

Kurt

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000446

# City of Gainesville

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**Inter-Office Communication**  
Office of the City Manager  
Mail Station 6  
334-5010

TO: Hon. Mayor and Members of the City Commission      DATE: September 21, 2000

FROM: Wayne Bowers  
City Manager

SUBJECT: City Commission Meeting of September 25, 2000 – Backup for  
Item #000446 – Amendment to Personnel Policies

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Please find attached the backup for item #000446 – Amendment to Personnel Policies. Should you have any questions concerning this information, please contact me.

Respectfully submitted,



Wayne Bowers  
City Manager

WB/jh  
Attachment  
Cc: Charter Officers  
Assistant City Manager  
Administrative Services Director



000446--

PERSONNEL POLICIES AND PROCEDURES POLICY NUMBER 8

Effective Date: 01/01/65  
Date Issued: 02/23/65  
Date Revised: 10/01/76  
Date Revised: 11/07/88  
Date Revised: 07/26/99  
Date Revised: 04/10/00  
Date Revised: ????????

**PAID TIME OFF LEAVE SYSTEM (New System)**

1. All regular and probationary full-time and part-time employees hired on or after 10/1/2000 are automatically covered by the Paid Time Off Leave System (PTO). In addition, any regular or probationary full-time and part-time employee hired prior to 10/1/2000 who made a one-time irrevocable election to select the Paid Time Off Leave System (PTO) is also covered by the Paid Time Off Leave System (PTO) rather than the Designated Leave System (Old Leave System).
2. “Paid Time Off” is a single leave bank system that combines earned vacation time (annual leave), earned sick time and optional holidays. This system does not include City-designated holidays; nor does it include any event-based leave which may be additionally authorized based on the occurrence of specific events.
3. Transition Plan for Employees Hired Prior to October 1, 2000:
  - A. Employees hired prior to October 1, 2000 (except employees of Gainesville Police Department Communications center who are hired by Alachua County Sheriff’s Department at the time the combined communications center is activated on or about October 1, 2000) will have the option of continuing under the terms of the Policy 9 (hereinafter the “old plan”) or moving to this Policy.
  - B. An employee hired prior to October 1, 2000 (with exception of 3(A)), may elect at any time to move to this PTO plan at the beginning of any pay period.
  - C. If an employee elects to move to this “PTO plan”, the following conditions will apply:

1. No transfer back to the "old plan" will be permitted.
2. No loss of accrued leave will occur, meaning that all unused accrued sick leave will be transferred to the employee's Personal Critical Leave Bank (PCLB) account and all unused accrued vacation (annual leave) and unused optional holidays will be transferred to the employee's Paid Time Off (PTO) account.
3. At the employee's first anniversary date (leave progression date) after election, he/she will be eligible to select any options available under the "new plan" provided the PCLB requirements are met.
4. The PCLB requirements of the "new plan" will prevail beginning the date of election.

4. Annual Accrual Rates:

<u>Years of Service</u>	<u>Rate of Accrual Per Pay Period</u>
<u>0 to 5 years (1 mo. thru 59 mos.)</u>	<u>6 Hrs. 10 Mins.</u>
<u>5 to 10 years (60 mos. thru 119 mos.)</u>	<u>7 Hrs. 42 Mins.</u>
<u>10 to 15 years (120 mos. thru 179 mos.)</u>	<u>8 Hrs. 37 Mins.</u>
<u>15 to 20 years (180 mos. thru 239 mos.)</u>	<u>9 Hrs. 14 Mins.</u>
<u>20 to 25 years (240 mos. thru 299 mos.)</u>	<u>10 Hrs. 28 Mins.</u>
<u>25 years or more (300 mos. or more)</u>	<u>10 Hrs. 47 Mins.</u>

5. Scheduled Paid Time Off (PTO) may be used for any purpose an eligible employee deems necessary. PTO shall be taken in increments of not less than one (1) hour, except as otherwise provided in the Family and Medical Leave Act (FMLA). Accrued time can be used as soon as it is accrued, but in no event can it be taken prior to actual accrual.
6. A. Each Department shall establish and may amend reasonable written guidelines defining scheduled and unscheduled leave, based on job function and according to operational needs. In general, the City policy for use of PTO will be in quantities

of not less than one hour, except as otherwise provided in the Family and Medical Leave Act (FMLA). PTO 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 for the minimum increment of leave and the time of leave use during the shift which are more flexible than those stated in Section 6(A) if operational needs so permit. The Department may amend these written guidelines at any time if operational needs so require, as long as they do not exceed the requirements in Section 6(A).

7. The first sixteen hours of any absence will be deducted from the employee's PTO leave account except as otherwise provided in Policy #14 (Workers' Compensation), or Policy #13 (Leave of Absence With or Without Pay). Absences that do not meet the advance notice requirements of the department will be considered unscheduled leave. If an employee does not have sufficient accrued unused PTO to cover the period of absence, the employee will be put on leave without pay for the first sixteen (16) hours or that portion thereof.

8. A. Whenever unscheduled leave is taken, employees will be required to notify their supervisor in accordance with departmental written guidelines. Generally, an employee will be allowed to take up to five (5) occurrences of unscheduled leave in a one-year period. After five (5) occurrences, the department head may require certification of absence for unexpected illness from a doctor or certified health professional.

B. In the interest of keeping a healthy workforce, the employee's supervisor has the right to send an employee, who appears to be ill or who may be a health risk to co-workers, to Employee Health Services (EHS). If EHS determines that the employee should be sent home due to the illness, the time will be considered scheduled PTO leave for the first sixteen (16) hours. For after-hours and weekend shifts, the supervisor shall have the right to send the employee home due to illness as scheduled leave.

9. For purposes of overtime, scheduled PTO leave will be counted as hours worked and PCLB or unscheduled PTO leave will not be counted as hours worked.

10. Maximum Accrual (Carryover Cap):

Carryover of accrued PTO is permitted as follows:

<u>Years of Service</u>	<u>Carryover Permitted</u>
<u>0 to 5 years (1 mo. thru 59 mos.)</u>	<u>160 Hours</u>
<u>5 to 10 years (60 mos. thru 119 mos.)</u>	<u>200 Hours</u>
<u>10 to 15 years (120 mos. thru 179 mos.)</u>	<u>224 Hours</u>
<u>15 to 20 years (180 mos. thru 239 mos.)</u>	<u>240 Hours</u>
<u>20 to 25 years (240 mos. thru 299 mos.)</u>	<u>272 Hours</u>
<u>25 years or more (300 mos. or more)</u>	<u>280 Hours</u>

The maximum accrual shall be calculated as of the employee's anniversary date(leave progression date). All hours over the PTO accrual cap must be either used or allocated to the options outlined below at the employee's anniversary date (leave progression date) each year, except that, if an employee has less then 240 hours in a PCLB on his/her anniversary date, (leave progression date) he/she must first deposit the appropriate amount of time in the PCLB to meet the minimum requirement.

