

CITY OF CHESAPEAKE, VIRGINIA

NUMBER: 2.53

ADMINISTRATIVE REGULATION

EFFECTIVE DATE: 9/12/2019

**SUBJECT: HUMAN RESOURCES DEPARTMENT
BENEFITS POLICY FOR ELIGIBLE
EMPLOYEES**

SUPERCEDES: 7/1/2016

I. PURPOSE

The purpose of this Policy is to detail leave provisions and benefits available for eligible employees.

II. ELIGIBILITY

All regular full-time, regular part-time, special project and grant employees who report to the City Manager, Constitutional Officers, and Appointed Officials shall be covered under the provisions of this Policy. Other individuals may be covered by certain provisions of this policy through separate agreements with the City.

III. RESPONSIBILITY

The Department of Human Resources (HR) is responsible for the administration of this Policy. All references to the City Manager, Director of Human Resources, and department/agency head shall include their designees.

IV. DEFINITIONS

- A. **Covered Employee** – This term is used in reference to the Uniformed Services Employment and Reemployment Rights Act (USERRA). The City will adhere to all provisions of 38 U.S.C. § 4312, reemployment rights of persons who serve in the uniformed services.
- B. **Exempt Personnel** – Employees who are excluded from the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA).
- C. **Grant Employee** – An employee hired as a result of a grant or special allocation of funds (under the auspices of a revenue source separate from the general fund) whose employment, for this purpose, ceases when the activity is complete and/or funding for employment services cease. A grant employee may be part-time or full-time as outlined in the grant or allocation.
- D. **Immediate Family Member** – The parent, spouse, son or daughter of an employee including step, foster, and guardian relationships.
- E. **Non-Exempt Personnel** – Employees who are eligible for overtime compensation according to the provisions of the FLSA.

- F. **Public Service Leave** – Paid leave that is granted when an employee is summoned for jury duty; summoned or subpoenaed to appear in court, except when the employee is a defendant in a criminal case; when the employee is appointed by an electoral board and serves as an officer of election during an election; or any other public service purpose approved by the Director of Human Resources.
- G. **Regular Part-time Employee** – An employee hired without a stated limitation as to length of service and who works a routine schedule of generally no more than twenty-five (25) hours per week.
- H. **Regular Full-Time Employee (Salaried and Hourly)** – An employee who is regularly scheduled to work forty (40) or more hours each week without a stated limitation as to length of service.
- I. **Special Project Employee** – An employee who is hired for a specified period of time to perform a special activity and whose employment, for this purpose, ceases when the activity is completed and/or funding for employment services ceases. A special project employee may be part-time or full-time, as outlined in the activity/project budget.
- J. **Seasonal/Substitute Employee** – An employee without a set schedule and who is not entitled to accrued leave or other City-paid benefits.

V. ANNUAL LEAVE

- A. Full-time employees in Virginia Retirement System (VRS) Plan 1 or 2 are eligible to accrue annual leave. In addition, certain grant, special project, and regular part-time employees, hired on or before December 31, 2013, are eligible to accrue annual leave.
- B. Employees accrue annual leave beginning their first month of employment. Employees are provided with an advance of two monthly accruals on their date of hire. Accruals will start on the 30th of the month once the employee has been employed for at least 75 days prior to the accrual date.
- C. If an employee leaves City employment with fewer than 60 days of City service, the employee is responsible for repaying the City all or a prorated amount of the advanced leave. The repayment schedule is detailed below:

City Tenure	Repayment Amount
Complete fewer than 30 days of employment with the City	100%
Complete 30 to 59 days of employment with the City	50%
Complete 60 or more days of employment with the City	0%

- D. Although employees are entitled to request annual leave with pay as it is accumulated, all requests are subject to prior approval by the employee's supervisor to ensure minimal disruption in the workplace.

