

# PERSONAL, MEDICAL, MILITARY AND EDUCATIONAL LEAVE POLICY

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## **PERSONAL MEDICAL LEAVE**

Medical leave will be permitted for members of the Fire Department for injuries or illnesses not related to the performance of volunteer firefighting duties based upon the following procedure. A member requiring a medical leave will submit a written request for a medical leave together with a written report from his or her personal physician explaining the need for such medical leave (without providing personal medical information about the member). The personal physician will essentially be confirming that he/she recommends that the member/patient be granted a medical leave. These documents will be submitted to the Chief's Office for processing as soon as possible. The Chief will advise the District Office immediately upon notification of a member being placed on such medical leave. The Chief will advise the Board of Fire Commissioners at its next regular meeting of any such medical leave papers filed and will provide a copy of such papers to the Fire District Secretary. All communication from a member's personal physician will be treated as confidential medical records and filed accordingly. The Board of Fire Commissioners may consult with the District physician as required and his determinations will be considered by the Board as it considers a request for medical leave, but the granting of a medical leave absence is an operational issue to be determined by the Board.

All paperwork submitted by the member and physicians that is to be reviewed by the Department and District officers, will not mention medical conditions or confidential medical information about the member/patient. The confidential medical information will be discussed by the member, his or her personal physician and the District Physician. HIPAA rules on confidentiality of medical records will be strictly observed.

Members requesting medical leave should understand that a member on medical leave may not be present on District, Department and/or Company property, and may not participate in District, Department and/or Company functions and activities including emergency responses. Members on medical leave failing to abide by these rules will be subject to disciplinary action. Members on personal medical leave are ineligible to receive Length of Service Award Program credit.

Medical leave will be approved for up to a one-year period. Members on medical leave will be expected to submit documentation from their doctor every three (3) months for up to four (4) consecutive medical leave requests in a one-year period. Members will be expected to return to full active duty at the conclusion of such period. Members requiring a further extension of medical leave will be required to provide the Chief's Office with an updated written report from his or her personal physician explaining the need for continuation of such medical leave. The Chief will advise the District Office immediately upon notification of a member being granted an extension

of medical leave. The Chief will advise the Board of Fire Commissioners at its next regular meeting of any such request to extend a medical leave and will provide a copy of such papers filed for an extension to the Fire District Secretary.

Extensions for additional three-month periods will only be granted at the discretion of the Board of Fire Commissioners. The Board shall take into account the service record of the member, and the likelihood of whether or not the member will be able to return to full active duty at the conclusion of the extension in determining whether or not to grant the medical leave extension. The personal physician's report filed for the extension should provide the opinion of the physician on whether or not the member will be able to return to full active duty at the conclusion of the extension. Any non-compliance of documentation will result in a suspension.

Members on an approved medical leave of absence are responsible to apply for any extensions and comply with all procedures for restoring their activities status. A member will be charged for all Department and Company functions, all calls, etc., at the expiration of the period of the leave if he or she has not obtained an extension regardless of whether or not he or she has been cleared to return to duty unless the Board determines that an extension or a return to active duty has been delayed by the medical approval process. A member filing for an extension must submit extension paperwork at least two weeks before the completion of the current medical leave. It is the member's obligation to be aware of these dates and not the responsibility of any officer or official. The member is chargeable for all duties at the conclusion of the leave regardless of the actual date of reactivation, but nothing contained herein shall authorize a member to participate in active duties or be present at functions or locations until approved for return to duty by the District physician and the Board.

Members filing for a leave of absence due to pregnancy shall file for such leave of absence in accordance with the medical leave policy. Pregnancy shall be treated in the same manner as other medical leave applications with the exception that the period of medical leave granted may extend to two months following the anticipated date of birth of a child (and may thus, exceed three-months), and the pregnant member shall be required to file for an extension of the period of medical leave utilizing the procedure stated above for medical extensions.

