

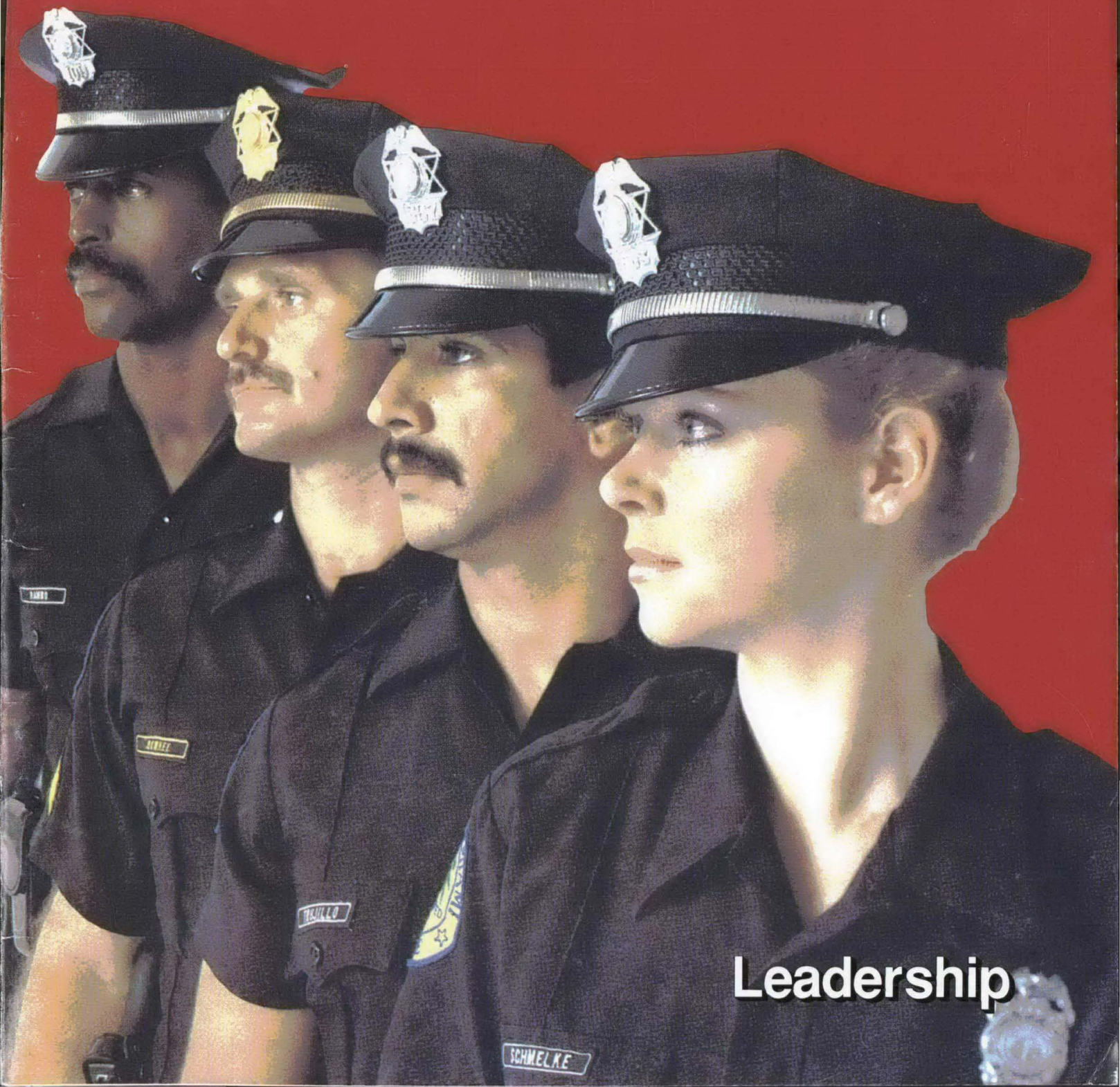
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Louis J. Freeh,
Director

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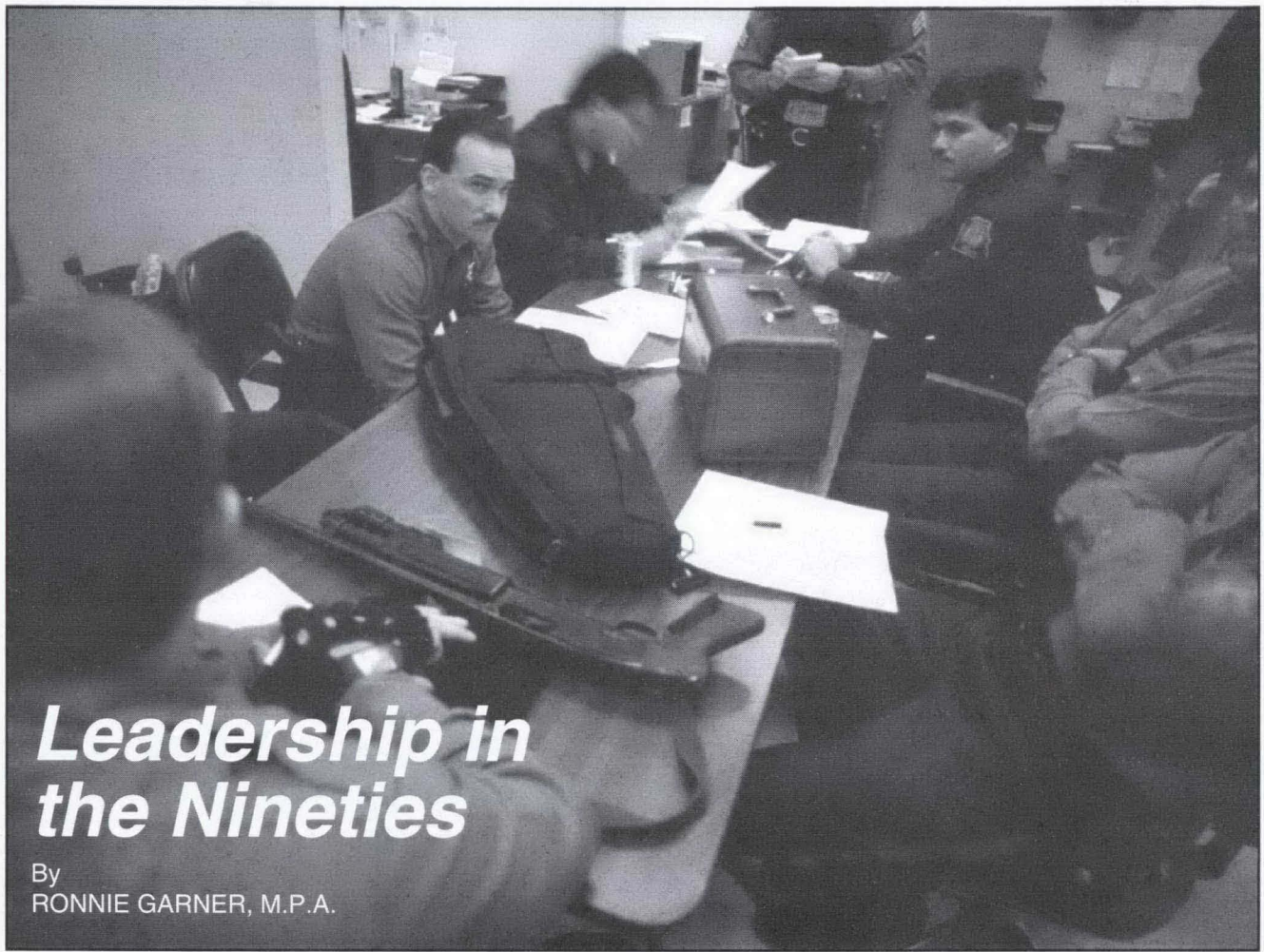
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Leadership in the Nineties

By
RONNIE GARNER, M.P.A.

On a hot, lazy afternoon, a small boy sits barefoot under a shade tree, idly watching a small stream of water from a sprinkler trickle down the street toward him. As tiny rivulets inch their way along the asphalt gutter, they seem to pause at each pebble to build momentum and then push forward again.

Eagerly, the boy grabs handfuls of dirt and builds a small dike that momentarily halts the flow. However, the water slowly wells up in a puddle and edges its way around the barrier. The boy adds

more dirt, vainly attempting to outflank and contain the water.

As the battle progresses, it becomes apparent that despite the boy's best efforts, he will never prevail. There are larger forces of nature at work.

How often do organizations struggle in a like manner against the forces of human nature? An organization is, after all, a large pool of human resources. Not unlike the stream of water, this pool seeks movement—*progress*. It cannot stand still; that is not the natural order. It must either move forward or stagnate.

What organizations require is guidance of that movement. This guidance comes in the form of direction and leadership.

Visionary leadership is not for everyone. A gnarled police veteran once counseled me to "never try to teach a pig to sing. It sounds like hell and it annoys the pig."

There is some wisdom in that advice. Many police administrators become so preoccupied with current problems that they fail to plan for the future. Some do not believe that strategic planning is worth the effort. Others lack the imagination and creativity required to project in



Deputy Chief Garner serves with the Beverly Hills, California, Police Department.

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An organizational vision presents a clear picture of what direction the organization plans to take in the future.
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the abstract. To ask them to conceptualize the organization 5 years in the future is akin to asking a pig to sing—it only annoys them. For these individuals, the vision of the future must be articulated with such vividness and detail that the abstract becomes concrete.

Organizational Vision

An organizational vision presents a clear picture of what direction the organization plans to take in the future. It should represent an achievable, challenging, and worthwhile long-range target toward which personnel can direct their energies.

For example, one police department's vision statement projects that a mutual understanding of shared problems will result in a high level of confidence and harmony between the police and the community. The statement then specifies that the department and the community will forge a close and consistent partnership to address issues and to solve problems effectively, making

the city a safe, healthy, and attractive place for commerce and community life.

