the abuse.

The field of law enforcement will benefit from the research because it is the duty of each supervisor to ensure that their officers are at work when scheduled and are not abusing sick leave. Police officers' salaries are funded by tax dollars that citizens pay. The citizens expect the best police protection their money can buy, and by having several officers out per shift due to sick leave, a percentage of those being abusers, it is argued that the citizens are not getting their money's worth.

## **POSITION**

Even the smallest police departments maintain some sort of minimal staffing for police officers assigned to patrol services. Police officers are at the mercy of the radio. Administrators responsible for making patrol assignments are weary of not having enough police officers working the streets to cover the calls for service, provide necessary backup for those officers, and to proactively police areas when time allows. Usually, these minimal staffing levels are well below the number of police officers scheduled to work. This allows a certain number of police officers to take time off. Most of the time, police officers will use vacation, holiday, or compensatory time to take time off. Police officers are also given sick leave to use in the event they or a family member are sick or if they meet other qualifying measures under their sick leave directives to take off. At times, a police department may be at their minimum staffing level, yet there

may still be some police officers that want to take off. At those times, police officers will call in sick, thus leaving the city undermanned with police officers. There is very minimal research available on sick leave abuse by police officers. However, according to Orrick (2004), the abuse of sick leave leads to a less efficient and effective police agency. He further wrote that supervisors have to make scheduling and manpower adjustments to account for the lost time to answer calls for service or to focus on proactive and preventive patrols. Rickert, Duncan, and Ginter (1995) also reported a decrease in productivity and customer service by substitute personnel. This could be especially true if the police officer filling in for the absent police officer just finished an eight hour shift and is rolling over into a second eight hour shift.

Police officers abusing their sick leave are leaving a financial dent upon their agencies. Some administrators do not think about all the costs associated with this abuse. For instance, there is the expense to have another police officer fill the absent police officer's beat on overtime while the absent police officer continues to receive city benefits as well as increased costs for supervisors that have to manage absent employees and their replacements (Rickert et al., 1995). According to Barr (2008), an inspector general's report on the Internal Revenue Service found that in 2005 and 2006, employees took more than 15 million hours of sick leave, which amounts to \$450 million in salaries and lost productivity. Brenner (1997) wrote that for the Westchester County Jail's 1997-1998 budget, the commissioner anticipated paying out \$9.5 million in overtime due to staffing shortages. This was more than twice the allotted amount. Orrick (2004) stated that sick leave abuse can cost a police department an additional 150% over what was already budgeted for that position due to overtime pay. His

example included the formula to add the sick leave pay the police officer will receive for that eight hour day. Now, take the pay from the police officer on overtime, which will be paid at time and a half, and add that to the sick leave pay the absent officer is being paid. When one adds all this up, these totals are sobering. With today's budget shortfalls and tightening of fiscal belts, this area needs more attention by police administrators.

Last but not least, there is the issue of morale. For police officers having to work harder to cover for an absent police officer, known to call in sick when he/she is not, their morale is lower because of the inequitable circumstances. For the police officers who are working overtime, their morale is lower, especially if they continuously have to cover for the same police officers calling in sick. Rickert et al. (1995) stated there are indirect costs of lower morale associated with having to fill in for absent workers. The Minnesota State Colleges and Universities Human Resource Fall Development Conference (2000) also cited morale problems associated with sick leave abuse, which should be a concern to supervisors. The October 2006 Unscheduled Absence Survey found that "while 23 percent of the 326 polled organizations reporting good or very good morale believe that unscheduled absenteeism is a serious problem, twice as many organizations reporting low morale – 46 percent – consider it to be a serious issue" (as cited in Lehman, 2001, para. 4).

## **COUNTER POSITION**

There is some research available on sick leave abuse for the private sector, but very little for the public sector. There is even less research available documenting excuses for the abuse of sick leave. With that, the largest argument by police officers to

abuse sick leave is that the time belongs to them, and they should be able to use it as they see fit. Rickert et al. (1995) reported that sick leave is sometimes used improperly, such as for child care, personal business, and leisure activities. In an editorial written by Lehman (2001), he wrote about an interview on National Public Radio where CareerBuilder's Vice President Richard Castellini stated that workers will save their sick leave time towards the end of the year to use as personal time for the holidays. Castellini also said that workers use sick leave for rest and relaxation, which seems to apply to 50% of workers. Hackett, Bycio, and Guion's study found that nurses wanting to take a "mental health day" accounted for 19% to 22% of sick leave, which is the second leading reason for nurse absenteeism (as cited in Gardiner, 1992). They also found that there are other reasons for sick leave abuse, like the weather being nice or employees being tired of work (as cited in Gardiner, 1992).

