



Holidays

I. 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 II)

II. Additional Holidays

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

III. Holiday Policy

All regular and probationary full-time employees are entitled to the above ten (10) paid holidays, eighty (80) hours. Regular part-time employees earn holiday leave in the proportionate that to their workweek bears to a full-time workweek as follows:

- Work week of more than 30 FTE at 1.0 - ten (10) holidays at eight (8) hours each or eighty (80) hours per year (this shall include those employees who opted for a reduced workweek of 32 hours or 36 hours.)
- work schedule. Work week of more than 20 and up to 30 hours FTE at .75 - ten (10) holidays at six (6) hours each or sixty (60) hours per year
- Work week of 20 or less FTE at .50 hours - ten (10) holidays at four (4) hours each or forty (40) hours per year

IV. 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.

V. Department Head Discretion Holiday Schedule

When a holiday occurs, employees working a 4 day scheduled work week will receive 8 hours of holiday pay or a portion thereof as outlined in section III. Unless otherwise provided in a Labor Agreement, employees working a 4 day scheduled work week will receive eight hours of holiday pay, or a portion thereof as outlined in section III, and will have the option of using two (2) hours of personal leave, taking two (2) hours of leave without pay, or flex their schedule for that week to work two (2) additional hours with the approval of their Department Head. For example, employees working four ten hour days will receive 8 hours of holiday pay and charge 2 hours to personal leave, 2 hours to leave without pay, or work an additional two hours for that week. As a result, the sum of time worked, holiday pay, personal leave and other leave (i.e. jury duty, etc.) shall equal 40 hours or a portion thereof as described in section III. The employee may use two (2) hours of PTO or vacation time, two (2) hours of leave without pay or flex their work schedule to work the two (2) hours with the approval of their Department Head.

For those employees working a 4 day scheduled workweek, Holidays falling on Monday-Thursday will generally be observed on that day. Holidays falling on a Friday or Saturday will generally be observed on Friday. During those weeks where a holiday is observed on Friday, City Offices will be open Monday-Thursday and employees affected will work an eight hour/day schedule. When any one week includes two holidays (Thanksgiving week), employees will work 3 eight hour days and receive two days (16 hours) of holiday pay.

V.VI. 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 eight (8) hours for the holiday for ~~his/her normal~~ an eight-hour (8-hour) workday.

VI.VII. 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.

VII.VIII. 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.

VIII.IX. Authorization for Holiday Work

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

IX.X. Employee's Sickness

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

Effective Date: 01/01/65
Date Issued: 01/17/65
Date Revised: 05/15/75
Date Revised: 09/25/80
Date Revised: 11/07/88
Date Revised: 04/10/00
Date Revised: 10/01/01
Date Revised: 10/01/09

CITY ATTORNEY ATTENDANCE AND WORK SCHEDULE POLICY

I. Purpose

This procedure addresses the Attendance and Work Schedule Policy for City Attorney Department employees. Professional and managerial employees (salaried), though not technically required to follow the same requirements as bargaining unit employees (hourly), are expected at a minimum to set the appropriate example in their work time. A professional or managerial employee has flexibility in his/her work schedule. This flexibility is provided due to the responsibility to complete work assignments regardless of the number of hours required, and with the expectation that hours outside the normal 7-6pm schedule will be required. Professional and managerial employees must be mindful of the restrictions on hourly employees and not abuse the normal work schedule (i.e., routinely arriving to work after 7am or routinely leaving before 6pm, extending lunch periods, etc.).

A. Scheduled Leave (Paid Time Off or Vacation)

An approved leave request form is required prior to the actual leave being taken. Failure to submit a leave request form, or failure to submit one sufficiently in advance, may result in the request being considered unscheduled leave, or result in being considered unscheduled leave and treated as leave without pay. All requests for leave shall be subject to review and determination by the City Attorney or designee. Approvals for vacation and/or training requests are based upon the operational and staffing needs of the office. Such requests for leave can only be taken upon approval of the immediate supervisor(s), the City Attorney and/or Sr. Asst. City Attorney, and the Law Office Manager. The City Attorney is responsible for approving leave requests submitted by the management staff and the Sr. Legal Assistant. An assigned Sr. Asst. City Attorney and the Office Manager are responsible for reviewing and approving leave requests submitted by the Legal Support Team.

