

City of Yuma, Arizona
ADMINISTRATIVE REGULATION

Issued by: *Joan D. Simonton*
Authority: City Administrator

SUBJECT:
LEAVE PROVISIONS FOR CITY EMPLOYEES

Issued: July 30, 2019

- 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.
- 3.0 TYPES OF LEAVE:** The various types of leave recognized by the City:
- 3.1 ADMINISTRATIVE LEAVE:** is non-disciplinary 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 periods of absences when it is in the City's best interest to do so.
- (a) The Department Director has the authority to approve this leave. The Director of Human Resources and the City Attorney shall 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 Sick 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 during the assigned work schedule.
- 3.2 ABSENT WITHOUT OFFICIAL (APPROVED) LEAVE (AWOL):** Any who fails to report to duty as scheduled, fails to report their absence according to their department policy, or leaves the work site without supervisory approval will be considered AWOL. AWOL can be measured in increments of less than one hour. This leave is applicable to all classes of employees. Employees who are AWOL may be subject to disciplinary action up to and including dismissal. Employees who are AWOL for 3 consecutive shifts shall be determined to have abandoned their jobs and have voluntarily resigned from City employment.
- 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 pay-periods 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: Full-time employees may use up to four consecutive workdays of Bereavement Leave (two consecutive shifts for fire suppression) in the event of the death of an eligible family member or up to 10 consecutive workdays (five consecutive shifts for fire suppression) for the death of a spouse or child (including adopted, foster, step or legal ward) regardless of age.

- (a) Regular Part-time employees may use up to two consecutive shifts of their customary schedule (16 hours max), or up to five consecutive workdays for the death of a spouse or child as indicated above.
- (b) Eligible family members include employee's parent or grandparent (including in-law and step); grandchild (including adopted, foster, step or legal ward) regardless of age; sibling (including in-law, step, half).
- (c) The days of Bereavement Leave will not be charged against any earned leave time. The four or ten day maximum is available for each death of the employee's family if the family member's relationship is listed above.
- (d) If an employee needs additional time off they may request the use of general leave, compensatory leave, holiday leave, or leave without pay as approved by the Department Director. The Department Director may require a notice of death and relationship.

3.5 COMPENSATORY LEAVE (Comp. Time): Paid leave that an employee has elected to accrue in lieu of overtime payment.

- (a) Compensatory Leave is allowed to accrue up to a maximum of 40 hours (56 hours for fire suppression personnel).
- (b) The City does not require the use of Compensatory Leave before granting authorized leave without pay.
- (c) This leave is applicable to all FLSA non-exempt employees who have been allowed by their department or division to receive Compensatory Leave instead of overtime pay.
- (d) The employee cannot be forced to accept Compensatory Leave instead of overtime pay.
- (e) The employee must be allowed to use Compensatory Leave upon request, if such use does not unduly disrupt the operations of the Department.
- (f) 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.

3.6 EXECUTIVE LEAVE: 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 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. An interactive Americans With Disabilities (ADA) discussion will occur between HR and the employee prior to the employee being separated from employment.
- (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 holding the position does not cause an undue hardship on the City.
 - (2) The employee may be administratively discharged from employment if requested by the employee’s Director and approved by the HR Director and/or City Attorney. Standard exit procedures will apply as to payoff of accrued leave and COBRA coverage.

3.8 GENERAL LEAVE: This leave is available for all full-time and regular part-time employees. General Leave is paid leave for any leave time that is not otherwise covered by this Administrative Regulation.

- (a) **Eligibility:** New employees shall not be eligible for paid General Leave during their first ninety days of employment unless approved by their Department Director and payroll is notified.
- (b) **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., child care problems not related to an illness, the employee shall make every effort to notify the supervisor prior to their starting time. This is considered “Unscheduled General Leave.”

- (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.
- (d) **General Leave Accrual For Full-Time Employees:** Leave accrual is based on years of continuous employment, with increases at 5, 10, 15, and 20 years of service, and is accrued for 25 pay period each calendar year. Below are the accrual rates for regular full-time employees and for fire suppression employees and the maximum accrual allowed:

Years of Service (40 Hrs)	Pay Period Accrual Rate	Annual Accrual	Max Accrual
0 to 5 years	6.14 hours	153.5 hours or 3.8 weeks	307 hours or 7.7 weeks
5 to 10 years	7.74 hours	193.5 hours or 4.8 weeks	387 hours or 9.7 weeks
10 to 15 years	8.06 hours	201.5 hours or 5.04 weeks	403 hours or 10 weeks
15 to 20 years	8.7 hours	217.5 hours or 5.4 weeks	435 hours or 10.9 weeks
20+ years	9.34 hours	233.5 hours or 5.8 weeks	467 hours or 11.7 weeks

