

# City of Sterling Personnel Policies

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## CHAPTER 10

### LEAVE

#### PURPOSE:

To provide employees with paid and unpaid time off from employment, and for an orderly request thereof. All requests for leave must be made in writing to the appropriate individual where designated and on the appropriate forms where provided.

#### SCOPE:

Regular full-time employees are eligible for full accrual of Paid Time Off (dependent upon the hours worked per work period) under the provisions listed in this Chapter. Regular part-time employees are eligible to earn Paid Time Off on a prorated basis and may be eligible for unpaid leave if qualifying criteria are met. In some special circumstances, with City Manager approval, temporary full time employees may be eligible for PTO accrual and usage.

#### SECTION 1 - PAID TIME OFF (PTO) POLICY

In recognition of the varying work schedules of City employees and each employee's diverse needs for time away from work, the City provides a general leave policy of Paid Time Off (PTO) for qualifying employees. PTO shall be accrued by qualifying employees to use for vacations, illness, off the job injury, medical/dental appointments, personal business, for care of immediate family members, funerals/bereavement, travel time for funerals, or for any other valid absence as determined by the Department Head or his/her designee.

#### SECTION 2 - PAID TIME OFF ACCRUAL RATE Regular Full Schedule Appointments

**Note:** Effective 1-1-07 accrual of what was holiday time will no longer occur. There will be no PTO deduction associated with an employee being paid for a day on which city hall would normally be closed. The applicable PTO accumulators have been reduced to reflect this change in policy. This reduction reduces the previous annual accruals by eighty (80) hours for the forty (40) hour and the one hundred and seventy-one (171) hour work periods. The two hundred and twelve (212) hour work periods prior to 1-1-07 did not accrue the then holiday time in the PTO accumulator and are therefore not reduced.

The Accrual of Paid Time Off (PTO) is on a biweekly basis, based on twenty-six (26) pay periods each year. PTO accrual shall increase to the next level beginning on the anniversary date of the commencement of employment for the employee in the year in which the service requirement may be met.

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Employees with a regular work period of forty (40) hours and exempt employees shall accrue the following amount of PTO on a biweekly basis:

<u>Years of Service</u>	<u>Biweekly Accrual Hours</u>	<u>Annual Accrual Hours</u>
0 - 5	7.39	192
6 - 9	8.31	216
10 - 19	9.23	240
20 & over	10.15	264

Employees with a regular work period of one hundred and seventy-one (171) hours shall accrue the following amounts of PTO on a biweekly basis:

<u>Years of Service</u>	<u>Biweekly Accrual Hours</u>	<u>Annual Accrual Hours</u>
0 - 5	8.11	210.94
6 - 9	9.10	236.68
10 - 19	10.09	262.42
20 & over	12.62	328.16

Employees with a regular work period of two hundred and twelve (212) hours or two hundred and four (204) shall accrue the following amount of PTO on a biweekly basis:

<u>Years of Service</u>	<u>Biweekly Accrual Hours</u>	<u>Annual Accrual Hours</u>
0 - 5	9.78	254.28
6 - 9	11.01	286.26
10 - 19	12.23	317.98
20 & over	13.46	349.96

## SECTION 3 - PTO ACCRUAL FOR REGULAR Reduced Schedule Appointments

This section shall apply to any Regular Appointment in which the employee is normally scheduled to work less than forty (40) hours per week but twenty (20) or more hours per week. An employee under this type of appointment and normally scheduled to work twenty (20) or more hours but less than forty (40) hours per week will earn a proportionate amount of PTO based upon the hours worked per week.

**Example:** An employee with between zero (0) and five (5) years of service working thirty two (32) hours per week will receive 64/80 or 0.8 times the PTO accrual rate for full time employees, or 5.91 hours biweekly.

**Example:** An employee between zero (0) and five (5) years of service working 20 hours per week will receive 40/80 or 0.5 times the PTO accrual rate for full time employees or 3.70 hours biweekly.

## SECTION 4 - INTERRUPTION OF PTO ACCRUAL

PTO accrual shall be discontinued during periods of work related Injury Leave in excess of two (2) weeks and during any period of Short Term Disability (STD) and Long Term Disability (LTD) or if on an unpaid leave of absence in excess of two calendar weeks .

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## SECTION 5 - MAXIMUM ACCUMULATION OF PAID TIME OFF

The maximum accumulation of PTO shall be limited per the following schedule. **Employees who exceed the accrual maximum shall not be credited with further PTO accrual until their accruals are reduced to or below the maximum accrual level.** A short term waiver of the maximum accumulation rule may be granted under special circumstances by the City Manager.

