XIV. VACATION, SICK/PERSONAL LEAVE, AND OTHER LEAVES OF ABSENCE

Section 1. VACATION LEAVE

A. PURPOSE AND SCOPE

Vacation leave is an earned benefit to be used for rest and relaxation. All Department Directors and Supervisors shall make every effort to provide their respective employees the opportunity to utilize their vacation leave at least once a year to remove themselves from the work atmosphere for rest and relaxation in order to return to their jobs refreshed and ready to perform at their maximum efficiency.

B. ACCRUAL RATES FOR VACATION LEAVE

All regular status full-time employees accrue vacation at the rates outlined in the schedule below. Regular status part-time employees accrue vacation at 50% of the rate for full-time employees.

1. Accrual Rate for forty (40)-hour/week employees.

YEARS OF SERVICE	ACCRUAL/PAY PERIOD	ACCRUAL/YEAR
Date of hire through 2 years	3.69 hours	96 hours
3 years through 5 years	4.15 hours	108 hours
6 years through 10 years	5.07 hours	132 hours
11 years through 15 years	6.00 hours	156 hours
16 years through 19 years	6.92 hours	180 hours
20 + years	7.84 hours	204 hours

2. Accrual Rate for Police Department employees on twelve (12)-hour shifts.

YEARS OF SERVICE	ACCRUAL/PAY PERIOD	ACCRUAL/YEAR
Date of hire through 2 years	5.53 hours	144 hours
3 years through 5 years	6.00 hours	156 hours
6 years through 10 years	7.38 hours	192 hours
11 years through 15 years	8.76 hours	228 hours
16 years through 19 years	10.15 hours	264 hours
20 + years	11.53 hours	300 hours

3. Accrual Rates for Fire Department represented employees are outlined in their respective collective bargaining agreements.

4. Vacation leave accrues during any pay period in which an employee works or is compensated (e.g., while on vacation, sick leave, etc.).

5. Vacation leave does not accrue in any pay period that an employee is on a leave of absence, suspension, or other absence without pay for the entire pay period.

6. Maximum accrual is 288 hours for all full-time employees except Police and Fire Department shift employees, whose maximum accrual is 432 hours and part-time employees whose maximum accrual is 144 hours.

C. ELIGIBILITY

Regular status full-time and part-time employees are eligible to take vacation leave after completing six months of service. Seasonal and temporary employees are not eligible for this benefit.

D. CONDITIONS AND LIMITATIONS

1. Vacation leave is a planned absence for rest and relaxation. Therefore, an employee must request and have **prior** approval from supervision to utilize vacation leave. Supervisory approval of vacation requests will be based on factors including, but not limited to, operational needs and workload; employee seniority; timeliness of request; etc.

2. Vacation leave will not be routinely approved by call-in in lieu of sick leave for the date of absence; i.e., to supplement all or part of a single day/shift for which the employee has an insufficient sick leave balance.

3. Vacation leave is generally authorized for an entire shift or more; however, less than one work day/work shift, but no less than .25 hours, may be taken if requested and authorized in advance, and which is not simply to supplement a sick leave balance insufficient to cover a full-day's/shift's absence. Accrued vacation may be authorized for extended absence for serious health conditions, if the accrued sick leave balance has already been exhausted, and other eligible reasons in accordance with the Family and Medical Leave.

4. Part-time employees may only request leave for normally scheduled hours of work.

5. It is the responsibility of an employee's supervisor to verify that the employee has sufficient vacation leave for the requested period of vacation. Vacation leave will not be approved in advance of accrual earned. Additional unpaid time off work for vacation purposes impacts the operation of the City and shall be approved only in unusual and extenuating circumstances. Such approval is solely at the discretion of supervision with concurrence of the Department Director and the Human Resources Director.

6. If no other accrued leave is available (i.e., sick leave, administrative leave), vacation leave may be used to supplement workers' compensation wage benefits provided the total income from the wage benefits and vacation used does not exceed 100% of an employee's regular gross pay.

7. No vacation which exceeds thirty (30) work days/work shifts (except when such vacation is taken in conjunction with an approved Family and Medical Leave) is allowed unless approved in advance by the City Manager.

8. In no event shall an employee be eligible to take vacation leave during the 2 weeks prior to the date of separation or to extend the separation date even if the leave was approved prior to the notice of separation, unless approved by the City Manager.

E. HOLIDAYS WHILE ON VACATION LEAVE

Holidays which occur during the period selected by the employee for vacation will not be charged against vacation accrual balances. The holiday will be charged against holiday leave regularly due the employee; i.e., the employee will not receive both holiday and vacation pay for the holiday.

F. DEATH IN FAMILY DURING VACATION LEAVE

When bereavement leave occurs within a vacation period, the vacation period can be extended to cover this period and such time charged to bereavement leave as authorized, or the vacation leave will be reduced accordingly, as requested by the employee.

G. PAYMENT OF VACATION LEAVE BALANCE UPON SEPARATION OR DEATH

Upon successful completion of the six month new hire probationary period, or after six months of employment for sworn Police and certified Fire Department personnel, employees in authorized, budgeted part-time or full-time positions will be eligible for payment of accumulated vacation leave in cases of separation from City employment in good standing (layoff, resignation, retirement). An employee who separates with less than six months' service, or who is terminated during or at the conclusion of the probationary period, or is discharged for cause, is **not** eligible for payment of accumulated vacation leave, unless specifically authorized by the City Manager.

In the event of a non-probationary employee's death, his beneficiary shall be paid for accumulated vacation leave.

Payment of accumulated vacation upon separation is considered earned income and is processed via the payroll system on the next regularly scheduled pay period subsequent to the employee's separation.

Section 2. SICK/PERSONAL LEAVE

A. PURPOSE

Sick leave is a benefit provided by the City to be accumulated to protect employees in times of illness.

B. ELIGIBILITY

All part-time and full-time employees in authorized, budgeted positions are eligible to accrue sick leave from the first month of employment. However, sick leave is not available for usage during the initial six-month probationary period, unless specifically authorized by the Department Director. Employees who serve an initial twelve-month probationary period may use sick leave after completion of six months of employment. Seasonal and temporary employees are not eligible for this benefit.

