

## ARTICLE 17 - LEAVES OF ABSENCE

### **Section 1. Requesting Leaves of Absence**

All requests for leaves of absence with or without pay shall be made to the employee's Director for approval on forms approved by the Human Resources Director. All requests shall be submitted in advance of the beginning date of leave (except requests for unanticipated sick leave which shall be submitted for approval at the earliest possible time). The duration and type of leave shall be recorded on the payroll records. Paid leaves of absence are subject to available leave credits unless specifically exempted under other sections of this Article. Scheduling of vacations is subject to the approval of each department's Director, or Department Head.

### **Section 2. Vacation Leave**

A. Authority: In order to receive paid vacation leave, the employee must complete and submit a City of Branson Request for Leave or Approved Absence Form for approval prior to the date of leave. If the request is denied by the Director, the reasons shall be stated on the Request for Leave or Approved Absence Form. A copy, signed by the Director, shall be given to the employee. In a bona fide emergency, the Director may approve vacation leave after the fact. The determination as to whether a bona fide emergency existed shall be at the discretion of the Director, with the oversight and approval of the Human Resources Director.

#### B. Accrual

(1) Vacation leave is accrued by all full-time and part-time employees, except for firefighters assigned to work shifts which require more than 40 hours per week, based on continuous years of service to the City of Branson at the following rates:

Time of Employment	Hours per Pay Period Accrued	Hours per Year Accrued
0 -6 yrs	3.080	80
6 yrs 1 day – 14 yrs	4.620	120
14 yrs 1 day +	6.150	160

(2) Vacation leave is accrued by all firefighters assigned to work shifts which require more than 40 hours per week, based on continuous years of service to the City of Branson at the following rates:

Years of Employment	Hours per Pay Period Accrued	Hours per Year Accrued
0 -6 yrs	4.310	112
6 yrs 1 day – 14 yrs	6.460	168
14 yrs 1 day +	8.620	224

- (3) Employees who do not have a completed pay period shall be given a pro-rated accrual in accordance with the number of paid hours for that pay period.
- (4) Leaves of absence compensated under the Worker's Compensation statutes not in excess of one year shall not be considered a break in continuous service and the employee shall continue to accrue vacation leave.
- (5) Temporary employees shall not accrue vacation. Seasonal employees hired on a seasonal basis, who work the season and leave at the end of the season in good standing, shall accrue .0383 hours of personal leave for every hour worked. The accrued time will be available for use by the seasonal employee in the year following its accrual, and only if that seasonal employee is employed again during that season. Part-time and seasonal employees, who become regular employees, shall retain vacation time or personal time accrued while working in a seasonal or part-time position.
- (6) Employees shall be eligible to use vacation leave provided they have successfully completed six (6) months of their initial probation. In special circumstances, the City Administrator may approve use of vacation credits prior to the completion of the initial probationary period.

#### C. Maximum Accrual

Vacation leave on the books at the end of the calendar year shall not be in excess of 240 hours for all employees except firefighters. Maximum accumulation for firefighters shall be 336 hours. At the end of the calendar year, any time accumulated beyond these maximums will be forfeited.

#### D. Charging Vacation

The Director is responsible for approving the scheduling of employee vacations each year for her or his department. Vacation is charged against the employee's vacation credits on an hour-for-hour basis. When less than an exact number of hours are used, vacation credits shall be charged to the nearest 1/4 hour.

#### E. Separation Pay for Vacation and Personal Leave

Every employee who has reached regular employee status or has been granted the right to use vacation leave or personal leave, and who has vacation credits or personal leave and leaves the City service in good standing, shall have such credits (not beyond 240 for regular employees and 336 for firefighters) paid following the last day of employment. Such payment may be deposited directly to the employee's Health Savings Account, 457 retirement account or may be disbursed via payroll check, subject to all necessary and standard deductions.

