

ARTICLE 6 LEAVE PROVISIONS

Section 6.1 ANNUAL LEAVE

- a. Vacations shall be scheduled with a minimum disruption of work and, when possible, at the convenience of the employee.
- b. An employee will be entitled to request annual leave with pay as it is accumulated.
- c. Except for employees eligible for compensatory schedules as set out below, annual leave shall be accumulated per month as follows:

Length of Service	Accrual Rate
1-4 years	1 day
5-9 years	1¼ days
10-14 years	1½ days
15-19 years	1¾ days
20 or more years	2 days

Compensating schedules of leave will be developed and administered by the Director of Human Resources to recognize special or unusual work schedules required of certain classes of employees. For the purposes of this subsection, "day" is eight (8) hours.

- d. The annual leave balance of all employees will be reviewed as of December 31 of each year, and all annual leave time accumulated by any employees as of that date in excess of 336 hours will be purged from that employee's leave balance. Employees in Fire and emergency medical services who accrue leave under a compensating schedule will be allowed to carry forward a maximum annual leave balance of 470 hours. If an employee is not granted leave due to operational requirements as determined by the department head, or any injury compensable under the Virginia Workers' Compensation Act, and as a result stands to lose annual leave as of December 31 in any given year, the employee must request an extension for using excess annual leave. Requests for extension must be made to the employee's department head prior to December 31. Any approved extension must require the employee to use the excess annual leave by April 30 of the following calendar year. Any excess carried over and not used by April 30 will be purged from the employee's leave balance.

Department heads may, in their discretion, grant exceptions to the April 30 deadline due to extenuating circumstances. Notification of exceptions to the April 30 deadline must be submitted in writing to the Director of Human Resources no later than April 30.

Every effort will be made to schedule vacations so employees will not lose

accumulated annual leave.

- e. Employees shall be paid for accrued annual leave, up to a maximum of 336 hours (470 for certain employees of the Fire and emergency medical services), at the time of retirement, resignation, termination or death.

Section 6.2 SICK LEAVE

- a. An employee shall be entitled to sick leave with pay as it is accumulated when his or her presence at work would be injurious to his/her health or that of others.
- b. At the request of the department head or the Director of Human Resources, a doctor's certificate may be required for an employee who is absent in excess of three continuous work days or who has a pattern of absenteeism.
- c. Each full-time employee shall accumulate sick leave at the rate of eight hours per month with no maximum limit. Compensating schedules of leave will be developed and administered by the Director of Human Resources to recognize special or unusual work schedules required of certain classes of employees.
- d. Accumulated sick leave may be used to provide necessary care and attendance for a member of the immediate family who is ill or injured, residing and recuperating in the home of the employee and who requires physical care. The use of accumulated sick leave for care and attendance of said family members shall be limited to no more than six (6) days in any one year.
- e. Accumulated sick leave shall not be construed as a job entitlement but rather a job benefit to be used only as stated above.

Section 6.3 FUNERAL LEAVE

An employee will be granted funeral leave with pay for three (3) work days if the death of an immediate family member of the employee occurs. For purposes, of this section, "work day" is defined as eight (8) hours for regular employees and 11.2 hours for sworn Fire employees. Generally, funeral leave, if requested, must be taken within ten (10) calendar days of the death of the immediate family member or when the employee is notified of the death; however, exceptions to the ten (10) calendar day period, necessitated by special arrangements for the deceased, may be approved by the department head. The term "immediate family member" is defined as including spouse, parent, guardian, child, brother, sister, grandparent, grandchild, including step, foster, and mother and father in-law relationships. "Immediate family member" will also cover any member of the employee's immediate household who resided with the employee at the member's time of death.

If more time is required, the additional time may be charged to annual leave or leave of absence without pay with the approval of the immediate supervisor.

Funeral leave will also be granted to attend the funeral or similar services of a former or current City employee, providing the employee requesting the funeral leave receives the approval of the immediate supervisor prior to attending the services.