11. Upon separation from the City, an employee shall be paid for accrued unused PTO leave credits up to the maximum carryover cap as listed above. Unused PTO leave credits paid at termination shall not be included in the calculation of final average earnings for pension purposes.
12. Personal Critical Leave Bank (PCLB): It is recommended that the employee establish a PCLB, on his/her leave progression date, by depositing some number of hours of his/her PTO into the PCLB. The PCLB is used for the seventeenth (17) consecutive hour and beyond of absence due to any injury/illness of the employee or the employee's immediate family (defined as spouse, dependent child[ren], mother, father, or certified domestic partner) requiring the employee to be absent and may require documentation by a certified physician, hospital or Employee Health Services as determined by his/her Manager/designee.
13. Employees may use a maximum of 464 hours of PCLB for family-related illness in the



year between their leave progression dates. If an employee does not have sufficient PCLB to cover the absences, the employee's time will be charged to PTO prior to entering a "no pay" status.

14. Employees in the General Pension Plan may use the balance of their PCLB for pension credit at retirement. No cash payment for unused PCLB hours will be allowed at retirement, resignation or termination.
15. There is unlimited accumulation of time in the PCLB.
16. An employee may transfer any number of PTO leave hours to a PCLB account on his/her anniversary date (leave progression date) each year.
17.
  - A. In addition, provided the employee has accumulated 240 hours in a PCLB at their leave progression date, the employee will be permitted to convert up to forty (40) hours of PTO to cash on his/her anniversary date (leave progression date) to be paid via payroll check. Hours converted to cash will not be included in the pension base nor used for final average earnings calculations.
  - B. After initially using the conversion to cash option or any portion thereof, the employee may request to convert up to forty (40) additional hours of PTO to cash on a subsequent leave progression date, provided he/she has at least 240 hours in the PCLB at their leave progression date. In addition, the employee must demonstrate that during the past twelve-month period he/she has put at least 1% of his/her base pay into a City-sponsored deferred compensation account.
  - C. In order to use the conversion to cash option, the employee must submit a written request to the timekeeper on the form provided at least fourteen (14) calendar days in advance of his/her leave progression date. Failure to do so will result in the revocation of the conversion to cash option for that leave progression year.
18. Should an employee have more than the allowable carryover cap on his/her anniversary date (leave progression date) and fail to choose one of the above options, the number of hours over the allowable carryover cap will automatically default into the employee's PCLB. The only option available to an employee who has more than the allowable carryover cap on his/her anniversary date (leave progression date) but less than 240 hours in their PCLB is to deposit excess hours first into the PCLB to meet the 240-hour requirement.
19. Donations to other employees: An employee may donate time from accrued PTO leave credits to another employee for whom a leave donation fund has been established in accordance with City

policy. This option does not necessarily have to occur at the employee's anniversary date (leave progression date), but rather whenever an eligible leave account is established. No minimum PCLB balance is required for donations of PTO to a leave donation fund.



Effective Date: 01/01/65  
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Date Revised: 09/25/80  
Date Revised: 11/07/88  
Date Revised: 07/26/99  
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**DESIGNATED LEAVE SYSTEM (Old System)**

**VACATION OR ANNUAL LEAVE**

Effective the first full pay period next following October 1, 2000, regular and probationary full-time employees hired prior to 10/01/00 who are covered by this policy and have not elected the Paid Time Off (PTO) option shall accrue vacation (annual leave) based on their progression date and shall be limited to the schedule in section 4.

1. 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 4).

2. Eligibility:

All ~~permanent~~ regular full-time employees are eligible to earn vacation (annual leave). ~~Permanent Regular~~ part-time employees earn annual leave proportionate to their work schedule.

3. 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 domestic partner, son, daughter, natural or adopted children of certified domestic partner, father of certified domestic partner, current mother-in-law, mother of certified domestic partner, current father-



in-law, father of certified domestic partner, grandfather and grandmother, current step-mother and current step father, current certified domestic partner of employee's natural

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Date Revised: 09/25/80

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mother or father. Step-children and foster children of the employee, spouse, or certified domestic partner living in the same domicile).

- D. Religious holidays other than those designated as City holidays.
- 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.)

4. Accrual Rate:

Employees shall accrue vacation (annual leave) based on their employment leave progression date or seniority date, whichever is appropriate and shall be limited to the following :-

40 Hour Employees:

<u>Length of Service</u>	<u>Rate of Accrual Per Year</u>	<u>Annual Leave Hours Earned</u>
1 to 5 years (1 mo. thru 59 mos.)	2 weeks	80
5 to 10 years (60 mos. thru 119 mos.)	2 weeks & 2 days	96
10 to 15 years (120 mos. thru 179 mos.)	3 weeks	120
15 to 20 years (180 mos. thru 239 mos.)	3 weeks & 2 days	136
20 to 25 years (240 mos. thru 299 mos.)	4 weeks & 1 day	168
25 years or more (300 months or more)	4 weeks & 2 days	176

<u>Years Of</u> <u>Continuous Service</u>	<u>Rate of Accural</u> <u>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.

52-Hour Employees:

1 to 5 years (1 mo. thru 59 mos.)	2 weeks	120
5 to 10 years (60 mos. thru 119 mos.)	2 weeks & 2 days	136
10 to 20 years (120 mos. thru 239 mos.)	3 weeks	168
20 years or more	4 weeks	240

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

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Date Revised: 09/25/80  
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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.

5. Governed Use of Annual Leave:

A. Paid vacation leave (annual leave) may not be taken during the initial probationary period of employment or re-employment. 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 5(A) if operational needs so permit. The Department may amend these written guidelines at any time if operational needs so require, as long as they do not exceed the requirements in Section 5(A).

6. 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-Twenty Years</u>	<u>Twenty or More Years</u>
40	160	192	240	240
52	192	248	304	360

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. ~~Except as may otherwise be authorized for Fire Rescue personnel, a~~ 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.

Employees whose anniversary date falls on or between the period of July 1, 1999 and September 30, 1999, and who elect to enter the (DROP) on October 1, 1999 (make application by September 1, 1999) will be paid for accrued vacation forfeited on their most recent anniversary date (July-September 1999). Payment for the amount forfeited will be at the employee's regular straight time rate of pay in effect at the time of forfeiture. This payment would be included with, and considered the equivalent of, compensation for annual leave upon entry into the DROP, as described in Section 11.

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Date Revised: 09/25/80

Date Revised: 11/07/88

Date Revised: 07/26/99

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7. Holidays During Annual Leave:

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

8. 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.

9. Advance Annual Leave Credit Not Permitted:

Vacation leave shall not be granted in advance of being earned. If an employee has insufficient vacataion (annual leave) credit to cover a period of absence vacation (annual leave), a deduction for the time involved (leave without pay) shall be made on the current payroll the employee shall be in a no pay status.

10. Transfers:

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

11. 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 (except for DROP participant forfeitures occurring between July 1, 1999 and September 30, 1999. See 6.2) of termination or entry into a DROP. This does not apply to employees having less than six (6) months of service. 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. ~~This does not apply to employees having less than six (6) months of service.~~ 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.

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

13. 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 any vacation (annual leave) time lost as a result of the call back.

14. 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 folder.

