

## SECTION 6 – Compensated Time and Leave

**Section 6:****COMPENSATED TIME AND LEAVE****I. Compensated Time:****A. General Timekeeping:**

1. The standard workweek begins at 12:00 am Sunday and ends at 11:59 pm on Saturday.
2. The City compensates employees in fifteen-minute increments.
3. All time and leave must be accurately reflected on an employee's timesheet.
4. Non-exempt employees are strictly prohibited from performing off-the-clock work.
5. If an employee believes he or she has not received the correct compensation, or that another employee has not received the correct compensation, the employee should submit a written communication or e-mail to management or the Finance department immediately upon discovery. The employee may also use the City's reporting policy as outlined in Section 1.VI. in lieu of submitting written communication to her or his department or the Finance Department.
6. The City will take prompt corrective action to remedy any compensation errors, free of retaliation.

**B. Overtime Compensation:****1. Overtime Hours:**

- a. Non-exempt employees are paid at one and one-half times the employee's regular rate for any hours worked in excess of 40 hours in a workweek.
- b. Any hours not actually worked, including holiday, sick, vacation, jury leave, etc. are not counted towards hours worked for overtime calculation purposes.
- c. On call hours are counted in the calculation of overtime rates when an employee is considered "on call."

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- d. Firefighters on a 48/96-hour schedule are paid at a rate of one and one-half times the employee's regular rate for any hours worked over the FLSA set hours per cycle.

2. Pre-Approval of Overtime:

- a. Except in an emergency or on-call situation, overtime shall be pre-approved by an employee's supervisor.
- b. Non-exempt employees will be paid for all overtime worked, including unauthorized overtime, but may face disciplinary action for violation of this policy.

- C. Compensatory Time:

1. Compensatory time may be substituted for overtime pay, calculated at the same rate, at the employee's option.
2. Compensatory time may be accrued up to the following maximums:

Position	Maximum Accrual Limit
Non-Exempt, Full-Time Employees	40
Non-Exempt, Full-Time Police	60
Non-Exempt, Full-Time Communications	60
Non-Exempt, Full-Time Fire & Medical	84

3. An employee who has reached the maximum accrual limit will be paid out at the regular overtime rate.

- D. On-Call/Stand-by Pay:

1. Depending on the needs of the department, an employee may be required to be on-call or be available for stand-by duty.
2. An employee who is on-call or stand-by shall be available to the City through an on-call phone or by other means established by the employee's department.
3. An employee who is scheduled to be on-call or stand-by must be able to respond to the scene of a call-out within the timeframe established by the department. Employees who are not scheduled to be on-call, but are called in are not restricted to respond within the on-call timeframe established by the department.

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4. Employees on-call must be fit for duty for the duration of the assigned on-call or stand-by rotation.
5. Departments will establish their own on-call or stand-by schedules and rotation periods.
6. On-call or stand-by time is paid at a rate of \$2.00 per hour during typical off-duty hours. An employee is not eligible for on-call or stand-by pay when the employee is absent from work or otherwise unable to fulfill her or his on-call or stand-by obligations.
7. If an employee is called out to a location, the employee will receive a minimum of two hours of pay and will not receive the \$2.00 per hour of on-call or stand-by pay while performing work duties. The City's overtime policy applies to any hours worked.
8. If a City vehicle is provided for the purpose of on-call or stand-by duties, on-call or stand-by time begins when the employee begins driving to the call-out location. Otherwise, work begins when the employee arrives to the workplace after her or his commute.

## E. Call-Back Pay:

1. An employee may be called back to work, if necessary. An employee who has been called back to work may only report to work if the employee is fit for duty. It's the employee's responsibility to inform her or his supervisor if the employee is not fit for duty or unable to return to work in a timely manner.
2. If an employee is called back to work and is utilizing a take-home City vehicle, call back time begins when the employee begins driving to the call-back location. Otherwise, work begins when the employee arrives to the workplace after her or his commute.
3. If an employee is called back to work, the employee will receive a minimum of two hours of pay. The City's overtime policy applies to any hours worked.