For classified employees who do not leave employment in good standing or whose employment is involuntarily terminated, they shall receive no payment for accrued vacation, personal or sick leave. However, any employee leaving under either of these circumstances will be paid for accrued holiday and compensatory time.

#### F. Holiday or Illness During Vacation

Paid holidays which occur during a vacation leave shall not be counted as a day of vacation. Days absent for employee illnesses or injuries occurring during a scheduled vacation shall still be counted as vacation leave.

#### G. Pay in Lieu of Vacation

The City Administrator may, at his discretion, grant vacation pay in lieu of vacation days off.

### **Section 3. Sick Leave**

#### A. Authority

When the illness or injury of the employee, or his/her immediate family member causes an employee to miss work, it is the employee's responsibility to ensure his or her supervisor is notified via email, voice mail or (face-to-face or telephone) conversation of the impending absence prior to the beginning of the assigned work shift.

Directors may implement written reporting procedures specific to their normal operating procedures. The Director or City Administrator may authorize the use of other accrued time for sick leave.

The employee, or the supervisor, if the employee is not able, must complete a City of Branson Request for Leave or Approved Absence Form indicating the intended purpose of the sick leave requested, without sharing any protected health information. If the request is denied by the Director, the reason must be stated on the Request for Leave or Approved Absence Form. A copy signed by the Director shall be given to the employee.

In a bona fide emergency, the Director may approve sick leave after the fact. The determination as to whether a bona fide emergency existed shall be at the discretion of the Director, with the oversight and approval of the Human Resources Director.

#### B. Accrual

- (1) Every full-time employee, except firefighters assigned to work shifts which require more than 40 hours per week, shall be credited 3.69 hours sick leave accrual for each completed pay period.
- (2) Sick leave accrual for firefighters assigned to work shifts which require more than 40 hours per week, shall be 5.15 hours for each completed pay period.

- (3) Leaves of absence compensated under Worker's Compensation statutes not in excess of one year shall not be considered a break in continuous service and sick leave credits shall continue to accrue.
- (4) Employees who do not have a completed pay period shall be given pro-rated accrual in accordance with the number of paid hours for that pay period.

#### C. Maximum Accrual

Maximum accumulation of sick leave shall be 480 hours for all employees except firefighters. Maximum accumulation for firefighters shall be 672 hours.

#### D. Conversion of Sick Leave

As an incentive to encourage responsible use of sick leave, at the beginning of the calendar year the following conversion programs will be offered to all employees who have one year of full-time service:

Employees who are not at maximum accumulation: All employees except firefighters, who use less than forty-one (41) hours of sick leave in a calendar year, may convert 24 hours of their accumulated sick leave to 24 hours of vacation leave. Firefighters who use less than forty-nine (49) hours of sick leave in a calendar year, may convert 24 hours of their accumulated sick leave to 24 hours of vacation leave. This provision shall not apply to employees who are on leave restriction and being required to adhere to Section 3 H (2) due to excessive use of sick leave.

Employees who are at maximum accumulation: If an employee initially reaches sick time maximum accumulation during the months of May thru December, they will start accruing personal leave time on January 1 of the following year, provided they are still at sick time maximum accumulation. If they are at sick time maximum accumulation and have not started accruing personal leave time, they will be eligible for the 24 hour sick time conversion at the end of the year.

All other employees who are at maximum accumulation and do not use any sick leave during a pay period, shall earn 1.23 hours (1.72 hours for firefighters) of personal leave during that pay period. Maximum accumulation of personal leave shall be 32 hours (48 hours for firefighters). Personal leave hours may be taken upon approval of the Director.

Once an employee starts accruing Personal Leave Time (Sick Max), his or her sick time accrual must be below 430 hours (614 hours for firefighters) at the end of the calendar year for them to be eligible for the sick time conversion at the end of the calendar year.

FMLA sick time will not count against an employee in calculating the sick time usage for purposes of sick leave conversion.