**PERSONNEL POLICIES AND PROCEDURES      POLICY NUMBER 9**

Date Revised: 09/25/80

Date Revised: 11/07/88

Date Revised: 07/26/99

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EMPLOYEE OPTION DAYS

15. The City agrees to provide sixteen (16) non-cumulative employee option hours during the 2000-2001 fiscal year to all employees covered by this Agreement who were hired prior to 10/1/00, have not elected the Paid Time Off (PTO) option and have either achieved permanent regular status or who have completed their initial probationary period in a permanent regular position. These hours must be taken during the fiscal year in which the employee became eligible, after he/she attains eligibility, provided the days hours selected by the employee have prior Department Head or equivalent approval. Forty-eight (48) hours approval in advance may be required depending upon the operational needs and scheduling of the Department. The employee shall not be allowed to work during said hours. Employee option hours pay shall not count for the purpose of overtime or in the computation of overtime. After the award of sixteen optional holiday hours to eligible employees on October 1, 2000, employees will no longer receive separate optional holidays. Beginning the first full pay period next following October 1, 2000, employees will accrue vacation (annual leave) at the increased rates reflected in section 4 which include sixteen (16) extra annual hours of vacation (annual leave). All conditions applying to other accrued vacation (annual leave) hours will apply to accrued after October 1, 2000.



## PERSONNEL POLICIES AND PROCEDURES

## POLICY NUMBER 89

Effective Date: 01/01/65  
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Date Revised: 11/07/88  
Date Revised: 07/26/99  
Date Revised: 04/10/00

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### SICK LEAVE

1. 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 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 hours and 46 minutes per pay period and after four (4) years of service at the rate of three hours and 42 minutes per pay period.

2. Eligibility:

All regular full-time employees are eligible to earn sick leave. Regular part-time employees earn sick leave proportionate to their work schedule. Sick leave is earned without limitations.

3. 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 ~~twelve (12) days~~ a maximum of 480 hours of the employee's accrued sick leave or fifty percent (50%) of the employee's currently accrued sick leave, whichever is greater, for illness of a member of an employee's immediate family (defined as spouse, certified 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 domestic partner, who meet the criteria for dependency as defined in the City's insurance policy ~~are under the age of nineteen 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.

4. 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.

5. Advance Sick Leave Credit Not Permitted:

Sick leave may not be charged in increments of less than ~~two (2)~~ one (1) hours 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.

6. Transfers:

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

7. Termination:

Unused sick leave is forfeited upon termination from the City's service, except as provided in Section ~~119~~.

8. 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 ~~Article 11~~ Vacation (annual leave) Article. The incentive award is computed on the following basis for each year of eligibility:

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

9. Credited Service

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.



## PERSONNEL POLICIES AND PROCEDURES

Policy Number 10

Effective Date: 01/01/65  
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Date Revised: 09/25/80  
Date Revised: 11/07/88  
Date Revised: 04/10/00  
Date Revised: 00/00/00

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### HOLIDAYS

1. Holidays Observed by the City:

The City observes the following paid holidays but reserves the right to schedule work on these days if City business demands:

New Year's Day	Observance Date
Martin Luther King, Jr.'s Birthday	January-scheduled observance date
Memorial Day	Last Monday in May
Independence Day	Observance Date
Labor Day	First Monday in Sept.
Veterans' Day	November-scheduled observance date
Thanksgiving Day	Fourth Thurs. in Nov.
Day after Thanksgiving	Fourth Friday in Nov.
Christmas Day	December Observance Date
One Additional Holiday	(See paragraph 2)
Two Employee Option Days	(As follows)

~~The City will provide two (2) non-cumulative employee option days during the fiscal year to all employees who have achieved permanent status or who have completed their initial probation period in a regular position. This day must be taken as one normal workday and may be taken at any time during the fiscal year.~~

~~provided the day selected by the employee has prior Department Head or equivalent approval. Said day shall not be used for the purpose of overtime or premium time. Therefore, the employee shall not be allowed to work on said day.~~

2.    Additional Holidays:

During budget preparations, the City Administration will determine the one (1) additional holiday for the next fiscal year.

3.    Holiday Policy:

All regular full-time employees are entitled to the above paid holidays. Regular part-time employees earn holiday leave proportionate to their work schedule.

4.    Holiday Eligibility Requirement:

To be eligible for a paid holiday, an employee must be in pay status for a full day on his/her assigned workdays immediately before and after the day on which the holiday is observed.

5.    Holidays Not Worked Which Fall on Employee's Regular Day Off:

Should a holiday fall on an employee's day off and the employee does not work thereon, the employee shall receive a straight time hourly rate for the holiday for his/her normal workday.

6.    Work Performed on a Holiday Falling on Employee's Workday:

Work on a holiday falling on an employee's regular scheduled workday shall be paid for the hours worked plus pay at the straight time hourly rate of pay for the holiday.

7.    Work Performed on a Holiday Falling on Employee's Day Off:

Should an employee be required to work on a holiday falling on his/her day off, the employee shall be paid for the hours worked plus the number of hours of the normal workday at the straight time hourly rate of pay for the holiday.

8.    Authorization for Holiday Work:

No work shall be scheduled on a holiday unless approved in advance by the Department Head.

9.    Employee's Sickness:

Should a holiday occur during an employee's sickness, the sick day shall be charged as a holiday.



**PERSONNEL POLICIES AND PROCEDURES      POLICY NUMBER 14**

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Effective Date: 10/01/72

Date Issued: 09/21/80

Date revised:

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**WORKERS' COMPENSATION**

1. Payment of workers' compensation benefits to all employees who are disabled because of an injury arising out of, and in the course of performing their duties with the City will be governed by full workers' compensation benefits as provided in accordance with the Workers' Compensation Law, Chapter 440, Florida Statutes.
2. Whenever an employee is absent due to a compensable injury, he/she shall receive his/her regular pay for the first 30 calendar days of such absence. But such payment shall not, when added to workers' compensation benefits, total more than the normal take home pay (gross base pay minus taxes), received by the employee immediately prior to such absence.

3. An employee sustaining a lost-time injury in excess of the time in section 2, may use available sick leave or PCLB. If sick leave and PCLB are exhausted, the employee may use PTO or vacation (annual leave). The request must be made to the Department Head to allow the employee to remain on full pay for the period which can be covered by the sick leave PCLB, PTO or vacation (annual leave) balance when pro rated with the amount being paid by workers' compensation as set forth in section 1. An employee who has elected the PTO program will not be required to use the first sixteen (16) hours of supplement as PTO, but instead may access the PCLB hours directly. If the employee has no PCLB hours, he/she may access their PTO.
  
4. After employees are authorized to return to rehabilitative duty, they shall receive no further benefits under this article nor shall they be entitled to elect to take sick leave or PCLB in lieu of returning to work.





**PERSONNEL POLICIES AND PROCEDURES      POLICY NUMBER 29**

Effective Date: 05/20/92

Date Revised: 10/01/98

Date Revised: 04/10/00

Date Revised : 00/00/00

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**LEAVE BANK**

1.      **For Use as Sick Leave**

A regular employee having successfully completed the initial probationary period and having used all his/her applicable sick and vacation (annual leave) or PTO may receive vacation (annual leave) or PTO, donated on a strictly voluntary basis by fellow employees, due to absence resulting from a serious illness, accident or disability of the employee, or of the employee's immediate household family where the employee's presence is needed. Immediate household is defined as spouse or certified domestic partner or dependent children or mother or father, living in the same domicile. 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 domestic partner, who are under the age of nineteen and dependent upon the employee for over half of his/her support.