Years of Service (56 Hours)	Pay Period Accrual Rate	Annual Accrual	Max Accruals
0 to 5 years	8.576 hours	214.4 hours or 3.8 weeks	428.8 hours or 7.7 weeks
5 to 10 years	10.816 hours	270.4 hours or 4.8 weeks	540.8 hours or 9.7 weeks
10 to 15 years	11.264 hours	281.6 hours or 5.0 weeks	563.2 hours or 10.1 hours
15 to 20 years	12.16 hours	304.0 hours or 5.4 weeks	608 hours or 10.9 weeks
20+ years	13.056 hours	326.4 hours or 5.8 weeks	652.8 hours or 11.7 weeks

- (e) **General Leave Accrual for Regular Part-Time Employees:** Regular part-time employees who work in year-round positions for at least 20 or more hours per week will accrue general leave. General leave accrual is a pro-rated amount based on the hours worked per pay period up to a maximum of 60 hours:

Years of Service	Pay Period Accrual Rate	Annual Accrual	Max Accruals
0 to 5 years	0.00 – 4.61 hours	115.13 hours	230.25 hours
5 to 10 years	0.00 – 5.81 hours	145.13 hours	290.25 hours
10 to 15 years	0.00 – 6.05 hours	151.13 hours	302.25 hours
15 to 20 years	0.00 – 6.52 hours	163.13 hours	326.25 hours
20+ years	0.00 – 7.01 hours	175.13 hours	350.25 hours

3.9 SICK LEAVE: This earned leave is available for all employees as outlined in this section. For current employees who have major medical leave, their major medical leave balance will be converted to Sick Leave on July 1, 2017.

- (a) **Eligibility:** All employees are eligible to use paid sick leave immediately following the ninety calendar day from their date of hire. Employees who are reinstated after nine months or less of separation may use their accrued sick leave upon reinstatement.
- (b) **Earned paid Sick Leave may be used for the following reasons:**

- (1) An employee's mental or physical illness, injury or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; an employee's need for preventive medical care;
- (2) Care of a family member with a mental or physical illness, injury or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; care of a family member who needs preventive medical care;
- (3) Closure of the employee's place of business by order of a public official due to a public health emergency or an employee's need to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency, or care for oneself or a family member when it has been determined by the health authorities having jurisdiction or by a health care provider that the employee's or family member's presence in the community may jeopardize the health of others because of his or her exposure to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease; or
- (4) Notwithstanding section 13-4439, Arizona Revised Statutes, absence necessary due to domestic violence, sexual violence, abuse or stalking, provided the leave is to allow the employee to obtain for the employee or the employee's family member:
 - i. Medical attention needed to recover from physical or psychological injury or disability caused by domestic violence, sexual violence, abuse or stalking;
 - ii. Services from a domestic violence or sexual violence program or victim services organization;
 - iii. Psychological or other counseling;
 - iv. Relocation or taking steps to secure an existing home due to the domestic violence, sexual violence, abuse or stalking; or
 - v. Legal services, including but not limited to preparing for or participating in any civil or criminal legal proceeding related to or resulting from the domestic violence, sexual violence, abuse or stalking.

(c) Definition of Family:

- (1) Regardless of age, a biological, adopted or foster child, stepchild or legal ward, a child of a domestic partner, a child to whom the employee stands in loco parentis, or an individual to whom the employee stood in loco parentis when the individual was a minor;
- (2) A biological, foster, stepparent or adoptive parent or legal guardian of an employee or an employee's spouse or domestic partner or a person who stood in loco parentis when the employee or employee's spouse or domestic partner was a minor child;
- (3) A person to whom the employee is legally married under the laws of any state, or a domestic partner of an employee as registered under the laws of any state or political subdivision;
- (4) A grandparent, grandchild or sibling (whether of a biological, foster, adoptive or step relationship) of the employee or the employee's spouse or

domestic partner; or

(5) Any other individual related by blood or affinity (defined as a blood relative of the employee's spouse) whose close association with the employee is the equivalent of a family relationship.

(d) Sick Leave Request: Earned sick leave shall be approved upon the request of an employee. Such request may be made orally, in writing, by electronic means or by any other means acceptable to the supervisor. When possible, the request shall include the expected duration of the absence.

(1) "Foreseeable Leave": If the Paid Sick Time (PST) is "foreseeable" employees must give their supervisors advance notice and schedule their absences in a way that lessens the impact on the department's operation.

(2) "Unforeseeable Leave": Employees must notify their supervisor as soon as practically possible and prior to the beginning of their shift, if possible. City Departments may require a minimum notice in their Department Attendance Operating Policy. Failure to properly notify your supervisor may result in the denial of your request to use sick leave or disciplinary action for failing to follow call-in procedures (even for the protected annual 40 hours).

(e) Documentation: Supervisors, Human Resources, or any member of the City's management team may NOT ask for a doctor's note, written clearance, legal paperwork or documentation for the use of sick leave, unless the employee is absent for three or more consecutive work days. In the cases where the employee is requested to bring a note, the note is to be forwarded to HR to be kept in their medical file. Under no circumstances should supervisor request medical information such as a diagnosis from the employee. Any information gathered or learned as a result of an employee using sick leave is strictly confidential and should not be shared without permission of the employee or business necessity.