Having a clear understanding of the organizational vision can change an employee's entire perspective. The story is often told of a passer-by who asked a bored bricklayer, "What are you doing?" The bricklayer replied, "I am placing one brick on top of another." The passer-by then asked another bricklayer, who was working with greater enthusiasm, "What are you doing?" The second bricklayer replied, "I am building a magnificent cathedral where hundreds will worship."

To form an analogy, how many officers simply drive around answering radio calls and how many actually make a meaningful contribution to the quality of life in the community by maintaining order and ensuring that justice prevails? To attach real meaning and value to their jobs, employees must understand that they are collectively engaged in a worthwhile endeavor. A clear organizational vision fills this need.

Rowing v. Steering

Articulating the organizational vision and holding it firmly in focus for personnel is a demanding task. Frequently, operational problems divert the attention of administrators from their primary role as leaders. They must ensure, however, that they do not become so involved in *rowing* the boat that they forget to *steer* the boat.

In fact, some organizations shift to systems that separate policy-making from service delivery in order to allow top managers to concentrate on decisionmaking and direction.¹ Those who *steer* must possess the ability to view the whole spectrum of issues and possibilities and then balance competing demands for resources; *rowing* requires individuals who focus on one task, performing it well.²

Unfortunately, law enforcement administrators often become so intent on overseeing the delivery of services that they neglect their primary responsibility—steering. Instead, they should concentrate on a basic steering challenge: Communicating a clear vision of what they hope the organization will become in the future, giving employees a goal to work toward.

While setting such a goal is crucial, leaders must, at the same time, make additional information available to employees. For example, employees need to know how managers plan to meet this goal, what types of conduct are acceptable, and what criteria leaders will use for decisionmaking. Administrators should make this information available to employees through mission and value statements.

Mission Statement

A clear mission statement may be an organization's most important asset. It calls attention to what management believes is important, and it sets goals that align practices with values.³ In addition, it expresses the purpose for which the organization exists, allowing management to set priorities in decisionmaking. In other words, it acts as a guide for the organization. The mission statement of a California police department reads as follows: "The mission of [this department] is to work in partnership with the community to protect life and property, solve neighborhood problems, and enhance the quality of life in our City."

When developing a mission statement, the process of arriving at consensus among leaders can, itself, be a positive experience. It requires a debate of the various attitudes and beliefs existing among organizational leaders and then, finally, agreement on one basic mission.⁴ The final statement should help employees at all levels make decisions.

Values Statement

The values statement declares the moral and ethical qualities to which the organization is committed. For example, values statements often clarify how much significance the organization places on honesty, customer satisfaction, ethical conduct, innovation, teamwork, community awareness, self-directed work, tolerance of dissenting views, and public relations. While the mission statement describes *where* the organization is going, the values statement articulates *how* it will get there. It is a

Examples of Strategic Goals

- Focus departmental resources on the detection and apprehension of criminals, their prosecution, and control, such as developing a career criminal apprehension program
- Manage the traffic flow on city streets in order to lessen vehicle collisions through a program that enhances the patrol division's ability to enforce traffic laws and to respond to neighborhood traffic complaints
- Educate citizens in crime prevention techniques and services that can be useful self-help, crime-fighting tools, to include a Citizens Police Academy to increase community awareness of law enforcement, a Youth and Community Services Unit to provide outreach, delinquency prevention, and drug and gang prevention, and increased participation in neighborhood watch and other crime prevention efforts
- Work in partnership with the entire community to resolve crime-related problems in neighborhoods by establishing drug-free zones in target areas and expanding the Neighborhood Revitalization Program by incorporating the Federal Weed and Seed Program. This also includes expanding the use of problem-oriented policing strategies, decentralizing two-area command structure into a four-area command structure, encouraging community mobilization efforts, and encouraging and forging positive police-public partnerships
- Implement an ongoing strategic planning process to assist the department in managing the future through coordinated programs and activities with other city departments and criminal justice agencies and input from community forums
- Provide a work environment conducive to employee growth and development, while ensuring high-quality, efficient, and cost-effective services through expanded use of volunteers, active recruitment of minority applicants, career development, and training opportunities and upgraded technology
- Continue to improve, with concern and compassion, the quality of service delivered to victims and witnesses of crime with the implementation of a Community Chaplaincy Program and a total quality management culture in the department with a commitment to provide exceptional customer service.

detailed guide of behaviors that management accepts and supports within the organization.

A Positive Framework

The organizational vision, mission statement, and values statement form a framework to support management decisions by attaching reasons to actions. The philosophy, goals, and work standards embodied within these documents provide a basis for decisionmaking within the organization. They are the lodestars by which the organization navigates its course through the uncharted waters of both the present and the future.

Creating this framework for leadership is vital to maintain consistency and direction in the management of the organization. However, this framework alone is not sufficient to attract and motivate employees to achieve the organization's mission. Organizations need to incorporate a final leadership principle—empowerment.

Much like the stream discussed earlier, it is the nature of an organization to change and progress. Individual members of the organization continually develop plans and expectations about their roles. Each creates a personal agenda. It is the confluence of these personal agendas that creates a dynamic undercurrent within organizations. Leaders must channel this undercurrent in order to accomplish the organization's objectives.

The cumbersome, monolithic organizational structures in which many agencies currently labor do not allow leaders sufficient latitude to channel individual talents. A more open, flexible participative

model must be used so that leaders can successfully empower subordinates.

Empowerment

Empowerment is enabling others to participate in the process of change within the organization. It often involves sharing power with subordinates and allowing them sufficient leeway to accomplish tasks in their own way.

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Empowerment is the most effective way to gain the active participation of others. When employees are truly empowered to make meaningful decisions and effect appropriate change within the organization, they develop a stake in the system—a franchise. Enfranchised and empowered employees have a vested interest in the success of the group. They become important members of a team with a meaningful purpose.

Most individuals want to believe they are contributing to a common purpose and that they are not consumed with pointless exercises. Leaders who promote such an atmosphere secure the commitment

and trust of employees.⁵ True leadership involves providing a collaborative atmosphere, where all workers focus on the critical work of the organization.⁶

However, some leaders resist sharing power. They fear that subordinates, if not sufficiently controlled, may take over the organization. Although there may be some rationality to this fear, establishing a positive leadership framework ensures that employees are both motivated and unified in achieving the organizational mission. By focusing on vision, mission, and values, an enlightened leader empowers and energizes subordinates toward the attainment of organizational objectives.

Conclusion

The issue of leadership in law enforcement is neither broad nor obscure. It involves the concrete process of articulating the vision, mission, and values of the organization within the context of a long-range strategic plan and giving impetus to that plan by empowering subordinates. Without this base, police managers serve only as custodians of a bureaucracy that preoccupies itself with the present at the expense of the future. ♦

Endnotes

¹ Ted Gaebler and David Osborne, *Reinventing Government* (Reading, Massachusetts: Addison-Wesley Publishing Company, 1992), 35.

² Ibid.

³ Ibid.

⁴ Ibid.

⁵ Burt Nanus, *The Leader's Edge: Seven Keys to Leadership in a Turbulent World* (Chicago, Illinois: Contemporary Books, Inc., 1989).

⁶ Ibid.

Employee Empowerment

By
SHELIA BERGLUND

In many organizations, particularly those in the public sector, employee satisfaction is often sacrificed to the demands of other compelling objectives, such as cost containment and the constant pressure to do more with less. Unfortunately, employers who take this stance fail to recognize that unhappy employees are unable to put customers first, no matter what the organization mandates.

While budget cuts require that police managers learn to accomplish objectives with fewer resources, employees do not have to suffer as a result. By balancing the needs of employees with the demands of the organization, police departments can empower workers to meet—or even exceed—the goals of the agency willingly.

Empowered employees actively participate in setting and achieving department objectives. In doing so, they feel a sense of ownership and pride in the tasks they perform. The Lakewood, Colorado, Police Department recently discovered the benefits of employee empowerment when faced with the problem of increasing turnover in the Police Records Section.

Background

Lakewood's police department consists of 200 sworn and 100 civilian employees. With 25 employees, the Police Records Section repre-

sents 25 percent of the civilian staff. The section's daily functions support a customer base that includes citizens, criminal justice agencies,

other city employees, businesses, and police officers. Employees provide comprehensive information management services, including the



processing and release of police records and impounded vehicles, quality control, research, and bonding of arrestees. These employees have to possess computer proficiency, knowledge of municipal and State statutes, and the capacity to interact positively with customers. As the department's central repository of arrest warrants and police reports, this section operates 24 hours a day to provide support to on-duty police personnel.

The Problem

For years, members of the Records Section worked five 8-hour days per week, with staffing levels based on the varying demand for services during a 24-hour day. Employees chose which of the three shifts they preferred to work and kept that schedule during their career with the agency. Seniority determined days off.

By 1990, this system had become increasingly unsatisfactory.

More than one-half of the work group had accrued 10 years of service and consistently selected weekends off. This meant that the remaining employees—some with as much as 8 years' tenure—worked every weekend.

As a result, during a 2-year period, one-third of the work group resigned or transferred to other positions within the city government. At exit interviews, these departing employees consistently cited the prospect of potentially endless weekend work as a major factor in their decision. This high turnover had a particularly debilitating effect on operations because new employees required at least 9 months of intensive training due to the technical nature of the positions they filled.

In addition, even though job applicants learned of scheduling limitations during pre-employment interviews, many new employees—quickly tiring of weekend work—resigned or transferred. Morale,

productivity, and customer service suffered as the work schedule became an issue that divided junior and senior staff members.

The Solution

Realizing that employees are its most valuable resource, the Records Section formed an administrative team composed of the Records Section manager and three supervisors to solve its schedule-related difficulties. The Administrative Services Division commander, well-versed in team building and a proponent of employee empowerment, provided ongoing support and expertise to the group.

The eventual solution was forged through the combined efforts of the staff and their leaders over a year-long period of formal and informal discussions. First, the administrative team met with the employees—individually and in groups—to assess perceptions, solicit suggestions, and discuss issues related to the work schedule. After identifying the most acute problem—the inability to retain a trained staff—the team defined its principal objective, that is, to improve working conditions by distributing weekend work more equitably. As brainstorming and discussions continued, one question repeatedly surfaced: What would happen if employees were allowed to select their own work schedules?