## F. Acting Pay:

1. Fire shift employees who have completed qualifying requirements are eligible to receive Acting Pay when performing the job duties of a higher rank based on the needs of the department. Determination of eligibility is the responsibility of the Fire Chief and is based on and

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limited by availability of funds.

2. Overtime incurred while on acting assignment work will be paid at a rate not less than one and one-half times the hourly rate established for the work performed at the higher rank.
3. Acting Pay rates will be established within the budget process for each fiscal year.

## G. Holidays:

1. The following Holidays are observed by the City:

New Year's Day  
Martin Luther King, Jr./Civil Rights Day  
President's Day  
Memorial Day  
Juneteenth Day  
Independence Day  
Labor Day  
Veterans Day  
Thanksgiving Day  
Day after Thanksgiving  
Christmas Day  
Floating Holiday

2. Holidays falling on a Sunday will be observed the following Monday and holidays falling on a Saturday will be observed on the preceding Friday.
3. Full-time employees will receive eight hours' pay for a recognized holiday. If a full-time, non-exempt employee is required to work on a holiday, the employee will be paid for the hours worked, plus receive eight hours of holiday pay.
4. Part-time employees regularly scheduled for 20-29 hours per week will receive six hours' pay for a recognized holiday. If the 29 hour per week employee is required to work on a holiday, the employee will be paid for the hours worked, plus receive six hours of holiday pay.
5. Part-time employees working 19 hours per week or less will be paid for the hours worked, plus receive additional holiday pay equal to the hours worked, up to, but not to exceed four hours. Part-time employees regularly scheduled for 19 hours per week or less are only eligible for holiday pay if they work the holiday. Employees who do not work are not eligible for additional holiday pay.

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6. If a holiday falls on a 20-29-hour per week or full-time employee's regularly scheduled day off, the employee, with permission from the supervisor, may flex her or his time and take the holiday on a regularly scheduled work day in the same week as the holiday. If the time is not flexed during the week, the employee will be paid for six or eight hours of holiday pay in addition to the hours worked, as applicable.
7. Employees on unpaid leave during a holiday will not be compensated for the holiday.
8. The floating holiday must be taken within the calendar year and is non-compensable upon leaving employment.
9. Additional holidays may be declared by City Council.

## H. Travel and Training:

1. Non-exempt employees will be compensated for travel and training time for work related lectures, seminars, training programs, schools, conferences, etc. using the following criteria as set by the Fair Labor Standards Act (FLSA):
  - a. One-Day Out of Town Trips: All travel time, except meal-time is considered hours worked, whether driving or riding.
  - b. Overnight Trips: All normal hours on working and non-working days, including travel time, will be compensated as hours worked. Hours outside of normal work hours are generally not considered hours worked.
  - c. Attendance at lectures, seminars, training programs, schools, conferences, etc. will not be counted as hours worked if the attendance is outside the employee's regular work hours, it is voluntary, it is not job related, and no other work is concurrently performed.
  - d. If additional time is taken to extend travel for personal reasons, the employee must use her or his available accrued time during the extended period of travel.

**II. Leave:**

## A. Generally:

1. Paid time off shall be used when an employee does not reach her or his regularly scheduled hours in a work week. Unpaid leave may be

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granted if no accrued leave is available at the discretion of the City Manager.

2. Employees are responsible for accurately recording all leave taken.
3. Sick leave may not be used to extend employment or for continuation of benefits past the date of separation.
4. Misuse or abuse of leave outside of protected leave categories or for unauthorized purposes may result in disciplinary action.

**B. Sick Leave:**

Paid Sick Leave is available to all employees and accrues at a rate determined by each position's classification.