Regular Work Period in Hours	Maximum Accrual Hours
40	288
171	327.42
212	383.04
>30,<40	216
>20,<30	160

## SECTION 6 - USAGE OF PAID TIME OFF

Usage of PTO falls into two general categories, Scheduled and Unscheduled. Scheduled PTO normally requires advance notification by the employee of the intent to take paid time off from work. Any absence from work without the proper advance notification will be considered as Unscheduled PTO, or an unauthorized absence depending upon the amount of accrued PTO an employee has available for use.

### 1) Scheduled Use of Paid Time Off

- a) **Eligibility:** Regular employees who have satisfied their respective initial introductory period are eligible to use scheduled PTO.
- b) **Notification:** Scheduled leave must be requested through a Variation in Hours form, be submitted in advance of the use of the leave, and authorized by the Supervisor or Department Head. The Supervisor or Department Head may exercise the option of denying or rescheduling the leave to another date and/or time based upon operational or business considerations but should make an effort to accommodate the employee's requested dates for PTO. Requests should be submitted to the Supervisor and/or Department Head no later than three (3) working days prior to the usage of the leave unless otherwise specified by Departmental Policies.
- c) Employees are strongly encouraged to take at least one full week away from the work site per year.
- d) A Department Head may require a tentative schedule of employees' requested scheduled PTO by January 1 of each year.

### 2) Unscheduled Use of Paid Time Off

Unscheduled use of Paid Time Off is permissible in the event the employee is unable to work due to unforeseen personal illness or injury, or for other unforeseen reasons, and if unable to provide advance notification to their supervisors. The following provisions apply to the Unscheduled Use of PTO:

- a) **Eligibility:** Employees who have accrued PTO may utilize this time for unscheduled leave in so much as the accrued hours are equal to or greater than the time actually taken off.

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- b) **Notification:** If an employee is unable to report to work for any reason, the employee shall personally communicate this fact to the Supervisor or to his/her designee (Messages left on the Voice Mail system will be considered as appropriate notification.) as early as required by the individual operating department or division. Notification shall be made each time a scheduled work shift shall be missed unless authorization has been granted by the Supervisor due to a prolonged absence of a specified duration.
- c) **Verification of need for unscheduled PTO:** The City reserves the right to require an employee to provide medical verification or other proof that the use of unscheduled PTO was unavoidable. An employee shall present the requested documentation to the office or individual requiring the verification.
- d) Any absence for a fraction or part of a day, which is chargeable to unscheduled leave, shall be charged in increments of time to the nearest whole hour for the time actually away from work or the work site.
- e) **Excessive use of unscheduled PTO:** The unscheduled use of PTO by an employee which is considered to be excessive by the Supervisor and Department Head may subject the employee to discipline up to and including dismissal. Supervisory personnel will document the reasons for initiating an investigation as part of any formal report prepared closing the investigation. The unscheduled use of PTO on seven (7) or more occasions within a calendar year shall be documented to the employee's personnel file by the appropriate Supervisor. Consecutive work day absences due to the same illness shall be considered as one occasion for the purpose of this provision.
- f) **Medical confirmation to return to work:** In the event of any unscheduled use of PTO due to personal illness or injury which exceeds three (3) working days or shifts, the employee will be required to provide medical confirmation of the ability to return to work.

## SECTION 7 - UNPAID LEAVE

General Provisions: The following shall be applied to any employee utilizing Unpaid Leave:

- 1) Leave of this type shall be scheduled in advance. Failure to schedule this type of leave in advance may result in disciplinary action taken against the employee under the Attendance Policy of this manual.
- 2) Leave of this type shall run concurrent with leave granted under the Family Medical Leave Act (FMLA) if applicable.
- 3) Paid leave shall not accrue.
- 4) Insurance premiums typically paid by payroll reduction are the employee's responsibility for payment.
- 5) If coverage is in effect, employer paid health, dental, and life insurance shall be continued during this leave, provided that any employee contribution obligations are met.
- 6) Flexible spending account annual election will be reduced by the biweekly contribution amount for which no withholding is made. If the employee has exhausted their spending account prior to being authorized leave without pay, the City reserves the right to either recalculate the biweekly election amount based on the remaining pay periods in the benefit year after the employee returns to work, or require the employee to reimburse the flexible spending account fund the contribution amount of which no withholding was made, prior to the employee returning to work.
- 7) For the purpose of the Cafeteria benefits, unpaid leave shall be considered a change in family status with all rights associated with a change in family status applying, discontinuing of coverage, interruption of contribution to flexible spending accounts, election changes, etc. Should an employee elect to discontinue contributions to the Un-reimbursed Health Care Spending Accounts, expenses incurred during the unpaid leave shall not be eligible for reimbursement.
- 8) An employee may elect to use accrued paid time off to meet cafeteria deductions, insurance premiums or to substitute paid leave for unpaid leave in the case of Family and Medical Leave.

