

**RULE XI**

**VACATION, SICK LEAVE AND LEAVES OF ABSENCE**

**Sect. 1**

**VACATION LEAVE**

**A. Eligibility**

All regular full-time employees who are filling established positions in the City shall be entitled to earn vacation leave with pay.

**B. Accrual of Vacation Leave**

(1) Vacation leave for regular full-time employees shall be earned in accordance with the following schedule:

40-hour/week employees:

<u>Years of Service</u>	<u>Hours/Month</u>	<u>Hours/Year</u>
Up thru 5 years	8	96
6 thru 10 years	10	120
11 thru 15 years	12	144
16+ years	14	168

(2) New employees who begin work between the first and fifteenth of the month will begin to earn annual vacation as of the first of the month; those employed after the fifteenth will start earning vacation at the first of the next calendar month.

(3) The maximum amount of vacation leave that can be carried beyond any December 31st for Group 1 is 320 hours. Groups 2 through 5: 280 hours for employees with less than eleven years of service; 300 hours for employees with eleven, but less than sixteen years of service; and 320 hours for employees with sixteen or more years of service.<sup>1</sup> Any vacation leave in excess of the appropriate number of hours above which is not used by December 31st for Groups 2, 3, 4 and 5 will be forfeited. Group 1 employees will receive a monthly payout of vacation time for hours over the maximum of 320 hours.<sup>1</sup> Vacation time is paid out at the rate of pay the employee is at when it is taken.

(4) Police or Firefighting (shift) employees who are promoted to a non-bargaining unit position will carry their vacation accumulation to their new position but will be required to comply with the December 31st maximum accumulation provision of this rule. If necessary, a temporary extension may be granted by the Human Resources Director.

**C. Original Appointment Probationary Period**

Employees serving a probationary period on an original appointment will accrue vacation time from their date of employment which may be used after six months of service. Such time is not a terminal benefit if the probationary period is not satisfactorily completed.

**D. Use of Vacation Leave**

(1) Employees are encouraged to use their vacation each year.

(2) In the event vacations are not taken each year, care should be taken by employees to ensure that they do not exceed the maximum number of days which can be carried beyond December 31st. The department head shall submit a letter to the Human Resources

<sup>1</sup>Resolution 2001-13 04/19/01

Director, explaining detailed reason why the employee was not permitted to use vacation and request authorization to carry vacation over. When granted, excess vacation must be used by April 1st.

- (3) Requests for vacation shall be made in advance of use. In the event of an emergency the department head may waive this request. The requirements of an employee's job may require the department head to restrict the scheduling of vacation during certain periods of the year.
- (4) If no other accrued pay is available, vacation leave may be used to supplement workers compensation to bring the total to 100% of normal gross pay.
- (5) With the approval of the supervisor, vacation and compensatory time may be used to supplement sick leave, when an employee's sick leave accumulation is exhausted.
- (6) Designated Family Medical Leave Act (FMLA) time will require the employee to utilize accrued vacation leave upon exhausting sick leave.
- (7) In order to accumulate vacation time, an employee must be at work on a full-time basis. For this purpose, full-time can be a combination of work and vacation or sick leave hours. Part-time work and part-time disability or workers/compensation does not constitute full-time.

**E. Holidays while on Vacation Leave**

Should an official holiday occur while an employee is on approved vacation leave, the holiday shall not be charged against the employee's vacation balance. (Both will not be paid.)

**F. Illness while on Vacation Leave**

When sickness occurs within a period of vacation leave, the period of illness may be charged as sick leave and the charge against vacation leave reduced accordingly. Application for such substitution should be made within two (2) days after return from vacation and must be supported by a medical certificate.

**G. Death in Family during Vacation Leave**

When funeral leave occurs within a vacation period, the vacation period can be extended to cover this period and such time charged to funeral leave as authorized - or the vacation leave will be reduced accordingly. Should a second situation arise during the first, the first leave period will be ended and a second one started.

**H. Donation of Vacation Leave**

Under certain circumstances, an employee may contribute accumulated vacation or sick leave, or compensatory time to another employee's temporary "donated time" account. Explanation of this is contained in Section 2.J. of this Rule.