#### E. Use of Sick Leave

Employees shall be allowed to use sick leave credits after they have been credited to the employee's account, and shall be allowed only for the purposes provided in this Article. Use of sick leave is allowed only for the health-related convalescence or recovery of an employee who is ill or injured, to include medical or dental office visits, or for the employee caring for an immediate family member who is ill or injured. An employee without sick leave credits may use other accrued time with the approval of the Director.

#### F. Charging for Sick Leave

In order to be compensated for sick leave, an employee must notify his Immediate Supervisor before his scheduled work period is to begin. Without such notification, leave will be considered unauthorized and unpaid. No employee shall receive sick leave as a result of a job injury or disease incurred while employed by someone other than the City of Branson.

- G. An employee may be required by the Director to periodically see a health care professional, after coordination with the Human Resources Director, when there is reason to believe the employee is too ill to be able to work safely or the employee might endanger the property or health of other persons while performing job duties. Reports from the health care professional shall be used to determine if an employee is able to work. Nothing in this Article shall be construed to diminish a Director's authority to dismiss an employee as per established Human Resources Articles and Administrative Rules.

#### H. Doctor's Certificate

- (1) A certificate from a licensed physician or practitioner allowing the return to work is required for any absence, due to illness or injury of the employee, of three (3) or more consecutive work days. If on Leave Restriction, such certificate may be required for any time missed because of illness or injury. The certificate must be presented to the immediate supervisor prior to the resumption of duties by the individual. The certificate must state that the individual has been ill or injured, has recovered and is able to perform the duties of the position.
- (2) The Director may require, in coordination with the Human Resources Director, the employee to submit a doctor's certificate for any length of illness if in the Director's opinion it is in the best interests of the City, or if the employee has been placed on Leave Restriction. The certificate must be presented to the immediate supervisor prior to the resumption of duties by the individual.

#### I. Payment of Sick Leave Upon Separation

Employees who leave City service in good standing, with no disciplinary action for sick leave abuse or on leave restriction within two years preceding separation, shall receive pay equal to 50 percent of the amount of accrued sick leave as of their last days of employment. Employees who do not leave City service in good standing will receive no payout of sick leave.

#### **Section 4. Time away from work for Workers' Compensation/On the Job Injury or Illness**

The City of Branson has coverage for workers' compensation claims as required by Missouri law. Missouri's workers' compensation law provides benefits for employees who suffer occupational injuries and illnesses if certain requirements of the law are met.

The City will compensate employees for actual lost time away from work, up to the first three consecutive workdays, caused by a work-related illness or injury without charging hours against the employees' leave accruals.

Please see Rule 25, Workers' Compensation for On-the-job Injuries or Illnesses and Returning to Work for more information.

#### **Section 5. Special Paid Leave**

- A. **Family Death:** When a member of an employee's immediate family dies, the employee shall be granted a special leave with pay, not chargeable against any leave credits, for a period not to exceed three calendar days. If additional leave is needed, the employee shall use accrued vacation, holiday or compensatory time or take leave without pay.
- B. **Death of a Co-Worker:** Special leave with pay, not to be charged against the employee's accrued leave, may be granted by the City Administrator to allow co-workers to attend local memorial/funeral services, allowing sufficient travel time to and from service site.
- C. **Community Involvement Leave:** The City Administrator may approve special leave with pay to allow employees time to participate in local volunteer or charitable functions. Approval must be obtained using the City of Branson Request for Leave or Approved Absence Form prior to the date of leave. This leave will not be charged against any accruals and is limited to twenty-four (24) hours a year.

