

Council Member Bedsole introduced the following Ordinance:



**ORDINANCE 14-013**

**SUMMARY: AN ADMINISTRATIVE ORDINANCE FOR THE ORDERLY ACCRUAL OF VACATION AND SICK LEAVE AND PROVIDING FOR THE PROCEDURE FOR AMENDMENTS THERETO.**

**THE PUBLIC GOOD REQUIRING IT, BE IT ORDAINED** by the City Council (the "Council") of the City of Alabaster, Alabama (the "City"), as follows:

**WHEREAS**, the City of Alabaster values its employees and wishes to provide certainty to its employees to greatest extent possible; and,

**WHEREAS**, the City Council desires to establish by ordinance the accrual of and participation in certain ongoing benefits afforded it's employees and the procedures for amending those benefit plans; and,

**WHEREAS**, certain benefits, such as vacation leave, sick leave, and retirement not only boost morale, but benefit the City as a whole; and,

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL AS FOLLOWS:**

SECTION 1. There is hereby established an Administrative Ordinance for the Orderly Accrual of Vacation and Sick Leave to City Employees;

SECTION 2. The policy for the accrual of vacation time for all regular employees is as follows and shall be included in the Employee Handbook for the City of Alabaster as Sections 8.4 through 8.7:

**8.4 ANNUAL LEAVE (VACATION)**

For employees having an established 40 hour work week (2080 annual hours) accrual of annual leave will be as follows:

Years 0 – 5 of service	a maximum of 91 hours per year earned at the rate of .04375 hours per regular hours worked
6 – 10 years of service	a maximum of 130 hours per year earned at the rate of .0625 hours per regular hours worked
11 – employment separation	a maximum of 162.5 hours per year earned at the rate of .078125 hours per regular hours worked

For Police personnel having an established 42 hour work week (2,184 annual hours) accrual of annual leave will be as follows:

Years 0 – 5 of service	a maximum of 97.5 hours per year earned at the rate of .044643 hours per regular hours worked
6 – 10 years of service	a maximum of 136.5 hours per year earned at the rate of .0625 hours per regular hours worked

11 – employment separation	a maximum of 169.0 hours per year earned at the rate of .0774 hours per regular hours worked
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For fire suppression personnel having an established 53 hour work week (2,756 annual hours) accrual of annual leave will be as follows:

Years 0 – 5 of service	a maximum of 121 hours per year earned at the rate of .0439 hours per regular hours worked
6 – 10 years of service	a maximum of 172 hours per year earned at the rate of .0624 hours per regular hours worked
11 – employment separation	a maximum of 216 hours per year earned at the rate of .0784 hours per regular hours worked

Eligible employees will be credited with annual leave as it is earned. However, an employee is entitled to use annual leave only after being currently employed for a period of ninety (90) calendar days without a break in service, unless otherwise approved by the Mayor or City Manager.

Leave time shall not accrue while in a non-pay status. Supervisors and employees have a mutual obligation to plan and schedule leave. Consequently, if annual leave must be denied or previously approved leave canceled, an alternative period of time should be scheduled.

Annual leave shall be used in a minimum of one (1) hour increments, as approved by employee's supervisor.

Employees may accrue and carry forward to the next calendar year a certain number of hours of annual leave, to be used at the discretion of the employee and the convenience of the City. In the event an employee is denied scheduled vacation by the Department Head or other designated representative for the convenience of the City, or is called back to work from a scheduled vacation, resulting in a carry-over balance in excess of the authorized maximum, the employee shall, upon request and approval of the Mayor or City Manager, have such leave reinstated. Otherwise, any leave in excess of these amounts as of December 31<sup>st</sup> must be taken by the second pay period in January or be transferred into the employee's sick leave balance.

Upon termination of employment, employees shall receive compensation for accrued annual leave.

The following is the carry forward of annual leave available to Regular, Full-Time employees, after 90 calendar days of employment, based on position:

- Employees having an established 40 hour work week can carryover 240 hours of annual leave.
- Police personnel having an established 42.5 hour work week can carryover 252 hours of annual leave.
- Fire suppression personnel having an established 53 hour work week can carryover 320 hours of annual leave.