General guidelines for scheduled leave are as follows:

1. Employees requesting up to 1 day off are required to have their leave slip completed and filed with the City Attorney (or designee) at least 7 calendar days prior to the requested time off.
2. Employees requesting 2-3 days off are required to have their leave slip completed and filed with the City Attorney (or designee) at least 14 calendar days prior to the requested time off.
3. Employees requesting 4-5 days off are required to have their leave slip completed and filed with the City Attorney (or designee) at least 30 calendar days prior to the requested time off.
4. Employees requesting 6-10 days off are required to have their leave slip completed and filed with the City Attorney (or designee) at least 60 calendar days prior to the requested time off.
5. Requests for leave around major holidays shall be submitted by an established deadline and considered simultaneously by the City Attorney for staffing purposes.

Exigent circumstances that arise from time to time will be considered on a case-by-case basis and will be granted or denied at the sole discretion of the City Attorney and/or designee.

Exhibit "B"

Pending memo shall contain the following information:

1. Detail of all pending work or attendance of meetings that need to be handled during the employee's absence.
2. Name of the designated individual who should be contacted regarding those pending items and also any emergency issues that might arise.
3. Location of any files or other materials needed during the employee's absence.
4. Telephone number that you can be reached at in the event of an emergency.

Prior to the leave, employee must personally meet with the designated individual(s) regarding pending items detailed in the memo. Employee must also activate the "Out-of-Office Assistant" within Outlook and update the voice mail message on their telephone; staff assistants should forward phone lines to their back-up staff person and/or extension 5829. Upon approval of the leave request, employee and/or designee shall update the master calendar and work calendars with the leave approval dates.

B. Unscheduled Leave (Paid Time Off Unscheduled or Sick Leave)

Whenever unscheduled leave is taken, the employee is required to notify his/her supervisor directly or by voicemail no later than the beginning of a scheduled workday that the employee is unable to report for duty. It is imperative that the employee speaks contacts the office to inform the designated staff member to ensure that everyone is informed. In the event of an illness or emergency requiring more than 1 day of unscheduled time off, it is the employee's responsibility to call in daily, unless otherwise instructed by his/her supervisor. In the event long-term illness, the employee is required to update his/her supervisor with any changes to the expected return date as soon as he/she becomes aware of any such status changes.

Employees are granted up to 5 occurrences of unscheduled leave during a work year. After 5 occurrences, the department or division head may require certification of absence for unexpected illness from a doctor or certified health professional.

Leaving work due to illness – employees leaving work due to illness will notify their supervisor of their intent to leave and will complete a leave request form prior to departure unless it is not possible. Employees unable to fill out a leave request form prior to departure unless it is possible. Employees unable to fill out a leave request form prior to departure will complete one immediately upon return to work. This time will be coded as PTOU or sick leave. If the employee calls in, the designated supervisor or staff member receiving the call will complete the leave request form in its entirety (asking all of the questions on the leave request form) and the employee will sign upon his/her return.

II. Guidelines:

A. Normal Hours of Work

- 1.) 7am-6pm, Monday-Thursday, unless on an alternate work schedule or approved flextime schedule. Prior to approving a flextime schedule, the City Attorney must be assured that all coverage issues are addressed.
- 2.) From time to time, employees will experience delays in reporting to work. An employee who will be more than 10 minutes late is required to call and leave a message with the Office Manager and/or office staff so word of the late arrival can be passed along

accordingly. Late arrivals should be the exception – not routine or frequent. If you are late to work 30 minutes or less within the same day, the time shall be made up during the lunch hour and/or at the end of the day, and coordinated with the Office Manager. Time beyond that requires submittal of a leave request form.

B. Lunch Period

The workday includes a 1 hour lunch period to be scheduled between the hours of 12-1pm, unless you are a professional/managerial employee. Lunch hours outside this period may be used in connection with medical appointments (for employees and eligible family members as defined in Personnel Policy No. 8) shall be approved by the Law Office Manager and/or immediate supervisor, provided that appropriate coverage of office responsibilities is maintained.

