

LEAVE

I. PURPOSE

To provide a uniform leave benefit policy.

II. POLICIES AND PROCEDURES

This procedure describes the methods used by the City of Harlingen to provide uniform leave benefits. The procedure covers vacation, sick leave, holidays, qualified leave, military leave, bereavement leave, jury/court duty, administrative leave, unauthorized leave, family medical leave, natural disasters and national emergencies.

A. VACATION

Regular full-time employees, except fire department civil service shift personnel, earn vacation leave as follows based on 26 pay periods per year:

Years of Service	Bi-Weekly	Max. Annual Accrual
00 - 05 years	4.62 hours	15 days
05+ - 10 years	4.92 hours	16 days
10+ - 15 years	5.23 hours	17 days
15+ - 20 years	5.54 hours	18 days
20+ - 25 years	5.85 hours	19 days
25+ - 30 years	6.15 hours	20 days
30+ - 35 years	6.46 hours	21 days

Fire department civil service shift personnel earn vacation leave as follows:

Years of Service	Bi-Weekly	Max. Annual Accrual
00 - 05 years	6.92 hours	15 days
05+ - 10 years	7.38 hours	16 days
10+ - 15 years	7.85 hours	17 days
15+ - 20 years	8.31 hours	18 days
20+ - 25 years	8.77 hours	19 days
25+ - 30 years	9.23 hours	20 days
30+ - 35 years	9.69 hours	21 days

Vacation leave accrues bi-weekly at the end of the pay period from the total service date.

1. Usage

Employees are encouraged to use a substantial portion of their vacation leave each year.

Unused vacation may be carried over as per each employee's anniversary date as follows:

Years of Service	Annually	Fire Shift Personnel
00 - 05 years	120 hours	180 hours
05+ - 10 years	128 hours	192 hours
10+ - 15 years	136 hours	204 hours
15+ - 20 years	144 hours	216 hours
20+ - 25 years	152 hours	228 hours
25+ - 30 years	160 hours	240 hours
30+ - 35 years	168 hours	252 hours

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2. Scheduling

Departments will schedule and approve leave considering their customers' needs, employees' interests and departmental operations. The following requirements apply:

- a. Vacation leave shall not be taken in less than one-hour increments.
- b. Vacation leave shall not be advanced.
- c. Vacation leave shall not be transferred from one employee to another.

3. Transfers, Promotions and Demotions

Laterally transferred, promoted or demoted employees shall retain accrued vacation leave.

4. Separation/Termination

Employees who have separated their employment with the City may be paid up to 144 hours of accrued leave. Fire department civil service shift personnel will be paid up to 216 hours of accrued leave.

5. Rehire

Any employee who separates from the City and is rehired will be eligible to use past service for determining the rate to accrue vacation. Prior service must have been served in a regular full-time position.

6. Full-time to Part-time

Employees transferring from regular full-time to regular part-time positions will not accrue vacation leave.

7. Regular Part-time, Temporary and Seasonal Employees

Regular part-time, temporary and seasonal employees do not accrue vacation leave.

B. SICK LEAVE

1. Full-time Employees

All regular full-time employees, except fire department civil service shift personnel, earn 4.62 hours of sick leave bi-weekly based on 26 pay periods per year. Fire department civil service shift personnel earn 6.92 hours of sick leave bi-weekly (i.e. maximum annual accrual of sick leave cannot exceed 15 days per 12 month period).

2. Full-time to Part-time

Any full-time employee transferring to a part-time position will be paid for unused sick leave; in accordance with paragraph #10 of this leave policy "Non Civil Service Employees Separation/Termination Pay" below.

3. Regular Part-time, Temporary and Seasonal Employees

Regular part-time, temporary and seasonal employees do not accrue sick leave.

4. Accumulation

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Accumulation of sick leave is unlimited.

5. Well Pay Program

Employees who use less than five (5) days of sick leave and accrue a minimum of ten sick days during a fiscal year qualify for this program. Employees who select this option receive \$50 for each day up to a maximum of \$250 per fiscal year. For the purposes of this program, Civil Service Emergency Leave will count toward sick leave days taken. See chart below:

Days used	Days Paid	Days Accrued	Amount Paid
0	5	10	\$250
1	4	10	\$200
2	3	10	\$150
3	2	10	\$100
4	1	10	\$50

Employees who use a total of four (4) hours or less during the fiscal year for preventative health measures, will qualify for the maximum of five (5) days paid.

Payment checks will be distributed annually on the second pay period in November.

6. Usage

Sick leave may be taken in quarter-hour increments for personal illness and injury or routine health care appointments that cannot reasonably be scheduled outside work hours.