**I. Payment in Lieu of Vacation**

- (1) General employees will be permitted to cash in 40 vacation hours per calendar year provided the employee has taken at least 80 hours of vacation during the same calendar year. Hours requested for payment may consist of hours that would have been in excess of the maximum allowed for carry-over into the next year. Request for payment may be submitted at any time during the calendar year provided the employee has used 80 hours of vacation. Payment request must be submitted no later than December 31<sup>st</sup> of each calendar year.<sup>1</sup>

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<sup>1</sup>Resolution 2004-12 02/19/04  
03/04

- (2) An exception to this will only be considered if it is demonstrated that it is in the City's best interest and such payment must be approved in advance by the City Manager.

**J. Vacation Pay on Termination**

- (1) Regular full-time employees terminating (including those retiring, who are laid off, separating for active military service, or being terminated for cause) shall receive pay for any vacation time earned as of the last day employed. Employees terminating during their original appointment probationary period are not eligible for accrued vacation pay. Employees who terminate prior to the sixteenth of a month will not be credited with leave for the month of termination. Those terminating on the sixteenth or later will be credited with leave earned for the terminating month.
- (2) All earned, unused, vacation of employees who die while employed by the city shall be paid as noted in Rule XVI, Section 7.
- (3) All payments for unused vacation shall be made in the final pay check due the employee.
- (4)<sup>1</sup> Deleted<sup>2</sup>

**Sect. 2**

**SICK LEAVE**

**A. Eligibility**

Those employees entitled to earn Vacation Leave under Section 1 of this rule shall also be entitled to earn sick leave as provided herein.

**B. Accrual of Sick Leave**

- (1) Sick leave for regular full time employees shall be earned in accordance with the following schedule:

40-hours/week employees:

<u>Years of Service</u>	<u>Hours/Month</u>	<u>Hours/Year</u>
Up thru 9 years	8	96
10 years and over	12	144

- (2) Employees may accrue up to the maximum accumulation of 144 days (1,152 hours). Sick leave is paid out at the rate of pay the employee is at when it is taken.
- (3) An employee shall not be entitled to earn or accrue sick leave when on any leave, exclusive of vacation, when he/she does not work at least 15 days in any month, until he/she returns to full-time work.
- (4) Employees under suspension.

An employee under suspension forfeits all claims to sick leave during the duration of such suspension and must be returned to active service before sick leave credit is restored. There will be no accrual of sick leave while on suspension unless reinstated without penalty.

<sup>1</sup> Resolution 2001-13 04/19/01

<sup>2</sup> Resolution 2003-54 10/02/03

10/03

- (5) In order to accumulate sick time, an employee must be at work on a full-time basis. For this purpose, full-time can be a combination of work and vacation or sick leave hours. Part-time work and part-time disability or worker's compensation does not constitute full-time.

**C. Original Appointment Probationary Period**

Employees serving a probationary period on an original appointment will accrue sick leave from their date of employment which may be used after six months of service.

**D. Use of Sick Leave**

- (1) Sick leave with pay shall be granted for the following reasons:
  - (a) Personal illness.
  - (b) Physical incapacitation resulting from causes beyond the employee's control.
  - (c) Serious illness of a member of the immediate family. (See definition of immediate family in Rule I.) Serious illness is defined as the covered member being admitted to the hospital and/or the covered member needing the presence of the employee. A medical verification may be required.
  - (d) Enforced quarantine of the employee in accordance with immunity health regulations.
  - (e) To keep a doctor or dentist appointment.
  - (f) To donate blood at other than City sponsored blood drives.
  - (g) If unable to return to work after giving blood at a City sponsored or other area blood drive.
  - (h) Sick leave may be used to supplement workers compensation to bring the total to 100% of normal gross pay.
  - (I) Sick leave shall be used for time requested by the employee and approved by the City, when such is for time taken under the Family Medical Leave Act.
- (2) In using accumulated sick leave when keeping scheduled medical/dental appointments, the amount of time which may be used should not exceed the time it takes to get to the doctor's office, keep the appointment and return to work. Employees are expected to report for work unless otherwise instructed by the "doctor" or unless there would be less than one hour left in their shift upon return. Should special circumstances dictate more time before and/or after the appointment, advance approval must be received from the appointing authority.
- (3) Computing sick leave.

