

City of Yuma, Arizona
ADMINISTRATIVE REGULATION

Issued by: **Greg Wilkinson**
 Authority: City Administrator

SUBJECT:**LEAVE PROVISIONS FOR CITY EMPLOYEES**

Issued: January 23, 2012

- 1.0 PURPOSE:** This Administrative Regulation is to explain the different types of leave, both paid and unpaid, given to City employees, and other information regarding leave time.
- 2.0 APPLICABILITY:** This policy (except where noted) applies to full-time employees in a position listed in the City's budget-approved Table of Organization.
- 3.0 TYPES OF LEAVE:** The various types of leave recognized by the City are listed below in alphabetical order:
- 3.1 ADMINISTRATIVE LEAVE:** is paid leave to allow the temporary absence from City employment of an employee for up to 14 calendar days. The City Administrator may authorize longer time limitations, to specific departments, when it is in the City's best interest to do so. One purpose of granting the leave is to remove the employee from the work site and permit an investigation into matters, which may or may not result in disciplinary leave. If there is a need to extend this leave beyond 14 calendar days, the approval of the City Administrator is required.
- (a) The Department Director has the authority to approve this leave. The Director of Human Resources and the City Attorney should be advised as soon as possible when an employee is placed on Administrative Leave.
 - (b) Administrative Leave is considered non-punitive, non-disciplinary leave and an employee accrues normal benefits (General and Major Medical Leave, continued group insurance, etc.) while s/he is on Administrative Leave.
 - (c) The employee's normal work schedule may be modified to coincide with a supervisor's or Department Director's schedule. The employee is to be available for contact either by phone or in person at the residence (or designated location) during the assigned work schedule. Any variation requires the employee to notify the supervisor in advance of leaving the designated site.
- 3.2 ABSENT WITHOUT OFFICIAL (APPROVED) LEAVE (AWOL):** Any employee is considered to be AWOL when s/he fails to report to duty as scheduled, fails to report any absence prior to the beginning of the employee's work shift, or leaves the work site without supervisory approval. AWOL can be measured in increments of less than one hour. This leave is applicable to all classes of employees. Employees who are AWOL will be subject to disciplinary action up to and including dismissal.
- 3.3 (APPROVED) LEAVE WITHOUT PAY (LWOP):** Any time an employee is ineligible for paid leave, or has exhausted all eligible paid leave, the employee may be granted approved leave without pay by the Department Director or authorized supervisor. LWOP in excess of two consecutive weeks will require the employee to pay for all insurance benefits normally paid by the City, unless the employee is covered under FMLA. Any

unapproved leave is AWOL.

3.4 BEREAVEMENT LEAVE: Employees may use up to 4 consecutive days of Administrative Bereavement Leave (2 consecutive shifts for fire suppression) in the event of the death of the employee's parent or grandparent (including in-law and step); child or grandchild (including adopted, foster, step or legal ward) regardless of age; sibling (including in-law, step, half) and spouse (as defined or recognized under Arizona state law for purposes of marriage). The 4 days of Administrative (Bereavement) Leave will not be charged against any earned leave time. The 4 day maximum is available for each death of the employee's family if the family member's relationship is listed above. If an employee needs additional time off to handle personal business related to the death of the family member, to travel to another area for the funeral services or to handle other matters, the additional time (with Department Head approval) beyond the 4 days may be charged against employees Major Medical leave time (up to a maximum of 40 hours/56 hours fire suppression). Any further additional leave time would be charged to other eligible leave – i.e., general leave, compensatory leave, holiday leave – or taken as leave without pay. The City may require a notice of death and relationship when deemed appropriate by the Department Director.

3.5 COMPENSATORY LEAVE (Comp. Time): is paid leave that an employee has elected to accrue in lieu of overtime payment. Compensatory Leave is allowed to accrue up to a maximum of 40 hours (56 hours for fire suppression personnel). The City does not require the use of Compensatory Leave before granting authorized leave without pay. This leave is applicable to all employees that have been allowed by their department or division to receive Compensatory Leave instead of overtime pay. Compensatory Leave is only available for employees who are eligible to earn overtime payment. Also, the employee cannot be forced to accept Compensatory Leave instead of overtime pay. The employee must be allowed to use Compensatory Leave upon request, if such use does not unduly disrupt the operations of the City. The employee cannot be forced to use Compensatory Leave for any reason.