- E. Upon commencement of regular monthly accruals, annual leave shall be accrued for each completed month of service at the following rates:

Years of Service	Full-Time Employees (other than Sworn Fire employees regularly scheduled to work 56 hours/week)	Full-Time Sworn Fire Employees Regularly Scheduled to work 56 hours/week	Accelerated Accruals*	Regular Part-Time Employees Regularly Scheduled to work 40-79 hours/month	Regular Part-Time Employees Regularly Scheduled to work 80-119 hours/month	Regular Part-Time Employees Regularly Scheduled to work 120-159 hours/month
1-4 years	8 hours	22.4 hours	16 hours	2 hours	4 hours	6 hours
5-9 years	10 hours	25.2 hours	18 hours	2.5 hours	5 hours	7.5 hours
10-14 years	12 hours	28.0 hours	20 hours	3 hours	6 hours	9 hours
15-19 years	14 hours	30.8 hours	22 hours	3.5 hours	7 hours	10.5 hours
20 or more years	16 hours	33.6 hours	24 hours	4 hours	8 hours	12 hours

**Accrual rate applies to 1) designated employees working extended shifts within a 24 hour operational unit; and 2) operational units which require working holidays in their regular work schedule, e. g., Animal Control Officers, Bridge Operators, Toll Collectors, Water Treatment plant workers, Police Department (Sworn), Police Information Associates, Evidence Technicians, Emergency Dispatchers, Juvenile Services Counselors, Juvenile Services Cooks, Sheriff's Office (Sworn). For employees with accelerated accruals, additional time off granted by the Governor will be in addition to the hours reflected in the chart above.*

- F. Full-time employees may carryover from one calendar year to the next up to 400 hours of accrued annual leave time (560 for sworn Fire employees on 24-hour shifts), and part-time employees may carryover up to 280 hours of accrued annual leave. Hours accumulated in excess of the annual maximum allowed hours by December 31st will be automatically extended until March 31st of the following year. Any excess carried over and not used by March 31st will be purged from the employee's leave balance.
- G. Employees shall be paid for accrued annual leave, up to a maximum of 400 hours for full-time employees, 560 hours for sworn Fire employees on 24-hour shifts, or 280 hours for regular part-time employees, at time of retirement, resignation, termination, or death, with the exception of employees who received advanced accruals pursuant to section V.C and terminate employment with fewer than 60 days of service.
- H. When an illness or physical incapacity occurs during the time an employee is on approved annual leave, accrued sick leave may be granted to cover the period of illness or incapacity. The use of annual leave may be modified accordingly, provided the supervisor is informed of

the employee's illness and approves the use of sick leave. The employee's supervisor may request the employee provide medical documentation and a release to return to work. Failure to present the medical information requested may preclude the use of sick leave.

VI. SICK LEAVE

- A. Full-time employees in VRS Plan 1 or 2 are eligible to accrue sick leave. In addition, certain grant, special project, and regular part-time employees hired on or before December 31, 2013, are eligible to accrue sick leave.
- B. When separating from regular part-time status or transitioning from regular part-time status to a status that is ineligible to accrue leave (e.g., seasonal/substitute), the employee's accumulated sick leave will not carry over at the time of status change nor will it be paid out at the time of separation.
- C. Accumulation of and Requests for Leave

Eligible employees accrue sick leave beginning their first month of employment. Unlike annual leave, sick leave accrual is a fixed monthly rate and not based on years of service. Employees may request sick leave with pay as it is accumulated. Sick leave shall be accrued for each completed month of service at the following fixed rates:

Full-Time Employees <i>(other than sworn Fire employees regularly scheduled to work 56 hours/week)</i>	Full-Time Sworn Fire Employees Regularly Scheduled to work 56 hours/ week	Regular Part-Time Employees Regularly Scheduled to work 40-79 hours/month	Regular Part-Time Employees Regularly Scheduled to work 80-119 hours/month	Regular Part-Time Employees Regularly Scheduled to work 120-159 hours/month
8 hours	11.2 hours	2 hours	4 hours	6 hours

- D. Use of Sick Leave
 - 1. Eligible employees are charged leave in 15 minute increments. Full-time firefighters are charged one hour for every hour of absence up to a maximum of 16 hours per 24-hour shift. Fire employees are required to use fire sick old leave prior to using sick leave.
 - 2. An eligible employee with accrued sick leave may use such leave for any of the following reasons:
 - a. Temporary incapacitating illness or injury;
 - b. Medical quarantine resulting from exposure to a contagious disease;
 - c. Medical, dental, optical examinations or treatments for the employee or employee's immediate family members;

- d. Extended illness or temporary disability (e.g., minor surgery) that results in the employee's inability to perform the essential functions of his/her position as certified by his/her healthcare provider. The healthcare provider must indicate a reasonable return to work date;
- e. Illness or injury of a member of the employee's immediate family which requires the employee's personal care and attention as defined by the Family and Medical Leave Act (FMLA);
- f. Bonding following the birth or adoption of a child (up to 16 days of sick leave may be used for this purpose). This is in addition to sick leave used by a birth mother at her health care provider's direction.