Absence for a fraction or part of the day that is chargeable to sick leave in accordance with these provisions shall be charged proportionately in increments no smaller than one quarter hour.

- (4) Management Employees Injured in the Line of duty.

Management employees who are injured in the line of duty will not be required to use their sick leave time for the first 10 days before the commencement of workers compensation. Such employees will be retained on the City payroll and the time lost as a result of an on-the-job injury will not be charged to any existing or future sick leave. Such employees placed on workers compensation following the 10 day waiting period would be permitted to use sick leave to supplement their pay. However, if the disability extends beyond twenty-one calendar days and benefits are retroactive to the first day, the ten day management benefit would become a supplement to workers compensation.

#### **E. Prohibited Uses of Sick Leave**

Sick leave may not be authorized or used for the following purposes:

- (1) Vacation, personal business, or in place of vacation leave.
- (2) Child care or housekeeping services.

#### **F. Notification and Proof of Illness**

- (1) Notice of absence due to illness shall be conveyed personally to an employee's supervisor prior to or at their scheduled reporting time on each day of absence due to illness. Should an employee be absent due to illness and fail to comply with the rules and regulations covering sick leave, such employee may be subject to disciplinary action.
- (2) The appointing authority is responsible for determining that sick leave is properly authorized and used in accordance with these rules.
- (3) The employee may be required to furnish written medical certification; may be required to authorize the release of medical information, or may be required to submit to a physical examination when:
  - (a) The illness of the employee or covered family member necessitates an absence of three (3) or more consecutive workdays.
  - (b) Requested by the appointing authority to verify the need to use sick leave.
  - (c) There is reason to doubt the employee is able to perform all of the duties of the position.
- (4) Use of sick leave for false claims of illness, injury or exposure to contagious disease; or falsification of proof to justify payment of sick leave, shall be cause for denial of sick leave pay and/or disciplinary action, including dismissal.

#### **G. Sick Leave Restrictions**

- (1) An employee may, at his/her own expense, be required to furnish competent proof of the necessity of such absence and/or may, at the City's expense, be required to be examined by a City designated physician under situations such as, but not limited to, those which follow:
  - (a) An employee being absent due to illness of three (3) or more consecutive days.
  - (b) The taking of sick leave as soon as it is earned.

- (c) By repeated absences the day before or the day after a weekend, holiday or the employee's scheduled day off.
- (d) If the supervisor determines that the employee has established a pattern of absenteeism.
- (e) Use of sick leave on a day or days for which vacation leave was requested or denied.

**H. Holidays while on Sick Leave**

Should an official holiday occur when an employee has been authorized sick leave, the holiday shall not be charged against the employee's sick leave balance.

**I. Death in Family During Sick Leave**

When funeral leave occurs while a person is on sick leave, sick leave will not be charged against the employees balance during the funeral leave period.

**J. Donations to a temporary “Donated Time” account:**

- (1) Paid time may be donated by an employee from his/her vacation, compensatory time or sick leave account to a temporary Adonated time≡ account which Payroll will establish for another employee. Such time may only be used for sick leave, and under the following circumstances:
  - (a) The employee in need of sick time has not abused sick leave in the last 12 months, as evidenced by adherence to the City's Sick Leave rule.
  - (b) The illness or injury must be considered a serious situation (to be determined by the appointing authority and Human Resources Director).
  - (c) All paid leave of the employee, which includes sick leave, vacation, compensatory time, holiday bank and/or administrative leave must be exhausted before an employee may receive donated time.
  - (d) The employee must be in need of a minimum of forty (40) hours to be eligible for donated time.
  - (e) The appointing authority of the employee in need is responsible for certifying to the Human Resources Department that the above conditions have been met.
  - (f) Employees who wish to donate time may do so by signed memo to Human Resources via their Department Head. Human Resources will calculate and notify Payroll of the time to be debited from the contributing employee's account and credited to the receiving employee's “donated time” account.
  - (g) Sick time usage by the employee in need will be monitored at the end of each pay period by Human Resources.
  - (h) Due to extenuating circumstances, the City Manager may allow donation of time for employees not meeting the above requirements, on a case by case basis.