To answer this question, the administrative team decided to test the proposition that empowered employees might become more effective employees. Formal and informal groups met with their supervisors to discuss the potential



Ms. Berglund manages the Records Section of the Lakewood, Colorado, Police Department.

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impact of a new, employee-driven schedule.

Later, in private meetings, individual employees had the option of retaining their existing schedules or selecting a new 4- or 5-day schedule. They could also choose their days off and starting times, within reason. Those employees who selected a 4-day schedule did so with the understanding that they would work some weekends. Fortunately, a number of employees viewed this option favorably because of the additional time off it provided during the week.

Following these meetings, the administrative team inserted employees' schedule preferences into a calendar matrix. After numerous manipulations and revisions, they fit the selections into a schedule that supported required staffing levels, while satisfying employee requests. Then, they took the ultimate product, a well-engineered combination of 4- and 5-day workweeks, reviewed it with employees, and refined it further. Following approval by the division commander, the chief, and the city's director of employee relations, the new schedule—which complied with the Fair Labor Standards Act—was successfully implemented in the Records Section.

Results

The administrative team tested the theory that permitting employees to select their own work schedules would improve job performance and stability. And, as anticipated, the new schedules produced tangible and intangible benefits.

To begin, the section experienced a 90-percent reduction in overtime, representing a yearly savings of more than \$2,500. Next, the amount of sick leave used remained relatively constant, despite the fact that employees working 10-hour days would need to use more leave per day if ill.

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...one question repeatedly surfaced: What would happen if employees were allowed to select their own work schedules?

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The new schedules also allowed for better deployment of personnel. The variety of schedules provided greater flexibility to manage absences. Planned overlap at the beginning and end of the night shift reduced the number of employees needed to work all night—an unpopular option for most.

In addition, staggered starting times relieved an unproductive bottleneck caused by entering and departing staff at shift changes. There was also a dramatic decrease in the amount of so-called “work in progress,” a reliable gauge of the efficiency of day-to-day operations.

Further, because of the number of employees who chose a 4-day week, weekend work was distributed among a much greater

percentage of the staff. Therefore, in contrast to the old schedule, no employee worked every weekend.

Finally, no employees resigned because of dissatisfaction with the work schedule. In fact, in a survey conducted by the department, employees who did *not* change their work schedules reported as much of an increase in their level of satisfaction with the overall work environment as those who selected new schedules.

In addition to the quantitative benefits, management observed other, more qualitative, benefits. First, because the new schedule allowed for at least 1 day per week with increased staffing levels, training, review, and recertification opportunities rose dramatically.

The supervisory staff, whose schedules changed from a 5- to a 4-day workweek, faced a more equitable distribution of employees under their command. And, working a 10-hour shift increased their availability during critical time periods.

Most important, the level of cooperation and teamwork increased markedly. An unexpected benefit, employees demonstrated this esprit de corps through their greater willingness to adjust their work schedules to cover for other staff members when needed.

Insight Gained

During this project, the administrative team discovered not only that employees' priorities change over the course of their careers but also that their values regarding work change with time. Employees have a diverse set of needs—some employees maintain single-parent

households, some pursue educational goals, others prepare for retirement. Because of these responsibilities, employees highly value their discretionary time. As a result, they welcome the flexibility to balance work and their personal lives more effectively. Because management recognized these needs, employees reciprocated by willingly cooperating when asked to work a different shift than scheduled.

Conclusion

The Records Section of the Lakewood Police Department successfully implemented an unconventional work schedule that was the product of employee empowerment and administrative teamwork. Records administrators crafted a schedule that balanced worker preferences with staffing requirements, which resulted in more evenly distributed weekend work, improved morale, increased retention of trained staff, and decreased burnout.

Some of today's management problems defy traditional solutions. Lakewood's administrative team discovered a solution that was unconventional, yet successful.

Many experts believe that the greatest potential for improvements in organizational quality involves putting people first. This project proved that employee empowerment can work and provide benefits beyond expectations. ♦

Citizen Advisory Committees

By Maj. Dan Flynn, M.P.A.

Like many law enforcement agencies around the Nation, the Metro Dade, Florida, Police Department embraces the community policing model as a way to forge closer relationships between the police and citizens. The department's strategy involves several elements, including a special community-oriented police squad, team police units, and a tactical drug team that conducts large-scale sweeps of drug-infested neighborhoods.

However, the basic component of the Metro Dade approach is a system of citizen advisory committees that operate in each police district. By working closely with these committees, police administrators can more closely tailor departmental services to the specific needs of residents.

Jurisdiction

The jurisdiction of the Metro Dade Police Department covers 1,840 square miles, which is almost entirely suburban, with a population exceeding 1 million. To serve the residents of the county effectively, the department divides its patrol force into seven districts, each with approximately 225 sworn and nonsworn employees. The seven districts house relatively distinct geographic, economic, ethnic, and demographic segments of the county's population.

Citizen Advisory Committees

Each district has a citizen advisory committee composed of representatives from various segments of the community. These groups include homeowners, business operators, public housing residents (if applicable), church and school representatives, and others. On a regular basis, the committees meet with the command staff and officers of their district to discuss community problems.

The advisory committees focus on local concerns. One committee from a predominantly middle-class district works with the district police staff to develop

antigraffiti strategies. Another committee, representing a primarily retail business district, works with the police to deal with problems involving roadside vendors. Another, from an economically disadvantaged district, works with the police in focusing on street-level drug trafficking.

While the concerns of both citizens and police may periodically change as existing problems are resolved and new ones emerge, the basic process remains the same. Committee members express their concerns, the district police staff advises on the legal parameters of different approaches, and both groups then discuss the feasibility of various options. Once a course of action is implemented, the advisory committees and district police officers monitor progress closely and make necessary adjustments. By keeping the number of objectives manageable, the districts can address all committee concerns simultaneously.

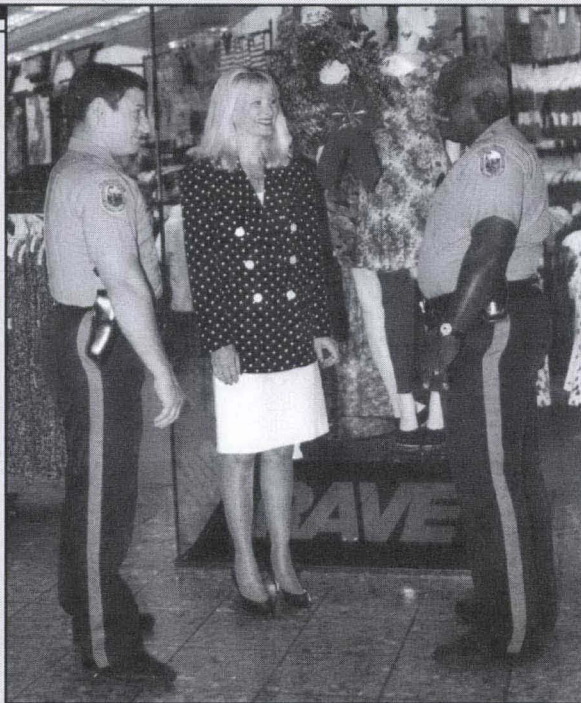
Committee Makeup

Each committee is composed of 15 volunteers, recommended by community groups and appointed by the county manager. In addition, because meetings are open to the public, some of the committees have several nonmember observers who attend on a regular basis.

There is no set limit as to the number of terms a committee member may serve. However, a moderate natural attrition rate and the subsequent entry of new members prevent committees from becoming stagnant.

Benefits

Involving citizens in the police planning process produces more than the inherent benefits of collaborative decisionmaking. Committee members quickly



learn the limitations—as well as some of the frustrations—that police officers experience in confronting various enforcement problems. Citizens also experience first-hand the impact of citizen involvement and cooperation on law enforcement initiatives. At the same time, members of the police department develop and refine a problem-solving process that all employees in the agency can employ.

The police department as a whole also benefits from the focus provided by

the committees. As suburban crime rates rise nationwide, the resources of such agencies as the Metro Dade Police Department become increasingly strained. The advisory committees assist police managers to direct the department's efforts in the most efficient and effective manner possible.

Conclusion

Communication between citizens and the police represents an integral feature of the community policing concept. Citizen advisory committees developed by the Metro Dade Police Department help to foster and coordinate the type of cooperation necessary to resolve entrenched community problems. These committees not only help to direct police resources to the specific problems being experienced in the community but they also give concerned citizens an opportunity to cultivate ongoing relationships with officers in their individual districts. It is through such open communication that police departments and communities together make the best use of limited resources to resolve crime problems. ♦

Major Flynn is the Northside Station Commander of the Metro Dade, Florida, Police Department.

Positive Organizational Culture

A Practical Approach

By
RANDALL ARAGON, M.A.

One of the most difficult leadership tasks that police administrators face is creating an appropriate culture for their agencies. By developing a healthy culture—which includes values, beliefs, and behaviors—effective leaders build a solid foundation that enables them to foster truly committed employees with high morale, and in turn, enhanced departmental performance and genuinely satisfied citizens.

These triumphs do not materialize by accident. In fact, most police executives find that conditions deteriorate unless they initiate deliberate steps to create a positive culture for their agencies.

An effective formula for accomplishing this goal involves combining the core principles of several leadership techniques and modifying them to suit a police environment. The recommended process, which this article outlines, involves examining the dynamics of performance, developing an understanding of Total Quality Management (TQM), employing empowerment techniques, and finally, instituting a system to monitor the agency's progress.

Performance

An agency's level of performance plays an important role in developing a positive organiza-



tional culture. Therefore, police managers should fully understand the dynamics of performance.