E. Notification Requirements

- 1. It is the responsibility of the employee to notify his/her supervisor of the need to use sick leave. Whenever possible, approval of sick leave for health care appointments should be obtained in advance. In all other instances, the employee should notify his/her supervisor before the beginning of the scheduled workday on the first day of absence. The employee is required to call his/her supervisor for each subsequent day of sick leave unless, due to the circumstances necessitating the leave, the supervisor allows other arrangements for status reports.
- 2. Should an employee fail to notify his/her supervisor of his/her inability to report to work due to an illness, injury, temporary disability or quarantine, the use of sick leave may be denied, and/or the employee may be separated from employment or subject to disciplinary action.

F. Verification

A statement from the employee's health care provider may be requested by the supervisor, after receiving approval from the department head, to verify the employee's appropriate use of non-FMLA related sick leave or unscheduled paid time off. The health care provider's statement must include the anticipated duration of the absence and the health care provider's determination regarding the employee's inability to perform the essential functions of his/her position for the stated period of absence. If documentation is not received, the request for sick leave can be denied until such documentation is provided. If requested documentation is not provided, the employee may be subject to disciplinary action.

G. Extended Period of Illness

- 1. An employee out on an extended period of absence may be eligible for leave in accordance with Administrative Regulation 2.23, FMLA Policy. The employee's supervisor is expected to report the absence to HR in accordance with AR 2.23.
- 2. If the employee has been on a health-related absence for an extended period of time,

and not FMLA approved, the employee's supervisor is expected to report the absence to HR.

3. If the healthcare provider temporarily limits the position functions the employee is able to perform upon the employee's return, the specific restrictions must be discussed with the employee's supervisor prior to resuming work. The department will confer with HR to determine if the employee will be able to work with the imposed temporary restrictions.

VII. PAID TIME OFF (PTO)

- A. Regular full-time employees in the VRS Hybrid Plan, as well as grant, special project and regular part-time employees hired on or after January 1, 2014, are eligible to accrue PTO.
- B. Employees accrue PTO beginning their first month of employment. Employees are provided with an advance of two monthly accruals on their date of hire. Accruals will start on the 30th of the month once the employee has been employed for at least 75 days prior to the accrual date.
- C. If an employee leaves City employment within 59 days of hire, the employee is responsible for repaying the City all or a prorated amount of the advanced leave. The repayment schedule is detailed below:

City Tenure	Repayment Amount
Complete fewer than 30 days of employment with the City	100%
Complete 30 to 59 days of employment with the City	50%
Complete 60 or more days of employment with the City	0%

- D. Although employees are entitled to request PTO as it is accumulated, all requests are subject to prior approval by the employee's supervisor to ensure minimal disruption in the workplace.
- E. Upon commencement of regular monthly accruals, PTO shall be accrued for each completed month of service at the following rates:

Years of Service	Full-Time Accruals/ Month	Full-Time Accelerated Accruals/ Month*	Regular Part-Time Employees Regularly Scheduled to Work 80 or More Hours/Month	Regular Part-Time Employees Regularly Scheduled to Work 80 or More Hours/Month Accelerated Accruals*
1-4 Years	12 hours	20 hours	6 hours	10 hours
5-9 Years	14 hours	22 hours	7 hours	11 hours
10+ Years	16 hours	24 hours	8 hours	12 hours
Maximum Rollover	400 hours	560 hours	280 hours	392 hours

**Accrual rate applies to 1) designated employees working extended shifts within a 24 hour operational unit; and 2) operational units which include holidays in their regular work schedule e.g., Animal Control Officers, Bridge Tenders, Toll Collectors, Water Treatment plant workers, Police Information Associates, Evidence Technicians, Emergency Dispatchers, Juvenile Services Counselors, Juvenile Services Cooks. For employees with accelerated accruals, additional time off granted by the Governor will be added to the hours reflected in the chart above.*

1. Full-time employees may carry over from one calendar year to the next up to 400 hours of accrued PTO and part-time employees may carryover up to 280 hours of accrued PTO. Hours accumulated in excess of the annual maximum by December 31st will be automatically extended until March 31st of the following year. Any excess carried over and not used by March 31st will be purged from the employee's leave balance.
2. Employees shall be paid for accrued PTO, up to the maximum of 400 hours for full-time employees, or 280 hours for part-time employees, at time of retirement, resignation, termination, or death, with the exception of employees who received advanced accruals pursuant to section VII.C and terminate employment with fewer than 60 days of service.