(f) Excess Use of Sick Leave: Full-time and regular part-time employees, who use more than 40 hours of sick leave in any rolling 12 month period, may be subject to disciplinary action (56 hours for Fire Department staff on a 56 hour workweek). Irregular part-time, seasonal, and temporary employees may be disciplined for taking unearned and/or unpaid sick time off from work. Supervisors have the right to deny sick leave requests (as appropriate) only after an employee has used 40 hours of sick leave in the previous 12 months.

(1) No discipline or negative employment action of any kind may be given for an employee's use of up to 40 hours (or 56 for Fire Suppression personnel) of earned sick leave allowed each year, absences as a result of a worker's comp injury or illness, or the use of FMLA, Military leave, or any other leave protected by the Federal or State government.

(2) Employees who are denied the use of their sick leave for one of the purposes listed in the A.R. should contact Human Resources for an individual review.

(g) Sick Leave Accrual: Sick leave rates for employees are as follows:

Regular part-time and full-time employees	July 1 of each year, employees will have 40 hours of sick leave added to their sick leave bank. New employees will have 40 hours of sick leave added to their sick leave bank on their date of hire.
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Irregular part-time employees	Irregular part-time employees will accrue .0333 hours of sick leave for every hour they work. The annual accrual is maxed at 40 hours of sick leave.
56 hours per week employee	July 1 of each year, employees will have 56 hours of sick leave added to their sick leave bank. New employees will have 56 hours of sick leave added to their sick leave bank on their date of hire.

- (h) Sick Leave Payout: Upon voluntary retirement or voluntary resignation (not in lieu of dismissal resignation) of any full-time City of Yuma employee, the following percentage of the employee's Sick Leave balance will be paid to the employee at the employee's hourly rate at the time of separation from the City:
- (1) 40 Hour Employees: Years of Service Percentage of Maximum Hours (regardless of the number of hours accrued)
 - 0 - 5 Years 0%
 - 5 -10 Years 10% of up to 720 Hours
 - 10 -15 Years 15% of up to 720 Hours
 - 15 - 20 Years 20% of up to 720 Hours
 - 20+ 20% of up to 1040 Hours
 - (2) 56 Hour Employees: Years of Service Percentage of Maximum Hours (regardless of the number of hours accrued)
 - 0-5 Years 0%
 - 5 -10 Years 10% of up to 1008 Hours
 - 10 -15 Years 15% of up to 1008 Hours
 - 15 -20 Years 20% of up to 1008 Hours
 - 20+ Years 20% of up to 1456 Hours
- (i) Reinstatement of Sick Leave: Employees who are reemployed with the City with less than nine months of separation, will have their sick leave balance (minus any leave they were compensated for at the time of separation) reinstated at the time of employment and may not be refused the use of their earned sick leave.
- (j) Maximum Accrual: There is no cap on the number of sick hours an employee may accrue. Sick leave may not be cashed-in or transferred to other employees.
- (k) Record Keeping and Posting of Notices
- (1) Payroll records must be maintained for at least 4 years. Records must include the accrued and used sick leave. Failure to maintain these records creates a rebuttable presumption the City did not pay earned paid sick time.
 - (2) Paycheck notices must include the amount of sick leave available to the employee, the amount of sick leave used and the amount of pay received as earned paid sick leave.
 - (3) The City will post on all employment bulletin boards, including those outside of HR and those located at different City facilities, notices which are required by A.R.S. Title 23, Chapter 2, Article 8.

3.10 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)

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.

(c) **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:

(1) 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

(2) 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.

3.12 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 third-party 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.

3.13 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.

3.14 LEAVE DONATION PROGRAM: Employees may voluntarily donate their General Leave, Holiday time, and/or Comp 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 Department.

3.15 MILITARY LEAVE: Eligible employees are granted up to thirty work days 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 Unpaid Military Leave. While on paid military leave, the employee will accrue general or major medical leave. Further information can be located in the Military Leave

Operating Policy.

3.16 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.

4.0 CITY POLICY ON LEAVE:

4.1 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. Paid Sick Time, Military or FMLA Leave are rights which has been bestowed upon the employee by state or federal authority.

4.2 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.

Prior to separation or retirement from the City, no employee may take the remainder of their leave accumulated in lieu of working their assigned shift. The City does not recognize 'terminal leave'. The last day an employee is physically at work is considered the final day of employment. Should the employee call in sick their final day(s) of scheduled work, their last day will be moved to reflect their last physical day at work.

This section does not apply to employees who are separated due to long term disability, or on FMLA protected leave.

4.3 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.

4.4 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.

4.5 General Conditions Application to All Leave Requests and Approvals:

- (a) Requests for leave, unless otherwise stated in this administrative regulation, 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, except as prohibited by A.R.S. 23-371.
- (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.

5.0 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.

6.0 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.