A simple equation, $P = A \times M$, illustrates the elements of performance. In this equation, "P"

represents performance; "A," ability; and "M," motivation. Performance constitutes the effort directed toward achieving the department's goals. Ability may be subdivided into the components

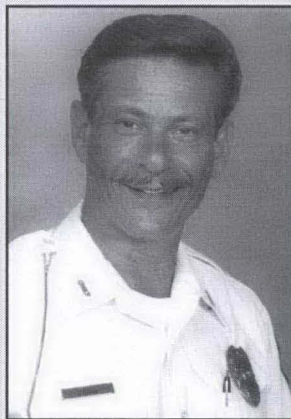
that affect it—experience and training. Motivation involves employees' willingness to expend effort to accomplish tasks. Accordingly, if employees lack either the ability or the will to complete their assigned tasks (A or M = 0), performance will suffer (P = 0).

Leaders can almost guarantee acceptable employee performance by employing a process known as PRICE.¹ The acronym PRICE stands for pinpoint, record, involve, coach, and evaluate.

First, the leader must *pinpoint* or determine the area of performance that needs attention. This might affect one or more employees. For example, business owners may complain to the department that officers are not enforcing parking regulations in their district. This may signal insufficient patrols in that area.

Next, the leader *records*, or quantifies and graphs, the current performance level of employees. In the case of deficient patrols, the chief would review patrol records to see how often officers checked this area. Graphing the results, if possible, helps to simplify and emphasize them.

Armed with this information, the leader *involves* employees by showing them the data. Together, they determine the best way for the department to achieve its goal of increased patrols. The officers also decide on a *coaching* strategy, that is, how their supervisor should monitor their progress and what rewards or punishments they should receive for success or failure. In this way, the officers make a firm commitment to accomplish the goals that they have set for themselves.



Chief Aragon heads the Whiteville, North Carolina, Police Department.

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Next, the leader implements the chosen coaching method by observing performance and providing advice, encouragement, and positive reinforcement whenever possible. Finally, the leader *evaluates* the employees' performance. If the officers have achieved their goals of increased patrols, effective parking enforcement, and satisfied citizens, the leader should reward them.

However, if performance did not attain the agreed upon level, the leader needs to determine the cause. The officers may need to re-define their goals. Or, they may need further assistance to achieve them. For example, an employee who *cannot* perform may require additional training or experience, while an employee who *will not* perform may require motivation.

Police leaders can easily control the amount of training employees receive. And, experience, of course, grows with time. However, leaders may find it difficult to motivate their employees. One highly effective system for developing motivation is Total Quality Management.

Total Quality Management

Total Quality Management is an invaluable leadership technique that assists in developing a positive, customer-oriented culture and a genuine level of employee commitment that pervades the entire work environment. TQM techniques result in employees' contributing to attain the department's objectives without a pushing or shoving style of leadership. The technique takes time to institute, but the rewards are well worth the effort.

TQM relies on the capabilities of both labor and management, working as a team, to continually improve quality and productivity.² Because TQM provides employees with opportunities for participation, problem solving, and teamwork, it creates a tremendous level of motivation within each employee. In fact, employees are more than motivated—they are *empowered*.

Empowerment

Empowerment is a force that energizes employees to perform. Empowered employees take a personal interest and responsibility in

setting and achieving the department's goals. Because they know they have a say in how tasks are accomplished, they feel a sense of pride and ownership in their work.³ In addition, empowered employees improve the overall performance of the agency, which results in higher levels of morale. Developing empowered employees is a key element in the formulation of a positive departmental culture, and today's leaders should be skilled in it.

Empowerment Techniques

Leaders can empower employees by applying four basic, yet highly effective, principles. To begin, leaders should strive to maintain employees' self-esteem. To accomplish this, leaders should let employees know that they are important to the organization and *sincerely* praise them for good performance. A simple "good job" can go a long way with subordinates.

In addition, leaders should *actively* listen to their employees and respond with empathy. Active listening involves rephrasing and restating the employees' concerns back to them. This technique will ensure not only that leaders fully understand their employees' concerns but also that employees *feel* understood.

Employees are also empowered when leaders ask for their assistance in solving department/community problems. Employees feel committed to the department when leaders include them in the decisionmaking process. Therefore, leaders should seek input from employees by either approaching individuals directly or by forming employee groups, such as advisory councils.

Further, empowered employees welcome responsibility. For example, they might be put in charge of a new community project, asked to head a task force, or assigned a department problem in need of a solution. However, they may need assistance in carrying out these additional duties. And, while leaders should offer employees help in completing tasks, they should be careful not to take over these projects.⁴

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...leaders should implement strategies that allow all employees to assume more responsibility...in their normal working environment.
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These four techniques increase employee commitment to the organization, as they begin to realize that they will help decide how the agency will achieve its goals. Leaders who strive to apply these principles will discover that empowered employees generate their own praise and rewards, a phenomenon known as self-motivation.

Self-Motivation

Employees who become genuinely committed to their work and the department's goals reach a high level of readiness—that is, a high state of ability and motivation. Their pride in their work, feelings of self-worth, and morale are self-

maintained, and they do not require continual praise and rewards from their leaders. Leaders must respond to these employees by delegating greater responsibility to them.

Furthermore, leaders should implement strategies that allow *all* employees to assume more responsibility and/or authority for decisionmaking in their normal working environment. To do this, leaders can focus attention on employees who possess demonstrated, but untapped, ability. These may be employees who have proven themselves in the past, or merely those who show the potential to accept responsibility. Even employees who seem to shy away from responsibility may only need a few words of encouragement to accept a leadership position and perform admirably in it.

Monitoring Progress

Police administrators cannot simply implement leadership strategies and hope for the best. They also need to monitor the effects of these techniques. An effective method, and a hallmark of the TQM approach, involves implementing teams of employees called department advisory councils, process action teams, or quality circles. These teams continually analyze all facets of the agency's efficiency and effectiveness.

Each major division within a department should establish a quality circle (QC) of line employees. While a small department might have one QC with 3 to 5 members, a large department might have several, each with 7 to 10 members. More important, the number of employees should reflect

a cross-section of the department itself. For example, a QC with six members might include two mid-level managers, two line officers, and two civilian employees.

A trained facilitator—a leader from the division with no voting rights—should attend the meetings to assist the group. The facilitator keeps the group focused on the issues and helps to ensure objective and complete discussions. Because the facilitator may be the key to a successful QC, the chief may want to act in that capacity.

Department employees choose the issues they wish to discuss. For example, the officers might want to change their uniforms or adjust their workhours. Once the QC researches and narrows the issue, all department employees vote. QC members tally the votes and report the outcome to the chief.

The chief may not decide every issue. Departments should determine what majority of the vote an issue must obtain in order for the chief to act on it. That may be a simple majority of 51 percent or a clear mandate of, for example, 75 percent. In addition, the chief may not have the authority to approve issues that are budgetary, legal, or politically sensitive in nature. In this case, the city's governing body would have to make the final decision.

And, while the chief has the power to reject the QC's recommendation, approving it greatly enhances the integrity of the group and the process itself. In this way, the QC ensures that the entire organization operates on a system of checks and balances.⁵

Conclusion

Police leaders may erroneously believe that all is well when their departments appear stable and free of internal problems. As a result, they may be surprised to find their positions in jeopardy due to a negative vote of confidence from their employees, their superiors, the community, or a combination of these. Those leaders that opt for a "watchman"—or reactive—style of leadership are not being sensitive to the needs of a department's internal or external environment.

Today's modern law enforcement leaders must be proactive and develop an organizational culture that creates genuinely committed employees who enthusiastically contribute to achieving the department's goals. While developing a positive culture can be an arduous task that involves implementing numerous techniques, the entire agency benefits. By adopting the leadership strategies outlined in this article, police leaders can develop an organizational culture comprised of truly dedicated employees who are capable of positively satisfying the citizens they serve. ♦

Endnotes

¹ K. Blanchard and K. Lorber, *Putting the One Minute Manager to Work* (New York, New York: Berkley Publishing Group, 1984), 58.

² J.R. Jablonski, *Implementing TQM* (San Diego, California: Pfeiffer & Co., 1992), 21.

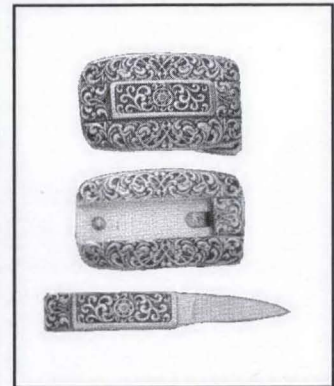
³ *Ibid.*, 84.

⁴ W.C. Byham and J. Cox, *Zapp! The Lightning of Empowerment* (New York, New York: Ballantine Books, 1988), 90.

⁵ *Supra* note 2, 90.

Unusual Weapon

Buckle Knife



This brass belt buckle quickly converts into a weapon. The blade measures 1 3/4 inches in length and is completely concealable within the buckle housing. Unlike other buckle knives, the buckle stays in place—only the knife clicks free, making the weapon especially dangerous to law enforcement and corrections personnel. The belt buckleknife is available through mail order catalogues and comes with a set of four changeable blades. ♦

Submitted by Neil B. Hammermann, Daly City, California, Police Department (ret).

Book Review

Mental Disorder and Crime edited by Sheilagh Hodgins, Sage Publications, Newbury Park, California, 1993, (805) 499-0721.

For years, social and behavioral scientists claimed that no relationship exists between mental disorder and violence. This view has always been contrary to the opinions of many law enforcement professionals and the general public.

However, in recent years, new evidence has caused many of these researchers to reconsider their positions. In fact, Dr. John Monahan—a leading scholar in the field—now acknowledges a relationship between mental health disorder and violence, and he concedes that previous conclusions to the contrary may have been “premature” and even inaccurate. This book provides an excellent overview of the evidence that changed many researchers’ views.

Mental Disorder and Crime is an edited text resulting from an Advanced Study Institute on Crime and Mental Disorder. Some of the foremost scholars in this area are represented, which alone makes the book worth reading. The quality of each chapter is indeed consistent with the reputation of the author, making this a valuable contribution to the literature.