(a) The Department Director has the option of allowing Compensatory Leave banks to be established or to require that all overtime be paid each pay period. Employees in similar situations (same department, division, work crew, etc.) must be treated equally in the determination of whether or not to allow Compensatory Leave. If Compensatory Leave is allowed to be earned, an employee will be asked to sign a statement for his departmental file that states s/he agrees to receiving Compensatory Leave instead of overtime pay. It is recommended that employees be given the option to change their mind on no less than an annual basis, to either accept Compensatory Leave or to request overtime payment.

3.6 EXECUTIVE LEAVE: Executive Leave is paid leave, which may be granted to a FLSA overtime-exempt employee by the Department Director or City Administrator. This leave is for the purpose of giving City paid time off, without debit of the employee's leave bank(s), when the Department Director or the City Administrator believes the employee should be given time off due to workload or personal issues.

3.7 FAMILY MEDICAL LEAVE (FMLA): This is leave authorized by Federal law allowing employees unpaid, job-protected time off for personal reasons defined in the law. FMLA provides a maximum of twelve weeks of leave in a rolling 12-month period. The law does not require the time to be paid. If eligible paid leave is available, it must be used before unpaid leave is granted.

(a) This leave is available to all employees who have worked for the City for a minimum of one year and worked at least 1,250 hours in the 12 months prior to requesting leave. The conditions and/or definition of family members that qualify an employee for FMLA are available from Human Resources and/or under Forms on the HR intranet (Department of Labor FMLA Fact Sheet).

- (b) Employees who are unable to perform all essential functions of a job due to illness or injury may be assigned to a “light duty” position. Being placed in a “light duty” position is based on availability of work assignments and is not guaranteed. Any “light duty” assignments beyond the 12-week FMLA guarantee are granted on a case-by-case basis and determined based on the following:
 - (1) The likelihood of the employee being able to resume full duties within a reasonable time; and
 - (2) The ability of the Department to function without the position being fully functional.
- (c) While the City will not guarantee that the employee’s previous job will be available beyond the 12 weeks of FMLA leave, the City will try to place an employee who is coming off of extended FMLA leave lasting greater than 12 weeks into a comparable position. If no position is immediately available the employee will be placed on a rehire list.
- (d) If the employee is not able to return to work after exhausting 12 weeks of FMLA leave, the case will be reviewed for one of the following actions:
 - (1) The position may be held if the employee’s return is imminent and holding the position is approved by the Department Director and/or Director of HR.
 - (2) The employee may be administratively discharged from employment. Standard exit procedures will apply as to payoff of accrued leave and COBRA coverage.
 - (3) If a non-public safety employee is transitioning to long term disability through ASRS, or retiring due to a medical condition that does not allow the employee to be able to return to work, the employee will be administratively discharged. Leave accruals may be paid off at 100% for all categories, including Major Medical. Human Resources is available to assist in accessing the Long Term Disability program through the ASRS.

4.0 GENERAL LEAVE: This leave is available for all full-time and regular part-time employees. General Leave is paid leave for an employee’s personal business or recreational time off, for time not covered by Major Medical Leave, or any other leave time that is not otherwise eligible. Any leave without supervisory approval is AWOL. General Leave accrual varies by the employee’s years of service.

4.1 Eligibility: A new full-time employee shall not be eligible for paid General Leave during the first ninety days of the new hire probation period unless approved by the City Administrator. Upon satisfactory completion of ninety calendar days of new hire probation, the employee shall become eligible for paid leave and shall be credited with leave accrual commencing with the first full pay period worked. An eligible part-time employee will be eligible for paid General Leave after working a minimum of 1,040 hours for the City in the prior 12-month period.