Donations: Fellow employees may contract to donate a minimum of two (2) hours of their vacation (annual leave) or PTO time to be used as sick leave or PTO, as described in section 1, by the affected employee. The maximum number of hours an employee may donate is 40 hours for employees working a 40-hour week and 52 hours for employees working a 52-hour week. The total donated time from fellow employees shall not exceed ~~three (3) calendar months~~ 480 hours, except as provided below.

Donated vacation (annual leave) or PTO will not be credited to the sick leave or PTO of the employee until such time as the employee's own paid leave has been exhausted. The employee's continued absence from work, required return to work, or subsequent separation from employment shall be governed by other applicable policies and procedures.

If the illness or accident of the employee is total and permanent, employee should file for disability retirement with the Social Security Administration and the City of Gainesville.

During the time in which the employee is using donated vacation (annual leave) or PTO from fellow employees, he/she will not be eligible to earn (accrue) sick leave or vacation (annual leave) or PTO.

Should an employee return to work prior to exhausting all donated hours, unused hours shall be returned to the donors.

2. To Achieve Normal Retirement Eligibility:

In addition to the procedures described in item 1 above, an employee may, with the following additional restrictions, receive voluntarily donated vacation (annual leave) or PTO in advance of having used up all of his or her sick leave or PTO. Utilization of donated vacation (annual leave) or PTO in this manner is limited to those situations in which the employee, at the time the authorization to create a Leave Bank is given, had at least eighty percent (80%) of the credited service needed for normal service retirement and was otherwise eligible for normal retirement.

There shall be no restrictions on the amount of hours that may be donated or the length of a required absence before a leave bank may be established if an employee is absent due to serious illness, accident or disability, which condition is expected, based upon reasonable medical probability, to result in death within one (1) year from the creation of the Leave Bank, or otherwise dies. In the event of an employee's death prior to a leave bank being established, the leave bank must be established within 15 calendar days of the date of death. Donated vacation (annual leave) or PTO may be collected up to 90 days following the death of an employee so that sufficient donations may be obtained to qualify the employee for normal service retirement.

Should more hours be donated than are required to reach normal retirement, hours in excess of those required will be returned to the donors. If a sufficient number of hours is not donated within the 90-day period described above, the beneficiary of the employee shall receive a full refund of the employee's contributions to the pension plan in lieu of receiving a retirement benefit and all donated hours will be returned to the donors.



PERSONNEL POLICIES AND PROCEDURES      POLICY NUMBER 32

Effective Date: 08/20/84

Date Issued: 09/20/84

Date Revised:

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PARENTAL LEAVE

1. ~~Permanent~~ Regular employees shall be eligible to take a leave of absence for the purpose of caring for a newborn infant at the employee's domicile. Said leave is subject to the following restrictions:
  - A. The leave may only be taken in increments of at least one (1) normal workweek during the six (6) week period (42 days) immediately following the birth of the infant.
  - B. The infant must be in the employee's care and custody at the employee's domicile.
  - C. The employee must be either the natural parent of the infant or have begun the process of adoption as described in Chapter 63, Florida Statutes 1983.
  
2. An employee may charge absences under this policy to accrued sick leave or vacation leave (annual leave) or to PTO and PCLB ~~except that an employee may not so utilize more than half of the sick leave they had accrued as of the date of the infant's birth, plus half of that which he/she accrues during the following six (6) weeks. Provided further, that in any event an employee may utilize up to ninety-six (96) hours for the purposes and under the conditions specified above. An employee may be entitled to additional absences, paid or unpaid, under the leave of absence with or without pay policy, of sick leave under this policy regardless of the limitation described in this section.~~

The employee's overall utilization of sick leave or PTO must still comply with the provision of Personnel Policy 8(3)(D) with sick leave utilization under this policy being treated as if the infant was ill, except that employee's presence need not be necessary and no confirmation of illness is required.
  
3. An employee desiring to take parental leave must submit a written request for said leave by memo or letter prior to beginning the leave(s). Dates of departure and return shall be shown in the request. Approval is at the discretion of the Department Head.

4. For those periods of time where an employee is absent due to parental leave and is not charging his/her absence to sick leave, the employee shall be considered to be on leave without pay as described in Personnel Policy 13(4)(A) section 11.
5. Employees receiving parental leave may be required to submit evidence of date of birth, custody and location of the infant for whom parental leave is sought.



## PERSONNEL POLICIES AND PROCEDURES      POLICY NUMBER 12

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Effective Date: 12/21/70

Date Issued: 12/21/70

Date Revised: 03/08/82

Date Revised: 02/11/91

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### MILITARY TRAINING

1.      General:

The City will grant a military leave of absence with pay to any employee called presenting proper orders calling him to temporary active or inactive duty for training purposes with a reserve unit of the United States Army, Navy, Air Force, Marine Corps, Coast Guard or a the National Guard, Unit for a period not exceeding seventeen (17) working days in any one calendar year, or a reserve unit of the United States, or for attending evening or weekend military training which conflicts with his/her work schedule. Time off shall be granted for the purposes of attending the military training for a period not to exceed seventeen (17) working days in any one calendar year.

2.      Leave With Pay: Reserve or Guard Active Military Service (not annual training).

The employee shall be entitled to a leave of absence from his respective duties without loss of pay for such time as he is on temporary active duty for training purposes. The military leave of absence in no way affects his annual vacation leave. The City shall grant a military leave of absence to any employee called to active military service (not annual training) with the National Guard, or a military reserve unit of the United States. For the purpose of active military service (not annual training) the first thirty (30) calendar days of any such leave of absence shall be with full pay from the City.

3.      Request for Military Leave:

The employee shall be required to submit a copy of orders or statements from the appropriate military commander as evidence of such duty to his Department Head. The orders or statement must be attached to a Personnel Authorization Form requesting military leave. The request must be sent to the Human Resources Department well in advance of scheduled date of departure for proper approval for military leave of absence for processing.