VIII. ACCRUAL PROVISIONS FOR NEW HIRES, TERMINATIONS AND STATUS CHANGES

- A. The following provisions will apply in determining an employee's date of hire for annual leave or PTO accrual purposes.
 1. When an employee transitions from regular part-time to regular full-time status, the leave accrual date of hire is the effective date of regular full-time status. The employee accrues leave based on the regular full-time date of hire.
 2. When an employee transitions from regular part-time to regular full-time and back to regular part-time status, the leave accrual date of hire is the effective date of the original regular part-time status. The employee accrues leave based on the original regular part-time date of hire at the regular part-time accrual rate.
 3. When an employee transitions from regular full-time to regular part-time status, the leave accrual date of hire is the effective date of regular full-time status. The employee accrues leave based on the regular full-time date of hire at the regular part-time accrual rate.
 4. When an employee transitions from regular full-time to seasonal/substitute or regular part-time and back to regular full-time status, the leave accrual date of hire is the effective date of the most recent regular full-time status.
 5. When an employee transitions from a grant or special project position (full-time or part-time) or a seasonal/substitute position to a regular full-time or part-time position, the leave accrual date of hire is the effective date of hire in the regular full-time or part-time position.

6. When an employee transitions from a regular full-time or part-time position to a grant or special project position, the leave accrual date of hire is the effective date of the regular full-time or part-time position.

B. With prior approval of the Director of HR, a regular part-time employee may exceed the maximum threshold of 25 hours only when filling in for a regular full-time employee for one pay period or less.

C. Converting from Annual/Sick Leave to the PTO Plan

An employee who transitions from annual/sick leave to PTO shall no longer accrue annual or sick leave, and the existing annual and sick leave balances shall be administered as follows:

1. Annual leave will be converted to PTO and will be subject to the maximum PTO carryover as specified based upon years of service. Hours accumulated in excess of the annual maximum allowable hours on December 31st of the calendar year in which the employee converted to PTO from annual/sick leave accrual will be automatically extended until March 31st of the following year. Any excess carried over and not used by March 31st of the following year will be purged from the employee's leave balance.
2. Existing sick leave hours shall remain available for future use in accordance with Section VI of this administrative regulation.
3. If an employee transitions from accruing annual and sick leave to accruing PTO, the employee will continue to accrue PTO for any subsequent status changes unless he/she transitions to a VRS Plan 1 or 2 covered position at which time he/she will accrue annual and sick leave.

D. Converting from the PTO Plan to Annual/Sick Leave

When an individual begins employment with the City under the PTO plan and later accepts employment into a hazardous duty position, as defined by the VRS, the employee shall no longer accrue PTO. The employee shall accrue annual and sick leave in accordance with sections V and VI of this Policy. The employee's PTO balance shall be converted to annual leave and subject to the maximum annual leave carryover limits as specified based on years of service.

E. An employee's hire date and termination date dictate when accruals start and cease as illustrated below:

New Hire Date	Accrual
1 st -15 th	Full month accrual
16 th -21 st	Half month accrual
22 nd -last day of month	No leave accrual

Termination Date	Accrual
1 st -15 th	No leave accrual
16 th -21 st	Half month accrual
22 nd -last day of month	Full month accrual

IX. PAYOUT OF LEAVE AND LEAVE INCENTIVE

- A. Employees in VRS Plan 1 or 2 with a City hire date of December 31, 2000 or earlier and a sick leave balance of 640 hours or more (896 hours or more for sworn Fire employees on 24-hour shifts) on September 30, 2019 are required to choose between two leave incentive options which are detailed in Appendix A.
- B. Employees in VRS Plan 1 or 2 with a City hire date of December 31, 2000 or earlier with a sick leave balance less than 640 hours (or less than 896 hours for sworn Fire employees on 24 hour shifts) on September 30, 2019 are required to choose between two leave incentive options which are detailed in Appendix A.
- C. Employees with a City hire date of January 1, 2001 through August 13, 2019 and enrolled in VRS Plan 1 or 2 are required to choose between two leave incentive options which are detailed in Appendix A.
- D. Employees enrolled in the VRS Hybrid Plan are required to choose between being eligible for a yearly annual lump sum leave incentive of \$500 and not having a leave incentive option as detailed in Appendix A.
- E. Employees hired after August 13, 2019 may be eligible to receive a lump sum leave incentive of \$500 as detailed in Appendix A.
- G. Upon separation of employment, including retirement, or transition from a benefit-eligible to a non-benefit-eligible position (e.g., regular part-time to seasonal/substitute), annual leave and PTO will be paid out at the rate of pay the employee was earning on his/her last day of employment in a benefit-eligible position with the exception of pay earned in a Temporary Acting Assignment (TAA). If an employee is in a TAA when he/she separates from employment, leave will be paid out at his/her rate of pay prior to placement in the TAA.