- (a) **General Leave Request:** Any employee wishing to use General Leave must obtain prior approval from the employee’s supervisor. Upon notification, the supervisor may grant General Leave, if determined that the workload demand is manageable with the absence of the employee. This is considered “Scheduled General Leave.” If the circumstances surrounding the absence make prior notification and approval impractical, e.g., illness, child care problems, the employee shall make every effort to notify the supervisor no later than thirty minutes prior to the normal scheduled

starting time. Departments may establish earlier notification requirements should departmental needs necessitate additional lead-time notice. This is considered "Unscheduled General Leave." Employees shall be allowed to take scheduled General Leave up to the full amount of their accrued and unused General Leave balance, with the prior approval of their supervisor.

- (b) **Conversion and/or Sell-back of General Leave:** Depending on economic conditions and a decision made by the City, up to once per calendar year and at a time designated by the City, employees may either convert their General Leave to their Major Medical Leave accrual, or sell-back the leave to the City subject to certain restrictions set by the City. No more than 40 hours of unused General Leave time may be sold or converted to Major Medical Leave each time. In addition, the City of Yuma desires each employee to have adequate time off for personal issues and to maintain a balance in their personal lives. Each employee who seeks to convert or sell back leave time, must have used at least 40 hours of general leave time in the preceding year.
- (c) **Payment of Leave Upon Termination of Employment:** Upon the retirement, resignation or dismissal of any City of Yuma employee, the entire balance of the employee's accrued but unused General Leave will be paid to the employee at the employee's hourly rate at the time of separation from service, if the employee has met the eligibility set forth above.

5.0 HOLIDAY LEAVE: The City observes eleven (11) business days when most City offices are closed. These days are:

- New Year's Day (January 1)
- Martin Luther King, Jr. Day (Third Monday in January)
- Presidents' Day (Third Monday in February)
- Memorial Day (Last Monday in May)
- Independence Day (July 4)
- Labor Day (First Monday in September)
- Veteran's Day (November 11)
- Thanksgiving Day (Fourth Thursday in November)
- Day After Thanksgiving Day (Fourth Friday in November) (in lieu of Columbus Day)
- Christmas Day (December 25)
- Additional Day before or after Christmas Day (in lieu of Lincoln's birthday)

5.1 When a holiday occurs on Saturday, the holiday will be observed the preceding Friday. If a holiday falls on Sunday, the holiday will be observed the following Monday. If Christmas Day occurs on Saturday or Sunday, both Friday and Monday will be observed as holidays.

When Christmas Day occurs during the week (Monday through Friday) the additional day of holiday will be observed as follows:

<u>When Christmas Occurs On:</u>	<u>The Additional Day Off Will Be:</u>
Monday	Tuesday
Tuesday	Monday
Wednesday	Tuesday
Thursday	Friday
Friday	Thursday

5.3 Amount of Holiday Leave/Pay: Employees working a forty (40) hour workweek shall receive holiday leave at the rate of eight (8) hours per holiday. Employees working a fifty-six (56) hour work schedule shall receive holiday leave at the rate of eleven and two-tenths (11.2) hours per holiday. Part-time employees shall receive holiday pay for the number of

hours worked on the holiday, to a maximum of eight hours.

- (a) For employees who are required to work on City holidays, the Department Director has the option to either pay holiday time as the holiday occurs, or to allow the employee to have a holiday leave accrual bank. When authorized for accrual, the maximum holiday leave bank is not to exceed twice the annual accrual rate.

6.0 Compensation For Holiday Leave: In order to be eligible for holiday pay or accrual, an employee must be either at work or on paid leave of absence on both the regularly scheduled work day immediately preceding the holiday and the regularly scheduled work day immediately following the holiday. If an employee is at work or on paid leave on either the day before or day after the holiday, but on unpaid, but approved leave of absence the other day before or after the holiday, the employee may receive pro-rated holiday benefits of fifty percent (50%) of the normal accrual, with Department Director approval. No employee who is on unpaid suspension, leave without pay or unapproved absence without leave, the day before or the day after the holiday shall receive compensation for said holiday.

6.1 Overtime-Exempt Employees: Overtime exempt employees of the Police Department and Fire Department who are normally scheduled to work on City-observed holidays, will, at the Department Director's discretion, either accrue the holiday or be paid for the holiday (8.0 hrs for Police and 11.2 hours for Fire). No other exempt employees will accrue holiday leave with the exception of 9/80 work schedule employees.