**1. Accrual of Paid Sick Leave:**

- a. Full-Time Employees: Full-time employees accrue sick leave at the rate of 3.69 hours per pay period. There is no limit on the amount of sick leave a full-time employee may accrue.
- b. Part-Time Employees: Part-time employees accrue sick leave at the rate of one hour for every 30 hours worked up to 40 in a calendar year. Up to 40 unused, accrued hours will be carried over at the end of the year. Notwithstanding, part-time employees may only use up to 40 hours of paid sick leave per calendar year.
- c. Fire & Medical Department Employees: Fire & Medical Department employees on a 48/96 shift will accrue sick leave at a rate of 5.17 hours per pay period. There is no limit on the amount of sick leave a Fire & Medical Department employee may accrue.

**2. Use of Paid Sick Leave:**

- a. Sick leave may be used for any of the reasons set forth in Arizona's Paid Sick Time Law, A.R.S. § 23-373, including:
  - i. An employee's mental or physical illness, injury, health condition, or actual or potential exposure to a communicable disease.
  - ii. To care for a family member's mental or physical illness, injury, health condition, or actual or potential exposure to a communicable disease.

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- iii. An employee's or a family member's need for medical diagnosis treatment, or preventative care.
  - iv. Certain public health emergencies.
  - v. Absence due to domestic violence, abuse, or stalking involving an employee or a family member.
- b. For sick leave purposes, "family member" is defined as set forth in A.R.S. § 23-371, including:
- i. Children of any age (including biological, adopted, foster, legal wards, children of a domestic partner, or children for whom the employee stands in loco parentis).
  - ii. Parents (including biological, foster, stepparents, adoptive parents, or legal guardians of the employee or the employee's spouse or domestic partner, including persons who stood in loco-parentis when the employee or employee's spouse or domestic partner was a minor child).
  - iii. Spouses or domestic partners.
  - iv. Grandparents, grandchildren, or siblings (including foster, adoptive, or step relationships) of the employee or the employee's spouse or domestic partner.
  - v. Any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
- c. If an absence qualifies for sick leave, accrued sick leave must be used. Any employee who has exhausted her or his sick leave may substitute accrued vacation leave.
- d. The first 40 hours of paid sick leave taken by an employee in a calendar year shall be paid sick leave taken pursuant to the Arizona Paid Sick Time law, A.R.S. § 23-371 et. seq.
3. Notification:
- a. Where the need for sick leave is foreseeable, an employee shall provide at least five business days' notice or as much notice as practicable under the circumstances.
  - b. Where the need for sick leave is unforeseeable, an employee shall

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contact her or his immediate supervisor at least two hours before the time set for beginning daily duties when possible and practical and as soon as possible when not possible or practical. The employee shall use reasonable efforts to ensure that he or she obtains a response from the supervisor.

- c. Supervisors, Managers, or Directors may ask if the reason for utilizing sick leave is for a reason covered under A.R.S. § 23-373 as notated in this policy and for the employee or her or his family member as defined in A.R.S. § 23-371 and this policy.

4. Documentation:

- a. When an absence exceeds three consecutive work days, the City may require documentation from a health care professional verifying the need for leave, to assess the employee's potential qualification or need for FMLA leave, and to assess any return to work restrictions or limitations. The documentation shall not include medical information and shall be forwarded to the Human Resources Department for the employee's medical file.
- b. All documentation pertaining to health information, domestic violence, sexual violence, abuse, or stalking of an employee or her or his family member shall be treated as confidential and not disclosed except to the affected employee or with permission of the affected employee.

5. Retaliation:

- a. The City strictly prohibits retaliation against any employee for the authorized use of sick leave. Any employee who feels that he or she has been subjected to retaliation shall notify the Human Resources Department.
- b. An employee who feels her or his right to paid sick time has been denied or has questions about rights or responsibilities regarding paid sick time has the right to submit a complaint to the Human Resources Department or the Industrial Commission of Arizona (602-542-4661).

6. Payout of Sick Leave upon Separation from Employment:

- a. Full-Time Employees:
  - i. Upon separation from employment, full-time employees shall be paid out for any accrued sick leave between 480 and



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1040 hours, for a maximum payout of 560 hours.