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**A) Leave of Absence without Pay** – With the approval of the City Manager, a regular employee may be granted a leave of absence without pay. Depending upon the circumstances of the request, the leave of absence may run concurrently with any FMLA leave. Such leave shall be granted only when it is in the best interest of the City, and after review of the request's particular circumstances. Normally this request shall not exceed ninety (90) days. The City Manager may authorize an extension of the leave beyond ninety (90) days. Any Leave of Absence without Pay may adversely affect an employee's continuous service calculation and delay the availability of benefits which are dependent on continuous service milestones.

**B) Job Related Injury Leave and Worker's Compensation Act** – Employees injured on the job receive insurance benefits mandated by the Colorado Workers' Compensation Act. The City provides wage payment for the three day waiting period for Workers' Compensation benefits without a deduction from PTO. Normally this type of leave, beyond the first three days, is unpaid leave since Workers' Compensation provides income continuation benefits; however, under limited circumstances PTO may be used to supplement wage payment benefits. Under no circumstances will an employee be allowed to utilize PTO to supplement wage payment benefits which would result in a combined benefit exceeding their Average Weekly Wage (gross weekly pay) at the time of the accident or occupational illness. For more specific information on this type of leave, please contact the Human Resource Office.

Additional provisions of injury leave include:

- 1) Paid leave shall not accrue while an employee is on work related injury leave in excess of two (2) weeks. Accrual of PTO will resume when the employee returns to work in a regular capacity or in a temporary restricted duty capacity for a minimum of forty hours per pay period.
- 2) Insurance premiums typically paid by payroll reduction are the employee's responsibility for payment.
- 3) Flexible spending account annual election will be reduced by the biweekly contribution amount for which no withholding is made. If the employee has exhausted spending account prior to being authorized leave without pay, the City reserves the right to either recalculate the biweekly election amount based on the remaining pay periods in the benefit year after the employee returns to work, or require the employee to reimburse the flexible spending account fund the contribution amount for which no withholding was made, prior to the employee's return to work.

Employees are reminded to follow the guidelines established in the safety manual, and that the City will not accept responsibility for accidents or injuries which result because of a failure by the employee to follow proper safety procedures.

**C) Maternity Leave** – Disabilities, caused or contributed to by pregnancies, miscarriage, abortion, childbirth, and recovery from, are temporary disabilities, and will be treated as such under the City's PTO policy.

**Family and Medical Leave** – The City of Sterling shall provide for unpaid family and medical leave for eligible employees consistent with the Family and Medical Leave act of 1993. All eligible employees, shall upon request, be granted up to twelve work weeks of unpaid leave during any twelve month period which may be used to care for a child following birth or placement of the child with the employee for adoption or foster care, to care for an employee's spouse (*Spouse shall include only the employee's husband or wife as defined by state law. A common-law marriage spouse is included but not domestic partners.*), child, or parent with a serious health condition, and time to recuperate, if the employee is unable to perform his or her job because of a serious health

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condition. Upon return from the medical or family leave the employee shall be reinstated to their previously held or a comparable position, with no reduction in benefits, pay or other terms or conditions of employment when the leave was taken.

- 1) **Family Leave** – Twelve weeks of leave for the birth or placement for adoption or foster care must be taken in one continuous period of time and concluded within one year from the date of birth or placement of a child. Intermittent or reduced scheduling shall not apply to birth or placement of a child. Spouses working for the City may receive up to twelve weeks total between them for purpose of family leave.
- 2) **Medical Leave** –
  - a) Leave for a serious health condition may be taken on an intermittent or reduced schedule when medically necessary. Intermittent leave is defined as leave taken in separate blocks of time due to a single illness or injury rather than for one continuous period of time. Intermittent or reduced scheduling shall not apply to birth or placement of a child. Intermittent leave shall be scheduled with supervisor/department head prior knowledge and schedule approval.
  - b) Certification of Serious Illness – Employees, upon request of Medical Leave for a serious illness, shall provide certification of the serious health condition prior to beginning the leave. This certification shall be completed and signed by a recognized health care provider.
  - c) Workers Compensation Coordination – While an employee is receiving workers compensation benefits, the time spent away from work shall be counted concurrently for purposes of the FMLA.
- 3) The City uses a rolling calendar year for calculating FMLA Leave availability. The 12-month period is measured backward from the date the employee uses any FMLA leave.