**PERSONNEL POLICIES AND PROCEDURES    POLICY NUMBER 12**

Date Revised: 03/08/82

Date Revised: 02/11/91

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4. Military Leave Without Pay:

~~\_\_\_\_\_ An employee attending evening or weekend military training which conflicts with his work schedule shall be granted time off without pay for the purpose of attending the military training.~~

~~\_\_\_\_\_ Except as provided in Section 5, an employee ordered to active duty for emergency situations shall be granted time off without pay.~~

~~A Personnel Authorization Form is not required for this type of leave except when it exceeds two calendar weeks.~~

~~\_\_\_\_\_ 5. A. Effective November 27, 1990, Reservists called to active military service (not annual training) shall have, during their period of active military service, their military pay supplemented by an amount not to exceed their regular base City pay (i.e., no overtime, certification pay, educational incentive pay or special duty pay, etc.) for up to six (6) months commencing on the date they reported for said active military service. Said supplemental pay shall cease immediately upon termination of the period of active military service. Unless renewed by City Commission action, this sub-section shall be repealed effective May 31, 1991.~~

~~\_\_\_\_\_ B. Definitions:~~

~~\_\_\_\_\_ The term "active military service" as used in this section shall signify active duty with any branch of the Army of the United States, the United States Navy, the United States Air Force, the Marine Corps of the United States, the Coast Guard of the United States, and service of all officers of the United States Public Health Service detailed by proper authority for duty either with the Army or the Navy, and shall include the period during which a person in military service is absent from duty on account of sickness, wounds, leave, or other lawful cause. The term "period of active military service" as used in this section shall begin with the date of entering upon active military service and shall terminate with death or a date 30 days immediately next succeeding the date of release or discharge from active military service, whichever shall occur first.~~

~~\_\_\_\_\_ The employee is required to submit a copy or statement from the appropriate military commander as evidence of such duty to his/her Department Head. The orders or statement must be attached to a Personnel Authorization Form requesting military leave. The request must be sent to the Human Resources Department for processing.~~

~~\_\_\_\_\_ In the event military leave is required in excess of the time allowed in paragraphs 2 and 3, the employee may be granted additional leave without~~

pay or he/she may elect to use earned vacation (annual leave) or PTO.  
Vacation (annual leave) and PTO will not be required prior to allowing leave  
without pay.





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Date Issued: 03/09/67  
Date Revised: 06/07/76  
Date Revised: 09/25/80  
Date Revised: 08/16/93  
Date Revised: 02/14/94  
Date Revised:

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## LEAVE WITHOUT PAY

### GENERAL INFORMATION

1. a. Leave without pay will be granted for Family and Medical Leave see Section A.

b. Leave without pay may be granted for Personal Leave see Section B.

2. Eligibility:

Employees in permanent full time status must have provided at least 1,250 hours of service in the 12 months before the leave would begin. Employees in permanent part time status must have provided at least 1,040 hours of service in the 12 months before the leave would begin. (Only applicable to leave requested under Section A).

Prior to requesting leave without pay, employees must first exhaust all applicable accrued sick (use of accrued sick leave pursuant to Section 7 below is permitted, not required), vacation, and paid personal leave. The total leave time will be an aggregate of accrued sick leave (when applicable), and/or vacation and paid personal leave and leave without pay. (Family and Medical Leave up to, but not to exceed, 12 weeks). In any case, combined leave of any type (except Military Leave) cannot exceed one year.

• Medically related leave: Applicable accrued sick leave must be exhausted first, then accrued vacation and paid personal leave are used second, followed by approved leave without pay.

• Non-medically related leave: All accrued vacation and paid personal leave must be exhausted, followed by approved leave without pay.

~~PERSONNEL POLICIES AND PROCEDURES~~

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~~Date Revised: 06/07/76~~

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~~Date Revised: 02/14/94~~

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3. ~~Leave Request Procedure:~~

~~Employees are expected to be familiar with and are required to follow the leave procedures as outlined in the Procedures Section. Leave requests for less than one full pay period should be handled with a Personnel Leave Request Form attached to the time sheet.~~

~~The City may require an employee to provide a doctor's certification of serious health condition. The employee should try to respond to such a request in a timely manner. Failure to provide certification may result in denial of continuation of the leave. Medical leave certification may be provided by using the Medical Certification Form.~~

4. ~~Continuity of Service:~~

~~Any leave without pay for one full pay period or more which is approved in accordance with these procedures shall not constitute a break in service, but will constitute an adjusted service date. If leave is 90 days or longer, the pension service date will be affected.~~

5. ~~Expiration of Leave and Reinstatement:~~

~~Reinstatement is dependent upon the type of unpaid leave. Refer to the appropriate section for more information. If an extension of the leave is required, a request for the extension must be submitted on the Leave Request Form at least five days in advance of the leave expiration. Consideration of an extension will be based on the same criteria as the original request. Failure to return to work at the expiration of the leave may result in termination.~~

6. ~~Definition:~~

~~Applicable sick leave is sick leave available pursuant to Policy #8.~~

7. ~~Parental Leave:~~

~~In instances of parental leave, for the care and custody of the employee's natural or adoptive new born infant, sick leave up to 50% of that available in the pay period prior to the date of birth, or 104 hours (whichever is greater) may be taken during the first six weeks following the infants birth.~~

~~Employees receiving parental leave may be required to submit evidence of date of birth, custody, and location of the infant for whom parental leave is sought.~~

PERSONNEL POLICIES AND PROCEDURES ——— POLICY NUMBER 13

Date Revised: 06/07/76

Date Revised: 09/25/80

Date Revised: 08/16/93

Date Revised: 02/14/94

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SECTION A. FAMILY AND MEDICAL LEAVE:

In compliance with the Federal Family and Medical Leave Act of 1993, effective August 5, 1993, a maximum of 12 weeks of family and medical leave without pay (or with pay if appropriate leave is available) in any 12-month period measured forward from the commencement of an employee's first leave under the Policy will be granted as follows for:

- The birth of a child and care for a child following a birth\*;
- The placement of a child with the employee. A "child" includes a biological, adopted or foster child, stepchild, a legal ward, or a child for whom the employee stands in loco parentis (i.e., in the place of a parent) who is under 18 years of age; or 18 years of age or older and incapable of self care because of a mental or physical disability;
- To care for the spouse, child, or parent of the employee who has a "serious health condition"\*\*. A "parent" means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter;
- If the employee is unable to perform his or her own job because of the employee's own serious health condition\*\*.

Employees with questions about what illnesses are covered by this section of the policy or under the City's sick leave policy are encouraged to consult with the Human Resources Department.

Documentation of relationships or illnesses will be required in a timely manner.

\* Under this section, leave after the birth or placement of a child must be taken within twelve months after the birth or placement.

\*\* A serious health condition is an illness, injury, impairment, or physical or mental condition that involves:

- (i) inpatient care at a hospital, hospice, or residential medical care facility, or
- (ii) continuing treatment by a health care provider.