- (2) All full-time employees who have been approved by their appointing authority and the Director of Human Resources, and who have met the above requirements, are eligible to receive a contribution.
  - (a) Vacation Time. The contributing employee does not need to maintain a minimum balance in his/her vacation account. Contribution is at full dollar value of the contributing employee.
  - (b) Sick Time. Contribution is at full dollar value of contributing employee.<sup>2</sup> Contributing employee must have a minimum balance of 80 hours after the contribution is made.
  - (c) Compensatory Time. Contribution is at full dollar value of contributing employee. Contributing employee does not need to maintain a minimum balance in his/her compensatory time account.

**K. Sick Leave Trade To Vacation**

- (1)<sup>1</sup> Deleted.
- (2) Regular full-time employees may trade up to eighty hours of sick time each calendar year, as long as they retain a minimal accrual of 180 hours at the time of the trade. Such trade will be at 100% (i.e. one hour sick time becomes one hour vacation time).<sup>2</sup>

**L. Sick Leave Pay on Termination**

- (1) Group 1 and Group 2 payment for unused sick leave up to the maximum allowed.<sup>1 and 2</sup>
- (1) Groups 3, 4 and 5 regular full-time employees terminating (including those retiring, who are laid off, or those separating for active military service) who leave in good standing, as defined in Rule I, shall receive pay for their accrued and unused sick leave at the rate of 50% after a retention of eighty (80) hours by the City.
- (2) All earned, unused sick leave of employees who die while employed by the City shall be paid as noted in Rule XVI, Section 7.

**M. Military Duty**

Regular full-time employees who enter on active military duty (not reserve or guard training) will have their sick leave accumulation paid as provided for in all cases of separation. No further sick leave or vacation leave credits will be accumulated; however, should the employee return from active military service, be qualified for and return to active employment, all sick leave which was not paid the employee (i.e. the eighty hour retention and the fifty percent not paid) will be returned to the employees sick leave account. If the employee returns sick leave payments within ninety calendar days of his/her return, all sick leave will be re-credited to his/her account.

**N. Monthly payout of sick leave.**

Groups 1<sup>1</sup>, 2<sup>1</sup> and 3<sup>2</sup> that are over the maximum accumulation of sick leave shall receive a monthly payout of all sick leave hours over the maximum.<sup>1</sup>

**Sect. 3**

**WORKERS' COMPENSATION AND WORK RELATED DISABILITY**

**A. Eligibility**

- (1) Employees who sustain a temporary disability as a result of and arising out of employment with the City shall receive workers compensation wage benefits, except for the first day, beginning on the eighth day of disability.

<sup>1</sup> Resolution 2001-13 04/19/01 (deleted)

<sup>2</sup> Resolution 2003-54 10/02/03

- (2) Management employees who are injured in the line of duty will not be required to use their sick leave time for the first 10 days before the commencement of workers compensation. Such employees will be retained on the City payroll and the time lost as a result of an on-the-job injury will not be charged to any existing or future sick leave. Such employees placed on workers compensation following the 10 day waiting period would be permitted to use sick leave to supplement their pay. However, if the disability extends beyond 21 calendar days and benefits are retroactive to the first day, the 10 day management benefit would become a supplement to workers compensation.
- (3) For non-exempt employees, benefits will be paid for the first seven calendar days only if the disability extends beyond 21 calendar days. If an employee is not out of work for 21 calendar days, days one through seven of the disability may be taken as sick and/or vacation leave if accumulated leave is available.
- (4) Sick and vacation leave time and seniority will continue to accumulate during the period of a workers compensation disability, unless the employee is terminated because the position is eliminated.
- (5) If an employee brings litigation or administrative action under the workers compensation law while receiving workers compensation supplemented by the benefits herein provided, entitlement to such supplemental benefits shall immediately terminate.
- (6) Injured employees may be required to be examined by a medical doctor, specified and provided by the City, who shall determine the employee's condition and fitness for full or partial return to duty.
- (7) No employee will be entitled to job-connected disability leave with the herein described benefits where an injury has been determined to have been the result of intentional self-infliction or where the disability or illness continues as a result of the employee's failure to cooperate with the medical advice or corrective therapy.