**If employees have questions or need assistance regarding Family and Medical Leave, the Human Resource Office should be contacted. Applicable forms are available through the Human Resource Office.**

## **SECTION 8 - OTHER TYPES OF LEAVE**

### **A) Military Leave**

1) Any full time employee who is a member of the National Guard or an organized military reserve of the United States shall be granted military leave [not to exceed fifteen (15) days per calendar year] for a tour of active duty or field training encampment (See C.S.A. 28-3-601 et seq). Leave of absence shall be approved only upon presentation of orders pursuant to such training and with the consent of the Department Head and the City Manager. Military leave with pay shall be granted for the purpose of allowing an employee to engage in the military training.

The employee may choose one of the following options with regard to pay received during military leave:

- a) Present military pay to City Clerk received for the period of military leave and receive full pay from the City.
  - b) Use accumulated PTO and retain pay received from the military.
  - c) Take leave without pay and retain military pay.
- 2) Any employee who leaves the City service for active military duty as an inductee or volunteer shall be placed on military leave without pay. Such leave will extend through a date of thirty days after release from active duty. An employee returning from military leave shall be entitled to restoration to the former position or position of like pay and responsibility, if the employee makes application for reinstatement within 30 day after release from active duty, provided further, that he or she the returning employee is physically and mentally capable of performing the duties of the position involved. (See C.S.A. 28-3-601 et seq)

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**B) Civic Leave** - It is the Civic obligation of each City employee to serve on a jury if he or she is called. While on jury duty an employee shall receive his/her regular salary with payment for jury duty returned to the City. The City Manager may require proof of jury service before allowing this type of leave with pay.

**C) Victim Protection Leave** – In accordance with C.S.A. 24-34-402.7 et seq. The City may grant an employee up to three (3) unpaid days per rolling calendar year (as per FMLA definition in this chapter) for the purposes defined in the statute. An employee will only be eligible for the unpaid leave after all PTO or personal leave is exhausted, and if the employee has been employed with the City for twelve months or more. Leave shall be granted only with the City Manager or designee authorization.

**D) Special Leave with Pay** – For certain reasons, special leave with pay may be granted. An employee may apply for a short leave to attend an approved convention, conference, or short training course which will be of mutual benefit to the employee and to the City. Each request must be approved by the City Manager and Department Head.

**E) City Facility closure due to power outage, inclement weather or disaster** – If City offices or facilities are closed due to these factors, non-emergency, nonessential staff, may leave the work site, however, the employees will not be paid for the time away from work. PTO may be substituted for the absence. The same will apply if an employee is unable to get to work. If an employee elects to remain at the work site after the formal closing of the facility they will be paid for the time at the site provided they perform or assist in the performance of an emergency related function.

## **SECTION 9 - EMERGENCY DONATION OF ACCRUED BUT UNUSED PAID TIME OFF**

On a very limited case-by-case basis, for medical emergencies only, employees will be permitted to donate accrued but unused PTO to other regular full-time and part-time city employees [working a minimum of twenty (20) hours per week] who have exhausted all available leave time. Emergency donations are subject to the following restrictions: Normally or usually available when an employee does not have enough accrued leave to satisfy the short term disability insurance waiting period prior to availability of short term disability benefits and cannot be at work. Donations will only be accepted to get the affected employee through the waiting period.

- (a) Only PTO that has already been accrued may be donated;
- (b) The donation of such time shall be strictly voluntary;
- (c) The donation of such time shall be approved by the Director of Personnel/HR and the City Manager prior to donation.
- (d) All donations shall be documented in writing on the forms provided with the appropriate approvals so that the proper adjustments can be made to the leave records of each employee including the recipient of the donated leave. Leave may be donated only on an hour by hour basis, and all donations must equal at least eight (8) hours. Hours donated will be converted to a dollar value based on the donor's current wage rate. The recipient's wage rate will then be divided into this dollar value to determine the additional hours available to the recipient.
- (e) No donation may be made by an employee separating from the City.