

E. The Chief of Police shall have the final authority and it will no longer be necessary to submit such requests to the City Manager's Office, or City Council, for approval and extended IOD leave. In the event such additional IOD leave is denied, the employee will retain the right to appeal the denial to the City Manager and City Council.

Section 11. Jury Duty.

A leave of absence, without loss of regular pay, shall be granted to an Officer upon his actual jury duty service, unless excused there from; provided, however, that such Officer waives or remits to the City his jury fee and provides proof of jury service verified by the court liaison section and submitted to Police Accounting.

Section 12. Sick Leave Pool.

Each officer shall accumulate 120 hours of sick leave, with pay, per calendar year.

When the total number of sick leave pool hours drops below 5,600, 8 hours of sick leave with pay from each officer participating in the program shall become part of the sick leave pool, and any remaining hours shall continue to be credited to the individual officer.

Officers having opted not to participate will not, under any circumstances, be allowed to enter the pool at any later date. Any Officer who voluntarily drops out of the pool may not, under any circumstances, be allowed to re-enter the pool. Notification to the Accounting Unit must be provided, in writing, by the Officer who drops out of the pool. The Accounting Unit shall include a copy of this report in the Officer's file, and must forward a copy to the Chief's Office for inclusion in the Officer's permanent "201" file. A copy must also be sent to the Association within thirty (30) calendar days of the date the Officer requests to drop out of the sick leave pool. No Officer shall be eligible to draw sick leave pool days until one (1) of his sick days is credited to the pool.

Upon completion of the initial two-month period of employment after graduation from the Academy, each Officer shall have 12 hours of sick leave credited to the pool. In the event of separation from employment prior to completion of the probationary period, the City may adjust the pool for any sick leave hours not actually earned by the contributing probationary Officer. When an Officer retires or dies, any sick leave accumulated by the Officer that would have otherwise been forfeited shall be credited to the sick leave pool.

The Chief of Police and the President of the Association shall each appoint an equal amount of officers to a committee in rank to administer the sick leave pool. The Committee shall then elect a chairman. The resulting vacancy will be filled by the opposite appointing officer from that receiving the chairmanship. Example: If the Chief of Police appointee is elected chairman, the Association President shall appoint for the created vacancy.

The Chief of Police will select one Sergeant, one Detective and one Patrol Officer. The Association President will select one Detective and two Patrol Officers. In cases where an officer applies for sick leave pool benefits and holds a rank higher than sergeant, the Chief and President

of the Association will each appoint one person of rank equal to or higher than held by the requesting Officer.

All committee members shall be appointed on or before October 1 of each year and shall serve one-year terms. Any vacancies occurring during the course of the term shall be filled within twenty-one (21) calendar days. No person shall be allowed to serve more than one (1) consecutive term. The City shall indemnify, defend, and hold harmless each committee member.

The following requirements determine when a committee may consider when sick leave pool hours may be drawn. A decision by the committee shall be final.

A. Officers may be considered for sick leave pool hours after taking off 120 consecutive working hours of continuous non-job-related illness or injury. The 120 consecutive working hours used for eligibility shall be from an Officer's own accumulated leave and will not be refundable by the Committee or otherwise. The Department shall reimburse the Officer for any type of leave hours used in excess of the 120 consecutive working hours, if reimbursement is approved by the Sick Leave Committee.

B. No officer shall be permitted to use more than 1440 pool hours for a single illness or injury.

C. Pool hours may not be used for injuries or illnesses sustained in the line of duty.

D. The number of hours in the pool shall be solely for the benefit of officers with extended injuries or illnesses, and such hours shall not revert to the accumulated sick leave of individual officers.

E. Pool time may only be used for disability, which is defined as a non-job-related injury or illness, which prevents an Officer from fully performing assigned duties in all major divisions of the Department.

F. The Committee Chairman may at any time or at the request of the Chief of Police reconvene the Committee for further consideration should evidence come forward that would affect the outcome of a Committee decision after a decision has been reached. The Committee by majority vote may extend, reduce, approve, cancel, or deny a pool usage, as the evidence requires.

G. Officers desiring consideration for pool usage may be required to submit to medical examination by a City doctor and may be required to produce medical records, doctor's orders, and any other material necessary to render a decision by the committee.

H. Upon any Officer being absent from duty 18-work weeks as a result of a single illness or injury, the Chief may require the Officer to submit to a medical examination to determine whether the officer is permanently disabled. When it is determined that an Officer is permanently disabled, the Chief shall be entitled to terminate or retire the officer, whichever is applicable, according to law existing.

I. Officers applying to the Sick Leave Pool Committee for reimbursement of hours used in excess of 120 hours must do so within one year of return to duty, following the illness or injury.

Section 13. Leaves of Absence.

The Chief may grant a leave of absence, without pay, to a maximum of five (5) officers, which granting shall not be unreasonably withheld. The primary purpose of this leave shall be to provide the officer with additional education in law enforcement related areas. Request for leave under this section for the purpose of the Officer continuing full-time formal education at an institution of higher learning shall be given priority. The duration of the leave shall be for a period of time as determined by the Chief, but in no event for a period to exceed three (3) calendar years. Should the leave be for the purpose of pursuing continued formal education at an accredited college or university of higher learning, the leave shall be granted on a semester-by-semester basis.

A leave of absence under this Section shall not be considered a break in service for promotional or seniority purposes. Officers on leave of absence shall not be eligible to apply for or take promotional examinations while on such leave.

An Officer on an approved leave of absence under this Section must return to regular assignment with the City for a period at least equal to the length of his leave. Should an officer fail to return to his regular assignment for such period, the leave taken shall be considered as a break in service for purposes of promotion, seniority, pay, and/or pension.

The Chief of Police may recall an Officer from a leave of absence granted under this Section in the case of an emergency for the duration of the emergency.

Officers on leave of absence may continue pension payments, and the City shall match such payments according to the requirements of state law. However, all other forms of compensation shall be withheld until such Officer returns to full-time status with the Department.

Section 14 Preemption

It is expressly understood and agreed that all provisions of this Article shall preempt any statute, Executive Order, local ordinance, City policy or rule, which is in conflict with or is inconsistent with this Agreement and the procedures developed hereunder, including for example and not by way of limitation, any contrary provisions of Chapters 141, 142, and 143 of the Texas Local Government Code, including but not limited to Sections 141.032 and 142.0015 and Sections 143.041 through 143.047.