

LEGISLATIVE

#120312B



Human Resources Policies

Number L-4

Replaces Policy 9

Designated Leave System (Sick/Vacation – Old System)

VACATION OR ANNUAL LEAVE

I. Annual Leave:

The basic annual leave policy of the City is to grant leave time for each year of continuous employment.

The recognized length of service, employees with five (5) years or more of continuous service, shall be granted additional annual leave time (see paragraph IV).

II. Eligibility:

All- regular and probationary full-time employees hired prior to 10/01/00, and who have not elected Paid Time Off (PTO) option, are eligible to earn vacation (annual leave). Regular part-time employees earn annual leave based on the proportion their regular schedule bears to a 40-hour workweek.

III. Use of -Vacation (Annual Leave):

Vacation (Annual leave) may be used for the following reasons:

A. Vacation

B. For absence due to serious illness of a member of an employee's family.

C. For absence due to death of a person other than a member of employee's immediate family (father, mother, foster parent, brother, sister, spouse, certified or registered domestic partner, son, daughter, natural or adopted children of certified or registered domestic partner, father of certified or registered domestic partner, current mother-in-law, mother of certified or registered domestic partner, current father-in-law, father of certified or registered domestic partner, grandfather and grandmother, current step-mother and current step father, current certified or registered domestic partner of employee's natural mother or father. Step-children and foster children of the employee, spouse, or certified or registered domestic partner living in the same domicile).

D. Religious holidays other than those designated as City holidays or to supplement City-designated holiday hours for employees who regularly work more than an 8-hour day.

- E. Absences to transact personal business which cannot be conducted on an employee's own time.
- F. For absence due to sickness or disability when other appropriate leave is not available. (Employee may request the Department Head to allow him/her to remain on full pay for the period which can be covered by the vacation leave balance when pro-rated with the amount being paid by Workers' Compensation.)

IV. Accrual Rate:

Employees shall accrue vacation (annual leave) based on their -leave progression date and shall be limited to the following:

40 Hour Employees:

<u>Years Of Continuous Service</u>	<u>Rate of Accrual Per Pay Period</u>
1 to 5 years (1 mo. thru 59 mos.)	3 Hrs. 42 Mins.
5 to 10 years (60 mos. thru 119 mos.)	4 Hrs. 19 Mins.
10 to 15 years (120 mos. thru 179 mos.)	5 Hrs. 14 Mins
15 to 20 years (180 mos. thru 239 mos.)	5 Hrs. 51 Mins
20 years to 25 years (240 mos. thru 299 mos.)	7 Hrs. 5 Mins
25 years or more (300 mos. or more)	7 Hrs. 24 Mins.

Vacation (Annual) leave shall continue to accrue during periods of absence in which the employee is in pay status.

Time on leave of absence without pay shall not be included in length of service toward annual leave except for time on an approved military leave of absence without pay.

V. Governed Use of Annual Leave:

- A. In general, the City policy for use of vacation (annual leave) will be in quantities of not less than one hour, except as otherwise provided in the Family and Medical Leave Act (FMLA). Vacation (annual leave) must begin or end at the start or close of the shift or work schedule unless an emergency arises. Department approval of scheduled leave will not be unreasonably withheld provided operational needs can be met, as determined by the City.
- B. Each Department may establish written guidelines, based on job function, for the minimum increment of leave and the time of leave use during the shift which are more flexible than those stated in Section V.A. above, if operational needs so permit. The Department may amend these written guidelines at any time if

operational needs so require, as long as they are not more restrictive than the requirements in Section V.A.above.

VI. Maximum Accumulations:

The maximum number of vacation (annual leave) hours allowed to be accrued is as follows:

<u>Scheduled Hours Per Week</u>	<u>One-Five Years</u>	<u>Five-Ten Years</u>	<u>Ten or More-Twenty Years</u>	<u>Twenty or More Years</u>
40	160	192	240	240

Employees will not be entitled to accrue additional vacation time once they have reached the maximum allowed them based on their scheduled hours per week. All employees not eligible for overtime (job basis) will earn annual leave on the basis of a forty (40) hour week. Employees with vacation balances above the maximum allowed as of the anniversary of their adjusted service date (leave progression date or date of regular employment with the City, whichever is greater) shall have their balances reduced to the maximum allowed during the pay period in which the anniversary of their adjusted service date (leave progression date or date of regular employment with the City, whichever is greater) occurs. Any sick leave incentive time awarded will be added to the vacation (annual leave) balance after the maximum hours have been adjusted.

