

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AMENDING RESOLUTION NO. 2021-023, VACATION LEAVE POLICY FOR CITY EMPLOYEES

WHEREAS, the city adopted Vacation Leave Policy Resolution No. 2021-023, effective July 21, 2021; and

WHEREAS, the city would like to amend the Vacation Leave Policy to conform the language of the policy with the city's custom and practice for carrying unused vacation leave over to the subsequent calendar year and to allow the city manager discretion in the administration of the Vacation Leave Policy in order to be more competitive in the recruitment process. Now, therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That Section I of Resolution No. 2021-023 adopting a Vacation Leave Policy is amended as follows:

**POLICY**

Vacation leave is available for all board approved regular full-time employees.

All new hires will be frontloaded with 1 week/40 hours (72 hours for 24-hour shifts) of vacation time. Additional weeks of vacation may be granted for experience with City Manager approval.

Vacation leave accrues on a monthly basis from January 1 through December 31 of each calendar year. The amount of paid vacation leave an employee accrues each month is based upon designated accrual rates and months of service as follows:

Service Time	Vacation Accrual per month	
	8-hour and 12-hour shift employees	24-hour employees
< 5 years (1 month through 60 months)	6.67 hours (80 hours maximum per year/2 weeks)	12 hours
5– 10 years (61 month through 120 months)	10 hours (120 hours maximum per year 3 weeks)	18 hours
10 – 20 years (121 month through 240 months)	13.33 hours (160 hours maximum per year / 4 weeks)	24 hours
20 years > (241 months or more)	16.7 hours (200 hours maximum per year/5 weeks)	30 hours

*\*For the purpose of computing vacation leave, accrual for the full month will be granted if the employee's hire date is on or before the 15th day of the month. For employees with a hire date on or after the 16th of the month there will be no accrual of vacation for that month.*

Vacation leave accrues only for employees while serving in board approved regular full-time positions. Accruals are based on continuous service with the city, which includes approved leave. Effective January 1, 2017, and prospectively, except as set out herein below, all prior service as a board approved full-time employee, working under the city manager, will be used in determining service time for vacation accrual rates only, except as otherwise required by law. This policy does not apply to employees who have received credit for previous service in determining accrual of vacation.

Employees who work 24 hour shifts will be given vacation leave in blocks of three (3) scheduled work shifts extending from scheduled four (4) days off to the next scheduled four (4) days off. Vacation leave may be taken as one (1), two (2), three (3), four (4), or five (5) blocks according to accrued time and as approved by the department head or designee.

Vacation leave is accrued at the end of each month and is available for use, in accordance with the requirements contained in this policy, in the month/months following such accrual. *Note: The adjustment in vacation accrual will be visible on the paycheck that encompasses time reported for the final day of the month.*

Beginning on January 1 of each calendar year, an employee's vacation leave will not exceed the vacation leave accrued but unused in the previous year, and a maximum of 80 hours vacation leave accrued but unused from previous calendar years. \*However, for those employees who work 24 hour shifts vacation leave will not exceed the vacation leave accrued but unused in the previous year, and a maximum of 144 hours vacation leave accrued but unused from previous calendar years. After the allowable carry over of vacation leave, up to 40 hours of unused vacation leave (or 72 hours for 24-hour shifts) will be converted to sick leave. Any unused vacation leave beyond the annual designated accrual plus 80 hours, or 144 hours for those employees who work 24 hour shifts, and the 40 hours, or 72 hours for 24-hour shifts, conversion to sick leave will be forfeited. The city does not provide vacation pay for forfeited vacation leave. Once forfeited, such vacation leave is no longer accrued and is removed from the official record.

\*By way of explanation, it is the intent of this policy that employees may carry over the previous year's accrued but unused vacation leave plus up to an additional eighty (80) hours, or 144 hours for those employees who work 24-hour shifts, of vacation leave. Eligible employees may request to use vacation leave upon its accrual.

All vacation leave must be approved in advance by the employee's department head or designee. Although vacation leave may "accrue" it may not be used until the employee's request to use the vacation leave is approved by the department head or designee. Each department head or designee will schedule vacation leave with particular regard to departmental work requirements. Vacation leave may not be taken before being accrued. Department heads or designees will, to the extent possible, schedule vacation leave for each of their employees at the beginning of the calendar year. When the need arises and the requirements of the city demand it, vacation leave may be suspended by the department head or designee temporarily to meet those needs. Additionally, a department head or designee may require an employee take vacation leave when the department head or designee determines it in the best interest of the city.

Official holidays occurring during vacation leave will be counted as holiday leave, not as vacation leave.

Vacation leave does not accrue for overtime hours.

Vacation leave does not accrue and cannot be used while an employee is placed on suspension, pursuant to the city's corrective action policy (policy #5).

An employee, who in the normal scope of their job handles city monies, is required to take one (1) contiguous work week of vacation leave during the calendar year.

An employee whose employment with the city is terminated (voluntarily or involuntarily— including retirement) may receive pay for any vacation leave which has accrued but is unused up to the date of termination. Employee whose employment is terminated, voluntarily or involuntarily, on or before the expiration of their six month probationary period will not be eligible for and will not receive any pay for vacation leave.

The city payroll office will keep the official records of vacation leave accrual and use. If a reporting error is discovered in the official records, a correction of the error will be made only for the ninety (90) calendar days immediately preceding notification of such error to the Human Resources Office.

**Other Provisions**

Nothing in this policy should be construed to conflict with or supersede state or federal law, or as interfering with the constitutional rights of employees.

While the city is committed to the principles embodied in this policy, the policy itself is not intended to state contractual terms and does not constitute a contract between the city and its employees. This policy supersedes all policies that conflict with the terms of this policy. Furthermore, this statement constitutes ONLY the policy of the city. A finding of a violation of this policy does not mean that the conduct violates state and/ or federal laws.

SECTION II. That the board finds that the actions authorized by this resolution are for a public purpose and will promote the health, comfort and prosperity of the citizens of the city.

SECTION III. That this resolution shall take effect on January 1, 2024, the public welfare requiring it.

ADOPTED this the 5th day of December, 2023.

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PATRICK W. SHULL, MAYOR

ATTEST:

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ANGELA MARSHALL, DEPUTY CITY RECORDER

APPROVED AS TO FORM:

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RODNEY B. ROWLETT, III, CITY ATTORNEY