7. Care of Family Members

To assist eligible family members, employees may take accrued sick leave. This assistance will include care for a family member's illness, disability or health appointment. For the purpose of using sick leave, an eligible family member shall be the employee's child, stepchild, parent, stepparent and spouse. A child is defined as a biological, adopted or foster child, stepchild, child of an employee who is a legal or designated guardian or legal ward of the employee. The child must be under 18 years of age, or 18 years of age or older but incapable of self-care because of a mental or physical disability.

8. Proof of Illness

Department Directors or their designees may require satisfactory proof of illness at any time the employee is using sick leave. A Department Director may disallow use of sick leave in the absence of satisfactory proof of need.

A Department Director may require the employee to furnish a statement from the attending physician confirming the employee's ability to resume his/her job duties before permitting the employee to return to work.

9. Illness While on Vacation

Employees who become ill or are injured during vacation may request that the vacation be terminated and the illness or injury time be converted to sick leave.

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10. Non-Civil Service Employees Separation/Termination Pay

Non-civil service employees will be eligible to receive pay for unused sick leave upon separation as follows:

Months of F/T Service	Payment Eligibility (percent)	Maximum Paid Hours
0-24	0%	-0-
25 +	50%	Up to 360

Non-civil service employees will be paid up to 360 hours of accrued sick leave upon separation.

Sick leave payment for police and fire department personnel shall be in accordance with city policy and state law as follows:

Months of Full-time Service	Payment Eligibility (percent)	Maximum Paid Hours
0-12	0%	-0-
13 +	100%	Up to 720 (1080 for Fire shift personnel)

Civil Service employees will be paid up to 720 hours of accrued sick leave upon separation. (Fire department civil service shift personnel may be paid for up to 1080 hours.)

C. EXTENDED SICK LEAVE

An extended sick leave program, as described below, is available to all full-time

employees in the event of a catastrophic illness or injury suffered by the employee. This program is available, subject to donated time and other restrictions set forth, after all paid leave has been exhausted.

- (a) A catastrophic illness or injury is one that is life threatening or one that completely incapacitates an employee from performing any type of work. Examples include, but are not limited to, cancer, heart attack, or serious injuries from an automobile accident.
- (b) A catastrophic illness or injury is limited to personal, catastrophic, unplanned events and excludes on-the-job injuries covered under Workers' Compensation. No illness or injury of an employee's family will be considered for this program.
- (c) A physician's statement may be required by the Human Resources Director before an employee can be considered for this benefit.
- (d) A qualified recipient may receive up to a maximum of 720 hours of sick leave hours per calendar year (90 days).
- (e) Full-time employees may donate a minimum of 8 and a maximum of 120 sick leave hours per calendar year to a qualified recipient. No full time employee is required to donate any sick leave days under any circumstances.
- (f) Any person may advise the Human Resources Department that a full time employee is potentially a quali-

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fied recipient. Human Resources shall contact the potentially qualified recipient to ascertain if he/she wants the Human Resources Director to notify the employee's co-workers of his/her situation and solicit the donation of the co-workers' sick leave days. If the qualified employee requests the solicitation to be made, he/she shall submit a written request to the Human Resources Director. The Human Resources Director shall decide whether an employee is a qualified recipient of donated sick leave. If the Director determines that the employee is a qualified recipient of donated sick leave, the Human Resources Director shall solicit donations from employees.

- (g) Donations of sick leave shall be made and received at the rate of one day's pay, regardless of the salary of the donor or the donee.

D. SCHEDULE OF HOLIDAYS

Official City of Harlingen holidays will be published and distributed annually.

1. Official Holidays

- New Year's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving and the day after
- Christmas Day

- Floating Holiday *

An employee on unauthorized leave on the working day immediately preceding and/or following a holiday shall lose pay for the holiday as well as for the other day or days off.

Employees desiring to observe religious or other holidays not coinciding with official holidays may be given time off without pay or may be authorized to use accrued vacation leave.

If a holiday falls on Saturday, the preceding Friday shall be observed, and if a holiday falls on Sunday, the following Monday shall be observed.

Holidays falling within an employee's vacation period or within a period of absence properly chargeable to illness shall not be counted against vacation or sick leave.

- * Employees are eligible for the floating holiday after 90 days of employment. It must be used during the current fiscal year (October 1st through September 30th) or it will be forfeited.

2. Regular Part-time, Temporary and Seasonal Employees

Regular part-time, temporary and seasonal employees shall not be compensated for holidays unless they work on those holidays.

In the event that a regular part-time, temporary or seasonal employee is scheduled to work during an observed holiday, he/she shall be compensated at the rate equal to two times the regular rate of pay.

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3. Department Schedules

The policy of the City will be for as many employees as possible to have approved holidays off consistent with the maintenance of essential city functions. Work schedules shall be based on department needs, and supervisors will determine holiday work schedules based on these needs.

At the Department Director's discretion, regular full-time employees scheduled to work on holidays will be scheduled for another day off, or may be compensated at a rate equal to the regular rate of pay for every hour worked on that day plus the 8 hour holiday pay.