- ii. If a full-time employee is rehired within nine months of her or his separation date, any accrued, unused, unpaid sick leave will be immediately reinstated.
- iii. If a full-time employee is rehired, regardless of whether or not accrued, and unused sick leave is reinstated, the employee is no longer eligible for sick leave to be paid out upon separating from the City again.

b. Part-Time Employees:

- i. Part-time employees will not be paid out for any accrued sick leave upon separation from employment.
- ii. If a part-time employee is rehired within nine months of her or his separation date, any accrued, unused sick leave will be immediately reinstated.

c. Fire & Medical Department Employees:

- i. Upon separation from employment Fire & Medical Department employees on a 48/96 shift schedule shall be paid out for any accrued sick leave of between 670 and 1450 hours, for a maximum payout of 780 hours.
- ii. If a Fire & Medical Department employee on a 48/96 shift schedule is rehired within nine months of her or his separation date, any accrued, unused, unpaid sick leave will be immediately reinstated.
- iii. If a Fire & Medical Department employee on a 48/96 shift schedule is rehired, regardless of whether or not accrued, and unused sick leave is reinstated, the employee is no longer eligible for sick leave to be paid out upon separating from the City again.

7. Sick Leave in Relation to Transferring Classifications:

a. Full-Time to Part-Time

- i. Upon transitioning from a full-time position to a part-time position, the employee shall be paid out for any accrued sick leave between 480 and 1040 hours, for a maximum payout of 560 hours.

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- ii. Remaining sick leave hours in the employee's sick leave bank will remain until the end of the calendar year. Up to 40 accrued, unused sick leave hours may be carried over to the next calendar year.
- iii. The employee may only use up to 40 hours of sick leave per calendar year after transitioning to her or his part-time position.

## b. Part-Time to Full-Time

- i. All sick leave hours in the employee's sick leave bank will transfer over to her or his full-time sick leave bank when an employee moves from a part-time position to a full-time position.

## c. Fire &amp; Medical Department to Regular Full-Time:

- i. All sick leave hours in the employee's sick leave bank will be prorated using a 1.4 multiplier rate when an employee transitions from a 48/96 shift schedule in the Fire & Medical Department with higher accrual rates to a regular full-time schedule. To calculate the rate, the employee's sick leave bank will be divided by 1.4 to determine the new amount of sick leave transferred to her or his full-time sick bank.

## d. Regular Full-Time to Fire &amp; Medical Department:

- i. All sick leave hours in the employee's sick leave bank will be prorated using a 1.4 multiplier rate when an employee transitions from a regular full-time schedule to a 48/96 schedule in the Fire & Medical Department with higher accrual rates. To calculate the rate, the employee's sick leave bank will be multiplied by 1.4 to determine the new amount of sick leave transferred to her or his new sick bank.

## 8. Workers' Compensation in Relation to Sick Leave:

## a. Employees other than Certified Public Safety Officers:

- i. Except for the payment of medical expenses, workers' compensation will not be paid for the first seven days after injury or illness. Sick leave (or other accrued leave if sick

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leave has been exhausted) must be used in the first seven days after the injury or illness if the employee is unable to return to work.

- ii. If the incapacity extends beyond seven days, workers' compensation begins on the eighth day.
- iii. If the incapacity continues for one week beyond the initial seven-day period, compensation will be computed from the date of the injury.
- iv. Workers' compensation payments cover two-thirds of the employee's salary and the employee's accrued leave shall cover the remaining one-third of her or his salary.
- v. Initially, employees will use accrued paid time off. Once the City receives payment from the insurance company, the employee will be reimbursed the two-thirds time. If no accrued paid time off is available, the City will cover the two-thirds of the employee's salary upfront. The remaining one-third of time will not be available for payment unless the employee is approved for the shared leave program.
- vi. While out due to an injury or illness covered by workers' compensation, employees will be placed on FMLA leave for up to twelve weeks. Workers' compensation and FMLA leave will run concurrently and will continue until the employee is released back to duty in any form. If an employee's FMLA time has been exhausted, her or his leave will no longer fall under the protections offered by FMLA but may be protected under other laws.

b. Certified Public Safety Officers:

- i. Certified Public Safety employees will be made whole by the City once it is determined a claim has been accepted by workers' compensation. There shall be no waiting period in which an employee would be required to utilize her or his accrued leave and the remaining one-third of her or his salary not covered by workers' compensation will be covered by the City at no expense to the employee's accrued leave bank.
- ii. Any accrued leave used by the employee before a workers' compensation claim has been considered accepted will be reimbursed once the claim has been accepted.