C. SICK LEAVE ACCRUAL RATES

1. Sick leave accrual for full-time employees shall be earned in accordance with the following schedule:

SCHEDULE	ACCRUAL/ PAY PERIOD	ACCRUAL/ YEAR	MAXIMUM ACCRUAL
Budgeted Part-Time	1.85 hours	48 hours	240 hours
40 hour/week	3.69 hours	96 hours	480 hours
Fire Dept. (112 hours/ pay period)	5.53 hours	144 hours	720 hours
Police Dept. (84 hours/ pay period)	5.53 hours	144 hours	720 hours

2. Regular part-time employees accrue sick leave at 50% of the rate for full-time employees.

D. AUTHORIZED USES OF SICK/ PERSONAL LEAVE

1. Sick leave may be used for the following reasons:

- Legitimate illness of employee, employee's spouse, child(ren), or parent, or other relative as approved by the Human Resources Director, depending upon the relationship and circumstances.

- Non-job related accident/injury preventing performance of employee's duties; or to supplement Workers' Compensation wage benefits in the event of a compensable on-the-job injury/accident, provided the combined income from Workers' Compensation wage benefits and sick leave does not exceed 100% of regular gross pay.

  Employees are permitted to charge up to 40% of their sick leave accrual per pay period to supplement the group short-term disability reimbursement.

  During the initial elimination period, sick leave or vacation leave shall be charged to enable the employee to remain in a fully-paid status.

  - Medical, dental, psychological, optical, chiropractic, or Employee Assistance Program (EAP) appointment, treatment, or examination of employee or employee's spouse, child(ren), or parent, or other relative as approved by the Human Resources Director, depending upon the relationship and circumstances.

  - Additional bereavement leave.

  - Family and Medical Leave.

2. Personal leave usage

Employees are eligible to use a designated amount of accrued sick leave each fiscal year for personal business reasons, as follows:

EMPLOYEE SCHEDULE	**PERSONAL LEAVE/FISCAL YEAR**
Budgeted Part-Time Employees	1 day/ 1 shift
40 hours/week (8-hour shifts)	2 days/2 shifts
40 hours/week (10-hour shifts)	2 days/2 shifts
Fire Dept. (112 hours/pay period)	1 day/ 1 shift
Police Dept. (84 hours/pay period)	2 days/2 shifts

Requests for personal leave must be approved **in advance** by supervision. If an employee does not use the eligible personal leave during the fiscal year, the unused hours are maintained in the sick leave balance; i.e., unused personal leave hours are not carried over into a subsequent fiscal year for additional personal leave use. If an employee records personal leave use in excess of the amount authorized each fiscal year, the excess number of hours will automatically be charged to accrued vacation, if available, or will be unpaid.

3. COMPUTING SICK/PERSONAL LEAVE

The minimum charge for sick/personal leave is .25 hours; additional charged time will be to the nearest .25 hours.

E. PROOF OF ILLNESS AND NOTIFICATION REQUIREMENTS

1. It is the employee's responsibility to personally notify supervision (unless incapacitated) prior to or no later than one hour after the beginning of the work shift if the employee will be absent due to illness. Unless the employee receives prior authorization, as in the case of an extended, verified illness or an approved Family and Medical Leave due to illness, it is the employee's responsibility to report in this manner for each day of absence due to illness, unless daily notification is waived by supervision.

2. An employee who is absent from work for more than three work days/shifts due to illness, may be required by his supervisor to provide medical verification of the illness from the treating physician in order to receive sick leave benefits. If requested verification is not received by the due date for time card approval, the absence will be unpaid. A physician's statement may also be required for employees who:

- take excessive sick leave, either on separate days or continuous days in any given time period; demonstrate a pattern of absenteeism;
- call in sick on a day or days when vacation leave was denied;
- take sick leave as soon as it is accrued (i.e., one day at a time as soon as it is earned); or
- are frequently absent the day before and/or the day after a scheduled day off or a holiday.

Department Directors may require medical verification of the need for sick leave at any time.

Sick leave charged during the employee's resignation period must be verified by a physician's statement certifying the illness in order to be compensated.

3. Frequent and/or excessive absences charged to sick leave without medical verification, or with medical verification but which hinders operations, impedes work flow, or creates other adverse operational impact; evidence of malingering; a pattern of sick leave usage (e.g., Mondays, Fridays); use of sick leave for false claims of illness or injury; falsification of proof to receive payment of sick leave; and/or failure to comply with rules and

regulations governing sick leave; may result in denial of sick leave pay and/or disciplinary action, including dismissal.

4. Supervision is responsible for determining that sick leave is properly authorized and used in accordance with these policies. Therefore, supervision is authorized to make any investigation of employee usage of sick leave benefits deemed necessary and payment will not be made for claims not properly substantiated.

5. Sick leave does not accrue in any pay period that an employee is on a leave of absence, suspension, or other absence without pay for the entire pay period.

F. HOLIDAYS WHILE ON SICK LEAVE

Holidays which occur during a period in which the employee is absent on approved sick leave shall not be charged against sick leave. The holiday will be charged against holiday leave regularly due the employee; i.e., employees will not receive both holiday and sick leave pay for the holiday.

G. DEATH IN FAMILY WHILE ON SICK LEAVE

When bereavement leave occurs while an employee is on approved sick leave, the time off work for bereavement purposes will be charged to bereavement leave as authorized.

H. SICK LEAVE INCENTIVE PROGRAM

1. In order to encourage the accumulation of sick leave, the City provides incentive programs to employees enabling them, each fiscal year, to"sell back" or convert to vacation leave 50% of their unused sick leave which exceeds the required minimum balance, as follows:

EMPLOYEE SCHEDULE	REQUIRED MINIMUM BALANCE
Budgeted Part-time Employees	120 hours
40 hour/week	240 hours
Fire Dept. (112 hours/pay period)	432 hours
Police Dept. (84 hours/pay period)	432 hours

Example: Employee whose schedule is forty (40) hours per week who has a sick leave balance of 312 hours:

312 hours
- 240 hours required balance
72 hours available for 50% cash payment or conversion to vacation leave

2. CONDITIONS AND LIMITATIONS OF SICK LEAVE INCENTIVE PROGRAM:

- Employees must have the required minimum balance outlined above as of the date of application to participate.
- Employees must have a minimum of five (5) years of employment.
- Requests for "sell-back" or conversions must be submitted on the appropriate form to the Human Resources Department.
- Cash payment or conversion of sick leave to vacation takes effect during the next pay cycle after the request is received.

I. PAYMENT OF SICK LEAVE UPON SEPARATION OR DEATH

1. The following provisions apply to payment of accumulated sick leave upon termination, retirement, or death.

Employees who were hired prior to July 1, 1996 who terminate employment with the City in good standing (resignation, layoff, disability or early retirement), will be paid 100% of accrued sick leave, up to a payment of 100% of the maximum allowed sick leave balance.

Employees hired after July 1, 1996 who have completed five years of service and who terminate employment with the City in good standing (resignation, layoff, disability or early retirement), will be paid 50% of accrued sick leave, up to a payment of 50% of the maximum allowed sick leave balance.