Exceptions to the regularly scheduled lunch hour from 12-1 shall be considered to allow employees the opportunity to participate in City sponsored health/exercise programs between the hours of 11:30 – 2:00, upon the following conditions: (1) a flexible work schedule request form be submitted and approved for the time period the course is offered indicating how the lunch hour shall be changed from 12-1; (2) employee must attend the class/exercise program as requested; (3) request approved upon staffing needs; and (4) employee shall cancel the flexible work schedule request when no longer attending the class.

C. Flex Time

The following time periods are approved for flexing:

- a) before and/or after scheduled work hours; and
- b) lunch period (medical appointments)

All time used as makeup must be productive work time for the department. For hourly employees, this makeup time must be satisfied within the current week. Deviation from the approved flex schedule must be approved by the employee's immediate supervisor(s), and the Law Office Manager.

- D. **Absence for Independent School/College** - If attending a recognized community college or university, time off must be vacation unless a flexible work schedule has been approved in advance.
- E. **Jury Duty** - If Jury Duty concludes prior to the end of the employee's scheduled workday, the employee will be required to return to work to complete his/her scheduled workday. Failure to return to work will result in disciplinary action. A leave request form must be filled out for jury duty. Witness fee checks must be turned in to the supervisor.
- F. **Training Classes** – If training concludes prior to the end of the employee's scheduled workday, the employee will be required to return to work to complete his/her scheduled workday unless prior approval has been granted by the Supervisor. Failure to return to work may result in disciplinary actions.
- G. **Breaks** – If operations allow, all employees shall be entitled to 2 10-minute breaks. The daily scheduling of such breaks shall be at management's discretion.

Division Managers and immediate supervisors are expected to observe and correct non-compliance in any area outlined in the above procedure.

III. Administrative Leave

The intent of this policy is to establish a means by which covered employees can be partially compensated for the contribution of an unusual number of hours beyond the normal workweek as outlined in the Eligibility Requirements listed below. Such leave is discretionary and non-cumulative.

Administrative leave is available for the following positions in this office:

1. Sr. Assistant City Attorney
2. Assistant City Attorney I & II
3. Litigation Attorney, Asst. Litigation Attorney
4. Sr. Legal Assistant
5. Law Office Manager

Eligibility Requirements:

1. All covered employees shall be eligible to earn up to 5 days administrative leave with pay within a fiscal year. These days must be used within 90 days of the activity listed in item #3. Extraordinary cases may be considered for Administrative Leave above this cap up to an additional 5 days with pay at the discretion of the City Manager and/or other Charter Officers. You must include on the leave request forms how many days of administrative leave you have already received in the current fiscal year. If you are uncertain of this information, you may contact the Law Office Manager for this information.
2. To be eligible, covered employees must be performing their duties at a satisfactory or above average level.
3. Examples of types of activities, for which administrative leave is intended to be granted, include but are not limited to:
 - (a) Special projects with deadlines that require substantial employee time beyond normal working hours to complete.
 - (b) Seasonal activities that require extensive time to meet established deadlines beyond normal work hours.
 - (c) Frequent appearances at special meetings outside of normal working hours.
 - (d) Unscheduled or scheduled operational contingencies; i.e. natural disasters, repairs and maintenance, major systems, failure, etc.

A memo requesting administrative leave should be submitted to the City Attorney, along with a personal leave request form. The memo should state the nature of the project/assignment; inclusive dates of work performed, and total amount of time expended. For example, if you worked on an assignment above and beyond your work schedule for a total of 3 hours, but it may have been 30 minutes here, 15 minutes there, etc. for a specific week, you need only to state that you worked 3 hours on a particular assignment. Ordinarily the City Attorney considers the amount of administrative leave on a 2:1 ratio. This means for every 2 hours worked you may be considered for 1 hour of administrative leave. The scheduling of the administrative leave will be treated under the scheduled leave requirements referenced in I.A. above.

IV. HOLIDAY PAY

Holiday pay shall be paid equivalent to the number of hours that are ordinarily scheduled to be worked by the employee on that holiday to a maximum of 10 hours of holiday pay, subject to the work schedule approved by the City Attorney. For example, if the normal scheduled workday is 10 hours, then the employee shall be paid for 10 hours holiday pay. If the normal scheduled workday is 8 hours, then the employee shall receive holiday pay equivalent to the normal workday of 8 hours.