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- iii. While on leave for an injury or illness covered by workers' compensation, the City will be responsible for contributing the employee's Public Safety Personnel Retirement System contribution on behalf of the employee.
- iv. While out due to an injury or illness covered by workers' compensation, employees will be placed on FMLA leave for up to twelve weeks. Workers' compensation and FMLA leave will run concurrently and will continue until the employee is released back to duty in any form. If an employee's FMLA time has been exhausted, her or his leave will no longer fall under the protections offered by FMLA but may be protected under other laws.

## 9. Reserve Medical Leave Bank:

- a. Accrued vacation time exceeding the maximum vacation accrual limit may be rolled into the reserve medical leave bank.
- b. The reserve medical leave bank has a maximum accrual limit of 480 hours and may only be used for reasons set forth in the sick leave policy.
- c. Reserve medical leave may be used after regular sick leave has been exhausted.
- d. Reserve medical leave hours are not compensable upon separation from employment.
- e. Reserve medical leave hours are only available to full-time employees. If a full-time employee transitions to a part-time position, he or she is no longer eligible to use her or his accrued additional sick leave hours.

## C. Vacation Leave:

## 1. Accrual of Vacation Leave:

- a. Full-time employees accrue vacation leave beginning on the first day of full-time employment.
- b. Full-time employees regularly scheduled to work at least 40 hours per week will receive the following annual vacation leave, pro-rated on a bi-weekly basis and subject to the maximum limitations set for below:

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	Less Than 5 Years		Years 5-14		15+ Years	
	Earned Per Year	Max Limit	Earned Per Year	Max Limit	Earned Per Year	Max Limit
Non-Exempt	96	140	136	200	176	240
Exempt	136	180	176	240	216	240
Non-Exempt Firefighters	134.4	196	190.4	280	246.4	336

- c. Any full-time employee who may be scheduled to work less than 40 hours per week regularly will accrue leave on a pro-rated basis.
- d. If an employee’s vacation leave bank exceeds the limit set forth above, the employee’s accrued hours will be rolled into the reserve medical leave bank. If the reserve medical leave bank has reached its maximum accrual amount and the vacation leave bank exceeds the limit set forth above, the employee will stop accruing vacation leave until the leave bank or reserve medical leave bank falls below the maximum limit.
- e. In extraordinary circumstances, the City Manager may grant a temporary exemption to the maximum limit. Any request for an exemption must be approved by the City Manager. The City Manager will set the exemption time limit based on the individual circumstance.

2. Use of Vacation Leave:

- a. Full-time employees may use vacation leave once accrued without a waiting period.
- b. Vacation leave can be used with prior approval from the employee’s supervisor or Department Head. The Department Head will determine when vacation leave may be used based on department need.
- c. Vacation leave may not be used to extend employment unless expressly permitted by the City Manager.
- d. Vacation leave may not be used for continuation of health

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insurance benefits past the date of separation.

3. Payout of Vacation Leave upon Separation from Employment:

- a. Full-time employees will be paid any accrued, unused vacation leave upon separation from employment if the initial probationary period has been met.

4. An employee who transfers to a new position within the City will retain her or his accrued vacation leave and continue to accrue and use vacation hours.

D. Leave of Absence:

1. The City Manager may grant any full-time employee a leave of absence for up to three months.
2. Available accrued leave must be used before a leave of absence transitions into unpaid leave. Vacation and sick leave will no longer accrue once unpaid leave begins.
3. If the absence extends beyond the calendar month the leave begins, the employee will only be able to continue her or his insurance at her or his own expense through Consolidated Omnibus Budget Reconciliation Act (COBRA) coverage.
4. Failure of an employee on leave to report promptly upon expiration of such leave may be cause for dismissal.