#### **Section 6. Military Leave**

The City recognizes the important role of the National Guard and the Reserves, and as such complies with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and all applicable state laws. Therefore, military leave of absence will be granted to employees who are absent from work due to service in the United States uniformed services. All employees shall be retained on leave of absence status with pay, not to be deducted from any leave credits, for periods of military service during which they are engaged in the performance of duty in the service of the United States under competent orders for a period not to exceed a total of 120 hours in any federal fiscal year, and for periods of military service during which they are engaged in the performance of duty or training in the service of the State at the call of the governor and as ordered by the adjutant general without regard to length of time. In order to receive paid leave, Employees are to furnish the City with official orders as well as documentation that duty was performed in accordance with the orders. Employees on "active" military leave for up to 30 days are required to return to work on the first regularly scheduled shift after the end of service, allowing reasonable

travel time and eight (8) hours rest. Employees on longer periods of military leave must apply for reinstatement in accordance with USERRA and all applicable state laws. Employees, who exceed five (5) years of qualifying cumulative military service, as defined by USERRA, are not guaranteed reemployment.

### **Section 7. Jury or Witness Pay**

- A. When an employee is subpoenaed or summoned for jury duty, the employee must immediately, and in advance of the absence, notify the Director of the subpoena or summons. The City will continue to pay the employee's salary, upon presentation of the summons, while absent for jury duty.
- B. When an employee is subpoenaed as a witness in a criminal case, the City will continue to pay the employee's salary, upon presentation of the subpoena. The employee must notify the Director in advance of the absence.
- C. If dismissed from jury duty and you can make it to work for at least 4 or more hours of your shift, you are expected to report to work.
- D. When an employee is subpoenaed as a witness in a civil case, the City will only pay the employee's salary if the employee is subpoenaed as a witness to matters which occurred in the course and scope of the employee's duties and upon presentation of the subpoena. The employee must notify the Director in advance of the absence.
- E. When the jury or witness duty is complete, a Leave of Absence Request Form, approved by the Director, shall be submitted to the Human Resources Director with the documented proof of attendance attached.
- F. Any compensation received for service on jury duty shall be endorsed to the City of Branson as soon as it is received, and given to the Human Resources Department.

### **Section 8. Educational/Meeting Leave**

Full-time employees may be granted special leave with pay to follow a course of study related to their careers with the City, or to attend professional conferences and meetings, or to visit other cities in the interest of the City when approved in advance. The Director may recommend and the City Administrator may approve schools or professional training. All other requests for schools or professional training must be approved by the Board.

### **Section 9. Other Leaves**

- A. General Leave Without Pay

The Director may approve general leave without pay. This leave without pay is intended only for short periods of time and may not exceed 15 working days.

The City Administrator may approve special leave without pay that meets both the City's and the employee's needs. Generally speaking, this leave will be twenty-four (24) weeks or less, after which time, leave accruals will end. However, if the employee is on leave to fulfill a military obligation, leave accruals will be suspended when the employee begins accruing leave through the military service. The accruals of the City's paid leave will resume when the employee returns to active full-time service with the City.

**B. Extended Special Leave With Pay**

An employee may be granted an extended special leave with pay when it is clearly in the best interests of the City and leave is approved by the City Administrator.

**C. Exempt and Unclassified Employee Special Leave**

- (1) The Director may approve special leave with pay not charged to any leave credits for exempt employees not to exceed two working days at any one time or four days in any one year.
- (2) The City Administrator may approve special leave with pay not charged to any leave credits for unclassified employees not to exceed 10 working days at any one time or 15 working days in any one calendar year.
- (3) Special leave shall be reported to the Human Resources Director on the City of Branson Request for Leave or Approved Absence Form.

**Section 10. Care Leave**

The City Administrator is authorized to establish a Care Leave Program by which additional paid leave is available, through voluntary contributions of accrued sick and vacation leave time of other employees, to employees who have exhausted all of their accrued leave time due to illness or injury which is life threatening or catastrophic.