Holidays that fall on a Friday and/or run consecutively for 2 days, employees shall convert to an 8 hour workday for that work week, and shall work those hours between 7:00am-6:00pm on a schedule approved by the City Attorney. Employees shall be paid 8 hours holiday pay for each holiday.

V. VIOLATIONS

Violations of this policy may result in disciplinary action, up to and including termination of employment.

At the very least, this employee will accrue very few for legitimate need based leave, and thus will likely be required to take leave without pay.

Second, the draft Holiday Policy fails to address that employees cannot be forced to take 2 hours of PTO on an 8-hour holiday when working the 4-10 workweek. Instead, they must be given the opportunity to flex their time or work 2 hours on holidays because current city leave policies, as well as the collective bargaining agreements, provide employees with the right to take PTO for any purpose **the employee** deems necessary, not management.

Third, the 10 paid holidays, 80-hours provision of the draft Holiday Policy is unequal to the holiday policy applicable to some employees in the City. These additional holidays are the sole result of collective bargaining with no other apparent rational basis. For instance, under the IAFF, IAFF-DC, FOP, and PBA labor agreements, most employees governed by such agreements are afforded 12 paid holidays and are not limited to 10 paid holidays amounting to 80 hours per year.

Fourthly, the draft Holiday Policy is unclear, especially with regard to its application in the context of the 4-10 workweek. For instance, what happens to the additional 2 hours when an 8-hour holiday falls on a Monday, or an employee's regularly scheduled 10-hour workday? Or what happens when a holiday falls on a Friday, an employee's regularly scheduled day off?

Finally, I believe the Charter Officers should be allowed to develop Guidelines that address the needs of the particular Charter Office. I would note, for example, that GRU remains on the 5-8 workweek to address its own service delivery issues. Similarly, the GPD and GFR remain on their own regular workweek schedules to address their needs. The Guideline developed by this Office addresses the needs and service delivery issues of a professional law office that must, at times, work on Fridays and on weekends.

For these reasons, I cannot support the Holiday Policy as written in the above draft policy language. Thank you.

MJR:SM

Attachment

cc: City Attorney's Office



Holidays

1 | I. **Holidays Observed by the City:**

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3 The City observes the following paid holidays but reserves the right to schedule
4 work on these days if City business demands.
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7 II. **Additional Holidays**

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

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12 III. **Holiday Policy**

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15 paid holidays, eighty (80) hours. Regular part-time employees earn holiday leave
16 as follows:

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18 per year (this shall include those employees who opted for a reduced
19 workweek of 32 hours or 36 hours.)
- 20 • FTE at .75 - ten (10) holidays at six (6) hours each or sixty (60) hours per
21 year
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23 year

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25 IV. **Holiday Eligibility Requirement**

1 To be eligible for a paid holiday, an employee must be in pay status for a full day on
2 his/her assigned workdays immediately before and after the day on which the
3 holiday is observed.
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5 **v. Holiday Schedule**
6

7 .Unless otherwise provided in a Labor Agreement or by specific guidelines adopted
8 by a Charter Officer, employees working a 4 day scheduled work week will receive
9 eight hours of holiday pay, or a portion thereof as outlined in section III, and will
10 have the option of using two (2) hours of personal leave, taking two (2) hours of
11 leave without pay, or flex their schedule for that week to work two (2) additional
12 hours with the approval of their Department Head. For example, employees
13 working four ten hour days will receive 8 hours of holiday pay and charge 2 hours to
14 personal leave, 2 hours to leave without pay, or work an additional two hours for
15 that week. As a result, the sum of time worked, holiday pay, personal leave and
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4 thereon, the employee shall receive a straight time hourly rate for eight (8) hours for
5 the holiday for an eight-hour (8-hour) workday.
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7 **VII. Work Performed on a Holiday Falling on Employee's Workday**

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9 Work on a holiday falling on an employee's regular scheduled workday shall be
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11 holiday.
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13 **VIII. Work Performed on a Holiday Falling on Employee's Day Off**

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15 Should an employee be required to work on a holiday falling on his/her day off, the
16 employee shall be paid for the hours worked plus the number of hours of the
17 normal workday at the straight time hourly rate of pay for the holiday.
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19 **IX. Authorization for Holiday Work**

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21 No work shall be scheduled on a holiday unless approved in advance by the
22 Department Head.
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24 **X. Employee's Sickness**

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