E. Voting Leave:

1. An employee shall receive up to three consecutive hours of paid leave to cast her or his votes in any local, County, State, or Federal election, if the employee does not have at least three consecutive hours of non-working time at the beginning or end of the work day while polls are open.
2. To be eligible for time off, an employee must provide one day's notice to her or his supervisor. The supervisor will determine when such leave may be taken based on department needs.

F. Jury Leave:

1. An employee who is called or required to serve as a juror shall be paid during such service, or while present in court as a result of such call.

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2. Jury leave covers only working hours spent performing jury duty and traveling to and from court for jury duty.
3. An employee serving on a jury shall report to work each day before and after jury service when possible.
4. All pay received by an employee from the court for serving on jury duty, except for mileage reimbursement, shall be deposited with the Finance Department.

## G. Court Appearance:

1. An employee required to appear in court on behalf of the City shall be entitled to paid leave. Except as otherwise set forth herein, an employee appearing in court on personal matters or for any other matter that is not on behalf of the City shall use accrued paid time off, unless none is available, in which case, the leave shall be unpaid.

## H. Crime Victim Leave:

1. Crime victim leave shall be granted in accordance with the provision of A.R.S. § 13-4439, which allows victims of crime and juvenile offenses to be present at all legal and court proceedings related to such crimes.
2. An employee shall use her or his accrued vacation, compensatory, or sick leave to attend such proceedings, regardless of the length of absence, provided all leave is based on their status as a crime victim to receive pay.
3. An employee taking crime victim leave shall provide the City a copy of the victim's rights form provided by the law enforcement agency investigating the crime (or the agency prosecuting the offender) and a notice for each scheduled proceeding.

## I. Military Leave:

1. Employee eligibility for military leave shall be determined in accordance with the provisions of applicable state and federal law.
2. An employee ordered to military service shall provide her or his department with advance written or verbal notification of the leave unless providing advanced notice is prevented by military necessity or is otherwise impossible or unreasonable under the circumstances. Written military orders are requested as soon as possible or practicable.

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3. An employee shall be granted leaves of absence for their duties without loss of time, pay or efficiency rating for eligible military leave for thirty days within a two-year period. Only days for which the employee is scheduled to work will be counted toward the employee's thirty days of paid military leave.
4. Any eligible military leave exceeding the thirty days within a two-year period will be eligible for leave without pay or leave using the employee's accrued leave available.
5. The employee's military service is not considered a break in service for the purposes of determining seniority, leave accrual rates, or pay increases.
6. The employee may be eligible for reemployment under USERRA at the conclusion of the Military Leave.
7. The employee is required to return to work after military leave within the time period specified under USERRA corresponding to the length of military leave.

## J. Bereavement Leave:

1. In the event of the death of an immediate family member, the City may grant up to five days of paid leave for the employee to attend her or his immediate family member's funeral or service. The City Manager may grant additional time based on the circumstances, including the circumstances surrounding the death and the location of the deceased.

## 2. Immediate family member is defined:

Mother (or in-law)	Husband
Father (or in-law)	Wife
Sister (or in-law)	Step-child
Brother (or in-law)	Grandchild
Daughter (or in-law)	Grandparent
Son (or in-law)	In Loco Parentis

*"In Loco Parentis"* refers to a person acting on behalf, or in lieu, of the natural parents in the rearing of a child.

## K. Paid Administrative Leave:



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1. Non-exempt employees are eligible to use up to 16 hours per calendar year of paid administrative leave for reasons not covered by another form of paid leave, including appointments that can only be performed during business hours. Paid administrative leave is not meant to be used in full day increments

Administrative leave can be approved by the Department Head in increments of up to four hours. Leave extending past four hours must be approved by the City Manager.

2. Paid administrative leave outside of banked leave may be granted by the City Manager to any City employee for necessary or special circumstances.