**B. Procedures:**

- (1) Report the injury to your supervisor immediately upon discovery of injury or illness that is work related.
- (2) First Aid is furnished employee or he/she is sent to designated health care provider for aid.
- (3) All necessary forms are completed by employee and/or supervisor and sent to the Risk Manager in the time frame specified in the Safety Manual.
- (4) In cases of a life threatening or serious on the job injury, the is immediately notified by telephone as outlined in the Safety Manual.
- (5) When employee returns to work after losing time for an on the job injury or illness (excluding day of injury) a return to work slip from the attending physician must be presented before employee is allowed to return to work.

**C. Light Duty Assignments:**

If a doctor verifies that an employee can perform light duty, light duty assignments (to the maximum extent possible) will be made available for employees until such time as they are able to assume the full responsibilities of their positions. Light duty will be considered a temporary assignment and will be without reduction in pay and must be approved by the department head.

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<sup>1</sup> Resolution 2001-13 04/19/01  
04/01

**Sect. 4**

**MATERNITY LEAVE** (See Rule XI, Section 7, Family Medical Leave Act)

**A. Pregnancy**

- (1) A pregnant employee who wishes to request maternity leave shall, within a reasonable time, usually thirty (30) days prior to her due date, notify her supervisor whether a maternity leave is to be requested.
- (2) An employee nearing her expected delivery date or whose duties may be considered hazardous or which may cause her to become medically disabled during the pregnancy, may obtain her physicians recommendation in this regard for consideration by her department. Should the department have concerns which are not addressed, the employee may be requested to submit to a medical examination, at the expense of the department, by a physician designated by the appointing authority.

**B. Leave**

- (1) Disabilities arising out of pregnancy, childbirth, and recovery there from, shall be treated the same as other non-job-connected disabilities in terms of eligibility for sick leave or leave of absence.
- (2) An employee will be permitted to continue work unless the department is advised to the contrary by her physician. The employee must be able to perform the essential functions of her position.
- (3) An employee approved for maternity leave shall be eligible to return to work at any time during the leave of absence upon the presentation of medical certification, if applicable, indicating that she is able to satisfactorily perform her original duties.
- (4) An employee returning from an approved maternity leave shall resume her duties in the position held prior to the leave or a similar position with like pay.
- (5) An employee who fails to return from an approved maternity leave of absence shall be considered to have abandoned her position and shall be terminated.

**Sect. 5**

**BEREAVEMENT LEAVE**

**A. Death in Family**

- (1) In the event of the death of an employee's spouse or child, the employee will be granted ten (10) work days bereavement leave.
- (2) In the event of the death of an employee's immediate family member, the employee will be granted three (3) work days if the funeral occurs in state and five (5) work days if the funeral occurs out of state.
- (3) Immediate family shall be defined as the employee's parent, spouse, child, step-child, brother, sister, step-father, step-mother, father-in-law, mother-in-law, brother-in-law, sister-in-law, grandchild, grandparent, legal guardianship and/or ward.
- (4) If services are interrupted by time (i.e. the wake is at one time and the committal is at a later date), and if the employee requests such consideration, the employee may be allowed to split the bereavement entitlement and use any remaining day(s) to attend the later services.

- (5) Should an employee require additional time other than provided for above, additional time may be requested from the department head and shall be charged to the employee's accrued vacation leave or compensatory leave.
- (6) The ten (10), five (5) or three (3) day funeral leave shall not be charged to vacation, sick leave or holiday pay. This benefit applies to full-time and probationary employees.

#### **B. Proof Requirement**

Each employee requesting and receiving paid funeral leave may be required to furnish evidence of the nature of the leave and the name and relationship of the immediate family member who is involved. Such evidence includes a newspaper report or other document establishing the relationship.