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CONDITIONS:

1. ~~Prior to requesting applicable leave without pay, employees must first exhaust all applicable accrued sick (see General Information #'s 6 and 7) and vacation leave.~~
2. ~~Leave without pay for one full pay period or more will not be considered time worked for purposes of accruing seniority, longevity, vacation, sick or other employee benefits.~~
3. ~~The employee may take Family and Medical Leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year), or under certain circumstances may use the leave to reduce the work week or work day, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 weeks over a 12 month period. However, for the birth, adoption or foster care of a child, the City and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule.~~  
~~The City may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the employee is qualified for the position and if the alternative position would better accommodate the intermittent or reduced schedule.~~
4. ~~The employee may be required to report periodically on his/her status and intention to return to work.~~
5. ~~If an employee out on regular paid leave seeks to extend that leave under the provisions of the Family Medical Leave Act, the City may classify and apply leave already taken towards the employee's 12-week total upon appropriate information from the employee.~~
6. ~~The employee's position may be filled by a temporary appointment or assignment of another employee. At the expiration of the leave, the employee shall be reinstated in the position vacated.~~
7. ~~Except as provided herein, the employee, upon returning to work from a medical leave, must report to Employee Health Services. The employee may be required to submit a written approval from their health care provider stating the employee is approved to return to work. The employee may be required to complete a health examination.~~
8. ~~While the employee is on Medical and Family Leave, the City will continue the employee's health benefits during the leave period at the same level of benefits and under the same conditions as if the employee had continued to work.~~

~~PERSONNEL POLICIES AND PROCEDURES~~

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~~Under current City procedures, an employee on **paid** leave continues to pay the contribution rate via payroll deduction as when an active employee. An employee on **unpaid** Family and Medical Leave continues to pay the contribution as when an active employee. The employee must continue to make this payment either in person or by mail to the City's Risk Management Department. Payment must be received by the last day of the month prior to each month of coverage. If the payment is more than thirty days late, the employee's health care coverage may be dropped for the duration of the leave.~~

~~If the employee chooses not to return to work for reasons other than a continuation, recurrence, or onset of a serious health condition or for other circumstances beyond the control of the employee, the City will require the employee to reimburse the City the amount it paid for the employee's health insurance premium during the leave period.~~

~~\*REVIEW AND READ CAREFULLY THE SECTION ON "PROCEDURES" PRIOR TO REQUESTING FAMILY AND MEDICAL LEAVE.~~

~~SECTION B. PERSONAL LEAVE~~

~~An employee may be granted a Personal Leave without pay for a period of time not to exceed one year, for the following reasons:~~

- ~~• Health or family related problems not defined within Family and Medical Leave Policy~~
- ~~• Education~~
- ~~• Military leave not covered under Military Leave Policy~~
- ~~• Extenuating personal reasons~~

~~CONDITIONS:~~

- ~~1. Prior to requesting leave under this section, employees must first exhaust all accrued leave (applicable to the leave requested).~~
- ~~2. Leave will not be considered time worked for purposes of accruing seniority, longevity, vacation, sick or other employee benefits.~~

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3. ~~During an employee's approved personal leave without pay, their position may be filled by a temporary appointment, or permanent assignment of another employee. At the expiration of the leave, the employee shall be reinstated to the position vacated if it has not been filled permanently during the leave. If the position has been filled, then the employee will be reinstated to another position which is vacant and for which the employee is qualified. The replacement position shall not be at a higher wage rate than the position from which the leave was granted. Refusal of a vacant position offered by the City shall result in the termination of the employee.~~
4. ~~The employee shall not accept part or full time employment elsewhere while on leave of absence unless such employment was previously approved and is not conducted during normal working hours.~~
5. ~~To return to work the employee must report to Employee Health Services; and, the employee may be required to submit a written approval from their health care provider releasing them for work. The employee may be required to complete a health examination.~~
6. ~~An employee on unpaid personal leave must contact the City of Gainesville's Risk Management Department to obtain a COBRA Notification Form. The COBRA Notification Form outlines the terms and conditions of the Consolidated Omnibus Budget Reconciliation Act, COBRA rates, when payments are due, and where payments are mailed to. Payment must be received by the last day of the month prior to each month of coverage. If the payment is more than thirty days late, the employee's health care coverage may be dropped for the duration of the leave.~~

~~\*REVIEW AND READ THE SECTION ON "PROCEDURES" PRIOR TO REQUESTING PERSONAL LEAVE.~~

LEAVE OF ABSENCE WITH OR WITHOUT PAY

GENERAL INFORMATION

1. Leaves of absence may be paid or unpaid, depending upon the circumstances of the leave and whether the employee has accrued applicable paid leave available. Two categories of leaves of absence are described herein.



A. Leaves of absence will be granted for Family and Medical Leave (FMLA) -see Section 6.

B. Leaves of absence may be granted for Personal Leave - see Section 11.

2. Leave Request Procedure:

Employees are expected to be familiar with and are required to follow the leave procedures as outlined in this Article. Leave requests for less than one (1) full pay period should be requested with a Leave Request Form (LRF).

3. Continuity of Service:

Any leave without pay which is approved in accordance with these procedures shall not constitute a break in service, but may result in an adjustment to the employee's leave progression date and the employee's performance review and merit increase (if eligible) date. If the leave is for ninety (90) days or longer, the employee's pension service date will also be affected.

4. Expiration of Leave and Reinstatement:

Reinstatement is dependent upon the type of unpaid leave. Refer to the appropriate section for more information.

5. Extension of Leave

If an extension of the leave is required, a request for the extension must be submitted in writing at least five (5) days in advance of the leave expiration. Consideration of an extension will be based on the same criteria as the original request. Failure to return to work at the expiration of the leave may result in termination.

6. FAMILY AND MEDICAL LEAVE:

In compliance with the Federal Family and Medical Leave Act of 1993, effective August 5, 1993, eligible employees may take a maximum of twelve (12) weeks of family and medical leave in their FMLA leave year. This leave may be paid if applicable leave is available or the leave may be unpaid. The FMLA Leave Year is defined as the twelve- (12) month period measured forward from the employee's leave progression date each year.

FMLA will be granted for:



- A. The birth of a child and care for a child within twelve (12) months following a birth.
- B. The placement of a child with the employee. Leave must be taken within twelve months following placement.
- C. To care for the spouse, child, or parent of the employee who has a "serious health condition".
- D. If the employee is unable to perform his or her own job because of the employee's own serious health condition.

Employees with questions about what illnesses are covered by this section of the policy or under the City's leave policies are encouraged to consult with the Human Resources Department.

7. Eligibility:

Employees must have been employed by the City a minimum of twelve (12) months in a regular full-time status position and must have provided at least 1,250 hours of service in the twelve (12) months prior to the qualifying instance. Regular part-time employees must have been employed by the City a minimum of twelve (12) months prior to the qualifying instance and are eligible for and granted leave based upon the proportion their normal work schedule bears to a full-time work schedule over the year prior to the qualifying instance.

If an absence is related to a medical condition of the employee or a qualifying family member, or the birth, placement or adoption of a child, the City may require an employee to provide a doctor's certification of serious health condition or proof of the birth, placement or adoption. Documentation of relationships or illnesses will be required in a timely manner. Failure to provide required documentation may result in denial of paid leave or other disciplinary action. Medical leave certification will be provided using the Medical Certification Form.

8. Conditions

Leave without pay for one (1) full pay period or more will not be considered time worked for purposes of accruing seniority, longevity, vacation, sick or other employee benefits, including PTO for employees in the new leave system.

Employees may take Family and Medical Leave in twelve (12) consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year), or under certain circumstances may use the leave to reduce the work week or work-day, resulting in a reduced hour schedule. In all cases, the FMLA-covered leave may not exceed a total of twelve (12) weeks in each twelve-(12) month employee leave year. However, for the birth, placement, or adoption of a child, the City and the employee must mutually agree to the schedule before the employee may take leave intermittently or work a reduced hour schedule.

The City may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the employee is qualified for the position and if the alternative position would better accommodate the intermittent or reduced schedule.