The book is divided into three sections. The first reviews recent research on the association between mental disorder and criminal activity. It begins with a chapter by the editor that describes the rates of criminality and violence among a large group of individuals in Sweden. Other chapters in this section cover followup studies on the Dangerous Behavior Rating Scheme (DBRS), present preliminary data on the MacArthur Foundation Research Network on Mental Health and Law, discuss patterns of criminality in schizophrenics, compare rates of violence among mentally disordered and nondisordered inmates, and provide a

comprehensive, but concise, review of psychopathy.

The book’s second section focuses on risk factors for violent behavior. Chapters discuss such developmental factors as hyperactivity, inattentiveness, and impulsivity in early childhood, outline two types of delinquency, and show how conduct disorder in childhood relates to antisocial symptoms, substance abuse, psychosis, depression, and anxiety in adulthood. Other chapters discuss the

roles of neurochemical factors (including serotonin), minor brain damage from perinatal complications, and the role of substance abuse.

Despite mounting evidence, researchers remain concerned that these new conclusions might increase the stigma or public fear surrounding mental illness. In response, authors in the final section report how the recent research has changed opinions regard-

ing the relationship between mental disorder and violence and discuss some potential implications for policy and intervention.

Although *Mental Disorder and Crime* is directed more toward researchers and behavioral scientists than law enforcement officials, most of the chapters are organized and presented so clearly that readers need no specialized training to understand the concepts presented. Overall, this is an exceptional book that provides comprehensive coverage and presents “state-of-the-art” information from the foremost writers in the field. For anyone in the criminal justice field, it is well worth reading.

Reviewed by
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The Family and Medical Leave Act of 1993

By
JEFFREY HIGGINBOTHAM, J.D.

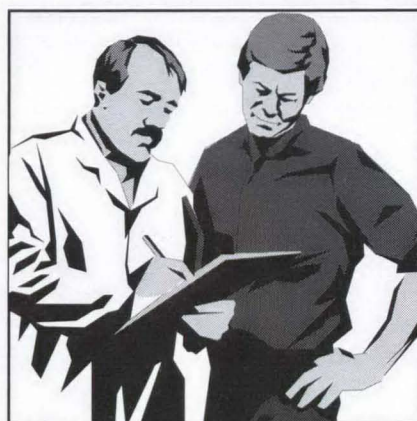
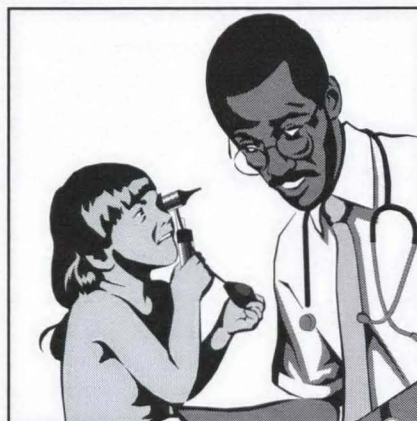
Recently, Congress enacted and the President signed a new Federal statute—the Family and Medical Leave Act of 1993 (FMLA). The act may require law enforcement administrators to modify certain departmental leave practices.

This article provides an overview of the FMLA, followed by a more thorough analysis of its requirements and the potential impact on law enforcement agencies. It also sets forth a sample policy to guide agencies in light of the FMLA.¹

Overview

The FMLA became effective on August 5, 1993,² and applies to all public employers, regardless of the size of the agency.³ Under the FMLA, persons who have worked for their employer a total of 12 months and at least 1,250 hours during the year preceding the start of any qualifying leave are entitled to take up to 12 weeks' leave in a 12-month period⁴ for:

- 1) Care of a newborn child
- 2) Adoption of a child or placement of a child in the employee's foster care
- 3) Care of a son, daughter, spouse, or parent who has a serious health condition, or
- 4) A serious health condition that makes the employee



unable to perform the functions of the job.⁵

While the employee is on leave, the employer is obligated to "maintain coverage under any 'group health plan'...for the duration of such leave at the level and under the conditions coverage would have been provided..." if the employee had not gone on leave.⁶ On return to work from FMLA leave, the employee is to be restored to the position held when the leave began or to an "equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment."⁷ Employers who violate the FMLA are liable in damages for any wages, salary, employment benefits, or other compensation denied or lost, or for any actual monetary loss sustained by the employee where leave was denied, up to an amount equal to 12 weeks of the employee's salary or wages.⁸

IMPACT ON LAW ENFORCEMENT AGENCIES

Childbirth, Adoption, Foster-Care Issues

Eligible employees are entitled to take leave upon the birth of a child, the adoption of a child, or the placement of a child with the employee for foster care. Any such leave must be taken within the first 12 months⁹ and can be taken intermittently only if the employer permits.¹⁰ If both husband and wife work for the same employer, they are entitled to take a combined 12 weeks of leave for the birth, adoption, or foster-care placement of a child.¹¹

Care for Family Members

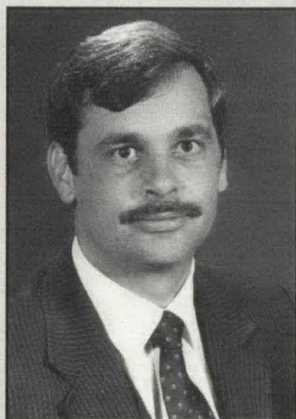
Under the FMLA, an employee is entitled to take up to 12 weeks of leave to provide care for a spouse, son, daughter, or parent¹² who has a serious health condition. Child care

leave is available to care for a child with a serious health condition who is under the age of 18 or, if older, is "incapable of self care because of physical or mental disability."¹³

The law does not require leave be made available to care for family members with routine illnesses or short-term ailments that would normally be covered by the employer's sick leave or personal leave policies. Family care leave under the FMLA is available only for serious health conditions involving (a) "inpatient care in a hospital, hospice or residential medical care facility,"¹⁴ or (b) continuing treatment by a health care provider.¹⁵

Where inpatient treatment is not required, the family member must have been absent from work, school, or normal activities for more than 3 days and have received treatment from or under the direction or supervision of a health care provider or practitioner on two or more occasions.¹⁶ Medical treatment received on a voluntary basis or for cosmetic purposes that are not medically necessary is excluded from the coverage, unless inpatient care is required.¹⁷ Thus, orthodontic care, treatment for acne, outpatient cosmetic surgery, or minor illness not involving medical treatment are not covered. Examples of conditions for which family leave would be available include heart attacks, strokes, pneumonia, severe arthritis, prenatal care, stress, and substance abuse treatment.¹⁸

An employer who receives an employee's request for leave to care for a family member may require the employee to provide



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“ Police administrators...should carefully review departmental leave policies to ensure they comply with the four primary requirements of the FMLA. ”

certification from a health care provider that the employee is needed to provide care, physical assistance, or psychological support. To be eligible for family care leave, the assistance to the family member must be provided by the employee, not by a nurse, nursing home, or personal aide.¹⁹

An employee who is needed to care for a family member with a serious health condition and who provides the requested medical certification may take the leave on an intermittent or reduced work schedule basis when medically necessary.²⁰ That is, the employee may need FMLA leave for only a few days or hours in a given workweek or can work part-time.

Where intermittent leave for planned medical treatment is needed, the employee must attempt to schedule it so as not to disrupt the employer's operations.²¹ Where the employee holds a position that does not accommodate a reduced work schedule or irregular attendance, the employer may require the employee to transfer to an alternative position, with equal pay and benefits, that better accommodates the recurring leave.²²

Leave for Self-Care

The FMLA also permits a covered employee to take leave to provide self-care, when the employee is unable to perform the functions of the job. Like the rules regarding family care leave, the employee must suffer a serious health condition that requires inpatient treatment or absence of work for more than 3 days and treatment by or under the supervision or direction of a health

care provider or practitioner on two or more occasions.

An employee taking leave for self-care, who has a medical need for intermittent leave, must also try to schedule it to reduce disruption to the employer's operations and may be reassigned to an equivalently paid position that better accommodates the need for recurring leave. The employee may also be required to provide a health care provider's

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The FMLA also permits a covered employee to take leave to provide self-care, when the employee is unable to perform the functions of the job.
”

certification of the need for the self-care leave, including a statement that based on a review of the employee's essential functions, the employee is unable to perform the job.²³ An employee who has taken leave for a serious health condition may also be required, as a condition of returning to work, to provide a medical fitness-for-duty report.²⁴

Paid or Unpaid Leave Issues

The 12 weeks of leave provided under the FMLA need *not* be paid leave. Where an employer provides less than 12 weeks of paid leave per year, the leave beyond the period of paid leave may be required to be taken without pay.²⁵ However,

absent an employer's policy concerning use of paid leave, an employee may take unpaid leave or use available paid leave, or any combination of paid and unpaid leave. On the other hand, an employer may require the employee to exhaust available paid leave before resorting to unpaid FMLA leave.

If the leave is necessary to care for a newborn, adopted, or foster-care child, or because of the serious health condition of a family member, an employee may elect, or an employer may require the employee, to substitute any accrued paid vacation, personal, or family leave before unpaid leave is taken under the FMLA.²⁶ If the leave is occasioned by the serious health condition of a family member or the employee's own illness or condition, the employee may elect, or the employer may require, substitution of accrued paid vacation, personal, family, or sick leave before unpaid leave is taken.²⁷

Law enforcement administrators should carefully consider their prerogatives under this section of the FMLA. Unless the employer decides as a matter of policy that accrued paid leave must be used before unpaid FMLA leave, an employee would be entitled to take available accrued paid leave, *in addition* to the 12 weeks' leave available under the FMLA.²⁸

If an agency decides that it is the better practice to substitute accrued paid leave for unpaid FMLA leave, it must determine that the reason leave is requested qualifies under the FMLA and notify the employee of the substitution requirement at the time the employee requests

leave.²⁹ To ensure this practice functions smoothly, departments could require employees to indicate the general reason for leave whenever it is requested.³⁰

Job and Benefit Protections

The FMLA provides two major job and benefit protections. First, an employee who returns from FMLA leave is entitled to be restored to the position held at the time of the leave or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.³¹

Job restoration rights do not guarantee that the employee will return to the old position, although normally that should occur if the position remains available and the employee continues to meet the job qualifications.³² If the position is no longer available, the employee is to be placed in a position with the same pay, benefits, and working conditions. If the employee held a position for which pay premiums were earned (e.g., shift differential pay) or that regularly entailed overtime work and pay, the employee is entitled to a like position upon return to work.³³

The position must also "involve the same or substantially similar duties and responsibilities, which must entail substantially equivalent skill, effort, responsibility, and authority."³⁴ In addition, the employee is entitled to receive any unconditional pay raises, such as cost of living adjustments, that occurred during the period of leave.