### **Sect. 6**

#### **ADMINISTRATIVE LEAVE**

##### **A. Jury and Court Leave**

- (1) Regular full-time employees who are called for jury duty on a regularly scheduled workday shall be granted time off with pay upon the presentation of a summons. Any fees received for jury duty shall be retained by the employee. 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. Employees are not eligible for daily or weekly overtime pay if their jury duty extends beyond eight hours in a day or forty hours in a week.
- (2) An employee subpoenaed as a witness or defendant in behalf of the City shall be considered to be on duty and be entitled to be paid meal and travel expenses in accordance with the City's travel rule and procedure. Any fees awarded shall be returned to the City. Whenever applicable, the following will apply to administrative leave taken under this section:
  - (a) If a required court appearance interrupts the employee's normal sleep period, the appointing authority may grant the employee paid time or compensatory time equal to the loss but not to exceed eight hours. Any such leave must be taken immediately after the employee is released by the court.
  - (b) Employees required to attend court while on scheduled vacation leave shall not be charged vacation for that court time upon presentation of the required documentation.
- (3) An employee who appears in court as a witness, plaintiff or defendant due to personal litigation or criminal charges or whose appearance is voluntary shall be required to use vacation leave or leave without pay for any such absence from work.
- (4) Employees who attend court (see (2), above) for only a portion of a regularly scheduled work day are expected to report to their work site after being excused or released by the court.

##### **B. Education Leave**

Employees may be granted leave with pay to attend training courses, conferences or seminars and similar training situations as budgeted and as may be determined to be in the best interest of the City. Approval of the appointing authority and, as necessary, the City Manager is required.

### **C. Reserve and National Guard Training Leave**

A regular full-time employee who is a member of the United States Armed Forces Reserve or the National Guard and who is ordered to engage in annual training, or other temporary active duty, shall, upon presentation of a copy of his/her official orders, be granted leave with pay. Such leave will be in accordance with the Uniformed Service Employment and Reemployment Rights Act of 1994 and/or Florida Statute 115.

### **D. Active Duty Military Leave**

- (1) Any regular full-time employee who has completed his/her initial probationary period and who leaves the City's service for compulsory military duty shall be terminated; however, if they apply and are qualified, such employees are entitled to return to employment with all the benefits of law.
- (2) Military induction physical leave is leave without pay. Employees are required to notify their appointing authority prior to leaving for the physical.

### **E. Exempt Employee Administrative and Flex Time (Leave)**

Non-union exempt employees (except hourly employees who are acting in a non-union exempt position) will receive Administrative Time at the rate of 48 hours each fiscal year, and Group 1 employees will receive 80 hours each fiscal year, plus flex time.<sup>1</sup> This Administrative Time is to be used as needed and requires approval in advance from the supervisor. This time is pro-rated for those who are placed in a salary exempt position during the fiscal year. Administrative Time may be accumulated to a maximum of 320 hours.<sup>2</sup> Eligible employees may schedule its use any time after their date of hire or promotion to the position. Administrative Time is not paid out as a terminal benefit. Flex time is another form of Administrative Leave time which is granted by the supervisor. When an exempt employee is approved for time off during a pay period and still works 80 or more hours in the pay period, the time off is not charged against any of the employee's accumulation (vacation, sick leave or administrative leave) accounts.

## **Sect. 7**

### **FAMILY MEDICAL LEAVE ACT LEAVE**

Under the Family and Medical Leave Act (FMLA) of 1993, eligible employees are entitled to twelve workweeks of unpaid family and medical leave per year for:

- \* the birth of the employee's son or daughter and care of the infant;
- \* the placement of a son or daughter with the employee for adoption or foster care;
- \* the care of a spouse, son, daughter or parent of the employee if the spouse, son daughter or parent has a serious health condition; or
- \* the employee's own serious health condition which makes the employee unable to perform the functions of his or her job.

#### **A. Eligibility**

To be eligible for family leave, an employee must first qualify by having been employed by the City for at least twelve (12) months (need not be concurrent) and must have worked at least 1,250 hours during the twelve months preceding the leave. Employees must request such leave by completing the Request for Family or Medical Leave Form, at least thirty (30) days prior to the start of the leave, if the leave is foreseeable. In cases where it is deemed to be necessary, the Human Resources Department may require medical substantiation.

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<sup>1</sup> Resolution 2001-13 04/19/01

<sup>2</sup> Resolution 2003-54 10/02/03  
10/03

**B. Use of Accrued Time**

Employees on FMLA are required to use accrued leave, i.e., sick leave, vacation and/or compensatory time prior to being placed on leave without pay.