X. LEAVE DONATIONS

- A. Purpose

Leave Donations are intended for employees who suffer from a temporary disability, illness, or injury, or for employees who have immediate family members suffering from a

temporary disability, illness, or injury who are in need of the employee's care.

B. Eligibility

1. Regular full-time employees enrolled in VRS Plan 1 or 2, special project and grant employees who are ineligible for VRS benefits, as well as regular part-time employees are eligible to apply for Leave Donations for their own temporary disability, illness, or injury.
2. Full-time and part-time employees are eligible to apply for Leave Donations for the temporary disability, illness, or injury of their immediate family member.
3. Employees must have been employed continuously with the City for one year to be eligible for Leave Donations. The employee or their immediate family member must have an illness or injury that would require the employee to be continuously absent from work for a minimum of thirty workdays (fifteen workdays for an employee who works a 24-hour shift) to be eligible to receive Leave Donations.

C. Procedure

The employee must submit a request for donated leave to HR or the department/agency head may initiate the request on behalf of the employee. The request must be initiated prior to the employee exhausting leave balances, unless mitigating circumstances exist, as determined by HR. If approved, requests for leave donation are first solicited from staff of the employee's department. If needed, donations may subsequently be solicited City-wide.

D. Provisions

1. If approved and leave is donated, the employee will receive pay retroactive to the first day of his/her continuous medical absence, as appropriate. Leave donation benefits are payable at the rate of 80% of the employee's pre-leave donation base pay.
2. Leave donations will be offset by short and/or long term disability (if applicable).
3. The Director of HR will review and make a final determination of eligibility for leave donations. If medical expertise is needed to evaluate the request, the Director of HR will consult with a healthcare provider. Employee confidentiality will be maintained during this consultation.
4. Employees are not required to pay back leave donations. Hours of donated leave are taxable income to the recipient.
5. An employee may not donate or receive hours if he/she has given notice of intent to leave or is unable to return to City employment.
6. Leave donations are confidential, voluntary, and non-refundable. Leave must be donated in one-hour increments.

7. An employee may not receive more than three months of donated leave in a rolling calendar year.

XI. MEDICAL AND DENTAL BENEFITS

The City offers full-time employees, including special project or grant employees, when permitted by the special project or grant, the opportunity to purchase medical and dental coverage under existing City insurance plans.

XII. OTHER VOLUNTARY EMPLOYEE-PAID BENEFITS

The City offers all full-time benefit-eligible employees, including special project and grant employees when permitted by the special project or grant, the opportunity to purchase voluntary benefits at full cost (e.g., vision insurance, prepaid legal services, flexible spending accounts). Regular part-time employees can purchase prepaid legal services at full cost and participate in dependent care flexible spending.

XIII. SHORT AND LONG-TERM DISABILITY

The City offers employees in VRS Plan 1 or 2 employer-paid long-term disability insurance and offers employees in the VRS Hybrid Plan employer-paid short and long-term disability insurance.

XIV. RETIREMENT, LIFE INSURANCE, AND DEFERRED COMPENSATION

Regular full-time employees shall be enrolled as members in VRS. Special project and grant employees are typically ineligible for retirement and life insurance benefits. Regular part-time employees are ineligible for retirement and life insurance benefits. Regular full-time and regular part-time employees, including special project and grant employees, are eligible to participate in a pre-tax 457 plan.

XV. BEREAVEMENT LEAVE

- A. The City will provide up to three work days of bereavement leave to regular full-time and regular part-time employees, as well as special project and grant employees, in the event of the death of the employee's immediate family member, brother, sister, grandparent, or grandchild, including step, foster, mother-in-law, or father-in-law relationships. Bereavement leave will also be granted for the death of a member of the employee's immediate household who resided with the employee at the time of his/her death. For the purpose of this section, "work day" is defined as eight hours for full-time employees, 11.2 hours for sworn Fire employees working 24-hour shifts, and is prorated for part-time employees.
- B. Bereavement leave should be used within ten calendar days of the death or when the employee is notified of the death. Exceptions to the ten calendar day period, necessitated by special arrangements for the deceased, may be approved by the department/agency head.