## 8.5 SICK LEAVE

The City of Alabaster provides sick leave for its employees. Such leave shall not be considered a right, but, rather, a privilege. This sick leave benefit is to provide some measure of financial assistance to employees in the event of illness of the employee or the employee's immediate family. Proper notice should be given to the employee's supervisor. At a minimum, proper notice is verbal notice received by the employee's supervisor at least one hour prior to the time the employee is scheduled to begin work. It is expected and preferred for the employee to notify supervisor as soon as reasonably possible to schedule non-emergency sick leave. Sick

Leave is available **only** under the following circumstances:

1. When an employee is suffering from a condition, such as but not limited to pregnancy, sickness or illness, that prevents the performance of the employee's usual job functions.
2. When an employee requires medical, dental, psychological or optical consultation or treatment; or
3. When an employee's dependent child under 19 years of age (or under 24 years of age and enrolled as a full-time college student), spouse or parent is suffering from any condition related to pregnancy, illness or injury and requires the employee's attention; and
4. An employee can use accrued sick time for the care or support of a newborn or adopted child, subject to FMLA guidelines.
5. Sick leave can also be used in accordance with Section 8.7 (Bereavement Policy).

Sick leave is not available for any other purpose. In the City's sole discretion, it may require a written doctor's excuse before approving sick leave or authorizing payment for any sick leave.

The following is the sick leave schedule available to Regular, Full-Time employees based on position:

- Employees having an established 40 hour work week will accrue 8 hours of sick leave per calendar month.
- Police personnel having an established 42.5 hour work week will accrue 8.5 hours of sick leave per calendar month.
- Fire suppression personnel having an established 53 hour work week will accrue 11 hours of sick leave per calendar month.

Accrued sick leave becomes available for use at the beginning of the calendar month for eligible employees after 90 calendar days of employment. There shall be no maximum amount of sick leave an employee may accrue. At a minimum, sick leave may be used in quarter hour (.25) increments as approved by the employee's supervisor.

Sick leave will not accumulate during leaves of absences, whether with or without pay (vacation periods and regular sick leave are considered time worked for purposes of accumulating sick leave). Illness during vacation is considered vacation and not sick time.

An employee shall be subject to disciplinary action if he/she engages in outside employment at any time within a calendar day during which sick leave is claimed.

## **8.6 SICK TIME DONATION POLICY**

### **Introduction**

Under certain circumstances, a City employee may voluntarily donate to another City employee, or receive from another employee, accrued sick time under a sick time donation plan as described in this policy. This policy is applicable to City employees, who are eligible to accrue sick time based on their employment category.

When sick time is donated from one employee to another, a credit is transferred for the amount of time that an employee may take as sick time. When an employee uses sick time, he or she does not receive more than his or her base pay, but some of the person's base pay for that year is in the form of paid sick time. No additional funds are placed into the budgets of City departments to cover the time the employee would be using normal sick time; therefore, when sick time is donated from one employee to another employee, no funds are transferred. Neither employee is paid more or less than his or her base pay for that year. The only difference is that less of the donating employee's base pay is available to be used as sick time and more of the recipient's base pay is available as sick time. However, there may be financial consequences for the recipient's department/unit if another person must be hired temporarily to cover the recipient's job responsibilities while he or she is using the additional donated sick time. Therefore, the approval of the recipient's department/unit head is required, thus ensuring that he or she agrees to the monetary implications of donated sick time. The

department/unit head is under no obligation to approve the donation of sick time.

Any employee may donate sick time days to another employee of the City regardless of staff pay grade or department. However, no employee may donate sick time days to their supervisor or department head without the written approval of the Mayor.

For a donation of sick time to be approved, the following conditions must be met:

#### **A. Donation of Sick Time**

An employee may donate any number of sick time hours, not to exceed a total lifetime donation of 480 hours, as long as the donating employee maintains at least 160 hours of accrued sick time in his or her personal account. An employee may not donate more than 80 hours to the same employee.

Sick time may not be donated to an employee who is in an employment category which does not accrue sick time.

The department head of the employee donating the sick time must agree to have the sick time transferred to the recipient's account.

Whether the donated sick time days are used or not, the donation of the sick time days is irrevocable (non-returnable) as of the date the donation form is fully executed (that is, approved by HR Records Administration), and may not be donated by the recipient.

Employees terminating employment from the City, whether by retirement, resignation, or otherwise, may not donate sick time.

#### **B. Receipt of Donated Sick Time**

Donated sick time is available to be used for an employee who is eligible to use accrued sick time (i.e., has completed initial probation) and has a personal illness or injury or for a family related leave of absence for a spouse, sponsored adult dependent, parent, child or child of a sponsored adult dependent. For purposes of this policy, an "illness or injury" is defined as a medical condition which requires an employee to be placed on an official continuous FMLA leave of absence.

A City employee who experiences an illness or injury or who has been approved for a family related leave of absence is eligible to receive donated sick time provided the employee has depleted all paid leave including sick time, vacation time, and personal holidays. Use of donated sick time ceases upon the employee's eligibility for City of Alabaster's long-term disability benefits. The donated sick time may be used for the paid portion of a personal medical or Family Related leave of absence in the same manner as the recipient's regular sick time is used for such a purpose.