Second, unless waived by the employee, the employer is obligated to maintain the employee's insurance coverage under any "group

health plan" during the period of leave at the same level of coverage and under the same conditions that existed prior to the leave.³⁵ An employee on unpaid FMLA leave may be required to pay the employee's share of the health insurance premiums, including any increase or decrease in the premiums that occurs during the period of leave.³⁶

“

The FMLA...applies to all public employers, regardless of the size of the agency.

”

Agencies that require employee contributions for health insurance coverage must devise a system for ensuring the employee's share of the premium is paid and must provide the employee with advance written notice of the terms and conditions under which the payments must be made. Only health coverage is required to be maintained; life insurance and other benefits need not be continued, although upon return to duty, the employee is entitled to resume receipt of those additional benefits without having to wait for "open season" enrollment periods.³⁷

An employee who was on unpaid FMLA leave and who does not return to work for at least 30 days at the expiration of that leave is liable for the employer's share of health insurance premiums and any part of the employee's share that was paid

by the employer.³⁸ However, an employee who does not return to work because of the "continuation, recurrence, or onset of a serious health condition which would entitle the employee to leave under FMLA" or for circumstances beyond the employee's control, cannot be held liable for the insurance premiums.³⁹ Where recovery of premiums is permitted, the employer is entitled to set off the amount against any final pay or monetary benefit to which the employee would otherwise be entitled.

CONCLUSION

Law enforcement administrators must remain alert to changes in the law that affect the personnel practices of their agencies. Police administrators with responsibility for personnel management should carefully review departmental leave policies to ensure they comply with the four primary requirements of the FMLA.

First, leave policies must permit leave to care for a child upon birth, adoption, or placement in foster care; to care for a son, daughter, spouse, or parent with a serious health condition; and to provide self-care when the employee is not able to perform the essential functions of the job. Second, leave policies should specify whether the employee will be permitted or required to substitute accrued paid leave available under existing leave policies for unpaid leave under the FMLA. Third, policies must be implemented to ensure that employees returning to duty are restored to their old or an equivalent position. Fourth, health insurance coverage should be examined to ensure

Sample FMLA Policy

1. General Purpose—This policy establishes the rights and obligations of this department and its employees with respect to leave necessary for the medical care of employees and their families.
2. Qualification for Leave—Employees must have been employed for at least 12 months and have worked at least 1,250 hours in the year preceding the date the employees seek to start the leave.
3. Available Leave—Eligible employees are entitled to take up to 12 weeks' leave during the 12 months [select one: of the calendar year; of the fiscal year; of the leave year; beginning _____ and ending _____; measured forward beginning on the date qualifying leave is first taken; or measured backward from the date qualifying leave is last used] for the following purposes:
 - a. Child Care—Leave may be taken because of the birth, adoption, or foster-care placement of a child in order to care for the child.
 - (1) Child care leave must be concluded within 12 months from the date of the birth, adoption or foster-care placement.
 - (2) Child care leave [select one: may; may not] be taken intermittently.
 - (3) Parents who are both employees of this department and who are eligible to take leave are entitled to take a combined 12 weeks of leave for child care purposes under this paragraph.
 - (4) Employees who anticipate taking leave under this paragraph are required to provide notice of their intent at least 30 days prior to the date leave is anticipated to begin, or such notice as is practicable if leave becomes necessary before such 30-day notice may be given.
 - b. Family Care—Leave may be taken to care for a son, daughter, spouse, or parent who has a serious health condition.
 - (1) A serious health condition is one: (a) which requires inpatient treatment, or (b) which causes an absence from work, school, or normal activities for more than 3 days and requires treatment by or under the direction or supervision of a health care provider on two or more occasions.
 - c. Self-Care—Leave may be taken when the employee is unable to perform the essential functions of the position that the employee holds.
 - (1) Employees seeking leave for self-care must have a serious health condition, as defined by paragraph 3b(1), above.
 - (2) Employees requesting leave under this paragraph must provide a certification from a health care provider containing the date the serious health condition commenced, the
- (2) Employees requesting leave under this paragraph must present a certification from a health care provider containing the date on which the serious health condition commenced, the probable duration of the condition, the appropriate medical facts regarding the condition, a statement that the employee is needed to care for the family member, and an estimate of the amount of time such care will be required.
- (3) Employees taking leave under this paragraph may take the leave intermittently [select if desired: upon production of a health care provider's certification that the intermittent leave is necessary for or will assist the care of the family member and that provides the dates and duration any treatment and leave is expected]. Employees using leave on an intermittent basis must try to schedule the leave to minimize disruption to normal operations. An employee may be reassigned to an alternative position, with equivalent pay and benefits, that better accommodates the recurring periods of leave.
- (4) Employees who anticipate taking leave under this paragraph are required to provide notice of their intent at least 30 days prior to the date leave is anticipated to begin, or such notice as is practicable if leave becomes necessary before such 30-day notice may be given.

probable duration of the condition, the appropriate medical facts regarding the condition, and a statement that the employee is unable to perform the essential functions of the position. Employees seeking the certification must provide the health care provider with [select one: the department's written job description and/or list of essential functions of the position; a verbal description of the essential functions performed by the employee].

- (3) Employees taking leave under this paragraph may take the leave intermittently [select if desired: upon production of a health care provider's certification that the intermittent leave is medically necessary and the expected duration of the leave]. Employees who elect to use the available leave on an intermittent basis must try to schedule the leave to minimize disruption to normal operations. An employee may be reassigned to an alternative position with equivalent pay and benefits that better accommodates the recurring periods of leave.
 - (4) Employees who anticipate taking leave under this paragraph are required to provide notice of their intent at least 30 days prior to the date leave is anticipated to begin, or such notice as is practicable if leave becomes necessary before such 30-day notice may be given.
- d. Failure to Provide Required Certifications— Failure to provide the certifications required under this paragraph may result in denial of the leave or the request for leave on an intermittent basis.
4. Use of Accrued Paid Leave—Eligible employees [select one: will; will not] be required to use accrued paid leave before unpaid leave is taken.
 - a. Child or Family Care—Employees taking leave upon the birth, adoption, or placement of a foster child under paragraph 3a, above, or for the care of a son, daughter, spouse, or parent under paragraph 3b, above, [select one: must use accrued; may elect to use accrued] vacation, personal, or family leave (if applicable) prior to taking unpaid leave.
 - b. Self-Care—Employees unable to perform the essential functions of their job and who take leave under paragraph 3c, above, [select one: must use accrued, may elect to use accrued] vacation, personal, and sick leave prior to taking unpaid leave.
 5. Benefits While on Leave—During any period of leave under this policy, an employee's group health insurance coverage will be maintained at the same level and under the same conditions as before the leave began.
 - a. Employees who normally make a contribution toward their health insurance coverage must continue to do so. If on paid leave, the employee's contribution will be collected in the same manner as if the employee were reporting to work. During periods of unpaid leave, the employee must arrange with the payroll office, prior to commencement of the leave, for payment of the employee's share of the premium.
 - b. An employee who does not return to duty from unpaid leave under this policy for at least 30 calendar days will be liable for the department's group health insurance premium contribution and any part of the employee's share paid by the department, unless the failure to return to duty is caused by continuation, recurrence, or onset of a serious health condition that would entitle the employee to leave under this policy or for circumstances beyond the employee's control. Where recovery of premiums is permitted, the department shall be entitled to set off the amount against any final pay or monetary benefit to which the employee would otherwise be entitled.
 - c. Employees [select one: will; will not] accrue other benefits while in an unpaid leave status, including seniority rights.
 6. Return to Duty—Upon return to duty, an employee is entitled to restoration to the former position or an equivalent position with equivalent pay and benefits.
 - a. An employee who has taken leave for self-care under paragraph 3c, above, will be required to present a certification of fitness for duty from a health care provider prior to commencement of work. Failure to provide the certification may cause denial of reinstatement.

mechanisms exist to continue coverage at the same levels and under the same conditions as if the employee were not on leave. Administrators should conduct this review of their leave practices now so as to be prepared when employees request the leave to which they are entitled under the FMLA. ♦

Endnotes

¹ Similar legislation already exists in several States and is not preempted unless the State law conflicts with the Federal law. State laws that grant employees greater rights or protections must be followed.

² P.L. 103-3, Section 405. For agencies operating under a collective bargaining agreement on that date, the effective date is delayed until expiration of the agreement or February 5, 1994, whichever is earlier.

³ P.L. 103-3(4)(A)(iii); 29 C.F.R. §815.108. There must, however, be at least 50 employees of the employing municipality working within a 75-mile radius before an employee is eligible for FMLA leave. *Id.* Title I of the FMLA applies to State and local governments. Title II contains similar provisions, which apply to the Federal Government.

⁴ P.L. 103-3, Section 101(2). An employer is permitted to designate the 12-month period in which the leave may be taken. An employer may elect the regular calendar year, a fiscal year, a leave year, any fixed 12-month period, a rolling 12-month period forward from the date leave is first used, or a rolling 12-month period measured backward from the date leave was last used. 29 C.F.R. §825.200. Choosing one of the first four options permits the employee to "stack" leave by taking 12 weeks at the end of the year and an additional 12 weeks at the beginning of the next 12-month period.

⁵ P.L. 103-3, Section 102(a).

⁶ P.L. 103-3, Section 104(c).

⁷ P.L. 103-3, Section 104(a).

⁸ P.L. 103-3, Section 107(1)(A). In addition, if the employer acted in bad faith and caused the loss of wages or salary, the FMLA contains a liquidated damages provision that doubles the amount otherwise payable. P.L. 103-3, Section 107(a)(1)(A)(iii).

