

## SECTION 5 LEAVES

The City recognizes an employee’s need for time away from work for relaxation and to meet their needs when ill. To that end, the City of Logan has adopted the following leave policies. The City reserves the right to amend these policies at its discretion. Civil Service Employees are subject to these policies governing leaves.

### 5-01 PERSONAL LEAVE (PL)

- 5-01 (1) Personal Leave with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits.
- 5-01 (2) Employees in the following employment classification(s) are eligible to earn and use Personal Leave as described in this policy:
  - Full-time Benefitted Employees
- 5-01 (3) Personal Leave will begin accruing with the first full month of employment as shown in the following table and will continue to accrue on a bi-weekly basis thereafter with each regular pay period until the maximum accrual and carryover is reached:

FULL-TIME EMPLOYEES (2080 hrs)			CIVIL SERVICE FIRE EMPLOYEES (2756 hrs)		
YEARS OF SERVICE	BI-WEEKLY EQUIV.	YEARLY EQUIV.	YEARS OF SERVICE	BI-WEEKLY EQUIV.	YEARLY EQUIV.
0 Through 5 Years	4.62 hrs	120 hrs / 15 days	0 Through 5 Years	6.92 hrs	180 hrs/ 15 days
6 Through 15 Years	6.15 hrs	160 hrs / 20 days	6 Through 15 Years	9.23 hrs	240 hrs/ 20 days
16 Years Plus	7.69 hrs	200 hrs / 25 days	16 Years Plus	11.54 hrs	300 hrs/ 25 days
<b>Maximum Accrual and Carryover</b>		<b>400 HOURS</b>	<b>Maximum Accrual and Carryover</b>		<b>600 HOURS</b>

- a. The length of eligible employment for Personal Leave calculations/accruals begins on the first of the next full month of employment following the employee’s anniversary date.
- b. Employees who are unable to report to work due to illness, injury, or the need for personal time off should notify their direct supervisor, or the person designated by the Department Head, before the scheduled start of their workday, if possible. The direct supervisor must also be contacted on each additional day of absence.

- c. Leaves of Absence in excess of six (6) months may affect an employee's Personal Leave allocation.
- d. Department Heads and Division Managers may be allocated Personal Leave from the date of hire as approved by the Mayor.
- e. The Mayor may grant additional Personal Leave as deemed appropriate.
- f. Exceptions to the maximum Personal Leave accrual and carryover will require approval from the Department Head and the Human Resource Director and should be based on business necessity.

5-01 (4) Eligible employees are required to request approval to use Personal Leave in advance from their supervisors or other person designated by the Department Head.

- a. FLSA (Fair Labor Standards Act) non-exempt employees may use Personal Leave in minimum increments of one quarter (1/4) hour.
- b. FLSA exempt employees are allowed to use Personal Leave in half day and whole day (four 4 and eight 8 hour) increments.
- c. According to FLSA guidelines, exempt employees are required to use leave for any work absence of an entire workday.
- d. Requests for Personal Leave that pose an undue hardship on the City may not be granted.

5-01 (5) Personal Leave is paid at the employee's base rate.

5-01 (6) Personal Leave hours used are not considered hours worked and do not contribute to the calculation of overtime.

5-01 (7) An employee's accrued Personal Leave hours will be paid to the employee when terminating employment.

**5-02 HOLIDAYS**

5-02 (1) The City of Logan will grant holiday time off to all eligible employees on the holidays listed below.

- New Year’s Day (January 1)
- Civil Rights Day (3rd Monday in January)
- President’s Day (3rd Monday in February)
- Memorial Day (Last Monday in May)
- Independence Day (July 4)
- Pioneer Day (July 24)
- Labor Day (1st Monday in September)
- Veteran’s Day (November 11)
- Thanksgiving Day (4th Thursday in November)
- Day after Thanksgiving (4<sup>th</sup> Friday in November)  
(Exchanged for Columbus Day)
- Christmas Day (December 25)

5-02 (2) In addition to the above recognized eleven (11) holidays, the Mayor of Logan may designate any other day as a holiday at his/her discretion.

5-02 (3) Holiday pay will be calculated on the employee’s base rate (as of the date of the holiday) as per the table below.

EMPLOYMENT STATUS	HOLIDAY HOURS PER YEAR
Full-Time (8 hours per day x 11Holidays)	88.0 hrs
Civil Service Fire Personnel (12 hours per day x 11Holidays)	132.0 hrs

5-02 (4) A recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday.

5-02 (5) Employees who are required to work on a holiday will be compensated according to the following:

- a. They will receive compensation at the rate of one and one- half times (1½) their regular rate of pay or Comp time for actual hours worked with the exception of Civil Service Fire personnel.