It is obvious that some employees view sick leave as an extension of their regular leave programs. Sick leave is an additional leave program granted to employees for their use to attend to themselves, family members, or other health care related issues. No definition of sick will include the words *leisure, shopping, or fishing*. This becomes an ethical dilemma, and according to Orrick (2004), when employees use sick leave when they are not, then this reflects on their integrity. Portions of the Law Enforcement Code of Ethics (n.d.) state, "Honest in thought and deed in both my personal and official life, I will be exemplary in obey the laws of the land and the regulations of my department," (para. 2) and "I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service" (para. 4). Police academies routinely make police



recruits memorize the Code of Ethics; however, some police officers fail to remember the part about obeying the regulations of their department.

For police officers in the state of Texas who work for police agencies that have adopted civil service rules under the Texas Local Government Code § 143.045, they will only receive up to 720 hours of pay for any unused sick leave upon separation from their employing agency. For those police officers that have more than 720 hours of accumulated sick leave, that portion over the 720 hours will be forfeited back to their employer. For some police officers, that could represent tens of thousands of dollars in lost pay; there are numerous police officers that feel they should take that time off instead of giving it back to their employer. Some of these police officers comment that they have no ethical dilemmas with using sick leave to dwindle it down to the 720 hour mark prior to retirement. Their view is that it is an entitlement and they are not going to give those hours back to the city. In their minds, there is no ethical issue and they do not believe their integrity is being tested. The unethical implications of this practice should be obvious.

## **RECOMMENDATION**

Sick leave is an important part of a police officer's employment package. This will allow the police officer to take off when sick, or to take care of a family member, and continue to receive their salary. The problem comes when police officers abuse this privilege and call in sick when they really are not. By doing this, they are leaving their department shorthanded, their fellow police officers without adequate backup units, and their employing jurisdiction without sufficient police coverage. Fiscally, departments are struggling to make ends meet. Budgets are shrinking, but departments continue to pay

overtime to compensate for the empty patrol beat that will go unfilled by the police officer who called in sick. For those police officers who do report to work, over time, their morale will deteriorate because supervisors are not addressing the issue. Plus, their work load has increased if no one was put on overtime to cover the vacancy.

Police supervisors first must have a working definition of sick leave abuse. The first step is to define sick leave abuse. The Montana State Hospital Sick Leave Abuse Policy # HR-16 (2006) defined sick leave abuse as the “misrepresentation of the actual reasons for charging an absence to sick leave, and may include chronic, persistent, or patterned use of sick leave” (p. 1) This is a fairly common and generic definition of sick leave abuse.

Learning to identify sick leave abuse can be a challenge. Gibson (2007) identified nine patterns of sick leave abuse. Some employees abuse sick leave when they have been denied leave or when a large project is due. They may use the sick leave as it is earned or have a low balance even though there has been no major illness, or they may use a large amount of sick leave for a minor condition. Some employees will abuse sick leave on consistent days, such as the first or last day of a work week, before a holiday, or after payday. Additionally, abuse can manifest when an overtime assignment is announced. The Montana State Hospital Sick Leave Abuse Policy # HR-16 (2006) added two other patterns to watch for: using sick leave the same day of the week or month and when a supervisor observes an employee outside of work on sick leave while recreating or attending social functions.

Probably the hardest part of managing sick leave abuse is meeting one on one with the suspecting employee. According to the Minnesota State Colleges and

Universities' Human Resource Fall Development Conference (2000), once a meeting is called, depending on the severity of the abuse, the supervisor will either counsel or discipline the employee. Supervisors should review the employee's records prior to the meeting and talk to the employee about their attendance record. It is vital that supervisors discuss why the employee's attendance is important, as well as determine why the employee is having attendance problems, and ask the employee for solutions. Together, the supervisor and employee can come to an agreement on specific actions for the employee. The supervisor may also inform the employee that if there is no improvement, then discipline may be imposed. Additionally, the meeting should be documented and supervisors need to follow up with the employee.