A City employee who adopts a child is eligible to receive a maximum of 240 hours of donated sick time provided the employee has depleted all paid leave including sick time, vacation time, and personal holidays.

Intermittent Family Medical Leave is not eligible for sick time donation.

Sick time donation is not available to supplement On the Job Injury pay.

Because the donated sick time may result in additional time away from work by the recipient, the recipient's department/unit head must agree to the transfer of the sick time.

Donated sick time must be submitted and fully executed (approved) by HR Records prior to the recipient's release and return to work.

The employee receiving the sick time donation is eligible to receive a (total lifetime) donation of up to a maximum of 480 hours. The donation may come from several different eligible employees but may not exceed 480 hours total.

In general, only the amount of sick time needed by the recipient will be applied, however, any unused donated sick time will remain a part of the recipient's sick time accrual for possible future use by the recipient for another occurrence of a personal illness or injury. If the recipient leaves City due to termination, retirement, or disability, any remaining donated sick leave will be handled in the same manner as the recipient's regularly accrued sick time.

Employees are reminded that unused sick time may be applied toward creditable service under the Retirement System of Alabama. Employees should consider the financial impact of losing retirement system creditable service before donating their sick time to another employee. Under no circumstances will previously donated sick time be reinstated or transferred back to the donating employee for any reason, including for retirement plan purposes.

### **C. Additional Requirements and Guidelines**

The "Sick Time Donation Request Form" attached to this policy must be completed and submitted to HR Records Administration. The request must be approved in writing by the appropriate department/unit head of both the donor and the recipient.

The request form signed by the department head must be sent to HR Records Administration and must be approved by HR Records Administration prior to use of the donated sick time.

A copy of the fully executed (approved) "Sick Time Donation Request Form" will be returned by Personnel Records to the department/unit for processing adjustments to sick time records in those cases.

### **8.7 BEREAVEMENT POLICY**

Bereavement paid leave is provided to employees in order that they may be with the family of the deceased during the immediate period following a death. All eligible employees shall be entitled to bereavement leave with pay for twenty-four (24) work hours after a death of a spouse, child, parent, or the parent of a spouse. Such bereavement paid leave shall not be charged against the employee's accrued sick leave or annual leave. An eligible employee may use an additional twenty four (24) hours of accrued sick leave, if available, or, if approved by their supervisor, annual leave, should more time be necessary.

All eligible employees shall be permitted to use, if available, up to twenty four (24) hours of sick leave after the death of a grandparent, brother, sister, or a spouse's grandparent, brother, or sister.

In all other instances of bereavement, including the death of close friends, an employee may use annual leave, if available, as approved by the employee's supervisor.

An employee who is notified during his/her shift of a death in the family may leave early and count the partial day missed as the first day of paid bereavement leave or take annual leave for the remainder of the partial day and bereavement leave for the next twenty-four (24) scheduled work hours.

SECTION 3. It is the intent of the Council that the accrual of annual leave and sick leave policies set out herein shall begin on January 1, 2015 and continue thereafter until and unless changed by the Council in conformity herewith. On December 31, 2014 each employee of the city shall earn, and the city shall so record, a prorated portion of annual and sick leave from their employment anniversary date to December 31, 2014 such that no employee shall lose any accrued but unrecorded annual or sick leave.

SECTION 4. Procedure for Amendment of Employee Set Benefits: It is the intention of the Council that before any changes be implemented altering this ordinance, such changes as are proposed must first be posted and disseminated to all employees of the city at least thirty days prior to the adoption of the changes, and a public hearing be had thereon, and requiring an affirmative vote of seventy percent of council members then elected and sitting.

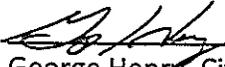
SECTION 5. The Mayor and City Manager are hereby invested with full authority for the enforcement of this Ordinance to see that its' intents and purposes are carried out

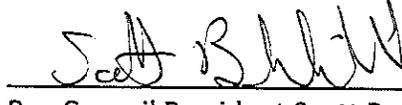
SECTION 6. This Ordinance shall become effective upon its publication as required by law.

**ADOPTED AND APPROVED THIS 24<sup>th</sup> DAY OF NOVEMBER 2014.**

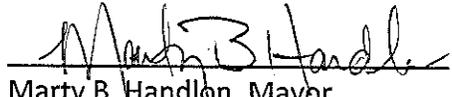
ATTEST:

CITY OF ALABASTER

  
\_\_\_\_\_  
George Henry, City Manager/Clerk

  
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By: Council President Scott Brakefield

APPROVED:

  
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Marty B. Handlon, Mayor

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