

City of Joshua Personnel Policies and Procedures

Section 5: Leave

5.2 VACATION LEAVE

Origination December 20, 2018

Revised October 21, 2021

Revised March 6, 2023

A. FULL-TIME EMPLOYEES

Eligibility

All regular full-time employees ~~shall be entitled to~~will accrue vacation leave beginning on their date of hire for each complete month of active service with the City. The accrual rate ~~The rate at which vacation is accrued~~ will be based on the length years of service with the City ~~and the number of hours worked per regular workweek~~. Part-time, temporary, and seasonal employees are not eligible to accrue vacation leave, or receive vacation leave benefits.

~~Employees are eligible to use v~~Vacation leave will not be authorized during the ~~once they have completed their first~~ first six (6) months of employment for any employee of employment. All employees, including Police and Fire under a 12-month probationary period, are eligible to take a vacation after six (6) months of employment. Exceptions to this policy must be approved in writing by the City Manager.

Accrual Rate ~~This leave is earned in twenty-six (26) separate increments distributed equally over the twenty-six (26) pay periods each year.~~

Regular employees and sworn ~~personnel~~ police ~~will~~ accrue vacation based on 8-hour days. 24-hour fire suppression personnel and certified fire ~~will~~ —accrue vacation based on a 12-hour shift ~~day~~. The maximum allowable accrual of vacation leave will be two (2) times the annual accrual rate. The actual number of accrued vacation hours permitted will depend on the number of vacation hours each employee earns per year.

Vacation accruals will be distributed over twenty-six (26) pay periods each year. If an employee reaches the maximum accrual rate accruals will stop until their vacation leave balance is below the allowed maximum. Failure to use or sell back any hours over the allowable annual accrual will result in the loss of accrued vacation leave. This is generally referred to as the “use it or lose it” rule.

~~Employees being transferred, promoted, or demoted to a different position shall retain their accrued vacation balance. The accrual rate will change to the accrual rate of the new position.~~

Non-Exempt Employees

Up to 60 months (0-5 years of service)	Days Per Year	Hours Per Pay Period	Maximum <u>-</u> Vacation Accrual Hours/Days
40-Hour Employees	10 days	3.08 hours	160 hours/20 days
40-Hour Sworn Police	10 days	3.08 hours	160 hours/20 days
24-Hour Certified Fire	5 shifts	4.62 hours	240/10 shifts

61-108 months (6-9) years of service)	Days Per Year	Hours Per Pay Period	Maximum <u> </u> Vacation Accrual Hours/Days
40-Hour Employees	15 days	4.62 hours	240 hours/30 days
40-Hour Sworn Police	15 days	4.62 hours	240 hours/30 days
24-Hour Certified Fire	7 shifts	6.46 hours	336/14 shifts

120 + months (10+ years of service)	Days Per Year	Hours Per Pay Period	Maximum <u> </u> Vacation Accrual Hours/Days
40-Hour Employees	20 days	6.15 hours	320 hours/40 days
40-Hour Sworn Police	20 days	6.1 5 ⁶ hours	320 hours/40 days
24-Hour Certified Fire	10 shifts	9.23 hours	480/20 shifts

Exempt Employees

<u>Up to 120 months (0-10 years of service)</u>	<u>Days Per Year</u>	<u>Hours Per Pay Period</u>	<u>Maximum Vacation Accrual Hours/Days</u>
<u>40-Hour Employees</u>	<u>15 days</u>	<u>4.62 hours</u>	<u>240 hours/30 days</u>

~~The maximum allowable accrual of vacation leave will be two (2) times the annual accrual. The actual number of accrued vacation hours permitted will depend on the number of vacation hours each employee earns per year.~~

<u>132 + months (11+ years of service)</u>	<u>Days Per Year</u>	<u>Hours Per Pay Period</u>	<u>Maximum Vacation Accrual Hours/Days</u>
<u>40-Hour Employees</u>	<u>20 days</u>	<u>6.15 hours</u>	<u>320 hours/40 days</u>

~~Failure to use any hours over the allowable annual accrual will result in the loss of accrued vacation leave. This is generally referred to as the “use it or lose it” rule.~~

B. FULL-TIME EXEMPT EMPLOYEES — EXEMPT LEAVE EMPLOYEES MOVING FROM A NON-EXEMPT TO AN EXEMPT POSITION OR VICE VERSA

~~In addition, exempt employees will be given forty (40) hours per year that may be used as personal time off. Hours will be added annually on January 1. For those hired after January 1, twenty (20) hours will be added on July 1. Exempt leave is not compensable upon the termination of employment and does not carry over annually. Any hours not utilized will be forfeited on December 31 each year. Exempt leave may not be utilized until all vacation leave has been exhausted.~~