Employees hired after July 1, 1996 who terminate employment prior to completion of five years of service will receive no payment for accrued sick leave.

Employees hired after July 1, 1996 who are discharged for cause/misconduct or terminated during or at the end of the probationary period are not eligible for payment of sick leave.

Employees hired prior to July 1, 1996 who are discharged for cause/misconduct are not eligible for payment of sick leave.

In the event of the **death** of an employee, payment of accrued sick leave to the employee's beneficiary/estate will be in accordance with the provisions outlined above.

2. The use of sick leave to extend the employee's separation date is prohibited. Use of sick leave during the two-week period prior to separation will require physician’s documentation of the illness.

3. Payment of accumulated sick leave upon separation is considered earned income and is processed via the payroll system on the next regularly scheduled pay day subsequent to the employee's separation.

J. ADVANCED SICK LEAVE

1. When an employee has exhausted all paid leave benefits, advanced sick leave may be granted, solely at the discretion of the City Manager, as follows:

EMPLOYEE SCHEDULE	ADVANCED SICK LEAVE MAXIMUM GRANT
40 hour/week	80 hours
Fire Dept. (112 hours/pay period)	120 hours
Police Dept. (84 hours/pay period)	120 hours

2. CONDITIONS AND LIMITATIONS OF ADVANCED SICK LEAVE PROGRAM

a. Approval of advanced sick leave shall be solely at the discretion of the City Manager and is not subject to the Grievance Procedure.

b. Upon approval of advanced sick leave by the City Manager, the employee's direct supervisor will monitor the negative sick leave usage to ensure that the approved limit is not exceeded. Upon the employee's return to work, the negative sick leave balance will be reduced each pay period by positive sick leave accruals, until completely "reimbursed." If an employee terminates employment (for reasons other than death or approval for the City's long-term disability plan) prior to the reimbursement of all of the advanced sick leave, the balance owed may be deducted from other leave benefits due to the employee, from final pay, or may be paid directly by the employee.

3. APPLICATION FOR ADVANCED SICK LEAVE

An employee requesting advanced sick leave must submit a written request to his Supervisor, specifying the nature of the illness/disability, anticipated length of absence (including physician's certification). The Supervisor will review the employee's attendance record and forward a recommendation to the Department Director, who will, in turn, review the request with the Human Resources Director prior to submittal to the City Manager for approval/denial. If approved, the employee will be required to execute a certification regarding repayment of the advanced sick leave via future accruals upon return to work; by other payment; or from separation pay if the employee separates from the City prior to complete reimbursement, as outlined above.

Section 3. BEREAVEMENT LEAVE

A. Regular status part-time and full-time employees are eligible for bereavement leave with pay in the event of the death of an immediate family member. Immediate family includes spouse, and the following biological, adoptive, or "step" relatives: child (ren), parents, brothers, sisters, grandparents, and grandchild (ren) of both the employee and the employee's spouse.

B. Up to **three scheduled work days** will be granted to regular status full-time or part-time employees upon request; documentation of the death/relationship may be required. Temporary employees are not eligible for this benefit. If more than three days is needed, the additional days may be charged to accrued sick, personal, administrative or vacation leave balances. Bereavement leave for persons other than immediate family members may be granted subject to approval by the Department Director and may be charged to accrued vacation leave.

C. Authorized bereavement leave is entered on the time card with the appropriate pay code.

D. Supporting documentation of the death (e.g., newspaper obituary, death certificate, etc.) and documentation of immediate family relationship may be required by supervision in order for the employee to receive this benefit.

E. In the event of the death of a current or retired City employee or elected official, the City encourages employees to attend local funeral or memorial services. An employee may be released by his supervisor to attend services if his absence will not impact routine work operations. The number of hours authorized to attend the service will be specified by his supervisor (generally not to exceed four hours, unless specifically extended by the Department Director) and is recorded as regular work hours. No overtime will be paid to attend these services.

F. Provisions governing bereavement leave for represented employees are outlined in their respective collective bargaining agreements.

Section 4. JURY DUTY/WITNESS LEAVE

A. EMPLOYEES SERVING ON A JURY

1. Regular full-time and part-time employees who are summoned for jury duty on a regularly scheduled work day will be granted time off with pay (not deducted from accrued leave) for jury service. It is the employee's responsibility to notify supervision as soon as the jury service summons is received and to submit a copy of the jury summons to supervision and to keep supervision apprised of continuing jury service on a daily basis. Absence for jury duty is entered on the time card with the appropriate pay code.

2. The employee shall not be eligible for reimbursement by the City for any meals, lodging, travel, or other expenses incurred while serving as a juror.

3. All monies earned while serving on jury duty are in addition to the employee's regular salary and may be kept by the employee.

4. If the employee is excused or released from jury duty, he is required to report to his regular City employment provided that at least four hours remain in his regular work day/shift. The employee must report to work within one-and-one-half hours of the time released from jury duty.

5. Upon release from jury duty service, the employee must provide proof of release (showing dates/times of service) to his supervisor.

B. SERVING AS A WITNESS ON BEHALF OF THE CITY

1. An employee called as a witness or representative in any legal proceeding on behalf of the City (e.g., workers' compensation hearing, civil or other court cases, grievance or arbitration hearing, etc.) will be considered "on-duty" and will be in a full-pay status including overtime, if applicable. The employee will be eligible for meal and travel expenses reimbursement in accordance with the City's travel policy. Since the employee is in a full-pay status, all monies received from the court and/or attorney(s) for witness fees, mileage, etc., must be remitted to the City. If the employee elects to retain the court and/or attorney fees, he will forfeit any remuneration by the City. Employees who appear for only a portion of a regularly scheduled work day are expected to return to their work site after being excused or released from the proceeding.

2. Time spent in court appearances as outlined in this section is recorded as regular hours worked and is considered time worked for the purpose of determining overtime pay.

3. Employees (e.g., sworn police officers) required to appear in court or other proceedings on behalf of the City while on scheduled vacation or other authorized paid leave shall not be charged such leave for the appearance time upon presentation of the required documentation.

4. An employee who appears in court as a witness, plaintiff, or defendant due to personal litigation, or as a witness against the City, or for criminal charges, or whose appearance is voluntary shall be required to use accumulated vacation or personal leave for any such absence from work, or be unpaid.