The employee may be required to report periodically on his/her status and intention to return to work.

If an employee out on regular paid leave seeks to extend that leave under the provisions of the Family Medical Leave Act, the City may classify and apply leave already taken towards the employee's twelve (12) week total upon appropriate information from the employee.

The employee's position may be filled by a temporary appointment or assignment of another employee. At the expiration of the leave, the employee shall be reinstated in the position vacated.

Except as provided herein, the employee, upon returning to work from a medical leave, must report to Employee Health Services. The employee may be required to submit a written approval from his/her health care provider stating the employee is approved to return to work. The employee may be required to complete a fitness for duty examination related to the serious health condition for which the employee was absent on FMLA leave.

While the employee is on FMLA leave, the City will continue the employee's health benefits during the leave period at the same level of benefits and under the

same conditions as if the employee had continued to work. Under current City procedures, an employee on paid leave continues to pay the contribution rate via payroll deduction as when an active employee. An employee on unpaid Family and Medical Leave continues to pay the contribution as when an active employee. The employee must continue to make this payment either in person or by mail to the City's Risk Management Department. Payment must be received by the last day of the month prior to each month of coverage. If the payment is more than thirty (30) days late, the employee's health care coverage may be dropped for the duration of the leave.

If the employee chooses not to return to work for reasons other than a continuation, recurrence, or onset of a serious health condition or for other circumstances beyond the control of the employee, the City will require the employee to reimburse the City the amount it paid for the employee's health insurance premium during the leave period.

9. How available paid leave is applied to an FMLA qualifying absence:

A. PTO (Policy 8) - for employees hired on or after October 1, 2000, or for employees hired prior to October 1, 2000 who elect the Paid Time Off (PTO) leave plan.

1. For Employee's Own Illness: The first sixteen (16) hours of each FMLA qualifying absence for the employee's own serious health condition will be charged against the employee's Paid Time Off (PTO) bank. Should the employee have an insufficient PTO balance to cover the first sixteen (16) hours of absence(s), such absence will be charged to the employee's PCLB account. If an employee has more than one qualifying FMLA absence, or is using FMLA leave on an intermittent basis, the maximum number of hours charged to PTO will be 96 hours during that leave year. Any subsequent FMLA qualifying time off during that leave year will be charged against the employee's Personal Critical Leave Bank (PCLB). In the case of an FMLA qualifying absence as a result of a compensable injury, the first 16 hours may be taken as PCLB. If

an absence will extend beyond 480 hours in the leave year, the employee must apply for a Personal Leave (Section 11).

2. For FMLA qualified absence for the serious health condition(s) of the employee's qualifying family member: The maximum hours of paid leave shall be 480 hours in the leave year except as may be allowed pursuant to article 23.11. The first sixteen (16) hours of absence(s) will be charged to PTO. If an employee has more than one qualifying FMLA absence, or is using FMLA leave on an intermittent basis, the maximum number of hours charged to PTO will be 96 hours during that leave year. Should the employee have an insufficient PTO balance to cover the first sixteen (16) hours of absence(s), such absence will be approved leave without pay; any subsequent hours of absence shall be charged to the employee's PCLB account. If an absence will extend beyond 480 hours in the leave year, the employee must apply for a Personal Leave (Section 11).

3. For the birth, placement or adoption of a child: The maximum hours of paid leave shall be (sixteen)16 hours of PTO and 464 hours of PCLB for a total of 480 hours in the leave year. Should the employee have an insufficient PTO balance to cover the first sixteen (16) hours of absence(s), such absence will be approved leave without pay; any subsequent hours of absence shall be charged to the employee's PCLB account. The maximum hours of paid leave shall be 480 and any approved absence beyond 480 hours in the leave year shall be leave without pay.

B. Designated Leave System (Policy 9):

All applicable accrued vacation and sick leave must be exhausted before going into unpaid leave status.

An employee may use up to a maximum of 480 hours of the employee's accrued sick leave in the leave year, for illness of a member of the employee's immediate family (defined as spouse, certified domestic partner, dependent child(ren), mother or father) living in the same domicile in the employees leave year, as defined in the Designated Leave System (Old Leave System) Policy.

Parental Leave:

In instances of parental leave, for the care and custody of the employee's natural or adoptive new born infant, sick leave up to fifty percent (50%) of that available in the pay period prior to the date of birth, or one hundred four (104) hours (whichever is greater) may be taken during the first six (6) weeks following the infant's birth.

Management may require confirmation of the illness, birth, or adoption from the employee by furnishing a doctor's certificate, birth certificate, or any other means deemed appropriate.

10. FMLA Definitions:

Child: includes a biological, adopted or foster child, stepchild, a legal ward, or a child for whom the employee stands in loco parentis (i.e., in the place of a parent) who is under eighteen (18) years of age; or eighteen (18) years of age or older and incapable of self care because of a mental or physical disability.

Parent: means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter.

Serious Health Condition: A serious health condition is an illness, injury, impairment, or physical or mental condition that involves:

- (i) inpatient care at a hospital, hospice, or residential medical care facility, or
- (ii) continuing treatment by a health care provider.

Leave Year: The twelve- (12) month period measured forward from the employee's leave progression date each year.

11. PERSONAL LEAVE

An employee may be granted a Personal Leave for a period of time not to exceed a total of one (1) year, for the following reasons:

- A. Health or family related problems not defined within FMLA Policy, or beyond the time limits of the FMLA.
- B. Education
- C. Military leave not covered under Military Leave Policy
- D. Extenuating personal reasons

12. \_\_\_\_\_ CONDITIONS:

Employees must apply for Personal Leave in writing at least ten working days prior to the beginning of the leave. Personal Leave may be granted and if granted may be paid, unpaid, or a combination of paid and unpaid leave. Prior to being placed on unpaid Personal Leave under this section, employees in the old leave system (Policy 9) must first exhaust all accrued vacation and personal leave; employees in the new leave system (Policy 8) must first exhaust all applicable, accrued PTO. PCLB hours may be applicable to health or family related problems not defined within FMLA Policy, or beyond the time limits of the FMLA.

Unpaid leave, for one (1) full pay period or more, will not be considered time worked for purposes of accruing seniority, longevity, vacation, sick, or paid time off (PTO).

\_\_\_\_\_  
During an employee's approved Personal Leave, their position may be filled by a temporary appointment, or permanent assignment of another employee. At the expiration of the leave, the employee shall be reinstated to the employee's regular position vacated if it has not been filled permanently during the leave. If the position has been filled, then the employee will be reinstated to another position which is vacant and for which the employee is qualified. The replacement position shall not be at a higher wage rate than the position from which the leave was granted. Refusal of a vacant position offered by the City shall result in the termination of the employee.

The employee shall not accept part-time or full-time employment elsewhere while on leave of absence unless such employment was previously approved and is not conducted during the employee's normal working hours.

\_\_\_\_\_

To return to work the employee must report to Employee Health Services and the employee may be required to submit a written approval from their health care provider releasing them for work. The employee may be required to complete a health examination.