However, Charter Officers shall be allowed to waive this policy for short periods of time in necessary and unusual circumstances.

VII. Holidays During Annual Leave:

Should a holiday occur during an employee's vacation (annual leave), that day shall be charged as a holiday.

VIII. Payment for Annual Leave:

Employees shall not be paid for vacation leave earned in lieu of taking a vacation. The only time employees may be paid for earned vacation leave is upon termination, or upon entry into a DROP.

IX. Advance Annual Leave Credit Not Permitted:

Vacation leave shall not be granted in advance of being earned. If an employee has insufficient vacation (annual leave) credit to cover a vacation (annual leave), the employee shall be in a no pay status (leave without pay).

X. Transfers:

Employees who are transferred from one department to another shall have their vacation (annual leave) credits transferred with them.

XI. Termination:

Upon termination of employment, or entry into a DROP, the employee shall be entitled to compensation for any earned but unused annual leave to his/her credit at the time of termination at the employee's normal base rate of pay at the time of termination or entry into a DROP. All employees who elect to participate in the DROP will have the one time option, with the election to enter the DROP, of retaining all or a portion of their vacation balance to be used during participation in the DROP, or receiving, at that time, compensation for some or all of the balance. The official termination date shall be the last day of active employment and shall not be extended due to payment for unused vacation (annual leave) time.

XII. If an employee is called back to work during his/her vacation (annual leave) period, the employee shall be allowed to reschedule with special consideration for any vacation (annual leave) time lost as a result of the call back.

XIII. In the event of the death of an employee, all compensation due to the employee as of the effective date of death shall be paid to the beneficiary, surviving spouse, or to the estate of the employee as determined by law or by executed forms in his/her personnel folderfile.

SICK LEAVE

I. Sick Leave:

Regular and probationary full-time employees hired prior to 10/01/00, and who have not elected Paid Time Off (PTO) option, shall accrue sick leave based on their leave progression date at the rate of one (1-) hour and 51 minutes per pay period until their second anniversary. After two (2) years of service, employees will earn sick leave at the rate of two (2) hours and 46 minutes per pay period and after four (4) years of service at the rate of three (3) hours and 42 minutes per pay period.

II. Eligibility:

All regular full-time employees hired prior to 10/1/00, are eligible to earn sick leave. Regular part-time employees earn sick leave in the proportion their regular work schedule bears to a 40-hour workweek. Sick leave is earned without limitations.

III. Use of Sick Leave:

Sick leave will be granted upon approval of the Department Head, or his/her designee, for the following reasons:

- A. For absence due to personal illness, injury or temporary disability. (Doctor's statement is required for temporary disability indicating approximate length of absence due to disability)
- B. For personal medical and dental appointments.
- C. For absence due to a compensable injury arising out of the course of City employment (employee may request the Department Head, or his/her designee, to allow him/her to remain on full pay for the period which can be covered by sick leave balance when prorated with the amount being paid by Workers' Compensation).
- D. An employee may use up to a maximum of 480 hours of the employee's accrued sick leave for illness of a member of an employee's immediate family (defined as spouse, certified or registered domestic partner, dependent child[ren], mother or father) living in the same domicile, in the year between their leave progression dates. For the purposes of this policy, dependent children are defined as the employee's unmarried, natural, adopted, or step-child(ren), or a child for whom the employee has been appointed legal guardian, or the natural or adopted child(ren) of the employees' current certified or registered domestic partner, who meet the criteria for dependency as defined in the City's insurance policy and are dependent upon the employee for over half of his/her support. Management may require confirmation of the illness from the employee by furnishing a doctor's certificate, or any other means deemed appropriate.
- E. All employees are required to notify the designated supervisor on duty as early as possible; in the case of non-shift employees, no later than the starting of his/her scheduled workday, and in the case of shift employees, no later than sixty (60) minutes prior to the starting of his/her scheduled workday, when he/she is unable to report for work because of illness or injury, giving the reason for absence. Employees failing to comply with this provision shall not be allowed to charge their absence to sick leave unless waived by the Department Head. All shift employees will notify the designated supervisor at least nine (9) hours in advance of their intent to return to work following absence due to illness or injury of more than two (2) days. Sick leave will not be granted for any sickness, injury or disability arising from a felonious act on the part of the employee. Sick leave will be charged only against the employee's regular workday and shall not be charged for absences on overtime or stand-by time.
- F. An employee absent for three (3) or more consecutive workdays shall be required to report to Employee Health Services prior to returning to work to verify that the employee is fit to work. An employee shall remain in sick leave status until he/she is released by Employee Health Services and reports to his/her work site. This provision may be waived temporarily by Management for employees returning to work anytime that Employee Health Services is not open, except in cases of injury in which this provision shall apply. Such absence shall require a doctor's written statement of diagnosis verifying the employee's illness or injury, which will be turned in to Employee Health Services, or a similar statement from the City's

Occupational Health Nurse which will be turned in to the appropriate supervisor, or sick leave will not be allowed.

