

**SECTION 15 - LEAVE**

No one may be absent from work without being on approved leave. Absence without supervisory approval may be grounds for denying the use of paid leave and/or disciplinary action. The following are types of leave which may, with approval, be used by an employee when absent from work:

**Section 15.1 - Annual Leave Accrual**

Eligible full time employees shall accrue annual leave at the rate set forth below. For the purposes of this policy, a full time employee's day is the equivalent of eight (8) hours. Eligible part-time employees accrue leave proportional to a 40-hour week:

<b>Length of Service</b>	<b>Days Earned Per Year</b>
Up to 3 years	12 (96 hours)
3 through 14 years	18 (144 hours)
Over 15 years	24 (192 hours)

Department heads and the City Clerk shall accrue annual leave at the rate of 24 days per year for their entire tenure.

Annual leave shall not accrue if a full time employee has more than five (5) days leave without pay (LWOP) during a pay period or is absent on workers compensation status. For part time employees, no annual leave shall accrue if the employee uses more than half of his or her scheduled hours in a pay period as LWOP or is absent on workers' compensation status. Annual leave accrual while using LWOP for more than one pay period shall be in accordance with Section 15.5 – Leave Without Pay.

**Section 15.1.1 - Granting of Annual Leave**

Upon satisfactory completion of the new hire probationary period, employees may use accrued annual leave upon notification to, and approval by, the employee's supervisor. Approval of a request for annual leave is not automatic, but will be granted based upon the supervisor's assessment of the workload. Annual leave may not be used for self or other employment. Sick leave shall not be used as a substitute for annual leave.

**Section 15.1.2 - Annual Leave Accumulation**

Employees may rollover a maximum of 280 hours of annual leave into the next calendar year. Annual leave in excess of 280 hours will be rolled over into a Tier II sick leave account as defined in Section 15.3. The maximum allowed rollover is 80 hours and may be accumulated up to a maximum 1,000 hours. Excess annual leave over and above 360 hours (280 + 80) on the last day of the first full pay period in January will be forfeited. Exceptions to forfeiture may be considered by the City Manager on a case-by-case basis in emergency situations.

### **Section 15.1.3 - Annual Leave Planning**

Department heads may require that leave schedule requests be prepared in advance for a calendar year. Leave schedule requests submitted for a year are a department guide subject to change and request approvals will be based on maintaining an effective available workforce at all times.

### **Section 15.1.4 - Annual Leave Payout at Termination**

Upon termination of employment for any cause, an employee shall be paid for annual leave accumulated to the date of termination. Payment shall be made at the next scheduled pay period or by other payment arrangements mutually agreed upon. Upon the death of an employee, compensation for all unused, accumulated annual leave shall be paid to the employee's estate unless the employee has a signed Beneficiary for Unpaid Compensation form on file with the City.

### **Section 15.2 - Sick Leave**

There are two employee sick leave accounts. Tier I sick leave is the account, as described in this section, in which eligible employees accrue sick leave for use during their tenure and may receive a partial pay out at retirement. Tier II sick leave is excess annual leave rolled over and saved for use as a supplemental benefit at retirement or termination of employment as described in Section 15.3. Tier I sick leave is a privilege granted by the City. Unless otherwise specifically allowed by these regulations, annual leave shall not be used as a substitute for sick leave if the employee has sick leave available. Annual leave may be used at the employee's option after both sick leave balances are exhausted if the employee is on approved leave.

#### **Section 15.2.1 - Tier I Sick Leave Accrual**

For the purposes of this policy, a full time employee's day is the equivalent of eight (8) hours. Each regular full-time employee shall accrue sick leave at the rate of one and one quarter (1-1/4) days per full calendar month of service. This is the equivalent of fifteen (15) days per year or 120 hours. Eligible part-time employees accrue leave proportional to a 40-hour week.

Sick leave shall not accrue if a full time employee has more than five (5) days leave without pay (LWOP) during a pay period or is absent on workers compensation status. For part time employees, no sick leave shall accrue if the employee uses more than half of his or her scheduled hours in a pay period as LWOP or is absent on workers compensation status. Sick leave accrual while using LWOP for more than one pay period shall be in accordance with Section 15.5 – Leave Without Pay.