Section 5. WORKERS' COMPENSATION LEAVE

A. PURPOSE AND SCOPE

The City provides workers' compensation coverage for all part-time and full-time employees, including probationary, temporary, and seasonal employees on the City's payroll, in accordance with Florida Statutes, Chapter 440. All cases of accident or injury occurring on the job shall be reported immediately to the employee's supervisor in accordance with statutory provisions and the provisions of the City of Oviedo Safety Manual. Medical treatment shall be authorized at facilities designated by the Workers' Compensation insurer for all injuries other than injuries requiring only first aid.

There shall be no retaliation against any employee for filing a claim for a legitimate on-the-job injury.

B. ELIGIBILITY

1. An employee who sustains a compensable on-the-job injury and who is determined by competent medical authority to be temporarily, totally disabled from performing his duties shall receive his regular salary for absence from work for the date of injury and for up to a maximum of seven calendar days, beginning the first day following the date of the injury.

2. If the employee is unable to return to work, either to regular duty or to modified duty assignment, at the end of seven calendar days, workers' compensation wage benefits, as prescribed by law, will begin as of the eighth calendar day at the rate of two-thirds (66.67%) of the employee's gross salary based upon the average weekly wages paid for the last thirteen (13) weeks prior to the date of injury. Employees may supplement the wage benefits received from workers' compensation with accumulated sick and vacation leave, provided that the combined income from City leave benefits and workers' compensation wage benefits does not exceed 100% of regular gross pay.

3. An employee who is unable to return to work, either regular duty or in a modified duty capacity after the end of seven calendar days, will be placed on Family Medical Leave.

4. An employee who exhausts their sick and vacation leave accruals while on workers' compensation will be required to remit payment to the Finance Department to cover the tobacco-user surcharge and employee paid portion of their optional benefits, (e.g. dental, vision, and dependent group health insurance). If payment is not made within thirty (30) calendar days

from the time all accruals are exhausted, and/or if payments lapse for a period of thirty (30) calendar days, an employee's optional benefits will lapse and the employee must wait for the next open enrollment to re-apply. Payments are due by the 15th of each month.

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5. An employee on workers' compensation leave will not accrue sick, annual leave or a floating holiday after being on leave for ninety (90) calendar days per incident or after the employee's accruals have been exhausted, whichever occurs first.

6. Shift employees who are provided with a 40-hour modified duty assignment will accrue sick and vacation at the rate of a 40-hour employee until such time as they return to full/shift duty. In the event the 288 hour cap for a 40-hour employee is exceeded, a separate accrual bank will be established for the employee and future accruals will be placed in that bank. When the employee returns to full duty, the banks will be combined.

7. Seniority will continue to accumulate during the period of absence due to a workers' compensation injury. Continued employment is not guaranteed to employees on extended absence from work due to their injury/accident, other than pursuant to Family and Medical Leave provisions. Depending on the circumstances, medical verification of likelihood of return to full-time, unrestricted duty within a reasonable time frame, operational impact of the continued absence and unavailability for work, the interest of the City, and other factors, a determination may be made that the City is unable to authorize continued leave, and the employee may be terminated, or continued leave may be authorized.

8. Injured employees may be required to be examined by a medical authority, provided by the City, who shall determine the employee's condition and fitness for return to full-time, part-time, and/or restricted duty.

9. Employees released to full-duty with a Maximum Medical Improvement (MMI) assigned will be required to charge sick leave for future medical appointments.

C. MODIFIED DUTY (RETURN TO WORK PROGRAM)

An employee will be returned to modified duty following an on-the-job accident, in his own department or any department of the City, with no reduction in pay, based on medical verification of ability to perform the modified duty. The employee's salary while on modified duty will be paid by his department even if he is temporarily assigned to another department for the purpose of modified duty. An employee who is working on authorized modified duty will receive regular pay (i.e., no leave benefits will be charged) for absence of less than one workday for medical appointments related to the on-the-job injury provided the employee

has submitted documentation of the necessity for the appointment, has arranged to be excused from work in advance by Supervision, and provided the employee is at work prior to and/or after the appointment. Appointments should be scheduled to allow minimal disruption to the employee's scheduled shift.

In the event that an employee is absent for an entire workday for a medical appointment, the employee will not be paid regular pay, but may file for wage loss benefits, if eligible, or may request to be paid sick leave.

Employees assigned to modified duty will continue the assignment until:

- released to return to unrestricted duty in his regular position;
- the employee has reached maximum medical improvement; or
- has been determined to have a permanent total disability rendering him unable to perform the essential functions of his regular position and is terminated.

If an employee released for light duty refuses to accept light duty, the employee will be required to use his accumulated leave and/or be placed on Family and Medical Leave (after one week) if eligible for this benefit.

Section 6. OCCUPATIONAL MODIFIED DUTY ASSIGNMENT (RETURN TO WORK PROGRAM)

A. PURPOSE AND SCOPE

The purpose of this policy is to clearly establish how the City will accommodate employees while they are recuperating from occupational injuries or illnesses.

B. DEFINITION

A modification or adjustment in the employee's regular job duties or schedule which goes beyond a reasonable accommodation due to an injury or illness that **occurred in conjunction with their employment with the City of Oviedo.**

C. POLICY

It is the policy of the City of Oviedo to make reasonable accommodations for the employees who are recuperating from an injury or illness that occurred in conjunction with their employment with the City when they are unable to perform their full-time or unrestricted duties.

D. CONDITIONS AND LIMITATIONS

It is recognized that there may be occasions when an employee is unable to perform his full-time and/or unrestricted duties due to an occupational

(workers' compensation) illness or injury. The City, solely at its discretion, may authorize the employee to work in a "modified duty" status and/or a reduced work schedule, pending the employee's release to return to full-time, unrestricted duty.

An employee will be returned to modified duty following an on-the-job accident, in his own department or any department of the City, with no reduction in pay, based on medical verification of ability to perform the modified duty. The employee's salary while on modified duty will be paid by his department even if he is temporarily assigned to another department for the purpose of modified duty. An employee who is working on authorized modified duty will receive regular pay (i.e., no leave benefits will be charged) for absence of less than one workday for medical appointments related to the on-the-job injury provided the employee has submitted documentation of the necessity for the appointment, has arranged to be excused from work in advance by Supervision, and provided the employee is at work prior to and/or after the appointment.

In the event that an employee is absent for an entire workday for a medical appointment, the employee will not be paid regular pay, but may file for wage loss benefits, if eligible, or may request to be paid sick leave.

1. Prior to the modified duty assignment taking effect, a modified Duty Form, non-occupational, will be sent to the treating physician by the City for completion. The form will enable the employee's treating physician to state the detailed job duty restrictions or the variance from their regular job description.

2. The City will accept a completed DWC-25 form if all restrictions are included. This form is used if additional clarification is needed or if the injury is not work-related.

3. Modified duty assignments shall not begin without prior approval by both the Department Director and the Human Resources Director.