~~Employees being transferred, promoted, or demoted to a different position shall retain their accrued vacation balance. The accrual rate will change if there is a change to the FLSA exemption for that position to the accrual rate of the new position. If this change results in the employees leave balance being above the allowed maximum a resolution will be determined by the department head and Human Resources, with approval of the City Manager.~~

C. VACATION ACCRUAL FOR PART-TIME, TEMPORARY, AND SEASONAL EMPLOYEES

~~Part-Time, temporary, and seasonal employees are not eligible to accrue vacation or receive vacation leave benefits.~~

D.C. VACATION ACCRUAL - PARTIAL PAY PERIOD ACCRUAL

An employee will not accrue vacation if they work less than one-half ($\frac{1}{2}$) of the pay period. This would apply to new hires, separations, administrative leave without pay, or unpaid FMLA. This does not apply to employees utilizing approved paid leave.

E.D. VACATION ACCRUAL DURING UNPAID LEAVE OF ABSENCE

~~An employee Vacation~~ will not accrue vacation during pay periods ~~where -of-~~ unpaid leave is used ~~leave that are for~~ one-half ($\frac{1}{2}$) or more of the standard number of paid days pay period, including unpaid FMLA. Vacation pay will not be authorized during a leave of absence without pay or a disciplinary suspension.

E. SCHEDULING OF VACATION

Leave Request Form- Requestor

F.—

Employees should submit a Leave Request Form to their supervisor or department head no less than thirty (30) days prior to their requested day off.

Employees can use vacation leave in quarter-hour ($\frac{1}{4}$) hour increments. Vacation days off will be limited to not more than ten (10) consecutive days (2-weeks) in a ninety (90) day period. 24-hour fire suppression employees shall take no more than five (5) shifts worth of vacation time in a (90) day period. (Exception: In an emergency situation or when used during FMLA).

Leave Request Form- Supervisor Review

When requests are reviewed due consideration should be given to the needs of the requesting employee. However, vacation leave should only be approved when the workload permits and the leave does not interfere with normal department operations and the needs of the City. The operational needs of the department may require supervisors to request that employees explain the circumstances of their requested leave, to aid in the decision-making process. If additional information is requested, failure to provide information or documents concerning the requested leave may result in the denial of the use of leave. Nevertheless, every effort shall be made to accommodate individual requests.

Employees cannot “borrow” from future leave accruals. At no time will vacation hours be advanced to employees.

~~Vacations must be scheduled in advance with supervisors or Department Heads~~All employees must give at least ninety (90) days’ notice and must obtain written approval from their supervisor or Department Head. ~~who shall give due consideration to the needs of the requesting employee. Vacations can only be scheduled when the workload permits and the leave does not interfere with normal department operations and the needs of the City; however, every effort shall be made to accommodate individual requests.~~

The operational needs of the department may require supervisors to request that employees explain the circumstances of their requested leave, so the supervisor can decide whether to approve the leave request. If requested, failure to provide information or documents concerning the requested leave could result in the denial of the use of leave.

Supervisors may rescind previously approved vacation leave because of work issues with the

coverage of shifts due to shift coverage. When doing so, t~~The supervisor must consider the consequences to the employee of which the supervisor is aware (prepaid travel expenses, family issues, employee morale) compared to the operational needs of the department in deciding whether to deny or rescind requested leave.~~

Employees cannot “borrow” from future leave accruals. Approved Leave Request forms should be submitted to the Human Resources Department.

~~Vacation days off will be limited to ten (10) consecutive days (2 weeks). All employees must give at least ninety (90) days’ notice and must obtain written approval from their supervisor or Department Head. If the employee takes ten (10) consecutive days of vacation, said employee cannot take another five (5) or ten (10) day vacation for ninety (90) days after vacation has been completed. (Exception: In an emergency situation or when used during FMLA). Fire suppression employees shall take no more than five (5) shifts worth of vacation time and may not take another five (5) shifts worth of vacation for ninety (90) days after vacation has been completed.~~

~~Employees are required to submit a leave request to the Finance Department and the leave must be approved by the supervisor or Department Head before the time can be taken off. Employees shall be charged vacation time off in half (1/2) hour increments unless an employee is short hours for a 40-hour workweek. The employee can then request time be taken from their vacation hours in one (1) hour increments, but not less, in order to fulfill that 40-hour week. Vacation pay will not be authorized during a leave of absence without pay or a disciplinary suspension.~~