⁹ 29 C.F.R. §825.201. Leave related to pregnancy or prenatal care is included but is generally taken under the self-care provisions of the FMLA. *See*, 29 C.F.R. §825.114.

¹⁰ 29 C.F.R. §825.203.

¹¹ P.L. 103-3, Section 102(f); 29 C.F.R. §825.202. Where combined leave is taken, the employee is entitled to take the remainder of the 12 weeks for other FMLA purposes. For example, if a husband and wife working for the same employer both took 6 weeks of leave to care for a newborn child, each would be eligible to take 6 weeks' additional leave to care for other family members or for self-care. *Id.*

¹² The parent-child relationship may be biological, by reason of adoption or foster care, guardianship, or because of "day-to-day responsibilities to care for and financially support a child." 29 C.F.R. §825.113. More distantly related persons and parents-in-law are not covered. *Id.* Common-law marriages, if recognized under State law, are sufficient to establish a spousal relationship; however, unmarried domestic partners do not qualify for leave to care for their partner. *Id.*

¹³ P.L. 103-3, Section 101(12).

¹⁴ P.L. 103-3, Section 101(11)(A); 29 C.F.R. §825.114.

¹⁵ P.L. 103-3, Section 101(11)(B).

¹⁶ 29 C.F.R. §815.114. The regulations also include conditions that, if left untreated, would result in the absence from normal activities for more than 3 days.

¹⁷ *Id.*

¹⁸ 29 C.F.R. §825.114.

¹⁹ 29 C.F.R. §825.116.

²⁰ P.L. 103-3, Section 102(b).

²¹ 29 C.F.R. §825.118. The FMLA also imposes a duty on employees intending to use FMLA leave to provide the employer with at least 30 days' notice, or such notice as practicable, when the use of the leave is foreseeable. P.L. 103-3, Section 102(e).

²² P.L. 103-3, Section 102(b)(2).

²³ 29 C.F.R. §825.306. Where the employer questions the adequacy of the medical certification, it may require the employee to be examined by an independent health care provider, at the employer's expense. If the two medical opinions conflict, an examination by a third health care provider, mutually agreed upon by the employer and employee, may be required. The expense of the third examination is to be borne by the employer and the opinion shall be binding. 29 C.F.R. §825.307.

²⁴ P.L. 103-3, Section 104(a)(4); 29 C.F.R. §825.310. Such a requirement must be pursuant to a uniform policy, and the employee must have been put on notice that the employer would require the fitness-for-duty certification. The act imposes other notification requirements on the employer, including a requirement that a

description of rights and obligations under the FMLA be included in any written leave and benefit materials normally provided employees or provided in writing at the time the employee requests or gives notice of the need for FMLA leave.

²⁵ P.L. 103-3, Section 102(c).

²⁶ P.L. 103-3, Section 101(d)(2)(A).

²⁷ P.L. 103-3, Section 101(d)(2)(B).

However, the FMLA does not require an employer to provide paid sick leave when it would not otherwise be available. If paid sick leave cannot be used to care for other persons' illnesses under existing employment practices, the FMLA does not require a change to that practice. 29 C.F.R. §825.207.

²⁸ The accrued paid leave must be used in accordance with the employer's policy governing its use. *See*, note 27, *supra*. If the accrued paid leave is taken for purposes other than child, family, or self-care, the employee is entitled to up to 12 weeks' additional leave for those purposes under the FMLA. 29 C.F.R. §825.207.

²⁹ 29 C.F.R. §825.208.

³⁰ 29 C.F.R. §825.208 provides that "...[a]n employee requesting unpaid FMLA leave must explain the reasons for the needed leave so as to allow the employer to determine that the leave qualifies under the Act...In any circumstance where the employer does not have sufficient information about the reason for an employee's use of paid leave, the employer should inquire further to ascertain whether the paid leave is potentially FMLA-qualifying."

³¹ P.L. 103-3, Section 104(a).

³² 29 C.F.R. §825.214. If the employee's job qualifications, e.g., a licensing requirement, lapse during the period of leave, the employee must be "given a reasonable opportunity to fulfill those conditions upon return to work." 29 C.F.R. §825.215.

³³ 29 C.F.R. §825.215.

³⁴ 29 C.F.R. §825.215(a).

³⁵ P.L. 103-3, Section 104(c).

³⁶ 29 C.F.R. §825.209.

³⁷ *Id.*

³⁸ 29 C.F.R. §§825.213 and 825.212(b).

³⁹ P.L. 103-3, Section 104(c)(2); 29 C.F.R. §825.213.

Law enforcement officers of other than Federal jurisdiction who are interested in this article should consult their legal advisor. Some police procedures ruled permissible under Federal constitutional law are of questionable legality under State law or are not permitted at all.

Bulletin Reports

Police Body Armor

The 7th edition of the Consumer Product List (CPL) on police body armor, issued by the National Institute of Justice (NIJ) Technology Assessment Program, is now available. The body armor models listed comply with the requirements of NIJ's standard on ballistic resistance and meet the minimum performance requirements critical for police protection.

The CPL contains a listing of manufacturers who participate in the body armor compliance program. To comply with the NIJ standard, an armor model must meet workmanship and labeling requirements and the penetration and deformation requirements when tested in both wet and dry conditions.

Other publications available from the Technology Assessment Program include the *Selection and Application Guide to Police Body Armor: NIJ Guide 100-87*, *Model Body Armor Procurement Package*, and *Body Armor User Guide*.

To obtain additional information or copies of these publications, call or write the Technology Assessment Program Information Center, Box 6000, Rockville, MD 20850, 1-800-248-2742 or 1-301-251-5060.

Spanish Reference Manual

"The Complete Spanish Field Reference Manual for Public Safety Professionals," authored by an Oregon State trooper, promotes effective communication with Spanish-speaking individuals and is designed to improve officer safety, communication, and survival. It is a concise, easy-to-use resource that incorporates many often-used phrases by law enforcement. The translations are in the most common dialect in order to communicate with the largest number of Spanish-speaking people possible.

The manual is indexed according to the numerous circumstances in which a law enforcement officer would encounter a Spanish-speaking person. It also provides victim assistance information, a drug glossary, and street slangs and idioms. Words and phrases appear first in English, then in Spanish, followed by the pronunciation. The emphasized syllable is capitalized and in bold print.

The manual is available from The Constable Group, Inc., P.O. Box 6415, Bend, OR 97708-6415. The telephone number is 1-800-776-1950 or 1-503-385-0150.

The Bulletin Reports, a collection of criminal justice studies, reports, and project findings, is written by Kathy Sulewski. Send your material for consideration to: *FBI Law Enforcement Bulletin*, Room 7262, 10th & Pennsylvania Ave., NW., Washington, DC 20535.

(NOTE: The material presented in this section is intended to be strictly an information source and should not be considered as an endorsement by the FBI for any product or service.)