4. Generally, modified duty or reduced schedule assignments will not exceed six months (180 calendar days).

5. Employees are required to provide weekly updates, or a frequency deemed reasonable by the supervisor, regarding their need for modified duty status to their direct supervisor. The update forms will be made available by the Human Resources Department. Failure to provide required updates may result in loss of modified duty status.

6. Prior to returning to full unrestrictive duty, the employee shall submit a modified duty update stating that they are able to return to full and unrestrictive duty to their immediate supervisor. This modified duty update should be forwarded immediately to the Human Resources Director for final release to the full duty assignment.

7. The modified duty assignment may be revoked at any time at the sole discretion of the Department Director or the Human Resources Director and the employee given an alternate assignment, pursuant to the limitations of the treating physician. Normally, employees will not be assigned to modified duty status beyond the date that they have reached maximum medical improvement (MMI).

E. EVALUATION OF OCCUPATIONAL MODIFIED DUTY ASSIGNMENT REQUESTS

Evaluation of modified duty assignments will be based on factors including, but not limited to, the following:

1. The circumstances for the request (e.g., zero sick leave balance as a result of documented sick leave abuse);

2. Medical verification of likelihood of return to full-time, unrestricted duty within a reasonable time frame;

3. Operational impact of continued absence from unrestricted position duties;

4. Availability of modified duty or reduced schedule (i.e., the department does not have to "create" a position);

5. Interest of the City; and other factors pertaining to the specific request.

F. TERMINATION OF THE OCCUPATIONAL MODIFIED DUTY ASSIGNMENT

Employees assigned to modified duty will continue the assignment until:

1. They are released to return to unrestricted duty in their regular position;

2. The employee has reached maximum medical improvement;

3. The employee has been determined to have a permanent total disability rendering him unable to perform the essential functions of his regular position and is terminated; or

4. The modified duty assignment has run six months.

If the employee released for modified duty refuses to accept modified duty, the employee will be required to use his accumulated leave and will be placed on Family Medical Leave after three calendar days.

Section 7. FAMILY AND MEDICAL LEAVE (FML)

A. PURPOSE

The City offers leaves of absence to employees for their own illness or for certain family members' serious illness, birth/adoption of a child, Active Duty Leave or Service Member Family Leave in accordance with the provisions of the Family and Medical Leave Act (FMLA) of 1993. Written requests for Family and Medical Leave (FML) are made to supervision at least thirty (30) days prior to foreseeable events, and as soon as possible for unforeseeable events (normally prior to the start of the employee's shift, but no later than one hour after the shift begins).

In accordance with the Code of Federal Regulations, Title 29, in all circumstances, it is the employer's responsibility to designate leave, paid or unpaid, as FMLA qualifying and to give notice to the employee. Once an employer has knowledge that the leave being taken by the employee is for an FMLA qualified reason, the employer must promptly notify the employee within five (5) days after receipt of required documentation whether the leave will be counted as FMLA leave.

The provisions of the FMLA and related City provisions are outlined below.

B. ELIGIBILITY

1. A regular status part-time or full-time employee must have been employed by the City for at least twelve months and have worked at least 1,250 hours during the twelve months preceding the request for leave in order to be eligible for the leave benefits provided by the Family and Medical Leave Act.

2. An eligible full-time employee is eligible for a **total** of twelve work weeks of leave time (e.g., 480 hours for employees whose schedule is forty hours/week) during any twelve-month period commencing as of the date the leave begins, with the exception of Service Member Family Leave (Caregiver), which provides for up to 26 work weeks of leave during a 12-month period. Part-time employees who have worked at least 1,250 hours in the twelve months preceding a request for leave are eligible for a total of twelve weeks with the total number of hours available based on their scheduled work week (i.e., a part-time employee whose scheduled work week is thirty hours/week is eligible for 360 hours of leave). Temporary and seasonal employees are not eligible for Family and Medical Leave.

3. Family and Medical Leave may be approved on an intermittent or non-intermittent basis, depending on the circumstances, for the following reasons:

- caring for spouse, child(ren), or employee's own parent(s) with a serious health condition;
- the serious health condition of the employee;
- birth, adoption, or foster care placement of child(ren) in order to care for such child(ren);
- because of a qualifying exigency arising out of the fact that the employee's spouse, child (any age) or parent is a retired or reservist member of the military on active duty or has been notified of an impending call or order to active duty in support of a contingency operation; or
- to care for the employee's spouse, child (any age), parent or next of kin who is a military service member who is undergoing medical treatment, recuperation or therapy, or who is in outpatient status, or who is otherwise on the temporary disability retired list for a serious injury or illness incurred in the line of duty while on active duty in the Armed Forces.

C. DEFINITIONS

1. **As soon as practicable** -- means as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case. For foreseeable leave where it is not possible to give as much as thirty days notice, "as soon as practicable" ordinarily would mean employee notification to the Supervisor prior to the start of the assigned shift, but no later than one hour after the shift begins.

2. **Child(ren)** -- biological, adopted or foster child(ren), step-child(ren), legal ward(s), or child(ren) of a person standing "in loco parentis," who is under 18 years of age; or 18 years of age or older but incapable of self-care because of a mental or physical disability.

3. **Continuing treatment** -- by a health care provider means one or more of the following:

- the employee or family member is treated two or more times for the injury or illness by a health care provider or by a provider of health care services under direction of a health care provider;

- the employee or family member is treated by a health care provider on at least one occasion and is given a regimen of continuing treatment under the supervision of the health care provider;

- the employee or family member is under the continuing supervision of a health care provider for a long-term or chronic condition or disability which cannot be cured.

4. **Foreseeable Family and Medical Leave** -- means leaves for birth, adoption, foster care, or planned medical treatment. The City requires employees to give at least thirty (30) days notice, in writing, if possible and practical, for a foreseeable Family and Medical Leave.

5. **Health care provider** -- means any of the following licensed or certified professions: a doctor of medicine or osteopathy, podiatrist, dentist, clinical psychologist, chiropractor (limited to treatment consisting of manual manipulation of the spine to correct sublimation as demonstrated by x-rays to exist), nurse practitioner and nurse midwife, and Christian Science practitioners listed with the First Church of Christian Science in Boston, Massachusetts. If an employee relies on a Christian Science practitioner, the City may require a second opinion from a medical doctor.

6. **Incapable of self-care** -- means the individual requires active assistance or supervision to provide daily self-care in several of the activities of daily living, including: grooming, hygiene, bathing, dressing, eating, taking public transportation, maintaining a residence, etc.