- C. With prior department/agency head approval, bereavement leave may also be granted to attend the funeral or similar services of a former or current City employee as long as granting such leave does not cause undue hardship to the department's operations.

XVI. HOLIDAY LEAVE AND ADDITIONAL TIME OFF

- A. Regular full-time employees are granted holiday leave and additional time off according to the provisions established by the City Council. A regular part-time employee will be granted holiday leave and additional time off equivalent to the number of hours he/she normally would have been scheduled to work during the period of closure not to exceed the number of hours granted to a full-time employee for the same period.
- B. A full day holiday or a full day of additional time off is defined as eight hours or 11.2 hours for sworn Fire employees. A half day holiday or a half day of additional time off is defined as four hours or 5.6 hours for sworn Fire employees.
- C. Employees must be in a paid status for their entire scheduled shift before and after a holiday to receive pay for the holiday.
- D. Employees on short or long-term disability during a City holiday or additional time off will receive holiday pay equivalent to the difference between the amount they receive from the disability coverage and eight hours (11.2 hours for sworn Fire employees) for a full day holiday or four hours (5.6 for sworn Fire employees) for a half day holiday.
- E. Non-exempt employees whose normal work schedules would not require working holidays will be compensated by overtime pay or overtime leave at the rate of one and one-half times their regular rate of pay for all hours actually worked on such days.

XVII. MILITARY LEAVE

The City will comply with the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. § 4301, et seq., and State law for covered employees in the uniformed services.

- A. A covered employee who is ordered to active duty or training in an organized reserve force or any armed services of the United States, the National Guard, or naval militia is entitled to leave with regular pay during such period for up to 15 working days per federal fiscal year (October 1st through September 30th). With respect to a covered employee who does not normally work approximately equal workdays on five or more days of each calendar week, the term "workday" will mean 1/260 of the total working hours such employee would be scheduled to work during an entire federal fiscal year, not taking into account any State holidays, annual leave, military leave or other absences. A covered employee may choose to use leave without pay during any period of active duty.
- B. A covered employee will be placed on military leave without pay if such a request is made in writing and in advance of leave commencement. Upon receipt of an honorable or non-punitive discharge from the service, the employee may be reinstated to active service with the

City with the same rights and privileges as he/she had before entering the military service.

- C. A covered employee performing military duty of more than 30 days may elect to continue employer-sponsored health care for up to 24 months; however, he/she will be required to pay 102 percent of the full premium, which represents the City's share plus the employee's share plus two (2) percent for administrative costs. For military service of fewer than 31 days, health care coverage is provided as if the service member had remained employed.
- D. USERRA pension protections apply to defined benefit plans and defined contribution plans as well as plans provided under federal or state laws governing pension benefits for government employees. For purposes of pension plan participation, vesting, and accrual of benefits, USERRA treats covered military service as continuous service with the employer.
- E. A covered employee who is a member of the Virginia State Defense Force or National Defense Executive Reserve is entitled to a leave of absence from duties without loss of seniority or accrued leave for all days during which he/she is engaged in training approved by the Governor or his/her designee, pursuant to Virginia Code § 44-204, not to exceed 15 work days per federal fiscal year. When relieved from such duty, the employee shall be restored to the position held when ordered to duty.
- F. An employee on military leave due to a call to active duty may draw against his/her accumulated sick leave in an amount equal to the difference between the employee's net military pay and net City salary.
- G. An employee on military leave during a period of service in the uniformed services may, upon request of that employee, use during such period of service any annual or PTO leave accrued by the employee before the commencement of such service. An employee will have 180 calendar days upon return to work following military leave to use leave accrued during the period of military leave.