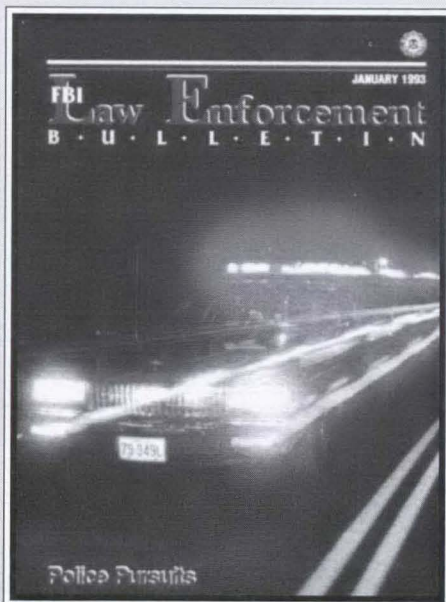
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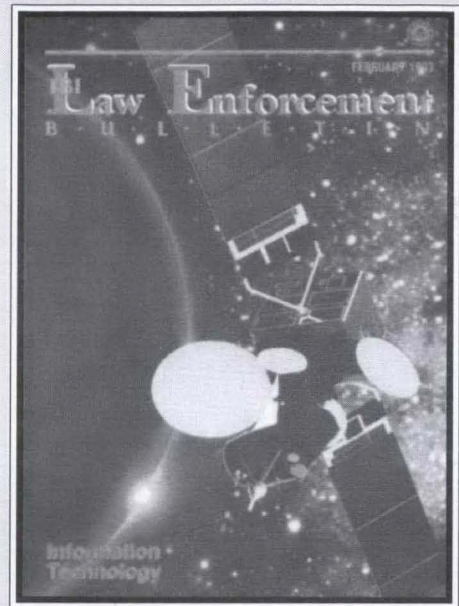
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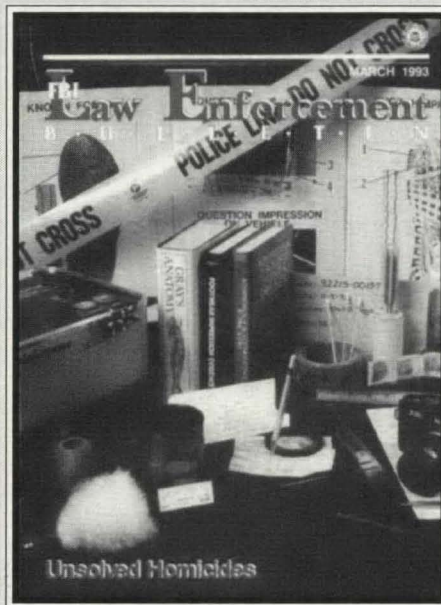
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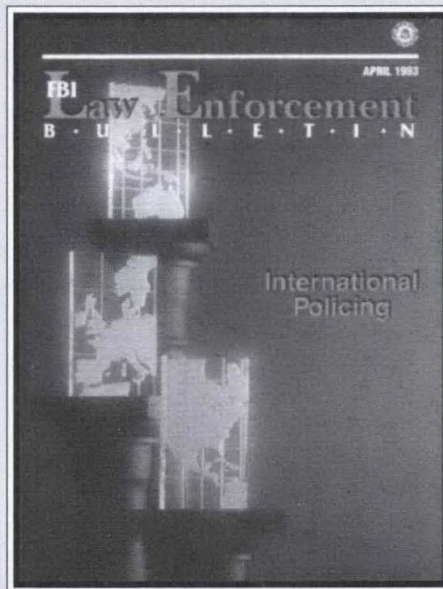
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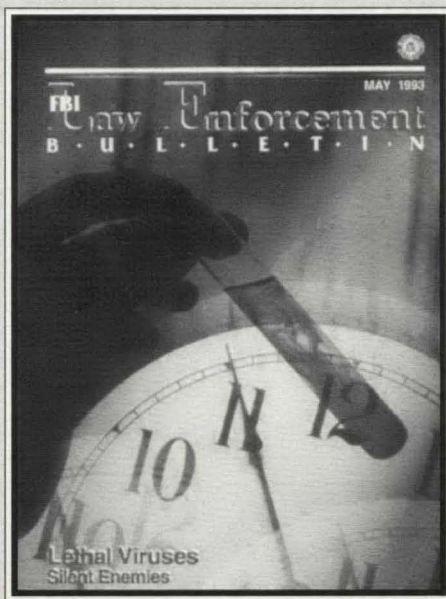
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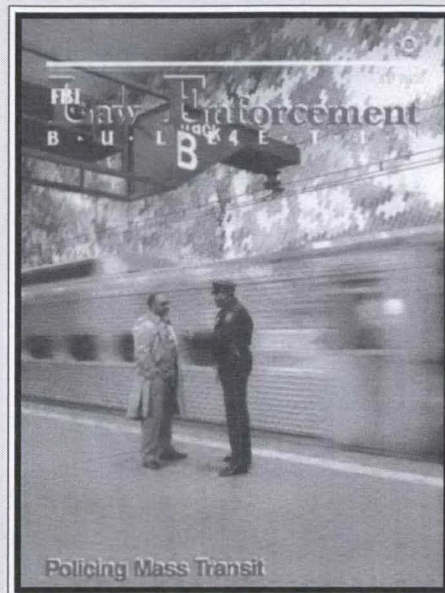
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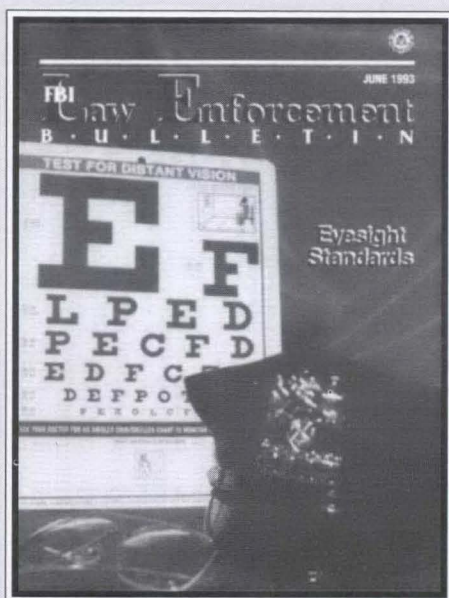
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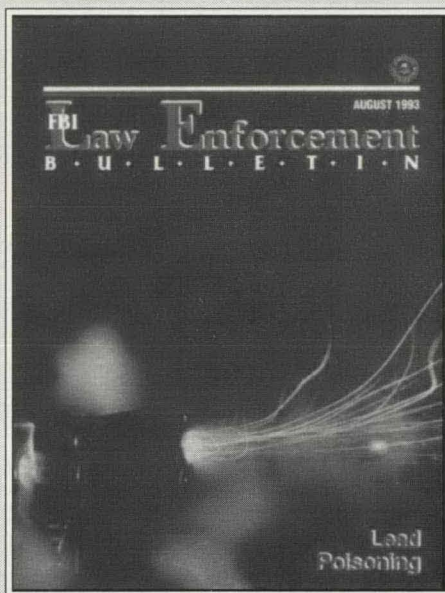
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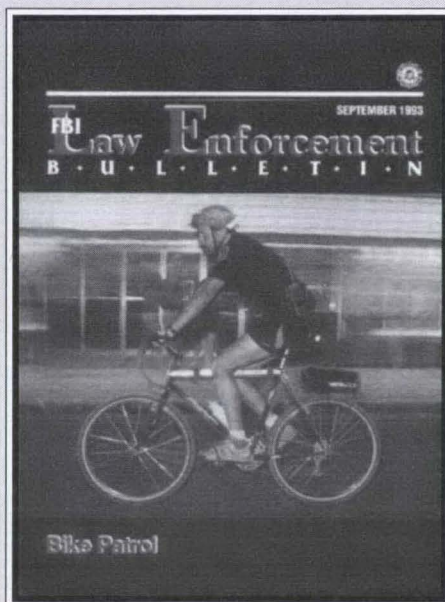
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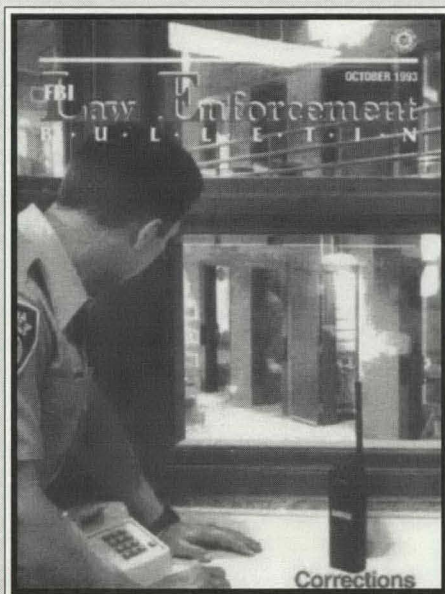
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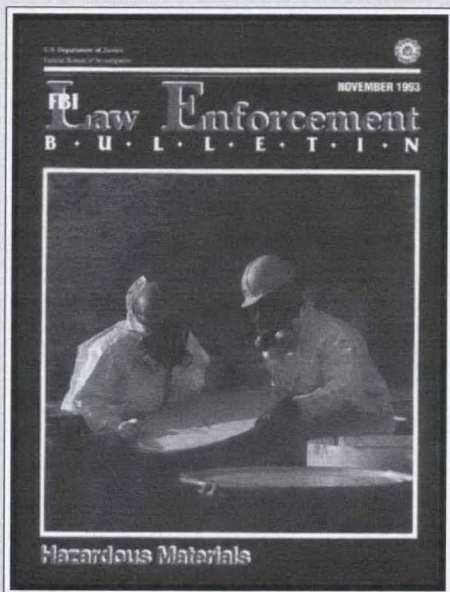
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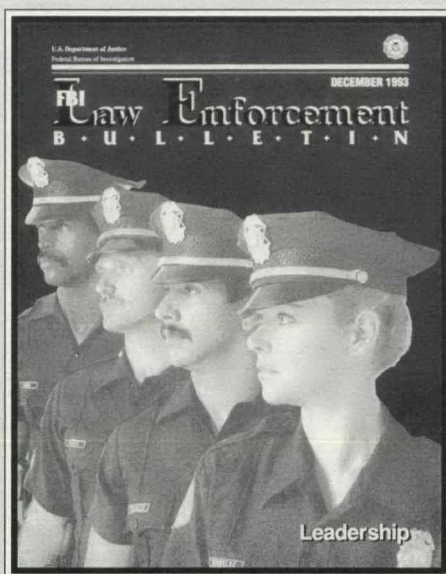
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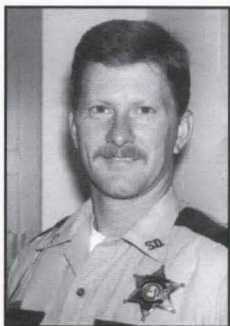
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The Bulletin Notes

Law enforcement officers are challenged daily in the performance of their duties; they face each challenge freely and unselfishly while answering the call to duty. In certain instances, their actions warrant special attention from their respective departments. The *Bulletin* also wants to recognize their exemplary service to the law enforcement profession.



Deputy Lassing

When Deputy Dennis Lassing of the Jefferson County, Missouri, Sheriff's Department responded to a communications dispatch to a residence, he did not know what to expect. The communications operator was unable to obtain information from the 911 caller before the phone went dead. It was later learned that an intruder, armed with a handgun, had pulled the phone line from the wall as the woman was calling to report the break-in. The intruder, who was the woman's ex-husband, subsequently found a shotgun in an upstairs bedroom and was about to strike the victim with it when Deputy Lassing knocked on the front door. After forcing the woman downstairs, the armed offender continued to threaten her by hiding behind the door as she answered it. However, the woman was able to alert the deputy, who slammed open the door, pinning the suspect behind it. Deputy Lassing then disarmed and handcuffed the suspect, resolving a potentially deadly situation.



Patrolman Wyckoff



Firefighter Wallace

Patrolman John C. Wyckoff of the Oneonta, New York, Police Department and Firefighter Barry Wallace of the Oneonta Fire Department rescued two individuals whose canoes had capsized in the rain-swollen waters of a local river. The man and woman had been in the icy water for nearly an hour when the two rescuers paddled a canoe toward them through the strong, debris-strewn current. When the woman slipped from a tree she had climbed, Patrolman Wyckoff plunged into the water, pulled her from the current, and with the assistance of Firefighter Wallace, placed her into the canoe. The two then assisted the male victim into the canoe and paddled to a safe location to await the arrival of a power rescue boat. Patrolman Wyckoff again entered the water to steady the boats as the victims were transferred. Both victims were then transported to an area hospital for treatment.

Nominations for the *Bulletin Notes* should be based on either the rescue of one or more citizens or arrest(s) made at unusual risk to an officer's safety. Submissions should include a short writeup (maximum of 250 words), a separate photograph of each nominee, and a letter from the department's ranking officer endorsing the nomination. Submissions should be sent to the Editor, *FBI Law Enforcement Bulletin*, Room 7262, 10th and Pennsylvania Ave., NW, Washington, DC 20535.

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