7. **"In loco parentis"** -- includes those with day-to-day responsibilities to care for and financially support a child or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

8. **Next of Kin** – means the nearest blood relative other than the service member's spouse, parent or child, in the following order of priority (unless the service member has specifically designated in writing another blood relative, as his nearest blood relative for purposes of military caregiver): (1) blood relatives who have been granted legal custody of the service member (2) brothers and sisters, (3) grandparents, (4) aunts and uncles and (5) first cousins..

9. **Parent** -- the biological or adoptive step or foster parent of an employee or any individual who stood "in loco parentis" (in place of the parent) to an employee when the employee was a child. Parents of a spouse are not included.

10. **Qualifying exigency** – includes leave taken for any of the following reasons: (1) to address any issue resulting from an impending call to active duty deployment on less than seven days' notice, (2) to attend military events and related activities (such as a military ceremony, briefing, family support program, etc.), (3) to make arrangements relating to childcare and school activities, (4) to make financial and legal

arrangements, (5) to attend counseling, (6) to spend time with a covered military member who is on a short-term, temporary rest and recuperation leave during the period of deployment, (7) to attend post-deployment activities (such as military ceremony, event, reintegration briefing, etc.), and (8) any other exigency agreed upon by the City and employee.

11. **Reduced leave schedule** -- a leave schedule that reduces an employee's usual number of hours per work week or hours per work day.

12. **Serious health condition** -- an illness, injury impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school or other daily activities in excess of a three (3) calendar day period. Continuing treatment may be met by a period of incapacity of three work days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. The employee shall be required to provide certification from a health care provider documenting the existence of a serious health condition.

13. **Serious injury or illness of service member** – means an injury or illness incurred by a military service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank or rating.

14. **Spouse** – legally recognized husband or wife of the employee.

15. **Unforeseeable Family and Medical Leave** -- occurs when the need for leave, or its approximate timing, is not foreseeable. The City requires employees or an immediate family member if the employee is incapacitated to give notice as soon as practicable based on the facts and circumstances of the particular case, within no more than one or two work days of learning of the need for leave, except in extenuating circumstances, such as a medical emergency.

D. MEASURING THE TWELVE MONTH PERIOD AND COUNTING FMLA LEAVE

1. For leave taken for any qualifying FMLA reason, the twelve (12) month period in which eligible employees may take twelve (12) weeks of leave will be calculated using a "rolling" twelve month period measured backward from the date an employee uses any FMLA leave. At any time when a need for FMLA leave arises, the amount of FMLA that an employee would be entitled to use is measured by counting how much FMLA leave the employee has used during the prior twelve months. If

during that prior twelve month period the employee has already used 12 weeks of FMLA leave, the leave is exhausted. If the employee has not used twelve weeks of FMLA leave during the prior twelve month period, they are entitled to the balance of the twelve weeks that has not been used.

2. For leave taken for Service Member Family Leave, the single twelve (12) month period for calculating leave needed to care for a military service member begins when the employee first starts taking leave for that reason and ends twelve (12) months after that date. Leave may not exceed twenty-six (26) weeks in any single twelve (12) month period when combined with other FMLA-qualifying leave.

3. For leave taken for the birth of a child or placement of a child for adoption or foster care, the entitlement to leave under this policy expires twelve (12) months from the date of the child's birth or placement.

4. To the extent allowed by law, in the event an absence is for a reason covered by FMLA, the City reserves the right to count it as FMLA leave whether the employee has requested FMLA leave or not. Leaves covered by workers' compensation and/or a disability plan will also be counted as FMLA leave to the extent the leave qualifies under the policy.

E. EMPLOYEE BENEFITS

1. An employee granted leave under the provisions of these procedures and rules and the Family and Medical Leave Act shall be returned to the position previously held or an equivalent position with equivalent benefits, pay, seniority, and other terms and conditions of employment provided the total period of leave does not exceed twelve (12) weeks, or 26 weeks in the case of a Service Member Family Leave (caregiver).

Employees whose salaries are in the top 10% of the City's work force who are granted leave shall have no guarantee of reinstatement to an equivalent position. Consideration for reinstatement will be based on operational requirements.

2. The City will maintain the employee's health insurance, long-term disability and life insurance premiums while the employee is on approved Family Medical Leave. The employee is responsible for the payment of the tobacco-user surcharge and voluntary insurance premiums, (e.g. dental, vision, and dependent health insurance). If the employee is in paid status (vacation and/or sick leave) during any portion of the Family Medical Leave, the insurance premiums for voluntary insurance will be deducted from the employee's pay check. If any portion of the leave is unpaid (sick and vacation leave is exhausted), the employee is responsible for making the premium payments to the City within 30 days from the time all accruals are exhausted. Future payments are due by the 15th of each month.

Payments not received by the 15th of the month may result in cancellation of the insurance and the employee may not be eligible to re-apply until the next open enrollment period.

Employees whose salaries are in the top 10% of the City's work force granted leave under this section shall receive all applicable group insurance benefits for up to twelve (12) weeks of approved leave, or twenty-six (26) weeks for Service Member Family Leave (caregiver), regardless of whether or not reinstated to an equivalent position.

3. Employees who terminate employment due to inability to return to work at the conclusion of a twelve (12) week leave or 26 week leave for Service Member Family Leave (caregiver) are eligible to elect up to eighteen (18) months of health insurance continuation in accordance with the provisions of the Consolidated Omnibus Budget Reconciliation Act (COBRA).

F. PROCEDURES AND EMPLOYEE RESPONSIBILITIES

1. When the necessity for leave under this section is due to the serious health condition of the employee (after a three calendar day absence) or eligible family member, Service Member Family Leave (caregiver) or is foreseeable based on an event such as birth/adoption of a child, or Active Duty Leave, it shall be the employee's responsibility to:

a. Contact the Human Resources Department to obtain the Family Medical Leave packet. The Family Medical Leave Request Form must be completed and submitted to the employee's Department Director as soon as possible. The Certification of Health Care Provider form must be completed by the employee's treating physician within 15 days and submitted to the Human Resources Department. In the case of emergency leave, the packet will be mailed to the employee by Human Resources and should be returned as quickly as possible.

b. Make reasonable efforts to schedule treatment/ care in order to minimize disruption to work operations.

c. Provide at least thirty (30) days' notice prior to commencement of the leave for foreseeable circumstances, except that if planned treatment/care is required in less than thirty (30) days, the employee shall provide such notice as is practicable.

2. In the case of the employee's own serious health condition, the employee shall notify the Supervisor/Human Resources of the anticipated date of

return to work and provide the Medical Treatment/Status Reporting Form prior to returning to work.