- b. They will have their regular Holiday hours converted to Personal Leave or may be paid straight time at the discretion of the Department Head.
  - c. Department Heads are authorized to grant Holiday hours, converted to Personal Leave, when a Holiday falls on an employee's regular day off or as scheduled in advance for Civil Service Police and Fire personnel.
- 5-02 (6) Holiday hours are not considered hours worked and do not contribute to the calculation of overtime.

### 5-03 SHORT-TERM DISABILITY

5-03 (1) Short-Term Disability leave with pay is available to eligible employees for periods of temporary absence due to personal illness or injury and to obtain necessary medical care. The following conditions apply to the use of Short-Term Disability leave:

- It may only be accessed beginning the fourth (4th) consecutive work day off or more (The first three (3) consecutive days will be charged against an employee's Personal Leave and will not be adjusted or refunded),
- It is intended solely to provide income protection in the event of personal illness or injury to the employee and may not be used to attend to a family member's illness or condition or any other person besides the employee themselves,
- It must be accompanied with a physician's note and submitted through the employee's supervisor to Human Resources for approval.

Employees in the following employment classification(s) are eligible to earn and use Short-Term Disability as described in this policy:

- Full-time Benefitted Employees

5-03 (2) The City provides a Long-Term Disability Program for all benefitted employees. Time requirements, and qualifications may vary.

5-03 (3) The amount of paid Short-Term Disability will begin accruing with the first full month of employment as shown in the following table and will continue to accrue on a monthly basis thereafter with the second full pay period of each month until the maximum accrual amount is reached:

#### SHORT-TERM DISABILITY ACCRUAL AND MAXIMUM CARRYOVER

EMPLOYMENT STATUS/BUDGETED		
	Monthly Accrual	Maximum Carryover
Full-Time	4.0 hrs	520 hrs
Civil Service Fire Personnel	6.0 hrs	780 hrs

*\* Accruals represent approx. 1/2 of a normal days work*

5-03 (4) All family sick leave, family leave, and non-personal related leaves of absence will be paid from an employees own Personal Leave and may not be charged against their Short-Term Disability.

- 5-03 (5) Employees who are unable to report to work due to illness or injury should notify their direct supervisor, or the person designated by the Department Head, before the scheduled start of their workday, if possible, and thereafter as requested by their supervisor.
- a. FLSA non-exempt employees may use paid Short-Term Disability in minimum increments of one quarter (1/4) hour.
  - a. FLSA exempt employees may use paid Short-Term Disability in minimum increments of eight (8) hours.
  - c. A medical release may be required prior to returning to work.
  - d. Employees will be allowed to take intermittent Short-Term Disability for a period of one (1) year from the date of the qualifying event as long as the intermittent leave relates to the qualifying event. Department Heads will be responsible to verify and approve all intermittent use of Short-Term Disability Leave.
- 5-03 (6) Short-Term Disability hours will be calculated based on the employee's base pay rate at the time of absence and will not include any special forms of compensation.
- 5-03 (7) An employee's accrued Short-Term Disability hours will not be paid to the employee when terminating employment.

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**5-04 TIME OFF TO VOTE**

- 5-04 (1) The City of Logan encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If employees are unable to vote in an election during their non-working hours, the City will grant up to one (1) hour of unpaid time off to vote.
  
- 5-04 (2) Employees should request time off to vote from their supervisor with enough advance notice so as not to create a disruption to the normal work schedule.

## 5-05 BEREAVEMENT LEAVE

Full-time employees may take up to three (3) days Bereavement Leave annually per calendar year (which equates to 36 hours for Civil Service Fire employees), due to the death or hospitalization of a terminally ill immediate family member according to the following:

- 5-05 (1) Employees should notify their supervisor immediately to request permission to take time off and to insure adequate shift coverage.
- 5-05 (2) Bereavement Leave will normally be granted unless doing so would impose an undue hardship on the organization.
- 5-05 (3) The City of Logan defines “immediate family” as the employee’s spouse, parent, child, sibling, grandparent, grandchild, step-parent, step-child, step-sibling, step-grandparent, or step-grandchild.

The City of Logan further defines “immediate family” to also include the spouse’s parent, child, sibling, grandparent, grandchild, step-parent, step-child, step-sibling, step-grandparent, or step-grandchild.

- 5-05 (4) Bereavement Leave pay is calculated using the employee’s base rate as per the table below and will not include any special forms of compensation.