- G. A doctor's written statement of diagnosis verifying illness or injury of less than three (3) consecutive day(s) shall be required by the City in cases of frequent use of sick leave or when the pattern of sick leave usage indicates potential abuse of sick leave privileges. If this doctor's statement is to be required on a continual basis, the employee shall be so notified, in writing, prior to the imposition of such requirement. The duration of each such requirement shall not exceed one (1) year. A copy of such notice shall be placed in the employee's master personnel file.
- H. The employee may be required by the appropriate Department Head, or his/her designee, to obtain a written statement of diagnosis verifying illness or injury from the City's doctor prior to returning to work. Expenses of obtaining a statement from the City's doctor shall be borne by the City. Expenses of a doctor other than the City's doctor, if any, resulting from verification of illness or injury, shall be the responsibility of the employee.
- I. When a diagnosis and verification of illness or injury is required, the following shall apply: The doctor's written statement, will be turned in to Employee Health Services before the employee returns to work, which statement shall detail the employee's illness, the treatment made and any restrictions on the employee's ability to perform all the duties normally assigned to the employee's classification. Failure to provide such a statement shall preclude the use of sick leave and the employee returning to work. Excessive absenteeism due to illness and injury may result in discipline being imposed.
- J. If the appropriate supervisor determines from personal observation that an employee reporting to duty may be too sick to work, he/she may be required to report to the City's doctor or nurse to determine whether the employee is fit to work.
- K. In all cases where an employee is required to report to the City's doctor to obtain a written statement of diagnosis verifying illness or injury, the failure by the doctor to substantiate the employee's claim of illness or injury will preclude use of sick leave. In all cases where the employee is required to report to Employee Health Services, failure to do so will preclude the use of sick leave.
- L. Sick leave shall continue to accrue during periods of absence on which the employee is in pay status.

IV. Holidays During Sick Leave:

Should a holiday occur during an employee's sickness, the sick day shall be charged as a holiday provided the employee is in a pay status the day before and after the holiday.

V. Advance Sick Leave Credit Not Permitted:

Sick leave may not be charged in increments of less than one (1) hour without prior approval by the Department Head, or his/her designee unless the absence is due to an FMLA qualifying event. Sick leave shall not be granted in advance of being earned. Vacation (annual leave) may be used in lieu of sick leave, however, the employee shall be considered sick and not on vacation and the time used shall be treated as sick leave for all purposes. When an employee has insufficient sick leave credit to cover a period of absence, vacation leave will be used and, if none is available, the employee shall be in a no pay status. This section pertains to unscheduled absences and is not intended to prevent advance scheduling of vacation ~~as outlined in Policy 9.~~

VI. Transfers:

Employees who are transferred from one department to another shall have their sick leave credits transferred with them.

VII. Termination:

Unused sick leave is forfeited upon termination from the City's service, except as provided in Section IX.

VIII. Sick Leave Incentive Awards:

The incentive award will be credited to an employee's accrued vacation (annual leave) and may be used as set forth in Vacation (annual leave) Article. The incentive award is computed on the following basis for each year of eligibility:

Sick Leave, or Vacation in Lieu of Sick Leave,Used	Work Hours Awarded
2 hrs or less	32
More than 2 thru 10	24
More than 10 thru 20	16
More than 20	None

IX. Credited Service:

~~A. Except as otherwise provided in collective bargaining agreement or ordinance, upon termination of employment each day of accumulated unused sick leave shall be converted to one (1) full day of credited service, which shall be used in calculating credited service under the City's defined benefit pension plans and for determining eligibility for City contributions toward retiree health insurance premium payments, and the amount of such contributions. For employees in the General Employees Pension Plan, any unused sick leave earned on or before September 30, 2012 shall be credited as additional service credit for determining pension benefits.~~

~~B. For service earned on or after October 1, 2012, no additional months of service shall be credited for unused sick leave credits earned on or after October 1, 2012. In calculating credited service on or after October 1, 2012, the lesser number of~~

months between the additional months of service credited for unused sick leave earned on or before September 30, 2012 and the months of unused sick leave available to a member at the time of his or her retirement shall be used.

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