Pregnant members shall not be required to take a medical leave of absence, and the decision to apply for medical leave shall be reserved to the member and her personal physician. Pregnant members are advised that there are certain dangers that the duties of members create for a pregnant woman and her unborn child, and it is suggested that she consult with her physician on such issues. Pregnant members should also be advised that there are a number of fire service industry sources that provide information on this subject such as the N.F.P.A.

The Fire District and Fire Department make personnel determinations in accordance with applicable law and understand that pregnant members may not be subjected to discrimination due to their physical condition (see Human Rights Law and Federal Pregnancy Discrimination Act). Pregnancy is a medical condition that will be treated like any other medical conditions, and members with any medical condition that will prevent them from performing their duties in a manner that will be safe for them and others should report the need for a medical leave and take appropriate steps.

Personnel on medical leave seeking to return to their duties as members should submit a written request to be returned to duty together with a written report from their personal physician advising that they are physically able to return to performing full volunteer firefighting duties to the Chief's Office as soon as possible. The Chief will forward this documentation to the Fire

District Secretary and make arrangements through the Secretary's office to obtain an appointment with the district physician for the member to undergo a return to duty physical examination from the district physician.

Upon completion of the physical examination and certification from the district physician that the member is able to return to full firefighting duties, the member will be returned to full active duty. Members on a medical leave of absence shall not return to duty until they have written notification from the Fire District Secretary that they had been approved for return to duty and are placed back to duty. After receipt of this return to duty letter, the member shall report to his/her Company Captain for assignment to duty and shall perform no duties prior to reporting to the Company Captain for duty. The Fire District Secretary shall forward a copy of the back to duty notification to the Chief who shall in turn notify the Company Captain. The member shall be responsible for meeting the requirements of membership from the date of the letter notifying him or her that he or she has been returned to duty or the date of the expiration of the leave, whichever is earlier. As stated above, the Board at its discretion may grant special consideration on this issue if it determines that the member made a good faith effort to comply with the return to duty procedure and was delayed by the medical approval process.

The return to duty physical examination shall be a complete physical examination identical in scope to the annual physical examination currently required under the District Physical Examination Policy, and the return to duty physical determination shall serve as an annual examination for the member. Thus, his or her annual physical examination cycle shall be adjusted accordingly.

### **LINE OF DUTY MEDICAL LEAVE**

Volunteer firefighters injured or rendered ill while performing their duties as volunteer firefighters or as result of the performance of their duties as a volunteer firefighter shall be required to file the appropriate claim forms in accordance with the Volunteer Firefighters Benefits Law. When the volunteer firefighters are unable to perform their duties as volunteer firefighters or the duties of their normal employment as a result of such line of duty injury or illness, they shall be placed on a line of duty medical leave until they are fit to return to active duty.

The Fire District maintains an insurance policy to cover its obligation to provide benefits to injured or ill volunteer firefighters under the Volunteer Firefighters Benefit Law, and benefit claims will be processed by the insurance carrier and ultimately decided upon by the New York State Workers Compensation Board. Benefit claim processing is separate and apart from return to duty issues in the sense that the right and obligation to return to duty is based upon reports from the personal physician of the volunteer firefighter and determinations rendered by the District Physician relative to the ability of the member to return to duty.

Upon an individual being placed on a line of duty medical leave of absence by notification from his personal physician to the Board of Fire Commissioners, the volunteer firefighter shall be assigned to be examined by the District Physician. The District Physician shall review the report of the personal physician and determine a schedule for status or return to duty examinations and advise the Board of Fire Commissioners relative to the appropriateness of the continued line of duty medical leave. Thereafter every ninety (90) days a new examination may be conducted by the District Physician of the individual on the line of duty medical leave based upon the circumstances. In the event that he or she is ready to resume active duty, the District Physician shall inform the Board of Fire Commissioners accordingly, and the individual will be notified to

report to the Chief's Office for active duty. As stated above, normal doctor/patient confidentiality will be observed.