6.2 Holidays Occurring While Employee Is on Paid Leave: In the event an employee is on scheduled paid leave and would have been scheduled to work when a holiday occurs, said employee shall be paid with holiday leave for said day. In those departments where employees are allowed accrued Holiday Leave, the holiday may be added to the employee leave bank, and the employee may be debited the pre-approved leave for the day, at the employee's option. In the event an employee is on industrial leave when a holiday occurs, s/he shall be paid with holiday leave for the holiday. In no event shall an employee accrue a holiday which occurred while the employee was on industrial leave or receive both holiday leave and industrial leave benefits for the same day.

6.3 Holidays for 9/80 Schedule Employees: Certain City employees work a 9/80 schedule and are off work every-other Friday; other employees work a modified 9/80 schedule and are off work one-half of every other Friday. For these employees, the following policy applies:

- (a) Hourly employees are required to substitute one hour of leave, or work one extra hour for any City holiday that is observed when the employee is scheduled for a nine-hour day; and
- (b) Employees will accrue holiday leave when a City observed holiday falls on the day designated as "dark Friday." Accrual will be 8 hours for 9/80 schedule, and 4 hours of accrual for the modified 9/80 schedule.

7.0 INDUSTRIAL LEAVE, (Workers' Comp.): Employees who are unable to perform their job duties due to an injury or illness, which has been accepted by the City's industrial insurance administrator, are entitled to paid or unpaid industrial leave, which may be supplemented by other paid leave. "To be eligible for industrial leave, the employee must have verbally reported the injury or illness to his/her immediate supervisor, and any disability must be medically certified. The amount of money to be paid, if any, while an employee is unable to do their City job duties due to an industrial injury, is governed by Arizona State Law. Industrial Leave shall be reviewed by the Department Director. The City does not guarantee to hold any position open due to an employee's inability to do their job duties, unless that person is FMLA-qualified. If FMLA-qualified, the City will follow the provisions of FMLA.

8.0 JURY LEAVE: City employees are encouraged to perform their civic duty by serving on jury duty or acting as a witness when subpoenaed. Full-time employees will receive their normal pay for time spent on jury or witness leave, so as to not cause employees a financial hardship due to their service. Any jury or witness pay received must be remitted to the City. If an employee does not serve a full day as a jurist/witness, they are to report back to their supervisor at the conclusion of their civic duty. The city may require employees to provide documentation of time spent on jury/witness leave.

9.0 LEAVE DONATION PROGRAM: Employees may voluntarily donate their General Leave time to another employee when a non-job related catastrophic illness or injury of the employee or their immediate family member has exhausted the employee's paid general leave, major illness leave, holiday and compensatory leave. Leave Donation shall be in accordance with guidelines published and maintained by the Human Resources.

10.0 MAJOR MEDICAL LEAVE.: Major Medical Leave is for certified major medical conditions of an employee or an employee's eligible family member, which prevent the employee from being able to report to work. Certification satisfactory to the City (i.e. doctor's note, signed affidavit, or completed FMLA paperwork), must be received by the City prior to the Major Medical Leave bank being debited.

Major Medical Leave is accrued at 57.5 hours per year (80.0 hours for fire suppression employees).

10.1 Employee: Major Medical Leave is available for continued (consecutive or non-consecutive) absences of a minimum of 24 or more hours (33.6 hours for fire suppression employees) for the same medical condition. For medical conditions that extend beyond a 12-month period, the 24/33.6 hour minimum applies for each 12-month period. Absences of less than 24 (33.6) hours will be charged to non-medical leave. There is no annual maximum for use of this leave for the employee's personal medical condition.

10.2 Eligible Family Member: If leave is required to provide care due to the medical condition of an eligible family member(s), the same certification and minimum leave requirements as an employee illness will be required. The maximum total Major Medical leave allowed within a 12-month period is 80 hours (112 hours for fire suppression employees). This total does not include hours used by the employee for his/her own medical condition. An eligible family member is defined below.

Eligible Family Members:

- Spouse, as defined or recognized under AZ state law for purposes of marriage
- Parent (Biological, step, adoptive, in loco parentis)
- Child (Biological, step, foster, legal ward, adopted, in loco parentis)
- Grandchild as court determined legal dependent
- Sibling (Biological, adoptive, half, step, and living in same household)
- In-Law (Mother in-law, father in-law, son-in law, daughter in-law of current marriage)

For catastrophic medical problems involving eligible family members, the City Administrator may approve additional use of Major Medical Leave beyond the 80/112 hour maximum.