There is no limit to the amount of sick leave that may be accrued. Employees shall not be paid for accumulated unused sick leave at the time of termination of employment with the City unless the employee retires.

### **Section 15.2.2 - Granting Sick Leave**

Upon satisfactory completion of the new hire probationary period, an employee may request use of accrued sick leave. To be granted sick leave, the employee shall notify his immediate supervisor prior to the leave. If not planned, the employee shall notify his supervisor before his scheduled workday begins but no later than one (1) hour into his shift. This notification procedure shall be followed each day of the medical absence. Notification by an employee's friends or relatives is only acceptable in emergency situations, e.g., employee is hospitalized or incapacitated. Failure to follow these notification procedures may result in denial of paid sick leave use, and may be grounds for disciplinary action. The requirement for daily notification may be waived at the supervisor's discretion.

In emergency situations, on a case-by-case basis, the department director may waive the requirement for satisfactory completion of the new hire probationary period before use of sick leave. The director must document the reasons for granting the waiver for attachment to the approved leave slip.

Paid sick leave shall be used for an employee's absence due to his or her own illness or injury and subsequent required medical, dental or vision treatments. Paid sick leave may be used for periodic non-emergency medical, dental or vision checkups, quarantine, exposure to a contagious disease when continued work might jeopardize the health of others, or an immediate family medical emergency or sickness. (For use of sick leave purposes, the definition of immediate family is the same as that defined in Bereavement Leave.)

*Special conditions for immediate family sickness:* The employee shall provide any proof of illness or need that the City Manager or department head may deem necessary to justify the use of sick leave for persons other than the employee.

### **Section 15.2.3 - Physician's Certificate**

1. The City may require a physician's certificate each time an employee requests the use of sick leave. The physician's certificate shall indicate dates of treatment, dates of necessary absence and any temporary or permanent work modifications or restrictions based on the employee's job description. Supervisors shall require a physician's certificate from employees who call in sick the day before or the day after a holiday.
2. An employee may be required to submit to a medical examination at the City's expense to determine fitness for duty when the supervisor reasonably believes that the employee's physical or mental condition may render the employee unable to perform the essential duties of the position or endanger the health or safety of himself or others.

### **Section 15.2.4 - Advanced Sick Leave**

In exceptional circumstances, an employee with more than one (1) year's service, who has exhausted all accrued sick and annual leave, may apply through his department head or directly to the Human Resources Director for an advance of up to ten (10) days paid sick leave. The

department head shall forward the request to the Human Resources Director. To receive advanced leave, there must be a documented, reasonable expectation that the employee will be able to return to duty. Employees who have made a claim for, or are eligible to receive, long-term disability benefits shall not be advanced any sick leave.

Any advanced sick leave shall be paid back at no less than 50% of the rate of accrual after the employee returns to work.

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If the employee terminates employment with the City of College Park before the advance is fully repaid, the value of the remaining un-reimbursed advance will be deducted from any remuneration due to the employee at termination of employment.

### **Section 15.2.5 - Donation to Sick Leave**

Probationary (new hire), seasonal and temporary employees are ineligible to participate in leave donation as donors or recipients. An employee may donate leave to another employee under the following conditions:

- a. The recipient employee must have been absent on documented sick leave for more than ten (10) consecutive work days and have exhausted his or her accrued sick and annual leave balances and any advanced sick leave.
- b. The recipient employee must request through his or her department Director or the Human Resources Director that donations be solicited.
- c. Leave may be donated retroactively for an absence that occurred within thirty (30) calendar days prior to the donation date.
- d. Leave donations must be voluntary and will be anonymous to the recipient.
- e. Leave donations may be from the donor's annual or sick leave account but may not leave a donor's combined annual, sick and Tier II sick leave balance below five hundred and twenty (520) hours.
- f. Leave donations may only cover actual absences. Donations may not be used to establish a balance for future use.
- g. Donations not used will be returned to the donor.
- h. Leave donations for other than an employee's own sick leave absence, or under any other conditions than those listed above, are not permitted. Any exceptions to this rule may be considered on a case by case basis by the City Manager.