Members on a line of duty medical leave shall receive credit under the Length of Service Award Program during such leave in accordance with the rules established under Section 217 of the General Municipal Law.

Members on a line of duty medical leaves should understand that a member on such medical leave may not be present on District, Department and/or Company property, and may not participate in District, Department and/or Company functions and activities including emergency responses. Members on such medical leave failing to abide by these rules will be subject to disciplinary action.

## **INVOLUNTARY MEDICAL LEAVE**

In the event that the Chief of the Department is made aware that a member is suffering from some injury or illness that will prevent him or her from performing his or her assigned duties in a manner that is safe for the member and others, the Chief may direct the member to submit to a physical examination by the District Physician in order to make certain that the member is physically able to perform the duties assigned. Upon determining that the member has possibly been rendered unable to perform his or her assigned duties due to some physical, psychological, emotional, or mental condition, the Chief may place the person on temporary medical leave of absence subject to examination and determination by the District Physician.

However, the Chief may not take this action solely based upon learning of the pregnancy of a member since pregnancy does not necessarily render the member unable to perform her duties. On the other hand, the Chief may take action of placing a member on involuntary medical leave subject to an examination by the District physician anytime he or she receives a report that a member was rendered ill or unable to perform his or her duties at the scene when the Fire Department was on duty regardless of whether the medical condition causing the problem for the member was pregnancy or any other medical condition.

Placement on involuntary medical leave is a function of the Chief performing his or her duty to make certain that a member is only assigned to perform duties that he or she is physically and psychologically able to perform in accordance with applicable guidelines set by OSHA, the New York State Department of Labor, and the district physician. It is not considered a disciplinary action and members placed on involuntary medical leave will not be considered to have been suspended or removed from membership. An involuntary medical leave of absence is a lawful order issued by the Chief directing the member to refrain from performing his or her duties and to refrain from being present at District, Department and Fire Company functions and locations until such time as the medical evaluation is completed and the appropriate determination/duty assignment can be made.

In the event that the Chief of the Department takes action to place a member on involuntary medical leave of absence, the Chief shall report such action to the District Office immediately. The Chief will advise the Board of Fire Commissioners at its next regular meeting and shall submit a written report regarding the actions taken to the Fire District Secretary. The written report shall include a factual description of the observation made or information provided that led the Chief to take this action. The written report shall be placed in the medical file of the member and shall not be provided to any parties other than the District physician.

A member advised by the Chief of the Department that he or she has been placed on involuntary medical leave of absence shall be subject to disciplinary action in the event that he or she fails to refrain from performing his or her duties or fails to refrain from being present at District, Department or Fire Company functions and locations until such time as the medical evaluation is completed and a determination is made as to his or her status. Such member shall be on leave until he or she is advised by the Chief of the Department in writing that he or she is to report back to active duty.

### **MILITARY LEAVE**

Military leave shall be available to members of the Fire Department provided that they provide written notice to the Chief of the need to take military leave and a copy of the written orders received from the applicable branch of the United States military service directing them to report for full-time extended obligatory military service or for a single voluntary enlistment. The Chief will advise the District Office immediately upon the member being placed on Military Leave. The Chief will advise the Board of Fire Commissioners at its next regular meeting of any such military leave papers filed and will provide a copy of such papers to the Fire District Secretary. A member of the Fire Department whose volunteer fire service is interrupted by full-time extended obligatory military service or by a single voluntary enlistment not to exceed four years in the armed forces of the United States shall be considered on military leave after the above notification requirements are complied with. During such period of military leave, the participant shall receive LOSAP service credit in accordance with procedures set by Section 217 of the General Municipal Law. Members on military leave will be expected to notify their Company Captain of their availability to return to duty in the Fire Department when they are released from such active duty by the applicable military branch. Members on military leave will be expected to report and return to duty in the Fire Department within a reasonable period of time after they are released from military service. However, they cannot return to duty until they follow the steps to formally return to active duty. The return to active duty will be accomplished after the Chief informs the Board of Fire Commissioners at its next regular meeting that the member is being re-activated as an active member and the Chief will provide a copy of such papers to the Fire District Secretary. The Board of Fire Commissioners retains the discretion to require a member returning from military leave to take and pass a return to duty physical examination.