~~The operational needs of the department may require supervisors to request that employees explain the circumstances of their requested leave, so the supervisor can decide whether to approve the leave request. If requested, failure to provide information or documents concerning the requested leave could result in the denial of the use of leave. Supervisors may rescind previously approved vacation leave because of work issues with the coverage of shifts. The supervisor must consider the consequences to the employee of which the supervisor is aware (prepaid travel expenses, family issues, employee morale) compared to the operational needs of the department in deciding whether to deny or rescind requested leave.~~

~~Employees must have an adequate vacation leave balance available to use at the time of their requested time off. Employees cannot “borrow” from future leave accruals. When an employee is using vacation leave, all available leaves are accrued at the same rate as if the employee was at work.~~

~~At no time will vacation hours be advanced to employees.~~

~~G. VACATION DURING PROBATIONARY PERIOD~~

~~Vacation leave will not be authorized during the first six (6) months of employment for any employee. All employees, including Police and Fire under a 12-month probationary period, are eligible to take a vacation after six (6) months of employment. Exceptions to this policy must be approved in writing by the City Manager.~~

~~H. VACATION DURING EXTENDED PROBATIONARY PERIOD~~

~~Employees who are on extended initial probation may not use accrued vacation. Exceptions to this policy must be approved in advance by the City Manager.~~

I.F. HOLIDAYS DURING VACATION

Official City holidays occurring during an employee's vacation shall not be charged to vacation leave.

J.G. ILLNESS DURING VACATION

Employees who become hospitalized or incapacitated due to injury or illness during the period of their vacation leave may request that their vacation be temporarily terminated, and their time be charged to sick leave. Department Heads and supervisors may require satisfactory proof of illness. If approved, a revised Leave Request form should be submitted to the Human Resources Department reflecting the approved change.

K.H. VACATION ~~PAYOUT~~ SELL BACK

~~Upon separation from City service, a full-time regular employee will be paid for no more than four (4) weeks of unused vacation leave. Payment shall be made for up to the allowable amount payable of unused vacation leave upon separation in good standing, retirement, or death of the employee, provided that the employee has completed their initial or extended probationary period with the City, has not been discharged as a result of criminal or civil misconduct involving City property, personnel, or official position, and has provided proper notice.~~

~~Terminating employees must leave in good standing, having given a two-week notice, in order to receive payment for any unused vacation time for which they may be eligible. Those that are involuntarily terminated will not be paid out any of their remaining vacation leave.~~

Regular full-time employees are eligible to sell back a maximum of forty-eighty (4080) hours of accrued vacation time leave (this does not include exempt leave for exempt employees) once each calendar per fiscal year. When selling back vacation leave an employee's vacation leave balance must not fall below ~~provided the employee will maintain at least forty (40) hours of accrued vacation time.~~ Employees requesting to sell back vacation leave must submit a Sell Back Request

form to Human Resources to confirm the request is in compliance with the stated policy. after selling forty (40) hours.

I. SEPARATION PAY

Regular full-time employees who have completed their probationary period and are in good standing will be eligible to receive payment for accrued vacation leave, so long as they provide and complete a two (2) week notice.

Payment upon separation shall not exceed 160 hours for regular full-time employees and sworn police and 240 hours for 24-hour fire shift personnel.

If the employee is terminated or resigns without providing a two (2) week notice or fails to work the full two (2) weeks, no payment for accrued vacation leave shall be made. If an employee leaves the city for any reason during their probationary period, no payment will be made for vacation leave.

Department directors or city administration may choose to wave a two (2) week notice. In this case the employee would still be eligible for payout in accordance with this policy.

An employee may not extend their last date of active employment by taking vacation during a notice period for purposes to extend benefit coverage or use vacation overage that exceeds caps prior to policy change.

~~Exempt employees who utilize any exempt leave time will be ineligible for vacation sell back for the calendar year that the exempt time was taken. All vacation sell backs are subject to city manager approval.~~

L. REHIRE

~~Individuals desiring re-employment in good standing (voluntary separation having given a two weeks' notice and are deemed admissible for rehire) may be rehired if a vacant position is available. If the individual decides to resign again after obtaining eligibility to receive vacation leave, the total amount of vacation payout regardless of the number of separations with the City shall not exceed forty (40) hours.~~