L. Family and Medical Leave:

1. Family and medical leave is granted in accordance with the provisions of the Family and Medical Leave Act (FMLA).
2. Eligibility:
  - a. To qualify for FMLA leave, an employee must have been employed for at least 12 months (need not be consecutive) and have worked a minimum of 1,250 hours during the preceding 12-month period.

3. Types of Covered Leave:

- a. Eligible employees are entitled to a total of 12 workweeks of FMLA leave during a rolling 12-month period measured backward from the date on the which the employee uses any FMLA leave. Employees may take FMLA leave for any of the following reasons:
  - i. Birth of a child of the employee and to care for the newborn child.
  - ii. Placement of a child with the employee by way of adoption or foster care.
  - iii. To care for the spouse, child, parent, or one who stood in place of a parent of the employee, if that person has a serious health condition.
  - iv. A serious health condition that renders the employee unable to perform the essential functions of the

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employee's position.

- v. Any qualifying exigency when the employee's spouse, child, or parent is on active duty or is notified of an impending all or order to active duty in the Armed Forces (including the Reserves and National Guard) in support of a contingency operation.
- b. **Military Caregiver Leave:** Eligible employees are entitled to a total of 26 workweeks in a single 12-month period, per covered service member, per injury, measured forward from the date the employee's leave begins, to care of a spouse, child, parent, or next of kin, who is a service member undergoing medical treatment, recuperation, or therapy, is on out-patient status, or on the temporary disabled retired list for a serious injury or illness.
4. Eligible spouses who are both employed by the City are limited to a combined total of 12 workweeks of FMLA leave in a 12-month period for the reasons set forth in Section L(3)(a)(i) and (ii) above and to care for a parent with a serious health condition. Eligible spouses who are both employed by the City are limited to a combined total of 26 workweeks of FMLA leave in a 12-month period for the reasons set forth in Section L(3)(b) above if each is a parent, spouse, daughter, son, or next of kin of the service member.
5. **Notice of Need for FMLA Leave:**
  - a. An employee requesting FMLA leave must provide the City with as much advance notice as possible. Failure to provide timely notice may result in a delay of leave.
  - b. The employee must provide 30 days' advance notice when foreseeable and practicable, and as soon as practicable and known when unforeseeable.
6. **Certification:**
  - a. **Initial Certification:**
    - i. The City will require certification from a health care provider when FMLA leave is sought for the employee's or family member's serious health condition or to care for an injured or ill service member. The City will also require certification of any qualifying exigency for military family

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leave.

- ii. The employee must respond to a request for certification within 15 days or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

b. Re-certification:

- i. The City may, under certain circumstances, require recertification from a healthcare provider.

7. Reinstatement:

- a. When an employee returns from FMLA leave, the employee will be restored to the position held by the employee when the leave began or an equivalent position with equivalent employment benefits, pay and other terms and conditions.
- b. Under certain circumstances, the City may deny reinstatement to certain “key employees” if reinstating the employee will cause substantial and grievous economic injury to the City’s operations. If the City anticipates that a key employee may not be reinstated, it will notify the employee when the employee gives notice of the need for leave.

8. Use of Paid Leave:

- a. Employees are required to use any accrued leave (sick, vacation, compensatory, or float time) while on FMLA leave. Once accrued leave runs out, the employee will be on leave without pay and the employee will not continue to accrue leave while on unpaid leave.

9. Leave Increments:

- a. FMLA leave shall be counted in increments of 15 minutes. When completing a timesheet, an employee must designate FMLA on the timesheet in the section for comments and continue to mark the type of paid leave that is being used, if applicable.

10. Intermittent/Reduced Leave:

- a. FMLA leave taken due to the serious health condition of the employee or the employee’s spouse, child, or parent, or for

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military caregiver leave, may be taken intermittently or on a reduced leave schedule when necessary. In instances where intermittent leave is foreseeable, the City may temporarily transfer an employee to an available, alternative position with equivalent pay and benefits if the alternative position better accommodates the intermittent or reduced schedule.