Discipline up to and including termination may result, but if the employer has a reward system set up for proper use of sick leave, discipline may not be an issue. The New York Life Insurance Company designed a program where employees' names that did not use any sick leave were thrown into a lottery. The chosen employee won a savings bond worth \$200 to \$1000. During the first year of the program, there was a 21% drop in absenteeism (Rickert et al., 1995). The City of Plano, Texas has a sick leave buy back program. Per the City of Plano Policies and Procedures (2010), any employee that has accumulated more than 1,040 hours of sick leave (1,456 for sworn fire department personnel) by November 30 of the current year, may convert up to 10% of the excess hours, not exceeding 120 hours (180 for sworn fire personnel) to their 457 deferred compensation plan. There is no research available to indicate any reduction in sick leave usage since the implementation of Plano's Sick Leave Buy Back Program.

The need to accurately track sick leave usage is a necessity. As an example, the Plano Police Department has no sick leave tracking software. The only way a supervisor can track sick leave usage is by opening the department's master schedule which is a large Excel spreadsheet. The supervisor would have to manually look day to day for when sick leave was used. This can be an exhaustive search that will take a lengthy amount of time. According to Gardiner (1992), policies alone are not enough to curb sick leave abuse. There needs to be formal controls in place to monitor sick leave usage. In order to correct this inadequacy, a department should invest in a software package used to analyze sick leave usage (Burger van Eeden & Jordaan, 2008). Computer information systems are the primary source for gathering and processing the information needed for supervisors (Gardiner 1992).

Police departments will benefit by keeping an accurate track on sick leave abuse. By properly identifying sick leave abuse, police supervisors will be able to clarify what constitutes a violation of policy. Departments that do not have sick leave tracking software need to invest in a program that will assist police supervisors in identifying trends and excess sick leave usage. From there, supervisors will be able to address these concerns with police officers. It is possible to alleviate some of this by having a reward system in place to encourage proper sick leave usage. Regardless of present day practice, police departments need to be more serious about combating sick leave abuse for the health of the department.

## REFERENCES

- Barr, S. (2008, May 15). Sick-leave abuse prompts calls to compensate for used time. *Washington Post*. Retrieved from <http://washingtonpost.com>
- Brenner, E. (1997, October 26). Jail chief vows to stop sick leave abuse. *The New York Times*. Retrieved from <http://query.nytimes.com>
- Burger van Eeden, M. & Jodaan, B. (2008, October 4). A cure for sick-leave abuse. *Leader.co.za*. Retrieved from <http://www.leader.co.za/printarticle.aspx?s=1&f=1&a=912>
- City of Plano, Texas. (2010). *Policy and Procedures 210.000*. Plano, TX: Author.
- Gardiner, R. (1992). Tracking and controlling absenteeism. *Public Productivity & Management Review*, 25(3), 289-307.
- Gibson, B. (2007, January 8). Sick leave abuse: Part 2 – identifying the problem. *FedSmith*. Retrieved from <http://www.fedsmith.com/article/1124>
- Lehman, K. (2001). Abuse of sick leave an alarming but curable trend [editorial]. *Winning Workplaces*. Retrieved from [http://www.winningworkplaces.org/library/features/abuse\\_of\\_sick\\_leave.php](http://www.winningworkplaces.org/library/features/abuse_of_sick_leave.php)
- Law Enforcement Code of Ethics. (n.d.). Retrieved from <http://www.culcom.net/~lake/policecodeofethics.html>
- Minnesota State Colleges and Universities Human Resources Fall Development Conference. (2000, September 28). *Building bridges*. Retrieved from <http://www.hr.mnscu.edu/training/conference/fall2000/sickleaveabuseanddiscipline.pdf>

Montana State Hospital Policy and Procedure. (2006, August 28). *Sick leave abuse*.

(Policy No. HR-16). Warm Springs, MT: Author.

Orrick, D. (2004, March). Controlling abuse of sick leave. *The Police Chief*, 71(3).

Retrieved from

[http://policechiefmagazine.org/magazine/index.cfm?fuseaction=print\\_display&article\\_id=32004](http://policechiefmagazine.org/magazine/index.cfm?fuseaction=print_display&article_id=32004)

Rickert, D., Duncan, W. J., & Ginter, P. M. (1995). An analysis of an incentive sick leave policy in a public sector organization. *Public Productivity & Management Review*, 19(1), 60-76.

Texas Local Government Code §143.045 (1987).