G. CONDITIONS AND LIMITATIONS

1. Unpaid leave under this section will be authorized **only** after the employee has exhausted all available and eligible paid leave (sick, personal, floating holiday, vacation). Employees who have sick, personal, administrative, floating holiday and vacation leave time available shall be required to use all available paid leave, beginning with their sick leave accrual, prior to being eligible for leave without pay. Such paid leave time is included along with unpaid leave time in the calculation of the total of twelve work weeks, or 26 work weeks for Service Member Family Leave (caregiver) within a twelve-month period.

2. If both spouses work for the City, the combined leave shall not exceed twelve (12) weeks in a twelve (12) month period if the leave is taken for the birth of the employee's child, or to care for the child after birth, for the placement of a child with the employee for adoption or foster care, or to care for the employee's parent with a serious health condition. The combined leave for both spouses shall not exceed twenty-six (26) weeks for the care of a service member with a serious injury or illness in a twelve (12) month period.

3. Leave, under the provisions of this section, cannot be taken intermittently or on a reduced leave schedule unless agreed to and approved by the Department Director and Human Resources Director based on certification as medically necessary and/or based on operational considerations. The City may temporarily transfer an employee on authorized intermittent or reduced schedule leave to a position more suitable to recurring periods of absence to better accommodate the leave schedule. The employee's wages and benefits will remain the same as prior to the temporary transfer.

4. When leave is to be taken due to the serious health condition of the employee or an eligible family member, Service Member Family Leave (caregiver), or when leave is to be taken on an intermittent or reduced leave schedule due to medical necessity, certification from the health care provider will be required. The City reserves the right to require, at the City's expense, the opinion of a second health care provider designated or approved by the City. Should the first and second opinions conflict, the City reserves the right to require the opinion of a third health care provider, at City expense, designated or approved jointly by the City and the employee. The opinion of the third health care provider shall be final. To be sufficient, the certification must state:

- the date on which the serious health condition commenced.
- the probable duration of the condition.

- the appropriate medical facts within the knowledge of the health care provider regarding the condition.

5. Leave based upon a qualifying exigency must also be supported by a certification and supporting documentation, including a copy of the military member's active duty orders or other similar documentation.

6. Certification forms to be completed are available from the Human Resources Department. If an employee's certification or recertification is deemed by the City to be incomplete, the City will notify the employee of the deficiency and the employee will be provided seven (7) days to cure the deficiency. A failure to complete the certification may result in the denial of leave for the period of time until the completed certification is submitted.

7. During leaves under this policy, the employee must periodically report on their medical status and intent to return to work. Upon taking FMLA leave, the employee will be advised of the reporting requirements.

8. During any unpaid portion of Family and Medical Leave, no sick/vacation will accrue, nor will the employee receive any holiday pay.

9. Continuous service credit will continue during the period of approved Family and Medical Leave (paid and unpaid portions).

10. Employee is ineligible to accept new employment while on approved FML.

11. Inability/failure to return to work at the expiration of the twelve week period may result in termination of employment.

Section 8. MILITARY LEAVE

A. ANNUAL MILITARY LEAVE FOR RESERVES AND NATIONAL GUARD TRAINING

1. Employees (full-time, part-time, and temporary employees who are on the City's payroll) who are members of the Florida National Guard or other military reserve units who are duly ordered by their commanding officer to engage in active duty or inactive duty including field exercises, other annual training, or other active duty pursuant to 10 USC 12301 (d) shall be entitled to a leave of absence with pay from their respective duties up to 240 working hours in any one annual period, in accordance with Florida Statutes, Chapter 115.

2. Official orders shall be presented to supervision prior to the time the leave begins. The employee shall be in a full-pay status during the authorized time

periods outlined above; all monies earned from the military while on active duty will be in addition to regular earnings from the City.

3. If the employee's annual military training exceeds 240 working hours in any one annual period, the employee may charge the additional time to allowable personal leave, vacation, or leave without pay.

4. Continuous service credit will accumulate during such annual military training absence for all employee benefits, including retirement.

B. LONG-TERM MILITARY LEAVE

1. PURPOSE AND SCOPE

In accordance with the Uniformed Services Employment and Re-employment Rights Act of 1994, and applicable Florida Statutes, the City grants unpaid military leave of absence and provides re-employment rights and benefits to employees granted such leave. Leave of absence under this section is available to full-time employees, but not to part-time, temporary, or seasonal employees.

The provisions of this policy governing unpaid long-term military leave are intended to meet or exceed the minimum requirements of the Uniformed Services Employment and Re-employment Rights Act, any applicable state law, and/or local City ordinance. To the extent that this section may not meet the minimum standards of applicable statutes, as they may be amended from time to time, the minimum statutory standards shall apply.

In the case of an employee who is called to active duty from reserve status (not a voluntary enlistment), the employee shall receive his regular salary for the first thirty (30) calendar days of leave in accordance with FS Chapter 115, followed by a supplement from the City to make up the difference (if any) between his military pay and his regular wages, for up to twenty-four (24) months following the first thirty (30) calendar days.

2. DEFINITIONS

Uniformed Services - means the Navy, Marines, Army, Air Force, Army National Guard, International Guard, the Commissioned Corps of the Public Health Service, and any other category designated by the President in time of service or emergency.

Service in the Uniformed Services - means the performance of duty on a voluntary or involuntary basis in a uniformed service and includes active duty for training, inactive duty training, full-time National Guard duty, and a period for which a person is absent from employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

3. APPLICATION FOR LEAVE

An employee requesting leave for a long-term tour of military service shall submit written notification to supervision and the Human Resources Department of his request for leave, specifying the duration of service, not to exceed five years. Official orders must be attached to the request for leave.

4. GROUP INSURANCE CONTINUATION

The employee will be provided the appropriate forms for application for continuation of the existing group health, dental, and vision insurance, in accordance with the Consolidated Omnibus Budget Reconciliation Act (COBRA).

5. EMPLOYMENT AND BENEFITS REINSTATEMENT PROVISIONS

A. Upon release from military service, the employee shall be reinstated to the same or comparable position, as required by law, provided the employee:

- notifies the City, within the time frame following date of release from military duty, as outlined in the Uniformed Services Employment and Re-employment Rights Act of 1994, of desire for reinstatement and has no intervening employment, and

- was released from military service under honorable conditions.

B. Upon reinstatement, the employee is entitled to resume all seniority based benefits, including service credit for the period of unpaid leave, rate of pay, and vacation accrual rate Additionally, the reinstated employee shall have all sick leave which was not paid to the employee upon separation at the time military duty commenced restored to his sick leave account. Reinstatement in the applicable retirement plan shall be in accordance with the provisions of federal and state statutes and the governing pension ordinance.