- b. FMLA leave taken due to the birth or placement of a child with the employee may not be taken on an intermittent or reduced leave schedule unless agreed to by the Department Head. Leave for birth, adoption, or foster care of a child must be taken within one year of the birth or placement of the child.
- c. Where paid leave is unavailable, the City may make deductions from an exempt employee's salary for time taken as intermittent or reduced FMLA leave within a workweek, without affecting the exempt status of the employee.

## 11. Benefits During Leave:

- a. Sick, vacation, and other paid leave will not accrue during any unpaid portion of FMLA leave.
- b. If a holiday occurs during the time an employee is on FMLA leave, the eight hours of holiday will not be counted as FMLA time.
- c. An employee's benefits will continue without interruption while the employee is on FMLA leave.
- d. Once the employee exhausts her or his paid leave, the employee must contact the Benefits Administrator to make arrangements to pay her or his portion of her or his benefits. If the employee fails to pay her or his portion, benefits may be cancelled.
- e. Except as otherwise required by law, an employee must reimburse the City for any unpaid health insurance premiums upon failure to return to work after FMLA leave.

## M. Inclement Weather Leave

- 1. When inclement weather causes the City to close, both full-time and part-time employees who were scheduled to work and stayed home due to the closure will be compensated for their regular day of work.

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2. A non-exempt employee who is required to work during a closure will be compensated for her or his actual hours worked and will be given Inclement Weather Leave to be used at a later point in the calendar year. Eight hours of Inclement Weather Leave will be received when a full day closure is enacted and four hours of Inclement Weather Leave will be received when a partial day closure is enacted.
3. A part-time employee who is required to work during a closure will be compensated for her or his actual hours worked and will be given Inclement Weather leave to be used at a later point in the calendar year. Inclement Weather Leave will be received in an amount equal to the hours worked, up to, but not to exceed, four hours.
4. Exempt employees will not receive any additional pay for working when the City is closed.

## N. Leave Sharing Program

1. The Leave Sharing Program allows employees to assist co-workers who have experienced a significant personal or family illness or injury that results in a loss of income.
2. Donors:
  - a. The Leave Sharing Program is voluntary. The City will send a notice when an employee has been approved for donations.
  - b. Employees who wish to donate may only donate accrued vacation time and must have a remaining vacation leave bank balance of at least 40 hours after the donation.
3. Recipients:
  - a. To be eligible, an employee must have exhausted all accrued paid leave including vacation, sick leave, float time, and compensatory time.
  - b. Requests for donations can only be made when on and approved for FMLA leave.
  - c. An employee who wishes to receive donations (or her or his designated representative) must complete an application for the Leave Sharing Program. Forms may be requested from the Human Resources office or obtained from the City website. The City Manager has sole discretion to approve or deny each application.

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- d. A new application must be submitted for each separate request for donations.
- e. An employee may receive a maximum of 480 hours of donated leave in any rolling 12-month period, however, donated hours may only be used while on FMLA leave.

## 4. Benefits:

- a. Payment will be made up to 100% of employee's base salary.
- b. No paid leave will be accrued while an employee is participating in the Leave Sharing Program.
- c. Medical, dental, and vision benefits in effect prior to using the donated time will remain in effect, with the City and the employee continuing to pay their respective portions.
- d. Retirement benefits through Arizona State Retirement System (ASRS) or Public Safety Personnel Retirement System (PSPRS) will remain intact.
- e. Donated hours are converted into dollars based on each employees' wage. Any excess donations will remain in the bank for future use.

## O. Volunteering Leave

1. The City will match up to eight hours of leave per calendar year for the purpose of volunteering. Volunteering should be for a non-paid community or school purpose.
2. Leave can be used in two-hour blocks and must be used in conjunction with personal time or accrued leave for the same volunteering event. Personal time or accrued leave must be equal to the amount of volunteering leave during each event.
3. Volunteering leave is non-compensable upon termination from employment.
4. Reasonable notice and approval from the employee's supervisor is required prior to use of this leave.