EMPLOYMENT STATUS	BEREAVMENT HOURS PER YEAR
Full-Time (8 hours x 3 days)	24.0 hrs
Civil Service Fire Personnel (12 hours x 3 days)	36.0 hrs

- 5-05 (5) Employees may use accrued Personal Leave or Comp time for additional time off if necessary with approval from the employee’s Department Head or Division Manager.

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**5-06 JURY OR WITNESS DUTY**

- 5-06 (1) The City recognizes the duty of every employee, as a citizen of the United States, to perform jury duty or serve as a witness in court on behalf of another party.
- 5-06 (2) The City pays an employee's full salary when the employee is absent during a regularly scheduled shift, but requires the employee to remit any jury or witness fee(s) received to the City.
- 5-06 (3) Any mileage expenses paid by the court to reimburse the employee for travel to and from the courtroom may be retained by the employee.
- 5-06 (4) Payments do not apply to court appearances falling upon the employee's personal time, or court appearances when the individual is appearing in court on their own behalf.
- 5-06 (5) An employee must show the Jury or Witness Duty summons to their supervisor as soon as possible so the supervisor may make arrangements to accommodate their absence.

## **5-07 FAMILY AND MEDICAL LEAVE (FMLA)**

- 5-07 (1) The Family and Medical Leave Act of 1993 (FMLA) grants eligible employees the statutory right to take up to twelve (12) weeks of unpaid leave per year under specified circumstances related to family health care, childbirth, and active military duty.
- 5-07 (2) Employees requesting leave under the Family and Medical Leave Act must be employed with the City for a minimum of twelve (12) months, and have worked a minimum of 1250 hours in the twelve (12) month period immediately preceding the request.
- 5-07 (3) Eligible employees may request leave for situations related to personal and family medical circumstances such as:
- a. Obligations related directly to childbirth, adoption, or placement of a foster child.
  - b. Caring for a child, spouse, or parent with a serious health condition. A serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider.
  - c. A serious health condition that makes the employee unable to perform his or her job.
  - d. When an immediate family member (spouse, child, or parent) is a reservist or National Guard member called to active duty to help them prepare. This is called FMLA Exigency Leave.
  - e. When an employee is providing care to an immediate family member (spouse, child, or parent) as well as to the nearest blood relative, who is wounded while serving in the US Military. When FMLA is taken for this qualifying event, the unpaid leave can be up to twenty six (26) weeks and can only be taken once during their employment. This is called FMLA Military Caregiver Leave.
- 5-07 (4) Eligible employees should make requests for Family and Medical Leave to their supervisors, in writing, at least thirty (30) days in advance of foreseeable event(s) and as soon as practical for unforeseeable event(s).

- a. In an emergency, when the need for leave was not previously known, the employee must contact his or her supervisor within 48 hours or as soon as practical.
- b. A written request for FMLA leave must follow a verbal request as soon as possible.
- c. Eligible employees may request up to a maximum of twelve (12) weeks of Family and Medical Leave within any twelve (12) month period. Any combination of Family and Medical Leave may not exceed the maximum limit. If this initial period of absence proves insufficient, consideration may be given following a written request for an extension.

5-07 (5) Employees requesting Family and Medical Leave related to the serious health condition of a child, spouse, or parent may be required to submit a health care provider's statement verifying the need for Family and Medical Leave, its beginning and expected ending dates, and the estimated time required.

5-07 (6) The City requires that accrued Personal Leave, Comp time, or Short-Term Disability leave be used for Family and Medical Leave absence(s) as follows.

- a. For FMLA Leave related to a personal injury or illness an employee may use Personal Leave, Comp time, and Short-Term Disability.
- b. For FMLA Leave not related to the employee's own personal injury or illness an employee may use Personal Leave or Comp time. Short-Term Disability can only be used by the employee themselves for personal use.
- c. Subject to the terms, conditions, and limitations of the applicable plans, the City of Logan will continue to contribute to health insurance benefits in accordance with established policy during an employee's approved Family and Medical Leave.
- d. When an employee suffers a lost-time worker's compensation injury or illness, the missed time will ordinarily be designated concurrently as FMLA.

5-07 (7) Employees on Family and Medical Leave must give advance notice of the date they intend to return to work and are subject to the following conditions:

- a. When an employee is ready to return from leave, as long as they have not exceeded the 12 week FMLA maximum, they may be reinstated to an equivalent position with equal pay, benefits, and terms and conditions of employment (such as work schedule, eligibility for promotions, bonuses, etc.)
- b. Employees not returning to work at the end of Family and Medical Leave(s) period may be required to reimburse the City for any and all benefits paid for by the City during their absence.
- c. If an employee fails to report to work promptly at the end of the approved leave period, the City of Logan will assume that the employee has resigned and the employee will be terminated.
- d. The City reserves the right to designate certain employees as “key employees” pursuant to the Family and Medical Leave Act of 1993. Under certain circumstances, “key employees” may not be entitled to return to work following leave.
- e. When an employee is on FMLA leave for their own serious illness, and that illness affects one or more of the employee’s essential job duties/functions, the employee may be required to provide a fitness-for-duty certification indicating that the employee is able to resume work.
- f. Any additional conditions and requirements as set forth in the City’s response to a request for FMLA Leave.