\_\_\_\_\_

An employee on unpaid personal leave must contact the City of Gainesville's Risk Management Department to obtain a COBRA Notification Form. The COBRA Notification Form outlines the terms and conditions of the Consolidated Omnibus Budget Reconciliation Act, COBRA rates, when payments are due, and where payments are to be mailed. Payment must be received by the last day of the month prior to each month of coverage. If the payment is more than thirty (30) days late, the employee's health care coverage may be dropped for the duration of the leave.





PERSONNEL POLICIES AND PROCEDURES      POLICY NUMBER 24

Effective Date: 10/01/76  
Date Issued: 10/01/76  
Date Revised: ~~01~~: 01/09/78  
Date Revised: ~~01~~: 01/22/90  
Date Revised: ~~07~~: 07/26/99  
Date Revised:

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LONGEVITY PAY

~~Beginning February 1, 1990, longevity pay will be limited to present employees. All non-bargaining unit employees hired on or after February 1, 1990 will not be eligible for longevity. All employees hired prior to March 02, 1992 shall receive longevity pay in addition to their regular base pay in accordance with the schedule in section 1 (A).~~

1. Rates; Eligibility:

A. All regular, ~~permanent~~ part-time and ~~permanent~~regular full-time employees of the City shall receive longevity pay in addition to their regular base pay in accordance with the following schedule:

All such employees who have been in the regular, ~~permanent~~ part-time or ~~permanent~~ full-time employ of the City for:

- (1) 5 yrs. and not more than 10 yrs. = 2% of base pay
- (2) 10 yrs. and not more than 15 yrs. = 3% of base pay
- (3) 15 yrs. and not more than 20 yrs. = 4% of base pay
- (4) 20 yrs. and not more than 25 yrs. = 5% of base pay
- (5) In excess of 25 years = 6% of base pay

B. ~~Employees~~Full-time, regular certified police officers and firefighters employed by the police department and fire departments who are otherwise eligible to receive longevity pay and who elect to enter a (DROP) must, in order to enter and to continue to participate in the DROP, make an irrevocable election upon entry into the DROP as follows:—The: The employee may (1) continue to receive longevity payments and merit increases (assuming merit increases are provided and applicable), but forego receipt of all future general (COLA) salary increases, or (2) continue to receive general (COLA) salary increases and merit increases (assuming merit increases are provided and applicable) but become ineligible for future



receipt of longevity pay, or (3) in the case where the applicable pay plan does not provide separately for general and merit increases, the employee

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may forego either future receipt of longevity payments, or any and all future salary increases. In those cases where an otherwise eligible employee elects to forego receipt of future longevity payments, entry into the DROP shall be treated as separation from service for the purposes of section 5 of this policy.

2.      Base Pay - Defined:

The base pay of each eligible employee shall be the amount of regular monthly base pay as indicated on the applicable salary schedule which such employee is entitled to draw from the City on the first day of January or July of each year, immediately preceding the January or July in which longevity payment is actually made, exclusive of any overtime, longevity, incentive or other type pay.

3.      Establishment of Eligibility:

~~Regular, permanent part-time and permanent regular full-time employment of employees shall be determined as of the January 1 or July 1 immediately preceding the January or July in which longevity payment is to be made; provided, for employees receiving longevity for the first time, eligibility shall be determined as of the first full month after the employee reaches his fifth year anniversary and payment shall be made only in accordance with paragraph 6.B.1; and provided further any person who is retired under a pension plan of the City shall not be eligible for such additional compensation under the provisions hereunder. In order for the employee's time employed to be counted for purposes of calculating his/her years of service for longevity, the employee must have been in the continuous, regular, permanent full-time or permanent regular part-time employ of the City for the entire period. Employees incurring a leave without pay of greater than one (1) normal workday within any month shall not be considered to be in continuous regular full-time or regular part-time employ of the City for that month, except as may otherwise be required by law.~~

In order to receive payment hereunder, the employee must be in a ~~permanent~~, regular status with the City the month in which the payment is actually made.

4.      Continuity of Service - Exceptions:

A.      Continuity of service in the City's employ shall not be interrupted because of absence due to compulsory military service or due to voluntary military service in the armed forces of the United States of America in accordance

with personnel policies and procedures, and all such time spent in the armed forces of the United States of America shall apply toward accrued service for longevity pay.

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B. Continuity of service in the City's employ shall not be interrupted because of absence when such absence shall have been granted in accordance with the appropriate personnel procedures as approved by the City Commission. None of such time on an approved leave without pay shall apply toward the employee's service credit for determining longevity pay unless the absence was for military leave as provided in subsection (A) above.

5. Separation from Service:

In the event any eligible officer or employee dies, retires, or is separated from the service of the City for any reason, he/she shall be paid his/her longevity pay from the date of the last payment of longevity pay to him/her to the end of the month preceding the month in which such person dies, retires, or is separated from the service of the City.

6. Calculation of Payment:

A. Normal Payments - In General

1. Such longevity pay shall be paid to each eligible employee in January and July of each year and shall normally cover the six months preceding the month in which the payment is made.

2. Longevity pay for each eligible employee shall be calculated by multiplying the base pay of such employee for the month of January or July next preceding the month in which such longevity pay is to be paid by the number of months intervening from the month preceding the month in which longevity pay was last made to and including the month preceding the month in which payment of longevity pay is to be made. The results thus obtained shall then be multiplied by the applicable percentage rate as shown in the schedule in ~~paragraph~~section 1 and the result shall be the amount of longevity pay to be paid.

B. Proration for Discontinuous Service

~~Notwithstanding the provisions of sub-paragraph 6.A above, the provisions of this sub-paragraph 6.B shall apply when applicable.~~  
~~1. First Eligibility~~

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~~For employees receiving longevity for the first time, the pay shall cover the period of between one (1) and six (6) full months in which the employee has been eligible immediately following his/her five-year anniversary as an eligible employee. In order for a month to count for purposes of the calculations herein required, the employee must have reached his/her five-year anniversary and then have worked the entire month sought to be counted.~~

~~(Example: If an employee hired out as a permanent part-time or permanent full-time employee with the City on July 1, 1972, the permanent employee would receive his/her longevity check in January, 1979 and the months for which he/she would receive credit would be July, August, September, October, November and December, 1978. However, if that employee had hired out on July 2, 1973, there would be no credit for July, 1978.~~

~~2. In Payment Period~~

~~In the event an employee's anniversary of his/her adjusted service date (leave progression date) for longevity purposes falls within any six month period for which the employee is being paid under the provisions hereof, then the number of full months' service in such period after the said employee's anniversary of his/her adjusted service date (leave progression date) shall be computed at the higher rate indicated above section 6 and the remainder of the months shall be calculated at the lower rate indicated above section 6. (Example: If an employee hired out as a permanent-regular part-time or permanent full-time employee with the City on January 13, 19581981, the employee's 20 year anniversary of his/her adjusted service date (leave progression date) would be on January 13, 19782001. For the payment in July, 19782001, the employee would receive payment for January, 19782001, calculated at the 4% rate, and for February, March, April, May and June, 19782001, calculated at the 5% rate.) except as otherwise provided by law and section 4.~~

7. The provisions of this policy and the payments authorized hereby shall apply prospectively only.