Section 6.4 MILITARY LEAVE

- a. An employee who is a member of an organized reserve force of any armed services of the United States, the National Guard, or naval militia shall be entitled to leave of absence from duties without loss of seniority or accrued leave for all days during which they are engaged in federally funded military duty, to include training duty, or when called out by the Governor under Virginia Code Sections 44-75.1 or 44-78.1. Employees who are members of the Virginia State Defense Force or National Defense Executive Reserve shall be entitled to leave of absence from duties without loss of seniority or accrued leave for all days during which they shall be engaged in training approved by the Governor or his designee pursuant to Virginia Code section 44-204. Such employees shall be entitled to regular pay during such period for up to a maximum of fifteen (15) working days per federal fiscal year. With respect to employees who do not normally work approximately equal workdays on five or more days of each calendar week, the term "workday" shall 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. Where such employee returns from federally funded military duty and the eight-hour rest period required by the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. Section 4301 et seq., overlaps such employee's scheduled work shift, the employee shall receive paid military leave to the extent of such overlap.
- b. The City shall adhere to applicable provisions of the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. § 4301, et seq., for covered employees in the uniformed services.
- c. An employee who is a member of an officially recognized reserve unit who is involuntarily recalled for mandatory active duty in time of war or declared national emergency shall be placed on military leave without pay, if requested in writing prior to or during the period of active duty. Such employees may draw against their accumulated annual, compensatory, or overtime leave in order to receive leave with full pay during their period of absence. If the employee's compensatory and overtime leave have been exhausted, such employees may draw against their accumulated annual or overtime leave in order to receive leave with full pay during their period of absence. If the employee's compensatory and overtime leave have been exhausted, such employees may draw against their accrued sick leave (not including sick leave bank withdrawals) in an amount equal to the difference between their net Reserve compensation and their net annual City salary. "Net annual City salary" is the monetary compensation received prior to going on active duty plus any cost-of-living increases granted by the City during the period of absence, less

Federal, State, and FICA taxes. "Net Reserve compensation" is the total monetary compensation received for serving on active duty, including base pay, basic allowance for quarters, and any other compensation, less Federal, State and FICA taxes.

Section 6.5 LEAVE OF ABSENCE WITHOUT PAY

A leave of absence without pay may be granted where valid reasons exist and with the prior approval of the employee's supervisor and department head. 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 (2) weeks before the beginning the period requested. In emergency situations, the department head may waive this notice period. Department heads have the authority to approve requests that are for period of time less than one pay period. Requests for a leave of absence longer than one pay period shall be forwarded to the Director of Human Resources for approval.

If a leave of absence without pay is granted due to reasons of illness, a physician's fitness for duty certification may be required by the supervisor when the employee returns to work to establish fitness for duty and to confirm the days of temporary disability.

An employee on leave of absence without pay does not accumulate annual or sick leave during the period of absence. Unless required by City policy, employee benefits will be discontinued during this period, unless special arrangements are made with the Director of Human Resources or designee, or the Director of Finance.

Section 6.6 OTHER LEAVE

Leave for jury duty and related public service with full pay shall be reviewed and approved by the Director of Human Resources in accordance with state law. Any fees received by the employee for jury duty and related public service shall be returned to the City.

Section 6.7 HOLIDAYS

- a. The City has observe as legal holidays New Year's Day, Lee-Jackson Day, Martin Luther King, Jr. Day, George Washington Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day and the following Friday, Christmas Day, and any other legal holiday declared by the Governor of Virginia.
- b. For employees who accrue annual leave at a higher rate because their work schedules includes holidays, these holidays shall be added to their annual leave.
- c. When any holiday falls on a Sunday, the Monday immediately following shall be observed. When any holiday falls on a Saturday, the Friday immediately preceding shall be observed.

Section 6.8 BENEFITS FOR PART-TIME EMPLOYEES

The Director of Human Resources may prorate annual, holiday and sick leave benefits for part-time, classified employees, with regularly scheduled hours, who are appointed to positions for indefinite periods of time without limitation as to the length of service other than continuation of program, position need and/or funding.

Section 6.9 FAMILY AND MEDICAL LEAVE

- a. Eligible employees of the City of Chesapeake shall be entitled to a total of 12 workweeks of leave during any calendar year for one or more of the following in accordance with the Family and Medical Leave Act, as amended:
 - (i) Because of the birth of a son or daughter of the employee and in order to care for such son or daughter.
 - (ii) Because of the placement of a son or daughter with the employee for adoption or foster care.
 - (iii) In order to care for an immediate family member of the employee, if such immediate family member has a serious health condition.
 - (iv) Because of a serious health condition that makes the employee unable to perform any of the essential functions of the employee's job.
 - (v) Any qualifying exigency (as determined by the Secretary of Labor) arising out of the fact that a spouse, or son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.
- b. An eligible employee of the City of Chesapeake who is the spouse, son, daughter, parent, or next of kin of a member of the Armed Forces who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, due to a serious illness or injury sustained in the line of duty on active duty in the Armed Forces, shall be entitled to up to 26 workweeks of leave to care for the service member. This military caregiver leave shall be available during a single 12-month period during which an eligible employee shall be entitled to a combined total of 26 weeks of all types of FMLA leave.