**C. Benefits Continuation**

Employees utilizing FMLA will not be subject to loss of health care benefits. Accumulation of vacation will be in accordance with Rule XI, Section 1 D (7); and accumulation of sick leave will be in accordance with Rule XI, Section 2 B (5).<sup>1</sup> A period of FMLA leave (regardless of whether it is paid or unpaid) will be treated as continued service (i.e., no break in service) for purposes of vesting and eligibility to participate in the pension or retirement plan.

**D. Determining the “12 Month Period”**

Effective January 1, 2000, the City of Palm Bay will recognize a twelve month period for FMLA leave as a calendar year.

**E. Overview**

This is a broad overview of FMLA. For specific questions on eligibility, leave with or without pay, etc. contact the Human Resources Director or Benefits Coordinator in the Human Resources Department.

**Sect. 8**

**OTHER UNPAID LEAVES OF ABSENCE**

**A. Interpretation**

- (1) Leave without pay is a temporary non-pay absence from duty granted at an employee's request, or for the benefit of the City. The approval of a leave of absence without pay is a matter of management discretion.
- (2) Except in a few circumstances, employees cannot demand a leave without pay as a matter of right. The exceptions include members of the National Guard or the U.S. Armed Forces Reserve requesting leave without pay for military duties.
- (3) Before granting an extended leave without pay the appointing authority should expect at least one of the following benefits will result; increased job knowledge, restoration of the employee's health, retention of a desirable employee, or an interest of the City is served.
- (4) The decision to grant leave of absence without pay is a matter of administrative discretion. It will be incumbent upon each appointing authority to weigh each request and to determine each case on its own merits.

**B. Authorization**

- (1) A request for leave of absence without pay not to exceed three working days is made to the employee's supervisor and must be approved by the appointing authority. Leave without pay for more than three days must also contain the approval of the City Manager.
- (2) Normally leaves of absence will not be granted to an employee who has not completed a probationary period; however, an exception may be considered to meet extraordinary situations where it appears to be for the good of the City.

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<sup>1</sup> Resolution 2003-54 10/02/03  
10/03

### **C. Medical Leave of Absence**

- (1) Should an employee become unable to perform normal duties because of an illness or injury the appointing authority may require the employee to furnish a medical report describing the nature of the disabling condition and probable date the employee can resume normal duties. In the absence of such a report the employee may be required to submit to a medical examination by a physician named and paid for by the department. Failure to provide the requested information or refusal to submit to a medical examination or treatment may be grounds for dismissal.
- (2) Should the medical report indicate the employee is unable to perform all the duties of the position in a safe and satisfactory manner, the appointing authority may place the employee on a medical leave of absence without pay for a period not to exceed six months inclusive of sick leave vacation, compensatory time, short term disability, and/or worker's compensation. Any period covered under FMLA will require the employee to use sick leave, vacation and/or compensatory time before being allowed to be out on leave without pay. FMLA runs concurrently with any leave time.

### **D. Employee Rights**

- (1) Once a leave of absence has been granted the employee shall be entitled to return to his or her former position provided the employee can meet current qualification standards, is able to perform the essential duties, and provided the position has not been abolished.
- (2) If the position has been abolished and no similar position is available under the same appointing authority, a City employee shall be eligible for recall for a similar position for a period equal to his/her length of service up to one year.

### **E. Limitations and Conditions**

- (1) No leave of absence without pay shall exceed six months unless a longer period of time or an extension has been authorized by the City Manager.
- (2) Except for medical leaves of absence, any unused vacation and sick leave shall remain on deposit and credited to the employee upon return to work. If the employee fails to return to work following a leave of absence, payments for unused annual and sick leave shall be made in accordance with this rule.
- (3) All leaves of absence without pay which exceed 30 calendar days shall be deducted from the employee's length of service record (and evaluation date changed).
- (4) An employee who fails to return to work following the expiration date of a leave of absence may be dismissed from his/her position.
- (5) Employees on Military Leave of Absence shall have their benefits and conditions of employment adjusted in accordance with applicable state and federal laws.

### **F. Health Insurance**

The health insurance of an employee will be continued for the first 180 days of leave, inclusive of sick leave, vacation, compensatory time, short term disability, worker's compensation and leave without pay, provided the employee pays his/her portion of the cafeteria plan. Health benefits will expire when an employee reaches 6 months of leave, is medically retired or medically released, or approved for long term disability, whichever comes first.