**Section 11. Inclement Weather Leave**

The following shall apply to leave taken during inclement weather:

- A. Employees unable to report to work due to inclement weather or disaster shall notify their immediate supervisor; time will be charged to accrued compensatory time, holiday time, personal time or vacation time for the entire shift that the employee missed (even if City offices close early), or time shall be unpaid.
- B. When an employee has reported to work and City offices are ordered closed early, those employees already at work will not be required to utilize accrued time for the hours missed. If an employee leaves work prior to City offices being closed early, the employee shall be required to utilize accrued leave or unpaid time for the time missed prior to City offices



being closed. Once City offices close however, they do not have to use accrued time for the remainder of the shift.

- C. If an employee's shift does not begin until after City offices are ordered closed, the employee will not be required to utilize accrued leave time for hours missed.
- D. Non-exempt employees who perform essential operations and must still report to work (i.e. Police, Fire, Public Works, Utilities) will accrue eight (8) hours Holiday time if City offices are closed for the entire business day. If City offices close early, those employees will accrue Holiday time for the amount of time that City offices closed early.
- E. If the City offices are closed, for the entire business day by order of the City Administrator due to inclement weather or disaster, the following procedures will apply:
  - (1) The day will count as a day worked for employees scheduled to work that day.
  - (2) The day will not count as a day worked for employees scheduled off that day, including pre-approved scheduled leave time

## **Section 12. Family and Medical Leave**

Eligible employees are entitled to participate in the Family and Medical Leave Act. The policy is authorized and detailed in Article 18 of this Manual.

## **Section 13. Unauthorized Unpaid Leave**

Any absence from work by an employee, that is not authorized, shall be considered unauthorized unpaid leave. Any employee taking such leave will be subject to disciplinary action.

## **Section 14. Utilization of Accrued Time**

The following depicts in what order accrued time (with the exception of sick time) is suggested to be utilized.

- A. Holiday Time
- B. Personal Leave
- C. Compensatory Time
- D. Vacation Time

Department Heads will be held responsible for assuring that their employees are utilizing their accrued time in an acceptable and efficient manner. It should be stressed that there are maximum accumulations on the Holiday time, Compensation Time, Vacation Time and Personal Time.

## **Section 15. Leave Restriction**

In the event the Department Head has reason to believe that an employee has misused or abused Sick Leave, the Department Head, with the approval of the Human Resources Director and the City Administrator, may place the employee on Leave Restriction. This will be based on the Director's assertion that the employee has repeatedly used sick leave for something other than health-related convalescence or recovery when ill or injured, or for something other than caring for an immediate family member who is ill or injured.

A. Misuse or Abuse of Sick Leave includes, but is not limited to:

- (1) Patterns of repeated sick leave absences when there is no actual need for missing work because of an illness or injury to the employee or his/her family member (e.g., repeated Mondays or Fridays; Thursdays after payday; claiming doctor visits when no such visit existed; frequent days when work assignments are due, etc.). This does not apply to approved Family Medical Leave events;
- (2) Repeated sick leave absences for the times when other requested leave was denied;
- (3) Continued sick leave absences after having been cautioned or advised by the supervisor or Department Head that additional sick leave absences may negatively affect the department's ability to function properly (i.e., departmental deadlines may be missed, unnecessary or unbudgeted overtime may be needed, etc.). This does not apply to approved Family Medical Leave events.

B. Leave Restriction, must be documented by the Department Head in memo form addressed to the employee. Leave Restriction does not apply to FMLA leave that has already been approved. The Leave Restriction memo must show approval signatures by the Human Resources Director and the City Administrator, and can include any one or more of the following resolutions/consequences:

- (1) Requiring the employee to provide a certificate from a licensed physician or health care provider for any use of sick leave for the following three (3) months. Such certificate must indicate that a legitimate reason for the absence existed without sharing any protected health information. This certificate must be provided to the employee's supervisor immediately upon his or her return to work;
- (2) Revoking any approved, or denying any requested, vacation or special leave for three (3) months; and/or
- (3) A score indicating "improvement needed" on the employee's annual performance evaluation for any factor relating to attendance.

C. Leave Restriction, if repeated, is subject to corrective probation and Progressive Discipline.