5-07 (8) The application of this policy and any inconsistencies, conflicts, or issues that arise are governed by the provisions of the Family and Medical Leave Act of 1993 and the applicable federal regulations that interpret the Act.

## **5-08 LEAVE OF ABSENCE**

- 5-08 (1) Under special circumstances, employees may find it necessary to request leave without pay for a reason other than family or medical leave.
- 5-08 (2) Employees in the following employment classification(s) and who have successfully completed their New Hire Introductory Period are eligible to request leave for up to twelve (12) months as described in this policy:
- Full-time Benefitted Employees
- 5-08 (3) Eligible employees interested in a leave of absence must submit a written request to their Division Manager or Department Head detailing the nature of the leave.
- a. Requests for leave of absence will be considered based on the nature of the request, the impact to the organization, and the benefit to the employee and/or the City, etc. The City does not grant a leave of absence without pay unless it is believed the employee will return to City employment at the end of the leave.
  - b. Approval will be granted by the Department Head and Mayor after consultation with the Human Resource Department.
- 5-08 (4) During an approved Leave of Absence an employee may be required to use any available Personal Leave or Comp-time.
- a. Personal Leave, Short-Term Disability, Holiday leave, and other City benefits will not continue to accrue during the approved Leave of Absence period unless provided for under State and Federal guidelines.
  - b. Employees on a Leave of Absence are eligible for Market Adjustments if they fall below the minimum of the pay range, but are not eligible for Pay for Performance raises.
  - c. At the completion of a Leave of Absence, every reasonable effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified, or in accordance with any leave agreement(s). However, the City of Logan cannot guarantee reinstatement in all cases.

- d. If an employee fails to report to work promptly at the expiration of the approved leave period, the City of Logan will assume the employee has resigned and may be terminated.

## **5-09 MILITARY LEAVE**

- 5-09 (1) A Military Leave of Absence is time-off granted to eligible employees who are members of the National Guard or any reserve branch of the United States Armed Forces.

- a. An employee on official military orders is entitled to paid military leave up to ten (10) working days per year to attend annual training. (Funding is contingent upon approval by the Council during the budget process.)
  - b. Employees on active military leave which exceed ten (10) days per year, must comply with reinstatement provisions in accordance with all applicable state and federal laws.
  - c. Additional unpaid military leave may be granted based on, but not limited to, the following:
    - 1. Official military orders.
    - 2. Leave will not create an un-due hardship on the department.
    - 3. Approval by the Department Head and Mayor.
  - d. An employee who enters non-discretionary, long-term active service in any branch of the Armed Forces of the State or the United States shall be granted unpaid leave of absence during that service.
  - e. Military leave may not be carried over from one year to the next.
- 5-09 (2) An employee must furnish their supervisor and the Human Resource department a copy of their military orders as soon as possible.
- 5-09 (3) Employees on annual military leave are required to return to work for the first regularly scheduled shift after the end of training, allowing reasonable travel time based on location of training.
- 5-09 (4) Employees who enter military service are reinstated to their pre-service position, or to a comparable position for which they qualify to include accruals of leave of which they would have been allocated, at the end of the military service.

## **5-10 MEDICAL LEAVE POOL**

A Medical Leave Pool is a pool wherein City employees may voluntarily donate accrued Personal Leave and Comp time hours for the benefit of another employee.

- 5-10 (1) To be eligible for a Medical Leave Pool, employees must meet all eligibility requirements for Family and Medical Leave (FMLA) and must have exhausted all of their own Personal Leave, Comp time, and Short Term Disability leave.
- 5-10 (2) Employees who meet the eligibility requirements may request the establishment of a Medical Leave Pool, in anticipation of the need for additional leave by submitting a written request to the Human Resource Department.
- 5-10 (3) Upon receipt of a written request, the Human Resource Department will open a Medical Leave Pool, and provide an opportunity for other City employees to donate leave to the pool.
- 5-10 (4) An employee receiving donated leave through a Medical Leave Pool may not use the donated leave to exceed their eligible FMLA leave.
- 5-10 (5) At the completion of the medical leave, any unused hours remaining in the Medical Leave Pool will be returned to contributing employees on a pro-rated basis.