



Seattle Office of Police Accountability

July 3, 2019

Chief Carmen Best
Seattle Police Department
PO Box 34986
Seattle, WA 98124-4986

Dear Chief Best:

Please see the below Management Action Recommendation.

Case Number

- 2017OPA-0886/2019COMP-0024

Topic

- Medical Leave

Summary

- It was alleged that the Named Employee violated Department policy while on medical leave under the Family Medical Leave Act (FMLA) by leaving their place of recovery and engaging in recreational travel without seeking prior approval from the Department.

Analysis

- *SPD Policy 4.040-POL-11* requires that employees who are unable to work due to illness or injury seek permission from the Department prior to leaving their place of recovery. Specifically, it requires employees to notify the Employment Services Lieutenant for approval, and at the time of the request, employees must provide a certification from their healthcare provider.
- If employees are sick or injured, requiring substantial time away from work, it is logical for the Department to require such employees to seek prior vacation approval to assure that the vacation does not impair the employees' recovery and ability to return to work. If these restrictions are not in place, FMLA leave could be abused, which is contrary to the purpose and function of the law.

Recommendation(s)

- Modify policy and the associated leave paperwork to require employees to seek approval from the Employment Services Lieutenant (or a successor to that position) prior to leaving their place of recovery under FMLA leave.

Thank you for your consideration of this matter. I look forward to your response.

Sincerely,

AM

Andrew Myerberg
Director, Office of Police Accountability