The need for leave donations may be announced to employees by the Director or designee at the department level or by the Human Resources Director to all employees as appropriate. Leave donation forms are available from Human Resources. Completed donation forms must be submitted to the Human Resources Director for confirmation of donor and recipient eligibility.

### **Section 15.2.6 – Sick Leave - Special Compensation**

Annually, in December, full time employees may sell back to the City up to forty (40) hours of accrued sick leave. For full time employees, the sell back cannot take the combined account balances of an employee's Tier I and Tier II sick leave accounts below 520 hours. Eligibility for a sell back is determined by an employee's account balances at the close of the last full pay period in November. Any leave sold back will be deducted from the Tier I sick leave account.

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Eligible part time employees may also participate in the sell back of accrued sick leave on a prorated basis based on their scheduled hours. The combined balances of an employee's Tier I and Tier II sick leave accounts to establish eligibility, and the benefit, shall be prorated. *For example, an employee scheduled to work twenty hours (20) per week (50% of full time) will only need a combined balance of 260 hours sick leave to be eligible for the sell back. The employee may sell back up to 20 hours of sick leave provided the sell back does not take the combined sick leave balances below 260 hours.* The leave sold back will be deducted from the Tier I sick leave account.

Annually, in July, full time employees using less than forty eight (48) hours of sick leave in the preceding twelve (12) months, and with a sick leave account balance of not less than forty (40) hours and not more than two hundred and forty (240) hours, shall be granted eight (8) additional hours of sick leave. Employees with a balance of more than two hundred and forty (240) but less than five hundred and twenty (520) hours shall be granted sixteen (16) additional hours of sick leave not to exceed a balance of five hundred and twenty (520) hours. The twelve (12) months period used to calculate leave usage shall end at the close of the last full pay period in June. Eligible part-time employees shall be granted a pro-rated benefit.

### **Section 15.2.7 – Sick Leave Payout at Retirement**

Upon retirement, as defined in Section 21.2, the City shall pay employees for fifty percent (50%) of unused and accumulated Tier I sick leave. The pay back for full time employees may not exceed five hundred and twenty (520) hours of pay. Eligible part time employees are eligible for a prorated benefit based on their scheduled hours. For example, an employee scheduled to work twenty (20) hours per week (50% of full time) will be eligible for a payback not to exceed two hundred and sixty (260) hours (50% of the full time benefit).

### **Section 15.3 - Tier II Sick Leave**

Tier II sick leave accounts will be established for each employee to receive annual leave rollover hours. At the end of each calendar year, accrued annual leave in excess of 280 hours will be rolled over into the Tier II sick leave account. The maximum allowed rollover is 80 hours. Excess annual leave over and above 360 hours (280 + 80) will be forfeited. Hours rolled over into a Tier II sick leave account may be accumulated up to a maximum of 1,000 hours. In the event of an employee's long-term illness, all sick leave in the employee's Tier II sick leave

account will be available for use when the balance in the employee's Tier I sick leave account is exhausted.

Tier II sick leave accounts are payable when the employee has terminated employment with the City. An employee may take the payout as follows:

Age 55 or older at termination of employment:

- a. A lump sum, net of required payroll taxes, or
- b. Regular, monthly payments, net of required payroll taxes, over a period not to exceed five (5) years, **15-4**
- c. A contribution to his or her 457 deferred compensation account subject to the annual contribution limit in accordance with IRS regulations, or
- d. A contribution to his or her account in the City's 401(a) retirement plan, or
- e. Any combination of options (a), (b), (c) and (d).

Age 54 or younger at termination of employment:

- a. A contribution to his or her 457 deferred compensation account subject to the annual contribution limit in accordance with IRS regulations, or
- b. A contribution to his or her account in the City's 401(a) retirement plan, or
- c. Any combination of options (a.) and (b.).

If a terminated employee selects periodic payments, and dies before all payments are distributed, the balance will be paid to the employee's estate unless the employee has a signed Beneficiary for Unpaid Compensation form on file at the end of employment.

Upon the death of an employee while actively employed, payment for all unused, accumulated Tier II sick leave shall be paid in a lump sum, net of required payroll taxes, to the employee's estate unless the employee has a signed Beneficiary for Unpaid Compensation form on file with the City.

The payout will be calculated at the employee's hourly rate at the time of termination of employment.