XVIII. PUBLIC SERVICE LEAVE

- A. Requests for Public Service Leave shall be presented to the supervisor in advance of the commencement of the service period and shall be reviewed by the department/agency head who shall have final authority to approve or disapprove such leave. Supporting documentation, such as a summons or subpoena, or official documentation of appointment as an officer of election must be provided along with the leave request.
- B. Any fees rendered to an employee for jury duty and or other covered public service shall be returned to the City.
- C. In the case of compelled witness testimony during a trial, Public Service Leave will be granted only for the period of time for which attendance in court is required plus travel time during the employee's normal work hours. No employee who is summoned and appears to serve on jury duty for four or more hours, including travel time, in one day shall be required to start any work shift that begins on or after 5:00 p.m. on the day or his or her appearance for jury duty or begins before 3:00 a.m. on the day following the day of

his appearance for jury duty. No employee who serves as an officer of election during an election for four or more hours, including travel time, shall be required to start any work shift that begins on or after 5:00 p.m. on the day of his or her service or begins before 3:00 a.m. on the day following the day of his or her service.

XIX. SPECIAL DISASTER LEAVE

- A. The City recognizes that, on some occasions, natural and man-made disasters can occur that are of such huge proportion that they require extraordinary relief efforts in which the labor and experience of willing volunteers from across the country are required. Accordingly, the City has established a special form of paid leave for which employees may apply. This leave may be granted by the City Manager, on a case-by-case basis, to employees who wish to be absent from work for a specified period of time in order to carry out relief activities as a volunteer for a recognized relief agency. Because the activity for which the employee is volunteering is unrelated to the employee's work and the needs and operations of the City, the granting of any such leave will be subject to the needs of the employee's department, which take precedence.
- B. Special Disaster Leave may be approved for absences of up to a maximum of two weeks. Any expenses associated with the volunteer activity are the responsibility of the employee. The City will pay the employee his/her regular salary during the period of leave; however, the City will not pay overtime or any other type of premium pay during the period of leave. Any fees received by the employee for public service performed under this provision shall be returned to the City.
- C. The employee is not representing the City in this volunteer activity, and the City does not assume any liability for the risks associated with the activity. The City is not responsible for any injury or hardship experienced by the employee as a result of such activity.

XX. LEAVE WITHOUT PAY

- A. Leave without pay up to 30 calendar days may be granted, based on a justifiable request, with prior approval of the department/agency head after the employee has exhausted all applicable paid leave. Leave without pay for military leave as outlined in section XVII of this policy does not require prior approval from the employee's department/agency head.
- B. With the prior approval of the Director of HR, an extended leave of absence without pay of greater than 30 days may be granted where valid reasons exist.
- C. It is the employee's responsibility to justify the need for leave without pay and the length of time for which it is needed. If leave without pay is granted due to reasons of illness or injury, a physician's certificate may be required by a supervisor to establish fitness for duty to return and confirm the dates or the period for which leave is requested. Consideration of the employee's written request for a leave of absence without pay shall include the reason(s) for requesting the leave, the length of time desired, the workload involved, and the need for a replacement employee. The request should be made at least two weeks before the commencement of the leave period. In emergency situations, the department/agency head

may waive this notice period.

- D. An employee absent on leave without pay for 30 calendar days or more does not accumulate annual leave, sick leave, or PTO during the period of absence. Employee benefits will be discontinued during this period unless arrangements are made with the Department of Finance. For employees on leave without pay under the FMLA, the employee must pay the employee premiums for their benefits to avoid disruption of coverage.
- E. A department/agency head may approve an employee who is ineligible for FMLA to work a reduced schedule for no greater than 60 days given a justified reason. During this time, the employee will accrue leave at a prorated rate and continue to be eligible for other benefits.
- F. If an employee is in a leave without pay status on the first day of the month, the employee will not be reported to VRS for retirement credit for that month.
- G. An employee receiving pay from a disability benefit offered by the City will be required to use accrued leave to supplement his/her pay and will not accrue leave during this time.

XXI. FAMILY AND MEDICAL LEAVE

The City will adhere to applicable provisions of the FMLA, 29 U.S.C. § 2601, et seq. See Administrative Regulation 2.23, Family and Medical Leave Act Policy.

XXII. ADMINISTRATIVE LEAVE

Administrative leave at full pay may be authorized for the purpose of providing paid leave for emergency work-related reasons and other situations as determined by the City Manager. Department/agency heads may authorize up to one day of paid administrative leave. The City Manager may authorize additional days of paid administrative leave as required for these purposes. Administrative leave does not affect other accrued leave balances.

APPROVED AS TO FORM AND CONTENT:

Melissa A. Hamann
Melissa A. Hamann, Assistant City Attorney

9/11/2019
Date

APPROVED AND ADOPTED:

James E. Baker
James E. Baker, City Manager

9/24/19
Date