10.3 Each employee will be allowed to submit an "Affidavit for Use of Major Medical" to cover an absence due to the illness of an employee or an eligible family member once per year (minimum of 24 consecutive hours to a maximum of 40 consecutive hours or 33.6 to 48 consecutive hours for fire suppression employees). For absences of greater than 40 hours (48 hours for fire suppression), the affidavit cannot be used. Each Department will track usage, and the time will renew on a rolling calendar year, beginning with the start date of the affidavit-supported leave.

- 11.0 MILITARY LEAVE** Eligible employees are granted up to thirty work days (240 hours) each two-year period for paid military leave. Fire suppression employees are granted 336 hours in this two-year period. If this leave is exhausted, employees may use other eligible leave or may request leave without pay. While on paid military leave, the employee will not accrue general or major medical leave. Further information can be located in the Military Leave Operating Policy.
- 12.0 MAXIMUM LEAVE BALANCES:** No employee may accrue leave balances for general or holiday leave in excess of double their annual accrual. Under special circumstances, where it is in the best interest of the City, the City Administrator may authorize the temporary accrual in excess of double the annual limitation.
- 13.0 CITY POLICY ON LEAVE:**
- 13.1 Privilege vs. Right:** The granting, approval of and use of most City leave time, whether paid or unpaid, is a privilege that is granted by the City, but not required. Military or FMLA Leave is a right which has been bestowed upon the employee by state or federal authority.
- 13.2 Leave Payoff upon Separation of Employment:** Upon separation from City employment, all accrued General, Compensatory and Holiday leave will be paid to the Employee at his/her current hourly rate. Major Medical Leave will be payable only to employees who voluntarily resign or retire. The amount of Major Medical Leave to be paid will be a percentage of a minimum number of years of service as determined by the City Administrator and applied consistently Citywide.
- 13.3 Hours Debited vs. Work Days:** Because City employees work a variety of different schedules that do not fall into the traditional eight-hour work day, leave accruals and/or availability will differ. For example, the City recognizes eleven holidays, but each holiday is limited to eight hours (11.2 for fire suppression) of pay or accrual. Employees working a ten-hour shift will not receive ten hours of holiday pay or accrual for each of the eleven holidays.
- 13.4 Conversion Factor for Fire Suppression:** The City's Fire Department suppression employees work a fluctuating schedule that averages to a workweek of 56 hours. To calculate a 40-hour equivalency for a 56-hour employee, the 40-hour rate is multiplied by 1.4 to determine the 56-hour equivalency.
- 13.5 General Conditions Application to All Leave Requests and Approvals:**
- (a) Requests for leave must be in writing and must be made in advance. Departments will establish the minimal advance notice time required for their department or division.
 - (b) Employees must personally make arrangements for the leave, unless they can demonstrate to the satisfaction of their supervisor, their inability to do so personally. The approval of the first day of absence does not demonstrate approval for subsequent day absences.
 - (c) Requests for absences will be made through the designated supervisor or other individual who has been approved by the Department Director. Notification or requests through non-approved individuals may be denied and considered as Absent Without Approval Leave.
 - (d) The City reserves the right to require a physician's statement or other written documentation (such as a copy of jury summons, notice of military duty, etc.) satisfactory to the City as a condition of granting any leave and as a condition of permitting return to work following leave.

(e) Leave is granted for a fixed duration, with a certain date for return, which may be subject to extension upon application. Failure by an employee to return at the prior-agreed time will be considered AWOL.

14.0 FAILURE TO COMPLY: Failure to comply with any of the requirements set forth in this Administrative Regulation may result in disciplinary action up to and including dismissal.

15.0 CITY'S RIGHT TO WAIVE OR AMEND: When it is deemed in the best interest of the City to do so, the City Administrator or designee may waive or amend any portion of this Regulation not in conflict with the Personnel Rules, City Charter, City Ordinance, or Arizona state or Federal law.

Left Blank