The Board will also give consideration to granting military leave when a member receives orders to report for an extended period for reserve or National Guard duty.

Members on military leaves should understand that a member on such leave may not be present on District, Department and/or Company property, and may not participate in District, Department and/or Company functions and activities including emergency responses. Members on such leave failing to abide by these rules will be subject to disciplinary action.

It should be noted that the purpose of restricting access for persons on personal medical, line of duty medical, involuntary medical and military leave relates to the fact that they are not carried on the active rolls for purposes of certain benefits programs and thus, would be subject to no benefit coverage or a loss of benefit coverage if injured or rendered ill at district facilities or functions. In addition, the maintenance of proper order and discipline within the fire department requires a procedure where certain rights, benefits and obligations are reserved to currently active members on full duty.

## **PERSONAL LEAVE**

Personal leave shall be available to members of the Fire Department provided that they submit a formal request to the Chief of the need of the personal leave. The member must be in good standing in order to be eligible to be granted a personal leave. If personal leave is granted, it will be for a three (3) month term with a maximum of two (2) consecutive granted leaves not to exceed six (6) months. Members requiring an extension will need to submit further documentation to the Chief of the need for the extension. Members will be expected to return to full active duty at the conclusion of such period.

The Chief will advise the Board of Fire Commissioners at its next regular meeting of any such request to extend a medical leave and will provide a copy of such papers filed for an extension to the Fire District Secretary.

Members requesting personal leave should understand that a member on personal leave may not be present on District, Department and/or Company property, and may not participate in District, Department and/or Company functions and activities including emergency responses. Members on medical leave failing to abide by these rules will be subject to disciplinary action. Members on personal leave are ineligible to receive Length of Service Award Program credit.

## **EDUCATIONAL LEAVE**

Educational Leave shall be available to members of the Fire Department who attend colleges/schools and will be unable to respond to the department while they are away. The member must be in good standing in order to be eligible to be granted an Educational Leave.

Members will be expected to submit a written request to the Chief's office which will include the date that the member will be placed on Educational Leave. The Chief will advise the District Office immediately upon the member being placed on educational leave. The Chief will advise the Board of Fire Commissioners at its next regular meeting of the member being placed on Educational Leave and will supply the District Secretary with all documentation.

The Board of Fire Commissioners and Chief's office does recognize that a member could be available to respond if coming home for a weekend or for a few days. At such time the member is to notify the Chief's office immediately of their return before they can respond. At which time the Chief's office will notify the District Office of the members short-term return.

Upon completion of the Educational Leave the member must submit a letter to the Chief's Office with the date of their return. Once the Chief's Office approves the return, the member will be notified and able to return to full active duty. The Chief will advise the District Office immediately that the member has returned to full active duty. The Chief will advise the Board of Fire Commissioners at its next regular meeting.

It should be noted that the ONLY time a member or employee who is on a leave will be permitted on District, Department or Company property would be to satisfy a mandatory requirement of a course or a training that would prevent the member or employee the ability to return to full active duty upon the completion of said leave. Upon completion of the course/training the member/employee is expected to leave the District, Department or Company premises immediately.

Chairman Austin	AYE
Commissioner Skidmore	AYE
Commissioner Peters	AYE
Commissioner Thebold	AYE
Commissioner Schaaf	AYE

Adopted this 17th day of August 2022 by the Board of Fire Commissioners.

Re-adopted this 2<sup>nd</sup> day of January 2024 by the Board of Fire Commissioners

Attest by:

Paulamarie Rosso-Thompson  
District Secretary