4. Shift Schedules

Department Directors shall ensure that eligible shift workers and other employees working unusual schedules receive benefit of the full number of official holidays.

Fire department civil service shift personnel will receive 12 hours of holiday leave for each official City of Harlingen holiday, excluding floating holiday, regardless of whether the employee worked the holiday.

E. QUALIFIED LEAVE

Employees are entitled to four hours of leave (6 hours for fire shift personnel) for not using sick leave that was NOT due to a preventive health measure. The eligibility period includes 13 bi-weekly pay periods.

Employees that qualify for this leave have the option of receiving \$25 cash (minus deductions) in lieu of taking the time off.

F. MILITARY LEAVE

1. Zero to 120 Hours

Employees are entitled to military leave with pay in accordance with state and federal laws for a cumulative maximum of 120 hours in a City fiscal year.

This includes both active duty training and regular active duty. The term "with pay" means full and regular pay for days and times the employee would ordinarily have been working.

Employees must notify their supervisors before their pending duty.

2. Duty Verification

Employees shall provide written performed duty verification as soon as possible, but no later than their return to work. Verification is necessary in order to confirm payment of military pay and to confirm any veterans' re-employment rights.

Verification may include, but is not limited to, orders, drill letters, introductory schedule and a signed duty verification from the officer in charge.

G. BEREAVEMENT LEAVE

Department Directors/supervisors, after ascertaining the exact circumstances, may grant a regular full-time employee up to 16 work hours per year of paid leave for deaths

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within the employee's immediate family. (Fire department civil service shift personnel may receive up to 24 hours per year.) (For the purpose of bereavement leave, a "family member" shall be defined as a spouse, parent*, parent-in-law, child*, brother*, sister*, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, grandchild or grandparent-in-law.) Vacation or sick leave may be used to supplement bereavement leave, upon request and approval. Employees may be required, at the discretion of the supervisor, to present proof of immediate family death.

*Also includes step-.

H. JURY/COURT DUTY

Employees required by summons to report for jury duty (including grand jury duty), or who are impaneled as a juror or alternate, shall receive their regular pay during the time period directly related to jury duty (not to exceed 40 hours of jury duty pay per week). (Fire department civil service shift employees may receive up to 56 hours of jury duty pay per week).

1. Regular Pay

Employees requesting regular pay for work time spent on jury duty must present proof of attendance from the court before pay can be issued.

Upon release from jury duty, employees must return to their assigned work location. Employees failing to return to work during their normal work hours are subject to disciplinary action.

2. Official City Business

Employees who are subpoenaed to appear in court or before any other judicial or administrative body for and on behalf of official city business or on behalf of the county, state or federal government for services related to city duties, shall be compensated in accordance with the procedures specified under H., Jury Duty.

Employees requesting regular pay shall provide a copy of the subpoena and, if available, proof of attendance by the court or respective administration body.

3. Personal/Private Business

Employees will not be paid for time off to conduct personal or private legal business. Vacation or compensatory time may be used if approved by the supervisor and/or Department Director.

I. ADMINISTRATIVE LEAVE

1. With Pay

Employees may receive paid administrative leave for official business or other work-related matters as designated by the Department Director or designee. Other authorized purposes may include, but not be limited to, voting in official elections, investigative proceedings, jury duty, professional conferences, conventions, training activities, legislative proceedings, civic functions or any other purpose deemed to be in the City's best interests.

2. Without Pay

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Administrative leave without pay will be utilized when employees have: (a) exhausted all accrued paid leave, or (b) been placed on such leave by Department Directors.

Employees on leave without pay status for 80 hours or more will not accrue benefits for that period. Employees may pay for continuing dependant health insurance coverage.

J. UNAUTHORIZED LEAVE

Employees failing to report for duty or failure to remain at work as scheduled without proper notification, authorization or excuse shall be considered to be on unauthorized leave of absence and shall not be in pay status for the time involved. Unauthorized leave of absence for three consecutive work days shall be considered voluntary resignation by the employee.

K. FAMILY AND MEDICAL LEAVE

Eligibility for leave under the Family and Medical Leave Act (FMLA) requires that employees must have worked for the city for a total of twelve months and at least 1,250 hours in the previous 12 months. Up to 12 work weeks of Family Medical Leave may be granted during a 12-month period (see Section 212).

L. DISCRETIONARY LEAVE

Discretionary leave for exempt employees will be approved at the discretion of their Department Director or designee.

M. NATURAL DISASTERS AND NATIONAL EMERGENCIES

During a natural disaster or national emergency, employees of the City of Harlingen may be required to work. This may require separation from family members for extended periods. Refusal to work during such emergencies may result in disciplinary action.

III. APPENDICES

- A. Extended Sick Leave Request
- B. Sick Leave Donation Memo
- C. Extended Sick Leave Donation Form