C. Group health, dental, vision, and life insurance is reinstated as though coverage had not lapsed; i.e., no exclusions for pre-existing conditions, no waiting period, no late enrollment application, etc.

Section 9. DOMESTIC VIOLENCE LEAVE

A. PURPOSE AND SCOPE

The City has adopted a Domestic Violence Leave Policy in compliance with Florida Statutes §741.313, which provides for unpaid leave for Employees in the event they or a member of their family or household are a victim of domestic violence.

As defined in Florida Statutes §741.28, "domestic violence" means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.

B. ELIGIBILITY

If you have been employed by the City for at least ninety (90) days, you are eligible to take up to three (3) work days of unpaid Domestic Violence Leave during any twelve (12) month period and be restored to the same or an equivalent position upon your return to work. Available leave will be calculated on a "rolling" twelve (12) month period measured backwards from the date Domestic Violence Leave commenced. Domestic Violence Leave is only available after you have exhausted all annual, vacation, personal, sick, or other paid time off leave.

You may request Domestic Violence Leave for the following specific activities:

- Seeking an injunction for protection against domestic violence, dating violence, or sexual violence;
- Obtaining medical care or mental health counseling or both for yourself or family or household member to address injuries resulting from domestic violence;
- Obtaining services from victims services organizations such as a domestic violence shelter or rape crisis center;
- Making your home secure from the perpetrator of domestic violence or finding a new home to escape the perpetrator; or
- Seeking legal assistance to address issues arising from domestic violence or attending or preparing for court related proceedings arising from the act of domestic violence.

The City prohibits any discrimination or retaliation against an Employee for exercising any Domestic Violence Leave rights.

C. CONFIDENTIALITY

To the extent allowed by law, the City shall maintain the confidentiality of any Employee requesting Domestic Violence Leave. All documentation relating to your Domestic Violence Leave shall be maintained separately from your personnel file and shall be confidential and exempt from public record for one year after leave has been taken.

D. RESPONSIBILITY OF EMPLOYEE

It is the employee's responsibility to request Domestic Violence Leave through the immediate supervisor. Appropriate documentation of the domestic violence may be required. Except in cases of imminent danger, at least 24 hours advance notice of the need for Domestic Violence Leave must be provided. In cases of imminent danger, employees should contact their supervisor by telephone as soon as possible. Appropriate documentation for leave may include records of court proceedings; records of medical care, mental health counseling, or victim services; or records of legal assistance related to domestic violence.

E. RESPONSIBILITY OF THE SUPERVISOR

Supervisors must not interfere with, restrain, or deny an employee's attempt to exercise any rights provided by the Domestic Violence Leave law. Supervisors are required to notify Human Resources when Domestic Violence Leave is requested.

F. RESPONSIBILITY OF THE DEPARTMENT DIRECTOR

Upon receipt of a request for Domestic Violence Leave, the Department Director should meet with the employee to attempt to determine whether a work safety issue exists. If there is a possibility of a work safety issue, the Department Director must take reasonable workplace precautions to ensure the safety of all employees.

G. RESPONSIBILITY OF THE HUMAN RESOURCES DIRECTOR

It is the Human Resource Director's responsibility to:

1. place any documentation of an act of domestic violence in the employee's confidential medical file.

2. assist in the temporary relocation of the affected employee, when needed.

3. assist in ensuring the safety of affected employees in the workplace, when needed.

Section 10. COMPASSIONATE LEAVE

A. PURPOSE AND SCOPE

It is recognized that employees may be faced with a catastrophic illness or injury to themselves or an immediate family member (as defined by FMLA) that requires the use of more accrued leave than they have available. In those instances, the employee may request additional paid leave through the compassionate leave bank.

B. PROCEDURES FOR POPULATING THE LEAVE BANK

Donations will be made during the first pay period of January each year. The maximum number of sick hours an employee may donate is calculated by the number of hours in the employee's regular pay period divided by the number of regularly scheduled work days in the employee's pay period.

For example: An employee who regularly works 80 hours in pay period, may donate 8 sick leave hours to the Compassionate Leave Bank.

Fire bargaining unit employees may donate in accordance with their bargaining agreement.

The employee must have a minimum of six (6) months of employment on the day of donation.

Participation in the Compassionate Leave Bank is voluntary; however, employees not making a donation will not be eligible to draw benefits. Additionally, once an employee elects to participate in the Compassionate Leave Bank, the sick leave hours will be automatically withdrawn each January unless the employee formally withdraws. Hours donated to the Compassionate Leave Bank will not be returned to the employee under any circumstances.

Employees must maintain a minimum balance in their sick bank in order to donate based on their length of service:

6-12 months = 24 hours	13-24 months = 48 hours
25-36 months = 86 hours	37+ months = 112 hours

C. ADMINISTRATION OF THE COMPASSIONATE LEAVE BANK

The Finance Department will administer the Bank and retain the official records of all hours in the Bank and all hours granted to and used by employees. The Bank will be governed and managed by the Human Resources Department.

D. PROCEDURES FOR USE OF COMPASSIONATE LEAVE BANK

Employees actively participating in the Compassionate Leave Bank are eligible to request compassionate leave once every 12 months up to an amount equivalent to the number of hours in their regularly scheduled pay period. The Advanced Sick Leave option is also available to all employees.

The employee will request the leave in writing, using the proper form, to the Department Director, and may be required to provide detailed information regarding either his or his family member's condition from a medical doctor. The

Department Director will meet with the Human Resources Director within five (5) working days of receipt and determine whether to grant the request.

If approved, the request will be forwarded to the Finance Department so that the hours can be transferred.

Forms to authorize participation and donation of sick leave, request Compassionate Leave and withdraw from the donation program are available on the City's Intranet.

Section 11. OTHER UNPAID LEAVES OF ABSENCE

Other unpaid leaves of absence may be authorized, **generally not to exceed three months,** depending on factors including, but not limited to: circumstances involved, employee's tenure and overall work record, operational impact, etc. Such leaves, if granted following submittal of the employee's written request for leave, shall be solely at the discretion of the City and shall require the **prior** approval of the Department Director, Human Resources Director, and City Manager.

Health, dental, vision insurance, and other insurance coverage including any voluntary insurance benefits and life insurance, will be continued during the period of the leave at the same level as in force at the beginning of the leave. The employee is responsible for payment of his share of dependent health, dental, vision, and life insurance premiums and any voluntary insurance premiums. Continuous service credit will not accrue during an unpaid leave of absence granted under this section. Accordingly, upon return to work, the employee's service date will be adjusted to reflect the time off the payroll.